

**CITY OF DELTONA, FLORIDA  
REGULAR CITY COMMISSION MEETING  
MONDAY, DECEMBER 16, 2013**

A Regular Meeting of the Deltona City Commission was held on Monday, December 16, 2013 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 Masiarczyk.

**2. ROLL CALL:**

Mayor	John Masiarczyk	Present
Vice Mayor	Heidi Herzberg	Present
Commissioner	Zenaida Denizac	Present
Commissioner	Fred Lowry	Present
Commissioner	Webster Barnaby	Present
Commissioner	Chris Nabicht	Present
Commissioner	Nancy Schleicher	Present
Acting City Manager	Dave Denny	Present
City Attorney	Becky Vose	Present
City Clerk	Joyce Raftery	Present

Also present: Public Works/Deltona Water Director Gerald Chancellor; Planning and Development Services Director Chris Bowley; Building and Enforcement Services Director/Acting Deputy City Manager Dale Baker; Acting Fire Chief Robert Rogers; and VCSO Captain Dave Brannon.

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

Invocation Presented by Commissioner Schleicher – Reverend Caroline Shine from the Greater Faith AME Church.

The National Anthem was sung by the Timbercrest Tiger Choir.

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

**A. Minutes:**

**1. Approval of Minutes – Regular City Commission Meeting of November 18, 2013.**

**Motion by Commissioner Barnaby, seconded by Commissioner Schleicher to approve the minutes of the Regular City Commission Meeting of November 18, 2013.**

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

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

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

**A. Presentation - Super Star Student of the Month Certificates for November, 2013.**

The Commission presented Super Star Students of the Month certificates for November, 2013.

**B. Presentation - Deltona triathlete Eric Graveling.**

The Commission presented a Certificate of Recognition to Eric Graveling, Deltona Triathlete for winning the 22<sup>nd</sup> Annual Great Floridian Triathlon.

**C. Presentation - Traveling Trophy from the American Lung Association's Fight for Air Climb - 1st Place - Overall Firefighter Award for Best Times and Highest Fundraising 2013.**

The Commission and a representative from the American Lung Association presented the Traveling Trophy for 1<sup>st</sup> Place, Overall Firefighter Award for Best Times and Highest Fundraising 2013 to Acting Fire Chief Robert Rogers.

Acting Fire Chief, Robert Rogers, and Firefighter Union President, John Vicarro congratulated the winning team members, they stated it was the second year in a row the Deltona Fire Department team won the trophy, and presented the City with seven (7) boxes of food collected by the firefighters for the Deltona Food Drive.

**D. Presentation of Certificates of Recognition and Thanks, to the student artists who created the "Think Before You Throw" posters, to help spread the awareness of keeping Deltona clean.**

The Commission presented Certificates of Recognition and thanked students who created the “Think Before You Throw” posters to help spread the awareness of keeping Deltona clean.

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

a) Paul Duncan, 385 South King Road, Ormond Beach, representing AMVET Corporations stated that the two (2) collection boxes at Deltona CVS stores were in violation of City Code, they needed to apply for a permit, that the requirements and cost to comply would exceed \$1,000 dollars which far outweighs the benefit to the needy, discussed box locations and logistics of putting out donation boxes, an email sent to the Commission last week regarding the boxes, the willingness of Deltona residents to donate, he also commented on the friendly atmosphere presented by the Deltona Commission, he does not believe anyone wants to stop donations to organizations, he has provided handouts for review of what AMVET does for the needy, and how much of what is donated is provided to the community.

Commissioner Denizac asked if there were donation boxes in other cities in Volusia County, if the Daytona Beach Thrift Shop was a non-profit organization, what percentage of the earnings go to AMVET, is there a local AMVET employee that supervises operations, the box located at the CVS on Howland Boulevard has loose items around it, and the location needs more supervision.

Mr. Duncan replied “yes”, there are AMVET donation boxes located all throughout Volusia, Brevard, and Flagler counties, the management company is a for profit organization but when someone donates the person receives a receipt and AMVET receives 10 percent per pound of items donated, “yes” there is an AMVET employee who lives in Deltona and oversees all of the AMVET activity in Deltona, and other employees that assist individuals with placing items in the donation boxes.

b) Mark Plyter, 698 Seabrooke Court, Altamonte Springs, discussed recycle bins/boxes, his company conducts business similar to the AMVETS model, a portion of the proceeds donated to a non-

profit organization, an average person throws away approximately 70 pounds of clothing a year with 95 percent of those items being recyclable, and only 15 percent of the clothes are donated or recycled. He discussed House Bill 7135 Section 403.7032 of the Florida Statutes establishing a Statewide recycle goal of 75%, and the goal for year 2020 to reduce by 75% all recyclable waste taken to landfills, waste management facilities, or incineration facilities. He also discussed the costs of meeting the House Bill requirements being passed on in impact fees to municipalities and cities, suggested ways to mitigate the problems, and the need for the donated items.

c) Susan Armon, 3140 Cabot Court, stated that prior Commissioners who served as Vice Mayor served for a two (2) year term, Commissioner Nabicht thought it appropriate to nominate Commissioner Herzberg as Vice Mayor, even after Commissioner Lowry pointed out that it has been a Deltona tradition to have a Commissioner serve two (2) one (1) year terms in a row as Vice Mayor, the nomination of Vice Mayor was both awkward and uncouth, she is honored to consider Commissioner Denizac as a personal friend, she felt the nomination was a disgrace to the City and an embarrassment to Commissioner Nabicht. She stated that Commissioner Denizac has served the City with the utmost professionalism and honor and did not deserve not to be given the same consideration as past Vice Mayors, Commissioners promoting themselves as having the best interest of the City and its residents at heart, the Commission's promises to put an end to the silliness and bickering, she does not appreciate some of the joking around and playfulness by the Commission, and the last news article to come out stated the dysfunctional family called the City Commission continues to exist.

d) Michael E. Williams, 2889 Cottageville Street, stated he has a client interested and who made an offer on a City owned property located at 1787 Fort Smith Boulevard, and the City needing to get an appraisal of that property.

Mayor Masiarczyk replied that the Commission has directed staff to look into the property and come back to the Commission with a plan.

Mr. Williams also discussed the upcoming Doctor Martin Luther King Jr. holiday weekend events scheduled for January 18th and 19th hosted by the Deltona Dreamkeepers, being a little disappointed by the City's buy-in of the MLK breakfast program, he received a check from the Mayor to cover seating for six (6), the Dreamkeepers were hoping that Deltona would follow some of the other neighboring city's lead by displaying more support for the event, the MLK breakfast is the greatest representation of what Deltona is all about, the program is always all inclusive of all nationalities and races, and that Vice Mayor Herzberg is the Mistress of Ceremonies.

## **7. CONSENT AGENDA:**

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

**Motion by Commissioner Nabicht, seconded by Commissioner Schleicher to approve Consent Agenda Items 7-A through 7-D.**

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

**\*A. Request for approval to purchase radios piggybacking Volusia County's Agreement with Communications International.**

**Approved by Consent Agenda – to approve piggybacking the Master Agreement between Volusia County and Communications International for the purchase of radios and related equipment at a cost of \$160,258.17.**

**\*B. Request for approval to award Bid # PW14-01, Doyle Road 16" Water Main Improvements.**

**Approved by Consent Agenda – to award Bid #PW-14-01 for the Doyle Road 16" Water Main Improvements Project to Hazen Construction, LLC at a total cost of \$824,774.00.**

**\*C. Request for approval of budget amendment to replace the old LED welcome signs, located at Howland and Saxon Boulevards.**

**Approved by Consent Agenda – to approve the budget amendment in the amount of \$18,000.00 to replace the old LED welcome signs, and award the bid for services to Stewart Signs.**

**\*D. Request for approval to submittal of Program Year (PY) 2012/2013 CDBG Consolidated Annual Performance and Evaluation Report (CAPER).**

**Approved by Consent Agenda - to approve the request to submit the Program Year 2012/2013 CDBG CAPER to HUD, as required by regulation.**

**8. ORDINANCES AND PUBLIC HEARINGS:**

**A. Public Hearing - Resolution No. 2013-34, Proposed Vacation of the 2nd Addition to the Carnell Subdivision Plat.**

Mayor Masiarczyk opened the public hearing.

Leon Jones, 721 County Road stated that he and his parents had heard the business that is looking at building in that location of State Road 415 is a tractor company, the establishment would negatively impact local residents, and he handed out a letter from the homeowner (his parents) stating they are against approving Resolution No. 2013-34.

Mayor Masiarczyk replied that the agenda paperwork does not specify what type of company is interested in building in that area.

Mayor Masiarczyk closed the public hearing.

**Motion by Commissioner Schleicher, seconded by Vice Mayor Herzberg to unanimously approve Resolution No. 2013-34 that vacates the following: All lots within block 203; all lots within block 204; all lots within block 205, except lots 12-18; all lots in block 206, including unnumbered lot east of lot 12 lying west of SR 415; all lots within block 501 lying west of SR 415; all lots within block 403; all lots in block 601 lying west of SR 415; all lots in block 404, except lots 8-11; and all lots in block 500 lying west of SR 415 of the 2nd Addition to Carnell Subdivision, PB 10, PG 128.**

Mayor Masiarczyk read the title of Resolution No. 2013-34.

**A RESOLUTION OF THE CITY OF DELTONA, VOLUSIA COUNTY, FLORIDA, VACATING THE FOLLOWING BLOCKS AND LOTS: ALL LOTS WITHIN BLOCK 203; ALL LOTS WITHIN BLOCK 204; ALL LOTS WITHIN BLOCK 205, EXCEPT LOTS 12 – 18; ALL LOTS WITHIN BLOCK 206, INCLUDING UNNUMBERED LOT EAST OF LOT 12 LYING WEST OF SR 415; ALL LOTS WITHIN BLOCK 501 LYING WEST OF SR 415; ALL LOTS WITHIN BLOCK 403; ALL LOTS WITHIN BLOCK 601 LYING WEST OF SR 415; ALL LOTS WITHIN BLOCK 404, EXCEPT LOTS 8 TO 11; ALL LOTS WITHIN BLOCK 500 WEST OF SR 415; AS SHOWN ON THE PLAT OF THE 2<sup>ND</sup> ADDITION TO CARNELL SUBDIVISION PER PLAT RECORDED IN PLAT BOOK 10, PAGE 128, PUBLIC RECORD OF VOLUSIA COUNTY, FLORIDA, PROVIDING FOR CONFLICTS, SEVERABILITY AND AN EFFECTIVE DATE.**

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

Resolution No. 2013-34 was adopted at 7:23 p.m.

**B. Resolution No. 2013-35, approving the sale of vacant City land located near the corner of Saxon Boulevard and Finland Drive.**

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

**Motion by Commissioner Schleicher, seconded by Vice Mayor Herzberg to approve Resolution No. 2013-35, approving the sale of vacant City land located near the corner of Saxon Boulevard and Finland Drive.**

Mayor Masiarczyk read the title of Resolution No. 2013-35.

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELTONA, FLORIDA, APPROVING THE SALE OF VACANT CITY LAND LOCATED NEAR THE CORNER OF SAXON BOULEVARD AND FINLAND DRIVE; PROVIDING FOR AN EFFECTIVE DATE.**

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

Resolution No. 2013-35 was adopted at 7:29 p.m.

**9. OLD BUSINESS: None.**

**10. NEW BUSINESS:**

**A. Consideration of appointment of one (1) member to the Firefighters' Pension Plan, Board of Trustees.**

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

**Motion by Commissioner Schleicher, seconded by Vice Mayor Herzberg to confirm the appointment of Gene Gizzi to the Firefighters' Pension Plan, Board of Trustees for the remainder of a term to expire on January 15, 2017.**

Mayor Masiarczyk asked if Mr. Gizzi represented the City in their health care coverage and if there would be a conflict with him being appointed to the Firefighters' Pension Plan, Board of Trustees, and City Attorney Becky Vose replied "no", that Mr. Gizzi is just a vendor.

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

**B. Consideration of appointment of seven (7) members to the Parks & Recreation Advisory Committee.**

Mayor Masiarczyk stated that Benjamin C. Bove had withdrawn his application.

**Motion by Commissioner Nabicht, seconded by Commissioner Schleicher to confirm the appointment or re-appointment of the following individuals James Wayne Ruth, Nathan D. Johnson, Kay L. Gardner, Julio DeLeon, Lonnie Wilson, Bernice Ludvick, and Krista Ferguson to the Parks and Recreation Advisory Committee for a term to expire on December 31, 2014.**

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

**C. Request for consideration from Alex Hoffman for a reduction of fine from \$10,000.00 assessed pursuant to Special Magistrate Case DEL-08-092.**

Code Enforcement Director Dale Baker stated the homeowner was present if there were any questions.

Mayor Masiarczyk asked what procedures were used to confirm the homeowners' address, where the notifications for the property in question were sent to, and he stated Mr. Hoffman seemed to come into compliance as soon as he found out about the violation and lien.

Mr. Baker replied Code Enforcement uses the Volusia County Property Appraiser website to confirm the owner's address, which is where notices are required to be sent by law, that address is the one that was posted and where notices were sent, unfortunately Mr. Hoffman does not reside there. Mr. Hoffman did not notify Volusia County of his new address, but the notices were sent in accordance with the law.

Mr. Hoffman stated the property is a rental, the tenant did not inform him about any notices of violation, he did not know any changes were made to the property until he went to obtain a loan in 2013 and found out there was a lien on his primary property in DeLand, and as soon as he found out he quickly brought the property into compliance.

Commissioner Schleicher stated that the violation started back in January 2008, there is a list of notices that were sent out from 2008 until now, the situation has taken a lot of staff time, she understands wanting to go down from the \$10,000 dollar fine, but she has a hard time justifying

going down to \$500 dollars, and she suggested to reduce the fine to \$1,000 dollars to cover City expenses.

Commissioner Denizac asked Mr. Baker if \$500 dollars was sufficient to cover expenses, and Mr. Baker replied “yes”.

**Motion by Commissioner Barnaby, seconded by Vice Mayor Herzberg to grant the request of Alex Hoffman for a reduction of the fine concerning Case No. DEL-08-092 for the property located at 1223 Whitewood Drive, Deltona, Florida, to the sum of \$500.00 to be paid within 30 days (January 16, 2014) or the fine reverts back to the original amount.**

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

<b>Commissioner Barnaby</b>	<b>For</b>
<b>Commissioner Denizac</b>	<b>For</b>
<b>Commissioner Lowry</b>	<b>For</b>
<b>Commissioner Nabicht</b>	<b>Against</b>
<b>Commissioner Schleicher</b>	<b>Against</b>
<b>Vice Mayor Herzberg</b>	<b>For</b>
<b>Mayor Masiarczyk</b>	<b>For</b>

**D. Request for approval of Mr. Denny's proposed City Manager's employment agreement.**

Mayor Masiarczyk opened the public hearing.

a) Helen Dicks, 3089 Boxelder Street, stated is a resident of 20 years, a tax payer, a voter, and a retired former employee of the City who has seen three (3) very costly, and time consuming searches for a City Manager that were a waste of tax payers' money. Mr. Denny has done an excellent job as Acting City Manager, is aware of City operations, of budget problems, is well respected, has a vast knowledge of Deltona Water operations, has working relationships with many entities, and works well with staff. She stated Commissioners come and go, but it is the knowledgeable staff that carries out the day to day operations under the supervision and direction of a strong City Manager, and that is what the City has in Mr. Denny. She discussed the Commission's responsibilities, the City Manager's responsibilities, the discourse among the Commission being discouraging, the City being unable to keep contract employees, the Commission voting for what is best for the City, and she hoped Mr. Denny would reconsider his pending resignation.

b) Doug MacDonald, 1179 Balfour Drive, stated that he has been a resident since 1991, the selection of City Manager being an important decision, Mr. Denny submitting his resignation, and asked if the City Charter requires the city manager to live in the City limits.

Mayor Masiarczyk replied “yes”, the City Charter states the City Manager must live in the City.

Mr. MacDonald stated Mr. Denny has done a good job, is competent, but is not sure he has the commitment, energy and vision to lead the City forward. He discussed previous Deltona City Manager's Mr. Denny offering his resignation which he feels the Commission should accept, do what is best for the City, the will of the residents, and stated the Commission should let Mr. Denny go and hire a new young man to lead the City.

c) John Viccaro, 1805 Sound Court, stated he thinks Mr. Denny absolutely has the will to do the job, the Commissioners doing an excellent job, employees having hope regarding economic development and the City's growth, Mr. Denny being qualified for the job, and he hopes the Commission does not go down the same road as before of pushing someone out of the City just because of a piece of paper.

d) Susan Armon, 3140 Cabot Court, stated that she felt that filling the City Manager position is the Commission's decision, Mr. Denny is doing a good job, does the Commission really want to make changes at this time, age should not come into consideration, does the City want to spend the time and money to do a nationwide search, put political views aside and to look at what is best for the City.

Mayor Masiarczyk closed the public hearing.

Vice Mayor Herzberg discussed the levels of difficulty in making the decision for City Manager, looking at facts, removing emotion, City Charter states the City Manager must live in the City, the Charter Review Committee looking at various options to the residency requirement of Charter Officers which would change the dynamics of applicants, the current inadequacy of the residency requirement, the cost of advertising and hiring a new City Manager to the tax payers, employee support for Mr. Denny which speaks well of employee morale, that in many meetings people approach her and state what a pleasure it is dealing with Mr. Denny, Mr. Denny participates in and attends all meetings, the reasons Mr. Denny submitted his resignation, and Commissioners understanding their role.

**Motion by Vice Mayor Herzberg, seconded by Commissioner Schleicher to approve the City Manager employment agreement as presented.**

Commissioner Denizac stated that she has given the issue a lot of thought and that in her opinion the situation has nothing to do with Mr. Denny but has everything to do with the Commission, Mr. Denny's frustration is very clear in that elected officials do not understand their role, it is not her job to interfere with the City Manager, or go to employees directly or indirectly and direct them and doing so is being disrespectful to employees and to the charter officers. She stated each Commissioner needs to take a second look at the City Charter and fully understand what their roles are which is to legislate, not be a City Manager, not respecting the City Charter is disrespecting the City and certain Commission members are giving direction which is totally wrong.

The Commission discussed following Roberts Rules of Order for making comments at meetings and for running Commission meetings.

Commissioner Barnaby stated that there seems to be a lot of confusion by many of those that spoke tonight and by the media as to how the Commission arrived at the point of approving Mr. Denny's City Manager Employment Agreement, that there seems to be some inferences that there are Commissioners micromanaging the City, he has no knowledge of any Commissioner who has been micromanaging the management of the City, and it came as a complete shock and surprise to him when Mr. Denny announced his resignation. He stated he is very pleased with Mr. Denny's professionalism, demeanor, deportment, competency, but any employee who announces their wish to resign is sending a clear message that should mean something. He stated he takes objection to the fact that there are employees and friends present at the meeting thinking they have to be at the meeting to support the City Manager, that it looks like a movement, and he does not want a subversive working for him. The motion is not

about whether Mr. Denny should be terminated or not, it is if his contract should be extended, that no one on the dais has initiated anything that would want Mr. Denny gone from the City, and the only person to initiate that action was Mr. Denny himself. He apologized to the Mayor and Commission for being out of order at the December 9, 2013 Commission Workshop, that he is a gentleman, that it is not good to be out of order, that he still wants Deltona to be the greatest City in Volusia County, that there will be unity in the Commission just as before, that people need to understand government is force not reason, it should be reason, but unfortunately it is force, he is seeing a lot of it displayed at this meeting, not to be afraid of the force on display, to be reasonable and to use common sense, if a person resigns do you want that person to continue working for you, and he stated that his answer is "no".

Commissioner Lowry stated he sees things a little bit differently, he is personally pleased with the job Mr. Denny has done, as a leader he appreciates when his staff appreciates him and encourages him, he has seen a change in the staff since Mr. Denny took over from a place of fear and darkness to happiness, there is a change in staff that he really appreciates, a type of esprit de corps in the staff, and he asked Mrs. Vose if the current extension of the contract is any different than previous extensions or if it was just a continuation, and Mrs. Vose replied "no, that it was just a continuation". Commissioner Lowry stated there is not a City Charter violation because the Commission is not officially making Mr. Denny the City Manager.

Mrs. Vose stated that the City Charter says Mr. Denny could be the City Manager living outside of the City limits for a period of six (6) months with an additional six (6) month extension so there is definitely no charter violation. Commissioner Lowry stated that if the Charter Review Committee suggests changing residency requirements that the people will get a chance to vote and speak their mind on the residency issue.

Commissioner Schleicher stated that she has been in the City since the 70s, she has known Mr. Denny for many years, found him to be the most gentleman of gentlemen', who represents himself completely above board, is the most non-political person she has ever met, is probably one of the most respected people not only in the City but in the whole County, having heard from many people saying to vote what is best for the City, that is exactly what she will be doing, and she called the question.

Mrs. Vose stated she would like to clarify her earlier statement; there is one (1) change in the agreement being voted on, which is to offer Mr. Denny the City Manager position, not Acting City Manager, which is okay under the City Charter because of the time limits.

Commissioner Nabicht mentioned the core values of the City hanging on the wall of the Commission chambers that were established by the Commission, and that Mr. Denny exemplifies every one of those core values; he is man of great integrity, and an awesome leader who he is proud to work side by side with.

Mayor Masiarczyk stated the statement made by Mr. MacDonald with reference to age should not have anything to do with whether or not to select Mr. Denny as City Manager. He stated it was mentioned to vote from the heart on what is best for Deltona, and he believes that there is not another person he can think of today that could carry the City through many of the upcoming contracts that many of the residents do not know about such as major contracts for a new waste water treatment plant, contracts with fellow cities in the DeLand area, and contracts involving the Volusia watershed. He stated it was one of the greatest achievements the City ever made when they snatched Mr. Denny away from Florida Water, he considers Mr. Denny to be a friend, he stepped in and did what needed to be done, and he has

been the City's go-to guy even before he was hired as the Acting City Manager. He stated that he has unquestionable faith in Mr. Denny's integrity and ability to do the job and he fully supports the proposed City Manager Employment Agreement.

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

<b>Commissioner Barnaby</b>	<b>Against</b>
<b>Commissioner Denizac</b>	<b>For</b>
<b>Commissioner Lowry</b>	<b>For</b>
<b>Commissioner Nabicht</b>	<b>For</b>
<b>Commissioner Schleicher</b>	<b>For</b>
<b>Vice Mayor Herzberg</b>	<b>For</b>
<b>Mayor Masiarczyk</b>	<b>For</b>

Mayor Masiarczyk congratulated Mr. Denny. He also thanked and accepted Commissioner Barnaby's apology, and stated that he was a gentleman to offer it.

Commissioner Barnaby extended his congratulations to Mr. Denny.

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

**12. ACTING CITY MANAGER COMMENTS:**

Mr. Denny stated that he did not encourage employees to attend the meeting, but he thanked them for supporting him. He thanked the residents for their phone calls and emails expressing their support, and for those in attendance at the meeting. He thanked the Commission for their support, that he would continue to work the same as he has in the past when he was the Acting City Manager and staff will try to do great things for the City as it moves forward.

**A. Lobbyist Update:**

1. Mr. Denny stated that in 2009 there was a 54% increase in what it costs for vehicle registration fees, and that Governor Scott's office sent out a notice reversing the 2009 decision which means about a \$25.00 reduction in registration fees per vehicle.
2. The Senate voted unanimously to make Senator Andy Gardner the next Senate president for the 2015/2016 legislative session.
3. The Senate committee on gaming and Senator Richter has expressed that he believes there is a 50/50 chance that some form of legislation will be passed this year in Florida.
4. The General revenue estimating conference State economist have stated that Florida will end up with about \$225.7 million dollars more in revenue than anticipated attributed to increased State sales tax and real estate taxes.
5. There is a Senate Bill by Senator Soto and a House Bill by Representative Stark that would require local land development regulations to include sink hole testing which is something that the Lobbyist will watch for Deltona as it moves forward.

6. The Florida Senate and House of Representatives have scheduled their next round of committee meetings for the week of January 6, 2014.

Mr. Denny wished everyone and their families a Happy Holiday Season and a healthy New Year for 2014.

**13. CITY COMMISSION COMMENTS:**

a) Commissioner Lowry stated that he appreciates Mr. Denny's willingness to stay on with the City and those that came to the Commission meeting, and he wished everyone a Merry Christmas and Happy New Year.

b) Commissioner Schleicher stated the staff did a wonderful job with the Christmas parade, and that the City got the best Christmas present by the Commission approving Mr. Denny's City Manager Employment Agreement and she thanked him for being with the City.

c) Commissioner Nabicht stated there were a lot of activities that went on in Deltona this past weekend, it was hard to get to all of them, but one of the ones he did attend was a children's program that was held at the Sons of Italy that was put on by "Hey God", it was an awesome event, and they provided a little bit of Christmas to over 200 underprivileged children. He stated as people look at the dais and see all the food donated for the needy, to think about all of the needy out there that depend on us to get just a little bit of Christmas, to please donate what you can to the Deltona food drive, and he wished a Merry Christmas to everyone.

d) Commissioner Denizac stated it was nice to see the City employees attending a Commission meeting and she thanked them all for using their own time to be in attendance, she reminded everyone about the seminar on Domestic Violence that she, the VCSO, and the Domestic Abuse Council will be hosting on Thursday evening, December 19, 2013 titled "Breaking the Cycle of Abuse". She stated typically during this season the cycle of abuse increases, that the City wants to do everything it can to make sure that citizens are informed, she encouraged the public and employees to attend and to distribute the information to those that may need it. She thanked the Commission for being supportive of the seminar and invited the Commission to attend. She thanked the Parks and Recreation Director Steve Moore and his employees for Santa's North Pole this past weekend, the lines were huge, it was a really good event, there were a lot of hard hours and sacrifices made by City employees to set-up and conduct the event. She also praised Mr. Larry DeMatteo for entertaining the kids while they waited in line to see Santa. Also, University High put on an excellent performance at the DuPont Lakes Baptist Church. She stated that it was the last meeting of 2013 and she encouraged the Commission to start using the Commission voting device in 2014, she wished everyone a Merry Christmas and Happy New Year, and she congratulated Mr. Denny.

e) Commissioner Barnaby wished everyone in the City a Merry Christmas and a prosperous New Year for the great City of Deltona. He was privileged this past Sunday evening to be able to attend the Caribbean American Chamber of Commerce (CACC) gospel concert, former Commissioner and Vice Mayor for Deltona, Lucille Wheatley was honored by the CACC, there are many Deltona citizens who are of Caribbean heritage, including himself and former Commissioners William Harvey and Lucille Wheatley, the Caribbean American community contributes greatly to the flavor of Deltona, he has committed to faithfully serve on the Commission, his parents are from the grand island of Jamaica and reside in the United Kingdom, he is proud to call Deltona his home as a naturalized American, he is

happy and feels blessed to be on the Commission, and he thanked everyone for attending the Commission meeting.

f) Vice Mayor Herzberg wished everyone a Merry Christmas, Happy Holiday, and a wonderful happy and healthy 2014 to residents, staff and fellow Commissioners and Mayor. She stated it was a pleasure working with everyone, there may be disagreements but that she still feels the Commissioners are all friends, the diversity of the Commission makes it unique in that each Commissioner brings something good to the table, that it is good to have conflict, she agreed with Commissioner Barnaby that every now and then it is needed, she passed out a sample of a proposed Ambassador of Good Will resolution to the Commission for future review and consideration. She discussed providing a positive image of the City, establishing an Ambassador of Good Will program, interested Commissioners being an ambassador to another municipality or a County, attend their meetings, be in contact with their elected officials, that it would be good to interact with other cities and counties to learn how they function, their legislation, what they do with ordinances and complaints, their code issues, perhaps the program would give everyone a little more interaction. She thanked staff for its hard work on all of the holiday events, she extended a special thank you to Building and Enforcement Director/Acting Deputy City Manager Dale Baker for all he has done for the City and for residents in all of his roles, she congratulated Mr. Denny, and looks forward to working with him in 2014.

g) Mayor Masiarczyk thanked Mary Swiderski from the Volusia League of Cities and Volusia Council of Governments for attending. He stated that there was an enormous number of activities over the past weekend, there is a Mayor's challenge event hosted by New Smyrna Beach and Mayor Adam Barringer, and that if there were no objections that he would move forward with Deltona participating in the Mayors Fitness Challenge which would be tailored to fit Deltona of course. He stated without the help of organizations like the Sons of Italy, Deltona Lakes Baptist Church, some organizations would not be able to put on many of the events that they conduct for the needy, there are so many groups needing assistance, he encouraged everyone to make their best effort to contribute to the Deltona Food Drive to help feed Deltona families in need during the holidays. He stated "God Bless to all", he thanked the Commission for a good meeting and a great year, and wished everyone a Merry Christmas.

**14. ADJOURNMENT:**

There being no further business, the meeting adjourned at 8:23 p.m.

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**John Masiarczyk Sr., Mayor**

**ATTEST:**

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**Mitch Honaker, Deputy City Clerk**