

**CITY OF DELTONA, FLORIDA  
CITY COMMISSION WORKSHOP MEETING  
TUESDAY, AUGUST 11, 2009**

A Workshop Meeting of the Deltona City Commission was held on Tuesday, August 11, 2009 in the City of Deltona's 2<sup>nd</sup> Floor Conference Room at 2345 Providence Blvd., Deltona, Florida.

**1. CALL TO ORDER:**

The meeting was called to order at 4:30 p.m. by Vice Mayor Carmolingo.

**2. ROLL CALL:**

Mayor	Dennis Mulder	Absent (excused)
Vice Mayor	Michael Carmolingo	Present
Commissioner	Zenaida Denizac	Present
Commissioner	Janet Deyette	Present
Commissioner	Michele McFall-Conte	Present
Commissioner	Paul Treusch	Present
Commissioner	Herb Zischkau	Present (arrived 4:35pm)
Acting City Attorney	Charles Cino	Absent
City Manager	Faith G. Miller	Absent (excused)

Also present: Deputy City Manager Dave Denny

**3. BUSINESS:**

**A. Discussion re: Garage Sales.**

Vice Mayor Carmolingo commented that everyone should have received copies of the City's ordinance that was highlighted and if the Commission agrees to do anything to try to address any concerns the Commission will be circumventing this ordinance that was approved one or two years ago. He stated he believed the reason a couple of Commissioners brought this up is because of the economy today and some of the residents are in dire financial straits. He stated as long as the residents live on Providence, Normandy or Deltona Blvd. where there is a lot of traffic they would not really need a sign, however, once you get off one of these heavily traveled roads you would not have anyone out there unless there was a sign.

Commissioner Zischkau arrived at 4:35 p.m.

Vice Mayor Carmolingo stated he felt Code Enforcement was doing a good job removing the signs as soon as possible. He stated he would like comments and concerns from the other Commission members.

Vice Mayor Carmolingo asked Mr. Denny to read an email from Mayor Mulder before beginning the discussion of garage sales. Mr. Denny stated an email from Mayor Mulder had been received at 9:30 a.m. this morning and he had asked that it be read at the workshop meeting. He read "It appears I may not be able to attend the workshop or joint meeting today. I defer entirely to the judgment of the Commission on issues surrounding the garage sale proposal and public records requests by Commissioners. My only input of the records request issue is that I feel the Commission should give Ms. Miller direction on limitations or reasonable thresholds for these requests as our staff has much to do outside of assisting in theories or witch hunts and our resources should be considered as a commodity that has an attached value that equates to real money being expended. Also, please thank the Beautification Board for their continued efforts. Mayor Mulder".

Commissioner Deyette stated she had brought this issue to the City Manager and told her she had done some research because she was concerned about whether or not others were changing their ordinances on garage sales. She stated she gets lots of complaints from residents about only being allowed to have two garage sales a year according to the ordinance. She stated the research was from a cross section of other states and some in the State of Florida. She pointed out several cities in Florida that allow three sales per year and Eustace that allows four sales per year. She stated some of the cities issue permits and includes uniform signs to avoid looking trashy; some cities take deposits for the signs. She stated if the resident abuses the ordinance they would not be able to have a garage sale for a year and whatever rules the Commission comes up with it would give more control. She stated she wanted to know what the rest of the Commission thought.

Commissioner McFall-Conte stated she was not ready to make changes to the ordinance but just let Code Enforcement leave the signs up for the weekend because a lot of the residents are using the sales to make money. She stated she did not want to reward habitual offenders who are running businesses and not just garage sales on the weekends. She stated there has to be a medium but can't see the City being able to do permits and signs or being able to enforce it at this time.

Vice Mayor Carmolingo stated he was in favor of leaving the signs up for the weekend as it might answer some of the problems but did not feel changing the ordinance at this time was the way to go. He stated leaving the signs up over the weekend would be fine but the resident would be responsible for removing them and that should be enforced.

Commissioner Treusch stated he agreed with everything he had heard and referred to the enforcement and signs suggesting letting people advertise on the City webpage and maybe that would cut down on signs. He stated he just wanted to help people, not restrict them more. He stated that may create more interest in the webpage and get more people used to going to it more often.

Commissioner Denizac stated she also agreed with what had been said but the only thing she would ask is to go back and address this issue a year from now after the economy improves because the City has come so far with cleaning up the City.

Vice Mayor Carmolingo stated he was not in favor of using the City webpage because it would possibly open the webpage up to any entity and he did not feel the City was ready for that. He stated he felt the City is ready to leave the signs up for the whole weekend and ready to aid the residents as much as possible.

Commissioner McFall-Conte stated she liked the idea of revisiting this issue but suggested doing it within 6 months instead of a year because if the signs get out of control they would have to be reined in.

**It was the consensus of the Commission members to leave the signs up for the weekend and to revisit this issue in 6 months; if Code Enforcement has to take too many down on Monday they should inform the Commission members.**

**B. Discussion re: Public Records Requests by Commission members.**

Vice Mayor Carmolingo stated he felt the Commission needed to be very careful how they use staff time. He stated he makes requests from time to time that usually end up being five pages or less and staff has been very responsive getting it to him sometimes before he leaves City Hall.

Commissioner McFall-Conte stated the Commission needed to make a distinction between public records requests and requests for information. She stated when this issue came up for a workshop she emailed Ms. Miller to request a copy of the City public records request policy which she considered to be a request for information because it is something that is coming up on the agenda and the largest request she had made was for the Biddle information. She gave an example of public records requests such as a CD of a meeting would be a request for information because if a Commissioner wasn't at the meeting they would want to hear what happened. She stated she didn't believe the City should charge a Commissioner for a public records request because Commission members can be reimbursed according to the City Charter however; the Commission should monitor itself and should be mindful of using staff time.

Commissioner Denizac stated she felt this issue should be left alone. She stated if she has questions or requests for information that will help her learn more about a process or an issue so later on she can make an informed decision or vote; if a resident has a question she can't answer, she will have to ask for information or records request. She stated she understood the concerns but cautioned to be careful about censoring Commissioner's requests for information.

Vice Mayor Carmolingo stated he believed it should be about mutual respect for staff; sometimes the Commission is forced to use the requests to protect themselves but not to overuse it.

Commissioner McFall-Conte stated in the past Mr. Thompson and Mr. Behring would notify the rest of the Commission if a Commissioner made a request; this could be done in the weekly report or each month a memo could be sent to the Commission listing any requests and the amount of staff time taken to provide the requests. She stated sometimes more than one Commissioner could need the same information.

Vice Mayor Carmolingo he agreed as long as the information went to the Commission only.

Commissioner Deyette stated the reason Ms. Miller had mentioned this issue was because of a large request taking 13 hours of staff time and she agreed with Commissioner McFall-Conte about the one hour staff time. She stated most of her requests were regarding subjects the Commission was working on.

Commissioner Denizac suggested if there is something controversial coming up such as the Biddle issue where the Commission had to read it in the newspapers, the Commission should be notified ahead of time so they won't be put on the spot if they should get a call from a resident; be proactive getting the information out so the Commission doesn't have to call in and ask for everything.

Commissioner Treusch stated he agreed with Commissioner Denizac to leave it alone but if anything needs to be changed it should be the response time such as 13 hours of staff time should be spread out over several days and he feels as Commissioners it is their job to do research and that information needs to be provided, the fact that it may be a large request is not relevant. He stated the only thing is due to having less staff the Commission needs to be considerate of staff time.

Commissioner Zischkau stated the Commission is at a disadvantage as Ms. Miller who asked for this action is not in attendance and they don't know exactly what her concerns are; he thinks he is aware of two specific incidents that precipitated her request. He stated he liked Commissioner McFall-Conte's distinction between request for information and request for documents. He stated one incident is where he was sent a bill for \$454.00 for 1,000 pages of notices of violations against churches and schools which are exempt from the business tax. He stated he originally asked for how many churches had been charged a business tax because he had heard they were being noticed with violations for not having the business tax receipt on the wall and the only way to get a tax receipt per the ordinance is to pay the tax. He stated the original answer from the City Manager was the City had never done that so therefore he asked for copies of the notices of violations and received about an 8" high stack of pages of notices. He stated the Commission must always have available the ability to ask for the documentation when you are not satisfied with an answer. He stated the second incident was when Mr. Trovato sent an email to the City Clerk asking if Commissioner Zischkau had any outstanding bills; he wasn't aware he had an outstanding bill for \$454.00. He stated he had asked Mr. Trovato for all the City Attorney's opinions that he had personally authored and he refused to say how many there were and refused to provide copies; that is why he made the public records request to him. He stated Mr. Trovato had put in writing and said at one of the meetings that there were over 100 because he had a part

in any opinion that came from the Attorney's Office. He stated he later found out from the Acting City Attorney that there were no opinions. He stated to date he had not received any copies and he believed the Commission should have the ability to ask for documents that the public can ask for and has the legal right to see.

Vice Mayor Carmolingo stated maybe the City Manager wasn't aware the Fire Marshal was going to these facilities and it was a miscommunication.

Commissioner McFall-Conte stated she felt when a Commissioner was doing an investigation and came upon something like this it should be brought to the attention of the other Commissioners because then they are aware of the public records request. She stated it was time to begin the Joint Meeting with the Beautification Board and it is important for the Commission to give direction to staff to not do anything; the Commission should be made aware by the City Manager of other Commissioners making public records requests.

Commissioner Zischkau stated he felt there should be no action taken by the Commission now at least until they have a chance to inquire as to why she brought this to the Commission.

Vice Mayor Carmolingo stated he liked Commissioner McFall-Conte's idea that the Commission should be alerted so they know exactly what has happened through the system so they are all on the same page.

Commissioner Zischkau suggested the City Manager should automatically send any request for documents from a Commissioner to the other Commissioners.

**It was the consensus of the Commission that the policy for requests for public records by Commission members is left as it is with the exception that all other Commissioners be notified if there is a request from a Commission member.**

**4. PUBLIC COMMENTS: None**

**5. ADJOURNMENT:**

There being no further business the meeting adjourned at 5:04 p.m.

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Janet Day, Admin. Assistant II  
Recording Secretary