

**ORMOND BEACH CITY COMMISSION MEETING
HELD AT CITY HALL COMMISSION CHAMBERS
June 22, 2010 7:00 p.m.**

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

A G E N D A

- 1) Meeting call to order by Mayor Costello.
- 2) Invocation by Reverend John Jeyaseelan, Bethel Ministries.
- 3) Pledge of Allegiance.

4) **PRESENTATIONS:**

- A) Achievement of Civic Excellence award to Nathaniel Brennaman, Ormond Beach Middle School, and Connor Brok, Hinson Middle School.
- B) Proclamation in honor of Gail Camputaro.
- C) Proclamation in honor of Parks and Recreation Month.
- D) Report on Assessment Center by Doug Thomas.

5) **AUDIENCE REMARKS:**

6) **APPROVAL OF THE MINUTES** of the June 1, 2010, meeting.

7) **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. 2010-81 accepting the proposal of Ghyabi & Associates, Inc., for engineering services regarding the John Anderson Drive Roadway Improvements project; authorizing the execution of an agreement and payment therefore; rejecting all other proposals. (\$699,516.70) (Acting City Engineer)
- B) Resolution No. 2010-82 authorizing the renewal and execution of an agreement between the City and Halifax Hospital Medical Center/EmployMed, regarding drug testing services; waiving the City's insurance and indemnity requirements. (Human Resources Director)
- C) LAP Agreement with Florida Department of Transportation regarding an Interchange Justification/Modification Report. (Senior Planner)

DISPOSITION: Approve as recommended in City Manager memorandum dated June 17, 2010.

- D) Closing of Riverside Drive for the Caribbean Night and Island Market event. (Leisure Services Director)

DISPOSITION: Approve as recommended in City Manager memorandum dated June 17, 2010.

- E) Budget results for the FY 2008-09 General Fund and Water/Wastewater Fund. (Finance Director)

DISPOSITION: Approve as recommended in City Manager memorandum dated June 17, 2010.

8) **PUBLIC HEARINGS:**

- A) Ordinance No. 2010-33 vacating a portion of West Street, a platted public right-of-way lying west of 350 Cumberland Avenue. (Second Reading) (Planning Director)
- B) Ordinance No. 2010-35 authorizing the execution and issuance of a Second Amended Development Order for "Ormond Park Plaza" Planned Business Development (PBD) on a site located at 500 West Granada Boulevard; amending the list of scheduled uses to include uses allowed in the B-9 (Boulevard) zoning district, or retail wine store, or Restaurant Type "A" or "B"; ratifying and affirming the Development Orders; establishing conditions and expirations of approval. (First Reading) (Senior Planner)

9) **SECOND READING OF ORDINANCE** No. 2010-34 amending the annual budget for Fiscal Year 2009-2010 by amending the General Fund; the Stormwater Fund; the Airport Fund; the Facility Fee Fund; the Grant Fund; the Facilities Renewal and Replacement Fund; the General Capital Improvements Fund; the Transportation Fund; the Water/Wastewater Debt Service Fund; and the Water Plan Construction Fund. (Finance Director)

10) **RESOLUTION** No. 2010-83 prohibiting the purchase of petroleum gasoline products from British Petroleum by officials and employees of the City of Ormond Beach, Florida, while acting in their official capacities on behalf of the City, until the oil spill is capped, the disaster

cleanup is complete, and all claims for losses or damages are paid or otherwise resolved; prohibiting the reimbursement of costs to City officials and employees who make purchases in violation of said prohibition.

- 11) **DISCUSSION ITEM:** Hunter's Ridge Development of Regional Impact and Strickland/Durrance Lane.
- 12) **REPORTS, SUGGESTIONS, REQUESTS:** Mayor, City Commission, City Manager, City Attorney.
- 13) **CLOSE THE MEETING.**

Item #1 – Meeting Call to Order

The meeting was called to order by Mayor Costello at 7:00 p.m.

Item #2 – Invocation

The invocation was giving by Reverend John Jeyaseelan, Bethel Ministries.

Item #3 – Pledge of Allegiance

The Pledge of Allegiance was led by Mayor Costello.

Mayor Costello stated that Items #10 and #11 were pulled from the agenda.

Item #4A – Achievement of Civic Excellence Award

Mary Rhodes, Ormond Beach Chamber of Commerce, stated the recipients of the Achievement of Civic Excellence Awards were Connor Brok, a student at Hinson Middle School, who was a member of the National Junior Honor Society, played the saxophone, was a Boy Scout, and volunteered with Backpacks for Schools; and Nathaniel Brennaman, a student at Ormond Beach Middle School with a 4.0 GPA, a member of the National Junior Honor Society, who tutored students in math before school, was a band member who played a saxophone, was a Boy Scout, and volunteered for various causes.

Item #4B – Proclamation Honoring Gail Camputaro

Mayor Costello read a proclamation honoring Gail Camputaro for her 27 years of work with the Council on Aging.

Gail Camputaro thanked the City for being such a wonderful place to live and raise her children.

Item #4C – Proclamation Honoring Parks and Recreation Month

Mayor Costello read a proclamation in recognition of Parks and Recreation Month for all the public benefits derived from recreation programs and parks.

Item #4D – Report on Assessment Center

Doug Thomas, 132 River Bluff Drive, stated he served on the Police Assessment Team regarding the selection of a Police Chief. He stated he was very impressed with the way the process was handled, including the blind interviews. He congratulated City Manager Joyce Shanahan for her organization of the search process. Mr. Thomas stated our community does not have the problems with the area youth that other communities have due to all the youth programs provided by the City.

Item #5 – Audience Remarks

Oil Spill

Bonnie Berns, 1360 North US1, Suite 101, spoke regarding the Deepwater Horizon Oil Spill, which was already 13 times larger than the Valdez Oil Spill. She stated the oil had reached the Florida west coast and was predicted to reach our area. She was requesting the City ask Volusia County to apply for federal funds to purchase booms, skimmers and hydrovacuums; and asked what the City was doing to prepare for the potential effects to our coast.

Mayor Costello stated he had attempted to take a pro-active position to get British Petroleum's (BP) attention by proposing a boycott of local BP stations; fortunately, BP stepped up and put \$20 billion in escrow to cover any damages. He stated the fund allowed the City to be reimbursed for any damages.

The Casements

Bobbie Coleman, 28 Iroquois Trail, stated she was President of the Ormond Beach Historical Society, and again, was coming to the Commission to report that The Casements would be

featured on June 30 on Channel 13. She stated the spots ran at 55 and 59 minutes after the even numbered hours starting at 6:55 p.m.

Item #6 – Approval of the Minutes

Mayor Costello advised the minutes of the June 1, 2010, regular meeting had been sent to the Commission for review and asked for any corrections, additions, or omissions. The Mayor stated the minutes were approved as printed without objection.

Item #7 – Consent Agenda

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

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

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

#8A – Vacating a Portion of West Street

ORDINANCE NO. 2010-33
AN ORDINANCE VACATING A PORTION OF WEST STREET, A PLATTED PUBLIC RIGHT-OF-WAY LYING WEST OF 350 CUMBERLAND AVENUE; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; AND SETTING FORTH AN EFFECTIVE DATE.

Mayor Costello stated this was a public hearing to vacate a portion of West Street, and there were no requests from the public to speak.

Commissioner Gillooly moved; seconded by Commissioner Kelley, for approval of Ordinance No. 2010-33, 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 the public hearing was closed without objection.

Item #8B – 500 West Granada Boulevard

ORDINANCE NO. 2010-35
AN ORDINANCE AUTHORIZING THE EXECUTION AND ISSUANCE OF A FIRST AMENDED DEVELOPMENT ORDER FOR “ORMOND PARK PLAZA” PLANNED BUSINESS DEVELOPMENT (PBD), ON A SITE LOCATED AT 500 WEST GRANADA BOULEVARD; AMENDING THE LIST OF SCHEDULED USES TO INCLUDE USES ALLOWED IN THE B-9 (BOULEVARD) ZONING DISTRICT, OR RETAIL WINE STORE OR, RESTAURANTS TYPE “A” OF “B”; RATIFYING AND AFFIRMING THE DEVELOPMENT ORDERS; ESTABLISHING CONDITIONS AND EXPIRATIONS OF APPROVAL; AND SETTING FORTH AN EFFECTIVE DATE.

Mayor Costello stated this was a public hearing, and no one had requested to speak. The Mayor reported the Planning Board had unanimously approved to recommend Ordinance No. 2010-35.

Commissioner Kelley moved; seconded by Commissioner Partington, for approval of Ordinance No. 2010-35, on first reading, as read by title only.

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

Carried.	Commissioner Kent	Yes
	Mayor Costello	Yes

Item #9 – Budget Amendments

ORDINANCE NO. 2010-34
 AN ORDINANCE AMENDING THE ANNUAL BUDGET FOR FISCAL YEAR 2009-2010 BY AMENDING THE GENERAL FUND; THE STORMWATER FUND; THE AIRPORT FUND; THE FACILITY FEE FUND; THE GRANT FUND; THE FACILITIES RENEWAL & REPLACEMENT FUND; THE GENERAL CAPITAL IMPROVEMENTS FUND; THE TRANSPORTATION FUND; THE WATER/WASTEWATER DEBT SERVICE FUND; AND THE WATER PLANT CONSTRUCTION FUND; AND SETTING FORTH AN EFFECTIVE DATE.

Commissioner Kelley moved, seconded by Commissioner Gillooly, to approve Ordinance No. 2010-34 on second reading, as read by title only.

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

Item #10 – British Petroleum Resolution

This item was pulled from the agenda.

Item #11 –Hunter’s Ridge Development of Regional Impact and Strickland/Durrance Lanes

This item was pulled from the agenda.

Item #12 - Reports, Suggestions, Requests

Election Regarding the General Bond Obligation

Commissioner Kelley expressed concern that some citizens were not aware of the election August 24, 2010.

Mayor Costello suggested a fact flyer be sent to the citizens including the cost, what the City proposed to do, what the County was willing to do, early voting dates and absentee ballots availability.

Hunter’s Ridge

Commissioner Kelley thanked Steve Spraker for his assistance at a residents’ meeting on the proposed changes to the Flagler County portion of the Hunter’s Ridge DRI.

Magic Forest Playground

Commissioner Partington stated there were exciting things happening with the Magic Forest Committee. He stated the newspaper article brought out the volunteers who had helped with the creation of the Magic Forest Playground. He reported that fundraising would begin soon, and the project was being done by volunteers.

Seafood Festival

Commissioner Gillooly stated the Seafood Festival was a great success, and everyone seemed hot, tired but happy. She thanked everyone for their efforts.

Tree Trimming

Commissioner Gillooly expressed appreciation for Bob Coleman’s involvement in the community. She pointed out that Mr. Coleman was retiring and Larry Volnick was taking over the helm. She stated FP&L was always diligent in trimming trees away from power lines. She stated she had received several calls relative to the recent tree trimming on John Anderson and Beach Street suggesting the trees might have been trimmed too close. She appreciated the way Mr. Volnick handled the situation.

Water Revenue

Commissioner Gillooly stated that water revenues were down significantly due to empty houses and conservation. She appreciated receiving the heads up on this budget issue.

Short Term Residential Rental

Commissioner Kent stated there was a problem to which he wanted to make everyone aware, which was that the City code required that any residence being rented must be a long term

arrangement. He stated in his neighborhood there was a house that had been treated as a hotel for the past five years, with people in and out constantly, and causing problems for the neighborhood. He had been working with the City Attorney in an attempt to resolve the issue.

New Trash Compacting Bin

Assistant City Manager Ted MacLeod thanked Waste Management for the demo on the new recycling bin and new trash compacting bin, which holds up to six times as much as a regular bin, was solar powered, was programmed to automatically compact when it reached a certain level of fullness and notified home base when it was near to full so it could be picked up. He stated it would save money on trash pickups and could be placed in hard to reach places in the parks.

Transportation Planning Organization Survey

Mayor Costello stated the Transportation Planning Organization was holding a survey on their website until the end of July to solicit the public's opinions on long term transportation issues, and he wanted the City to get the word out to the public.

Beachfront Park

Mayor Costello stated at the Mayor's luncheon discussion ensued regarding dune restoration, and the County Council was more comfortable after learning the restoration was east of the seawall, rather than tearing out the wall. He requested a letter be sent to Volusia County with an explanation of the dune restoration plan.

Commissioner Gillooly explained she wanted to clarify that she favored the restoration of the dunes.

Artificial Reef

Mayor Costello stated during discussion at the Mayors' luncheon, many people at the County were concerned about the fishing ban and were committed to doubling the reef off Volusia County; therefore, he asked for any appropriate materials that could be recycled for the reef.

Tax Assessments

Mayor Costello reported that many of the local communities were going to attempt to go to a rollback rate for their tax assessments and that none of the other cities were raising salaries of employees. He suggested the City attempt to go below the existing tax rate, and he stated there would be no pay increases to employees.

Item #13 – Close the Meeting

The meeting was adjourned at 8:04 p.m.

APPROVED: July 6, 2010

BY: Fred Costello, Mayor

ATTEST:

Veronica Patterson, City Clerk