

8) **SECOND READING OF ORDINANCES:**

- A) Ordinance No. 2009-25 amending Chapter 2, District and General Regulations, Article III, General Regulations, Section 2-50, Accessory Uses, of the *Land Development Code* by amending Subsection U, Outdoor Activities, to establish procedures for outdoor sales and activities. (Planning Director)
- B) Ordinance No. 2009-26 amending Chapter 2, District and General Regulations, of Article IV, Conditional and Special Exception Regulations, Section 2-57, Criteria for Review of Special Conditional and Special Exception, Subsection F, Farmers' Markets, of the City of Ormond Beach *Land Development Code* to broaden the products permitted to be sold at a farmers' market. (Planning Director)

9) **DISCUSSION ITEMS:**

- A) Outdoor sales fee adjustment.
- B) Ormond Beach Sports Complex playground.
- C) Water / sewer rates.
- D) Waste Management contract status update.
- E) Request by Commissioner Partington to discuss a Fire Department 3.53% benefit accrual rate and possible early retirement incentive.
- F) Request by Commissioner Kelley to discuss the resolutions to be voted upon at the Florida League of Cities Conference.

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

11) **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

Commissioner Gillooly gave the invocation.

Item #3 – Pledge of Allegiance

The Pledge of Allegiance was led by Mayor Costello.

Item #4 – Audience Remark

There were no audience remarks.

Item #5 – Approval of the Minutes

Mayor Costello advised the minutes of the July 21, 2009, 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 #6 – 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 Gillooly requested Item 6(D) be pulled for discussion.

Commissioner Kelley moved, seconded by Commissioner Partington, to approve the Consent Agenda, absent Item #6(D).

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

Item #6D – Police Dispatch Services Agreement

RESOLUTION NO. 2009-108

A RESOLUTION AUTHORIZING A SIX PERCENT INCREASE IN COMPENSATION TO BE PAID TO THE VOLUSIA COUNTY SHERIFF'S OFFICE FOR THE PROVISION OF POLICE DISPATCH SERVICES PROVIDED PURSUANT TO AN AGREEMENT BETWEEN THE CITY OF ORMOND BEACH, THE VOLUISA COUNTY SHERIFF'S OFFICE, AND THE COUNTY OF VOLUSIA; AUTHORIZING THE EXECUTION OF THE AGREEMENT; AND SETTING FORTH AN EFFECTIVE DATE.

Commissioner Kelley moved, seconded by Commissioner Partington, to approve Item #6(D), as read by title only.

Commissioner Gillooly stated the agreement had a cap of 5.5% for increases; therefore, the City should not pay a 6% increase.

The City Manager explained the current agreement was for 2008 and 2009, expiring September 30, 2009; and the new agreement, which was to start October 1, 2009, did not have a cap but was based on the actual cost increase for expenses.

Commissioner Gillooly requested information from the Sheriff's Office regarding their income and costs.

Police Chief Michael Longfellow stated the information would be requested and saw no problem with getting the information because the County had always been forthcoming with information. He explained the 6% increase to the agencies was not enough to recover the increase in expenses to the Sheriff's Office.

Commissioner Partington stated RRC would be great, but they were not technologically as state-of-the-art as the Sheriff's Office was. He stated he would like to see the amounts each agency contributed and the overall costs of the dispatch operation. He stated he would like to schedule a tour of the facility to see the new technology available.

Chief Longfellow explained the increase to each of the contracted agency was 6%.

Mayor Costello inquired if the Sheriff's Office was also charged the same 6% as the other agencies were.

Chief Longfellow stated he would confirm the information, but his conversations with the Sheriff indicated the Sheriff's Office increase was more than 6%.

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

Item #7A – Property Improvement Grant

RESOLUTION NO. 2009-110

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 MISS PRISS, LLC; AND SETTING FORTH AN EFFECTIVE DATE.

Mayor Costello recessed the City Commission meeting and convened the Community Redevelopment Agency.

Commissioner Kelley moved, seconded by Commissioner Gillooly, to recommend approval of Resolution No. 2009-110.

Mayor Costello called for a voice vote, which was unanimous in favor of approval of Resolution No. 2009-110. The Mayor adjourned the Community Redevelopment Agency and reconvened the City Commission meeting.

Mayor Costello stated Resolution No. 2009-110 received the unanimous approval of the Community Redevelopment Agency.

Commissioner Kelley moved, seconded by Commissioner Gillooly, to approve Resolution No. 2009-110, 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 that without objection, the public hearing was closed.

Item #7B – Annexing of Property Near US1 and I-95

ORDINANCE NO. 2009-27

AN ORDINANCE ANNEXING CERTAIN REAL PROPERTY INTO THE CITY OF ORMOND BEACH, SAID PROPERTY CONSISTING OF APPROXIMATELY 4.4195± ACRES AND BEING GENERALLY LOCATED ALONG THE WEST SIDE OF NORTH US1 AND INTERSTATE 95 RAMP; SETTING FORTH ZONING, PRIVILEGES AND OBLIGATIONS REGARDING THE PROPERTY; REDEFINING THE TERRITORIAL BOUNDARIES OF THE CITY OF ORMOND BEACH TO INCLUDE THE PROPERTY; REDESIGNATING THE BOUNDARIES OF ZONE 3 OF THE CITY OF ORMOND BEACH TO INCLUDE THE PROPERTY; PROVIDING FOR TRANSMISSION; PROVIDING FOR SEVERABILITY; AND SETTING FORTH AN EFFECTIVE DATE.

Commissioner Kelley moved, seconded by Commissioner Kent, for approval of Ordinance No. 2009-27, on first reading, as read by title only.

James Morris, attorney for applicant, requested the second reading be continued until some issues were resolved with staff.

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

Item #8A – Amending Land Development Code Regarding Outdoor Activities

ORDINANCE NO. 2009-25

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 SUBSECTION U, OUTDOOR ACTIVITIES, TO ESTABLISH PROCEDURES FOR OUTDOOR SALES AND ACTIVITIES; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; PROVIDING FOR SEVERABILITY; AND SETTING FORTH AN EFFECTIVE DATE.

Commissioner Gillooly moved, seconded by Commissioner Kelley, for approval of Ordinance No. 2009-25, on second 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 #8B - Amending Land Development Code Regarding Criteria for Farmers' Markets

ORDINANCE NO. 2009-26

AN ORDINANCE AMENDING CHAPTER 2, DISTRICT AND GENERAL REGULATIONS, OF ARTICLE IV, CONDITIONAL AND SPECIAL EXCEPTION REGULATIONS; SECTION 2-57, CRITERIA FOR REVIEW OF SPECIAL CONDITIONAL AND SPECIAL EXCEPTION, SUBSECTION F, FARMERS' MARKETS, OF THE CITY OF ORMOND BEACH *LAND DEVELOPMENT CODE* TO BROADEN THE PRODUCTS PERMITTED TO BE SOLD AT A FARMERS' MARKET; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; PROVIDING FOR SEVERABILITY; AND SETTING FORTH AN EFFECTIVE DATE.

Commissioner Partington moved, seconded by Commissioner Gillooly, for approval of Ordinance No. 2009-26, on second 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 #9A – Outdoor Sales Fee Adjustment

Commissioner Kent stated if the fee was going from \$110 to \$25 and the fee did not make money for the City, then, no fee should be charged.

Planning Director Ric Goss stated that by charging a fee, the City regulated the activity, and the \$25 amount covered the City's administrative costs. He explained a merchant requested the decrease because she could not make enough to cover the \$110 fee when she was discounting merchandise by 40% for a sidewalk sale. He stated permits went from thirty-eight in 2008 to only eleven this year.

Commissioner Kent stated he wanted to help businesses as much as possible, but had some concerns and would like to hear from the others.

Commissioner Gillooly stated to pay \$110 up front for a permit was a serious consideration for a business owner when the outcome was indeterminate.

Commissioner Kelley stated when a business owner reduced prices by 50% to 70%, it was difficult to make money. He stated at those reductions, a business owner was just trying to recoup some of their investment to purchase new inventory.

Mayor Costello requested staff bring the issue to the Commission in an ordinance.

The City Manager suggested the process for changing fees could be streamlined by removing the fees from the Land Development Code and bringing them back by resolution. She explained changes in fees would not require Planning Board review and two ordinances, which required sixty days to make a simple change in fees.

Mayor Costello stated all number value fees needed to be removed from the Land Development Code.

Item #9B – Ormond Beach Sports Complex Playground

Mayor Costello asked if anyone had any objections. Hearing none, he requested staff bring back an ordinance.

Item #9C – Water and Wastewater Rate Adjustment

Mayor Costello explained the options were: Option A, which was a 2% increase across the board, or Option B, which was 0% increase for up to 2,000 gallons of usage, then a 4% increase for over 2,000 gallons. He asked the Commission members for their thoughts.

Commissioner Gillooly stated there was no reason to penalize people who were conserving and those people should not have an increase.

Commissioner Kelley stated he was for Option B.

Commissioner Kent stated he was for Option B, also.

Mayor Costello stated he did not want to use one time savings for recurring expenses. The Mayor stated this was to recoup costs, not to make money. He stated, essentially, there was a fee for access in the first 2,000 gallon, which would remain the same, but the cost would increase for increased usage. Mayor Costello directed staff to bring an ordinance with Option B.

Item #9D – Waste Management Contract Status Update

Mayor Costello asked if there had been any resolution regarding the contract.

City Manager Shanahan stated a compromise was being considered by Waste Management.

Item #9E – Fire Department Personnel Issues

Commissioner Partington stated he did not want to lose any opportunity to apply for SAFER grants or grants that would pay for replacement of staff taking advantage of an early retirement offer. He stated the Fire Department could run with six less people. He stated nine people were considering early retirement, and the City could apply for SAFER grants to pay for three positions for five years, saving the City money. He stated the previous proposal was a 3.53% multiplier with a 14% incentive to encourage early retirement, but he suggested a 3.53% multiplier with a 7% incentive, as a cost effective measure for the City.

The City Manager advised a similar program for police officers was offered with \$2 million in available funds that resulted in requests of \$8 million. She stated SAFER had not yet opened that program for firefighters, and it probably would not be available until after the first of year. She stated the program for police officers was a three year program, not five years. Ms. Shanahan stated the potential was constantly reviewed for any changes in the SAFER grants.

Mayor Costello stated it was up to the Fire Department; if nine staff members wanted to retire early to save demotions or layoffs, it was their decision. The Mayor stated the same offer should be made to the Fire Department as had been made to the other employees. He stated he was not prepared to offer an incentive to one group that was not offered to the rest of the employees.

Commissioner Partington stated the language on the 3.53% offer was coming from the firefighters' union. He stated the Budget Advisory Board recommended against a 3.53% multiplier with a 14% incentive, but the vote did not consider any forced reductions in staff. He stated the Budget Advisory Board might recommend the proposal if staff was reduced by six positions. He stated he would like to continue monitoring the grant situation and take advantage of SAFER grants, if possible.

Finance Director Kelly McGuire stated the Budget Advisory Board only considered the issue with employees paying the 3.53% from state dollars and the City paying the 14% incentive.

Commissioner Kelley stated if nine positions could be eliminated and if three positions could be funded with grant money, the City would realize a savings of between \$600,000 and \$750,000 a year for five years, and a savings of \$400,000 afterwards. He stated if you could not do all of that, it would not be financially justified.

The City Manager stated the savings depended on whether all nine eligible personnel took early retirement.

Mayor Costello stated all of the nine must take the early retirement. He stated if the City could function with less staff, why would early retirement be offered rather than just cut staff. Mayor Costello requested the City Manager to continue to monitor the grant program.

The Finance Director explained that when the firefighters' union came back with their language on the 3.53% multiplier, they were going to propose the 14% incentive. She stated the issue must go back to Pension Board, which was a lengthy process. She stated the union expressed no interest in the offer that was presented to the general employees.

Item #9F – Florida League of Cities

Commissioner Kelley inquired if any of the Commission objected to any of the issues before the Florida League of Cities members to be voted upon and being supported by the Florida League of Cities.

Commissioner Partington stated he favored abstaining from any issues that took a position on a constitutional amendment because individual citizens should do their own research and make their own decisions. He stated he had no objections to any of the others.

Commissioner Kelley stated he brought this up due to the Hometown Democracy amendment, and thought the other members would not want to support that issue.

Mayor Costello stated the City should not spend money opposing this issue, but he would personally vote against the Hometown Democracy amendment.

Commissioner Kent agreed with abstaining from voting on the constitutional amendments.

Commissioner Gillooly stated if one member had a concern, then the Commission should abstain from supporting the issue.

Mayor Costello directed Commissioner Kelley not to take a position on constitutional amendments.

Item #10 – Reports, Suggestions, Requests

Negotiation Team

Commissioner Kent requested some discussion in the future as to how negotiations were held, and he suggested a negotiation team to represent the City in negotiations.

Commissioner Gillooly stated she would like to discuss the idea of independent review of negotiations by a designated individual.

Hometown News “Rants and Raves”

Commissioner Kelley spoke to the writer of the “Rant” the City Manager responded to, stating he had never spoken to Mr. Levitt outside of a meeting and did not call him a friend.

National Night Out

Commissioner Partington stated the National Night Out event was a great time and thanked Leisure Services Director Robert Carolin.

Commissioner Gillooly stated it was well attended with a great diversity of attendees, including members of staff and Main Street.

Mayor Costello stated it was a fabulous event and suggested City Commission meeting for the first Tuesday night in August be rescheduled to Wednesday in order to again observe National Night Out, to which everyone agreed.

Millage Rate

Mayor Costello stated he had received a lot of congratulations for staying with the same millage rate, although other individuals would have preferred a reduction.

Item #11 – Close the Meeting

The meeting was adjourned at 8:05 p.m.

APPROVED:

August 18, 2009

BY:

Fred Costello, Mayor

ATTEST:

Veronica Patterson, City Clerk