



City of Deltona

2345 Providence Blvd.
Deltona, FL 32725

Minutes

City Commission

Thursday, September 9, 2021

6:30 PM

Deltona Commission Chambers

REVISED 09/08/2021

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 King
Commissioner McCool
Commissioner Ramos
Commissioner Sosa
Vice Mayor Bradford
Mayor Herzberg
Acting City Manager
City Attorney

3. INVOCATION AND PLEDGE TO THE FLAG:

A. Invocation Presented by Mayor Herzberg.

Mayor Herzberg led everyone in the invocation and Commissioner King led everyone in the pledge to the flag.

The National Anthem was sung by David Castro who is 11 years old and a 6th Grader at Trinity Christian School.

4. APPROVAL OF MINUTES & AGENDA:

A. Approval of minutes of the Regular Commission Meeting of April 5th & 19th, 2021, as presented. - Joyce Raftery, City Clerk (386) 878-8502.

Motion by Commissioner Ramos, seconded by Vice Mayor Bradford, to approve the minutes of the Regular Commission Meeting of April 5th & 19th, 2021, as presented. The motion carried by the following vote:

For: 7 - Commissioner Avila-Vazquez, Commissioner King, Commissioner McCool, Commissioner Ramos, Commissioner Sosa, Vice Mayor Bradford, and Mayor Herzberg

5. PRESENTATIONS/AWARDS/REPORTS:

A. ADD-ON ITEM: Proclamation in honor of 911 presented to Deltona Fire Chaplain Alvarez.

Commissioner Avila-Vazquez apologized to the Mayor and Commission, this Proclamation in honor of 911 was a last-minute item added to the agenda.

The Mayor and Commission presented the Proclamation honoring those we lost and everyone who was affected by the tragic events of 911 to Deltona Fire Chaplain Alvarez.

6. ORDINANCES AND PUBLIC HEARINGS:

A. Public Hearing - Resolution No. 2021-48, adopting the Tentative Millage Rate for the levy of ad valorem taxes for Fiscal Year 2021/2022 - Mari Leisen, Deputy Finance Department (386) 878-8553.

Strategic Goal: Fiscal Issues

Deputy Finance Director Mari Leisen gave a brief explanation of the item.

Mayor Herzberg stated this is a public hearing to hear and consider comments and questions regarding the City's tentative millage rate and proposed annual budget for the coming fiscal year 2021/2022. The City of Deltona hereby proposes a tentative millage rate of 7.85%. The tentative millage rate reflects a 9.31% increase from the rolled-back rate of 7.1812 mills. The tentative millage rate is higher than the rolled-back rate of 7.1812 in order to cover increased operating costs.

Mayor Herzberg stated the floor is now open to hear public comments and to take any questions from the public.

Elbert Bryan, Deltona, spoke about the pamphlet, roll back rate, cutting from every line item, proposed jobs, Volusia County's meeting, county cutting environmental, taking residents serious, General Fund, taking \$2.9 million, possible recession, and surplus.

Stephanie Cox, 1526 Agatha Drive, Deltona, spoke about contacting the Commissioners, she having lots of entitlements, owning investment and rental properties, Save My Home, petition, burden to future residents, and roll back.

George Casazza, P.O. Box 5268, Deltona, spoke about not raising taxes, residents

struggling, tenants cost, low income residents, proposed spending, and people out of work.

Richard Bellach, Deltona, spoke about not listening to residents, people struggling, waiting to raise taxes, Commission's minds made up, and food trucks.

Mayor Herzberg closed the public hearing.

Commissioner McCool left the meeting at 6:53 p.m. and returned at 6:53 p.m.

The Commission, Acting City Manager and staff discussed transport vehicle, additional Code Officers, filling existing positions, additional Parks & Recreation staff, new residents, businesses, adjusting expenses, assessment of needs, Code workshops, staffing levels, Job Fair, minimum rate of pay, improving parks, transport fees, impact fees, The Center and other contractual services, generating revenue to cover salaries, Rhode Island Extension, undesignated reserves, the activity center, history of ad valorem tax rate, general fund stabilization account, CARES funding, projects, one time funding and restrictions, personnel making up 75% of department budgets, addition of programs, \$3 million surplus, property values, cutting \$2 million, being transparent, impact fee analysis, revenue enhancement, keeping an open mind, "kicking the can", just value vs. assessed value, county and school board taxes, and quality of life.

Motion by Vice Mayor Bradford, seconded by Mayor Herzberg, to approve Resolution No. 2021-48 adopting a tentative millage rate of 7.85 for the levy of ad valorem taxes for Fiscal Year 2021/2022. Upon approval of this item authorizes any and all necessary actions, documents or budget transfers to facilitate Commission approval and further authorizes the Acting City Manager to sign any documents necessary to further Commission approval of this item. The motion carried by the following vote:

For: 5 - Commissioner Avila-Vazquez, Commissioner McCool, Commissioner Ramos, Vice Mayor Bradford, and Mayor Herzberg

Against: 2 - Commissioner King, and Commissioner Sosa

The Commission, Acting City Manager and staff discussed not supporting a tax increase, supporting roll-back, exemptions, increased property values, the Acting City Manager, municipal budgeting, budget process, residents requests, rate of sold homes, previous Commission's decisions, holding the manager accountable, speaking to former employees, and the millage rate not changing.

Mayor Herzberg explained the history of her tax bill and the millage rate over several years. She explained Save Our Homes, tax exemptions, the budget and staffing levels, cost of construction, cost of health insurance, staff training and evaluations, and making Deltona her home.

Commissioner Ramos left the meeting at 7:45 p.m. and returned at 7:46 p.m.

The City Attorney read the title of Resolution No. 2021-48 for the record.

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELTONA, FLORIDA,
ADOPTING A TENTATIVE MILLAGE RATE FOR THE 2021-2022 FISCAL YEAR;
COMPARING TENTATIVE MILLAGE RATE WITH THE ROLLED-BACK RATE;
ESTABLISHING A DATE, TIME, AND PLACE AT WHICH A PUBLIC HEARING WILL BE
HELD TO ADOPT A FINAL MILLAGE RATE; PROVIDING FOR AN EFFECTIVE DATE.

Resolution No. 2021-48 was approved at 7:49 p.m.

B. Public Hearing - Resolution No. 2021-49 Adopting the tentative annual budget for FY 2021/2022 - Mari Leisen, Deputy Finance Department (386) 878-8553.

Strategic Goal: Fiscal Issues

Mayor Herzberg stated the City of Deltona has adopted a tentative millage rate of 7.85 mills for fiscal year 2021/2022. The tentative millage rate reflects an 9.31% increase from the rolled-back rate of 7.1812 mills.

Mayor Herzberg stated the proposed annual budget is summarized as follows: General Fund - \$94,007,459; Special Revenue Funds - \$39,901,175; Enterprise Fund - \$49,320,202; Capital Project Funds - \$9,297,885; Total City-wide Budget - \$192,526,721.

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

Motion by Commissioner Avila-Vazquez, seconded by Mayor Herzberg, to approve Resolution No. 2021-49 adopting the tentative budget for Fiscal Year 2021/2022 and upon approval of this item authorizes any and all necessary actions, documents or budget transfers to facilitate Commission approval and further authorizes the Acting City Manager to sign any documents necessary to further Commission approval of this item.

The City Attorney read the title of Resolution No. 2021-49 for the record.

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELTONA, FLORIDA,
ADOPTING A TENTATIVE BUDGET FOR THE 2021-2022 FISCAL YEAR;
ESTABLISHING A DATE, TIME, AND PLACE AT WHICH A PUBLIC HEARING WILL BE
HELD TO ADOPT A FINAL BUDGET; PROVIDING FOR AN EFFECTIVE DATE.

The motion carried by the following vote:

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

Against: 1 - Commissioner Sosa

Resolution No. 2021-49 was approved at 7:53 p.m.

- C. **Public Hearing - Ordinance No. 05-2021, Granting to Duke Energy Florida, LLC d/b/a Duke Energy, an Electric Utility Rights of Way Utilization Franchise, for first reading - Marsha Segal-George, Assistant City Attorney. (386) 878-8874.**

Strategic Goal: Infrastructure

The Commission, Chris Telee Duke Energy and staff discussed the historical base revenue.

Motion by Commissioner Ramos, seconded by Vice Mayor Bradford, to adopt Ordinance No. 05-2021, Granting to Duke Energy Florida, LLC d/b/a Duke Energy, an Electric Utility Rights of Way Utilization Franchise, for first reading and schedule a second and final reading for September 20, 2021. The Acting City Manager has the authority to make corrections of scrivener's errors and the like.

The City Attorney read the title of Ordinance No. 05-2021 for the record.

AMENDING ORDINANCE NO. 31-2011 OF THE CITY OF DELTONA GRANTING TO DUKE ENERGY FLORIDA, LLC d/b/a DUKE ENERGY, AN ELECTRIC UTILITY RIGHTS OF WAY UTILIZATION FRANCHISE; PRESCRIBING THE TERMS AND CONDITIONS RELATED TO THE OCCUPANCY OF MUNICIPAL STREETS AND RIGHTS OF WAY IN THE CITY OF DELTONA FLORIDA, FOR THE PURPOSE OF PROVIDING ELECTRIC SERVICE; PROVIDING FOR SEVERABILITY OF PROVISIONS; AND PROVIDING AN EFFECTIVE DATE.

Mayor Herzberg opened and closed the public hearing as there were no public comments.

The motion carried by the following vote:

For: 7 - Commissioner Avila-Vazquez, Commissioner King, Commissioner McCool, Commissioner Ramos, Commissioner Sosa, Vice Mayor Bradford, and Mayor Herzberg

Ordinance No. 05-2021 was approved at 7:57 p.m.

7. OLD BUSINESS:

8. NEW BUSINESS:

- A. Request for approval of the contract renewal of Team Volusia Economic Development Corporation (TVEDC) Contract 2021-2022 - Jerry Mayes, Economic Development and Ecological Tourism Sustainability Manager, (386) 878-8619.**

Strategic Goal: Economic Development - Team Volusia coordination.

Acting City Manager Peters gave a brief explanation of the item.

The Commission, Acting City Manager and staff discussed working with Team Volusia and the City's partnership with Team Volusia.

Motion by Commissioner Ramos, seconded by Commissioner Avila-Vazquez, to approve the 2021-2022 contract to continue the partnership with the Team Volusia Economic Development Corporation and direct the Acting City Manager to execute the contract. The Acting City Manager has the authority to make corrections of scrivener's errors and the like.

The Commission and Acting City Manager spoke about Amazon, corporations from Team Volusia, paying more as a City, not having a product and creating one, infrastructure, Rhode Island Extension, Portland Industries, access and zoning, commercial broker to assemble property, utilities, competing for projects, what products are needed, BPUD (Business Planned Unit Development), demographics and drive-by demographics, newspaper article, hindsight, Commission's frustration, fixing roads, loosing businesses, and strategic plan.

Mayor Herzberg opened the public comments.

Rafael Ramirez, Ormond Beach, spoke about Halifax Health, being a banker, looking ahead, being focused on development, Mr. Mayes being one person, what Team Volusia does, foresight, and the Team Volusia Partnership.

Mayor Herzberg closed the public comments.

Mayor Herzberg discussed the City's frustration, efforts put forth, proposed call center, Duke Energy, I-4 Interchanges, distribution and manufacturing, potential locations, synergy, utilities, infrastructure, management and political will, activity center, proposed stadium, spending money on an analysis, small business and economic development, Director of Enterprise Florida, being politically unstable, standing together and being supportive.

The motion carried by the following vote:

For: 7 - Commissioner Avila-Vazquez, Commissioner King, Commissioner McCool, Commissioner Ramos, Commissioner Sosa, Vice Mayor Bradford, and Mayor Herzberg

B. Request for approval of an alternative sign proposal as per Sec. 102-11 of the City Land Development Code - Ron A. Paradise, Director, Planning and Development Services (386) 878-8610.

Strategic Goal: Public Safety - Focus on City Beautification

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

Commissioner Avila-Vazquez discussed the complaints regarding the sign.

Commissioner Sosa left the meeting at 8:30 p.m. and returned at 8:32 p.m.

The Commission and staff discussed Dr. Zerivitz's (Dr. Z) art work, the sign location, site distances, and receiving no complaints about visibility.

Motion by Commissioner Avila-Vazquez, seconded by Commissioner Ramos, to approve, as per Sec. 102-11, Alternative sign approval process, of the City Land Development Code, the location and sign as per the submitted site plan and elevation. The Acting City Manager has the authority to make corrections of scrivener's errors and the like.

Mayor Herzberg opened the public comments.

Dr. Zerivitz spoke about the damaged sign, his conversation with the manager, the process taking longer, and being anxious to get the sign installed.

Mayor Herzberg closed the public comments.

The motion carried by the following vote:

For: 7 - Commissioner Avila-Vazquez, Commissioner King, Commissioner McCool, Commissioner Ramos, Commissioner Sosa, Vice Mayor Bradford, and Mayor Herzberg

C. Request for consideration of appointment of one member to the Firefighters' Pension Plan, Board of Trustees - Joyce Raftery, City Clerk's Department (386) 878-8502.

Strategic Goal: Internal & External Communication

Mayor Herzberg asked if there was a conflict for a staff member to be on the board and both the City Attorney and Acting City Manager agreed it was not a conflict.

Mayor Herzberg passed the gavel to Vice Mayor Bradford.

Motion by Mayor Herzberg, seconded by Commissioner Ramos, that Mari Leisen be appointed to the Firefighters' Pension Plan, Board of Trustees for terms to expire on January 15, 2025. The motion carried by the following vote:

Vice Mayor Bradford opened the public comments.

Kurt Vroman, spoke about applicant Brower, previous Commission appointments, what is required and education, State Laws and asset allocation, Mr. Brower taking a genuine interest, financial statement, and quarterly meetings.

Vice Mayor Bradford closed the public comments.

Commissioner Avila-Vazquez stated she wanted to nominate Jeff Brower who is also on the Charter Review Committee and Mayor Herzberg replied if the motion on the floor fails she could make that motion.

The motion carried by the following vote:

For: 6 - Commissioner King, Commissioner McCool, Commissioner Ramos, Commissioner Sosa, Vice Mayor Bradford, and Mayor Herzberg

Against: 1 - Commissioner Avila-Vazquez

D. Request for consideration of all reappointments/appointments to the Affordable Housing Advisory Committee - Joyce Raftery, City Clerk's Office, (386) 878-8502.

Strategic Goal: Internal and External Communication.

Vice Mayor Bradford passed the gavel to Mayor Herzberg.

Acting City Manager Peters gave a brief explanation of the item.

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

Motion by Vice Mayor Bradford, seconded by Commissioner King, to confirm the re-appointment of Sylvia Hayes to the Affordable Housing Advisory Committee with a term to expire on October 5, 2023. The

Acting City Manager has the authority to make corrections of scrivener's errors and the like. The motion carried by the following vote:

For: 7 - Commissioner Avila-Vazquez, Commissioner King, Commissioner McCool, Commissioner Ramos, Commissioner Sosa, Vice Mayor Bradford, and Mayor Herzberg

Motion by Commissioner Sosa, seconded by Commissioner Ramos, to confirm the appointment of Michelle Wallace-Chin to the Affordable Housing Advisory Committee with a term to expire on October 5, 2023. The Acting City Manager has the authority to make corrections of scrivener's errors and the like. The motion carried by the following vote:

For: 7 - Commissioner Avila-Vazquez, Commissioner King, Commissioner McCool, Commissioner Ramos, Commissioner Sosa, Vice Mayor Bradford, and Mayor Herzberg

Motion by Commissioner King, seconded by Vice Mayor Bradford, to confirm the appointment of Terri Ellis to the Affordable Housing Advisory Committee with a term to expire on October 5, 2023. The Acting City Manager has the authority to make corrections of scrivener's errors and the like. The motion carried by the following vote:

For: 7 - Commissioner Avila-Vazquez, Commissioner King, Commissioner McCool, Commissioner Ramos, Commissioner Sosa, Vice Mayor Bradford, and Mayor Herzberg

Motion by Commissioner Sosa, seconded by Vice Mayor Bradford, to confirm the appointment of Eric James to the Affordable Housing Advisory Committee with a term to expire on October 5, 2023. The Acting City Manager has the authority to make corrections of scrivener's errors and the like. The motion carried by the following vote:

For: 7 - Commissioner Avila-Vazquez, Commissioner King, Commissioner McCool, Commissioner Ramos, Commissioner Sosa, Vice Mayor Bradford, and Mayor Herzberg

Motion by Commissioner Avila-Vazquez, seconded by Vice Mayor Bradford, to confirm the re-appointment of Jodi Pena-Castaldi to the Affordable Housing Advisory Committee with a term to expire on October 5, 2023. The Acting City Manager has the authority to make corrections of scrivener's errors and the like. The motion carried by the following vote:

For: 7 - Commissioner Avila-Vazquez, Commissioner King, Commissioner McCool, Commissioner Ramos, Commissioner Sosa, Vice Mayor Bradford, and Mayor Herzberg

Motion by Vice Mayor Bradford, seconded by Commissioner McCool, to confirm the appointment of Cassie Landron to the Affordable Housing Advisory Committee with a term to expire on October 5, 2023. The Acting City Manager has the authority to make corrections of scrivener's errors and the like. The motion carried by the following vote:

For: 6 - Commissioner King, Commissioner McCool, Commissioner Ramos, Commissioner Sosa, Vice Mayor Bradford, and Mayor Herzberg

Against: 1 - Commissioner Avila-Vazquez

Motion by Commissioner McCool, seconded by Commissioner Ramos, to confirm the re-appointment of Manny Rodriguez to the Affordable Housing Advisory Committee with a term to expire on October 5, 2023. The Acting City Manager has the authority to make corrections of scrivener's errors and the like. The motion carried by the following vote:

For: 7 - Commissioner Avila-Vazquez, Commissioner King, Commissioner McCool, Commissioner Ramos, Commissioner Sosa, Vice Mayor Bradford, and Mayor Herzberg

Motion by Commissioner Ramos, seconded by Vice Mayor Bradford, to confirm the re-appointment of Patricia Ulicny-Hoback to the Affordable Housing Advisory Committee with a term to expire on October 5, 2023. The Acting City Manager has the authority to make corrections of scrivener's errors and the like. The motion carried by the following vote:

For: 7 - Commissioner Avila-Vazquez, Commissioner King, Commissioner McCool, Commissioner Ramos, Commissioner Sosa, Vice Mayor Bradford, and Mayor Herzberg

Motion by Vice Mayor Bradford, seconded by Commissioner Ramos, to confirm the appointment of Dolores Guzman to the Affordable Housing Advisory Committee with a term to expire on October 5, 2023. The Acting City Manager has the authority to make corrections of scrivener's errors and the like. The motion carried by the following vote:

For: 7 - Commissioner Avila-Vazquez, Commissioner King, Commissioner McCool, Commissioner Ramos, Commissioner Sosa, Vice Mayor Bradford, and Mayor Herzberg

- E. Request for approval of the Task Authorization with BESH Halff Inc. to conduct a Wastewater Feasibility Analysis of the areas adjacent to Saxon Boulevard and Deltona Boulevard for commercial development, in accordance with their Agreement with the City of Deltona and RFQ# PW 2020-09 for Continuing On-Call Water & Wastewater Utility Line Engineering Services in the amount of \$29,980.00. - Steven Danskine, Public Works/Deltona Water (386) 878-8998.**

Strategic Goal: Infrastructure

Commissioner King left the meeting at 8:52 p.m.

Acting City Manager Peters gave a brief explanation of the item.

Motion by Vice Mayor Bradford, seconded by Commissioner Ramos, to approve the Task Authorization with BESH Halff to conduct a Wastewater Feasibility Analysis of the areas adjacent to Saxon Boulevard and Deltona Boulevard for commercial development, in the amount of \$29,980.00. The Acting City Manager has the authority to make corrections of scrivener's errors and the like.

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

The motion carried by the following vote:

For: 6 - Commissioner Avila-Vazquez, Commissioner McCool, Commissioner Ramos, Commissioner Sosa, Vice Mayor Bradford, and Mayor Herzberg

Commissioner King returned to the meeting at 8:55 p.m.

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. Members of the City Commission shall not enter into discussion or respond to individuals' comments during the public forum other than to give directions or to ask for clarification. However, individual Commissioners may wish to respond under their "City Commission Comments". 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.

Jamie Grover, 3210 Scenic Woods Drive, spoke about SNAP (Special Needs Advocacy Program, Inc.) fundraiser, food truck event, participation at events, non-profit organization, almost closing their doors, permit process, Sanford events, fast pass on permits or 30 day permit, advertising, improvements being made, and the COVID impact.

Jody Lee, 777 Courtland Blvd., Deltona, spoke about history of the events, treatment of his business, Lowe's parking lot, meeting to fast track permit, emails threatening the property owner, food trucks at Amazon, the business suffering, the events taking money from the business, free family events, alcohol and tobacco licenses, ATF (Bureau of Alcohol, Firearms and Explosives), a newspaper article, having time to stop the event, blocking traffic, and it being difficult to do business in the City.

10. COMMENTS ON CONSENT ITEMS: Citizen comments are limited to issues and concerns on the Consent Agenda item(s). Please complete a public participation slip and indicate in the subject line the issue you wish to address. Members of the City Commission shall not enter into discussion or respond to individuals' comments during the public forum other than to give directions or to ask for clarification. 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.

None.

11. CONSENT AGENDA: The Consent Agenda contains items that have been determined to be routine and non-controversial. If discussion is desired by any member of the City Commission, that item must be removed from the Consent Agenda and considered separately. All other matters included under the Consent Agenda will be approved by one motion. Citizens with concerns should address those concerns by filling out a public participation slip and giving it to the Deputy City Clerk prior to Consent Agenda items being pulled.

Motion by Vice Mayor Bradford, seconded by Commissioner Sosa, to approve Consent Agenda Items 11-A through 11-C. The motion carried by the following vote:

For: 7 - Commissioner Avila-Vazquez, Commissioner King, Commissioner McCool, Commissioner Ramos, Commissioner Sosa, Vice Mayor Bradford, and Mayor Herzberg

- A. Request for approval of the Task Authorization with Besh Halff Inc. for the design, permitting and pre-construction bidding services for Water Main Replacements, in accordance with their Agreement with the City of Deltona and RFQ# PW 2020-09 for Continuing On-Call Water & Wastewater Utility Line Engineering Services in the amount of \$125,880.00. - Steven Danskine, Public Works/Deltona Water (386) 878-8998.**

Strategic Goal: Infrastructure

Approved by Consent - to approve the Task Authorization with Besh Halff for the design, permitting and preconstruction bidding services for water main replacements throughout the City of Deltona, in the amount of \$125,880.00. The Acting City Manager has the authority to make corrections of scrivener's errors and the like.

- B. Request for approval to procure planned and scheduled replacement desktops and laptops for all departments from Dell Technologies. - Robert Cordero, IT Director (386) 878-8807**

Strategic Goal: Infrastructure

Approved by Consent - to approve the procurement of 18 laptops, 46 desktops, and peripherals as replacement computers for City departments. The Acting City Manager has the authority to make corrections of scrivener's errors and the like.

C. Request for approval of the annual one-year renewal for agenda management software - Joyce Raftery, City Clerk's Department (386) 878-8502.

Strategic Goal: Internal & External Communication

Approved by Consent - to approve the annual renewal of the agenda management software for a period of one fiscal year and the Acting City Manager has the authority to correct scrivener's errors and the like.

12. CITY COMMISSION SPECIAL REPORTS AND REQUESTS:

Commissioner King stated a few months back the Commission received a letter of resignation from Mr. Peters and it was submitted because of some issues going on. In his conversations with him he knows those issues have been resolved and Mr. Peters has purchased picture frames for his wall.

Motion by Commissioner King, seconded by Vice Mayor Bradford, to pull the request of the Acting City Manager's resignation off the table and discuss it now.

The Commission discussed whether this item should be placed on a workshop.

Commissioner King called for the vote.

The motion carried by the following vote:

For: 7 - Commissioner Avila-Vazquez, Commissioner King, Commissioner McCool, Commissioner Ramos, Commissioner Sosa, Vice Mayor Bradford, and Mayor Herzberg

Motion by Commissioner King, seconded by Vice Mayor Bradford to deny Mr. Peters' letter of resignation and he will continue on as Acting City Manager.

The Commission, Acting City Manager and City Attorney discussed questions from constituents, looking for a permanent City Manager, tabling to no date certain, rejecting the

letter of resignation, avoiding a resignation in January, and two ways of tabling items.

Amended motion by Commissioner King, to table the resignation altogether with no date specific. Amended motion died for lack of a second.

Amended motion by Commissioner King, seconded by Vice Mayor Bradford, to table the letter of resignation by John Peters with no date specific.

Commissioner King called for the vote.

The Commission and City Attorney discussed retracting the motion, the motion belonging to the entire Commission, and making a motion to amend.

Amended motion by Commissioner King, to amend the second motion to table the resignation letter with no date specific. Motion died for lack of a second.

Acting City Manager stated now that the item has been taken off the table he announced that he rescinds his resignation.

Vice Mayor Bradford withdrew her second and Commissioner King withdrew his motion.

City Attorney Fowler suggested the Commission vote the motion down.

The amended motion was denied by the following vote:

Against: 7 - Commissioner Avila-Vazquez, Commissioner King, Commissioner McCool, Commissioner Ramos, Commissioner Sosa, Vice Mayor Bradford, and Mayor Herzberg

The Commission concurred to acknowledge the withdrawal of the resignation letter by Acting City Manager John Peters.

13. CITY ATTORNEY COMMENTS:

City Attorney Fowler stated as the Commission knows there are a couple of pending

lawsuits, however, nothing is pending now that requires a decision. If any of the Commission has any questions they can ask him individually. If an issue should present itself that needs to be addressed by the Commission a shade meeting would be scheduled. This is a meeting where nobody else is allowed to participate, it is recorded and the Commission can discuss whatever might come up with regards to that particular case without the information becoming public until such time as the case is resolved and over. Nothing for the Commission to do tonight, this is just an informational report.

14. CITY MANAGER COMMENTS:

The Acting City Manager introduced the new Deputy City Manager who has been assigned all the departments on the 2nd floor of City Hall. She has met with each department, has provided him with feedback and has reported the City has an incredible group of people on the 2nd floor and the Commission should be proud. She has some good ideas and one of them is the first workshop in October there will be a presentation on the Firefighter Pension Fund which has a deficit. There needs to be a discuss on how the Firefighter Pension Board works and how it is doing so the Commission is fully informed.

The Deputy City Manager gave some background on herself, where she comes from and her education.

The Acting City Manager stated there is COVID testing available at Dewey O. Boster Monday through Friday from 10:00 a.m. to 7:00 p.m. There is information on the City's website and there are two options for testing and two options for the type of testing. The testing options are making an appointment in advance or show up and drive through. The two types of testing are the rapid test or the PCR (Polymerase Chain Reaction) test which is more accurate and the company has their own lab so results are much quicker. On Wednesday 179 people went through from Noon to 7:00 p.m. with 20 people waiting in line when they opened at Noon.

The Acting City Manager reminded everyone about the vaccine encouragement plan which he explained that anyone who is fully vaccinated and provides the information to our Human Resources Department before December 31st, you get two (2) days of paid vacation, it has been an extreme success, he thanked staff and Human Resources for coming forward with this idea and making it happen.

The Acting City Manager stated that the current city code for food trucks is very restrictive and there can only be one food truck at a church. He is currently in the process of drafting a new food truck ordinance that is helpful to the businesses and helps the City be more business-friendly. The new ordinance has provisions being added such as a one-time site approval and any self-contained sites such as Amazon who have 1,500 employees currently or, if a business has at least 100 employees, the business can have food trucks on-site for the purpose of their breakfast, lunch and dinner breaks to help keep extra traffic off the roads. Also, the City is looking to open City Hall parking lot on Thursday and Saturday afternoons for a food truck event at no cost to the food vendors. There are event permit processes and special event processes, if someone is trying to hold a fundraiser a

checklist is followed for that special event. Some of the things that are being looked at is the availability of restrooms, lighting, insurance requirements, liquor licenses, parking availability and it is all for the purpose of public safety and liability. With regards to code compliance, the property owner is who the City has to deal with and he gave an example. Drafts of the ordinance have been reviewed by staff and are back in the City Attorney's hands and the draft ordinance will be brought back to the Commission for discussion.

The Commission and Acting City Manager discussed the new State Statute and regulating food vendors, the Fast Pass, what is considered a special event, what constitutes a permit, to look at the permit applications, food trucks and where they park, food truck at churches, the permit fee, special events on weekends, State law and food trucks, public safety, the Fire Marshall's authority, propane tanks, having a workshop, and public feedback.

Commissioner Ramos left the meeting at 10:00 p.m. and returned at 10:00 p.m.

Mayor Herzberg suggested looking at State Statute 509.102 and to involve Mr. Hearn in the process because he does special events all around the county.

15. CITY COMMISSION COMMENTS:

Commissioner McCool thanked everyone for coming to speak about this sensitive issue because the City is dealing with small business and she just want to be careful of the optics of that. She is very pro-business and the Commission definitely needs more of an in-depth discussion to include the input from the actual food truck people because it cannot be a one-way conversation. Her only concern is food handling and fire and safety issues.

Commissioner McCool stated on the back table and distributed to the Commission, Acting City Manager and City Attorney is an e-mail that is from AT&T. She wanted to address a matter that was brought up regarding a public records request for her. This has to do with a conversation she had was Sheriff Chitwood when she was out of the country. She used her personal phone for these conversations because the City's cell phone plan did not include international. She was in Honduras on vacation when a matter happens and it needed to be addressed. She called Sheriff Chitwood, they had a difference of opinion and he called her back. Sheriff Chitwood reviewed some video, he called her back and they still had a difference of opinion. There was a total of three phone calls made this was around the week of May 8th through May 15th. She does not want it to be misconstrued that she was not trying to comply with a public records request. She spent a total of 10 hours on the phone with AT&T trying to convince them to send her this. This is her business phone, it is not a personal phone per se, this is her personal private business phone that was used for this matter. AT&T told her twice on the phone when trying to gather this record they could not get her there and could not accommodate her request. So, 10 hours later and one phone call to AT&T with the Acting City Manager also said "sorry we cannot pull those records up". So, she is stating on the public record there were three phone calls between herself and Sheriff Chitwood on or about the week of May 8th through 15th. The letter here on AT&T letterhead clearly states they cannot pull the records so she offers this to the public for all the questions that they might have had as to whether she was telling the truth or not. She really wanted to

assuage any doubt in the public, legal, fellow Commissioner or anybody asking for the public record that this is here. As of today, she has a new City phone and she just really wanted to put that out for anyone that might have question. She thanked everyone for showing up, for the public, supporting small business and there is work to be done. She just really wants to help.

Commissioner King stated he has a question for the community and everyone else. The question is, does everyone think The Center is going to go away because he can tell them it is not. It is there, it is growing, it is doing what it can do, it is in its infancy and everyone was lied to a few years back when somebody at the City said that it would pay for itself in a year. That was a lie, no business does that. He wants everyone to know that it is there and everyone needs to come out and use it. Mr. Hearn put on a great event on the 28th of August, it was a country night and he was there. He thinks he sold 37 tickets to that event. It was an awesome event, the Artist Rockie Lynne was absolutely great. Hopefully, Mr. Hearn can get him to come back and do it again, but you all missed out on a great concert, it was a fun time. He thanked Mr. Hearn, it was also his wife's birthday and so he did a surprise reception for her at The Center and it was awesome. She was totally blown away and he thanked Mr. Hearn for all he did that evening for them. Wreaths Across America is about to get underway and he asked everyone to start thinking about that. There have been a lot more people pass away this past year. He just heard from Bob Rogers that the number of Veterans at the Deltona Memorial Gardens is now over 1,700 people. So, there is a long way to go between now and the second Saturday of December to get those wreaths purchased and get them placed on every single Veteran's grave at Deltona Memorial Gardens. It was done two years ago, 1,700 wreaths, and last year was a little bit slow with everything going on. Everyone is going to work really hard this year to try and get a wreath on every single Veteran's grave at Deltona Memorial Gardens. So, keep that in mind, they are \$15 a piece, but if you buy two they throw in an extra wreath so they get three for \$30 instead of two for \$30. They are collecting from right now until the event.

Commissioner Ramos stated he had a conversation with the County Councilmember Lowry, first of all if everyone could just keep him in their prayers. He wanted him to give a quick update, even though it came out in the papers yesterday regarding the county resurfacing with Providence Blvd., from Elkcarn Blvd. to Howland Blvd., Saxon Blvd. to Giles St., and Saxon Blvd. to Doyle Road. He also mentioned the widening on Howland Blvd. which is going to be coming to completion and under budget. He wanted to make an announcement, the job fair on September 30th from 2:00 p.m. to 7:00 p.m. over at The Center. Parks & Recreation and Mr. Hearn have been working on that and the idea for this first one is to be only for the City. There is another one in the works to invite the hospitals and other business to be able to help with what is happening with the job market.

Commissioner Avila-Vazquez thanked the residents that came out and she wanted to say that the City is not against them, the food truck vendors, the City wants to work with them to make everything by the book and that all policies and procedures are followed. The City is not here to fight against them, but to help them. The City of Deltona as of September 16th through June 30th will be accepting applications for the owner-occupied rehabilitation

program which is to help residents with their roofs. It will take place in the chambers and she encouraged everyone to take advantage of it, but it is only for those people who qualify. The number to call is (386) 878-8620 and applications are also on the City's website. If anyone has a blue tarp on their roof, please call the number or come in for the application to see if you qualify for these funds. The Landmark Lodge on Apache Circle and Normandy Blvd. is having a free pancake breakfast, it is open to the public, it is on September 18th from 9:00 a.m. to 12:00 p.m. and everyone is invited. She sends her prayers to County Councilman Lowery for a speedy recovery and to anybody else who needs it. Her heart goes out to 911 survivors and family members.

Commissioner Sosa thanked all the residents that were outside City Hall today and that spoke in the chambers demanding the full roll back. He appreciates their feedback and their commitment to the community. To the gentleman who spoke, thank you for running your nonprofit and doing it without the use of public funds. Just a piece of advice to him, never volunteer to pay more money to a roomful of bureaucrats and politicians because they will take advantage of it. He thanked everybody that was out here tonight that expressed their concerns during public comment.

Vice Mayor Bradford stated she prays for everybody to be safe out there. She has talked to many local businesses who are short staffed. There is a local business that actually had to change their hours because they did not have enough staff because of the shortage of employees from being ill on COVID and then not getting enough workers. So, this is serious right now, she is just praying for everybody to be vigilant of their neighbors and be respectful of individuals around you. Some people are like I am not wearing a mask, I do not need to wear a mask, but she asked everyone to be respectful of that person that does want to wear a mask and does want to protect themselves, their children and their families. If everyone is vigilant we all can get through this because we are Deltona Strong. She wished everybody a great night.

Mayor Herzberg stated about a month ago, her mom had an incident at home where she fell and she was at a convention in Orlando for the League of Cities. When she got home her mom could not get up, tried to get her up, but had to call for a lift assist for the Fire Department and she was just mortified. Three firefighter paramedics came to the house, they got her mom up one, two, three, and it was their suggestion that she be transported because of some bruising. It was the right thing to do, she was transported and she has nothing but praise for the Fire Department. Her mom expressed to them that she was mortified because they had to come, they were going to laugh at her for falling, and they said ma'am we do this every day, this is what we do. They put her mom at ease, the transport was great and the firefighters and their professionalism was amazing. People do not really appreciate someone helping them until they really need that help and especially if it is for a family member. She thanked the Deltona Fire Department, EVAC (Emergency Vehicles and Communications), and the health care providers across the board who have to deal with this and much worse every single day through the ER (Emergency Room). As she said in her opening prayers, let's keep all those in our thoughts and prayers, and whatever it is that you believe. Send them good vibes because we will get through it, but we have to be

together and we have to be kind. She thanked everyone who came out and she knows it was a long night Commissioners, but tonight the Commissioners were all amazing.

16. ADJOURNMENT:

There being no further business, the meeting adjourned at 10:15 p.m.

Heidi K. Herzberg, MAYOR

ATTEST:

Joyce Raftery, CMC, MMC, CITY CLERK