



City of Deltona

2345 Providence Blvd.
Deltona, FL 32725

Minutes

City Commission

Monday, March 2, 2020

6:30 PM

Deltona Commission Chambers

1. CALL TO ORDER:

The meeting was called to order at 6:30 p.m. by Mayor Herzberg.

2. ROLL CALL – CITY CLERK:

Present: 9 - Commissioner Avila-Vazquez
Commissioner Bradford
Commissioner King
Commissioner McFall
Commissioner Nabicht
Vice Mayor Ramos
Mayor Herzberg
Interim City Manager Cooper
City Attorney

3. INVOCATION AND PLEDGE TO THE FLAG:

A. Invocation Presented by Commissioner Nabicht.

Commissioner Nabicht led everyone in a silent invocation and the pledge to the flag.

The National Anthem was sung by Sunrise Singers from Sunrise Elementary.

4. APPROVAL OF MINUTES & AGENDA:

A. Approval of minutes of the Regular Commission Meeting of February 17, 2020, as presented. - Joyce Raftery, City Clerk (386) 878-8502.

Commissioner Bradford stated she has a question about the minutes. Going through the minutes and reading her statements, she does not agree with them. She believes when she was talking about the caps and Dr. Cooper's contract she thinks she said it more of a question and she would just like to have that section revisited to make sure they are accurate.

Mayor Herzberg asked for a motion with the corrections requested by Commissioner Bradford.

Motion by Commissioner Bradford, to, after the corrections are done.

Mayor Herzberg asked if Commissioner Bradford wanted to postpone approval of the minutes until the next meeting and Commissioner Bradford replied yeah, how is she going to make a motion for something that the Commission has not read.

Mayor Herzberg stated the minutes will not be approved this evening and will be placed on the next Commission meeting date certain to March 16, 2020 and the Commission concurred.

5. PRESENTATIONS/AWARDS/REPORTS:

Mayor Herzberg stated she had two quick announcements, the first is that there are some 25th Anniversary items in the chambers such as buttons at the back table, the backdrop behind the podium and display items on the dais. She invited the public to participate in the 25th Anniversary events that will be going on throughout the year.

Interim City Manager Dr. Cooper gave an update on the Coronavirus. The City's first response unit and emergency management team headed by Fire Chief Snyder and Deputy Fire Chiefs have been in steady and constant contact with the Volusia County Health Department as well as the local hospitals and emergency rooms to keep updated and on top of the Coronavirus outbreak. This afternoon Governor DeSantis issued an emergency proclamation for the State of Florida. There is a handout at the back table with information on what the symptoms of COVID-19 are, the simple everyday actions to help prevent the spread of respiratory viruses, when sick how to keep from spreading the respiratory illness to others and to just be aware that the staff is in constant contact and getting updates regularly from the Health Department and CDC (Centers for Disease Control) on the outbreak which he will pass along as he gets them.

A. Super Star Student of the Month Certificates for February 2020

The Mayor and Commission presented Certificates of Recognition to the Super Star Students for the month of February 2020.

Mayor Herzberg called for a recess at 6:45 p.m. and convened at 6:50 p.m.

B. City of Deltona Year in Review 2019 - Captain Lou Marino, VCSO

Captain Lou Marino with the Volusia County Sheriff's Office gave a brief PowerPoint Presentation on the City of Deltona Year in Review 2019 which included Compstat Principle, Part 1 Crime, Compstat Components, Crime Comparisons, Case Clearance, Deltona Traffic Unit, and The Year Ahead.

Commissioner Avila-Vazquez asked how helpful the "Ring" device is and the street cameras (LPR-License Plate Readers). Captain Marino replied the "Ring" cameras make their job much easier and he gave an example. Commissioner Avila-Vazquez asked how a resident would be able to connect their "Ring" device to the Sheriff's Office and Captain

Marino replied the resident can reach out to the Sheriff's Office who is on that system and they can send out information or request information. Sheriff Chitwood replied "Ring" has an App that the homeowner can sign into and the "Ring" video feed comes into the Sheriff's Office real time crime center. Captain Marino replied in response to the LPRs, they are very affective and he gave the statistics from those cameras for District #4.

Commissioner Bradford asked to get clarification/numbers on the reports that the Commission gets, updates, on apprehensions of individuals from other cities like Sanford and Orlando. Sheriff Chitwood replied that is the beauty of the tag readers because the deputies are catching them as they are coming into the City.

Commissioner Bradford asked what can the City do to give the businesses a little bit more insurance with all the new markings that the gangs are doing they are a little bit nervous. Captain Marino replied the Sheriff's Office can obviously increase its presence out there and utilize its crime suppression team as well as the Deltona narcotics enforcement team but, they will definitely amp up the enforcement in that area.

Commissioner Bradford asked Sheriff Chitwood and Captain Marino how they wanted individuals and businesses in that area to deal with getting tagged with graffiti and Sheriff Chitwood replied what he would prefer is that they call dispatch to have a deputy dispatched, so the deputy can see if there are any neighborhood videos, if there are pictures of the graffiti and get the gang investigator involved.

Mayor Herzberg stated with regards to the "Ring" App, go to the control center, then to video requests and from there go to community control where the person can enable video requests. That way if there is a crime, the video can be provided to the VCSO (Volusia County Sheriff's Office). She thanked Sheriff Chitwood and Captain Marino for all that they do.

C. Presentation from the Water Committee regarding the Organizational and Operational Agreement of Deltona Water by KPMG.

Mayor Herzberg thanked Representative Santiago, Representative Santiago's Aide Eric Raimundo and the Water Committee for all their hard work.

Mr. Matt Berry, PMP, KPMG, LLP, 303 Peachtree Street NE, Suite 2000, Atlanta, GA, and David DiLena, GSG (Government Services Group) Manager of Financial Services, 2080 Wekiva Springs Road, Protegrity Plaza, Suite 2070, Longwood, gave a brief PowerPoint Presentation on the City of Deltona Water Utility Services Department which included Executive Summary, Background, Human Capital Management, Financial Planning and Management, Information Technology, Customer Service and Billing and Water Treatment and Distribution.

Commissioner Nabicht asked what the statement about the analog water meters being inherently problematic was based on and Mr. Berry replied they have an element that other

meter reading technology does not have which is human interaction. If using AMR (Automatic Meter Reading) or AML (Advanced Meter Infrastructure) Technology it eliminates a risk of data error through elimination of human data entry. Commissioner Nabicht clarified it is not the meter itself, it is the human component of capturing the reading and transferring it to the computer and Mr. Berry replied correct, for the most part.

Mr. Berry and Mr. DiLena continued with the presentation.

Commissioner Bradford stated she has a question on the chloramine because she saw Mr. Peters' response to that and he is said that the City does use the chloramine and Mr. DiLena replied that is correct. Commissioner Bradford asked if the wastewater treatment process was taken into consideration in this as well and Mr. DiLena replied the City does not use chloramines in the wastewater process, the City uses free chlorine in the wastewater process. In the water process you use chlorine and ammonia to make chloramines which is taken into account. That does not take into account the chlorine used in the wastewater system. In most systems you will see chlorine usage when using chloramines in the four to six to eight milligrams per liter and the City is in the 15 to 17 milligrams per liter. Now again, Deltona's distribution system is different. There are a lot of complex things that go on in a distribution system so he is not saying anybody's right or wrong, it just really jumped off the page that it seemed high, but the City does use chloramines.

Commissioner Bradford stated there is another part in the report that was a little concerning and that was residents' information being viewable by others which is high on her list. She asked if that was going to be addressed pretty quickly and Mr. Berry replied to his knowledge it has already been addressed.

Commissioner Nabicht asked with regards to the chlorine readings where are you taking that reading from? Is it taken at what the City is putting in at distribution or is it taken at where the customer is receiving it. Mr. DiLena replied that was a simple calculation based upon all the chlorine the City put into the system over the course of a year and so it was just a quick comparison to see pump age/chlorine this is what the City's theoretical parts per million would be. Commissioner Nabicht asked those are not actual readings and Mr. DiLena replied no they are not actual. There very well may be reasons why the City uses a lot of chlorine in areas, there is a distribution system that sits far from the plant and the City has to increase the chlorine so that it is maintained out far away in the system.

6. ORDINANCES AND PUBLIC HEARINGS:

- A. Public Hearing - Ordinance No. 01-2020 amending the Comprehensive Plan of the City of Deltona, by amending the Capital Improvements Element and providing for the replacement of the Capital Improvement Project sheets, at second and final reading - Ron A. Paradise, Director, Planning and Development Services (386) 878-8610.**

Strategic Goal: Infrastructure - Capital Improvements Program.

Planning and Development Services Director Ron Paradise gave a brief explanation of the item.

Mayor Herzberg opened and closed the public hearing as there were none.

Motion by Vice Mayor Ramos, seconded by Commissioner Bradford, to adopt Ordinance No. 01-2020, approving the 2019-2020 Capital Improvements Element update and providing for the replacement of the Capital Improvement Project sheets at second and final reading. Approval authorizes the necessary budget transfers to facilitate Commission approval and further authorizes the Interim City Manager to sign any documents necessary to implement Commission approval of this item.

The City Attorney read the title of Ordinance No. 01-2020 for the record.

AN ORDINANCE OF THE CITY OF DELTONA, FLORIDA, AMENDING THE COMPREHENSIVE PLAN OF THE CITY OF DELTONA, BY AMENDING THE CAPITAL IMPROVEMENTS ELEMENT PROVIDING FOR THE REPLACEMENT OF THE CAPITAL IMPROVEMENT PROJECT WORKSHEETS; FINDING CONFORMITY WITH STATE STATUTES; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

The motion carried by the following vote:

For: 7 - Commissioner Avila-Vazquez, Commissioner Bradford, Commissioner King, Commissioner McFall, Commissioner Nabicht, Vice Mayor Ramos, and Mayor Herzberg

Ordinance No. 01-2020 was approved at 7:35 p.m.

- B. Public Hearing - Ordinance No.10-2020, to Amend Chapter 14- Animals, of the Code of Ordinances, at first reading and to schedule second reading for April 6, 2020. - Marsha Segal-George, Assistant City Attorney, Legal Department, (386) 878-8873.**

Strategic Goals: Internal/External Communications

City Attorney Segal-George gave a brief explanation of the item.

Nabicht requested to revisit the cat population, continued emails and phone calls, the number of colonies, he gave an example of what a cat did to a resident, needing to have a change in policy with regards to Animal Control responding to a cat complaint instead of a volunteer and Animal Control Officers needing to be the first point of contact.

Interim City Manager Dr. Cooper stated at the last Trap, Neuter, Release (TNR) workshop staff was given direction and there was a consensus to start taking more enforcement actions. There is an investigative process that staff is going through now to alleviate some of those problems or at least help mitigate them. How effective it is going to be at this point he cannot say because the process just started, but he asked for a month or so to gauge where the process can go then he would definitely bring that back to the Commission and possibly move it forward.

Commissioner Nabicht asked if there was anything in the ordinance that would not give the Interim City Manager clear direction on how to move forward and does he have the tools in the ordinance that he needs to require him to move in that direction. Interim City Manager Dr. Cooper replied yes sir I do, in this ordinance yes.

Mayor Herzberg opened the public hearing.

Brooke Light, 1031 Matterhorn Street, Deltona, spoke about working hard, replying to all emails from Animal Control, not receiving a complaint from Prescott lately, starting a Facebook page, doing more community outreach, being invited by the City and Animal Control to the Wags 'n Whiskers Event, killing cats does not fix the problem, being here to help, partnering with Animal Control, resolving issues and working hard to help the community.

Richard Bellach, 1665 South Acadian Drive, Deltona, spoke about a woman feeding cats behind the CVS and that he is sure somebody had a question for the police department and the water department.

Mayor Herzberg closed the public hearing.

Motion by Commissioner Bradford, to adopt on first reading Ordinance No. 00-2020, amending Chapter 14-Animals, of the Code of Ordinances, and to schedule second and final reading for April 6, 2020.

City Clerk Joyce Raftery stated she had a correction, it should be Ordinance No. 10 and not 00.

Amended motion by Commissioner Bradford, seconded by Vice Mayor Ramos, to adopt on first reading Ordinance No. 10-2020, amending Chapter 14-Animals, of the Code of Ordinances, and to schedule second and final reading for April 6, 2020.

The City Attorney read the title of Ordinance No. 10-2020 for the record.

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELTONA, FLORIDA, AMENDING CHAPTER 14 -ANIMALS, OF THE CODE OF ORDINANCES, CITY OF DELTONA, FLORIDA PERTAINING TO ANIMAL RELATED ISSUES; SEVERABILITY AND AN EFFECTIVE DATE.

The motion carried by the following vote:

For: 6 - Commissioner Avila-Vazquez, Commissioner Bradford, Commissioner King, Commissioner McFall, Vice Mayor Ramos, and Mayor Herzberg

Against: 1 - Commissioner Nabicht

Ordinance No. 10-2020 was approved at 7:45 p.m.

7. OLD BUSINESS:

None.

8. NEW BUSINESS:

- A. Consideration of Commission appointments and alternate appointments to the Planning and Zoning Board for the remainder of a term to expire on March 15, 2022 - Joyce Raftery, City Clerk (386) 878-8502.**

Strategic Goal: Internal and external communication.

Motion by Commissioner King, seconded by Commissioner Bradford, to confirm Commissioner King's appointment of Michael Bowman for a term to expire March 15, 2023. The motion carried by the following vote:

For: 7 - Commissioner Avila-Vazquez, Commissioner Bradford, Commissioner King, Commissioner McFall, Commissioner Nabicht, Vice Mayor Ramos, and Mayor Herzberg

Motion by Commissioner Avila-Vazquez, seconded by Commissioner Nabicht, to confirm Commissioner Avila-Vazquez's appointment of Pat Northey for a term to expire March 15, 2023. The motion carried by the following vote:

For: 7 - Commissioner Avila-Vazquez, Commissioner Bradford, Commissioner King, Commissioner McFall, Commissioner Nabicht, Vice Mayor Ramos, and Mayor Herzberg

Motion by Commissioner McFall, seconded by Vice Mayor Ramos, to confirm Commissioner McFall's appointment of Ruben Munoz for a term to expire March 15, 2023. The motion carried by the following vote:

For: 7 - Commissioner Avila-Vazquez, Commissioner Bradford, Commissioner King, Commissioner McFall, Commissioner Nabicht, Vice Mayor Ramos, and Mayor Herzberg

Motion by Vice Mayor Ramos, seconded by Commissioner Bradford, to confirm Vice Mayor Ramos' appointment of Dwayne Kennedy for a term to expire March 15, 2023. The motion carried by the following vote:

For: 7 - Commissioner Avila-Vazquez, Commissioner Bradford, Commissioner King, Commissioner McFall, Commissioner Nabicht, Vice Mayor Ramos, and Mayor Herzberg

Motion by Commissioner Nabicht, seconded by Commissioner Bradford, to confirm Commissioner Nabicht's appointment of JodyLee Storozuk for a term to expire March 15, 2023. The motion carried by the following vote:

For: 7 - Commissioner Avila-Vazquez, Commissioner Bradford, Commissioner King, Commissioner McFall, Commissioner Nabicht, Vice Mayor Ramos, and Mayor Herzberg

Mayor Herzberg asked if the Commission wanted to appoint alternates or to wait until the next Commission meeting.

Commissioner Nabicht asked how many alternate members are needed and how many is there currently. City Clerk Joyce Raftery replied three are needed and Mayor Herzberg replied there are currently two.

After discussion, the Commission concurred to table the appointments of three alternate members to the March 16, 2020 Regular Commission Meeting.

9. PUBLIC FORUM: Citizen comments are limited to issues and concerns not on the agenda and comments on items listed on the agenda will take place after discussion of each item. Please be courteous and respectful of the views of others. Personal attacks on Commission members, City staff or members of the public are not allowed, and will be ruled out of order by the Mayor.

Tim Coll, 1323 Pine Song Drive, Enterprise, spoke about being a member of the Water Committee, being disappointed with the KPMG presentation, the cost of the study, there being real problems, the 25% surcharge, the Pine Trace Subdivision tax, not being residents or having voting rights, considering to eliminate the 25% surcharge, seniors, selling homes because of water bills, the small amount of people who pay the 25% surcharge, giving Deltona Water customers relief and he thanked the Commission for forming the committee.

Elbert Bryan, 1625 Joyner Drive, Deltona, spoke about how much of the 25% surcharge is part of the total revenue of the water department, the comments made at the end of the last RCM (Regular Commission Meeting), he suggested the Mayor either resign as Mayor or from Team Volusia, that the Mayor is supposed to represent the residents of Deltona, ethics, how the Mayor presents herself, that the Commission did not vote for the Mayor to

negotiate with Amazon on the City's behalf, and the Mayor having to make a choice.

Richard Bellach, 1665 South Acadian Drive, Deltona, spoke about what ethics the Mayor has, the VCSO presentation, the Mayor and Amazon, the volunteer putting out food at the CVS, that residents wanted to speak about the KPMG presentation and he wished Dr. Cooper good luck.

Brandy White, 2689 Chalmer Street, Deltona, spoke about processes and procedures regarding Charter Officers, word games, hiring an executive search firm, trying to figure out the logic of the Commission, the Commission giving the Mayor authority to discuss her notice of claim, the Commission being provided incorrect information, and she asked her Commissioner to find out how many meetings have been held, the outcome and what documents have been presented. She also spoke about suing the City, the City Attorney joking during a meeting with her and dialog that took place, that her law suit will come out of the individual Commissioners' pockets, Commissioner Bradford's concerns with regards to the law suit, that she has done her part before taking the next step, the KPMG presentation and she wished the Commission good luck.

Terri Ellis, 1620 West Akron Drive, Deltona, spoke about performance evaluations, the Commission directing staff for a workshop on evaluations, needing a performance measurement system, the KPMG study, having a system that the community has access to, increased productivity, fiscal goals, performance indicators, the City losing knowledge, exit interviews, if Dr. Cooper is comfortable in his new role, the Commission belonging to the Florida City & County Management Association, having an operational performance management and measuring system, clear career pathing, the KPMG presentation and the cost of the water study.

David Sosa, 931 Hemford, Deltona, spoke about why the public did not get to speak on the KPMG study, wasting the City's money on the water study, Amazon being on county water, the Courtland Blvd. industrial park being on county water, who brought Amazon to the City, and how much the City pays RMA and Team Volusia.

Doug MacDonald, 1494 Surrey Run Court, Deltona, congratulated Dr. Cooper on his promotion and wished him the best. He spoke about Ms. Shang's termination, Ms. Shang's severance package and comments made regarding it, the City having 12 City Managers in 25 years, Dr. Cooper's salary being at the low end, that Ms. Shang had no experience as a City Manager, that Dr. Cooper is here because he wants to be here and that should be recognized.

Dana McCool, 1585 Oldsmar Terrace, Deltona, spoke about the KPMG presentation, the cost of the water study, residents being able to do more research if they choose, Mr. Peters turning the water department around, putting equipment on meters to resolve issues, the 25% surcharge and the revenue of the water department, the water department's infrastructure, helping those people being charged the 25% surcharge, what is a proper remedy for the residents, people struggling to pay their water bills, dissecting the water

study, and the study having good information.

Manny Rodriguez, 1376 Azora Drive, spoke about the KPMG consultant and why they were hired, the KPMG presentation being child's play, the cost to non-residents, his high water bill, making sure he did not buy a home on sewer, and double taxation.

CONSENT AGENDA: The consent agenda contains items that have been determined to be routine and non-controversial. If anyone in the audience wishes to address a particular item on the consent agenda, now is the opportunity for you to do so. Additionally, if staff or members of the City Commission wish to speak on a consent item, they have the same opportunity.

10. CONSENT AGENDA:

A. Employment Agreement Clarification for Interim City Manager, Dr. Marc-Antonie Cooper. - Camille Hooper, Finance Director, (386) 878-8565.

Strategic Goal: Internal/External Communications

Commissioner Bradford stated she is confused why the Commission is even discussing this because she went back and read the minutes, she went back and watched the meeting, and it was very clear that it was said to leave the caps on. She decided to go back even further and look up the policy of vacation, holiday, sick and she believes 480 hours sick time is the most that can be capped and Finance Director Camille Hooper replied 500.

Commissioner Bradford stated the policy online said 480. She asked how many hours was it for vacation and Ms. Hooper replied 500. Commissioner Bradford stated Dr. Cooper is not even close to that.

Ms. Hooper stated she thinks the reason for the clarification is because the language in the contract that went forward said his pay would be reduced by \$2,700 a month. If he goes back to his previous job, if this Commission wishes him to and that would bring the math for the total year to less than what he is being paid now. So it is just too basically make sure it is clear that it is \$135,000 and the full annual amount is not in question.

Commissioner King stated okay, Dr. Cooper goes back to his original position his salary will go back to \$135,000, is that what we're saying here and Ms. Hooper replied yes. Commissioner King stated why has it been added in that now there is no caps when prior to this, the caps were in place and Dr. Cooper even said to leave the caps. Ms. Hooper replied well the first part was actually in the contract that was presented to the Commission, the bottom is a prevision being clarified, and the red portion is just talking about the total annual salary. Commissioner King stated he thinks "you all" are trying to confuse him, he does not understand that. Dr. Cooper is at \$150,000, if he goes back to Assistant City Manager he goes back to \$135,000 and Ms. Hooper replied yes. Commissioner King stated okay, that is it, why does there need to be stuff put in here about capping is or not capping now the sick time and vacation that has already been decided at the last meeting

that it was going to be capped at the 500. Ms. Hooper stated she remembered listening to the discussion there was at one point discussion limiting the vacation, then there was caps on both vacation and sick. Staff also discussed this because staff was not sure what the final point was. The actual document said accrued vacation and sick leave without caps in the document. Dr. Cooper asked for the one change on the salary. Commissioner King stated well, he is not in favor, he is not going to vote for this written the way it is because now the caps have been removed and Dr. Cooper clearly stated that the Commission should leave the caps in place.

Commissioner Avila-Vazquez stated it is her understanding that the only thing that the Commission is clarifying here is the salary and Ms. Hooper replied yes. Commissioner Avila-Vazquez stated this has nothing to do with or without caps, it is not about having the caps or not having the caps because that was already discussed in the previous meeting and that was already agreed to in the previous meeting. So this particular motion here is just to clarify the salary should Dr. Cooper go back to his previous position, is that correct and Ms. Hooper replied yes.

Mayor Herzberg stated the verbiage, if Dr. Cooper is getting paid \$150,000 now and in this commentary in that event that Dr. Cooper's pay would be reduced by \$2,700 per month so \$2,700 per month times 12 months is \$32,400 which would take him down to a pay of \$117,600. So that is not what was agreed upon, it was agreed upon \$135,000 and that is the clarification.

Dr. Cooper asked to make a clarification, there is a typo in this document that the Commission has. The correct verbiage states that "In addition, Cooper shall be permitted to retain his ability to accrue vacation and sick leave with caps on sick leave, without caps on vacation" because currently, as of 2013, no City employee has caps on vacation and "to be paid all accrued and unused vacation sick time upon his retirement, resignation or termination from the City." That is the correct language. Commissioner Bradford stated which is different than what the Commission received on their document and that is what she read, it does say "without" caps. Dr. Cooper replied that is the old language.

Motion by Commissioner Bradford, seconded by that this is amended per the way the Commission originally stated it exception with the part that Dr. Cooper is to go back to his base of \$135,000 annually with caps as a normal regular staff employee is per the employee policy and procedures. The motion died for a lack of a second.

Mayor Herzberg clarified that would be no caps on sick leave and caps on vacation. Commissioner Nabicht stated the problem with that motion is the City Manager is the one that changes those policies. He stated Commission Bradford is confusing what is done in a contract with two Charter Officers with the general employees and then there is the bargaining agreement where those policies are different again. The policies that Commissioner Bradford is referring to pertain to the regular employees, not to the Charter Officers. Commissioner Bradford replied what she is saying is that when Dr. Cooper goes

back to his regular employment he goes back to the regular policies, not right now, but if he goes back to his regular position he goes to \$135,000 per the employee policy, so he would be an employee. Commissioner Nabicht replied okay, that was not clear to him in the motion.

Amended motion by Commissioner Bradford, seconded by Vice Mayor Ramos, to approve the clarification to Paragraph 7 of Dr. Cooper's Employment Agreement as presented and approval of this item authorizes the necessary budget transfers to facilitate Commission approval with the agreed salary to be back to \$135,000 annually, with caps on sick leave according to the City's employee policies and procedures.

Mayor Herzberg opened the public comments.

Elbert Bryan, 1625 Joyner Drive, Deltona, spoke about making sense of everything that just happened, paying Dr. Cooper as Interim City Manager \$150,000 with caps on vacation and sick, if Dr. Cooper goes back to his prior position it will be at \$135,000 and caps on sick leave, no employees having caps on vacation, possible payouts employees, vacation should be "use it or lose it" or be paid out per year, the City Manager makes policy, changing the policy, being okay with Dr. Cooper's pay and Dr. Cooper's pay increases to date.

Brandy White, 2689 Chalmer Street, Deltona, spoke about not buying that this was an error, somebody reviews contracts, thinking the contract was a done deal, people not paying attention, Dr. Cooper's pay increases to date, providing Dr. Cooper a raise if he goes back to his prior position, using the words "Charter Officer" with regards to Dr. Cooper, addressing issues in the charter, picking and choose sections of documents, the City Manager residency requirement, and the Commission considering some of the things discussed.

David Sosa, Candidate District #6, 931 Hemford, Deltona, spoke about the Commission's discussion about Dr. Cooper's salary being chaos, not workshopping the discussion, determining Dr. Cooper's salary, whether a salary survey was done, salary guidelines by position, base pay and merit increases, employees crossing the river for better pay, people working to be compensated but also having to like their job, and providing a person more money does not guarantee that person will stay.

Terri Ellis, 1620 West Akron Drive, Deltona, spoke about Dr. Cooper being entitled to sick pay and vacation pay if he quits or is terminated, who gets their vacation pay if they are fired because most people lose it, government vs. private sector, and the industry standard.

Richard Bellach, 1665 South Acadian Drive, Deltona, spoke about the Mayor's terms as a Commissioner and now the Mayor, to start taking a look at what the City has, having an incompetent City government, the Mayor's education and that she is a glass door, and the Mayor and Amazon.

Mayor Herzberg stated Mr. Bellach, public comment at this time that he signed up for is on Dr. Cooper's salary.

Mr. Bellach continued, he wished Dr. Cooper all the luck in the world, and that he is sorry Dr. Cooper has to work with the Mayor.

Mayor Herzberg closed the public comments.

Commissioner Bradford suggested to have the policies online changed because it has the 2012 policy and from what she is hearing it was updated in 2015.

The motion carried by the following vote:

For: 7 - Commissioner Avila-Vazquez, Commissioner Bradford, Commissioner King, Commissioner McFall, Commissioner Nabicht, Vice Mayor Ramos, and Mayor Herzberg

11. CITY COMMISSION SPECIAL REPORTS AND REQUESTS:

Commissioner Bradford stated it was brought up in the KPMG report and she has had discussions with senior management who have said they hated the change where staff is not allowed to do personnel evaluations anymore. Senior staff have been very vocal to her and have questioned how they do reprimands, not having evaluations ties their hands, not knowing any other company that does not have evaluations, and not having exit evaluations. There is a high turnover rate across the board and yes, a lot of it is because of salaries and wages, but nobody knows the other reasons employees leave and that is where those exit evaluations come in to assist the City with knowing and getting some answers. She stated she does not know if the Commission needs a workshop on this, but this definitely needs to be reviewed to give back to management the ability to evaluate their staff. She asked if she needed a consensus to look at the evaluation process and Mayor Herzberg asked if Dr. Cooper had any comments. Dr. Cooper stated he does not necessarily have a comment on it, but he thinks personnel evaluations is an administrative matter that should be taken up by the City Manager's office and that is something that he will definitely look into.

Commissioner Bradford stated she does not know how long ago it was put on here, basically when making a motion there was verbiage added to the end of the motion and she read "Approval of this item authorizes the necessary budget blah, blah, blah, further authorizes the" and it used to say "City Manager", "to sign any documents necessary to further commercial approval on this item". Now, she had grave concerns about that when it was first added and she was told do not worry about it, but she is worried about it because now after the fact the Commission is finding out that the prior City Manager made decisions on her own on certain things that she did not have to bring back to the Commission because the Commission gave her consent to do everything necessary to move the item forward. There are certain circumstances that she does agree that an item does not have to go back to the Commission, but there are situations that it does and she thinks the

Commission needs to revise that.

Commissioner Nabicht stated there was a time when the Commission was accused of slowing the process down so the Commission concentrated on developing process to expedite things. The Commission's role being a policy making board, having a City Manager form of government, and that the City Manager runs and executes policies that the Commission sets. If the Commission goes backwards to when everything had to come back before them then the City does not need a City Manager it needs a strong Mayor form of government which would require a Charter change. The City Manager gets paid a lot of money to make those business decisions on running the City on a day to day basis and whether the Commission agrees with that or not is irrelevant, that is what the Charter says. The Commission sets policies that directs the manager on how to make those decisions and then the manager executes those policies. If the manager does not do it properly then it comes back to the Commission, but the manager needs to have the tools to be able to operate the City.

Commissioner Bradford stated that is not giving him the tools, that is giving him a blanket authorization form to just go and do whatever and Deltona is the only City that is doing this. When there are things that need to come before the Commission, they need to come before the Commission.

Commissioner Nabicht stated then the Commission needs to give the manager a policy so that he knows what he needs to bring before the Commission and what he does not. He needs to be able to conduct business on a day to day basis without having to worry about second guessing and bringing everything back to the Commission. Commissioner Bradford stated to set up a workshop so the Commission can clarify that.

Mayor Herzberg asked if the Commission would be open to a clarification on in the past what this said on the action and to what it says now. Is there a consensus to address this or is the Commission good with what it says.

Commissioner Avila-Vazquez stated the Commission gives the City Manager permission to continue with a motion that was approved from the dais. The Commission discussed it, went over it, it was mentioned how the Commission wants it done or how the residents need it to be done, and the Commission approved the way it is or is not to be done. She is a little bit confused because if the Commission is approving it from the dais and the Commission is giving management permission to continue moving the motion forward and to sign the paperwork required to make it happen, what is missing. She stated she just wants clarification.

Commissioner Nabicht replied the Commission has a discussion about the item when the motion is made and this is authorizing the manager then to go ahead and execute what that motion was. If it requires signing the document the manager is the one that signs that

document that authorizes that signature to be done. It authorizes the necessary budget transfers to take place to accommodate that motion. Now, if a Commissioner has questions about what those budget transfers are or how much they are they can meet with the City Manager before the meeting to review the agenda and have their questions answered. He does not know what more the Commission wants to see in the motion. Legal included that verbiage to make sure that the manager had the proper authorities to go ahead and execute that, but the information is all in the backup documentation. He does not see where the confusion is.

Commissioner King stated he agrees the Commission should have some kind of workshop, there should be discussion on what the process is, and how far should it go before the City Manager is able to make that next step. He reminded everybody that the City started out a couple of years or so ago building a "civic center" that the prior City Manager said to him, her words, "it morphed into an event center" and last year the Commission had to make a motion to officially make it an event center because everyone was so confused over whether or not it was a community center or an event center. That is the kind of thing the Commission needs to avoid and he thinks that having a workshop is a good thing. The Commission can come up with some kind of guideline as to how far to go, maybe it is a dollar amount, maybe it is just transparency in that the City Manager is transparent and everyone communicates better. Some Commissioners cannot be at City Hall every day or cannot get in to see Dr. Cooper. Sometimes when he has agenda review meetings that is the very first time he has read it. Again, he suggested the Commission needed to have a workshop to come up with some kind of procedure so that the Commissioners can all be on the same page and move forward with the same idea and goal.

Commissioner Bradford stated Commissioner Nabicht brought up an incident last week, Amazon. She heard from several staff members that the Amazon deal was almost lost and this should have been brought before the Commission and she questioned why the Commission was not told about it. The Commission did not have to be told because it gave a blanket sign that says the Commission voted on it, agreed with it, and go handle it. So, classic example right there was the Amazon deal that should have been brought back to the Commission possibly a couple of times. The reason she does not meet with Dr. Cooper is because she does not have her agenda read before the meeting date, she actually reads her agenda. If she has a question Dr. Cooper is there to answer her question and address any concerns she has.

Mayor Herzberg asked for a clarification at either the next meeting or a workshop on why this was done and what it actually means. In fairness to new Commissioners and everyone it might be a good idea. She and Commissioner Nabicht know the language was added to expedite items and not continually bring things back to the Commission. The City Manager has a \$25,000 spending limit and cannot do anything more than that without bringing the item to the Commission.

After discussion, the Commission concurred for the Interim City Manager to provide a clarification at either the next meeting or a workshop as to why the language was added and what it actually means.

Commissioner Bradford stated the last one is she is getting emails and she is sure she is not the only Commissioner getting them because there has been a lot of animosity going on up on the dais. There have been a lot of daggers thrown out of there, not just at the City Manager, but between Commissioners as well. She received an email the other day which referenced the Commissioner comments from the previous meeting which brought a lot of doubt to residents. She has always said if there is doubt to bring it up, investigate it and move forward. So at this point, there are three people that she thinks needs to be investigated on the dais and she will start with herself. There are questions regarding why she (Commissioner Bradford) was the only one who signed the non-disclosure form regarding Amazon. So by all means bring the investigation forward, she will answer any questions openly and honestly, so she can stop getting the nasty grams on that as well. There are questions regarding Commissioner Nabicht interfering with a firefighter and she is sure he would be more than happy to answer any questions on that. She is sure the Mayor would be more than happy to answer any questions regarding the meeting she had with Team Volusia. So with that, she does not know what needs to happen, but she is all for it, let's get it done, let's get it over with and let's move the City forward. She stated she did not know if Mayor Herzberg or Commissioner Nabicht are up to doing this and Mayor Herzberg replied she is fine with that. Commissioner Bradford asked if the Commission on Ethics should be contracted or the FDLE (Florida Department of Law Enforcement), what do we do.

Vice Mayor Ramos stated maybe this is for legal and he asked if Commissioner Bradford was asking or directing through the City because if not anyone can contact those entities to ask for an investigation. Commissioner Bradford stated she personally had to initiate the investigation when it was Ms. Shang. She asked the Interim City Manager and the City Attorney what needed to be done. City Attorney Segal-George stated the City Attorney represents the board which means all of the Commissioners both individually and collectively. So how the position of City Manager can investigate the three of the Commission, she really does not know. For an ethics complaint, it has to be initiated which means an ethics complaint would need to be filed against those individuals and have the Ethics Commission go through their investigation process to determine if there is anything there, they have a procedure. She does not believe that it is appropriate for the City Attorney to file an ethics complaint against three of the Commissioners that the individual represents. Commissioner Bradford stated she took an ethics class recently and it was made very clear that a phone call could be made to the Commission on Ethics for clarification, like an interpretation, from the ethics board and she asked if the Commissioners do that themselves. City Attorney Segal-George stated from her perspective she would like to talk to City Attorney Fowler about it and to see if there are

some options that can be offered to the Commission, but just off the top of her head there are a number of ethical issues with the City Attorney being involved in something like this that they would have to work through also. Yes, the City has two charter officers, but that does not mean either of those charter officers necessarily have the authority or propriety to start investigating any of the Commission. If the Commission is looking to move forward in a positive way for the future she does not think that would be a process that would be viewed positively.

Mayor Herzberg asked if Commissioner Bradford was okay with that and Commissioner Bradford replied what she wants is for it to be resolved, all the altercations, all the questions and all the concerns. It has been two months since the non-disclosure was brought up, there are still questions being asked and all she is saying is to provide answers. She asked if anybody else had any suggestions on how the Commission can get the answers to the questions that everyone had because now that the questions have been raised, they are out there, and they are going to continue to have doubt until the Commission addresses this. The Commission is either going to address it, it is going to come, nothing of it or the Commission is going to address it and they are going to say something needs to be done about this and what is going to be done to fix it.

Mayor Herzberg asked if the Interim City Manager had any comments. Dr. Cooper stated there is a fraud policy which he needs to read all the way through to see exactly if it applies to not only the employees, but to the Commission. As far as his recommendation on moving forward he agrees with the City Attorney and he does not think that as an acting Charter Officer that he would have the authority to implement unless he knew some illegal activities or something then of course he thinks he would go forward with that, but in this situation with the allegations and different things he does not think that he is in a position to do that.

Mayor Herzberg asked if there was consensus to let the City Attorneys discuss this and come back to the Commission with any recommendations, research this and have Dr. Cooper look at the fraud policy and the Commission concurred.

Commissioner Bradford suggested to have the policies online changed because it has the 2012 policy. The policy she looked up online last night on the website, Section 9 is still dated from 04/23/2012 and from what she is hearing it was updated in 2015. So if anybody got information different like she did staff will be updating the policy with the 2015 policy.

12. CITY ATTORNEY COMMENTS:

None.

13. CITY MANAGER COMMENTS:

None.

14. CITY COMMISSION COMMENTS:

Commissioner Bradford stated Amazon is located in the area supplied by Deltona North and the only way the City could take over the water in District 2 is if the City bought Deltona North which is owned by the county. This was discussed when she first became a Commissioner and it would cost the City multi-millions of dollars.

Commissioner Bradford stated with regards to Brandy White, she has spoken at the podium many times and she has given the Commission numerous warnings. She stated she missed a meeting when the Sheriff mentioned that Ms. White was wrongfully accused and she has not watched the video of that meeting. She thinks an update on Ms. White's claim needs to be provided and a note was sent out which stated Ms. White was declined which opens her up for a lawsuit. The Sheriff is on video stating that she was wrongfully accused and she questioned whether the Commission thought they were going to win. If there are sworn statements and law enforcement that pressed the charges are saying this she thinks it is time the Commission take a serious look at this before it costs the City a lot more money. The way the insurance works is they have the right to say they are not going to cover the City/Commission. The City had an opportunity to fix this, they were wrong and she believes that the Commission needs to find out whether or not Ms. White does have a written letter from the insurance agency saying that they declined it. The Commission may want to delve into this, she does not know if it is fair to the Mayor to be handling this and that it needs to be turned over to the City Attorney. She does not know if the Commission should have handed this over to the Mayor in the first place, she does not think that was fair because legally the Mayor is not an attorney. Mayor Herzberg stated she was just in the one meeting with the City Attorney and the Risk Manager at that time and the second update was done by a phone call, when it was still under investigation, the last update that she did and City Attorney Segal-George agreed. Mayor Herzberg stated that Ms. White has said she has received a denial letter or something which was not presented and was never indicated to her and she asked the City Attorney if it was indicated to her and she replied no. So then the City Attorney needs to continue that discussion. Commissioner Bradford stated that is better suited for the City Attorney and Mayor Herzberg stated she was never told about a denial letter or anything at the last update.

Commissioner Bradford stated Mr. Peters, again the Commission keeps getting beat up on regarding why the City spent \$200,000 on the water study when it has such an awesome individual in that department. She does not believe a lot of individuals realize that Mr. Peters was not in that position when the City hired KPMG and the Commission voted to have them do the analysis. She agrees with a lot of the residents when she read the report, three quarters of these things Mr. Peters already implemented and has made changes for. She wanted him to know how thankful she is that Mr. Peters is here in Deltona and she does appreciate all the time that he has put in and that he has had to catch up to bring Deltona Water up to speed. She has heard nothing, but positive information from the residents and from staff. So she wanted to express to him her own thank you very much for bringing his insight, knowledge and professionalism to the City of Deltona.

Commissioner Avila-Vazquez stated since Commissioner Bradford finished off with that question regarding the water department, she just wants to have something clarified. She

asked if the City hired KPMG or did the water committee hire them? Mayor Herzberg replied the water committee chose them, the water committee was in charge of everything and the City paid the bill. Representative Santiago put everything together, put the water committee together, they chose the company, they chose the parameters and all the City did was pay the bill. Commissioner Avila-Vazquez asked if Mr. Peters had any input on who they were hiring and Mayor Herzberg replied Mr. Peters, no, nobody knew, but Mr. Peters did supply data. City Attorney Segal-George stated there is a reason why the Commission did that and Commissioner Avila-Vazquez replied she knew the history, but she did not know who hired KPMG.

Commissioner Avila-Vazquez stated so going back a little bit because she knows she has a lot of District 3 residents who watch the meetings on TV because they cannot attend, she just wants to assure them that there are no issues on Deltona Blvd., there are no problems. She has been working with the Sheriff's department going from business to business asking questions about vandalism, gangs and stuff like that. The only problems that exist right now is the homeless problems and she is bringing this up because there were comments made from the dais about it. The City has homelessness problems and unfortunately, the City has to find ways to resolve these problems because they are the ones causing the issues on Deltona Blvd. People are not homeless because they want to be homeless, but there are residents afraid of them being around doing what they are doing. The City is trying to learn how to balance things to take care of both sides. This is the first time she has heard of gangs and graffiti, she has been back and forth with Deltona Plaza and if it is happening it is happening all over Deltona, not just Deltona Plaza. She just wanted to get that across to the residents of District 3, there is not a gang problem in District 3 right now that she knows of and she has been working very closely with the Sheriff's department. As a matter of fact business owners have come to the City to have meetings with the City Manager and there are issues, but the City is looking into them. Most of the issues are with the homeless. When the Sheriff's department locates where they are they move to another area so it makes it very difficult for the Sheriff's department to handle these situations, but the Sheriff's department and the City will continue working on the problem.

Commissioner Avila-Vazquez stated regarding staff evaluations she is a little confused as well. She met with some residents at City Hall who addressed the staff evaluation issue that we should have. She comes from a background where there were staff evaluations from top to bottom. She had a meeting with the City Manager where she discussed evaluations, but she is a little bit thrown back and concerned because she hears that department heads have an issue that they cannot do evaluations. She asked if the department heads have addressed the issue with the City Manager because if the department heads are coming to the Commissioners to complain why are they bypassing the City Manager.

Commissioner Avila-Vazquez stated the other problem that she has is when she sits with the City Manager to review the agenda for meetings, she sits with him so that he can answer the questions that she has on the agenda, but he does not tell her how to vote and she wants to make that clear.

Commissioner Avila-Vazquez stated she has a meeting tomorrow for District 3, but everybody is welcome. There will be a representative from the census there to answer any questions. Again, the meeting is for District 3, but everyone is welcome. Thank you and have a good night.

Mayor Herzberg stated she has two things. Most of the Commissioners have covered a lot of the things she wrote down. She asked either Dr. Cooper or Mr. Peters what the situation was with the rate study for the water department, when is the next rate study. Dr. Cooper replied the rate study has not been initiated for this year yet and he and Mr. Peters will need to sit down to discuss that. Mayor Herzberg stated that in the past when there were rate studies the Commission was given options, different parameters and what the cost would be with and without the 25%. Commissioner Nabicht stated the rate of the 25% generates "x" amount of dollars which is not over and above or extra whatever. That is figured into the total budget for that department. If the Commission wishes to eliminate or reduce that then those additional costs will be passed on to all of the rate payers in the system across the board. It is a funding tool, it is because those residents are not actually in the City. There are additional City services that run in the background in the utility that those residents do not pay for. The Commission could easily say to the Enterprise Fund that it wants a person to pay a fee for Human Resources or to pay a fee for every time a backhoe is borrowed because the person had multiple water breaks and the person wants to pay a fee to Parks & Recreation to use their backhoe and charge them, but the City would be paying somebody more in paperwork to track that. So an easier mechanism was to say people that do not pay ad valorem taxes to the City, but are receiving the utility they are going to pay that additional surcharge. That was the Commission's thinking and that is what the Commission elected to do, but the money is going to come from the ratepayers one way or another. Whether the Deltona City ratepayers are going to pay additional fees to supplement those that are outside the City. Certainly those communities also have an opportunity if they wanted to could annex into the City which would eliminate the 25% fee and then they would be paying the ad valorem to the City not to the county. There are a number of different ways that to look at it, but at the end of the day Mr. Peters has a budget and needs like \$300,000 which has to come from someplace whether it comes from that 25% or whether it gets tacked on to the existing ratepayers.

Mayor Herzberg stated that she thinks that in the past she remembered some of the studies showed the rates with the surcharge in there and without it. She thinks the next time a rate study is done that aspect needs to be highlighted and make a point of clarification even though it is in there and it has been every single time, it needs to be clarified.

Mayor Herzberg stated the other thing she wanted to make a comment on are the salary guidelines and she knows the City is going through a salary study right now. There was a comment made regarding a City Manager for a City of this size, what is the industry standard and so forth. She asked for some clarification on that because she thinks people will be surprised as to what the industry standard is for vacation, sick leave and also what the salary guidelines are. She stated the salary study is being currently being done, correct

and Dr. Cooper replied yes.

Commissioner Nabicht stated you cannot compare private sector to public sector. The way things are done in the two are very different. If you want to compare that it needs to be compared all the way across the board and look at what a director gets paid in the private sector vs. what a director gets paid in the public sector. A perfect example of that is what the City is looking at with contracted building inspectors. The City is paying contracted building inspectors \$100 an hour, but that is not what the City pays the City's building inspectors. That is private sector vs. public sector. Mayor Herzberg stated that goes for engineering and everything else as well.

Commissioner Nabicht stated the City is competing against Disney, Orange County and Seminole County. A lot of those people that have left the City which is not anything new, this has been going on since the 80's when he started at the Fire Department. The Fire Department would hire somebody who would work there for two years, get experience and then leave to make \$15,000 to \$20,000 more across the river being a firefighter in Seminole or Orange County. It is just by virtue of where the City is located. Mayor Herzberg stated she totally agrees with that.

Mayor Herzberg stated the last comment she has is for residents to take the coronavirus fliers listing the precautions home with them. The City will continue to update the public on every medium that is available such as social media and email should there be any other things that come down from the State or the Health Department or any precautions that need to be done right now. Obviously the standard criteria is to wash your hands, stay away from people that are ill, if you think you are ill self-quarantine and try to get a test. Anything else that comes down the City of Deltona, the Commissioners, management and staff will be certain to update the residents and keep a running tab on what is going on with COVID-19 in the State of Florida and in Volusia County. She thanked everyone very much.

15. ADJOURNMENT:

There being no further business, the meeting adjourned at 9:48 p.m.

Heidi K. Herzberg, MAYOR

ATTEST:

Joyce Raftery, CMC, MMC, CITY CLERK