

**ORMOND BEACH CITY COMMISSION MEETING  
HELD AT CITY HALL COMMISSION CHAMBERS  
July 20, 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 Father August Sorvillo, St. Mary's Episcopal Church.
- 3) Pledge of Allegiance.
- 4) ***ADOPTION OF FY 2010-2011 PROPOSED MILLAGE RATES:*** Resolution No. 2010-89 adopting proposed millage rates for the 2010-2011 fiscal year; establishing the date, time and place for the first public hearing on the proposed millage rates and the tentative budget; directing communication; expressing legislative intent; and setting forth an effective date.
- 5) ***AUDIENCE REMARKS:***
- 6) ***APPROVAL OF THE MINUTES*** of the July 6, 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. 2010-90 authorizing and directing the City Clerk to procure the necessary ballots and other forms, to arrange for the use of voting machines, and to make other required arrangements for the Special Referendum Election to be held on Tuesday, August 24, 2010; authorizing the execution of a Memorandum of Understanding for services and materials with the County of Volusia. (City Clerk)

- B) Resolution No. 2010-91 authorizing the acceptance of a grant award from the State of Florida, Office of the Attorney General, regarding funding for the City's Victim's Advocate program; authorizing the execution of all documents incidental thereto, including any contract necessary for the City to accept the grant award. (Police Chief/ Grants Coordinator)
- C) Resolution No. 2010-92 authorizing the execution of an easement in favor of Florida Power & Light Company granting a 20.0 foot wide by 72.94 foot long easement for underground service at the South Ormond Neighborhood Center located at 176 Division Street. (Acting City Engineer)
- D) Resolution No. 2010-93 authorizing the execution of a quitclaim deed in favor of Polymer Fabrication, Inc., a Florida corporation, transferring any phosphate, metals, minerals and petroleum rights the City may have retained in Lots 50 and 51 (6A and 6B, Tower Circle West) (Parcel ID Nos. 4218-02-00-0500 and 4218-02-00-0510) at the Airport Business Park, Phase II. (Economic Development Director)
- E) Resolution No. 2010-94 authorizing the execution of a release of the Code Enforcement Board Order for code violations on property located at 113 Arlington Way (Parcel ID 4223-01-01-0040), Ormond Beach, Volusia County, Florida.
- F) Resolution No. 2010-95 approving a settlement proposal regarding the Workers' Compensation claim of Johnny Bingham; authorizing the execution of a settlement agreement and any and all documents incidental thereto; authorizing payment relative thereto. (City Attorney)
- G) Resolution No. 2010-96 authorizing the execution of a Liability Release and Waiver regarding Police Department and Fire Department training at 875 Sterthaus Drive (the former Memorial Hospital facility). (Fire Chief)
- H) Resolution No. 2010-97 authorizing the execution of Change Order Number One (1) to that contract awarded to Masci General Contractors, Inc., regarding the Water Treatment Plant High Service Pump Variable Frequency Drive Conversion Project, by increasing the contract price by \$26,764.40; increasing the contract time by 190 days. (\$313,264.40 total project; 340 total days) (Utilities Manager)
- I) Energy Efficiency and Conservation Block Grant eligible project list. (Planning Director)
- DISPOSITION: Approve as recommended in City Manager memorandum dated July 15, 2010.
- J) Florida League of Cities voting delegate to the Annual Conference.
- DISPOSITION: Approve as recommended in City Manager memorandum dated July 15, 2010.
- K) Establishing guidelines for a volunteer program. (Human Resources Director)
- DISPOSITION: Approve as recommended in City Manager memorandum dated July 15, 2010.

8) **SECOND READING OF ORDINANCES:**

- A) Ordinance No. 2010-36 amending Chapter 22, Water and Sewers, of the *Code of Ordinances* of the City of Ormond Beach, by amending Article I, Water, Division 1, Generally, by amending Section 22-19, Definition, and Article II, Sewers, Division 1, Generally, by adding Section 22-69, Definitions; providing definitions. (Finance Director)
- B) Ordinance No. 2010-37 relative to unsafe buildings; amending Chapter 8, Buildings and Construction Regulations, Article I, In General, of the City of Ormond Beach *Code of Ordinances*, by naming the previously reserved Section 8-4, "Unsafe Building Abatement" and by adding provisions for closing, repairing, and demolition of unsafe or unfit structures, notices and orders, emergency measures, liens, fines and enforcement, and appeals; by repealing Section 8-4.1, Elimination or Repair of Unsafe Buildings, and reserving said section number for future use. (Chief Building Official)

9) **FIRST READING OF ORDINANCE** No. 2010-38 amending Chapter 8, Buildings and Construction Regulations, Article I, In General, Section 8-10, Application Processing Fees, Paragraph (P), Surface Water Management Plan, of the *Code of Ordinances* of the City of Ormond Beach, Florida, by establishing an alternate method for compensating storage mitigation, by establishing a rate for said mitigation. (Senior Planner)

10) **RESOLUTIONS:**

- A) Resolution No. 2010-98 of the City Commission of the City of Ormond Beach, Florida, authorizing the issuance of: (I) its Water and Sewer Revenue Bond, Series 2010A, in the principal amount of \$20,000,000 for the purpose of financing the construction and acquisition of certain additions, extensions and improvements to the water and sewer system of the City, and (II) its Water and Sewer Revenue Refunding Bond, Series 2010B, in the principal amount of \$2,800,000 for the purpose of currently refunding the City's outstanding Water and Sewer Refunding Revenue Bonds, Series 2000; determining certain details of said bonds; providing for the security of said bonds; awarding the sale of said bonds to the successful proposers for said bonds; appointing a paying agent and registrar for said bonds; authorizing proper officials to do all things deemed necessary in connection with the issuance, sale and delivery of said bonds; and providing an effective date. (Finance Director)
- B) Resolution No. 2010-99 accepting the bid of Brasfield & Gorrie, LLC, regarding construction services for the Wastewater Treatment Plant Rehabilitation and Expansion project, under Bid No. 2010-10; rejecting all other bids; authorizing the execution of a contract and payment thereunder. (\$18,940,000) (Acting City Engineer)
- C) Resolution No. 2010-100 authorizing the execution of a Second Amended Agreement between the City and Camp Dresser & McKee, Inc., regarding the Wastewater Treatment Plant Expansion project. (Not-to-exceed 1,426,401.80) (Acting City Engineer)
- D) Resolution No. 2010-101 approving an option agreement between the City of Ormond Beach and the Trust for Public Land for the purchase, sale and conveyance of that real property commonly located at 839 South Atlantic Avenue in the City of Ormond Beach, Florida; authorizing the execution of a purchase and sale agreement. (City Manager)

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

11) **CLOSE THE MEETING.**

Item #1 – Meeting Call to Order

The meeting was called to order by Mayor Costello at 7:02 p.m.

Item #2 – Invocation

The invocation was giving by Father August Sorvillo, St. Mary's Episcopal Church.

Item #3 – Pledge of Allegiance

The Pledge of Allegiance was led by Mayor Costello.

Item #4 – Proposed Millage Rate

RESOLUTION 2010-89

A RESOLUTION ADOPTING PROPOSED MILLAGE RATES FOR THE 2010-2011 FISCAL YEAR; ESTABLISHING THE DATE, TIME AND PLACE FOR THE FIRST PUBLIC HEARING ON THE PROPOSED MILLAGE RATES AND THE TENTATIVE BUDGET; DIRECTING COMMUNICATION; EXPRESSING LEGISLATIVE INTENT; AND SETTING FORTH AN EFFECTIVE DATE.

Mayor Costello stated this was a public hearing and he explained that over the last four years 55 full-time staff positions had been eliminated, the General Fund had been reduced \$5 million, this year the property tax revenues will be decreased by \$1.5 million, pension costs will increase \$600,000, and staff was not receiving a salary increase. The Mayor stated there was an 11.31% reduction in property tax, and the millage rate was the same; there would be no reduction in services. He stated all of staff had done an amazing job, and the City was blessed. Mayor Costello stated per Florida Statute, the proposed millage rate for the City of Ormond Beach necessary to fund the fiscal year 2010-2011 budget was 3.6536 mills, which was 11.31% less

than the rolled back rate of 4.1193 mills, with a proposed debt service millage rates of 0.1100 mills for the 2002 General Obligation Bond Sinking Fund and 0.0460 mills for the 2003 General Obligation Bond Sinking Fund.

Alan Burton, 915 Ocean Shore Blvd., asked if the millage rate was stated as 3.665. Mayor Costello stated the total millage rate was 3.8096, and Mr. Burton was quoting the operating millage rate, but the bond sinking funds were added to the operating rate.

Mr. Burton confirmed the operating rate as 3.6536 and asked for last year's operating rate.

Finance Director Kelly McGuire confirmed last year's operating rate was 3.674. She stated the overall rate was the same but the operating and individual debt funds were changing.

Mr. Burton asked what this year's total assessed value was.

Mayor Costello stated he wasn't sure and requested that specific questions, such as Mr. Burton was asking, be asked in advance of the meeting so staff could have the answers available.

Finance Director McGuire stated the total assessed value was \$2.6 billion, while last year's assessed value of \$3.9 billion, 11.31% higher.

Mr. Burton asked if there was a state requirement to read a maximum and minimum tax rate.

Mayor Costello stated there was no maximum or minimum tax rate; the tax rate could not be increased after adoption, although it could be decreased.

City Manager Joyce Shanahan stated the state did not require the reading of a maximum or minimum tax rate.

Mr. Burton asked if before the hearing was a maximum or minimum tax rate determined.

Mayor Costello stated there was not.

**Commissioner Kelley moved; seconded by Commissioner Gillooly, to adopt a proposed operating millage rate of 3.6536, and debt service millage rates of 0.1100 and 0.0460.**

Mayor Costello clarified the proposed operating millage rate of 3.6536 mills was 11.31% less than the rolled back millage rate. He stated the resolution also included adoption of the proposed debt service millage rates of 0.1100 for the 2002 General Obligation Bond Sinking Fund and 0.0460 mills for the 2003 General Obligation Bond Sinking Fund.

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

Mayor Costello stated the tentative operating millage rate was set at 6.6536 mills, which was 11.31% less than the rolled back rate. He explained that at subsequent hearings, the Commission could lower the rate but could not increase the rate.

Mike Fisher Presentation

Mayor Costello requested Mike Fisher and his family come to the dais. The Mayor stated Mr. Fisher was also known as Mr. Rockefeller. The Mayor read a proclamation that stated Mr. Fisher's portrayal of John D. Rockefeller, a prominent part of the City's history, was often part of events and festivities, such as The Casements' Christmas Gala, the Birthplace of Speed Celebration and many more; and Mr. Fisher's friendliness and love of life created a priceless magnetism for old and young alike; Mr. Fisher's life was symbolic of the quality of life available to those who reach out to others; and he was also active in numerous community organizations, as well as voluntarily picking up trash from the beach during his long walks on the beach in search of sea beans.

Mike Fisher stated he was almost speechless, but not quite. He stated he also picked up trash around the Senior Center, The Casements and anywhere he happened to be. He stated he was so appreciative of the recognition on his 90<sup>th</sup> birthday celebration.

Joyce Ebbets, 38 Oak Brook Drive, stated everyone was enjoying Mike Fisher Day and added Mike Fisher was awarded a Purple Heart in World War II because as a B-17 pilot, he was shot

down over France, where he spent 5 arduous months making his way to safety and eventually returning to the states. She stated Mr. Fisher, in his role as Mr. Rockefeller, gave dimes to visitors from his pocket as Mr. Rockefeller had done, and those dimes were not from the City funds, but from Mr. Fisher’s funds. She stated Mr. Fisher and his late wife, Katie, had a wonderful relationship for many years and raised a loving family of which anyone would be proud.

Item #5 – Audience Remarks

Tony Welch, 81 Dianne Drive, stated he had been in the City since January 2, 1986, where he loved the community and likened the City to a beautiful woman with one acne bump, which you wished you could do something about. He stated the blemish was not serious or expensive to correct. He stated he read and heard the Commission discuss signs and how they wanted to make the community look better; then he saw the tacky, homemade signs on the bridge. He stated it was a double standard to allow those homemade signs when businesses could not. He stated the City also needed more parking for the City events; businesses were required to have adequate parking. He stated the City could hold events without providing adequate parking, but a business owner (Maria Bonita) could not open due to the lack of one parking space.

Mayor Costello stated the Commission was going to be discussing the sign issue. The Mayor stated the code had been changed for the downtown area, and businesses were being encouraged to work with the City if they needed more parking. He explained the reason the restaurant Mr. Welch referenced was not moving forward might be due to the economic situation because the City was working with the developer to use some offsite parking.

Item #6 – Approval of the Minutes

Mayor Costello advised the minutes of the July 6, 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 corrected with no objections.

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 Partington, for approval of the Consent Agenda.**

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

Commissioner Partington pointed out Item #7A provided a \$30,000 savings for the City by the inclusion of the City’s referendum on the Volusia County ballot.

#8A – Utility Billing Time Schedule

ORDINANCE NO. 2010-36  
 AN ORDINANCE AMENDING CHAPTER 22, WATER AND SEWERS, OF THE  
*CODE OF ORDINANCES* OF THE CITY OF ORMOND BEACH, BY AMENDING  
 ARTICLE I, WATER, DIVISION 1, GENERALLY, BY AMENDING SECTION 22-  
 19, DEFINITION; AND ARTICLE II, SEWERS, DIVISION 1, GENERALLY, BY  
 ADDING SECTION 22-69, DEFINITIONS; PROVIDING DEFINITIONS;  
 REPEALING ALL ORDINANCES OR PARTS OR ORDINANCES IN CONFLICT  
 HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.

**Commissioner Kelley moved, seconded by Commissioner Gillooly, to approve Ordinance No. 2010-36 on second reading, as read by title only.**

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

Item #8B – Unsafe Building Abatement

ORDINANCE NO. 2010-37

AN ORDINANCE RELATIVE TO UNSAFE BUILDINGS; AMENDING CHAPTER 8, BUILDINGS AND CONSTRUCTION REGULATIONS, ARTICLE I, IN GENERAL, OF THE CITY OF ORMONDBEACH *CODE OF ORDINANCES*, BY NAMING THE PREVIOUSLY RESERVED SECTION 8-4, “UNSAFE BUILDING ABATEMENT” AND BY ADDING PROVISIONS FOR CLOSING, REPAIRING, AND DEMOLITION OF UNSAFE OR UNFIT STRUCTURES, NOTICES AND ORDERS, EMERGENCY MEASURES, LIENS, FINES AND ENFORCEMENT, AND APPEALS; BY REPEALING SECTION 8-4.1, ELIMINATION OR REPAIR OF UNSAFE BUILDINGS AND RESERVING SAID SECTION NUMBER FOR FUTURE USE; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; AND PROVIDING FOR AN EFFECTIVE DATE.

**Commissioner Kent moved, seconded by Commissioner Partington, to approve Ordinance No. 2010-37 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 #9 – Fee Schedule for Compensatory Storage

ORDINANCE NO. 2010-38

AN ORDINANCE AMENDING CHAPTER 8, BUILDINGS AND CONSTRUCTION REGULATIONS, ARTICLE I, IN GENERAL, SECTION 8-10, APPLICATION PROCESSING FEES, PARAGRAPH (P), SURFACE WATER MANAGEMENT PLAN, OF THE CODE OF ORDINANCES OF THE CITY OF ORMOND BEACH, FLORIDA, BY ESTABLISHING A FEE SCHEDULE FOR OFFSITE COMPENSATORY STORAGE; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; AND SETTING FORTH AN EFFECTIVE DATE.

**Commissioner Kelley moved, seconded by Commissioner Gillooly, to approve Ordinance No. 2010-38 on first 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 #10A – Water & Sewer Revenue Bonds Series 2010A and 2010B

RESOLUTION NO. 2010-98

A RESOLUTION OF THE CITY COMMISSION OF TH CITY OF ORMOND BEACH, FLORIDA AUTHORIZING THE ISSUANCE OF: (I) ITS WATER AND SEWER REVENUE BOND, SERIES 2010A IN THE PRINCIPAL AMOUNT OF \$20,000,000 FOR THE PURPOSE OF FINANCING THE CONSTRUCTION AND ACQUISITION OF CERTAIN ADDITIONS, EXTENSIONS AND IMPROVEMENTS TO THE WATER AND SEWER SYSTEM OF THE CITY, AND (II) ITS WATER AND SEWER REVENUE REFUNDING BOND, SERIES 2010B, IN THE PRINCIPAL AMOUNT OF \$2,800,000 FOR THE PURPOSE OF CURRENTLY REFUNDING THE CITY’S OUTSTANDING WATER AND SEWER REFUNDING REVENUE BONDS, SERIES 2000; DETERMINING CERTAIN DETAILS OF SAID BONDS; PROVIDING FOR THE SECURITY OF SAID BONDS; AWARDED THE SALE OF SAID BONDS TO THE SUCCESSFUL PROPOSERS FOR SAID BONDS; APPOINTING A PAYING AGENT AND REGISTRAR FOR SAID BONDS; AUTHORIZING PROPERTY CONNECTION WITH THE ISSUANCE, SALE AND DELIVER OF SAID BONDS; AND PROVIDING AN EFFECTIVE DATE.

**Commissioner Partington moved, seconded by Commissioner Kelley, to approve Resolution No. 2010-98, as read by title only.**

Alan Burton, 915 Ocean Shore Blvd., asked if the \$20 million bond issue contain anything for beachside reuse water.

Mayor Costello stated the bond issue did not contain anything for reuse water.

Mr. Burton asked if there was anything for the land holdings of Ormond Crossings.

Mayor Costello explained this was for the expansion of the wastewater treatment plant, and he could not state that any area in the City would not benefit from the expansion.

Mr. Burton stated that would mean that Ormond Crossings would benefit, and he asked how much of the \$20 million bond would go to Ormond Crossings.

The Mayor stated he did not know how to answer Mr. Burton's question and explained the Department of Health was requiring the expansion because the City was at 95% capacity of the water plant when expansion was required at 75% of capacity.

Mr. Burton asked if all the fees were listed.

Commissioner Kelley pointed out the fees were listed on page 3 of the City Manager's memo in the agenda packet.

Mr. Burton asked if a referendum had been considered because of the financial obligation being placed on the taxpayers.

Mayor Costello stated he would not put the City at risk to have problems with the Department of Health.

Commissioner Gillooly stated this was a key service provided to the citizens; the need had been documented; and the expansion needed to be addressed now.

Commissioner Kent remarked he was thankful it was being done now.

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

Item #10B – Award of Bid for Wastewater Treatment Plant Expansion

RESOLUTION NO. 2010-99

A RESOLUTION ACCEPTING THE BID OF BRASFIELD & GORRIE, LLC, REGARDING CONSTRUCTION SERVICES FOR THE WASTEWATER TREATMENT PLANT REHABILITATION AND EXPANSION PROJECT, UNDER BID NO. 2010-10; REJECTING ALL OTHER BIDS; AUTHORIZING THE EXECUTION OF A CONTRACT AND PAYMENT THEREUNDER; AND SETTING FORTH AN EFFECTIVE DATE.

**Commissioner Kelley moved, seconded by Commissioner Kent, to approve Resolution No. 2010-99, as read by title only.**

Mayor Costello stated the average daily flows were 85% and the maximum flow was 119%, to correct his earlier statement.

Assistant City Manager Ted MacLeod added the 95% related to the committed capacity.

Commissioner Kelley stated he was concerned at the total engineering costs of \$3,227,000, which staff stated was not bad as 6-8% of the project total. He stated it was 14.27% which was a substantial number. He pointed this out because he did not like that engineering services could not be competitively bid to reduce costs to the City. He stated that although they were accepting responsibility for the project, it was a huge expense to pay someone \$1.2 million to watch the project for the next two and one half years. He stated the increased costs in six months to the total project costs of \$19,800,00 was not due to inflation, but to added costs. He stated hope that in the future, the law would change to allow cities to competitively bid engineering services.

Mayor Costello explained for the audience that the City, by law, could not necessarily take the lowest bidder on professional services contracts; they had to be ranked and negotiated with independently. He stated the Commission would like that changed to allow any qualifying firms to competitively bid a project.

Commissioner Gillooly stated concern that two different consulting firms identified costs and sources of funding that did not apply six months later. She stated they had been given a presentation that seemed certain that project costs and the cost of financing would be less. She stated that staff had done a great job by restructuring the debt to eliminate a projected tax increase in 2012. She stated staff had done a better job than the consultants who were being paid.

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

Item #10C – Second Amended Agreement for the Wastewater Treatment Plant Expansion and Upgrades Project

RESOLUTION NO. 2010-100

A RESOLUTION AUTHORIZING THE EXECUTION OF A SECOND AMENDED AGREEMENT BETWEEN THE CITY AND CAMP DRESSER & MCKEE, INC. REGARDING THE WASTEWATER TREATMENT PLANT EXPANSION PROJECT; AND SETTING FORTH AN EFFECTIVE DATE.

**Commissioner Kelley moved, seconded by Commissioner Partington, to approve Resolution No. 2010-100, as read by title only.**

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

Item #10D – Purchase and Sale Agreement for 839 S. Atlantic Avenue

RESOLUTION NO. 2010-101

A RESOLUTION APPROVING AN OPTION AGREEMENT BETWEEN THE CITY OF ORMOND BEACH AND THE TRUST FOR PUBLIC LAND FOR THE PURCHASE, SALE AND CONVEYANCE OF THAT REAL PROPERTY COMMONLY LOCATED AT 839 SOUTH ATLANTIC AVENUE IN THE CITY OF ORMOND BEACH, FLORIDA; AUTHORIZING THE EXECUTION OF A PURCHASE AND SALE AGREEMENT; AND SETTING FORTH AN EFFECTIVE DATE.

**Commissioner Kent moved, seconded by Mayor Costello (and Commissioner Gillooly), to approve Resolution No. 2010-101, as read by title only.**

Mayor Costello explained the Commission had the opportunity to vote on purchasing a four acre parcel for \$5.5 million, which was 4% under an appraisal at \$5.7 million, 8% under an appraisal of \$6.5 million, and 6% under an appraisal at \$5.82 million.

Alan Burton, 915 Ocean Shore Blvd., stated there may be a better way for the City to purchase land. He disclosed that he was a professional appraiser and offered that market value and appraisals, typically, were motivating, but he suggested an MLS listing would show the sales history of the property, which would better represent the market driven land purchase. He suggested that any restrictions due to the Coastal Construction Control Line be determined because the map seemed to indicate more than 50% of the property west of the seawall was within the Coastal Construction Setback Line. He suggested the Comp Plan should be “beefed up” to support beach access. He stated he did not find what could and could not be done in the contract between the City and the County. He stated in dealing with real estate purchases, the deal should be market driven, and he questioned if this was a market process. He suggested using the open market to save millions of dollars.

Mayor Costello stated in 2004, a beachfront park was the number one wish of the citizens. He explained the City had opened an invitation to everyone to bring potential properties to the



Commission for consideration to purchase. He stated among the resulting opportunities, the Trust for Public Lands (TPL) brought two potential properties to the City for consideration; the Surfside property owners rejected an above appraisal price offer; and the current proposed property was negotiated by TPL at an appraised price. The Mayor stated the County agreed to partner with the City for the purchase and development of a beachfront park. He explained the land purchase would require two independent appraisals; therefore, the contingent contract with the TPL for \$5.5 million for the subject property was proposed. The Mayor stated it was projected a beachfront park would cost \$1.5M to develop, bringing the total cost to \$6.5 million with the City paying \$3.25 million contingent upon the majority of citizens voting for the beachfront park on the August 24 referendum.

**Commissioner Partington moved, seconded by Commissioner Gillooly, to amend the Purchase and Sale Agreement, Paragraph C, at the end of the first sentence to read, “Buyer’s obligations are contingent upon the approval of the electorate of the Beachfront Park General Obligation Bond referendum to be held on August 24, 2010.”**

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

Commissioner Kent stated that before the meeting, he was enjoying a cookout at Tom Rennick Park with 50 parking spaces, which would not compare to several hundred at the new park. He stated his family was very excited about the new park.

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

Mayor Costello introduced Bob Guido, representative of TPL, and thanked him for his efforts.

Item #11 - Reports, Suggestions, Requests

Minnie Wade

Commissioner Gillooly stated the community had lost a hero, Min Wade, an educator and mentor to the children of our community. She stated that Ms. Wade was honored at the South Ormond Neighborhood Center Hall of Fame for her efforts and would be missed.

Public Works Advisory Board

Commissioner Gillooly stated the Public Works Advisory Board needed five members and only two applications had been received. She stated she spoke with someone, who hopefully will volunteer and she requested community volunteers to serve the community in this capacity.

Budget Process

Commissioner Gillooly stated the Budget Advisory Board provided input on the budget; budget workshops were held; and a lot of input went into the budget process. She stated the City Manager, the Finance Director and all department heads had accomplished a lot.

Commissioner Partington commented on all the work done by the Budget Advisory Board, the citizens and staff on the entire budget process.

City Manager Shanahan reminded citizens there were two additional opportunities for public input in September, allowing them plenty of time to offer their input.

Mayor Costello stated the City had made a positive impact on our fellow communities with our tax rate because he knew of people working diligently to get to the same rate, whereas, they were not making that effort before. He stated the County was working to go under the rate.

Beach Incident

Commissioner Gillooly stated there was a tragic incident on the beach this past weekend. She stated she would be in favor of a joint meeting with the County to discuss the beach issues.

Mayor Costello stated he left a message for the County Council Chairman and City Manager Shanahan spoke with County Manager Jim Dinneen regarding a joint meeting to discuss the

beach partnership between the City and the County, not just a single issue. He suggested the meeting be held after the County had an opportunity to investigate the incident.

Commissioner Gillooly stated not only concerns should be discussed, but opportunities to increase safety and other situations.

Mayor Costello stated the mayors on the west side of the County met with the County in a meeting called the Westside Summit. He stated he and Mayor Ritchey wanted to develop the concept for the eastside mayors.

Commissioner Kent thanked Commissioner Partington for his leadership with an email he had sent. Commissioner Kent stated he was in favor of a meeting with the County to discuss many issues, such as beach safety and whether Beach Patrol officers should have guns on the beach. He explained his neighbors were on the beach surfing on July 10 when they were approached by a Beach Patrol officer regarding his son not having a leash on his surfboard; they got a leash and went back to surfing. He stated they were approached again by the officer who kept her hand on her gun and threatened them with arrest because she said they were not in a surf zone. He stated it was later determined they were in a surfing zone and were not doing anything wrong. He stated his neighbors met with Kevin Sweat, Director of the Beach Patrol, and reported to Commissioner Kent that Mr. Sweat had said Commissioner Kent's response was over-the-top and Mr. Sweat stated he hated politicians and did not listen to what they have to say. Commissioner Kent stated he took issue with the comments, and his letter was not over-the-top, he was representing his constituents, who were treated unjustly and inappropriately. He stated the officer should have known her patrol area better and understood what was allowed in her area. He questioned if the Beach Patrol needed guns on the beach. He stated he had not heard from anyone from the County Council after he specifically asked two council members to look into this matter and respond to him, although he had heard from Channel 9 News asking about the issue. He stated he did not know what was going on and maybe, he should call the elected officials at the County to ask what was happening so he could tell his neighbors. Commissioner Kent stated he was willing to wait until after the County Council had met and for the next City Commission meeting to discuss the matter further.

Mayor Costello stated the reason Commissioner Kent might not have heard from County Council members was because they were probably waiting until after their next meeting when they might know more about beach issues. The Mayor stated he would prefer waiting until the Council had time to investigate the incident and respond to Commissioner Kent and his neighbors; if the Commission needed to be involved after that, then he suggested a meeting to discuss it.

Commissioner Partington stated more was needed, and he wanted a meeting now, because the County Beach Patrol have threatened a 12 year old with arrest, run over people on the beach, had people charged with sex crimes against children that have worked for them, and were now treating Ormond Beach residents unfairly. He expressed concern about what visitors were saying about our community; this was not great advertising. Commissioner Partington stated he did not understand why the Beach Patrol needed guns on the beach, or why Kevin Sweat would not call Commissioner Kent.

Mayor Costello stated he was in favor of a joint meeting, but would let Commissioner Gillooly and Commissioner Kelley determine if they wanted to wait.

Commissioner Kelley stated there was a procedure that should be followed, and he could understand them not getting back with Commissioner Kent yet. He stated the Commission should not be discussing what Beach Patrol officers should or should not do, or if they should carry guns as sworn officers of the Sheriff's Department was not within the Commission purview to determine. He stated any officers, including the City's officers, patrolling the beach had always had guns.

Commissioner Partington stated he did not think the Beach Patrol was part of the Sheriff's Department; and that was the problem, that they were their own agency with only the County Council to oversee them, which created their attitude, and the issue needed to be nipped in the bud.

Commissioner Gillooly suggested a joint meeting with all the cities and the county to discuss what could be done to make the beach safer so no other people were killed or injured on the beach because of beach driving. She stated there also needed to be the opportunity to discuss each city's concern. She suggested that for the time being, the Mayor and City Manager could work toward putting pressure on the County to resolve these issues.

Mayor Costello asked City Manager Joyce Shanahan to talk with Jim Dinneen to determine whether the County would prefer a joint meeting with all east side cities or just Ormond Beach to discuss the various beach issues.

City Manager Shanahan stated it might be more efficient to have a joint meeting with the County and the City to discuss the City's concerns before a countywide meeting was held.

Commissioner Partington asked to leave the matter of a joint meeting subject to what was said at the County Council meeting on July 22, 2010.

Commissioner Kelley stated the Council would be discussing beach safety at their July 22, 2010, meeting, and he was planning to attend. He stated once the beachfront park referendum was passed, the issue of one-way traffic on the beach, and a traffic-free zone between the proposed beachfront park and the ocean needed to be discussed. Commissioner Kelley stated there was a protocol followed by the people authorized to make the decisions, and if those decisions were not agreeable to the Commission, then the Commission had something to address. He stated the way they had acted, they needed to be responsible to the people they work for, and let it work through the system.

#### Voting Delegate – Florida League of Cities Conference

Commissioner Kelley thanked the Commission for allowing him to be the voting delegate to the Florida League of Cities conference and suggested the other members try to attend. He stated some of the programs, such as Pension Reform, Effective Strategies for Reducing Cities' Pension Costs; Public Integrity and Transparency in Government; and The New Normal, How Tough Times Will Change Your City, would be beneficial to all the Commission members.

#### Hardened Data Center

Commissioner Kelley stated Ned Huhta gave him an introduction of the new hardened data center at the Wastewater Treatment Plant. He stated it was impressive what had been done for such a little expense; using a small space for the servers while freeing up valuable space at City Hall. He stated the City Manager and staff deserved a lot of credit for a fantastic job.

#### Volunteer Program

Commissioner Kelley stated he hoped the volunteer program did not turn into a situation that would require additional staff to manage the program.

City Manager Shanahan stated that was not the intent, and it would not happen.

#### Signs

Commissioner Kelley stated he drove around the City looking for illegal signs, and he stated he saw only five illegal signs, less than he had anticipated. He suggested citizens call him to report illegal signs if they were not comfortable calling the City to report illegal signs.

#### Police Chief Osterkamp

Commissioner Kent congratulated Police Chief Osterkamp upon his swearing in as the new Police Chief.

Commissioner Partington congratulated Chief Osterkamp on his accomplishment of becoming the Police Chief after a nationwide search.

#### Interlocal Agreement with County on Beachfront Property

City Manager Shanahan stated that staff was working on drafting an Interlocal agreement with the County on the Beachfront Park issue, including the responsibilities for both parties with the dune issue as part of the agreement. She stated staff would work with the County on the draft before the agreement was presented to both governing boards.

#### Electronic Signs

City Manager Shanahan stated the electronic changeable signs issue was going to the Planning Board on August 12, and then would come back to the Commission.

#### Yard Parking Issue

City Manager Shanahan stated it had been determined to best deal with the yard parking issue in the Land Development Code. She stated it would likely go to the Planning Board in September, and both parties involved in this issue have been kept informed regarding the progress.

Commissioner Gillooly asked if that was as quickly as the issue could be handled.

City Manager Shanahan stated the Planning Board had a really full agenda for August, so it would have to go on the September agenda, and everyone was trying hard.

Commission Workshops

City Manager Shanahan stated staff would be contacting them soon to set up the sign ordinance workshop and the code enforcement workshop, possibly, in August or September. She suggested they meet after the August 12 Planning Board meeting.

Collective Bargaining Agreements

City Manager Shanahan stated the general employees' and the police collection bargaining agreements were expiring September 30, 2010; therefore, a shade meeting would be arranged for sometime in August to discuss those issues.

Casements Live

City Manager Shanahan stated the Casements Live free concert series was starting on July 23, 2010. She suggested everyone bring their favorite blanket or chair and listen to local musical artists at Rockefeller Gardens.

Wastewater Treatment Plant Project

Assistant City Manager Ted MacLeod stated it was a very momentous night for Public Works with the largest Public Works project the City had ever done. He explained it had involved untold hours for staff, John Noble, Dave Ponitz, Sam Butler, Mike Dunn, and the Finance Department, Kelly McGuire and Dan Stauffer, as well as City Manager Joyce Shanahan leading all. He stated it had been fun, and everyone had a real sense of accomplishment in getting the project passed.

Commissioner Partington suggested any one who might have doubts about the project call for a tour of the Wastewater Treatment Plant. He stated it was clear that it was incumbent upon the Commission to take care of the facility for the benefit of the citizens.

Mayor Costello thanked the committee comprised of Charlie, Marty Press, Rita Press, Norman Lane, Peggy Farmer, Rick Frazier, and Joe Jaynes, who had worked on the beachfront park project. He reported updates would be available on OrmondBeachfrontPark.com, and he, personally, encouraged everyone to vote "yes" on the Beachfront Park referendum.

Mayor Costello stated all of the members of this Commission had been together for five years, and he was proud of their accomplishments regarding the progress on the City's infrastructure: water quality, roadways, parks and leisure facilities, and the maintenance of facilities.

Item #12 – Close the Meeting

The meeting was adjourned at 8:55 p.m.

APPROVED: August 3, 2010

BY: Fred Costello, Mayor

ATTEST:

Veronica Patterson, City Clerk