

**CITY OF DELTONA, FLORIDA
REGULAR CITY COMMISSION MEETING
MONDAY, NOVEMBER 4, 2013**

1 A Regular Meeting of the Deltona City Commission was held on Monday, November 4, 2013 at the
2 City Hall Commission Chambers, 2345 Providence Boulevard, Deltona, Florida.

3
4 **1. CALL TO ORDER:**

5
6 The meeting was called to order at 6:30 p.m. by Mayor Masiarczyk.

7
8 **2. ROLL CALL:**

9
10 Mayor John Masiarczyk Present
11 Vice Mayor Zenaida Denizac Present
12 Commissioner Webster Barnaby Present
13 Commissioner Heidi Herzberg Present
14 Commissioner Fred Lowry Present
15 Commissioner Chris Nabicht Present
16 Commissioner Nancy Schleicher Present
17 Acting City Manager Dave Denny Present
18 City Attorney Becky Vose Present
19 City Clerk Joyce Raftery Present

20
21 Also present: Public Works/Deltona Water Director Gerald Chancellor; Planning and Development
22 Services Director Chris Bowley; Parks and Recreation Director Steve Moore; Building and
23 Enforcement Services Director/Acting Deputy City Manager Dale Baker; and Deputy Chief Robert
24 Rogers.

25
26 **3. INVOCATION AND PLEDGE TO THE FLAG:**

27
28 Invocation Presented by Commissioner Barnaby.

29
30 The National Anthem was sung by the Pine Ridge Chorus from Pine Ridge High School, Deltona.

31
32 **4. APPROVAL OF MINUTES & AGENDA:**

33
34 **A. Minutes:**

35
36 **1. Approval of Minutes – Regular City Commission Meeting of October 21, 2013.**

37
38 **Motion by Commissioner Herzberg, seconded by Commissioner Schleicher to approve the**
39 **minutes of the Regular City Commission Meeting of October 21, 2013.**

40
41 **Motion carried unanimously with members voting as follows: Commissioner Barnaby, For;**
42 **Commissioner Herzberg, For; Commissioner Nabicht, For; Commissioner Schleicher, For;**
43 **Commissioner Lowry, For; Vice Mayor Denizac, For; and Mayor Masiarczyk, For.**

44
45 **B. Additions or Deletions to Agenda:**

46
47 Acting City Manager Dave Denny pulled Item 8 - D, Resolution No. 2013-13, The 2012 Emergency
48 Solutions Grant Award to assist in Homelessness Prevention and there was no objection from the
49 Commission.

1
2 Vice Mayor Denizac stated that she would discuss the Waverly Media Sign Company contract during
3 her portion of the Commission Comments.

4
5 **5. PRESENTATIONS/AWARDS/REPORTS:**

6
7 **A. Presentation – Super Star Student of the Month Certificates for October, 2013.**

8
9 The Commission presented Super Star Students of the Month certificates for October, 2013.

10
11 **B. Presentation - Quarterly Reports of City Advisory Boards/Committees.**

12
13 Written Third Quarter Report was submitted from the Planning and Zoning Board and Deltona
14 Economic Development Advisory Board (DEDAB) Vice Chair Rick Demeter presented the Third
15 Quarter Reports for DEDAB and its Sub-Committees.

16
17 **6. PUBLIC FORUM – Citizen comments for items not on the agenda.**

18
19 a) Sherri Emery and Riley Whittaker, 306 North Volusia Avenue, spoke regarding the newly
20 formed local nonprofit organization called Destination Campfire Incorporated, its purpose being to
21 provide scholarships for children to attend summer camp whose families cannot afford the camp fees,
22 the Drama teacher at Deltona High School pledging to donate one (1) dollar from each ticket sold to
23 Destination Campfire Inc. from the High Schools play “The Hamlet Thrill-Ma-Geddon” held this
24 upcoming weekend, and she invited the Commission to attend.

25
26 Mayor Masiarczyk replied that the Commission has all received an invitation and he asked Commission
27 members to RSVP to the Mayor and Commission’s Administrative Assistant.

28
29 b) Michael Williams, 2889 Cottageville Street, stated that Commissioner Herzberg has agreed to
30 be the Mistress of Ceremonies for the 2014 Martin Luther King (MLK) celebration, he invited the
31 Commission to purchase tickets and attend, he thanked the Commission for the annual Martin Luther
32 King Proclamation, the MLK school students contest awards ceremony being held during the event, the
33 breakfast guest speaker being Bethune-Cookman graduate Joshua Williams, and the theme for this
34 year’s celebration is “Dreaming of a Better America for Everyone”. He also discussed the
35 Neighborhood Stabilization Program (NSP) homes that are for sale in Deltona and he encouraged the
36 Commission to reach out to their constituents to let them know about homes in Deltona that are
37 available through NSP.

38
39 Mayor Masiarczyk recognized Orange City Seat 2 Commissioner Ron Saylor and he thanked him for
40 attending the meeting.

41
42 **7. CONSENT AGENDA:**

43
44 Mayor Masiarczyk read the title of each item on the Consent Agenda.

45
46 Mayor Masiarczyk opened and closed the public hearing as there were no public comments.

47
48 **Motion by Commissioner Barnaby, seconded by Commissioner Herzberg to approve Consent**
49 **Agenda Items 7-A through 7-D.**

1
2 **Motion carried unanimously with members voting as follows: Commissioner Barnaby, For;**
3 **Commissioner Herzberg, For; Commissioner Nabicht, For; Commissioner Schleicher, For;**
4 **Commissioner Lowry, For; Vice Mayor Denizac, For; and Mayor Masiarczyk, For.**

5
6 ***A. Request for approval to piggyback Clay County Contract #08/09-3 to resurface the**
7 **splash pad at Wes Crile Park.**

8
9 **Approved by Consent Agenda – to approve Piggybacking Clay County contract #08/09-3 with**
10 **Rep Services Inc., to install a new Splash Pad surface at Wes Crile Park at a total cost of**
11 **\$31,363.53.**

12
13 ***B. Request for approval to piggyback U.S. Communities/County of Los Angeles contract**
14 **with Graybar Electric for electrical supplies.**

15
16 **Approved by Consent Agenda – to approve piggybacking the County of Los Angeles contract**
17 **#MA-IS-1340234-4 with Graybar Electric Company for as needed electrical supplies for an**
18 **initial period through September 30, 2014 and renewing annually if funding is appropriated**
19 **for each renewal period in accordance with the County of Los Angeles contract.**

20
21 ***C. Request for approval to piggyback the Florida Sheriff’s Association Bid #13-21-0904**
22 **for the purchase of six trucks.**

23
24 **Approved by Consent Agenda – to approve piggybacking the Florida Sheriff’s Association Bid**
25 **#13-21-0904 for the purchase of six trucks from the dealerships as listed in the bid at a total cost**
26 **of \$150,662.**

27
28 ***D. Request for approval to piggyback the Orange City agreement with Exum for the**
29 **purchase of fuel.**

30
31 **Approved by Consent Agenda – to approve ratification for purchase from Exum Energy in fiscal**
32 **year 2013-2014 for the purchase of fuel and approval to use Exum Energy piggybacking the**
33 **Orange City agreement for an amount not to exceed budgeted funding for fuel purchases.**

34
35 **8. ORDINANCES AND PUBLIC HEARINGS:**

36
37 **A. Public Hearing - Live Oak Phase II Final Plat Application (FP 13-001) to create Lots**
38 **73, 74, and 75.**

39
40 **Motion by Commissioner Barnaby, seconded by Commissioner Herzberg to approve the Live**
41 **Oak Estates Phase II Final Plat (FP 13-001) to create Lots 73, 74, and 75 within the Live Oak**
42 **Estates subdivision.**

43
44 **Mayor Masiarczyk opened and closed the public hearing as there were no public comments.**

45
46 **Motion carried unanimously with members voting as follows: Commissioner Barnaby, For;**
47 **Commissioner Herzberg, For; Commissioner Nabicht, For; Commissioner Schleicher, For;**
48 **Commissioner Lowry, For; Vice Mayor Denizac, For; and Mayor Masiarczyk, For.**

1
2 **B. Public Hearing - Ordinance No. 15-2013, amendment to the Deltona Landings BPUD**
3 **(RZ 13-006), at first reading.**
4

5 Mayor Masiarczyk asked if Goodwill Industries was purchasing or leasing property from the site
6 owner, and Ms. Shannon Hoagland, Hoagland Law, PLL, attorney for the Goodwill Industries of
7 Central Florida replied that they would be leasing the property and that property taxes would remain
8 in effect.
9

10 Mayor Masiarczyk stated he had a concern about the potential for situations that could occur after
11 hours at donation centers and he asked what Goodwill's plan was to prevent after hour drop offs.
12 Ms. Hoagland replied the store has extended hours for drop off, the site will have video cameras in
13 place, and if a problem were to persist that Goodwill could have the site monitored.
14

15 Commissioner Herzberg stated she would much rather have an attended collection center as
16 compared to unattended drop boxes.
17

18 **Motion by Commissioner Herzberg, seconded by Commissioner Nabicht to approve**
19 **Ordinance No. 15-2013, to include the Conditions of Approval listed in the staff report, at first**
20 **reading and to schedule second and final reading for November 18, 2013.**
21

22 Ms. Hoagland asked for a change to the first provision of the Amendment agreement where it states
23 "will accept only non-perishable household goods from individual residents", and she asked that the
24 provision be changed to read "..goods from individuals". Mayor Masiarczyk suggested changing the
25 provision to read "..goods from area residents".
26

27 **After discussion, the Commission concurred to change the provision to say "...goods from area**
28 **residents".**
29

30 Commissioner Barnaby asked about Goodwill's programs or donations to help the homeless and
31 needy in the area, he asked if Goodwill would be partnering with the City to assist those in need, and
32 if Goodwill could make a commitment to assist residents and programs that assist the needy. Ms.
33 Hoagland replied she could not make a financial commitment for Goodwill Industries, but that last
34 year it serviced 25 thousand people looking for jobs that were homeless or near homeless, and she
35 would get the City in touch with the right department at Goodwill Industries.
36

37 Mayor Masiarczyk asked Ms. Hoagland to request Goodwill send a representative to brief the
38 Commission on Goodwill's plan for the donation center and what it does in the area for the needy.
39

40 Vice Mayor Denizac stated the only way she could vote for the motion is if Goodwill's attorney
41 could guarantee that the location would not have a trashy appearance, and Ms. Hoagland replied she
42 could make that guarantee, Goodwill is not affiliated with the drop-off boxes that are popping up
43 everywhere, Goodwill does not have any unattended donation boxes, she provided a brief overview
44 of Goodwill Industries drop-off procedures, and any items that cannot be sold goes to Goodwill's
45 "Salvage" (recycle) program.
46

47 Mayor Masiarczyk opened and closed the public hearing as there were no public comments.
48

1 City Attorney Becky Vose read the title of Ordinance No. 15-2013.

2
3 **AN ORDINANCE OF THE CITY OF DELTONA, FLORIDA, AN ORDINANCE OF THE CITY**
4 **OF DELTONA, FLORIDA, AMENDING THE DELTONA LANDINGS BUSINESS**
5 **PLANNED UNIT DEVELOPMENT AGREEMENT FOR THE FOLLOWING PARCEL:**
6 **LOT 2, DELTONA LANDINGS, MAP BOOK 46, PAGES 167-168, PER ORDINANCE**
7 **BOOK 6647, PAGE 0646, PER ORDINANCE BOOK 6668, PAGES 2642-2644, LOCATED**
8 **AT 901 DOYLE ROAD TOTALING APPROXIMATELY ±0.84 ACRES; PROVIDING FOR**
9 **SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.**

10
11 **Motion carried unanimously with members voting as follows: Commissioner Barnaby, For;**
12 **Commissioner Herzberg, For; Commissioner Nabicht, For; Commissioner Schleicher, For;**
13 **Commissioner Lowry, For; Vice Mayor Denizac, For; and Mayor Masiarczyk, For.**

14
15 Ordinance No. 15-2013 was approved at first reading at 7:18 p.m.

16
17 **C. Ordinance No. 16-2013, amending Section 46-26, Definitions; amending Section 46-27,**
18 **Participation – Conditions of Eligibility; amending Section 46-29, Finances and Fund**
19 **Management; amending Section 46-34, Preretirement Death; and amending Section 46-43,**
20 **Maximum Pension, at first reading.**

21
22 **Motion by Commissioner Nabicht, seconded by Commissioner Schleicher to approve**
23 **Ordinance No. 16-2013 at first reading and to schedule second and final reading for November**
24 **18, 2013.**

25
26 Mayor Masiarczyk opened and closed the public hearing as there were no public comments.

27
28 Commissioner Nabicht stated the purpose of the revision to the Ordinance is to make the plan compliant
29 with a mandated Internal Revenue Code.

30
31 City Attorney Becky Vose read the title of Ordinance No. 16-2013.

32
33 **AN ORDINANCE OF THE CITY OF DELTONA, FLORIDA, AMENDING CHAPTER 46,**
34 **ARTICLE II, FIREFIGHTERS' PENSION PLAN, OF THE CODE OF ORDINANCES OF**
35 **THE CITY OF DELTONA BY AMENDING SECTION 46-26, DEFINITIONS; AMENDING**
36 **SECTION 46-27, PARTICIPATION – CONDITIONS OF ELIGIBILITY; AMENDING**
37 **SECTION 46-29, FINANCES AND FUND MANAGEMENT; AMENDING SECTION 46-34,**
38 **PRE-RETIREMENT DEATH; PROVIDING FOR PROVISIONS; REPEALING ALL**
39 **ORDINANCES IN CONFLICT HERewith AND PROVIDING AN EFFECTIVE DATE.**

40
41 **Motion carried unanimously with members voting as follows: Commissioner Barnaby, For;**
42 **Commissioner Herzberg, For; Commissioner Nabicht, For; Commissioner Schleicher, For;**
43 **Commissioner Lowry, For; Vice Mayor Denizac, For; and Mayor Masiarczyk, For.**

44
45 Ordinance No. 16-2013 was approved at first reading at 7:22 p.m.

46
47 **D. Resolution No. 2013-13, The 2012 Emergency Solutions Grant Award to assist in**
48 **Homelessness Prevention.**

1
2 Item was pulled from the agenda by the Acting City Manager.

3
4 **9. OLD BUSINESS:** None.

5
6 **10. NEW BUSINESS:**

7
8 **A. Consideration of appointment of one (1) member to the Economic Development Advisory**
9 **Board (Commissioner Nabicht's appointment).**

10
11 Mayor Masiarczyk opened and closed the public hearing as there were no public comments.

12
13 **Motion by Commissioner Nabicht, seconded by Commissioner Schleicher to confirm the**
14 **appointment of the following individual, Bernard Jones, for the remainder of the term to**
15 **expire May 21, 2014.**

16
17 **Motion carried unanimously with members voting as follows: Commissioner Barnaby, For;**
18 **Commissioner Herzberg, For; Commissioner Nabicht, For; Commissioner Schleicher, For;**
19 **Commissioner Lowry, For; Vice Mayor Denizac, For; and Mayor Masiarczyk, For.**

20
21 **B. Consideration and approval of Vacant Land Contract for Sale of Property located at**
22 **the corner of Saxon Boulevard and Finland Drive.**

23
24 Mayor Masiarczyk discussed making the sale contingent upon amending the final development order
25 to read that if not used for the RaceTrac facility that the property would return to the City and during
26 emergencies the City could use the retention pond for water disposal.

27
28 Vice Mayor Denizac concurred with Mayor Masiarczyk's suggestions, and she asked if the current
29 purchaser was the same company that bought the property on Howland Boulevard to put in a
30 RaceTrac facility. Mayor Masiarczyk replied that during a meeting with RaceTrac representatives
31 he brought up the same issue as the Vice Mayor and the company did present valid reasons for
32 purchasing the property due to changes to Saxon Boulevard by Volusia County.

33
34 Commissioner Nabicht stated he also met with RaceTrac representatives and the company has done
35 their due diligence, it is another business coming into the community, they are taking a useless piece
36 of City property and putting it back on the tax rolls, RaceTrac is looking at purchasing more property
37 in Deltona, he is excited about RaceTrac coming to Deltona, the Howland Boulevard project being
38 delayed by Duke Energy not by RaceTrac, and that RaceTrac is out to bid on the Howland
39 Boulevard construction project.

40
41 Commissioner Herzberg wholeheartedly agreed with Commissioner Nabicht's comments, RaceTrac
42 has done a demographic study, the City has no use for the property, and she does not see any reason
43 to put any stipulations on the sale.

44
45 Commissioner Lowry stated he had discussed the same issues with Chris Bowley, Director of
46 Planning and Development Services, whose answers alleviated his concerns, that he did not see any
47 reasons to put stipulations in the contract, and he had reviewed the revised plans for the Howland
48 Boulevard facility and it looked like a much nicer design than the original plan.

1
2 Commissioner Schleicher concurred that the City should not have any stipulations on the sale,
3 Deltona has the opportunity to sell a piece of property that is currently useless to the City, the
4 company answered all of her questions and concerns during a meeting she had with them, and her
5 only concern was if RaceTrac was planning on putting the facility far enough back to account for the
6 scheduled changes to be made to Saxon Boulevard by Volusia County.

7
8 Commissioner Barnaby concurred with previous comments made by Commission members, that
9 Commissioners should do all they can to allow RaceTrac to come into the City without any
10 stipulations, the sale will increase the City's ad valorem taxes, and everyone needs to know that
11 Deltona is "Open for Business"

12
13 Commissioner Nabicht stated the buyer did have an appraisal done on the property and is paying the
14 City the appraised value.

15
16 **Motion by Commissioner Nabicht, seconded by Commissioner Lowry for the approval of the**
17 **vacant land contract for sale of property located at the corner of Saxon Boulevard and Finland**
18 **Drive.**

19
20 Vice Mayor Denizac asked if there was a projected timeline for the construction of the RaceTrac
21 facility, and Mr. Tom Sullivan with the Kaufman, Englett and Lynd, PLLC (DEL) Law Firm replied
22 they believe there is enough traffic patterns to support all of the planned RaceTrac sites in Deltona,
23 and would prefer not having any stipulations on the development order. Mr. Travis Energer with
24 RaceTrac Petroleum stated the construction for the facility on Howland Boulevard is projected to
25 start in the first Quarter of 2014 with an anticipated opening somewhere in the second quarter of
26 2014.

27
28 Commissioner Herzberg stated another business coming into a City that has only a seven percent
29 commercial base is a plus and she is all for RaceTrac coming to Deltona with no restrictions on the
30 sale.

31
32 Mayor Masiarczyk opened the public hearing.

33
34 George Voll, 2972 Jay Court, thanked the Commission for taking a positive approach to bringing
35 businesses to Deltona, he is pleased to see the Commission's positive emphasis on moving forward
36 with RaceTrac, and he thanked the Commission for moving economic development forward in
37 Deltona.

38
39 Michael Williams, 2889 Cottageville Street, asked RaceTrac to consider connecting with the
40 unemployed labor force in the area to provide some jobs for local residents, and Mr. Sullivan replied
41 that they do try to hire locally and RaceTrac's philosophy to hire from the local community.

42
43 Tom Sash, from Tampa, Florida, stated he is the private seller who assembled the other properties
44 that are a part of the sale, he represents nine (9) property owners, he has spent over 15 years
45 assembling the sale of the nine (9) different property owners for the project, he thanked the
46 Commission for their comments and for not putting any stipulations on the contract.

47
48 **Mayor Masiarczyk closed the public hearing.**

1
2 **Motion carried unanimously with members voting as follows: Commissioner Barnaby, For;**
3 **Commissioner Herzberg, For; Commissioner Nabicht, For; Commissioner Schleicher, For;**
4 **Commissioner Lowry, For; Vice Mayor Denizac, For; and Mayor Masiarczyk, For.**

5
6 **11. CITY ATTORNEY COMMENTS:** None.

7
8 **12. ACTING CITY MANAGER COMMENTS:**

9
10 Acting City Manager Dave Denny stated he had not talked to the County Manager yet in regards to
11 the County's holiday food drive program, but he did speak with the Volusia County individual in
12 charge of the program, and Cities had their choice on how to participate through one of two options.
13 Option A, the County drops off their containers for donations, the County would pick them up,
14 weigh them and the food would be distributed to any agency in the City that the Commission
15 selected as long as that agency is associated with Second Harvest. Option B, the City would collect
16 and weigh the donations, report the data to the County, and then the City would distribute the food to
17 any organization it selected. Mr. Denny also stated many cities have selected Option B.

18
19 **After discussion, the Commission concurred to be a part of the Volusia County program by**
20 **implementing Option B.**

21
22 **13. CITY COMMISSION COMMENTS:**

23
24 a) Commissioner Barnaby stated he is grateful for the City moving forward in regards to getting
25 businesses in Deltona, it is important that the City be as aggressive as possible in attracting new
26 businesses, he is excited about the future of Deltona, he commended Principal Susan Freeman and
27 Deltona High School for winning the Battle of the Boulevard football trophy, he commended Coach
28 Johnson for the Deltona Wolves first win of the season, and he complimented the Pine Ridge High
29 School Chorus for their awesome rendition of the National Anthem.

30
31 b) Commissioner Herzberg discussed the City of Deltona hosting the West Volusia Round Table
32 starting at 8:30 a.m. on Saturday, November 16, 2013, she invited the public to come out and attend, she
33 reminded everyone to keep all veterans in mind over the Veterans Day holiday weekend, and she asked
34 everyone to show their support by attending as many Veterans Day events as possible.

35
36 c) Commissioner Nabicht stated the positive feedback received concerning the Waste Water
37 Treatment Plant (WWTP) ground breaking was really great, it lets everyone know that Deltona is
38 serious about economic development, the design company was very pleased with having the
39 opportunity to design Deltona's new WWTP project, it was designed taking the environment and the
40 future needs of the City into account, he thanked Director of Public Works/ Deltona Water, Mr. Gerald
41 Chancellor and all individuals for their hard work on developing the WWTP project.

42
43 d) Commissioner Lowry congratulated Parks and Recreation Director Steve Moore and Assistant
44 Director Mark Manning and City staff for the wonderful Spooktacular event, he was a judge not only
45 for the Spooktacular costume contest but also for the Osteen Elementary School's story book costume
46 contest, and he is concerned about the Waverly bus bench contract and he feels it is time for the City to
47 take action.

48
49 e) Commissioner Schleicher attended Spooktacular and received a tremendous amount of positive

1 feedback, she asked to receive a briefing from Ed Noseworthy, President and CEO at Florida Hospital
2 Fish Memorial on the two (2) planned medical facility expansions in Deltona, and she mentioned the
3 possibility of the City having a tour bus to take residents around to see holiday displays during the
4 Holiday Parade of Homes contest.

5
6 f) Mayor Masiarczyk thanked the Deltona Public Library for inviting him to attend a Gilbert King
7 book presentation, not to underestimate the quality of the library's events, and the events far exceeding
8 City boundaries with its interest, attendees and variety. The City lost another pillar to the community
9 when Charlotte Hintermeier passed away and he asked those that knew her to send condolences and
10 best wishes to the family.

11
12 g) Vice Mayor Denizac stated she has a concern about bullying of younger children in some of the
13 parks, some parents no longer wanting to bring their children to City parks because of bullying, she
14 suggested the City place signs with age restrictions on the park equipment and a sign that children
15 should not use the facility without adult supervision, and to consider having attendants at all of the
16 City's parks. She discussed concerns that not all Charter Review Committee (CRC) members are
17 present at some of the CRC meetings, she personally thanked Councilwoman Pat Northey for being
18 very instrumental in helping out a Deltona resident, she has been involved in the search for the Deltona
19 missing family and she asked for everyone to keep them in their prayers. She discussed concerns with
20 the City being involved with Waverly Media Sign company and she wants the City Attorney to look at
21 legal ways for the City to get out of the contract, she would like to see an audit of all of the company's
22 books, she no longer personally supports the contract, she wants to know at what degree the company is
23 Americans with Disabilities Act (ADA) compliant, that the contract just does not feel right, and she
24 wants Ms. Vose to provide legal advice on the issue.

25
26 Commissioner Nabicht stated it is important that the City do its homework, there are provisions in the
27 Waverly contract for the City to exercise audit options, Waverly has not been convicted yet, the contract
28 needs to be reviewed to see if the City can legally get out of it, the City did receive \$53,000 dollars from
29 the contract this year, and if there is a legal way to get out of the contract for just cause that he is sure
30 Ms. Vose and her firm will find it.

31
32 Commissioner Herzberg asked how long the City has had the contract with Waverly and if it
33 automatically renews , and Ms. Vose replied the most recent contract was from 2001 with a different
34 company that was purchased by Waverly, the contract was originally for 10 years, then it renews
35 automatically every five (5) years with no option to cancel, however, if the company is found in
36 violation of the contract then the City can give them 30 days to come into compliance, and if Waverly
37 does not then the City can cancel the contract. Mrs. Vose discussed some of the things that she noticed
38 when reviewing the contract, such as dollar figures the City received originally as compared to today
39 with no reason for the difference and an audit being needed, there is a provision in it that the company
40 follow all local, State, and Federal laws, which would be the ADA laws and that after reviewing the bus
41 bench ADA laws and conferring with Mr. Denny, none of the Waverly bus benches in Deltona comply
42 with ADA standards.

43
44 Mayor Masiarczyk instructed Mrs. Vose to prepare a one (1) page summary of her legal
45 opinions/advice, and the City needing a back-up plan to provide bench services for residents.

46
47 Commissioner Herzberg discussed other companies that have provided presentations to the City on their
48 company's bus bench services, and the City putting the bus bench contract out to bid Nationwide for
49 ADA compliant companies to apply.

1
2 Commissioner Barnaby stated he asked the Director of Code Enforcement to look at a bus bench that
3 was placed on the corner of Saxon Boulevard and Normandy Boulevard where there is no bus stop, that
4 to him it was placed there just so the company could make money from a particular advertiser, the
5 bench is not ADA compliant, he discussed not doing business with companies that are under a cloud,
6 the need for the new company needing to bring revenue to the City, and providing bus benches that are
7 ADA compliant.

8
9 **14. ADJOURNMENT:**

10
11 There being no further business, the meeting adjourned at 7:57 p.m.

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14
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23
24

John Masiarczyk Sr., Mayor

ATTEST:

Mitch Honaker, Deputy City Clerk