

**ORMOND BEACH CITY COMMISSION MEETING
HELD AT CITY HALL COMMISSION CHAMBERS
October 6, 2009 7:00 p.m.**

Present were: Mayor Fred Costello, Commissioners Lori Gillooly, Troy Kent, Ed Kelley, 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.
- 3) Pledge of Allegiance.
- 4) **PRESENTATIONS:**
 - A) Employee-of-the-Quarter award to Chris Mason, Neighborhood Improvement Officer.
 - B) Proclamation honoring Tymber Creek Car Wash "green" efforts.
 - C) Presentation by Bernadette Britz-Parker regarding the Volusia Honor Air program.
- 5) **AUDIENCE REMARKS:**
- 6) **APPROVAL OF THE MINUTES** of the September 8 and September 14, 2009, regular meetings and the September 22, 2009, special 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. 2009-154 amending the rules of parliamentary procedure. (City Clerk)
 - B) Resolution No. 2009-155 pursuant to Section 14-98, Liens, of the City of Ormond Beach Code of Ordinances, authorizing the imposition of a lien against the real property located at 863 Riverside Drive for costs incurred by the City to terminate or abate a site maintenance violation. (\$300.00) (Neighborhood Improvement)
 - C) Resolution No. 2009-156 authorizing the execution of a quitclaim deed in favor of Ashford Lakes Estates, LLC releasing a portion of well site #39 easement located in the "Ashford Lakes Estate Subdivision," a portion of the Hunter's Ridge Development of Regional Impact located in Flagler County. (Planning Director)
 - D) Resolution No. 2009-157 authorizing the execution of an Amended Agreement for Solid Waste, Yard Waste, Recycling and Roll-off Collection and Disposal Services between the City and Waste Management, Inc., of Florida. (Public Works Director)
 - E) Resolution No. 2009-158 authorizing the submittal of a grant application to the County of Volusia under the ECHO Grants-In-Aid-Program for funding assistance relative to the purchase of the Surfside Hotel property located at 251 South Atlantic Avenue and for development of a park. (\$600,000 ECHO funding; approximately \$4 million total project cost)
 - F) Resolution No. 2009-159 authorizing the submittal of a grant application to the County of Volusia under the ECHO Grants-In-Aid-Program for funding assistance relative to the Hand Avenue Bridge and Central Park Lakes Interconnect project. (\$362,400 ECHO funding; approximately \$994,000 total project cost)
 - G) EPA rule adoption deadline for FDEP establishment of numeric nutrient criteria. (Utilities Manager)

DISPOSITION: Approve as recommended in City Manager memorandum dated October 1, 2009.
 - H) Update on Consolidated Tomoka Land Holding property status. (Planning Director)

DISPOSITION: Accept report provided by City Manager memorandum dated October 1, 2009.

- I) Daytona State College letter of support for an engineering technology program. (Economic Development Director)

DISPOSITION: Approve as recommended in City Manager memorandum dated October 1, 2009.

- J) Closing of Riverside Drive for various events. (Leisure Services Director)

DISPOSITION: Approve as recommended in City Manager memorandum dated October 1, 2009.

8) **PUBLIC HEARINGS:**

- A) Resolution No. 2009-160 of the City Commission, also acting as the Central Business District Community Redevelopment Agency of the City of Ormond Beach, Florida, authorizing a 60-day extension of a Property Improvement Grant Agreement between the Agency and Granada Arts, Inc. (150 Tomoka Avenue - \$50,000) (Planning Director)

- B) Resolution No. 2009-161 of the City Commission, also acting as the Central Business District Community Redevelopment Agency of the City of Ormond Beach, Florida, authorizing the execution of a Property Improvement Grant Agreement between the Agency and Charles S. Lichtigman Trustee. (125 East Granada Boulevard - \$50,000) (Planning Director)

- C) Ormond Crossings Plat Vacations and Deed Conveyance:

- 1) Resolution No. 2009-162 accepting a right-of-way deed from Tomoka Holdings LLC, a Florida Limited Liability Company, for property located on the west side of Highway US1 and east of the Florida East Coast Railroad within the Revised Plat of National Gardens, recorded in Map Book 10 at Pages 250-253 of the public records of Volusia County, Florida.
- 2) Resolution No. 2009-163 of the City of Ormond Beach, Florida, City Commission, vacating all or that portion of the subdivision plat for the Revised Plat of National Gardens as recorded in Plat Book 10, at Pages 250-253 of the public records of Volusia County, Florida; providing for vacation of plat; providing for implementing actions.
- 3) Resolution No. 2009-164 of the City of Ormond Beach, Florida, City Commission, vacating all or that portion of the Unit Plat of National Gardens as recorded in Plat Book 11, at Pages 1-5 of the public records of Volusia County, Florida; providing for vacation of plat; providing for implementing actions.
- 4) Resolution No. 2009-165 of the City of Ormond Beach, Florida, City Commission, vacating all or that portion of the subdivision plat of National Gardens as recorded in Plat Book 22, at Pages 171-172 of the public records of Volusia County, Florida; providing for vacation of plat; providing for implementing actions.
- 5) Resolution No. 2009-166 of the City of Ormond Beach, Florida, City Commission, vacating all or that portion of the subdivision plat of National Gardens Park No. 1 as recorded in Plat Book 10, at Page 46 of the public records of Volusia County, Florida; providing for vacation of plat; providing for implementing actions.
- 6) Resolution No. 2009-167 of the City of Ormond Beach, Florida, City Commission, vacating all or that portion of the subdivision plat of Daytona National Gardens Park No. 1 as recorded in Plat Book 10, at Page 219 of the public records of Volusia County, Florida; providing for vacation of plat; providing for implementing actions.
- 7) Resolution No. 2009-168 of the City of Ormond Beach, Florida, City Commission, vacating all or that portion of the subdivision plat of National Gardens Park No. 2 as recorded in Plat Book 10, at Page 47 of the public records of Volusia County, Florida; providing for vacation of plat; providing for implementing actions.
- 8) Resolution No. 2009-169 of the City of Ormond Beach, Florida, City Commission, vacating all or that portion of the subdivision plat of National Gardens Park No. 3

as recorded in Plat Book 10, at Page 48 of the public records of Volusia County, Florida; providing for vacation of plat; providing for implementing actions.

- 9) Resolution No. 2009-170 of the City of Ormond Beach, Florida, City Commission, vacating all or that portion of the subdivision plat of National Gardens Park No. 4 as recorded in Plat Book 10, at Page 49 of the public records of Volusia County, Florida; providing for vacation of plat; providing for implementing actions.
- 10) Resolution No. 2009-171 of the City of Ormond Beach, Florida, City Commission, vacating all or that portion of the revised plat of South ¾ of Section 26 Township 13 South Range 31 East as recorded in Plat Book 11, at Page 92 of the public records of Volusia County, Florida; providing for vacation of plat; providing for implementing actions.
- 11) Resolution No. 2009-172 of the City of Ormond Beach, Florida, City Commission, vacating all or that portion of the revised plat of West ½ of Section 35 Township 13 South Range 31 East as recorded in Plat Book 11, at Page 93 of the public records of Volusia County, Florida; providing for vacation of plat; providing for implementing actions.

9) **SECOND READING OF ORDINANCES:**

- A) Ordinance No. 2009-34 amending Chapter 2, District and General Regulations, Article VI, Overlay Districts, Section 2-71, Historic Districts and Landmarks, of the Land Development Code, by amending Paragraph C, Designation Procedures, and Paragraph D, Certificates of Appropriateness, by changing the requirement for notice for public hearings from certified mail to regular mail; by amending paragraph K, Ormond Beach Historic Landmarks List, by adding one (1) property to the Ormond Beach Historic Landmarks list. (Three Chimneys site – 715 West Granada Boulevard) (Planning Director)
- B) Ordinance No. 2009-35 amending Chapter 2, District and General Regulations, Article III, General Regulations, Section 2-50, Accessory Uses, of the Land Development Code, by amending Subparagraph F, Carport, to clarify the requirement for a permanent garage or carport with an improved driveway when converting an existing garage or carport into additional living space. (Planning Director)

10) **DISCUSSION ITEMS:**

- A) Fire Department staffing. (Fire Chief)
- B) Fire Department demotions. (Fire Chief)

11) **REPORTS, SUGGESTIONS, REQUESTS:** Mayor, City Commission, City Manager, City Attorney.

12) **CLOSE THE MEETING.**

Item #1 – Meeting Call to Order

The meeting was called to order by Mayor Costello at 7:02 p.m.

Item #2 – Invocation

The invocation was giving by Mayor Costello.

Item #3 – Pledge of Allegiance

The Pledge of Allegiance was led by Mayor Costello.

Item #4(A) – Employee-of-the-Quarter

City Manager Joyce Shanahan announced that Chris Mason, Neighborhood Improvement Officer, as Employee of the Quarter. Ms. Shanahan recognized Chris' family in the audience, wife Sue, son Alex and daughter Nicole. She stated Chris was born and raised in the area, attended Father Lopez High School and Daytona Beach Community College, and was a former Daytona Beach police officer. She stated Chris conducted training of new personnel and served

as Acting Manager in the absence of Joanne Naumann; which he did for six months during Ms. Naumann's medical leave, earning a commendation from the Police Chief for an excellent job.

Mayor Costello congratulated Chris and read the plaque presented to Chris as Employee-of-the-Quarter and presented him with a City seal watch.

Item #4(B) – Proclamation Honoring Tymber Creek Car Wash

Mayor Costello read the proclamation to recognize Tymber Creek Car Wash and the owners' efforts to conduct business in an environmental friendly, green manner.

Item #4(C) – Presentation by Bernadette Britz-Parker regarding Volusia Honor Air Program

Mr. Bill Mancinik, founder of Volusia Honor Air, stated Volusia Honor Air was created two years ago to honor World War II veterans by escorting them on a free trip to Washington, DC, to visit the World War II Memorial, the Korean War Memorial, the Vietnam Wall, the Iwo Jima memorial, to lay a wreath at Tomb of the Unknown, and to lunch at the Library of Congress. Mr. Mancinik explained that the average age of these veterans was 85 years old and requested that everyone become a member of this privately funded organization to help honor these brave men.

Mayor Costello advised that he had accompanied three of the veterans on the last trip, and stated that it was amazing that these veterans do not think of themselves as heroes. The Mayor stated Volusia Honor Air was a very impressive organization, and everyone should consider being a guardian and accompany these heroes to Washington, D.C.

Item #5 – Audience Remarks

Mr. Lawrence Cook, 1529 North Beach Street, stated he wanted the truth from the City. He expressed displeasure about a code enforcement issue that occurred 18 years ago.

Mayor Costello stated Mr. Cook's issue regarding an RV had been investigated in 1991, and there is no evidence of what Mr. Cook reported.

Green Product

Mr. Jim Hether, 5829 Nob Hill Boulevard, Port Orange, representative of A1A Energy Savers, stated he represented a company, KVar Energy Savings, Inc. (www.kvar.com), which manufactured a product that saved money on electric bills by recycling electricity. He stated he would like to meet with the City's electrical engineer to explain how the City could save 6% to 10% on the electric bill with their green product, which was available for commercial or residential use.

Mayor Costello suggested he meet with the City Manager who would provide the information to the City Commission.

Item #6 – Approval of the Minutes

Mayor Costello advised the minutes of the September 8 and September 14, 2009, regular meetings and the September 22, 2009, special 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.

Mayor Costello advised that staff had requested Items #7(E) and #7(F) be pulled from the agenda.

Commissioner Kelley moved, seconded by Commissioner Kent, to approve the Consent Agenda, absent Items #7(E) and #7(F).

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

Mayor Costello stated the City Manager recommended pulling Items #7(E) and #7(F) based on the application not being complete, and he suggested the City Manager send a letter to Volusia County of the City's intent to apply next year.

Commissioner Kelley stated he saw no reason to send a letter of intent of next year.

Commissioner Gillooly stated she had reservations about both projects due to City funding not being currently available.

Item #8(A) – Property Improvement Grant – Granada Arts, Inc., 150 Tomoka Avenue

Mayor Costello recessed the City Commission meeting and convened the Community Redevelopment Agency (CRA) to consider Resolution Nos. 2009-160 and 2009-161.

Commissioner Kent moved, seconded by Commissioner Gillooly, to recommend approval by the CRA of Resolution No. 2009-160.

Mayor Costello called for a voice vote which resulted in a unanimous vote to recommend approval of Resolution No. 2009-160 to the City Commission.

Commissioner Kelley moved, seconded by Commissioner Gillooly, to recommend approval by the CRA of Resolution No. 2009-161.

Mayor Costello stated a voice vote of the Community Redevelopment Agency was unanimously in favor of recommending approval of Resolution No. 2009-161. The Mayor adjourned the Community Redevelopment Agency and reconvened the City Commission meeting.

RESOLUTION NO. 2009-160

A RESOLUTION OF THE CITY COMMISSION, ALSO ACTING AS THE COMMUNITY REDEVELOPMENT AGENCY, OF THE CITY OF ORMOND BEACH, FLORIDA, AUTHORIZING A SIXTY DAY EXTENSION OF A PROPERTY IMPROVEMENT GRANT AGREEMENT BETWEEN THE AGENCY AND GRANADA ARTS, INCORPORATED; AND SETTING FORTH AN EFFECTIVE DATE.

Commissioner Kent moved, seconded by Commissioner Gillooly, for approval of Resolution No. 2009-160, as read by title only.

Mayor Costello pointed out that Resolution No. 2009-160 received unanimous approval from the Community Redevelopment Agency.

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

Item #8(B) – Property Improvement Grant – Lichtigman - 125 Granada Boulevard

RESOLUTION NO. 2009-161

A RESOLUTION OF THE CITY COMMISSION, ALSO ACTING AS THE COMMUNITY REDEVELOPMENT AGENCY, OF THE CITY OF ORMOND BEACH, FLORIDA, AUTHORIZING THE EXECUTION OF A PROPERTY IMPROVEMENT GRANT AGREEMENT BETWEEN THE AGENCY AND CHARLES S. LICHTIGMAN TRUSTEE; AND SETTING FORTH AN EFFECTIVE DATE.

Commissioner Kelley moved, seconded by Commissioner Gillooly, for approval of Resolution No. 2009-161, as read by title only.

Mayor Costello advised the CRA had unanimously recommended approval of Resolution No. 2009-161.

Commissioner Partington stated the Community Redevelopment Agency grants had spurred some great improvements in the downtown corridor.

Commissioner Gillooly stated this was a smart adaptation of a retail situation and would enhance the downtown area.

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

Item #8(C)1 – 8(C)11 – Ormond Crossings Plat Vacations and Deed Conveyance

Item #8(C)1 – Right-of-Way Deed

RESOLUTION NO. 2009-162

A RESOLUTION ACCEPTING A RIGHT-OF-WAY DEED FROM TOMOKA HOLDINGS LLC, A FLORIDA LIMITED LIABILITY COMPANY, FOR PROPERTY LOCATED ON THE WEST SIDE OF HIGHWAY US1 AND EAST OF THE FLORIDA EAST COAST RAILROAD WITHIN THE REVISED PLAT OF NATIONAL GARDENS, RECORDED IN MAP BOOK 10 AT PAGES 250-253 OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA; AND SETTING FORTH AN EFFECTIVE DATE.

Commissioner Kelley moved, seconded by Commissioner Partington, for approval of Resolution No. 2009-162, as read by title only.

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

Item #8(C)2 – Vacation of Plat

RESOLUTION NO. 2009-163

A RESOLUTION OF THE CITY OF ORMOND BEACH, FLORIDA CITY COMMISSION, VACATING ALL OR THAT PORTION OF THE SUBDIVISION PLAT OF THE REVISED PLAT OF NATIONAL GARDENS AS RECORDED IN PLAT BOOK 10, AT PAGES 250-253 OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA; PROVIDING FOR VACATION OF PLAT; PROVIDING FOR IMPLEMENTING ACTIONS; AND SETTING FORTH AN EFFECTIVE DATE.

Commissioner Kelley moved, seconded by Commissioner Gillooly, for approval of Resolution No. 2009-163, as read by title only.

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

Item #8(C)3 – Vacation of Plat

RESOLUTION NO. 2009-164

A RESOLUTION OF THE CITY OF ORMOND BEACH, FLORIDA CITY COMMISSION, VACATING ALL OR THAT PORTION OF THE UNIT PLAT OF NATIONAL GARDENS AS RECORDED IN PLAT BOOK 11, AT PAGES 1-5 OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA; PROVIDING FOR VACATION OF PLAT; PROVIDING FOR IMPLEMENTING ACTIONS; AND SETTING FORTH AN EFFECTIVE DATE.

Commissioner Kelley moved, seconded by Commissioner Partington, for approval of Resolution No. 2009-164, as read by title only.

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

Item #8(C)4 – Vacation of Plat

RESOLUTION NO. 2009-165

A RESOLUTION OF THE CITY OF ORMOND BEACH, FLORIDA CITY COMMISSION, VACATING ALL OR THAT PORTION OF THE SUBDIVISION PLAT OF NATIONAL GARDENS AS RECORDED IN PLAT BOOK 22, AT PAGES 171-172 OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA; PROVIDING FOR VACATION OF PLAT; PROVIDING FOR IMPLEMENTING ACTIONS; AND SETTING FORTH AN EFFECTIVE DATE.

Commissioner Kelley moved, seconded by Commissioner Gillooly, for approval of Resolution No. 2009-165, as read by title only.

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

Item #8(C)5 – Vacation of Plat

RESOLUTION NO. 2009-166

A RESOLUTION OF THE CITY OF ORMOND BEACH, FLORIDA CITY COMMISSION, VACATING ALL OR THAT PORTION OF THE SUBDIVISION PLAT OF NATIONAL GARDENS PARK NO. 1 AS RECORDED IN PLAT BOOK 10, AT PAGE 46 OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA; PROVIDING FOR VACATION OF PLAT; PROVIDING FOR IMPLEMENTING ACTIONS; AND SETTING FORTH AN EFFECTIVE DATE.

Commissioner Kelley moved, seconded by Commissioner Kent, for approval of Resolution No. 2009-166, as read by title only.

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

Item #8(C)6 – Vacation of Plat

RESOLUTION NO. 2009-167

A RESOLUTION OF THE CITY OF ORMOND BEACH, FLORIDA CITY COMMISSION, VACATING ALL OR THAT PORTION OF THE SUBDIVISION PLAT OF DAYTONA NATIONAL GARDENS PARK NO. 1 AS RECORDED IN PLAT BOOK 10, AT PAGE 219 OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA; PROVIDING FOR VACATION OF PLAT; PROVIDING FOR IMPLEMENTING ACTIONS; AND SETTING FORTH AN EFFECTIVE DATE.

Commissioner Kent moved, seconded by Commissioner Partington, for approval of Resolution No. 2009-167, as read by title only.

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

Item #8(C)7– Vacation of Plat

RESOLUTION NO. 2009-168

A RESOLUTION OF THE CITY OF ORMOND BEACH, FLORIDA CITY COMMISSION, VACATING ALL OR THAT PORTION OF THE SUBDIVISION PLAT OF NATIONAL GARDENS PARK NO. 2 AS RECORDED IN PLAT BOOK 10, AT PAGE 47 OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA; PROVIDING FOR VACATION OF PLAT; PROVIDING FOR IMPLEMENTING ACTIONS; AND SETTING FORTH AN EFFECTIVE DATE.

Commissioner Kelley moved, seconded by Commissioner Kent, for approval of Resolution No. 2009-168, as read by title only.

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

Item #8(C)8– Vacation of Plat

RESOLUTION NO. 2009-169

A RESOLUTION OF THE CITY OF ORMOND BEACH, FLORIDA CITY COMMISSION, VACATING ALL OR THAT PORTION OF THE SUBDIVISION PLAT OF NATIONAL GARDENS PARK NO. 3 AS RECORDED IN PLAT BOOK 10, AT PAGE 48 OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA; PROVIDING FOR VACATION OF PLAT; PROVIDING FOR IMPLEMENTING ACTIONS; AND SETTING FORTH AN EFFECTIVE DATE.

Commissioner Partington moved, seconded by Commissioner Kent, for approval of Resolution No. 2009-169, as read by title only.

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

Item #8(C)9– Vacation of Plat

RESOLUTION NO. 2009-170

A RESOLUTION OF THE CITY OF ORMOND BEACH, FLORIDA CITY COMMISSION, VACATING ALL OF THE SUBDIVISION PLAT OF NATIONAL GARDENS PARK NO. 4 AS RECORDED IN PLAT BOOK 10, AT PAGE 49 OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA; PROVIDING FOR VACATION OF PLAT; PROVIDING FOR IMPLEMENTING ACTIONS; AND SETTING FORTH AN EFFECTIVE DATE.

Commissioner Kelley moved, seconded by Commissioner Gillooly, for approval of Resolution No. 2009-170, as read by title only.

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

Item #8(C)10– Vacation of Plat

RESOLUTION NO. 2009-171

A RESOLUTION OF THE CITY OF ORMOND BEACH, FLORIDA CITY COMMISSION, VACATING ALL OR THAT PORTION OF THE REVISED PLAT OF SOUTH ¾ OF SECTION 26 TOWNSHIP 13 SOUTH RANGE 31 EAST AS RECORDED IN PLAT BOOK 11, AT PAGE 92 OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA; PROVIDING FOR VACATION OF PLAT; PROVIDING FOR IMPLEMENTING ACTIONS; AND SETTING FORTH AN EFFECTIVE DATE.

Commissioner Kent moved, seconded by Commissioner Partington, for approval of Resolution No. 2009-171, as read by title only.

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

Item #8(C)11– Vacation of Plat

RESOLUTION NO. 2009-172

A RESOLUTION OF THE CITY OF ORMOND BEACH, FLORIDA CITY COMMISSION, VACATING ALL OR THAT PORTION OF THE REVISED PLAT OF WEST ½ OF SECTION 35 TOWNSHIP 13 SOUTH RANGE 31 EAST AS RECORDED IN PLAT BOOK 11, AT PAGE 93 OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA; PROVIDING FOR VACATION OF PLAT; PROVIDING FOR IMPLEMENTING ACTIONS; AND SETTING FORTH AN EFFECTIVE DATE.

Commissioner Kelley moved, seconded by Commissioner Kent, for approval of Resolution No. 2009-172, as read by title only.

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

Mayor Costello stated that hearing no objections, the public hearing was closed.

Item #9(A) – Amending LDC Section 2-71 – Historic Districts and Landmarks

ORDINANCE NO. 2009-34

AN ORDINANCE AMENDING CHAPTER 2, DISTRICT AND GENERAL REGULATIONS, ARTICLE VI, OVERLAY DISTRICTS, SECTION 2071, HISTORIC DISTRICTS AND LANDMARKS, OF THE *LAND DEVELOPMENT CODE* BY AMENDING PARAGRAPH C, DESIGNATION PROCEDURES, AND PARAGRAPH D, CERTIFICATES OF APPROPRIATENESS, BY CHANGING THE REQUIREMENT FOR NOTICE FOR PUBLIC HEARINGS FROM CERTIFIED MAIL TO REGULAR MAIL; BY AMENDING PARAGRAPH K, ORMOND BEACH HISTORIC LANDMARKS LIST, BY ADDING ONE (1) PROPERTY TO THE ORMOND BEACH HISTORIC LANDMARKS LIST; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; PROVIDING FOR SEVERABILITY; AND SETTING FORTH AN EFFECTIVE DATE.

Commissioner Kent moved, seconded by Commissioner Partington, for approval of Ordinance No. 2009-34, 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 #9(B) – LDC Amendment – Accessory Uses – Carports

ORDINANCE NO. 2009-35

AN ORDINANCE AMENDING CHAPTER 2, DISTRICT AND GENERAL REGULATIONS, ARTICLE III, GENERAL REGULATIONS, SECTION 2-50, ACCESSORY USES, OF THE *LAND DEVELOPMENT CODE*, BY AMENDING SUBPARAGRAPH F, CARPORT, TO CLARIFY THE REQUIREMENT FOR A PERMANENT GARAGE OR CARPORT WITH AN IMPROVED DRIVEWAY WHEN CONVERTING AN EXISTING GARAGE OR CARPORT INTO ADDITIONAL LIVING SPACE; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; PROVIDING FOR SEVERABILITY; AND SETTING FORTH AN EFFECTIVE DATE.

Commissioner Kelley moved, seconded by Commissioner Gillooly, for approval of Ordinance No. 2009-35, 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(A) – Fire Department Staffing

The City Manager explained the item was brought to the Commission based on prior Commission comments regarding Fire Department staffing. She stated that an early retirement option was brought to the Commission at the last meeting that received no motion or second. She stated staff looked at staffing criteria based on National Fire Protection Standards (NFPS) and Insurance Services Office (ISO) issues for fire protection. The City Manager stated a new County model included efforts to develop protocol for priority dispatch when sending firefighters to emergency scenes with the goal of eliminating duplication of services; avoiding dispatching a firefighter team and an EVAC ambulance to the same emergency at the same time. Ms. Shanahan reported the second part of the new County model was to change the staffing at the stations, rather than having three man staffing, going to two man staffing per station per shift. She explained that the County was not eliminating any positions but creating savings through less overtime; if personnel called off their shift, there would be no replacement for that shift. She stated the effect was not known regarding the City's mutual aid requirements for those stations near or adjacent to existing stations. She suggested that until it was known how the priority dispatch would impact the City, as well as the effects of the hub changes, the City should not reduce staffing. Ms. Shanahan stated staff was looking for direction regarding a possible early retirement option and suggested waiting for six months to allow an opportunity to evaluate the results of an early retirement offer and the County's new protocols; then any staff reductions could be based on the results.

Commissioner Kelley stated early retirements would save money only if those positions were not filled, and suggested staffing for advanced lifesaving and medical emergency services, rather than for fire services, by using Suburbans staffed with two people positioned strategically to respond to medical emergencies.

Ms. Shanahan stated that it had not been determined if the County protocols for priority dispatching would be countywide or with each jurisdiction.

Fire Chief Irby stated he would expect it would have to be a countywide protocol.

Ms. Shanahan suggested the results of the priority dispatch protocol implementation needed to be determined before any City staffing changes could be decided.

Commissioner Kelley stated currently too many resources were at a minor incident, while a more serious looking accident might not have as many responders, and maybe priority dispatch could control some of the problem.

Ms. Shanahan stated that was what priority dispatching was designed to resolve.

Chief Irby explained it would take a little training for the dispatcher to determine what services to send for the kind of call, but the dispatchers had a standard of sixty seconds to process the calls.

Mayor Costello stated a six month evaluation period was a long time, but it would allow the City to determine appropriate staffing protocol. He suggested starting now to not fill call off shifts and to reduce staff through attrition; and he did not want to have layoffs. The Mayor stated that a new station funded through grants would allow less staff because the new station would be closer. Mayor Costello requested the members of the Commission give staff direction on the early retirement offer and the issue of demotions.

Commissioner Gillooly stated she appreciated the information provided by Chief Irby, and the report was most comprehensive. She stated Chief Irby had made a convincing case for not reducing staff, and she agreed that if priority dispatching decreased the response time and eliminated sending too many responders to calls, it was worth waiting six months before changing staffing protocols. She expressed that the Chief's report indicated staffing levels were not excessive; therefore, she was not in favor of staff reductions, and she did not know if an early retirement offer would be beneficial for the Fire Department, or if reductions should be achieved through natural attrition and normal retirements.

The City Manager stated staff needed definitive direction regarding an early retirement offer so the issue could move forward, as some members of the Fire Department were waiting to see what the offer would be before they decided to retire; and once it was determined how many members would retire, the Commission could then decide how many of the positions to fill or not.

Commissioner Gillooly stated the other early retirement offers were based on the needs of the City, but she did not see a need to reduce Fire Department staff, little cost savings, and the possibility of being detrimental to the Fire Department.

The City Manager clarified that the early retirements could be handled over a period of time; not all had to leave at the same time.

Commissioner Gillooly stated she would not be in favor of an early retirement offer because the natural occurrence of retirements would reduce the number of staff.

Commissioner Kent stated, as far as current staffing, he agreed with Commissioner Gillooly and was not in favor of reducing staff at this time. He stated any early retirement offer should be under the same terms as offered to general employees. He asked the Mayor to discuss moving the fire station from Airport Road and asked for an update on partnering with Flagler County at this station.

The City Manager stated one meeting had been held with Flagler to discuss the concept of partnering; but currently there was no funding, although a grant application was submitted. She stated the second step of the process would be to partner with Daytona Beach in a new fire station at a location yet to be determined.

Commissioner Kent expressed support for the concept of partnering with other government entities to take care of people.

Commissioner Partington stated he had no problem with a six month evaluation, and would be interested in knowing how to structure the early retirement offer to maximize savings, while avoiding demotions and maintain staffing.

Commissioner Kelley discussed the two out/two in staffing protocol, stating it never made sense to staff any other way. He stated Station #94 did not need four people to handle a minimal number of calls received at the station.

Chief Irby stated he did not necessarily agree with ISO's staffing requirements, but ISO determined Station #94 needed four personnel on duty to receive credit.

Commissioner Kelley stated the ISO rating was not significant.

Mayor Costello stated the ISO rating might affect commercial insurance rates but would not affect residential insurance rates.

Commissioner Kelley stated the ISO needed to be ignored. He stated he was not worried about a fire in his house as long as his family was not injured. He expressed concern about people in medical emergency situations, and the City should staff to provide services for medical emergency care, not fires. Commissioner Kelley supported a new station and keeping Station #94.

Mayor Costello summarized he did not hear support for a 14% early retirement incentive, but possibly an early retirement offer the same as was offered to the general employees, if an early retirement offer was beneficial for the City and eliminated demotions or involuntary reductions in staff levels. The Mayor stated it was time to decide what staffing was needed without consideration of the ISO rating. He agreed with Commissioner Kelley that the City should staff for emergency medical care rather than fire services. Mayor Costello asked the Commission if they would be willing to extend the same conditions of early retirement to the firefighters as the general employees and suggested taking two people off each shift, rotating between the stations.

Commissioner Gillooly clarified the budget impact and savings were based on a reduction in staffing, but she heard three Commission members express support for no reductions in staffing.

Mayor Costello explained that he, personally, supported a reduction in staffing should the Commission support the idea.

Commissioner Gillooly asked the Mayor if he was convinced of a savings by an early retirement offer if there was not a desire to reduce staffing levels.

Mayor Costello stated that if some took the same early retirement offer which would be the same as for the general employees, it would be beneficial for the City due to less demotions.

Ms. Shanahan explained the savings would depend on who took advantage of the early retirement offer; the savings would be realized when new staff was hired at a lesser pay rate to replace any personnel that retired.

Commissioner Gillooly suggested treating the early retirement and reduction in staffing levels as two separate issues.

Mayor Costello polled the Commission on the early retirement options, which resulted in support for an early retirement offer the same as for the general employees.

Ms. Shanahan asked for six months to evaluate the County's new protocol and asked for direction regarding staff reductions at this time.

Mayor Costello requested staff to poll several insurance companies as to how the ISO rating would affect insurance rates for citizens.

Ms. Shanahan stated that had been done, and even the insurance companies do not necessarily know the effect of the ISO rating.

Chief Irby stated the agencies he spoke with responded in a range between some difference to a major effect; no two agencies had the same answer.

Commissioner Kent requested more info on the ISO rating effect, and requested a meeting with the City Manager after the information was received.

Commissioner Kelley stated two vehicles were necessary to send two in/two out whether there were three people or two.

Item #10(B) – Fire Department Demotions

Commissioner Kelley stated it made no sense to have a supervisor paid to supervise themselves. He stated the change to the quint concept was to maintain the ISO rating; and when that occurred, the need for the lieutenants was eliminated. He stated an early retirement offer might make the transition easier.

Commissioner Gillooly stated that it was unfortunate, but she had to favor Option 1.

Commissioner Partington stated he would wait to see the results of an early retirement offer and the six month evaluation before enacting any demotions.

Commissioner Kent stated he fought hard to delay the decision until the early retirement issue was resolved, but, regrettably, he favored Option 1.

Mayor Costello summarized the Commission favored an offer of early retirement the same as was offered to the general employees, as well as the demotion of seven personnel without delay.

Commissioner Gillooly asked that should an early retirement open a position, a person that had been demoted be offered the open position.

Chief Irby stated that was possible, depending on the number of people and which people took the early retirement offer.

Item #11 – Reports, Suggestions, Reports

Bargaining Team

Commissioner Kent asked for an update on an idea he brought up about six months ago, a bargaining team, and the possibility of having one consistent person always involved in bargaining to negotiate contracts.

Rockefeller Gardens Park Maintenance

Commissioner Kent stated the pond at Rockefeller Gardens was a mess due to grass clippings from mowing and needed to be cleaned, and the water wheel was not functioning.

The City Manager stated there was not enough water movement to prevent algae from accumulating; greater aeration was needed. She explained that Leisure Services Director Robert Carolin was working on resolving the problem.

The Leisure Services Director reported staff was working on routing reuse water to the water wheel to allow continuous movement, which should be completed soon. He explained the shallow pond was difficult to keep algae-free, and possible solutions included water lilies such as the ones at Ames Park.

ECHO Grants

Commissioner Kent suggested a phone survey would be beneficial if people knew the price tag of a project, and specifically how much more it would cost them.

Mayor Costello stated he was extremely disappointed not to move forward with the applications at this time. He stated the beach property had such potential at prices that would probably never be as low again, and the citizens he spoke with were in favor of purchasing beachfront property for a park. The Mayor asked the City Manager to report to the Commission what the taxes would be per \$100,000 of assessed value for bonding \$5 million.

Commissioner Gillooly suggested a poll of the citizens with the maximum dollar amount for the project.

The City Manager stated the problem she had was that the maximum dollar amount could not be determined until the site was decided. She explained a mail out ballot was very expensive; a telephone poll was acceptable, but most people wanted to know where the site was and the amount of dollars to be spent before they expressed an opinion. Ms. Shanahan stated the ballpark figure was around \$25.00 per household. She stated she did not want to set this project up for failure by not having the necessary information before trying to move forward.

Mayor Costello stated the City needed a beachfront park, and the Trust for Public Lands was interested in assisting the City in the purchase of beachfront property but needed to know the City was interested.

Ms. Shanahan stated staff was working with the Trust for Public Lands and was in contact weekly with Bob Guido. She stated it was unclear if the property being considered was through bankruptcy. She stated she appreciated the Commission's frustration, but these deals require a lot of time to resolve.

Riverwalk Concept

Commissioner Kent commented he received a lot of discord about the Riverwalk project, but held his position. He stated he agreed with the comment he received that the audience did not know what the different concepts looked like, and the project should go to the appropriate boards for consideration before coming to the Commission.

The City Manager stated some conceptual drawings had been received from the consultants; the Planning Director was working with Main Street and the Chamber for feedback; and the Quality of Life Advisory Board and the Leisure Services Advisory Board would be presented with the drawings for their consideration and comments.

Commissioner Kelley reported he received calls five to one in support of the concept; and the complaints were from people who did not understand this was an ongoing project that had been considered since the early 1990s to do something to improve the downtown area.

Commissioner Gillooly stated she heard from people who were not in favor of the concept, and felt that by even considering the idea would detrimentally impact the existing restaurants on Granada Boulevard. She stated in her opinion, however, that the Riverwalk project would actually support the current businesses. Commissioner Gillooly agreed there would be a lot of review and discussion of the concept before the project could move forward with the community's support. She stated it was always important to allow citizens to have input into decisions that affected the community.

Mayor Costello stated he received a lot of positives with a few negatives, but agreed that citizens didn't know much about the concept; therefore, a workshop was important to allow the community to have an opportunity for input.

School Board Funds

Commissioner Kelley stated he was under the impression the \$600,000 from the School Board would offset the maintenance and capital improvements, but discovered it had not been structured as such. He stated it should not have been put in the General Fund without allocation.

The City Manager explained the issue was coming back to the Commission in the future after the Leisure Services Advisory Board was reviewing the issue and would make a recommendation to the Commission.

Commissioner Kelley stated the funds should be maximized to seek matching grant funds for capital improvements.

Commissioner Gillooly stated she was concerned when she saw the item on a Quality of Life Advisory Board agenda, but was comfortable after the City Manager's explanation.

Mayor Costello explained the \$600,000 consisted of \$300,000 for capital improvements and \$300,000 for maintenance in a special fund, and the capital improvements were to benefit Seabreeze, which could also benefit the entire community.

Hand Avenue Bridge

Commissioner Partington stated he did not think people would be in favor of the bridge because it did not fit in the surroundings and suggested the Commission consider downsizing the bridge to have a less dramatic impact on the area or eliminate the bridge while maintaining the interconnect of the lakes.

Mayor Costello agreed the bridge should be a scaled down version to fit in naturally with the area, possibly a rise in the road, not a walk-under bridge, and asked the City Manager to present options to the Commission.

City Manager Certification

Commissioner Partington congratulated Ms. Shanahan upon completion of her International City Managers Association certificate. He stated it was another indication of her dedication and her professionalism.

Farmers' Market

Commissioner Gillooly offered congratulations to Ormond Main Street on the fantastic opening of the Farmer's Market, and congratulations to Robert Carolin, Leisure Services Director.

Community Redevelopment Agency

Ms. Shanahan reported staff had been working with other jurisdictions regarding Volusia County's efforts to update the Community Redevelopment Agency (CRA) regulations by using a uniform reporting criteria to be able to determine progress of CRA projects and how the CRA dollar were being used. She stated many of the cities expressed concern how the rules would be applied to existing CRA projects. She stated the City was quite responsible with the CRA funds and had no problem with providing additional reporting, but wanted to be assured the uniform chart of accounts the state required would be used by the county rather than creating a new accounting system for reporting that would necessitate duplication of efforts. She stated the county held up Ormond Crossings as an example of the appropriate use of CRA funds.

Business Development Partnership

Ms. Shanahan stated the Business Development Partnership was looking at developing a new business model for economic development in Volusia County. She stated she would continue to report the progress to the Commission. Ms. Shanahan stated the Chambers was working with a consultant on the model, and had procured private investments to assist with the funding.

Marlowe & Company

The City Manager stated the contract with Marlowe & Company was up for renewal, and she would like to have a meeting with the Commission to discuss the goals for next year; November 17 was determined as the date of a workshop. She stated she would renew the contract, which was within her spending authority, unless they wanted to discuss the contract individually.

Item #12 – Close the Meeting

The meeting was adjourned at 9:05 p.m.

APPROVED: October 20, 2009

BY: Fred Costello, Mayor

ATTEST:

Veronica Patterson, City Clerk

