

**CITY OF DELTONA, FLORIDA  
REGULAR CITY COMMISSION MEETING  
MONDAY, OCTOBER 20, 2014**

1 A Regular Meeting of the Deltona City Commission was held on Monday, October 20, 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 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; Acting Deputy City  
22 Manager Gerald Chancellor; Parks and Recreation Director Steve Moore; Fire Chief Rhame; and  
23 VCSO Captain Dave Brannon.

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

26  
27 Invocation Presented by Vice Mayor Herzberg – Jianna M. Green, 3<sup>rd</sup> year college student at  
28 Adventist University of Health Sciences majoring in Radiography & Nuclear Medicine.

29  
30 The National Anthem was sung by DeLand High School 9<sup>th</sup> Grader Ashley Leahy.

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

33  
34 **A. Minutes:**

35  
36 **1. Approval of Minutes – Regular City Commission Meeting of October 6, 2014.**

37  
38 **Motion by Vice Mayor Herzberg, seconded by Commissioner Schleicher to approve the minutes**  
39 **of the Regular City Commission Meeting of October 6, 2014.**

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

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

46  
47 **Vice Mayor Herzberg requested adding an update on the merger of the Volusia League of Cities**  
48 **and Volusia Council of Government (VLOC & VCOG), the Commission concurred and Mayor**  
49 **Masiarczyk stated it would be Item 5 – D and there will be another presentation that will be made**

1 **which will be Item 5 - C.**  
2

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

5 **A. Presentation by Florida Department of Transportation (FDOT) of the Volusia County**  
6 **Transit Connector Study.**  
7

8 Ms. Libertad Acosta-Anderson the FDOT Project Manager introduced the members of her team and  
9 gave a brief presentation that included the study area, scope of services, tiered screening process,  
10 Florida Department of Transportation's (FDOT) approach feeds into Federal Transit Administration  
11 (FTA) process, public outreach objectives, project advisory group, public information materials, project  
12 schedule, and FDOT contacts.  
13

14 **B. Presentation – Quarterly Reports of City Advisory Boards/Committees.**  
15

16 A written Quarterly Reports were submitted the Parks and Recreation Advisory Board and its Sub-  
17 Committees for the third quarter of 2014.  
18

19 **Motion by Commissioner Barnaby, seconded by Commissioner Bellizio to approve the Parks and**  
20 **Recreation Advisory Board and its Sub-Committee's written reports.**  
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 **C. ADD-ON ITEM: Presentation by Denise White with Allstate and the Allstate Foundation.**  
27

28 Denise White, DM White Insurance Agency, Allstate and the Allstate Foundation, 705 Cloverleaf  
29 Blvd., thanked the City for its support for the victims of domestic and financial abuse in the community  
30 and she gave a brief presentation that included one (1) in four (4) women being affected by domestic  
31 violence, and the number one (1) reason victims stay or return to an abusive relationship is the lack of  
32 financial resources. A purse represents the center of a woman's financial domain, purple is the national  
33 color of domestic violence and she asked that everyone visit purplepurse.com for more information.  
34 She presented a purple purse designed by Carrie Washington, a distinguished television star and fashion  
35 designer, to Volusia County Councilwoman Patricia Northey. She stated there is hope and one (1) way  
36 is for Councilwoman Northey to make it fashionable to talk about the issue and to help gain control.  
37

38 Councilwoman Northey thanked Ms. White and she stated she is honored to accept the purple purse.  
39 She stated domestic violence can happen to anyone and the problem is often overlooked, excused or  
40 denied which is especially true when the abuse is psychological rather than physical. Noticing and  
41 acknowledging the signs of an abusive relationship are the first steps to ending it and that nobody  
42 should live in fear for the person they love. There is an emergency shelter in Volusia County which  
43 offers temporary housing for victims of domestic violence and their children provided 24 hours a day,  
44 every day. To access the shelter contact the crisis line at 386-255-2102 or 800-500-1119.  
45

46 **D. ADD-ON ITEM: Update on the merger between the Volusia League of Cities and Volusia**  
47 **Council of Government (Requested by Vice Mayor Herzberg).**  
48

49 Vice Mayor Herzberg gave a brief update on the merger between the Volusia League of Cities (VLOC)

1 and Volusia Council of Governments (VCOG). She stated there was a special meeting two (2) weeks  
2 ago and the transition team recommended that there be no merger and that VCOG be dissolved as of  
3 | December 31, 2014 and that the VLOC remain, which was accepted by all parties. This past week there  
4 | was an emergency meeting for the VLOC Executive Board who met with Marilyn Crotty with the  
5 | Florida Institute of Government, to facilitate the VLOC contract and she stated that the organization will  
6 be a stronger, more purposeful organization from this point forward. She asked all the cities,  
7 Commission members and Councilmembers to participate at the VLOC meetings. She also stated in  
8 place of VCOG, Volusia County Manager Jim Dinneen is providing to all the cities use of the airport  
9 for an elected officials round table which includes parking and lunch at no charge and there will be  
10 monthly meetings after the dissolution of VCOG. Mr. Dinneen has also offered the VLOC Executive  
11 Board the same facility and parking for a monthly meeting at no charge. She thanked Ormond Beach  
12 Mayor Ed Kelley, Orange City Mayor Tom Laputka, DeLand Mayor Bob Apgar, Mayor Masiarczyk  
13 for his foresight, County Councilmember Doug Daniels for his logic and strong voice, County Manager  
14 Jim Dineen for going above and beyond, VLOC President Billy Wheeler for being instrumental,  
15 Daytona Beach Commissioner Carl Lentz, South Daytona Commissioner Brandon Young, New  
16 Smyrna Beach Commissioner Judy Reiker and Ponce Inlet Commissioner Tami Lewis.

17  
18 **6. PUBLIC FORUM – Citizen comments for items not on the agenda.**

19  
20 a) Juan Cuellar, 3131 Roland Drive, stated he is a truck driver, there being a petition in the process  
21 of being signed and he wants to see if truck drivers can have a place to park just the cab of the trucks  
22 and not the trailers.

23  
24 b) John Furlow, 5170 Roland Drive, stated he has more petitions to submit and he would like to  
25 know when there would be a decision as to whether parking semi-trucks can be allowed somewhere in  
26 the City.

27  
28 Mayor Masiarczyk asked if the topic was scheduled for a workshop and Mr. Baker replied no. Mayor  
29 Masiarczyk asked that the issue be scheduled for the next opening at a workshop.

30  
31 Mr. Furlow stated that his girlfriend is handicap and he pulls up to the front door of his home so she can  
32 get in and out of the vehicle and he was approach by a code officer that he could not do this and he  
33 wanted to know if an ordinance needed to be changed that would allow him to do this.

34  
35 c) Deborah Suitt-Green, 1531 Toluca Court, thanked the Commission and was glad that a color  
36 was chosen for domestic violence to bring attention to problems that affect woman, she would like  
37 pictures of all current and former volunteers placed around City Hall, she would like speed bumps on  
38 Fason Circle, and if allowing semi-trucks to park in the City that they be parked by dark and gone by  
39 sunset.

40  
41 b) Howard Baxla, 2711 E. Canal Road, stated his sewer charges are 8.5 times more than his water  
42 charges, he should not be charged for water that goes into the ground such as from watering his lawn or  
43 washing his car, he pays the second highest taxes in Volusia County, he should only pay what is fair,  
44 Deltona having low income and fixed income families, and the only thing that makes Deltona a City is  
45 taxes, fines, fees and permits.

46  
47 c) Kurt Collis, 2103 Marsh Road, stated he graduated from Trinity Christian School, he is the  
48 founder of Kurt Collis Tennis Academy and Kurt Collis for Life, he has trained to play tennis

1 professionally for 11 years, he is the former director of tennis for the World Tennis Academy for  
2 Disney, over the past 11 years he has been running tennis programs in the west Volusia area and he  
3 would like to start one in Deltona. He explained that his company is about building self-esteem in kids  
4 and adults by life coaching through tennis to empower them with the courage to live life through their  
5 dreams, he started playing tennis to be a positive influence in kid's lives and he is grateful to come back  
6 to where he graduated high school and make a positive impact in the community. There will be an intro  
7 to Tennis Day on November 22<sup>nd</sup> at Wes Crile Park starting at 9:00 a.m. and there will be multiple  
8 classes throughout the day for kids ages 3 and older and he explained his program.

9  
10 Commissioner Denizac stated Mr. Collis was a student of hers back in 1987 and she thanked him for  
11 coming back and investing in Deltona.

12  
13 d) Robert O'Neal, 1571 Ferguson Avenue, stated he has an issue with City's code dealing with  
14 waterfront fencing, his house runs straight back before hitting water about 90 yards, there being a  
15 privacy fence on either side that runs to the water's edge, the adjacent properties not being kept up, he  
16 put up a privacy fence and code has stated he has to take the fence down. He explained the issues he  
17 has with his neighbor and he installed the fence to try to eliminate the problems he is having.

18  
19 e) Mike Williams, 2889 Cottageville Street, reminded everyone of the West Volusia branch of the  
20 NAACP's Meet the Candidates Forum this Friday at New Hope Baptist Church from 6:30 – 8:30 p.m.  
21 and will be a prepared question forum. He reminded everyone that on January 17<sup>th</sup> there will be the  
22 Martin Luther King (MLK) Breakfast at New Hope Baptist Church and Donald Brown will be the guest  
23 speaker who was in the 1987 graduating class with President Barrack Obama and First Lady Michelle  
24 Obama. He stated one of the things that shocked him to the core at the last meeting was the e-mail that  
25 the Human Resources Director sent out and he asked if the City could allow a public servant of the City  
26 to make negative comments about the City Commission. He stated this kind of behavior should not be  
27 done, he does not know what type of reprimand is going to take place, but he will stick around until the  
28 end of the meeting for the Acting City Manager's comments for an update of the situation. He stated he  
29 is thinking for running for Mayor at the next Mayoral election.

30  
31 f) Tom Dockery, 2749 Thornberry Court, stated he is concerned about vehicles being parked on  
32 sidewalks for the handicapped that have to go in the streets because of the cars parked on the sidewalks  
33 and it is very dangerous. He is also concerned with those residents with numerous cars in the driveway  
34 who park into the sidewalks.

35  
36 g) Fire Chief Rhame, stated there will be an Open House at Fire Station 65, the morning will start  
37 with a 5K run, at 11:00 a.m. a parade will go down Howland Blvd. from Deltona High School to Fire  
38 Station 65 which will include the Pink Heals national touring vehicles along with the City's pink fire  
39 truck, and all day long there will be several events going on and he named several of them. He sent out  
40 to all of the schools from Kindergarten to 3<sup>rd</sup> Grade, prior to visiting all the schools during Fire  
41 Prevention Week, the opportunity for the kids enter a coloring contest, at the Open House awards will  
42 be given out to the best coloring that demonstrates fire safety and he is hoping the winners can be  
43 acknowledged at a Commission meeting and possibly keep the pictures on display at City Hall for a  
44 period of time. He invited the Commission and everyone to come out for a good time.

45  
46 Mayor Masiarczyk stated November is Education Month and a letter was sent out to the schools to  
47 submit a banner or pennants to display on the dais. On November 8<sup>th</sup> is the Annual Veterans Ceremony  
48 which will take place at the Landmark Lodge on North Normandy Blvd., it is done every year and the

1 benefits will go to Deltona's Veterans Museum. Also, on November 8<sup>th</sup> the Florida Hospital in  
2 conjunction with Pine Ridge Fellowship Community Life Center is having a Deltona Wing Fest at Pine  
3 Ridge Fellowship Church and proceeds will go to Helping Hands and Community Life Organizations.  
4

5 Commissioner Nabicht thanked Fire Chief Rhame for bringing back the Open House activities,  
6 expanding the activities and bringing new ideas. The educational experience to the City's youth is so  
7 important when it comes to fire safety and he cannot thank Fire Chief Rhame for being proactive on the  
8 prevention side.  
9

10 Mayor Masiarczyk thanked the Boy Scout Troop for attending the meeting.  
11

12 **7. CONSENT AGENDA:** None.  
13

14 **8. ORDINANCES AND PUBLIC HEARINGS:**  
15

16 **A. Public Hearing - Ordinance No. 10-2014, Medical Marijuana, at second and final**  
17 **reading.**  
18

19 City Attorney Vose stated Commissioner Barnaby requested to add a change on the 3<sup>rd</sup> page, under  
20 separation distances, at the last hearing there was discussion regarding having 500 feet from any  
21 church and whether it was from all churches or just free standing churches. She stated it would be  
22 better to use the term "house of worship" instead of "church" to be consistent with the rest of the  
23 City's Code.  
24

25 The Commission discussed the ordinance being discussed at a workshop to include the possible 500  
26 foot buffer for churches, adding the buffer to include churches would change the opportunities for  
27 medical dispensaries, the concern not falling on deaf ears, the State ordinance not being passed yet,  
28 the City needing the ordinance to be as tight as possible and to make changes after the State passes  
29 its ordinance, other cities within Florida passing ordinances that are more strict, out of 39 churches  
30 in the City only three (3) are in shopping centers or store fronts which are the ones that will have a  
31 problem, changing the language to "all free standing churches", if the church has a school the buffer  
32 is already covered under the ordinance, when differentiating between a church in a plaza or free  
33 standing church it is a slippery path, what is good for one (1) church being good for all churches,  
34 medical marijuana being a medically necessary narcotic, the sale of medical marijuana will  
35 potentially become a legal tax paying business within the City, interjection of moral values should  
36 not play a role on the dais, the ordinance being a placeholder as nobody knows whether the  
37 amendment is going to pass on election day, there being a lot of unanswered questions, the operating  
38 hours not being on Sunday which is when a lot of the churches will be meeting, in order to open one  
39 (1) of these businesses it needs to go before the Planning & Zoning Board, the ordinance serving as  
40 a doorway, gateway or a step to becoming an open marijuana town, many of the churches having  
41 Sunday and Saturday schools, the broad definition of "school" covering religious schools but not  
42 covering "Sunday" school, wanting language that would protect the City's children, and it being  
43 remiss of the Commission to not have language to protect the children.  
44

45 Mayor Masiarczyk opened the public hearing.  
46

47 Michael Putkowski, 2736 Courtland Blvd., stated many members of society that will benefit from  
48 medical marijuana which is for patients that are seriously ill, it is not for recreation, two (2) members

1 of his family died from prescription drugs provided by doctors, there not being too many people that  
2 have died from marijuana, and the possible money that could be generated from this type of business  
3 will go to other cities if Deltona does not accept it.

4  
5 Thurston Smiley, 608 Saxon Blvd., stated he was at the workshop when the ordinance was  
6 discussed, Larry Kent had done extensive research on the topic, he is against the 500 foot buffer, the  
7 ordinance is not to make Deltona a marijuana City, to address the issue with dispensaries, the tax  
8 benefits for Deltona are going to be astronomical with 80% of the revenues going back into the  
9 community, and he spoke about his work with several organizations.

10  
11 Julie Tirado, 1450 Randolph Street, stated his granddaughter overdosed on prescription drugs,  
12 medical marijuana being for seriously ill patients, it is up to the parents to teach and instruct their  
13 children right from wrong, and this being a big tax benefit to the City.

14  
15 Mayor Masiarczyk closed the public hearing.

16  
17 Commissioner Barnaby stated he is not opposed to anyone receiving medication for an illness  
18 including marijuana, but he is against a product that will harm or hurt the children of the City as a  
19 result of the law of unintended consequences. He spoke about the State of Colorado and California  
20 who have legalized medical marijuana, he wants economic prosperity, he questioned if medical  
21 marijuana is such a good product why is it not sold at local drugstores, if he has to be the lone  
22 descending voice then so be it, and that leader is the absence of consensus.

23  
24 Commissioner Nabicht stated he has worked for 31 years in law enforcement and on the fire  
25 department, there are much worse drugs than marijuana, and the City Attorney did a good job of  
26 drafting the ordinance at first reading to protect the young and elderly within the City.

27  
28 **Motion by Commissioner Nabicht, seconded by Commissioner Schleicher to approve**  
29 **Ordinance No. 10-2014, at second and final reading as it was originally approved at first**  
30 **reading.**

31  
32 City Attorney Becky Vose read the title of Ordinance No. 10-2014.

33  
34 **AN ORDINANCE AFFECTING THE USE OF LAND IN THE CITY OF DELTONA,**  
35 **FLORIDA, CREATING A NEW ARTICLE XIV, "MEDICAL MARIJUANA**  
36 **DISPENSARIES"; TO ALLOW MEDICAL MARIJUANA DISPENSARIES AS A**  
37 **CONDITIONAL USE IN THE C-1, C-2 AND C-3 ZONING CATEGORIES; BY SETTING**  
38 **FORTH SITING STANDARDS AND REQUIREMENTS FOR MEDICAL MARIJUANA**  
39 **DISPENSARIES; PROVIDING FOR CONFLICTS, SEVERABILITY, CODIFICATION,**  
40 **AND AN EFFECTIVE DATE.**

41  
42 **Motion carried unanimously with members voting as follows:**

43		
44	<b>Commissioner Barnaby</b>	<b>Against</b>
45	<b>Commissioner Bellizio</b>	<b>For</b>
46	<b>Commissioner Denizac</b>	<b>Against</b>
47	<b>Commissioner Nabicht</b>	<b>For</b>
48	<b>Commissioner Schleicher</b>	<b>For</b>

1           **Vice Mayor Herzberg                           For**  
2           **Mayor Masiarczyk                               For**

3  
4 Ordinance No. 10-2014 was adopted at 7:50 p.m.

5  
6 **B.    Public Hearing - Ordinance No. 26-2014, Residential Prison Diversion Program, at**  
7 **second and final reading.**

8  
9 Mayor Masiarczyk opened the public hearing.

10  
11 Debbie Spina, 1879 Joyner Drive, asked if this is the same as the Residential Drug Treatment Program  
12 and City Attorney Vose replied no, but this would prohibit programs that are “prison diversion  
13 programs”. When they attach the drug treatment program to it they try to get it into a protected class  
14 situation and this ordinance will prevent that from happening.

15  
16 Ms. Spina stated six (6) Commissioners where not in office about 10 years ago when Stewart-  
17 Marchman tried to come in the City and the group that got it stopped, trouble follows these type of  
18 people, and her concern is putting these programs in “certain areas” of the City. Mayor Masiarczyk  
19 replied a group can come in to the City and buy a home to have up six (6) people living in it and this  
20 ordinance is to stop this, but the City cannot just deny such a request. City Attorney Vose replied the  
21 ordinance makes it so the group would have to build a facility in a commercial area which would be  
22 extremely costly and would not make enough money by doing so.

23  
24 Mayor Masiarczyk closed the public hearing.

25  
26 Commissioner Barnaby stated this type of ordinance is what he was trying to do with the medical  
27 marijuana dispensaries and he would like to make the language in such a way that it will be extremely  
28 hard to set-up the operation.

29  
30 Commissioner Bellizio stated he believes the resident who spoke was asking if the ordinance goes far  
31 enough to prevent these types of businesses from coming into the City, the Commission had similar  
32 questions during the workshop and the ordinance is far reaching.

33  
34 Vice Mayor Herzberg suggested in Section 99, Distance Requirements, to add “houses of worship”  
35 instead of “church” as was done with the previous ordinance.

36  
37 **Motion by Vice Mayor Herzberg, seconded by Commissioner Nabicht to approve Ordinance**  
38 **No. 26-2014, the Residential Prison Diversion Program, at second and final reading with the**  
39 **addition of a 1,000 foot buffer placed in Section 99.3 of location, add 1,000 foot buffer around**  
40 **all “houses of worship”.**

41  
42 City Attorney Becky Vose read the title of Ordinance No. 26-2014.

43  
44 **AN ORDINANCE OF THE CITY OF DELTONA, FLORIDA AMENDING THE DELTONA**  
45 **CODE OF ORDINANCES BY THE CREATION OF CHAPTER 99, RESIDENTIAL**  
46 **PRISON DIVERSION PROGRAMS; PROVIDING REGULATIONS FOR THE LOCATION**  
47 **AND OPERATION OF RESIDENTIAL PRISON DIVERSION PROGRAMS; PROVIDING**  
48 **REQUIREMENTS FOR ISSUANCE OF A RESIDENTIAL PRISON DIVERSION**

1 **PROGRAM REGULATORY LICENSE; PROVIDING FOR CONFLICTING PROVISIONS,**  
2 **SEVERABILITY AND APPLICABILITY; AND PROVIDING AN EFFECTIVE DATE.**

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

7  
8 Ordinance No. 26-2014 was adopted at 8:00 p.m.

9  
10 **C. Public Hearing - Ordinance No. 27-2014, an amendment to Section 110-827, Accessory**  
11 **Uses and Structures, pertaining to Shed Design Standards; at second and final reading.**

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

14  
15 **Motion by Commissioner Barnaby, seconded by Vice Mayor Herzberg to approve Ordinance**  
16 **No. 27-2014, at second and final reading.**

17  
18 City Attorney Becky Vose read the title of Ordinance No. 27-2014.

19  
20 **AN ORDINANCE OF THE CITY OF DELTONA, FLORIDA, AMENDING SUBSECTION**  
21 **(C), DESIGN STANDARDS, OF SECTION 110-827, ACCESSORY USES AND**  
22 **STRUCTURES, OF ARTICLE VIII, SUPPLEMENTARY REGULATIONS, OF CHAPTER**  
23 **110, ZONING, OF THE CODE OF ORDINANCES OF THE CITY OF DELTONA,**  
24 **AMENDING THE DESIGN STANDARDS FOR SHEDS; PROVIDING FOR**  
25 **CODIFICATION; CONFLICTS; SEVERABILITY; AND AN EFFECTIVE DATE.**

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

30  
31 Ordinance No. 27-2014 was adopted at 8:02 p.m.

32  
33 Mayor Masiarczyk called for a recess at 8:02 p.m. and reconvened at 8:12 p.m.

34  
35 **D. Public Hearing – Ordinance No. 31-2014, Adding Article VII, “Trap, Neuter, Release**  
36 **Program, of Chapter 14, “Animal”, of the City’s Code of Ordinances, relating to a one-year pilot**  
37 **program for trap, neuter and release of feral cats, for first reading.**

38  
39 Mayor Masiarczyk opened the public hearing.

40  
41 Michael Putkowski, 2736 Courtland Blvd., stated it has been two (2) weeks since this topic was  
42 originally brought up, at the last workshop there was a proposed amendment to this issue on homeless  
43 cats, there have been several times the human homeless population in the City has been brought up,  
44 New Hope Baptist Church feeds hundreds of homeless and he would like to see the same amount of  
45 help and speed for the human homeless.

46  
47 Denny Groseclose, 1601 Ace Park Dr., Orange City, stated he would of liked to have known about the  
48 workshop regarding this issue, he provided some information to the City Clerk on feral cats and the

1 program, he is on the board at Cassadaga who has a cat problem, he attended a workshop in  
2 Washington, D.C. with an organization called Alley Cats which is a great resource, Port Orange did a  
3 study that it is more cost efficient to trap, neuter and release than trap and euthanize, he encouraged the  
4 Commission to pass the Ordinance, he has been doing the program for six (6) months and it has worked  
5 well and he explained the process.

6  
7 Mayor Masiarczyk closed the public hearing.

8  
9 Vice Mayor Herzberg stated to answer Mr. Putkowski's concern, an area in Deltona has been provided  
10 a grant for a specific zip code has been awarded a two (2) year grant through the Halifax Humane  
11 Society to fix about 600 cats.

12  
13 Commissioner Bellizio stated resolution to this issue is one that is favorable as opposed to the  
14 alternative solutions, he received e-mails from residents regarding the program which he had never  
15 heard of and this is a good example of how the public helped local government by providing a lot of  
16 information to put the City on a path to resolve the issue.

17  
18 Mayor Masiarczyk stated the homelessness problem is a big issue that is being worked on in the County  
19 right now and will be addressed around the first of the year, the Vice Mayor has been champion this  
20 issue for a while and he is hoping Mr. Groseclose will offer his expertise to staff.

21  
22 Smiley Thurston, 608 Saxon Blvd., suggested finding land in Deltona as a feral cat colony area, people  
23 can go by and feed them, and he has not heard of any other City having a feral cat reserve, but it has  
24 been done for Goffer Turtles and Scrub Jays.

25  
26 Julie Tirado, 1450 Randolph Street, stated she, along with others, have fixed 159 cats and released  
27 them, the City should be able to do a lot more, this would be beneficial for the City, she liked the idea of  
28 having a feral cat colony and New Hope Baptist Church does feed the homeless, but the animals do not  
29 have a voice.

30  
31 Carol Canfield, 235 Colburn Dr., Debary, stated she works with animal control, she works with  
32 different Veterinarians, has fixed 300 feral cats, the program is wonderful and needed, and if the  
33 Commission does not understand they should take to those in the trenches.

34  
35 Harry Cappola, 1311 Harley Ave., stated he has lived in four (4) different States in his 40 years and  
36 every State has the problem, people do not want to pay for an animal license or to get them spayed and  
37 neutered and needing to attack the problem with the people who are not responsible animal owners.

38  
39 Valerie 2625 Treehaven Dr., stated lived in Deltona all her life and cats have always been a problem,  
40 cats are constantly being hit by cars, saving one (1) cat can make a difference, the TNR program is a  
41 great program, the ear of the cat has been clipped so people can noticeably tell if the cat has been treat  
42 and it being expensive to get the cats fixed.

43  
44 Mayor Masiarczyk closed the public hearing.

45  
46 **Motion by Vice Mayor Herzberg, seconded by Commissioner Bellizio to adopt Ordinance No.**  
47 **31-2014, at first reading and to schedule second and final reading for November 3, 2014.**  
48

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

2  
3 **AN ORDINANCE OF THE CITY OF DELTONA, FLORIDA, ADDING ARTICLE VII,**  
4 **“TRAP, NEUTER, RELEASE PROGRAM, OF CHAPTER 14, “ANIMALS”, PROVIDING**  
5 **FOR A ONE YEAR PILOT PROGRAM FOR TRAP, NEUTER AND RELEASE OF FERAL**  
6 **CATS, PROVIDING FOR CONFLICTS, SEVERABILITY, AND AN EFFECTIVE DATE.**

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

11  
12 Ordinance No. 31-2014 was adopted at 8:31 p.m.

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

15  
16 **10. NEW BUSINESS:**

17  
18 **A. Request for approval of Facility Use Agreement for Healthy Start Coalition of Flagler and**  
19 **Volusia Counties, Inc. for Use of the classroom at Deltona City Hall.**

20  
21 Mayor Masiarczyk opened the public hearing.

22  
23 Mitch Honaker, 2551 Sweet Springs St., stated this will set a precedence, the organization does a lot  
24 of good things, but this will open the doors to other non-profit organizations, the Commission is  
25 stewards of the budget, the organization is asking for fees to be waived at a cost of approximately  
26 \$40,000 a year and a possible solution may be to have the Commissioner in the Howland Blvd. area  
27 where there are several suites available contact Swan Associates to broker a deal.

28  
29 Thurston Smiley, 608 Saxon Blvd., stated he researched the organization but could not find how  
30 long the organization had been using the Community Center, Mr. Honaker suggested a good location  
31 for the organization and there should be some kind of fee as the organization is not a new one.

32  
33 Mayor Masiarczyk closed the public hearing.

34  
35 The Commission discussed not knowing why there was opposition to this item, City Hall being built  
36 for the residents of Deltona, in the past there being opposition for an awards dinner to be held in the  
37 Commission Chambers, the organization being in a partnership with Deltona, the services being  
38 needed, the Commission choosing to use some of the classrooms for storage, the organization is  
39 about providing unborn children and the parents of unborn children the services that are needed, the  
40 City being under served by the community by pediatrics and obstetrics, the organization provides  
41 essential services and save lives, children die from not having cribs which this agency provides, the  
42 agency provides guidance to teen mothers and their parents, this just moves the organization from  
43 one (1) City building to another City building and City Hall is an ideal location which has a bus stop.

44  
45 **Motion by Commissioner Barnaby, seconded by Vice Mayor Herzberg to approve the Facility**  
46 **Use Agreement for Healthy Start Coalition of Flagler and Volusia Counties, Inc., for the use of**  
47 **the Classroom at Deltona City Hall be approved.**

48

1 | Commissioner Bellizio stated he works for and has been working with non-profit organizations, it is  
2 politically hard to say no to something like this, however, keep in mind once this is done the  
3 Commission will either approve or deny other non-profit organizations in the future.  
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 **11. CITY ATTORNEY COMMENTS:** None.  
10

11 **12. CITY MANAGER COMMENTS:** None.  
12

13 **A. Lobbyist Update:** None.  
14

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

17 a) Commissioner Bellizio stated as the General Election gets closer people evolve into a being that  
18 has no rational, common sense or foresight. He is tired of seeing campaign signs and commercials and  
19 cannot wait for November 4<sup>th</sup>. What he has noticed, especially in Volusia County is where the  
20 candidates come from. He has been bothered by the quality of candidates on all levels and he urged the  
21 public to be particular of who it supports or votes for.  
22

23 b) Commissioner Schleicher stated it is up to the voters to do its research, there will be two (2)  
24 candidate forums, one (1) on October 22<sup>nd</sup>, at 5:30 p.m. at Dickerson Library in Orange City and the  
25 other at New Hope Baptist Church in Deltona. Both forums will be important to hear for yourselves to  
26 make a decision which is everyone's individual choice. Thanked those who helped support the passing  
27 of the medical marijuana ordinance which can be amended and that it is easier to amend an ordinance  
28 than to construct one. The prison ordinance is an indication of how lucky the City is to have a "law  
29 firm" because without the Vose Law Firm the City may not have known to get ahead of the issue. She  
30 wished everyone a Happy Halloween and hoped to see them at the Spooktacular event.  
31

32 c) Commissioner Nabicht stated this week the Volusia County Sheriff's Office (VCSO) came  
33 through for the City once again. The community for several weeks had been terrorized by a group of  
34 individuals who thought they could go into businesses to steal/rob and one (1) incident resulted in a  
35 pistol whipping of a manager. Due to the combined efforts of several law enforcement agencies, a lot  
36 of man power and a lot of hours, the individuals were taken off the street and hopefully the individuals  
37 will receive the full "wrath" of the criminal justice system. He continues to hear through e-mails,  
38 complaints about code enforcement which is a necessary evil in the City and brought on by many  
39 generations of Commissioners and the constant "changing of the tide" of what is popular at the time and  
40 he asked that Mr. Baker work with the code enforcement officers to massage the conversations,  
41 customer service friendly as possible, with residents. He has worked with code officers and it takes a  
42 special type of individual to effectively persuade the violator to corrective action. To the gentlemen  
43 who have stayed in the back of the Commission Chambers regarding parking semi-trucks in the City, he  
44 pledged to them that the topic will be placed on a workshop per the Mayor's request, it is an issue, but  
45 he believes there is enough talent between their profession, staff and the Commission to be able to come  
46 to a resolution that will make everyone happy. He thanked them for staying for the entire meeting and  
47 he will work with them on a solution and he is going to try to make every effort to work with them.  
48

1 d) Commissioner Denizac stated everyone has been hearing about a post on her private Facebook  
2 page and she read the post. The post was done on October 1<sup>st</sup>, Commissioner Nabicht cut and pasted  
3 the post on his Facebook to try and create an uproar and chaos and tried to politicize something that is  
4 dear to her. She stated Commissioner Schleicher, a former teacher, wasted no time on getting on that  
5 “bandwagon” to attack her politically because that is the only intension. Not once did anyone contact  
6 her about the post and ask how her mother is doing. So much for being team players, Commissioner  
7 Schleicher campaigned on “getting along” and having “respect on the Commission” and she had no  
8 respect for her personal feelings. She read minutes from March 18, 2013, after discussion the  
9 Commission voted 6 to 1 with Commissioner Nabicht voting against the motion to grant the request on  
10 behalf of the American Cancer Society to waive all fees associated for the 2013 Annual Relay For Life  
11 event.  
12

13 e) Commissioner Barnaby stated he is deeply moved by his colleagues comments tonight, he  
14 thanked the young lady who did the invocation tonight because it is important to maintain the unity of  
15 the spirit in the bond of peace, it is important that the Commission try to be peacemakers, he has  
16 evaluated the City, walked the halls and it is still his opinion that leadership is a very important  
17 necessity for moving the City forward. He stated he has worked for an organization for 20 years as a  
18 Legislative Representative and 20 year veteran of the National Write Your Congressman and his  
19 mission has been to encourage responsible Americans to use their influence in government to preserve  
20 the freedoms set forth by the founding fathers. There are 320 million Americans in this nation, but not  
21 all are responsible, Deltona is a City of 87,000 people which less than 1% are present in the room this  
22 evening. He has often cautioned that government is not reason, but becomes force and becomes a  
23 dangerous servant and a fearful master. Two weeks ago an example of leadership was presented to the  
24 Commission in the form of an e-mail that the Acting City Manager was asked to investigate as it relates  
25 to a Director, it was brought up by Mr. Williams and he asked if Mr. Baker would comment on the  
26 investigation and if he intends to look at the public files of the individual who sent the e-mail as it  
27 relates to their conduct and public service to the City. It is important that the Commission as public  
28 officials have the right people on board at the City to move the City forward. He would like to see a  
29 time in the City when there are employees that are passionate of the City and that reflect the complete  
30 makeup of the City. The City is lacking in many areas in terms of balance of the population, in  
31 leadership, the City needs better representation of leadership, there is a need for African Americans and  
32 Latinos in leadership positions which is unacceptable and staff needs to be more aggressive in seeking,  
33 hiring and promoting these types of individuals that will reflect Deltona’s society as a whole.  
34

35 f) Vice Mayor Herzberg stated last week was the River of Lakes Heritage Corridor DVD showing  
36 and she suggested that it be shown at a workshop or on DTV which is a tourism booster. What just  
37 happened here is a result of being a public figure and all who chose to be a public figure have or choose  
38 that job are open to their lives scrutinized. There have been incidences where people have looked at,  
39 commented on, and pictures taken of elected officials. It is a byproduct of society where social media  
40 and instantaneous knowledge and passing of information are a click away. Unfortunately, it is hurtful,  
41 demeaning sometimes and sad sometimes. She is sad that it had to happen across the board and to  
42 Commissioner Denizac and everyone else that got caught up in something like that. Ever since she was  
43 elected she has tried to be unified, kind and friendly to everyone one. The Commission cannot talk or  
44 reach out to each other outside the Sunshine Law.  
45

46 g) Mayor Masiarczyk stated Enterprise Preservation Society had an opening in the museum, he was  
47 lucky enough about three (3) years ago to be given items out of the old Thornby home which he kept  
48 until the museum opened and provided to them on Saturday. The semi-truck issue is a hard one, but

1 there ought to be able something worked out. The big issue coming up, most cities cannot reimburse  
2 organizations for VCSO fees for events such as the Little League Parade, the group cannot afford to pay  
3 the VCSO and is an unintended consequence of what was done. Also, Mrs. Suitt-Green brought it up to  
4 have pictures of the volunteers displayed around the City, the City does an annual volunteer  
5 appreciation luncheon, but Community Information Specialist Wendi Jackson can take pictures of  
6 volunteers, the boards and committees, staff can find a standard frame and hang the pictures up. He  
7 received a phone call about the Ebola virus and he called Fire Chief Rhame and Florida Hospital  
8 regarding who assured him that all the equipment is on hand to take care of the residents if necessary  
9 and the Emergency Operations Center (EOC) in Daytona is also prepared to handle any emergency.

10  
11 Commissioner Barnaby asked that Mr. Baker respond to his request and Mr. Baker replied the issue is  
12 still under investigation, there are a couple of people he still needs to talk to and until the people return  
13 to work he is not able to provide a completed report. Commissioner Denizac asked if Mr. Baker had a  
14 time line and Mr. Baker replied no, the person is out on sick leave and he does not know when he will  
15 return. Mayor Masiarczyk asked that Mr. Baker provide the Commission with an update at the next  
16 meeting and keep the Commission updated.

17  
18 **14. ADJOURNMENT:**

19  
20 There being no further business, the meeting adjourned at 9:19 p.m.

21  
22  
23  
24  
25  
26 

---

**John Masiarczyk Sr., Mayor**

27  
28  
29 **ATTEST:**

30  
31  
32 

---

**Joyce Raftery, CMC, City Clerk**  
33