

**CITY OF DELTONA, FLORIDA  
CITY COMMISSION WORKSHOP MEETING  
MONDAY, JUNE 23, 2014**

A Workshop Meeting of the Deltona City Commission was held on Monday, June 23, 2014 in the City of Deltona's 2nd Floor Conference Room at 2345 Providence Blvd., Deltona, Florida.

**1. CALL TO ORDER:**

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

**2. ROLL CALL:**

Mayor	John Masiarczyk	Present
Vice Mayor	Heidi Herzberg	Present (Arrived 5:40 p.m.)
Commissioner	Webster Barnaby	Present
Commissioner	Zenaida Denizac	Present
Commissioner	Chris Nabicht	Present
Commissioner	Nancy Schleicher	Present
Deputy City Manager	Dale Baker	Present
City Attorney	Becky Vose	Present
City Clerk	Joyce Raftery	Present

Also Present: Finance Director Robert Clinger; and VCSO Captain Dave Brannon.

**3. PLEDGE TO THE FLAG:**

The City Commission and staff said the pledge to the flag.

**4. BUSINESS:**

Mayor Masiarczyk opened and closed the meeting for public comment.

Mayor Masiarczyk asked to add to the agenda as Item 4-E, Update on the Jablonski Will.

**A. Discussion re: District #5 Vacancy.**

The Commission and staff discussed the qualifications candidates should have, possibly appointing a former commissioner that lives in District #5, appointing Mr. David McKnight who is the prior Chairman of the City's Planning & Zoning Board, not selecting a candidate that is currently running for District #5, when to accept applications, who the applications would go to, the amount of applications that will be received, how long the vacancy needs to be advertised for, what application to use, if the vacancy had to be filled, the vacancy only being for approximately three (3) months and how prior vacancies were filled.

**After discussion, the Commission concurred to have staff advertise the vacancy for the District 5 Commission seat on the website and newspaper, the applicants would need to fill out and submit a City Board Application to the City Clerk's Office, the deadline for applications is July 1, 2014 by 5:00 p.m., the individual would need to qualify for the vacancy per the City Charter, a Special Meeting will be held on Monday, July 7, 2014 at 6:00 p.m. for the Commission to rank the applicants and the Commission will appoint an individual at the**

1 **regularly scheduled meeting on Monday, July 7, 2014 at 6:30 p.m.**

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3 Mayor Masiarczyk opened and closed the meeting for public comment.

4  
5 **C. Discussion re: Ordinance No. 12-2014 regarding anti-blight.**

6  
7 City Attorney Becky Vose gave a brief PowerPoint Presentation to included pictures of blighted  
8 houses within Deltona, the causes of blight, what blight increases and decreases in neighborhoods,  
9 solutions to the problem and she presented three (3) ordinances for the Commission's  
10 consideration. She stated full utilities are required for home occupancy and she explained how the  
11 ordinance would affect residents who generate their own power, such as solar power, and residents  
12 who currently have wells.

13  
14 The Commission and staff discussed how the mortgage registration ordinance would be affected  
15 with a tax deed sale, lien maximums on properties, liens being against the bank and not the  
16 property, banks that would attempt to have liens lowered, how the City is informed that a mortgage  
17 is in default, the lis pendens process, how code officers will interpret the code, emergency outages,  
18 having enough personnel to cover the new regulations, contracting out the services to the vendor,  
19 how enforceable the ordinances are, how the property's utilities will be affected, the vendor being  
20 motivated by the fact if the mortgage companies do not register the vendor does not get paid, the  
21 program used for issuing notices, how much the registration fee would be, what would happen if a  
22 bank refused to register, getting a report from the contractor, there being no cost to the City and the  
23 City receiving revenue from the registration and how the funds could be used.

24  
25 Commissioner Schleicher asked to add to Ordinance No. 12-2014, Sec. 37-4. Definitions, Item (6),  
26 an exception of 90 days in case of a hurricane and Mrs. Vose replied that a resolution would be  
27 passed requesting that the Ordinance not be enforced.

28  
29 Commissioner Denizac requested that the vendor supply a report every year to include the updated  
30 number of foreclosures and the amount of revenue collected.

31  
32 The Commission questioned what the revenue from the registration could be used for and Mrs.  
33 Vose replied this is a regulatory ordinance, it is not a tax, and the regulatory fee needs to be  
34 commensurate with the cost of regulation. The funds go into the General Fund and when the  
35 General Fund does not have to pay toward Code Enforcement that frees up money for other things.

36  
37 **D. Discussion re: Ordinance No. 18-2014 regarding unfit and unsafe structures.**

38  
39 The Commission and staff discussed budgeting money for demolishing houses, having insurance  
40 companies pay for the demolition, special taxing districts, non-ad valorem assessments, using  
41 unsafe homes for practice fires for the Fire Department, attaching demolition costs to the home's  
42 insurance under the liability portion, how alternate methods of collection work, and Code  
43 Enforcement Officers noting in the report that a home is unsafe because it gets the bank's attention  
44 and historically will fix the issues quicker.

45  
46  
47

1 **B. Discussion re: Ordinance No. 11-2014 regarding the City's Rental Regulatory License.**

2  
3 Mrs. Vose stated that she anticipates that the Commission would repeal the rental section of the  
4 business tax receipts for residential rentals although the City does not have to as some cities have  
5 both. The ordinance should be a regulatory ordinance and the City cannot increase the business tax  
6 receipt to a significant amount because it is regulated by the State.

7  
8 The Commission and staff discussed going after the homeowner of the blighted home and not the  
9 renters, safety concerns for renters, inspections for rental properties, the number of rentals in the  
10 City of Deltona, how much it is to register a rental property, how implementing inspections will  
11 increase a home's rental cost, at some point the City becoming property managers, safety concerns  
12 for renters, who documents/maintains the homes turnover, who is responsible for the homes  
13 upkeep and landlord and tenant disputes.

14  
15 Mayor Masiarczyk suggested in the ordinance on Page 2, third paragraph from the bottom,  
16 changing the wording from "Residential dwelling unit means a single family residence or a  
17 duplex." to "..means single family or multi-family residence."; on Page 3, second sentence, change  
18 "In the case of a duplex.." to "In the case of a multi-family unit.."; and on Page 5, Section 36-14  
19 Utility Accounts, add to the end of the last sentence "..owner of the property or contact person.

20  
21 Commissioner Nabicht stated Deltona's rental properties are becoming its commercial business,  
22 and he strongly would suggest having a mechanism that authorizes an inspection of a rental  
23 property annually or when the rental license is renewed,

24  
25 Mayor Masiarczyk opened and closed the meeting for public comment.

26  
27 Mayor Masiarczyk stated the City Attorney distributed information to the Commission regarding a  
28 medical marijuana ordinance and he asked why the State of Florida, Tallahassee, cannot say that if  
29 it is "medical marijuana then only a licensed pharmacist can dispense it" and Mrs. Vose replied  
30 that it is not what the constitutional amendment states and marijuana is still illegal. She stated at  
31 the point that it happens it would be preempted by the State.

32  
33 **E. Add-On – Update on Jablonski Will.**

34  
35 Mayor Masiarczyk read from an article in the News Journal written by Mr. Mark Harper regarding  
36 the meetings that took place between the City, the Council on Aging and the Salvation and the  
37 outcome of the Jablonski Will and he asked the City Attorney to provide more information  
38 regarding those meetings.

39  
40 Mrs. Vose stated staff had two (2) relatively large meetings with the Salvation Army and the  
41 Council on Aging. Some staff that attended the meetings among others was the City Manager,  
42 Jerry Mayes and herself. Staff emphasized that the City, right now, financially supported the  
43 senior center at its current location such as operating costs and there was no reason that would  
44 change. Staff stated that there were numerous locations within Deltona that are available for the  
45 construction of a senior center and if the organization wanted a long term lease there are numerous  
46 vacant shopping centers that could be purchased, leased or even built out. She stated she provided  
47 all the information to the Judge in Iowa but, the attorney for the Council on Aging made the

1 representation to the Iowa courts that the City to maintain a senior center or a location for one.

2  
3 Mayor Masiarczyk stated he spoke with Mary Micelli, Activities Director Deltona Sunshine Senior  
4 Center and he asked the members who were present at the senior center if any of them had received  
5 or intended to receive services from the Salvation Army and there was nobody.

6  
7 The Commission and staff discussed statements made by the two (2) organization's attorneys, the  
8 City not having a relationship with the Salvation Army who was the direct beneficiary for a  
9 purpose of building a senior center, if the City would continue to fund the Council on Aging, what  
10 the intent of the Will was, the City's continued request for copies of the paperwork concerning the  
11 trust going back and forth between the Salvation Army and the Council on Aging, how Mrs. Vose  
12 found out about the hearing regarding the trust, the Council on Aging being awarded half of the  
13 trust and has three (3) years to decide how it should be spent, and the legal mechanism for  
14 encumbering the funds from the Council on Aging.

15  
16 Mayor Masiarczyk opened and closed the meeting for public comment.

17  
18 The Commission discussed the seniors being taken advantage of, giving the seniors a few days to  
19 "digest" what has happened, and not impacting or cutting any services to the seniors or Meals on  
20 Wheels.

21  
22 The Commission and staff discussed Commissioner Nabicht's request to change the budget  
23 meeting that was scheduled for July 14, 2014 at 9:00 a.m. to July 10, 2014 at 8:30 a.m.

24  
25 **After discussion, the Commission concurred to be notified if the meeting changes by close of**  
26 **business day June 24, 2014.**

27  
28 Mayor Masiarczyk opened and closed the meeting for public comment.

29  
30 Commissioner Denizac explained to the Commission that Bethune-Cookman University had  
31 contacted her to be involved in a coalition it is forming to help the youth and provide community  
32 service in certain areas of Deltona. Commissioner Denizac explained that it was preliminary and  
33 asked the Commission if they had any objections to her participating in the coalition.

34  
35 **The Commission had no objections to Commissioner Denizac participating in the Bethune-**  
36 **Cookman University coalition.**

37  
38 **5. CITY MANAGER COMMENTS:**

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40 **6. ADJOURNMENT:**

41  
42 There being no further business the meeting adjourned at 7:35 p.m.

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Karissa Cook, Administrative Assistant