

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

**April 7, 2009**

**7:00 p.m.**

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

**A G E N D A**

- 1) Meeting call to order by Mayor Costello.
- 2) Invocation by Father Comforted Keen, Church of the Holy Child Episcopal Church.
- 3) Pledge of Allegiance.
- 4) **PRESENTATION:** Certificates of Commendation to Chelsey Johns, Caylin Johns, Jessica Berger, and Samantha Ziegler.
- 5) **AUDIENCE REMARKS:**
- 6) **APPROVAL OF THE MINUTES** of the March 17, 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. 2009-34 authorizing the sole source procurement of Opticom traffic signal preemption systems from Transportation Control Systems to be installed at selected intersections throughout the City; authorizing the execution of a purchase authorization (Requisition #0000005756) and payment therefor. (\$64,870) (Acting Fire Chief)
  - B) Resolution No. 2009-35 accepting a bid from P&S Paving, Inc., for construction services regarding the 2009 Roadway Resurfacing project under Bid No. 2009-05, authorizing the execution of a contract and payment therefor; rejecting all other bids. (\$479,424.03) (Acting City Engineer)
  - C) Resolution No. 2009-36 accepting a bid from Laserturf Southeast, Inc., regarding the Baseball and Soccer Field Renovations project at the Ormond Beach Sports Complex under Bid No. 2009-11, authorizing the execution of a contract and payment therefor; rejecting all other bids. (\$102,321) (Acting City Engineer)
  - D) Resolution No. 2009-37 authorizing the execution of a contract between the City of Ormond Beach and Hall Construction Company, Inc., regarding the Casements Architectural Improvements project. (Not to exceed \$1,112,850) (Acting City Engineer)
  - E) Resolution No. 2009-38 authorizing the submittal of an on-line grant application to the U.S. Department of Justice relative to the hiring of seven police officers under the COPS Hiring Recovery Program; authorizing the execution of all documents incidental thereto. (\$321,853 funding; no local match) (Police Department)
  - F) Resolution No. 2009-40 authorizing the execution of a release and satisfaction of Special Master administrative fine/lien for code violations on property located at 10 Tara Place (Parcel ID 4242-94-00-0410), Ormond Beach, Volusia County, Florida. (Neighborhood Improvement)
  - G) Citizen construction of a labyrinth in Central Park II and inclusion in the Central Park Master Plan. (Leisure Services Director)

**DISPOSITION:** Approve as recommended in City Manager memorandum dated April 2, 2009.
- 8) **PUBLIC HEARINGS:**
  - A) Resolution No. 2009-39 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 Granada Arts, Inc. (150 Tomoka Avenue - \$50,000) (Planning Director)

- B) Ordinance No. 2009-05 amending Paragraph C, Official Zoning Map, of Section 2-01, Establishment of Zoning Districts and Official Zoning Map, of Article I, Establishment of Zoning Districts and Official Zoning Map, of Chapter 2, District and General Regulations, of the Land Development Code, by amending the Official Zoning Map to rezone certain real property totaling 4.51 acres located at 1360, 1362, 1364, 1366, 1368, and 1370 North Highway US1 from Volusia County B-9 to City of Ormond Beach PBD (Planned Business Development); authorizing revision of the official zoning map; approving a Development Order for “Amaral Plaza” Planned Business Development. (Second Reading) (Planning Director)
- C) Ordinance No. 2009-06 authorizing the execution and issuance of a Fourth Amended Development Order for the “Capital Plaza” Planned Business Development located at 298 and 300 South Nova Road, modifying the Development Order regarding permitted hours of operation for the Planned Business Development known as “Capital Plaza,” establishing conditions therefore; ratifying and affirming the Development Orders; establishing conditions and expiration of approval. (Italian Village Restaurant) (First Reading) (Planning Director)
- D) Ordinance No. 2009-07 amending Chapter 2, District and General Regulations, Article II, District Regulations, Section 2-08: Special Environmental (SE), Section 2-09: Rural Estate/Agricultural (REA), Section 2-10: Rural Residential (RR), Section 2-11: Suburban Residential (SR), Section 2-12: Residential Estate (R-1, Section 2-13: Single-Family Low Density (R-2), Section 2-14: Single-Family Low-Medium Density (R-2.5), Section 2-15: Single-Family Medium Density (R-3), Section 2-16: Neighborhood Preservation (NP), Section 2-17: Single-Family Cluster & Townhouse (R-4), Section 2-18: Multi-Family Medium Density (R-5), Section 2-19: Multi-Family Medium-High Density (R-6), Section 2-20: Reserved (T-1), Section 2-21: Manufactured Home (T-2), Section 2-22: Professional Office/Hospital (B-1), Section 2-23: Neighborhood Commercial (B-2), Section 2-24: Reserved (B-3), Section 2-25: Central Business (B-4), Section 2-26: Service Commercial (B-5), Section 2-27: Oceanfront Tourist Commercial (B-6), Section 2-28: Highway Tourist Commercial (B-7), Section 2-29: Commercial (B-8), Section 2-30: Boulevard (B-9), Section 2-31: Suburban Boulevard (B-10), Section 2-32: Light Industrial (I-1), Section 2-33: Reserved (I-2), Paragraphs D, Dimensional Standards, and L, Exceptions, of Section 2-35: Planned Residential Development (PRD); Paragraph H, Application and Review of Section 2-36, Planned Business Development; deleting Paragraph A, Minimum Floor Area and replacing with Single-Family Dwelling Exterior Infill Standards of Section 2-42, Design Standards; deleting Section 2-43, Dimensional Requirements for Single-Family Detached Homes by Zoning District; deleting Section 2-44, Dimensional Requirements for Duplex, Triplex, Townhouse, and Multi-Family Dwelling Units by Zoning Districts, and Section 2-45, Dimensional Requirements for Non-Residential Uses in Commercial and Light Industrial Zoning Districts of the Land Development Code. (First Reading) (Planning Director)

9) **FIRST READING OF ORDINANCES:**

A) Land Development Code Chapter 1 Amendments:

- 1) Ordinance No. 2009-08 amending Chapter 1, General Administration, Article II, Administration and Enforcement, Section 1-13, Violations and Penalties, Section 1-14, Development Orders and Building Permits, Section 1-15, Planning Board, Section 1-16, Board of Adjustment and Appeals, deleting Section 1-17, Development Review Board, creating Section 1-17, Historic Landmark Preservation Board, amending Section 1-18, City Commission/Public Hearings, Section 1-19, Appeals, deleting Section 1-20, Reserved, and creating Section 1-20, Codes and Standards Adopted by Reference, of the *Land Development Code*. (Planning Director)
- 2) Ordinance No. 2009-09 deleting Chapter 3, Performance Standards, Article V, Utility and Infrastructure Design Standards, Paragraph D, Street Design Standards, of Section 3-53, Street Design and Standards, renumbering the remaining paragraphs of the *Land Development Code*. (Planning Director)
- 3) Ordinance No. 2009-10 deleting references to the Development Review Board in Chapter 1, General Administration, Article V, Concurrency Management, Section 1-31, Concurrency Assessment, Chapter 2, District and General Regulations, Article III, General Regulations, Section 2-51, Public Safety, Chapter 2, District and General Regulations, Article V, Non-Conformance, Section 2-64, Non-Conforming Developed Sites, Chapter 2, District and General Regulations, Article VI, Overlay Districts, Section 2-70, Downtown Overlay, Chapter 3, Performance Standards, Article IV, Sign Regulations, Section 3-47, Business Premise Identification Signs, Chapter 3, Performance Standards, Article V, Utility and Infrastructure Design Standards, Section 3-53, Street Design Standards, Chapter 4, Plan Review and Subdivision, Article I, Site Plan Review Procedures, Section

4-03, Site Plan Review Committee (SPRC) Established, Chapter 4, Plan Review and Subdivision, Article I, Site Plan Review Procedures, Section 4-05, Site Plan Review, Chapter 4, Plan Review and Subdivision, Article II, Subdivision, Section 4-17, Preliminary Plat Approval Procedures, Chapter 4, Plan Review and Subdivision, Article II, Subdivision, Section 4-18, Final Plat Approval Procedures, of the *Land Development Code*. (Planning Director)

B) Ordinance No. 2009-11 amending Chapter 4, Plan Review and Subdivision, Article I, Site Plan Review Procedures, Paragraph D, Scope of Powers, of Section 4-03, Site Plan Review Committee (SPRC) Established, Paragraph B, SPRC Review of Application, of Section 4-05, Site Plan Review, and Section 4-06, Information to be Included in Site Plan Application, of the *Land Development Code*. (Planning Director)

10) **RESOLUTION** No. 2009-25 authorizing the execution of a Collective Bargaining Agreement between the City of Ormond Beach and the International Association of Firefighters (I.A.F.F.), Local 3499. (Acting Fire Chief)

11) **DISCUSSION ITEMS:**

A) Request by the Maverick Condominium Association to allow a geometric pattern on a proposed canopy located at 485 South Atlantic Avenue. (Planning Director)

B) Redevelopment RFP on property located between State Road 40, US1, Lincoln and Washington Avenues. (Planning Director)

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

13) **CLOSE THE MEETING.**

Item #1 – Meeting call to order.

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

Item #2 – Invocation

The invocation was given by Father Comforted Keen, Church of the Holy Child Episcopal Church.

Item #3 - Pledge of Allegiance.

Mayor Costello led the Pledge of Allegiance.

Item #4 – Presentations

Mayor Costello presented a Certificate of Commendation to Chelsey Johns, Caylin Johns, Jessica Berger, and Samantha Ziegler for their actions which prevented a large fire.

Item #5 - Audience Remarks:

Signage

Pat Behnke, 15 Malayan Bear Sun Path, stated she had recently come before the Commission to speak in favor of sandwich board signs as a temporary measure to provide assistance to local merchants. She expressed disappointment after finding 28 signage violations in only two hours in a small area around the community. She stated that the codes were well thought out before being put into place and had a purpose. She reported that Neighborhood Improvement was not able to handle the volume of violations due to lack of manpower, and until the merchants took the current codes seriously, nothing further should be granted. She opposed allowing the temporary signs to become permanent.

Central Park Phase II Labyrinth

Jim Bertrand, 385 Coquina Avenue, spoke regarding the construction of a labyrinth in Central Park Phase II. He explained the construction was proposed to be done in three phases: first, a fifty foot concrete pad with twenty-five feet of sidewalk to connect to the existing sidewalk; second, the labyrinth would be painted; and then they hope to get the Ormond Beach Garden Club to install low maintenance plantings around the labyrinth. Mr. Bertrand stated they only needed another \$160 to start the project and would be willing to accept donations from the Commissioners.

Autism Month

Jim Schultz, 117 Harvard Drive, reminded that April was autism month and spoke regarding the importance of better oversight of vaccines for children, including issues such as no more Thimerosal in vaccines for infants.

Volusia Day in Tallahassee

Jim Cameron, Senior Vice President of the Daytona Beach/Halifax Chamber of Commerce in charge of Government Relations, narrated a photo presentation from Volusia Day in Tallahassee. He stated that although there were many issues to be discussed, the main focus was on education, and he felt the message was heard by the Legislature. He discussed some of the bills before the Legislature and stated that Suzanne Kosmos was going to speak locally next week to report on the stimulus package.

Mayor Costello stated that all the participants, government and business, came together asking for support of education.

Commissioner Kelley stated it had been a worthwhile trip. He stated the large number of participants made an impression, even motivating one representative from south Florida to leave his office and investigate. He reported the Legislature saw we were serious about our children’s education and make it a priority.

Item #6 – Approval of the Minutes

Mayor Costello advised the minutes of the March 17, 2009, regular meeting had been sent to the Commission for review and, asked for any corrections, additions, or omissions. Hearing no objection, the Mayor stated the minutes were approved as submitted.

Item #7 – Consent Agenda

Mayor Costello advised that 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 asked to pull Item #7D for discussion.

**Commissioner Kelley moved; seconded by Commissioner Partington, for approval of the Consent Agenda absent Item #7D.**

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

Item #7(D) – Construction Services Contract for Architectural and ADA Improvements at the Casements

RESOLUTION NO. 2009-37  
A RESOLUTION AUTHORIZING THE EXECUTION OF A CONTRACT BETWEEN THE CITY OF ORMOND BEACH AND HALL CONSTRUCTION COMPANY, INC., REGARDING THE CASEMENTS ARCHITECTURAL IMPROVEMENTS PROJECT; AND SETTING FORTH AN EFFECTIVE DATE.

**Commissioner Kelley moved; seconded by Commissioner Partington, for approval of Resolution No. 2009-37, as read by title only.**

Commissioner Gillooly asked if it was possible to use TIF funds for the non-grant funded components rather than using general fund property taxes.

Mayor Costello explained that it was not possible because only 25% of the matching funds could be TIF funds for matching ECHO funds.

Item #8(A) – Granada Arts, Inc., Property Improvement Grant Agreement

RESOLUTION NO 2009-39  
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 GRANADA ARTS, INCORPORATED; AND SETTING FORTH AN EFFECTIVE DATE.

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

**Commissioner Gillooly moved; seconded by Commissioner Partington, for the Community Development Agency to recommend approval of the property improvement grant for Granada Arts, Inc.**

Mayor Costello asked for any discussion. Hearing no request for discussion, the Mayor called for a voice vote which was unanimously in favor of approval.

Mayor Costello adjourned the Community Redevelopment Agency and reconvened the City Commission meeting.

The Mayor asked the City Clerk to read Resolution No. 2009-39, which the Community Redevelopment Agency had unanimously recommended for approval by the Commission.

**Commissioner Kelley moved; Commissioner Partington seconded, for approval of Resolution 2009-39, as read by title only.**

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

Item #8(B) – Development Order for Amara Plaza

ORDINANCE NO 2009-05

AN ORDINANCE AMENDING PARAGRAPH C, OFFICIAL ZONING MAP, OF SECTION 2-01, ESTABLISHMENT OF ZONING DISTRICTS AND OFFICIAL ZONING MAP, OF ARTICLE I, ESTABLISHMENT OF ZONING DISTRICT AND GENERAL REGULATIONS, OF THE *LAND DEVELOPMENT CODE*, BY AMENDING THE OFFICIAL ZONING MAP TO REZONE CERTAIN REAL PROPERTY TOTALING 4.51-ACRES LCOATED AT 1360, 1362, 1364, 1366, 1368, AND 1370 NORTH HIGHWAY US1, FROM VOLUSIA COUNTY B-9 TO CITY OF ORMOND BEACH P BD (PLANNED BUSINESS DEVELOPMENT), AUTHORIZING REVISION OF OFFICIAL ZONING MAP; APPROVING A DEVELOPMENT ORDER FOR “AMARAL PLAZA” PLANNED BUSINESS DEVELOPMENT; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; AND SETTING FORTH AN EFFECTIVE DATE.

Mayor Costello reported the Planning Board approved Ordinance No. 2009-05 unanimously.

**Commissioner Kelley moved; seconded by Commissioner Partington, for approval of Ordinance No. 2009-05, on second reading, as read by title only.**

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

Item #8(C) – Fourth Amended Development Order for the Capital Plaza PBD

ORDINANCE NO 2009-06

AN ORDINANCE AUTHORIZING THE EXECTUION AND ISSUANCE OF A FOURTH AMENDED DEVELOPMENT ORDER FOR THE “CAPITAL PLAZA” PLANNED BUISNESS ROAD, MODIFYING THE DEVELOPMENT ORDER REGARDING PERMITTED HOURS OF OPERATION FOR THE PLANNED BUSINESS DEVELOPMENT KNOWN AS “CAPITAL PLAZA”, ESTABLISHING CONDITIONS THEREFORE; RATIFYING AND AFFIRMING THE DEVELOPMENT ORDERS; ESTABLISHING CONDITIONS AND EXPIRATION OF APPROVAL; AND SETTING FORTH AN EFFECTIVE DATE.

Mayor Costello stated Ordinance No. 2009-06 received unanimous approval from the Planning Board.

Patti Ann Welter, 303 Forest Hills Boulevard, expressed concern about Capital Plaza’s development corporation because they opened a week and half before they had received approval; the garbage facilities were not in place; opened with different hours than approved; and she was concerned with traffic created by Phase III if it was opened before the medians were finished.

Ric Goss, Planning Director, stated staff had no issue regarding modifying the hours of operation but had concerns with the implementation of outstanding conditions, such as the landscaping. He stated the donut shop would not open until the median was completed, and the developer understands no certificate of occupancy would be issued until all the conditions were implemented. Mr. Goss stated the median would correct the traffic issue.

Mayor Costello stated that the City was doing what could be done to help the development be successful, and the hours of the Italian Village Restaurant were not a problem. He commented staff was aware of the issues with the development, and efforts were being made to resolve them. The Mayor stated the Commission had not asked staff to be lenient but to continue to ensure that applicable standards were met.

Commissioner Partington expressed he was concerned about what he was hearing and questioned if a request for an amendment was permitted, when the prior conditions had not been met.

The Planning Director explained the City allows amendments under these circumstances but that some cities would not entertain further requests unless the previous conditions had been met. He stated that staff and the developer were aware of the outstanding issues and continued to work towards the successful completion of the issues.

Commissioner Partington asked about the specific issues and questioned if any of the issues were life/safety issues.

The Planning Director confirmed that none of the issues were life/safety issues but rather, an engineering issue to lower the sanitary sewer clean outs, which was in dispute. He stated the landscaping plans had not been completed per the development order with a number of dead plants that need to be replaced, and the landscape areas need to be cleaned. He stated after the work had been done and passed the inspections, the developer must provide an “as built” plan for the record.

Commissioner Partington stated he wanted to be reasonable with local businesses but was reluctant to grant a new request if the other issues have not been resolved.

Mayor Costello asked if the applicant was in attendance to speak to the questions.

Planning Director Ric Goss pointed out there was a request to waiver part of the amendment fee, but staff recommended the Commission not grant that request because the fee included a direct cost of \$1,400 for advertising and \$1,000 for actual staff time to process the request.

Mayor Costello clarified that the request to change the hours of operation came from the tenant, not the developer.

Mrs. Aiello, the tenant, 298 South Nova Road, stated she was unaware of the development issues but had paid for the application. She stated she was concerned about her business hours.

Randy Hayes, City Attorney, stated the development order required the developer to comply with the conditions, and any non-compliance was a code violation. He explained the option of using the Special Master process could produce some heavy fines.

Commissioner Gillooly stated the developer could be pressured to comply by withholding the certificate of occupancy for Phase III. She stated for the current request, although she does not want to penalize a tenant for the developer’s non-compliance, it might pressure the developer to comply if no amendments were approved until he was in compliance.

The City Attorney stated the Commission could deny the motion on the basis that the developer was not in compliance with the current development order. He explained, however, that should the Commission desire approval of the proposed amendment, there was the mechanism in the development order to seek compliance on the outstanding issues.

Commissioner Gillooly stated that by denying the amendment, the tenant could pressure the developer to come into compliance, which would facilitate the approval of the amendment to allow the tenant to open additional hours.

The tenant stated that denial of the additional operating hours would destroy her business.

Mayor Costello asked if before the certificate of occupancy for Dunkin Donuts was issued, if the City could require the outstanding issues be completed.

The Planning Director explained that the certificate of occupancy was for Dunkin Donuts which was an out-parcel with a separate site plan. He stated that no one wanted to punish the tenant because the restaurant was very successful. He suggested going to the Special Master, if needed, although the fine for the first violation of a development order was only \$50. Therefore, if the Commission wanted to put force in the code enforcement process, he suggested raising the classification of fines for violations.

Mayor Costello asked the Planning Director for options other than a \$50 fine.

The Planning Director suggested amending the classification of fines.

Mayor Costello asked if it was possible to make the amended fines applicable to the development order under discussion.

The City Attorney explained the fine was \$50 for each day the violation existed. He stated the ordinance permitted a maximum fine of \$250 per day per violation, allowing the Commission to increase the fines within that range. He stated the Special Master could adjust the fine up to the maximum, if they felt the violation warranted it.

Commissioner Kelley stated punishing the tenant, who has no control over the situation, would be terrible because, if anything, it would prevent the tenant from earning money to pay their rent to the owner, who had a few plants die. He stated the issues cited were not earth shattering issues; a few plants died; the sewer issue was under dispute, and the other issues were minor, which was a lot better than what was there before.

Commissioner Partington agreed he did not want to punish the tenant and was comfortable with the City Attorney’s suggestion to use the code process to resolve the issues. He suggested the Planning Director explain to the developer that the Commission was willing to raise the fines or not be as cooperative in the future should the developer not bring the development into compliance. He stated he would vote for the amendment but would not vote in favor of waiving the application fee.

**Commissioner Gillooly moved; seconded by Commissioner Partington, for approval of Ordinance No. 2009-06 to amend the hours of operation but not waive the application fees on first reading, as read by title only.**

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

Item #8(D) – Amending Zoning Districts of the Land Development Code

ORDINANCE NO 2009-07

AN ORDINANCE AMENDING CHAPTER 2, DISTRICT AND GENERAL REGULATIONS, ARTICLE II, DISTRICT REGULATIONS, SECTION 2-08, SPECIAL ENVIRONMENTAL (SE), SECTION 2-09, RURAL ESTATE/AGRICULTURAL (REA), SECTION 2-10, RURAL RESIDENTIAL (RR), SECTION 2-11, SUBURBAN RESIDENTIAL (SR), SECTION 2-12, RESIDENTIAL ESTATE (R-1), SECTION 2-13, SINGLE-FAMILY LOW DENSITY (R-2.2), SECTION 2-14, SINGLE-FAMILY LOW-MEDIUM DENSITY (R-2.5), SECTION 2-15, SINGLE-FAMILY MEDIUM DENSITY (R-3), SECTION 2-16, NEIGHBORHOOD PRESERVATION (NP), SECTION 2-17, SINGLE-FAMILY CLUSTER & TOWNHOUSE (R-4), SECTION 2-18, MULTI-FAMILY MEDIUM DENSITY (R-5), SECTION 2-19, MULTI-FAMILY MEDIUM-HIGH DENSITY (R-6), SECTION 2-20, RESERVED (T-1), SECTION 2-21, MANUFACTURED HOME (T-2), SECTION 2-22, PROFESSIONAL OFFICE/HOSPITAL (B-1), SECTION 2-23, NEIGHBORHOOD COMMERCIAL (B-2), SECTION 2-24, RESERVED (B-3), SECTION 2-25, CENTRAL BUSINESS (B-4), SECTION 2-26, SERVICE COMMERCIAL (B-5) SECTION 2-27, OCEANFRONT TOURIST COMMERCIAL (B-6), SECTION 2-28, HIGHWAY TOURIST COMMERCIAL (B-7), SECTION 2-29, COMMERCIAL (B-8), SECTION 2-30, BOULEVARD (B-9), SECTION 2-31, SUBURBAN BOULEVARD (B-10), SECTION 2-32, LIGHT INDUSTRIAL (I-1), SECTION 2-33, RESERVED (I-2), PARAGRAPHS D, DIMENSIONAL STANDARDS AND L, EXCEPTIONS, OF SECTION 2-35, PLANNED RESIDENTIAL DEVELOPMENT (PRD), PARAGRAPH H, APPLICATION AND REVIEW OF SECTION 2-36, PLANNED BUSINESS DEVELOPMENT (PBD), DELETING PARAGRAPH A, MINIMUM FLOOR AREA AND REPLACING WITH SINGLE-FAMILY DWELLING EXTERIOR INFILL STANDARDS OF SECTION 2-42, DESIGN STANDARDS, DELETING SECTION 2-43, DIMENSIONAL REQUIREMENTS FOR SINGLE-FAMILY DETACHED HOMES BY ZONING DISTRICT, DELETING SECTION 2-44, DIMENSIONAL REQUIREMENTS FOR DUPLEX, TRIPLEX, TOWNHOUSE, AND

MULT-FAMILY DWELLING UNITS BY ZONING DISTRICTS, AND SECTION 2-45, DIMENSIONAL REQUIREMENTS FOR NON-RESIDENTIAL USES IN COMMERCIAL AND LIGHT INDUSTRIAL ZONING DISTRICTS OF THE *LAND DEVELOPMENT CODE*; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; PROVIDING FOR SEVERABILITY; AND SETTING FORTH AN EFFECTIVE DATE.

Mayor Costello suggested restructuring the wording to, “any property owner within 600 feet of the site may appeal the Planning Director’s determination in accordance with Section 1-19 of this code except that the Planning Board shall first review any appeal of the Planning Director’s determination and provide a provisory recommendation to the City Commission. Fees for an appeal shall be in accordance of Section 1-26 of this code. “

Planning Director Ric Goss apologized, stating that amendment should go to Item #9(B) under the Site Plan Review ordinance.

Commissioner Kelley stated the public was involved in a neighborhood meeting before the Planning Board received the project for review which made the process so much better. Therefore, he asked why add another obstacle to go back to the Planning Board when the goal was to assist applicants who were complying with the development restrictions. He stated he would amend the code as the Planning Board first approved it and originally recommended by staff.

The Planning Director stated that was also relative to Item #9(B). He explained the ordinance before them was an amendment to the zoning districts, as to uses, which deleted the 10,000 square foot cap, multiple uses in one building, or two principal buildings on the same site for special exceptions. He stated that eighty pages of text were reduced to twenty-nine pages of tables.

Mayor Costello clarified that this ordinance does not contain the issues in the staff report.

The Planning Director explained the staff report addresses these issues because the three proposed amendments to the *Land Development Code* were interlinked.

**Commissioner Partington moved; seconded by Commissioner Kelley, for approval of Ordinance No. 2009-07, on first reading, as read by title only.**

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

Item #9(A)(1) – Amending the Land Development Code, Chapter 1, General Administration

ORDINANCE NO 2009-08

AN ORDINANCE AMENDING CHAPTER 1, GENERAL ADMINISTRATION ARTICLE II, ADMINISTRATION AND ENFORCEMENT, SECTION 1-13, VIOLATIONS AND PENALTIES, SECTION 1-14, DEVELOPMENT ORDERS AND BUILDING PERMITS, SECTION 1-15, PLANNING BOARD, SECTION 1-16, BOARD OF ADJUSTMENT AND APPEALS, DELETING SECTION 1-17, DEVELOPMENT REVIEW BOARD, CREATING SECTION 1-17 HISTORIC LANDMARK PRESERVATION BOARD, AMENDING SECTION 1-18, CITY COMMISSION/PUBLIC HEARINGS, SECTION 1-19, APPEALS, AND DELETING SECTION 1-20, RESERVED AND CREATING SECTION 1-20, CODES AND STANDARDS ADOPTED BY REFERENCE OF THE *LAND DEVELOPMENT CODE*; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; PROVIDING FOR SEVERABILITY; AND SETTING FORTH AN EFFECTIVE DATE.

Mayor Costello stated the ordinance received unanimous approval from the Planning Board.

**Commissioner Kelley moved; seconded by Commissioner Partington, for approval of Ordinance No. 2009-08, on first reading, as read by title only.**

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

Item #9(A)(2) – Amending the Land Development Code, Chapter 3, Performance Standards

ORDINANCE NO 2009-09

AN ORDINANCE DELETING CHAPTER 3, PERFORMANCE STANDARDS, ARTICLE V,

UTILITY AND INFRASTRUCTURE DESIGN STANDARDS, PARAGRAPH D, STREET DESIGN STANDARDS OF SECTION 3-53, STREET DESIGN AND STANDARDS RENUMBERING THE REMAINING PARAGRAPHS OF THE *LAND DEVELOPMENT CODE*; 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. 2009-09, on first reading, as read by title only.**

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

Item #9(A)(3) – Amending the Land Development Code, Deleting Reference to the Development Review Board

ORDINANCE NO 2009-10

AN ORDINANCE DELETING REFERENCES TO THE DEVELOPMENT REVIEW BOARD IN CHAPTER 1, GENERAL ADMINISTRATION, ARTICLE V, CONCURRENCY MANAGEMENT, SECTION 1-31, CONCURRENCY ASSESSMENT, CHAPTER 2, DISTRICT AND GENERAL REGULATIONS, ARTICLE III, GENERAL REGULATIONS, SECTION 2-51, PUBLIC SAFETY, CHAPTER 2, DISTRICT AND GENERAL REGULATIONS, ARTICLE V, NONCONFORMANCE, SECTION 2-64, NON-CONFORMING DEVELOPED SITES, CHAPTER 2, DISTRICT AND GENERAL REGULATIONS, ARTICLE VI, OVERLAY DISTRICTS, SECTION 2-70, DOWNTOWN OVERLAY, CHAPTER 3, PERFORMANCE STANDARDS, ARTICLE IV, SIGN REGULATIONS, SECTION 3-47, BUSINESS PREMISE IDENTIFICATION SIGNS, CHAPTER 3, PERFORMANCE STANDARDS, ARTICLE V, UTILITY AND INFRASTRUCTURE DESIGN STANDARDS, SECTION 3-53, STREET DESIGN STANDARDS, CHAPTER 4, PLAN REVIEW AND SUBDIVISION, ARTICLE I, SITE PLAN REVIEW PROCEDURES, SECTION 4-03, SITE PLAN REVIEW COMMITTEE (SPRC) ESTABLISHED, CHAPTER 4, PLAN REVIEW AND SUBDIVISION, ARTICLE I, SITE PLAN REVIEW PROCEDURES, SECTION 4-05, SITE PLAN REVIEW, CHAPTER 4, PLAN REVIEW AND SUBDIVISION, ARTICLE II, SUBDIVISION, SECTION 4-17, PRELIMINARY PLAT APPROVAL PROCEDURES, CHAPTER 4, PLAN REVIEW AND SUBDIVISION, ARTICLE II, SUBDIVISION, SECTION 4-18, FINAL PLAT APPROVAL PROCEDURES OF THE *LAND DEVELOPMENT CODE*; 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. 20091-5, on first reading, as read by title only.**

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

Item #9(B) – Amending the Land Development Code, Chapter 4, Plan Review and Subdivision

ORDINANCE NO 2009-11

AN ORDINANCE AMENDING CHAPTER 4, PLAN REVIEW AND SUBDIVISION, ARTICLE I, SITE PLAN REVIEW PROCEDURES, PARAGRAPH D, SCOPE OF POWERS OF SECTION 4-03, SITE PLAN REVIEW COMMITTEE (SPRC) ESTABLISHED, PARAGRAPH B SPRC REVIEW OF APPLICATION OF SECTION 4-05, SITE PLAN REVIEW, AND SECTION 4-06, INFORMATION TO BE INCLUDED IN SITE PLAN APPLICATION OF THE *LAND DEVELOPMENT CODE*; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; PROVIDING FOR SEVERABILITY; AND SETTING FORTH AN EFFECTIVE DATE.

**Commissioner Kelley moved; seconded by Commissioner Partington, to approve Ordinance No. 2009-11 using the original language approved by the Planning Board, on first reading, as read by title only.**

Planning Director Ric Goss explained the language would be revised on page 5 of the ordinance, Paragraph D, Scope of Powers of Section 4-03, Site Plan Review Committee (SPRC) Established, of Chapter 4, Plan Review and Subdivision, of Article I, Site Plan Review Procedures, of the *Land*

*Development Code*, 6. Neighborhood Compatibility Meetings, g. Appeal, to read, “Any property owners within 600 feet of the site may appeal the Planning Director’s determination in accordance with Section 1-19 of this Code to the City Commission. Fees for an appeal shall be in accordance with Section 1-26 of this Code” which would address the concerns of the Commission.

Commissioner Gillooly stated she does not see the revision as a way to hinder the process but believed the neighborhood meetings would be very effective by being early in the process. She stated she liked the idea of allowing it to go back to the Planning Board because it gave another layer of public participation and possible resolution of the issues in that forum. She stated she was in favor of the wording as it was presented.

Commissioner Kelley stated the neighborhood meetings would be held before the applicant had spent thousands of dollars, making it more likely to arrive at a negotiated path by creating something more workable before issues were cast in stone. He stated that although the applicant’s plan might be within what the code allowed, he might be more willingly to compromise when the neighbors wanted something different before he spent money on engineering, site plans, etc. Commissioner Kelley stated that the revision would add an additional layer of public participation earlier in the process, not reduce public participation.

The Planning Director stated this actually provided more protection overall because without the revision, anything above a certain number of feet adjacent to residential required a neighborhood meeting for review and input; the revision would require all proposed projects adjacent to residential be reviewed at a neighborhood meeting early in the process. He expressed that the “bumping up” provision would keep everyone honest in the negotiation process at the neighborhood meetings.

Commissioner Gillooly stated she was in favor of leaving it the way it was because if it went to an appeal, there was an extra layer that she thought was important.

|            |                         |     |
|------------|-------------------------|-----|
| Call Vote: | Commissioner Gillooly   | no  |
|            | Commissioner Kelley     | yes |
|            | Commissioner Partington | yes |
| Carried.   | Mayor Costello          | yes |

Item #10 – Collective Bargaining Agreement with International Association of Firefighters

RESOLUTION NO 2009-25

A RESOLUTION AUTHORIZING THE EXECUTION OF A COLLECTIVE BARGAINING AGREEMENT BETWEEN THE CITY OF ORMOND BEACH AND THE INTERNATIONAL ASSOCIATION OF FIREFIGHTERS (I.A.F.F.) LOCAL 3499; AND SETTING FORTH AN EFFECTIVE DATE.

**Commissioner Partington moved; seconded by Commissioner Kelley, for approval of Resolution No. 2009-25, as read by title only.**

Commissioner Kelley stated Commissioner Kent’s request for salary comparisons with other areas was really eye-opening. He stated the City’s employees were not underpaid, and he really had a hard time increasing the salaries.

Mayor Costello stated he had asked for the figures to give himself the numbers due to 85% of the calls being emergency medical calls.

Commissioner Partington stated he would support the resolution for the City and the employees because there was a tremendous value in having the union issues resolved. He stated there had been very good progress in producing a contract that was a lot fairer; the negotiations had been fair; and this was the first step in a continuing effort to work with union to bring reasonableness, fairness and equity to the process. He expressed that as the City moved forward, changes by the Mayor and Commissioner Kelley would have to be incorporated due to the evolution of fire services. He stated there was a lot of logic and smart planning in the analysis that the Mayor and Commissioner Kelley used. He stated the Commission needed to continue to partner with the employees to make those changes that were necessary. He stated it would be a multi-year process that would require the employees to come to the table with the Commission to help make the changes necessary to continue to provide excellent service and restructure how things were done. He stated he particularly appreciated they forewent a raise in the first year with modest increases the following years, as well as some other provisions in the contract, making a more reasonable contract that he would support. He stated some of the economic principles he had been reading indicated it was counterproductive to withhold a modest cost-of-living increase in difficult budget times which would worsen a downturn in the economy by reducing personal spending. He stated that if you treated the employees that you have fairly and reasonably in the long term it was a smarter decision.

Commissioner Gillooly stated she had received complaints from some citizens for considering a three percent increase, but she reminded them that the none of the employees had received a salary increase other than a one time \$500.00 bonus; therefore it had been important to negotiate in good faith the contract that was done. She stated it was important to approve the contract because it was not just about the dollars, which was why she was not a fan of comparing salaries that did not consider the dollar value of the full benefit package. Commissioner Gillooly stated that as a citizen who relies upon these services, she would much rather rely on someone who was trained in firefighting and in life saving; that was more value for your dollars. She expressed there were a number of changes in this contract that benefited the City.

Mayor Costello stated he would vote against the three year contract. He stated he would vote to pay the salary increase but was concerned with a contract for three years. He stated that the City Manager had asked all Department Directors to suggest ways to cut the budget by ten percent to determine what that would entail. He stated it might necessitate less personnel; it may require partnering with Volusia County, Holly Hill, Daytona Beach and EVAC; it may involve staffing changes such as two on a truck rather than three or adjusting shift times. He stated there were structural changes that he would like to see in the contract. He expressed this contract did not allow changes that needed to be made. The Mayor asked the City Attorney if the salaries could be paid without approval of the contract or if the contract could be a one year contract because this contract was not flexible to allow needed changes.

The City Attorney stated the options were to vote it up or vote it down, as is, and if they did not like the contract, they could send it back for further negotiations.

Commissioner Kelley asked if an approved contract would prevent negotiations should the Commission consider partnering with the other entities.

City Manager Joyce Shanahan stated changes would have to be bargained with the union.

Mayor Costello stated the City would be in a better position if all the issues were negotiated together.

Commissioner Kelley stated the way services were delivered had to be changed for the betterment of the people. He related he had an experience where six people, including EVAC, responded to a call at his mother’s nursing home to move her. He stated that was a waste of resources by removing six people from service to handle moving one elderly lady.

Mayor Costello stated that if it was a priority call, he wanted the experts to send whoever they needed to send. He stated that it was no longer financially possible to base the fire services budget on fire suppression; but medical needs must be included, which would require different staffing.

The City Attorney suggested that if it might be a two-two vote, the Commission policy is to consider continuing the issue until another time.

**Commissioner Kelley moved; seconded by Commissioner Partington, to continue the motion until the next meeting.**

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

The City Attorney clarified that at the next meeting they would have a motion on the floor and would continue from that point.

Mayor Costello asked the City Manager to research what Volusia County was considering so the City would be in a position to partner with the County to make changes to benefit everyone.

The City Manager stated there was a scheduled meeting with EVAC, Volusia County, Holly Hill, and Daytona Beach and their Fire Chiefs on April 23.

Commissioner Gillooly asked if a shade meeting was a possibility.

Mayor Costello stated if the motion was voted down, then a shade meeting could be held.

Commissioner Gillooly stated she wanted to make sure the discussions did not include new issues that had not been discussed.

Mayor Costello stated the contract proposal brought to the Commission had not met the criteria outlined

by the Commission.

The City Manager pointed out the City had a contract with the union, which expired, but issues such as consolidation of staffing levels would be bargainable items whether there was a valid contract or not.

Mayor Costello reiterated the City would be in a better position if the negotiations were done within the context of an entire contract.

Item #11(A) – Request by the Maverick Condominium to Allow a Geometric Pattern on the Proposed Canopy

Commissioner Kelley stated he was not against someone being outside the box, but the rendering was not clear.

The Planning Director stated the code does not allow the proposed color or a geometric pattern. He stated the applicant wanted that geometric pattern, which was why it had come before the Commission. He explained if it was part of an overall scheme for the façade of the building, it could have been worked out,+ but it did not relate to scheme.

Mayor Costello stated he had asked for a rendering to determine if it could be tied into the rest of the colors. The Mayor explained the Commission could change the code to allow geometric patterns or overrule the Planning Director's interpretation that this was not within the overall scheme submitted for the building.

Commissioner Kelley stated that unless he had more information as to how it fit within the overall front, he did not have enough information to make a determination.

Raymond Webb with Kenco Signs and Awnings, 1539 Garden Avenue, Holly Hill, stated he had a rendering that might show in a larger scale the rendering presented to the Commission.

Mayor Costello stated the rendering did not show how the geometric pattern fit within entire design.

Mr. Webb explained the building and current sign were painted to match the rendering.

Commissioner Kelley suggested he take a photo of the building and sign with the canopy added using a Photo Shop type program on the computer so the Commission could view how it would look.

Mayor Costello stated the Commission was trying to help but did not have enough information to overrule the Planning Director's decision.

Mr. Webb stated the applicant was being held up by the permit and asked the Commission to allow the permit subject to the colors later.

Mayor Costello stated they were not held up on the issuance of the permit because the permit would not be issued under the current circumstances and could not allow the permit without changing the code.

The Planning Director stated there would be no objection to allowing the permit for the structure, but the colors and the geometric pattern do not meet code. He reported he made a site visit to the building, which had been painted, but could not determine how the awning fit the scheme.

Commissioner Partington stated the building was an older building with a cool, modern geometric awning; without seeing a picture that shows otherwise, they totally conflict.

Mayor Costello suggested staff approve the permit for the awning structure, but the applicant needed to bring enough information to the Planning Director to show how the colors and design conform to the overall scheme of the building.

Mr. Webb stated he was agreeable to the suggestion and thanked the Commission for their consideration.

Item #11(B) – Redevelopment RFP between Lincoln and Washington Avenues

Planning Director Ric Goss explained he had contacted all the owners to determine if they would consider being part of a redevelopment RFP, and several owners were agreeable to entertain ideas for redevelopment. He stated typically RFPs were based upon land under the City's control, but there have been RFPs issued in the state for areas not under the control of the party issuing the RFP but with the understanding of the property owners. He stated there was money in the TIF for redevelopment;

therefore, this might be a way to pro-actively do something with that corner. He explained the issue was the mobile home park, where the owner was willing to participate in the RFP, but the some tenants would probably have concerns with relocating. If the RFP went forward, he pointed out any redevelopment of the mobile home park would have to meet state statutes with regards to relocation of the tenants. He stated if the Commission thought this was a good idea and was interested in having it pursued, the guidelines that had been previously approved would be used.

Commissioner Gillooly stated the only concern she had was the mobile home park residents and asked if a letter could be sent to tenants to let them know the City was exploring ideas.

The Planning Director stated that a letter could be sent.

Mayor Costello stated he had wanted to do something on the four corners of US1 and Granada Boulevard because it was the heart of community and stated he would like to see something done with the northwest corner. The Mayor expressed that with the new store on the southwest corner it might be too late to redevelopment that corner.

The Planning Director suggested starting with one corner to determine the success of idea before moving forward with the other corners.

Mayor Costello stated the owner should determine what should be done with his property but suggested the City let the owners know that the City was willing to partner with them to redevelop their property. He suggested the owner of the mobile home park decide whether a letter should be sent to the residents of the park; but should there be a response to the RFP, the residents should be immediately notified about what the City was considering.

Commissioner Gillooly stated that notifying residents would alleviate some stress to the residents by explaining that ideas were just being discussed.

Commissioner Partington suggested starting with the northwest corner first, which would affect a lot less people, or maybe starting with the properties that front on Granada on the northeast corner.

Commissioner Kelley stated the owners who had not responded were the key players; Shell was a paramount focal point, and the bank would preclude a large portion, leaving only the restaurant as property fronting on Granada.

The Planning Director stated the bank owners were not even in the state; therefore, he was not surprised there was no response, and it did not necessarily mean they were not interested.

Commissioner Kelley stated he wanted to receive interest from the Shell station and the bank before moving forward.

Mayor Costello stated that even if there was no interest from the Shell station or the bank, the restaurant property could be used as an entrance to something else.

The Planning Director summarized the Commission wanted staff to proceed with the RFP process but did not want letters sent until any response from the RFP was received and any possibilities could be determined.

#### Item #12 – Reports, Suggestions, Requests

##### Emergency Medical Transporting by Daytona Beach

Commissioner Kelley stated Volusia County was considering whether or not to allow Daytona Beach to transport patients, in addition to EVAC. He stated it was not a good idea because it would cause fragmentation of services, and he asked the Commission to consider a letter opposing the idea. He stated he was personally going to lobby against the idea.

##### Code Violations

Commissioner Kelley displayed a picture of a residence with numerous vehicles parked in front of it. He stated the Commission was worried about a person standing on the street holding a sign, when there were far more serious issues such as the picture depicted. He stated there were far more dangerous situations involving pools, which were much more serious than businesses promoting themselves with signs.

Mayor Costello stated he had asked staff to create an ordinance restricting the number of vehicles allowed to park in front of a residence that was in relationship to the number of bedrooms in the residence so this issue could be eliminated.

#### Break-Ins in Tomoka Oaks

Commissioner Kelley stated that misinformation was presented by someone at his church regarding the number of break-ins in Tomoka Oaks. He stated he understood the report showing correct numbers was posted on the website, but people were repeating misinformation that others believed.

The City Manager expressed that the issue was whether the incidents were founded or unfounded and the accuracy of the reporting of these incidents. She explained that there were times dispatch received a call for one type of issue, but when the officer responded, it proved to be a completely different issue once the officer investigated the situation.

Officer Osterkamp explained that the City Manager was correct; that often after the investigation of the situation it was determined that the information from the phone call was different from the actual circumstances of the situation.

Commissioner Kelley asked that something be done to correct misinformation reported to the community, and he did not like that people could misrepresent information in a public setting and the misinformation was repeated by others.

#### Volusia Day in Tallahassee

Commissioner Kelley stated it was disheartening to hear from some of the individuals who were not politic but went to Tallahassee to lobby for education state that some of the staff of the legislators they met told them some of the legislators were more interested in getting re-elected than with doing the right thing. He stated that was the problem with Tallahassee.

#### Dates of Budget Meetings

Commissioner Kelley asked the City Manager to notify the Commission as soon as the dates for the budget meetings for setting taxes were set.

#### Airport Noise Abatement

Commissioner Kelley thanked Airport Manager Stephen Lichliter for his efforts to address the citizens' complaints regarding the noise who did not understand that take off and landing patterns could not always be the same.

#### Crime Reporting

Mayor Costello stated he wanted Police Chief Longfellow to know that the Mayor was not implying the Police Department was intentionally reporting the numbers inaccurately. The Mayor related an email response from the Police Chief in which he stated that if he were to report inaccurate information on UCR reporting he would have reported the numbers to be less, not more; and it was important for citizens to understand that crimes do occur in the City, and citizens should work with the Police Department by reporting suspicious activities. Mayor Costello explained not all the calls were investigated but did not necessarily turn out to be crimes.

Commissioner Kelley stated he was disturbed by the inaccurate information being disseminated by someone that was believed by others.

Commissioner Partington stated that media tends to report incidents in Ormond by the Sea and other areas as Ormond Beach and asked staff to work to correct the media. He expressed concern this was creating a negative perception for the City.

The City Manager stated it was difficult because any correction would be after the fact, but staff would contact the media to point out, for future reference, that the incident was not within the incorporated area of Ormond Beach and request they be more mindful in the future.

Commissioner Partington asked appropriate staff to develop relationships with the media to prevent misreporting of crimes as Ormond Beach due to the potential negative effect on the City's reputation. He stated that it was a sensitive issue but felt the media would be more aware in reporting once they realized it was a sensitive issue for the City and an accuracy issue in their reporting.

Mayor Costello clarified the Sheriff's Public Information Officers, EVAC's Public Information Officers and Volusia County's Public Information Officers were more important to contact than the media, since they would be the public information officers the media needed in reporting where an incident took place.

#### Code Violations (continued)

Commissioner Partington stated the picture depicted a lower number of cars during the day but that more cars were parked there at night. He reported he had counted up to eleven cars at the location shown, but the house now looked like it had been vacated. He commented he was looking forward to proposed code changes to prevent this situation.

#### Pools at Vacant Houses

Commissioner Partington thanked staff for pro-actively closing a couple of pools at vacant houses where the pools were open to children where they could have tragically drowned.

#### Volusia Day (continued)

Commissioner Partington stated he was glad he participated and hoped he had an impact. He stated Senator Ring, who founded Yahoo, was one of the highlights of all the speakers and had some interesting ideas on economic development and venture capitalism. Commissioner Partington asked that Senator Ring be invited to speak either at the Chamber or the State of the City luncheon regarding some of his ideas.

#### Care Bear Reunion

Commissioner Gillooly announced Ormond Beach Elementary was holding a Care Bear Reunion on Saturday, April 11. She stated the Care Bears was a school sponsored service organization, and it was important to support this neighborhood school.

#### Response Times

Commissioner Gillooly stated she was so appalled and horrified by people who drive in the path of an emergency vehicle with sirens and lights on. She stated the City needed to educate people regarding the importance to move out of the way of emergency vehicles.

#### Civic Award for High School and Middle School

The City Manager asked the Commission to consider establishing a quarterly award program for high school and/or middle school students to recognize students who were academically and civically excellent who were making a difference in the community. She stated she spoke with some members of the Chamber who would be willing to partner with the City in the endeavor.

Mayor Costello stated it was an outstanding idea, and the goal should be to award the honor quarterly but only if there were outstanding students who earned it.

#### City Flag

The City Manager stated the Mayor had asked her about a city flag. She stated the City could partner with the schools to hold a competition to design a city flag and asked if the Commission had any interest.

Mayor Costello suggested the Commission members could have some time to consider the idea.

#### Back Yard Cards

Mayor Costello reported at the League of Mayors meeting there was discussion about the Back Yard Cards and at the Faith Group, the City was asked to develop resolutions to favor hiring local residents and patronizing local businesses rather than on-line or out-of-state businesses.

#### Item #13 – Close the Meeting.

The meeting was adjourned at 9:27 p.m.

APPROVED:

April 21, 2009

City Commission –April 7, 2009

BY:

\_\_\_\_\_  
Fred Costello, Mayor

ATTEST:

\_\_\_\_\_  
Veronica Patterson, City Clerk