

**ORMOND BEACH CITY COMMISSION MEETING
HELD AT CITY HALL COMMISSION CHAMBERS
May 18, 2010 7:00 p.m.**

Present were: Mayor Fred Costello, Commissioner Lori Gillooly, Commissioners Ed Kelley, Troy Kent, and Bill Partington, City Manager Joyce Shanahan, Assistant City Manager Ted MacLeod, City Attorney Randy Hayes, and City Clerk Veronica Patterson.

A G E N D A

- 1) Meeting call to order by Mayor Costello.
- 2) Invocation by Pastor Doug Hautz, Ormond Beach Alliance Church.
- 3) Pledge of Allegiance.
- 4) **PRESENTATIONS:** Proclamation in honor of Blaine O'Neal.
- 5) **AUDIENCE REMARKS:**
- 6) **APPROVAL OF THE MINUTES** of the May 4, 2010, meeting.
- 7) **CONSENT AGENDA:** The action proposed is stated for each item on the Consent Agenda. Unless a City Commissioner removes an item from the Consent Agenda, no discussion on individual items will occur and a single motion will approve all items.
 - A) Resolution No. 2010-55 appointing Damien Richards as a member to serve as a Commissioner of the Ormond Beach Housing Authority; setting forth term and conditions of service. (Mayor)
 - B) Resolution No. 2010-56 authorizing the execution of a lease agreement between the City and the Casements Guild. (Leisure Services Director)
 - C) Resolution No. 2010-57 authorizing the execution of a quitclaim deed in favor of Patrick F. Gavin, Jr., and Virginia Gavin, releasing a portion of a 20-foot drainage and utility easement located on Lot 42, Hammock Trace Subdivision, on property located at 559 Sandy Oaks Boulevard. (Planning Director)
 - D) Resolution No. 2010-58 authorizing the execution of a Joint Participation Agreement between the City and the Florida Department of Transportation regarding the design of parallel Taxiway "A" to Runway 8-26 at the Ormond Beach Municipal Airport. (\$130,550 total project; 95% FAA funding; 2.5% FDOT funding; 2.5% City funding) (Airport Manager)
 - E) Resolution No. 2010-59 authorizing the execution of a Joint Participation Agreement between the City and the Florida Department of Transportation regarding the design and construction for the rehabilitation of Taxiway "C" at the Ormond Beach Municipal Airport. (\$210,555 total project; 80% FDOT funding; 20% City and tenant cost share agreements) (Airport Manager)
 - F) Resolution No. 2010-60 authorizing the execution of a Joint Participation Agreement between the City and the Florida Department of Transportation regarding the construction of a public use heliport at the Ormond Beach Municipal Airport. (\$101,470 total project; 80% FDOT funding; 20% City funding with possible 95% FAA funding, 2.5% FDOT funding and 2.5% City funding) (Airport Manager)
 - G) Resolution No. 2010-61 authorizing the execution of Addendum #1 to Amendment No. 29 to the Professional Services Agreement between the City and Hoyle, Tanner & Associates, Inc., regarding construction engineering services for the rehabilitation of Runway 17/35 lighting systems, replacement of the rotation beacon, installation of lights on Taxiway E, and installation of runway end identifier lights on Runways 8, 26 and 35 at the Ormond Beach Municipal Airport. (\$40,550 total project; 95% FAA funding; 2.5% FDOT funding; 2.5% City funding)

- H) Resolution No. 2010-62 authorizing the execution of a Subrecipient Grant Agreement between the City and the Florida Department of Transportation regarding a Wayfinding and Interpretation Assessment Plan for the Ormond Scenic Loop & Trail; authorizing the expenditure of funding. (\$110,000 grant award; \$22,000 in-kind City contribution) (Acting City Engineer)
- I) Resolution No. 2010-63 authorizing the execution of a Local Agency Program Supplemental Agreement between the City and the Florida Department of Transportation regarding Phase II sidewalk improvements on West Granada Boulevard; rescinding approval of the Supplemental Agreement approved by Resolution No. 2010-32. (Reducing project from \$388,952 to \$196,059) (Acting City Engineer)
- J) Resolution No. 2010-64 authorizing the execution of a Locally Funded Agreement between the City and the Florida Department of Transportation regarding the upgrade of steel mast arms and pedestrian poles at the intersection of US1 and SR40. (\$19,860) (Acting City Engineer)
- K) Resolution No. 2010-65 authorizing the execution of a contract between the City of Ormond Beach and Hall Construction Company, Inc., regarding the South Ormond Neighborhood Center Improvement project. (Not-to-exceed \$243,371) (Acting City Engineer)
- L) Resolution No. 2010-66 authorizing the execution of a contract between the City of Ormond Beach and Hall Construction Company, Inc., regarding the installation of an insulated ceiling at the Nova Road Gymnastics Center. (Not-to-exceed \$46,629) (Acting City Engineer)
- M) Resolution No. 2010-67 authorizing the submittal of an on-line grant application to the U.S. Department of Homeland Security, Office of Domestic Preparedness, under the Assistance to Firefighters Grant program for funding assistance to purchase fire equipment; authorizing the execution of all documents incidental thereto, including any contract necessary for the City to accept the grant award. (Fire Chief)
- N) Resolution No. 2010-73 authorizing the execution of Change Order Number One (1) to that contract award to Worsham Underground Utilities, Inc., regarding the 2008 Lift Station Replacement project, by increasing the contract price by \$215,043.57; increasing the contract time by 240 days. (\$1,100,641.61 total project; 540 total days) (Utilities Manager)
- O) Budget results for the FY 2008-09 General Fund and Water/Wastewater Fund.

DISPOSITION: Approve as recommended in City Manager memorandum dated May 13, 2010.

8) **PUBLIC HEARINGS:**

- A) Resolution No. 2010-68 declaring the intention of the City Commission to consider vacating a portion of West Street, a platted public right-of-way lying west of 350 Cumberland Avenue; establishing a time certain for a public hearing. (Planning Director)
- B) Resolution No. 2010-69 of the City Commission, also acting as the Central Business District Community Redevelopment Agency of the City of Ormond Beach, Florida, authorizing a second 180-day extension of a Property Improvement Grant Agreement between the Agency and the Highlander Corporation. (11-23 West Granada Boulevard - \$50,000) (Planning Director)
- C) Resolution No. 2010-70 of the City Commission, also acting as the Central Business District Community Redevelopment Agency of the City of Ormond Beach, Florida, authorizing a second 180-day extension of a Property Improvement Grant Agreement between the Agency and the Highlander Corporation. (29 & 31 West Granada Boulevard - \$50,000) (Planning Director)
- D) Resolution No. 2010-71 authorizing the execution and issuance of a Development Order for a Special Exception regarding "Miro Medical Center" located at 150 Sage Brush Trail within the B-10 (Suburban Boulevard) zoning district, by authorizing a

waiver of the wall requirements and requiring additional landscape plantings; establishing conditions and expiration date of approval. (Planning Director)

- E) Resolution No. 2010-72 authorizing the execution and issuance of a Development Order for a Special Exception regarding the “Prince of Peace Social Services Building” on a site along the Hand Avenue frontage of the Prince of Peace Church property located at 600 South Nova Road and being situated within the R-5 (Multi-Family Medium Density) zoning district to allow the construction of a 12,387 +/- square foot building and associated site improvements to contain the Church’s thrift shop, social services ministry, chapel, and a general meeting area; establishing conditions and expiration date of approval. (Planning Director)
 - F) Ordinance No. 2010-31 adopting certain amendments to the Future Land Use Element, Future Land Use Directive text for the location of future land uses, Transportation Element, Utilities Element, Conservation Element, Coastal Management Element, Housing Element, Recreation and Open Space Element, Capital Improvements Element, Intergovernmental Coordination Element, Cultural Affairs Element, and Public Schools Facilities Element of the City of Ormond Beach Comprehensive Plan; adopting separately from the Comprehensive Plan a multi-modal Strategy Comprehensive Plan herein; providing when such amendments shall take effect. (1st Cycle 2010) (First Reading) (Planning Director)
- 9) **SECOND READING OF ORDINANCES:**
- A) Ordinance No. 2010-29 amending Section 12-36, Taxes Imposed, of Article I, In General, of Chapter 12, Business Regulations, of the City of Ormond Beach *Code of Ordinances*, by deleting the schedule of business taxes and creating a classification of business types to be consistent with permitted, conditional and special exception uses contained in the City’s Land Development Code; repealing Article XV, Special Provisions for Incidental Seating within the Granada/Bovard Streetscape Overlay District, in its entirety and reserving said article for future use. (Planning Director)
 - B) Ordinance No. 2010-30 amending Chapter 3, Advertising, of the Code of Ordinances of the City of Ormond Beach, Florida, by establishing Section 3-5, Delivery of Unsolicited Papers and Materials to Residential, Commercial, or Public Real Property Prohibited after Notice of Objection; establishing Section 3-6, Delivery of Papers and Material Prohibited to Vacant Real Property; establishing Section 3-7, Enforcement Procedure, by prohibiting the unsolicited distribution of papers and other material to real property after notice by the owner or occupant thereof to stop such distribution; prohibiting the delivery of papers and other material to vacant real property; providing enforcement procedures. (Neighborhood Improvement Manager)
- 10) **FIRST READING OF ORDINANCE** No. 2010-32 authorizing the issuance of up to \$5,000,000 of general obligation bonds of the City to finance all or a portion of the cost of the acquisition and development of lands on the east side of A1A/Atlantic Avenue for a public beachfront park, including preservation of natural areas, dunes, and ocean views, and providing off-beach parking and beach access; providing for consideration of the issuance of such general obligation bonds at an election of the qualified electors residing within the City to be held on August 24, 2010. (Finance Director)
- 11) **DISCUSSION ITEMS:**
- A) Proposal for a joint permitting counter. (Planning Director)
 - B) Electronic sign display. (Planning Director)
 - C) City Manager evaluation. (City Manager)
- 12) **REPORTS, SUGGESTIONS, REQUESTS:** Mayor, City Commission, City Manager, City Attorney.
- 13) **CLOSE THE MEETING.**

Item #1 – Meeting Call to Order

The meeting was called to order by Mayor Costello at 7:00 p.m.

Item #2 – Invocation

The invocation was giving by Pastor Doug Hautz, Ormond Beach Alliance Church.

Item #3 – Pledge of Allegiance

The Pledge of Allegiance was led by Mayor Costello.

Item #4 – Proclamation Honoring Blaine O’Neal

Mayor Costello read a proclamation honoring Mayor Blaine O’Neal and offered condolences to Lisa O’Neal, widow of Mayor O’Neal.

Item #5 – Audience Remarks

There were no requests to speak.

Item #6 – Approval of the Minutes

Mayor Costello advised the minutes of the May 4, 2010, regular meeting had been sent to the Commission for review and asked for any corrections, additions, or omissions. The Mayor stated the minutes were approved as printed without objection.

Item #7 – Consent Agenda

Mayor Costello advised the action proposed for each item on the Consent Agenda was so stated on the agenda. He asked if any member of the Commission had questions or wished to discuss any item separately.

Commissioner Kent requested Item #7N be discussed.

Commissioner Gillooly requested Items #7K and #7L be discussed.

Commissioner Kelley moved, seconded by Commissioner Kent, for approval of the Consent Agenda, absent Items #7K, #7L and #7N.

Call Vote:	Commissioner Gillooly	yes
	Commissioner Kent	yes
	Commissioner Kelley	yes
	Commissioner Partington	yes
Carried.	Mayor Costello	yes

Item #7K – Construction Services Contract for the SONC Improvements

RESOLUTION NO. 2010-65

A RESOLUTION AUTHORIZING THE EXECUTION OF A CONTRACT BETWEEN THE CITY OF ORMOND BEACH AND HALL CONSTRUCTION COMPANY, INC., REGARDING THE SOUTH ORMOND NEIGHBORHOOD CENTER IMPROVEMENT PROJECT; AND SETTING FORTH AN EFFECTIVE DATE.

Commissioner Kelley moved; seconded by Commissioner Kent, for approval of Resolution No. 2010-65, as read by title only.

Commissioner Gillooly expressed concern regarding the process of using the Professional Services Continuing Contract (Continuing Contract), rather than putting the work out for bid, and stated it should go out for bid due to the possibility of saving a significant contractor’s fee.

Mayor Costello stated all the members of the Commission had a problem with using a Continuing Contract, and asked City Attorney Randy Hayes for other permissible options.

City Attorney Hayes stated the Continuing Contract speeded up the process, but the City was not obligated to use a firm under Continuing Contract. He stated the timeline for the necessary improvements may have impacted the situation.

Assistant City Manager Ted MacLeod explained all the work under a Continuing Contract was bid by the general contractor to subcontractors. He stated this was a very successful method to save time and often saved money.

Commissioner Gillooly suggested the City was missing an opportunity by not sending work out for bids.

Mr. MacLeod stated a report would be prepared for the Commission on past performance of contracts, reasons for the method of handling the project, and what the impacts were.

Commissioner Kent expressed comfort with Mr. MacLeod's handling of contract negotiations because staff had the City's best interests in mind and did a good job for the citizens.

Commissioner Kelley stated he had expressed concerns in the past, but the savings came from the subcontractors, not the general contractor, and he thought the bids reflected the difficult economic times. He stated he did not accept the urgency to replace the floor that had been there for 25 years. He suggested reverse bidding as a process that could save the City money.

Mayor Costello suggested the next project be bid on two parallel tracks.

City Manager Joyce Shanahan requested a dollar threshold of a project for consideration.

Mayor Costello suggested at least a \$100,000 project.

Commissioner Kelley stated he thought the floor was replaced in 1995, not 25 years ago.

Mr. MacLeod stated he did not remember it being replaced in 1995.

City Manager Shanahan stated staff would confirm the last replacement date.

Call Vote:	Commissioner Kent	yes
	Commissioner Kelley	yes
	Commissioner Partington	yes
	Commissioner Gillooly	yes
Carried.	Mayor Costello	yes

Item #7L – Construction Services Contract for the Gymnastics Center Improvements

RESOLUTION NO. 2010-66

A RESOLUTION AUTHORIZING THE EXECUTION OF A CONTRACT BETWEEN THE CITY OF ORMOND BEACH AND HALL CONSTRUCTION COMPANY, INC., REGARDING THE INSTALLATION OF AN INSULATED CEILING AT THE NOVA ROAD GYMNASTICS CENTER; AND SETTING FORTH AN EFFECTIVE DATE.

Commissioner Kelley moved; seconded by Commissioner Gillooly, for approval of Resolution No. 2010-66, as read by title only.

Commissioner Gillooly stated she had the same comments as with Item #7K.

Call Vote:	Commissioner Kelley	Yes
	Commissioner Partington	Yes
	Commissioner Gillooly	Yes
	Commissioner Kent	Yes
Carried.	Mayor Costello	Yes

Item #7N – 2008 Lift Station Replacement Program Change Order No. 1

RESOLUTION NO. 2010-73

A RESOLUTION AUTHORIZING THE EXECUTION OF CHANGE ORDER NUMBER ONE (1) TO THAT CONTRACT AWARDED TO WORSHAM UNDERGROUND UTILITIES, INC., REGARDING THE 2008 LIFT STATION REPLACEMENT PROJECT, BY INCREASING THE CONTRACT PRICE BY \$215,043.57; INCREASING THE CONTRACT TIME BY 240 DAYS; AND SETTING FORTH AN EFFECTIVE DATE.

Commissioner Kent moved; seconded by Commissioner Kelley, to approve Resolution No. 2010-73, as read by title only.

Commissioner Kent stated for the record, “I don’t like change orders, but when you read the materials, you understand why.” He advised that Dave Ponitz (Public works Operations Manager) had helped him understand the Bahia sod situation.

Commissioner Kelley stated this project was to serve the north peninsula, but he asked if the revenue would justify the expenditure for the increase of services and how long would it take to recoup the funds.

Commissioner Kent stated he thought the same things, but this had to be done.

Mayor Costello pointed out that the north peninsula customers purchased water from the City at 150% of the residents’ rate.

Call Vote:	Commissioner Partington	Yes
	Commissioner Gillooly	Yes
	Commissioner Kent	Yes
	Commissioner Kelley	Yes
Carried.	Mayor Costello	Yes

Mayor Costello stated regarding #7B, renewal of the Casement lease, the Casements Guild had leased the Casements since 1979 and since 2001, had given \$131,201 to the City and countless hours of labor. He remarked that Item #7G was \$100,000 under the original cost projection. The Mayor thanked Joe Jaynes for all he had done for the Scenic Loop.

Commissioner Kent thanked Damien Richards for serving on the Housing Authority.

#8A – Vacation of a Portion of West Street

RESOLUTION NO. 2010-68

A RESOLUTION DECLARING THE INTENTION OF THE CITY COMMISSION TO CONSIDER VACATING A PORTION OF WEST STREET, A PLATTED PUBLIC RIGHT-OF-WAY LYING WEST OF 350 CUMBERLAND AVENUE; ESTABLISHING A TIME CERTAIN FOR A PUBLIC HEARING; AND SETTING FORTH AN EFFECTIVE DATE.

Mayor Costello stated this was a public hearing and if approved, an ordinance will be brought to the Commission for consideration.

Commissioner Kelley moved; seconded by Commissioner Gillooly, for approval of Resolution No. 2010-68, as read by title only.

Call Vote:	Commissioner Gillooly	Yes
	Commissioner Kent	Yes
	Commissioner Kelley	Yes
	Commissioner Partington	Yes
Carried.	Mayor Costello	Yes

Items #8B and #8C – Community Redevelopment Area:

Mayor Costello stated the City Commission served as the Community Redevelopment Agency (CRA), and must review each CRA agenda item and make a recommendation as the CRA prior to the City Commission public hearing; therefore, the City Commission meeting would be recessed and a meeting of the Community Redevelopment Agency convened. He explained that once the recommendations were made, the CRA meeting would be adjourned and the City Commission meeting reconvened to hold the public hearing on each item.

Mayor Costello recessed the City Commission and called the meeting of the Community Redevelopment Agency to order at 7:27 p.m.

Mayor Costello stated he had no requests from anyone to speak to the CRA regarding Resolution No. 2010-69 or Resolution No. 2010-70 relative to extending Property Improvement Grants for 11-23 West Granada Boulevard and 29 and 30 West Granada Boulevard, respectively, and asked the CRA members for their recommendation.

Commissioner Partington moved; seconded by Commissioner Gillooly, for recommending approval of Resolution No. 2010-69.

Commissioner Partington moved; seconded by Commissioner Gillooly, for recommending approval of Resolution No. 2010-70.

Mayor Costello reported a voice vote resulted in a unanimous recommendation for both items. The Mayor adjourned the Community Redevelopment Agency meeting at 7:29 p.m. and reconvened the City Commission.

Item #8B – Property Improvement Grant – 11-23 West Granada

RESOLUTION NO. 2010-69

A RESOLUTION OF THE CITY COMMISSION, ALSO ACTING AS THE COMMUNITY REDEVELOPMENT AGENCY, OF THE CITY OF ORMOND BEACH, FLORIDA, AUTHORIZING A SECOND ONE HUNDRED EIGHT DAY EXTENSION OF A PROPERTY IMPROVEMENT GRANT AGREEMENT BETWEEN THE AGENCY AND HIGHLANDER CORP.; AND SETTING FORTH AN EFFECTIVE DATE.

Commissioner Kelley moved; seconded by Commissioner Gillooly, for approval of Resolution No. 2010-69, as read by title only.

Mayor Costello reported the Community Redevelopment Agency unanimously recommended approval.

Call Vote:	Commissioner Kent	yes
	Commissioner Kelley	yes
	Commissioner Partington	yes
	Commissioner Gillooly	yes
Carried.	Mayor Costello	yes

Item #8C - Property Improvement Grant – 29 & 31 West Granada

RESOLUTION NO. 2010-70

A RESOLUTION OF THE CITY COMMISSION, ALSO ACTING AS THE COMMUNITY REDEVELOPMENT AGENCY, OF THE CITY OF ORMOND BEACH, FLORIDA, AUTHORIZING A SECOND ONE HUNDRED EIGHT DAY EXTENSION OF A PROPERTY IMPROVEMENT GRANT AGREEMENT BETWEEN THE AGENCY AND HIGHLANDER CORP.; AND SETTING FORTH AN EFFECTIVE DATE.

Mayor Costello stated there were no requests to speak.

Commissioner Kent moved; seconded by Commissioner Kelley, for approval of Resolution No. 2010-70, as read by title only.

Call Vote:	Commissioner Kelley	Yes
	Commissioner Partington	Yes
	Commissioner Gillooly	Yes
	Commissioner Kent	Yes
Carried.	Mayor Costello	Yes

Mayor Costello stated, hearing no objection, the public hearing on the CRA items was closed.

Item #8D – Miro Medical Center Special Exception

RESOLUTION NO. 2010-71

A RESOLUTION AUTHORIZING THE EXECUTION AND ISSUANCE OF A DEVELOPMENT ORDER FOR A SPECIAL EXCEPTION REGARDING “MIRO MEDICAL CENTER” LOCATED AT 150 SAGE BRUSH TRAIL WITHIN THE B-10 (SUBURBAN BOULEVARD) ZONING DISTRICT, BY AUTHORIZING A WAIVER OF THE WALL REQUIREMENTS AND REQUIRING ADDITIONAL LANDSCAPE PLANTING; ESTABLISHING CONDITIONS AND EXPIRATION DATE OF APPROVAL; AND SETTING FORTH AN EFFECTIVE DATE.

Kathleen Lowery, 202 Sagebrush Trail, stated she lived adjacent to the property being developed. She stated that at the homeowners’ meeting, it was reported that if the wall was built, the City had no ordinance to require the applicant to maintain the wall on the homeowners’ side of the wall. She stated the landscaping was reported to be at least six feet high upon installation, but the Planning Board minutes reported the plants would be three feet tall when installed, not six feet. She expressed concern about the Planning Board minutes that stated the

pine trees and scrub palmettos would be removed and replaced with landscaping equal to what was removed; she was unclear as to what that meant. She asked the Commission for reassurance the homeowners would not be looking at a parking lot and trash cans. She stated her two concerns were that the hedge would be six feet tall at installation, and the break in the hedge location might expose her to a view of the parking lot.

Commissioner Partington stated he favored Mrs. Peter's and Ms. Lowery's positions as residents, and was not in favor of the landscaping.

Mayor Costello reported the Planning Board approved the waiver of the wall five to one.

Commissioner Gillooly stated the Planning Board's recommendation specified the hedge be six foot at installation.

Planning Director Ric Goss confirmed the Planning Board had recommended the landscaping be six foot at installation, with a three foot hedge by the lake. He explained at the community meeting, the majority of residents favored the landscaping rather than the wall.

Commissioner Gillooly asked Mr. Goss to explain the break in the hedge.

Mr. Goss stated the break in the hedge was actually a three foot hedge along the lake to preserve the view from the building, but the parking lot would be screened from view with the six foot hedge.

Commissioner Gillooly discussed that the homeowners would be responsible for the wall maintenance on their side of the wall.

Mr. Goss stated that over time, the wall would show rust stains from the sprinkler water, which was the reason the developer proposed landscaping that could be better maintained.

Commissioner Partington asked Mr. Goss if a hybrid could be done with a wall on the western side of the building to provide a buffer from the parking lot for the residents adjacent to the property, and a three foot hedge along the lake.

Mr. Goss stated that was an option that was considered, but was not the recommendation to the Commission.

Commissioner Partington expressed concern that the decline of the appearance of the wall was a reason not to construct a wall; because if the developer constructed the wall, the developer should maintain it.

Mr. Goss stated the developer never inferred the wall would not be maintained but referred to normal stains from the rust in the sprinkler water.

Commissioner Kelley stated the Planning Board was acting at the will of the majority of the residents. He stated whoever was responsible for the stains on the wall would be responsible to clean the wall. He stated the shrubs were more expensive, but the developer was willing to use landscaping instead of a wall because the wall eliminated the view of the lake, and the majority of the residents supported a six foot hedge.

Mayor Costello suggested after reviewing the site plan, possibly another ten foot length of hedge wrapping around to the north end would block the resident's view of the parking lot. He asked the applicant if they were willing to add another ten feet of hedge.

Dr. Robert Borer, co-owner of Miro Medical, stated the intent was to provide an aesthetically pleasing appearance to the project, and he had no problem with another ten feet section of hedge.

Ms. Lowery confirmed she would accept the additional section of hedge to block her view of the parking lot.

Commissioner Kent inquired if Ms. Lowery's concern with the break in the hedge had been answered.

Ms. Lowery stated she understood it was not a break, but a shorter section of shrubbery, and she would accept a six foot high hedge that extended to block her view of the parking lot.

Mayor Costello confirmed that the applicant was agreeable with the changes.

Commissioner Partington stated he would not support the Special Exception, but wished Miro Medical success. He requested an explanation regarding, “equal to removed.”

Steve Buswell, P.E. at Parker Mynchenberg and Associates, stated that currently the site was wooded and needed some fill. He explained that none of the pine trees could be saved, but the replacement landscaping was to code, with some 4” caliper trees being installed. He clarified the site had roll-off waste containers that would be behind a PVC fence, reducing noise.

Mr. Goss suggested an inspection be performed when the landscaping was installed, with the residents in attendance, as was done with the residents and Dunkin Donuts.

Commissioner Kelley moved; seconded by Commissioner Gillooly, for approval of Resolution No. 2010-71, subject to approval and acceptance of Mrs. Lowery, who was represented at the meeting, that the hedge would be six feet high and will be in accordance as proposed with an extended section of hedge to block her view of the property’s parking lot.

Call Vote:	Commissioner Partington	No
	Commissioner Gillooly	Yes
	Commissioner Kent	Yes
	Commissioner Kelley	Yes
Carried.	Mayor Costello	Yes

Mayor Costello stated, without objection, the public hearing was closed.

#8E – Prince of Peace Special Exception

RESOLUTION NO. 2010-72

A RESOLUTION AUTHORIZING THE EXECUTION AND ISSUANCE OF A DEVELOPMENT ORDER FOR A SPECIAL EXCEPTION REGARDING “THE “PRINCE OF PEACE SOCIAL SERVICES BUILDING” ON A SITE ALONG THE HAND AVENUE FRONTAGE OF THE PRICE OF PEACE CHURCH PROPERTY, LOCATED AT 600 SOUTH NOVA ROAD, AND BEING SITUATED WITHIN THE R-5 (MULTI-FAMILY MEDIUM DENSITY) ZONING DISTRICT TO ALLOW THE CONSTRUCTION OF A 12,387± SQUARE FOOT BUILDING AND ASSOCIATED SITE IMPROVEMENTS TO CONTAIN THE CHURCH’S THRIFT SHOP, SOCIAL SERVICES MINISTRY, CHAPEL, AND A GENERAL MEETING AREA; ESTABLISHING CONDITIONS AND EXPIRATION DATE OF APPROVAL; AND SETTING FORTH AN EFFECTIVE DATE.

Mayor Costello stated this was a public hearing for a Special Exception for a Development Order for Prince of Peace Church to construct improvements.

Commissioner Partington moved; seconded by Commissioner Gillooly, for approval of Resolution No. 2010-72, as read by title only.

Commissioner Kent asked for an explanation of the social services ministry.

Kimberly Buck, 880 Airport Road, Suite 113, stated the church currently offered food, services and clothing for people in the area, and intends to move the operation to the new location, as well as an off- campus thrift shop that was to be moved to the new location.

Mayor Costello stated he attended the neighborhood meeting and after the residents received answers to their questions, they were pleased.

Call Vote:	Commissioner Gillooly	Yes
	Commissioner Kent	Yes
	Commissioner Kelley	Yes
	Commissioner Partington	Yes
Carried.	Mayor Costello	Yes

Mayor Costello stated the public hearing was closed with no objection.

#8F - Amendments to the Comprehensive Plan

ORDINANCE NO. 2010-31

AN ORDINANCE ADOPTING CERTAIN AMENDMENTS TO THE FUTURE LAND USE ELEMENT, FUTURE LAND USE DIRECTIVE TEXT FOR THE LOCATION OF FUTURE LAND USES, TRANSPORTATION ELEMENT, UTILITIES ELEMENT, CONSERVATION ELEMENT, COASTAL MANAGEMENT ELEMENT, HOUSE ELEMENT, RECREATION & OPEN SPACE ELEMENT, CAPITAL IMPROVEMENTS ELEMENT, INTERGOVERNMENTAL COORDINATION ELEMENT, CULTURAL AFFAIRS ELEMENT, AND PUBLIC SCHOOLS FACILITIES ELEMENT OF THE CITY OF ORMOND BEACH COMPREHENSIVE PLAN; ADOPTING SEPARATELY FROM THE COMPREHENSIVE PLAN A MULTI-MODAL STRATEGY SETTING FORTH POLICIES ADOPTING IN THE COMPREHENSIVE PLAN HEREIN; PROVIDING WHEN SUCH AMENDMENTS SHALL TAKE EFFECT; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS, THEREOF; AND SETTING FORTH AN EFFECTIVE DATE.

Mayor Costello stated this was a public hearing regarding amendments to the Comprehensive Plan and he explained there was a sign-up list in the back of the auditorium for anyone who wanted information sent to them regarding the proposed amendments. The Mayor stated there were no requests from the audience to speak.

Commissioner Partington moved; seconded by Commissioner Kelley, for approval of Ordinance No. 2010-31, on first reading, as read by title only.

Commissioner Kelley stated he was upset the Department of Community Affairs (DCA) would object to the density because they did not read correctly; resulting in the public perception that density was being increased, rather than decreased.

Mayor Costello stated DCA actually helped the City do a better job by catching a couple of items, and overall the collaborative effort was a positive result.

Call Vote:	Commissioner Kent	yes
	Commissioner Kelley	yes
	Commissioner Partington	yes
	Commissioner Gillooly	yes
Carried.	Mayor Costello	yes

Mayor Costello stated the public hearing was closed without objection.

Item #9A – Schedule of Business Taxes/Classification of Business Types

ORDINANCE NO. 2010-29

AN ORDINANCE AMENDING SECTION 12-36, TAXES IMPOSED, OF ARTICLE I, IN GENERAL, OF CHAPTER 12, BUSINESS REGULATIONS, OF THE CITY OF ORMOND BEACH CODE OF ORDINANCES BY DELETING THE SCHEDULE OF BUSINESS TAXES AND CREATING A CLASSIFICATION OF BUSINESS TYPES TO BE CONSISTENT WITH PERMITTED, CONDITIONAL AND SPECIAL EXCEPTION USES CONTAINED IN THE CITY'S LAND DEVELOPMENT CODE; REPEALING ARTICLE XV, SPECIAL PROVISIONS FOR INCIDENTAL SEATING WITHIN GRANADA/BOVARD STREETSCAPE OVERLAY DISTRICT IN ITS ENTIRETY AND RESERVING SAID ARTICLE FOR FUTURE USE; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; AND SETTING FORTH AN EFFECTIVE DATE.

Commissioner Partington moved, seconded by Commissioner Kelley, to approve Ordinance No. 2010-29 on second reading, as read by title only.

Call Vote:	Commissioner Kelley	Yes
	Commissioner Partington	Yes
	Commissioner Gillooly	Yes
	Commissioner Kent	Yes
Carried.	Mayor Costello	Yes

Item #9B – Newspaper Distribution Ordinance

ORDINANCE NO. 2010-30

AN ORDINANCE AMENDING CHAPTER 3, ADVERTISING, OF THE CODE OF ORDINANCES OF THE CITY OF ORMOND BEACH, FLORIDA, BY ESTABLISHING SECTION 305, DELIVERY OF UNSOLICITED PAPERS AND MATERIALS TO RESIDENTIAL, COMMERCIAL, OR PUBLIC REAL PROPERTY PROHIBITED AFTER NOTICE OF OBJECTION; ESTABLISHING SECTION 306, DELIVERY OF PAPERS AND MATERIAL PROHIBITED TO VACANT REAL PROPERTY; ESTABLISHING SECTION 3-7, ENFORCEMENT PROCEDURE, BY PROHIBITING THE UNSOLICITED DISTRIBUTION OF PAPERS AND OTHER MATERIALS TO REAL PROPERTY AFTER NOTICE BY THE OWNER OR OCCUPANT THEREOF TO STOP SUCH DISTRIBUTION; PROHIBITING THE DELIVERY OF PAPERS AND OTHER MATERIAL TO VACANT REAL PROPERTY; PROVIDING ENFORCEMENT PROCEDURES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Commissioner Kelley moved, seconded by Commissioner Partington, to approve Ordinance No. 2010-30 on second reading, as read by title only.

Call Vote:	Commissioner Partington	Yes
	Commissioner Gillooly	Yes
	Commissioner Kent	Yes
	Commissioner Kelley	Yes
Carried.	Mayor Costello	Yes

Item #10 – Up to \$5,000,000 of General Obligation Bonds

ORDINANCE NO. 2010-32

AN ORDINANCE AUTHORIZING THE ISSUANCE OF UP TO \$5,000,000 OF GENERAL OBLIGATION BONDS OF THE CITY FINANCE ALL OR A PORTION OF THE COST OF THE ACQUISITION AND DEVELOPMENT OF LANDS ON THE EAST SIDE OF A1A/ATLANTIC AVENUE FOR A PUBLIC BEACHFRONT PARK, INCLUDING PRESERVATION OF NATURAL AREAS, DUNES, AND OCEAN VIEWS, AND PROVIDING OFF-BEACH PARKING AND BEACH ACCESS; PROVIDING FOR CONSIDERATION OF THE ISSUANCE OF SUCH GENERAL OBLIGATION BONDS AT AN ELECTION OF THE QUALIFIED ELECTORS RESIDING WITHIN THE CITY TO BE HELD ON AUGUST 24, 2010; PROVIDING FOR SEVERABILITY; AND SETTING FORTH AN EFFECTIVE DATE.

Commissioner Kelley moved, seconded by Commissioner Kent, to approve Ordinance No. 2010-32 on first reading, as read by title only.

Rick Boehm, Chairman of Leisure Services Advisory Board, explained the makeup of the LSAB, and he stated for many years LSAB had identified beach access as their highest priority and continued to support beach access with unanimous support.

Mayor Costello recognized Pegeen Hanrahan, former Mayor of Gainesville, who was at the meeting representing the Trust for Public Lands.

Commissioner Gillooly pointed out the wording of the ballot language which stated, “restoring the natural dunes”; she questioned if this could be done.

City Manager Shanahan stated the dunes would be restored to the extent that it was possible. She pointed out there was currently a sea wall on the property, and the dunes were in front of that sea wall.

Commissioner Gillooly stated, relative to the City Manager memo, she would never write a memorandum stating the City was seeking financial assistance from the County; she would have used “partnership.”

City Manager Shanahan advised that “partnership” was used in the letter to the County Council.

Mayor Costello stated he encouraged County Council Chairman Frank Bruno and County Manager Jim Dinneen to support any community on the coast requesting a partnership to acquire beachfront property.

Call Vote:	Commissioner Gillooly	Yes
	Commissioner Kent	Yes
	Commissioner Kelley	Yes
	Commissioner Partington	Yes
Carried.	Mayor Costello	Yes

Commissioner Kelley stated he had hoped an artist's rendering would be available for consideration before the August election.

City Manager Shanahan stated there was no way to do that at this point, with no funds and no clear concept. She pointed out the problem with presenting a conceptual drawing, and cited the proposed Bailey Riverbridge Gardens project as an example.

Mayor Costello advised he had asked Parker Mynchenberg for a conceptual drawing, which he did at no cost. The Mayor suggested the drawing could be used as a starting point.

Commissioner Gillooly stated her concern that using a conceptual drawing might be a problem, because if it changed, some residents might feel they were misled. She suggested waiting until the land was acquired before moving forward with the design.

Commissioner Kelley stated it was important for people to know the County was committed to a partnership, which would also determine the maintenance costs for the City.

The City Manager stated maintenance costs could not be determine until the amenities were determined.

Mayor Costello stated the splash park was ruled out because only 36% of the residents polled supported a splash park.

City Manager Shanahan stated she could use Parker Mynchenberg's conceptual drawing and get estimated maintenance costs.

Mayor Costello agreed with the City Manager to wait to discuss issues other than acquisition at this time. He thanked her for her wise counsel on this issue.

Commissioner Kelley stated by the August election, the City should know if the County would agree to partner with the City on the beachfront park.

City Manager Shanahan stated she would strive to get the commitment from the County to provide financial partnership.

Item #11A – Joint Permitting Counter

Mayor Costello summarized the proposal and asked the Commission for comment.

Commissioner Kelley commented that while development activities were slow, it was a good time to consider these changes, and he wondered if we were planning far enough into the future for potential development. He questioned the importance of having everything in one place. He questioned if the improvement costs were worth the importance of paying for permits at the Planning counter.

Mr. Goss stated the only additional expense was \$5,000 set aside for receipts. He stated it was a problem for handicapped individuals to go to various offices to complete the process, and he stated there was intrinsic value in good customer service to all. He stated these improvements would be paid for in 2 ½ years by not hiring another person.

Commissioner Kelley stated he was all for one stop service, but this was a lot of money to spend. He discussed some of the details of the proposal, such as whether money could be saved by not removing the wet bar, and he commented on the large amount of files in a small space.

Mr. Goss stated the drawing was not final as to the office assignments, but rather an assurance that there was enough office space for all the staff; and he pointed out that the 4,500 square feet was the same amount of size in Building and Finance, with more employees currently in that space than Planning will have in their 4,500 square feet of space. He stated it was about how the space was laid out.

Mayor Costello stated the key was that this was discussed three years ago and was still recommended.

Commissioner Gillooly stated, from a customers point of view. it would be a smooth process, and it would be a value to staff by being more efficient. She expressed her support.

Commissioner Partington moved; seconded by Commissioner Gillooly, to support a Joint Permit Counter at a cost of \$121,125.00.

Call Vote:	Commissioner Kent	yes
	Commissioner Kelley	yes
	Commissioner Partington	yes
	Commissioner Gillooly	yes
Carried.	Mayor Costello	yes

Item #11B – Electronic Sign Display

Greg Breyfogle, Daktonics, explained a PowerPoint presentation. He explained an Electronic Message Center (ECC) was an LED display and showed examples of signs. He recommended not allowing flashing display in the code, which was not effective anyway. He stated almost all ECCs had an automatic dimmer to avoid too bright displays at night. He stated animation was appropriate in some situations, but the Commission could restrict it to specific areas. He suggested that ECC not be permitted in residential areas, but in heavy commercial corridors, fewer restrictions might be appropriate, such as light animation or slightly brighter lights.

Mayor Costello recessed the City Commission meeting at 8:31 p.m. for an outside demonstration of an electronic sign.

Mayor Costello reconvened the City Commission meeting at 8:46 p.m.

Commissioner Gillooly requested a copy of the PowerPoint presentation. She stated there had been some interest from churches on Granada. She stated she had envisioned a permanent sign with changeable display area.

Robert Skelton, Fantastic Design Group, stated often an encapsulated message center was used within a cabinet, such as a monument sign.

City Manager Shanahan asked Mr. Skelton to display the slide with the before and after photo of a church sign as an example.

Pat Behnke, 15 Malayan Sun Bear Path, expressed concern that the reason for discussion of this issue was a request to approve these signs for houses of worship and now it was being discussed to open it to everyone citywide.

Mayor Costello stated churches on Granada were being considered and businesses in the commercial corridor; not in the Downtown and only churches on Granada Boulevard.

Ms. Behnke stated the ordinance before the Commission was specifically for houses of worship, which was on hold until the demonstration. She stated she understood advertising was important, but Ormond Beach was an elegant, genteel city, not “flash and trash.” She pointed out that the Performing Arts Center sign was ineffective, because you did not get all the information; and drivers should not be looking away from driving. She stated Orlando allowed changeable signs, but four billboard signs had to be eliminated for each ECC. She stated these signs were not appropriate at the City’s gateway. She stated they were not appropriate when presented to the Planning Board, and not appropriate now.

Todd Duplantis, RaceTrac, expressed excitement about being part of Ormond Beach, and as a business owner, he felt the LED sign was the future. He stated a couple of the advantages were less maintenance was required, and the ECCs were more durable. He expressed support for the fixed text, not blinking or flashing; and location of the signs was very important and should be determined by the landscaping and surrounding businesses. He stated the size of the RaceTrac sign in Ormond Beach was conforming at 64 square feet, but he showed a typical RaceTrac LED sign, which was 100 square feet with the LED display at 40% of the sign area. He stated the proposal was to allow 100% LED display for government signs, while allowing businesses 40% of display area for LED display, when businesses stimulated the economy. He suggested the allowance should be equal for all ECC. He stated the maximum number of signs per location should be determined on a case-by-case basis, dependent upon the landscaping

and surrounding businesses. He challenged the Commission on the proposed limit of the distance between signs, and the designated “first come, first serve” gave an advantage to the first business owner while penalizing any businesses opening later within 700 feet of the business with an ECC.

Mayor Costello stated the proposed LED display area of 50% per business and 100% for government was due to the government sign advertising community events to inform residents of activities, rather than for commercial purposes.

Matt Reardon, 1687 West Granada Boulevard, Calvary Christian Center, stated they had an old, grandfathered sign, but wanted to put in a board that was modern, clean, and did not break down frequently. He stated Calvary Christian Center made several suggestions to the Planning staff on how to include them in the sign ordinance, such as on Granada Boulevard west of I95. He stated they had a beautiful new facility with an ugly sign, and would like to make the front of the property look as good as the rest with an ECC that was environmentally friendly. He urged support of ECCs for churches.

Commissioner Kent agreed that an ECC helped get the message across, particularly for businesses, but he personally loathed ECCs and regretted voting for the Performing Arts Center sign. He stated he had not heard any support from residents for ECCs but had heard objections. He stated Ormond Beach had a classy, elegant feel, and ECCs would diminish that. He stated it was not a new idea, but the City had not had any because the ECC did not fit the look and feel of the City. He stated the proposal started with a few churches, and now included businesses throughout the City.

Commissioner Kelley stated he voted against the sign at the Performing Arts Center because it was too small and could not be read. He stated he had yet to get the entire message driving by the sign; and therefore, if ECCs were approved, 100% of the sign should be allowable for the LED display. He stated the original concept was to allow three houses of worship to replace their signs, but it had mushroomed from there. He stated the LED signs were not the future but the present. He stated it was a matter of how much the City wanted to be involved. He stated he was not in favor of a seven second change because that was too quick, but he liked Holly Hill's sign because it's was large enough to get the message across.

City Manager Shanahan stated staff had not been trained on the Performing Arts Center sign, but training was in the works; and she reassured the Commission the situation would be resolved.

Commissioner Partington suggested a fixed text only sign with no flashing, no blinking and two text changes a day.

Mr. Goss requested the Commission go through each portion of the memo to determine what the Commission would allow, such as locations and characteristics. He commented that allowing 18mm characters, but not allowing animation, would be a waste of money for the sign owner, suggesting 20mm instead. He stated it would be important to know hold time between messages; and if there should be an option to reward good behavior, he suggested it would be to increase what would be allowed. He stated staff needed direction on all aspects of ECCs before an ordinance could be crafted. He suggested a conservative approach, which would allow for broadening later.

Commissioner Kelley suggested static messages would not require a 700 foot distance between signs.

Mayor Costello summarized that Commissioner Kelley and Commissioner Partington seemed to favor text only; Commissioner Kent was not in favor of ECC signs; and he suggested hearing from Commissioner Gillooly.

Commissioner Gillooly stated that although the Performing Arts Center sign caused her blood pressure to spike, she reminded all that the sign was still being tested. She stated she had envisioned static text that was changed twice a day. She was concerned that allowing animation would be disastrous. She stated the proposal started with three churches with large land size, progressed to other churches, and then, allowing businesses, which was the start of a problem. She pointed out the Trails Shopping Center sign was tasteful.

Mr. Goss stated the Commission could take a conservative approach with only static text messages for a long time, which could be opened up later. He pointed out that all the capabilities were part of the ECC.

Commissioner Gillooly referenced the sentence in the memo, “any ordinance that allows ECC signs will place additional burdens on the City’s code enforcement officers to investigate, document, and justify if a violation did or did not occur,” which would require a lot of staff time to monitor. She inquired if businesses were requesting ECCs before choosing the City to locate their business.

Mr. Goss stated he believed it was not a deciding factor for businesses in their decision to locate in the City.

Mayor Costello summarized three members had already supported static text only, with a change every 12 hours, with no limit as to the distance between signs.

Commissioner Gillooly stated she favored static text; but she was concerned that should someone purchase an ECC at three times the cost of a stationary sign and had all the other capabilities, they would later request to fully utilize all those capabilities.

Mayor Costello stated Mr. Goss pointed out that an ECC that displayed animation would require 16mm, instead of 20mm, which would be more costly.

Commissioner Kent stated he understood what Commissioner Gillooly was saying, and this was a big change for the City that could lead to other things. He stated one of the best signs in the City was at the Casements, a static sign costing approximately \$2,000.

Mayor Costello confirmed the signs would not be in the Downtown area or residential areas. The Mayor asked if anyone had an issue with the spacing of signs.

Commissioner Kelley stated if someone currently had a sign, it should make no difference that they change to a readable electronic sign.

Mr. Goss inquired as to the percentage of a sign that would be allowable for LED display.

Mayor Costello stated he was comfortable with allowing 50% of the sign to be LED display.

Mr. Breyfoyle stated a lot of cities were allowing ECC, but were not overrun with ECCs because they were cost prohibitive. He stated cost was the main issue in determining how many requests the City would have.

Mayor Costello stated the consensus was for text only, with a minimum screen resolution of 20; no quiet time; changeable every 12 hours; not in Downtown; not in residential areas; not in B1, B9 or B10, except for churches; only in the commercial corridors and for churches; 50% of allowable square footage of signage for LED display; requiring automatic dimmers; no maximum per parcel; no spacing requirement between signs; and a specific light source required.

Mr. Skelton suggested an inexpensive light gun for use by code enforcement; consideration of a five minute change time for message changes; and he offered his company’s services at no charge to assist with the Performing Arts Sign.

City Manager Shanahan stated the assistance would be welcomed.

Commissioner Kelley stated he understood Mr. Skelton’s suggestion regarding the five minute change time, but objected to the possibility that motorists driving long a street would see a continuing change in signs as they drove.

Mr. Goss stated staff had sufficient direction to craft the ordinance.

Matt Reardon suggested churches be allowed changes more than twice a day to be able to promote all the services offered to the community.

Commissioner Kelley stated he would be amenable to allowing churches to change every hour or every two hours.

Mayor Costello confirmed that churches could change the message every hour, and businesses could change their messages every 12 hours. He stated he liked the signs in Port Orange and Holly Hill. He stated if someone was willing to purchase the Performing Arts Center sign, he would be willing to purchase a bigger sign.

Commissioner Kelley suggested letting it be known the Performing Arts Center sign could be purchased at a discount and purchase one that worked.

Mayor Costello stated that could be determined once staff received training on the use of the sign.

Item #11C – City Manager Evaluation

City Manager Shanahan thanked the Commission for the thorough and comprehensive evaluation, and she stated she had clear direction from the Commission.

Mayor Costello explained that Page 4 was missing an answer, which was a “4.”

Commissioner Kelley commented on Commissioner Partington’s suggestion that the City Manager take time off; and he thought it was a great suggestion, because it was important for the City Manager’s health. He agreed with Commissioner Partington’s suggestion for webcasting.

City Manager Shanahan stated a proposal was coming to the Commission regarding webcasting and streaming audio.

Commissioner Kelley requested a discussion on this issue before it was finalized.

Commissioner Partington stated that after seeing the other member’s comments, the City Manager must feel great. He stated she really had done a great job.

Commissioner Kelley expressed appreciation for the Mayor’s suggestion that the weekly activity report be more concise; they know staff was working hard, and unless the City Manager did it for her benefit, it was not necessary for the Commission.

City Manager Shanahan stated the report was done for her benefit and she passed it along to them.

Mayor Costello stated he did not want to feel the need to read 20 pages unless she pointed out something as important.

Commissioner Kent stated he was a tough grader, but the City Manager was outstanding in all areas. He stated she dealt with the constituents in an expeditious and efficient manner.

Commissioner Gillooly agreed with everyone, that in a short time, the City Manager had established herself; as City Manager she had found ways to get out into the community. Commissioner Gillooly appreciated that the City Manager had become part of the community, and for her professionalism.

Mayor Costello stated the best way for him to sum up was that the survey regarding a beachfront park determined that 73% of the residents thought the City was going in the right direction, which reflected on the City Manager and showed she was doing a good job.

City Manager Shanahan stated it was a team effort with the Commission giving her direction.

Item # 12 - Reports, Suggestions, Requests

Proclamation Honoring Blaine O’Neal

Commissioner Gillooly thanked Mayor Costello for taking the leadership role relative to the proclamation for Blaine O’Neal and for capturing Blaine O’Neal’s spirit in the proclamation.

Commissioner Partington stated one could not say enough good things about Blaine O’Neal, who always had a kind word for everyone and was dedicated to professionalism and learning what you needed to know before you did something. Commissioner Partington stated the League of Cities was working to find a way to honor him.

Parks Clean-Up

Commissioner Gillooly stated she had the privilege to work with the volunteers on the Bailey Riverbridge Park clean up, which was a success. She stated Robert Carolin was out with his staff working and made it a nice experience.

Nova Community Park

Commissioner Kelley expressed appreciation for Commissioner Partington’s efforts on Nova Community Park. He stated he had first attended a meeting in 1993, when Diane Ledforth led the meeting to improve the park in 1995.

Commissioner Partington thanked Commissioner Kelley for all his work on the Nova Community Park. He requested the City Manager and Leisure Services Director Robert Carolin let him know what their wishes for the park were. He expressed appreciation for all the donations and efforts to improve the park. He stated Ms. Ledforth should lead the efforts for the park, due to her past involvement.

Deposit Refunds

Commissioner Gillooly acknowledged Mr. Sweetwood for his suggestion to return water deposits to residents who had paid their water bill on time for a specific period of time.

Town Hall Meetings

Commissioner Gillooly appreciated staff efforts regarding the fast turnaround on minutes from the Town Hall Meetings; it was very helpful. Commissioner Gillooly stated she had heard some very nice things from constituents who attended.

Commissioner Kent stated he enjoyed the round table process; it was fantastic, and it was better than last year.

Commissioner Kelley stated the Zone 3 Town Hall meeting was May 19. He stated an interesting point at the Zone 2 meeting was the Mayor's response to the consensus that residents would accept a small tax increase to maintain the quality of life, which was, "You know, if we don't raise taxes, you'll say we don't listen to you."

Commissioner Partington stated the budget workshops were wonderful, and he appreciated staff for opening up that forum. He stated he felt the need to have more of that interaction, possibly a quarterly citywide meeting. He stated he did not know if zone meetings were effective because there were so many people from other zones at the Zone 4 meeting. He asked that zone attendance be encouraged.

Mayor Costello explained that his intent was not to have, for example, Zone 4 citizens at a Zone 4 meeting talking about Zone 4, but to get everyone in the community to be involved.

Commissioner Partington stated it would be more efficient to have one or two budget meeting that everyone could attend.

Commissioner Gillooly stated she had hoped her constituents would have come to the zone meeting and let it be known what they wanted.

Letter to Volusia County Council

Commissioner Kent complimented the Mayor on the great letter to Volusia County Chairman Frank Bruno; it was wonderfully written.

Mayor Costello stated staff always helped.

Election

Commissioner Kent stated he had officially filed papers to run for re-election in Zone 2.

Local Professionals

Commissioner Kelley stated that it bothered him that the City did not utilize local attorneys or local engineers, and wondered how the City could utilize local professionals.

City Attorney Randy Hayes stated local professionals were used, other than, due to the lack of local expertise, for the Workers' Compensation attorney who was out of town but had one of the lowest rates available. He stated potential conflicts had to be considered, as well as hourly rates. He stated local counsel was used for negligence cases and some of the commercial work. He stated they did not try to exclude anyone. He explained the labor counsel had been used by the City for the past 20 years.

Commissioner Kelley stated the City should look at local professionals for work with the City because the economy was bad, and the Commission members all heard from local professionals regarding the City's work, to which he had responded that he did not make those decisions.

City Attorney Hayes responded that he was open to Commissioner Kelley's advice.

Mayor Costello stated that local services were used whenever possible. He expressed appreciation for the methodology used for establishing criteria for the continuing professional services contract, which gave local professionals a 20% advantage.

Commissioner Kelley pointed out that there was a local attorney who did bond work who had served on City boards for 20 years, and Commissioner Kelley did not understand why the City had to go to Miami for a bond attorney.

City Attorney Hayes stated the City would weigh all of that in the balance, and would be happy to do so.

Comment

Commissioner Kelley stated he had been criticized for sitting back in his chair on the dais, but he explained he sat back in his chair because he did not want to block the members' view of other members, and he did that out of respect with the other members, not disrespect.

Surfside Hotel Demolition

Commissioner Partington noted the demolition was to begin on May 20 and suggested Commissioner Kent charge \$5 per resident to use a sledgehammer on the Surfside Hotel building before it was demolished, and the money could be used for the beachfront park.

Oil Spill Response

Commissioner Partington remarked on the email from a resident regarding a response to the oil spill, and he stated the City should let the County know the City was concerned and expected the County to be on top of the situation.

City Manager Shanahan stated a letter could be drafted, but the efforts were being coordinated at the state level, not local level. She stated everyone felt badly and wanted to help, and those desires could be expressed to the County Council.

Commissioner Partington stated he was concerned about the financial aspect as far as the funds being dispersed to the state, and hoped a pro rata share was being set aside for counties that might need assistance.

City Manager Shanahan stated a letter would be sent to the Governor, as well.

Commissioner Gillooly stated she was struck by citizens' willingness to help; and that a game plan was needed.

City Manager Shanahan stated the City's game plan was the Disaster Preparedness Manual, which was used for any type disaster. She stated the funding was the issue; the City was limited due to the involvement of Environmental Protection Agency; the City was limited in the ability to get reimbursement of any funds expended; and the City did not have jurisdiction over the beach.

Mayor Costello stated the key was not to go after the funding, not to do anything, but to know what we were going to do if it came to the point when action was required.

City Manager Shanahan stated the Commission would be kept apprised of any developments.

Beachfront Park

City Manager Shanahan stated she would be attending the County Council meeting to request a financial partnership for the beach property acquisition.

Capital Improvement Workshop

City Manager Shanahan announced the Capital Improvement Workshop was scheduled for Tuesday, June 1, 2010, at 5:30 p.m.

Mayor Costello asked if the City needed a community foundation for donations given to the City for the beachfront park.

City Attorney Hayes stated a foundation was not needed.

City Manager Shanahan cautioned the Commission about accepting checks for specific items when it had not been determined what the park would actually be.

City Attorney Hayes stated the Commission could accept a donation, although the City was not obligated to a specific use; the funds would be put in the General Fund.

Commissioner Gillooly asked if a donation for the park would be considered a tax deductible contribution.

City Manager Shanahan stated a letter could be created stating the donation was a tax deductible donation.

Item #13 – Close the Meeting

The meeting was adjourned at 10:30 p.m.

APPROVED: June 1, 2010

BY: Fred Costello, Mayor

ATTEST:

Veronica Patterson, City Clerk