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

A Regular 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 6:30 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: Planning & Development Services Director Chris Bowley; Building & Zoning Services Director Cy Butts; Finance Director Robert Clinger; Deputy City Manager Dave Denny; and Parks & Recreation Director Steve Moore.

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.

4. APPROVAL OF MINUTES & AGENDA:

A. Minutes:

1. Special City Commission Meeting – August 3, 2009.

2. Regular City Commission Meeting – August 3, 2009.

Motion by Commissioner McFall-Cone, seconded by Vice Mayor Carmolingo to adopt the minutes of the Special City Commission Meeting of August 3, 2009 and the Regular City Commission Meeting of August 3, 2009 as presented.

Motion carried with members voting as follows:

Commissioner Denizac	For
Commissioner Deyette	For

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

6
7 **B. Additions or Deletions to Agenda:** None.

8
9 **5. PRESENTATIONS/AWARDS/REPORTS:** None.

10
11 **6. PUBLIC FORUM – Citizen comments for items not on the agenda.**

12
13 a) Nancy Schleicher, 1460 S. Baton Drive, invited the Commission members to attend the Deltona
14 Citizens Action Committee Forum on Thursday, September 10th at Wes Crile Park where the guest
15 speaker will be the Volusia County Property Appraiser Morgan B. Gilreath, Jr.

16
17 b) Mary Gould, 1061 Wilmington Drive, spoke regarding her neighbor's lot which has overgrown
18 vegetation.

19
20 c) Charlie Zeiger, 2291 N. Normandy Blvd., spoke regarding a two (2) page letter he received
21 informing him that his mailbox location had changed.

22
23 d) Bill Kessler, 1771 Providence Blvd., spoke regarding the backpack program and he asked that the
24 Commission consider his application for monetary donations as a running request every year. He
25 stated he is going to conduct a fundraiser to help raise money for backpacks for kids.

26
27 **7. CONSENT AGENDA:**

28
29 Commissioner Zischkau asked to pull Items 7-A and 7-C for discussion.

30
31 **Motion by Commissioner McFall-Conte, seconded by Commissioner Denizac to approve**
32 **Items 7-B and 7-D.**

33
34 **Motion carried with members voting as follows: Commissioner Denizac, For; Commissioner**
35 **Deyette, For; Commissioner McFall-Conte, For; Commissioner Treusch, For; Commissioner**
36 **Zischkau, For; Vice Mayor Carmolingo, For; and Mayor Mulder, For.**

37
38 **A. Request for approval to piggy-back State of Florida Contract #250-000-09, for**
39 **additional data storage space.**

40
41 Mr. Narvaez stated this is the exact sister box of what was bought last year to expand the City's
42 storage capabilities and is going toward Laserfiche were documents are being stored digitally. He
43 stated as the servers are replaced staff is replacing the internal storage with the server units so the
44 processing happens in one place and the storage in another.

45
46 **Motion by Vice Mayor Carmolingo, seconded by Commissioner Zischkau to approve award**
47 **for the purchase of the hardware as specified to Promark Technology, Inc. at a total cost not to**

1 exceed \$34,900.00 in accordance with the State of Florida Contract # 250-000-09-01.

2
3 **Motion carried with members voting as follows: Commissioner Denizac, For; Commissioner**
4 **Deyette, For; Commissioner McFall-Conte, For; Commissioner Treusch, For; Commissioner**
5 **Zischkau, For; Vice Mayor Carmolingo, For; and Mayor Mulder, For.**

6
7 ***B. Request for approval of budget amendment for the appropriation for the carryover**
8 **of Park Project funds.**

9
10 **Approved by Consent Agenda - to approve the budget amendment for the carryover of**
11 **\$204,364.00 from the Park Projects Fund FYE 08 Budget to the Park Projects Fund FYE 09**
12 **Budget.**

13
14 **C. Request for approval of change order for Debary Avenue bypass project.**

15
16 **Motion by Commissioner Zischkau, seconded by Commissioner McFall-Conte to approve**
17 **change order to Volusia County for \$96,289.75 for the additional services concerning an 8”**
18 **water main and 1,308 lineal feet of piping needed to complete the Debary Avenue bypass**
19 **project.**

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

24
25 ***D. Request for approval of the Deltona Amphitheater at Lyonia Preserve Policies and**
26 **Procedures (Operation Plan).**

27
28 **Approved by Consent Agenda – to approve the Deltona Amphitheatre at Lyonia Preserve**
29 **Policies and Procedures.**

30
31 **8. ORDINANCES AND PUBLIC HEARINGS:**

32
33 **A. Resolution No. 2009-23, Amending the Joint Planning Area Agreement between the**
34 **County of Volusia and City of Deltona.**

35
36 **Mr. Paradise stated there is a comprehensive plan courtesy information list at the back table for**
37 **anyone who has interest in the Osteen amendment and will be placed on the Department of**
38 **Community Affairs (DCA) mailing list.**

39
40 **Mr. Paradise stated this item involves a resolution and an agreement which changes the Osteen**
41 **Joint Planning Agreement (JPA) that was entered into by the City of Deltona and Volusia County**
42 **in December, 2008 to change the height limits of the Mixed Use Village, Cluster Residential, and**
43 **Rural Estate land use designations. He stated it was discussed and agreed at the April 21st Joint**
44 **Transmittal Hearing that the JPA’s height restrictions for two (2) stories should be changed from**
45 **25 feet to 35 feet. He stated in addition the resolution and agreement facilitates independent**
46 **adoption of the Osteen Local Plan. He stated this same agreement and adoption will be heard by**
47 **Volusia County Thursday, August 20th at 9:00 a.m.**

1
2 Commissioner Zischkau asked how many feet there are in a story of a commercial structure and
3 Mr. Paradise replied between 10 and 15 feet. Commissioner Zischkau asked if there was any
4 consideration to increase the limit to three (3) stories and Mr. Paradise replied “no”.

5
6 The public hearing was opened.

7
8 Mark Pell, 61 S.R. 415, spoke regarding the Joint Planning Area Agreement not being in the best
9 interest of the residents, co-planning with Volusia County on the agreement, and the agreement
10 being flawed.

11
12 The public hearing was closed.

13
14 **Motion by Commissioner McFall-Conte, seconded by Commissioner Deyette to adopt**
15 **Resolution No. 2009-23, amending the Joint Planning Area Agreement between the County**
16 **of Volusia and the City of Deltona.**

17
18 **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELTONA,**
19 **FLORIDA; AMENDING THE JOINT PLANNING AREA AGREEMENT BETWEEN**
20 **THE COUNTY OF VOLUSIA AND CITY OF DELTONA AND PROVIDING FOR AN**
21 **EFFECTIVE DATE.**

22
23 **Motion carried with members voting as follows:**

24		
25	Commissioner Denizac	For
26	Commissioner Deyette	For
27	Commissioner McFall-Conte	For
28	Commissioner Treusch	For
29	Commissioner Zischkau	Against
30	Vice Mayor Carmolingo	For
31	Mayor Mulder	For
32		

33 **B. Public Hearing – Ordinance No. 07-2009, Amending the City of Deltona**
34 **Comprehensive Plan by amending Chapter 1: “Future Land Use Element”, by adding the**
35 **“Osteen Local Plan”; amending the “Future Land Use Map”, by adding the “Osteen Local**
36 **Plan Future Land Use Map” as a component of the Future Land Use Map series for**
37 **approximately 3,990 acres from Agricultural Resource, Commercial, Environmental Systems**
38 **Corridor, Forestry Resource, Low Impact Urban, Natural Resource Management Area,**
39 **Public/Semi-Public, Rural, Urban Low Intensity, and Urban Medium Intensity to the Osteen**
40 **Local Plan Osteen Commercial Village, Mixed Use Village, Tech Center, Urban Residential,**
41 **Transitional Residential, Cluster Residential, and Rural Estate designations. Also, addressing**
42 **the Florida Department of Community Affairs’ Objections, Recommendations, and Comments**
43 **Report regarding the Osteen Local Plan, for second and final reading.**

44
45 Mr. Paradise stated this is the hearing to adopt the Osteen Local Plan. He stated the language
46 changes involve Policy Q1 and Policy P3 and is for language clarification.

1 Commissioner Treusch asked if this item had been in front of the Volusia Growth Management
2 Commission (VGMC) and Mr. Paradise replied “yes”.

3
4 The public hearing was opened and closed as there were no public comments.

5
6 **Motion by Commissioner McFall-Conte, seconded by Commissioner Deyette to adopt**
7 **Ordinance No. 07-2009, the Osteen Local Plan, as revised, addressing the Florida Department**
8 **of Community Affairs' Objections, Recommendations, and Comments Report regarding the**
9 **Osteen Local Plan.**

10
11 Mr. Cino read the title of Ordinance No. 07-2009.

12
13 **AN ORDINANCE OF THE CITY OF DELTONA, FLORIDA, AMENDING THE CITY OF**
14 **DELTONA COMPREHENSIVE PLAN ORDINANCE NO. 32-98 AS PREVIOUSLY**
15 **AMENDED, BY AMENDING CHAPTER 1: “FUTURE LAND USE ELEMENT,” BY**
16 **ADDING THE “OSTEEN LOCAL PLAN” INCLUDING A BACKGROUND,**
17 **DESCRIPTIONS OF NEWLY CREATED FUTURE LAND USE DESIGNATIONS, AND A**
18 **GOAL WITH ASSOCIATED OBJECTIVES AND POLICIES; AMENDING THE**
19 **“FUTURE LAND USE MAP” BY ADDING THE “OSTEEN LOCAL PLAN FUTURE**
20 **LAND USE MAP” AS A COMPONENT OF THE FUTURE LAND USE MAP SERIES**
21 **FOR APPROXIMATELY 3,990 ACRES FROM AGRICULTURAL RESOURCE,**
22 **COMMERCIAL, ENVIRONMENTAL SYSTEMS CORRIDOR, FORESTRY**
23 **RESOURCE, LOW IMPACT URBAN, NATURAL RESOURCE MANAGEMENT AREA,**
24 **PUBLIC/SEMI-PUBLIC, RURAL, URBAN LOW INTENSITY, AND URBAN MEDIUM**
25 **INTENSITY TO OSTEEN LOCAL PLAN OSTEEN COMMERCIAL VILLAGE, MIXED**
26 **USE VILLAGE, TECH CENTER, URBAN RESIDENTIAL, TRANSITIONAL**
27 **RESIDENTIAL, CLUSTER RESIDENTIAL, AND RURAL ESTATE; PROVIDING FOR**
28 **SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.**

29
30 **Motion carried with members voting as follows:**

31
32 **Commissioner Denizac For**
33 **Commissioner Deyette For**
34 **Commissioner McFall-Conte For**
35 **Commissioner Treusch For**
36 **Commissioner Zischkau Against**
37 **Vice Mayor Carmolingo For**
38 **Mayor Mulder For**
39

40 Ordinance No. 07-2009 was adopted at second and final reading at 7:16 p.m.

41
42 **C. Public Hearing - Ordinance No. 14-2009, Granting an additional Homestead Exemption**
43 **for low income seniors beginning with the 2010 tax year, for second and final reading.**

44
45 The public hearing was opened.

46
47 Bill Kessler, 1771 Providence Blvd., stated he earns too much money in order to qualify for the

1 additional exemption which he feels shows prejudice and he asked that the Commission consider
2 making the requirements broader.

3
4 The public hearing was closed.

5
6 **Motion by Commissioner Deyette, seconded by Vice Mayor Carmolingo to adopt Ordinance**
7 **No. 14-2009 at second and final reading, to grant an additional homestead exemption of**
8 **\$50,000 for persons 65 and older, whose household income does not exceed the current**
9 **income limitation established by Florida Statutes, Section 196.075 (2), and beginning with**
10 **the 2010 tax year.**

11
12 Vice Mayor Carmolingo asked if the salary requirements included social security and Ms. Miller
13 replied social security and pension counts.

14
15 Commissioner Treusch asked if this issue falls under State Statutes and Mayor Mulder replied that
16 the limitation of income is the only thing that is regulated by Statute so the City is allowed to
17 provide an additional exemption for the City portion of the residents' tax bill. Mayor Mulder
18 stated the only people to appeal it to would be the State Legislature in trying to get them to change
19 the income level and Commissioner Treusch asked if that could be done. Mayor Mulder
20 suggested it may be something that can be discussed at the next workshop.

21
22 Mr. Cino read the title of Ordinance No. 14-2009.

23
24 **AN ORDINANCE AMENDING SECTION 62-1, OF THE CITY OF DELTONA CODE OF**
25 **ORDINANCE TO INCREASE THE ADDITIONAL HOMESTEAD TAX EXEMPTION**
26 **FOR QUALIFIED PERSONS 65 AND OLDER FROM \$25,000.00 TO \$50,000.00;**
27 **PROVIDING FOR APPLICATION OF THIS AMENDMENT TO THE 2010 TAX YEAR;**
28 **PROVIDING FOR CONFLICTS, SEVERABILITY CODIFICATION, AND PROVIDING**
29 **FOR AN EFFECTIVE DATE.**

30
31 **Motion carried with members voting as follows: Commissioner Denizac, For; Commissioner**
32 **Deyette, For; Commissioner McFall-Conte, For; Commissioner Treusch, For; Commissioner**
33 **Zischkau, For; Vice Mayor Carmolingo, For; and Mayor Mulder, For.**

34
35 Ordinance No. 14-2009 was adopted at second and final reading at 7:30 p.m.

36
37 **9. OLD BUSINESS:**

38
39 **A. Discussion and direction re: Community Life Center's rent for use of space in the**
40 **City's Social Services' Building.**

41
42 Mayor Mulder stated the Community Life Center is looking for a 50% reduction in rent perhaps
43 for a year at which time it would be re-evaluated. He stated this is something that the Commission
44 could and should support.

45
46 Commissioner Zischkau stated when the space was rented to the Community Life Center it was
47 because they were getting the majority of the space in the building at a lower cost per square foot

1 than some of the other tenants so he thinks it is only fair that the allocation of space be reduced as
2 well and allow other non-profits to come in and use the space. He stated when he read about the
3 Community Life Center's financial situation he thought one of the problems may be that the
4 organization has too much overhead. He suggested rather than do a short term fix that staff go
5 over the financial status and what services are provided with Community Life Center to find out
6 what the real problems are.

7
8 Commissioner Denizac stated the City has paid over \$800,000 to renovate and prepare the
9 building to bring social services to Deltona and the City pays for the water, electricity, lawn
10 maintenance and pest control for the building. She stated currently it is operating in the negative
11 even if the Community Life Center continues to pay their current rent and if the rent is reduced by
12 50% it will be more of a deficit. She stated within the years 2006 and 2008 the City has given the
13 organization \$28,687.52 and has offered them the least amount of rent per square footage. She
14 stated there is no consistency and all the organizations in the building should be charged the same
15 amount of money. She stated the organization has no clear counting or management plan which is
16 important for all these organizations. She stated if the rent is reduced then the square footage
17 should be reduced to match the reduction.

18
19 Commissioner Treusch stated if the organization's space is reduced in half then that part of the
20 building will be empty and there is a lot of space that is already sitting empty.

21
22 Commissioner McFall-Conte suggested the reduction should be given to all the groups if it is
23 given to Community Life Center and she does not agree with the reduction in space.

24
25 Commissioner Denizac suggested if the reduction in rent is going to be approved then every
26 contract with each organization should be modified because one of the conditions in the contract is
27 that the agreement is contingent upon the organization sustaining itself.

28
29 **Motion by Commissioner Treusch, seconded by Vice Mayor Carmolingo to reduce the rent**
30 **for the Social Services building for one year by 50% of what all the tenants are paying**
31 **currently.**

32
33 Commissioner Denizac asked staff to provide her with information as to how the reduction is going to
34 impact the budget.

35
36 **Motion carried with members voting as follows:**

37
38 **Commissioner Denizac** **Against**
39 **Commissioner Deyette** **For**
40 **Commissioner McFall-Conte** **For**
41 **Commissioner Treusch** **For**
42 **Commissioner Zischkau** **Against**
43 **Vice Mayor Carmolingo** **For**
44 **Mayor Mulder** **For**

45
46 Mayor Mulder called a ten minute recess at 7:55 p.m. and called the meeting to order at 8:05 p.m.
47

1 **B. Selection of an Acting City Attorney.**

2
3 **Karen Z. Consalo, Attorney at Law**

4
5 Ms. Consalo spoke regarding practicing law for approximately a decade, her work in private and
6 government law, and her expertise in land use, litigation and appellate work. She stated recently
7 she starting her own business which will allow her to be flexible including being able to work 40
8 hour weeks if needed. She gave a brief description of some of the cases which she has been a part
9 of. She stated her billing rate is \$250 an hour however; she can do \$165 an hour with no extra
10 charge for expenses.

11
12 She responded to questions from each member of the Commission and the Mayor.

13
14 **Michael Chiccetti with Doran, Wolfe, Ansay & Kundi**

15
16 Mr. Chiccetti spoke regarding specializing in governmental entities, his experience in the private and
17 public sector side of code enforcement, his vast litigation experience and he stated if hired the City
18 would be hiring a local attorney. He gave a brief description of his experiences and he gave an
19 extensive list of the governmental entities which his firm currently represents.

20
21 Mr. Chiccetti responded to questions from each member of the Commission and the Mayor.

22
23 **Daniel Langley with Fishback Dominick Law Firm**

24
25 Mr. Langley stated if selected his firm is willing to negotiate a different fee arrangement in order to
26 implement a cost savings approach in order to ease the City's financial burden caused by having to
27 outsource legal services. He spoke regarding the history of his firm, his focus on local government
28 law, his extensive law team, and he stated his law firm is Board Certified by the Florida Bar. He gave
29 a brief description of his experiences and some of the governmental entities his firm represents such
30 as being special counsel for the City of Longwood for eminent domain work.

31
32 Mr. Langley responded to questions from each member of the Commission and the Mayor.

33
34 **James "Skip" Fowler with Fowler, O'Quinn, Feeney & Sneed, P.A.**

35
36 Mr. Fowler spoke regarding his 35 years experience as an attorney and being the City of Deltona's
37 first City Attorney. He stated there are no attorneys with his firm that have not less than 15 years of
38 experience and no element of municipal work that his firm has not been deeply and heavy involved
39 with. He stated he knows City staff, the regulations of which he wrote many of and because of his
40 familiarity his firm can be frequently more efficient than someone starting from scratch. He stated
41 his billing rate is a three (3) tiered pricing based on experience and there are no extra expenses except
42 for out of pocket expenses which is at the cost of the expense.

43
44 Mr. Fowler responded to questions from each member of the Commission and the Mayor.

45
46 **Virginia Cassidy with Shepard, Smith & Cassidy, P.A.**

1 Ms. Cassidy stated all three (3) of the partners are Board Certified. She stated her firm represents six
2 (6) cities which are Mount Dora, Maitland, Ponce Inlet, Edgewood, and Flagler Beach but, all the
3 attorneys with the firm work together. She stated her firm's billing rate is \$150 an hour and does not
4 charge for expenses except for out of pocket expenses. She suggested no matter who the
5 Commission chooses as the Acting City Attorney they should be present at City Hall at least once a
6 week. She stated she tries to empower employees to do their jobs so they do not need the City
7 Attorney as much. She stated her firm is small with two (2) associates and one of the attorneys is
8 LEED Accredited.

9
10 **Scott E. Simpson with Korey, Sweet, McKinnon, Simpson & Vukelja**

11
12 Mr. Simpson stated his firm's focus is on local government, real estate, general commercial litigation,
13 personal injury litigation and wheel of trust probate. He stated they are a general services firm with
14 no criminal defense. He stated he currently represents Holly Hill, South Daytona, and Oak Hill. He
15 stated the only expenses that he would charge for would be pre-approved by the City Manager or the
16 City Commission depending on the size and purchasing power.

17
18 Mr. Simpson responded to questions from each member of the Commission and the Mayor.

19
20 Mayor Mulder asked the Commission members for their top two (2) choices for Acting City
21 Attorney:

22
23 Commissioner McFall-Conte

- 24 • Fowler, O'Quinn, Feeney & Sneed, P.A.
- 25 • Doran, Wolfe, Ansay & Kuldig

26 Commissioner Denizac

- 27 • Fowler, O'Quinn, Feeney & Sneed, P.A.
- 28 • Fishback Dominick Law Firm

29 Commissioner Treusch

- 30 • Fowler, O'Quinn, Feeney & Sneed, P.A.
- 31 • Shepard, Smith & Cassidy, P.A.

32 Commissioner Deyette

- 33 • Fowler, O'Quinn, Feeney & Sneed, P.A.
- 34 • Doran, Wolfe, Ansay & Kuldig

35 Commissioner Zischkau

- 36 • Shepard, Smith & Cassidy, P.A.
- 37 • Fishback Dominick Law Firm

38 Vice Mayor Carmolingo

- 39 • Fowler, O'Quinn, Feeney & Sneed, P.A.
- 40 • Doran, Wolfe, Ansay & Kuldig

41 Mayor Mulder

- 42 • Fowler, O'Quinn, Feeney & Sneed, P.A.
- 43 • Karen Z. Consalo, Attorney at Law

44
45 **Motion by Commissioner McFall-Conte, seconded by Commissioner Deyette to retain the law**
46 **firm of Fowler, O'Quinn, Feeney & Sneed, P.A. to serve as Acting City Attorney effective**

1 **August 18, 2009.**

2
3 **Motion carried with members voting as follows:**

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

12
13 **10. NEW BUSINESS:**

14
15 **A. Request for approval of the Lease Agreement between the City of Deltona and New**
16 **Life Foundation, Inc. to allow New Life Foundation, Inc. to occupy 1,050 square feet of**
17 **leasable space remaining in the City owned Social Services Building.**

18
19 **Motion by Commissioner Treusch, seconded by Commissioner McFall-Conte to approve the**
20 **lease agreement between the City of Deltona and New Life Foundation, Inc. at a reduced**
21 **rent of \$350 per month.**

22
23 **Motion carried with members voting as follows: Commissioner Denizac, For; Commissioner**
24 **Deyette, For; Commissioner McFall-Conte, For; Commissioner Treusch, For; Commissioner**
25 **Zischkau, For; Vice Mayor Carmolingo, For; and Mayor Mulder, For.**

26
27 **B. Request for approval of Resolution No. 2009-25, supporting elimination of the cap on**
28 **the State and local Housing Trust Funds and supporting full appropriation of the Housing**
29 **Trust Funds for Housing Programs.**

30
31 **Motion by Commissioner McFall-Conte, seconded by Vice Mayor Carmolingo to approve**
32 **Resolution No. 2009-25, supporting the elimination of the cap on the State and local Housing**
33 **Trust Funds and supporting full appropriation of the Housing Trust Funds for Housing**
34 **Programs.**

35
36 **Motion carried with members voting as follows:**

37
38 **Commissioner Denizac** **For**
39 **Commissioner Deyette** **For**
40 **Commissioner McFall-Conte** **For**
41 **Commissioner Treusch** **For**
42 **Commissioner Zischkau** **Against**
43 **Vice Mayor Carmolingo** **For**
44 **Mayor Mulder** **For**

45
46 **11. CITY COMMISSION COMMENTS:**

47

- 1 a) Commissioner McFall-Conte stated she has been working with Councilmember Northey and Mr.
2 Moore on expanding Deltona Days and she updated the Commission on the project. She stated
3 tentatively the kick-off is scheduled for Saturday, November 14th and they are looking at having a
4 block party and a citywide prayer day for both the Jewish and Christian faiths. On Sunday,
5 November 15th they are looking at having a special library open house and having concerts that
6 weekend at the Deltona Amphitheatre at Lyonia Preserve. On Monday, November 16th they are
7 looking at the City proclaiming the week Deltona Week. On Tuesday, Wednesday, Thursday and
8 possibly Friday of that week they are looking at the different non-profits having open houses.
9 She asked if each one of the Commissioners on these days would have an event in their district to
10 promote Deltona Days which could be coincided with neighborhood watch. On Saturday,
11 November 21st is the Deltona Day Parade and immediately following Nick Pizza is having an
12 annual teen pregnancy event at Dewey O'Boster. She stated they are looking into having the
13 Youth Advisory Board organize a Senior Prom and they are looking at doing something at the
14 Veterans' Memorial Park. She stated there will be another meeting next week and she will keep
15 the Commission updated.
16
- 17 b) Commissioner McFall-Conte stated she supports the idea of the cluster mailboxes but, it is hard
18 for residents to have to cross a four (4) lane road to get their mail. She stated if there is a way that
19 staff can work with the Post Office to make sure those people do not have to cross the street
20 especially on a road like Normandy Blvd.
21
- 22 c) Commissioner McFall-Conte thanked Mr. Cino for all his hard work over the past month.
23
- 24 d) Commissioner McFall-Conte reminded everyone that school starts on Monday and to obey the
25 blinking school zone lights.
26
- 27 e) Commissioner Denizac thanked Mr. Cino and Commissioner McFall-Conte for putting in so
28 many hours of work during the City Attorney negotiations.
29
- 30 f) Commissioner Denizac asked for the Commission's approval to work with Mr. Bowley regarding
31 moving the All Inclusive Playground forward. She stated they came up with the idea to meet
32 with sponsors, for profit and non-profit organizations and businesses which could be interested in
33 helping the City fund the All Inclusive Playground and move the timeline along. She stated it is
34 her understanding the Management Plan was submitted to the County, it was returned with
35 recommendations which staff worked on and submitted back to the County.
36

37 **Mayor Mulder stated he did not have a problem with it and he asked that Commissioner**
38 **Denizac keep Ms. Miller informed of what is going on and the Commission concurred.**
39

40 Mr. Bowley stated this is an idea that is nationwide to have public/private partnership for
41 publically funded projects such as the All Inclusive Playground. He stated since his meeting with
42 Commissioner Denizac he has met with Mr. Moore and it was decided to spend more time on the
43 response to the County regarding their recommendations so it has not been submitted back to the
44 County yet. He stated he is targeting the September 21st public hearing to bring the Management
45 Plan before the City Commission for approval but, that does not mean it delays a parallel effort to
46 have the playground moved forward.
47

1 Commissioner Denizac stated maybe the kick-off could be incorporated with Deltona Days.

2
3 g) Commissioner Treusch thanked Mr. Cino for stepping up to the plate and taking care of business.

4
5 h) Commissioner Treusch stated he will not be in attendance at the September 21st and October 5th
6 Regular City Commission Meetings as well as the October 13th City Commission Workshop and
7 he asked for the Commission's approval to be excused from those meetings. He stated at 70
8 years of age he does not know when he will have another opportunity to go backpacking and
9 hiking in the Continental Divide.

10
11 i) Commissioner Deyette stated she had the pleasure of attending the Florida League of Cities
12 meeting and she will be handing out the conference information to the Commission at a later
13 time.

14
15 j) Commissioner Deyette thanked Mr. Lee Lopez for the recent press releases reminding everyone
16 of all the fun things that are going on at the City parks like celebrating birthdays, biking, boating,
17 and skateboarding at the skate park.

18
19 k) Commissioner Deyette thanked Mr. Cino for his help and she welcomed Acting City Attorney
20 Mr. Fowler.

21
22 l) Commissioner Zischkau stated Mr. Seiger who is over 80 years old and who is being asked to
23 walk four (4) lanes of traffic to get his mail is showing that what was told to the Commission
24 when the resolution was passed to prohibit private mailboxes on main arteries was not correct.
25 He stated staff needs to have Postmaster Jeff Straker on the agenda to meet with the Commission
26 as to what the Post Office is willing to do to correct the situation. Ms. Miller replied Mr. Bowley
27 had indicated that he had already contacted Mr. Straker to try and get him to attend the next City
28 Commission Meeting.

29
30 m) Commissioner Zischkau ask Ms. Miller to place on the agenda consideration of hiring Fishback
31 Dominick's law firm to go through the City's back log of eminent domain and inverse
32 condemnation cases which could be done as outside counsel. He stated the Commission has
33 received the photos from Attorney Lonnie Groot whose client's vacant lot was destroyed by the
34 City's construction activity before it went through the eminent domain process.

35
36 n) Commissioner Zischkau stated last year it was Charlie Vance's group that received special
37 treatment from the City concerning the use of the soccer fields and the concession stand and now
38 Bill Tavernier's non-profit organization gets its rent cut in half. He stated when transparency is
39 not demanded from the non-profit organizations it creates an appearance of impropriety which
40 can be avoided by asking for a business plan.

41
42 o) Vice Mayor Carmolingo thanked Mr. Cino who has been a breath of fresh air for the City and has
43 provided perfect advice.

44
45 p) Vice Mayor Carmolingo stated he attended the Florida League of Cities meeting in Orlando and
46 he stated it is an organization he believes in and that does a fine job. He stated people say the
47 League of Cities does not care about people being taxed but, they do and their main concern is the
48 cities they represent. He stated he has some information from the meeting for the members of the

1 Commission which he will distribute at a later time.

2
3 q) Vice Mayor Carmolingo stated he attended the Florida Housing Help Workshop regarding
4 foreclosure. He stated there are families that have fallen on bad times and we should all be good
5 neighbors and be there for them when they need it.

6
7 r) Vice Mayor Carmolingo stated he is on the Executive Board of the Water Authority of Volusia
8 County (WAV) and there is a possibility that WAV will be closing its doors at the end of
9 September. He stated the executive director has found another job in North Carolina and rather
10 than hire another person it was decided to shut down. He stated the westside cities need to start
11 their own alliance and it needs to be done now.

12
13 s) Vice Mayor Carmolingo thanked Mayor Mulder and the Commission for what was done at the
14 Special City Commission Meeting held today at 5:00 p.m.

15
16 t) Vice Mayor Carmolingo thanked Mayor Mulder and the Commission for tonight's meeting
17 which was one of the best it has had and he stated this is how the meeting should be run. He
18 stated it is important to the City that the Commissioners show respect for each other and
19 themselves.

20
21 u) Vice Mayor Carmolingo stated he has been harassed and threatened. He stated he tries to do what
22 is right all the time and he will continue to do so.

23
24 v) Mayor Mulder thanked Mr. Cino who has been available whenever he has needed him and he
25 appreciates how well he worked with Commissioner McFall-Conte and staff.

26
27 w) Mayor Mulder reminded everyone that the Commission is going to have to do business a little
28 differently than it has been for example "Commission Comments" are not designed to allow
29 Commissioners to lecture the balance of the Commission on items that have been discussed
30 during the meeting. He stated there is a chance to discuss the policy when the item comes up, it is
31 discussed and that is where it ends. He stated "Commission Comments" are to talk about things
32 that are going on in the community and to ask for things to be placed on the agenda. He stated
33 there are times that the City is faced with litigation and serious issues which is why Executive
34 Sessions were designed and the issues not brought out in the public for discussion. He stated he
35 is mad that a Commission member would charge the City with destroying private property ahead
36 of any action the City Attorney will have to deal with.

37
38 x) Mayor Mulder stated he may not be able to attend the second City Commission meeting in
39 September for family reasons but, he is not certain and he would let the Commission know.

40
41 **12. CITY ATTORNEY COMMENTS:**

42
43 Mr. Cino thanked the Commission whom he enjoyed working with. He stated the Commission
44 loves the City which is a great City they can be proud of. He stated if the Commission could work
45 together they would be a great team.

46
47 He stated the three (3) staff members working in the Legal Department are top notch and the
48 Commission is lucky to have them.

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13. CITY MANAGER COMMENTS: None.

14. ADJOURNMENT:

There being no further business, the meeting adjourned at 9:09 p.m.

ATTEST:

Dennis Mulder, MAYOR

Joyce Kent, DEPUTY CITY CLERK