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**CITY OF DELTONA, FLORIDA
CHARTER REVIEW COMMITTEE MEETING
THURSDAY, SEPTEMBER 19, 2013**

A Regular Meeting of the Deltona Charter Review Committee was held on Thursday, September 19, 2013 at the 2nd Floor Conference Room, 2345 Providence Boulevard, Deltona, Florida.

1. CALL TO ORDER:

The meeting was called to order at 6:01 p.m. by Chairperson Jean Armstrong.

2. ROLL CALL:

Chairperson	Jean Armstrong	Present
Vice Chairperson	Michael Kiepert	Present
Committee Voting Member	Michael Kerns	Absent
Committee Voting Member	Paula Rossiter	Present
Committee Voting Member	Beverly Spitz	Excused
Facilitator	Wade Vose	Present

Also present were David Dapore and Carolyn Carbonell, Alternates.

3. APPROVAL OF MINUTES AND AGENDA:

Mr. Michael Kiepert pointed out that there was only one (1) person in the audience present at the last meeting and the minutes seemed to reflect that there were two (2) people present. Atty. Vose stated that the issue had already been revised.

Mr. Kiepert also pointed out a correction to be made on Page 4, line 149 of the minutes. The correct name of the person in the audience should read Gary Broadbent.

Motion by Mr. Michael Kiepert, seconded by Ms. Paula Rossiter, to approve the minutes of the August 21, 2013 meeting with the two (2) corrections.

Motion carried with members voting unanimously.

Atty. Vose pointed out that moving from this point forward we had "Request to Speak" forms available for anyone from the general public who wanted to speak on an issue. These forms would take care of their correct name spelling and so forth.

Additions or Deletions to Agenda – Atty. Vose suggested adding one more item to the agenda that was omitted and bringing it back to the committee for discussion. It was some old business from the last meeting – Question 3. This item would be placed as a new "A" under General Discussion.

46 Before going into general discussion Atty. Vose welcomed the Committee's new alternate Mrs.
47 Carolyn Carbonell.

48
49 He pointed out the fact that some of the voting members were absent today and he wanted to double
50 check on how it was being done in Deltona with regard to alternate members. Atty. Vose's findings
51 – that alternate members still don't vote unless someone actually leaves the board. But because
52 there's some deep thought business going on, particularly the stuff that's going to be discussed at
53 this meeting, it's very good to have all the members up to speed as to what's going on in case
54 someone does have to regain.

55
56 Chairperson Armstrong pointed out the fact that she had previously mentioned to alternate David
57 Dapore that if he had a thought and wanted to say something to please do. She stated that
58 everybody's ideas are of value and even though the alternates cannot vote they can at least interject
59 their thoughts and feelings about things. That their thoughts and feelings would also be taken into
60 consideration when making a decision.

61
62 **4. GENERAL DISCUSSION:**

63
64 The Committee discussed the following issue:

65
66 **A. QUESTION #3 - Ballot Proposal:** The ballot title and question for Question #3 are
67 as follows:

68
69 **CITY CHARTER AMENDMENT REMOVING RESIDENCY**
70 **REQUIREMENT FOR IN-HOUSE CITY ATTORNEY**

71
72 **Shall the Deltona City Charter be amended to remove the requirement**
73 **that an in-house City Attorney must establish and maintain residency**
74 **within the corporate limits of the City within 6 months of appointment?**

75
76 Atty. Vose reminded the Committee that at the last meeting there was a thought to look at and
77 remove the requirement that was put in the Charter in 2008 for the City Attorney. That
78 requirement was for an in-house attorney, not for a law firm as is the present case. That
79 requirement stated that within 6 months of the appointment of an in-house attorney, he or she
80 shall establish and maintain residency within the corporate limits of the City.

81
82 Atty. Vose stated that it was the action of the Committee for him to go ahead and prepare
83 language to remove that requirement from the Charter.

84
85 He pointed out that the change was very simple. It just strikes out the sentence imposing that
86 requirement.

87
88 The Committee discussed the in-house City Attorney's residency requirements.

89

90 After discussion, the Committee decided to take a vote as to the verbiage for Question 3.

91

92 **Motion by Michael Kiepert, seconded by Paula Rossiter, to approve the verbiage to**
93 **Question 3. Motion carried unanimously.**

94

95 As a reminder to everyone, but particularly to the newest alternate member, Atty. Vose pointed
96 out that the drafting exercises of putting the ballot title and question and the Charter revision
97 language are being addressed as separate issues. That, thus far, there have been a total of three
98 (3) questions. At the end of this process the Committee would go back and look at all the
99 questions that are ultimately approved and look to see if it would make strategically sense to
100 combine some of these. He reminded the Committee that there might be some rewriting of some
101 of this stuff. As of right now however the first round would consist of approving the language
102 for the questions.

103

104 Ms. Rossiter asked if it was in the power of this group to put or have a recommendation on what
105 order the questions would go on the ballot.

106

107 Atty. Vose stated that the Committee had the power to recommend to the City Commission.
108 However it was up to the City Commission to take these changes exactly as recommended by the
109 Committee, and make modifications or change them completely. Once this was done the City
110 Commission would pass a Resolution putting it on to the next ballot.

111

112 For the benefit of Mrs. Carbonell, and upon Ms. Armstrong's request, Atty. Vose briefly touched
113 on the subject of the Sunshine Law.

114

115 Upon briefly touching on the subject Atty. Vose asked Mrs. Carbonell if she had ever served on
116 any government board or committee.

117

118 Mrs. Carbonell stated that she had been a member of the Charter Review Committee several
119 years ago. That she was a former Deltona City Commissioner and Vice Mayor.

120

121 Atty. Vose reminded the Committee that their work on this board, both for voting members and
122 alternate members as well, was all covered by the Sunshine Law and that any public records
123 generated by them with regard to these meetings were subject to public records request and so
124 on. That they were not obligated to keep duplicates, just the official copy. However, any notes
125 taken with regard to the meetings were ultimately subject to public records inspection.

126

127 The Committee briefly discussed the Sunshine Law.

128

129 **B. FORMS OF MUNICIPAL GOVERNMENT**

130

131 The Committee concurred on going back to discussing the city's form of government, their
132 duties and responsibilities.

133

134 However, before going fully into the discussion of forms of municipal government, Ms. Rossiter
135 asked if the City had a true strategic plan that encompasses a vision for the growth of this area.

136
137 Atty. Vose stated that yes; the City has a strategic plan. He stated that the City generates its
138 Comprehensive Plan, which has numerous elements required by statute, by the Growth
139 Management Act of 1986, and that the most commonly known portion of the Comprehensive
140 Plan is the Land Use designation indicating what areas of town are going to be developed in a
141 certain way, and so on.

142
143 Atty. Vose pointed out that cities in this county, in the State of Florida, are required to engage in
144 not just the comprehensive planning process and the comprehensive planning review but also in
145 the budgeting process. He informed that the budgeting process is one of those processes
146 whereby cities are doing their short term and their medium term financial planning , figuring out
147 how they are going to spend their money, where their money is going to go in the long term, and
148 where they are going to get their money from, their resources, and so forth.

149
150 Discussion continued about the strategic plan, comprehensive planning process, comprehensive
151 planning review and budgeting process.

152
153 The Committee continued their discussion on the city's form of government.

154
155 The Committee picked up on their discussion of the Council - City Manager form of
156 government.

157
158 The Committee concurred that it's very difficult for a City Manager to try to please seven (7)
159 people when he/she is answerable to seven (7) people.

160
161 The Committee continued their discussion of the Council - City Manager form of government.

162
163 The Committee discussed the possibility of having the City Manager answerable directly to the
164 Mayor who would then be answerable to the City Commission, and the flow of work and ideas
165 and everything else would go back to the City Manager through the Mayor. They feel that if the
166 Commission can come together on an idea and then it be presented through the Mayor to the City
167 Manager, then the City Manager can carry it out.

168
169 The Committee continued their discussion.

170
171 The Committee concurred on the fact that the City of Deltona should have a City Manager for
172 longer than 2½ years average.

173
174 The Committee discussed that, per the Charter, the Commission needs to have a super majority
175 vote to terminate somebody. That means that the City Manager only needs to keep three (3) of
176 the Commissioners happy - they would only need to have a 5-2 vote to terminate somebody.

177

178 The Committee continued their discussion.

179

180 Mr. Kiepert informed the Committee that he had spoken with Mayor Land from Apopka who has
181 been Apopka's Mayor for a very long time, for over 50 years. Mr. Kiepert stated that he had
182 asked Mayor Land if he would be interested in coming to Deltona to speak to the Charter Review
183 Committee regarding the strong Mayor form of government. Mayor Land graciously declined
184 due to his age and driving.

185

186 Mr. Kiepert stated that in Apopka he's the Mayor, the strong Mayor. But his assistant handles
187 the day to day activities and finances. That Mayor Land volunteered his Chief Administrator to
188 come and speak to the Committee if they had an interest in it. He pointed out that he is supposed
189 to call Mayor Land back, the early part of next week, and let him know what the Committee has
190 decided.

191

192 Atty. Vose pointed out that there are no term limits in Apopka.

193

194 Discussion ensued regarding term limits in Deltona.

195

196 It was kind of the consensus of the Committee that this is something that should be left for the
197 voters to decide.

198

199 The Committee once again went back to their discussion on the Mayor – Council form of
200 government.

201

202 Ms. Paula Rossiter mentioned the fact that she had done some research for another city similar in
203 size and demographics to Deltona and they labeled the Mayor there as the Executive Director of
204 the city. In that particular city the Mayor oversaw everything and he was not just a ceremonial
205 figurehead like it states in our Charter.

206

207 Chairperson Armstrong stated that she feels like the Mayor and the Commission are responsible
208 for putting together a strategic vision plan that should be reviewed at least annually, as approved
209 by the Commission, and any revision that need to be done to it are also approved.

210

211 Mrs. Carbonell stated that the Mayor is one seventh of the voting power because that's how the
212 original Charter and the City were established upon incorporation. That was what the
213 community voted on. You have seven (7) elected officials by the people power because if not
214 then you have a City Manager just working with the Mayor and then it's a one-sided issue. She
215 pointed out that was the importance of having all seven (7) hearing the ideas, everyone
216 discussing them openly and then the majority ruled. Mrs. Carbonell stated that the Mayor should
217 not have more power, more voting, or more information than the rest of the Commission because
218 they're voted in by the public with the exact same voting power.

219

220 The Committee continued their discussion as to who is answerable to whom.

221

222 Atty. Vose stated that he's not understanding how the idea of having the Mayor be answerable to
223 the Commissioners would work. He pointed out that the general theory of elected office of
224 municipal government is that each elected person is answerable only to one group of folks, the
225 voters. He mentioned that being answerable ultimately means there are sanctions. That there's
226 something negative coming if you don't keep them pleased.

227
228 Atty. Vose further stated that the first part he understood – that of the City Manager being
229 answerable to the Commission or answerable to the Mayor. That those are two different policy
230 positions that come to the way of how cities work. The idea of the Mayor being answerable to
231 the rest of the Commission, he doesn't know what that looks like in legal practice.

232
233 The Committee continued their discussion as to the Mayor – Council form of government and
234 the Mayor's responsibilities.

235
236 It was the consensus of the Committee that ultimately the Commissioners, as well as the Mayor,
237 still report back to the voters, who are also the ones who put them in office.

238
239 Mr. Kiepert informed the Committee that Apopka is in the process of changing their Charter
240 right now. They're actually in the process right now of putting checks and balances in place.

241
242 Discussion ensued regarding the fact that if you're going to hold the Mayor accountable for
243 making things happen then the Mayor should have the ability to do certain things. At the same
244 time however, you still want to have those checks and balances in place.

245
246 The Committee discussed accountability rather than using the term answerable.

247
248 After more discussion, the Committee concurred that the City needs to get someone who is going
249 to be accountable to the people, accountable for what they are saying.

250
251 Discussion continued.

252
253 After more discussion, the Committee agreed that the Charter doesn't outline the specific duties
254 of the Mayor.

255
256 Discussion continued about accountability.

257
258 Brief discussion ensued concerning the vision for the City.

259
260 The Committee continued their discussion regarding accountability.

261
262 The Committee started their discussion on the Council - City Manager form of government.

263
264 Mr. Kiepert provided a brief rundown as to what happened when he was a member of the last
265 City Manager Selection Committee – how it all came into play.

266 Discussion ensued.

267

268 After a short discussion about the last City Manager selection the Committee went back to
269 discussing the Mayor - Council form of government.

270

271 After discussion, it was the consensus of the Committee that the City needs someone whose
272 primary focus is the community and who is accountable to the people.

273

274 Discussion ensued regarding a strategic plan for the City.

275

276 After discussion, the Committee agreed that a strategic planning process, a strategic visioning
277 process and the establishing of a strategic vision for the City is something that could be done.

278

279 After more discussion, the Committee went back to their discussion regarding accountability.

280

281 Discussion ensued regarding the posting of the strategic plan leading back to the discussion
282 regarding accountability.

283

284 Chairperson Armstrong pointed out the mission statement of the Deltona City government. She
285 stated that their mission is to anticipate and provide for the needs of its residents with quality
286 service, innovation and leadership for today and in the future. She stated that it was a good
287 statement. However, she inquired as to where the business part was involved in this since there
288 was no business involved in this mission statement. That it was all intended for the residents, but
289 what about businesses.

290

291 Atty. Vose reminded the Committee that an excellent point had been brought up regarding
292 putting in a provision requiring the Commission to enact a strategic vision. However, that didn't
293 mean that any of the Committee members sitting at the table were going to like the strategic
294 vision they enacted. But they did put in what they call a mission statement. The only thing is
295 that the Committee doesn't like it.

296

297 After discussion, the Committee concurred that there is no strategic vision.

298

299 The Committee came back to their discussion regarding accountability.

300

301 Mr. Kiepert asked the Committee if they had an interest in bringing Mayor Land's Chief
302 Administrator to hear firsthand from that person. He pointed out that the purpose of bringing
303 him to Deltona would be to educate the Committee more so on their form of government, on
304 what they are doing and what changes they're making right now to their Charter as well.

305

306 Discussion ensued.

307

308 Discussion ensued as to the vision the Orange City Commission had in bringing all those
309 businesses into Orange City.

310 Discussion went back to a strategic plan and term limits.

311

312 Discussion continued as to term limits, using the City of Apopka as a prime example.

313

314 Discussion went back to the Chief Administrator of Apopka and reaching out to him to come to
315 Deltona and speak to the Charter Review Committee.

316

317 After more discussion, it was decided that Mr. Kiepert would reach out to the Chief
318 Administrator of Apopka and let him know that Mayor Land volunteered him.

319

320 For purposes of getting in contact with the Chief Administrator of Apopka the next meeting date
321 for the Committee was decided.

322

323 **C. MEETING SCHEDULE:**

324

325 After discussion, the Committee agreed that the next meeting will be held on Thursday, October
326 17, 2013 at 6:00 p.m. on the 2nd Floor Conference Room.

327

328 Discussion returned to the subject of the Mayor's responsibilities.

329

330 Atty. Vose reminded the Committee that at the last meeting he had mentioned municode as a tool
331 for future research. He mentioned that as an example he pulled up the duties of the Mayor of
332 Orange County and there was an enumerated list of 13 powers that the County Mayor has in
333 addition to serving on the County Commission. He also pointed out their use of the term
334 "ceremonial dignitary."

335

336 Short discussion ensued.

337

338 Another brief discussion ensued regarding the hiring of a lobbyist for Deltona.

339

340 Discussion continued as to the responsibilities and duties of the Mayor.

341

342 Also, there was a brief discussion regarding the fact that Deltona is not being represented well on
343 a countywide basis.

344

345 Before closing, Chairperson Armstrong suggested that as a homework assignment she wanted
346 the Committee members to get their minds in order and if they were thinking along the lines of
347 delegating more duties or responsibilities to the Mayor to see what they were. Then the
348 Committee would hear what the gentleman from Apopka has to say and after listening to him the
349 Committee would decide whether it falls in line with what they have come up with and see if the
350 Committee can maybe put some closure on this topic and move on to something else.

351

352 Atty. Vose asked the Committee to please go over the while Charter one more time and see if
353 there were any other major issues the Committee would like to discuss and review, and maybe
354 take out from the Charter.

355

356 **D. ADJOURNMENT:**

357

358 **Motion by Michael Kiepert, seconded by Paula Rossiter, to adjourn the meeting.**

359

360 There being no further business, the meeting adjourned at 7:20 p.m.

361

362 Approved this 17th day of October, 2013.

363

364

365

366

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368

369

ATTEST:

370

371

372 **Gladys N. Merced, Legal Assistant**

373 **Recording Secretary**

Jean Armstrong, Chair
Charter Review Committee