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**CITY OF DELTONA, FLORIDA  
REGULAR CITY COMMISSION MEETING  
MONDAY, OCTOBER 5, 2009**

A Regular Meeting of the Deltona City Commission was held on Monday, October 5, 2009 at the City Hall Commission Chambers, 2345 Providence Boulevard, Deltona, Florida.

**1. CALL TO ORDER:**

The meeting was called to order at 6:35 p.m. by Mayor Mulder.

**2. ROLL CALL:**

Mayor	Dennis Mulder	Present
Vice Mayor	Michael Carmolingo	Present
Commissioner	Zenaida Denizac	Present
Commissioner	Janet Deyette	Present
Commissioner	Michele McFall-Conte	Present
Commissioner	Paul Treusch	Absent (Excused)
Commissioner	Herb Zischkau	Present
City Manager	Faith G. Miller	Present
Acting City Attorney	James "Skip" Fowler	Present
Deputy City Clerk	Joyce Kent	Present

Also present: Planning & Development Services Director Chris Bowley; Building & Zoning Services Director Cy Butts; Deputy City Manager Dave Denny; Parks & Recreation Director Steve Moore; Fire Chief Robert Staples; and Public Works Director Glenn Whitcomb.

**3. SILENT INVOCATION AND PLEDGE TO THE FLAG:**

Mayor Mulder led the audience in the silent invocation and the Pledge of Allegiance to the Flag.

Pine Ridge High School Chorus sang the National Anthem.

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

**A. Minutes:**

**1. Regular City Commission Meeting – September 21, 2009.**

**Motion by Commissioner McFall-Conte, seconded by Vice Mayor Carmolingo to adopt the minutes of the Regular City Commission Meeting of September 21, 2009 as presented.**

**Motion carried with members voting as follows:**

<b>Commissioner Denizac</b>	<b>For</b>
<b>Commissioner Deyette</b>	<b>For</b>
<b>Commissioner McFall-Conte</b>	<b>For</b>

1	<b>Commissioner Zischkau</b>	<b>Against</b>
2	<b>Vice Mayor Carmolingo</b>	<b>For</b>
3	<b>Mayor Mulder</b>	<b>For</b>

4  
5 **B. Additions or Deletions to Agenda:**

6  
7 Ms. Miller asked to add Item 10-E, Discussion & direction re: garage sale signs and other signs in  
8 City right-of-ways to the agenda.

9  
10 **Motion by Vice Mayor Carmolingo, seconded by Commissioner Deyette to add Item 10-E to**  
11 **the agenda.**

12  
13 **Motion carried with members voting as follows: Commissioner Denizac, For; Commissioner**  
14 **Deyette, For; Commissioner McFall-Conte, For; Commissioner Zischkau, For; Vice Mayor**  
15 **Carmolingo, For; and Mayor Mulder, For.**

16  
17 **5. PRESENTATIONS/AWARDS/REPORTS:**

18  
19 **A. Proclamation – Italian Heritage Month – October, 2009.**

20  
21 Mayor Mulder read the proclamation into the record proclaiming the month of October, 2009 as  
22 Italian Heritage Month and presented it to President Alice Russell.

23  
24 **B. Presentation – Superstar Students of the Month – September, 2009.**

25  
26 Mayor Mulder presented Superstar Students of the Month for September 2009 to Kendell Tramont,  
27 6<sup>th</sup> Grade at Heritage Middle School; Ruth Anderson, 5<sup>th</sup> Grade at Pride Elementary School; Crystal  
28 Maharaj, 5<sup>th</sup> Grade at Deltona Lakes Elementary; Ryan Rinaldo, 12<sup>th</sup> Grade at Deltona High School;  
29 and Edon Bottner, 7<sup>th</sup> Grade at Galaxy Middle School.

30  
31 **6. PUBLIC FORUM – Citizen comments for items not on the agenda.**

32  
33 a) Randy Hollensbe, 3305 Red Fox Drive, requested the removal of Item 7-Q from the Consent  
34 Agenda. He spoke regarding the history of the Adult Soccer League, the importance of its  
35 programs, scholarships and at risk players.

36  
37 b) Keith Caven, 1268 Homeway Lane, requested removal of Item 7-Q from the Consent Agenda. He  
38 spoke regarding an internal audit done on the Adult Soccer League, the programs it offers, its  
39 status with the IRS, the Adult Soccer League being taken wrongfully from the Deltona Youth  
40 Soccer Club, clearing up back taxes, and the many programs offered through the Adult Soccer  
41 League.

42  
43 c) Marrie Sallade, 1635 Weybridge Street, spoke regarding several issues with her property which  
44 have caused her son to be ill, an expired permit on her property that she did not pull, and she  
45 appealed to the City to make things right. She thanked Commissioner Treusch and Mr. Denny for  
46 the help they provided her.

1 d) Michael Williams, 2889 Cottageville Street, spoke regarding good things happening in the City,  
2 the City being in the process of encumbering homes, the Neighborhood Stabilization Program,  
3 grass being cutting in the City and he thanked the City for resurrecting the Affordable Housing  
4 Advisory Committee (AHAC). He suggested the City take an aggressive marketing approach to  
5 getting the information out to the homeowners to promote homes being available at an affordable  
6 price.

7  
8 **7. CONSENT AGENDA:**  
9

10 **Motion by Commissioner McFall-Conte, seconded by Vice Mayor Carmolingo to table**  
11 **consideration of Items 7-I, 7-J, and 7-Q to allow staff to meet with the soccer organization.**  
12

13 **Motion carried with members voting as follows: Commissioner Denizac, For; Commissioner**  
14 **Deyette, For; Commissioner McFall-Conte, For; Commissioner Zischkau, For; Vice Mayor**  
15 **Carmolingo, For; and Mayor Mulder, For.**  
16

17 **Commissioner Zischkau asked to pull Items 7-K through 7-P and 7-R through 7-S and the**  
18 **Commission concurred.**  
19

20 **Motion by Commissioner McFall-Conte, seconded by Vice Mayor Carmolingo to approve**  
21 **Items 7-A through 7-H.**  
22

23 **Motion carried with members voting as follows: Commissioner Denizac, For; Commissioner**  
24 **Deyette, For; Commissioner McFall-Conte, For; Commissioner Zischkau, For; Vice Mayor**  
25 **Carmolingo, For; and Mayor Mulder, For.**  
26

27 **\*A. Request to authorize the City to piggyback off a State of Florida Contract for the**  
28 **purchase of tires for City vehicles – Action Gator Tire.**  
29

30 **Approved by Consent Agenda - to make award to Action Gator Tire piggybacking the State of**  
31 **Florida Contract for an initial period from October 1, 2009 through September 30, 2010 and**  
32 **renewed annually if funding is appropriated for each renewal period in accordance with State**  
33 **Contract Number 863-000-10-1.**  
34

35 **\*B. Request for approval to award Bid #0944 for as needed asphalt paving and resurfacing.**  
36

37 **Approved by Consent Agenda - to approve award to Halifax Paving to be utilized as needed**  
38 **for an agreement period of one (1) year with the option to renew for three (3) additional one**  
39 **(1) year periods at an annual cost not to exceed \$1,000,000 this fiscal year and not to exceed**  
40 **the Commission appropriated funds for each additional fiscal year during the remaining**  
41 **terms of the contract.**  
42

43 **\*C. Request for approval to award Bid #0941 for as needed electric motor and industrial**  
44 **pump repairs.**  
45

46 **Approved by Consent Agenda - to approve award to C & C Electric, Inc. to be utilized as**  
47 **needed for an agreement period of one (1) year with the option to renew for three (3)**

1 additional one (1) year periods at an annual cost not to exceed \$159,000 this fiscal year and  
2 not to exceed the Commission appropriated funds for each additional fiscal year during the  
3 remaining terms of the contract.

4  
5 **\*D. Request for waiver of fees – Trinity Christian Academy Homecoming Parade.**

6  
7 Approved by Consent Agenda - to waive fees associated with the 2009 Trinity Christian  
8 Academy Homecoming Parade in accordance with Commission Policy Number CC99-005.

9  
10 **\*E. Request for approval of change order for roadway improvements Normandy**  
11 **Boulevard – Section A.**

12  
13 Approved by Consent Agenda - to approve change order for \$108,762.19 to Halifax Paving,  
14 Inc. for the Normandy Blvd. widening project.

15  
16 **\*F. Request for approval to award Bid #0942 for as needed electrical services.**

17  
18 Approved by Consent Agenda - to approve award of Bid #0942 to Electrical Solutions to be  
19 utilized as needed for an agreement period of one (1) year with the option to renew for three  
20 (3) additional one-year periods at an annual cost not to exceed \$26,100 this fiscal year and  
21 not to exceed the Commission appropriated funds for each additional fiscal year during the  
22 remaining terms of the contract.

23  
24 **\*G. Request for approval to piggyback on the City of Mulberry's contract for ultra chlor**  
25 **12.5% Sodium Hypochlorite – Deltona Water.**

26  
27 Approved by Consent Agenda - to make award to Odyssey Manufacturing Company  
28 piggybacking the City of Mulberry's bid for Ultra Chlor 12.5% Sodium Hypochlorite for the  
29 period from October 1, 2009 through September 30, 2010 and renewed annually if funding is  
30 appropriated for each renewal period in accordance with the City of Mulberry bid.

31  
32 **\*H. Request for waiver of fees – Deltona Day Parade.**

33  
34 Approved by Consent Agenda - to waive associated fees and permit cost for the 2009 Deltona  
35 Day Parade in accordance with Commission Policy Number CC99-005.

36  
37 **I. Request for renewal of Facility Use Agreement – Deltona Youth Soccer Club.**

38  
39 Item tabled.

40  
41 **J. Consideration of request by Deltona Youth Soccer to waive concession fees.**

42  
43 Item tabled.

44  
45 **K. Request for renewal of Facility Use Agreement for Tennis Courts at Wes Crile**  
46 **Recreation Center – Deltona Tennis Association.**

47  
48 Commissioner Zischkau stated these items are mostly renewal of Facility Use Agreements and he

1 thinks the Commission needs a report from the Acting City Attorney as to whether these agreements  
2 have been changed and what the changes are. Mr. Fowler stated he would have to review the changes  
3 in the agreements and report back to the Commission.

4  
5 Mr. Moore stated staff worked with the Legal Department to develop a template agreement so all the  
6 agreements would be basically the same. The reason the agreements were grouped all together was  
7 to manage staff's time more effectively and to know when the organizations came up for renewal.

8  
9 **Motion by Commissioner Zischkau, seconded by Commissioner Denizac that Items 7-K**  
10 **through 7-P, and 7-R through 7-S be tabled until the next regularly meeting in two (2) weeks**  
11 **and in the interim the City Attorney's Office report to the Commission on what changes have**  
12 **been made and explain them.**

13  
14 Vice Mayor Carmolingo asked for an explanation of the following language "this Agreement shall  
15 automatically renew for one (1) additional year, and may be renewed yearly up to a total of five (5)  
16 additional years". Mr. Fowler replied the agreement was probably meant to state "an option for an  
17 additional five (5) years". Ms. Miller stated it is a one (1) year agreement with five (5) one (1) year  
18 renewals. She stated there is a process the organization is required to go through in order to renew  
19 the agreement such as an application form for each year to make sure the organization's insurance is  
20 current, identifying the Board members, and indentifying the fields. She stated the agreements are  
21 not automatically renewed and there is a default clause in the agreement if the City has any issues  
22 with an organization a written notice would be provided to that organization stating the City does not  
23 intend to renew its agreement with that organization.

24  
25 Commissioner Denizac stated all the agreements need to come before the Commission every year  
26 because Board members change and the financial situation of the City may change.

27  
28 Mr. Moore explained the renewal process to include a renewal letter to the organization 60 to 90 days  
29 in advance of the renewal date, a check of the organization's liability insurance, citizen's feedback,  
30 background checks on coaches, and if an organization was not in compliance staff would conduct an  
31 investigation.

32  
33 **Commissioner Denizac withdrew her second.**

34  
35 **Motion by Commissioner McFall-Conte, seconded by Vice Mayor Carmolingo to approve**  
36 **Consent Agenda Items 7-K through 7-P and Items 7-R through 7-S.**

37  
38 **K. Request for renewal of Facility Use Agreement for Tennis Courts at Wes Crile Recreation**  
39 **Center – Deltona Tennis Association.**

40  
41 **Motion by Commissioner McFall-Conte, seconded by Vice Mayor Carmolingo to approve the**  
42 **renewal, at no charge, of the Long Term Facility Use Agreement with the Deltona Tennis**  
43 **Association effective October 5, 2009 through October 4, 2010 with a total of five (5) one year**  
44 **renewal periods for use of the Wes Crile Community Center tennis courts to conduct youth and**  
45 **adult tennis instruction and competition.**

46  
47

1 **Motion carried with members voting as follows:**

2  
3 **Commissioner Denizac For**  
4 **Commissioner Deyette For**  
5 **Commissioner McFall-Conte For**  
6 **Commissioner Zischkau Against**  
7 **Vice Mayor Carmolingo For**  
8 **Mayor Mulder For**  
9

10 **L. Request for renewal of Facility Use Agreement for Summer Recreation Program at Wes**  
11 **Crile Recreation Center – Deltona Tennis Association.**  
12

13 **Motion by Commissioner McFall-Conte, seconded by Vice Mayor Carmolingo to approve the**  
14 **renewal, at no charge, of the Long Term Facility Use Agreement with the Deltona Tennis**  
15 **Association effective October 5, 2009 through October 4, 2010 for use of the Wes Crile**  
16 **Community Center, facilities and amenities to conduct summer recreation programs including**  
17 **that the renewal of this agreement may occur for a total of five (5) one year periods upon**  
18 **written agreement of both parties.**  
19

20 **Motion carried with members voting as follows:**

21  
22 **Commissioner Denizac For**  
23 **Commissioner Deyette For**  
24 **Commissioner McFall-Conte For**  
25 **Commissioner Zischkau Against**  
26 **Vice Mayor Carmolingo For**  
27 **Mayor Mulder For**  
28

29 **M. Request for renewal of Facility Use Agreement – West Volusia Pony Baseball.**  
30

31 **Motion by Commissioner McFall-Conte, seconded by Vice Mayor Carmolingo to approve the**  
32 **renewal of the Long Term Facility Use Agreement with West Volusia Pony Baseball for use of**  
33 **Vann Park, Vann Park Shuffleboard Clubhouse, Manny Rodriguez Park, Wes Crile Park,**  
34 **Timber Ridge Park and Campbell Park all located within the City of Deltona for a period of**  
35 **one (1) year effective February 2, 2009 through February 1, 2010 with the understanding that**  
36 **renewal of this agreement may occur for a total of five (5) one year periods upon written**  
37 **agreement of both parties.**  
38

39 **Motion carried with members voting as follows:**

40  
41 **Commissioner Denizac For**  
42 **Commissioner Deyette For**  
43 **Commissioner McFall-Conte For**  
44 **Commissioner Zischkau Against**  
45 **Vice Mayor Carmolingo For**  
46 **Mayor Mulder For**  
47

1 **N. Request for renewal of Concession Agreement - West Volusia Pony Baseball.**

2  
3 **Motion by Commissioner McFall-Conte, seconded by Vice Mayor Carmolingo to approve the**  
4 **renewal of the Concession Agreement with West Volusia Pony Baseball, Inc. for use of the**  
5 **concession facility at the Dewey O. Boster Sports Complex for a period of one (1) year, effective**  
6 **October 5, 2009 through October 4, 2010 with the understanding that renewal of this**  
7 **agreement may occur for a total of five (5) one year periods upon written agreement of both**  
8 **parties.**

9  
10 **Motion carried with members voting as follows:**

11  
12 **Commissioner Denizac For**  
13 **Commissioner Deyette For**  
14 **Commissioner McFall-Conte For**  
15 **Commissioner Zischkau Against**  
16 **Vice Mayor Carmolingo For**  
17 **Mayor Mulder For**

18  
19 **O. Request for renewal of Facility Use Agreement – Deltona Little League, Inc.**

20  
21 **Motion by Commissioner McFall-Conte, seconded by Vice Mayor Carmolingo to approve the**  
22 **renewal of the Facility Use Agreement with Deltona Little League, Inc. for use of Vann Park,**  
23 **Vann Park Shuffleboard Clubhouse, Manny Rodriguez Park, Wes Crile Park, Timber Ridge**  
24 **Park and Campbell Park all located within the City of Deltona for a period of one (1) year with**  
25 **the ability to renew this agreement for a total of five (5) one year periods upon written**  
26 **agreement of both parties.**

27  
28 **Motion carried with members voting as follows:**

29  
30 **Commissioner Denizac For**  
31 **Commissioner Deyette For**  
32 **Commissioner McFall-Conte For**  
33 **Commissioner Zischkau Against**  
34 **Vice Mayor Carmolingo For**  
35 **Mayor Mulder For**

36  
37 **P. Request for renewal of Concession Agreement – Deltona Little League, Inc.**

38  
39 **Motion by Commissioner McFall-Conte, seconded by Vice Mayor Carmolingo to approve the**  
40 **renewal of the Concession Agreement with Deltona Little League, Inc. for use of the concession**  
41 **facility at Vann Park for a period of one (1) year effective October 5, 2009 through October 4,**  
42 **2010 with the understanding that renewal of this agreement may occur for a total of five (5) one**  
43 **year periods upon written agreement of both parties.**

44  
45 **Motion carried with members voting as follows:**

46  
47 **Commissioner Denizac For**

1	Commissioner Deyette	For
2	Commissioner McFall-Conte	For
3	Commissioner Zischkau	Against
4	Vice Mayor Carmolingo	For
5	Mayor Mulder	For

6  
7 **Q. Request for approval of Facility Use Agreement – Deltona Adult Soccer League.**

8  
9 Item tabled.

10  
11 **R. Request for renewal of Facility Use Agreement – Deltona Chargers Youth Tackle**  
12 **Football & Cheerleading.**

13  
14 Motion by Commissioner McFall-Conte, seconded by Vice Mayor Carmolingo to approve the  
15 renewal of the Facility Use Agreement with Deltona Chargers Youth Tackle Football and  
16 Cheerleading for use of the Dewey O. Boster Sports Complex football field and practice areas  
17 located at 1200 Saxon Blvd., Deltona at no charge, for a period of one (1) year, effective  
18 October 5, 2009 through October 4, 2010 with the understanding that renewal of this  
19 agreement may occur for a total of five (5) one year periods upon written agreement of both  
20 parties.

21  
22 Motion carried with members voting as follows:

23		
24	Commissioner Denizac	For
25	Commissioner Deyette	For
26	Commissioner McFall-Conte	For
27	Commissioner Zischkau	Against
28	Vice Mayor Carmolingo	For
29	Mayor Mulder	For

30  
31 **S. Request for renewal of Facility Use Agreement – Florida Basketball & Volleyball**  
32 **Association (FBVA).**

33  
34 Motion by Commissioner McFall-Conte, seconded by Vice Mayor Carmolingo to approve the  
35 renewal of the Facility Use Agreement with the Florida Basketball and Volleyball Association  
36 for use of the Wes Crile gymnasium, located within the City of Deltona for a period of one (1)  
37 year, effective October 5, 2009 through October 4, 2010 with the understanding that renewal of  
38 this agreement may occur for a total of five (5) one year periods upon written agreement of  
39 both parties.

40  
41 Motion carried with members voting as follows:

42		
43	Commissioner Denizac	For
44	Commissioner Deyette	For
45	Commissioner McFall-Conte	For
46	Commissioner Zischkau	Against
47	Vice Mayor Carmolingo	For

1 Mayor Mulder For

2  
3 **8. ORDINANCES AND PUBLIC HEARINGS:** None.

4  
5 **9. OLD BUSINESS:**

6  
7 **A. Consideration of appointments of two (2) members to the City's Planning & Zoning**  
8 **Board (Commissioner Deyette's and Mayor Mulder's appointments).**

9  
10 Motion by Vice Mayor Carmolingo, seconded by Commissioner McFall-Conte to confirm the  
11 appointment of Adam Walosik (Commissioner Deyette's appointee) for the remainder of a  
12 term to expire on March 15, 2011 and to confirm the appointment of Jose H. Irizzary (Mayor  
13 Mulder's appointee) for the remainder of a term to expire on March 25, 2010 both to the  
14 Planning & Zoning Board.

15  
16 Motion carried with members voting as follows: Commissioner Denizac, For; Commissioner  
17 Deyette, For; Commissioner McFall-Conte, For; Commissioner Zischkau, For; Vice Mayor  
18 Carmolingo, For; and Mayor Mulder, For.

19  
20 **B. Request for waiver of fees – Volusia County Hispanic Association Cultural Awareness**  
21 **Latin Festival.**

22  
23 Motion by Commissioner Zischkau, seconded by Vice Mayor Carmolingo to approve the  
24 request of the Volusia County Hispanic Association for waiver of in-kind costs and fees for the  
25 Latin Festival scheduled for this coming Sunday, October 11, 2009 or any rain date.

26  
27 Motion carried with members voting as follows: Commissioner Denizac, For; Commissioner  
28 Deyette, For; Commissioner McFall-Conte, For; Commissioner Zischkau, For; Vice Mayor  
29 Carmolingo, For; and Mayor Mulder, For.

30  
31 **10. NEW BUSINESS:**

32  
33 **A. Consideration of appointment of one (1) member to the William S. Harvey**  
34 **Scholarship Selection Committee.**

35  
36 Motion by Commissioner Denizac, seconded by Commissioner Zischkau to confirm the  
37 appointment of Don Philpitt to the William S. Harvey Scholarship Selection Committee for  
38 the remainder of a term to expire February 11, 2011.

39  
40 Motion carried with members voting as follows: Commissioner Denizac, For; Commissioner  
41 Deyette, For; Commissioner McFall-Conte, For; Commissioner Zischkau, For; Vice Mayor  
42 Carmolingo, For; and Mayor Mulder, For.

43  
44 **B. Request for selection of Special Master for FY 09/10 and approval of Resolution No.**  
45 **2009-37.**

46  
47 Motion by Commissioner Zischkau, seconded by Vice Mayor Carmolingo to appoint Charles

1 **Cino as the City's Special Master for FY 09/10 at an hourly rate of \$125.00 and to approve**  
2 **Resolution No. 2009-37 for said appointment.**

3  
4 **Motion carried with members voting as follows: Commissioner Denizac, For; Commissioner**  
5 **Deyette, For; Commissioner McFall-Conte, For; Commissioner Zischkau, For; Vice Mayor**  
6 **Carmolingo, For; and Mayor Mulder, For.**

7  
8 **C. Consideration of Labor Attorney Jeff Mandell.**

9  
10 Mr. Fowler stated that out of the five (5) labor attorneys who were interviewed Mr. Mandell was  
11 the most experienced with substantial experience in I.A.F.F. contract negotiations and litigation  
12 involving the same union the City is dealing with currently and he has worked with Chief  
13 Negotiator Steve Rosenthal in the past.

14  
15 **Motion by Commissioner McFall-Conte, seconded by Vice Mayor Carmolingo to approve**  
16 **the engagement of Labor Attorney Jeff Mandell of Fisher & Phillips, LLP in Orlando to**  
17 **provide such assistance as may be required.**

18  
19 **Motion carried with members voting as follows: Commissioner Denizac, For; Commissioner**  
20 **Deyette, For; Commissioner McFall-Conte, For; Commissioner Zischkau, For; Vice Mayor**  
21 **Carmolingo, For; and Mayor Mulder, For.**

22  
23 **D. Discussion re: City Manager's Annual Performance Evaluation.**

24  
25 Mayor Mulder asked each Commissioner to provide brief comments on their evaluations.

26  
27 Ms. Miller stated she appreciated the Commissioners who were able to meet with her to go over  
28 their review and she appreciated the comments and suggestions that were provided. She stated  
29 should there be a favorable outcome with the overall evaluations she requested that there be no  
30 discussion of a salary increase or benefit increase since her non-bargaining unit employees have  
31 not received raises for two (2) years.

32  
33 Commissioner McFall-Conte stated she gave Ms. Miller the middle of the road scores like threes  
34 and fours, she did not score "supervision", she gave her a five (5) for providing regular  
35 information and reports to the Commission and for physical management. She suggested Ms.  
36 Miller meet one on one with citizens to work on a relationship with them, to work on anticipating  
37 what is going to happen and to become more involved in service organizations.

38  
39 Commissioner Denizac stated she met with Ms. Miller and discussed at length her strengths, areas  
40 of concern, areas for improvement, areas of disappointment, add-on agenda items and concerns  
41 from residents regarding the budget, the website and public record requests. She stated Ms. Miller  
42 surrounds herself with good people to assist her, she utilizes the vast knowledge of staff and she  
43 participates in community events. She stated areas for improvement are in professional judgment  
44 and skills, attracting commercial development and reporting information to the Commission. She  
45 suggested Ms. Miller take her role as City Manager seriously and that she only take direction from  
46 the Commission as a whole. She stated she has great expectations that Ms. Miller will do great in  
47 the future, she will improve at her role as City Manager and she suggested she give up the role as

1 City Clerk and have someone do the job as Acting City Clerk.

2  
3 Mayor Mulder stated he had some of the same concerns as Commissioner McFall-Conte  
4 regarding Ms. Miller working on anticipating what is going to happen and for her to be more  
5 engaged in the community. He stated he appreciates all the time she spends on City events and  
6 hopes she will continue to do so. He stated he would like her to be able to exercise her authority  
7 as manager in a stronger way. He stated she relies a lot on her department heads which makes her  
8 a good manager, she does not think she knows everything, she has an open mind and she is  
9 growing into the job and is getting better at it all the time. He stated one of the things he enjoys  
10 about her is when the Commission gives her clear direction he does not have to guess what is  
11 going to happen or does not receive a hundred reasons why something could not be done. He  
12 stated he would like to see continued effort for improved relationships with all the Commissioners.

13  
14 Vice Mayor Carmolingo stated Ms. Miller has seen the good and the bad side of him and he  
15 appreciates the relationship they have developed. He stated she has had some outside distractions  
16 which have been solved, she has grown into her position, and he is satisfied with how she is  
17 running things. He wished her good health in the coming year with her job.

18  
19 Commissioner Deyette stated she felt Ms. Miller had done a terrific job and that it was an asset  
20 that she had been the City Clerk and she knew the City inside and out. She stated she scored Ms.  
21 Miller medium to high in several areas. She stated Ms. Miller is service oriented, never watches a  
22 clock, has excellent skills for budgeting and managing City affairs, pays exceptional attention to  
23 detail, reduced budget expenses and made excellent choices in directors and managers. She stated  
24 the only criticism she has is that she be more firm with the Commission when there are times that  
25 personnel must be let go or replaced regardless of how the Commission feels. She stated the  
26 Commission should trust her to do a good job and she agreed that Ms. Miller should be more  
27 visible at City events.

28  
29 Commissioner Zischkau stated from time to time he has disagreed with decisions that Ms. Miller  
30 had made, however, overall she has met his expectations in a very difficult environment.

31  
32 **Motion by Commissioner Zischkau, seconded by Commissioner McFall-Conte to approve**  
33 **the continued tenure of Faith Miller as City Manager until her next annual review and**  
34 **accept her offer of an exception to her contract that her salary not be increased in the FY**  
35 **09/10 and be the same salary as last fiscal year.**

36  
37 **Motion carried with members voting as follows: Commissioner Denizac, For; Commissioner**  
38 **Deyette, For; Commissioner McFall-Conte, For; Commissioner Zischkau, For; Vice Mayor**  
39 **Carmolingo, For; and Mayor Mulder, For.**

40  
41 **E. Discussion & direction re: garage sale signs and other signs in City right-of-ways.**

42  
43 Mayor Mulder stated the Commission had directed staff to be more lenient with regards to garage  
44 sale signs and it is causing unintentional consequences for enforcement reasons and both  
45 Commissioner Denizac and Commissioner McFall-Conte agreed.

46  
47 Commissioner Zischkau recommended the Ordinance go back to the Legal Department for further

1 review and get some further detailed discussion from Mr. Fowler as to how to clean up the  
2 unconstitutional problem in Section 102-3, Subsection 24, which will resolve some of the other  
3 issues the Commission has.

4  
5 Mayor Mulder suggested enforcing the Ordinance regarding signs in the right-of-way as it was  
6 previously done and he believes the only exception that is present under the current Ordinance is  
7 with regards to City sponsored events.

8  
9 **The Commission concurred to have staff enforce the Ordinance as it is written, the Legal**  
10 **Department review the Ordinance regarding opinion signs and bring options back to the**  
11 **Commission and to have a revised Ordinance at the next regular meeting if possible.**

12  
13 **11. CITY COMMISSION COMMENTS:**  
14

15 a) Commissioner Zischkau stated since the City is in a new budget year he would ask that the City  
16 Manager get a running start on examining the big ticket items in the budget so the City does not  
17 have the same problem next year of raising the tax rate 31% and instead of a list of small items  
18 that do not really balance the budget which was presented in the workshop a month or two ago  
19 that the Commission have a serious debate during the year as to what big ticket items can be taken  
20 out of the budget for the coming fiscal year because the trend downward in property values could  
21 and probably will continue for another year and anyone that is surprised next August that property  
22 values are down and that the City is not going to get the same revenue at the same tax rate next  
23 year has not been exercising good judgment and foresight.

24  
25 b) Commissioner Deyette thanked the Volusia County Sheriff's Office (VCSO) and especially  
26 Investigator Teague who did a presentation on gang awareness at her Neighborhood Watch  
27 meeting. She recommended other Neighborhood Watch programs have the same presentation  
28 and she encouraged other neighborhoods to form Neighborhood Watch programs because it helps  
29 the VCSO to cut down on crime.

30  
31 c) Commissioner Deyette thanked Mr. Moore, Mr. Manning and the entire Parks & Recreation  
32 Department for doing a fantastic job last weekend at the River of Lakes Heritage Corridor Scenic  
33 Highway ribbon cutting. She stated the City had two (2) tables which provided information on  
34 the Thornby property, the All Inclusive Playground and the corridor where it comes through the  
35 City. She stated the corridor is officially 120 miles of scenic highway designation which goes  
36 from the Putnam County line through Seville, DeLand, Orange City, Debary, Deltona and  
37 Osteen. She stated this is the City's opportunity to be in the media and she stated Bike Florida  
38 will be coming through the corridor in October bringing hundreds of people.

39  
40 d) Commissioner Deyette stated there is going to be an announcement that the Volusia Metropolitan  
41 Planning Organization (MPO) won the Bicycle/Pedestrian Advisory Board (BPAB) of the Year  
42 Award for the State and there is going to be a review and approval of a resolution amending the  
43 FY 2009/2010 amendment to add repaving projects that utilize the American Recovery and  
44 Reinvestment Act (ARRA) Funds.

45  
46 e) Commissioner Denizac congratulated the Fire Department on a successful Safety Day on Sunday  
47 which had a lot of participation.

- 1  
2 f) Commissioner Denizac stated she wanted to make staff aware that she had called City Hall today  
3 and the phones were out for approximately 30 minutes.  
4  
5 g) Commissioner Denizac reminded everyone that on October 17<sup>th</sup> will be the opening of the library  
6 expansion and amphitheatre.  
7  
8 h) Commissioner Denizac congratulated the City Commission on a productive and smooth meeting.  
9  
10 i) Commissioner McFall-Conte stated she sent emails to the Commission inviting them to an event  
11 the Boys & Girls Club is having on October 29<sup>th</sup> around 5:00 or 6:00 p.m. at Harris Saxon Park.  
12 She stated there will be a gang awareness presentation for the members of the Boys & Girls Club  
13 and the members of the Lake Helen Club who are being brought to Harris Saxon Park. She stated  
14 she would like to see as many Commissioners and staff in attendance as possible.  
15  
16 j) Vice Mayor Carmolingo stated he hoped tonight would be the start of the Commission being able  
17 to work together. He stated he felt good about what took place tonight, the support shown to the  
18 City Manager and he hoped everyone would continue working together.  
19  
20 k) Vice Mayor Carmolingo stated he will be resigning from the Volusia Council of Governments  
21 (VCOG) and Mayor Mulder will be taking over in his place. He stated he was in support of the  
22 standing rule but, this Commission was not and that was not the reason he is resigning. He stated  
23 the Water Authority of Volusia (WAV) is no more but, if it is okay with the Commission he  
24 would like to continue being part of the League of Cities.  
25  
26 l) Vice Mayor Carmolingo thanked the employees for a job well done and he is happy with what is  
27 happening in the City.  
28  
29 m) Vice Mayor Carmolingo stated that the Sons of Italy would be hosting a Healthcare Reform  
30 Session on Thursday, November 5<sup>th</sup> at 7:00 p.m. and would be inviting doctors and experts  
31 regarding new health plan.  
32  
33 n) Mayor Mulder stated he would be happy to take Vice Mayor Carmolingo's place on VCOG  
34 which is made up of mostly mayors and he would try to fill a really big pair of shoes.  
35  
36 o) Mayor Mulder stated the Boys & Girls Club event was the same night as his faith based  
37 community meeting.  
38  
39 p) Mayor Mulder stated he sees a trend around the City and he was under the mistaken impression  
40 that someone could not pull a trailer or hot dog cart behind a car, pull off on the side of the road  
41 and sell items from the car. He stated it appears that a Health Department License, a City  
42 Occupational License and written permission from the property owner is all that is needed. He  
43 stated he encourages business but, he wants the kind of business ownership that assumes leases or  
44 buys space and wants to make a permanent home in the City. He stated it is an appearance  
45 standard issue and he thinks staff should look at how to regulate this issue.  
46  
47 q) Mayor Mulder thanked Mr. Moore and his staff for making the golf tournament happen which  
48 was well attended. He stated he appreciated the City Manager coming out and driving around on  
49 a golf cart. He stated he is a terrible golfer but, his team ended up six (6) under par with the help

1 of Mr. Moore and a golf pro from Winter Park. He stated it was a great event and he is looking  
2 forward to the fishing tournament in November.

3  
4 **12. CITY ATTORNEY COMMENTS:**

5  
6 Mr. Fowler stated it is his impression that a corner has been turned in the Legal Department and he  
7 thinks by the end of the month the turn would have been made and a lot of the things that may  
8 have gotten away over the past few months will be back in line and it might actually be cheaper  
9 for the City.

10  
11 Commissioner Zischkau stated he was surprised that in the list of media where the City Attorney  
12 position was being advertised that the Florida Bar was not included. Ms. Miller replied she  
13 thought the Florida Bar was included and she would verify it.

14  
15 **13. CITY MANAGER COMMENTS:**

16  
17 Ms. Miller reminded the Commission of the Joint Meeting with the Economic Development  
18 Advisory Board on Tuesday, October 13<sup>th</sup>.

19  
20 **14. ADJOURNMENT:**

21  
22 There being no further business, the meeting adjourned at 8:20 p.m.

23  
24  
25  
26  
27 **ATTEST:**

\_\_\_\_\_  
**Dennis Mulder, MAYOR**

28  
29  
30 \_\_\_\_\_  
**Joyce Kent, DEPUTY CITY CLERK**

31