

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

November 20, 2007

7:00 p.m.

Present were: Mayor Fred Costello, Lori Gillooly, Ed Kelley, and Bill Partington, City Manager Isaac Turner, 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 Reverend Neal J. Ganzel, Jr., Coquina Presbyterian Church.
- 3) Pledge of Allegiance.
- 4) **AUDIENCE REMARKS:**
- 5) **APPROVAL OF THE MINUTES** of the November 6, 2007, meeting.
- 6) **PRESENTATIONS:**
 - A) Employee-of-the-Quarter Award to Captain Scott Johnson, Ormond Beach Fire Department.
 - B) Proclamation in honor of Thomas C. Kelly.
 - C) Presentation by Hyatt Brown regarding the Daytona Beach International Festival.
- 7) **INTERGOVERNMENTAL REPORTS:**
 - A) Metropolitan Planning Organization
 - B) Volusia Council of Governments
 - C) Water Authority of Volusia
- 8) **CONSENT AGENDA:** The action proposed is stated for each item on the Consent Agenda. Unless a City Commissioner removes an item from the Consent Agenda, no discussion on individual items will occur and a single motion will approve all items.
 - A) Resolution No. 2007-205 authorizing the execution of a Third Amendment to the Labor Counsel Agreement between the City and Allen, Norton, & Blue, P.A., to increase fees.
 - B) Resolution No. 2007-206 authorizing the execution of an easement in favor of Florida Power & Light Company, granting a 540' long easement beginning at the Harmony Avenue right-of-way line to the newly installed transformer at the Airport Sports Complex.
 - C) Resolution No. 2007-207 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 located at 502 Cedar Street for costs incurred by the City to terminate or abate a site maintenance violation. (\$157.50)
 - D) Resolution No. 2007-208 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 located at 146 Ponce de Leon Drive for costs incurred by the City to terminate or abate a site maintenance violation. (\$135.00)
 - E) Resolution No. 2007-209 authorizing the execution of an agreement between the City and Council on Aging of Volusia County, Inc., for the use of a site at the Senior Center for a nutrition program. (\$2,400 annually)
 - F) Resolution No. 2007-210 accepting a bid from Elab, Inc., for laboratory services regarding sample collection and testing on the City's potable water, sewer and reclaimed water under Bid No. 2007-37; authorizing the execution of a contract and payment therefor; rejecting all other bids. (\$143,567.50)

- G) Resolution No. 2007-211 accepting a bid from Thadcon, LLC, for construction services regarding the Ponce de Leon Drive Storm Drain Improvements project under Bid No. 2007-36; authorizing the execution of a contract and payment therefor; rejecting all other bids. (\$72,735)
- H) Review of FY 2006-07 budget results.

DISPOSITION: Approve as recommended in City Manager memorandum dated November 15, 2007.

- 9) **PUBLIC HEARING:** Resolution No. 2007-212 authorizing the transmittal of various amendments to the City of Ormond Beach Comprehensive Plan.
- 10) **FIRST READING OF ORDINANCE** No. 2007-35 amending the annual budget for fiscal year 2007-2008 by amending the General Fund and Transportation Improvement Fund. (\$72,000 from the General Fund to the Transportation Fund – Clyde Morris / Hand Avenue Mast Arms)
- 11) **RESOLUTION** No. 2007-213 declaring the intention of the City Commission to consider vacating a portion of Flagler Road right-of-way lying west of US1, running east from Magnolia Street, and vacating an up-opened public alley lying north of Flagler Road, running east from Magnolia Street; establishing a time certain for a public hearing.
- 12) **DISCUSSION ITEMS:**
 - A) Use of Department of Corrections inmate labor work squads.
 - B) Seabreeze High School / Harvard Drive beach approach parking.
 - C) Infill development standards.
- 13) **REPORTS, SUGGESTIONS, REQUESTS:** Mayor, City Commission, City Manager, City Attorney.
- 14) **CLOSE THE MEETING.**

Item #1 - Call to Order

Mayor Costello called the meeting to order at 7:00 p.m. He reported Commissioner Kent had a family commitment and was unable to attend tonight's meeting.

Item #2 - Invocation

Reverend Neal J. Ganzel, Jr., Coquina Presbyterian Church, gave the invocation.

Item #3 - Pledge of Allegiance

Mayor Costello led in the Pledge of Allegiance.

Item #4 - Audience Remarks

Meeting Agenda Change

Mayor Costello stated that, in the future, the presentations would be placed on the agenda before the audience remarks. He advised there would still be 30 minutes allotted to the audience remarks. Mayor Costello reported Mr. Ned Huhta, Information Technology Manager, was greeting members of the audience as they came into the Chambers this evening, and he hoped everyone felt welcome.

Historic Tour of Homes

Ms. Joyce Benedict, 2 Sunny Road, and Ms. Bonda Garrison, 1092 Hamstead Lane, with the Ormond Beach Historical Trust, announced an inaugural holiday tour of homes would take place on December 9. Ms. Benedict reported of the six homes, five homes would be historic. She stated the tickets cost \$20 or \$25 at the door, and 200 tickets have already been sold.

Ms. Benedict advised the Ormond Beach Historical Trust also conducts historic trolley tour rides.

Walking on Public Land

Mr. Dan Zurla, 3751 Long Grove Lane, Port Orange, complained that not allowing individuals to walk on the golf course was in violation of the constitution.

Mayor Costello reported governments have the right lease lands to other entities and those entities may make their own rules.

Tractor Trailer Rig Parking on South Atlantic Avenue

Mr. Clark Rohmer, 843 Marvin Road, stated two tractor trailers were continually parking on the northbound side of South Atlantic Avenue across from the Olive Garden. He noted he was informed by Code Enforcement that this was not illegal as long as the rigs stayed within the designated parking spaces. Mr. Rohmer advised it would appear that the City was providing free storage space, and the rigs monopolize valuable off-beach parking spaces. He requested the City establish a “no overnight” parking zone in the area.

Mayor Costello requested staff examine the options the Commission could consider regarding this issue. He noted he would personally favor a “no overnight” parking zone or possibly a four-hour parking limit be established.

Item #5 - Approval of Minutes

Mayor Costello advised the minutes of the November 6, 2007, meeting had been sent to the Commissioners for review and asked if there were any corrections, additions, or omissions.

Mayor Costello stated that the minutes were approved as submitted.

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

Mr. Isaac Turner, City Manager, announced that Captain Scott Johnson had been selected as the Employee-of-the-Quarter. He stated that Captain Johnson was a Captain Paramedic, and he had been with the Ormond Beach Fire Department since 1998. Mr. Turner noted Captain Johnson heads the Citizens Emergency Response Team (CERT) program in Ormond Beach. He turned the presentation over to Chief Baker for an additional honor.

Fire Chief Barry Baker stated on Wednesday, September 19, Captain Johnson was en route to another call at Ormond-in-the-Pines for a person in respiratory distress when he was flagged down at the entrance to Ormond-in-the-Pines and informed there was a woman in her car who had just driven into a retention pond. He reported Captain Johnson called for a second engine company to handle the respiratory distress call as he investigated the submerging car. Chief Baker reported Captain Johnson retrieved a forcible entry tool and swam out to the sinking car, broke the window of the car, and pulled the woman out as the car sunk. He stated the woman was unharmed. Chief Baker noted there had been a number of incidents in Florida this year where cars had been driven into retention ponds with deadly outcomes. Chief Baker recognized Captain Johnson for his quick thinking action that brought this incident to a successful ending with a plaque honoring him for his heroic efforts. He also presented his wife, Candy Johnson, with a gift card to a local restaurant.

Mayor Costello congratulated Captain Johnson and presented him with plaques to be placed on display at City Hall honoring him as the Employee-of-the-Quarter, along with a watch with the City seal on its face. He thanked Captain Johnson for all he has done for Ormond Beach.

Item #6(B) - Proclamation in Honor of Thomas C. Kelly

Mayor Costello read a proclamation honoring Mr. Thomas C. Kelly. He reported that Mr. Kelly became Volusia County's first county manager in 1971, where he set an example of professional management. He noted Mr. Kelly served Volusia County for 23 years before he retired in 1994. Mayor Costello stated during his tenure, he instituted an intern program to encourage and provide opportunities for young people who were pursuing careers in local government, and the Volusia Forever Program was a good example of his legacy to preserve environmentally sensitive lands. He reported Mr. Kelly served as a member of ICMA's initial Credentialing Advisory Board, which was a board that reviews applications and continuing education plans for professional credentialing. Mayor Costello stated during his tenure, Volusia County was recognized for its innovations in criminal justice, its efforts in Comprehensive Planning, and the creation and performance of the County's library system. He reported Mr. Kelly continues to offer advice to local government managers and elected officials, and he serves as an ICMA Range Rider, and an advisor to local colleges and universities. Mayor Costello stated Mr. Kelly continues to be the standard by which professional local government managers are judged in Volusia County. He advised Mr. Kelly's commitment,

dedication, ethics, and love for local government are still remembered within the business community and among local managers. Mayor Costello advised the International City/County Management Association recently awarded Tom its lifetime achievement award, the *Distinguished Service Award*. He proclaimed November 9, 2007, as a day to recognize Mr. Kelly honoring him for his service and dedication to his profession and the community, and for a job well done.

Mr. Kelly thanked the Commission for this rare privilege. He noted the impact the leaders have on this county was enormous, and he hoped their friendship would remain.

Item #6(C) - Presentation by Hyatt Brown Daytona Beach International Festival

Mr. Hyatt Brown, 213 Riverside Drive, stated Mr. Tippen Davidson's passing was a great loss to the entire State of Florida and one of his projects was bringing the London Symphony Orchestra to Daytona Beach every two years. He noted a group of people joined Mr. Davidson to raise money to bring the symphony to Daytona Beach and create an entity that could have other cultural events leading up to the festival. Mr. Brown advised Mr. Davidson and the *News-Journal* funded what could not be obtained through donations totaling from \$200,000 to \$400,000. He reported in April he was informed his group had to totally disassociate themselves from the *News-Journal* and form a new organization. He explained a commitment was required for Volusia County to fund the 2009 spring and summer dates. Mr. Brown pointed out the economic development was very important. He noted Ormond Beach had previously made an investment of \$7,000 and he was requesting Ormond Beach make a commitment for a \$10,000 contribution for the next two years. Mr. Brown stated there would be a large shortfall from what the *News-Journal* previously paid along with the added bonus of the free advertising that would no longer be available. He reported an additional \$300,000 was obtained from businesses and individuals.

Mr. Lester Kaney, 6 Broadwater Drive, stated the festival would have died without the leadership from Daytona Beach and Volusia County. He reported he did not consider this to be a public obligation, and he did not intend to ask for this type of support from the public in the future; however, there was a huge public benefit. Mr. Kaney pointed out the supporters wanted to bring great music to Daytona Beach for the Volusia County residents. He explained many people did not understand the scope and benefit of this festival until this situation arose. Mr. Kaney reported the Volusia County site was second only to London of the most performances of the London Symphony Orchestra.

Mayor Costello asked Mr. Hayes if the Commission wished to fund this expenditure if it would fall under the Thompson Rule and how many votes would be needed.

Mr. Randal Hayes, City Attorney, advised it would fall under the Thompson Rule, and three out of four votes would be needed to discuss the issue.

Mayor Costello stated a request had been made to fund the Daytona Beach International Festival for \$10,000 for the next two years. He pointed out Ormond Beach had funded the festival with \$7,500 previously.

Commissioner Partington moved, seconded by Commissioner Kelley, to waive the Thompson Rule to discuss this issue.

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

Mr. Turner advised there was \$7,000 budgeted for the festival this fiscal year, not \$7,500.

Commissioner Partington moved, seconded by Commissioner Kelley, to approve the increase to \$10,000 for the Daytona Beach International Festival for this year and next year.

Commissioner Gillooly reported Ormond Beach had previously donated \$5,000, and the last two years it was increased to \$7,000. She commended everyone for their efforts and applauded Mr. Davidson for his vision, generosity, and leadership; however, it took a great deal to assure the \$7,000 for this year's contribution considering the budget issues facing the City. Commissioner Gillooly stated there was a great deal of individual donor support from citizens in Ormond Beach, and Volusia County made the decisions to fund the festival, which was a tax

consideration for the residents. She noted based on these issues and the cut backs that had to be made, she could not support this proposal.

Commissioner Partington stated \$3,000 did not seem to be a great deal of money to insure the protection of what he believed to be a valuable asset of this community. He reported this was a great partnership between Volusia County and the London Symphony Orchestra. Commissioner Partington noted in the past if money was not needed, they did not take the funds; and he hoped individual sponsors would step up and this may occur again.

Commissioner Kelley stated the London Symphony Orchestra has touched many people in the community. He noted this was an amenity that set this area apart.

Mayor Costello stated this was a part of the fabric of the community, and he would support it. He read an e-mail from Mr. Jerry Kane who stated he was a member of the Budget Advisory Board, and the board recommended reducing or eliminating the support for some organizations and noted more cuts were needed. Mayor Costello reported the e-mail questioned why Mr. Brown would seek funding at this time considering the financial shortfalls. He reported Mr. Kane recommended contributing when and if possible, but neither applied at this time. Mayor Costello stated he personally believed it was worth the \$20,000 investment to cater to the quality of life needs and wants of the entire community.

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

Item #7(A) - Metropolitan Planning Organizations

Mayor Costello advised he forwarded the minutes of the Metropolitan Planning Organization (MPO) to the Commission.

Item #7(B) - Volusia Council of Governments

Mayor Costello advised a committee of the Volusia Council of Governments (VCOG) met with Volusia Tax Reform to try to make recommendations to the Taxation Budget Reform Commission that would place items on the ballot. He noted the groups would try to agree on something that was a true, meaningful, and comprehensible tax reform.

Item #7(C) - Water Authority of Volusia

Commissioner Kelley reported he forwarded the minutes to the Water Authority of Volusia (WAV) to the Commission. He stated a Conservation Committee was created, and he was named a member of that committee. Commissioner Kelley reported WAV would have a meeting on December 19 with St. Johns River Water Management District to discuss the levels it set on minimum flows and levels of streams. He noted St. Johns indicated they would be willing to reexamine the data in the models WAV considered to be incorrect.

Commissioner Gillooly asked if there would be a roll out of the conservation issues.

Commissioner Kelley reported that was part of what this committee would discuss. He stated the committee would set forth goals, such as pricing and minimum use, to make people aware of the benefits of conservation. Commissioner Kelley reported there was a strong push to establish watering one day a week during the non-growing period.

Commissioner Partington asked if WAV endorsed the Florida Water Star program and if the City should consider this as part of "green" development.

Commissioner Kelley stated a seal would be given for using the Water Star program. He reported the City should consider the Water Star program for Ormond Beach codes. Commissioner Kelley advised Ormond Beach should consider using gray water for irrigation or to be treated and reused. He stated the December 19 meeting would be very informative and urged that a City staff member attend.

Mayor Costello thanked Commissioner Kelley for what he was doing for all of Volusia County and requested him to provide the details as to where and when the meeting would be held.

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 Gillooly requested removing Item No. 8(A) for discussion.

Commissioner Kelley moved, seconded by Commissioner Partington, for approval of the Consent Agenda, minus Item No. 8(A).

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

Item #8(A) – Labor Counsel Agreement

RESOLUTION NO. 2007-205

A RESOLUTION AUTHORIZING THE EXECUTION OF A THIRD AMENDMENT TO THE LABOR COUNSEL AGREEMENT BETWEEN THE CITY AND ALLEN, NORTON, & BLUE, P.A., TO INCREASE FEES; AND SETTING FORTH AN EFFECTIVE DATE.

Commissioner Kelley moved, seconded by Commissioner Partington, to approve Resolution No. 2007-205, as read by title only.

Commissioner Gillooly reported this was a request to increase the law firm's fees to \$200 per hour considered a blended rate for shareholders and associate attorneys while the City was currently paying \$170 and \$135 per hour. She questioned how much work was being done by the associates as opposed to the partners. Commissioner Gillooly stated in March 2000 the Commission approved an increase of \$170 while their billing added an additional \$10 an hour. She noted this billing error added up to \$13,649. Commissioner Gillooly advised she would not favor ratifying that additional \$10 per hour. Commissioner Gillooly stated she was informed the firm would pay these funds back to the City at \$5,000 per month. She expressed concern regarding approving the \$200 per hour rate to October 1, which was retroactive, especially since the City has been using the same firm since 1992 without going through a bidding process since that date, and this may be an opportunity for that to occur. Commissioner Gillooly stated she had questioned the City Attorney if the Commission decided not to approve the increase, if he believed the firm would decide to not work with the City any longer, and he advised that Mr. Levitt indicated the decision would have to be made by the shareholders. She urged this be bid out to determine if the City was receiving the best value for its dollars, particularly in light of all the Commission was asking of the City's departments to cut. Commissioner Gillooly reported Mr. Hayes explained that the City could not go out for bid should a lawsuit occur, but the City could retain the firm for that lawsuit. She stated that due to the economic climate in this community, a bid should be considered.

Commissioner Partington stated while he appreciated Commissioner Gillooly's remarks, \$200 per hour was a very reasonable rate for attorneys of this caliber. He reported considering the time, paperwork, and hassle of bidding, he questioned if anything could be gained. Commissioner Partington pointed out that if a new firm were hired, the number of hours it would take to gain a working knowledge of Ormond Beach's policies, codes, and ordinances would negate any possible savings. He recommended following staff's recommendation and approving the increase.

Commissioner Kelley concurred it would take a great deal of time to bring a new firm up to date, negating any possible savings. He stated this firm has been very fair in their billing other than the one error previously mentioned. Commissioner Kelley pointed out this was a very high caliber firm, and he would support the increase.

Mayor Costello reported the firm pointed out that they did not feel they should work for a lower rate for Ormond Beach while they were charging Port Orange and Flagler County a higher rate. He noted he favored bidding in many instances for items that could be quantified, but professional services cannot always be quantified.

Commissioner Gillooly stated Port Orange and Flagler County may have very different and fewer cases; therefore, she did not consider that a good statistical comparison.

Mayor Costello reported he agreed not to waive the repayment of the fees charged in error.

Mr. Hayes noted no waiver was being recommended by staff.

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

Item #9 – Transmittal of Various Amendments to the Comprehensive Plan

RESOLUTION NO. 2007-212
 A RESOLUTION AUTHORIZING THE TRANSMITTAL OF VARIOUS AMENDMENTS TO THE CITY OF ORMOND BEACH COMPREHENSIVE PLAN; AND SETTING FORTH AN EFFECTIVE DATE.

Commissioner Partington moved, seconded by Commissioner Gillooly, to approve Resolution No. 2007-212, as read by title only.

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

Cards were made available for people to sign if they wished to have DCA send them the official correspondence regarding the Comprehensive Plan amendment which would be sent to DCA as part of this transmittal.

Hearing no objection, Mayor Costello closed the public hearing on Item #9.

Item #10 – Clyde Morris/Hand Avenue Mast Arms

ORDINANCE NO. 2007-35
 AN ORDINANCE AMENDING THE ANNUAL BUDGET FOR FISCAL YEAR 2007-2008 BY AMENDING THE GENERAL FUND AND TRANSPORTATION IMPROVEMENT FUND; AND SETTING FORTH AN EFFECTIVE DATE.

Commissioner Kelley moved, seconded by Commissioner Partington, to approve Ordinance No. 2007-35, on first reading, as read by title only.

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

Item #11 – Vacating a Portion of Flagler Road Right-of-Way

RESOLUTION NO. 2007-213
 A RESOLUTION DECLARING THE INTENTION OF THE CITY COMMISSION TO CONSIDER VACATING A PORTION OF FLAGLER ROAD RIGHT-OF-WAY LYING WEST OF US1, RUNNING EAST FROM MAGNOLIA STREET, AND VACATING AN UP-OPENED PUBLIC ALLEY LYING NORTH OF FLAGLER ROAD, RUNNING EAST FROM MAGNOLIA STREET; ESTABLISHING A TIME CERTAIN FOR A PUBLIC HEARING; AND SETTING FORTH AN EFFECTIVE DATE.

Commissioner Partington moved, seconded by Commissioner Kelley, to approve Resolution No. 2007-213, as read by title only.

Mr. Michael Woods, Cobb & Cole, 150 Magnolia Avenue, Daytona Beach, representing Vanacore Commercial Properties, LLC, stated this deals with an alley 15 feet wide running between two Vanacore properties. He advised the purpose of the vacation was for Mr. Vanacore to develop his property adjacent to US1 recently annexed into the City and a number of parcels in the rear as well. Mr. Woods reported the roads were not improved. He

explained the platted right-of-way measured 60 feet, and the required right-of-way for a road was currently 50 feet. Mr. Woods reported the City considered using this road in the future for a by-pass or access roadway off US1. He pointed out none of the surrounding property owners would have access denied through this vacation.

Ms. Sharon Trescott, 689 Pineland Trail, commended the City in that last year the City was considering vacating this road, but was now considering it to be used as an access road from US1. She advised she had no objection to the vacation of the 15 foot alley, but would oppose any change to Flagler Road. Ms. Trescott stated the need for an access road was extreme for US1, particularly during special events.

Commissioner Partington asked Ms. Trescott what the basis of her objection was.

Ms. Trescott explained if Flagler Road were an access road, she questioned what the speed limit would be, if it would have lights, if it would have drainage, and precisely how Flagler Road would be developed. She objected to jeopardizing any portion of Flagler Road unless the entire road was made 50 feet, when the road should actually be 60 feet.

Mr. Clay Ervin, Chief Planner for Special Projects, explained the entire Flagler Road right-of-way was not in Ormond Beach's jurisdiction; and when it was annexed, it would be vacated. He noted this was a response to an immediate request by Mr. Vanacore. Mr. Ervin stated vacating the five feet along Flagler Road would not result in any diminution of accessibility. He advised the minimum standards for a public right-of-way was 50 feet. Mr. Ervin stated Ormond Crossings was located immediately to the east southeast, and additional roadways would be provided in that area. He explained staff had extensive discussions with Tomoka Holdings regarding this proposed vacation, and they worked with the City to create a master plan for the roadway area that would be accommodating. Mr. Ervin stated the volume of traffic would be similar to that of any local road, and the additional ten feet would not accommodate additional turn lanes, storage, or impact any of Ms. Trescott's concerns. He reported 50 feet was more than enough to accommodate the road, sidewalk, curb, gutter, and stormwater conveyance.

Commissioner Gillooly asked if Ms. Trescott would be able to access the road from Ormond Crossings.

Mr. Ervin stated Flagler Road would be maintained. He noted both parcels have access to public rights-of-way, US1, and Flagler Road. Mr. Ervin advised the City and Ormond Crossings would not be paving this road. He noted the use of impact fees or an assessment district would be used to pave the road, and when completed, any property owners on that road would be able to use the road and gain access through Magnolia Road. Mr. Ervin advised he would have a map and more details of the road network for the first reading of the ordinance for the vacation. He stated the original request was to vacate all of the road right-of-way, but upon hearing Ms. Trescott's concerns and examining the issues regarding Ormond Crossings, it was determined all of the 60 feet was not needed, but a 50-foot road right-of-way was needed to run toward the west for three quarters of a mile.

Commissioner Gillooly summarized that the property owners would not be denied access, and they would have enhanced access to US1 in the future. She asked why Mr. Vanacore asked for this vacation.

Mr. Ervin stated this request was to accommodate development. He explained this was a 1926 subdivision. Mr. Ervin reported the City helped Tomoka Holdings buy out parcels so the plat could be vacated because the size of the parcels are not accommodating for modern commercial development. He noted Mr. Vanacore was able to aggregate a considerable amount of property, which was helpful. Mr. Ervin noted otherwise what would have to be dealt with was legal nonconforming lots. He stated Ms. Trescott's property was in the County and would not meet the minimum area requirements for that zoning district, and vacating this right-of-way allows for a road to meet the minimum standards and allows for more usable area for stormwater, parking, and landscaping that otherwise would not be available on the property.

Ms. Prescott stated part of Flagler Road was paved, and she questioned if the extension was paved at 60 feet.

Mr. Ervin stated in 1996-97 the County took an initiative to eliminate dirt roads and lay a minimum surface to eliminate the dirt, which was what was done in this instance. He noted this was 18 to 20 feet wide. Mr. Ervin explained this was the first of three hearings where information would be provided, and the public could speak before a final decision would be made.

Mr. Ed Canales, 1460 North US1, stated he owned Ormond Quality Mower located directly next to Vanacore. He questioned how this would affect him regarding the roadway in the rear, but he advised he was not concerned about the vacation of the alleyway.

Mayor Costello stated the City would be vacating five feet of each side making it a 50-foot right-of-way rather than a 60-foot right-of-way, and it would not take away any access.

Mr. Canales asked if this would have an impact if the roadway would ever be developed in the future.

Mayor Costello stated this would have no impact on whether it was developed. He noted the property owners would build the road, not the City, and there would be no difference with a 50-foot or a 60-foot road. Mayor Costello explained this would not cut out any access.

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

Item #12(A) – Use of Department of Corrections Inmate Labor Work Squads

Mayor Costello stated the use of the Department of Corrections labor work squads for the City's medians, other than South Beach Street, would save the City \$70,000.

Ms. Judy Sloane, Public Works Director, stated this assumption was based on using one Department of Corrections work squad. She pointed out the Department of Corrections had different work hours, restricting activity to five days per week, so if there were inclement weather the job could not be done; whereas, the current private contractor could work on the weekends to make up the time. Ms. Sloane advised the palm tree trimming must be done separately by contract, and the Department of Corrections does not provide the mulch. She reported the Department of Corrections would not use pesticides and chemicals for fertilizers.

Commissioner Kelley reported he had concerns he wished to address before he could recommend this be placed on an agenda for a vote. He requested more time to investigate the details such as the inclement weather issue, time involved to get the job done, damage to sprinklers, and the calculations regarding possible damage to equipment.

Mayor Costello requested a letter be sent to the current contractor requesting he be present when this item was to be discussed.

Ms. Sloane advised staff requested the contractor be present this evening.

Mayor Costello reported the public was not normally asked to speak during discussion items, but since Ms. Sloane asked the contractor to attend tonight, he would be heard.

Commissioner Partington expressed concern that a single liability claim could eliminate any potential savings.

Ms. Sloane stated it was certainly a disadvantage that the City would have to assume the liability for damages that would occur, while coverage was included in the Servello contract. She advised staff surveyed cities that have had work squads for as long as 12 years, and that issue did not seem to be a problem in those cities.

Commissioner Partington concurred with Commissioner Kelley to move slowly on this issue. He recommended a possible pilot program in a specified area. Commissioner Kelley stated this was a positive program, but certain issues needed to be addressed.

Mayor Costello summarized that the Commission was requesting the cost for liability insurance be provided.

Commissioner Gillooly thanked Ms. Sloane for the extensive report. She stated staff spoke with cities such as DeLand who had been using inmate labor for over 12 years, Holly Hill for more than four years, and Daytona Beach since May. Commissioner Gillooly advised inmates have been working on every home Halifax Habitat for Humanity builds as volunteer labor. She pointed out all of the cities rated the work squad performance and quality of work a nine plus out of ten and indicated that they would renew their contracts, which she considered extremely telling. Commissioner Gillooly noted the City had a liability issue when any employees were working. She stated the prison would cover workers compensation.

Ms. Sloane reported the liability to the City would be if damage occurred to a private vehicle or citizen resulting from the inmate work, but the Florida Department of Corrections would cover the workers compensation.

Commissioner Gillooly stated during all 12 years the squads had been working in DeLand there was one broken windshield in property damage, and it would be incumbent upon the City to be certain the safety training would take place.

Ms. Sloane stated the City was utilizing the free work squad program in that the week of December 10 they would dismantle the Sanchez dock.

Mr. Robbin Bigelow, Operations Manager with Servello and Son, 2900 Rapid Ann Trail, Winter Park, stated Servello has been a good partner with the City for three years. He noted he would be better prepared to provide information at a future meeting.

Mayor Costello issued a personal challenge to Mr. Bigelow to provide a better contract to entice the City to keep the contract with Servello. He asked this issue be addressed after the New Year.

Commissioner Kelley stated his concern was for the City to provide equipment and material for other people to use. He noted Holly Hill indicated the inmates were hard on equipment. Commissioner Kelley reported if a piece of equipment would fly off and hit a windshield, the City would be liable, but the City was now protected from that scenario. He stated he did not believe adequate equipment was recommended in the report in that only two weed-eaters were noted.

Ms. Sloane stated the equipment would be spread out amongst the crew of eight with some on the mowers, some on the blowers, some on the edgers, and others on the weed-eaters.

Mayor Costello asked that this issue be addressed after the New Year and that time be allowed to properly assess the program.

Commissioner Kelley asked that the information provided to the Commission be provided to Servello and that they be allowed to inform the City if they believe they could provide a better deal.

Ms. Sloane stated Servello has the information provided to the Commission.

Item #12(B) – Seabreeze High School/Harvard Drive Beach Approach Parking

Mayor Costello asked this item be delayed until Commissioner Kent could be present for the discussion.

Item #12(C) – Infill Development Standards

Mr. Ervin reported a property owner, Ms. Hardesty, requested background information regarding the ability to develop property off Parque Drive between Division Avenue and Hand Avenue relative to the location of the wetlands. He stated Ms. Hardesty's son, Mark Hardesty, sent a letter outlining his concerns. Mr. Ervin advised the Commission was also provided a letter from Mr. Robert Kit Korey representing Pete Darpino, the owner of a similar property in the same general location. He stated there were areas of infill development where development was greatly hindered because of Class III and Class IV wetlands. Mr. Ervin reported the two letters represented two of the more extreme situations. He noted in the past ten years the City was focusing solely on those types of uses that bring a benefit to the City such as economic development and affordable housing, which could be identified as goals for some variation, exemptions, or waivers of the City's wetland standards for the lower quality wetlands. Mr. Ervin stated staff responded to Ms. Hardesty and Mr. Korey that in the current Comprehensive Plan there were very specific policies that mirror the Land Development Code standards; therefore, the ability to make any deviations from the Land Development Code standards would require a Comprehensive Plan amendment. He reported staff could prepare potential amendments, wrap this through the Evaluation Appraisal Report (EAR) process, or do nothing if the Commission believed the standards were adequate.

Commissioner Kelley recommended following the staff recommendation not to take any action at this time. The Commission concurred with Commissioner Kelley.

Mr. Ervin summarized that this issue would be addressed in the ERA process through the Planning Board and other advisory boards followed by appropriate amendments to the Comprehensive Plan.

Commissioner Partington asked Mr. Ervin to contact Ms. Hardesty, Mr. Korey, and other property owners that may be affected to explain the process and inform them as to how they could have significant input in the process.

Mr. Ervin explained the goal with the EAR was to present to the Planning Board the City's shortcomings, successes, and misses that were accomplished over the past seven years in the Comprehensive Plan for all nine elements. He advised staff would make certain Mr. Hardesty and Mr. Korey would be made aware when these items would be discussed, and if they can not attend the meetings, they could provide written comments.

Item #13 – Reports, Suggestions, Requests

Veteran's Day Celebration

Commissioner Partington commended the Leisure Services staff for the Veteran's Day celebration on November 7. He reported it was an extremely moving program.

Decorative Lights

Commissioner Partington commended Public Works for displaying the decorative lights in a timely manor around the City. He noted this truly enhances the quality of life in Ormond Beach.

Commission on Ethics

Commissioner Partington stated a letter was sent questioning whether the Housing Authority had to comply with the Commission on Ethics financial disclosure form. He asked if any Commission member had a concern on this issue. Commissioner Partington noted a form or oath could possibly be added when a member was appointed to the board that the board member would sign indicating they did not have any ethical conflicts.

Mayor Costello asked Mr. Hayes to determine if such a statement could be added. He noted the form sounded reasonable.

Commissioner Partington advised a decision had to be made by December 31.

Disabled Residents

Commissioner Gillooly stated the Commission had a goal-setting session last week and discussed the new parking area at the Bank of America where a resident tried to use the box to pay, but was unable to reach the box because the patron was in a wheelchair. She commended staff for responding quickly. Commissioner Gillooly informed the citizen that she was certain the owner of the lot, Mr. Selby, would respond quickly, and she was pleased to announce that he did. She reported Mr. Selby indicated the national parking lot contractor used to construct the lot had never had this come to their attention before, which encouraged her belief that it was important to integrate ideas and recommendations from disabled residents as it relates to the City being ADA compliant and being continually cognizant of design features necessary for accessibility. Commissioner Gillooly noted the outcome from the goal-setting meeting was to encourage Ormond Main Street to form a committee and have the Quality of Life Advisory Board encourage input and dialogue with disabled residents in the community. She urged handicapped residents to provide that input.

Making Creative Suggestions

Commissioner Gillooly stated using inmate labor may seem to have the perception of negativity; however, she asked people to have an open mind and make creative suggestions to enable the City to pay for its needs and wants that are important to the community's quality of life.

Employees Appreciation

Commissioner Kelley thanked the City employees for their service to the City.

Water System Improvements Update

Mr. Turner commended Ms. Sloane and her staff for completing the improvements to the water system. He noted the improvements were to be completed by March 2008 and would be completed in January 2008. Mr. Turner reported the staff was keenly energized, and he again commended Ms. Sloane for getting this job done early and under budget.

Water/Sewer Master Plan

Mr. Turner stated there would be a water/sewer master plan discussion item at the next meeting. He noted there would normally be a workshop for this type of discussion, but it would be included as a discussion item to better accommodate the Commission's schedule.

Water Rate Increases

Mr. Turner stated there would be two options provided for water rate increases: one an across-the-board type increase and the other with higher increases for heavier users.

Acquisition of Property

Mr. Turner stated the City had a possible opportunity for the acquisition of property for parking in the New Britain area. He advised staff would proceed to obtain information on this, and it may entail an appraisal at a cost of less than \$5,000.

Mr. Ervin's Resignation

Mr. Turner announced Mr. Clay Ervin, Chief Planner for Special Projects, submitted a letter of resignation effective at the end of the year to spend more time with his family. He noted Mr. Ervin would be greatly missed, and he thanked him for his service. Mr. Turner advised it may be possible to retain a limited professional relationship with Mr. Ervin.

Commissioner Gillooly's Comments

Mayor Costello commended Commissioner Gillooly for her comments tonight, and even though he may not have agreed with her ultimate votes, her comments and questions were great. He urged Commissioner Gillooly not to become discouraged because the votes did not go in her favor, because this type of input was needed to make educated decisions.

Revenue Neutral Fire Fee

Mayor Costello reported one of his goals was for a revenue neutral fire fee. He requested staff do what was necessary for the Commission to have the option to have this in place before the next budget year.

Emergency Response Fee

Mayor Costello noted he was not placing a time limit on the emergency response fee discussion.

Hometown Democracy Amendment

Mayor Costello requested a presentation from both sides of the Hometown Democracy amendment issue because he believed it appropriate to allow the residents to know what the Commission was thinking relative to this issue and why.

Commissioner Gillooly stated she believed the Citizens for Ormond Beach had a discussion on this issue in an educational forum.

Mr. Turner stated he did not believe such a discussion had occurred to date.

Commissioner Partington questioned why the City Commission should get involved in this issue unless a neutral group requested sponsoring a forum. He noted he believed the people should respond for themselves individually.

Commissioner Kelley and Commissioner Gillooly concurred with Commissioner Partington.

Happy Holiday

The Commission wished everyone a happy holiday.

Item #11 - Close the Meeting

The meeting was adjourned at 9:10 p.m.

APPROVED: _____ December 3, 2007

BY: _____
Fred Costello, Mayor

ATTEST:

Veronica Patterson, City Clerk