

**ORMOND BEACH CITY COMMISSION
HELD AT CITY HALL COMMISSION CHAMBERS**

January 3, 2012

8:00 p.m.

Present were: Mayor Ed Kelley, Commissioners James Stowers, Troy Kent, Rick Boehm and Bill Partington, City Manager Joyce Shanahan, Assistant City Manager Ted MacLeod, City Attorney Randy Hayes, and City Clerk Joshua Fruecht.

A G E N D A

1. CALL TO ORDER

2. INVOCATION - Rev. Neal J. Ganzel, Jr., Coquina Presbyterian Church in America

3. PLEDGE OF ALLEGIANCE

4. AUDIENCE REMARKS - Regarding items not on the agenda.

5. APPROVAL OF MINUTES

A. Minutes from the City Commission meeting - December 13, 2011

6. COMMUNITY REDEVELOPMENT AGENCY

A. **Resolution No. 2012-02** - A RESOLUTION DESIGNATING CERTAIN LANDS TO BE A BROWNFIELD AREA, INCLUDING LANDS THAT ARE SITUATED INSIDE AND OUTSIDE THE CITY'S COMMUNITY REDEVELOPMENT AREA; PROVIDING LEGISLATIVE FINDINGS; AUTHORIZING THE USE OF ECONOMIC AND TAX INCENTIVES TO FACILITATE AND PROMOTE THE REHABILITATION OF LANDS IN THE BROWNFIELD AREA; AUTHORIZING THE ESTABLISHMENT OF AN ADVISORY COMMITTEE; DIRECTING THE CITY CLERK TO NOTIFY THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION REGARDING THE BROWNFIELD AREA DESIGNATION; AND SETTING FORTH AN EFFECTIVE DATE. (Planning Director)

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. 2012-01** - A resolution APPOINTING A MEMBER TO SERVE ON THE CHARTER REVIEW COMMITTEE; SETTING FORTH TERMS AND CONDITIONS OF SERVICE; AND SETTING FORTH AN EFFECTIVE DATE. (City Clerk)

8. PUBLIC HEARINGS

A. **Resolution No. 2012-02** - A resolution DESIGNATING CERTAIN LANDS TO BE A Brownfield AREA, INCLUDING LANDS THAT ARE SITUATED INSIDE AND OUTSIDE THE CITY'S COMMUNITY REDEVELOPMENT AREA; PROVIDING LEGISLATIVE FINDINGS; AUTHORIZING THE USE OF ECONOMIC AND TAX INCENTIVES TO FACILITATE AND PROMOTE THE REHABILITATION OF LANDS IN THE Brownfield AREA; AUTHORIZING THE ESTABLISHMENT OF AN ADVISORY COMMITTEE; DIRECTING THE CITY CLERK TO NOTIFY THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION REGARDING THE Brownfield AREA DESIGNATION; AND SETTING FORTH AN EFFECTIVE DATE. (Planning Director)

9. FIRST READING OF ORDINANCES

A. **Ordinance No. 2011-01** - AN ORDINANCE AMENDING CHAPTER 2, ADMINISTRATION, ARTICLE VI, BOARDS, COMMISSIONS, COMMITTEES AND OTHER AGENCIES, DIVISION 2, ENUMERATED, OF THE CODE OF ORDINANCES, BY ADDING A NEW SECTION TO BE NUMBERED AND ENTITLED SECTION 2-229, BROWNFIELD ADVISORY BOARD; ESTABLISHING TERMS AND CONDITIONS OF MEMBERSHIP; ESTABLISHING POWERS AND DUTIES; AND SETTING FORTH AN EFFECTIVE DATE. (City Attorney)

10. **REPORTS, SUGGESTIONS, REQUESTS** (Mayor, City Commission, City Manager, City Attorney)

11. ADJOURNMENT

Item #1 - Meeting Call to Order

Mayor Kelley called the meeting to order at 8:01 p.m.

Item #2 - Invocation

Reverend Neal J. Ganzel, Jr. of Coquina Presbyterian Church in America gave the invocation.

Item #3 - Pledge of Allegiance

Mayor Kelley led the Pledge of Allegiance.

Mayor Kelley wished a happy birthday to Ms. Audrey Parente, Daytona Beach News-Journal reporter, who was in attendance.

Item #4 - Audience Remarks

Mr. Jim Schultz, 117 Harvard Drive, spoke about fluoridation and how vitamin D was a "plan B" alternative. He stated that vitamin D hardens the enamel, improves the smoothness of the enamel to prevent plaque adhesion, and is also excellent at killing bacteria around the gums. He went on to state that although not mentioned by the Health Department or dentists, this information can be found in dental journals. He stated the utilization of vitamin D also has other beneficial side effects such as bone health, immune function, and that studies have shown that having high levels can work better than having any type of influenza vaccination and also had effects against cancers. He encouraged people to get more vitamin D, either through the sun or supplements.

Mr. Eric Sommerlad, Vice President of the International Association of Fire Fighters (IAFF) Local 3499 and a Firefighter with the Ormond Beach Police Department, spoke to the City Commission about the mediocrity he perceived with the current dispatch procedure, the Emergency Medical Dispatch (EMD). He stated he was dispatched to a "lights and sirens" call where the victim was alert and oriented; and therefore, the call could have been an ambulance only transport call. He went on to state that he also received a non-emergency fall call from an assisted living facility that was classified as ambulance only, and was unsure as to why the calls were being dispatched in such an inconsistent manner. He went on to state that the problem with the Hull Road call incident could have been solved if there was contingency transport available. He stated that with the unusually long response time, if there had been a contingency unit program in place, the Ormond Beach Fire Department could have had a unit on scene and could have transported the injured boy to the hospital. He further stated that the State of Florida is issuing grants for contingency transport and that the funding available is a 75%/25% split. He stated the funds would allow for contingency transport units to be on scene in the event that EVAC did not show. He stated he hoped the City would look into the grants being offered for the program.

Item #5 - Approval of the Minutes

Mayor Kelley advised the minutes of the December 13, 2011, regular meeting had been sent to the Commission for review, and were on the City's website for public review. He asked for any corrections, additions, or omissions. He stated that hearing no corrections, the minutes would stand approved as presented.

Item #6 - Community Redevelopment Agency

Mayor Kelley explained that the City Commission served as the Community Redevelopment Agency (CRA) for the Downtown Redevelopment Area, and as such, must review these items 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 recommendation was made, the CRA meeting would be adjourned and the City Commission meeting reconvened.

Mayor Kelley stated that the City Commission meeting was recessed, and he called the meeting of the Community Redevelopment Agency to order at 8:11 p.m. for discussion of Resolution No. 2012-02 related to bestowing the designation of being a Brownfield area to certain lands in the City of Ormond Beach. He stated that this item was a public hearing.

City Clerk Joshua Fruecht read by title only:

RESOLUTION NO. 2012-02

A RESOLUTION DESIGNATING CERTAIN LANDS TO BE A BROWNFIELD AREA, INCLUDING LANDS THAT ARE SITUATED INSIDE AND OUTSIDE THE CITY'S COMMUNITY REDEVELOPMENT AREA; PROVIDING LEGISLATIVE FINDINGS; AUTHORIZING THE USE OF ECONOMIC AND TAX INCENTIVES TO FACILITATE AND PROMOTE THE REHABILITATION OF LANDS IN THE BROWNFIELD AREA; AUTHORIZING THE ESTABLISHMENT OF AN ADVISORY COMMITTEE; DIRECTING THE CITY CLERK TO NOTIFY THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION REGARDING THE BROWNFIELD AREA DESIGNATION; AND SETTING FORTH AN EFFECTIVE DATE.

Mr. Ric Goss, Planning Director, presented information about the Brownfield designation and the four workshops held, which were well attended by residents and business owners. He stated the area to be designated encompassed 398 acres, 413 parcels, and approximately 250 property owners. He stated at the workshop they discussed definitions of Brownfield, proposed boundaries, the designation process, and the benefits of designation. He stated they discussed other communities in Volusia County and in Florida that had been successful in utilizing the Brownfield site designation. He stated that Brownfield areas were considered idle, vacant, or underutilized areas that could be redeveloped, and may be complicated by real or perceived environmental contamination. He stated the area to be designated would be the downtown CRA, the old vacant hospital site and areas between SR-40 and behind Orchard Street on back roads. He stated they received no written request from any property owner to exclude them in the Brownfield designation. He stated the economic incentives for the Brownfield designation included job creation bonuses, 50% loan guarantees, sales tax credits for building materials, liability protection, and voluntary tax credits.

Mayor Kelley stated an important aspect of the program was that while people may not necessarily benefit, no one would be harmed.

Mr. Goss stated that a resident had inquired whether or not his property would be appraised lower because of the Brownfield designation. He stated that a News-Journal reporter contacted the Property Appraiser's Office and that the appraiser conveyed that they would not mark down a property because of a Brownfield designation.

Commissioner Stowers moved, seconded by Commissioner Boehm, for approval of Resolution No. 2012-02. The motion carried by voice vote.

Mayor Kelley adjourned the CRA meeting and reconvened the City Commission meeting at 8:26 p.m.

Item #7 - Consent Agenda

Mayor Kelley advised the action proposed for the 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 the item separately.

Commissioner Partington moved, seconded by Commissioner Boehm, for approval of the Consent Agenda.

Call Vote:	Commissioner Boehm	Yes
	Commissioner Partington	Yes
	Commissioner Stowers	Yes
	Commissioner Kent	Yes
Carried.	Mayor Kelley	Yes

Item #8A - Public Hearings

City Clerk Joshua Fruecht read by title only:

RESOLUTION NO. 2012-02

A RESOLUTION DESIGNATING CERTAIN LANDS TO BE A BROWNFIELD AREA, INCLUDING LANDS THAT ARE SITUATED INSIDE AND OUTSIDE THE

CITY'S COMMUNITY REDEVELOPMENT AREA; PROVIDING LEGISLATIVE FINDINGS; AUTHORIZING THE USE OF ECONOMIC AND TAX INCENTIVES TO FACILITATE AND PROMOTE THE REHABILITATION OF LANDS IN THE BROWNFIELD AREA; AUTHORIZING THE ESTABLISHMENT OF AN ADVISORY COMMITTEE; DIRECTING THE CITY CLERK TO NOTIFY THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION REGARDING THE BROWNFIELD AREA DESIGNATION; AND SETTING FORTH AN EFFECTIVE DATE.

Mr. Michael Sznajstajler, 6 Dormer Drive, Board of Directors for the Florida Brownfield Association, reiterated the incentives that become available immediately upon Brownfield designation as previously stated by Mr. Goss. He also mentioned that there was a separate federal Brownfield program targeted for local governments. He stated this program provided assessment and clean-up grants to be used to investigate properties. He also mentioned that South Daytona, New Smyrna, and Daytona had all received EPA grants for assessments.

Commissioner Kent moved, seconded by Commissioner Stowers, for approval of Resolution No. 2012-02, as read by title only.

Call Vote.	Commissioner Partington	Yes
	Commissioner Stowers	Yes
	Commissioner Kent	Yes
	Commissioner Boehm	Yes
Carried.	Mayor Kelley	Yes

Item #9A - First Reading of Ordinances

City Clerk Joshua Fruecht read by title only:

ORDINANCE NO. 2012-01

AN ORDINANCE AMENDING CHAPTER 2, ADMINISTRATION, ARTICLE VI, BOARDS, COMMISSIONS, COMMITTEES AND OTHER AGENCIES, DIVISION 2, ENUMERATED, OF THE CODE OF ORDINANCES, BY ADDING A NEW SECTION TO BE NUMBERED AND ENTITLED SECTION 2-229, BROWNFIELD ADVISORY BOARD; CREATING A BROWNFIELD ADVISORY BOARD; ESTABLISHING TERMS AND CONDITIONS OF MEMBERSHIP; ESTABLISHING POWERS AND DUTIES; AND SETTING FORTH AN EFFECTIVE DATE.

Commissioner Boehm moved, seconded by Commissioner Partington, for approval of Ordinance No. 2012-01, on first reading, as read by title only.

Commissioner Stowers stated that the Commissioners had received a revised version of the ordinance in their agenda packet but when visiting the City's website he noticed that the information had not been updated yet. He suggested continuing the item due to this discrepancy.

Randy Hayes, City Attorney, stated the ordinance could be continued if the Commission so desired. He advised the ordinance had been correctly advertised and could be continued to the next meeting or acted on since it had been advertised.

Commissioner Kent stated he was comfortable with acting on the ordinance since it had been advertised correctly.

Commissioner Boehm stated he also felt there was no harm in acting on the ordinance since no objections had been made to the Brownfield designation. He stated the creation of the Brownfield Advisory Board was important because the sooner it was created the sooner they would be able to take action.

Mayor Kelley stated he approved of acting on the ordinance since it was properly advertised. Mr. Joshua Fruecht, City Clerk, clarified that the ordinance only needed to be advertised on second reading. He stated that the ordinance had been advertised on the agenda. He stated it would be advertised correctly by title for the second reading.

Call Vote:	Commissioner Stowers	Yes
	Commissioner Kent	Yes
	Commissioner Boehm	Yes
	Commissioner Partington	Yes

Carried.

Mayor Kelley

Yes

Item #10 - Reports, Suggestions, Requests

Workshop

Ms. Joyce Shanahan, City Manager, thanked the Commissioners for their time and attendance at the Strategic Planning and Goals for 2012 Workshop. She stated that they will receive a strategic plans and goals draft in the next week or two for review.

Meeting with Deputy County Manager

Ms. Joyce Shanahan stated she would be meeting tomorrow with Deputy County Manager Mary Anne Connors to discuss Station 94, Airport Road nearing completion, and efficiencies that may be achieved between Station 94 and Station 18. She stated she would also be discussing the Beachfront Park and agreement to receive \$3.5 million; funds which she stated the County was ready to relinquish. She stated that the County liked the park plan, but wanted verbiage added about the number of parking spaces. She further stated they indicated that they would let the City control the concession at the park.

Movies on Halifax

Ms. Joyce Shanahan stated that on Friday, January 6, 2012, the movie would be "The Bee Movie" starring Jerry Seinfeld and would begin early, at 5:30 p.m.

Starry Starry Night

Ms. Joyce Shanahan also stated that Friday January 6, 2012, Starry Starry Night would be held at the Ormond Memorial Art Museum and The Casements at 6:00 p.m. She stated both events were free activities.

Greetings

Commissioner Kent wished everyone a Happy New Year.

Brownfield Advisory Committee

Commissioner Boehm inquired about the deadline to make appointments for the Brownfield Advisory Committee, and stated he knew it would need to be on the agenda for approval; whereby, Ms. Shanahan stated she would email Commissioner Boehm the response once determined.

Greetings

Commissioner Boehm also wished everyone a Happy New Year.

Greetings

Commissioner Partington wished everyone a Happy New Year.

Emergency Fall Response

Commissioner Partington referred to Mr. Eric Sommerlad's earlier comments about an emergency fall being responded to at a nursing home, and wondered what the difference was between an emergency and non-emergency fall. He stated from the weekly reports it seemed that the fire department makes between thirty (30) and eighty (80) trips a month to nursing homes for falls. He stated the nursing homes should have staff on hand to handle medical emergencies instead of calling the fire department so frequently. He stated he would be willing to promote state legislation to require nursing homes to have the appropriate staffing to accommodate the falls and remove pressure from the fire department. He suggested that another idea was to charge for excess calls, as is the practice in the police department when an alarm repeatedly went off at one location. He stated he would like the matter looked into further.

Road Pavement Markers

Commissioner Partington also wanted to thank staff for patiently working to get the Department of Transportation to install road pavement markers (RPMs) after the death of bicyclists on the bridge. He stated when a driver crossed into the markers he would hear it and be more likely to take corrective action.

Brownfield

Commissioner Stowers thanked Mr. Goss for his thorough report and overseeing the process on Brownfield. He stated that he believed Ormond Beach was lucky to have his colleague, Mr. Sznepstailer, as a resident and that Mr. Sznepstailer continued to be on the forefront of Brownfield and was very passionate about it.

Dispatch Issue

Commissioner Stowers stated that on the dispatch issue he would like to have more information. He stated he understood from doctors he knew that it was not uncommon for

medical professionals to call 911 when they had a person fall in their office. He stated they did so due to a fall being outside of their area of specialization or because of legal issues.

Greetings

Commissioner Stowers also wished everyone a Happy New Year.

Greetings

Mayor Kelley wished everyone a good 2012 and thanked staff for the great workshop.

Item #12 - Adjournment

The meeting was adjourned at 8:45 p.m.

APPROVED: January 3, 2012

BY: Ed Kelley, Mayor

ATTEST:

Joshua Fruecht, City Clerk