

**CITY OF DELTONA, FLORIDA
REGULAR CITY COMMISSION MEETING
MONDAY, MAY 4, 2015**

A Regular Meeting of the Deltona City Commission was held on Monday, May 4, 2015 at the City Hall Commission Chambers, 2345 Providence Boulevard, Deltona, Florida.

1. CALL TO ORDER:

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

2. ROLL CALL:

Mayor	John Masiarczyk	Present
Vice Mayor	Nancy Schleicher	Present
Commissioner	Heidi Herzberg	Present
Commissioner	Mitch Honaker	Present
Commissioner	Chris Nabicht	Present
Commissioner	Diane Smith	Present
Commissioner	Nancy Soukup	Present
Acting City Manager	Dale Baker	Present
City Attorney	Becky Vose	Present
City Clerk	Joyce Raftery	Present

Also present: Public Works/Deltona Water Director Gerald Chancellor; Planning and Development Services Director Chris Bowley; Parks & Recreation Director Steve Moore and VCSO Captain Eagan.

3. INVOCATION AND PLEDGE TO THE FLAG:

A. Invocation Presented by Commissioner Honaker – Pastor Kelly Santos, The Iglesia Misionera Esblabon de Dios Church, Deltona.

Commissioner Honaker introduced Pastor Kelly Santos with Iglesia Misionera Esblabon de Dios Church.

The National Anthem was sung by Ahna Kuczynski an 11th Grader with Deltona High School.

4. APPROVAL OF MINUTES & AGENDA:

A. Minutes:

1. Approval of Minutes – Regular City Commission Meeting of April 20, 2015.

Commissioner Smith requested on Page 3, Line 4, change the word “employment” to “unemployment” and on Page 4, Line 8, change the word “to” to “so.”

Motion by Commissioner Nabicht, seconded by Vice Mayor Schleicher to approve the minutes of the Regular City Commission Meeting of April 20, 2015, as amended.

Motion carried unanimously with members voting as follows: Commissioner Herzberg, For; Commissioner Honaker, For; Commissioner Nabicht, For; Commissioner Smith, For; Commissioner Soukup, For; Vice Mayor Schleicher, For; and Mayor Masiarczyk.

B. Additions or Deletions to Agenda:

City Attorney Becky Vose requested to add under New Business the consideration of the proposed City Manager's employment agreement for Ms. Jane Shang.

5. PRESENTATIONS/AWARDS/REPORTS:

A. Presentation – Super Star Student of the Month Certificates for April, 2015.

Mayor Masiarczyk and the Commission presented Certificates of Recognition to the Super Star Students for the month of April, 2015.

Late arrival, Jaylan Edwards was presented with her Superstar Student award for April, 2015.

B. Presentation of Inductee to the Wall of Fame – Former Commissioner Lucille Wheatley.

Mayor Masiarczyk presented Former Commissioner Lucille Wheatley with a Certificate of Appreciation for being inducted to the City's Wall of Fame.

Former Commissioner Wheatley thanked the person who nominated her, the Committee for recommending the nomination to the Commission, the Commission for approving the nomination and she gave a brief history of how she became a Commissioner. She spoke about her scholarship foundation and the service she has provided to Deltona.

Juanita McNeal a member of Alpha Cappa Alpha Sorority, and Mavis Liddy, Volusia County Councilmember at large Joyce Cusack and Pastor Troy Bradley with Greater Union Baptist Church presented Former Commissioner Wheatley with flowers and gifts to show their appreciation for all she has done for the community.

C. Proclamation – Older Americans Month – May, 2015.

Deputy City Clerk Janet Day read the Proclamation for the record and the Mayor and Commission presented it to Rafael Ramirez with Halifax Health and Cathy Coates with Council on Aging.

D. Proclamation – National Association of Letter Carriers “Stamp Out Hunger” Food.

Mayor Masiarczyk asked if anyone from the Post Office was present, then he read the Proclamation into the record and reminded everyone to make a food donation at their mailbox to be picked up by the letter carrier on Friday, May 8th.

E. Presentation – Florida/Final Mile Race Management, LLC.

Rafael Ramirez with Halifax Health who co-sponsored the 5K Race with the City presented a check for \$6,054.25 to the American Heart Association. This is the 3rd year that Deltona held the event which has been very successful.

F. Presentation – Quarterly Reports of City Advisory Boards/Committees.

Mayor Masiarczyk stated the Quarterly Advisory Board reports were all written reports.

6. CITY COMMISSION SPECIAL REPORTS:

Commissioner Nabicht stated he attended the Firefighters' Pension Board Meeting, in one (1) of the recent ordinance changes a particular group of real estate had been added which is performing extremely well, it has added a considerable amount of money to the plan in the short time it has been there and year to date it is performing at 13.6% and the target is 8% for the overall plan. He attended the Transportation Planning Organization (TPO) Meeting and the most significant part of the meeting that pertains to the City was the S.R. 415 to I-95 Connector. The TPO voted unanimously to send a letter of support for that project to Volusia County, the Turnpike Authority and the Expressway Authority.

Commissioner Herzberg stated she attended the Team Volusia Economic Development Committee meeting; the format of the meeting was changed to every other month so that there will be a hour of networking and an hour meeting and that encompasses all investors to get together and network for the first half hour. It is important that the networking occurs because that provides an opportunity for everyone to talk with other cities, the County and above all the private investors. Also, Team Volusia is a conduit for the film industry in Florida through Enterprise Florida and the State.

Mayor Masiarczyk recognized Orange City Council Member Ron Saylor and Former Commissioner Barnaby and his wife who were in attendance.

7. PUBLIC FORUM – Citizen comments for item not on the agenda.

a) Smiley Thurston, 608 Saxon Blvd., Deltona, spoke about the Summer Youth Food Program which has opportunities to participate in the program until the end of the month, grants given out to local cities for programs and Deltona not being one (1) of those cities, and there being grant money available next year for Deltona to apply for.

b) Richard Jorza, 585 Cavalier Avenue, Deltona, spoke about Section 66-19, #2 and #3, with regards to his truck and trailer which is connected to it, the citation he received to move the trailer to one side of the house or another, the trailer not being recreational but, for his job and is used every day. He continued to describe his property and the time that his trailer is parked at the property.

Mayor Masiarczyk suggested that Mr. Jorza contact the Acting City Manager to discuss the issue.

Commissioner Nabicht asked if the action was due to a complaint or to a Code Officer driving by the property and Mr. Jorza replied the Code Officer Ms. Miller stated she was driving by the property.

c) Mike Williams, 2889 Cottageville Drive, Deltona, spoke about the new City Manager Jane Shang, he is pleased with the selection and confident she will do a good job, as a resident he assured her that she would have his full support behind her and that the National Association for the Advancement of Colored People (NAACP) supports the Commission's selection for City Manager. He is pleased the Commission recognized Former Commissioner Lucille Wheatley but, he was disappointed that other former Commissioners were not present to show their support and that they should have been invited to attend. He reminded everyone of the NAACP Annual Freedom Fund

Banquet on June 5th at 6:00 p.m. at New Hope Baptist Church and that Commissioner Smith and her husband are life members of the NAACP.

8. CONSENT AGENDA:

Commissioner Herzberg requested to pull Item 8-B for discussion.

Motion by Vice Mayor Schleicher, seconded by Commissioner Honaker to approve Consent Agenda Item 8-A.

Motion carried unanimously with members voting as follows: Commissioner Herzberg, For; Commissioner Honaker, For; Commissioner Nabicht, For; Commissioner Smith, For; Commissioner Soukup, For; Vice Mayor Schleicher, For; and Mayor Masiarczyk.

***A. Request for approval of proposed changes to the By-Laws for the Economic Development Advisory Board, Affordable Housing Advisory Board, the William S. Harvey Deltona Scholarship Advisory Board and Parks and Recreation Advisory Board.**

Approved by Consent Agenda – to approve changes to the Board/Committee By-Laws as presented.

B. Request for approval of Resolution No. 2015-14 pertaining to guidelines for use of Deltona facilities CC99-004.

Commissioner Herzberg stated on Page 66, Section 2 (c), there are three (3) seasons listed 2015, 2016, 2017 and she requested the Commission only approve the fee schedule for the year 2015 since there is a new City Manager who the Commission may want to review all the City's fees and procedures and she does not see locking the City into a designated set of fees per individual for another two (2) years if the Commission should have a desire to change it or revise some the City's agreements.

Motion by Commissioner Herzberg, to approve the item only for the 2015 year fee schedule.

Motion died for lack of a second.

The Commission and staff discussed that agenda items be presented to the Commission in redline and strikethrough formatting so it is easier to see what the changes are, not being locked in to the three (3) year fee schedule, staff's meeting with the organizations to come up with an acceptable fee schedule that each could afford and the fees being a result of that meeting, registration time for year 2016 and not interfering with the registration process, the facility use agreement spells out the terms and fees and staff also discusses the terms and fees with the organizations so there are no surprises, honoring the agreements that the City has with organizations, the organizations wanting to insure that the maximum fee per person was no higher than \$20 per child over a four (4) or five (5) year period, could the Commission live with a to be announced (tba) number or a subject to change number, once the agreement is signed it is in affect for one (1) year, and the fee could be discussed at the time of renewal.

Motion by Commissioner Nabicht, seconded by Commissioner Honaker to approve Resolution

No. 2015-14 pertaining to City Commission Policy Cc99-04, Rates/Fees for usage of City of Deltona Parks and Recreation facilities and Facility Usage Guidelines/Procedures.

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

Mayor Masiarczyk read the title of Resolution No. 2015-14 for the record.

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELTONA, FLORIDA, ADOPTING COMMISSION POLICY AND PROCEDURE AS TO GUIDELINES FOR USE OF CITY OF DELTONA FACILITIES; PROVIDING FOR CONFLICTS AND EFFECTIVE DATE.

Motion carried unanimously with members voting as follows: Commissioner Herzberg, For; Commissioner Honaker, For; Commissioner Nabicht, For; Commissioner Smith, For; Commissioner Soukup, For; Vice Mayor Schleicher, For; and Mayor Masiarczyk.

Resolution No. 2015-14 was adopted at 7:40 p.m.

9. ORDINANCES AND PUBLIC HEARINGS:

A. Public Hearing - Ordinance No. 03-2015, Rezoning Application (RZ15-001) Hess Gas Station.

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

Motion by Commissioner Nabicht, seconded by Vice Mayor Schleicher to approve Ordinance No. 03-2015. rezoning application RZ15-001 Hess Gas Station.

City Attorney Becky Vose read the title of Ordinance No. 03-2015.

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELTONA, FLORIDA, AMENDING THE OFFICIAL ZONING MAP, PURSUANT TO CHAPTER 110, SECTION 1101 OF THE CITY CODE OF ORDINANCES, FOR PROPERTY TOTALING APPROXIMATELY 1.1 ACRES LOCATED AT THE NORTHWEST CORNER OF THE INTERSECTION OF COURTLAND BLVD. AND DOYLE ROAD, PROVIDING FOR CONFLICTS, SEVERABILITY, AND AN EFFECTIVE DATE.

Motion carried unanimously with members voting as follows: Commissioner Herzberg, For; Commissioner Honaker, For; Commissioner Nabicht, For; Commissioner Smith, For; Commissioner Soukup, For; Vice Mayor Schleicher, For; and Mayor Masiarczyk.

Ordinance No. 03-2015 was approved at 7:42 p.m.

10. OLD BUSINESS: None.

11. NEW BUSINESS:

A. ADD-ON ITEM: Consideration of proposed City Manager contract.

Mayor Masiarczyk stated currently the City is in negotiations with Ms. Shang until the Commission accepts the contract. He thanked the City Attorney for her help on the contract, Ms. Shang has accepted the proposed contract, the position of the Commission is to make a motion to move forward with it and negotiations of the contract were not done in public but, in private.

Motion by Commissioner Nabicht, seconded by Commissioner Herzberg to accept the contract.

Commissioner Soukup expressed his disappointment with the proposed City Manager contract to include the salary of \$150,000 with a raise to \$165,000 in six (6) months and at one (1) year it goes to \$175,000, the \$300,000 in life insurance, five (5) weeks of vacation and 90 days of sick time to start, the \$4,200 in personal mileage, the FRS maximum, up to \$25,000 in moving costs to include two (2) trips to/from Texas, and payment of \$2,000 to be paid for the first six (6) months toward a house payment.

The Commission discussed the average resident's income being around \$55,000, the position being posted at a salary of \$150,000, being careless with resident's money, the increases in compensation the first year with no evaluation, receiving the contract at 3:00 p.m. which provided no time for Commissioner's to do any research, whether or not the proposed contract was a standard contract, whether City Manager's receive mileage, and in Section 12-Performance where did the date of October 6th come from because it is not six (6) months from the contract date.

City Attorney Becky Vose stated that the October 6th date was traditionally always the date put in the City Manager agreements and the date is at the beginning of the year so that staff remembered to do it.

The Commission discussed the words "limited defined" regarding having an outside business, house allowance probably being standard, not being in support of the automatic salary increases, Ms. Miller and Mr. Denny's contracts being the basis for the contract, it was a national search and the City being in competition with other States, the severance being limited to 20 weeks which was a concern of Ms. Shang, Ms. Shang having other applications out with other States, the changes in home values, the sick/vacation credit is to make up for the fact that the City is hamstrung with regards to severance pay, a year severance being common up to a year ago and was standard by Deltona terms and throughout the state, if it is a requirement for someone to move there should be moving expenses, that W.D. Higginbotham should of negotiated the contract or could of had an independent negotiator, the City being without a trained and qualified International City/County Management Association (ICMA) City Manager for the last nine (9) years, Ms. Shang having been an Assistant City Manager, Ms. Shang's experience in Boston and Tampa, having to pay for a top notch City Manager, needing a 5 to 2 vote to terminate a Charter Officer, Ms. Shang's employment being in the Commission's hands, that W.D. Higginbotham should have been involved in the negotiation, moving expenses being standard, Ms. Shang being qualified and she stood out as far as what she had to offer, the Commission taking ownership in the fact there has not been a trained City Manager in 9 years, the termination clause was explained, the contract being in line with other cities of Deltona's size, there being nothing earned in the proposed contract, the cost of living being different in Florida, not being good stewards of the City's money, City Managers coming and going due to the will or lack of will of the Commission, a City Manager being an investment, Ms. Shang being able to move projects forward and make the City better, it being important to Ms. Shang to

have the backing of all the Commission, looking at the hiring of Ms. Shang as an investment in the future and not an expense, Ms. Shang being professional, imagining what a good City Manager can do, and the City Manager being evaluated daily.

Mayor Masiarczyk stated the contract is in negotiations until the Commission accepts it and that Ms. Shang has agreed and signed the contract as presented.

Motion carried with members voting as follows:

Commissioner Herzberg	For
Commissioner Honaker	For
Commissioner Nabicht	For
Commissioner Smith	Against
Commissioner Soukup	Against
Vice Mayor Schleicher	For
Mayor Masiarczyk	For

12. CITY ATTORNEY COMMENTS: None.

13. CITY MANAGER COMMENTS: None.

A. Lobbyist Update: None.

14. CITY COMMISSION COMMENTS:

a) Commissioner Smith stated she is still not passed the City Manager's contract and she almost wants to bring back a motion for reconsideration as she is stuck on the comprehension on the base salary.

b) Commissioner Honaker stated it is the 64th Annual National Day of Prayer on May 7th, there will be road closures at Courtland and Haulover Blvds. on May 5th and 6th due to the current stormwater project and to get the word out to the residents to plan alternate routes, Mother's Day is coming up and in Europe Women's Day is celebrated on March 8th every year in recognition of women's contributions and he reminded everyone that High School Graduations are on May 30th.

c) Commissioner Nabicht stated he was invited to the Community Life Center, he encouraged everyone to take the tour of the facility and that there is a lot more to it than he thought. The Community Life Center has an application into the City for funds through the Community Development Block Grant (CDBG) Funds, the group has a lot of good information and records, and he spoke to the group about the homeless in Deltona but, the group did not see a lot of homeless in the City which are being tracked. He suggested looking at budgeting to hire someone to take responsibility of helping to coordinate some of these social service programs that are being run by the community, churches and other organizations. He believes if the City can partner with the Community Life Center and other organizations, provide advertising on DeltonaTV and in the quarterly Newsletter, and lobbying Volusia County for funds which a great deal of is generated by Deltona whose headquarters are on the East side and that makes it difficult to get some of that money back for the residents. He suggested having a discussion at a workshop regarding coordinating with the Community Life Center for social service programs.

d) Vice Mayor Schleicher stated several residents thanked her for the trees from Arbor Day, she attended the 1st Anniversary of SunRail where Mayor Buddy Dyer held up a sign that said "Next Stop City of DeLand" so there was a push for that location, and she thanked Commissioner Smith for spearheading Relay For Life. She attended two (2) meetings regarding Thornby garden development project, that all the guidelines will be met from historical, educational, recreational and environmental. She hopes to have some presentations around the middle or end of August for everyone to see, there will be a tour of the property on May 15th and she will send invitations out to the Commission. She stated to think of the word "H.E.R.E.", Historical, Environmental, Recreational and Educational.

e) Commissioner Herzberg asked about the negotiations with the Grant Writer Ms. Brookes and Mr. Baker replied the City can either do a contract with her for specific grants or to be the City's grant writer. He stated he spoke and since he can contract with her for a specific grant, he will address in the new budget year contracting with her as the City's Grant Writer because there was nothing budgeted this budget year for this.

f) Commissioner Herzberg stated looking at the Flagler/Volusia Continuum of Care, who represents the City, there is never an update, and what involvement does the City have and Mr. Bowley replied the City has been involved for several years, the City partners some with the Neighborhood Center out of DeLand with Susan Clark and given them money through Community Development Block Grant (CDBG) to help fund their efforts, the group has beds and the Homeless Management Information Systems (HMIS) database, and he is a member of the committee but, Mari Leisen attends and represents the City. Commissioner Herzberg suggested once Ms. Shang arrives to schedule a workshop with staff, get a reality of what the City already contribute, how the City is going to participate and a breakdown of the City's participation and funding. She stated in the weekly curtesy report there are listed impoundments that go to Halifax Humane Society every week and she would like to request that those impoundments be divided by the number of dogs and number cats because the City has a grant program through Halifax Humane Society for Trap, Neuter and Release (TNR). The number from the Halifax Humane Society show the City impounded 192 cats from January 1st through April 22nd at \$84 per impound for a total of \$16,128. There were kittens impounded that are too young to be fixed, cats with tipped ears are being taken, if the number of cats being impounded is increasing why is the City providing this service to the residents, and the City is impounding more cats than when the program started.

g) Commissioner Nabicht asked for clarification, the cats are being picked up after going through the program being tipped and neutered and Mr. Baker replied the cats being taken in are from a citizen's personal trap who call staff asking to have a nuisance cat removed or a citizen asks staff to set a trap to remove a nuisance cat and those are the cats staff is taking in. He stated he will have to go more in-depth and go through each case to determine if it was a dog or cat that was impounded.

h) Commissioner Herzberg stated the City nor the Halifax Humane Society can determine if the program is working or not and the City needs to come up with another program for residents to get their dogs fixed. The City is doing community relations to discuss and find out the situation with a resident and to find out what the nuisance is.

i) Commissioner Soukup stated he has always been a member of a team his whole life, he is a part of this team, he accepts the decisions made by the Commission, he values everyone who works for the City but, that is not who he was elected by or what he was elected for. He is excited for Ms. Shang to come to the City, the City needs a City Manager, he and Commissioner Nabicht were the Commissioners who added her to the list of finalists, he is disappointed not in who the Commission chose but, what was given away, he accepts the Commission's decision and he wants to move forward.

j) Mayor Masiarczyk thanked Commissioner Smith and Vice Mayor Schleicher for attending Relay For Life, the scouts came out and painted the helicopter at the Veterans Museum and he felt he could not leave to attend the event, he encouraged everyone to drive by and see the helicopter which was painted by a young Eagle Scout named Cameron Day who should be applauded for his efforts. Victory Over Europe Day (VOE) is this Friday and there will be a ceremony at Veterans Museum at 6:30 p.m. On Memorial Day services will be at 10:00 a.m. at the Deltona Memorial Gardens on Saxon Blvd. and at 2:00 p.m. there will be six (6) large crosses installed with the names, dates, killed in action and country of the eight (8) service members from Southwest Volusia who were killed in action since the Vietnam War.

k) Commissioner Herzberg asked if there was a workshop on Tuesday, May 26th and Mr. Baker replied there is no workshop planned.

l) Commissioner Nabicht asked if there was going to be a workshop to discuss getting with Mr. Baker, the transition plan, a list of projects to be prioritized, what the Commission expects in the transition between Mr. Baker and Ms. Shang and he does not care if she is present or not. Mayor Masiarczyk suggested the Commissioners make a list of things they have and a Special meeting could be called if necessary.

14. ADJOURNMENT:

There being no further business, the meeting adjourned at 8:37 p.m.

John Masiarczyk Sr., Mayor

ATTEST:

Joyce Raftery, CMC, City Clerk