

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42  
43  
44  
45  
46  
47

**CITY OF DELTONA, FLORIDA  
SPECIAL CITY COMMISSION MEETING  
MONDAY, AUGUST 17, 2009**

A Special Meeting of the Deltona City Commission was held on Monday, August 17, 2009 at the City Hall Commission Chambers, 2345 Providence Boulevard, Deltona, Florida.

**1. CALL TO ORDER:**

The meeting was called to order at 5:00 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	Present
Commissioner	Herb Zischkau	Present
City Manager	Faith G. Miller	Present
Acting City Attorney	Charles Cino	Present
Deputy City Clerk	Joyce Kent	Present

Also present: Human Resources Director Tom Acquaro; Deputy City Manager Dave Denny; and Parks & Recreation Director Steve Moore.

**3. BUSINESS:**

**A. Discussion and further action regarding the Separation Agreement with the City Attorney, George Trovato, and take any action necessary.**

Commissioner McFall-Conte stated she met with Mr. Cino today and discussed through last week the changes that were being offered by George Trovato's attorney many of which were typographical errors. She stated there were some changes that she felt would not be appropriate without the Commission's approval such as:

- The language referencing Mr. Trovato's suspension be removed;
- The effective date of resignation be changed to September 3, 2009; and
- The paragraph regarding disparaging remarks be moved to a different section of the agreement;

She stated there was some confusion in Section 15 where it talks about "encouragement to seek an attorney". She stated at the last meeting the version of the agreement which was approved provides for reimbursement of Mr. Trovato's attorney's fees however, at the first negotiation session when Mr. Trovato brought this up both her and Mr. Cino refused. She stated since it was approved she would not feel comfortable taking it out of the agreement at this point.

Mayor Mulder stated at the last meeting the Commission approved what it was comfortable with

1 and it reflected Commissioner McFall-Conte's best efforts. He stated he thought the terms that  
2 were presented and approved were agreeable to both parties. He stated based on that he is not  
3 willing to change anything and he suggested giving Mr. Trovato a 24 hour opportunity to sign the  
4 agreement which was approved by the Commission at the last meeting and if not he could call a  
5 Special City Commission Meeting to entertain a different kind of motion.

6  
7 Mr. Cino suggested providing Mr. Trovato till the close of business Wednesday, August 19, 2009.  
8 He stated Mr. Trovato has 21 days to sign the agreement and seven (7) days to revoke it and this  
9 would not change the 21 days because Mr. Trovato was given the agreement on August 5, 2009.

10  
11 **Motion by Commissioner Denizac, seconded by Commissioner Zischkau to terminate**  
12 **Attorney George Trovato immediately.**

13  
14 Vice Mayor Carmolingo suggested rescinding the original agreement.

15  
16 Mr. Cino stated the Commission made a motion to approve the agreement which would need to be  
17 formally rescinded before the Commission can take any further action.

18  
19 Commissioner Zischkau stated when the Commission makes an offer and the opposing attorney  
20 speaking for their client rejects that offer doesn't that automatically terminate the offer and Mr.  
21 Cino replied yes.

22  
23 Commissioner Zischkau stated in order to protect the City the Commission can amend the motion  
24 to ratify the rejection. Mr. Cino suggested having a Commissioner who voted on the affirmative  
25 side to move to reconsider the agreement and then a motion to revoke the agreement.

26  
27 **Commissioner Denizac withdrew the motion.**

28  
29 **Motion by Commissioner McFall-Conte, seconded by Commissioner Zischkau to reconsider**  
30 **the contract previously approved by the Commission involving George Trovato.**

31  
32 **Motion carried with members voting as follows:**

33  
34 **Commissioner Denizac For**  
35 **Commissioner Deyette Against**  
36 **Commissioner McFall-Conte For**  
37 **Commissioner Treusch Against**  
38 **Commissioner Zischkau For**  
39 **Vice Mayor Carmolingo For**  
40 **Mayor Mulder For**

41  
42 **Motion by Commissioner McFall-Conte, seconded by Vice Mayor Carmolingo to revoke the**  
43 **contract previously approved by the Commission regarding George Trovato.**

44  
45 Commissioner Zischkau suggested adding the words "offer of a" before the word "contract".

46  
47 **Amended motion by Commissioner McFall-Conte, seconded by Vice Mayor Carmolingo to**

1 **revoke the offer of a contract previously approved by the City Commission regarding**  
2 **George Trovato.**

3  
4 **Motion carried with members voting as follows:**

5  
6 **Commissioner Denizac For**  
7 **Commissioner Deyette Against**  
8 **Commissioner McFall-Conte For**  
9 **Commissioner Treusch For**  
10 **Commissioner Zischkau For**  
11 **Vice Mayor Carmolingo For**  
12 **Mayor Mulder For**

13  
14 **Motion by Commissioner Denizac, seconded by Commissioner McFall-Conte to terminate**  
15 **employment with George Trovato immediately.**

16  
17 **Motion carried with members voting as follows:**

18  
19 **Commissioner Denizac For**  
20 **Commissioner Deyette Against**  
21 **Commissioner McFall-Conte For**  
22 **Commissioner Treusch For**  
23 **Commissioner Zischkau For**  
24 **Vice Mayor Carmolingo For**  
25 **Mayor Mulder For**

26  
27 **4. ADJOURNMENT:**  
28

29 There being no further business, the meeting adjourned at 5:23 p.m.  
30  
31  
32  
33

34 **ATTEST:**

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

35  
36 \_\_\_\_\_  
37 **Joyce Kent, DEPUTY CITY CLERK**