

**CITY OF DELTONA, FLORIDA
REGULAR CITY COMMISSION MEETING
MONDAY, MAY 5, 2014**

1 A Regular Meeting of the Deltona City Commission was held on Monday, May 5, 2014 at the City
2 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 Absent
20

21 Also present: Planning and Development Services Director Chris Bowley; Economic Development
22 Manager Jerry Mayes; Acting Fire Chief Robert Rogers; Deputy City Manager Dale Baker; and
23 VCSO Captain Dave Brannon.

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

26
27 Invocation Presented by Commissioner Nabicht – Pastor Heber Lopez, Seventh Day Adventist
28 Church.

29
30 The National Anthem was sung by Sabrina Gonzalez, a junior at Pine Ridge High School.

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

33
34 **A. Minutes:**

35
36 Commissioner Denizac stated that under Item #8-A, Ordinance No. 08-2014, page 4 of the minutes,
37 lines 31 and 32 should read; “she is personally in favor of term limits, the Commission salary
38 percentage increase is nothing new, and that she has stated her position on the issues at previous
39 workshops”.

40
41 Commissioner Nabicht stated that under Item #6-A, Public Forum, on page 7 of the agenda packet, line
42 24, the name for the first speaker should read; JodyLee “Storozuk”.

43
44 **1. Approval of Minutes – Regular City Commission Meeting of April 21, 2014.**

45
46 **Motion by Commissioner Nabicht, seconded by Commissioner Denizac to approve the minutes of**
47 **the Regular City Commission Meeting of April 21, 2014 as amended.**
48
49

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

4
5 **B. Additions or Deletions to Agenda:** None.

6
7 **5. PRESENTATIONS/AWARDS/REPORTS:**

8
9 **A. Presentation - Super Star Student of the Month Certificates for April 2014.**

10
11 The Commission presented Super Star Students of the Month certificates for April, 2014.

12
13 **B. Proclamation - National Teachers Appreciation Week, May 5-9, 2014.**

14
15 A Proclamation recognizing National Teachers Week was read into the minutes.

16
17 **C. Proclamation - National Association of Letter Carriers "Stamp Out Hunger" Food Drive**
18 **Day.**

19
20 Mayor Masiarczyk and the Commission presented a Proclamation to members of the United States Post
21 Office (USPO) in recognition of the National Association of Letter Carriers Stamp Out Hunger food
22 drive day.

23
24 **D. Proclamation - Emergency Medical Services Week May 18-24, 2014.**

25
26 Mayor Masiarczyk and the Commission presented a Proclamation to Acting Fire Chief Robert
27 Rogers and members of the Deltona Fire Department in recognition of Emergency Medical Services
28 Week.

29
30 **E. Proclamation - National Police Week May 11-May 17, 2014.**

31
32 Mayor Masiarczyk and the Commission presented a Proclamation to Captain Dave Brannon and
33 members of Volusia County Sheriff's Office (VCSO) in recognition of National Police Week.

34
35 **F. Presentation - Quarterly Reports of City Advisory Boards/Committees.**

36
37 Chair Rick Demeter submitted a Quarterly Advisory Board report for the Deltona Economic
38 Development Advisory Board (DEDAB) and presented reports on DEDAB Sub-Committees covering
39 the fourth quarter of 2014.

40
41 A written Quarterly Reports were submitted from both the Planning and Zoning (P&Z) Board and the
42 Deltona Firefighter's Pension Plan (FFPP) Board of Trustees covering the fourth quarter of 2014.

43
44 **6. PUBLIC FORUM – Citizen comments for items not on the agenda.**

45
46 a) Larry DeMatteo, 2501 Barry Drive, stated that he is against the proposed Charter ballot question
47 concerning a Commission pay raise, against paying membership fees in organizations, against the low
48 fees charged to local sports teams for the use of Dewey O. Boster Park, he questioned the value of the

1 Economic Development Department, he asked about the status of the call center proposal, the length of
2 time that economic development takes, and that he is against doing away with term limits.

3
4 b) Michael Williams, 2889 Cottageville Street, President of the West Volusia Chapter of the
5 National Association for the Advancement of Colored People (NAACP), stated that he hopes the
6 Commission will put together a strong search committee to find a really good City Manager for the City
7 of Deltona.

8
9 **7. CONSENT AGENDA:** None.

10
11 **8. ORDINANCES AND PUBLIC HEARINGS:**

12
13 **A. Public Hearing - Ordinance No. 02-2014, Zoning Map Amendment for three (3) lots**
14 **from Mixed Planned Unit Development (MPUD) to the Business Planned Unit Development**
15 **(BPUD) for the Saxon Sterling Silver project, at second and final reading.**

16
17 Planning and Development Services Chris Bowley gave a brief presentation on the item.

18
19 During the presentation the Commission and staff discussed the difference between the original
20 recorded Development Agreement (DA) and the newly submitted DA, including in the DA and
21 adding to the motion that the traffic signal be installed at Saxon and Sterling Silver Boulevards and
22 requiring the installation of the traffic signal before construction begins, or at least having a traffic
23 signal operating in the flashing mode before construction begins, the Commission still operating as a
24 quasi-judicial hearing for the second and final reading of Ordinance, Volusia County being the
25 approval agency for a traffic signal permit, the permitting process for a traffic signal not holding up
26 construction, and the traffic signal being installed during the permitting process.

27
28 City Attorney Becky Vose stated that the traffic signal is required to be put in before construction
29 begins as part of the agreement, and that the only time a light would not be required to be installed
30 before construction begins is if Volusia County delayed approval of the permit.

31
32 Commissioner Barnaby called a Point of Order, requested the Commission follow Roberts Rules of
33 order, reminded the general public that this is a quasi-judicial hearing, and that for the record, he is
34 the sole Commissioner that voted against this Ordinance at first reading, he is still against the
35 ordinance, and he felt the current questions are rather presumptuous before a motion or vote has
36 been made.

37
38 Commissioner Denizac reminded the Commission that she also voted against the ordinance at first
39 reading, she felt the quasi-judicial hearing process had been tainted by discussing development when
40 the hearing is about rezoning, not mixing development with rezoning, she agrees that Deltona is
41 "Open for Business", however, she also believes in responsible business development. She stated
42 she is concerned about Saxon Boulevard's current street rating and the safety and welfare of area
43 residents. She stated she considers Florida Hospital to be her friends, she knows what is in their
44 heart for Deltona, and she welcomes Florida Hospital, a quality institution, to Deltona. Regardless
45 of rezoning the property she felt Florida Hospital would come to Deltona anyway. Deltona wants
46 and needs jobs and businesses, however, responsible development means to consider issues like
47 people making left hand turns off Saxon Boulevards, and possible back-ups to Interstate 4 (I4).
48

1 Commissioner Nabicht asked the City Attorney if he was correct in stating that the single vote the
2 Commission would make as part of the quasi-judicial hearing is on the ordinance and the
3 Development Agreement (DA), and that due to the Sunshine Law the Commission's discussion
4 about both items has to be made in front of the public, and Mrs. Vose replied that he was correct on
5 both comments.

6
7 Mayor Masiarczyk opened the public hearing.

8
9 Alex Ford, from the law firm of Landis Graham French, P.A., representing Wal-Mart Stores
10 Incorporated, and the Deltona Retail Investment Group LLC, gave a presentation on the
11 Development Agreement projects and zoning map amendment for the three (3) lots at Saxon and
12 Sterling Silver Boulevards.

13
14 John Cucura, 1090 Pearl Tree Road, stated that he is against Ordinance 02-2014.

15
16 Peter McNicol, 1041 Pearltree Road, stated that he is against Ordinance 02-2014.

17
18 John Pike, 1032 Pearltree Road, stated that he is against Ordinance 02-2014.

19
20 Shirley Toka, 1001 Alabaster Way, stated that she is against Ordinance 02-2014.

21
22 Bill Brazee, 1057 Platinum Court, stated that he is against Ordinance 02-2014.

23
24 Theresa Brazee, 1057 Platinum Court, stated that she is against Ordinance 02-2014.

25
26 Bernie Choiniere, 1001 Alabaster Way, stated that he is for Ordinance 02-2014.

27
28 Margaret Tindel, 1001 Alabaster Way, stated that she is for Ordinance 02-2014.

29
30 Frank Daniel Lemine, 1001 Alabaster Way, stated that he is for Ordinance 02-2014.

31
32 June Cleveland, 1001 Alabaster Way, stated that she is for Ordinance 02-2014.

33
34 Mayor Masiarczyk adjourned the meeting for a break at 8:15 p.m. and reconvened at 8:20 p.m.

35
36 Leslie Premo, 1098 Pearltree Road, stated that she is against Ordinance 02-2014.

37
38 Tom Premo, 1098 Pearltree Road, stated that he is against Ordinance 02-2014.

39
40 Penny Nairne, 1627 Saxon Boulevard, stated that she is against Ordinance 02-2014.

41
42 Carol Lawrence, 1681 Gold Oaks Road, stated that she is against Ordinance 02-2014.

43
44 Marjorie Epp, 1631 Sumatra Avenue, stated that she is against Ordinance 02-2014.

45
46 Colette Rowly, 648 Pyramid Avenue, stated that she is against Ordinance 02-2014.

47
48 Mayor Masiarczyk closed the public hearing.

1
2 Vice Mayor Herzberg stated that she listened to both sides, the current zoning for lot 1 and lots 2 &
3 4, and the same developer owns all three (3) lots. She asked what residents of Sterling Park
4 Subdivision think is going to happen with lot 1 if the zoning is denied? She stated she understands
5 resident's complaints, she agrees with a lot of the complaints, sewer drainage requirements, and the
6 size and types of allowable businesses on each lot.

7
8 Mayor Masiarczyk stated that the Commission is charged with making a decision on the facts
9 received at the quasi-judicial hearing, and that the Commission cannot ask questions concerning a
10 person's perception, not being able to open a public hearing again, the facts that were presented
11 during the quasi-judicial hearing, the developer being the one that decides what goes on the property,
12 and the Commission just voting on the rezoning issue.

13
14 Commissioner Nabicht stated that the Commission must deal with the facts presented during the
15 hearing, staff reports were presented by experts to provide facts, the developers brought
16 professionals and experts to present facts which were discussed. He stated Mrs. Premo being a
17 realtor and an expert in her field could provide facts about land and property values. He stated
18 residents gave very passionate opinions but were not facts, the Commission is dealing with a zoning
19 issue, the rezoning meets all requirements as presented in reports and staff has recommended
20 approval. He stated letting your conscience be your guide in making a factual decision, staff briefed
21 what could be developed on the lots as they currently are zoned and if they were rezoned, the
22 decision before the Commission is a change in zoning on three (3) lots, and a Development
23 Agreement on what can be built on the property.

24
25 Commissioner Lowry stated the Commission represents the residents, the City needs economic
26 development which he is all for, he is not sure that this is the right place for the business being
27 discussed, there is a school in the area close to the development, and that he has struggled with the
28 issue.

29
30 Commissioner Schleicher stated that she too has really struggled with the development because it is
31 her District, it is a tough decision, it is a public hearing and a quasi-judicial hearing and the
32 Commission must deal with facts. She stated the issue is about rezoning, not telling a developer who
33 he can and cannot sell his property to, as you cannot tell a citizen who they can sell their house to,
34 the vote is not on whether a Wal-Mart should be built in that location, the Commission's concern is
35 zoning, the developer has agreed with staff's concerns, the developer has agreed to many pluses for
36 rezoning, and that she is voting on the issue of rezoning.

37
38 Vice Mayor Herzberg asked Mrs. Vose if the zoning stays as it currently is, what power the
39 Commission would have to deny what type of store goes on lot 1, and Mrs. Vose replied "absolutely
40 none".

41
42 Mayor Masiarczyk stated that one of his concerns is if the rezoning is not approved the City is at the
43 mercy of any business that wants to put in a store that meets zoning requirements, he did not like the
44 comments about "just renters", calls he received when Winn Dixie closed on Deltona Boulevard, the
45 Commission having heard a lot of sincere discussion from those opposed to the rezoning issue, he
46 does have some concerns but he must look at the benefits for all 86,000 residents of Deltona, he has
47 not heard any facts that would make him change his mind from the first meeting, the Commission's
48 sincere desire to bring economic development to Deltona, and that he would support the rezoning if

1 a motion were made.

2 **Motion by Commissioner Nabicht, seconded by Vice Mayor Herzberg to adopt Ordinance No.**
3 **02-2014, a rezoning of Saxon-Sterling Silver lots 1, 2, and 4 from MPUD to BPUD, at second**
4 **and final reading with the amended Development Agreement to include a specific location of**
5 **Saxon and Sterling Silver Boulevards for a mast arm traffic signal device.**

6
7 Vice Mayor Herzberg stated that she can tell Sterling Park residents firmly believe that a grocery
8 store will not go on lot 1, and that she wished she could guarantee that it would.

9
10 Commissioner Denizac stated that she fully believes with all of her heart that after all of the
11 information that has been disclosed at the meeting, her vote is not political in nature, but that her
12 vote will be for the quality of life of the residents in Sterling Park.

13
14 City Attorney Becky Vose read the title of Ordinance No. 04-2014.

15
16 **AN ORDINANCE OF THE CITY OF DELTONA, FLORIDA, AMENDING THE OFFICIAL**
17 **ZONING MAP FOR THE FOLLOWING PARCELS: A TRACT OF LAND, BEING LOTS**
18 **23, 24, 25, 26, 27, 28, 29, 30, 31, 32 AND TRACT “K”, BLOCK 101, DELTONA LAKES UNIT**
19 **THREE, ACCORDING TO THE PLAT THEREOF AS RECORDED IN MAP BOOK 25,**
20 **PAGES 105 THROUGH 120, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA.**
21 **CONTAINING 3.9 ACRES MORE OR LESS, LOCATED AT THE NORTH SIDE OF THE**
22 **2000 BLOCK OF SAXON BOULEVARD; PROVIDING FOR SEVERABILITY;**
23 **PROVIDING FOR AN EFFECTIVE DATE.**

24
25 **Motion carried with members voting as follows:**

26		
27	Commissioner Barnaby	Against
28	Commissioner Denizac	Against
29	Commissioner Lowry	Against
30	Commissioner Nabicht	For
31	Commissioner Schleicher	For
32	Vice Mayor Herzberg	For
33	Mayor Masiarczyk	For
34		

35 Ordinance No. 04-2014 was adopted at 9:05 p.m.

36
37 **B. Public Hearing - Ordinance No. 08-2014, Amending the City Charter and Authorizing**
38 **proposed Charter amendment questions to be submitted to the electors at the November 4,**
39 **2014 General Election for a referendum on the questions of approval of the proposed**
40 **amendments, at second and final reading.**

41
42 Mayor Masiarczyk stated that questions are being voted on as a package, not individually, and the vote
43 is whether or not to put the questions before the public to be voted on with the November 4, 2014 ballot.

44
45 Commissioner Denizac stated that her issue with the proposal in front of the Commission is that the
46 process is not serving the Commission. The Commission should have arranged to vote on each ballot
47 question separately and those that passed with a majority vote of the Commission would then go
48 forward. She stated that if you go back and review minutes of previous meetings discussing the ballot
49 questions she is personally against term limits, has concerns about the vague language concerning the
50 Commission salary increase, the language needs to be clearer so residents understand what they are

1 voting on, and since the questions are clustered together she cannot vote to approve it.

2 Mayor Masiarczyk stated that due to the timeline to have questions on the November ballot the
3 Commission does not have the time to separate and vote on each question.

4
5 Commissioner Nabicht stated that the Commission work shopped the questions, the consensus of the
6 majority was to put the questions on the ballot, it does have to be voted on as is, and there was a
7 newspaper article on the pay increase issue. He stated he has received a lot of emails and comments on
8 the issue of pay increases, which has always been a difficult topic because of elections and the political
9 ramifications, but he truly believes that the theme of the ordinance is to try and get and retain the best
10 quality people possible to serve on the Commission. As for term limits, the City should not lose a good
11 Commissioner or Mayor because they have served their eight (8) year term but because the people
12 voted the elected official out, whether it is after eight (8) or 20 years of service, the people should make
13 that choice. He discussed the difference between Commissioners who are retired and those that are still
14 working, attendance at meetings and functions, attracting possibly more qualified elected officials by
15 lessening the financial costs of being an elected official, and the salary increase providing a larger pool
16 of candidates desiring to, and being able to, run for Mayor or Commissioner.

17
18 Commissioner Schleicher stated there are two (2) questions that will be hard to agree on, term limits
19 and salary, and she did not become a Commissioner for the salary. She stated to take a page out of
20 Commissioner Barnaby's previous comments about the Constitution "We the People", and that she
21 believes the consensus of the Commission is that it is most important to let the residents decide about
22 salary, terms of office and other recommended Charter amendments.

23
24 Mayor Masiarczyk stated not to forget the lengthy resident Charter review process that brought most of
25 the recommended amendments to the Commission, and that his original reason to bring up the Charter
26 needing to be revised was to clean up some of the outdated legal descriptions found in the current
27 Charter. He stated once the people have spoken, it is done, and the item is to vote whether or not to let
28 the people have the right to decide.

29
30 Commissioner Denizac stated that Commissioners who work put in twice the effort and she is not
31 against an increase in salary, just that the language is vague. She stated the people are not going to vote
32 blindly, the percentages are very high, the question needs to be rewritten, the need for a modest raise,
33 and that she does not claim mileage reimbursement although it is legal.

34
35 Commissioner Lowry stated he is not a big fan of getting rid of term limits, but the Commission
36 appointed a group of citizens and tasked them to review the Charter and come back with
37 recommendations. He stated he is surprised at some of the recommendations; he is running for County
38 Council and does not "have a dog in the fight". He stated he did not try to influence the Charter Review
39 Committee's (CRC) decisions and is sure the other Commissioners did not either, but when the
40 Commission puts a board of citizens together then the Commission should not reject what those citizens
41 bring forward. He stated the Commission should follow the process and let the citizens of Deltona cast
42 their vote.

43
44 Vice Mayor Herzberg stated that she also has a problem with the compensation, she did some research
45 and Deland also has charter amendment questions going on the November ballot, such as a change in
46 salary, the operational structure of the City and prohibition against City Commission interference,
47 which the Deltona Commission discussed, but did not decide to put on the ballot.

1
2 **Motion by Vice Mayor Herzberg, to adopt Ordinance No. 08-2014 at second and final reading,**
3 **with the following amendment to Question #5; the City Commission shall determine the Mayor**
4 **and Commissioner salary by ordinance, but no such ordinance shall take effect to change the**
5 **salaries of the mayor-commissioner and commissioners until after the next election following**
6 **adoption of such ordinance.**

7
8 Vice Mayor Herzberg distributed a copy of Deland's ordinance with revised language for the
9 Commission to consider amending Charter Question #5.

10
11 The Commission discussed the suggested amendment wording, reasons for the wording, what Deland is
12 putting on the ballot as one of their recommended charter questions, and the Commission needing to
13 adhere to the Charter Review timeline to have the questions appear on the November 2014 ballot.

14
15 **Motion failed due to lack of a second.**

16
17 Mayor Masiarczyk stated that when the original Charter was written it was discussed that residents
18 did not ever want the Commission to be able to raise their own salary, the Commission not knowing
19 the exact salary number of the Volusia County Council members when they moved forward with the
20 suggested language, needing to move forward with getting the questions on the ballot and letting the
21 residents vote.

22
23 **Motion by Commissioner Nabicht, seconded by Commissioner Schleicher to approve**
24 **Ordinance No. 08-2014 at second and final reading.**

25
26 Commissioner Lowry stated that if he were on the County Council he would vote against a salary
27 increase.

28
29 Mayor Masiarczyk opened the public hearing.

30
31 Colette Rowley, 648 Pyramid Avenue, asked for clarification of Question #1, what the boundary
32 descriptions and candidate qualifying period had to do with each other, and it seemed to her that it
33 should be two (2) separate ballot questions.

34
35 Mrs. Vose discussed the content of the question, changes to candidate qualifying time, getting rid of
36 old language, and that all issues mentioned under the question deal with cleaning up the Charter
37 language.

38
39 Mayor Masiarczyk discussed the changes, and the City needing to do a good job of explaining the
40 changes.

41
42 Violet Wailes, 770 Gordon Court, asked if the questions would be outlined on the November 2014
43 ballot separately and Mayor Masiarczyk replied "yes".

44
45 Mayor Masiarczyk closed the public hearing.

46
47 City Attorney Becky Vose stated that there is a 15 word limit to questions on the ballot.
48

1
2 After the Commission discussed possible changes to the language in Ordinance No. 08-
3 2014 Commissioner Nabicht asked if the motion and the second should be withdrawn, and Mayor
4 Masiarczyk replied “no”.

5
6 Commissioner Barnaby stated that elected officials take two (2) oaths, the first being to obey the
7 constitution of the United States; the second is to obey the Charter. He stated elected officials in the
8 federal government have term limits, and he felt it is very important that the City Commission also
9 recognize the importance of term limits. He reiterated what he said in a previous meeting that
10 “Government is not reason; it is not eloquent; it is force. Like fire, it is a dangerous servant and a
11 fearful master”, and that he sees that demonstrated tonight in the Chambers.

12
13 City Attorney Becky Vose read the title of Ordinance No. 08-2014.

14
15 **AN ORDINANCE OF THE CITY OF DELTONA, FLORIDA, PROPOSING**
16 **AMENDMENTS TO THE CHARTER FOR THE CITY OF DELTONA, FLORIDA,**
17 **PROPOSING A CHARTER AMENDMENT REMOVING INITIAL INCORPORATION/**
18 **TRANSITION PROVISIONS, BOUNDARY DESCRIPTIONS, AND CHANGING**
19 **CANDIDATE QUALIFYING PROVISIONS; PROPOSING A CHARTER AMENDMENT**
20 **REMOVING CITY MANAGER RESIDENCY REQUIREMENT; PROPOSING A**
21 **CHARTER AMENDMENT REMOVING TERM LIMITS ON MAYOR AND CITY**
22 **COMMISSIONERS; PROPOSING A CHARTER AMENDMENT REMOVING IN-HOUSE**
23 **CITY ATTORNEY RESIDENCY REQUIREMENT; PROPOSING A CHARTER**
24 **AMENDMENT CHANGING COMPENSATION OF MAYOR AND CITY**
25 **COMMISSIONERS; CALLING FOR REFERENDA ON THE PROPOSED AMENDMENTS**
26 **TO THE CHARTER TO BE HELD AT THE GENERAL ELECTION ON NOVEMBER 4,**
27 **2014; PROVIDING THE BALLOT TITLES AND BALLOT SUMMARIES FOR THE**
28 **REFERENDA; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE**
29 **DATE.**

30
31 **Motion failed with members voting as follows:**

32		
33	Commissioner Barnaby	Against
34	Commissioner Denizac	Against
35	Commissioner Lowry	Against
36	Commissioner Nabicht	Against
37	Commissioner Schleicher	Against
38	Vice Mayor Herzberg	Against
39	Mayor Masiarczyk	Against
40		

41 The Commission discussed rewording the language for Charter Question #1 to provide clarity for
42 residents when they read the question.

43
44 **Motion by Commissioner Nabicht, seconded by Commissioner Schleicher to adopt Ordinance No.**
45 **08-2014 at second and final reading with the amended verbiage to Question #1 to read as follows:**
46 **“Charter amendment removing initial incorporation/transition provisions, boundary**
47 **descriptions, and language changing candidate qualifying provisions.”**

48
49 Commissioners Barnaby and Denizac asked if the vote was just on Question #1, and Mayor Masiarczyk
50 replied that the motion is to approve all the ballot questions and the amended language for question #1

1 in the ordinance.

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

3		
4	Commissioner Barnaby	Against
5	Commissioner Denizac	Against
6	Commissioner Lowry	For
7	Commissioner Nabicht	For
8	Commissioner Schleicher	For
9	Vice Mayor Herzberg	Against
10	Mayor Masiarczyk	For
11		

12 Ordinance No. 08-2014 was adopted at 9:38 p.m.

13
14 **9. OLD BUSINESS:** None.

15
16 **10. NEW BUSINESS:**

17
18 **A. Request for approval of the City of Deltona FY 2014 HOPWA Grantee Re-Designation Agreement.**

19
20
21 Mr. Bowley provided a brief overview of the FY 2014 Housing Opportunities for Persons with AIDS
22 (HOPWA) Grantee Re-Designation Agreement.

23
24 Mayor Masiarczyk opened the public hearing.

25
26 Michael Williams, 2889 Cottageville Street, asked what about the award from Housing and Urban
27 Development (HUD), and what they were requiring the City to do. Mr. Bowley replied that it is for
28 Housing Opportunities for Persons with AIDS (HOPWA), the award to Deltona keeps the funding in
29 the region, and helps agencies with funding of housing for people with AIDS, who would help local
30 residents.

31
32 Commissioner Denizac asked if the City would only be turning over the \$372,602 to the outside agency
33 to manage and keeping the remaining funds for Deltona to manage, and Mr. Bowley replied “that is
34 correct”, the City is allocated \$440,094 in Community Development Block Grant (CDBG) funds to use
35 inside of Deltona.

36
37 Mayor Masiarczyk closed the public hearing.

38
39 **Motion by Vice Mayor Herzberg, seconded by Commissioner Schleicher to approve the City of**
40 **Deltona Fiscal Year 2014 HOPWA Grantee Re-Designation Agreement with HUD and the State**
41 **of Florida.**

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

46
47 **11. CITY ATTORNEY COMMENTS:** None.

48
49

1 **12. ACTING CITY MANAGER COMMENTS:**

2 **A. Lobbyist Update:**

3
4 Mr. Denny stated at the last workshop the Commission had discussed the City Manager setting up a
5 date for the Commission to meet and discuss the process to use for hiring a new City Manager.

6
7 The Commission and staff discussed upcoming Workshop dates and topics, setting up a separate
8 Workshop date that would provide all Commissioners the opportunity to attend, and reviewed
9 calendars to agree on a date for a City Manager hiring process workshop.

10
11 **After discussion, the Commission concurred to meet on Wednesday, May 21, 2014 at 6:00 p.m.**

12
13 Mr. Denny stated that the \$550,000 allocated for Deltona has not been vetoed by the Governor yet,
14 they have asked Deltona to provide additional information, which is a good sign according to the
15 City's Lobbyist, and that he will not know the status until Friday, May 9, 2014.

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

18
19 a) Commissioner Barnaby stated that he was disappointed that Deltona did not have a Proclamation
20 at the Freedom Fund banquet hosted by the National Association for the Advancement of Colored
21 People (NAACP), and he thinks it was disgraceful that the largest City in Volusia County had no
22 Proclamation. Michael Pleus, the City Manager for Deland was the recipient of the Service Award,
23 which was a well-deserved award. He stated he and Commissioner Denizac were the only Deltona
24 Commissioners in attendance, and he wishes when the Commission talks about all the great things they
25 want the City to be, that Commissioners would show more of an effort to be that example of a shining
26 City. The City should show more of an example by hiring more minorities who are qualified to be in
27 managerial positions in the City, and should do more to support cultural festivals. A lot of cities are
28 doing great things, and Deltona needed to be more progressive in its ability to do forward thinking. He
29 expressed appreciation for Mr. Michael Williams, President of the local chapter of the NAACP
30 attending the meeting and the event guest Speaker Doctor Coggins mentioning that the NAACP was
31 originally started by a white organization. He recognizes the need to do better as a Country working
32 very hard for equality in our Nation. He thanked Mrs. Wheatley for all she has done, and when a
33 banquet is held in the City to honour an organization like the NAACP, it was very sad for him not to see
34 more Commission members present. He stated hopefully next year the City will be better represented,
35 he will not be on the Commission next year, but he hopes to be on the County Council next year, and
36 "win lose or draw", he will always be living in and supporting Deltona.

37
38 b) Commissioner Nabicht stated that it was a shame that Commissioner Barnaby felt that he did not
39 represent the City well and that his attendance did not carry for the rest of the Commission at the
40 Freedom Fund Banquet. He stated when he attends an event he represents all of the Commission, he
41 wishes Commissioner Barnaby would have made more positive comments like them both attended and
42 representing the City at the Q1 Report meeting from Volusia County Economic Development. He
43 stated he had the honor of being the City's representative for the City with the largest number of
44 building permits pulled for the quarter for \$24 million, and he received the good news that
45 unemployment in the County is down to 6.3%. He stated that the Deltona Rising Project at the
46 Speedway will be using 1% of all the steel manufactured in the United States for a year, all the steel in
47 the project will be American made, and most of the fixtures will be American made products. He stated
48 he and the Mayor attended a Transportation Planning Organization (TPO) meeting, the TPO's new

1 name is the River to See TPO, residents can go to the website www.tellthetpo.com to find out more of
2 what is going on in the area and to make comments, there is an important survey on the website with a
3 trophy to be awarded to the City with the most surveys and comments. Also, there was a report by
4 given by Votran, who stated that Apple phone owners can download an application from the website
5 that shows live up to the minute information on exactly where the bus is. He stated the Commission
6 either has to have a meeting, or ad a topic to an agenda to discuss the Florida Department of
7 Transportation (FDOT) widening of Saxon Boulevard to Rhode Island Boulevard, the overpass, a
8 possible interchange that will be coming into the Activity Center, and the City's position on doing away
9 with the rail envelope from the Saint Johns River bridge to State Road (SR) 472. He stated the City
10 needs to send a strong signal to FDOT, and needing to have a position to take back to the TPO, there
11 will be a vote at the TPO meeting, the vote provided by the Deltona representative should be voiced for
12 the entire Commission, and the pros and cons of keeping the envelope can be discussed at the
13 workshop.

14
15 c) Commissioner Schleicher thanked Collette Rowley for bringing the idea to change the verbiage
16 in the Charter amendment ballot question to make it a little bit better, she thanked Mrs. Vose for
17 working diligently on the City's draft of a marijuana ordinance, and extended her condolences to the
18 family and friends of a longtime Deltona resident, Gladys Thomas who passed away over the weekend.

19
20 d) Commissioner Lowry reminded everyone to remember their mothers over the upcoming
21 Mother's day weekend, that all Commissioners stay pretty busy trying to get around to as many events
22 as possible, that he really wanted to be at the Freedom Fund Banquet on Friday night but his two (2)
23 girls graduating from the University of Central Florida took priority, and that Commissioners do try to
24 represent each other at events.

25
26 e) Vice Mayor Herzberg stated the FDOT meeting held in the Commission Chambers was very
27 interesting, especially the plans for Saxon Boulevard, and she discussed starting the Mayor's Fitness
28 Challenge.

29
30 f) Mayor Masiarczyk stated that it is called the Mayor's Fitness Challenge for a reason, he has been
31 working with Public Information Officer Lee Lopez and Florida Hospital, they are putting together a
32 little bit of a different approach on Deltona's Mayor's Fitness Challenge to make it a little more fun, it
33 will go out in draft format to all Commissioners for review in the next day or two, and he is being
34 careful not to compete with the City's Wellness Committee's fitness event. He stated he hoped that
35 someone would obtain a real good color picture of Gladys Thomas, and puts her in for the Wall of
36 Fame. He sent his condolences and best wishes to Ms. Thomas' family and all of her friends. He stated
37 that when "momma is happy, everyone is happy" and not to forget about Mother's Day on Sunday.

38
39 **14. ADJOURNMENT:**

40
41 There being no further business, the meeting adjourned at 10:18 p.m.

42
43
44
45 _____
46 **John Masiarczyk Sr., Mayor**

47 **ATTEST:**

48
49 _____
Mitch Honaker, Deputy City Clerk