

CITY OF DELTONA, FLORIDA
REGULAR CITY COMMISSION MEETING
TUESDAY, JANUARY 20, 2009

A Regular Meeting of the Deltona City Commission was held on Tuesday, January 20, 2009 at the City Hall Commission Chambers, 2345 Providence Boulevard, Deltona, Florida.

1. CALL TO ORDER:

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

2. ROLL CALL:

Mayor	Dennis Mulder	Present
Vice Mayor	Michael Carmolingo	Present
Commissioner	Zenaida Denizac	Present
Commissioner	Janet Deyette	Present
Commissioner	Michele McFall-Conte	Present
Commissioner	Paul Treusch	Present
Commissioner	Herb Zischkau	Present
City Manager	Faith G. Miller	Present
City Attorney	George Trovato	Present
Deputy City Clerk	Joyce Kent	Present

Also present: Planning & Development Services Director Chris Bowley; Planning Manager Tom Burbank; Building Official Cy Butts; Public Works Director Dave Denny; Parks & Recreation Director Steve Moore; Community Development Manager Lori Serino; and Fire Chief Robert Staples.

3. SILENT INVOCATION AND PLEDGE TO THE FLAG:

Mayor Mulder led the audience in the silent invocation and the Pledge of Allegiance to the Flag.

Jaimy Ramos a student at Forest Lake Elementary School sang the National Anthem.

4. APPROVAL OF MINUTES & AGENDA:

A. Minutes:

1. Regular City Commission Meeting – January 5, 2009.

Motion by Commissioner McFall-Conte, seconded by Vice Mayor Carmolingo to adopt the minutes of the Regular City Commission Meeting of January 5, 2009 as presented.

Motion carried with members voting as follows:

Commissioner Denizac	For
Commissioner Deyette	For

1 **Commissioner McFall-Conte For**
2 **Commissioner Treusch For**
3 **Commissioner Zischkau Against**
4 **Vice Mayor Carmolingo For**
5 **Mayor Mulder For**
6

7 **B. Additions or Deletions to Agenda:**
8

9 Ms. Miller asked to pull Item 7-C for clarification and research.
10

11 **Motion by Commissioner Treusch, seconded by Vice Mayor Carmolingo to pull Item 7-C for**
12 **clarification and research.**
13

14 **Motion carried with members voting as follows:**
15

16 **Commissioner Denizac For**
17 **Commissioner Deyette For**
18 **Commissioner McFall-Conte For**
19 **Commissioner Treusch For**
20 **Commissioner Zischkau Against**
21 **Vice Mayor Carmolingo For**
22 **Mayor Mulder For**
23

24 **5. PRESENTATIONS/AWARDS/REPORTS:**
25

26 **A. Presentation and request for approval of City's Revised Personnel Policies &**
27 **Procedures.**
28

29 Tom Acquaro stated since the City Commission Workshop on Monday, December 15, 2008 all the
30 City Commission's recommendations have been made and were provided to the Labor Attorney
31 Denise Heekin for review.
32

33 Commissioner Zischkau asked if there was a way to have the prohibition on possession of fire arms
34 on City property by employees comply with Chapter 790 and Mr. Acquaro replied the original
35 document mentioned "parking lots" and in Section 12.13, 1st paragraph, the language was changed to
36 "in City buildings". Commissioner Zischkau recommended changing Section 10.9, #23 to read "...in
37 City buildings.." instead of "...on or in City property.." and Mr. Acquaro replied the language in
38 Section 10.9 will be changed to read "...in City buildings or on City property unless authorized."
39

40 Commissioner Denizac asked for confirmation that all the City Commission's recommendations have
41 been put into place and Mr. Acquaro replied the recommendations were either adopted or adopted
42 and revised after legal review.
43

44 **Motion by Commissioner McFall-Conte, seconded by Commissioner Deyette that the revised**
45 **"Personnel Policies & Procedures" manual be adopted with the one change by Commissioner**
46 **Zischkau to change Section 10.9, #23 to read "...in City buildings or on City property unless**
47 **authorized." instead of "...on or in City property.." and put into effect on January 1, 2009.**

1
2 **Motion carried with members voting as follows: Commissioner Denizac, For; Commissioner**
3 **Deyette, For; Commissioner McFall-Conte, For; Commissioner Treusch, For; Commissioner**
4 **Zischkau, For; Vice Mayor Carmolingo, For; and Mayor Mulder, For.**

5
6 **B. Presentations – Quarterly Board Reports of City Advisory Boards/Committees:**
7

8 • **Affordable Housing Advisory Committee – Lori Serino**
9

10 Lori Serino stated the Committee has completed the Affordable Housing Advisory Committee
11 (AHAC) report, presented it to the City Commission and staff is working on the revisions to present
12 back to the City Commission for approval before it is sent to the State. Two (2) members resigned
13 from the AHAC, one (1) alternate member moved up to take a permanent position and one (1)
14 position will be advertised. Two (2) alternate members resigned from the AHAC. These positions
15 will be filled through advertisement of the vacant permanent positions in January, 2009. The
16 Committee met five (5) times in the last quarter and discussed a variety of topics.

17
18 • **Beautification Advisory Board - Al Manassa, Chair**
19

20 Al Manassa stated the Board has completed the beautification of Providence Blvd. and was
21 accomplished under the direction of Dave Denny and six (6) employees. On December 3rd the Board
22 members treated staff to lunch at the Chop Shop Restaurant to show the Board's appreciation. Future
23 projects include Spruce Up Deltona week, SpringFest, decorative street lighting, and the Arbor Day
24 Celebration. The Board has requested to meet with the City Commission once per quarter to keep the
25 lines of communication open between the Board and the City Commission. On January 23rd it will be
26 Bat House Day to include the installation of a bat house and educational material.

27
28 • **Economic Development Advisory Board – Nick Conte, Chair**
29

30 Nick Conte introduced new members of the Board. Two resolutions passed in August 2008 for High
31 Value Job Creation Incentive and the Façade Improvement Grant Program which have been reviewed
32 by the Legal Department. Through the Community Development Block Grant program there is a
33 total of \$60,000.00 available for the Façade Improvement Grant Program this fiscal year. Each
34 applicant may be eligible for up to a total of \$20,000.00 for improvements as specified by the
35 program. Tom Burbank gave a presentation to the Board regarding the Joint Planning Agreement
36 and zoning and future land use. The Board is currently reviewing the five (5) year Strategic
37 Economic Development Plan to discern which objectives have been completed; how to realistically
38 implement the remaining objectives during the current economic conditions and growing competition
39 for development opportunities.

40
41 • **Firefighters' Pension Plan, Board of Trustees - Lisa Spriggs**
42

431. Lisa Spriggs stated there were two (2) City Commission appointed and two (2) active plan
44 members appointed to the Board. The City received its 2007 Premium Tax distribution (PTD) in
45 the amount of \$359,537.90, plus a supplemental distribution of \$29,645.86 for a total of
46 \$389,183.76 which currently \$152,487 can be used annually to fund Plan benefits. The Board

1 approved bringing forward to the City Manager for City Consideration Plan amendments that
2 provide for enhanced benefit options at retirement to Plan members at no cost to the City. The
3 proposed amendments include adding a “Partial Lump Sum Benefit Option” and modifications to
4 the current “Deferred Retirement Option Plan”. The Board held three (3) meetings in November,
5 the Summary of Plan Provisions was distributed and reviewed, and the Annual Member Benefit
6 Statements were provided showing a snapshot of each member’s current status in the Plan. The
7 Board continues to do its due diligence in review of its investment strategy in conjunction with its
8 Investment Manager and 3rd Party Investment Advisor. The Plan Asset allocation strategy is 65%
9 Equities and 35% Fixed.

10
11 Commissioner Zischkau asked who the Board had to thank for the low 17.7% loss in the Plan and
12 Ms. Spriggs replied Principle Financial and The Bogdahn Group.

13
14 • **Parks & Recreation Advisory Committee – Larry French, Chair**

15
16 Larry French stated member’s terms expired on December 4th, 2008. Three (3) members were re-
17 appointed and four (4) new members appointed. At the December 8th Board meeting the outgoing
18 members greeted the incoming members and each Sub-Committee chairperson provided an update
19 on each of their group’s accomplishments and current projects. Members discussed the
20 importance of citizen’s feedback and volunteering for Parks & Recreation events. There are no
21 pending projects from this Board to carry over.

22
23 • **Youth Advisory Sub-Committee – Larry French**

24
25 Larry French stated the Youth Advisory Sub-Committee had only one meeting this quarter, in
26 October and meetings will resume in January 2009. Sergeant McDonnell from the Volusia
27 County Sheriff’s Department attended the October meeting and has been asked by the Sub-
28 Committee to attend a future meeting. The Sub-Committee had two (2) fundraisers in the summer
29 and has used the funds to order a bench for placement in one (1) of the City’s parks, through the
30 “Buy a Bench” Program. The committee is working on a membership drive to increase teen
31 involvement in the Sub-Committee. The Sub-Committee is working on its teen web page which
32 would inform Deltona’s youth about various happenings and events taking place within Deltona
33 that would be of particular interest to them.

34
35 Commissioner Zischkau stated the recommendations of the Youth Sub-Committee are rarely or never
36 implemented and he asked if the Sub-Committee had any information regarding the history of that
37 and Steve Moore replied “no”, but he would provide an update at a later date. Commissioner McFall-
38 Conte stated the Skate Park was brought before the original City Commission by the previous Youth
39 Sub-Committee and it worked feverishly to make sure it was built to the way kids would use it.

40
41 Commissioner Denizac suggested the City Commission join the Citizen Accessibility Advisory Sub-
42 Committee at the Abilities Fair on March 14th.

43
44 • **Senior Advisory Sub-Committee – Larry French**

45
46 Larry French stated the second adult dance was held on November 1st and plans have been put into

1 place for another dance on Valentine's Day, February 14, 2009. The Community Garden Project
2 is still ongoing. Mr. Al Manassa from the Beautification Board attended two (2) meetings to share
3 his expertise and offer many ideas as to how the garden could be planted and to tend to it
4 throughout the year. Members of the Sub-Committee each donated money to order a bench
5 through the "Buy a Bench" program to be installed along the Wes Crile rubberized walking trail.
6 These benches are being made by Pine Ridge High School wood shop students and installation is
7 expected in early February 2009. Plans for 2009 are to re-address and prioritize the Board's Goals
8 and Objectives.

9
10 • **Citizen Accessibility Advisory Sub-Committee – Larry French**

11
12 Larry French stated members continue to work on the 2nd Annual Ability Fair scheduled for
13 Saturday, March 14th in the Commission Chambers. To date there are 20 vendors signed up to
14 participate. A new member was added to the Sub-Committee in December whose background is
15 in computer access for the disabled. The Sub-Committee has purchased the first bench through
16 the "Adopt a Bench" program and it is scheduled to be installed along the Wes Crile Rubberized
17 Walking Trail in January. Members are working on a future project regarding wheelchair football
18 games tentatively to be held in the Wes Crile Gymnasium in July. Wheelchair football pits
19 wheelchair bound individuals against able bodied participants who must play in a wheelchair.

20
21 • **Planning & Zoning Board – Wesley Kihlmire**

22
23 Wesley Kihlmire stated the Board met twice in the last quarter and the items heard at the meeting
24 were regarding Conditional Use Training. There was one (1) project; a conditional use request was
25 brought before the Board in the fourth quarter which is a reflection of the economic down turn. On
26 November 19, 2008 the Board had training on the Introduction to the Osteen Joint Planning Area.

27
28 Commissioner Zischkau asked if staff had consulted with the Board regarding Agenda Item 8-A and
29 what the Planning & Zoning Board's responsibility would be and Mr. Kihlmire replied "no".

30
31 • **Scholarship Selection Committee – Patrice Murphy**

32
33 Patrice Murphy stated the Scholarship Program was renamed in memory of former Vice-Mayor
34 and City Commissioner to the William S. Harvey City of Deltona Scholarship Selection
35 Committee. Updates have been made to the application process, but the overall program has
36 remained viable and in concurrence with the direction of the Commission. The 2008-2009
37 Scholarship will be made available via the City's website, all local schools, and the regional
38 library on January 20, 2009. The application deadline is set for March 16th and the Committee
39 will meet on April 7th to review the applications received and rank the applicants. The selections
40 will be presented at a Regular Commission meeting for review and approval April 20th. The
41 Committee will have enough time to review and make recommendations to meet the area high
42 school award programs.

43
44 **6. PUBLIC FORUM – Citizen comments for items not on the agenda.**

45
46 a) Tony Venezia, 2120 Shadow Ridge Drive, spoke regarding business licenses, fines and asked the
47 Commission to help waive his fines.

1
2 **7. CONSENT AGENDA:**

3
4 ***A. Request for Approval to Award Purchase of Services to Connect Consulting for the**
5 **Rehabilitation of potable supply wells – Deltona Water.**

6
7 **Approved by Consent Agenda – to approve award to Connect Consulting, Inc. at a total cost**
8 **not to exceed \$250,000.00 in accordance with the City of Palm Coast Contract # RFP U-05-07.**
9

10 ***B. Request for Approval to Award Purchase from Duval Motor Company for three**
11 **vehicles – Public Works Fleet Division.**

12
13 **Approved by Consent Agenda – to approve award to Duval Motor Company at a total cost not**
14 **to exceed \$97,810.00 in accordance with the Florida Sheriff's & Florida Association of Counties**
15 **Contract #08-16-0908.**

16
17 **C. Request for Approval of State Housing Initiatives Partnership Program (SHIP)**
18 **Amendment to PY 2004-2006 Local Housing Assistance Plan.**

19
20 **Item was pulled from Agenda.**

21
22 **8. ORDINANCES AND PUBLIC HEARINGS:**

23
24 **A. Ordinance No. 42-2008, Providing for the creation of the Deltona Green Building**
25 **Program, for second and final reading.**

26
27 The public hearing was opened.

28
29 Greg Blosé, Government Affairs Director for the Home Builders Association, 3520 West
30 International Speedway Blvd. spoke for the Ordinance.

31
32 Commissioner Zischkau asked where the source of the draft Ordinance came from and Mr. Blosé
33 replied it was based off the Florida Building Commission's model.

34
35 Commissioner Zischkau stated the word "jurisdiction" is misused in the Ordinance and he asked
36 how one would know which part is voluntary and compulsory. Mr. Blosé replied State law
37 requires local government to build any new building green certified and for private sectors it is
38 voluntary. The Ordinance does not require anyone to do anything; it provides the standards and
39 the opportunity for State incentives.

40
41 Commissioner Zischkau asked why the Ordinance is needed and Mr. Blosé replied for two (2)
42 reasons, it provides leadership opportunity and to identify what the standards are.

43
44 Commissioner Zischkau asked if there are standards that have already been promulgated as
45 regulations under the Statute and Mr. Blosé replied the Florida Green Building Coalition
46 Standards, the Lead Standards of the United States Green Building Council, and there is language
47 in the State Statutes.

1
2 Mildred White, 2066 West Barlington Drive, spoke against the Ordinance.

3
4 The public hearing was closed.

5
6 **Motion by Commissioner McFall-Conte, seconded by Vice Mayor Carmolingo to adopt**
7 **Ordinance No. 42-2008, creating Chapter 18, Article III, Sections 66 through 84 creating the**
8 **Deltona Green Building Program at second and final reading.**

9
10 Commissioner Treusch asked if building green was voluntary by the builders and residents and Mr.
11 Butts replied “yes”.

12
13 Mr. Trovato read the title of Ordinance No. 42-2008.

14
15 **AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELTONA,**
16 **VOLUSIA COUNTY, FLORIDA, PROVIDING FOR THE CREATION OF THE**
17 **DELTONA GREEN BUILDING PROGRAM; CREATING CHAPTER 18, ARTICLE III,**
18 **SECTIONS 66 THROUGH 84; PROVIDING FOR A SHORT TITLE; PROVIDING FOR**
19 **DEFINITIONS; PROVIDING FOR THE PURPOSE AND INTENT; PROVIDING FOR**
20 **GOVERNMENT LEADERSHIP; PROVIDING DESIGNATION OF RESPONSIBLITIY**
21 **FOR ADMINISTRATION AND IMPLEMENTATION; PROVIDING FOR GREEN**
22 **BUILDING APPLICABILITY; PROVIDING FOR GREEN BUILDING STANDARDS;**
23 **PROVIDING FOR TIERED QUALIFICATION; PROVIDING FOR INCENTIVES;**
24 **PROVIDING FOR JURISDICTION PARTICIPATION; PROVIDING FOR EDUCATION**
25 **AND TRAINING; PROVIDING FOR INDEXING AND REPORTING; PROVIDING FOR**
26 **PROGRAM REVIEW; PROVIDING FOR CONFLICTS; PROVIDING FOR CONFLICTS**
27 **WITH COVENANTS AND DEED RESTRICTIONS; PROVIDING FOR SEVERABILITY;**
28 **AND PROVIDING FOR AN EFFECTIVE DATE.**

29
30 **Motion carried with members voting as follows:**

31
32 **Commissioner Denizac For**
33 **Commissioner Deyette For**
34 **Commissioner McFall-Conte For**
35 **Commissioner Treusch Against**
36 **Commissioner Zischkau Against**
37 **Vice Mayor Carmolingo For**
38 **Mayor Mulder For**

39
40 Ordinance No. 42-2008 was adopted at 7:33 p.m.

41
42 **B. Ordinance No. 22-2008, providing for the voluntary annexation into the City of**
43 **Deltona, Florida of 3.83 acres of property located at the southeast of State Road 415; for**
44 **second and final reading; Applicants Shabbir Ali F. Manji and Rizwan A. Manji; Address:**
45 **S. SR 415, Osteen, FL.**

46
47 The public hearing was opened and closed as there were no public comments.

1
2 **Motion by Commissioner McFall-Conte, seconded by Commissioner Denizac to approve**
3 **Ordinance No. 22-2008 at second and final reading.**

4
5 Mr. Trovato read the title of Ordinance No. 22-2008.

6
7 **AN ORDINANCE OF THE CITY OF DELTONA, FLORIDA, PURSUANT TO CHAPTER**
8 **171, FLORIDA STATUTES, ANNEXING INTO AND INCLUDING WITHIN THE**
9 **CORPORATE AREA AND LIMITS OF THE CITY THE PORTIONS AND AREAS OF**
10 **LAND SITUATED AND BEING IN VOLUSIA COUNTY, FLORIDA, BEING 3.83 ACRES**
11 **LOCATED EAST OF STATE ROAD 415, CONTIGUOUS TO THE CITY ON ITS EAST**
12 **PROPERTY LINE, AND BEING MORE PARTICULARLY DESCRIBED HEREIN;**
13 **REDEFINING THE CORPORATE LIMITS OF THE CITY OF DELTONA, FLORIDA,**
14 **TO INCLUDE SAID LAND IN THE CITY; PROVIDING FOR AMENDMENT OF THE**
15 **CITY MAP TO INCLUDE THE LAND ANNEXED HEREBY; PROVIDING FOR**
16 **CONFLICTS, SEVERABILITY, AND AN EFFECTIVE DATE.**

17
18 Commissioner Deyette asked what the benefit of annexing the property is to the City and Mr.
19 Bowley replied it is a voluntary annexation application that was submitted in 2005, solicited by
20 staff and put on hold until the Joint Planning Agreement was adopted by both the County and the
21 City. The agreement has gone through and the applicant is now asking to move forward with the
22 annexation.

23
24 Mayor Mulder stated there are no immediate or foreseeable infrastructure costs that the City may
25 incur, the City has agreed to the land use with the County, and there is no reason to decline the
26 application.

27
28 **Motion carried with members voting as follows:**

29
30 **Commissioner Denizac For**
31 **Commissioner Deyette Against**
32 **Commissioner McFall-Conte For**
33 **Commissioner Treusch Against**
34 **Commissioner Zischkau For**
35 **Vice Mayor Carmolingo For**
36 **Mayor Mulder For**

37
38 Ordinance No. 22-2008 was adopted at 7:40 p.m.

39
40 **C. Ordinance No. 02-2009, Amending Article IV, "Street Lighting" of Chapter 54,**
41 **"Special Assessments" by adding provisions providing for dissolution of street lighting**
42 **districts, for second and final reading.**

43
44 The public hearing was opened and closed as there were no public comments.

45
46 **Motion by Commissioner McFall-Conte, seconded by Vice Mayor Carmolingo approve**
47 **Ordinance No. 02-2009 at second and final reading for January 20, 2009.**

1
2 Mr. Trovato read the title of Ordinance No. 02-2009.

3
4 **AN ORDINANCE OF THE CITY OF DELTONA, FLORIDA, AMENDING ARTICLE IV,**
5 **“STREET LIGHTING”, OF CHAPTER 54, “SPECIAL ASSESSMENTS”; BY ADDING**
6 **PROVISIONS PROVIDING FOR DISSOLUTION OF STREET LIGHTING DISTRICTS;**
7 **PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY OF PROVISIONS;**
8 **PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.**

9
10 **Motion carried with members voting as follows: Commissioner Denizac, For; Commissioner**
11 **Deyette, For; Commissioner McFall-Conte, For; Commissioner Treusch, For; Commissioner**
12 **Zischkau, For; Vice Mayor Carmolingo, For; and Mayor Mulder, For.**

13
14 Ordinance No. 02-2009 was adopted at 7:41 p.m.

15
16 **D. Ordinance No. 03-2009, Amending Article V, “Garage Sales” to remove the**
17 **prohibition on flea markets being conducted within the City limits, for first reading.**

18
19 The public hearing was opened and closed as there were no public comments.

20
21 Commissioner Denizac stated there has been discussion regarding a Farmers Market but, she does
22 not recall a formal vote. She asked what would be the City’s participation, is Dupont Park the
23 selected site, is there any cost to the City, and would this Ordinance open the door for others to
24 hold Flea Markets in the City.

25
26 Mayor Mulder stated he had similar concerns which he discussed with the City Manager and City
27 Attorney. It is important to remove the language so as to not break policy and on second reading
28 he would support amending the article with the language that it only be defined “to be run by or
29 sponsored by the City”. He stated the Commission did not vote but, the Parks & Recreation
30 Department budgeted for it and in a workshop the Commission gave staff the direction to move
31 forward with it.

32
33 Commissioner Denizac stated it is too premature and there should be more discussion on the topic
34 to include if the funding for the City’s involvement was budgeted and what is the extent of the
35 City’s involvement. Mr. Moore replied on July 11, 2007 the Commission asked staff to take a
36 look at the issue. Staff’s intent is to provide the vendors with a 10x10 tent which the City already
37 has and several locations have been looked at with no cost to the City. This would be an
38 opportunity for the people to come together and an economic opportunity to provide something to
39 the community.

40
41 Commissioner Denizac asked how the vendors would be regulated and who is liable during the
42 event. Mr. Moore replied the City would have the opportunity to control the vendors and staff can
43 meet with the Legal Department to come up with policy for the City Commission to review.

44
45 Mayor Mulder stated staff needs to finish their plan of action but, there is no reason to stop the
46 changes and the Commission needs to sign off on the Farmers Market itself.

47

1 Commissioner McFall-Conte expressed her concern with the removal of the wording in Section
2 22-149 of the Ordinance.

3
4 **Motion by Commissioner Zischkau, seconded by Vice Mayor Carmolingo that the City**
5 **Commission approve the following resolution tonight be it resolved that staff should develop**
6 **a proposed revision to our land development code to allow flea markets as a retail use and**
7 **remove the blanket prohibition in Section 22-155.**

8
9 Commissioner McFall-Conte stated she would support a Farmers Market which consists of fruits,
10 vegetables and plants.

11
12 **Motion carried with members voting as follows:**

13		
14	Commissioner Denizac	Against
15	Commissioner Deyette	Against
16	Commissioner McFall-Conte	Against
17	Commissioner Treusch	Against
18	Commissioner Zischkau	For
19	Vice Mayor Carmolingo	For
20	Mayor Mulder	Against
21		

22 **Motion by Commissioner Denizac, seconded by Commissioner McFall-Conte to table Item 8-**
23 **D for further discussion.**

24
25 Mr. Trovato stated there are two (2) issues, the first is if the City wants to limit garage sales to no
26 more than two (2) a year which currently is not strictly enforced and the second is the reason for
27 the proposed removal of language is to address it where it should be addressed which is in the
28 Land Development Code. He stated if the Commission wants a more detailed plan the Parks &
29 Recreation Director and Planning and Development Director can work together to come up with a
30 document that would be reviewed by the Legal Department and brought back to the City
31 Commission.

32
33 **Motion carried with members voting as follows: Commissioner Denizac, For; Commissioner**
34 **Deyette, For; Commissioner McFall-Conte, For; Commissioner Treusch, For; Commissioner**
35 **Zischkau, For; Vice Mayor Carmolingo, For; and Mayor Mulder, For.**

36
37 Ordinance No. 03-2009 was tabled at 7:55 p.m.

38
39 **9. OLD BUSINESS:**

40
41 **10. NEW BUSINESS:**

42
43 **A. Discussion re: scheduling of City Commission workshop meetings (Commissioner**
44 **McFall-Conte).**

45
46 Commissioner McFall-Conte stated the workshop agendas have started to get long and the
47 Commission has barely 20 minutes to eat between meetings. Providing the Commission and staff

1 dinner once or twice a month costs money and as governments and businesses are scrapping to
2 make payroll and cutting vital programs the City is feeding the Commission and staff when the
3 workshops could be scheduled on other days. She stated she liked Commissioner Denizac's
4 suggested of the Commissioners placing money in a pot for dinner but, did not expect staff to do
5 the same. She stated she wakes up at 5:00 a.m., she has faculty meetings till 3:30 p.m., if there is
6 a workshop at 4:00 p.m. and a Regular City Commission meeting at 6:30 p.m. which does not end
7 till 9 or 10:00 p.m. she is not home until around 11:00 p.m. She stated she eats her lunch at school
8 in less than 30 minutes so she has time to use the restroom and she is tired of scarfing down lunch
9 and dinner in 20 minutes.

10
11 **Motion by Commissioner McFall-Conte, seconded by Commissioner Denizac for discussion**
12 **that Commission Workshops are not to be scheduled on Commission meeting dates but on**
13 **any other day there is not a Commission meeting.**

14
15 Mayor Mulder stated he does not feel the Commission workshops are productive anymore and he
16 would prefer not to have workshops at all. He suggested in the interest of time to place workshop
17 topics as regular agenda items.

18
19 Commissioner Denizac stated she felt having workshops is productive and it is an informal setting
20 to learn about items that are going to be discussed at the Regular City Commission Meeting. One
21 of the things that affect the process is City Commissioners not being prepared. She proposed
22 having workshops on the first Tuesday of the month.

23
24 Vice Mayor Carmolingo stated the Commission will sit through a workshop to discuss all the
25 items and everyone is happy with all the items but, when the Commission comes into the Regular
26 City Commission meeting all of a sudden there are problems. He stated he does not see going to a
27 workshop for two (2) or two (2) and a half hours and at the next Regular City Commission
28 meeting everything is hashed out all over again.

29
30 Commissioner Treusch stated staff has to stay for the Regular City Commission meetings and to
31 bring them out again the following Monday for a workshop does not make sense to him. He stated
32 if there is going to be workshops he just assume wrap it up at one time and have them on the day
33 of the Regular City Commission meeting.

34
35 Commissioner Denizac stated if the City Commission does not have workshops to expect to be at
36 the Regular City Commission meeting till 2:00 or 3:00 a.m. because she will keep asking
37 questions until she has an answer. She suggested that staff bring thorough, complete, precise
38 information because if she is the one being asked to make the final vote she better have the tools
39 she needs at hand. She stated some of the voters spoke loud and clear when they said yes to add
40 more duties to the City Manager who could maybe represent the City Commission at other
41 meetings if some Commissioners are overwhelmed and need to prioritize.

42
43 Commissioner Deyette stated she preferred to minimize the workshops or have them on an in
44 between Monday or she could support not having workshops at all.

45
46 Commissioner Zischkau stated the City Commission has to look at the purpose of workshops and
47 not expect too much from them. They are not a place for debate and voting but to provide

1 education in the sunshine to the Commission and the public. The Commission having one on one
2 meetings and being educated by the consultants is good for the individual Commissioner but, it
3 does not do the public any good. The workshop brings that education into the sunshine so the
4 citizens understand what the Commission thinks it understands and the public gets a chance to
5 comment on the items at the Regular City Commission meetings. It also insures that the
6 Commissioners hear all that is said to the other Commissioners.

7
8 Mayor Mulder stated all too often since January, 2007 the Commission would give direction and
9 staff would bring the policy forward for first reading, then it would get mutilated when it got to the
10 Commission floor in that it was nothing like what was intended in the workshop.

11
12 **The Commission concurred to conduct workshops on the second Tuesday of each month at**
13 **4:30 p.m. provided there are topics.**

14
15 **Motion carried with members voting as follows: Commissioner Denizac, For; Commissioner**
16 **Deyette, For; Commissioner McFall-Conte, For; Commissioner Treusch, For; Commissioner**
17 **Zischkau, For; Vice Mayor Carmolingo, For; and Mayor Mulder, For.**

18
19 **B. Discussion re: Advisory Board reporting methods**

20
21 Mayor Mulder stated the Commission has a policy to meet with the Advisory Boards if a meeting
22 is requested. He stated it is his opinion that there should not be oral reports every quarter any
23 more but, just in writing.

24
25 Commissioner McFall-Conte suggested splitting up the quarterly reports between two City
26 Commission meetings.

27
28 Vice Mayor Carmolingo stated the oral reports are a way to recognize the Board's work and he
29 supports splitting the reports up.

30
31 Commissioner Denizac stated she would be satisfied with a written report every quarter.

32
33 Commissioner Treusch stated he agreed with Commissioner McFall-Conte to split the reports up.

34
35 **The Commission concurred to split up the Quarterly Board Repots of City Advisory**
36 **Boards/Committees into two meetings.**

37
38 **11. CITY COMMISSION COMMENTS:**

39
40 a) Commissioner Zischkau stated when Mr. Venezia spoke regarding the tax on people who rent
41 commercial and residential properties pointed out a problem where Deltona is taxing something it
42 should not tax. When a business is run it produces active income that is classified as such by the
43 Internal Revenue Service. When someone is the landlord of a building it is called passive income
44 and taxed differently. For some reason the City is requiring owners of buildings and homes that
45 rent them out to pay a business tax and to get a certificate of registration as having a business. He
46 stated he thinks the solution to the problem is to re-examine the entire proposition that the City
47 should be taxing people who rent a house which is not a business and he does not think it should

1 be taxed the same way the City taxes a business. He proposed to place on an agenda for the next
2 Regular City Commission Meeting to consider repeal of whatever written regulation requires
3 people to receive a business license when renting a commercial or residential property.
4

5 b) Commissioner Zischkau suggested before spending on major capital projects to get back the 10%
6 of the deputies that were cut out of the budget when it was approved. He stated he thinks the City
7 notices the difference between having 80 uniformed deputies available and having only 72
8 deputies. He stated with the year end budgetary process passed the Commission ought to think
9 about revisiting the issue, giving it first priority, and he recommended bringing it back to the City
10 Commission for reconsideration.
11

12 c) Commissioner Deyette thanked the Board/Committee members for providing the Quarterly Board
13 Reports.
14

15 d) Commissioner Deyette reminded everyone of her Town Hall Meeting to take place Tuesday,
16 January 27th at 7:00 p.m. with Captain Brannon as the guest speaker.
17

18 e) Commissioner Treusch stated the comments made by Commissioner Zischkau regarding the
19 sunshine in the workshop made good sense and he will be in attendance at the workshops.
20

21 f) Commissioner Denizac stated she is concerned regarding the business licenses and she asked the
22 Commission to send a message to staff that the procedures be looked at and that no fining will
23 continue until the procedures are looked at.
24

25 **Motion by Commissioner Denizac to have staff look at the procedures and that no fining**
26 **will continue until the Ordinance is looked at.**
27

28 Mayor Mulder asked staff to bring to the Commission the amount of revenue, the amount of staff,
29 a balance sheet of what it would cost to run the department and what revenue is being brought in.
30

31 **Commissioner Denizac withdrew her motion.**
32

33 g) Commissioner Denizac suggested stopping the Sidewalk Fund if the money is not going to be
34 used to improve sidewalks. She stated she does not think the City should be asking builders and
35 developers for sidewalk money and then the money is placed in the General Fund to fund other
36 things. She asked the Commission to send the message to staff to research the Sidewalk Fund.
37 There is a lot of passionate work to be done in the City, everything has been put on hold and if
38 staff is not patching up sidewalks then people should not be billed for that.
39

40 h) Commissioner Denizac stated all taping or recording of Advisory Boards needs to stop because
41 she does not see the purpose for it unless it is something that educates the public like an
42 Information Session.
43

44 i) Commissioner Denizac stated the Commission should not take lightly the recommendations of
45 the Advisory Boards. She suggested whatever recommendations come before the Commission
46 should be researched. There is a recommendation coming from an Advisory Board that she does
47 not feel comfortable with because there could be liabilities involved and she will speak with the
48 City Manager regarding her concerns. She stated just because something is brought before the

1 Commission it should not be given the green light automatically but, the Commission ought to do
2 its own research because it is the City sponsoring the events.
3

4 j) Commissioner McFall-Conte stated the area has two (2) Chamber of Commerce which many
5 businesses will become members to either one or both of them. She stated the sign on Saxon
6 Blvd. is advertising the meet and greet for the new Deltona Chamber. She suggested in fairness
7 that the City advertise for both the Chambers because she does not want it to appear the City is
8 not impartial.
9

10 k) Commissioner McFall-Conte stated the County Chairman has lunches with the Mayors and at
11 the last one she heard that the County is dropping their Legislative Platform for the year and
12 getting behind the school system uniting as one County. She thought each City was going to
13 consider dropping their Legislative Platform.
14

15 Mayor Mulder stated he talked to the City Manager regarding the issue and he does not have
16 any objective to it.
17

18 Commissioner McFall-Conte stated she and Commissioner Denizac are living with what is
19 going on in the school system every day. She stated she would not mind dropping the City's
20 Legislative Platform because it is not going to go anywhere and how are businesses going to
21 come in if schools are not properly funded by the State. She stated she can envision Volusia
22 County uniting as one government which would make more of an impact on the State.
23

24 Mayor Mulder asked staff to write up a Resolution for the next agenda.
25

26 l) Vice Mayor Carmolingo stated the reason the Commission Okayed the rental Ordinance was
27 because the City was having problems controlling the rental properties and the City required
28 them to register in order to cover the cost of keeping them on file. The reason was to protect
29 the residents of Deltona because when Code Enforcement could not figure out who rented out
30 the property staff would have to go to the County to look it up and it could take two (2) to
31 three (3) weeks before the grass could even be cut. It was a problem for the City and was not
32 done to hurt anyone but, to improve the quality of life for the residents that lived around the
33 rental properties. He stated from what he heard the Fire Marshal receives the report the
34 property is a business, it is inspected and it is reported to the City as a business. If the person
35 did not know they should have registered then maybe the City should help out with the fine
36 but, if the fine was ignored the fine should stay in effect.
37

38 m) Vice Mayor Carmolingo stated a resident requested he emphasize that the Fire Department has
39 issued a burn ban in the City and would like the residents to be reminded of it.
40

41 n) Vice Mayor Carmolingo stated there is a problem with the St. Johns Water Management
42 District (SJWMD) and Water Authority of Volusia (WAV). He stated the SJWMD wants to
43 include the use of reclaimed water as a consumptive use subject to regulation.
44

45 Dave Denny stated when SJWMD was proposing the new irrigation policy it included
46 reclaimed water. All the Utilities in the district were opposed to that because the City has
47 reused water available everyday and no way to store it unless the City builds storage facilities.

1 Staff met with the district and wrote letters opposing it and the regulations of the reclaimed
2 water was dropped from the policy. The SJWMD has rethought their decision and wants to
3 bring it back to their governing board to change it so they can regulate it. Mr. Denny stated he
4 is going to discuss it at the WAV Tech meeting on Friday. He stated he talked to the St. Johns
5 Representative Herky Huffman who will gather some information and get back with him.
6 What it means for the City of Deltona is it would have to build storage facilities to store the
7 reclaimed water on the days the City would not be allowed to use it for irrigation purposes. A
8 million gallon storage tank to handle this is between \$800,000 and \$1 million per tank. A lot
9 of the regulation state the reclaimed water must be stored for 3-5 days and for Deltona it would
10 be approximately a million gallons a day.

11
12 Vice Mayor Carmolingo asked for permission to write letters to the State Representatives and
13 Senators opposing this decision and the Commission agreed.

14
15 o) Vice Mayor Carmolingo stated what the State is doing to the schools is horrendous and every
16 individual has to be well rounded to be able to go out into the world. He stated as a City
17 Deltona needs to do everything it can and get behind the board of education.

18
19 p) Mayor Mulder stated he is glad to hear about Commissioner Deyette's town hall meeting
20 coming up.

21
22 q) Mayor Mulder expressed his appreciation to Captain Brannon for making some suggested
23 changes to the City Manager regarding how the City could use officers more effectively and
24 not have the effect of loosing officers. He stated the changes equal a wash now which they did
25 not before and he thanked Captain Brannon for his leadership. He stated since the election the
26 Sheriff and he have sat down and have come to a good understanding of the leadership he has
27 always wanted to see. He stated he is excited that for the first time the City and the Sheriff's
28 Department are moving in same direction.

29
30 r) Mayor Mulder stated he had a discussion with the Finance Department regarding long range
31 planning. The City's tax rate is still the lowest in the County and the water rates are still
32 cheaper than other cities. He stated he is proud of the rates the City has been able to maintain,
33 there have been some adjustments, and the City is doing well financially. He stated his goal
34 going into this year financially for the City is that it comes to a point where people realize
35 what they are paying for. He stated he had a focus group discussion with a small group of
36 people from District #2 in the middle of December to discuss their tax bills. The focus group
37 ended up looking at the line items of the tax assessment and nobody was dissatisfied once they
38 found out where the money was being spent. The group felt it was fair and they had some
39 control over it. Nobody said they felt over taxed but, what they said was they do not like
40 general fund taxing like "x" amount of dollars going into a general fund pot that is split up into
41 different projects. The biggest line item on the bill was the School Board Tax which the group
42 was okay with because they knew what they were paying for. He stated he is having some
43 early discussion with staff on how to streamline processes, cutting back budgets, eliminating
44 waste and how staff can help to identify where people's money is going. He stated two things
45 came out of the focus group, one was where the money was going and two they wanted to
46 know they had some control over how much it was.

1 **12. CITY ATTORNEY COMMENTS:**
2

3 Mr. Trovato stated the reason he requested an Executive Session was because the decision from
4 the appeal that started two (2) years ago regarding the appointment of defense council for the
5 sexual offenders under the old Ordinance was handed down saying the City had to pay. He stated
6 he then requested an Executive Session to find out whether the Commission wanted him to go to
7 trial or drop the case. He stated he then proceeded to be proactive and prepared for trial. While
8 preparing for trial he discovered there was a discrepancy as to when the person was actually
9 convicted. He stated the record indicated the gentleman was convicted in 1997 and as he looked
10 into the case he contacted FDLE who then stated the gentleman was convicted in 1987 therefore
11 the gentleman did not meet the criteria of the City's Ordinance to be charged with the violation.
12 He stated three (3) days later he went to court under the new Ordinance to prosecute two (2)
13 potential violators of the Ordinance and the judge wanted to appoint an attorney to the defendants.
14 He stated he is going to appeal the judge's decision once the order is received.

15
16 Commissioner Zischkau asked if the judge is appointing attorneys because they are indigent and
17 Mr. Trovato replied "yes".
18

19 Mayor Mulder asked if it was because of incarceration issues and Mr. Trovato replied "no", he
20 asked the judge to sign an order recognizing incarceration is not an option and that paperwork was
21 mailed for the judge's signature.
22

23 **13. CITY MANAGER COMMENTS:**
24

25 Ms. Miller asked to clarify that workshops would take place on the second Tuesday of the month
26 provided there were topics at 4:30 p.m. and she asked if the Commission wanted to change the
27 workshop scheduled for February 2nd to February 10th, the Commission concurred.
28

29 Ms. Miller stated regarding how sidewalk funds were used, if the Commission recalls the last few
30 year the City budgeted \$640,000 per year to place new sidewalks and that funding was not
31 provided in this year's budget. The money taken for new residential construction is very low and
32 has always been supplemented by the General Fund to add new sidewalks. There is money to
33 repair sidewalks if there is a damaged sidewalk and there is an estimated \$20,000 in the Sidewalk
34 Fund.
35

36 **14. ADJOURNMENT:**
37

38 There being no further business, the meeting adjourned at 9:00 p.m.
39

40 Approved this _____ day of _____, 2009.
41
42
43

44 **ATTEST:**
45
46

Dennis Mulder, MAYOR

Joyce Kent, DEPUTY CITY CLERK
47