

**CITY OF DELTONA, FLORIDA
REGULAR CITY COMMISSION MEETING
MONDAY, AUGUST 4, 2014**

1 A Regular Meeting of the Deltona City Commission was held on Monday, August 4, 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 Anthony Bellizio Present
14 Commissioner Zenaida Denizac 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: Planning and Development Services Director Chris Bowley; Planning and
22 Development Assistant Director Ron Paradise; Economic Development Manager Jerry Mayes;
23 Deputy City Manager Dale Baker; and VCSO Captain Dave Brannon.

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

26
27 Invocation Presented by Commissioner Bellizio – Nick Pizza, of Pizza Family Ministry.

28
29 The National Anthem was sung by Ryan Aceituno.

30
31 **4. APPROVAL OF MINUTES & AGENDA:**

32
33 **A. Minutes:**

34
35 **1. Approval of Minutes – Special & Regular City Commission Meeting of July 21, 2014.**

36
37 Commissioner Schleicher stated on Page 221, under New Business, Item 10-, to correct Mr. Sixma’s
38 first name from “Tony” to “Stony”.

39
40 **Motion by Commissioner Denizac, seconded by Vice Mayor Herzberg to approve the minutes of**
41 **the Special & Regular City Commission Meeting of July 21, 2014, as amended.**

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

46
47 **B. Additions or Deletions to Agenda:**

48
49 City Manager Dave Denny requested to pull Agenda Item 8-D.

1
2 **5. PRESENTATIONS/AWARDS/REPORTS:**

3
4 **A. Presentation – Quarterly Reports of City Advisory Boards/Committees.**

5
6 The Chairmen of the Planning and Zoning Board, Tom Burbank, and the Deltona Economic
7 Development Advisory Board (DEDAB) and its Sub-Committees, Rick Demeter, presented their
8 reports and the Firefighters' Pension Plan, Board of Trustees report was a written report.
9

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

11
12 a) VCSO Captain David Brannon reminded everyone of National Night Out at City Hall to take
13 place on Tuesday, August 5th from 5:30-8:30 p.m. It is a great opportunity to promote law enforcement
14 activities, a greater sense of community and how everyone can work together to stamp out crime in
15 Deltona and other communities. The VCSO will be joined by the Florida Highway Patrol and Florida
16 Wildlife as well as vendors at the event and he hoped to see all the Commission and residents at the
17 event.
18

19 **7. CONSENT AGENDA:** None.

20
21 **8. ORDINANCES AND PUBLIC HEARINGS:**

22
23 **A. Public Hearing - Resolution No. 2014-21: Community Development Block Grant**
24 **(CDBG) Annual Action Plan for Program Year (PY) 2014-15.**

25
26 Assistant Planning & Development Services Director Ron Paradise provided a brief overview of the
27 CDBG Annual Action Plan for PY 2014-2015.
28

29 The Commission and staff discussed why the allocation for the homeless was so small, how the
30 applicants are ranked, efforts that take place to prevent homelessness before it becomes a problem,
31 the City reaching out to the churches to feed the homeless, possibly working with the Veterans of
32 Foreign Wars (VFW) to assist with the homeless, the City not being listed on the Neighborhood
33 Center of West Volusia website as a resource, the presentation at the League of Cities Dinner on the
34 Pinellas County Safe Harbor Project, the prior year carry-over of \$151,000 already being allocated,
35 not providing money to the Council on Aging until the contract could be reviewed, and whether or
36 not the \$8,167.50 allocated to the Council on Aging was in addition to the contract.
37

38 Commissioner Denizac questioned why only \$11,000 was allocated to the Neighborhood Center of
39 West Volusia (NCWV) for the Homeless when there was \$151,000 carried over, if the allocation
40 could be made bigger, and if there were some real statistics. Mr. Paradise replied the applicants
41 were ranked and the Neighborhood Center of West Volusia actually received more than was asked
42 for plus the NCWV has other money coming in from other sources as well, the City is not the sole
43 source.
44

45 Commissioner Barnaby asked if the City was reaching out to private entities as well as the Volusia
46 Flagler Coalition for the Homeless. Mr. Paradise replied the City does work with the Coalition for
47 the Homeless and the Continue of Care organization; the City did participate with the homeless

1 count here in the City earlier in the year and the count was turned over to be included in the greater
2 homeless count that was going on in the County.

3
4 Commissioner Nabicht asked to table the item until the review of the Council on Aging's contract
5 can be reviewed and he asked that the contract be reviewed at a workshop. Mr. Paradise replied that
6 the plan needed to be approved by August 16, 2014.

7
8 Mayor Masiarczyk asked Mrs. Vose for a final status report from the Council on Aging on the
9 closing of the Jablonski Trust which may answer a lot of questions. He stated he was not in favor of
10 delaying this item as there are other agencies involved.

11
12 Commissioner Schleicher suggested leaving the funds under the Community Development Block
13 Grant (CDBG) Fund, but look at and change the contract with the Council on Aging. She requested
14 the statistics on the homeless in the City and Mr. Paradise replied staff found three (3) or four (4)
15 individuals who would be considered homeless during the two (2) day census.

16
17 **Motion by Vice Mayor Herzberg, seconded by Commissioner Schleicher to approve Resolution**
18 **No. 2014-21, the Community Development Block Grant Annual Action Plan for Program Year**
19 **2014-2015.**

20
21 Mayor Masiarczyk read the title of Resolution No. 2014-21.

22
23 **A RESOLUTION OF THE CITY OF DELTONA, FLORIDA, APPROVING THE COMMUNITY**
24 **DEVELOPMENT BLOCK GRANT (CDBG) SECOND YEAR ACTION PLAN FOR PROGRAM**
25 **YEAR 2014-2015; AUTHORIZING THE CITY MANAGER TO EXECUTE THE REQUIRED**
26 **FEDERAL FORMS AND CERTIFICATIONS; AUTHORIZING SUBMITTAL OF THE PLAN;**
27 **AUTHORIZING THE ADMINISTRATION OF THE PROGRAM; PROVIDING AN**
28 **EFFECTIVE DATE.**

29
30 **Motion carried unanimously with members voting as follows: Commissioner Barnaby, For;**
31 **Commissioner Bellizio, For; Commissioner Denizac, For; Commissioner Nabicht, For;**
32 **Commissioner Schleicher, For; Vice Mayor Herzberg, For; and Mayor Masiarczyk, For.**

33
34 Resolution No. 2014-21 was approved at 7:09 p.m.

35
36 **B. Public Hearing - Resolution No. 2014-08, Iglesia Misionera Esblabon de Dios (IMED)**
37 **Church Conditional Use Application (CU14-003).**

38
39 Planning & Development Director Chris Bowley gave a brief overview of the item.

40
41 Mayor Masiarczyk opened the public hearing.

42
43 Phillip Giorno, 2135 Brewster Drive, stated that he lives in the area and is for the development.

44
45 Mayor Masiarczyk closed the public hearing.

46
47 **Motion by Commissioner Denizac, seconded by Vice Mayor Herzberg to approve Resolution**
48 **No. 2014-08, the Conditional Use application (CU14-003) for IMED Church, located at 2745**
49 **Lake Helen-Osteen Road with the conditions of approval that require buildings be no closer**

1 **than 50 feet from any property line, that off-street parking areas meet the landscape buffer**
2 **and parking surface requirements, that the maximum capacity of the church per this**
3 **Conditional Use application shall be limited to no more than 210 seats, and that traffic mobility**
4 **in the Lake Helen-Osteen Road right-of-way meets all appropriate regulatory provisions and**
5 **standards.**

6
7 Mayor Masiarczyk read the title of Resolution No. 2014-08.

8
9 **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELTONA, FLORIDA;**
10 **GRANTING A CONDITIONAL USE TO PERMIT A HOUSE OF WORSHIP WITHIN AN RE-1,**
11 **RESIDENTIAL ESTATE ZONING DISTRICT FOR THE PROPERTY LOCATED AT 2745**
12 **LAKE HELEN-OSTEEN ROAD, WITHIN THE CITY OF DELTONA; PROVIDING**
13 **CONDITIONS AND AN EFFECTIVE DATE.**

14
15 **Motion carried unanimously with members voting as follows: Commissioner Barnaby, For;**
16 **Commissioner Bellizio, For; Commissioner Denizac, For; Commissioner Nabicht, For;**
17 **Commissioner Schleicher, For; Vice Mayor Herzberg, For; and Mayor Masiarczyk, For.**

18
19 Resolution No. 2014-08 was adopted at 7:12 p.m.

20
21 **C. Public Hearing - Ordinance No. 15-2014, An amendment to allow Changeable Copy**
22 **Signs for Houses of Worship, at second and final reading.**

23
24 Planning & Development Director Chris Bowley stated the Commission requested more statistics which
25 he provided in the agenda memo and he went over those statistics.

26
27 **Motion by Commissioner Barnaby, seconded by Commissioner Nabicht to approve Ordinance**
28 **No. 15-2014, an amendment to allow changeable copy signs for houses of worship, at second**
29 **and final reading.**

30
31 Mayor Masiarczyk opened and closed the public hearing as there were no public comments.

32
33 City Attorney Becky Vose read the title of Ordinance No. 15-2014.

34
35 **AN ORDINANCE AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF**
36 **DELTONA, FLORIDA, AMENDING THE CODE OF ORDINANCES, SUBPART B, LAND**
37 **DEVELOPMENT CODE, BY REVISING SECTION 102-78, HOUSES OF WORSHIP, AND**
38 **SECTION 102-102, CHANGEABLE COPY SIGNS, OF CHAPTER 102, SIGNS;**
39 **PROVIDING FOR CONFLICTS, CODIFICATION, SEVERABILITY, AND AN**
40 **EFFECTIVE DATE.**

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

45
46 Ordinance No. 15-2014 was adopted at 7:15 p.m.

47
48 **D. Public Hearing - Ordinance No. 05-2014, an amendment to rezone ±8.67 acres of land**
49 **located at 110 Howland Boulevard from the Volusia County zoning designation of Rural**

1 **Residential (RR) to the City of Deltona zoning designation of Retail Commercial (C-1), at first**
2 **reading and to schedule second and final reading for August 18, 2014.**

3
4 Item was pulled from the agenda by the City Manager.

5
6 **E. Ordinance No. 13-2014, Amending the Firefighter's Pension Plan by allowing the Fire**
7 **Chief the option of Opting Out of Participation, at first reading and to schedule second and**
8 **final reading for August 18, 2014.**

9
10 **Motion by Commissioner Barnaby, seconded by Commissioner Denizac to approve Ordinance**
11 **No. 13-2014, at first reading and to schedule second and final reading for August 18, 2014.**

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

14
15 **AN ORDINANCE OF THE CITY OF DELTONA, FLORIDA, AMENDING THE**
16 **FIREFIGHTER'S PENSION PLAN BY ALLOWING THE FIRE CHIEF THE OPTION OF**
17 **OPTING OUT OF PARTICIPATION; PROVIDING FOR CONFLICTS, CODIFICATION,**
18 **SEVERABILITY AND FOR AN EFFECTIVE DATE.**

19
20 Mayor Masiarczyk opened and closed the public hearing as there were no public comments.

21
22 **Motion carried unanimously with members voting as follows: Commissioner Barnaby, For;**
23 **Commissioner Bellizio, For; Commissioner Denizac, For; Commissioner Nabicht, For;**
24 **Commissioner Schleicher, For; Vice Mayor Herzberg, For; and Mayor Masiarczyk, For.**

25
26 Ordinance No. 13-2014 was adopted at 7:16 p.m.

27
28 **F. Ordinance No. 19-2014, Charter amendment removing initial incorporation/transition**
29 **provisions, boundary descriptions, and language changing candidate qualifying provisions, at**
30 **first reading and to schedule second and final reading.**

31
32 **Motion by Commissioner Nabicht, seconded by Commissioner Schleicher to approve**
33 **Ordinance No. 19-2014, at first reading and to schedule second and final reading for August**
34 **18, 2014.**

35
36 Mayor Masiarczyk opened and closed the public hearing as there were no public comments.

37
38 City Attorney Becky Vose read the title of Ordinance No. 19-2014.

39
40 **AN ORDINANCE OF THE CITY OF DELTONA, FLORIDA, PROPOSING AN**
41 **AMENDMENT TO THE CHARTER FOR THE CITY OF DELTONA, FLORIDA,**
42 **REPEALING ORDINANCE NO. 08-2014; PROPOSING A CHARTER AMENDMENT**
43 **REMOVING INITIAL INCORPORATION/TRANSITION PROVISIONS, BOUNDARY**
44 **DESCRIPTION, AND LANGUAGE CHANGING CANDIDATE QUALIFYING**
45 **PROVISIONS; CALLING FOR A REFERENDUM ON THE PROPOSED GENERAL**
46 **ELECTION ON NOVEMBER 4, 2014; PROVIDING THE BALLOT TITLE AND BALLOT**
47 **SUMMARY FOR THE REFERENDUM; PROVIDING FOR SEVERABILITY; PROVIDING**
48 **FOR AN EFFECTIVE DATE.**

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

5
6 Ordinance No. 19-2014 was adopted at 7:19 p.m.

7
8 **G. Ordinance No. 20-2014, Charter amendment removing City Manager residency**
9 **requirement, at first reading and to schedule second and final reading.**

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

12
13 Commissioner Nabicht clarified that what the Commission is voting on are the ballot questions to be
14 placed on the November ballot for the residents to vote on.

15
16 **Motion by Commissioner Schleicher, seconded by Vice Mayor Herzberg to approve Ordinance**
17 **No. 20-2014, at first reading and to schedule second and final reading for August 18, 2014.**

18
19 City Attorney Becky Vose read the title of Ordinance No. 20-2014.

20
21 **AN ORDINANCE OF THE CITY OF DELTONA, FLORIDA, PROPOSING AN**
22 **AMENDMENT TO THE CHARTER FOR THE CITY OF DELTONA, FLORIDA,**
23 **REMOVING CITY MANAGER RESIDENCY REQUIREMENT; CALLING FOR A**
24 **REFERENDUM ON THE PROPOSED GENERAL ELECTION ON NOVEMBER 4, 2014;**
25 **PROVIDING THE BALLOT TITLE AND BALLOT SUMMARY FOR THE**
26 **REFERENDUM; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE**
27 **DATE.**

28
29 **Motion carried unanimously with members voting as follows: Commissioner Barnaby, For;**
30 **Commissioner Bellizio, For; Commissioner Denizac, For; Commissioner Nabicht, For;**
31 **Commissioner Schleicher, For; Vice Mayor Herzberg, For; and Mayor Masiarczyk, For.**

32
33 Ordinance No. 20-2014 was adopted at 7:20 p.m.

34
35 **H. Ordinance No. 21-2014, Charter amendment removing term limits on Mayor and City**
36 **Commissioners, at first reading and to schedule second and final reading.**

37
38 Mayor Masiarczyk opened and closed the public hearing as there were no public comments.

39
40 The Commission discussed being reluctant to approve the ordinance, removing term limits could
41 have the potential for corruption, that it was the Charter Review Committee's (CRC)
42 recommendation to remove term limits, having confidence in the public to determine who should be
43 elected and for how long, separating the referendum questions to be individually voted on, the
44 referendum questions not all being recommendations of the CRC, and placing a referendum question
45 on the ballot that is not beneficial to the residents.

1 **Motion by Commissioner Nabicht, seconded by Commissioner Schleicher to approve**
2 **Ordinance No. 21-2014, at first reading and to schedule second and final reading for August**
3 **18, 2014.**

4
5 Mayor Masiarczyk opened the public hearing.

6
7 Paul Bebe, 1409 Gainesville Court, stated he agreed with Commissioner Bellizio that term limits
8 should not be left up to the residents to vote on.

9
10 Mayor Masiarczyk closed the public hearing.

11
12 City Attorney Becky Vose read the title of Ordinance No. 21-2014.

13
14 **AN ORDINANCE OF THE CITY OF DELTONA, FLORIDA, PROPOSING AN**
15 **AMENDMENT TO THE CHARTER FOR THE CITY OF DELTONA, FLORIDA,**
16 **REMOVING TERM LIMITS ON MAYOR AND CITY COMMISSIONERS; CALLING FOR**
17 **A REFERENDUM ON THE PROPOSED GENERAL ELECTION ON NOVEMBER 4, 2014;**
18 **PROVIDING THE BALLOT TITLE AND BALLOT SUMMARY FOR THE**
19 **REFERENDUM; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE**
20 **DATE.**

21
22 **Motion failed with members voting as follows:**

23		
24	Commissioner Barnaby	Against
25	Commissioner Bellizio	Against
26	Commissioner Denizac	Against
27	Commissioner Nabicht	For
28	Commissioner Schleicher	For
29	Vice Mayor Herzberg	Against
30	Mayor Masiarczyk	For
31		

32 Ordinance No. 21-2014 failed at 7:34 p.m.

33
34 **I. Ordinance No. 22-2014, Charter amendment removing in-house City Attorney**
35 **residency requirement, at first reading and to schedule second and final reading.**

36
37 **Motion by Vice Mayor Herzberg, seconded by Commissioner Barnaby to approve Ordinance**
38 **No. 22-2014, at first reading and to schedule second and final reading for August 18, 2014.**

39
40 Mayor Masiarczyk opened and closed the public hearing as there were no public comments.

41
42 City Attorney Becky Vose read the title of Ordinance No. 22-2014.

43
44 **AN ORDINANCE OF THE CITY OF DELTONA, FLORIDA, PROPOSING AN**
45 **AMENDMENT TO THE CHARTER FOR THE CITY OF DELTONA, FLORIDA,**
46 **REMOVING IN HOUSE CITY ATTORNEY RESIDENCY REQUIREMENT; CALLING**
47 **FOR A REFERENDUM ON THE PROPOSED GENERAL ELECTION ON NOVEMBER 4,**
48 **2014; PROVIDING THE BALLOT TITLE AND BALLOT SUMMARY FOR THE**
49 **REFERENDUM; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE**

1 **DATE.**

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

6
7 Ordinance No. 22-2014 was adopted at 7:36 p.m.

8
9 **J. Ordinance No. 23-2014, Charter amendment changing compensation of Mayor and**
10 **City Commission, at first reading and to schedule second and final reading.**

11
12 The Commission discussed the referendum question not passing partly due to the way it is worded,
13 the time spent reviewing the question and the different calculations that the Commission discussed.

14
15 **Motion by Vice Mayor Herzberg, seconded by Commissioner Nabicht to approve Ordinance**
16 **No. 23-2014, at first reading and to schedule second and final reading for August 18, 2014.**

17
18 Mayor Masiarczyk opened and closed the public hearing as there were no public comments.

19
20 City Attorney Becky Vose read the title of Ordinance No. 23-2014.

21
22 **AN ORDINANCE OF THE CITY OF DELTONA, FLORIDA, PROPOSING AN**
23 **AMENDMENT TO THE CHARTER FOR THE CITY OF DELTONA, FLORIDA,**
24 **CHANGING METHOD OF SETTING COMPENSATION OF MAYOR AND CITY**
25 **COMMISSIONERS; CALLING FOR A REFERENDUM ON THE PROPOSED GENERAL**
26 **ELECTION ON NOVEMBER 4, 2014; PROVIDING THE BALLOT TITLE AND BALLOT**
27 **SUMMARY FOR THE REFERENDUM; PROVIDING FOR SEVERABILITY; PROVIDING**
28 **FOR AN EFFECTIVE DATE.**

29
30 **Motion carried with members voting as follows:**

31
32 **Commissioner Barnaby Against**
33 **Commissioner Bellizio Against**
34 **Commissioner Denizac Against**
35 **Commissioner Nabicht For**
36 **Commissioner Schleicher For**
37 **Vice Mayor Herzberg For**
38 **Mayor Masiarczyk For**

39
40 Ordinance No. 23-2014 was adopted at 7:40 p.m.

41
42 **9. OLD BUSINESS:**

43
44 **10. NEW BUSINESS:**

45
46 **A. Request for approval of the Interlocal Agreement with the River-to-Sea Transportation**
47 **Planning Organization.**

1 Mayor Masiarczyk stated that if it is okay with the Commission and the item passes, he will sign the
2 agreement tonight so staff can forward the agreement as necessary and there was no opposition from
3 the Commission.

4
5 The Commission discussed why the urgency to have the agreement signed, the inclusion of Flagler
6 County, the reason for the revised agreement being the Volusia Transportation Planning
7 Organization (TPO) changed its name, the need to vote to approve the agreement, the City having a
8 weighted vote/rate which would carry approximately 17%, allowing the metropolitan areas to work
9 together, and the agreement being about long range planning.

10
11 **Motion by Vice Mayor Herzberg, seconded by Commissioner Nabicht to approve the**
12 **Interlocal Agreement for Creation of the Metropolitan Planning Organization and to**
13 **authorize the Mayor to sign the Agreement as the Authorized Representative of the City.**

14
15 Mayor Masiarczyk opened and closed the public hearing as there were no public comments.

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

20
21 **B. Request for consideration of proposed change to Real Estate Purchase Agreement for**
22 **Dupont Lakes Park extending the Closing Date to earlier of site plan review or December 31,**
23 **2014.**

24
25 City Manager Dave Denny gave a brief description of the request from the buyer for an additional
26 extension of the closing date from August 15, 2014 to December 31, 2014 or when they get a site
27 plan approved. He stated the property is located in an area that will take a lot of time to get
28 permitted and he is assuming that is the purpose of the request.

29
30 The Commission discussed this being the buyers second extension, the lengthy requirements for this
31 type of project, whether or not the City has received any other offers, there being a \$10,000 deposit
32 is not at risk and is refundable, the buyer doing something in return for the extension, putting
33 pressure on the purchaser, not knowing where the relocation of the ball fields are going to be, the
34 City's Real Estate Agent suggested not doing another extension without a deposit of some real hard
35 money, the proceeds of the property being used to relocate the ball fields, the extension being
36 contingent on the \$10,000 deposit being non-refundable, the contract already being expired, the
37 \$10,000 being an extremely small amount on a contract of this amount, the purchaser having an
38 anchor store, not tying up other offers or the property, a reasonable deposit for the property being
39 10% of the contract price, and the buyer not having a legal representative at the meeting.

40
41 Dan Warren, 860 E. Lehigh Drive stated the first 30 day extension was to do soil testing, this
42 extension is to extend the closing date, the \$10,000 being a "drop in the bucket" compared to the
43 money the buyer has spent on plans, attorney and architects, the deposit being a good faith deposit,
44 the buyer being the same one who did the CVS and Wendi's in the same area, the buyer went
45 through a site plan review with staff and if the Commission chooses to start over it is the same long
46 process.

47
48 The Commission discussed the property purchase price being \$1.25 million, other investors not

1 showing any interest in the property, the buyer proposing a large building and a strip mall, the
2 money the buyer has spent on studies to make sure it can use the property, the buyer providing
3 monthly updates to the Commission and possibly not being able to sell the property with a non-
4 refundable 10% deposit with no assurance anything can be built on that property.

5
6 Dan Warren, 860 E. Lehigh Drive stated he is authorized to put up the \$10,000 deposit upon
7 extension approval, provide monthly updates and an additional \$10,000 will be provided to the City
8 by October 15, 2014 which normally the buyer would not do, but with the studies that have been
9 done the buyer believes it can make the project work.

10
11 Chris Bowley stated he has been in this situation before, there is usually a 30, 60, 90 and even up to
12 180 days for inspections of environmentally constrained properties, it is warranted to ask for hard
13 money down when providing extensions, the two (2) biggest issues on the property are the 100 year
14 flood plain and the 25 ft. buffer for the wetlands. He stated staff has seen a conceptual plan, but no
15 permits.

16
17 Mrs. Vose stated her concern is that the buyer will not get approval by the St. Johns River Water
18 Management District by the end of the year.

19
20 **Motion by Commissioner Barnaby, seconded by Commissioner Nabicht to restructure the**
21 **agreement with the proposed change to the Real Estate Purchase Agreement extending the**
22 **closing date to earlier of site plan review or December 31, 2014 based on the \$10,000 deposit**
23 **being non-refundable, an additional \$10,000 on October 31, 2014 and including the monthly**
24 **updates.**

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

27
28 **Motion carried with members voting as follows:**

29		
30	Commissioner Barnaby	For
31	Commissioner Bellizio	For
32	Commissioner Denizac	For
33	Commissioner Nabicht	For
34	Commissioner Schleicher	Against
35	Vice Mayor Herzberg	For
36	Mayor Masiarczyk	For
37		

38 Mayor Masiarczyk asked staff to bring back a plan for the 122 acres for the relocation of the ball
39 fields of Dupont Lakes Park.

40
41 The Commission discussed not putting money toward something that it is not sure of, to use
42 anything the City currently has as a temporary location for the ball fields, the \$20,000 non-
43 refundable deposit not being enough to relocate the ball fields, staff providing cost estimates to
44 relocate the existing lights at Dupont Lakes Park to other existing ball fields, the Commission
45 providing clear direction to staff as to where to relocate the ball fields, that it would take several
46 years for the City to even break ground on a new park, the time it will take to develop a park on the
47 122 acres, the issue being the lights in order to provide ball fields for the existing leagues playing at
48 Dupont Lakes Park, whether or not to spend the money to remove lights that may or may not be able

1 to be reused, staff providing temporary ball fields for the leagues to play on and the need for the City
2 to have a strategic plan.

3
4 **11. CITY ATTORNEY COMMENTS:** None.

5
6 **12. CITY MANAGER COMMENTS:** None.

7
8 **A. Lobbyist Update:**

9
10 **13. CITY COMMISSION COMMENTS:**

11
12 a) Commissioner Bellizio suggested when the City has property to sell in the future, to ensure there
13 is a 10% non-refundable deposit, develop a template or guidelines to operate by, and have a step-by-
14 step process so there is no confusion in the future.

15
16 b) Commissioner Schleicher stated tomorrow is National Night Out between 5:30 - 8:30 p.m.

17
18 c) Commissioner Nabicht welcomed Commissioner Schleicher back.

19
20 d) Commissioner Denizac requested a copy of the census and survey regarding the homeless, and
21 she suggested to direct staff to guide the Commission through another five (5) year economic
22 development and strategic plan because the Commission has been going in circles for months and there
23 was no opposition by the Commission.

24
25 e) Commissioner Barnaby stated he appreciated seeing all the public at the meeting keeping the
26 Commission accountable.

27
28 f) Vice Mayor Herzberg stated the Commission approved the conditional use for the house of
29 worship and Mr. Bowley provided the number of churches. She asked if it is possible to rezone those
30 church properties that are zoned residential, but are currently located in a commercial zone in-house.
31 Mrs. Vose replied it would be possible; however, she is in the process of drafting an ordinance that
32 would allow essentially the subordinate commercial uses in churches that are zoned residential. She
33 suggested this would be more desirable because if you rezone a church that is in a residential area to
34 commercial and the church closes then you could put any type of commercial zoning there.

35
36 g) Mayor Masiarczyk stated he would like staff to prepare an RFP for the Commission's approval
37 for a permanent City Manager and there was no opposition by the Commission.

38
39 h) Mayor Masiarczyk thanked Captain Brannon, he has been receiving some strange calls lately and
40 he asked the Commission to keep track of their calls and not to just dismiss them.

41
42 i) Commissioner Barnaby stated churches are going to give out back packs and school supplies this
43 coming weekend.

44
45 **14. ADJOURNMENT:**

46
47 There being no further business, the meeting adjourned at 8:41 p.m.

48

1
2
3
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John Masiarczyk Sr., Mayor

ATTEST:

Joyce Raftery, City Clerk