



# City of Deltona

2345 Providence Blvd.  
Deltona, FL 32725

## Minutes

### City Commission

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**Monday, September 19, 2016**

**5:30 PM**

**2nd Floor Conference Room**

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#### City Managers' Agenda Review

#### 1. CALL TO ORDER:

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

#### 2. ROLL CALL – CITY CLERK:

**Present:** 9 - Commissioner Herzberg  
Commissioner Honaker  
Commissioner Schleicher  
Commissioner Smith  
Commissioner Soukup  
Vice Mayor Nabicht  
Mayor Masiarczyk  
City Manager Shang  
City Attorney Vose

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

Mayor Masiarczyk led the Pledge to the Flag.

#### A. Invocation Presented by Commissioner Soukup - Tom Trageser, Director of Corporate Relations, Stetson University.

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

#### A. Approval of minutes - Regular Commission Meeting of September 6, 2016 - Joyce Raftery, City Clerk (386) 878-8502.

#### 5. PRESENTATIONS/AWARDS/REPORTS:

#### 6. CITY COMMISSION SPECIAL REPORTS:

Mayor Masiarczyk asked if there were any Special Reports tonight.

Commissioner Herzberg responded that she had two (2) reports, River of Lakes and Team Volusia but, she will wait until the next meeting due to the long agenda.

Vice Mayor Nabicht responded he will have a short update on the Pine Ridge Health Academy.

**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.**

**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. Request for approval of Resolution 2016-44 adopting the final Millage Rate for the levy of ad valorem taxes for Fiscal Year 2016/2017 - Robert Clinger, Finance (386) 878-8552.**

**Strategic Goal: Fiscal Issues**

Mayor Masiarczyk asked if there were any updates or changes to this item and there were none.

Vice Mayor Nabicht asked Mr. Clinger if the City had received any revisions from Morgan Gilreath's office and Mr. Clinger responded "no".

There were no other questions or comments.

**B. Approval of Resolution 2016-45 adopting the final Budget for Fiscal Year 2016/2017 - Robert Clinger, Finance Director (386) 878-8552.**

**Strategic Goal: Fiscal Issues**

Mayor Masiarczyk asked if there were any changes to the budget and Mr. Clinger responded there were none other than general discussion. Mrs. Carr asked Mayor Masiarczyk if he had received the script to read for this item and Mayor Masiarczyk responded "yes."

There were no other questions or comments on this item.

**C. Public Hearing - Resolution No. 2016-37, Variance Request for a Proposed**

**Dollar Tree Retail Store at 823-827 DeBary Ave. (VR16-003) - Chris Bowley, AICP, Director of Planning and Development Services, (386) 878-8602.**

**Strategic Goal: Economic Development - work with existing businesses to expand and grow.**

Mayor Masiarczyk stated this is a request for a variance for the proposed Dollar Tree retail store on DeBary Avenue and Mr. Bowley stated that he received an email that the applicant does not want to move forward with the variance request so this item has been withdrawn.

Commissioner Smith asked if withdrawing the variance application will have any impact on the re-zoning request and why would the applicant withdraw the variance request. Mr. Bowley responded that the applicant is telling the City that they are going to try to make the project work without the variance.

There were no other questions or comments.

**D. Public Hearing - Resolution No. 2016-38, Conditional Use Permit for a House of Worship at 2745 Lake Helen Osteen Road - Chris Bowley, AICP, Director, Planning and Development Services, (386) 878-8602.**

**Strategic Plan: Economic Development, work with existing businesses to expand and grow.**

There were no questions or comments on this item.

**E. Public Hearing - Ordinance No. 12-2016, Comprehensive Plan Amendment adding Tivoli Drive between Saxon Blvd. and Providence Blvd., to the City's Thoroughfare Map, at second and final reading - Chris Bowley, AICP, Planning and Development Services, (386) 878-8602.**

**Strategic Goal: Fiscal Issues: Transportation/CIP (i.e. Tivoli Drive Expansion).**

Mayor Masiarczyk asked if there were any changes to this item and Mr. Paradise responded "no".

There were no other questions or comments on this item.

**F. Public Hearing - Ordinance No. 26-2016, Deltona Free Standing Emergency Room BPUD (RZ16-001), at second and final reading - 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 asked if there were any changes to this item and Commissioner Herzberg responded she would like to discuss this item but, she will discuss it at the Regular Commission Meeting downstairs.

Vice Mayor Nabicht stated there will be a lengthy discussion on this item.

There were no other questions or comments.

**G. Public Hearing - Ordinance No. 30-2016, Rezone Request for ±1.46 acres of land located near of the intersection of DeBary Ave. and Providence Blvd., at first reading - Chris Bowley, AICP, Director of Planning and Development Services, (386) 878-8602.**

**Strategic Goal: Economic Development - work with existing businesses to expand and grow.**

Mayor Masiarczyk asked if there were any changes to this item and Mr. Paradise responded "no".

Commissioner Herzberg asked if this was the Dollar Tree and Mr. Paradise responded "yes" this is the re-zoning request from Professional Business to C-1 zoning adding there are a wide range of uses that could occur on this property, not just a retail format.

Commissioner Schleicher asked if this was the item that the Planning & Zoning (P&Z) Board voted against and Mr. Paradise responded "yes" and City Manager Shang stated the vote was 5 -2.

Commissioner Herzberg asked why the P&Z Board voted against the re-zoning and City Manager Shang listed the reasons. Commissioner Herzberg stated she would talk more about this item downstairs.

**H. Public Hearing - Ordinance No. 31-2016, Southwest Deltona Community Redevelopment Area (CRA) Board Action to create the Community Redevelopment Trust Fund, at second and final reading - Chris Bowley, AICP, Planning and Development Services, (386) 878-8602.**

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

Mr. Bowley stated this was the last step in forming the Community Redevelopment Authority (CRA).

There were no questions or other comments on this item.

- I. **Ordinance No. 14-2016, Amending Division 3, "Collection and Use", of Article III, "Stormwater Utility", of Chapter 54, "Special Assessments", of the Code of the City of Deltona, by adding a provisions for stormwater utility fee credits, at first reading - Becky Vose, Legal Department (407) 448-0111.**

**Strategic Goal: Infrastructure**

There were no questions or comments on this item.

10. OLD BUSINESS:

11. NEW BUSINESS:

- A. **Consideration of Commissioner Schleicher's appointment to the Planning and Zoning Board for the remainder of a term to expire on March 15, 2017 - Joyce Raftery, City Clerk (386) 878-8502.**

**Strategic Goal: Internal and external communication.**

Commissioner Schleicher stated she is going to request to continue this item for 30 days as there is only one (1) applicant and she thinks there needs to be more in order to make a decision.

There were no questions or other comments.

- B. **Request for approval of Resolution No. 2016-46, amending the City Commission Operating Guidelines and Meeting Rules and Procedures.**

Commissioner Herzberg asked if this was the item regarding the Sheriff's Deputy and City Manager Shang responded "yes".

There were no other questions or comments.

- C. **Request Approval for an Interlocal Agreement for the joint use of Real Property between the School Board of Volusia County and the City of Deltona - Steve Moore, Parks & Recreation Department, 386-878-8902**

**Strategic Goal: Infrastructure - Develop recreational programs in partnership with Volusia County middle school sites utilizing existing infrastructure.**

Mayor Masiarczyk stated this is about the bullying program and Mr. Moore stated there were no changes.

Commissioner Schleicher suggested since this was discussed previously could this item be moved up so that Mr. Pizza would not have to stay through the whole meeting. Mayor Masiarczyk responded Mr. Pizza does not have to be here, this is between the School Board and the City and he does not foresee anything being a major problem as it does not affect Mr. Pizza's part in this.

There were no other questions or comments.

**D. ADD-ON ITEM: Discussion of issues raised by Commissioner Soukup at the September 12th Workshop.**

There were no questions or comments on this item.

**12. CITY ATTORNEY COMMENTS:**

**13. CITY MANAGER COMMENTS:**

**14. CITY COMMISSION COMMENTS:**

Mayor Masiarczyk stated he had a request from Mayor Apgar and the City of DeBary was talking about it at the Elected Officials Round Table Meeting to have a Southwest Volusia Summit in October. Commissioner Herzberg stated it would be October 29th and Commissioner Schleicher responded that is during early voting. Mayor Masiarczyk stated that is a bad day for him and DeBary is scheduled to hold the next summit but, the City of DeBary has issues it is dealing with. He stated one (1) of the issues that Mayor Apgar wants to discuss is homelessness and as a Commission we have stated countywide that the City does not want to get involved in any of those programs. He stated he was also at an event Tuesday night and he spoke with Faruque Hosseini who is active in several programs in Daytona and she is going to set up a meeting to come and speak about that program which is for young girls with families. He stated he believed the Commission needed to talk before the Summit so the Commission is all on the same page because, the Commission has come out publicly that it is waiting to see what direction everyone is going.

Commissioner Herzberg stated the Commission had decided that the City was not going to pay into the Marbitz place in Daytona and the Commission did not talk about anything else. She stated she understands there are several Commissioners that do not believe there is a homeless problem but, if DeLand wants to talk about the Neighborhood Place and the Neighborhood Center and are holding a discussion on it then it is their right to do so. She stated she personally would like to see the numbers on the Deltona people that are being serviced. Mayor Masiarczyk stated he did not want his comments to be misconstrued but, technically the Commission had backed away and he just wanted to talk about it so that if there are six (6) or seven (7) of the Commission members at a meeting the members are not talking against one another.

Commissioner Herzberg stated she had one (1) other thing to discuss regarding something that happened over the weekend. She stated she spoke with City Attorney Vose who has drafted an Ordinance to address workplace bullying within the City. She stated it not only addresses workplace bullying amongst staff it addresses it with Elected Officials, the Charter Officers and staff and it also includes vendors and so forth. She passed the draft out and she stated there does not have to be an answer but, to look at it in general for down the road. Mayor Masiarczyk suggested bringing it up at a workshop for discussion. Commissioner Herzberg stated other municipalities have it as part of their ethics guidelines. Vice Mayor Nabicht asked if this item could be put under New Business tonight to have the discussion to add it to a workshop and Mayor Masiarczyk responded the Commission could do that right now by asking City Manager Shang to put this on the next workshop.

Mayor Masiarczyk asked City Manager Shang and City Attorney Vose if either had anything else to bring up and neither responded.

#### **15. ADJOURNMENT:**

Mayor Masiarczyk adjourned the meeting at 5:46 p.m.

ATTEST:

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Janet Day, Deputy City Clerk