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**CITY OF DELTONA, FLORIDA
CHARTER REVIEW COMMITTEE MEETING
WEDNESDAY, AUGUST 21, 2013**

A Regular Meeting of the Deltona Charter Review Committee was held on Wednesday, August 21, 2013 at the 2nd Floor Conference Room, 2345 Providence Boulevard, Deltona, Florida.

1. CALL TO ORDER:

The meeting was called to order at 6:00 p.m. by Chairperson Jean Armstrong.

2. ROLL CALL:

Chairperson	Jean Armstrong	Present
Vice Chairperson	Michael Kiepert	Present
Committee Voting Member	Michael Kerns	Present (6:17 p.m.)
Committee Voting Member	Paula Rossiter	Present
Committee Voting Member	Beverly Spitz	Present
Facilitator	Wade Vose	Present

Also present was David Dapore, Alternate.

3. APPROVAL OF MINUTES:

A. Organizational Meeting – August 1, 2013

Motion by Mr. Michael Kiepert, seconded by Ms. Beverly Spitz, to approve the minutes of the August 1, 2013 meeting.

Motion carried with members voting unanimously.

Chairperson Jean Armstrong openly thanked Atty. Vose for sending out the questions and the proposed changes on the ballots, one of which was removing all of the metes and bounds and putting them over to the City Clerk to maintain, and the other one had to do with removing items in the charter that had already passed and they were procedural things.

Discussion ensued as to what procedure/process the Committee should follow in order to approve the questions that would appear on the ballot.

Question arose as to whether the questions should be reviewed, combined and approved as a single question/issue or as separate questions/issues.

Atty. Vose stated that when he's presenting the proposed questions to the Committee he will draft each separate issue as it was a separate question and then the Committee can do rewording at the end.

47 He also suggested that at this point the Committee approve the language of the ballot questions with
48 the understanding that as the Committee is finishing up their work, near the end, they may revisit to
49 do some scrivener's changes to combine things and put them together.

50
51 Atty. Vose recommended that the Committee needed to take in, approve Question 1 first and then
52 move on and approve Question 2.

53
54 Mrs. Spitz asked about the procedure the Committee would follow regarding comments from the
55 public and Atty. Vose stated that the process would be what was basically outlined in the minutes.

56
57 **4. GENERAL DISCUSSION:**

58
59 The Committee discussed the following issues:

60
61 **A. QUESTION #1 - SHALL THE DELTONA CITY CHARTER BE AMENDED TO REMOVE**
62 **PROVISIONS RELATING TO THE INITIAL CORPORATION OF THE CITY AND**
63 **TRANSITION SCHEDULES AND REQUIREMENTS, ALL OF WHICH HAVE SINCE**
64 **OCCURRED**

65
66 Atty. Vose pointed out that on this question the Committee would be focusing in particular on
67 Sections 10, 13, 14 & 15 of the Deltona Charter. The goal was generally the sentiment of the
68 Committee to go ahead and eliminate those portions that don't have any ongoing legal
69 significance or things that have already happened and have become transitional elements.

70
71 Mrs. Spitz stated that this also seemed to be the general consensus of the City Commission as
72 well.

73
74 Atty. Vose stated that when the Committee is going through the process of cleaning up 95% of it
75 in an abundance of caution the Committee might hold on to some reference parts just to make
76 sure that we don't impair any rights down the road for the City. And that in particular has to do
77 with rights with regards to passing from what had been the Deltona Fire District in Section 10
78 and then, down in Section 13 issues regarding particular state statutes and shared revenues and
79 gas revenues. Even though that's still in the past however we don't want any confusion
80 particularly with regard to bond issues – that there's any imposition in legal occurrences that
81 happened in the past. He stated that this was just legal caution more than anything.

82
83 Mrs. Spitz asked how any of what the Committee was discussing have to do with enclaves that
84 still exist within the City of Deltona.

85
86 Atty. Vose stated that with regards to Question 1 nothing affected the enclaves, one way or the
87 other.

88
89 After discussion, the Committee decided to take a vote as to the verbiage for Question 1.

90 **Motion by Michael Kiepert, seconded by Paula Rossiter, to approve the verbiage to**
91 **Question 1. Motion carried unanimously.**
92

93 **B. QUESTION #2 – SHALL THE DELTONA CITY CHARTER BE AMENDED TO DELETE**
94 **THE VOLUMINOUS LEGAL DESCRIPTIONS OF THE ORIGINAL CORPORATE**
95 **BOUNDARIES OF THE CITY AND ITS DISTRICTS (WITH NO SUBSTANTIVE CHANGE IN**
96 **THE BOUNDARIES CURRENTLY IN EFFECT PURSUANT TO LAW), AND TO PRESCRIBE**
97 **THAT A DESCRIPTION OF THE CITY’S CORPORATE BOUNDARIES AND ITS DISTRICTS**
98 **BE KEPT ON FILE IN THE CITY CLERK’S OFFICE AND MADE AVAILABLE TO THE**
99 **PUBLIC**

100
101 Atty. Vose pointed out that in this question particular language has been put in to make it very
102 clear that in removing the language that’s in the Charter it is in no way changing the corporate
103 boundaries of the City whatsoever. So, there’s no subsequent effect to the boundaries at all. If
104 there’s an enclave and there’s a problem with enclaves then it’s a problem, but it’s not a problem
105 being addressed by this section.
106

107 He explained that this provision was addressing the issue also discussed of eliminating the
108 voluminous exposition of legal descriptions of the corporate boundaries and the district
109 boundaries.
110

111 He further explained that the boundaries as they exist in the Charter, as they read in the Charter,
112 are inaccurate because they are the original boundaries prior to any annexations or anything like
113 that. So they sit there serving no legal purpose whatsoever and taking up many pages of the
114 Charter.
115

116 Atty. Vose state that he added a new provision where the city boundaries read and went on pages
117 and pages of metes and bounds and legal descriptions, simply providing that with the day this
118 was passed the boundaries are not changing at all as a result of this. That it is going to remain
119 exactly the same as it had been the minute before it was passed, but that they can continue to
120 amend it pursuant to general Florida law, providing this is just a continuity but making it clear
121 that the City Clerk’s office maintain a record that is available to the public of what the
122 boundaries are.
123

124 The Committee discussed the use of the word “voluminous.”
125

126 After discussion, the Committee decided to change the word “voluminous” to “lengthy.”

127 **Motion by Michael Kiepert, seconded by Beverly Spitz, to approve Question 2 as presented,**
128 **with the changing of the word “voluminous” to “lengthy” in both the title as well as the**
129 **question. Motion carried unanimously.**

130 Mr. Kiepert handed out a printout from the National League of Cities that outlined the five (5)
131 different types of government.

132 **C. FORMS OF MUNICIPAL GOVERNMENT**

133
134 The Committee discussed the city's form of government.

135
136 The Committee first discussed the Council - City Manager form of government.

137
138 Some of the committee members expressed their opinion as to why they would like the form of
139 government the city has now changed. Some committee members feel that, at the present time,
140 there really isn't any accountability to the citizens or to the boards on the part of the City. They
141 feel that with the Council - City Manager form of government the City Manager is not
142 accountable to any of us, in any shape or form. He answers to the seven (7) commissioners.

143
144 The Committee discussed the Mayor - Council form of government.

145
146 **Motion by Beverly Spitz, seconded by Michael Kiepert, that we leave our form of**
147 **government as it is.**

148
149 Mr. Jerry Rogue, a resident, stated that he's lived in this town for ten (10) years. He used to be
150 the President of Arbor Ridge Community for three (3) years and he was also involved in local
151 politics when he lived in another state. He was the chair of their multi community school board
152 and stated that they had a superintendent that had to answer to four (4) different school boards
153 for four (4) different towns. That they went through superintendents like you wouldn't believe
154 it. He stated that he sees the same problem here in Deltona. We have a City Manager who is
155 going to try and please seven (7) City Commissioners and it's an impossible task. He stated that
156 he thinks some of the stagnation that has been seen in this town with development not moving
157 forward is because Deltona hasn't had real leadership. He mentioned the fact that he doesn't get
158 to vote for his City Manager and pointed out when he knows in the last ten (10) years the City
159 has shelled over a million dollars in severance packages, because people leave because of
160 personality conflicts, etc. He said it's very frustrating and Deltona needs someone who is a
161 visionary. He mentioned that Deltona needs to elect somebody that has great leadership abilities
162 and brings the group together to move our government and our city forward, not just to sit there.
163 He said he gets very frustrated when he looks at our surrounding communities and reads every
164 day in the newspaper that other communities are moving forward and are growing. All Deltona
165 has are the construction of dollar stores. That there are great things that can happen if we had the
166 leadership the city needs in order to move forward. He stated that the form of government
167 should be a voter's decision and he is in favor of the Mayor-Council form of government.

168
169 **After discussion, Beverly Spitz rescinded her motion that was seconded. Michael Kiepert**
170 **rescinded his second.**

171
172 The Committee continued their discussion of the Mayor - Council form of government.

173

174 Mr. Kiepert asked Atty. Vose what other options were available, in the charter process, as far as
175 language that the Committee could put into their current form concerning the Council - City
176 Manager form of government.

177
178 Atty. Vose stated that the options were infinite.

179
180 The Committee continued their discussion of the two (2) forms of government.

181
182 The Committee discussed the verbiage of the Charter where it reads that the Mayor was a figure
183 head.

184
185 After discussion, the Committee agreed that perhaps it was the verbiage of the duties of the
186 Mayor that they should address rather than try to restructure it.

187
188 Atty. Vose stated that he didn't want the Committee to feel compelled that each time a subject
189 comes up they must fully deal with it and dispose of it in a single meeting. He pointed out that
190 some of these issues are very important issues that will expand in additional discussions of an
191 exposition of positions and views and then going away thinking about it, articulating in some of
192 these, and then coming back with specific proposals.

193
194 One of the committee members asked if they could invite one of the professors from Stetson
195 University to come and speak to them about the issue of forms of government.

196
197 Atty. Vose stated that the Committee can invite anyone to come and speak on the matter.

198
199 Atty. Vose also stated that he wanted to fully enable everyone on the Charter Review Committee
200 to as many resources as possible. That if they were not already familiar with it he was going to
201 introduce them to a website and if they had the time and interest it could be a useful resource for
202 all members. He told them that website was municode.com. He pointed out that on
203 municode.com committee members would find the City Charter and city ordinances for basically
204 every city in the State of Florida. He mentioned the cities of Orlando, Bunnell and DeBary
205 stating that they are some of the best resources to crib ideas since they have worked through this
206 process before and done a lot of heavy lifting. That if any of the members had any particular
207 thoughts, additional paragraphs to add, or restrictions to put on, or what have you, municode.com
208 was a great place to prospect for ideas.

209
210 Atty. Vose offered the thought that the processing in coming to an ultimate decision in big issues
211 like this can be similar to a funnel – it gets narrowed down every time. If we come to the issue
212 that it may be decided among the committee that it warrants further discussion and folks are
213 going to go off in preparation for the next meeting and come back to the next meeting to present
214 specific proposals of particular thoughts, that may be now or it could go anyway you want. He
215 pointed out that the committee members should not feel bound that they must dispose of this
216 issue today and be done.

217

218 After discussion, Ms. Armstrong stated that she wanted to table this topic.
219 The Committee agreed.

220

221 **D. DISCUSSION REGARDING RECOMMENDATIONS RECEIVED FROM VARIOUS**
222 **COMMISSIONERS**

223

224 **COMMISSIONER CHRIS NABICHT:**

225

- 226 • *Section 7, Charter Officers – Subsection (1)(d) – Filling of vacancies –*
227 *Commissioner Nabicht is requesting that the Committee more clearly define what*
228 *must be done to begin the process of filling the vacancy*

229

230 The Committee discussed the fact of whether this was a policy and procedure issue as opposed to
231 a charter revision issue.

232

233 Atty. Vose stated that he would go ahead and seek a little bit of clarification from Commissioner
234 Nabicht as to what he was requesting be done by the Committee and then report back to the
235 Committee.

236

237 After more discussion, the Committee concurred that getting some clarification from
238 Commissioner Nabicht, regarding this issue, was a very good idea.

239

- 240 • *Section 5, City Commission – Subsection (6)(a) Compensation and Expenses -*
241 *Commissioner Nabicht is requesting that the Committee review compensation,*
242 *consider providing medical coverage, and participating in the FRS for elected*
243 *officials*

244

245 The Committee concurred that this is not a career opportunity that the first and second
246 commission worked “gratis” until it was reviewed and then they were only allowed to seek
247 reimbursement for only their expenses.

248

249 They also agreed that compensation is not something that the Committee needs to address either.
250 They pointed out that there are no numbers about compensation in the City’s Charter and there’s
251 certainly nothing in the Charter regarding medical coverage for elected officials.

252

253 The Committee agreed on the fact that since this is not a full time job, since most of our elected
254 officials are either retired or already have full time jobs, that they should not be looking for
255 insurance from the city.

256

257 Discussion continued.

258

259 The Committee concurred that if the elected officials decide to participate in the City’s medical
260 coverage and FRS they can do so as long as they pay for it, and not the City.

261

262 The Committee is also of the opinion that they don't see the voters checking the box saying that
263 the elected officials should be given some more money.

264

265 **COMMISSIONER NANCY SCHLEICHER:**

266

267 The Committee concurred that Commissioner Schleicher's six (6) Charter review comments
268 were quick, concise and clear.

269

270 **E. REMOVING TERM LIMITS**

271

272 The Committee agreed that they did not want to address the issue of removing term limits at this
273 time.

274

275 **F. RESIDENCY REQUIREMENTS FOR THE CITY MANAGER**

276

277 The Committee discussed the issue of the residency requirements for the City Manager.

278

279 After discussion, some of the Committee members didn't think that there was a need that the
280 City Manager had to live in the city, as long as he did his job. Other Committee members stated
281 that they liked the idea of having the person that is running the city live in the city.

282

283 Some Committee members felt that the person's credentials, no matter where they came from,
284 also played an important part of the selection process – it was not just residency but their
285 qualifications as well.

286

287 Some Committee members felt that by changing the residency requirements you would not be
288 encouraging the right candidate to apply for the position. That if somebody is doing their job
289 where they live shouldn't make a difference.

290

291 **G. RESIDENCY REQUIREMENTS FOR CITY ATTORNEY**

292

293 After discussion, the Committee concurred that the residency requirements for the City Attorney
294 should be removed from the City Charter.

295

296 **Motion by Michael Kerns, seconded by Michael Kiepert, to remove the residency**
297 **requirements for both the City Manager and the City Attorney.**

298 Mr. Jerry Rogue, a resident, spoke on this issue. He stated that he found this whole conversation
299 about residency requirements very interesting. He also stated that he agreed with Michael Kerns
300 on the issues that the residency requirements for both the City Manager and City Attorney should
301 be removed. He pointed out that this is what happens when we take our political process and the
302 management of our governments and we abdicate it and we contract stuff out, by virtue of the
303 City Manager or whatever. That we've taken that responsibility away from people that we've

304 elected. He stated that if you hire professionals because they come with certain qualifications
305 that are required to manage and run this city, and if you want to get the best people, then they do
306 not need to live in the city. However, if they are elected officials they absolutely need to live in
307 the city where they're being elected.

308 There being no further discussion on the issue the chairperson called for a vote.

309 **Motion failed with members voting as follows: Michael Kiepert, Against; Michael Kerns,**
310 **For; Beverly Spitz, Against; Jean Armstrong, Against; and Paula Rossiter, For.**

311 **Motion by Michael Kiepert, seconded by Beverly Spitz, to remove the City Attorney's**
312 **residency requirements from the Charter.**

313 **Motion carried with members voting as follows: Michael Kiepert, For; Michael Kerns,**
314 **Against; Beverly Spitz, For; Jean Armstrong, For; and Paula Rossiter, Against.**

315 **5. MEETING SCHEDULE:**

316

317 After discussion, the Committee agreed that the next meeting will be held on Thursday,
318 September 19, 2013 at 6:00 p.m. on the 2nd Floor Conference Room.

319

320 The Committee agreed that for the next meeting, and for agenda purposes, they would revisit the
321 discussion of forms of government, duties and responsibilities.

322 **6. ADJOURNMENT:**

323

324 **Motion by Michael Kiepert, seconded by Beverly Spitz, to adjourn the meeting.**

325

326 There being no further business, the meeting adjourned at 7:50 p.m.

327

328 Approved this _____ day of September, 2013.

329

330

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334

335

ATTEST:

336

337

338 _____
339 **Gladys N. Merced, Legal Assistant**
340 **Recording Secretary**

Jean Armstrong, Chair
Charter Review Committee