



City of Deltona

2345 Providence Blvd.
Deltona, FL 32725

Minutes

City Commission

Monday, January 4, 2021

6:30 PM

Deltona Commission Chambers

- A. In an effort to reduce the possibility of exposure of residents to the COVID-19 (Coronavirus) we have limited public seating inside the Commission Chambers and are practicing social distancing with the City Commission, staff and residents.

1. CALL TO ORDER:

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

2. ROLL CALL – CITY CLERK:

Present: 8 - Commissioner Avila-Vazquez
Commissioner King
Commissioner McCool
Commissioner Sosa
Mayor Herzberg
Vice Mayor Bradford
Acting City Manager
City Attorney

Absent: 1 - Commissioner Ramos

3. INVOCATION AND PLEDGE TO THE FLAG:

- A. Invocation Presented by District #5 Commissioner.

Commissioner McCool led everyone in the invocation and Commissioner King led everyone in the pledge to the flag.

The National Anthem was sung by Janettly Rosado a freshman at Pine Ridge High School.

4. APPROVAL OF MINUTES & AGENDA:

- A. Approval of minutes of the Special Commission Meeting of November 19, 2020, as presented. - Joyce Raftery, City Clerk (386) 878-8502.

Motion by Commissioner King, seconded by Mayor Herzberg, to approve the minutes of the Special Commission Meeting of November

19, 2020, as presented. The motion carried by the following vote:

For: 6 - Commissioner Avila-Vazquez, Commissioner King,
Commissioner McCool, Commissioner Sosa, Mayor
Herzberg, and Vice Mayor Bradford

5. PRESENTATIONS/AWARDS/REPORTS:

A. Proclamation - Human Trafficking Awareness Month

Mayor Herzberg stated Vice Mayor Bradford will be attending the meeting via Zoom and that the votes this evening will be verbal votes.

The Mayor and Commission presented a Proclamation in honor of Human Trafficking Awareness Month to the Department of Children and Families and Freedom 7 Task Force.

B. Presentation - Storm Water Update - Acting City Manager John A. Peters, III, P.E., (386) 878-8858.

Acting City Manager Peters stated David Hamstra is here from Pegasus Engineering and some of the Commissioners have met Mr. Hamstra in some neighborhood meetings. He is going to give an overview on the Lake Windsor area, the Lamplighter Avenue area, and then several pocket draining problems within the City.

David Hamstra, P.E., CFM, President/Stormwater Department Manager with Pegasus Engineering, Winter Springs, stated it is his understanding tonight that he has been asked by the Acting City Manager and Public Works Department to provide a brief overview of some current stormwater projects and to bring it to the Commission's attention for further discussions as the years proceed forward. The projects he discussed involve Lamplighter Avenue small area study, Lake Windsor/Elston Lake Watershed Management Plan, Leland Drive/Nardello Drive Drainage Improvements, Lake Gleason Outfall System and In-Fill Development Standards.

The Commission, staff and Mr. Hamstra discussed weeds in Lamplighter Avenue culverts, serious drainage and nuisance drainage, structural flooding, high groundwater table, the Capital Improvement Program (CIP) process, grants, the City's in-fill, groundwater issues, Lake Baton Estates, preconstruction and predevelopment, grading requirements, storm water retention requirements, geo testing, elevated septic tanks, proper swells, issues on several City streets, Leland Lake, pump stations, rapid infiltration basins, groundwater seepage, creating new problems, Volusia County utilities, abandoning sites, reclaimed water systems, minimum flow levels, Blue Springs, the aquifer, alternative rapid infiltration basins, treated surface water, Lake Gleason, deployment of portable pumps, elevated lake levels, available pond volumes, Three Island Lake, Lake Tiny, land-locked lakes, wet springs, Lake Monroe water quality, swales, hydrological cycle, SJRWMD (St. Johns River Water Management District), septic systems, the Health Department, high priority focus areas, bio active material, environmental groups, Save the Manatee Club, Gemini Springs,

runoff, French drains, partial reimbursement to residents, impact fees and connection fees, elevation changes and long-term solutions.

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

Mayor Herzberg stated the Quarterly Board Reports are in written format and will be accepted as presented.

6. ORDINANCES AND PUBLIC HEARINGS:

A. Public Hearing - Ordinance No. 01-2021, updating Water and Wastewater Impact Fees, at first reading and to schedule second reading for January 19, 2021 - John Peters III, Public Works, (386) 878-8973.

Strategic Goal: Infrastructure/Fiscal Issues.

Acting City Manager John A. Peters, III, P.E., gave a brief explanation of the item.

Bryan Mantz, CMC, CGFM, GovRates President, the Commission and staff discussed Commissioner Sosa asked on the current impact fees how much is the City collecting currently and what is the expected impact including the increase. Bryan Mantz, CMC, CGFM, GovRates President, replied a few \$100,000 a year, in 2020 it was about a million dollars and the increase would be from \$5,689 to \$6,475 which is 25% higher.

Acting City Manager Peters stated an important element is that the impact fees come down to fairness. What is being asked is that the developers pay their fair share of the utilities to serve their property because when the impact fees are not high enough the rate payers are asked to make up the difference.

Mayor Herzberg opened the public hearing.

Elbert spoke about impact fees, building department, water department, inadequacies, county water and sewer, 20% increase, Amazon, sewer/water hookup fees, doubling impact fees, projects, and increasing the impact fees.

Mayor Herzberg closed the public hearing.

Mayor Herzberg asked what is the statutory limit on water and sewer impact fees and Mr. Mantz replied it would have to be what is legally defensible given appropriate accepted methodologies in the industry and these proposed impact fees were calculated based on accepted industry standards for the impact fee calculations. Acting City Manager Peters stated a general rule of thumb in the home building business is that the developers can absorb up to 20% in impact fees, that is all impact fees, and the City is within that 20%.

Commissioner McCool asked when looking at the water and wastewater impact fees how

many of those cities are in the primary focus area where they have serious water concerns like we have here. Acting City Manager Peters replied generally the older communities who do not have growth and do not have debt on the people have the lowest impact fees and the like.

Commissioner Avila-Vasquez asked how often does the City of Deltona increase the impact fees or is there a limit or time period? Mr. Mantz replied the last time that the fees were adjusted was in 2015 and usually the recommendation as to when they would be reevaluated is when there is material change in the City's current plans. Commissioner Avila-Vasquez asked if it was based on the price of materials And Mr. Mantz replied prices, materials, the actual cost of the City's fixed assets and the costs of the capital program. Commissioner Avila-Vasquez asked if that was only a suggestion and Mr. Mantz replied yes.

Commissioner King asked if Pine Ridge, Hampton Oaks, Doyle Road and Courtland Blvd., and Lake Helen Osteen Road developments are included in the projected calculation and Mr. Mantz replied yes.

Commissioner Sosa stated the estimate of 5% would still be well under what Orange City's and the county's impact fees are which would be legally defensible, correct and City Attorney Fowler replied correct. Acting City Manager Peters stated what Mr. Mantz has put together he believes is legally defensible. Commissioner Sosa asked if the study took into effect DeLand's upcoming projects and will DeLand be upping their rates as well. Mr. Mantz replied he cannot speak for DeLand, but he can say that they have a RFP (Request For Proposal) on the street right now to review their rates.

Motion by Commissioner Avila-Vazquez, seconded by Vice Mayor Bradford, to adopt on first reading Ordinance No. 01-2021, updating Water and Wastewater Impact Fees, and to schedule second and final reading for January 19, 2021. The Acting City Manager has the authority to make corrections of scrivener's errors and the like.

The City Attorney read the title of Ordinance No. 01-2021 for the record.

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELTONA, FLORIDA, PROVIDING FOR UPDATES TO THE CITY'S WATER AND WASTEWATER IMPACT FEES; PROVIDING FOR SEPARATE WATER AND WASTEWATER CAPITAL FINANCING RECOVERY FEES; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

The motion carried by the following vote:

For: 6 - Commissioner Avila-Vazquez, Commissioner King, Commissioner McCool, Commissioner Sosa, Mayor Herzberg, and Vice Mayor Bradford

Ordinance No. 01-2021 was approved at 8:10 p.m.

7. OLD BUSINESS:

- A. **Request for approval of Resolution No. 2020-64, providing for an adjustment to Wastewater and Reclaimed Water base facility charges beginning 1 April 2021, eliminating the 10,000 cap on Wastewater Usage Charges effective 1 April 2021, and providing for annual rate indexing of Wastewater and Reclaimed Water base facility and water and irrigation usage charges equivalent to the Engineering News Record (ENR) Construction Cost Index beginning 1 October 2024. - John Peters, Public Works/Deltona Water (386) 878-8973.**

Strategic Goal: Infrastructure/Fiscal Issues

Acting City Manager John A. Peters, III, P.E., gave a brief explanation of the item.

Commissioner Sosa asked for more details, what is being capped, how much water is the City charging for, does the City stop charging after 10,000 and how many users exceed that 10,000 cap. Acting City Manager Peters replied right now what the City does is the sewer is based on the water usage. The 10,000 cap is basically anything over 10,000 are presumed to be irrigation and not actual sewer use. The rate payers have options they can get an irrigation meter or be on reclaimed that would more accurately reflect what is actually used in the sewer system. He cannot remember the percentage over the 10,000 cap, but it is not a huge number. Mr. Mantz stated the average usage is 5,000 gallons, but there is enough usage above 10,000 gallons that by eliminating the 10,000 gallon cap the City can provide a cost break to the users of 2,000 to 10,000 gallons of usage.

Mayor Herzberg opened and closed the public comments are there were none.

Motion by Commissioner Avila-Vazquez, seconded by Commissioner McCool, to approve Resolution No. 2020-64, providing for an adjustment to Wastewater and Reclaimed Water base facility charges beginning 1 April 2021, eliminating the 10,000 cap on Wastewater Usage Charges effective 1 April 2021, and providing for annual rate indexing of Wastewater and Reclaimed Water base facility and water and irrigation usage charges equivalent to the Engineering News Record (ENR) Construction Cost Index beginning 1 October 2024. The Acting City Manager has the authority to make corrections of scrivener's errors and the like. The motion carried by the following vote:

For: 6 - Commissioner Avila-Vazquez, Commissioner King, Commissioner McCool, Commissioner Sosa, Mayor Herzberg, and Vice Mayor Bradford

Resolution No. 2020-64 was approved at 8:35 p.m.

- B. Request for approval of Resolution No. 2020-65, providing for an adjustment to Water base facility charges beginning 1 April 2021 and annual rate indexing of Potable Water base facility and water and irrigation usage charges equivalent to the Engineering News Record (ENR) Construction Cost Index beginning 1 October 2024. - John Peters, Acting City Manager/Deltona Water (386) 878-8973.**

Strategic Goal: Infrastructure/Fiscal Issues

Mayor Herzberg stated this is the second part to what the Commission just approved and Acting City Manager Peters replied correct.

Mayor Herzberg opened and closed the public comments as there were none.

Motion by Commissioner McCool, seconded by Vice Mayor Bradford, to approve Resolution No. 2020-65, providing for an adjustment to Water base facility charges beginning 1 April 2021 and annual rate indexing of Potable Water base facility and water and irrigation usage charges equivalent to the Engineering News Record (ENR) Construction Cost Index beginning 1 October 2024. The Acting City Manager has the authority to make corrections of scrivener's errors and the like. The motion carried by the following vote:

For: 6 - Commissioner Avila-Vazquez, Commissioner King, Commissioner McCool, Commissioner Sosa, Mayor Herzberg, and Vice Mayor Bradford

Resolution No. 2020-65 was approved at 8:36 p.m.

8. NEW BUSINESS:

- A. Request for approval of appointment of members to the Firefighters' Pension Plan, Board of Trustees - Joyce Raftery, City Clerk's Department (386) 878-8502.**

Mayor Herzberg requested to table the item and she requested that the Acting City Manager and the City Attorney to see if there is anyone who lives in the City from the Finance Department that would be available to be a member on the Firefighters' Pension Board.

Acting City Manager Peters stated according to state statute the first four members are split between the firefighters' union picking two members and the City Commission picking two members. The main criteria for the four members is that they have to be a resident of the

City. There is one person that he has in mind in the Finance Department who meets that qualification. The fifth member is appointed by the remaining four members and that person is brought back to the Commission more as rubber stamp. A true reading in the state statute does not afford the Commission the opportunity to say "no we want somebody else". If the Commission has a desire to have a staff person involved with the pension board then the one opportunity is on the two selections that the City Commission can make.

The Commission concurred to table the item as requested.

Mayor Herzberg passed the gavel to Commissioner Avila-Vazquez.

Motion by Mayor Herzberg, seconded by Commissioner King, to table Item 8-A which is a request for approval of appointment of members to the Firefighters' Pension Board, Board of Trustees and to bring it back the first meeting in February, February 1, 2021. The motion carried by the following vote:

For: 6 - Commissioner Avila-Vazquez, Commissioner King, Commissioner McCool, Commissioner Sosa, Mayor Herzberg, and Vice Mayor Bradford

Commissioner Avila-Vazquez passed the gavel to Mayor Herzberg.

9. PUBLIC FORUM: Citizen comments are limited to issues and concerns not on the agenda and comments on items listed on the agenda will take place after discussion of each item. Please be courteous and respectful of the views of others. Personal attacks on Commission members, City staff or members of the public are not allowed, and will be ruled out of order by the Mayor.

Mayor Herzberg stated currently the process for public comment is that there are yellow sheets in the back, people are asked to put their name, address and a topic or agenda item on them and then the person is called to the podium and asked to state their name and address for the record. It has been brought to her attention that in light of today's times and the meetings being broadcast live on the air and on the Internet, what this is doing is kind of the old adage of putting the obituary in the paper with the address stating that no one is home. That may not be the best way to go ahead and announce names and addresses publicly. Instead she suggested going to a numerical system, have them still fill out a form and stated which item(s) the person wants to speak on because there is no way for the Commission to know if a person wants to speak on a specific item or under public comment. It would be a numerical system where the clerk would call number one to the podium and see if staff could work that out. She has spoken to the manager about it this evening and it would still be on the record. If the person wanted to come up and say their name and address for the record they have that option, but if they are not comfortable doing that it is still on the record. She asked if there was any desire for the Commission to make that change.

The Commission discussed a resident's privacy, a numerical system, wanting at least the resident's name or district, different situations, providing an alias, being able to communicate and not being able to research resident issues.

Acting City Manager Peters stated he will consult with the City Attorney in terms of what information the City is allowed to ask for. He visualizes a number dispenser like the tax office has and staff will keep track of it on the form. The numbers may not be in numerical order, but in the order the forms were submitted. It is something staff can work out, but he will consult with the City Attorney on what information the City is allowed to have or request.

Mayor Herzberg asked the manager to come back at the next Commission meeting with an update or if he has something that would be legally permissible and how to work with something being on the record and part of a public record. She suggested working with the Clerk and the City Attorney to see if it is a possibility and then the Commission can decide then.

Acting City Manager Peters reminded the Commission of the workshop on the quasi-judicial process to be held on Saturday, January 30th. His plan is to have another Saturday workshop in March for the Commission's annual ethics training requirements by state statute, but also to have training on open meeting requirements and open records requirements. This conversation may be well served to wait until after that workshop and that way everyone can all be working off the same hymn book at that point.

Mayor Herzberg asked if that was acceptable to the Commission and the Commission concurred.

McCool left the meeting at 8:36 p.m. and returned at 8:38 p.m.

Mayor Herzberg opened the public comments.

Beverly Nichols, 2428 Coachman Drive, Deltona, FL, spoke about the names of the engineers.

Yorelis Navas, wished the Commission Happy New Year and she spoke about Lombardi Drive water issues, parking issues, citations, inconveniencing the neighbors, other parking issues, parking being a health issue, 4-6 cars at her home, cats, and have something for special needs residents.

Resident 76, read a quote by Thomas Payne and he spoke about elected officials, staff, listening to residents, buricrats, financial reports, bribe, cancer, and the Florida Constitution.

Elbert Bryan, Deltona, spoke about providing a name, increased water rates, impact fees, county council, parking, COVID-19 vaccines, fixing county problems, taking care of elderly,

infrastructure, debt, balanced budget, and workshops.

Manny Rodriguez, 1376 Azora Drive, Deltona, spoke about showing his face, residents stating their name, residents' districts, parking on sidewalks, and issuing citations.

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.

10. CONSENT AGENDA:

Motion by Vice Mayor Bradford, seconded by Commissioner Avila-Vazquez, to approve Consent Agenda Items 10-A through 10-D.

Mayor Herzberg opened the public comments.

Elbert Bryan requested to pull Item 10-A for discussion, how Consent Agenda items are pulled for discussion and he requested Commission discuss and approve each item separately.

Deputy City Clerk Keys stated that if a Commissioner pulls an item from the Consent Agenda then public comment is taken on that item, otherwise there is no public comment on the Consent Agenda items.

Mayor Herzberg stated if person fills out a form for the Consent Agenda she wants to be made aware of it.

Mayor Herzberg asked the Finance Director to explain Consent Agenda Item 10-A. Finance Director Camille Hooper replied these are carry forwards for most of the City's capital projects and staff routinely brings these to the Commission once a year usually around this time of year because most of the capital projects do not get done within one year's time so they straddle fiscal years. When the City has a project like storm water, utility or CDBG (Community Development Block Grant) whatever is remaining in the prior year gets pulled forward to the next year so that there is budget available to continue the work. The only other thing on Item 10-A that does not have to do with that is putting in the CARES (Coronavirus Aid, Relief, and Economic Security) Act funds that the City received because those were not in the budget and now they will be.

Commissioner King suggested to pull Item 10-A to allow for comments and questions and vote on the rest of the Consent Agenda.

Mayor Herzberg asked if Vice Mayor Bradford would like to go ahead and pull Item 10-A

and Commissioner King requested to pull Item 10-A.

Amended Motion by Vice Mayor Bradford, seconded by Commissioner Avila-Vazquez, to approve Consent Agenda Items 10-B, 10-C and 10-D.

The amended motion carried by the following vote:

For: 6 - Commissioner Avila-Vazquez, Commissioner King, Commissioner McCool, Commissioner Sosa, Mayor Herzberg, and Vice Mayor Bradford

- A. Request for approval of Resolution No. 2021-01, Budget Amendments for General, Stormwater, State Housing Initiatives Partnership (SHIP), Community Development Block Grant (CDBG), Transportation, Community Redevelopment Area (CRA), Municipal Complex, Water/Sewer Utility, and Equipment Replacement Fund for FY 2020-2021 - Camille Hooper, Finance Director, (386) 878-8552.**

Strategic Goal: Fiscal Issues - Maintain a Balanced Budget

Mayor Herzberg listed each carryover stating the project and the amount to be carried forward. Ms. Hooper stated all the information is attached to the agenda memo and on the website. Mayor Herzberg reiterated that the list of carryover projects she read were not completed and if Mr. Byan's point was to point out how many projects are not done, she agrees with him. She suggested if anyone has any questions as to why the projects are not completed to talk to the manager. She does not want to see this again, either reallocate the funds and drop the projects or do something. If the City does not have the staff, then contract it out.

Commissioner Sosa stated that the Commission has all the information, but the public does not other than the website. Deputy City Clerk Keys replied there is always a paper copy of the agenda in the same blue three ring binder the Commission receives at the back table clearly marked for anyone to look through. Mayor Herzberg requested that a second agenda packet be available at the back table.

Mayor Herzberg passing the gavel to Commissioner Avila-Vazquez.

Motion by Mayor Herzberg, seconded by Commissioner King, to approve Resolution No. 2021-01, Budget Amendment for the General, Stormwater, State Housing Initiatives Partnership (SHIP), Community Development Block Grant (CDBG), Transportation, Community Redevelopment Area (CRA), Municipal Complex, Water/Sewer Utility, and Equipment Replacement Fund for FY 2020-21. The Acting City Manager has the authority to correct scrivener's errors and the like.

Mayor Herzberg opened the public comments.

District 76, spoke about the way things have always been done, the system being broken and fixing it, and watchdogs.

Mayor Herzberg closed the public comments.

The motion carried by the following vote:

For: 6 - Commissioner Avila-Vazquez, Commissioner King, Commissioner McCool, Commissioner Sosa, Mayor Herzberg, and Vice Mayor Bradford

Resolution No. 2021-01 was adopted at 9:10 p.m.

Commissioner Avila-Vazquez passed the gavel to Mayor Herzberg.

- B. Request for approval of Resolution No. 2021-05, Budget Amendment #2021-022 for the General Fund for FY 2020-21 - Camille Hooper, Director, Finance, (386) 878-8552.**

Strategic Goal: Fiscal Issues/Balanced Budget

Approved by Consent - to approve Resolution No. 2020-65, providing for an adjustment to water base facility charges beginning 1 April 2021 and annual rate indexing of potable water base facility and water and irrigation usage charged equivalent to the Engineering News Record (ENR) Construction Cost Index beginning 1 October 2024. The Acting City Manager has the authority to make corrections of Scrivener's errors and the like.

- C. Request for approval of Resolution No. 2020-69, declaring certain tangible personal property owned by the City as surplus and authorizing the Acting City Manager to dispose of them. - Camille Hooper, Finance Department (386) 878-8552.**

Strategic Goal: Fiscal issues - Maintain current fiscal stability, maximize alternative funding sources, and promote and effective system of checks and balances.

Approved by Consent – to approve Resolution No. 2021-01, budget amendment for the General, Stormwater, State Housing Initiatives Partnership (SHIP), Community Development Block Grant (CDBG),

Transportation, Community Redevelopment Area (CRA), Municipal Complex, Water/Sewer Utility, and Equipment Replacement Fund for FY 2020-21. The City Manager has the authority to make corrections of Scrivener's errors and the like.

- D. Request for approval of First Amendment to Site Agreement for Land and Colocation on Tower (at 2147 Howland Blvd, Deltona, Florida, at Fire Station 63) with New Cingular Wireless by AT&T, as proposed by Neel-Schaffer, Inc., cell tower consultants. - John Peters, Acting, City Manager (386) 878-8850.**

Strategic Goal: Fiscal Issues

Approved by Consent – to approve Resolution No. 2021-05, budget amendment #2021-022 for the General Fund for FY 2020-21, to appropriate the funds for a consultant to facilitate the strategic planning and budget meeting. The City Manager has the authority to make corrections of Scrivener's errors and the like.

11. CITY COMMISSION SPECIAL REPORTS AND REQUESTS:

Commissioner McCool stated the City has punitive fines for residents to correct actions of blight in the City, but there are businesses that are allowed to have trash on their property for months on a main thoroughfare. When she has asked about a particular business she is told staff is working on it, however, if it were a resident the City would have fined the person in the time that staff has taken to just get a notice out to this business. The business has been allowed to operate with garbage thrown outside attracting rats, beer bottles, medical waste and behind the business is the same thing. She requested that staff go inside the business and speak to the business this week about cleaning it up.

Commissioner Sosa stated several residents have brought to him issues involving the TNR (Trap Neuter Release). He works with and speaks to several residents on a weekly basis either through email or phone calls regarding this issue and he gave specific examples. He believes there are three colonies within an eighth of a mile of each other. The City cannot expect residents to do what they need to do if the City cannot control its feral cats. There are people that are not responsible, that are part of the TNR program and that are impacting the residents' quality of life. These residents cannot go outside or open a window or due to health issues cannot be outside working in their garden that has turned into a litter box. His understanding is some of these cats are trapped and two days later are there again back at the same house. Residents request traps to be set up and several cats are caught, but only one of them has been reported at Halifax. The City is wasting resources trapping cats that are coming right back to that same residents. He requested to have a workshop where the City holds the TNR program responsible or the City gets involved and be accountable for the impact this program is having on the residents that have to live next these colonies.

Mayor Herzberg asked that the manager discuss with Commissioner Sosa what can be set up with regards to animal control and the TNR program. Acting City Manager Peters replied yes ma'am, staff will work to do that in February.

Commissioner King stated back when the Commission did its workshops and reworked the animal ordinance the Commission said then that it had to address the TNR program and the feral cat issue, but nothing has happened. He too has had several complaints regarding the feral cats and he gave some examples.

Commissioner Avila-Vasquez stated she brought at the last meeting the condition of the empty property on Deltona Boulevard (Blvd.) behind Justin Plaza. There are homeless people around the area and the first house facing Deltona Blvd. has the doors open. The City cannot play favoritism, if citations are given to residents then the City needs to treat commercial the same way.

Mayor Herzberg summarized the two special requests for the manager, one is commercial code enforcement and properties having issues with the TNR program. Commissioner King stated he thinks the issue is not just commercial, but also residential and he gave examples. Mayor Herzberg stated she agreed because both of these issues go hand in hand, the commercial code enforcement, the residential code enforcement, and the animal issues, not only the cats.

Acting City Manager Peters stated the message has been heard and is probably one fifth of what he hears from the Commissioners in private. He said at the last meeting code enforcement is definitely the biggest hurdle here in the City. Next week staff is planning to do a workshop, the first part is on economic development, the second part is the beginning of the code enforcement process. The Commission received two separate emails, one having to do with homestead property and non-homestead property which are generally rentals. Thirty percent of the City's housing stock is non-homestead/rental. A rental property is two and a half times more likely to have a code violations and crime occur than homestead properties. The resident that are homestead residents are subsidizing what he calls deadbeat landlords that are not taking care of their properties, commercial and residential, and the City is allowing it. The City does a reactive form of code enforcement instead of a proactive and the majority of violations deal with parking. He and Mr. Paradise have had the discussion about putting out banners on how people can increase the amount of parking available and he gave examples of parking issues as well as solutions he is okay with. For every complaint there has got to be a solution. He has had discussions with one or more of the Commission about the idea of an eight-page brochure with frequently asked questions to be handed out to new residents and he gave examples of the type of information that would be included in the brochure. If the city is going after one case out of 26 on a street that seems pretty arbitrary and capricious to him and he would rather go after all 26 and treat them all the same. The other thing is the City has got to create is a commercial code enforcement which is different than residential and he gave some examples. The bottom line is the City has a residential rental problem and a commercial

rental problem which are both serious. The problem on the commercial side is landlords and renters who have no roots in the City and he provided a possible solution. When he sent out the email that the City was going to do away with door hangers during COVID, it was a test to see if the City could in fact get more code violations cited and through the process staff sent letters not just to the source, but to the landlord and the owners because when the landlord is put on notice, usually things get done. The City needs to change the process and define it. He wants to take the second half of next week's workshop, not have an agenda, but have an open discussion. The first thing that he needs to hear from each Commissioner is are they okay with there being proactive code enforcement as opposed to reactive code enforcement. The Commission has to realize that they would be agreeing that there is a certain community standard that the Commission wants to uphold in the City of Deltona and put a process in place to get to that community standard.

The Commission and staff discussed bringing back BTRs (Business Tax Receipts), Mrs. Navas' parking issue, possible parking solutions, how to contact the landlord, the landlord's authority, providing extensions, and mulching the side of the driveway.

12. CITY ATTORNEY COMMENTS:

City Attorney Fowler wished everyone a Happy New Year.

13. CITY MANAGER COMMENTS:

Acting City Manager Peters stated that 2020 was so bad that he has not put down "20" on a date that he has signed. He wished everybody Happy New Year. Next week he is planning to have a short presentation on economic development, especially in the area of Amazon, Portland Industries and that whole area. Then there will be a discussion about Code Enforcement on a ten thousand foot level so that he can start putting together a program with regards to how the City is going to move forward.

Mayor Herzberg asked for an update on the COVID vaccine and Acting City Manager Peters replied to answer a question from Mr. Elbert Bryant earlier, Volusia County is working with the City on having a vaccine site at Dewey O. Boster Thursday and Friday of this week from 9:00 a.m. to 4:30 p.m. There will be 1,000 doses a day and it will be by appointment only. It will be a one hour block for 150 people per hour. By doing it in a block the county can control the number of people within the block. It is going to be a drive-thru and staff is working with the county who originally another site, staff was able to get the county to reconsider one of the two site the City offered which was Dewey O. Boster and City Hall. It was determined that Dewey O. Boster's road network could handle a drive-thru much better than anywhere else in the City. Hopefully by tomorrow afternoon the county will announce on their website (volusia.org) the program, where to make the appointment and it will only apply to those individuals that are 65 years of age or older. He anticipates that somewhere around 4:30 p.m. tomorrow the county will be making that official announcement.

14. CITY COMMISSION COMMENTS:

Vice Mayor Bradford asked for an update on the soccer league and what is going on with

that. Acting City Manager Peters replied he believes she is talking about the adult soccer league. The City has a contract that staff modified. When looking at the rental rate it was absurdly low so the City Attorney reviewed and approved it. It is going to be a month-to-month lease at that current rate. He has asked the Parks and Recreation Director Ryan Reckley to come up with a fee schedule that pays for itself. The City has been subsidizing Parks and Recreation with the General Fund, not charging fees and in some cases the City is not charging any fees. The adult soccer league has about 40 to 80 participants who use the fields for a total of 80 hours a month. Their rental did not even pay for the lights to be turned on much less to maintain the fields or anything like that. Staff will be coming back as part of the early budgetary process with a fee schedule. Staff needs to update its fee schedules and he is a firm believer that programs should pay for themselves. If people are not able to pay for the fees there are people in the community, businesses or individuals who would help defray the cost for those people who cannot afford it. This is happening in DeBary so he knows the City can make this work by putting a program together to help out the people who cannot afford the fee, but he is a firm believer the City needs to have a Parks and Recreation program that pays for itself. He also believes that the City should have a Building Department where the fee structure pays for itself and take as many programs as possible off the General Fund so we can look at the rate structure of the General Fund over all.

Vice Mayor Bradford stated she wanted to thank, hence where this wonderful virus probably came from which she did a ride through of a couple of subdivisions, the fire union, donations from a local Dollar General, the lighting contest and Santa's sleigh. It was a wonderful night, she thanked everyone involved and it was an amazing show of community support in that area. She would like to see what can be done in the future as far as doing a Christmas light contest citywide because this literally was the 3rd year the City did it. It was like a community block party, everybody was out there as the floats went by and it was wonderful to see the families of the children out there. She would love to see the City showcasing and having something on the website where people can post where all of the beautiful lights are. She had more people this year than ever calling and asking where to go look at Christmas lights. Again, she thanked everybody that came out and she appreciated their time in the community. She wished everyone a Happy New Year's, she will see everyone next week.

Acting City Manager Peters thanked Lee Lopez and his staff and the City Clerk and her staff for pulling together in record time the Zoom situation for Vice Mayor Bradford to be able to participate. He knows she is thankful for it, but he really wanted to call out the staff that made it happen. Thank you. Vice Mayor Bradford stated yes, thank you all very much. She really does appreciate it and she knows everyone present appreciates her not spreading germs.

Commissioner Sosa wished everyone a Happy New Year. He thanked the manager for working to get the COVID vaccination here in Deltona and so it was not just available in Daytona. The residents on the Westside deserve to be considered in this vaccination as well as opposed to just everything on the Eastside. He also agrees with having the online

registration because he was a little disgusted with the Volusia County Health Department for making senior citizens wait out there for 24 hours only to be turned away at 9:00 a.m.

Commissioner Vasquez expressed her condolences to Commissioner Ramos' family. For those interested there will be a private service, but to email or text him, she thinks he would appreciate that. She thanked the Deltona Fire Department for the wonderful drive thru toy drive. There were so many people driving through, she loved the way it was done by having people tell staff what they needed for toys, clothing sizes and everything. The event was well organized and she thanked everyone involved. She liked the fact that Vice Mayor Bradford was able to attend the meeting via Zoom because this is a test and an opportunity to show that it does work for any future emergencies that the City should have. It was one of the things the Commission questioned whether it would work or not. She asked the manager to add to the marquee sign the COVID Vaccine information and have nothing else be presented on the sign. Acting City Manager Peters replied he has discussed putting it on top of the homepage of the website and on social media, but he will see what can be done.

Commissioner Avila-Vazquez thanked the Volusia Hispanic Chamber for putting on an amazing toy drive yesterday in celebration of Three Kings Day. For those who are not aware, Hispanics across the world, even Europe, are celebrating what she thinks is called the epiphany celebrating Three Kings Day. Joe Hearn, Sales and Marketing for The Center, and his staff did an awesome job and she appreciated the little time that he spent with them.

Commissioner Avila-Vazquez asked if the Saturday workshops are going to be an ongoing thing and is he going to tie up everyone's Saturdays going forward. Acting City Manager Peters replied there are only two Saturday workshops planned. The first one is quasi-judicial on the 30th of January and a date has not been set for the workshop in March which will be the annual ethics training. Commissioner Avila-Vasquez asked if Commissioners have already taken their annual ethics training online why are we having it again. Mayor Herzberg replied it is yearly and Acting City Manager Peters replied if the Commission does not want it then he does not have to do it. Commissioner Avila-Vasquez stated the League of Cities does the training and they notify the elected officials of the different classes so that they can pick where to go. For clarification, she did not say that the public had to give their name and address. She said that she personally would like to know who she is speaking to, but legal will come back with a determination if the public has to provide certain information. She is always here to speak with the residents.

Commissioner Avila-Vazquez stated the Commission never got a tour of Amazon and she asked if that is something that can be scheduled. Mayor Herzberg replied the manager would have to talk to Amazon and see because she does not know that they do that. Acting City Manager Peters stated staff reached out to Amazon earlier today because there was some people from the County Council that had a desire to tour the facility. Due to Amazon's COVID protocol they are not doing any tours right now, but once things loosen up and get better they would love to do tours at that point. Commissioner Avila-Vasquez wished everyone a Happy New Year.

Commissioner King thanked everyone who came out for Wreaths Across America. It was wonderful to see Mr. Joe Hearn there representing not only The Center, but the City and he appreciates him being there. There were approximately 931 wreaths plus 27 more that were grave specific wreaths laid and 670 wreaths were provided by the American Legion Post 255 here in Deltona. He thanked not only the residents, but to the City and everyone who participated in order to get those wreaths out there. He hopes next year the organization will be able to place all 1,700 wreaths on the graves at Deltona Memorial gardens. January 16, 2021 at 9:00 a.m. is the day the wreaths are picked up the wreaths and he welcomed anyone who wanted to come out and help, it will take about an hour to pick up all the wreaths. The experience of picking up the wreaths is almost as moving as placing the wreaths on the graves. He wished everyone Happy New Year and he hopes it is a prosperous and safe one for everyone. He asked to get a mindset that just says we are going to do the right thing and help our neighbors, we will make the City better one person at a time and we can do it, Happy New Year.

Mayor Herzberg stated she wanted to clarify that the Commission has to talk about all the rentals and so forth. There are a lot of good renters in the City and care about their property. Regarding the comment about notifying the landlord, she thought that was done years ago. She had a conversation with Mr. Dale Baker, who was head of Code Enforcement/Building Services at the time, about sending a letter out to the landlord simply for liability sake in terms of notifying someone that there is a problem. If the City does not notify the property owner there is an issue. She thought that was being done. The last comment is on the driveway extension. There was another incident in Commissioner King's District where someone got dinged that had to do a driveway extension. They were dinged on a Tuesday night during a sweep in the afternoon and were told there would be reinspection on Sunday. That is inappropriate to have someone do it in full a total driveway extension in five or four days. When a resident puts up a fence illegally on a weekend they have six months to correct it. This tells her that the City really needs to have something done because six days to put in a driveway extension and six months to deal with an illegal fence is problematic. She firmly believes the City will get there and do it in a manner that will benefit all of Deltona, but it is going to take time. She thanked the Commissioners for bringing all that up. She wished everyone a Happy New Year, a safe and healthy New Year. She asked to please be vigilant as the COVID numbers are not going down and everyone is important so her wish for 2021 is health, safety, prosperity, love and peace.

15. ADJOURNMENT:

There being no further business, the meeting adjourned at 10:17 p.m.

Heidi K. Herzberg, MAYOR

ATTEST:

Joyce Raftery, CMC, MMC, CITY CLERK