

**ORMOND BEACH CITY COMMISSION MEETING  
HELD AT CITY HALL COMMISSION CHAMBERS  
November 17, 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) **PRESENTATION:**
  - A) Proclamation in honor of Becky Pittard for receiving the Presidential Award for Excellence in Mathematics and Science Teaching.
  - B) Certificates for "Achievement of Civic Excellence" presented to Zachary Doherty, Ormond Beach Middle School, and Katie Giacobbe, Hinson Middle School.
- 5) **AUDIENCE REMARKS:**
- 6) **APPROVAL OF THE MINUTES** of the November 3, 2009, 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. 2009-187 reappointing a trustee to serve on the Firefighters' Pension Trust Fund; setting forth terms and conditions of service. (Charles Engemann)
  - B) Resolution No. 2009-188 approving and authorizing the allocation of repaid Community Development Block Grant lien funds to the Jewish Federation of Volusia & Flagler counties, Inc. (\$1,736.51) (Grants Coordinator)
  - C) Resolution No. 2009-189 authorizing the submittal of a request to the County of Volusia for amendments to the Community Development Block Grant Subrecipient Agreements for Fiscal Years 2004-2005; FY 2007-2008 and FY 2008-2009 between the City of Ormond Beach and the County of Volusia; authorizing the execution of amendments. (Grants Coordinator)
  - D) Resolution No. 2009-190 authorizing the execution of a contract between the City of Ormond Beach and Hall Construction Company, Inc., regarding the CDBG Beachside Decorative Pavers, Signage and Landscaping project. (\$79,282)(Acting City Engineer)
  - E) Resolution No. 2009-191 approving and authorizing the execution of a Mutual Aid Combined Operational Assistance and Voluntary Cooperation Agreement for Volusia County, Florida. (Police Chief)

- F) Resolution No. 2009-192 authorizing the execution of a Joint Participation Agreement with the Florida Department of Transportation regarding construction services for the electrical improvements at the Ormond Beach Municipal Airport. (Airport Manager)
- G) Resolution No. 2009-193 accepting the bid of H.L. Pruitt Corporation regarding electrical improvements at the Ormond Beach Municipal Airport; rejecting all other bids; authorizing the execution of a contract between the City and H.L. Pruitt Corporation and payment thereunder. (\$308,236.90 total project; 95% FAA funding; 2.5% FDOT funding; 2.5% City funding) (Airport Manager)
- H) Resolution No. 2009-194 authorizing the execution of an agreement between the City of Ormond Beach and Sungard Public Sector, Inc. regarding computer software maintenance services. (\$102,448.51) (Information Technology Director)
- I) Wastewater Residuals Treatment and Disposal Services. (Utilities Manager)

DISPOSITION: Approve as recommended in City Manager memorandum dated November 12, 2009.

- 8) **PUBLIC HEARING:** Resolution No. 2009-195 of the City Commission, also acting as the Community Redevelopment Agency of the City of Ormond Beach, Florida, authorizing the sole-source procurement of site amenities from Landscapeforms, Inc., regarding Streetscape modifications in the Downtown Community Redevelopment Area; authorizing the execution of a purchase authorization. (\$68,804) (Acting City Engineer)
- 9) **FIRST READING OF ORDINANCES:**
  - A) Ordinance No. 2009-53 approving the final plat for "Deer Creek," Phase Four, Unit A, of "Hunter's Ridge" Subdivision, a Development of Regional Impact; establishing conditions and expiration dates of approval. (Planning Director)
  - B) Ordinance No. 2009-54 repealing Section 1-25, General, and Section 1-26, Application processing fees, of Article IV, Schedule of Development Review and Impact Fees, of Chapter 1, General Administration, of the Land Development Code of the City of Ormond Beach. (Planning Director)
  - C) Ordinance No. 2009-55 amending Chapter 8, Buildings and Construction Regulations, Article I, In General, of the Code of Ordinances of the City of Ormond Beach; by creating a Section 8-10, Application Processing Fees. (Planning Director)
  - D) Ordinance No. 2009-56 amending Chapter 14, Offenses-Miscellaneous, of the Code of Ordinances, by adding Article X, Vehicle Parking/Nuisances, and Sections 14-103, Front Yard and Street-Side Yard Parking, thereunder; by establishing terms and conditions relative thereto. (Neighborhood Improvement Manager)
- 10) **DISCUSSION ITEM:** Garage sale permitting. (Accounting and Payroll Manager)
- 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 7:01 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 #4A – Proclamation in Honor of Becky Pittard

Judy Conte, Volusia County School Board, stated it was with great pride she introduced Becky Pittard, a consummate educator, who made the world a better place; and thanked the Commission for honoring Ms. Pittard.

Tim Huth, Deputy Superintendent, expressed thanks to the City and the Commission for recognizing outstanding leadership in the Volusia County classrooms by supporting public education. Mr. Huth stated Becky Pittard was effectively working for education reform across the country by participating in formulation of national standards for mathematics. Mr. Huth thanked Ms. Pittard for her efforts.

Mayor Costello recognized Becky Pittard as recipient of the Presidential Award for Excellence in Mathematics and Science Teaching, the nation's highest recognition from a K-12 math teacher. The Mayor stated Ms. Pittard had been a teacher at Pine Trail Elementary since 1992 and currently taught Fourth/Fifth Grade Self-Contained Gifted Students, winning numerous awards.

Ms. Becky Pittard assured the Commission and the audience that many teachers were still teaching from the heart because they loved children, and none of her opportunities would have been possible without the team at Volusia County Schools.

Mary Rhodes, Chamber of Commerce, presented a certificate from FP&L and the Chamber for a day at the Daytona Beach Resort spa to Becky Pittard.

#### Item #4B – Certificates for “Achievement of Civic Excellence”

Ms. Bobbie Coleman, 26 Iroquois Trail, reported on a new program sponsored by Ormond Beach Chamber of Commerce Education Committee in cooperation with Volusia County Board of Education to create a quarterly award, Achieving Civic Excellence (ACE), to be presented at a City Commission meeting to a 7<sup>th</sup> grade student for civil involvement. She stated 7<sup>th</sup> grade was chosen due to a new program in the schools for 7<sup>th</sup> grade to teach citizenship and government.

Ms. Mary Rhodes, Executive Director of Ormond Beach Chamber of Commerce, introduced the first recipient of the ACE award as Zachary Doherty and reported some of his many achievements: member of National Junior Honor Society; school media volunteer; participates in a canned food drive; member of PTSA; working toward Eagle Scout; and volunteers in a fish line recycling program and his church nursery on Sundays.

Miss. Giacobbe was unable to attend and will be recognized at the December 1, 2009, City Commission meeting.

#### Item #5 – Audience Remarks

##### D.A.R.E. and Officer Stokes

Commissioner Troy Kent stated the D.A.R.E. program was a wise investment for the City because it was an excellent way to reach children before the bad influences affected them. He praised Officer Stokes for his natural talent as an excellent teacher, his ability to reach the children, and for his ability as an ambassador for the Police Department in the classroom.

Officer Stokes thanked the Commission for the recognition and thanked his partner, Officer Cornelius, for his training.

##### Ormond Beach Soccer Club

Gloria Wyatt, 19 **Walnut** Lane, Director of Ormond Beach Soccer Club, presented the City with a check as an expression of the commitment and the partnership with the City for improvements to the soccer fields.

Mayor Costello thanked the Ormond Beach Soccer Club for the \$500 check.

#### Item #6 – Approval of the Minutes

Mayor Costello advised the minutes of the November 3, 2009, 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 Kelley moved, seconded by Commissioner Partington, to approve the Consent Agenda.**

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

Item #8 – Streetscape Modifications in Downtown Community Redevelopment Area

RESOLUTION NO. 2009-195

A RESOLUTION OF THE CITY COMMISSION, ALSO ACTING AS THE COMMUNITY REDEVELOPMENT AGENCY, OF THE CITY OF ORMOND BEACH, FLORIDA, AUTHORIZING THE SOLE SOURCE PROCUREMENT OF SITE AMENITIES FROM LANDSCAPEFORMS, INC., REGARDING STREETScape MODIFICATIONS IN THE DOWNTOWN COMMUNITY REDEVELOPMENT AREA; AUTHORIZING THE EXECUTION OF A PURCHASE AUTHORIZATION; AND SETTING FORTH AN EFFECTIVE DATE.

Mayor Costello explained the City Commission served as the Community Redevelopment Agency (CRA), and as such, must review the item and make a recommendation to the City Commission. The Mayor recessed the City Commission meeting and called the CRA to order.

Commissioner Kent recommended approval of recommending Resolution 2009-195; Commissioner Kelley seconded the recommendation.

Mayor Costello called for a voice vote, which was unanimous for recommending approval of Resolution 2009-195.

Mayor Costello adjourned the CRA meeting and reconvened the City Commission meeting.

**Commissioner Gillooly moved, seconded by Commissioner Kent, for approval of Resolution No. 2009-195, 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 closed the public hearing.

Item #9(A) – Final Plat for “Deer Creek”, Phase Four Unit A of “Hunter’s Ridge

ORDINANCE NO. 2009-53

AN ORDINANCE APPROVING THE FINAL PLAT FOR “DEER CREEK”, PHASE FOUR UNIT A OF “HUNTER’S RIDGE” SUBDIVISION A DEVELOPMENT OF REGIONAL IMPACT; ESTABLISHING CONDITIONS AND EXPIRATION DATES OF APPROVAL; AND SETTING FORTH AN EFFECTIVE DATE.

**Commissioner Kelley moved, seconded by Commissioner Kent, to approve Ordinance No. 2009-53, on first 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 #9(B) – Deleting of Development Review Fee Schedule from Land Development Code

ORDINANCE NO. 2009-54

AN ORDINANCE REPEALING SECTION 1-25, GENERAL AND SECTION 1-26, APPLICATION PROCESSING FEES, OF ARTICLE IV SCHEDULE OF DEVELOPMENT REVIEW AND IMPACT FEES, OF CHAPTER 1, GENERAL ADMINISTRATION OF THE LAND DEVELOPMENT CODE OF THE CITY OF ORMOND BEACH; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; AND SETTING FORTH AN EFFECTIVE DATE.

**Commissioner Kelley moved, seconded by Commissioner Kent, to approve Ordinance No. 2009-54, on first 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(C) – Addition of Development Fee Schedule to the Code of Ordinances

ORDINANCE NO. 2009-55

AN ORDINANCE AMENDING CHAPTER 8, BUILDINGS AND CONSTRUCTION REGULATIONS, ARTICLE I, IN GENERAL OF THE CODE OF ORDINANCES OF THE CITY OF ORMOND BEACH; BY CREATING A SECTION 8-10, APPLICATION PROCESSING FEES; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; AND SETTING FORTH AN EFFECTIVE DATE.

**Commissioner Kelley moved, seconded by Commissioner Gillooly, to approve Ordinance No. 2009-55, on first reading, as read by title only.**

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

Item #9(D) – Amending the Code of Ordinances regarding Front Yard Parking

ORDINANCE NO. 2009-56

AN ORDINANCE AMENDING CHAPTER 14, OFFENSES-MISCELLANEOUS, OF THE CODE OF ORDINANCES, BY ADDING ARTICLE X, VEHICLE PARKING/NUISANCES, AND SECTIONS 14-103, FRONT YARD AND STREET-SIDE YARD PARKING, THEREUNDER; BY ESTABLISHING TERMS AND CONDITIONS RELATIVE THERETO; AND SETTING FORTH AN EFFECTIVE DATE.

**Commissioner Partington moved, seconded by Commissioner Gillooly, to approve Ordinance No. 2009-56, on first reading, as read by title only.**

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

Item #10 – Garage Sale Permit Process

Commissioner Kent expressed support for Option C, which was two garage sales per year with an additional sale with no permit fee.

Commissioner Kelley supported taking no action. He stated he had heard no public request for a change and felt staff was already dealing with a heavy workload.

Commissioner Partington stated he could support Option C.

Commissioner Gillooly expressed she would be agreeable to Option C.

Mayor Costello summarized the Commission supported Option C, which allowed each household to have a third garage sale each year at no cost for the permit.

City Manager Joyce Shanahan stated staff would present the necessary ordinance to amend the Land Development Code to reflect the change.

Item #11 – Reports, Suggestions, Requests

Ormond Beach Presbyterian Church

Commissioner Gillooly thanked Mayor Costello and Lois Towey for a beautiful proclamation for Ormond Beach Presbyterian Church on behalf of their 50<sup>th</sup> anniversary and their sponsorship of a Halifax Habitat for Humanity home.

### Bubba Gump's Block Building Party

Commissioner Gillooly reported Saturday, November 21, was the Bubba Gump's Block Building Party fundraiser for Halifax Habitat for Humanity. She stated attendees would be encouraged to sign holiday cards for the veterans at Emory Bennett Nursing Home. Commissioner Gillooly reported there would be a non-perishable food collection for the Halifax Urban Ministry.

Commissioner Kent stated his team was ready, and he was excited about their participation in the competition.

### Early Retirement for Firefighters

Commissioner Kelley noted the early retirement offer for firefighters was delayed until mid-January. He suggested allowing the firefighters who were availing themselves of the offer, to retire in December and be paid retro-actively.

The City Manager stated the documents were being prepared by the City Attorney, and hopefully, would be ready for the December 15, 2009, meeting. She stated the terms would be the same as offered to the general employees and did not require pension board approval.

Commissioner Kelley stated there were those who would like to retire and move on to other endeavors. He suggested they be allowed to leave, which would save the City money, and the City apply for SAFER grants to provide funding for replacement staff.

Mayor Costello asked that the documents be available at the December 1, 2009, meeting, if possible, and he inquired as to the deadline for application to the SAFER grant program.

The City Manager stated the deadline was before the end of January, but she stated the early retirement offer would impede the application.

The City Attorney stated the issue would be prioritized to be available at the first meeting in December.

Mayor Costello stated the Commission supported all the years of service provided by the firefighters who were availing themselves of the early retirement offer and wish to expedite the offer at their request.

Commissioner Kelley inquired if anything could be done to incorporate retroactivity into the offer.

The City Manager stated it was not a good idea due to the fact that those who have already retired without any incentive would have to be included in a retroactive offer, costing the City additional monies.

Mayor Costello confirmed the issue would be ready for the December 1, 2009, meeting, with no retroactivity included.

### Free Movie

Commissioner Partington stated the free movie at Rockefeller Gardens was well worth attending. He stated it was a blast for the family with a great picture, awesome sound, live entertainment before the movie, and a snack bar.

### PAL

Commissioner Partington reported the PAL golf tournament was a great event, and it was heartwarming to have such a caring, committed staff working so hard for a good cause.

### Ethics Training for Board Members

Commissioner Partington stated the Volusia League of Cities proposed hiring the instructor that does training on Sunshine Law, recordkeeping, ethics and rules to offer free training to all board members of the various municipalities. He stated he would be bringing something to the Commission regarding this matter in the future.

Mayor Costello wished all good health and a great Thanksgiving.

Item #12 – Close the Meeting

The meeting was adjourned at 7:48 p.m.

APPROVED: December 1, 2009

BY: Fred Costello, Mayor

ATTEST:

Veronica Patterson, City Clerk