

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

January 6, 2009 7:00 p.m.

Present were: Mayor Fred Costello, Lori Gillooly, Troy Kent, Ed Kelley, and Bill Partington, Acting 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 Reverend Neal J. Ganzel, Jr., Coquina Presbyterian Church in America.
- 3) Pledge of Allegiance.
- 4) **PRESENTATIONS:**
 - A) Proclamation in honor of the Campaign for Working Families.
 - B) Proclamation in honor of V. Eugene Miller.
- 5) **AUDIENCE REMARKS:**
- 6) **APPROVAL OF THE MINUTES** of the December 16, 2008, meeting.
- 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. 2009-01 approving the application of Ormond Aircraft Brokers to provide services as a Category Five Fixed Base Operator at the Ormond Beach Municipal Airport; establishing conditions of approval. (Aircraft Engine, Propeller, & Accessory Maintenance)
 - B) Resolution No. 2009-02 accepting a bid from Hazen Construction for construction services regarding the Business Park Drive, Phase I, construction project under Bid No. 2008-27; authorizing the execution of a contract and payment therefore; rejecting all other bids. (\$189,230)
- 9) **PUBLIC HEARINGS:**
 - A) Ordinance No. 2008-39 annexing certain real property into the City of Ormond Beach located at 1360, 1362, 1364, 1366, 1368 and 1370 North Highway US1; setting forth zoning, privileges, and obligations of said property; providing for transmission. (First Reading)
 - B) Ordinance No. 2008-60 adopting certain amendments to the Future Land Use Element, Capital Improvements Element, Conservation Element, and Utilities Element of the City of Ormond Beach Comprehensive Plan; providing when such amendments shall take effect. (Second Reading)

- C) Ordinance No. 2009-01 amending Paragraph C., Official Zoning Map, of Section 2-01, Establishment of Zoning Districts and Official Zoning Map, of Article I, Establishment of Zoning Districts and Official Zoning Map, of Chapter 2, District and General Regulations, of the Land Development Code, by amending the Official Zoning Map to rezone certain real property located at 211 North Tymber Creek Road from HM-4 (Rural Mobile Home) to R-2 (Single-Family Low Density); authorizing revision of the Official Zoning Map. (First Reading)

10) **SECOND READING OF ORDINANCES:**

- A) Ordinance No. 2008-61 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, clarifying the local landmark designation procedures, by amending Paragraph D, Certificates of Appropriateness, by removing the requirement of a Certificate of Appropriateness (COA) for signs, including grading to further define movements of earth, by correcting a scrivener's error related to the cut-off date for COA's, by amending Paragraph J, Historic Overlay Districts, by updating the Lincoln Avenue Overlay and by amending Paragraph K, Ormond Beach Historic Landmarks List, by amending the list of properties.

- 11) **FIRST READING OF ORDINANCE** No. 2008-62 of the City of Ormond Beach, Florida, amending Article I, In General, of Chapter 16, Pensions and Retirement, of the *Code of Ordinances*, by amending Section 16-6, Benefit Amounts and Eligibility.

- 12) **RESOLUTION** No. 2009-03 amending the Pay and Classification Plan.

13) **DISCUSSION ITEMS:**

- A) Racing and Recreation District grant for playground equipment at the Ormond Beach Sports Complex.
- B) Gas station property at 100 W. Granada Boulevard.
- C) Prohibited signs.
- D) Cassen Park boat ramp.
- E) Government services consultant.

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

15) **CLOSE THE MEETING.**

Item #1 - Meeting Call to Order

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

Item #2 – Invocation

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

Item #3 - Pledge of Allegiance.

Mayor Costello led the Pledge of Allegiance.

Item #4(A) – Proclamation in honor of the Campaign for Working Families

Mayor Costello asked Mr. Ray Salazar, President of the United Way and Mr. Rick Frasier, President, Center for Business Excellence, to come forward while he read the proclamation to honor the Campaign for Working Families for their efforts to offer financial education to working families. Mr. Salazar spoke on the benefits of the collaboration of community partners to provide free tax preparation and financial education services for low-income families. Mr. Frasier stated this program was a volunteer effort of the United Way and the Center for Business Excellence,

as well as banking partners, business partners and other human service agencies throughout the community.

Mayor Costello asked them to let the City know what the City could specifically provide to assist this program.

Item #4(B) – Proclamation in Honor of V. Eugene Miller

Mayor Costello asked Eugene Miller to step forward while he read the proclamation to honor Mr. Miller for his volunteer efforts in the recruitment of the new city manager. He also presented Mr. Miller with a plaque.

Mr. Miller stated that although the Mayor said Mr. Miller had not been compensated, his compensation was to serve the City while he enjoyed the process. He remarked that the selection of the citizens to the committee was excellent, and he enjoyed working with them.

Item #5 – Audience Remarks

Ann Vanamburg, 12 Bridget Terrace, stated that the quality of life for her and her husband has been comprised by their neighbor who spies on them, makes derogatory remarks and gestures, and takes pictures of them and the other neighbors. She stated that the neighbor is continually harassing her, even at her job at the library. She asked for help for the neighborhood.

Mayor Costello suggested she talk with the Police Department.

Jerry Rosamilia, 6 Bridget Terrace, stated that he was representing the neighbors on his block regarding the same neighbor who was disrupting the quality of life on Bridget Terrace. He reported this woman was terrorizing the block with over 60 police responses to Bridget Terrace in 2008 and three in 2009. He stated that although the police had been great, she was going to hurt someone. He requested the Commission come to their block or call him to discuss this issue.

Jim Schultz, 117 Harvard Drive, spoke regarding an update on melamine contamination to infant formula, which he stated had caused death or damage to 294,000 babies. He said the real issue was BPA, another environmental toxin, which the Food and Drug Administration (FDA) has again reassured was safe, in contrast to a civilian review panel who requested FDA review the current data showing that it was not safe.

Pat Behnke, 15 Malayan Sun Bear Path, spoke regarding animated signage which was regulated under the Land Development Code (LDC) along with the procedure for changing the LDC. She reported that in 2008, the LDC was changed through proper procedures to allow businesses almost double the number of days previously allowed to fly flags and banners. She stated that business was down for merchants due to consumers' lack of discretionary funds for spending, not the lack of advertising. She expressed that any animated signage would be distracting to drivers and would create a safety issue. Therefore, she requested the Commission leave things as they were.

Item #6 – Approval of the Minutes

Mayor Costello advised the minutes of the December 16, 2008, regular meeting had been sent to the Commission for review and asked if there were any corrections, additions, or omissions.

Mayor Costello stated that the minutes would stand approved as submitted.

Item #7(A) – Metropolitan Planning Organization

Mayor Costello stated there was no December meeting.

Item #7(B) – Volusia Council of Governments

Mayor Costello stated that VCOG did not meet in December.

Item #7(C) – Water Authority of Volusia

Commissioner Kelley reported there was no December meeting.

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 Partington moved, seconded by Commissioner Kelley, for approval of the Consent Agenda.

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

Mayor Costello pointed out that regarding Item 8(B), the budgeted cost for construction was \$363,000; the awarded bid was \$189,230; and the bids ranged from a high of \$739,746 to a low bid of \$189,230 with the average bid being \$377,614. He expressed that the staff does an amazing job in estimating the bids.

Item #9(A) – Annexation - 1360, 1362, 1364, 1366, 1368 and 1370 North Highway US1

ORDINANCE NO. 2008-39
 AN ORDINANCE ANNEXING CERTAIN REAL PROPERTY INTO THE CITY OF ORMOND BEACH LOCATED AT 1360, 1362, 1364, 1366, 1368 AND 1370 NORTH HIGHWAY US1; SETTING FORTH ZONING, PRIVILEGES, AND OBLIGATIONS OF SAID PROEPRTY; PROVIDING FOR TRANSMISSION; AND SETTING FORTH AN EFFECTIVE DATE.

Commissioner Kelley moved, seconded by Commissioner Gillooly, for approval of Ordinance No. 2008-39 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

Mayor Costello stated that without objection, the public hearing was closed.

Item #9(B) – Adopting Certain Amendments to the Comprehensive Plan

ORDINANCE NO. 2008-60
 AN ORDINANCE ADOPTING CERTAIN AMENDMENTS TO THE FUTURE LAND USE ELEMENT, CAPITAL IMPROVEMENTS ELEMENT, CONSERVATION ELEMENT, AND UTILITIES ELEMENT, OF THE CITY OF ORMOND BEACH COMPREHENSIVE PLAN; PROVIDING WHEN SUCH AMENDMENTS SHALL TAKE EFFECT; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF, AND SETTING FORTH AN EFFECTIVE DATE.

Mayor Costello stated that this was a public hearing to adopt amendments to the Comprehensive Plan. He pointed out there was a sign-up sheet in the back of the room for anyone who wanted to receive updates from the Department of Community Affairs.

Commissioner Kelley moved; seconded by Commissioner Gillooly, for approval of Ordinance No. 2008-60 on second reading, as read by title only.

Mayor Costello asked for any questions or comments from the Commission. Hearing none, the Mayor called for the vote.

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

Item #9(C) – 211 North Tymber Creek Road

ORDINANCE NO. 2009-01

AN ORDINANCE AMENDING PARAGRAPH C, OFFICIAL ZONING MAP, OF SECTION 2-01, ESTABLISHMENT OF ZONING DISTRICTS AND OFFICIAL ZONING MAP, OF ARTICLE I, ESTABLISHMENT OF ZONING DISTRICTS AND OFFICIAL ZONING MAP, OF CHAPTER 2, DISTRICT AND GENERAL REGULATIONS, OF THE CITY OF ORMOND BEACH *LAND DEVELOPMENT CODE*, BY AMENDING THE OFFICIAL ZONING MAP TO REZONE CERTAIN REAL PROPERTY TOTALING 1.15-ACRES LOCATED AT 211 NORTH TYMBER CREEK ROAD, FROM VOLUSIA COUNTY MH-4 (RURAL MOBILE HOME) TO ORMOND BEACH R-2 (SINGLE-FAMILY LOW DENSITY), AUTHORIZING REVISION OF OFFICIAL ZONING MAP REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; AND SETTING FORTH AN EFFECTIVE DATE.

Mayor Costello reported that the land use change was approved November 5, 2008, and the public hearing was to consider the rezoning of the property on the north side of Tymber Creek Road only.

Commissioner Kent moved, seconded by Commissioner Partington, for approval of Ordinance No. 2009-01 on first reading, as read by title only.

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

Mayor Costello stated that without objection the public hearing was closed.

Item #10(A) – Historic Landmarks List

ORDINANCE NO. 2008-61

AN ORDINANCE 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, CLARIFYING THE LOCAL LANDMARK DESIGNATION PROCEDURES, BY AMENDING PARAGRAPH D, CERTIFICATES OF APPROPRIATENESS, BY REMOVING THE REQUIREMENT OF A CERTIFICATE OF APPROPRIATENESS (COA) FOR SIGNS, INCLUDING GRADING TO FURTHER DEFINE MOVEMENTS OF EARTH, BY CORRECTING A SCRIVENER'S ERROR RELATED TO THE CUT-OFF DATE FOR COA'S BY AMENDING PARAGRAPH J, HISTORIC OVERLAY DISTRICTS, BY UPDATING THE LINCOLN AVENUE OVERLAY AND BY AMENDING PARAGRAPH K, ORMOND BEACH HISTORIC LANDMARKS LIST, BY AMENDING THE LIST OF PROPERTIES; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; PROVIDING FOR SEVERABILITY; AND SETTING FORTH AN EFFECTIVE DATE.

Mayor Costello reported that the ordinance received unanimously approval by the Planning Board and the Historic Landmark Preservation Board.

Commissioner Kelley moved, seconded by Commissioner Gillooly, for approval of Ordinance No. 2008-61 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 #11 – General Employees' Pension Plan – Early Retirement

ORDINANCE NO. 2008-62

AN ORDINANCE OF THE CITY OF ORMOND BEACH, FLORIDA, RELATIVE TO THE GENERAL EMPLOYEES' PENSION PLAN, AMENDING ARTICLE I, IN

GENERAL, OF CHAPTER 16, PENSIONS AND RETIREMENT, OF THE CODE OF ORDINANCES; AMENDING SECTION 16-6, BENEFIT AMOUNTS AND ELIGIBILITY; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH AND PROVIDING AN EFFECTIVE DATE.

Commissioner Partington moved; seconded by Commissioner Kent, for approval of Ordinance No. 2008-61 on first reading, as read by title only.

Randy Iglesias, 270 Lowndes, stated that he and his family have enjoyed living in the City for 26 years, while he has enjoyed working for the City for 24 years. He stated that he was battling cancer since April 2008 and was very concerned about his family's financial future. He explained that without the opportunity to retire now, he would probably be on indigent care. He stated that when the previous opportunity to retire was available, three men in his department were retiring; and as the head of the department, he did not feel that he could retire, leaving the 24-hour complex water treatment plant operation in the care of five employees. He appealed strongly to the Commission to vote in favor of allowing him to retire.

Mayor Costello stated that the Commission was trying to come up with a situation that was good for him and the City.

Commissioner Kelley noted that the only reason this issue was before the Commission again was because of Mr. Iglesias' situation. He expressed his hope that the other thirty-four eligible employees would decide not to retire early because it was not financial feasible in his opinion for the City. He stated that efforts to accommodate Mr. Iglesias' early retirement alone had been unsuccessful. He remarked he wished the City could find a way to create enough savings by eliminating or combining positions to justify the eight employees who had expressed a desire to take advantage of the early retirement option to retire. He explained it was a very difficult situation not to support, but it was also difficult to know that to allow eight employees to retire at this time would greatly increase the City's contribution to the employees' retirement fund, which was already \$3 million dollars this year for the City, and \$800,000 more this year than last year. He expressed sympathy to Mr. Iglesias' situation and explained his vote was not necessarily a vote for or against Mr. Iglesias but for the overall situation.

Commissioner Gillooly expressed to Mr. Iglesias that she applauded him and his family for their bravery. She noted she could not consider this ordinance just for one person. She stated she was concerned about his situation but could not vote for this ordinance because she was responsible for making sound financial decision for the City, and the information provided regarding this early retirement package did not indicate this to be fiscally sound for the City. She suggested there were other options available to Mr. Iglesias, such as social security disability, about which staff should have advised Mr. Iglesias.

Commissioner Partington explained that he stated at the last meeting why he was supporting this. He pointed out that the General Employees' Pension Board and staff recommended approval of this amendment. He stated that he believed it would have a positive financial impact on the City; and at a time when there was a need to reduce the size of government, offering an early retirement program seemed to be one of the best ways to do that.

Commissioner Kent conveyed that he read recently that "it's not about programs, it's about people." He stated he was willing to vote for the benefit of one person, but he was thankful that in this case, it was beneficial to more than one person. He explained that the staff memorandum stated there were "non-financial benefits to be considered; in addition to assisting this particular employee, the early retirement option would assist other employees who might otherwise be displaced if further position reductions occur." He stated that would allow current employees whose positions may be eliminated an opportunity to remain in positions vacated by the early retirement option, resulting in the City retaining productive, dedicated employees who were already familiar with the City.

Commissioner Gillooly asked to clarify that this was the second round of an early retirement plan and would probably not eliminate positions. She stated that it was unclear when the last time the General Employees' Pension Board considered this.

Kelly McGuire stated that the General Employees' Pension Board considered this matter at its December meeting and recommended approval.

Mayor Costello asked Mr. MacLeod for assurance that the early retirements would translate into reduction in staff positions.

Acting City Manager Ted MacLeod stated the record shows that every time an opportunity arose to eliminate a position, it was done. He explained that although eight employees were eligible, he doubted eight people would take the early retirement. He explained it would depend upon the position vacated; but if a position could be left vacant or eliminated, it would be left vacant or eliminated. He stated the record proved staff was committed to doing whatever could be done, but he could not guarantee positions would be eliminated.

Mayor Costello stated that he voted against the first round of early retirements because he was not convinced that early retirements provided enough savings, but he now thought he was wrong because the position reductions had been worthwhile. He said he would vote for the ordinance because \$700,000 needed to be cut from the budget, and he was hopeful potential retirements would assist in budget reduction. He explained the budget had been cut to the bare bones in the last two years, and the cuts were going to be obvious next year when services were reduced or slower.

Commissioner Gillooly asked the mayor to clarify his position regarding the \$500 a month benefit since he was against it during the first round of early retirements.

Mayor Costello stated that he had wanted to offer this retirement without the \$500 a month benefit but has been advised this ordinance must be approved “as is” or not at all.

Commissioner Kent clarified his position that he could approve this for one person but was thankful that he did not have to because he felt this would help quite a few people.

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

Item #12 – Pay and Classification Plan

RESOLUTION NO. 2009-03
A RESOLUTION AMENDING THE PAY AND CLASSIFICATION PLAN; AND
SETTING FORTH AN EFFECTIVE DATE.

Commissioner Kent moved, seconded by Commissioner Partington, for approval of Resolution No. 2009-03, as read by title only.

Commissioner Kelley stated that with elimination or consolidation of employees, some of the changes in the classifications with a twenty or thirty percent pay increase would be inappropriate in the current economic times. He pointed out that a Systems Maintenance Foreman, with an increase of thirty percent, would make more than a teacher with ten years of service, and a twenty percent increase in Support Services. He stated that he would give the City Clerk Ronnie Patterson a fifty percent increase, but he could not give just one person an increase. He noted the Plan increased that position twenty percent. He asked if the positions that received twenty or thirty percent pay increase were increasing their production by twenty or thirty percent; and if they were, he could support some of these. He expressed that with the economy the way it was, he felt the decision on the pay grades had moved too fast. He stated that with the restructuring of City staff, certain Public Works’ positions, such as Public Works Director, were eliminated; and with Public Works constituting sixty percent of the total budget, these increases could not be justified. He stated that more thought needed to put into the restructuring of staff.

Commissioner Kelley moved to amend the motion to continue indefinitely; Commissioner Gillooly seconded.

Commissioner Gillooly stated she felt the motion was premature; more time was needed to utilize this opportunity to reorganize staff in the most efficient way; and the issue should wait for the new city manager’s input.

Commissioner Kent stated that he was ready to vote for the resolution tonight. He explained in looking at the changes in the job classifications that some employees were doing thirty percent more than they did before, taking on more responsibility and duties. Therefore, he said he felt it was not right to not give the pay increase. He stated they should be compensated for a job well done. Commissioner Kent stated that Ted MacLeod had already given this issue a vast amount of thought and he did not need to wait to hear if Joyce Shanahan agreed with it or not because he agreed with it.

Commissioner Partington stated he was at the same place as Commissioner Kent. He pointed out that there were \$65,000 in savings, and some restructuring was needed, which this did. He said he was willing to vote tonight or wait.

Mr. MacLeod stated that five months had been spent on the reorganization with this being the final housekeeping step to change the Pay and Classification Plan to match the practice in place. He pointed out the Commission had been given information regarding the changes and how things were different and better. He stated this was not new; it had been very meticulously chartered with a very professional Human Resources staff; and it was reviewed and approved by the Human Resources Board. He said all the employees involved were dedicated employees who were going to do their jobs whether the resolution was approved or not. He explained this was just the final enactment of what was already being done, and how the structure was working now. He stated that this was very well thought out, and he encouraged the Commission to approve this resolution.

Mayor Costello explained he liked the restructuring, but his concern was the approval of a thirty percent increase for an employee who was taking on more duties. He said that cutting \$700,000 from the budget would mean multiple cuts in personnel with remaining employees taking on additional duties. He stated that he was fearful of setting a precedent.

Mr. MacLeod explained that the salaries listed were changes to the pay grade, not increases to individual salaries. As an example, he pointed out the pay range for the City Clerk position was \$50,400 to \$85,812, but the City Clerk was actually earning somewhere in the middle of that range, which was about a ten percent increase in her salary.

Commissioner Kelley stated that the City could not continue to do things the way they had been done in the past; the City needed to look at new way to do things.

Commissioner Gillooly said the City could not do business that way any more; that giving the increases might mean that another position needed to be cut. She stated more time and thought needed to be given to this issue.

Mr. MacLeod stated that the Commission had always given direction that the City salaries should be comparable with surrounding communities to be competitive, which was reflected in the pay grade salary ranges to allow the City to attract good people. He asked if the Commission wanted to change their directive.

Commissioner Gillooly stated this was an issue of taxation, what the citizens were asking for, which was changes in the financial structure; and other cities were also going to have to address this.

Mayor Costello stated that he agreed with the restructuring but did not agree with the range adjustments in all the cases. Therefore, he said that he was supporting the motion to delay and allow the new City Manager to address this issue.

Mr. MacLeod reiterated that employees did not necessarily receive a pay increase due to an increase in their job responsibilities; pay increases were an annual occurrence; and this resolution did not affect the current salaries being paid.

Call Vote:	Commissioner Kelley	Yes
	Commissioner Partington	No
	Commissioner Gillooly	Yes
	Commissioner Kent	No
Carried.	Mayor Costello	Yes

Item #13(A) – Racing and Recreation District Grant for Playground Equipment at the Ormond Beach Sports Complex

Commissioner Gillooly stated she was very excited about this project where children with disabilities and children without disabilities could play together. She suggested other avenues of funding be pursued, in case this funding was not available.

Commissioner Kelley moved that the \$300,000 grant be requested from the Racing and Recreation District for the boundless playground at the Ormond Beach Sports Complex; Commissioner Gillooly seconded the motion.

Commissioner Kent asked if there was a fence around the park.

Leisure Services Director Robert Carolin stated that a fence was in the master plan to be installed at a later date.

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

Item #13(B) – Gas Station Property at 100 W. Granada Boulevard

Ric Goss, Planning Director, reported that to meet code, the property would accommodate about a 1,800 square foot building, which would have limited uses such as a Subway or Quiznos. He explained the options presented in the packet information: a mixed use of a retail store with four residential units above with a shared parking arrangement; a stand alone commercial building; or a 1,800 square foot building. He stated he would need to get an appraisal which would cost up to \$5,000 and asked for direction from the Commission.

Mayor Costello stated he wanted the City to purchase the property for a bus stop in a park like setting with a gazebo and a mosaic showing the city trails painted with stripes to the beach and the heritage centers as a focal point in the downtown. He stated he would not support any variances for the property. He expressed an appraisal on what a piece of property would cost for a 1,800 square foot store was what the City should pay for the property.

Commissioner Kelley reported he spoke with two people who read the article in the Hometown News and indicated interest in a joint partnership with the City to develop the property. He stated he did not like the idea of a bus stop; he would like to see four retail units with residential units above, or anything that would create vibrancy in the downtown and income for the City. He stated that an appraisal would establish a price the City would pay.

Ric Goss suggested breaking down the matter into a couple of decision points: the first step would be to get an appraisal; then from that information to purchase the property or not; and then the use could be discussed.

Commissioner Gillooly stated she was not in favor of a park; the property should be a business. She expressed hopefulness that, due to the tough economic times, the City could get someone to do the appraisal for \$2,500. She stated she would like Ormond Main Street to make a presentation as to what should be done with the property.

Commissioner Partington stated that he would support an appraisal.

Commissioner Kent stated he would support an appraisal and felt the City might reap some rewards from having a little park in that location.

Mayor Costello summarized that the City had authorized Ric Goss to get an appraisal for the property.

Item #13(C) – Prohibited Signs

Mayor Costello stated no matter what was decided, the signs should only be out during the hours the business was open.

Commissioner Kelley reported he had been consciously driving around making a special note of the signage and determined that certain things would not be acceptable; he did not want windmill signs or individuals in costume. He suggested allowing small changes for a short period of time to help the businesses. He stated the signs should be permitted with a fee; and if the terms were violated, the permit would be withdrawn.

Commissioner Gillooly expressed she had originally felt the relaxation of the sign regulations should be tried for several of months but Pat Behnke's points earlier spoke volumes. She expressed concern regarding the difficulties of regulation. She stated if in several months, the City looked horrible, it would be difficult to retract.

Commissioner Kent said if he thought the advertising would help, he would be in favor of signs; but the problem was not lack of advertising, as Ms. Behnke expressed so well, but that people have less money to spend. He noted none of the business owners requesting the signage were in attendance.

Mayor Costello stated that since the discussion indicated the Commission was ready to vote on the matter, he would allow Mr. Gregory Avakian from the audience, who had expressed an interest in speaking, to speak.

Gregory Avakian, 161 Heritage Circle, stated that at Cassen Park there were signs advertising hot dogs for sale. He stated a friend of his was fined \$250 because he had signs in front of his business. He noted the tenant who rented from the City at Cassen Park has three of these signs out but was not fined. Mr. Avakian asked if there was preferential treatment for the tenant at Cassen Park because the landlord was the City.

Commissioner Partington expressed his support for the position of Commissioner Gillooly and Commissioner Kent because there was a lot of wisdom in what they said. He noted, however, if the Chamber or Ormond Main Street wanted to present a proposal, he would be open to considering the matter.

Mayor Costello stated there were three on the Commission who opposed the issue; therefore, further discussion was unnecessary.

Item #13(D) – Cassen Park Boat Ramp

Mayor Costello explained that four choices had been presented to the Commission for consideration, and he was in favor of Option B.

Commissioner Kelley explained he experienced difficulty at the ramp launching a 23 foot boat when the trailer fell off the bottom of the ramp, and he almost couldn't get the boat off and back up the ramp. He expressed that was a problem that could easily be resolved by extending that part of the ramp, but there were other problems with the location, such as the two way traffic within the circle and the parking spaces should be diagonal to accommodate longer trailers, thereby saving the cost of extending the parking spaces.

Commissioner Gillooly stated she agreed with Commissioner Kelley.

Mayor Costello suggested staff meet with Commissioner Kelley to discuss his suggestions for a solution to the problem.

Item #13(E) – Government Services Consultant

Mr. MacLeod stated the packet provided all the information to the Commission regarding Marlowe & Company to lobby the federal government for any funds that may become available. He explained the local lobbyists had high praise for Marlowe & Company and recommended the expenditure because the City would need all the assistance available. He expressed the need for someone in Washington, D.C., and someone locally in this endeavor.

Mayor Costello stated that Doug Bell recommended Marlowe & Company and that Joshua Gaboton was formerly with Congressman Mica's office, so he knew Washington. The Mayor asked if anyone had any questions for Mr. Gaboton.

Commissioner Gillooly asked if this was the only consultant contacted. She stated the Mayor had made a very good point regarding the range in the bids received on the construction costs for the Business Park Drive project. She explained the City had a number of contacts such as Eugene Miller, Rick Frasier and Ray Salazar from earlier tonight, in addition to Mr. MacLeod and the rest of the Commission, who had made sure that the City had very good ties to key people in Washington; and she thought that was of key importance. She expressed the desire to contact more consultants because she was not ready to sign on with the first firm approached. She pointed out that Volusia County was in the process of procuring a consultant, which the City could piggyback; and the new city manager would be starting soon. She stated that a key point with many of these stimulus packages was they were sent down to be administered through Community Development Block Grant programs with which the City was already working. She said it was premature when staff had only spoken with one firm.

Commissioner Kent stated he felt the new President would move at warp speed once he was inaugurated; therefore, the City needed to move now. He stated communities need to have a plan ready just waiting for the funds to be disbursed and would need to be represented by someone already in Washington. He expressed his support and felt it was money well spent.

Commissioner Kelley stated there were government entities from around the country that already had concepts, proposals and numbers in Washington now; and anytime after the

inauguration on January 20th, it would move at warp speed. He explained that if the City waited until March, the City probably would not even have any projects presented. He said it was important to have someone there, and this consultant came highly recommended. He expressed appreciation that Mr. MacLeod could have acted without bringing this issue to the Commission but chose to present it to the Commission for a decision.

Commissioner Partington stated he would like to hear from Joshua Gaboton about what Marlowe & Company could do for the City. He explained that he had met Mr. Gaboton in Congressman Mica's office when the City was campaigning for the Ormond Crossings project as well as several other occasions; therefore, he had confidence in Mr. Gaboton because he knew Washington and knew his way around. He stated he would like to hear why it was important to move quickly, to have someone in place, and how much Mr. Gaboton thought the stimulus package would be.

Mr. Joshua Gaboton of Marlowe & Company stated the stimulus packet was going to be very important to cities such as Ormond Beach, but the problem was that it was not known when it would happen. He stated that last November they were told the President-elect wanted the stimulus package on his desk by January 21st, so if the City waits until the end of February, it would be in the back of the bus. He expressed that having someone in Washington, whether it was him or someone else, would be an asset to the City. He explained he wanted to also focus on other avenues of funding, not just the stimulus packet. He explained the Highway Authorization Bill was another measure where the City's projects could get federal funds. He stated the discussion about the stimulus package was that it would be in the trillions of dollars, but the topic was still being discussed as to who would administer funds; and the allocation of funds would be based on need, which was why it was important to prioritize projects and have someone in Washington to work for the City's interests.

Commissioner Partington asked if Marlowe & Company was affiliated with any political party.

Mr. Gaboton stated that he did not think any firm on K Street was Democratic or Republican, but Marlowe & Company was the only firm in Washington that only represented municipalities.

Commissioner Gillooly asked what kind of support would be needed from the Commission and staff in order to assure the most effective results.

Mr. Gaboton stated staff had been great and given him a list of projects and everything he needed; if the need arose for Commission members to come to Washington for meetings, he would make a request; his firm takes care of all the paperwork necessary; if he needed assistance with information, he would break it down by department; and all the services were compensated through the annual fee.

Mr. MacLeod explained he had considered the Volusia County Request for Proposal, but the timing was such that it did not seem prudent; piggybacking with the County would mean it would be March before there would be anything of use, which would be of no use to the City.

Mr. Gaboton explained piggybacking with Volusia County might be difficult as the City's priorities might be different than the County's at times, and the County has had a very good firm for some time working for them that would be retained until a replacement was found.

Mr. MacLeod reported that years ago when the City hired a state lobbyist, there was some anguish over spending that money, but it proved to be a good investment, and this would be equally as good.

Commissioner Partington stated he was not as comfortable and would like more time to research the issue, preferring to have it brought back the first of February.

Commissioner Gillooly expressed appreciation for Mr. Gaboton's presentation and remarked that he had an engaging personality, which would be a great bonus in his position; but agreed that more information was needed.

Mayor Costello summarized that two members of the Commission expressed support, and he would also support the expenditure, thereby authorizing Mr. MacLeod to move forward with the expenditure of \$25,000 for the consulting services of Marlowe & Company. The Mayor stated his concern was if the City did not hire a consultant, then saw the surrounding governments getting funds, there would be regrets the City did not do what could be done to acquire funding for projects currently being developed.

Item #14 – Reports, Suggestions, Requests:

Commissioner Partington

Commissioner Partington stated the early retirement for the firefighters would be a big component in figuring how to make up the \$734,000 additional contribution required. He stated he felt the unions needed to see Ms. Kelly McGuire's email and to understand the pressure the City was under financially. He remarked it was going to be extremely stressful to come up with contracts that were equitable yet sustainable, which was the ultimate goal. He expressed the need to find a balance in the negotiations that allowed the members to be rewarded for a job well done while maintaining the solvency of the City.

He expressed gratitude to staff for the rapid, professional and appropriate responses to citizens on the River Bend Golf Course issue and some code enforcement issues in Zone 4. He stated his constituents appreciated staff's excellent service.

Commissioner Gillooly

Commissioner Gillooly acknowledged the United Way and the Center for Business Excellence and the programs they put together; and if the City could find a place to accommodate the tax preparation program for working families, it would be a tremendous benefit for our residents.

Commissioner Kent

Commissioner Kent expressed concern regarding people who park their cars in the middle of their lawns and on the sidewalks. He explained there were no laws on the books regarding this issue. He requested a discussion item on this issue.

Mayor Costello asked the Acting City Manager, the Planning Director, the Police Chief and the City Attorney to put together a discussion item.

Commissioner Kelley

Commissioner Kelley expressed appreciation to Commissioner Partington for bringing up that the early retirement for firefighters might be an answer to providing a portion of the funds to be cut.

Commissioner Kelley reported he had received calls and had met with a couple of people on the River Bend Golf Course and felt certain something would be done to resolve the issue.

He stated he had had a vision of a small marina on the north side of the bridge with slips for forty or fifty little boats, a restaurant up on the side, and a little shop with some beautification. He remarked that the City had an absolute jewel at that location, and possibly TIF funds could be used for a project because it would vitalize the downtown to have a place for boats to dock and visit downtown businesses.

He stated that with the reorganization, he felt the need for a full time Public Works Director to include the operations of the water facilities to avoid problems; and he felt a qualified Public Works Advisory Board was needed.

Mayor Costello requested Mr. MacLeod and the new City Manager bring information to the Commission regarding a Public Works Advisory Board.

Acting City Manager Ted MacLeod

Mr. MacLeod explained that Human Resources and Kelly McGuire spent hours with Randy Iglesias to try to find a way that did not translate to the same benefit as retirement which would give him the opportunity for a retirement benefit to his wife. He noted Mr. Iglesias would still need additional assistance. He suggested Commissioner Gillooly's counsel and advice would be greatly appreciated, as the Iglesias' would need a lot of help.

City Attorney Randy Hayes

Mr. Hayes stated that he and Ted MacLeod were working on information regarding the River Bend Golf Course, but he assured the Commission the City had a valid and enforceable agreement, notwithstanding information they had been hearing and information that would be presented at the next meeting for the Commission consideration.

Mayor Costello

The Mayor asked Planning Director Ric Goss to look for previous information prepared for a possible River Walk project using TIF funds. He stated it would be nice to have, a snack bar/ice cream shop, a marina, and maybe even a water taxi to New Smyrna and back, once the issue of parking was resolved.

He reported he had an appraisal for a small property on the east side of A1A that was available, and he would get a copy to the other members.

Item #15 – Close The Meeting.

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

APPROVED: January 6, 2008

BY: Fred Costello, Mayor

ATTEST:

Veronica Patterson, City Clerk