

**ORMOND BEACH CITY COMMISSION MEETING
HELD AT CITY HALL COMMISSION CHAMBERS
September 14, 2009 7:00 p.m.**

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

A G E N D A

- 1) Meeting call to order by Mayor Costello.
- 2) Invocation by Reverend Neal Ganzel, Jr., Coquina Presbyterian Church in America.
- 3) Pledge of Allegiance.
- 4) **SECOND PUBLIC HEARING – FY 2009-2010 MILLAGE RATES/BUDGET:**
 - A) Resolution No. 2009-136 establishing the final millage rates to be levied for Fiscal Year 2009-2010; directing certification; expressing legislative intent. (3.67418 operating millage rate; debt service millage rates of 0.09600 and 0.03950)
 - B) Second Reading of Ordinance No. 2009-31 adopting the Annual Budget for the 2009-2010 Fiscal Year beginning October 1, 2009, and ending September 30, 2010; repealing all inconsistent ordinances or parts thereof. (\$99,139,922)
- 5) **AUDIENCE REMARKS:**
- 6) **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. 2009-137 authorizing the execution of a service contract between the City and the Ormond Beach Chamber of Commerce. (\$26,970) (Economic Development Director)
 - B) Resolution No. 2009-138 authorizing the execution of a Cooperative Business Development Agreement between the City and Daytona Beach/Halifax Area Chamber of Commerce, Inc. (\$18,150) (Economic Development Director)
 - C) Resolution No. 2009-139 authorizing the execution of a service agreement between the City and the Ormond Memorial Art Museum; authorizing the expenditure of funding. (\$43,640) (Leisure Services Director)
 - D) Resolution No. 2009-140 authorizing the execution of an engagement letter between the City and Samuel P. Bell, III, of Pennington, Moore, Wilkinson, Bell & Dunbar, P.A., regarding legislative lobbying services for the 2008 Florida legislative session. (\$31,000) (Economic Development Director)
 - E) Resolution No. 2009-141 authorizing the acceptance of a grant award from the State of Florida, Office of the Attorney General, regarding funding for the City's Victim's Advocate Program; authorizing the execution of all documents incidental thereto, including any contract necessary for the City to accept the grant award. (\$46,075 total project; \$36,860 grant funds; \$9,215 matching City funds) (Grants Coordinator)
 - F) Resolution No. 2009-143 authorizing the execution of a quit claim deed between the City and the County of Volusia regarding a parcel of land at the northwest corner of River Chase Way and Tymber Creek Road. (Acting City Engineer)
 - G) Resolution No. 2009-144 approving a settlement proposal regarding the Worker's Compensation claim of Sabrina Potter; authorizing the execution of a settlement agreement and any and all documents incidental thereto; authorizing payment relative thereto. (\$37,500) (City Attorney)
 - H) Resolution No. 2009-145 authorizing the purchase of various chemicals for the City's water and wastewater treatment plants under a cooperative bid solicited by several local cities; authorizing payment therefor. (Estimated annual cost - \$839,663) (Utilities Manager)

- I) Resolution No. 2009-146 accepting a proposal to provide utility bill printing services; rejecting all other proposals; authorizing the execution of an agreement with Pinnacle Data Systems. (\$28,980) (Finance Director)
- J) Resolution No. 2009-147 authorizing the execution of an interlocal agreement with the City of Holly Hill regarding building inspection and permitting services. (Planning Director)
- K) Resolution No. 2009-148 authorizing the execution of a Local Agency Program Agreement between the City and Florida Department of Transportation regarding Phase I sidewalk improvements on West Granada Boulevard. (\$372,000) (Acting City Engineer / Planning Director)
- L) Employee health insurance coverage:
 - 1) Resolution No. 2009-149 accepting a proposal for the provision of employee health/medical benefits services; authorizing the execution of a contract and payment therefor.
 - 2) Resolution No. 2009-150 accepting a proposal for the provision of employee dental benefits services; authorizing the execution of a contract and payment therefor.
 - 3) Resolution No. 2009-152 accepting a proposal for the provision of employee life insurance benefits services; authorizing the execution of a contract and payment therefor.
 - 4) Resolution No. 2009-153 accepting a proposal for the provision of employee long term disability insurance benefits services; authorizing the execution of a contract and payment therefor.

M) Wastewater Treatment Plant Rehabilitation and Expansion project.

DISPOSITION: Approve as recommended in City Manager memorandum dated September 10, 2009.

7) **SECOND READING OF ORDINANCES:**

- A) Ordinance No. 2009-32 amending Sections 22-23, 22-24, and 22-71 of Chapter 22, Water and Sewers, of the Code of Ordinances, by increasing the minimum water and sewer rates.
- B) Ordinance No. 2009-33 amending Chapter 10, Garbage Refuse and Yard Waste, Section 10-16, Fees for Collection and Disposal Established, of the Code of Ordinances, by increasing fees for the collection and disposal of solid waste.

8) **FIRST READING OF ORDINANCES:**

- A) Ordinance No. 2009-34 amending Chapter 2, District and General Regulations, Article VI, Overlay Districts, Section 2-71, Historic Districts and Landmarks, of the Land Development Code, by amending Paragraph C, Designation Procedures, and Paragraph D, Certificates of Appropriateness, by changing the requirement for notice for public hearings from certified mail to regular mail; by amending paragraph K, Ormond Beach Historic Landmarks List, by adding one (1) property to the Ormond Beach Historic Landmarks list. (Three Chimneys site – 715 West Granada Boulevard) (Planning Director)
- B) Ordinance No. 2009-35 amending Chapter 2, District and General Regulations, Article III, General Regulations, Section 2-50, Accessory Uses, of the Land Development Code, by amending Subparagraph F, Carport, to clarify the requirement for a permanent garage or carport with an improved driveway when converting an existing garage or carport into additional living space. (Planning Director)
- C) Ordinance No. 2009-36 of the City of Ormond Beach, Florida, amending Article III, Firefighters' Pension Trust Fund, of Chapter 16, Pensions and Retirement, of the Code of Ordinances, amending Section 16-45, Benefit Amounts and Eligibility; amending Section 16-47, Disability. (Multiplier) (Finance Director)

9) **DISCUSSION ITEMS:**

- A) Pension issues. (Finance Director)
- B) Regulations regarding number of unrelated individuals in residential dwellings. (Deputy City Attorney)
- C) Riverwalk concepts. (Planning Director)

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

11) **CLOSE THE MEETING.**

Item #1 – Meeting Call to Order

The meeting was called to order by Mayor Costello at 7:03 p.m.

Item #2 – Invocation

The invocation was giving by Reverend Neal Ganzel, Jr., Coquina Presbyterian Church in America.

Item #3 – Pledge of Allegiance

The Pledge of Allegiance was led by Mayor Costello.

Item #4A – Establishing the Millage Rates

RESOLUTION NO. 2009-136

A RESOLUTION ESTABLISHING THE FINAL MILLAGE RATES TO BE LEVIED FOR FISCAL YEAR 2009-2010; DIRECTING CERTIFICATION; EXPRESSING LEGISLATIVE INTENT; AND SETTING FORTH AN EFFECTIVE DATE.

Mayor Costello stated the proposed millage rate necessary for the 2009-2010 budget is 3.67418 mills, a 6.46% decrease from the rollback rate of 3.92802; and he stated the proposed debt service millage rates of 0.09600 for the 2002 General Obligation Bond Sinking Fund and 0.03950 for the 2003 General Obligation Bond Sinking Fund. He stated the total of the three millage rates were the same as last year, 2008-2009.

Finance Director Kelly McGuire explained the slide show presentation which showed the breakdown of the revenues and expenses for the proposed budget of approximately \$85 million, a \$17.5 million reduction, or 17%, from the current budget.

Mayor Costello explained that there were basically two budgets, the overall budget, which was everything the City received and distributed, and the General Fund, where the property tax revenue went. Mayor Costello stated this was a public hearing.

Frank Leo, 1513 Ocean Shore Blvd., #G9, stated he was shocked when he received his increased tax bill.

The Finance Director explained that Mr. Leo did not live in the City of Ormond Beach, he lived in the County; therefore, the Commission had no effect on his increase because the City had reduced their taxes.

Lara Glaser, 230 N. Beach Street, Daytona Beach, with the Early Learning Coalition of Volusia and Flagler, thanked the City for funding their program, which was the sole source of school readiness services for 44 Ormond Beach children. She stated there were 14 Ormond Beach children on the waiting list due to lack of funding.

Vince Champion, 35 Nightingale Lane, President of the Police Benevolent Association (PBA), stated he had sent the Commission a letter from Isaac Turner, dated July 10, 2008, regarding the police contract, which contained a 2% increase for all police officers, that was not in the proposed budget. He stated the increase was a guarantee per the contract, not a raise increase. He stated \$69,325 for the 2% increase was a small price to pay for the Commission to keep their word. He stated the action was approaching an unfair labor practice. He asked if the Commission wanted the City to become a training ground for officers, who would leave and go

to another city for better wages, or if the Commission wanted to provide the best protection for the citizens.

Mayor Costello stated the Commission was not going back on their word; there was no guarantee in the contract, which contained a re-opener. The Mayor stated the Commission determined to re-open the contract and to give no salary increase to the police officers.

City Manager Joyce Shanahan stated the City had been holding discussions with the PBA, and she would ask Mr. Bingham and Mr. Champion to return to the table to discuss the issue further.

Mike Haller, 11 Pine Tree Drive, President of General Employees' Association (GEA), stated the GEA contract guaranteed a 2% increase, with a wage re-opener to negotiate if the financial situation was better. He stated the GEA contract included that, were there to be layoffs of the general employees, the GEA would be notified and given the opportunity to discuss the situation with the Commission. He stated the GEA was not notified of the layoff, which was a violation of the contract and the labor laws.

Mayor Costello agreed the City would uphold what was decided in regards to the layoffs.

City Attorney Randy Hayes reminded the Commission not to stray from the issue on the floor, which was the millage rates and the budget.

Mayor Costello asked Ted MacLeod to submit a report to the Commission regarding whether proper procedures were followed in relationship to the layoffs.

Jim Shaw, 15 Lake Vista Way, President of International Association of Firefighters (IAFF), stated he came to offer support to the PBA. He stated the proposed budget presented to the citizens at the town hall meetings contained a wage increase. He stated his membership had made large concessions to the Commission in the negotiation of a contract that contained a 3.23% increase, which after the IAFF ratified, the Commission did not ratify because their desires had changed.

Mayor Costello stated the Commission was not considering any cuts in salaries but trying to maintain the current salaries.

Marvin Miller, 40 Riverside Drive, stated he was not here to determine who deserved to receive an increase in salary, because the issue was the increased operating costs; and the Commission should continue cutting costs. He stated increases in taxes and fees affected everyone, and the double digit increases in property taxes year after year had taken a toll on the financial condition of everyone.

Gloria Max, 7 Sherwood Drive, who represented a United Way service organization, stated she saw a new face of people who were embarrassed about needing assistance and were unemployed or elderly who can't pay their taxes. She stated they had a 60% increase in the number of people seeking assistance and their donations were down. She appreciated the budget cuts but did not know what would happen to people, and wanted the Commission to be aware of what was happening.

Mayor Costello stated the 2009-2010 budget proposed millage rates were 3.67418 mills for the Operating Fund, and he stated the proposed debt service millage rates were 0.09600 for the 2002 General Obligation Bond Sinking Fund and 0.03950 for the 2003 General Obligation Bond Sinking Fund.

Commissioner Kelley moved, and Commissioner Gillooly seconded, approval of Resolution No. 2009-136, to adopt the proposed millage rates, as read by title only.

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

Mayor Costello stated the proposed operating millage rate was set at 3.67418 mills, 6.4% less than the rollback millage rate.

Item #4B – Adopting the Annual Budget for FY 2009-2010

AN ORDINANCE ADOPTING THE ANNUAL BUDGET FOR THE 2009-2010 FISCAL YEAR BEGINNING OCTOBER 1, 2009 AND ENDING SEPTEMBER 30, 2010; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; AND SETTING FORTH AN EFFECTIVE DATE.

Commissioner Kelley moved, Commissioner Gillooly seconded, for approval of Ordinance No. 2009-31, 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 #5 – Audience Remarks

Central Park Labyrinth

Joan Baliker, thanked the Commission for their support of the labyrinth and presented them with a finger walk labyrinth, which was a drawing depicting the labyrinth to use at their desks when they are stressed. She stated the health benefits of walking the actual labyrinth were incredible, and they hoped to educate the public on those benefits.

Carol Bertrand, 385 Coquina Avenue, stated the labyrinth was almost completed, and announced that on Wednesday, September 21, at 6:00 p.m., the first walk on the new harmony labyrinth would open the labyrinth, and the date was chosen because it was the International Day of Peace. She expressed appreciation for all the community support and invited everyone to come out and enjoy the labyrinth.

Vince Champion, President of the Police Benevolent Association, was here to support the firefighters' on the health insurance issues.

Jim Shaw, Jim Haller and Vince Champion requested the Commission pull Item L under the Consent Agenda, and advised they would speak at that time.

Volusia Growth Management Commission

Rita Press, 875 Wilmette Avenue, stated that on Wednesday, September 23, the Volusia Growth Management Commission (VGMC) would discuss changing the rules in existence since 1986. She stated Consolidated Tomoka, a land development company, annexed 3,000 acres into Daytona Beach, west of I-95 and across from Breakaway Trails. She pointed out that the development of this property would affect the City and the quality of life of thousands of people, while Daytona Beach would get all the benefits from property tax revenue, and Ormond Beach would suffer challenges to our infrastructure due to an enormous increase in traffic and a diminished level of service to our roads. She stated the Daytona Beach Comprehensive Plan changes would go through their Planning Board and their Commission, while the citizens in Breakaway Trails and surrounding communities would have zero clout in this issue. She stated that if the new changes were approved, the burden of proof would shift from Daytona Beach, which was doing the damage to Ormond Beach, which was suffering the consequences of Daytona's actions. She stated the aggrieved parties would have no redress in the courts, but would have to come to the Commission to act on their behalf.

Mayor Costello explained VGMC was empowered to determine if governments or citizens had standing before their commission, and he stated citizens should have standing at the VGMC.

Item #6 – Consent Agenda

Mayor Costello advised the action proposed for each item on the Consent Agenda was so stated on the agenda. He asked if any member of the Commission had questions or wished to discuss any item separately.

As requested, Mayor Costello pulled Item L for discussion.

Commissioner Kelley moved, seconded by Commissioner Kent, to approve the Consent Agenda, absent Item L.

Call Vote:	Commissioner Kelley	Yes
	Commissioner Partington	Yes
	Commissioner Gillooly	Yes
	Commissioner Kent	Yes

Carried. Mayor Costello Yes

Mayor Costello stated the Chamber of Commerce service contract included a 7% decrease as did others; and the Art Museum contract excluded the City's participation in some of the events that the City had been involved with in the past. The Mayor expressed he was delighted with the collective purchasing of chemicals which resulted in a decrease in price, and he was pleased with the \$.065 per bill savings in utility billing. Mayor Costello remarked that the sidewalk improvements for West Granada were not costing the City anything, but when Edgewater could not complete their preparations by the deadline, the City was next in line for the funds.

Item 6L – Employee Health Insurance Coverage for 2009-2010

Jim Shaw, President IAFF, stated the employees shouldered the increases in health insurance last year, without protest; now this year, there are more increases in the cost to the employees for health insurance, and he requested the City allow the employees' unions to negotiate regarding the benefits to employees.

Mayor Costello stated he was in favor of not increasing the budget for employee health insurance next year. He stated that when the cost of insurance rose, the benefits to employees decreased because the City would not continue to support the increases and had hit the cap.

Vince Champion, 35 Nightingale Lane, stated before he retired in April, he was speaking to Risk Manager Christine McGuire regarding a wellness program to help cut the costs of health care for the City employees. He stated if the costs to the employee were increasing, it constituted a negotiable item with the union, and the Commission should come to the table.

Mayor Costello stated there was no mandatory increase to the employees, and the HMO coverage was still at no expense to the employees.

Commissioner Gillooly stated the proposed health insurance was an excellent plan for the employees because of all the efforts by the provider. She stated the City wanted to keep whatever benefits were available to the employees but, realistically, pension costs and insurance costs were not going to be manageable in the future; and if the City did not take control now, the City would be in trouble in the future.

Commissioner Partington suggested staff be informed about the HSA options to fund some of their expenses through pre-tax dollars.

City Manager Shanahan stated flexible spending accounts were discussed at the staff meeting and would be part of the discussion during the open enrollment meeting.

Item #6(L)(1) – Health/Medical Benefits

RESOLUTION NO. 2009-149
 A RESOLUTION ACCEPTING A PROPOSAL FROM FLORIDA HEALTH CARE PLANS FOR THE PROVISION OF EMPLOYEE HEALTH/MEDICAL BENEFITS SERVICES; AUTHORIZING THE EXECUTION OF A CONTRACT AND PAYMENT THEREFORE; AND SETTING FORTH AN EFFECTIVE DATE.

Commissioner Kelley moved, seconded by Commissioner Kent, to approve Resolution No. 2009-149, as read by title only.

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

Item #6(L)(2) – Dental Benefits

RESOLUTION NO. 2009-150
 A RESOLUTION ACCEPTING A PROPOSAL FROM METLIFE FOR THE PROVISION OF EMPLOYEE DENTAL BENEFITS SERVICES; AUTHORIZING THE EXECUTION OF A CONTRACT AND PAYMENT THEREFORE; AND SETTING FORTH AN EFFECTIVE DATE.

Commissioner Kent moved, seconded by Commissioner Kelley, to approve Resolution No. 2009-150, as read by title only.

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

Item #6(L)(3) – Long term Disability Benefits

RESOLUTION NO. 2009-151

A RESOLUTION ACCEPTING A PROPOSAL FROM HARTFORD LIFE AND ACCIDENT INSURANCE COMPANY FOR THE PROVISION OF EMPLOYEE LONG TERM DISABILITY INSURANCE BENEFITS SERVICES; AUTHORIZING THE EXECUTION OF A CONTRACT AND PAYMENT THEREFORE; AND SETTING FORTH AN EFFECTIVE DATE.

Commissioner Kelley moved, seconded by Commissioner Kent, to approve Resolution No. 2009-151, as read by title only.

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

Item #6(L)(4) – Life Insurance Benefits

RESOLUTION NO. 2009-152

A RESOLUTION ACCEPTING A PROPOSAL FROM HARTFORD LIFE AND ACCIDENT INSURANCE COMPANY FOR THE PROVISION OF EMPLOYEE LIFE INSURANCE BENEFITS SERVICES; AUTHORIZING THE EXECUTION OF A CONTRACT AND PAYMENT THEREFORE; AND SETTING FORTH AN EFFECTIVE DATE

Commissioner Kelley moved, seconded by Commissioner Kent, to approve Resolution No. 2009-151, as read by title only.

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

Item #7A – Water and Sewer Rates

ORDINANCE NO. 2009-32

AN ORDINANCE AMENDING SECTIONS 22-23, 22-24, AND 22-71 FO CHAPTER 22, WATER AND SEWERS, THE CODE OF ORDINANCES, BY INCREASING THE MINIMUM WATER AND SEWER RATES; 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. 2009-32, 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	

Item #7B – Fees for the Collection and Disposal of Solid Waste

ORDINANCE NO. 2009-33

AN ORDINANCE AMENDING CHAPTER 10, SOLID WASTE, YARD WASTE AND RECYCLABLES, SECTION 10-16, FEES FOR COLLECTION AND DISPOSAL ESTABLISHED, OF THE CODE OF ORDINANCES, BY INCREASING FEES FOR THE COLLECTION AND DISPOSAL OF SOLID

WASTE; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; SETTING FORTH AN EFFECTIVE DATE.

Commissioner Kelley moved, seconded by Commissioner Kent, for approval of Ordinance No. 2009-33, 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 #8A – Amending LDC Section 2-71 – Historic Districts and Landmarks

ORDINANCE NO. 2009-34

AN ORDINANCE AMENDING CHAPTER 2, DISTRICT AND GENERAL REGULATIONS, ARTICLE VI, OVERLAY DISTRICTS, SECTION 2071, HISTORIC DISTRICTS AND LANDMARKS, OF THE *LAND DEVELOPMENT CODE* BY AMENDING PARAGRAPH C, DESIGNATION PROCEDURES, AND PARAGRAPH D, CERTIFICATES OF APPROPRIATENESS, BY CHANGING THE REQUIREMENT FOR NOTICE FOR PUBLIC HEARINGS FROM CERTIFIED MAIL TO REGULAR MAIL; BY AMENDING PARAGRAPH K, ORMOND BEACH HISTORIC LANDMARKS LIST, BY ADDING ONE (1) PROPERTY TO THE ORMOND BEACH HISTORIC LANDMARKS LIST; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; PROVIDING FOR SEVERABILITY; AND SETTING FORTH AN EFFECTIVE DATE.

Commissioner Partington moved, seconded by Commissioner Gillooly, for approval of Ordinance No. 2009-34, on first reading, as read by title only.

Mayor Costello stated the Planning Board unanimously recommended approval of Ordinance No. 2009-34.

Dr. Philip Shapiro, 140 Old Mill Run, Chairman of the Preservation Committee of the Ormond Beach Historical Society, stated the Three Chimneys was believed to be the oldest British era sugar mill and rum distillery in Florida and perhaps the United States. He stated the State of Florida owned the site and the Historical Society managed the property via a 50 year lease agreement, with a long term goal of establishing a state park on the site. Dr. Shapiro stated that this year, it was expected the Three Chimneys would be a designated site on the National Registry of Historic Places, and the Historical Society was seeking to have the site added to the local landmarks list. He thanked the Commission for their past support and for their consideration of the request.

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

Item #8B – LDC Amendment – Accessory Uses – Carports

ORDINANCE NO. 2009-35

AN ORDINANCE AMENDING CHAPTER 2, DISTRICT AND GENERAL REGULATIONS, ARTICLE III, GENERAL REGULATIONS, SECTION 2-50, ACCESSORY USES, OF THE *LAND DEVELOPMENT CODE*, BY AMENDING SUBPARAGRAPH F, CARPORT, TO CLARIFY THE REQUIREMENT FOR A PERMANENT GARAGE OR CARPORT WITH AN IMPROVED DRIVEWAY WHEN CONVERTING AN EXISTING GARAGE OR CARPORT INTO ADDITIONAL LIVING SPACE; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; PROVIDING FOR SEVERABILITY; AND SETTING FORTH AN EFFECTIVE DATE.

Commissioner Partington moved, seconded by Commissioner Kelley, for approval of Ordinance No. 2009-35, on first reading, as read by title only.

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

Item #8C – Firefighters’ Pension Plan Improvements

ORDINANCE NO. 2009-36

AN ORDINANCE OF THE CITY OF ORMOND BEACH, FLORIDA, AMENDING ARTICLE III, FIREFIGHTERS’ PENSION TRUST FUND, OR CHAPTER 16, PENSIONS AND RETIREMENT, OF THE CODE OF ORDINANCES; AMENDING SECTION 16-45, BENEFIT AMOUNTS AND ELIGIBILITY; AMENDING SECTION 16-47, DISABILITY; PROVIDING FOR SEVERABILITY OF PROVISIONS; REPEALING ALL ORDINANCES IN CONFLICT HERewith, AND PROVIDING AN EFFECTIVE DATE.

Mayor Costello stated Ordinance No. 2009-36 failed for lack of a motion.

Item #9A – Pension Benefits

Mayor Costello asked the Commission for any comments on the staff recommendation to retain a pension attorney and actuary to investigate options for pension benefits.

Commissioner Gillooly stated she was glad the City was moving forward on the pension issues.

Item #9B – Proposal to Regulate Rental Properties in Single Family Districts

Mayor Costello asked for a consensus from the Commission on the issues presented by staff regarding single-family districts: duration of rental, number of tenants, a landlord registration, parking restrictions for rentals, and “No Trespassing Signs” on rented property.

The Commission agreed to a minimum rental of six months; and the number of residents would continue as described in *Land Development Code*.

As there was no fee, Mayor Costello supported the registration of rental properties.

Commissioner Kelley stated he did not understand the benefit of a registry, and it served no function.

Mayor Costello stated it would be a benefit to Neighborhood Improvement Agency (NIA) to know the properties that were not owner occupied.

Commissioner Kelley stated he was trying to understand why it would be beneficial to know a property was rented because any complaints would be citizen driven. He asked if Neighborhood Improvement was to “stake out” any rentals, when they were already busy handling complaint.

Neighborhood Improvement Manager Joanne Naumann stated it was difficult to determine at this point if a registry would be of benefit; if the owner kept the information updated, it could be valuable for contact information. She stated she planned to bring the idea of a registry for foreclosures to the City Manager for discussion, an idea that was successful in other communities.

Commissioner Gillooly asked if Ms. Naumann planned an annual inspection of these properties, if there was a landlord registry; whereby, Ms. Naumann stated that she would plan for inspections only when the economy improved and the Commission was in favor of additional staff. She remarked that substandard housing was a concern, but the Neighborhood Improvement Agency (NIA) could only address the issue with additional staffing.

Commissioner Gillooly expressed concern about deteriorating conditions and inquired as to the fines; whereby, Ms. Naumann stated the matter would be incorporated into the code process, and the fine would be dependent upon the violation.

Mayor Costello asked Ms. Naumann if a registry would assist NIA; whereby, Ms. Naumann stated the biggest issue was getting proof of the violation.

The City Attorney stated a registry would not be of legal assistance.

The Commission agreed nothing needed to be added to the current code regarding parking restrictions at rental properties.

Deputy City Attorney Ann-Margret Emery stated a “No Trespassing” sign did not pertain to the Police or NIA in the legal performance of their duties, and it was unnecessary to define the issue in the code.

Item #9C – Riverwalk Conceptual Alternatives

Mayor Costello explained the three conceptual alternatives had been proposed by staff for the Riverwalk project, and he supported Concept 2.

Commissioner Kelley stated his support for Concept 2, which would create vibrancy in the downtown. He suggested the church be moved to the Three Chimneys site, but he understood that was probably not a possibility.

Planning Director Ric Goss stated moving the church to the Three Chimneys site would diminish the historic value of the Three Chimneys site.

Commissioner Gillooly asked if the church building could sustain another move.

Mr. Goss explained that a feasibility study had not been done, and he did not know whether a restaurant was a viable proposition for that location or any of the accessory issues could be resolved. He stated direction had been given at the Focus Workshop to provide a rendering of conceptual ideas for the Riverwalk project. Ms. Goss stated that Concept 2 was much more expensive than Concept 1; the lift station would have to be moved; and FDOT would have to grant some of the right-of-way to the City.

Commissioner Partington stated he supported Concept 2, and suggested the church be moved to Central Park to become the new environmental learning center.

Commissioner Kent stated he agreed with Commissioner Partington’s idea to make the Pilgrims’ Rest Church the learning center at Central Park, and favored Concept 2.

Commissioner Gillooly stated she was in favor of either Concept 1 or Concept 2, and wanted to decide after a feasibility study was done, but would support the consensus of the Commission for Concept 2.

Item #10 – Reports, Suggestions, Requests

Historical Society

Commissioner Gillooly reported there would be a membership drive for the Historical Society at the Anderson-Price Building on Tuesday, September 22, at 5:30 p.m. to 7:30 p.m.

Habitat for Humanity

Commissioner Gillooly stated Sunday, September 20, was the International Day of Prayer, and Habitat for Humanity asked that everyone pray for affordable housing throughout the world. She reported that on Saturday, September 26, Habitat would be breaking ground for a multi-congregational house in memory of Miller Fuller, founder of Habitat; on Sunday, September 27, First United Methodist Church would be breaking ground on a house; and on Monday, September 28, would be the Spirit of Hope house groundbreaking.

Commissioner Kelley expressed appreciation to Commissioner Gillooly for mentioning his church, First United Methodist Church, and their sponsorship of a full house for Habitat.

Salary Increase

Commissioner Gillooly stated the Commission was very concerned about the economic difficulties faced by everyone, and although, a 2% increase to the Police was a small amount, denial was not taken lightly.

Charitable Donations

Commissioner Gillooly stated that in the future, groups requesting funds from the City should explain how they use the dollars given to them by the City, and what their total budgets were so the taxpayers could understand how the donations were used.

Commissioner Partington stated he had questions regarding the fourteen children that were not funded for participation in the Early Learning Coalition, and he had a list of questions he would ask the City Manager to provide information on and distribute to the Commission.

Firefighters' Pension

Commissioner Gillooly stated if the funds were used to enhance benefits, the Commission would be committing to future funding for any shortfall.

Mayor Costello stated he was on record for promoting to have the state change the funding mechanism to allow communities to use the premium tax dollars for existing benefits if they were over a specific amount.

Police Increase

Commissioner Kent stated he had always supported the police issues, but the current economic situation called for drastic measures, and everyone was facing cuts.

Mayor Costello expressed support for the same benefits for all categories of staff and would not be comfortable giving an increase if it were not for all.

Water Authority of Volusia

Commissioner Kelley remarked that someone had made a negative comment regarding the demise of WAV, but he wanted to state that it would be better for everyone had WAV been successful by providing one source for water in a more efficient and less expensive manner. He stated it was unfortunate that some people had an incorrect perception of what WAV was attempting to do.

Fluctuations in Property Values

Commissioner Partington stated that Orange County and Seminole County did not have the wild fluctuations in property values as Volusia County had. He requested staff research what was being done in those counties.

City Manager Shanahan stated Orange and Seminole counties had a different composition of their tax base, commercial versus residential, which had some affect, but she would research the issue and report back to the Commission.

CPI

Commissioner Partington stated the CPI was currently a negative number and requested the Finance Director present the CPI on a quarterly basis to the Commission, and a negative CPI could be used in contract negotiations with vendors for reductions.

Revenue versus Millage Rate

Mayor Costello stated it was predicted that next year would be another decrease in revenue, and he did not know if the City could keep the same millage rate; but for the record, he supported cutting expenses rather than increasing the millage rate. He stated the City had done a fabulous job with this budget, but the citizens would need to decide whether their wanted the same rate or the same revenue.

Item #11 – Close the Meeting

The meeting was adjourned at 9:05 p.m.

APPROVED: _____ October 6, 2009

BY: _____
Fred Costello, Mayor

ATTEST:

Veronica Patterson, City Clerk