

**CITY OF DELTONA, FLORIDA
REGULAR CITY COMMISSION MEETING
MONDAY, FEBRUARY 17, 2014**

1 A Regular Meeting of the Deltona City Commission was held on Monday, February 17, 2014 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	Heidi Herzberg	Present
12	Commissioner	Webster Barnaby	Present
13	Commissioner	Zenaida Denizac	Present
14	Commissioner	Fred Lowry	Present
15	Commissioner	Chris Nabicht	Present
16	Commissioner	Nancy Schleicher	Present
17	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; Parks and Recreation
22 Director Steve Moore; Planning and Development Services Director Chris Bowley; Deputy City
23 Manager Dale Baker; Acting Fire Chief Robert Rogers; and VCSO Captain Dave Brannon.

24
25 **3. INVOCATION AND PLEDGE TO THE FLAG:**

26
27 Invocation Presented by Commissioner Denizac.

28
29 The National Anthem was sung by Sabrina Gonzalez, an eleventh grade student from Pine Ridge
30 High School.

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

33
34 **A. Minutes:**

35
36 **1. Approval of Minutes – Regular City Commission Meeting of February 3, 2014.**

37
38 **Motion by Vice Mayor Herzberg , seconded by Commissioner Schleicher to approve the minutes**
39 **of the Regular City Commission Meeting of February 3, 2014.**

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

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

46
47 **5. PRESENTATIONS/AWARDS/REPORTS:**

48
49 **Add-On Item: Presentation - Healthy Start Coalition of Flagler and Volusia Counties “Taking**
50 **Strides Donor Award”.**

1
2 Volusia County Council Member Pat Northey and School Board Member Diane Smith presented a
3 plaque to Mayor Masiarczyk recognizing Deltona permitting use of shared services and support to the
4 Healthy Start Coalition of Flagler and Volusia Counties.

5
6 **A. Recognizing retirement of Volusia County Sheriff's Office K-9 Deputy "Kuber".**

7
8 The Commission, VCSO Sheriff Ben Johnson, and Captain Dave Brannon presented a plaque to
9 Volusia County Sheriff's Deputy John Josh Vedder recognizing the retirement of his K-9 Deputy
10 "Kuber".

11
12 **B. Presentation of Certificates of Recognition and Thanks to the student artists who created**
13 **the "Think Before You Throw" posters to help spread the awareness of keeping Deltona clean.**

14
15 The Commission presented Certificates of Recognition and thanked students who created the "Think
16 Before You Throw" posters to help spread the awareness of keeping Deltona clean.

17
18 Commissioner Denizac expressed her appreciation to Burger King Franchisee Mr. Larry Kent for
19 displaying Take Pride Deltona, Think Before You Throw" on his automated marquee screen.

20
21 Mayor Masiarczyk discussed Mr. Kent becoming a very active member of the Deltona community, and
22 he encouraged everyone to stop in to see the inside video screen at Burger King which provides a great
23 deal of Deltona's history. He commented on Pine Ridge High School's Advancement Via Individual
24 Determination (AVID) program, how Pine Ridge has improved from a "D and C" grade school to a "B"
25 grade school, and commended Principal John Atkinson, teachers and staff for going out of their way to
26 improve the school, not only for students, but for the betterment of the entire community.

27
28 **6. PUBLIC FORUM – Citizen comments for items not on the agenda.**

29
30 a) Emily Shamis, 825 North Third Avenue, stated that she is working on her Silver Award in Girl
31 Scouts, and the project she selected is to make, and coordinate improvements at Vann Park where she
32 plays softball for the Deltona Little League. During her presentation she asked the Commission to look
33 into repairing; the potholes and adding lights to the parking lot, put sun awnings on all bleachers, repair
34 the hole in the roof and the sun/wind screen of the major/minor baseball field visiting team dugout,
35 visitor dugout on the softball field has a ripped windscreen, to repair the scorekeeping huts which are
36 rotting and becoming unstable, and she stated that she is available to assist in completing the project
37 where needed.

38
39 Mayor Masiarczyk asked Miss Shamis to provide her list of needed repairs and the billboard with
40 photos to Parks and Recreation Director Steve Moore and he thanked her for her presentation, and
41 commended her for being so well prepared.

42
43 **7. CONSENT AGENDA:**

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

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

48
49 **Motion by Commissioner Nabicht, seconded by Vice Mayor Herzberg to approve Consent**

1 **Agenda Items 7-A through 7-E.**

2
3 Commissioner Barnaby asked what a non-responsive bid was, why the Agenda still listed All American
4 Air Company if it submitted a non-responsive bid, and why staff would turn down a bid that could
5 possibly save the City almost \$30,000 dollars.

6
7 City Manager Dave Denny and Parks & Recreation Director Steve Moore explained several reasons
8 why a bid can be determined as non-responsive, the requirement that all submitted bids have to be listed
9 on the Agenda, and that the bid was turned down because the company's submission did not comply
10 with the specifications listed in the Request for Proposal (RFP).

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

15
16 ***A. Request for approval to piggyback the Florida Sheriff's Association contract #13-21-**
17 **0904 for the purchase of a Freightliner Sprinter Cargo Van.**

18
19 **Approved by Consent Agenda - to approve piggybacking the Florida Sheriff's Association**
20 **contract #13-21-0904 for the purchase of a Freightliner Sprinter Cargo Van from Orlando**
21 **Freightliner, Inc. at a total cost of \$49,741.00.**

22
23 ***B. Request for approval of Award of Bid #14009 for removal and replacement of basketball**
24 **courts at Harris Saxon Park and Lake Butler Skate Park.**

25
26 **Approved by Consent Agenda - to award Bid #14009 for removal and replacement of the**
27 **basketball courts at Harris Saxon Park and Lake Butler Park to Ace Surfaces North America,**
28 **Inc. at a total cost of \$67,000.**

29
30 ***C. Request for of approval Award of Bid #14010 air conditioning replacement at Wes Crile**
31 **Park.**

32
33 **Approved by Consent Agenda - to approve award of Bid #14010 for air conditioning replacement**
34 **at Wes Crile Park to Advance Mechanical Services at a total cost of \$72,900.**

35
36 ***D. Request to certify engineering firms as qualified to perform construction, Engineering and**
37 **Inspection (CEI) Service for the Doyle Road Reclaimed Water Main Project.**

38
39 **Approved by Consent Agenda - to certify, Tetra Tech, Quentin L. Hampton Associates and CPH**
40 **as qualified to perform Construction, Engineering and Inspection Services for the City, as it**
41 **pertains to the Doyle Road Reclaimed Water Main Project and to move into negotiations within**
42 **the guidelines of F.S. 287.055.**

43
44 ***E. Appointment of one (1) member to fill the 5th member position of the Firefighters' Pension**
45 **Plan, Board of Trustees.**

46
47 **Approved by Consent Agenda - to confirm the appointment of James Koczan to the**
48 **Firefighters' Pension Plan, Board of Trustees for a term to expire on January 15, 2018.**

1
2 Mayor Masiarczyk opened and closed the public hearing as there were no public comments.

3
4 **Motion by Commissioner Nabicht, seconded by Commissioner Denizac to approve Ordinance**
5 **No. 07-2014, amending the qualifying period; providing for the petitioning process; providing**
6 **for the filling of required items; and providing for write-in candidates, at first reading and to**
7 **schedule second and final reading.**

8
9 City Attorney Becky Vose read the title of Ordinance No. 07-2014.

10
11 **AN ORDINANCE OF THE CITY OF DELTONA, FLORIDA, RELATING TO CITY**
12 **ELECTIONS; AMENDING THE QUALIFYING PERIOD; PROVIDING FOR THE**
13 **PETITIONING PROCESS; PROVIDING FOR THE FILING OF REQUIRED ITEMS;**
14 **PROVIDING FOR WRITE-IN CANDIDATES; PROVIDING FOR CONFLICTS,**
15 **SEVERABILITY AND AN EFFECTIVE DATE.**

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

20
21 Ordinance No. 07-2014 was approved at 7:10 p.m.

22
23 **9. OLD BUSINESS:** None.

24
25 **10. NEW BUSINESS:**

26
27 Mayor Masiarczyk, on behalf of the Commission, presented Vice Mayor Herzberg with a
28 Valentine's Day card that was loaned to him by a dear friend of his.

29
30 **11. CITY ATTORNEY COMMENTS:**

31
32 **12. ACTING CITY MANAGER COMMENTS:**

33
34 **A. Lobbyist Update:**

- 35
36 1) Legalizing medical marijuana receives endorsement from key leaders in Tallahassee.
37
38 2) Commissioner Adam Putnam outlined energy proposals.
39
40 3) U.S. House will consider legislation the week of February 24th to help with flood
41 insurance rate increases, which will please many residents in Deltona.
42
43 4) Commissioner Adam Putman also submitted legislation to the House Energy and
44 Utilities Sub-committee with a proposal to reduce business sales tax, and to have a
45 sales tax holiday on energy efficient appliances.
46
47 5) Representative Mike Hill from Pensacola proposes to cut the current 7% sales tax
48 businesses pay to 3.5% sales tax over a period of three (3) years, and a second
49 proposal to have a sales tax holiday scheduled for the weekend of September 19,

1 2014 on energy-efficient appliances. The holiday will offer no sales tax on the first
2 \$1,500 of the purchase price of energy star appliances such as washers, refrigerators,
3 air conditioners and devices to help with water efficiency such as toilets, shower
4 heads and lawn irrigation controllers.
5

6 6) Senate Bill 970, Senator Alan Hayes; would authorize a private employer to give
7 priority in its hiring practices to certain war time veterans and spouses of service-
8 disabled veterans.
9

10 7) Senate Bill 946, Senator Denise Grimsley; proposes a constitutional amendment
11 expanding the number of years legislators can serve from four (4) to six (6) years.
12

13 Mr. Denny reminded the Commission that he would be out of the office for the rest of the week, and
14 Mr. Baker would be in charge.
15

16 **13. CITY COMMISSION COMMENTS:**
17

18 a) Commissioner Lowry stated that he had a busy weekend, the Deltona 5k was very awesome, he
19 threw out the first pitch at one of the opening games for the West Volusia Little League, and he had the
20 opportunity to sample some chilli while attending the Chilli Cook-off at Enterprise.
21

22 b) Commissioner Schleicher concurred with Commissioner Lowry and she stated that one of the
23 highlights of her weekend was throwing out the first ball at one of the opening games for the West
24 Volusia Little League and actually getting the ball across the plate. She stated she had the pleasure
25 representing the City at “The Courage to Remember the Holocaust, 1933 – 1945” exhibit that opened in
26 Coca Beach which is worldwide in 20 countries, seen by over four (4) million people, opening
27 ceremonies were very moving, with about 24 elected officials in attendance, and the Reserve Officer
28 Training Corps (ROTC) Youth Group from Patrick Air Force Base posted the colors. The pledge of
29 allegiance was given by a former Army member who was assigned to one of the units that helped
30 release a group of captives from a concentration camp and it was very interesting having him attend as
31 one of the individuals who helped free prisoners from a concentration camp. There was a guest speaker
32 who was a prisoner in a concentration camp and the purpose of the exhibit is to teach everyone to have
33 tolerance of differences. She stated she is proud that the Deltona Commission has already asked staff to
34 start looking at passing an ordinance to address the medical marijuana issue, and that she is pleased that
35 Coca Beach is also looking at developing a medical marijuana ordinance.
36

37 c) Commissioner Nabicht stated that tomorrow afternoon at 3:00 p.m. there will be a program put
38 on by the athletic department at Trinity Christian Academy recognizing the accomplishments of Coach
39 Mike Maples Sr., on Thursday and Friday he will be at University High School conducting “mock”
40 interviews to help students prepare for real life job interviews, and he asked Acting Fire Chief Rogers to
41 provide a quick fire and weather condition update to highlight the upcoming wildfire season.
42

43 Acting Fire Chief Robert Rogers stated that the Deltona Fire Department has already responded to
44 several weather related fires, it is getting very dry, several freezes have killed vegetation making the
45 area very susceptible to wildfires, the Florida State Forestry Department is already predicting an above
46 average wildfire season which appears to be starting early, the Deltona Fire Department is as ready as
47 possible, staff is attending meetings with other counties and unfortunately, what used to be lakes are
48 now dried up lake beds that are areas to watch for wildfires, which is just the type of wildfire the

1 Deltona Fire Department responded to today.

2
3 Commissioner Nabicht asked Mr. Denny to follow up with the Firefighter Pension Plan Board to obtain
4 the items the Commission requested so it can get the ordinance before the Commission.

5
6 d) Commissioner Denizac recognized and thanked Jonathan, one of her students and his father for
7 attending the meeting. She asked Mrs. Vose if she had found out anything in reference to her question
8 about the legality of the Volusia Council of Governments (VCOG) and the Volusia League of Cities
9 (VLC), both being different types of non-profit organizations and tax exempt entities, requiring
10 membership in both organizations or not at all, and Mrs. Vose replied “yes” she did complete her
11 research and she could not find anything that would prohibit the organizations from doing it.
12 Commissioner Denizac asked Mrs. Vose to provide a legal opinion to the Commission on the matter.

13
14 e) Commissioner Barnaby wished everybody a happy Presidents Day, he recognized George
15 Washington’s birthday, the first president of the United States, being amazed at how many people who
16 are indigenous to this great nation do not know who the first American president was, the movement to
17 create Presidents Day, to universally adopt the holiday across the nation, and that it is awesome to
18 remember one of his personal heroes, statesman George Washington who did his job as president and
19 then went back to being a farmer. He stated he is honored to serve Deltona but that he will not serve
20 forever, and that Deltona needs leaders who are true statesman.

21
22 f) Vice Mayor Herzberg stated the second annual Deltona 5K was a great event, she thanked all the
23 people who attended, the City’s event sponsors, local businesses who supported the race, and the Final
24 Mile Race Management Company for managing the event. She discussed the Deltona Boys and Girls
25 Club conducting its annual banquet on February 26, 2014 at 4:00 p.m., at the 500 Club, and that the
26 Mayor and Commission Administrative Assistant Pauline Shattuck would be distributing the
27 Commissioners banquet invitations from Joe Sullivan. She also stated that on Wednesday, March 5,
28 2014 the Executive Boards from both VCOG and VLC are having a joint meeting, she will be in
29 attendance, and will provide a report to the Commission concerning the meeting discussion.

30
31 g) Mayor Masiarczyk stated that the City received a nice letter from Council Woman Billie
32 Wheeler, President Chair of VLC after the Deltona Workshop discussing her appreciation of the open
33 and frank membership requirement discussion, comments made by the Commissioners, that she is
34 going to try and take the Commission up on its offer to try and work something out, and that VCOG and
35 the VLC were going to have a joint meeting to discuss the issue. He stated that Vice Mayor Herzberg
36 “hit the nail on the head” at the last workshop when she discussed going to events and not being able to
37 be in more than one place at a time, he commented on Vice Mayor Herzberg being able to shoot the
38 starting gun for the Deltona 5K, several members of the Commission attending the Deltona Little
39 League Opening Day event, and he expressed appreciation at seeing Commissioner Nabicht’s quick
40 recovery, and he thanked everyone for attending the meeting.

41
42 **14. ADJOURNMENT:**

43
44 There being no further business, the meeting adjourned at 7:27 p.m.
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48

John Masiarczyk Sr., Mayor

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ATTEST:

Mitch Honaker, Deputy City Clerk