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**CITY OF DELTONA, FLORIDA
REGULAR CITY COMMISSION MEETING
TUESDAY, SEPTEMBER 8, 2009**

A Regular Meeting of the Deltona City Commission was held on Tuesday, September 8, 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	James "Skip" Fowler	Present
Deputy City Clerk	Joyce Kent	Present

Also present: Human Resources Director Tom Acquaro; Planning & Development Services Director Chris Bowley; Building & Zoning Services Director Cy Butts; Finance Director Robert Clinger; 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.

Adrian Tristan sang the National Anthem.

4. APPROVAL OF MINUTES & AGENDA:

A. Minutes:

1. Special City Commission Meeting – August 17, 2009.

2. Regular City Commission Meeting – August 17, 2009.

Motion by Commissioner McFall-Conte, seconded by Vice Mayor Carmolingo to adopt the minutes of the Special City Commission Meeting of August 17, 2009 and the Regular City Commission Meeting of August 17, 2009 as presented.

Motion carried with members voting as follows:

1
2 **Commissioner Denizac For**
3 **Commissioner Deyette For**
4 **Commissioner McFall-Conte For**
5 **Commissioner Treusch For**
6 **Commissioner Zischkau Against**
7 **Vice Mayor Carmolingo For**
8 **Mayor Mulder For**
9

10 **B. Additions or Deletions to Agenda:** None.
11

12 **5. PRESENTATIONS/AWARDS/REPORTS:**
13

14 **A. Employee of the Quarter Awards.**
15

- 16 • **EMT of the Quarter — 3rd Qtr, FY 2009: Tanya Paulk;**
17

18 Fire Chief Staples stated Tanya Paulk is receiving this award for acting above and beyond the call of
19 duty during several incidences.
20

- 21 • **Police Department – EE of the Quarter – 3rd Qtr, FY 2009: Sergeant Patrick Leahy.**
22

23 Captain Brannon stated Sergeant Leahy has revitalized the Neighborhood Watch Program which has
24 gone from 15 organizations to 26. He stated he has been instrumental in trying to reduce the amount
25 of car break-ins by less than 40% during the months of July and August because of his efforts.
26

27 **B. Certificate of Recognition – Sheriff’s Office Employee of the Quarter – Sergeant Jimmie**
28 **Carlisle.**
29

30 Captain Brannon stated Sergeant Jimmie Carlisle has led a newly formed property crimes section
31 of the investigations unit in the City of Deltona to reduce home break-ins and other property
32 related crimes which has recovered over \$80,000 in stolen property.
33

34 **C. Proclamation – Ovarian Cancer Awareness Month – September 2009.**
35

36 Commissioner McFall-Conte read the proclamation into the record extending greetings and best
37 wishes to the Ovarian Cancer Alliance of Florida and to all observing and promoting September,
38 2009 as Ovarian Cancer Awareness Month and presented it to Ruth Snyder of the Ovarian Cancer
39 Alliance of Florida.
40

41 **D. Proclamation – Al and Denise Jadeid.**
42

43 Mayor Mulder read the proclamation into the record recognizing Al and Denise Jadeid for looking
44 beyond themselves and making a difference in their community and presented it to Al and Denise
45 Jadeid, citizens of Deltona, Florida.
46

47 **E. Presentation re: Volusia Honor Air.**

1
2 Bernadette Britz-Parker gave a brief presentation regarding the Volusia Honor Air program. The
3 mission is to extend the deepest appreciation and gratefulness to all WWII heroes for their bravery
4 and sacrifice by escorting as many ambulatory WWII Veterans as possible to the new World War II
5 Memorial in Washington, D.C. at no cost to those Veterans.

6
7 **F. Presentation re: Cluster mailboxes – Postmaster Jeff Straker.**

8
9 In Mr. Straker's absence Mr. Bowley spoke regarding the issues with the cluster mailboxes on
10 North Normandy Blvd. He stated the program was brought forward in an Ordinance about six (6)
11 months ago to the City Commission and it was represented to the United States Post Office
12 (USPO) to have a program in place to install cluster mailboxes on thoroughfares throughout the
13 City. He stated there have been some concerns from residents that the cluster mailboxes are not
14 close to their homes and some residents have to cross over main roads to collect their mail. These
15 residents have contacted the USPO and requested door to door service but, the residents have not
16 been responded to properly by the USPO. He stated Mr. Straker is looking into the issues with the
17 cluster mailboxes and he is working on a solution.

18
19 **G. Presentation – City's Water Supply Facilities Work Plan and proposed amendments to**
20 **the existing text of the Comprehensive Plan Future Land Use, Infrastructure, Conservation,**
21 **Intergovernmental Coordination, and Capital Improvements Elements to comply with the**
22 **Florida Statute requirements.**

23
24 Mr. Paradise gave a brief presentation regarding the City's water supply including background
25 information, the purpose and intent of the plan, Comprehensive Plan Policy Amendments, and future
26 events.

27
28 Commissioner Zischkau asked if the tension between the eastside and westside of the County enters
29 into the objections to the City's plan and Mr. Paradise replied he does not have a definitive answer
30 but, he would prepare it for the September 15th workshop.

31
32 Commissioner Denizac asked for an explanation of Florida Statutes, Chapter 180. Mr. Paradise
33 replied that it is a law that allows municipalities to extend a service area designation into
34 unincorporated areas, assuming it is not already designated by another municipality or service
35 provider, for the purposes of planning future service within five (5) miles of the present City limits.

36
37 **6. PUBLIC FORUM – Citizen comments for items not on the agenda.**

38
39 a) Charlie Zeiger, 2291 N. Normandy Blvd., spoke regarding the distance he has to walk to his
40 cluster mailbox and he suggested the City think about traffic flow instead of traffic control.

41
42 b) Phyllis Gregory, 1479 Cedar Pine Drive, spoke regarding the Community Life Center and she
43 thanked the Commission for making the decision to reduce their rent for the next 12 months.

44
45 c) Melody and Jesse McLean, 2541 Candlewick St., stated she is organizing a benefit for Debbe
46 Starr-Allen who was recently diagnosed with a very aggressive terminal cancer and she asked that
47 the Commission donate the use of the Community Life Center on October 24th for the benefit. She

1 stated Ms. Starr-Allen was very active with City events.
2

- 3 d) Janice Dudley, 662 Applegate Terrace, spoke regarding increasing taxes, crime, lack of police
4 protection, no streetlights or sidewalks, pot holes, and the 2010 election.
5
6 e) Deborah Suitt-Green, 1531 Toluca Ct., spoke regarding a lack of diversity, the turnaround of
7 employees, increasing taxes, foreclosures, severance packages, and needed repairs to the City's
8 streets.
9
10 f) Nancy Schleicher, 1460 S. Baton Dr., reminded the citizens of the Deltona Citizen Action
11 Committee's forum on Thursday, September 10th at Wes Crile Park at 7:00 p.m.
12
13 g) Michael E. Williams, 2889 Cottageville St., spoke regarding the Family Health Outcomes Project
14 (FHOP) money in the amount of \$92,328 which needs to be expended by November 30th and he
15 urged families to take advantage of the First Time Homebuyer Program.
16
17 h) Dawn A. Trent, 1690 N. Page Dr., spoke regarding her property value decreasing but, her taxes
18 increasing and not being able to afford her taxes.
19
20 i) Councilmember Patricia Northey, 2310 Carson Lane, gave an update on the progress of Deltona
21 Days, delegating responsibilities, and the current schedule. She asked the Commission to think
22 about a Holiday Parade and to provide guidance as to how it should be handled.
23
24 j) Valina and Peter Armstrong, 696 Tradewinds Dr., spoke regarding increased property taxes, new
25 jobs, the condition of the City's water, and new roads.
26

27 **7. CONSENT AGENDA:**
28

29 ***A. Award of Bid No. 0932 Vicksburg Well Raw Watermain Extension.**
30

31 **Approved by Consent Agenda - to award the Vicksburg Well Raw Water Main Extension**
32 **Project to McMahan Construction Co., Inc. at a total cost of \$193,174.00.**
33

34 ***B. Selection of Vendors to Assist with the City of Deltona's Neighborhood Stabilization**
35 **Program (NSP).**
36

37 **Approved by Consent Agenda - to approve entering into agreements with each of the**
38 **recommended companies for the Neighborhood Stabilization Program for Housing**
39 **Counseling, Real Estate Broker Services, Appraisal Services, Property Management**
40 **Services and Real Estate Legal Services.**
41

42 **8. ORDINANCES AND PUBLIC HEARINGS:**
43

44 **A. Public Hearing - Resolution No. 2009-27, Adopting the Tentative Millage Rate for FY**
45 **2009/2010.**
46

1 Mayor Mulder stated this is a public hearing to hear and consider comments and questions
2 regarding the City's Tentative Millage Rate and proposed Annual Budget for the coming fiscal
3 year 2009/2010. The City of Deltona hereby proposes a Tentative Millage Rate of 5.43755. The
4 Tentative Millage Rate reflects no increase from the roll-back rate. The proposed Annual Budget
5 is summarized as follows: General Fund - \$44,047,988; Special Revenue Funds – \$35,606,795;
6 Enterprise Fund - \$50,968,619; Other Fund Types - \$12,824,049; and the Total City Budget -
7 \$143,447,451.

8
9 The public hearing was opened.

10
11 Angel Montalvo, 2660 Leonard Dr., stated she is on a fixed income and she is not able to pay an
12 increase in taxes.

13
14 Alcides Velez, 824 Mentmore Circle, spoke regarding increased taxes and he asked that the
15 Commission not adopt the proposed tentative millage rate.

16
17 Benito and Cindy Jordan, 2008 Dixie Bell Ave., spoke regarding his increased mortgage payments
18 and his home going into foreclosure.

19
20 Deborah Suitt-Green, 1531 Toluca Ct., asked for a reasonable explanation of the tentative millage
21 rate and why some residents' taxes are decreasing when others are increasing and some are staying
22 the same.

23
24 Jim Hallock, 1840 S. Tanner Ct., spoke regarding being on a limited income, his increasing electric
25 bill and the tentative millage rate increase.

26
27 Richard Dudley, 662 Applegate Terrace, spoke regarding starting the Deltona Civic Association and
28 he thinks turning Deltona into a City may have been a mistake.

29
30 Doug McDonald, 1179 Balfour Dr., spoke regarding the term "Voodoo Economics" and he suggested
31 the City cut spending just like residents have had to do.

32
33 Deltona High School student, 1531 Toluca Ct., spoke regarding Deltona High School losing teachers,
34 not being able to fund programs, lack of school supplies, the financial pressure that is on residents,
35 and she asked for the Commission's help.

36
37 Javiero Velez, 1998 Berrien Dr., spoke regarding losing his job at Timbercrest Elementary School,
38 his decreased property taxes, increased taxes, and he asked for the Commission's help.

39
40 The public hearing was closed.

41
42 Ms. Miller stated the City is facing significant financial challenges due to the current economic
43 environment and the declining property values which decreased by 27.18% over last year. In
44 order to present a balanced budget for the Commission's approval there was no additional cost
45 included relating to the Firefighters Union Contract. A reduction in the tentative millage rate at a
46 minimum would require the elimination of non-essential positions which hopefully would not
47 affect the level of service currently provided. The roll-back rate is intended to bring in close to the

1 same amount of revenue as in previous years in just ad-valorem taxes. The General Fund Revenue
2 outside the scope of the ad-valorem has decreased by \$1.8 million. There has been an increase in
3 General Fund expenditures that is out of staff's control due to an increase in the Firefighters
4 Pension contribution - \$159,000, the new amphitheatre agreement - \$250,000 contribution, and
5 unemployment expenses. The real cuts achieved in the proposed budget were \$2.3 million or
6 7.4% of the budget. For a City of 85,000 residents its employee base is very small and the number
7 of full time equivalent employees in budgeted FY 07/08 was 392 and this budget proposes 318
8 employees. The proposed budget provides for no funding for COLA or merit increases for non-
9 bargaining unit employees for the second year in a row, no COLA or step increases for bargaining
10 unit employees, no tuition reimbursement program, no new sidewalks, no monetary donations
11 (grant program), and only essential required travel and training related to certification is included
12 in the proposed budget. Eliminated from the proposed budget is funding for non health related
13 employee benefits, long term disability coverage, and vision insurance for City employees.

14
15 Mr. Clinger gave a brief presentation regarding the proposed Annual Budget. He explained the
16 General Fund both non public safety spending and public safety spending, ad-valorem revenue,
17 per capita taxable value, the breakdown of the total proposed tentative millage rate, the impact of
18 Save Our Homes, the tax roll profile, and property tax as a percentage of just value.

19
20 Mayor Mulder stated what the City receives from property taxes does not even pay for police and
21 fire protection and the City is subsidizing the lack of commercial growth to offset the tax revenue.

22
23 Vice Mayor Carmolingo stated he is not willing to provide any less service levels than what is
24 currently provided. He stated 65-70% of the budget is public safety and 30-35% is everything else
25 that goes on in the City.

26
27 Commissioner Zischkau stated the proposed budget is not sustainable because it has been built on
28 two (2) increases in the roll-back tax rate, 27% last year and 31% this year. He stated when the
29 property values increased the taxes increased and now the property values are going down but, the
30 taxes are still increasing. He stated water bills are going up 17% per year for the next five (5)
31 years.

32
33 **Motion by Commissioner Zischkau to table Items 8-A and 8-B, the budget and tax increase**
34 **until a Special Meeting on September 16th at which time the City Manager is to provide the**
35 **Commission a revised budget with less than a 30% tax increase based on a 4% across the**
36 **board cut in employees salaries and freezing the Capital Fund to stop any increase for the**
37 **Public Safety Complex.**

38
39 **Motion died for lack of a second.**

40
41 Commissioner Denizac asked if the level of service for public safety has been increased and Ms.
42 Miller replied "no".

43
44 Commissioner Denizac stated from the year 2006 to 2009 there has been an increase in spending
45 on public safety a little over \$3 million but, there has been no increase in the level of service. She
46 stated the City Attorney's budget has been inflated including \$15,000 for litigation and \$35,000

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. Public Hearing – Resolution No. 2009-28, Adopting the Tentative Annual Budget for**
8 **FY 2009/2010.**

9
10 The public hearing was opened and closed as there were no public comments.

11
12 **Motion by Commissioner Treusch, seconded by Commissioner McFall-Conte to approve**
13 **Resolution No. 2009-28, adopting the tentative General Fund, Special Revenue Funds,**
14 **Enterprise Funds, Capital Projects Funds, and Capital Equipment Fund budgets for fiscal**
15 **year 2009/2010.**

16
17 **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELTONA,**
18 **VOLUSIA COUNTY, FLORIDA; ADOPTING THE TENTATIVE ANNUAL GENERAL**
19 **FUND, SPECIAL REVENUE FUNDS, ENTERPRISE FUNDS, CAPITAL PROJECTS**
20 **FUNDS, AND CAPITAL EQUIPMENT FUND BUDGETS FOR THE FISCAL YEAR**
21 **BEGINNING OCTOBER 1, 2009, AND ENDING SEPTEMBER 30, 2010; PROVIDING**
22 **FOR AN EFFECTIVE DATE.**

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

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

33
34 **C. Public Hearing – Resolution No. 2009-29, Establishing Annual Rate of Assessment for**
35 **Solid Waste Services for FY 2009/2010.**

36
37 The public hearing was opened and closed as there were no public comments.

38
39 **Motion by Commissioner McFall-Conte, seconded by Vice Mayor Carmolingo to approve**
40 **Resolution No. 2009-29, Annual Rate Resolution - Solid Waste Assessments for FY 09/10 to**
41 **provide for continuing the current annual rate of \$132.00 for solid waste collection services.**

42
43 **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELTONA,**
44 **VOLUSIA COUNTY, FLORIDA, RELATING TO THE PROVISION OF SOLID WASTE**
45 **SERVICES, FACILITIES AND PROGRAMS IN THE CITY OF DELTONA;**
46 **ESTABLISHING THE RATE OF ASSESSMENT TO BE IMPOSED IN FISCAL YEAR**
47 **2009-2010 APPROVING THE ASSESSMENT ROLL FOR FISCAL YEAR 2009-2010;**
48 **DIRECTING THAT THE ASSESSMENT ROLL BE CERTIFIED AND DELIVERED TO**

1 **THE TAX COLLECTORS; AND PROVIDING FOR AN EFFECTIVE DATE.**

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

4
5 **Commissioner Denizac For**
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 **D. Public Hearing – Resolution No. 2009-30, Establishing Annual Rate of Assessment for**
14 **Stormwater Utility Services for FY 2009/2010.**

15
16 The public hearing was opened and closed as there were no public comments.
17

18 **Motion by Commissioner McFall-Conte, seconded by Vice Mayor Carmolingo to approve**
19 **Resolution No. 2009-30, Annual Rate Resolution - Stormwater Utility Assessments for FY**
20 **09/10 at the current rate of \$76.11 per Equivalent Residential Unit (ERU).**

21
22 **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELTONA,**
23 **VOLUSIA COUNTY, FLORIDA, RELATING TO THE PROVISION OF STORMWATER**
24 **UTILITY SERVICES, FACILITIES AND PROGRAMS IN THE CITY OF DELTONA;**
25 **ESTABLISHING THE RATE OF ASSESSMENT TO BE IMPOSED IN FISCAL YEAR**
26 **2009-2010 APPROVING THE ASSESSMENT ROLL FOR FISCAL YEAR 2009-2010;**
27 **DIRECTING THAT THE ASSESSMENT ROLL BE CERTIFIED AND DELIVERED TO**
28 **THE TAX COLLECTORS; AND 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 **E. Public Hearing – Resolution No. 2009-31, Establishing Annual Rate of Assessment for**
41 **Streetlighting Services for FY 2009/2010.**

42
43 The public hearing was opened and closed as there were no public comments.
44

45 **Motion by Commissioner McFall-Conte, seconded by Vice Mayor Carmolingo to approve**
46 **Resolution No. 2009-31, adopting the current rate for Streetlighting Assessments for FY**
47 **09/10.**
48

1 **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELTONA,**
2 **VOLUSIA COUNTY, FLORIDA, RELATING TO THE PROVISION OF**
3 **STREETLIGHTING SERVICES, FACILITIES AND PROGRAMS IN THE CITY OF**
4 **DELTONA; ESTABLISHING THE RATE OF ASSESSMENT TO BE IMPOSED IN**
5 **FISCAL YEAR 2009-2010 APPROVING THE ASSESSMENT ROLL FOR FISCAL YEAR**
6 **2009-2010; DIRECTING THAT THE ASSESSMENT ROLL BE CERTIFIED AND**
7 **DELIVERED TO THE TAX COLLECTORS; AND PROVIDING FOR AN EFFECTIVE**
8 **DATE.**

9
10 **Motion carried with members voting as follows: Commissioner Denizac, For; Commissioner**
11 **Deyette, For; Commissioner McFall-Conte, For; Commissioner Treusch, For; Commissioner**
12 **Zischkau, For; Vice Mayor Carmolingo, For; and Mayor Mulder, For.**

13
14 **9. OLD BUSINESS:** None.

15
16 **10. NEW BUSINESS:**

17
18 **A. Consideration of appointment of one (1) member to the City's Planning & Zoning**
19 **Board (Mayor Mulder's appointment).**

20
21 **Motion by Vice Mayor Carmolingo, seconded by Commissioner Treusch to table the**
22 **appointment of one member to the Planning & Zoning Board to September 21, 2009.**

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

27
28 **B. Request for approval of Resolution No. 2009-26, Amending the City of Deltona State**
29 **Housing Initiatives Partnership (SHIP) Local Housing Assistance Plan Covering State Fiscal**
30 **Year 2008-2010; including any and all amendments relating to CDBG, DCBG-R, HOPWA,**
31 **SHIP, and FHOP to fulfill the requirements of the U.S. Department of Housing and Urban**
32 **Development and Florida Statutes 420.9076.**

33
34 **Mr. Bowley stated the City of Deltona typically receives an annual State Housing Initiatives**
35 **Partnership (SHIP) award and this year it is tied to the Florida Housing Opportunity Program**
36 **(FHOP). He stated this year's allocation is \$92,000 and the Resolution is to amend the Local**
37 **Housing Assistance Plan to include Family Health Outcomes Project (FHOP) which would serve**
38 **approximately 11 people at a cap of \$8,000 per person. He stated there is a consolidation of past**
39 **monies which totals approximately \$1.3 million that will be brought forward with the \$92,000.**

40
41 **Vice Mayor Carmolingo asked if there is a 2010 Action Plan in place and Mr. Bowley replied yes,**
42 **a Program Year Action Plan is in place and staff is working to allocate the \$1.3 million in addition**
43 **to the \$92,000 which could be used for owner occupied home repair, down payment assistance,**
44 **and foreclosure prevention.**

45
46 **Motion by Commissioner Zischkau, seconded by Commissioner McFall-Conte to approve**
47 **the revised Resolution No. 2009-26 without the third "WHEREAS" clause and the heading**

1 **strikeouts referenced below for amendments only to the Local Housing Action Plan in keeping**
2 **with the City's General Fund and State and Federal Regulations for proper administration of**
3 **State and Federal affordable housing dollars. The referenced strikeout in the heading of the**
4 **Resolution is that language which is in all caps beginning "INCLUDING ANY AND ALL**
5 **AMENDMENTS RELATING TO CDBG, CDBG-R, HOPWA, SHIP, NSP, AND FHOP".**

6
7 **Motion carried with members voting as follows: Commissioner Denizac, For; Commissioner**
8 **Deyette, For; Commissioner McFall-Conte, For; Commissioner Treusch, For; Commissioner**
9 **Zischkau, For; Vice Mayor Carmolingo, For; and Mayor Mulder, For.**

10
11 **C. Discussion re: Parameters for Acting City Attorney (requested by Commissioner**
12 **Deyette).**

13
14 Commissioner Deyette stated when the Commission voted Mr. Fowler as the Acting City Attorney
15 specific direction was not provided. She stated she feels in order to keep the City's costs under
16 control Mr. Fowler needs to work closely with the City Manager and keep her informed, to know
17 what the current emergency issues are, to make more use of the City's legal staff, to find out what
18 the status of the sexual predator cases are, to not make any staffing changes, and she suggested
19 briefing the Commission all at once as a Commission in Workshops or send memos to the
20 Commission to keep them informed versus one on one meetings.

21
22 Commissioner McFall-Conte stated there is a benefit to the one on one meeting and in some of the
23 incidences there are items that are not ready to be heard in the public yet and are better in a one on
24 one situation.

25
26 Mayor Mulder stated whatever the priorities are of the Commission the City Manager executes
27 them so for him it is important that Mr. Fowler work on those legal priorities and if he calls Mr.
28 Fowler or meets with him he expects to be billed for his time. He stated he sees the benefit of
29 having the one on one meeting with Mr. Fowler. He stated he feels if the department heads have
30 things they are working on it should be brought to the City Manager who then would bring them
31 to the Acting City Attorney to work on.

32
33 Vice Mayor Carmolingo stated he appreciates the one on one meeting with the Acting City
34 Attorney and when he has a question he receives an answer. He agreed that the legal department's
35 staff should be utilized and kept involved.

36
37 Mr. Fowler stated the first couple of weeks were spent meeting with each Commissioner. He
38 stated whoever occupies the title of City Attorney it is important to stay in touch with the
39 Commissioners and the directors. He stated someone cannot take advantage of prior experience if
40 they do not know what is going on, so being knowledgeable on his part on different activities and
41 undertakings of the directors is very important so he can spot things before they become a problem
42 and not have to fix them after they are a problem.

43
44 **Commission discussed parameters for the Acting City Attorney, no formal motion was**
45 **adopted. Majority of Commission agreed that no staff changes were to take place during the**
46 **interim period, that the Acting City Attorney needs to use the City staff currently in place to**
47 **assist with legal matters to help reduce the City's outside legal costs, and to work on**

1 **Commission and City Manager legal priorities.**
2

3 **D. Discussion re: Selection process for full time City Attorney (requested by**
4 **Commissioner Denizac).**
5

6 Commissioner Denizac stated she asked the City Manager to place this item on the Agenda to see
7 if the Commission could work on getting a permanent City Attorney and expedite the process.
8

9 Ms. Miller stated the previous City Manager advertised the opening of the City Attorney's
10 position with the Florida Bar Association for 30 days and there was no Selection Committee.
11 Mayor Mulder suggested advertising with the Florida Bar Association for 30 days and the
12 Commission have a Workshop to short list the applicants.
13

14 Mr. Fowler stated the Commission should give serious consideration to the five (5) to two (2)
15 hiring and firing of the City Attorney and the requirement to reside in the City. He stated he is
16 really not certain hiring an in-house attorney is the right thing to do. He stated the Commission
17 needs to be very deliberate in the process and to rush to a decision is not going to be in the best
18 interest of the City. He stated the Commission has 90 days to fill the City Attorney vacancy and
19 he asked that the Commission provide him 60 of those 90 days to discuss things with the
20 Commission and to let him provide his advice. He stated there are some huge issues facing the
21 City whether it is collective bargaining or relations with the County. He stated the timing is bad
22 and the City needs to get some of these issues behind it so the Commission can be more
23 deliberative in the process.
24

25 Commissioner McFall-Conte suggested changing the advertisement to say "hired by a
26 supermajority of the Commission", that an in-house attorney would be required to move to the
27 City of Deltona, and if possible advertise nationally. She stated if the Commission decides to stay
28 with an in-house attorney it needs to be someone that would not be familiar with the City's
29 politics. She stated she is willing to listen to Mr. Fowler over the next two (2) weeks but, wants to
30 start the process of advertising.
31

32 Vice Mayor Carmolingo agreed with starting the process and he thinks the Commission should
33 hire an in-house attorney.
34

35 Commissioner Denizac suggested advertising what is in the Charter.
36

37 Mayor Mulder suggested starting the advertising process nationally and after the first 30 days the
38 Commission can review the applicants and make a decision.
39

40 Ms. Miller asked if the Commission wanted the advertisement to read the City is looking for either
41 "outside counsel or in-house counsel" and the Commission agreed. The Commission asked to
42 review the advertisement via email before it is sent for publishing.
43

44 **Commission concurred to follow process similar to the last City Attorney selection; ad to be**
45 **prepared to include options for an in-house attorney or outside counsel and to advertise in**
46 **the Volusia Bar, Florida Bar and nationally as soon as possible.**
47

1 **E. Discussion re: City Manager Performance Evaluation process.**

2
3 Mayor Mulder suggested using the last performance evaluation form. Commissioner McFall-
4 Conte agreed except for adding the values and dividing the subtotal by five (5) because she does
5 not see the need for it.

6
7 Mayor Mulder suggested filling out the form and if Commissioners chose to fill out the scoring
8 that is fine.

9
10 Ms. Miller stated her evaluation is due October 6, 2009 and she will provide a clean copy of the
11 performance evaluation form to the Commissioners.

12
13 Commissioner Denizac stated she does not observe anything that has to do with Ms. Miller's day
14 to day interaction with employees and directors so she feels uncomfortable judging her on that.
15 Mayor Mulder suggested placing "N/A" where items are not applicable.

16
17 **Commission concurred to use Form #3 included in the agenda item as the evaluation form**
18 **for the City Manager.**

19
20 **11. CITY COMMISSION COMMENTS:**

21
22 a) Commissioner Zischkau asked what the status of the Affordable Housing Advisory Committee
23 (AHAC) was.

24
25 Ms. Miller stated AHAC was a temporary Committee with a one (1) year term and the
26 Committee had finished their work.

27
28 Commissioner Zischkau stated he heard that AHAC was required to be at least a one (1) year
29 term but, it is not automatically sunset. He stated the Commission created the Committee and
30 therefore the Commission is the only one who could resolve it. He stated he heard from
31 individual members of the Committee that they did not end their work and that Mr. Trovato
32 cancelled the meetings. He suggested Ms. Miller provide a plan on the next agenda to recall the
33 Affordable Housing Advisory Committee because he has had some trouble going through the
34 agenda items having to do with the spending of the funds.

35
36 b) Commissioner Zischkau stated a member of the public who spoke was generous to offer his time
37 and talent to help Deltona create new jobs but, his reaction to his comment was really that the
38 City is killing jobs by being business unfriendly. He stated governments do not create new jobs;
39 it is small businesses that create new jobs. He stated Deltona has to pay more attention to the
40 economic development program and allow people to do business in Deltona.

41
42 c) Commissioner Zischkau stated a member of the public stated "taxes are eating me up" and he
43 thinks that the discussion and debate over the budget and tax increase shows that this Commission
44 needs to have a major change in attitude over the next year so it can get a running start to cutting
45 the budget for next year. He stated the Commission needs to appreciate the importance of
46 tightening its belt. He stated Deltona's estimated population has gone down around 5% because
47 of people losing their jobs in the last year and the Commission has to start serious habitual cutting

1 of Capital Programs and Operating Funds all through the year so it can give the citizens of
2 Deltona that are left after all the foreclosures a substantial tax cut.

3
4 d) Commissioner Deyette updated the Commission on the River of Lakes Heritage Corridor ribbon
5 cutting which will take place September 26, 2009. She stated the Heritage Corridor starts at the
6 north end of the County and comes down the west side along the River of Lakes Heritage
7 Corridor scenic highway designation. She stated it is a non-profit and is a vehicle where by those
8 on the west side will benefit from the advertising and to help bring tourism to the east side of the
9 County. She stated it goes by the Thornby property and along Doyle Road. She stated Deltona is
10 going to have a booth to hand out what the City has to offer and all the dignitaries are invited.

11
12 e) Commissioner Denizac stated at the last Commission meeting direction was given to staff to
13 follow up on the residents' concerns that live on Normandy Blvd. regarding the cluster
14 mailboxes. She stated two (2) weeks have gone by without any answers and she is disappointed
15 that the Postmaster did not show up for the Commission meeting. She stated this issue needs to
16 be resolved immediately.

17
18 f) Commissioner Denizac stated if someone provides their name and phone number to staff
19 regarding an issue they are having then staff really needs to follow through with their concerns
20 otherwise what is the point of the resident coming to the Commission meeting and telling the
21 Commission what is going on.

22
23 g) Commissioner McFall-Conte stated for Deltona Days what the Committee was thinking is that
24 each Commissioner could hold a Town Hall in their district for example hers could be held at the
25 Community Center; Commissioner Denizac, Harris Saxon Park; Commissioner Deyette, Wes
26 Crile Park; Commissioner Zischkau, City Hall; or at any City or non-city facility that has an
27 indoor area like a church and that each Commissioner could email Steve Moore to let him know
28 where they would like to hold their Town Hall within their district.

29
30 h) Vice Mayor Carmolingo stated the Sons of Italy was fined \$60.00 by one of the City's Fire
31 Inspectors because their exit signs were not lit up properly. He stated looking around the City
32 Commission Chambers there are three (3) exit signs which are not lit up properly and he
33 wondered how much the City's fine would be. He stated he has a problem when there is a non-
34 profit organization which is being fined by the City regarding exit signs not being lit properly.

35
36 i) Vice Mayor Carmolingo stated the Sons of Italy was nice enough at their council meeting to
37 donate money to Volusia Honor Air and he told them he would match the donation which was
38 \$200.

39
40 j) Vice Mayor Carmolingo stated he agreed with Commissioner Denizac that he does not want to
41 see Charlie Zeiger before the Commission again saying that he has to cross Normandy Blvd. to
42 gather his mail from the cluster mailboxes and the issue needs to be expedited.

43
44 k) Vice Mayor Carmolingo stated Janice Dudley reported pot holes on her street and he asked that
45 staff check out the situation because no street in the City should have pot holes.

1 **12. CITY ATTORNEY COMMENTS:**

2
3 Mr. Fowler stated at the last meeting the Commission agreed to reduce the lease rates at the social
4 services building for all the tenants and one of the tenants is the State of Florida whose budget was
5 done last July. He suggested with regard to the Department of Children and Families (DCF) that
6 the Commission revisit the issue and perhaps not reduce their rate.

7
8 Ms. Miller stated it is her understanding that DCF has been told by one of the agencies in the
9 building that the City did approve the reduction in rate.

10
11 Mr. Fowler stated the money will not fall into social services this year because it is in their budget
12 and it will roll to next July and be re-appropriated.

13
14 **Motion by Commissioner McFall-Conte, seconded by Vice Mayor Carmolingo to reconsider**
15 **that status of the discounted rents for DCF.**

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

20
21 **Motion by Commissioner McFall-Conte, seconded by Vice Mayor Carmolingo to reduce the**
22 **rent for all the tenants at the Social Services Complex with the exception of DCF by half for**
23 **the next 12 months.**

24
25 **Motion carried with members voting as follows:**

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

34
35 Mr. Fowler stated the Commission received an email from him that forwarded a letter which he
36 received from Ms. Judith Lane who represents Mr. Trovato. He stated in the letter Ms. Lane
37 requested that he ask the Commission to review or reconsider Mr. Trovato's decision of August
38 17th. He stated he will be on vacation at the next Commission meeting and if the Commission
39 wanted him to be in attendance at the meeting it would have to be rolled subsequent to that week
40 or the following regularly scheduled meeting.

41
42 Mr. Fowler stated in Ms. Lane's letter dated August 28th it did indicate that this is notice pursuant
43 to of their intention to sue the City. He stated his assumption is it would be based upon their
44 acceptance of the Commission's offer of August 3rd and that the Commission's withdrawal on
45 August 17th was too late and the advice from former Acting City Attorney Mr. Cino was to the
46 contrary. He stated he has talked to Ms. Lane two (2) or three (3) different times over the last
47 couple weeks and this is clearly her position.

1
2 **The consensus of the Commission, with the exception of Commissioner Deyette, was not to**
3 **address the issue again.**

4
5 **13. CITY MANAGER COMMENTS:** None.

6
7 **14. ADJOURNMENT:**

8
9 There being no further business, the meeting adjourned at 10:06 p.m.

10
11
12
13
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16
17
18

ATTEST:

Dennis Mulder, MAYOR

Joyce Kent, DEPUTY CITY CLERK