

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

1 A Regular Meeting of the Deltona City Commission was held on Monday, November 17, 2014 at the  
2 City Hall Commission Chambers, 2345 Providence Boulevard, Deltona, Florida.

3  
4 **1. CALL TO ORDER:**

5  
6 The meeting was called to order at 6:30 p.m. by Mayor Masiarczyk.

7  
8 **2. ROLL CALL:**

9  
10 Mayor John Masiarczyk Present  
11 Vice Mayor Nancy Schleicher Present  
12 Commissioner Webster Barnaby Present  
13 Commissioner Heidi Herzberg Absent (Excused)  
14 Commissioner Mitch Honaker Present  
15 Commissioner Chris Nabicht Present  
16 Commissioner Nancy Soukup 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; Finance Director Robert Clinger; Fire Chief Rhame; and VCSO  
23 Captain Brannon.

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

26  
27 Invocation Presented by Commissioner Soukup – Pastor Brad Stephenson, Deltona Alliance Church,  
28 Deltona.

29  
30 The National Anthem was sung by Yami Toro an 11<sup>th</sup> Grader and Yani Toro a 9<sup>th</sup> Grader both with  
31 University High School.

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

34  
35 **A. Minutes:**

36  
37 **1. Approval of Minutes – Regular City Commission Meeting of November 3, 2014.**

38  
39 **Motion by Vice Mayor Schleicher, seconded by Commissioner Honaker to approve the minutes**  
40 **of the Regular City Commission Meeting of November 3, 2014.**

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

45  
46 **B. Additions or Deletions to Agenda:** None.

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

49

1 **A. Presentation – by Nick Pizza on Bully Armor a non-profit organization geared towards**  
2 **bullying prevention in Volusia County Schools.**

3  
4 Mr. Nick Pizza gave a brief presentation on Bully Armor which is a non-profit organization geared  
5 towards bullying prevention in Volusia County Schools, their meeting schedule, the mission statement,  
6 bullying-related behavior among Volusia County Middle and High School Students (2012), the  
7 program components, and awards/recognitions.  
8

9 **B. Presentation by the City of Deltona Fire Department for the coloring and drawing**  
10 **contest for Fire Prevention Week, Open House and Pink Heals Events.**

11  
12 Fire Chief Rhame and Executive Assistant Emma Santiago gave a brief presentation for the coloring  
13 and drawing contest for Fire Prevention Week, Open House and Pink Heals Events and recognized  
14 several key people who helped with the program. Division Chief Bush introduced all the winners of the  
15 coloring and drawing contest who were presented with a certificate of recognition and a medallion.  
16

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

18  
19 a) Fred Lowry, 58 Perry Lane, Enterprise, congratulated the newly elected City Commissioners, he  
20 is happy that his term does not start until January so he can do some research and meet with different  
21 organizations, his theme “Bringing Volusia Together”, the different issues Deltona faces, and wanting  
22 to serve Deltona.  
23

24 b) Wayne Elam, 2449 Derby Dr., congratulated the newly elected City Commissioners, he wanted  
25 the workshop on chickens in residential neighborhoods as promised, several City’s having discussed  
26 and approved having chickens in residential areas with no problems or an effect on Code Enforcement  
27 in those cities.  
28

29 c) James Pescha, 1120 N. Old Mill Dr., spoke about having a workshop as promised to discuss  
30 allowing chickens in residential areas, several cities having already discussed the issue of chickens and  
31 approved it, and wanting to work with the City to have chickens in residential areas.  
32

33 Commissioner Barnaby asked for a consensus of the Commission to have a workshop within the next  
34 six (6) weeks to discuss residential chickens. Mayor Masiarczyk asked the Acting City Manager to  
35 schedule the topic by February.  
36

37 d) Smiley Thurston, 608 Saxon Blvd., spoke about the homeless issue in Volusia County, Daytona  
38 having no issue with the location of a facility, the County Council having several questions needing  
39 answered before the program or the plan will be discussed, the need for Deltona to be a part of the  
40 program, he had applied for his non-profit “Coalition on Hunger”, having a plan for transitional  
41 housing, and not being able to bring people from Flagler County to Volusia County.  
42

43 e) Peggy Fisher, 900 Yellowbird Ave., provided a follow-up report regarding the 2014 Deltona  
44 Spring Fest, provided a list of who the proceeds of the event went to, she presented Mr. Nick Pizza with  
45 a check for \$1,500 for Bully Armor and also \$1,500 to Mr. Joe Sullivan, Chief Executive Officer of the  
46 Volusia/Flagler Boys and Girls Club, the cost and time to put on the event, and she requested a  
47 workshop with Deltona Spring Fest members and the Commission to review the event process and fees.  
48

1 **Commissioner Barnaby requested a workshop to discuss non-profit events and Mayor**  
2 **Masiarczyk stated the Commission has concurred.**

3  
4 f) Kristi Lynn Collins, 736 Tomerlane St., Kiwanis President, spoke about the clean-up of Tom  
5 Hoffman Park among other events, welcomed anyone who wanted to join Kiwanis, she presented a  
6 \$1,500 check to Mr. Nick Pizza for Bully Armor, and the club's purpose is to help the children of the  
7 world.

8  
9 g) Michael Williams, 2889 Cottageville St., spoke about the election, specifically the Mayoral  
10 election, establishing a citizen review board who meets with the Commission on a regular basis on  
11 issues of concern in the City, he spoke about former Commissioner Carmolingo and his fight for the  
12 homeless, and he congratulated the newly elected Commissioners.

13  
14 **7. CONSENT AGENDA:**

15  
16 **Motion by Commissioner Nabicht, seconded by Commissioner Barnaby to approve Consent**  
17 **Agenda Items 7-A and 7-B.**

18  
19 **Motion carried unanimously with members voting as follows: Commissioner Barnaby, For;**  
20 **Commissioner Honaker, For; Commissioner Nabicht, For; Commissioner Soukup, For; Vice**  
21 **Mayor Schleicher, For; and Mayor Masiarczyk, For.**

22  
23 **\*A. Request approval of Resolution No. 2014-36, Initial Assessment Resolution for the**  
24 **creation of the Coachman Drive Street lighting District.**

25  
26 **Approved by Consent Agenda - to adopt Resolution No. 2014-36, creating the Coachman Drive**  
27 **Street Lighting District, and to schedule the Public Hearing.**

28  
29 **\*B. Request for approval of Final Budget Amendment/Transfer for FY 2013/2014.**

30  
31 **Approved by Consent Agenda - to approve Budget Amendment 2014-51 and 2014-52.**

32  
33 **8. ORDINANCES AND PUBLIC HEARINGS:**

34  
35 **A. Public Hearing - Ordinance No. 28-2014, Repealing Chapter 36, "Deltona Rental**  
36 **Regulatory License Ordinance," at second and final reading.**

37  
38 **Motion by Commissioner Nabicht, seconded by Vice Mayor Schleicher to adopt Ordinance No.**  
39 **28-2014 at second and final reading.**

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

42  
43 City Attorney Becky Vose read the title of Ordinance No. 28-2014.

44  
45 **AN ORDINANCE OF THE CITY OF DELTONA, FLORIDA, REPEALING CHAPTER 36,**  
46 **DELTONA RENTAL REGULATORY LICENSE ORDINANCE"; AND PROVIDING FOR**  
47 **CONFLICTS, SEVERABILITY AND FOR AN EFFECTIVE DATE.**

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

4  
5 Ordinance No. 28-2014 was adopted at 7:34 p.m.

6  
7 **B. Resolution No. 2014-38, authorizing the issuance by the City of Deltona of up to \$25**  
8 **million of Utility System Revenue Bonds Series 2014.**

9  
10 The City's Financial Advisor Mark Galvin gave a brief presentation which included prior Commission  
11 action, financing team, steps completed, next steps, and utility system revenue bonds series 2014.

12  
13 Commissioner Barnaby asked if the interest rate would be capped at the 4.5%, below prime rate and  
14 Mr. Galvin replied it is tax exempt 4.5% and that is where the max cap would be.

15  
16 Mr. Galvin continued with his presentation and provided the preliminary timetable.

17  
18 Commissioner Nabicht asked for an explanation as to why the City may or may not want bond  
19 insurance and Mr. Galvin replied there is a cost, a premium, the City's bonds are rated A+A and it has  
20 to be a cost benefit to buy the insurance. He stated he goes through the whole process to get the City  
21 preselected and the day of pricing if insurance is not needed it is not purchased.

22  
23 Mr. Michael Williams with Akerman Senterfitt explained each of the three (3) resolutions presented to  
24 the Commission for approval.

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

27  
28 **Motion by Commissioner Barnaby, seconded by Commissioner Honaker to adopt Resolution**  
29 **No. 2014-38 authorizing the issuance by the City of Deltona of up to \$25 million of Utility**  
30 **System Revenue Bonds Series 2014.**

31  
32 Mayor Masiarczyk read the title of Resolution No. 2014-38.

33  
34 **A RESOLUTION OF THE CITY OF DELTONA, FLORIDA, SUPPLEMENTING ITS**  
35 **RESOLUTION NO. 2013-27, AS PREVIOUSLY SUPPLEMENTED; FOR THE PURPOSE OF**  
36 **AUTHORIZING THE ISSUANCE BY THE CITY OF NOT EXCEEDING \$25,000,000 IN**  
37 **AGGREGATE PRINCIPAL AMOUNT OF ITS UTILITY SYSTEM REVENUE BONDS,**  
38 **SERIES 2014, TO FINANCE THE COSTS OF CERTAIN IMPROVEMENTS TO THE CITY'S**  
39 **SEWER SYSTEM AND WATER SYSTEM, RETIRING THE CITY'S OUTSTANDING**  
40 **UTILITY SYSTEM BOND ANTICIPATION NOTE, SERIES 2014; AND TO PAY THE COSTS**  
41 **OF ISSUANCE OF SUCH SERIES 2014 BONDS; AUTHORIZING THE CITY THE OPTION**  
42 **TO INSURE ALL, A PORTION OF OR NONE OF THE SERIES 2014 BONDS WITH A BOND**  
43 **INSURANCE POLICY, WHICHEVER IS IN THE BEST FINANCIAL INTEREST OF THE**  
44 **CITY; PLEDGING ON A PARITY WITH THE CITY'S UTILITY SYSTEM REFUNDING**  
45 **REVENUE BONDS, SERIES 2013, THE NET REVENUES DERIVED BY THE CITY FROM**  
46 **THE CITY'S WATER SYSTEM AND SEWER SYSTEM, PLEDGABLE IMPACT FEES AND**  
47 **CERTAIN MONEYS AND INVESTMENTS ON DEPOSIT IN CERTAIN FUNDS AND**  
48 **ACCOUNTS; MAKING CERTAIN COVENANTS AND AGREEMENTS FOR THE BENEFIT**

1 **OF THE HOLDERS OF THE SERIES 2014 BONDS; AND PROVIDING AN EFFECTIVE**  
2 **DATE.**

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

7  
8 Resolution No. 2014-38 was adopted at 7:48 p.m.

9  
10 **C. Resolution No. 2014-39, amending Sections 20(Q)(1) and 24 of City Resolution No.**  
11 **2013-27, to clarify certain matters set forth herein and correcting misspelled words in said**  
12 **resolution and providing an effective date.**

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

15  
16 **Motion by Commissioner Barnaby, seconded by Vice Mayor Schleicher to approve Resolution**  
17 **No. 2014-39.**

18  
19 Mayor Masiarczyk read the title of Resolution No. 2014-39.

20  
21 **A RESOLUTION OF THE CITY OF DELTONA, FLORIDA, AMENDING SECTIONS**  
22 **20(Q)(1) AND 24 OF CITY RESOLUTION NO. 2013-27, TO CLARIFY CERTAIN**  
23 **MATTERS SET FORTH HEREIN AND CORRECTING MISPELLED WORDS IN SAID**  
24 **RESOLUTION AND PROVIDING AN EFFECTIVE DATE.**

25  
26 **Motion carried unanimously with members voting as follows: Commissioner Barnaby, For;**  
27 **Commissioner Honaker, For; Commissioner Nabicht, For; Commissioner Soukup, For; Vice**  
28 **Mayor Schleicher, For; and Mayor Masiarczyk, For.**

29  
30 Resolution No. 2014-39 was adopted at 7:50 p.m.

31  
32 **D. Resolution No. 2014-40, supplementing Resolution No. 2013-27 by authorizing a City**  
33 **authorized representative to award the sale of the City's Utility System Revenue Bonds, Series**  
34 **2014, to Raymond James & Associates and Merrill Lynch, Pierce, Fenner & Smith as**  
35 **Underwriters.**

36  
37 **Motion by Commissioner Barnaby, seconded by Commissioner Nabicht to approve Resolution**  
38 **No. 2014-40.**

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

41  
42 Mayor Masiarczyk read the title of Resolution No. 2014-40.

43  
44 **A RESOLUTION OF THE CITY OF DELTONA, FLORIDA, A RESOLUTION OF THE**  
45 **CITY OF DELTONA, FLORIDA, SUPPLEMENTING RESOLUTION NO. 2013-27 OF THE**  
46 **CITY AS PREVIOUSLY AMENDED AND SUPPLEMENTED BY AUTHORIZING A CITY**  
47 **AUTHORIZED REPRESENTATIVE TO AWARD THE SALE OF THE CITY'S NOT**  
48 **EXCEEDING \$25,000,000 UTILITY SYSTEM REVENUE BONDS, SERIES 2014 TO**

1 **RAYMOND JAMES & ASSOCIATES, INC. AND MERRILL LYNCH, PIERCE, FENNER &**  
2 **SMITH INCORPORATED IN ACCORDANCE WITH CERTAIN PARAMETERS SET FORTH**  
3 **HEREIN AND APPROVING THE FORM OF A BOND PURCHASE CONTRACT TO BE**  
4 **USED IN CONNECTION WITH SUCH SALE; APPROVING THE FORM AND**  
5 **AUTHORIZING THE CIRCULATION OF A PRELIMINARY OFFICIAL STATEMENT AND**  
6 **AUTHORIZING THE EXECUTION AND DELIVERY OF A FINAL OFFICIAL STATEMENT;**  
7 **AUTHORIZING A CITY AUTHORIZED REPRESENTATIVE TO DEEM FINAL THE**  
8 **PRELIMINARY OFFICIAL STATEMENT; APPROVING THE FORM OF AND**  
9 **AUTHORIZING THE EXECUTION OF A DISCLOSURE DISSEMINATION AGENT**  
10 **AGREEMENT; AUTHORIZING CERTAIN OFFICIALS OF THE CITY TO EXECUTE ANY**  
11 **DOCUMENTS AND TAKE ANY ACTIONS REQUIRED IN CONNECTION WITH THE**  
12 **ISSUANCE OF SAID BONDS; AND PROVIDING CERTAIN OTHER DETAILS WITH**  
13 **RESPECT THERETO; PROVIDING AN EFFECTIVE DATE FOR THIS RESOLUTION.**

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

18  
19 Resolution No. 2014-40 was adopted at 7:53 p.m.

20  
21 **9. OLD BUSINESS:** None.

22  
23 **10. NEW BUSINESS:** None.

24  
25 **11. CITY ATTORNEY COMMENTS:** None.

26  
27 **12. CITY MANAGER COMMENTS:**

28  
29 Mr. Baker stated the buyer for the Dupont Lakes property has backed out and decided not to purchase  
30 the property.

31  
32 Commissioner Nabicht asked if the City still has the listing agreement and Mr. Baker replied the listing  
33 has expired and he was going to discuss the issue at the next workshop.

34  
35 **Motion by Commissioner Nabicht to authorize the Acting City Manager to go ahead and execute**  
36 **the extension to the marketing agreement.**

37  
38 Mr. Baker stated he would like to discuss the issue at a workshop if possible because he would like to  
39 re-advertise the property and look at possibly a different broker.

40  
41 **Commissioner Nabicht withdrew the motion, but he does not want to wait to get the property**  
42 **back on the market.**

43  
44 **A. Lobbyist Update:** None.

45  
46 **13. CITY COMMISSION COMMENTS:**

47  
48 a) Commissioner Barnaby stated he spoke with the business owner of Good Eats Restaurant located

1 in the former Winn Dixie Plaza on Deltona Blvd. The restaurant has been in Deltona for several years,  
2 she had some concerns regarding the Christmas Parade being on Deltona Blvd. and she suggested  
3 putting up banners on Deltona Blvd., do something to make the area look more festive, she is concerned  
4 about the blight in the area and she also suggested revitalizing the area as she felt it was being  
5 neglected. He suggested doing something through economic development, to get active/busy helping  
6 those residents in that area, the shoe repair business that was there for years moved out and he suggested  
7 to make it look like something is going on or show life in that area.  
8

9 b) Commissioner Honaker thanked Wayne Elam for coming out, he spoke to Commissioner  
10 Carmolingo who is planning on returning to Deltona and the need to develop a Strategic Plan which  
11 will synergize the Commission, residents and staff.  
12

13 c) Commissioner Nabicht stated Bill Maxwell's remains have been taken up north and his wife has  
14 extended an invitation to the service which will be held on Sunday, November 23<sup>rd</sup> from 4:00-6:00 p.m.  
15 at the United Church of Christ, 1649 Providence Blvd which is at the intersection of Tivoli and  
16 Providence Blvds. He asked that everyone keep Terrie Maxwell in their prayers.  
17

18 Mayor Masiarczyk asked that the service information be sent to all the Commission.  
19

20 d) Commissioner Soukup thanked everyone and he is looking forward to the first workshop. He  
21 stated there is a road project starting from Howland Blvd. to S.R. 415 which is going to cost \$1.8  
22 million to widen the road, he lives close to the area, it is not a highly traveled road and he suggested  
23 maybe holding off on the project and see if the money could be better spent somewhere else.  
24

25 Commissioner Nabicht stated the project is in his District and he is pushing extremely hard to complete  
26 that portion of the road, it has been in the planning process, it has been in the City's long term road  
27 maintenance projects to be finished and with the S.R. 415 road project finishing up that is going to be a  
28 vital link in the area.  
29

30 Commissioner Honaker requested that the topic be added to a workshop and the Commission  
31 concurred.  
32

33 e) Vice Mayor Schleicher stated at the last meeting the Commission requested an ethnicity  
34 breakdown of employees and she did not receive it and Mr. Baker replied he thought it was sent out, but  
35 he would make sure the Commission receives it. She questioned the resolution on the agenda that  
36 stated "correcting misspelled words" and whose errors they were and also, the change to the upcoming  
37 ribbon cutting ceremony. She stated there seems to be lots of information being put out that needs  
38 changing such as ribbon cutting information and she suggested that nothing be sent out unless it is letter  
39 perfect.  
40

41 Mr. Baker stated in reference to the ribbon cutting, the owner changed its mind. Mayor Masiarczyk  
42 stated it is hard to schedule things like ribbon cuttings with each Commissioner's schedules and owners  
43 of businesses wanting them to be done early in the morning or during the day and not weekends.  
44

45 **After discussion, the Commission concurred staff would work out a date/time for things like**  
46 **ribbon cuttings and whichever Commissioners could make it would attend.**  
47

48 Vice Mayor Schleicher stated she wanted an update regarding the sale of the Winn Dixie Plaza, that it  
49 will be cold tomorrow so it is a good time to have "Coffee with a Cop" from 9:00-10:00 a.m. at Good

1 Eats and she wished everyone a happy and safe holiday Thanksgiving.  
2

3 f) Mayor Masiarczyk stated Mr. Jack Hoyt passed away last Thursday and he was described by  
4 Sandy Walters as a gentleman and activist extraordinaire. He stated he did not always agree with him,  
5 but he was a pioneer who made the Commission better, he always tried to do what he felt was best for  
6 the City, he will be missed and he was a true gentleman. The viewing is Saturday at 11:00 a.m. and the  
7 funeral is at Noon at Deltona Memorial Funeral Home on Saxon Blvd. and I4.  
8

9 **Mayor Masiarczyk stated the Commission has a policy of supporting other cities who apply for a**  
10 **Community Redevelopment Agency (CRA) and he has two (2) letters signed by him, for**  
11 **Edgewater and New Smyrna Beach and he stated if there was no objection he would sign the**  
12 **letters and send them out and there was no objection from the Commission.**  
13

14 Mayor Masiarczyk stated some good issues came up tonight, he was impressed at the donations to Bully  
15 Armor and the amount is what is needed to train another trainer, there being a real problem in the  
16 community by having restrictions on non-profits which makes it almost impossible for them to do what  
17 they do and he would like to look at that, there being several businesses on the Christmas parade route  
18 and trying to make accommodations for them during that time,  
19

20 **14. ADJOURNMENT:**  
21

22 There being no further business, the meeting adjourned at 8:05 p.m.  
23  
24  
25

26 \_\_\_\_\_  
27 **John Masiarczyk Sr., Mayor**

28 **ATTEST:**  
29  
30

31 \_\_\_\_\_  
**Joyce Raftery, CMC, City Clerk**