

**CITY OF DELTONA, FLORIDA  
REGULAR CITY COMMISSION MEETING  
MONDAY, SEPTEMBER 15, 2014**

1 A Regular Meeting of the Deltona City Commission was held on Monday, September 15, 2014 at  
2 the 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 Acting City Manager Dale Baker Present  
18 City Attorney Becky Vose Present  
19 City Clerk Joyce Raftery Present

20  
21 Also present: Planning and Development Services Director Chris Bowley; Deputy City Manager  
22 Gerald Chancellor; Finance Director Robert Clinger; Parks and Recreation Director Steve Moore;  
23 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 Kasia Soto a Deltona Middle School student.

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

32  
33 **A. Minutes:**

34  
35 **1. Approval of Minutes – Regular City Commission Meeting of September 3, 2014.**

36  
37 Commissioner Bellizio stated that he made the second to the motion on Item 8-D and that he has  
38 already contacted staff about the correction.

39  
40 **Motion by Vice Mayor Herzberg, seconded by Commissioner Denizac to approve the minutes of**  
41 **the Regular City Commission Meeting of September 3, 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 Mayor Masiarczyk stated that the Commission was notified by staff requesting to table Item 8-E and

1 Item 8-F to the October 6, 2014 Commission meeting.  
2

3 **5. PRESENTATIONS/AWARDS/REPORTS:**  
4

5 **A. Presentation of Certificates - West Volusia Youth Baseball League (WVYB) 13U All-**  
6 **Star State Champions.**  
7

8 Mayor Masiarczyk and the Commission presented Certificates of Recognition to the West Volusia  
9 Youth Baseball League 13U All-Star State Champion coaches and the team.  
10

11 **B. Recognition - John Atkinson 2014 Secondary Principal of the Year – September 15,**  
12 **2014.**  
13

14 Commissioner Denizac read the Proclamation for the record and Mayor Masiarczyk and the  
15 Commission presented the Proclamation to Mr. John Atkins for being awarded the 2014 Secondary  
16 Principal of the Year, September 15, 2014.  
17

18 **C. Recognition and presentation to IT System Administrator Robert Cordero for**  
19 **completing the Certified Public Technology Manager at the top of his class.**  
20

21 Mayor Masiarczyk and the Commission recognized IT System Administrator Robert Cordero for  
22 completing the Certified Public Technology Manager's course at the top of his class and IT Manager  
23 Steve Narvaez presented Mr. Cordero with the certificate.  
24

25 **6. PUBLIC FORUM – Citizen comments for items not on the agenda.**  
26

27 a) Victor Ramos, 1555 Saxon Blvd., invited everyone to go by Bethune Cookman University to  
28 see some of the things they have planned for the City.  
29

30 b) Al Everson, 1033 Blue Horizon Dr., stated not speaking as a member of the Beacon, but as a  
31 resident of Deltona. He stated Wednesday is the 227<sup>th</sup> Anniversary of the U.S. Constitution, the rumors  
32 of the proposed expansion of sewer service in this area, and he suggested looking at a study of Jefferson  
33 County Alabama that surrounds Birmingham who thought it would be a great idea to have a sewer  
34 system which led to the largest Municipal bankruptcy in history until Detroit some months ago. He  
35 stated he sees there are parallels between Jefferson County and Deltona, the number of students on  
36 free/reduced lunch, and Deltona not being a rich City.  
37

38 Mayor Masiarczyk stated that the Commission does not support an expansion of the City's sewer  
39 system.  
40

41 **7. CONSENT AGENDA:**  
42

43 Commissioner Schleicher asked to pull Item 7-B and Commissioner Nabicht asked to pull Item 7-A.  
44

45 **A. Request for consideration of change in Commission meeting dates for 2014 holiday**  
46 **season and approval of the 2015 holiday meeting schedule.**  
47

48 Commissioner Nabicht stated that the employees receive December 24<sup>th</sup> and 25<sup>th</sup> for the holidays  
49 and he asked that December 26<sup>th</sup> be considered also.

1  
2 **Motion by Commissioner Nabicht, seconded by Vice Mayor Herzberg to change the December**  
3 **meeting schedule to include only one (1) Regular Commission meeting on Monday, December**  
4 **15th and no Commission Workshop meetings in the month of December 2014 and to approve**  
5 **the meeting and invocation calendars for 2015 as presented.**  
6

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

10  
11 **B. Request for consideration and approval of Memorandum of Understanding (MOU)**  
12 **between the City of Deltona and the West Volusia Audubon Society, Inc.**  
13

14 The Commission and staff discussed what parks staff was looking at for the grants.

15  
16 Commissioner Schleicher asked what parks staff was looking at and is this going to tie the City's  
17 hands with regards to any other developments.

18  
19 Mayor Masiarczyk stated that there was a revised version of the Memorandum of Understanding  
20 (MOU) which was distributed and City Attorney Mrs. Vose read an addition to the MOU.

21  
22 Commissioner Schleicher asked why the funds are not going to be given to the City and Mrs. Vose  
23 replied the purpose of the MOU is to allow the City to be a part of the application for a grant that  
24 would only be available to a 501c3 organization and the City is not that type of an organization.

25  
26 Commissioner Schleicher asked regarding cancellations, do the funds stay with the Audubon Society  
27 and Mrs. Vose replied only the Finance Director would still be able to move whatever funds were  
28 still there.

29  
30 Vice Mayor Herzberg asked where grant match money would come from, have financials been  
31 provided by the Audubon Society showing they have matching grant money, what is the City's  
32 benefit and until some of these questions are answered she cannot vote in favor of this item. Mrs.  
33 Vose stated that it is not addressed in the MOU, however, every grant would come before the  
34 Commission for approval and this would be used only for City projects having to do with parks that  
35 the Audubon Society might like to have improved.

36  
37 Commissioner Denizac stated she cannot support the MOU because she feels that the City would be  
38 working for the non-profit and she suggested the item be tabled to a workshop.

39  
40 Vice Mayor Herzberg asked do any other cities have an agreement like this with the Audubon  
41 Society and Mrs. Vose replied not that she is aware of.

42  
43 Commissioner Nabicht stated he understands the mechanism, there was no discussion by the  
44 Commission, it was just something worked by staff, he asked Mr. Mayes what the targets/projects  
45 are and to provide a presentation to the Commission.

46  
47 **Motion by Commissioner Nabicht, seconded by Vice Mayor Herzberg to table the item to a**  
48 **workshop.**

1  
2 **8. ORDINANCES AND PUBLIC HEARINGS:**

3  
4 **A. Public Hearing - Resolution No. 2014-18, Adopting the Final Millage Rate for FY**  
5 **2014/2015.**  
6

7 Mayor Masiarczyk opened the public hearing to hear and consider comments and questions regarding  
8 the City's tentative millage rate and proposed annual budget for the coming fiscal year 2014/2015. The  
9 City of Deltona hereby proposes a millage rate of 7.99. The millage rate reflects a 7.6% increase from  
10 the rolled-back rate of 7.4250 mills. The justification for the increase is the millage rate is higher than  
11 the roll-back rate of 7.4250 in order to cover increased operating costs as well as additional sidewalk  
12 construction. The floor is now open to hear public comments and to take any questions from the public.  
13

14 Commissioner Barnaby stated tonight the City of Orlando raised their millage rate by 17.6% and he  
15 suggested marketing Deltona as he feels those residents in other cities who have raised their millage  
16 rate will be looking for a new place to live, there being a lot of vacant homes in Deltona, the City not  
17 raising the millage rate and the Commission needs to be more responsible and try to figure out how  
18 to save the resident's money.  
19

20 Vice Mayor Herzberg stated the next item the Commission will vote on is the budget and if the  
21 millage rate were to be lowered then the Commission would need to reduce the budget and lower  
22 services. The increase being an average of \$20.81, a lot of the vacant homes not paying any  
23 property taxes and it taking about 40 years to recoup the loss, and she supports the 7.99 millage rate.  
24

25 Commissioner Denizac stated the Commission was told there is a \$1.4 million surplus, \$500,000 is  
26 set aside for sidewalks and \$500,000 is set aside for road resurfacing, heard Mr. Everson who  
27 sighted the stats from area schools, and there are some departments that she felt could have been cut  
28 and some that make more than the Vice President of the United States makes.  
29

30 Commissioner Schleicher stated she had asked the Finance Director how much would need to be cut  
31 to lower the millage rate and Mr. Clinger stated almost \$900,000. She stated what each  
32 Commissioner would save in taxes each year based on lowering the 7.99 millage rate and the  
33 average tax increase per home is \$35 for the year.  
34

35 Vice Mayor Herzberg stated the City has done a good job maintaining the services, everyone knows  
36 everything has increased and that is no different for the City, the City functions like a business, if the  
37 City continues to cut it will not be able to function.  
38

39 **Motion by Vice Mayor Herzberg, seconded by Commissioner Nabicht for the approval of**  
40 **Resolution No. 2014-18, adopting the final millage rate of 7.9900 mills for the levy of ad**  
41 **valorem taxes for fiscal year 2014/2015.**  
42

43 Commissioner Bellizio stated the arguments made by the Commission are futile without public  
44 participation and he suggested in the future getting as much participation on the budget process as  
45 possible.  
46

47 Commissioner Denizac stated funds are going to be coming our way.  
48

1 The City Attorney read the title of Resolution No. 2014-18.

2  
3 **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELTONA, FLORIDA;**  
4 **ADOPTING AN AD VALOREM MILLAGE RATE FOR THE 2014-2015 FISCAL YEAR;**  
5 **PROVIDING FOR AN EFFECTIVE DATE.**

6  
7 Mayor Masiarczyk stated that the City of Deltona has adopted a millage rate of 7.99 mills for fiscal year  
8 2014/2015; the final millage rate reflects a 7.6% increase from the rolled-back rate of 7.4250.

9  
10 **Motion carried with members voting as follows:**

11  
12 **Commissioner Barnaby                      Against**  
13 **Commissioner Bellizio                     For**  
14 **Commissioner Denizac                    Against**  
15 **Commissioner Nabicht                    For**  
16 **Commissioner Schleicher                For**  
17 **Vice Mayor Herzberg                    For**  
18 **Mayor Masiarczyk                        For**

19  
20 Resolution No. 2014-18 was adopted at 7:27 p.m.

21  
22 **B. Public Hearing - Resolution No. 2014-19, Adopting the Tentative Annual Budget for FY**  
23 **2014/2015.**

24  
25 Mayor Masiarczyk stated the proposed annual budget is summarized as follows: General Fund -  
26 \$52,570,926; Special Revenue Funds - \$20,994,368; Enterprise Fund - \$64,044,127; Capital Project  
27 Funds - \$5,375,821; and Total City-wide Annual Budget - \$142,985,242. The floor is now open to hear  
28 public comments and to take any questions from the public.

29  
30 Commissioner Bellizio stated if there is not public participation the City will continue to have  
31 debates among politicians and nothing will change.

32  
33 Vice Mayor Herzberg asked for the Commission's support on Page 75, Memberships, Volusia  
34 County of Government (VCOG), to direct the Acting City Manager to not spend the money at this  
35 point.

36  
37 Commissioner Barnaby stated he supports a zero based budget concept in the future, so the  
38 Commission can look at the budget line by line, he cautioned the Commission when talking about  
39 ways to save money and he strongly disagreed that "services" have to be cut, the Commission  
40 Members are legislators and not politicians who should have a reasonable argument and he concurs  
41 with the Vice Mayor.

42  
43 Commissioner Denizac stated she would like the residents to be able to see the budget online.

44  
45 **Motion by Commissioner Nabicht, seconded by Vice Mayor Herzberg to approve Resolution**  
46 **No. 2014-19, adopting the final General Fund, Special Revenue Funds, Enterprise Fund, and**  
47 **Capital Project Funds budgets for fiscal year 2014/2015.**

1 The City Attorney read the title of Resolution No. 2014-19.

2  
3 **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELTONA, FLORIDA;**  
4 **ADOPTING THE FINAL ANNUAL GENERAL FUND, SPECIAL REVENUE FUNDS,**  
5 **ENTERPRISE FUND, AND CAPITAL PROJECT FUNDS BUDGETS FOR THE FISCAL**  
6 **YEAR BEGINNING OCTOBER 1, 2014, AND ENDING SEPTEMBER 30, 2015;**  
7 **PROVIDING FOR AN EFFECTIVE DATE.**

8  
9 **Motion carried with members voting as follows:**

10  
11 **Commissioner Barnaby                      Against**  
12 **Commissioner Bellizio                      For**  
13 **Commissioner Denizac                      Against**  
14 **Commissioner Nabicht                      For**  
15 **Commissioner Schleicher                      For**  
16 **Vice Mayor Herzberg                      For**  
17 **Mayor Masiarczyk                      For**

18  
19 Resolution No. 2014-19 was adopted at 7:36 p.m.

20  
21 **C. Public Hearing - Ordinance No. 14-2014, amending Section 42-186, of Article IV, “Fire**  
22 **Codes”, of Chapter 42, “Fire Prevention and Protection”, of the Code of the City of Deltona,**  
23 **Adopting More Recent Standard Code Provisions and Providing for New Methods of Appeals**  
24 **of Certain Decisions, at second and final reading.**

25  
26 **Motion by Commissioner Barnaby, seconded by Commissioner Schleicher to adopt Ordinance**  
27 **No. 14-2014, at second and final reading.**

28  
29 Mayor Masiarczyk opened and closed the public hearing as there were no public comments.

30  
31 City Attorney Becky Vose read the title of Ordinance No. 14-2014.

32  
33 **AN ORDINANCE AMENDING SECTION 42-186, OF ARTICLE IV, “FIRE CODES”, OF**  
34 **CHAPTER 42, “FIRE PREVENTION AND PROTECTION”, OF THE CODE OF THE CITY**  
35 **OF DELTONA, FLORIDA, ADOPTING MORE RECENT STANDARD CODE**  
36 **PROVISIONS AND PROVIDING FOR NEW METHODS OF APPEALS OF CERTAIN**  
37 **DECISIONS; PROVIDING FOR CONFLICTS, SEVERABILITY, CODIFICATION, AND**  
38 **AN EFFECTIVE DATE.**

39  
40 **Motion carried unanimously with members voting as follows: Commissioner Barnaby, For;**  
41 **Commissioner Bellizio, For; Commissioner Denizac, For; Commissioner Nabicht, For;**  
42 **Commissioner Schleicher, For; Vice Mayor Herzberg, For; and Mayor Masiarczyk, For.**

43  
44 Ordinance No. 14-2014 was adopted at 7:37 p.m.

45  
46 **D. Public Hearing - Ordinance No. 17-2014, Halifax Crossings Business Planned Unit**  
47 **Development, at second and final reading.**

1 Planning & Development Assistant Director Ron Paradise stated staff has suggested no changes to the  
2 language of the BPUD Development Agreement that was reviewed by the City Commission on  
3 September 3, 2014 with the exception of the addition of a Master Development Plan (MDP). He  
4 referred to the plan stating the plan will be reviewed by the Commission through the Plat process. He  
5 went over some of the details of the plan, some concerns about the landscape buffer and that it was the  
6 intent of the applicant that the 40 foot landscape buffers remain as native vegetation however there is no  
7 mandate that would require the native vegetation is maintained. He stated however there is a minimum  
8 standard that will still need to be followed. He stated he was aware the applicant does have some  
9 proposed changes to the BPUD Development Agreement and he requested permission to turn the floor  
10 over to the applicant's representative.

11  
12 Commissioner Denizac asked Mr. Paradise about the City having to address maintaining Graves  
13 Avenue and the spine road if none of these streets are City streets and Mr. Paradise replied there is an  
14 option for the City to accept the spine road as a public right-of-way and those decisions can be made  
15 during the plat process. Commissioner Denizac expressed concerns with accepting the streets.

16  
17 Mayor Masiarczyk left the meeting at 7:38 p.m. and returned at 7:45 p.m.

18  
19 Mayor Masiarczyk stated he also had concerns and that the City should require the developer to build  
20 the roads by the standards the City can accept.

21  
22 Commissioner Schleicher asked about the small property on this MDP that was not shown previously  
23 and Mr. Paradise replied that is an in-holding that is part of the Davis Park Fifth Addition plat and lands  
24 that were not vacated as part of a vacation easement however this property will be accessed by an  
25 easement dedicated to the City to existing City right-of-way.

26  
27 The Commission and staff discussed what adopting the road would mean to the City, decisions that  
28 would be made during the final plat process, roads being constructed to City standards, the difference  
29 between the road's maintenance being done by the City and a private property owner association, what  
30 happens if the home owners association becomes dysfunctional, roads being built to City standards,  
31 other maps not showing a portion of the map stated "not included", recommendations from the  
32 developer to change the language of the BPUD.

33  
34 Bill Barfield, Trafalgar Holdings, 225 South Westmonte Street, Suite 2040, Altamonte Springs, FL,  
35 stated on Page 9-10, Paragraph 15, to change the trip caps on Lot 12 to 5,400, but not the overall project  
36 and he explained the reason for the change and there was no objection by the Commission. Mr.  
37 Barfield stated the second change was to add an agricultural conditional use to the property and he  
38 explained briefly the reason which was the ordinance that was adopted making a non-conforming use of  
39 the property which allows for the agricultural use to be changed in the future.

40  
41 The Commission, staff and Mr. Barfield discussed the current zoning of the land and the financial  
42 impact, staff did not recommend agricultural use on the Activity Center property or this BPUD, the  
43 property going to take a long time to develop, the benefits to the agricultural zoning and growing trees,  
44 making the project economically viable, and the initial expectation of the property to be built being the  
45 spine road would be built as soon as Lot 12 closes then the out parcels along I-4 and full development  
46 taking 15-20 years.

47  
48 **Motion by Commissioner Nabicht to table the item until the Developer's Agreement is worked**

1 **out and the motion died for a lack of a second.**

2  
3 The Commission discussed Mr. Barfield having a valid point, opening up Deltona for economic  
4 development sooner rather than later, where the retention pond would be, nothing evasive being done  
5 on the property, incorporating the plan as written, the developer's request being necessary, development  
6 taking time, the economic viability and looking toward the future.

7  
8 Commissioner Denizac asked how committed Halifax Hospital is to purchasing Lot 12 and building a  
9 hospital on it and Rafael Ramirez, Halifax Hospital, replied there has been a contract on the property for  
10 the past 14 months, the hospital is dead serious about the project, the hospital hired him to oversee the  
11 project, and try to resolve some conditions of the property tonight.

12  
13 Commissioner Nabicht stated he has a problem putting a zoning decision in the hands of the developer  
14 and out of the hands of a future Commission by putting something in the agreement that will tie their  
15 hands. He stated the outparcels will be developed first creating a fire interface by putting a tree farm up  
16 against the other interfaces and he is not against the project, but he is not in support of the request.

17  
18 Mayor Masiarczyk agreed that the property would be zoned agricultural, the plan as written spells out  
19 the trees, the distance and breaks between the residential areas.

20  
21 Commissioner Bellizio gave an analogy of how he feels about Deltona, Commissioner Nabicht having  
22 valid reasons and the Commission would be irresponsible if it did not ask questions.

23  
24 Vice Mayor Herzberg asked what about mitigating scrub jays and Mr. Barfield replied there is a scrub  
25 jay plan and once the permit is issued the project will be clear.

26  
27 **Motion by Vice Mayor Herzberg, seconded by Commissioner Nabicht to table the item.**

28  
29 **Motion failed with members voting as follows:**

30		
31	<b>Commissioner Barnaby</b>	<b>Against</b>
32	<b>Commissioner Bellizio</b>	<b>For</b>
33	<b>Commissioner Denizac</b>	<b>Against</b>
34	<b>Commissioner Nabicht</b>	<b>For</b>
35	<b>Commissioner Schleicher</b>	<b>Against</b>
36	<b>Vice Mayor Herzberg</b>	<b>For</b>
37	<b>Mayor Masiarczyk</b>	<b>Against</b>
38		

39 Commissioner Denizac asked staff if the Commission can approve the rezoning and address the  
40 agricultural issue at a later date because she does not want to kill the entire project. Mr. Paradise replied  
41 the Commission could approve the item as is and the applicant would have to come back before the  
42 Commission with the request for agricultural use and the Commission could review the merits of this  
43 limited type of agricultural use.

44  
45 Mayor Masiarczyk stated this is a zoning issue tonight, the closing date is coming up, he does not want  
46 to lose the development, the plan addressing silviculture trees which is good and is spelled out, if the  
47 developer sticks to the plan it does not affect the City, and the Commission's continued discussion of  
48 about 15 – 20 years. He stated he feels the developer would like to sell it all in two (2) years however if

1 the developer has to continue to jump through hoops the project could stretch out to 20 years. He stated  
2 he does not feel any developer would start a project this size and not want to get it built out as soon as  
3 possible but the developer has to protect himself also.  
4

5 Vice Mayor Herzberg asked if the property is already zoned agriculture then what is the exception  
6 wanted and Mr. Paradise explained the developer has a non-conforming status but if they should ever  
7 let it lapse or the State laws change on agricultural taxation rates this status would be lost and they want  
8 assurances that they can engage in some agricultural use with imprimatur from the City however the  
9 City cannot reel it in if the City grants it as a permitted principal use in the development agreement.  
10 Vice Mayor Herzberg asked if there was a time frame and Mr. Paradise replied the time frame on the  
11 property is the year 2025. Vice Mayor Herzberg asked if there was a possibility of zoning it for a five  
12 (5) year period of time and look at it again and Mrs. Vose replied that can be done.  
13

14 Commissioner Denizac asked can this be approved as presented and come back and Mr. Barfield  
15 replied he cannot do that because once he loses the zoning and it goes to the BPUD it is gone. He stated  
16 he would have to run the risk to go forward or will have to withdraw the application and not sign the  
17 development order and all he has requested is the exception be documented, nothing is changing on the  
18 property. Commissioner Denizac stated the Commissioners have not had the opportunity to sit with  
19 staff, but she is against doing anything without knowing all the facts, she wants to see the plans  
20 mentioned by Mayor Masiarczyk and she recommended staff provide guidance.  
21

22 Commissioner Nabicht stated the plan existed, staff did not want language in the Development  
23 Agreement or it would have been included, he supports the project, he can go the five (5) years and a  
24 future Commission could make the decision.  
25

26 Commissioner Barnaby stated he took the time to do his due diligence, he spoke with staff, he visited  
27 the site, other cities getting economic development done, and the City minutia's the development to  
28 death.  
29

30 Chris Bowley stated everyone wants development, there is logic involved, and he suggested putting a  
31 caveat on the agricultural zoning exemption which should include the timber plan of five (5) years and  
32 the applicant is following the timber plan per the property appraiser and it is following practices.  
33

34 Mayor Masiarczyk opened the public hearing.  
35

36 Carl Chamberlan, 2868 Forest Edge Dr., stated things keep changing all the time, the local hospitals  
37 very rarely go on diversion, the length of time it will take to build a hospital, his house being built in  
38 1991, agree need tax dollars into the City, concerned about what will be built because it constantly  
39 changes, people breaking into the homes in the area and the need for the truth.  
40

41 Eileen Beatty, 2876 Forest Edge Dr., stated she hopes the Commission would get the information  
42 before the meetings, the residents are for it if it is done right, the rumors of what may be built on the  
43 property, most residents not having privacy fences, the wildlife in the area, and the depth of the  
44 retention facility.  
45

46 Kristofer Beatty, 2876 Forest Edge Dr., stated he abuts the property, he is not against the zoning change,  
47 but it is the development agreement attached to it, the Planning & Zoning Advisory Board being able to  
48 advise the Commission as to what is going to be developed, there not being a hospital built on the

1 property as the property stands today, having everything in writing, as long as a business fits within the  
2 zoning guidelines and what the Commission decides today will affect future development.

3  
4 Mayor Masiarczyk closed the public hearing.

5  
6 Commissioner Barnaby stated he understood the buffer would be a natural buffer and Mr. Paradise  
7 replied that is what the applicant has proposed, "natural vegetation".

8  
9 Mr. Paradise stated staff is looking at incorporating MDP into the Development Agreement; 2<sup>nd</sup> issue is  
10 staff talked about changing the trip cap for Lot 12 to 5400 and the 3<sup>rd</sup> issue is something that came up in  
11 the first meeting on September 3<sup>rd</sup> regarding the agricultural use. He stated staff is suggesting the  
12 Commission can look at allowing silviculture or forestry with prescribed compliance with State best  
13 management practices also to limit that silviculture use for a five (5) year evaluation period of which the  
14 applicant would need to come back and approach the City Commission again. Finally with regards to  
15 Arbor Ridge and Timbercrest Subdivisions, the less intensive uses are intended to be located on the  
16 eastern side of the project with the more intensive uses clustered on the western side near the interstate.  
17 He stated there will be a 40 foot buffer and an enormous storm water management pond that separates  
18 the neighborhood from any development that occurs on that property.

19  
20 Mayor Masiarczyk stated the Commission wants to incorporate natural vegetation for the 40 feet and he  
21 asked if the Commission was willing to have the Mrs. Vose propose a recommended motion on the  
22 items the Commission agrees on.

23  
24 Mayor Masiarczyk called for a recess at 9:08 p.m. and reconvened at 9:25 p.m.

25  
26 Ms. Vose stated this motion is acceptable to both City staff and with one (1) change by the applicant  
27 which she will point out when she gets to that place in the motion. Mrs. Vose read the motion as  
28 follows: To adopt Ordinance No. 17-2014, an amendment to rezone ±148.13 acres of land from  
29 Agriculture (A) and Industrial (I) to BPUD that is located at the northeast quadrant of the SR  
30 472/Interstate 4 interchange, along the north side of Howland Boulevard, and within the Deltona  
31 Activity Center; with the designated 40 foot landscape buffer changed to natural vegetation and with the  
32 addition of a permitted use of silviculture/forestry utilizing best management practices as prescribed by  
33 the State of Florida for a period of staff recommends five (5) years and the attorney for the applicant  
34 recommends 11 years to be readdressed at the request of the property owner six (6) months prior to the  
35 expiration of the five (5) year period, and change the trip cap on Lot 12 from 4,997 trips to 5,400 trips  
36 and incorporate the Master Development Plan as presented on September 15, 2014 into the  
37 Development Agreement.

38  
39 **Motion by Commissioner Nabicht, seconded by Commissioner Vice Mayor Herzberg to adopt**  
40 **Ordinance No. 17-2014, an amendment to rezone ±148.13 acres of land from Agriculture (A)**  
41 **and Industrial (I) to BPUD that is located at the northeast quadrant of the SR 472/Interstate 4**  
42 **interchange, along the north side of Howland Boulevard, and within the Deltona Activity**  
43 **Center; with the designated 40 foot landscape buffer changed to natural vegetation and with**  
44 **the addition of a permitted use of silviculture/forestry utilizing best management practices as**  
45 **prescribed by the State of Florida for a period of five (5) years to be readdressed at the request**  
46 **of the property owner six (6) months prior to the expiration of the five (5) year period, and**  
47 **change the trip cap on Lot 12 from 4,997 trips to 5,400 trips and incorporate the Master**

1 **Development Plan as presented on September 15, 2014 into the Development Agreement at**  
2 **second and final reading.**

3  
4 **Amended motion by Commissioner Barnaby to change it to eleven years and the amended**  
5 **motion died for lack of a second.**

6  
7 Commissioner Denizac stated the public needs to know exactly the amount of money the City will  
8 be losing over the five (5) year period.

9  
10 Commissioner Nabicht asked if Commissioner Denizac was referring to the tax exemption and  
11 Commissioner Denizac replied by making this change the City will be losing some funding for that  
12 five (5) year period. Commissioner Nabicht stated the change is not being made because the  
13 property is currently zoned agricultural, but if the property were to lose the exemption it would pay a  
14 higher tax rate. Commissioner Denizac asked for someone to explain the difference because this is a  
15 fight over money. Mayor Masiarczyk explained the property is exempt now and all the Commission  
16 is doing is extending the exemption, the City will not lose anything. Commissioner Denizac asked  
17 Mrs. Vose to comment and Mrs. Vose replied without the exemption there would be approximately  
18 \$15,000 a year that would be paid to the City, but there would be a County portion and School Board  
19 portion and yes, they currently have the exemption, if they were to lose the exemption for whatever  
20 reason taxes would be owed and the City would receive approximately \$15,000 a year.

21  
22 Mayor Masiarczyk stated the property would have to consider the loss of tax monies every year, he  
23 strongly recommended the change from five (5) to the 10 to 11 years and follow the agreement as it  
24 states to the year 2025 with that exemption and once the lots are sold off they become taxable under  
25 the new owner. Mrs. Vose explained the benefits and the zoning with the agricultural uses would go  
26 with the land. Mr. Bowley clarified the benefits go with the land and when developed the property  
27 appraiser would make the determination. Mayor Masiarczyk stated if the hospital does not chose to  
28 go with the plan on that 12 acres then it would be taxed at the rate depending on what the property  
29 appraiser sets it at. Mr. Bowley stated there is an agricultural exemption that follows the timber plan  
30 but under the rezoning it will become something other than agriculture, it will be business planned  
31 unit development and it becomes a legally non-conforming use when you put agriculture inside the  
32 developers agreement and then the agricultural exemption is dictated by the property appraiser who  
33 checks the zoning, the timber plan and if not according to plan the exemption could be lost.

34  
35 Vice Mayor Herzberg stated if the Commission grants the applicant's request permanently, the  
36 property appraiser still has the right to change it and Mr. Bowley replied that is correct.

37  
38 Commissioner Barnaby asked how cows were allowed on the Epic Theater property and Mr. Bowley  
39 replied that is another property owner that applied for the agricultural exemption with the property  
40 appraiser and he explained briefly the process that occurred on the property.

41  
42 Mayor Masiarczyk asked Mrs. Vose to read the motion again and Mrs. Vose read the motion as  
43 follows: I move to adopt Ordinance No. 17-2014, an amendment to rezone ±148.13 acres of land  
44 from Agriculture (A) and Industrial (I) to BPUD that is located at the northeast quadrant of the SR  
45 472/Interstate 4 interchange, along the north side of Howland Boulevard, and within the Deltona  
46 Activity Center; with the designated 40 foot landscape buffer changed to natural vegetation and with  
47 the addition of a permitted use of silviculture/forestry utilizing best management practices as  
48 prescribed by the State of Florida for a period of five (5) years to be readdressed at the request of the

1 property owner six (6) months prior to the expiration of the five (5) year period, and change the trip  
2 cap on Lot 12 from 4,997 trips to 5,400 trips and incorporate the Master Development Plan as  
3 presented on September 15, 2014 into the Development Agreement, at second and final reading.  
4

5 Commissioner Barnaby asked if voting yes for the motion would delay the project and Mr. Barfield  
6 replied the expenditures for silviculture and forestry have a longer life than five (5) years, there are  
7 other projections other than just City taxes and he is not asking the City to give any exemption, what  
8 he is talking about is a zoning issue the exemption is handled by the property appraiser and the City  
9 does not have the ability to provide or not provide exemptions, voting for the motion could delay the  
10 project, but it is the owners decision but if it is a significant monetary impact to the life of the project  
11 it could. Commissioner Barnaby echoed Mr. Barfield's concerns and stated there is no reason not to  
12 extend the five (5) year period to 11 years.  
13

14 City Attorney Becky Vose read the title of Ordinance No. 17-2014.  
15

16 **AN ORDINANCE OF THE CITY OF DELTONA, FLORIDA, AMENDING THE OFFICAL**  
17 **ZONING MAP PURSUANT TO CHAPTER 110, SECTION 1101 OF THE CITY CODE OF**  
18 **ORDINANCES FOR PROPERTY TOTALING APPROXIMATELY ±148.13 ACRES**  
19 **LOCATED NORTH OF HOWLAND BLVD./SR 472 AND EAST OF INTERSTATE 4 IN**  
20 **THE DELTONA ACTIVITY CENTER; PROVIDING FOR SEVERABILITY; PROVIDING**  
21 **FOR AN EFFECTIVE DATE.**  
22

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

25	<b>Commissioner Barnaby</b>	<b>Against</b>
26	<b>Commissioner Bellizio</b>	<b>For</b>
27	<b>Commissioner Denizac</b>	<b>For</b>
28	<b>Commissioner Nabicht</b>	<b>For</b>
29	<b>Commissioner Schleicher</b>	<b>Against</b>
30	<b>Vice Mayor Herzberg</b>	<b>For</b>
31	<b>Mayor Masiarczyk</b>	<b>Against</b>

32

33 Ordinance No. 17-2014 was adopted at 9:48 p.m.  
34

35 **E. Public Hearing - Ordinance No. 24-2014, to amend alarm ordinance to include false fire**  
36 **alarms, at second and final reading.**  
37

38 **Item was tabled to the October 6, 2014 meeting by the City Attorney.**  
39

40 **F. Public Hearing - Ordinance No. 25-2014, Sales of Food on House of Worship Property,**  
41 **at second and final reading.**  
42

43 **Item was tabled to the October 6, 2014 meeting by the City Attorney.**  
44

45 **G. Public Hearing - Lake Baton Estates Phase Two; Final Plat Application (Project No.**  
46 **FP13-002).**  
47

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

1  
2 **Motion by Commissioner Denizac, seconded by Vice Mayor Herzberg to approve the Lake**  
3 **Baton Estates Phase Two Final Plat (Project No. FP13-002).**

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

8  
9 **H. Ordinance No. 28-2014; Repealing Business Tax Receipt for Rental Properties, for first**  
10 **reading and to schedule second and final reading for October 6, 2014.**

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

13  
14 **Motion by Vice Mayor Herzberg, seconded by Commissioner Barnaby to approve Ordinance**  
15 **No. 28-2014 at first reading, and to schedule second and final reading for October 6, 2014.**

16  
17 City Attorney Becky Vose read the title of Ordinance No. 28-2014.

18  
19 **AN ORDINANCE OF THE CITY OF DELTONA, FLORIDA, REPEALING ARTICLE VIII,**  
20 **“RENTAL PROPERTIES” OF CHAPTER 22, “BUSINESSES”, OF THE CODE OF**  
21 **ORDINANCES OF THE CITY OF DELTONA, REPEALING THE REQUIREMENT FOR**  
22 **BUSINESS TAX RECEIPT FOR RENTAL PROPERTIES; AND PROVIDING FOR**  
23 **CONFLICTS, CODIFICATION, SEVERABILITY AND FOR AN EFFECTIVE DATE.**

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

28  
29 Ordinance No. 28-2014 was adopted at 9:51 p.m.

30  
31 **I. Resolution No. 2014-31; Setting Registration Fees for Implementation of Deltona Rental**  
32 **Regulatory License Ordinance.**

33  
34 Mayor Masiarczyk opened and closed the public hearing as there were no public comments.

35  
36 Mayor Masiarczyk read the title of Resolution No. 2014-31.

37  
38 **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELTONA, FLORIDA,**  
39 **SETTING REGISTRATION FEES FOR IMPLEMENTATION OF DELTONA RENTAL**  
40 **REGULATORY LICENSE ORDINANCE; PROVIDING FOR CONFLICTS; PROVIDING**  
41 **FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

42  
43 **Motion by Commissioner Schleicher, seconded by Commissioner Bellizio to adopt Resolution**  
44 **No. 2014-31 for Setting Registration Fees for Implementation of Deltona Rental Regulatory**  
45 **License Ordinance.**

46  
47 Commissioner Barnaby stated he had asked Mrs. Vose to contact the President for the West Volusia  
48 Board of Realtors Jean Armstrong to get her input on this and Mrs. Vose replied she spoke with Ms.

1 Armstrong and she expressed she did not like the dollar amount of the fees because the fees were higher  
2 than the original business tax fee and had indicated she might be at the meeting tonight but was not.  
3 She stated the City is repealing the business tax and when the Commission had the presentation on  
4 residential blight the need for two (2) additional code officers came up, the consensus was the business  
5 tax receipt for rental properties should be raised to hire two (2) additional code officers, however, State  
6 Statutes does not allow that kind of increase. She stated the alternative to that would be a regulatory  
7 ordinance which was adopted and that ordinance reflects the fees would be set by resolution.  
8

9 Commissioner Barnaby stated on the record, he does not wish this to be used as a revenue stream; the  
10 funds should go to the General Fund and not be earmarked for two (2) additional code officers. Mrs.  
11 Vose stated there is nothing in the ordinance or in the resolution that earmarks funds for additional code  
12 officers and this would be an appropriate way to generate money to the General Fund to cover those  
13 additional expenses. Commissioner Barnaby suggested the Commission table the item and look at the  
14 item more closely.  
15

16 Vice Mayor Herzberg stated for the record, she did not agree with the business tax receipts for rental  
17 houses or these fees.  
18

19 Commissioner Denizac asked if the funds generated by these fees would be used to hire the two (2)  
20 code enforcement officers and will those employees strictly oversee rental licenses or will those  
21 employees perform other duties and Mr. Baker replied the money will go into the General Fund not  
22 specifically for the code officers but the new code officers will pro-actively go out looking for code  
23 violations concentrating on rental homes to make sure they have a license.  
24

25 Commissioner Nabicht stated the intent was to offset the cost of hiring the additional code officers, but  
26 not to pay for those officers and it depends on the number of code violations there are. He stated  
27 hopefully the idea behind code enforcement is a deterrence, to try and gain compliance and hopefully  
28 after working with the property managers the officers will educate the managers and compliance will  
29 come rather than enforcement.  
30

31 Mayor Masiarczyk stated this resolution states clearly it is to offset the cost of implementation and not  
32 the hiring of two (2) or four (4) additional code officers and was a representative cost recommended by  
33 staff, the State allows the City to set regulatory fees but not to supplement the budget and staff will  
34 annually track taking the properties through the entire process and if there is a windfall the fees can be  
35 adjusted.  
36

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

39 **Motion by Commissioner Schleicher, seconded by Commissioner Bellizio to adopt Resolution**  
40 **No. 2014-31 for Setting Registration Fees for Implementation of Deltona Rental Regulatory**  
41 **License Ordinance.**  
42

43 Mayor Masiarczyk read the title of Resolution No. 2014-31.  
44

45 **Motion carried with members voting as follows:**  
46

47	<b>Commissioner Barnaby</b>	<b>For</b>
48	<b>Commissioner Bellizio</b>	<b>For</b>

1	<b>Commissioner Denizac</b>	<b>Against</b>
2	<b>Commissioner Nabicht</b>	<b>For</b>
3	<b>Commissioner Schleicher</b>	<b>For</b>
4	<b>Vice Mayor Herzberg</b>	<b>Against</b>
5	<b>Mayor Masiarczyk</b>	<b>For</b>

6  
7 Resolution No. 2014-31 was adopted at 10:06 p.m.

8  
9 **9.** **OLD BUSINESS:** None.

10  
11 **10.** **NEW BUSINESS:**

12  
13 **A.** **Request for consideration of request from Dennis Chaffers for reduction of fine from**  
14 **\$320,900.00 assessed pursuant to Special Magistrate Case DEL-05-058.**

15  
16 Commissioner Schleicher, advocated not waiving or lowering the fines, however, the cost exceeds  
17 the cost of the house.

18  
19 **Motion by Commissioner Schleicher, it took nine years to remove the shed, Special Magistrate**  
20 **Charlie Cino put a cap on the fine and she would support that cap of \$20,000 and motion died**  
21 **for lack of a second.**

22  
23 Commissioner Nabicht asked why it took nine (9) years to come into compliance and Mr. Chaffers  
24 replied he did not know about it until he went to refinance his mortgage, there were two (2) letters  
25 sent to the home which he did not get.

26  
27 Mr. Baker stated certified letters were returned unclaimed, the property was posted and a code  
28 officer did speak to someone at the home.

29  
30 Commissioner Nabicht asked the cost of the shed and what it is used for and Mr. Chaffers replied  
31 8X10 and cost about \$500-\$600, to store lawn mower and tools.

32  
33 **Motion by Commissioner Nabicht for \$2,500 to be paid within a maximum of 120 days or fine**  
34 **reverts back to the maximum cap of \$20,000 and the motion died for lack of second.**

35  
36 Vice Mayor Herzberg asked how much was invested in this code issue and Mr. Baker replied \$1,000  
37 would more than cover expenses, 2-3 certified letters were sent and a couple of trips were made to  
38 the property and that is why Mr. Cino recommended the fine of \$1,000.

39  
40 **Motion by Vice Mayor Herzberg, seconded by Commissioner Barnaby to grant the request of**  
41 **Dennis Chaffers for a reduction of the fine concerning Case No. DEL-05-058 for the property**  
42 **located at 2457 Shiprock Court, Deltona, Florida, to the sum of \$1,000 to be paid within 30 days**  
43 **(October 15, 2014) or the fine(s) revert(s) back to the original amount.**

44  
45 Commissioner Barnaby stated he was amazed that code officers only made two trips and Mr. Chaffers  
46 replied he has lived in the house since 1999. Commissioner Barnaby called Mr. Chaffers' mom to the  
47 podium and he asked if she would write a check to the City Clerk tonight for \$1,000. Mayor  
48 Masiarczyk stated there has not been a vote yet. Mrs. Chaffers, 3588 Lake Diana Drive, stated she

1 picks up the children, collects the mail, never saw the notices sent by the City and found out about the  
2 issue on August 6<sup>th</sup>. Commissioner Barnaby stated he meant no disrespect with regards to his request;  
3 he wanted to see the issue resolved.  
4

5 Commissioner Bellizio stated this is pathetic, how can the Commission operate the City on a fine for  
6 over \$300,000 being lowered to \$1,000 and he asked what the cap was. Mr. Baker replied \$20,000  
7 which was started by Mr. Cino some time ago to try to stop these types of fines. Commissioner Bellizio  
8 stated he hopes City staff has a mechanism in place to avoid this and he apologized to the homeowners.  
9

10 Mayor Masiarczyk asked if there were any other known code violations on the property and Mr.  
11 Chaffers replied not that he knows of.  
12

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

15	<b>Commissioner Barnaby</b>	<b>For</b>
16	<b>Commissioner Bellizio</b>	<b>For</b>
17	<b>Commissioner Denizac</b>	<b>For</b>
18	<b>Commissioner Nabicht</b>	<b>Against</b>
19	<b>Commissioner Schleicher</b>	<b>Against</b>
20	<b>Vice Mayor Herzberg</b>	<b>For</b>
21	<b>Mayor Masiarczyk</b>	<b>For</b>

22  
23 **11. CITY ATTORNEY COMMENTS:** None.

24  
25 **12. CITY MANAGER COMMENTS:**

26  
27 Acting City Manager Dale Baker stated he would like to schedule a workshop with the Council on  
28 Aging (COA) to discuss improvements at the center because a roof is needed on the facility; there is  
29 money in the budget and he would like some direction on what improvements the City wants to do.  
30

31 Mayor Masiarczyk stated there are changes being made on the COA and it may behoove the  
32 Commission to have a workshop first and wait to do a joint meeting as the current director is leaving the  
33 organization.  
34

35 Mr. Baker stated the Lobbyist is coming on October 6<sup>th</sup> at 5:30 p.m. before the regular Commission  
36 meeting and Mayor Masiarczyk asked the City Clerk to send out a couple of notices advertising the  
37 meeting.  
38

39 **A. Lobbyist Update:**

40  
41 **13. CITY COMMISSION COMMENTS:**

42  
43 a) Commissioner Barnaby stated he would like to stay on the Commission after his irrevocable  
44 resignation date and a simple vote of the Commission could do that with his term starting January 1,  
45 2015 for the remainder of his original term to expire November, 2016.  
46

47 Mrs. Vose stated the City Charter states the Commission would appoint someone to the vacancy within  
48 30 days of the vacancy which is December 31, 2014.

1  
2 Commissioner Denizac asked Mrs. Vose to look at it further and Mrs. Vose replied he will be eligible,  
3 but it needs to become vacant and then it can be filled. Vice Mayor Herzberg asked Mrs. Vose if she  
4 could put the whole process in writing to clear up any misconceptions by the Commission and the  
5 general public.

6  
7 b) Commissioner Denizac said Good Night, God Bless Deltona.

8  
9 c) Commissioner Nabicht stated there was a great article in the News Journal for the Fire  
10 Department giving back to the Orange City community by raising money for the Childhood Cancer  
11 Foundation by raising \$6,000 by shaving heads and mustaches.

12  
13 d) Commissioner Nabicht stated he would like the Commission to look at the way the Christmas  
14 holiday falls and to authorize the City Manager permission to grant staff the extra day off for the  
15 holidays, December 26<sup>th</sup>.

16  
17 e) Commissioner Nabicht stated Mr. Everson cautioned the Commission for trying to pull the wool  
18 over the public's eyes by forcing residents to connect to sewer and he has never heard the Commission  
19 say it was going to make the residents connect to sewer. He stated the Commission and staff had the  
20 foresight to see that there is an aging infrastructure and an aging sewer plant that is almost at capacity.  
21 He stated the Commission needs to look 50 years forward at economic development and the growth of  
22 this community for secured funds to install a wastewater plant to serve the community and surrounding  
23 areas at a cost of \$24 million, what will be the return to the City is unknown, but there will be a  
24 significant return to the community. He stated nobody on the Commission intends to require existing  
25 residential properties to connect to a sewer system but if the State requires it the infrastructure will be in  
26 place to do so, it is impossible to think the Commission would put the burden of paying for the hookups  
27 on the backs of the residents, there would need to be long term funding from the Federal Government to  
28 make it affordable, nobody on this Commission would put someone in poverty, in time the City will  
29 have to look at alternative methods for capturing and removing sewer. He stated he takes great  
30 exception to Mr. Everson's comments that anyone on the Commission took a kickback and he takes  
31 great personal exception to his comments.

32  
33 d) Commissioner Bellizio stated the Commission needs to be respectful to each other and the public  
34 and to be cognoscente of that when people step up to the podium.

35  
36 e) Commissioner Schleicher stated she attended the ribbon cutting at the RaceTrack, she agreed  
37 with Commissioner Nabicht's comments and if sewers come in it will not be at the decision of the  
38 Commission, sewers have been talked about for years and the decision is coming from the State of  
39 Florida.

40  
41 f) Vice Mayor Herzberg stated Florida League of Cities (FLOC) has two (2) events, other cities  
42 have done walk with a manager, invited schools to do tours and she would like the City to do something  
43 and she has sent contact information to Mr. Baker on it.

44  
45 Vice Mayor Herzberg stated she chose to participate on the FLOC Legislative Policy Committee, had  
46 1<sup>st</sup> meeting Friday, talked about upcoming bills, more than likely one of the policy statements from the  
47 board is going to be the septic tank issue and if Amendment #1 passes it will specifically dedicate one-  
48 third (1/3) of the real estate Doc Stamps toward springs and water cleanup including septic tanks and

1 Senator Simmons has a worst first policy. She stated Senator Simmons will speak this Saturday on  
2 Amendment #1, we cannot afford the infrastructure and it has to come from a dedicated funding source  
3 from the State and Federal Governments, we have 26,000 septic tanks, 90,000 in Volusia County.  
4

5 g) Commissioner Denizac stated the City needs to fight the requirement to move to sewer, unite  
6 forces and fight the State, if the Commission needs to go to Tallahassee then it needs to go, and she will  
7 fight it all the way through.  
8

9 h) Mayor Masiarczyk thanked Mr. Everson and he stated Mr. Everson has the right to vent like  
10 anyone else, at least the Commission talked about the issue and the City is going to fight it tooth and  
11 nail, when manatees become more important than people then there is a problem, attended a meeting of  
12 the joint meeting, he did not speak at the meeting, Volusia Council of Governments/Volusia League of  
13 Cities (VCOG/VLOC) took action, he saw at the meeting Dr. Bill Partington Deputy Vice Mayor of  
14 Ormond, put out an email asking everyone to respond, he is not suggesting not to respond but if you  
15 think you know what is going on you have no idea, he feels good about tonight's meeting knowing what  
16 is going on there, Vice Mayor Herzberg did the City well and proud, you can ask questions and respond  
17 but you are only getting one person's opinion which he felt was not the majority of everyone at the table  
18 and will be brought before us again, we are represented well at VCOG/VLOC, he attended the  
19 RaceTrack ribbon cutting and it was really nice to see how a corporate headquarters does an open  
20 house, went off without a hitch.  
21

22 Commissioner Barnaby stated he will be attending the VLOC.  
23

24 Mayor Masiarczyk stated there has been some confusion, the City pays for the VLOC and guest for  
25 anyone one (1) of the Commission who wants to go, any other events it is the Commissioner's  
26 responsibility to pay for it up front and if the Commissioner cannot afford to pay up front the requests  
27 should be submitted under that Commissioner's name and have a check cut to the organization that is  
28 putting on the event and fill out a travel voucher.  
29

30 Commissioner Nabicht stated he thought the Commission made a decision to move the podium over by  
31 the City Clerk's table and the Commission agreed.  
32

33 **14. ADJOURNMENT:**  
34

35 There being no further business, the meeting adjourned at 10:48 p.m.  
36  
37  
38  
39  
40

41 \_\_\_\_\_  
42 **John Masiarczyk Sr., Mayor**  
43

44 **ATTEST:**  
45  
46  
47

48 \_\_\_\_\_  
**Janet Day, Deputy City Clerk**