

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

October 2, 2007 7:00 p.m.

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

- 1) Meeting call to order by Mayor Costello.
- 2) Invocation by Reverend John Gill, Tomoka United Methodist Church.
- 3) Pledge of Allegiance.
- 4) **AUDIENCE REMARKS:**
- 5) **APPROVAL OF THE MINUTES** of the September 18, 2007, meeting.
- 6) **PRESENTATION:**
 - A) Employee-of-the-Quarter award to Pete Connolly.
 - B) Proclamation in honor of Dan Cooper.
- 7) **INTERGOVERNMENTAL REPORTS:**
 - A) Metropolitan Planning Organization
 - B) Volusia Council of Governments
 - C) Water Authority of Volusia
- 8) **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. 2007-162 authorizing and directing the City Clerk to procure the necessary ballots and other forms, to arrange for the use of voting machines, and to make other required arrangements for the Regular Municipal Election to be held in the City of Ormond Beach, Florida, on Tuesday, October 9, 2007; authorizing the execution of an agreement for services and materials. (\$10,128.04)
 - B) Resolution No. 2007-163 appointing clerks, assistant clerks, Accu-vote inspectors, deputies, inspectors and alternate inspectors for the Regular Election to be conducted on Tuesday, October 9, 2007, in the City of Ormond Beach, Florida.
 - C) Resolution No. 2007-164 authorizing the execution of a lease agreement between the City of Ormond Beach and Prosperity Bank for the use of office space as a Police Department substation. (\$1 Annually)
 - D) Resolution No. 2007-165 authorizing the execution of a grant of easement and agreement between the City and the Volusia County School Board.
 - E) Resolution No. 2007-166 approving a settlement proposal regarding the Worker's Compensation claims of Richard Roddy; authorizing the execution of a settlement agreement and any and all documents incidental thereto; authorizing payment relative thereto. (\$81,557.20)
 - F) Resolution No. 2007-167 authorizing the execution of a water, sewer and annexation agreement between the City and Tomoka Landings, LLC; providing for recordation.
 - G) Resolution No. 2007-168 authorizing the execution of a water, sewer and annexation agreement between the City and Anthony and Maria Amaral; providing for recordation. (1364 North US1)
 - H) Approval of travel by the City Manager to the Florida League of Cities Legislative Council Meeting in Tampa, Florida, October 11-12, 2007.

DISPOSITION: Approve as recommended in City Manager memorandum dated September 27, 2007.

- I) Closing of Riverside Drive for various special events during 2007-08.

DISPOSITION: Approve as recommended in City Manager memorandum dated September 27, 2007.

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

10) **CLOSE THE MEETING**

Item #1 - Call to Order

Mayor Costello called the meeting to order at 7:00 p.m.

Item #2 - Invocation

Reverend John Gill, Tomoka United Methodist Church, gave the invocation.

Item #3 - Pledge of Allegiance

Mayor Costello led in the Pledge of Allegiance.

Item #4 - Audience Remarks

Police Station

Ms. Pat Behnke, 15 Malayan Sun Bear Path, stated prior to the dispatch going to the County, Ormond Beach had volunteers in the morning and afternoon driving patrol checking parking meters, offering assistance, and giving directions; however, since the switch, these volunteers were unable to perform these services.

Politics

Ms. Behnke stated she found it reprehensible that any candidate would call a resident and complain about having an opposing candidate's sign in his yard or threaten to withdraw patronage from a business for placing a political sign at the business. She reported Mr. Jeff Boyle's past has been rehashed to extreme, and it did not impact his ability to serve on the City Commission for ten years and was not the reason he was not re-elected two years ago. Ms. Behnke noted after last week's editorial in the *Hometown News* she would throw the paper away immediately. She urged that the politics in Ormond Beach be cleaned up.

Mayor Costello stated he had nothing to do with the article printed in the *Hometown News*.

Ms. Lucille Bornmann, 6 Windsor Drive, stated that to repeatedly bring up mistakes that were made 25 years ago rather than remembering the good that was done since was politics at its worst. She complained about funds spent for widening Clyde Morris Boulevard, services provided to developers without annexing into the City and paying City taxes, and money going to the airport. Ms. Bornmann noted CANDO was being smeared when they have not sponsored any candidate.

Mayor Costello reported he agreed he did not approve of any smears, and he was open to suggestions on how he could have stopped the smears. He advised he was previously chastised for trying to keep this issue out of City Hall.

Political Signs

Mr. John Bornmann, 6 Windsor Drive, stated political signs are not allowed on the right-of-way, but there were many political signs on the rights-of-way. He noted he held the candidate responsible for not obeying the rules, and the majority of the signs in violation belong to the incumbents.

Mayor Costello advised staff that any signs in the right-of-way, no matter whose signs they were, should be removed. He advised his signs were being limited to one road and only out for less than one week.

Item #5 - Approval of Minutes

Mayor Costello advised the minutes of the September 18, 2007, meeting had been sent to the Commissioners for review and asked if there were any corrections, additions, or omissions.

Commissioner Kent clarified the following statement on page 15938: "Commissioner Kent stated there was a vacant parcel next to the McDonald's Restaurant where more than 48 parking spaces could be located" by stating there were currently 48 parking spaces at Harvard, but he did not know how many would be in the vacant lot.

Mayor Costello stated that the minutes were approved as amended.

Item #6(A) - Employee-of-the-Quarter Award to Pete Connolly

Mr. Isaac Turner, City Manager, reported Mr. Pete Connolly was selected Employee-of-the-Quarter. He stated Mr. Connolly worked in the water treatment plant and was awaiting the results of his Class B licensing test. Mr. Turner stated Mr. Connolly was an asset to his fellow employees and to the operation of the water plant.

Mayor Costello congratulated Mr. Connolly and presented him with plaques honoring him as the Employee-of-the-Quarter, along with a watch with the City seal on its face. He pointed out that the City's employees are a huge part of what makes Ormond Beach special.

Item #6(B) - Proclamation in Honor of Dan Cooper

Mayor Costello reported Mr. Dan Cooper graduated from Seabreeze High School in 1998; entered the Army in 2000; completed infantry training and airborne school at Fort Benning, Georgia; performed ceremonies for foreign dignitaries and presidents at the White House, Pentagon, and the Tomb of the Unknown Soldier; and body recovery detail at the Pentagon in September 2001. He noted Mr. Cooper left active duty in 2003 and joined the Army Reserve as a Drill Sergeant, but was deployed a second time as part of an Iraqi National Police Transition Team, with the goal of assessing and addressing any deficiencies or roadblocks in the National Police's path to self-sufficiency. Mayor Costello stated Mr. Cooper graduated from Florida State University in 2005 and will attend Palmer Chiropractic College in Port Orange next October. He proclaimed October 2, 2007, as a day to pay tribute to Mr. Cooper honoring him for his actions and sacrifices for our country.

Commissioner Kelley stated he was aware of Mr. Cooper through Mr. Cooper's friendship with his daughter, and he was very glad Mr. Cooper was home.

Mayor Costello reported the Commission was very serious about honoring those willing to protect residents, and if anyone knew of someone going to or returning from active duty, the City would like to honor them for their service.

Item #7(A) – MPO Report and Item #7(B) – VCOG Report

Mayor Costello advised he forwarded the minutes of the Metropolitan Planning Organization (MPO) and Volusia Council of Governments (VCOG) to the Commission.

Item #7(C) - Water Authority of Volusia

Commissioner Kelley reported he forwarded the minutes of the Water Authority of Volusia (WAV) to the Commission.

Item #8 - 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 one or more of the items separately.

Commissioner Kelley moved, seconded by Commissioner Partington, 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 #9 – Reports, Suggestions, Requests

Development Order Extension

Commissioner Gillooly reported she received a letter from Mr. Viscomi regarding how development orders could be renewed. She advised she was informed renewals were required to go back through the entire process. Commissioner Gillooly requested a discussion item regarding renewing development orders. She noted there was staff time and volunteer board time involved in this process. Commissioner Gillooly noted she would like to discuss adding a possible automatic six-month renewal if a project had gone through the process and been approved.

Mr. Isaac Turner, City Manager, stated other Commission members also made this same recommendation.

Mayor Costello stated that in this time of real estate inactivity, if there were a project the Commission believed to be a good project, some type of extension should be permitted. He noted if these types of projects were not extended, there was a possibility the City would get something less than what could be obtained. Mayor Costello noted he was pleased the Floridian expansion was not one of the project related to this issue. He stated if the codes had not changed, he wanted the City to make sure the previously approved project could proceed.

Commissioner Gillooly stated this individual still wanted to make the investment in the community, but he could not do so at this time. She recommended more subjectivity where a reason would not be needed and an extension could be approved.

Mayor Costello asked Mr. Randal Hayes, City Attorney, to work with Mr. Ric Goss, Planning Director, to find out if there were a legal way this approval could be granted.

Sacrifices

Commissioner Gillooly thanked Mr. Dan Cooper and his parents, who brought to mind the tremendous sacrifice people make to insure the safety of others.

Clyde Morris Boulevard Extension

Commissioner Gillooly stated it was mentioned that the City was spending dollars to assist in the Clyde Morris Boulevard project. She reported she would continue to explain her vote to her constituents on these types of issues. Commissioner Gillooly stated Clyde Morris Boulevard affects everyone in Ormond Beach, and Ormond Beach had an opportunity to enhance the services and get this project done. She advised it was important to be aware of the opportunities to enhance the services for the citizens. Commissioner Gillooly noted she was proud that Ormond Beach was partnering with the County; and in the future, the more Ormond Beach can work with the County and the neighboring cities, the more can be achieved for the citizens.

Community Police Outreach

Commissioner Kent reported he was pleased with the \$1,199 savings with the Community Police Outreach.

Coffee with the Commissioner

Commissioner Kent stated he was unable to hold the "Coffee with the Commissioner" meeting last Monday, but it would be held this Monday, October 8, at 5:00 p.m. at his home located at 130 Magnolia Drive.

Cooper Proclamation

Commissioner Kent stated tonight's proclamation to Mr. Cooper was the best he had ever seen Mayor Costello give.

Political Signs

Commissioner Kelley stated all of his signs are on private property, and to try to use this as a campaign attack was not right. He reported he did not like signs and would gladly stop using them if other candidates would also not use them. Commissioner Kelley noted there were clearly signs outside of the utility lines; and if some are to be enforced, all should be enforced. He reported if his signs are found outside the line they should be picked up; but if they are behind the line on private property, they are perfectly legal.

Development Order Extension

Commissioner Kelley stated if a project had been approved and the laws had not been changed, he saw no reason to make the applicant go through the entire process again with all of

the associated costs. He urged staff to examine this to determine if the ruling could be changed with an amendment.

Election

Commissioner Kelley wished his fellow Commission members good luck in the upcoming election and congratulated Commissioner Kent for being unopposed and elected for two more years.

Shade Meeting

Mr. Randal Hayes, City Attorney, stated he would be calling the Commission to set up a shade meeting on the Erdman workers compensation claim.

Development Order Extension

Mayor Costello stated the Commission should be able to make an amendment to the code that extensions would be permitted; but if that was not possible, he stated the process should be as expeditious as possible for those who needed extensions so they do not need to hire engineers and staff did not need to review the issue again. He stated he would prefer an automatic one-year extension approved through staff, and the Commission would be able to provide further extension.

Clyde Morris Boulevard Extension

Mayor Costello reported the MPO had the Clyde Morris Boulevard project listed at \$9 million from Aberdeen to The Falls, and their numbers normally come in fairly close to being accurate. He stated when the County indicated they could save the City a great deal of money by doing the project while the contractor was already in the area, he considered it to be a good deal. Mayor Costello noted he believed the project would be at least \$5 million, and the City was getting the job done for \$2.44 million, with \$650,000 from the City, \$650,000 from the County, and \$1.14 million from impact fees. He stated he believed this to be a saving of approximately 50%, which he considered an outstanding result. Mayor Costello advised he looked forward to partnering with the County on issues that benefit everyone, and he did not believe much would be done in the future without partnerships. He explained the State is shifting projects to the County, and the County would shift them to the cities.

Volunteers on Patrol

Mayor Costello requested an item be included in the Friday letter regarding the Volunteers on Patrol program.

Voting

Mayor Costello urged everyone to vote, no matter who they were supporting.

Negative Campaigning

Mayor Costello stated that if anyone had any suggestions as to how to any Commission member could keep any negative campaigning out of the public domain, he would welcome the suggestion.

Item #10 - Close the Meeting

The meeting was adjourned at 7:35 p.m.

APPROVED: _____ October 16, 2007

BY: _____
Fred Costello, Mayor

ATTEST:

Veronica Patterson, City Clerk