

**ORMOND BEACH CITY COMMISSION MEETING
HELD AT CITY HALL COMMISSION CHAMBERS
March 2, 2010 7:00 p.m.**

Present were: Mayor Fred Costello, Commissioner Lori Gillooly, Commissioners Ed Kelley, Troy Kent, 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 by Father Comforted Keen, Church of the Holy Child.
- 3) Pledge of Allegiance.
- 4) **PRESENTATIONS:**
 - A) Proclamation in honor of Embry-Riddle Coach Steve Ridder.
 - B) Proclamation honoring humanitarian efforts by local community groups and businesses for Haitian relief.
- 5) **AUDIENCE REMARKS:**
- 6) **APPROVAL OF THE MINUTES** of the February 16, 2010, 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. 2010-23 authorizing the execution of a Landscape Maintenance Easement Deed in favor of Whispering Oaks Homeowners' Association of Ormond Beach, Inc., located on Fernery Trail. (Public Works Director)
 - B) Resolution No. 2010-24 of the City of Ormond Beach, Volusia County, Florida, authorizing the acceptance of an easement deed from the Board of Trustees of the Internal Improvement Trust Fund of the State of Florida to allow the construction of sidewalk trails through Tomoka State Park as part of the Ormond Scenic Loop and Trail System on property located in Tomoka State Park. (Acting City Engineer)
 - C) Resolution No. 2010-25 authorizing the execution of a Lease Agreement between the City and Halifax Urban Ministries, Inc., for the "Old Housing Authority Building" located at 164 West Granada Boulevard.
 - D) Resolution No. 2010-26 terminating a Lease Agreement between the City and Joseph Wright and Charles Kristman; authorizing the execution of a Lease Agreement between the City and Wright Flyer, LLC, for Parcel 1 in the SE Quad at the Airport Business Park. (Economic Development Director)
 - E) Resolution No. 2010-27 authorizing the execution of a Release and Satisfaction of Special Master Administrative Fine/Lien for code violations on property located at 1405 North Beach Street (Parcel ID 3242-21-01-0770), Ormond Beach, Volusia County, Florida. (\$203.76) (Neighborhood Improvement Manager)
 - F) Resolution No. 2010-28 pursuant to Section 14-98, Liens, of the City of Ormond Beach Code of Ordinances authorizing the imposition of a lien against the real property owned by Raul M. Duarte and located at 712 Montana Terrace, Ormond Beach, Volusia County, Florida (Parcel ID No. 4242-65-00-0070) for costs incurred by the City to terminate or abate a site maintenance violation. (\$190) (Neighborhood Improvement Manager)

G) Resolution No. 2010-29 authorizing the execution of a Memorandum of Understanding between the City and the Coastal Florida Police Benevolent Association regarding a wage reopener. (Human Resources Director)

H) Eastern Volusia Regional Water Authority JPA for Nova Canal drainage system improvements.

DISPOSITION: Approve as recommended in City Manager memorandum dated February 25, 2010.

I) Emergency procurement from ThadCon Construction for storm drain repairs.

DISPOSITION: Approve as recommended in City Manager memorandum dated February 25, 2010.

J) Volusia County Mosquito Control low-level flights.

DISPOSITION: Approve as recommended in City Manager memorandum dated February 25, 2010.

8) **SECOND READING OF ORDINANCES:**

A) Ordinance No. 2010-13 of the City of Ormond Beach, Florida, making determinations regarding the height of an existing 58 unit building located at 149 South Atlantic Avenue, known as Cove II, granting certain vested rights relative thereto. (Planning Director)

B) Ordinance No. 2010-14 of the City of Ormond Beach, Florida, making determinations regarding the height of an existing 138 unit building located at 485 South Atlantic Avenue, known as Maverick Resort, granting certain vested rights relative thereto. (Planning Director)

C) Ordinance No. 2010-15 of the City of Ormond Beach, Florida, making determinations regarding the height of an existing 119 unit building located at 621 South Atlantic Avenue, known as Casa Del Mar Beach Resort, granting certain vested rights relative thereto. (Planning Director)

D) Ordinance No. 2010-16 of the City of Ormond Beach, Florida, making determinations regarding the height of an existing 54 unit building located at 145 South Atlantic Avenue, known as Plantation Cove, granting certain vested rights relative thereto. (Planning Director)

E) Ordinance No. 2010-17 amending Chapter 1, General Administration, of Article III, Definitions, Section 1-22, Definition of Terms and Words, of the City of Ormond Beach *Land Development Code*, amending the definition of Transient Lodging, to clarify the minimum duration of renting residential property. (Planning Director)

F) Ordinance No. 2010-18 amending Sections 2-322, Conditions, of Article X, Franchises and Public Utilities, of Chapter 2, Administration, of the *Code of Ordinances*, by amending the provision pertaining to grants and renewals of franchises. (Public Works Director)

9) **FIRST READING OF ORDINANCES:**

A) Ordinance No. 2010-19 updating the floodplain management and protection regulations of the City of Ormond Beach *Land Development Code* by amending Chapter 1, General Administration, Article III, Definitions, Section 1-22, Definition of Terms and Words, and Section 1-24, Acronyms and Abbreviations, deleting Section 3-12.B., Definitions, of Chapter 3, Performance Standards, Article II, Environmental Protection Standards, and reserving the section, amending Section 3-20, Floodplain Management and Protection, of Chapter 3, Performance Standards, Article II, Environmental Protection Standards. (Planning Director)

B) Ordinance No. 2010-20 amending Chapter 3, Performance Standards, Article II, Environmental Protection Standards, Section 3-21, Wetland Protection, of the *Land Development Code* to delete the current wetland classification system to align with the St. Johns River Water Management District, Department of Environmental Protection, and Volusia County Wetland Standards for wetland impacts, required buffers, and mitigation. (Planning Director)

C) Ordinance No. 2010-21 updating the sign regulations of the City of Ormond Beach by amending Chapter 1, General Administration, Article II, Definitions and Acronyms, Section 1-22, Definitions and Acronyms, Section 1-22, Definition of Terms and Words, deleting Chapter 2, General and District Regulations, Article VI, Overlay Districts, Section 2-70, Downtown Overlay District, Sub-section K, Signs, amending Chapter 3, Performance Standards, Article IV, Sign Regulations, Section 3-38, Purpose, Chapter 3, Performance Standards, Article IV, Sign Regulations, Section 3-39, Sign Permit Required, Chapter 3, Performance Standards, Article IV, Sign Regulations, Section 3-40, Signs Exempt from the Permitting Standards of this Article, Chapter 3, Performance Standards, Article IV, Sign Regulations, Section 3-41, Sign Maintenance, Chapter 3, Performance Standards, Article IV, Sign Regulations, Section 3-42, Prohibited Signs, Chapter 3, Performance Standards, Article IV, Sign Regulations, Section 3-43, Non-conforming Signs, Chapter 3, Performance Standards, Article IV, Sign Regulations, Section 3-44, General Sign Regulations, deleting Chapter 3, Performance Standards, Article IV, Sign Regulations, Section 3-45, Temporary Signs, and creating a section titled, Commercial vs. Non-commercial Speech and Content, deleting Chapter 3, Performance Standards, Article IV, Sign Regulations, Section 3-46, Non-residential Site Identification Signs, and creating a section titled, Temporary Signs, deleting Chapter 3, Performance Standards, Article IV, Sign Regulations, Section 3-47, Business Premise Identification Signs, and creating a section titled, Site Identification Signs, deleting Chapter 3, Performance Standards, Article IV, Sign Regulations, Section 3-48, Specialized Signage Standard, and creating a section titled, Business Premise Identification Signs, deleting Chapter 3, Performance Standards, Article IV, Sign Regulations, Section 3-49, Residential Development Identification Signs, and creating a section titled, Master Sign Plan, deleting Chapter 3, Performance Standards, Article IV, Sign Regulations, Section 3-50, Historic District/Bed and Breakfast Inn Signs, deleting Chapter 3, Performance Standards, Article IV, Sign Regulations, Section 3-51, Sign Variances of the *Land Development Code*. (Planning Director)

10) **DISCUSSION ITEMS:**

A) Fire Department staffing. (Fire Chief)

B) Options for the use of the Birthplace of Speed logo. (Planning Director)

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 7:00 p.m.

Item #2 – Invocation

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

Item #3 – Pledge of Allegiance

The Pledge of Allegiance was led by Mayor Costello.

Item #4 – Presentations

Proclamation in honor of Embry-Riddle Coach Steve Ridder

Mayor Costello stated Coach Steve Ridder was an Embry-Riddle intercollegiate coach with vision, passion and extensive experience in program-building and strategic planning, known for his skills at assisting and encouraging students to work toward their maximum potential in college and after. The Mayor read some of Coach Ridder's multitude of awards and honors, including being a motivational speaker. Mayor Costello stated Coach Ridder's family was in attendance: wife, Vicki and children, Ryan, Rachel, Robin and Reed.

Proclamation honoring humanitarian efforts for Haitian relief

Mayor Costello stated the proclamation honored various members of our community who have participated in relief efforts in Haiti, and he stated the proclamation would be on the website for those interested in reading it.

Chief Michael Longfellow

Chief Michael Longfellow introduced his family: grandson, Jayce; son, Jason; daughter-in-law, Johanna; mother, Mary; and wife, Shannon. Chief Longfellow stated his other son, JT, was at school and could not attend.

Mayor Costello stated Chief Longfellow was retiring on March 26 after 34 years of service to the City, starting as a police cadet in 1975. The Mayor explained Chief Longfellow was known for his calming influence, his focus on possibilities rather than problems, was scandal-free and had the respect of his peers.

The Chief stated his family had a tradition of public service, and he was proud of his son, Jason, who was following that tradition in the Forestry Service. He stated he loved the City and the people in it and thanked the City for the honor.

Item #5 – Audience Remarks

Census 2010

Damien Richards, 5 Sherrington, Daytona Beach Young Professionals Group, stated the Census was vital to the City and encouraged the Commission to promote the Census. He stated only 67% of people responded nationally and 72% in Volusia County.

Boundless Playground

Rick Boehm, Chairman of the Leisure Services Advisory Board, stated the City received \$140,000, the first payment of a corporate contribution of \$300,000 from the Daytona Beach Racing and Recreational Facilities District for the Boundless Playground.

Mayor Costello stated Mr. Boehm had not only presented the concept of the Boundless Playground but found sponsorship to fund the project, and he thanked Mr. Boehm for his efforts.

Item #6 – Approval of the Minutes

Mayor Costello advised the minutes of the February 16, 2010, 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 Gillooly, for approval of the Consent Agenda.

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

Item #8A – Building Height Exemption: 149 South Atlantic Avenue, Cove II

ORDINANCE NO. 2010-13

AN ORDINANCE OF THE CITY OF ORMOND BEACH, FLORIDA, MAKING DETERMINATIONS REGARDING THE HEIGHT OF AN EXISTING 58 UNIT BUILDING LOCATED AT 149 SOUTH ATLANTIC AVENUE, KNOWN AS COVE II; GRANTING CERTAIN VESTED RIGHTS RELATIVE THERETO; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; AND SETTING FORTH AN EFFECTIVE DATE.

Commissioner Kelley moved, seconded by Commissioner Gillooly, for approval of Ordinance No. 2010-13, 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 #8B – Building Height Exemption: 485 South Atlantic Avenue, Maverick Resort

ORDINANCE NO. 2010-14

AN ORDINANCE OF THE CITY OF ORMOND BEACH, FLORIDA, MAKING DETERMINATIONS REGARDING THE HEIGHT OF AN EXISTING 138 UNIT BUILDING LOCATED AT 485 SOUTH ATLANTIC AVENUE, KNOWN AS MAVERICK RESORT; GRANTING CERTAIN VESTED RIGHTS RELATIVE THERETO; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; AND SETTING FORTH AN EFFECTIVE DATE.

Commissioner Kent moved, seconded by Commissioner Kelley, for approval of Ordinance No. 2010-14, on second 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 #8C – Building Height Exemption: 621 South Atlantic Avenue, Casa Del Mar Beach Resort

ORDINANCE NO. 2010-15

AN ORDINANCE OF THE CITY OF ORMOND BEACH, FLORIDA, MAKING DETERMINATIONS REGARDING THE HEIGHT OF AN EXISTING 119 UNIT BUILDING LOCATED AT 621 SOUTH ATLANTIC AVENUE, KNOWN AS CASA DEL MAR BEACH RESORT; GRANTING CERTAIN VESTED RIGHTS RELATIVE THERETO; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; AND SETTING FORTH AN EFFECTIVE DATE.

Commissioner Kelley moved, seconded by Commissioner Kent, for approval of Ordinance No. 2010-15, on second reading, as read by title only.

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

Item #8D – Building Height Exemption: 145 South Atlantic Avenue, Plantation Cove

ORDINANCE NO. 2010-16

AN ORDINANCE OF THE CITY OF ORMOND BEACH, FLORIDA, MAKING DETERMINATIONS REGARDING THE HEIGHT OF AN EXISTING 54 UNIT BUILDING LOCATED AT 145 SOUTH ATLANTIC AVENUE, KNOWN AS PLANTATION COVE; GRANTING CERTAIN VESTED RIGHTS RELATIVE THERETO; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; AND SETTING FORTH AN EFFECTIVE DATE.

Commissioner Kelley moved, seconded by Commissioner Kent, for approval of Ordinance No. 2010-16, 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 #8E – LDC Amendment – Rentals in Residential Zoning Districts

ORDINANCE NO. 2010-17

AN ORDINANCE AMENDING CHAPTER 1, GENERAL ADMINISTRATION, OF ARTICLE III, DEFINITIONS, SECTION 1-22, DEFINITION OF TERMS AND

WORDS OF THE CITY OF ORMOND BEACH *LAND DEVELOPMENT CODE* AMENDING THE DEFINITION OF TRANSIENT LODGING, TO CLARIFY THE MINIMUM DURATION OF RENTING RESIDENTIAL PROPERTY; REPEALING ALL INCONSISTENT CODE SECTION REFERENCES OR PARTS THEREOF; AND SETTING FORTH AN EFFECTIVE DATE.

Commissioner Kent moved, seconded by Commissioner Kelley, for approval of Ordinance No. 2010-17, 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 #8F – Amendment to Section 2-322, Franchises and Public Utilities, of the Code of Ordinances

ORDINANCE NO. 2010-18

AN ORDINANCE AMENDING SECTION 2-322, CONDITIONS, OF ARTICLE X, FRANCHISES AND PUBLIC UTILITIES, OF CHAPTER 2, ADMINISTRATION, OF THE *CODE OF ORDINANCES*, BY AMENDING THE PROVISION PERTAINING TO GRANTS AND RENEWALS OF FRANCHISES; BY REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; AND SETTING FORTH AN EFFECTIVE DATE.

Commissioner Kelley moved, seconded by Commissioner Gillooly, for approval of Ordinance No. 2010-18, on second 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 #9A – LDC Amendments: Chapter 3, Art. II, Sec. 3-20, Floodplain Management and Protection

ORDINANCE NO. 2010-19

AN ORDINANCE UPDATING THE FLOODPLAIN MANAGEMENT AND PROTECTION REGULATIONS OF THE CITY OF ORMOND BEACH LAND DEVELOPMENT CODE BY AMENDING CHAPTER 1, GENERAL ADMINISTRATION, ARTICLE III, DEFINITIONS, SECTION 1-22, DEFINITION OF TERMS AND WORDS, AND SECTION 1-24, ACRONYMS AND ABBREVIATIONS, DELETING SECTION 3-12.B., DEFINITIONS, OF CHAPTER 3, PERFORMANCE STANDARDS, ARTICLE II, ENVIRONMENTAL PROTECTION STANDARD, AND RESERVING THE SECTION, AMENDING SECTION 3-20, FLOODPLAIN MANAGEMENT AND PROTECTION OF CHAPTER 3, PERFORMANCE STANDARDS, ARTICLE II, ENVIRONMENTAL PROTECTION STANDARD; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; PROVIDING FOR SEVERABILITY; AND SETTING FORTH AN EFFECTIVE DATE.

Mayor Costello explained the motion could be amended to follow the Environmental Advisory Board recommendation to include mitigation at a ratio of 1:1 for lots 20,000 square feet and less, and a ratio of 1.15:1 for lots over 20,001 square feet; or the Planning Board recommendation of a ratio of 1:1 for all residential lots.

Commissioner Kelley stated the 1:1 ratio would keep it simple and the difficulty of determining the additional 15% for larger lots might be complicated. He stated 15% was not much different.

Commissioner Kelley moved, seconded by Commissioner Partington, for approval of Ordinance 2010-19, to include residential mitigation at a 1:1 ration for all lots, on first reading, as read by title only.

Commissioner Gillooly stated the 1:1 ration was the better way to go, and owners of larger lots should not be penalized.

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

Item #9B – LDC Amendments: Chapter 3, Article II, Section 3-21 Wetland Protection

ORDINANCE NO. 2010-20

AN ORDINANCE AMENDING CHAPTER 3, PERFORMANCE STANDARDS, ARTICLE II, ENVIRONMENTAL PROTECTION STANDARDS, SECTION 3-21, WETLAND PROTECTION OF THE *LAND DEVELOPMENT CODE* TO DELETE THE CURRENT WETLAND CLASSIFICATION SYSTEM TO ALIGN WITH THE ST. JOHNS RIVER WATER MANAGEMENT DISTRICT, DEPARTMENT OF ENVIRONMENTAL PROTECTION, AND VOLUSIA COUNTY WETLAND STANDARDS FOR WETLAND IMPACTS, REQUIRED BUFFERS, AND MITIGATION; REPEALING ALL INCONSISTENT ORDINANCES, OR PARTS THEREOF; PROVIDING FOR SEVERABILITY; AND SETTING FORTH AN EFFECTIVE DATE.

Mayor Costello stated the ordinance had received recommendation for approval from the Planning Board and the Environmental Advisory Board.

Commissioner Kelley moved, seconded by Commissioner Gillooly, for approval of Ordinance No. 2010-20, 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 #9C – LDC Amendments: Signage

ORDINANCE NO. 2010-21

AN ORDINANCE UPDATING THE SIGN REGULATIONS OF THE CITY OF ORMOND BEACH BY AMENDING CHAPTER 1, GENERAL ADMINISTRATION, ARTICLE III, DEFINITIONS AND ACRONYMS, SECTION 1-22, DEFINITION OF TERMS AND WORDS, DELETING CHAPTER 2, GENERAL AND DISTRICT REGULATIONS, ARTICLE VI, OVERLAY DISTRICTS, SECTION 2-70, DOWNTOWN OVERLAY DISTRICT, SUB-SECTION K, SIGNS, AMENDING CHAPTER 3, PERFORMANCE STANDARDS, ARTICLE IV, SIGN REGULATIONS, SECTION 3-38, PURPOSE, CHAPTER 3, PERFORMANCE STANDARDS, ARTICLE IV, SIGN REGULATIONS, SECTION 3-39, SIGN PERMIT REQUIRED, CHAPTER 3, PERFORMANCE STANDARDS, ARTICLE IV, SIGN REGULATIONS, SECTION 3-40, SIGNS EXEMPT FROM THE PERMITTING STANDARDS OF THIS ARTICLE, CHAPTER 3, PERFORMANCE STANDARDS, ARTICLE IV, SIGN REGULATIONS, SECTION 3-41, SIGN MAINTENANCE, CHAPTER 3, PERFORMANCE STANDARDS, ARTICLE IV, SIGN REGULATIONS, SECTION 3-42, PROHIBITED SIGNS, CHAPTER 3, PERFORMANCE STANDARDS, ARTICLE IV, SIGN REGULATIONS, SECTION 3-43, NON-CONFORMING SIGNS, CHAPTER 3, PERFORMANCE STANDARDS, ARTICLE IV, SIGN REGULATIONS, SECTION 3-44, GENERAL SIGN REGULATIONS, DELETING CHAPTER 3, PERFORMANCE STANDARDS, ARTICLE IV, SIGN REGULATIONS SECTION 3-45 TEMPORARY SIGNS AND CREATING A SECTION TITLED COMMERCIAL VS. NONCOMMERCIAL SPEECH AND CONTENT, DELETING CHAPTER 3, PERFORMANCE STANDARDS, ARTICLE IV, SIGN REGULATIONS, SECTION 3-46, NON-RESIDENTIAL SITE IDENTIFICATION SIGNS AND CREATING A SECTION TITLED TEMPORARY SIGNS, DELETING CHAPTER 3, PERFORMANCE STANDARDS, ARTICLE IV, SIGN REGULATIONS, SECTION 3-47, BUSINESS PREMISE IDENTIFICATION SIGNS AND CREATING A SECTION TITLED SITE IDENTIFICATION SIGNS, DELETING CHAPTER 3, PERFORMANCE STANDARDS, ARTICLE IV, SIGN REGULATIONS, SECTION 3-48, SPECIALIZED SIGNAGE STANDARD AND CREATING A SECTION TITLED BUSINESS PREMISE IDENTIFICATION SIGNS, DELETING CHAPTER 3, PERFORMANCE STANDARDS, ARTICLE IV, SIGN REGULATIONS, SECTION 3-49, RESIDENTIAL DEVELOPMENT IDENTIFICATION SIGNS, AND

CREATING A SECTION TITLED MASTER SIGN PLAN, DELETING CHAPTER 3, PERFORMANCE STANDARDS, ARTICLE IV, SIGN REGULATIONS, SECTION 3-50, HISTORIC DISTRICT/BED AND BREAKFAST INN SIGNS, DELETING CHAPTER 3, PERFORMANCE STANDARDS, ARTICLE IV, SIGN REGULATIONS, SECTION 3-51, SIGN VARIANCES OF THE LAND DEVELOPMENT CODE; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THERE; PROVIDING FOR SEVERABILITY; AND SETTING FORTH AN EFFECTIVE DATE.

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

Commissioner Kelley moved, Commissioner Gillooly seconded, for discussion of Ordinance 2010-21, on first reading, as read by title only.

Matthew Rearden, 91 Foxcroft Run, stated his church, Calvary Christian Center, supported the sign amendment. He stated Calvary's sign was non-conforming, and they would like to have a new sign that would be changeable, where all their church activities could be displayed.

Marcia Cox, Pastor of Faith Lutheran Church, spoke regarding her church's concerns relative to electronic, changeable signs, and read from her letter to the Commission members, "when staff reviewed the email request from Calvary, there was concern about the potential of allowing electronic, changeable sign copy signage on Granada Boulevard. Houses of worship over a certain size often have multiple uses, such as a school, day care, church related functions and services, and communities events; and have limited signage to communicate these activities. If desired by the City Commission, staff has no objections to the allowance of houses of worship over 20 acres having the ability to have electronic, changeable copy signs." She stated the affected churches were Calvary, Riverbend and Tomoka Christian. She stated Faith Lutheran was a congregation of less than 20 acres, which would exclude them by definition due to being less than 20 acres. She stated their church met all other criteria given for reasons to have an electronic, changeable sign; multiple church related functions and activities, including an outreach program, as well as a meeting place for various government activities. She stated Faith Lutheran Church needed an electronic sign to inform the public of all their activities and would only change the copy as required by the activities at intervals established by the City.

Commissioner Kelley stated the electronic signs should not be limited to churches over 20 acres.

Commissioner Kelley moved, seconded by Commissioner Gillooly, to amend Ordinance 2010-21, to eliminate the limit on allowing only churches over 20 acres.

Commissioner Kent stated it was fair to allow smaller churches the same benefit as larger churches, but he expressed concern regarding the visual affect on Granada Boulevard and was not comfortable with the amendment.

Commissioner Gillooly stated so many churches provided a multitude of services to the entire community, and the electronic, changeable signs allowed them to notify the community of those services.

Commissioner Kent expressed concern that a lot of restaurants did a lot for the community and they might want to advertise what they did for the community.

Commissioner Kelley stated it was only six churches affected, and he would oppose allowing businesses to use the signs.

Mayor Costello clarified the vote was for amending the ordinance to eliminate the 20 acres threshold.

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

The Mayor called for any discussion on the main motion without the 20 acre threshold.

Commissioner Kelley stated that the ordinance included a provision that lights around a window were prohibited, but by the interpretation of the Planning Director, Christmas lights would be

allowed. He stated the intent was to prevent the display of flashing lights on the inside of a window to attract attention, and the intent should not be lost in the interpretation.

Planning Director Ric Goss stated the issue was a matter of common sense; during the holidays of Christmas and New Years, it was assumed that if people put up lights that did not have them up before the holidays, the lights were probably Christmas lights. He stated that the City did not enforce the provision during the holidays. He stated some businesses did have lights that were directional or lit at night other times of the year, which was addressed by the Code.

Mayor Costello confirmed the Commission desired the Planning Director to interpret the intent of the ordinance to allow seasonal Christmas lights.

Commissioner Kelley requested the discussion be incorporated into the minutes to make the intent of the Commission known.

Mayor Costello polled the Commission to signify the consensus was to allow Christmas lights.

Commissioner Kelley stated his concern that the height of a monument sign should be relative to the crown of the road, which would allow the signs to be visible from the road on a property below the road level.

Planning Director Goss stated the greenbelt corridors only allowed monument signs; and in areas that were not greenbelt corridors, monument signs were encouraged. He explained that a monument sign could be up to seven feet, and by definition, a sign over seven feet would be a ground sign, which could be much higher. He requested the greenbelt corridors not be changed.

Mayor Costello reported no other Commission members expressed support for allowing the height of monument signs to be measured from the crown of the road.

Commissioner Kelley suggested a discussion to allow electronic, changeable sign at the base of each side of bridge to eliminate the need for all the other little periodic signs posted along the bridge.

Mayor Costello stated he loved the signs on the bridge, which gave a hometown feel to the community and he would favor an electronic, changeable sign, in addition to the temporary signs announcing events. Mayor Costello asked the Planning Director what changes needed to be incorporated into the ordinance to reflect the changes the Commission requested.

The Planning Director stated, if the motion was approved, the City Attorney would change the wording to show the Commission approval of changeable copy on the electronic signs throughout Granada Boulevard, not just west of I-95, but the entire SR40 to include Granada Boulevard for all churches, regardless of size.

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

Item #10A – Fire Department Staffing

Eric Sommerlad, Vice President of the Firefighters' Union, asked to address the Commission after their discussion. The Mayor advised members of the public would speak at that time; whereby, Mr. Sommerlad advised he would reserve his comments until the next Commission meeting.

Commissioner Kelley stated a faster response was needed for emergency medical situation; and he would support the recommendation for staffing and vehicles if it would accomplish a faster response time.

Commissioner Gillooly stated the memo was very comprehensive, and everyone was aware of the financial constraints on the City's budget; therefore, she was comfortable with the recommendation for the pilot program.

Commissioner Kent stated he would support Chief Irby's recommendation.

Commissioner Partington stated he wanted to wait to fill the vacancies or create any new positions, rather than face layoffs in six to eight months, depending upon how the economic recovery was progressing.

Commissioner Kelley confirmed that Commissioner Partington favored leaving the seven positions vacant and continuing to operate as currently staffed, as long as the Fire Department was able to provide the emergency service response time, which the current staffing could. He stated the new priority dispatch system would help. He stated the most difficult situation would be to hire three or four people, and then in several months, tell them they did not have a job. Commissioner Kelley stated he would like to try the pilot program without hiring any additional staff.

City Manager Joyce Shanahan stated the pilot program could not be done without filling four positions.

Commissioner Gillooly stated the current staffing was close to the minimum standard, and although she understood Commissioner Partington's position, any budgetary cuts could not be a cut in public safety services. She stated the staffing levels, recommendations by Chief Irby and other outside expert sources would require filling the four positions; therefore, she was adamantly in favor of filling the four positions.

Commissioner Partington asked if the new hires would receive a defined benefit or defined contribution pension opportunity.

The City Manager explained the current defined benefit plan would apply.

Commissioner Partington stated that would be another cost for the City; and in the current economic crisis, the City should continue without changes for the next six to nine months before determining which direction to go. Commissioner Partington compared the personnel/vehicle count with that of New Smyrna Beach.

Chief Skip Irby clarified one position had not been vacated and the other positions were vacated at the end of 2009. He noted in comparison with New Smyrna Beach, the Fire Department covered twice the population and the square miles, which entered into the number of staff required to cover needs. Chief Irby stated the pilot program was an option to filling only four out of the seven vacancies while increasing the service level.

City Manager Shanahan asked the Chief to discuss the affect on overtime without replacing the four positions.

Chief Irby stated currently, a staff member out ill or on injury leave necessitated an overtime situation; the seventh position that will be vacated the end of April will automatically put the department in an overtime situation even without anyone out ill or injured,

Commissioner Gillooly stated Commissioner Partington made a valid point that the City needed a plan to handle new hires.

The City Manager stated that in prior discussion, the Division of Retirement would not allow cities to have separate plans for new hires in police and fire departments; Chapter 175 and 185 monies would be lost. She stated that as of recently, the Division of Retirement may be softening their position. She stated that under the strategic planning process, the recommendation was to start with the general employees' plan to develop a new plan because that plan received no outside funds.

Commissioner Gillooly stated a new hire pension plan could be developed in the future, but this decision could not wait until then.

The City Manager stated it could easily be a nine to twelve month process. She explained the City received monies from a tax on insurance policies, a portion of which was allocated to extra benefits over the 1999 levels; and the City received a sizable contribution to offset the City's cost to the pension plan that was hundreds of thousands of dollars.

Commissioner Gillooly asked if new hires would be under the current collective bargaining arrangements.

City Manager Shanahan stated a strategy session would be scheduled for the three contracts, which would expire this year, and negotiations could begin. She suggested late March or mid-April.

Commissioner Gillooly stated this Commission was capable of moving forward with changing the pension benefit for staff, something she would like to leave as the legacy of this Commission. She stated she was very interested in the pilot program, and the Commission needed to be aware of any problems arising from reducing staffing by three positions.

Commissioner Partington stated he was inclined not to support the pilot program, because some staff members were filling two positions due to budget cuts, and the firefighters should not be immune from that situation. He suggested staffing the vacant positions could be accomplished by hiring part time people for six months or a year, until it was determined what the economy was doing. He stated that financially, this was not the time to start the pilot program.

Mayor Costello stated he had supported the pilot program for staffing for many years. The Mayor stated the situation seemed to be that two members were ready to hire four personnel and two members seemed to want to not do anything at this time.

Commissioner Kent stated Commissioner Partington's wisdom had changed his mind, and he would support holding off on any action.

Mayor Costello suggested waiting for three months to fill any vacancies, but hire some of the people who just retired to come back as part time at less pay with an individual contract stating their understanding and acceptance they would be let go should consolidation occur; or hire them on a six month contract. The Mayor requested the City Manager write a letter in an attempt to determine if we can hire some people on a six month contract.

The City Manager stated personnel could not be hired on contract because the City had a collective bargaining agreement and the Internal Revenue Service regulations did not allow the rehire of retirees as part time personnel. She stated the options would be researched for part time personnel; and the consolidation issue would allow the City to have some controls over staffing. Ms. Shanahan explained the Division of Retirement issue was about the pensions related to having two different plans for the same type of employees, and a contract employee was related to the collective bargaining issue.

Mayor Costello stated the Commission was not ready to make a decision until the pension and consolidation issues were resolved.

City Manager Shanahan suggested fire staffing be revisited in six months, once more was known, if the Commission was agreeable.

Mayor Costello asked Eric Sommerlad, President of the Firefighters' Union, if he had a response to what the Commission had discussed.

Eric Sommerlad, President of the Firefighters' Union, stated he was all for hiring four people. He stated the Commission had a Fire Chief and other experts that tell them what needed to be done, and the Commission was ignoring those recommendations while discussing other options. He stated there were firefighters who were doing three times their jobs, and he questioned what more they could do on a fire scene three times more than what they were already doing. He stated he was aware that fire services were not as important to the Commission as emergency medical. He stated the Commission had been told what the Fire Department needed; if the Commission chose to ignore the advice, the firefighters would deal with it. He stated he wanted four positions filled, and he was going to come back to ask for the other three positions.

Mayor Costello asked Mr. Sommerlad for any comments, other than what he had already stated; listen to the Chief and filling the vacancies.

Mr. Sommerlad stated there were just some things that were not left to sacrifice.

Mayor Costello stated the Commission would revisit the issue in three months; and hopefully by then, there would be more information and more opportunities available.

Chief Irby reported New Smyrna Beach was going to two people, but only because they had County Station #23 a half mile away with a full staff of three per shift; the other New Smyrna stations were staying at three. He stated staffing of two at County stations added a burden to Daytona Beach and Ormond Beach, and Daytona Beach had requested to be removed from fire response calls, further burdening Ormond.

Mayor Costello directed the Chief to come back in three months for further discussion.

Item #10B – Birthplace of Speed Logo Usage

Mayor Costello polled the Commission regarding the use of the banana tree logo everywhere other than the downtown district and A1A; to which all agreed except Commissioner Kelley.

Commissioner Gillooly stated she appreciated staff time spent on the memo, and that the Birthplace of Speed logo was going to be used. She stated preference for the logo with two cars, instead of one.

Commissioner Partington stated the sign with the one car was more visible when you were driving.

Commissioner Kelley stated the signs were not readable and the script was not visible; they needed to “knock your socks off.” He stated for a directional sign, the letter style on the sign with the one car was more visible. He suggested using the two cars without the background.

Commissioner Gillooly stated the signage was for people walking and driving; therefore, the image should be sharpened up for readability.

The City Manager reminded the Commission that six month ago they narrowed the design down to the two cars and requested mock ups which they had been provided. She asked if the Commission wanted to revisit the design process.

Mayor Costello stated the consensus was for a design with the two cars and no background with the lettering more visible.

Commissioner Kent stated he had excellent vision, and he had no problem reading the sign. He stated the lettering was classy and elegant. He stated he favored the design with two vehicles and no background but the same font.

Mayor Costello summarized the design would be two cars, no background with the same font.

Planning Director Goss confirmed that two cars with no background and the same lettering would be used on the signs.

Item #11 – Reports, Suggestions, Requests

Wetland Mitigation

Commissioner Kent stated Commissioner Partington brought up several years ago that Janet Hardesty had property on Parque with a wetland issue. He stated she came to his coffee to discuss her situation, and he stated it was “not right” that she must mitigate property at the cost of \$10,000 due to a problem with the wetland standard.

Mayor Costello confirmed that with the new standard, she would have no problem.

Coach Ridder

Commissioner Kelley stated his daughter participated in Coach Ridder’s summer camp years ago, and the command Coach Ridder had with the children was exceptional. Commissioner Kelley appreciated the City for recognizing Coach Ridder.

Birthplace of Speed Event

City Manager Shanahan reminded the Commission the Birthplace of Speed events were Tuesday, March 16, with a beachside event, a parade and an award ceremony.

Financial Trends Workshop

City Manager Shanahan stated the Financial Trends Workshop was on Tuesday, March 16, before the Commission meeting to update the Commission and start the budget process.

Letter to Senator Nelson

City Manager Shanahan requested the consent of the Commission to send a letter to Senator Bill Nelson with the Mayor’s signature regarding various grant proposals.

Mayor Costello confirmed the agreement of the Commission to send a letter under the Mayor’s signature.

Volusia Day

Mayor Costello asked Jim Cameron to speak on an upcoming event.

Jim Cameron, Senior Vice President of Government Relations of the Daytona Regional Chamber, stated that Volusia Day would be held Wednesday, March 24, with four buses going to Tallahassee from Volusia County. He stated that 200 people could be accommodated on the buses, which this year was supported by the private sector, and the cost was \$25 per person. He stated the theme was “Jobs for Volusia” focusing on economic development for our area.

City Imposed Liens

Mayor Costello stated the code enforcement lien process should cover staff costs. He suggested that if a fine was paid by a certain date, staff costs would not be levied as part of the lien.

Halifax Urban Ministries

Mayor Costello asked City Manager Shanahan to determine the portion of assistance provided by Halifax Urban Ministries that was for the support of citizens in the City.

Item #12 – Close the Meeting

The meeting was adjourned at 8:44 p.m.

APPROVED: March 16, 2010

BY: Fred Costello, Mayor

ATTEST:

Veronica Patterson, City Clerk