

**CITY OF DELTONA, FLORIDA
CITY COMMISSION WORKSHOP MEETING
THURSDAY, MARCH 27, 2014**

A Workshop Meeting of the Deltona City Commission was held on Thursday, March 27, 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 11:00 a.m. by Mayor John Masiarczyk.

2. ROLL CALL:

Mayor	John Masiarczyk	Present
Vice Mayor	Heidi Herzberg	Present
Commissioner	Webster Barnaby	Present
Commissioner	Zenaida Denizac	Present
Commissioner	Fred Lowry	Present
Commissioner	Chris Nabicht	Present
Commissioner	Nancy Schleicher	Present
City Manager	William D. Denny	Present
City Attorney	Becky Vose	Present
City Clerk	Joyce Raftery	Present

3. PLEDGE TO THE FLAG:

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

4. BUSINESS:

A. Discussion re: Charter Amendments.

Question #1

Mayor Masiarczyk asked if anyone had questions regarding removing all the clean-up language.

Mr. Denny suggested adding the word "outdated" after the word "removing" and after counting the number of words in the ballot question to make sure adding the word would not go over the requirement of 75 words or less Mrs. Vose replied yes, the word could be added.

After discussion, the Commission concurred on Question #1 to add the word "outdated" after the word "removing".

Question #2

The Commission discussed the City Manager being required to reside within a certain radius not just covering Volusia County, residing within several specified counties, residing in Central Florida which may be too broad, the residency requirement limiting the pool of charter officer

applicants, the City Manager paying Volusia County taxes, the Commission's reputation of being hard on Administrators, it being more important that a City Manager be professional and what that person brings to the table, letting the City Manager know what the City Commission expects of them, and not needing a residency requirement.

Commissioner Schleicher asked Mr. Denny his opinion and Mr. Denny replied most cities require the City Manager to live in the county and he suggested having a requirement that states the person will reside in Volusia County unless something other than that is approved by a super majority of the Commission.

The Commission discussed placing in the policies the City Manager requirement to include things like being present at City Hall from 8:00 a.m. to 5:00 p.m., required to attend all City Commission meetings and what happens in an emergency situation if the City Manager is unable to get to Deltona. Also, it is easier to change policies vs. the City Charter, the Commission not wanting a City Manager who routinely works from home or Skype in to meetings, and City Attorney's purposely not wanting to reside in the community in order to provide an objective opinion.,

After discussion, the Commission concurred to remove the residency requirement and mimic the language in Question #5: CITY CHARTER AMENDMENT REMOVING CITY MANAGER RESIDENCY REQUIREMENT.

Question #3

The Commission discussed not debating the issue and letting the public decide, how the issue of term limits came up, residents being happy with the current term limits, the President and Senate having term limits, the possibility that someone influenced the Charter Review Committee (CRC) regarding the issue of term limits, the entire Commission agreed to not influence the CRC, it being good to test aspects and reaffirm what was originally put in the Charter, term limits being important, the Commission having had an opportunity to provide to the CRC suggested items of importance in the Charter, the Commission supporting the CRC's recommendations, and the entire Commission needing to feel comfortable with Question #3.

Commissioner Denizac stated she wondered where this question came from, did anyone influence the board, she believes in term limits, and that she felt very uneasy about this question.

After discussion, the Commission concurred to place Question #3 on the ballot as written.

Commissioner Barnaby stated there is suspicion among the residents that the Commission is setting itself up for a strong Mayor form of government and Mayor Masiarczyk replied yes, in the joint meeting with the CRC it was stated that there was a strong battle of the CRC members regarding the strong Mayor form of government.

Question #4

City Attorney Becky Vose stated she reviewed the question and the ordinance that was prepared after former Commissioner Zischkau's legal bills were incurred. She stated per the City's Risk

Manager Nick Sassic the incident would not be covered by the City's insurance, however, there is a \$10,000 deductible. She stated this type of violation is not as complex as an ethics violation which can take a year, where this, an attorney would prepare, attend a City Commission hearing, and that would be it. Also, an Ordinance could be drafted requiring that if the City Commissioner expects the City to pay for his or her defense that Commissioner must approach the City Attorney immediately. The City's insurance company uses a law firm for local government with a reasonable hourly rate, the City could pay that law firm, she doesn't believe it would cost anywhere near the \$10,000 deductible, that is unless the Commissioner wanted a higher priced lawyer, and then the Commissioner would pay for the lawyer.

Mayor Masiarczyk stated he would have the right to hire an attorney and if he prevailed he would want his attorney fees reimbursed and Mrs. Vose replied if the Commissioner did not go through the procedures he or she would not have that right.

Mrs. Vose stated this would be similar to a criminal charge, if someone were to report a violation that person would ask the City Manager or City Attorney to investigate and if there was something to the allegation there would be a joint recommendation by the charter officers to have a hearing before the Commission.

Vice Mayor Herzberg asked if the issue could be addressed in a policy or ordinance rather than a Charter amendment and Mrs. Vose replied yes, it can be done by ordinance but, the remedy needing to be different such as a fine, public censure, or suspension and it would need to be part of the base document.

The Commission discussed the need to punish bad behavior, the issue being very hard to enforce, the amendment puts the City Manager and City Attorney in a bad position, the City Manager and City Attorney addressing the Commissioner who violated the Charter vs. bringing the violation to the entire Commission, how to determine if a Commissioner violated the Charter, no matter what is decided the issue will be political and controversial, a discussion between a Commissioner and staff could be perceived as providing direction to staff even though it was just a conversation, a resident having the ability to claim a Commissioner violated the Charter, following regulations during an emergency situation, how many "clear" Charter violations have there been over the last few years, the amendment trying to solve a problem that really is not a problem, and the Commission adhering to the U.S. Constitution, Sunshine Law and Code of Ethics.

Mayor Masiarczyk adjourned the meeting for lunch at 12:00 p.m. and reconvened at 12:20 p.m.

Mayor Masiarczyk suggested taking a break from Question #3 and he asked if there was anything else the Commission wanted to address that the CRC missed.

Commissioner Nabicht asked if the Commission would vote on a final product to be placed on the ballot, vote on each question individually, and Mayor Masiarczyk replied he anticipates the City Attorney will put a document together that will be voted up or down by the Commission.

Commissioner Nabicht asked if any of the Commission was interested in addressing the issue of Commissioner's compensation. The Commission discussed the Commission's salary being based

on the average of 16 cities in Volusia County, certain cities bringing down the average, the average not being based on similar size cities, the average should be based on comparable cities, that it costs Commissioners money to be a Commissioner, limiting the amount of candidates to people that can afford to hold elected office, having compensation more in line with the City of Daytona Beach and City of Port Orange, and to consider either doubling the current pay, or providing health care insurance or enrolling Commissioners in the Florida Retirement System (FRS), all of which would be an enhancement to increase the pool of people that could run for office.

Commissioner Barnaby asked to be excused from the meeting at 12:27 p.m. but, before he left he agreed to address the issue of Commission's compensation. Mayor Masiarczyk called for a break at 12:27 p.m. and reconvened at 12:30 p.m.

The Commission discussed submitting for mileage reimbursement, an option of buying into a retirement or pension system, coming up with a mathematical formula to determine Commission's salary, if term limits are removed after 10 years a Commissioner should receive a stipend, tying the salary to something other than Volusia County's 16 cities, basing the Commission salary on a percentage of the County Council's and County Chair's salary, raising the salary will increase the number of candidates for elected office, using the average of Central Florida cities with comparable population, tying the salary to the amount of taxable properties, comparable city's Mayor and Commission's salaries being double what Deltona's Mayor and Commission's salary is, and Commissioners spending 25 to 30 hours a week doing City business.

After discussion, the Commission concurred to add a Question #6 and to have the City Attorney provide language amending the Mayor's compensation to 60% of the Volusia County Chair's salary and the Commissioner's compensation to 50% of the Volusia County Council's salary.

The Commission continued the discussion of Question #4 as recommended by the CRC.

The Commission discussed addressing Charter violations without placing it on the ballot, addressing Charter violations by ordinance to include consequences such as censure or suspension without pay, anyone being able to bring Charter violations forward, if done by ordinance violations and consequences needing to be spelled out, investigations of Charter violations being done by an independent outside entity, the question creating an atmosphere where Commissioners will not be comfortable discussing items, frivolous and political charges of Charter violations tying up the City so no business will get accomplished, the question does not provide an option other than the Commissioner who made the violation forfeiting his/her elected office, the ordinance should include each Commissioner being required to attend ethics and Sunshine Law training as well as being provided an explanation his/her duties, removing the word "forfeit" from Question #4, and an ordinance needing to have a sanction.

Mayor Masiarczyk suggested the following language for Question #4: CITY CHARTER AMENDMENT PROVIDING FOR SANCTIONS UPON THE FINDING OF VIOLATION OF CHARTER and Section 5(7)(b)6 would read: To provide that the City Commission can be sanctioned upon a finding by the City Commission to have violated the Charter and if the question passes an ordinance can be drafted at that time. The Commission disagreed.

Mr. Denny stated the latest numbers staff could find on the County's website was from 2010 and the Volusia County Chair's salary was \$49,242.00 and the Volusia County Council's salary was \$41,034.84.

After discussion, the Commission concurred to change the percentages in Question #6 the Mayor's compensation to 50% of the Volusia County Chair's salary and the Commissioner's compensation to 40% of the Volusia County Council's salary.

The Commission discussed not being able to remove a Commissioner by a vote of the Commission, the City Charter having a provision for recalling a Commissioner, Commissioners needing to know the boundaries of what can and cannot be done, and each Commissioner having pet projects.

After discussion, the Commission concurred to remove Question #4 and direct the City Attorney to draft an ordinance which will spell out the Charter violations, consequences and an independent outside entity investigating any violations.

Vice Mayor Herzberg strongly suggested increasing the cost of living regarding the Commission's compensation and that an ordinance regarding Charter violations needs to be approved before the election.

Commissioner Denizac stated if the Charter amendment regarding increasing the Commission's compensation goes on the ballot she will not advocate an increase in the millage rate.

Mayor Masiarczyk asked what the lowest hourly rate of a City employee is and Mr. Denny replied \$9.50 for a full time employee.

Vice Mayor Herzberg asked if anyone wanted information regarding the Safe Harbor Project where cities within the County are looking at the issue of homeless in Volusia County and it has to be a buy in from all the cities in order for it to work.

Commissioner Denizac stated the definition of "homeless" is very broad and she would like the information staff gathered as to how many homeless are in the City.

Mr. Denny stated Daytona Beach has committed \$50,000 to pay for a homeless study by a consultant out of Pinellas County and now they are looking for other cities to contribute toward the \$50,000. Port Orange has already stated "no", the County will not provide funds but, would contribute the building without having anything to do with the ongoing operation of it. Each city would pay based on its population.

The Commission discussed Daytona Beach not wanting to help with water issues and dropping out of Water Authority of Volusia (WAV), the School Board considers homelessness with relation to its students and provides extra benefits to them, a staff survey showed seven (7) homeless in the Deltona area, but five (5) of them were living under the DeBary bridge, homeless being bussed from Daytona Beach to Deltona, the City being designed to provide services and safety for

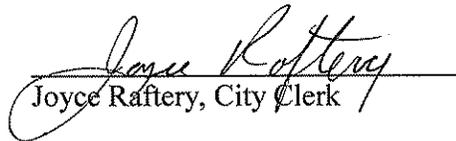
residents, homelessness being the responsibility of the church, homelessness being a human rights community kind of issue which becomes a public safety issue, prominent people from Deland brining homeless to Deltona, homelessness being seasonal, social services being needed for the homeless, the reasons people become homeless, and how it affects people of all ages.

Mayor Masiarczyk asked if the Commission received the email regarding the Council on Aging money from Mrs. Jablonski's Will and if there is no objection Mrs. Vose will send out a letter today at the close of business. He stated the Commission needs to defend the rights of the citizens and it looks like it is not being treated in the City's best interest.

5. CITY MANAGER COMMENTS: None

6. ADJOURNMENT:

There being no further business the meeting adjourned at 1:44 p.m.


Joyce Raftery, City Clerk