

**CITY OF DELTONA, FLORIDA
CITY COMMISSION WORKSHOP MEETING
MONDAY, DECEMBER 9, 2013**

A Workshop Meeting of the Deltona City Commission was held on Monday, December 9, 2013 in the City of Deltona's 2nd Floor Conference Room at 2345 Providence Blvd., Deltona, Florida.

1. CALL TO ORDER:

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

2. ROLL CALL:

Mayor	John Masiarczyk	Present
Vice Mayor	Heidi Herzberg	Present
Commissioner	Zenaida Denizac	Present
Commissioner	Webster Barnaby	Present
Commissioner	Nancy Schleicher	Present
Commissioner	Fred Lowry	Present
Commissioner	Chris Nabicht	Present
Acting City Manager	William "Dave" Denny	Present
Assistant City Attorney	Jeffrey Harvey	Present
Deputy City Clerk	Mitch Honaker	Present

Also Present: Building and Enforcement Services Director/Acting Deputy City Manager Dale Baker, and VCSO Captain Dave Brannon.

3. PLEDGE TO THE FLAG:

The City Commission and staff said the pledge to the flag.

4. BUSINESS:

Vice Mayor Herzberg provided an overview of the Florida League of Cities (FLC) 2014 Legislative Action Agenda.

The Commission discussed the following issues addressed in the FLC Legislative Action Agenda; sober homes, vacation rentals, transportation funding, septic tanks and the eco system, water quality and quantity standards, and the communications services and local business tax protection.

Mayor Masiarczyk discussed proposed House Bill 351 authorizing the creation of local government neighborhood improvement districts by the local governing body of a municipality or county by the enactment of a separate ordinance for each district, and how the bill could negatively impact cities.

Acting City Manager Dave Denny stated the way the proposed bill is written a group of commercial builders could establish an improvement project district and establish bonding for capital improvement projects, however, if the group defaults, then the City would be financially responsible to pay the commercial builder's bonds.

The Commission discussed the value of homes in Deltona, the City having to possibly co-sign on bonds, and the possible positive and negative impacts of House Bill 351 on Deltona.

Commissioner Denizac stated that House Bill 351 is the type of topic that one of the Charter Officers should send out a report summarizing the basics of the proposed bill, and the impact on the City.

Mr. Denny stated that he would have the lobbyist firm watch the proceedings of House Bill 351.

After discussion, the Commission concurred not to support House Bill 351 as written.

Mr. Denny stated that he spoke to Senator Simmons' office concerning septic tanks and Senator Simmons draft "springs protection bill", and he said that he would be willing to come to Deltona after the holidays to meet with the Commission or to attend a Town Hall meeting.

After discussion, the Commission concurred that the City Manager would invite Senator Simmons to participate in a Deltona Town Hall meeting.

Commissioner Nabicht stated that the Commission should proceed with caution in establishing a Town Hall meeting to discuss Senator Simmons draft bill so residents do not get the perception that the City is trying to switch everyone over to sewer because of the City's new waste water treatment plant. He voiced concern about some residents perceiving that the City is supporting Senator Simmons draft "springs protection bill", and he wants to make sure that when people leave the meeting it is with the right message.

A. Discussion re: Prioritizing issues given to Lobbyist.

The Commission discussed the issues to be provided to the lobbyist that were developed at the last Workshop held on November 25th, narrowing the number of issues to be provided to the lobbyist, seeing a return on the City's investment, various prioritizing techniques, clarifying some of the issues, combining some of the issues into one (1) topic, and establishing the following four (4) categories that the topics would be grouped under as; Offense, Defense, Grants/Funding, and Watch.

1. Offense:

- a. Design and Develop a hybrid bill with Representative Santiago that would combine and encompass the development of Community Redevelopment Area's (CRA), Brownfields, and Enterprise Zones, and submit it to the Legislature.
- b. Sober House – Potential funding, support of the legislature to develop oversight and regulatory guidance under an organization like the Department of Children and Families (DCF), and for the Lobbyist to watch what is being developed and how it applies to municipalities.
- c. Develop and submit an Amendment to the Legislature to allow municipalities of 50,000 residents or more to apply for a Certificate of Public Convenience and Necessity (COPCN) to establish an emergency ambulance transport service.

2. Defense:

- a. Defeating the proposed septic tank bill regarding mandatory sewer hook-up unless there is total funding by Tallahassee.
- b. Not changing or restructuring the communications service tax.

3. Grants/Funding:

- a. Infrastructure (new & improvements) funding for; new roads and road resurfacing, converting from septic to sewer hook-up, and for new developments.
- b. Homelessness program funding and partnering with another organization.
- c. Support Votran funding and local municipality public transportation funding opportunities.
- d. Eco-Tourism funding.
- e. Grants for installing streetlights in municipalities.
- f. Energy Grants to switch to the new, more energy efficient light- emitting diode (LED) streetlights.

4. Watch:

- a. Re-apportionment of the school tax for Volusia County.
- b. Supporting Spaceport in Volusia County.
- c. Group homes.
- d. More local control over Florida Department of Transportation (FDOT) projects and gateway areas to Deltona as it relates to the Transportation Funding issue and the disparity and effect on large municipalities.
- e. Community Development Block Grant (CDBG), State Housing Initiative Partnership (SHIP) funding, and the Sadowski Act.
- f. To follow the FLC Legislative Action Agenda issues.

The Commission discussed providing a Resolution in the future if need be, stating that the City of Deltona supports SHIP funding.

Also discussed was Volusia County developing a county wide emergency traffic light system, Volusia County mandating that all traffic lights in the county be on the same system, and that the issue is a County Council issue, not Legislative.

Acting City Manager Dave Denny stated that he will ask the lobbyist to provide the City with executive summaries of the larger bills (over 20 pages).

After discussion, the Commission concurred that the above, grouped issues would be submitted to the lobbyist as the Commission's issues/topics.

B. Discussion re: Policy regarding transfer of information between the City and the Lobbyist.

Acting City Manager Dave Denny stated that staff will draft a policy for Commission to review regarding the transfer of information between the City and the Lobbyist.

5. CITY MANAGER COMMENTS:

Acting City Manager Dave Denny stated in 2003 the City purchased property on Fort Smith Boulevard for a storm water project, the house on the property is still vacant, an offer was made by realtor Mike Williams to purchase the home for \$30,000 dollars with the City paying all closing costs, the City originally purchased the property for a little over \$100,000 dollars, and he suggested the possibility of auctioning off the property. The Commission discussed the current value of homes in Deltona, purchasing property to complete storm water projects, having the property appraised, and possibly making repairs before putting the house up for sale or auction.

After discussion, the Commission concurred for the Acting City Manager to evaluate the situation and to recommend the best course of action for the City to take in regards to disposing of the property.

Mr. Denny stated that he means no disrespect to the press, but that he understands the "Press" does not always get it right when reporting the news and that he read an article in the News Journal and the DeLand Beacon that really upset him. He stated he has met with almost all the Commission to discuss his resignation, he did not meet with Commissioner Barnaby, but what really got him upset was that Commissioner Barnaby spoke to the press about his health, and he did not appreciate his comments.

Commissioner Barnaby questioned making any statements concerning Mr. Denny's health, and Mr. Denny again stated that if the article is correct, stating that he did preface his discussion by saying "he understands the "Press" does not always get it right", it says "Mr. Denny is mentally exhausted".

Commissioner Barnaby stated that he does not remember saying that, and Mr. Denny replied that he is not saying that Commissioner Barnaby did make the statement, just that he did not mention his health status to anyone and that he does not appreciate personal information being discussed publicly. Mr. Denny also stated that it has always been his policy, and will always be his policy to bring up issues that bother him.

Commissioner Barnaby replied he did not recall making those statements to the press, and that the discussion should occur at a Regular Commission meeting in the Commission Chambers for public awareness of the conversation and how it was initiated.

Mayor Masiarczyk asked for clarification of the issue and he asked if Mr. Denny and Commissioner Barnaby had met to discuss his resignation. Mr. Denny replied "no" that Commissioner Barnaby called him the day after he had mentioned his resignation to discuss a list of questions that he had handed him the night before concerning how the City handles various Deltona water issues. At the end of the conversation Commissioner Barnaby stated that he wished Mr. Denny well in whatever it is that he intends to do, or something close to that effect. He stated he had talked to Commissioner Barnaby two (2) other times that day concerning City issues, but that he and Commissioner Barnaby did not specifically meet to discuss his resignation.

Commissioner Barnaby replied that he finds Mr. Denny's statement to be totally inaccurate, and a complete and utter fabrication of what he had said over the telephone, that he had asked Mr. Denny if it was okay to meet via telephone to discuss his resignation that he had tendered at the Workshop, and that Mr. Denny replied "yes", after which he stated that he accepted Mr. Denny's resignation, and he wished him good luck in the rest of his career. Commissioner Barnaby stated that he finds it disgraceful that the Commission can be held hostage by the Acting City Manager threatening his resignation and then withdrawing his resignation. Mr. Denny replied that at no time did he state that he has, or even intends to withdraw his resignation, that he has not discussed his resignation with the press at all, he has talked to six (6) of the Commissioners specifically about his resignation, at the previous Workshop he was asked to reconsider his resignation and to meet with each Commissioner which is exactly what he has done. Commissioner Barnaby repeated that he accepts Mr. Denny's resignation, and he feels that it is time for him to move on.

Mayor Masiarczyk asked if the City Manager issue was on the agenda for the next Regular Commission meeting on December 16, 2013, and Mr. Denny replied "yes".

Commissioner Nabicht asked for clarity from the Assistant City Attorney Jeffrey Harvey on whether or not Commissioner Barnaby has the authority under the City Charter to accept a resignation, in that no single Commissioner has the authority to take any action on behalf of the entire Commission, and Mr. Harvey replied "no" not on behalf of the Commission. Commissioner Nabicht stated that he did not want the press to misconstrue Commissioner Barnaby's statement about him accepting Mr. Denny's resignation as if the Commission as a body had accepted Mr. Denny's resignation, because they have not.

Commissioner Barnaby stated that Commissioner Nabicht was a bully, that he will not be bullied, he has had enough of the gamesmanship by Commissioner Nabicht and his bullying tactics, and that he is not going to put up with it any longer from anyone. He discussed doing things right, staying calm, not allowing one Commissioner to bully others, and bringing the Acting City Manager issue up at the next Commission meeting.

Mayor Masiarczyk stated that the City Manager issue is on the December 16, 2013 Regular Commission agenda, and he gave Commissioner Barnaby the floor to discuss the Homelessness issue.

Commissioner Barnaby stated that it would be good to partner with one of the faith based organizations to obtain a grant or some type of funding from Tallahassee. Mayor Masiarczyk replied that there are ministries that bring homeless people in for shelter and food, especially on cold nights, in his discussions with Pastors over the years a program for the homeless is one of their long term goals, and that perhaps Deltona could partner with one of the local ministries.

Vice Mayor Herzberg stated that she had discussed the issue at other meetings and that Volusia Council of Governments (VCOG) went on a field trip to Pinellas County to observe its homelessness programs, a comparison of the costs of a homeless individual being processed through the court system versus going through the homeless program, having a place for the homeless to go, and that it truly should be a County issue with municipality partnership. She stated

that the number of homeless individuals is horrific, and that there truly is a homelessness problem that needs to be addressed.

Mayor Masiarczyk discussed the procedures for classifying individuals as homeless, funding for those in the greatest need, identifying the levels of homelessness, and the need for Deltona to be a part of solving the problem.

Commissioner Schleicher discussed a recent article on the Pinellas County homelessness program, the building used by Pinellas County to house the homeless, the housing facility being bare bones but providing much needed services to the homeless, things that need to be done County wide, and that in Deltona there are places like the Community Life Center and the Open Hands Ministry who are doing a lot for the needy and the homeless.

After discussion, the Commission concurred to support the need for Homelessness grant funding.

Commissioner Denizac asked for a follow-up report on Project Dial, and on the scrub-jay study. Mr. Denny replied that in regards to the scrub-jay study, staff contacted Miller-Legg last Friday to request a meeting and are waiting on a reply, and that last week he did query about a Project Dial status report, but, there are no new updates to provide at this time.

Commissioner Denizac asked if the Commission was going to meet to evaluate the City's sign ordinance, and Mr. Denny replied that he believed the issue is scheduled for discussion at a Workshop in January or February of 2014.

The Commission discussed the need to review either portions of the sign ordinance or the entire sign ordinance, establishing a focus group made up of individuals from the local Chambers of Commerce and local business representatives, along with a City facilitator to develop a list of changes to the current ordinance, or to develop a completely new ordinance, not changing an entire ordinance just because of one (1) or two (2) issues, putting the sign ordinance for review on a future Workshop agenda, staff developing a list of current issues with the sign ordinance, simplifying the ordinance, obtaining local business input, letting staff advise the Commission on what changes need to be made and then the Commission standing behind staff's enforcement of the ordinance.

After discussion, the Commission concurred to have staff develop a list of current issues and to schedule the sign ordinance for review on a future workshop agenda.

Commissioner Denizac discussed recent media coverage of possible Sunrail derailing safety issues and her concern for Deltona resident's safety. Mayor Masiarczyk stated that Florida Department of Transportation's (FDOT) reply to the article mentioned FDOT doing whatever it takes to make sure that Sunrail meets all safety standards, no matter what the costs.

Commissioner Barnaby stated that it seems that Waverly Media is in violation of many of Deltona's ordinances, and he asked for a status report on the Waverly Media issue, and Mr. Denny

stated the City's finance staff is scheduled to go to Waverly Media on December 18, 2013 to conduct an audit.

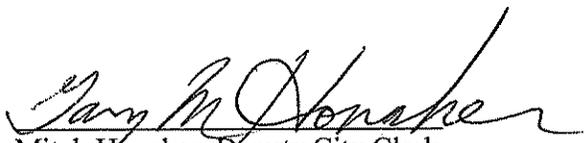
Commissioner Denizac stated that she is not in support of being in business with Waverly Media.

The Commission discussed the current Waverly Media contract, following the tenants of the contract, legally terminating the contract, and the Commission not being in favor of continuing the contract with Waverly Media.

After discussion, the Commission concurred to inform the City Attorney to follow whatever legal methods available to terminate the Waverly Media contract.

6. ADJOURNMENT:

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


Mitch Honaker, Deputy City Clerk