

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

March 17, 2009

7:00 p.m.

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

A G E N D A

- 1) Meeting call to order by Mayor Costello.
- 2) Invocation by Pastor Charles Melvin, Ormond Beach Union Church.
- 3) Pledge of Allegiance.
- 4) **AUDIENCE REMARKS:**
- 5) **APPROVAL OF THE MINUTES** of the March 3, 2009, meeting.
- 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. 2009-23 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. (City Clerk)
 - B) Resolution No. 2009-24 authorizing the submittal of a request to the County of Volusia for an amendment to the Community Development Block Grant Subrecipient Agreement for Fiscal Year 2008-2009 between the City of Ormond Beach and the County of Volusia; authorizing the execution of an amendment. (\$20,000 from sewer work at Ormond Parkway to pavers on Orlen Way) (Grants Coordinator)
 - C) Resolution No. 2009-25 authorizing the execution of a Collective Bargaining Agreement between the City of Ormond Beach and the International Association of Firefighters (I.A.F.F.), Local 3499. (Acting Fire Chief)
 - D) Resolution No. 2009-26 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 Michael C. Ciccone and Donald A. Ciccone, Sr., and located at 67 Lakebluff Drive, Ormond Beach, Volusia County, Florida (Parcel ID No. 3240-11-00-0160), for costs incurred by the City to terminate or abate a site maintenance violation. (\$142.50) (Neighborhood Improvement)
 - E) Resolution No. 2009-27 approving a settlement proposal regarding the Worker's Compensation claim of Amanda Joy King; authorizing the execution of a settlement agreement and any and all documents incidental thereto; authorizing payment relative thereto. (\$42,000) (City Attorney)
 - F) FPL easements at the Water Treatment Plant:
 - 1) Resolution No. 2009-28 authorizing the execution of an easement in favor of Florida Power & Light Company granting a one hundred fifty-one foot (150') long easement beginning at the proposed switchover device located near the process building to the rear southwest property line of the Water Treatment Plant. (Acting City Engineer)
 - 2) Resolution No. 2009-29 authorizing the execution of an easement in favor of Florida Power & Light Company granting a six hundred nine foot (609') long easement that includes the extents of the newly installed conduit between the on-site transformer located near the process building and the on-site transformer located near the emergency generator building. (Acting City Engineer)
 - G) FPL easements at Hangar Way:
 - 1) Resolution No. 2009-30 authorizing the execution of an easement in favor of Florida Power & Light Company granting a one thousand two hundred twenty-six foot (1,226') long easement beginning at an existing power pole on the west side of the Hangar Way entrance to a transformer located at 55 Hangar Way. (Acting City Engineer)

- 2) Resolution No. 2009-31 authorizing the execution of an easement in favor of Florida Power & Light Company granting a one hundred forty-six foot (146') long easement beginning at a proposed transformer at 55 Hangar Way West to a tie in with a second FP&L easement. (Acting City Engineer)
- A) Resolution No. 2009-32 authorizing the execution of a deductive Change Order Number One (1) to that contract awarded to Bean Construction, Inc., regarding the Nova Community Park Ballfield #5 Improvements project, by decreasing the contract price by \$12,075.18. (\$447,724.82 total contract price) (Acting City Engineer)
- I) Resolution No. 2009-33 amending the rules of parliamentary procedure. (City Clerk)
- J) Request to continue allowing the East Volusia Mosquito Control District to perform low-level flights over the City of Ormond Beach to apply insecticides for the control of mosquitoes. (City Clerk)

DISPOSITION: Approve as recommended in City Manager memorandum dated March 12, 2009.

- K) Methodology Letter of Understanding (MLOU) related the Interchange Justification/Modification Report for I-95 at US1. (Planning Director)

DISPOSITION: Approve as recommended in City Manager memorandum dated March 12, 2009.

- L) FY 2008-2009 budget results for the General Fund and the Water/Wastewater Fund. (Finance Director)

DISPOSITION: Approve as recommended in City Manager memorandum dated January 15, 2009.

1) **SECOND READING OF ORDINANCES:**

- A) Ordinance No. 2009-03 dedicating the entranceway at the Ormond Beach Sports Complex to be known as “Doug Thomas Way,” said entrance is located at Harmony Lane and runs to the Harry Wendelsted, Jr., Baseball Fields within the Ormond Beach Sports Complex; repealing all inconsistent ordinances or parts thereof; providing for transmittal and recording in the public records of Volusia County; and setting forth an effective date. (Leisure Services Director)
- B) Ordinance No. 2009-04 changing the name of “Cotten Seed Trail” to “Cotton Seed Trail,” said street being located in the Trails South Forty, Phase II, subdivision; repealing all inconsistent ordinances or parts thereof; providing for transmittal and recording in the public records of Volusia County; and setting forth an effective date. (Planning Director)

2) **DISCUSSION ITEM:** Proposal by the Motor Racing Heritage Association for an Ormond Garage Replica to be located at the Birthplace of Speed Park.

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

4) **CLOSE THE MEETING.**

Item #1 – Meeting call to order.

Meeting call to order by Mayor Costello at 7:02 p.m.

Item #2 – Invocation

Invocation was given by Reverend John Gill, Tomoka United Methodist Church.

Item #3 - Pledge of Allegiance.

Mayor Costello led the Pledge of Allegiance.

Item #4 – Audience Remarks:

City Planning

Lou Lumaghi, 1 Cliffside Drive, spoke regarding Sunshine Week in Florida to celebrate open government; he submitted an article, “Florida, the Ponzi State” which stated the economy of Florida was based on a hoax. He objected to Tallahassee’s attitude of keeping taxes low and spending high by charging fees on endless growth.

Fluoridation

Jim Schultz, 117 Harvard Drive, spoke regarding fluoridation and reported the American Diabetic Association suggested diabetics drink bottled water rather than fluoridated water.

Temporary Signs

Barry Mayer, 1425 Hand Avenue, asked for reconsideration of signs on the sidewalks. Mr. Mayer explained there was little sidewalk in front of his restaurant for a sign and the sidewalk was blocked from the roadway by a hedge. Mr. Mayer asked to be allowed to put the same size sign as the sandwich boards allowed to be placed near the right-of-way but on his restaurant property.

Mayor Costello suggested Mr. Mayer attend the upcoming Planning Board meeting where the issue of temporary signs would be discussed.

Homeowner and Bank Protection Act

Gerald Rosewinkel, 4480 Meadow Green Road, Mims, spoke regarding the Homeowners’ and Bankers’ Protection Act designed to alleviate the current foreclosure crisis and provided the Commission with a handout on the subject.

Item #5 – Approval of the Minutes

Mayor Costello advised the minutes of the March 3, 2009, regular meeting had been sent to the Commission for review and asked for any corrections, additions, or omissions. Hearing no objection, the Mayor stated the minutes were approved as submitted.

Intergovernmental Reports

Mayor Costello pointed out the Intergovernmental Reports would not be part of the agenda but would be posted on the City’s website.

Commissioner Kent asked Commissioner Kelley about any savings several cities may realize if they pulled out of Water Authority of Volusia.

Commissioner Kelley answered, “none.” He explained that South Daytona pulled out because they are part of the East Coast Alliance with Daytona Beach, but the other two cities, Ponce Inlet and South Daytona, were not water producing and, therefore, purchased water from either Daytona Beach or Port Orange.

Mayor Costello announced that Bethany Chambers, Hometown News, was moving back to Ohio. He thanked her for doing a fabulous job of covering Ormond Beach and wished her well. The Mayor announced that Eileen Zaffiro from the News-Journal would be covering areas other than Ormond Beach. He stated she had provided outstanding coverage for the City.

Item #6 – Consent Agenda:

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

Commissioner Kelley asked to pull Item #8(C).

Mayor Costello stated he was pulling Item #8(K) at the request of an audience member.

Commissioner Partington moved, seconded by Commissioner Kelley, for approval of the Consent Agenda minus Items #6(C) and #6(K).

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

Item #6(C) – Collective Bargaining Agreement with IAFF, Local 3499

RESOLUTION NO. 2009-25
 A RESOLUTION AUTHORIZING THE EXECUTION OF A COLLECTIVE BARGAINING AGREEMENT BETWEEN THE CITY OF ORMOND BEACH AND THE INTERNATIONAL ASSOCIATION OF FIREFIGHTERS (I.A.F.F.) LOCAL 3499; AND SETTING FORTH AN EFFECTIVE DATE.

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

Commissioner Kelley stated due to the volume of information provided to the Commission a short time before the meeting, he had not had the opportunity to review the information.

Commissioner Kent moved, seconded by Commissioner Partington, to table Resolution No. 2009-25 until the April 7 City Commission Meeting.

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

Item 8(K) – Methodology Letter of Understanding Related to the Interchange Justification/Modification Report for I-95 at US1

Planning Director Ric Goss stated this was a Letter of Understanding on Methodology prepared by the City’s consultant, Reynolds Smith and Hill, negotiated with the Department of Transportation, in the preparation of the interchange justification/modification report, based on the previous land use which was a greater square footage. He reported the Letter of Understanding had been reviewed by the Committee for Interchange Studies and was ready to be reviewed by the Department of Transportation.

Lou Lumaghi, 1 Cliffside Drive, stated the public should be able to keep informed about developments at Ormond Crossings. He stated the only information provided about a pending \$378,000.00 contract of the changes to be made in the junction of I-95 and US1 was vague and left unclear what the four build alternatives were and details of the widening for the portion of US. He stated the public, directly impacted, had the right to know exactly what was planned from maps. He stated he was informed by the Mayor at the last meeting that maps could not be included in the agenda hand-out. He stated it couldn't cost much to include a map in the agenda packet posted on the website, and questioned was it better to keep the residents dumb and happy about the mess being concocted for them on US1.

Mayor Costello stated that was a bunch of ludicrous nonsense. For anyone that's was listening, the Mayor apologized. Mayor Costello pointed out that all anyone had to do was just ask the Planning Director to see anything that they want to see, anytime. The Mayor stated there was an agenda packet in the back of the room with the information. He stated that he had said the maps did not belong in the agenda but belonged in the packet and were available to anyone. The Mayor pointed out that anyone could call City Hall for information; the information was at the Public Library and on the City's website; the four alternatives for Ormond Crossing were easily available; the purpose of the information in the newspaper was to stimulate interest and generate questions, but citizens have to ask questions. The Mayor explained the development of Ormond Crossings had been going on for eight years with a congressional grant for economic development to do an interchange justification report for an interchange which was failing without Ormond Crossings. He stated the City was trying to utilize twenty-five foot lots from a 1916 plat for conversion to industrial land in an attempt to bring jobs to the City.

City Clerk Veronica Patterson stated, at the request of Mr. Lumaghi, there were maps in the back of the Chamber for the two items that included maps.

Commissioner Kent moved; seconded by Commissioner Gillooly, for the approval of the Methodology Letter of Understanding for the Interchange Justification/Modification Report for I-95 at US1.

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

Item #7(A) – Naming of Roadway in Recognition of Doug Thomas

ORDINANCE NO. 2009-03

AN ORDINANCE DEDICATING THE ENTRANCEWAY AT THE ORMOND BEACH SPORTS COMPLEX TO BE KNOWN AS "DOUG THOMAS WAY", SAID ENTRANCE IS LOCATED AT HARMONY LAND AND RUNS TO THE HARRY WENDELSTED JR. BASEBALL FIELDS WITHIN THE ORMOND BEACH SPORTS COMPLEX; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; PROVIDING FOR TRANSMITTAL AND RECORDING IN THE PUBLIC RECORDS OF VOLUSIA COUNTY; AND SETTING FORTH AN EFFECTIVE DATE.

Commissioner Kelley moved; seconded by Commissioner Gillooly, for approval of Ordinance No. 2009-03, on second reading, as read by title only.

Mayor Costello asked the Thomas family members to come forward. Mayor Costello pointed out that only about once every ten or twenty years did the City name a street after someone.

Mrs. Doug Thomas expressed gratitude for the honor and stated she was very proud of her husband.

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

Item # 7(B) – Renaming “Cotten Seed Trail” to “Cotton Seed Trail”

ORDINANCE NO. 2009-04

AN ORDINANCE CHANGING THE NAME OF “COTTEN SEED TRAIL” TO “COTTON SEED TRAIL,” SAID STREET BEING LOCATED IN THE TRAILS SOUTH FORTY PHASE II SUBDIVISION; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; PROVIDING FOR TRANSMITTAL AND RECORDING IN THE PUBLIC RECORDS OF VOLUSIA COUNTY; AND SETTING FORTH AN EFFECTIVE DATE.

Commissioner Kelley moved; seconded by Commissioner Kent, to approve Ordinance No. 2009-04 on second reading, as read by title only.

Commissioner Kent pointed out for anyone listening on-line to the meeting that this was changing “c-o-t-t-e-n” to “c-o-t-t-o-n.”

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

Item #8 – Support of an Ormond Garage Replica

Laura Jones, 59 Amsden Road, asked what the dimensions were of the replica of the old garage. She stated she had lived here for forty-five years and was excited about the idea. She asked about the materials being used.

Mayor Costello pointed out the information was in the packet in the back of the room.

Commissioner Kent stated the roof was cedar shake wood and the siding was composite or cement board.

Laura Jones stated that nothing metal should be used that would rust and she asked where the two replica cars were going to be placed.

Assistant City Manager Ted MacLeod explained one of the cars had already been restored and was at the Fleet Facility. He mentioned that Randy’s Auto Body was restoring both of the cars free of charge.

Laura Jones asked that the cars not be put on the beach.

Mayor Costello explained the cars were going to be stored in the garage replica.

Commissioner Gillooly commented the Motor Racing Heritage group offered to find volunteer labor and funding for materials for the construction of the garage.

Mayor Costello directed the City Manager to forward the request to the Leisure Services Advisory Board and the Quality of Life Board for their consideration.

Item #9 - Reports, Suggestions, Requests

Putnam and Cumberland Drainage

Commissioner Gillooly thanked the Planning Department and the City Manager for working to resolve the flooding issues and the FEMA situation on Putnam Avenue and Cumberland Avenue.

Doug Thomas Way

Doug Thomas stated he was not often caught speechless but was deeply appreciated for the honor.

Lumaghi Request

Mayor Costello asked Planning Director Ric Goss and the City Manager to reach out to Lou Lumaghi in an attempt to provide him with the information he wanted.

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Item #10 – Close the Meeting

The meeting was adjourned at 7:43 p.m.

APPROVED: April 7, 2009

BY: Fred Costello, Mayor

ATTEST:

Veronica Patterson, City Clerk