

**ORMOND BEACH CITY COMMISSION MEETING
HELD AT CITY HALL COMMISSION CHAMBERS
September 21, 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 Bill Zamborsky, Prince of Peace Catholic Church.
- 3) Pledge of Allegiance.
- 4) **SECOND PUBLIC HEARING - FY 2010-2011 PROPOSED MILLAGE RATES AND BUDGET:**
 - A) Resolution No. 2010-110 establishing the final millage rates to be levied for Fiscal Year 2010-2011; directing certification; expressing legislative intent. (3.6536 operating millage rate; debt service millage rates of 0.1100 and 0.0460)
 - B) Second Reading of Ordinance No. 2010-39 adopting the Annual Budget for the 2010-2011 Fiscal Year beginning October 1, 2010, and ending September 30, 2011; repealing all inconsistent ordinances or parts thereof. (\$79,556,542)
- 5) **AUDIENCE REMARKS:**

- 6) **APPROVAL OF THE MINUTES** of the September 7, 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. 2010-133 authorizing the execution of a service agreement between the City and the Ormond Memorial Art Museum; authorizing the expenditure of funding. (\$43,640) (Leisure Services Director)
 - B) Resolution No. 2010-134 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) (Leisure Services Director)
 - C) Resolution No. 2010-135 authorizing the execution of an engagement letter between the City and Douglas S. Bell, of Pennington, Moore, Wilkinson, Bell & Dunbar, P.A., regarding legislative lobbying services for the 2011 Florida legislative session. (\$31,000) (Economic Development Director)
 - D) Resolution No. 2010-136 authorizing execution of an agreement between the City and the Volusia Transportation Planning Organization in support of planning and funding of Volusia County transportation system projects; authorizing the expenditure of funding. (\$3,675) (Planning Director)
 - E) Resolution No. 2010-137 authorizing the execution of a service contract between the City and the Ormond Beach Chamber of Commerce. (\$26,970) (Economic Development Director)
 - F) Resolution No. 2010-138 rescinding the acceptance of the bid from CWB Contractors, Inc., regarding the South Distribution Water Main Phase II Project, under Bid No. 2010-08; rescinding the previous rejection by Resolution No. 2010-87 of Hazen Construction, Inc.'s bid; accepting the bid from Hazen Construction, LLC, for the construction services; authorizing the execution of a contract with Hazen Construction, LLC, and payment therefor. (Acting City Engineer)
 - G) Resolution No. 2010-139 authorizing the execution of a Cooperative Economic Development Agreement between the City and Team Volusia Economic Development Corporation. (\$25,000) (Economic Development Director)
 - H) Debris removal and disposal agreements:
 - 1) Resolution No. 2010-140 renewing an agreement between the City of Ormond Beach and DRC Emergency Services, LLC, regarding emergency debris removal, reduction and disposal services. (Public Works Operations Manager)
 - 2) Resolution No. 2010-141 renewing an agreement between the City of Ormond Beach and Phillips & Jordan, Inc., regarding emergency debris removal, reduction and disposal services. (Public Works Operations Manager)
 - 3) Resolution No. 2010-142 renewing an agreement between the City of Ormond Beach and Storm Reconstruction Services, Inc., regarding emergency debris removal, reduction and disposal services. (Public Works Operations Manager)
 - I) Resolution No. 2010-143 approving a cost-of-living increase in the rate paid by the City to Flair Service, Inc., for HVAC services. (\$500 annually) (Leisure Services Director)
 - J) Resolution No. 2010-144 approving a cost-of-living increase in the rate paid by the City to Economy Electric Company for electrical services. (\$500 annually) (Leisure Services Director)
 - K) Resolution No. 2010-145 approving a cost-of-living increase in the rate paid by the City to Services Rendered, Inc., for janitorial services. (\$1,518 annually) (Leisure Services Director)
 - L) Resolution No. 2010-146 authorizing the approval and execution of an agreement with Chaz Equipment Environmental Services, Inc., regarding sanitary sewer manhole

rehabilitation services under Polk County Bid Number 10-071. (Not to exceed \$200,000) (Utilities Manager)

- M) Resolution No. 2010-147 accepting a bid from Patrick Anthony Technologies for the provision of an open top roll-off container filter, under Bid No. 2010-23; authorizing the execution of a purchase authorization (Requisition 0000007293). (\$33,130) (Utilities Manager)
- N) Resolution No. 2010-148 authorizing the purchase of various chemicals for the City's water and wastewater treatment plants under a cooperative bid solicited by several local cities; authorizing payment therefor. (Estimated annual cost - \$644,585) (Utilities Manager)
- O) Resolution No. 2010-149 of the City Commission of the City of Ormond Beach, Florida, declaring the City's official intent to seek reimbursement for certain capital expenditures made and to be made by the City with respect to the acquisition and development of lands on the east side of A1A/Atlantic Avenue in the City of Ormond Beach for a public beachfront park, including preservation of natural areas, dunes, and ocean views, and providing off-beach parking and beach access from the proceeds of tax-exempt debt anticipated to be issued by the City. (Finance Director)
- P) Resolution No. 2010-150 authorizing the execution of a contract between the City of Ormond Beach and Hall Construction Company, Inc., regarding a joint permit counter for the Planning and Engineering Departments at City Hall. (Not-to-exceed \$66,279) (Acting City Engineer)
- Q) Resolution No. 2010-151 authorizing the execution of Amendment No. 30 to the Professional Services Agreement between the City of Ormond Beach and Hoyle, Tanner & Associates, Inc., regarding design and construction administration services for the relocation of Taxiway "A" (Alpha) and the renovation of Taxiway "C" (Charlie), and new lighting systems for both taxiways at the Ormond Beach Municipal Airport; authorizing payment therefor. (\$348,600, FAA 95%, FDOT 2.5%, City \$8,715) (Airport Manager)
- R) Resolution No. 2010-152 authorizing the execution of an Animal Housing Agreement between the City and Flagler Humane Society, Inc. (Police Chief)
- S) Resolution No. 2010-153 accepting a proposal submitted by Brown & Brown of Florida, Inc., for the purchase of Commercial General Liability, Crime, Accidental Death & Dismemberment, Professional Liability, and Tulip (Special Event) insurance coverage; authorizing payment therefor. (\$97,403.71) (Risk Manager)
- T) Accepting a proposal for the renewal of Property, Inland Marine, Crime, Auto Physical Damage, and Workers' Compensation Insurance.

DISPOSITION: Approve as recommended in City Manager memorandum dated September 16, 2010.

- U) General Employees retroactive pay.

DISPOSITION: Approve as recommended in City Manager memorandum dated September 16, 2010.

8) **PUBLIC HEARINGS:**

- A) Resolution No. 2010-154 of the City Commission, individually and acting as the Community Redevelopment Agency for the Central Business District and adjacent areas, authorizing the execution of a service agreement between the City/Agency and Ormond Beach Main Street, Inc., for the promotion of economic, physical and aesthetic redevelopment and maintenance of the Ormond Beach Main Street District. (\$52,000) (Planning Director)
- B) Ordinance No. 2010-43 of the City Commission of the City of Ormond Beach, also acting as the North Mainland/Ormond Crossings Community Redevelopment Agency, establishing a Redevelopment Trust Fund for the North Mainland/Ormond Crossings Redevelopment Agency; authorizing the establishment of subaccounts within the trust fund; proving terms and conditions. (Second Reading) (Finance Director/Economic Development Director)

- C) Ordinance No. 2010-44 authorizing the execution and issuance of a First Amended Development Order for a 19.22-acre parcel of real property located at 765 West Granada Boulevard known as “Olive Grove” Planned Business Development (formerly known as “Granada Grande”) by authorizing modifications to the approved site plan to reduce the land use/density from 208 senior multi-family units to 88 affordable multi-family units; incorporating the dimensional and use standards of the B-9 zoning district; approving and authorizing the removal of eleven (11) diseased or dying historic trees and one (1) healthy historic tree located on the property; and approving a multi-phase project. (Second Reading) (Planning Director)
- D) Ordinance No. 2010-45 annexing certain real property into the City of Ormond Beach, said property consisting of approximately 2.5751± acres and being generally located along the west side of North US1 approximately 825 feet south of the US1 and Interstate 95 ramp located at 1530 N. US Highway 1; setting forth zoning, privileges and obligations regarding the property; redefining the territorial boundaries of the City of Ormond Beach to include the property; re-designating the boundaries of Zone 3 of the City of Ormond Beach to include the property; providing for transmission; and setting forth an effective date. (McDonald’s Property) (Second Reading)
- E) Ordinance No. 2010-46 annexing certain real property into the City of Ormond Beach, said property being generally located along the east side of North US Highway 1 approximately 825 feet south of the Interstate 95 ramp and being commonly located at 1545 North US Highway 1; redefining the territorial boundaries of the City of Ormond Beach to include the property; re-designating the boundaries of Zone 1 of the City of Ormond Beach to include the property; providing for transmission; and setting forth an effective date. (First Reading)

9) **SECOND READING OF ORDINANCES:**

- A) Ordinance No. 2010-40 amending Sections 22-23, 22-24, 22-26 and 22-71 of Chapter 22, Water and Sewers, of the Code of Ordinances, by increasing the minimum water and sewer rates. (Finance Director)
- B) Ordinance No. 2010-41 of the City of Ormond Beach, Florida, amending Division 1, Generally, of Article V, Stormwater Drainage Utility, of Chapter 22, Water and Sewers, of the Code of Ordinances; by renumbering Section 22-151, Short Title, to Section 22-151.01; by renumbering Section 22-152, Creation of Stormwater Drainage Utility, to Section 22-151.02; by renumbering and amending Section 22-153, Definitions, to Section 22-151.03; by renumbering Section 22-154, Duties of the Director, to Section 22-151.04; by reserving Sections 22-152, 22-153, and 22-154 for future use; by creating the following new sections: Section 22-151.05, Stormwater Systems, Section 22-151.06, Private Facilities, Section 22-151.07, Rules and Regulations, Section 22-151.08, Right of Entry for Survey, Examination and Inspection, Section 22-151.09, Enforcement; Liens; Fines and Emergency Abatement, and Section 22-151.10, Flooding Liability. (Acting City Engineer)
- C) Ordinance No. 2010-42 of the City of Ormond Beach, Florida, amending Article III, Firefighters’ Pension Trust Fund, of Chapter 16, Pensions and Retirement, of the Code of Ordinances; amending Section 16-45, Benefit Amounts and Eligibility. (Finance Director)

10) **STAFF ACTION REPORT:** City’s participation in efforts to construct additional artificial reefs off the Volusia County shoreline.

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

12) **CLOSE THE MEETING.**

Item #1 – Meeting Call to Order

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

Hilly Rife

Commissioner Gillooly reported that Hilly Rife, who was a former race car driver, racetrack owner and champion of the sport, had passed away. She stated the Motor Racing Heritage Association honored Mr. Rife with a lifetime achievement award earlier this year for the

important part he played in the local racing history, and his name would be added to the permanent signage at the replica of the Ormond Garage which would house the City's two replica race cars in the Birthplace of Speed Park.

Item #2 – Invocation

The invocation was giving by Father Bill Zamborsky, Prince of Peace Catholic Church.

Item #3 – Pledge of Allegiance

The Pledge of Allegiance was led by Mayor Costello.

Item #4A – Adopting Proposed Millage Rates for 2010-2011 Fiscal Year

RESOLUTION NO. 2010-110
A RESOLUTION ESTABLISHING THE FINAL MILLAGE RATES TO BE LEVIED FOR FISCAL YEAR 2010-2011; DIRECTING CERTIFICATION; EXPRESSING LEGISLATIVE INTENT; AND SETTING FORTH AN EFFECTIVE DATE.

Mayor Costello stated 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 an 11.31% tax decrease from the rollback rate of 4.1193 mills; the proposed debt service millage rate were 0.1100 for the 2002 General Obligation Bond Sinking Fund and 0.0460 for the 2003 General Obligation Bond Sinking Fund. The Mayor stated this was the third year in a row the City had decreased the budget with a total millage rate of 3.81, the second lowest millage rate in Volusia County. He stated the millage rate received unanimous approval of the Commission at the first reading, and the Budget Advisory Board recommendation.

Commissioner Kelley moved, seconded by Commissioner Gillooly, for approval of Resolution 2010-110 to establish the operating millage rate of 3.656 and the debt service millage rates of 0.1100 and 0.0460.

Mayor Costello stated the proposed operating millage rate of 3.656 mills was 11.31% less than the rollback millage rate and the resolution included the adoption of the proposed debt service millage rates of 0.1100 for the 2002 General Obligation Bond Sinking Fund and 0.0460 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 operating millage rate was set at 3.656 mills which was 11.31% less than the rollback millage rate.

Item #4B – Adopting the Annual Budget for the 2010-2011 Fiscal Year

ORDINANCE NO. 2010-39
AN ORDINANCE ADOPTING THE ANNUAL BUDGET FOR THE 2010-2011 FISCAL YEAR BEGINNING OCTOBER 1, 2010 AND ENDING SEPTEMBER 30, 2011 REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; AND SETTING FORTH AN EFFECTIVE DATE.

Mayor Costello stated Ordinance No. 2010-39 was to adopt a budget of \$79,556,542.

Commissioner Kelley moved, seconded by Commissioner Partington, approving Ordinance No. 2010-39, on second reading, as read by title only.

Alan Burton, 915 Ocean Shore Blvd., asked if there were funds in the budget for a crosswalk at Rockefeller Drive and A1A, where there was off-beach parking.

Mayor Costello explained that type of question could be better answered by staff prior to the Commission meeting. The Mayor stated there was not money in the budget because the City had not received approval from Florida Department of Transportation (FDOT) to put in the crosswalk, but it was in the works.

Mr. Burton asked if there was budgeting for street safety on US1 at the entrance of Ormond Lakes, such as street lighting or redesign to facilitate ease in entering or leaving Ormond Lakes.

Mayor Costello reported the last communication from FDOT indicated there was not enough traffic to warrant a traffic signal at that location.

City Manager Joyce Shanahan stated there was documentation in the file that she would share with Mr. Burton.

Mr. Burton asked if there was anything in the budget or Capital Improvement Projects for the runway extension at the airport.

Mayor Costello stated the runway extension was a dead issue. He stated the Master Plan was updated every five years, and the runway extension would be removed at that time, rather than spending funds to revise the Master Plan earlier: and everyone had been advised.

City Manager Shanahan stated she would follow up with Mr. Burton as to the date of the next scheduled Master Plan revision.

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

Mayor Costello stated the budget of \$79,556,542 was adopted, which was approximately \$20 million less than last year's budget, and the Commission and staff had done a wonderful job. He stated that without objection the public hearing was closed.

Item #5 - Audience Remarks

Mandatory Use of Golf Carts on Golf Courses

Dan Zurla, 3751 Long Grove Lane, Port Orange, stated Port Orange, Ormond Beach and Daytona Beach were violating three of their six Constitutional duties by mandating the use of golf carts on public golf courses.

Contingency Transport

Eric Sommerlad, Vice President of IAFF Local 3499, commented regarding Fire Department transport in Ormond Beach. He stated there was much talk about what was best for the citizens of Volusia County and its cities. He stated he could not state what was best for this area, but as a paramedic on the street, he did know what was better. He related a recent incident involving an elderly female who was a text book stroke victim where the fire paramedics had addressed the patient within the allotted time for a stroke alert, which notifies the hospital and activates intervention, but the patient had to wait for the County administered EVAC to transport the patient. He reported when EVAC arrived and accepted his report, the EVAC medic did the same assessment before accepting the stroke diagnosis and transporting the patient, which wasted precious time when time was so valuable with a stroke alert. He stated there were Fire Departments in Volusia County that were already set up with rescue transport apparatus, although they could not transport because their leaders knew it was inevitable that Fire Departments would have to take care of their own citizens; and those not prepared would be at the mercy of the County and surrounding cities for transport services. He reported that surrounding counties all had Fire Department transport, and none of those counties were considering going to two tier system, such as ours. He stated these changes were not easy, nor do they come cheap, but the City's Fire Department was at the top for bringing in revenue and should be allowed to supplement its budget. He stated he was not for contingency transport, and Fire Department transport was better for the citizens than the current two tier system.

Mayor Costello stated he was proud of the Commission for their research and discussions of this issue. He stated he had supported regionalization or consolidation of the various Fire Departments in the County for eleven years; and the recently released Tri-Data report supported the concept of regionalization. He assured all the citizens that the leaders in Volusia County were working diligently to provide the citizens with the most outstanding emergency medical services possible.

Item #6 – Approval of the Minutes

Mayor Costello advised the minutes of the September 7, 2010, regular meeting had been sent to the Commission for review and asked for any corrections, additions, or omissions. Mayor Costello stated with no corrections, the minutes stand approved as submitted.

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 Gillooly requested Item #7K be pulled for discussion.

Mayor Costello reported an audience member had requested discussion of Item #7H.

Commissioner Kelley moved, seconded by Commissioner Gillooly, for approval of the Consent Agenda, absent Items #7H and #7K.

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

Mayor Costello commented that the Ormond Memorial Art Museum was an amazing resource, as well as the Council on Aging for providing 5,000 in-house meals and approximately 20,000 Meals On Wheels for seniors through their facility. He stated these types of organizations made the City the quality community it was.

Item #7H1 – Contract with DRC Emergency Services, LLC for Disaster Debris Removal

RESOLUTION NO. 2010-140

A RESOLUTION RENEWING AN AGREEMENT BETWEEN THE CITY OF ORMOND BACH AND DRC EMERGENCY SERVICES, LLC, REGARDING EMERGENCY DEBRIS REMOVAL REDUCTION AND DISPOSAL SERVICES; AND SETTING FORTH AN EFFECTIVE DATE.

Commissioner Kelley moved, seconded by Commissioner Partington, for approval of Resolution No. 2010-140, as read by title only.

Thomas Glynn, 170 Deer Run Lake Drive, inquired if it was necessary to pick up garage twice a week, recycle once a week and yard waste once a week, and he suggested money could be saved with fewer pickups.

Mayor Costello responded that those services were not related to the items on the agenda. He explained the volume of solid waste that went to the landfill was the same, and it would save very little to have fewer pickups.

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

Item #7H2 – Contract with Phillips & Jordan, Inc. for Disaster Debris Removal

RESOLUTION NO. 2010-141

A RESOLUTION RENEWING AN AGREEMENT BETWEEN THE CITY OF ORMOND BACH AND PHILLIPS & JORDAN, INC., REGARDING EMERGENCY DEBRIS REMOVAL REDUCTION AND DISPOSAL SERVICES; AND SETTING FORTH AN EFFECTIVE DATE.

Commissioner Kent moved, seconded by Commissioner Kelley, for approval of Resolution No. 2010-141, as read by title only.

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

Item #7H3 - Contract with Storm Reconstruction Services, Inc. for Disaster Debris Removal

RESOLUTION NO. 2010-142

A RESOLUTION RENEWING AN AGREEMENT BETWEEN THE CITY OF ORMOND BACH AND STORM RECONSTRUCTION SERVICES, INC., REGARDING EMERGENCY DEBRIS REMOVAL REDUCTION AND DISPOSAL SERVICES; AND SETTING FORTH AN EFFECTIVE DATE.

Commissioner Kelley moved, seconded by Commissioner Gillooly, for approval of Resolution No. 2010-140, 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 asked Assistant City Manager Ted MacLeod to confirm that the savings for once a week pickup was approximately \$1.00 a month.

Assistant City Manager MacLeod stated it was approximately \$1.00 a month.

Commissioner Kelley pointed out the rates had increased only \$1.50 per month in the last 20 years for solid waste pickup.

Item #7K – Cost-of-Living Increase for Services Rendered, Inc.

RESOLUTION NO. 2010-145

A RESOLUTION APPROVING A COST-OF-LIVING INCREASE IN THE RATE PAID BY THE CITY TO SERVICES RENDERED, INC., FOR JANITORIAL SERVICES; AND SETTING FORTH AN EFFECTIVE DATE.

Commissioner Kelley moved, seconded by Commissioner Kent, for approval of Resolution No. 2010-145, as read by title only.

Commissioner Gillooly stated all vendors had the right to ask for a cost-of-living increase, but the other proposed cost-of-living increases were from vendors with a service rating of very good; whereas, Services Rendered, Inc., was different with a service rating listed as only satisfactory; therefore she did not feel the increase was warranted.

Mayor Costello stated that staff had worked with Services Rendered, Inc., to improve their service, and they had responded; therefore, he would support the increase. He explained the CPI was 1.05% and the contracts allowed for an increase of 75% of the CPI which was .79%. The Mayor stated he would support a .79% because he believed the service issues had been resolved, but he wanted to go on the record that if next year the service did not improve, no increase would be approved for them. He stated in his experience the small increase encouraged the vendor to improve, which was better than to antagonize the vendor by withholding the small amount of money involved.

Call Vote:	Commissioner Kelley	Yes
	Commissioner Partington	Yes
	Commissioner Gillooly	No
	Commissioner Kent	No
Carried 3-2	Mayor Costello	Yes

Community Redevelopment Agency Items

Mayor Costello stated Item #8A was for a service agreement with Ormond Main Street for the Downtown Community Redevelopment Area and Item #8B was to approve the establishment of the Redevelopment Trust Fund for the North Mainland/Ormond Crossings Community Redevelopment Area. He explained the City Commission served as the Community Redevelopment Agency (CRA) for the Downtown Redevelopment Area and the North Mainland/Ormond Crossings Community Redevelopment Area, and as such, must review each CRA agenda item and make a recommendation as the CRA prior to the City Commission public hearing; therefore, the City Commission meeting would be recessed and a meeting of the Community Redevelopment Agency convened. He explained that once the recommendations were made, the CRA meeting would be adjourned and the City Commission meeting reconvened to hold the public hearing on these items.

Mayor Costello stated the City Commission meeting was adjourned, and called the meeting of the Community Redevelopment Agency to order at 7:36 p.m.

Commissioner Kelley moved, Commissioner Gillooly seconded, for recommending approval of Resolution No. 2010-154.

Mayor Costello stated the recommendation was approved unanimously by voice vote.

Commissioner Gillooly expressed it was very important to note the scope of accomplishments and future vision of the Ormond Main Street.

Commissioner Gillooly moved, seconded by Commissioner Kelley, for recommending Ordinance No. 2010-43 for approval by the City Commission.

Mayor Costello reported the CRA unanimously recommended Ordinance No. 2010-43. He adjourned the CRA and reconvened the City Commission meeting at 7:39 p.m.

Item #8A – Ormond Main Street Agreement

RESOLUTION NO. 2010-154

A RESOLUTION OF THE CITY COMMISSION, INDIVIDUALLY AND ACTING AS THE COMMUNITY REDEVELOPMENT AGENCY FOR THE CENTRAL BUSINESS DISTRICT AND ADJACENT AREAS, AUTHORIZING THE EXECUTION OF A SERVICE AGREEMENT BETWEEN THE CITY/AGENCY AND ORMOND BEACH MAIN STREET, INC., FOR THE PROMOTION OF ECONOMIC, PHYSICAL AND AESTHETIC REDEVELOPMENT AND MAINTENANCE OF THE ORMOND BEACH MAIN STREET DISTRICT; AND SETTING FORTH AN EFFECTIVE DATE.

Commissioner Gillooly moved, seconded by Commissioner Kelley, for the approval of Resolution No. 2010-154, as read by title only.

Mayor Costello stated Resolution No. 2010-154 received unanimous approval from the CRA.

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

Item #8B – Redevelopment Trust Fund for North Mainland/Ormond Crossings

ORDINANCE NO. 2010-43

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF ORMOND BEACH, ALSO ACTING AS THE NORTH MAINLAND/ORMOND CROSSINGS COMMUNITY REDEVELOPMENT AGENCY, ESTABLISHING A REDEVELOPMENT TRUST FUND FOR THE NORTH MAINLAND/ORMOND CROSSINGS REDEVELOPMENT AGENCY; AUTHORIZING THE ESTABLISHMENT OF SUBACCOUNTS WITHIN THE TRUST FUND; PROVIDING TERMS AND CONDITIONS; PROVIDING FOR SEVERABILITY; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; AND SETTING FORTH AN EFFECTIVE DATE.

Mayor Costello stated there was no one wishing to speak on this issue.

Commissioner Kelley moved, seconded by Commissioner Gillooly, for approval of Ordinance No. 2010-43, on second reading, as read by title only.

Mayor Costello stated Ordinance No. 2010-43 had received unanimous approval from the CRA.

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

Mayor Costello stated that without objection, the public hearing was closed. Mayor Costello explained Ormond Crossing Community Redevelopment Area Trust Fund was a partnership with the Volusia County Council appropriating \$4 million dollars and the City appropriating \$8 million without any general fund dollars to be used for construction of Ormond Crossings, which at a 25 year build out would generate 11,000 new permanent jobs and approximately 10,600 new construction related jobs, and a property value increase from 2007 of \$10,000 to a build out value of \$1.7 billion. He reported the cumulative tax revenue to the City in the 25 year period was estimated to be \$46 million and \$101 million to the County.

Item #8C – First Amended Development Order for “Olive Grove”

ORDINANCE NO. 2010-44

AN ORDINANCE AUTHORIZING THE EXECUTION AND ISSUANCE OF A FIRST AMENDED DEVELOPMENT ORDER FOR A 19.22-ACRE PARCEL OF REAL PROPERTY LOCATED AT 765 WEST GRANADA BOULEVARD KNOWN AS “OLIVE GROVE” PLANNED BUSINESS DEVELOPMENT (FORMERLY KNOWN AS “GRANADA GRANDE”) BY AUTHORIZING MODIFICATIONS TO THE APPROVED SITE PLAN TO REDUCE THE LAND USE/DENSITY FROM 208 SENIOR MULTI-FAMILY UNITS TO 88 AFFORDABLE MULTI-FAMILY UNITS; INCORPORATING THE DIMENSIONAL AND USE STANDARDS OF THE B-9 ZONING DISTRICT; APPROVING AND AUTHORIZING THE REMOVAL OF ELEVEN (11) DISEASED OR DYING HISTORIC TREES AND ONE (1) HEALTHY HISTORIC TREE LOCATED ON THE PROPERTY; AND APPROVING A MULTI-PHASE PROJECT; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; AND SETTING FORTH AN EFFECTIVE DATE.

Mayor Costello stated it was a public hearing, and three speakers were available, if needed to answer questions. He reported the item received a unanimous 6-0 vote from the Planning Board, and called for any questions or concerns. Hearing none, he called for a motion.

Commissioner Gillooly moved, seconded by Commissioner Partington, for approval of Ordinance No. 2010-44, 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 hearing no objection, the public hearing was closed.

Item #8D – Annexing McDonald’s Property on North US1

ORDINANCE NO. 2010-45

AN ORDINANCE ANNEXING CERTAIN REAL PROPERTY INTO THE CITY OF ORMOND BEACH, SAID PROPERTY CONSISTING OF APPROXIMATELY 2.5751± ACRES AND BEING GENERALLY LOCATED ALONG THE WEST SIDE OF NORTH US1 APPROXIMATELY 825 FEET SOUTH OF THE US1 AND INTERSTATE 95 RAMP LOCATED AT 1530 n. US HIGHWAY 1 INCLUDING A PORTION OF FLAGLER ROAD; SETTING FORTH ZONING, PRIVILEGES AND OBLIGATIONS REGARDING THE PROPERTY; REDEFINING THE TERRITORIAL BOUNDARIES OF THE CITY OF ORMOND BEACH TO INCLUDE THE PROPERTY; REDESIGNATING THE BOUNDARIES OF ZONE 3 OF THE CITY OF ORMOND BEACH TO INCLUDE THE PROPERTY; PROVIDING FOR TRANSMISSION; PROVIDING FOR SEVERABILITY; AND SETTING FORTH AN EFFECTIVE DATE.

Mayor Costello stated this was a public hearing, and he had no requests from the audience to speak.

Commissioner Kelley moved, seconded by Commissioner Kent, for approval of Ordinance No. 2010-45, 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

Mayor Costello stated that hearing no objections, the public hearing was closed.

Item #8E – Annexation of Property at 1545 North US1

ORDINANCE NO. 2010-46

AN ORDINANCE ANNEXING CERTAIN REAL PROPERTY INTO THE CITY OF ORMOND BEACH, SAID PROPERTY BEING GENERALLY LOCATED ALONG THE EAST SIDE OF NORTH US HIGHWAY 1 APPROXIMATELY 825 FEET SOUTH OF INTERSTATE 95 AND BEING COMMONLY LOCATED AT 1545 NORTH US HIGHWAY 1; REDEFINING THE TERRITORIAL BOUNDARIES OF THE CITY OF ORMOND BEACH TO INCLUDE THE PROPERTY; REDESIGNATING THE BOUNDARIES OF ZONE 1 OF THE CITY OF ORMOND BEACH TO INCLUDE THE PROPERTY; PROVIDING FOR TRANSMISSION; PROVIDING FOR SEVERABILITY; AND SETTING FORTH AN EFFECTIVE DATE.

Rev. Neal Ganzel, 68 Creek Bluff Way, stated the City's number one item listed on the Statement of Vision posted outside The Commission Chambers was, "the first thing we want to be is a family-oriented community, striving to provide a safe and supportive environment in which families of all ages can build on their strengths and traditions." He stated gaining control of as much property at the gateway to the City from I95, our north front door, was an important economic development option, and it gave the City the constitutional right and means to guarantee the community standards, with regard to families and tradition. Rev. Ganzel stated some of the proposals for the property as were presently contemplated flew in the face of the City's traditions, our values and were not in the best interest of families, wholesomeness, or a beautiful community. He applauded the Commission and staff for guarding the communities' family values relative to the use of the property.

Frank Sieni, representative of Fifteen Forty Five, LLC, stated he wished to have the following read into the record, "the owner of said property wishes to refuse annexation."

Mayor Costello stated the Commission understood and pointed out that there was a prior annexation agreement from the prior owner, which went with the land and not the owner.

Mr. Sieni stated, "Yes, sir."

Mayor Costello stated the City would be annexing the property legally, and he stated the City would stand by its regulations and would stand by the law.

Mr. Sieni stated he understood that, and they had a lawyer on the case; and anything further would have to be discussed with their lawyer.

Mayor Costello stated the City would go with the law, which said it would be annexed.

Commissioner Kelley moved, seconded by Commissioner Gillooly, for approval of Ordinance No. 2010-46, on first reading, as read by title only.

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

Mayor Costello stated hearing no objection, the public hearing was closed.

Item #9A – Water and Wastewater Rate Adjustment

ORDINANCE NO. 2010-40

AN ORDINANCE AMENDING SECTIONS 22-23, 22-24, 2-26 AND 22-71 OF CHAPTER 22, WATER AND SEWERS, THE CODE OF ORDINANCES, BY INCREASING THE MINIMUM WATER AND SEWER RATES; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; AND SETTING FORTH AN EFFECTIVE DATE.

Commissioner Partington moved, seconded by Commissioner Kent, for approval of Ordinance No. 2010-40, on second reading, as read by title only.

Clair Atwell, 49 Ormond Green Boulevard, congratulated the Commission on what had been done on the City finances, but he inquired as to how the water and sewer pipe issue got away from the Commission, necessitating an increase.

Mayor Costello explained it was a 2.5% increase, which was 67 cents a month for low usage customers, and he stated 100% of the money was being used for the replacement of pipes.

Mr. Atwell asked the age of the construction.

Mayor Costello stated there were some pipes that were 50 years old, and some were approaching 100 years old.

Commissioner Kent explained that upwards of 500,000 gallons of water were lost daily due to leakage from the pipes, and the City wanted the water that reached the residents' homes to be the premium quality water that was produced at the water plant.

Mr. Atwell asked if this was an ongoing yearly project.

Mayor Costello stated it was a new dedicated funding source for pipe replacement. He complimented the other Commissioners for being willing to do what was necessary.

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

Item #9B – Stormwater Drainage Utility

ORDINANCE NO. 2010-41

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF ORMOND BEACH, FLORIDA, AMENDING DIVISION 1, GENERALLY, OF ARTICLE V, STORMWATER DRAINAGE UTILITY, OF CHAPTER 22, WATER AND SEWERS, OF THE CODE OF ORDINANCES BY RENUMBERING SECTION 22-151, SHORT TITLE, TO SECTION 22-151.01; BY RENUMBERING SECTION 22-152, CREATION OF STORMWATER DRAINAGE UTILITY, TO SECTION 22-151.02, BY RENUMBERING AND AMENDING SECTION 22-153, DEFINITIONS, TO SECTION 22-151.02; BY RENUMBERING AND AMENDING SECTION 22-153, DEFINITIONS, TO SECTION 22-151.03; BY RENUMBERING SECTION 22-154, DUTIES OF THE DIRECTOR, TO SECTION 22-151.04; BY RESERVING SECTIONS 22-152, 22-153, AND 22-154, FOR FUTURE USE; BY CREATING THE FOLLOWING NEW SECTIONS, SECTION 22-151.05, STORMWATER SYSTEMS, SECTION 22-151.06, PRIVATE FACILITIES, SECTION 22-151.07, RULES AND REGULATIONS, SECTION 22-151.08, RIGHT OF ENTRY FOR SURVEY, EXAMINATION AND INSPECTION, SECTION 22-151.09, ENFORCEMENT; LIENS; FINES AND EMERGENCY ABATEMENT, AND SECTION 22-151.10, FLOODING; LIABILITY; BY PROVIDING FOR SEVERABILITY; BY PROVIDING FOR CONFLICTING ORDINANCES; AND BY PROVIDING FOR AN EFFECTIVE DATE.

Commissioner Kent moved, seconded by Commissioner Kelley, for approval of Ordinance No. 2010-41, 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

Item #9C – Firefighters' Pension Trust Fund

ORDINANCE NO. 2010-42

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF ORMOND BEACH, AMENDING ARTICLE III, FIREFIGHTERS' PENSION TRUST FUND, OF CHAPTER 16, PENSIONS AND RETIREMENT, OF THE CODE OF ORDINANCES; AMENDING SECTION 16-45, BENEFIT AMOUNTS AND ELIGIBILITY; REPEALING ALL ORDINANCES IN CONFLICT HERewith AND PROVIDING AN EFFECTIVE DATE.

Commissioner Kelley moved, seconded by Commissioner Partington, for approval of Ordinance No. 2010-42, on second reading, as amended by include a multiplier of 3.28% read by title only.

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

Item #10 – Volusia County Artificial Reef Construction

Mayor Costello stated this was an outstanding idea of the City Manager to partner with the County to use the cement “coffin” planters for artificial reef construction.

City Manager Shanahan stated the County was very appreciative of the City’s participation in the artificial reef program.

Item #11 - Reports, Suggestions, Requests

Staff Kudos

Commissioner Partington complimented staff for a great job on the information provided in the packet to address a huge agenda, which allowed a short meeting.

Mayor’s Luncheon – State of the City

Commissioner Partington commented on the Mayor’s Luncheon, which was the Mayor’s swan song with the State of the City address. He stated it was a great day for the City and a great event sponsored by the Chamber. He stated the Mayor had presented each of the Commissioners with a key to the City, which was unexpected and meant a lot. He expressed it had been a pleasure to serve with the Mayor.

Commissioner Gillooly stated there was excellent showing at a well done event. She reported that Mrs. Linda Costello had said “at the end of the day all her husband had hoped was that he had made a difference” and we all agreed Mayor Costello and Mrs. Costello had both absolutely made a difference in the community.

Commissioner Kent expressed his excitement for receiving the key to the City from the Mayor.

Commissioner Kelley agreed it was a fantastic event. He stated that without Mayor Costello’s leadership, the accomplishments in the City would not have happened; and due to the recent budget shortfalls, the City would not be in the great financial shape that it was.

Mayor Costello stated pensions had been mentioned several times, but he reported the City was in as good shape as any City, but the unfunded liability, which had occurred in the defined benefit pension plans for many state and other governmental agencies was due to the crash in the stock market. He stated the tax payers had to fund that liability, but the City was in good shape. The Mayor stated it was his pleasure to bring that information to the public. He stated he gave the key to the City to Commissioners as his way to honor, thank and to acknowledge the Commissioners who have done more for the City than any other Commission that he had had the pleasure to work with.

City Manager Shanahan thanked the Chamber for hosting the State of the City luncheon, and they did an excellent job.

Ormond Main Street

Commissioner Gillooly reported that volunteers from Ormond Main Street and the Rotary Club took on the project to spruce up the abandoned gas station property on Granada Boulevard and this project was one of the reasons why she supported the agreement with Ormond Main Street.

Underhill and Roth Family

Commissioner Gillooly stated she had gotten to know the Underhill and Roth families who own The Magnolia Tree, a business with the ability to successfully transplant a live, full grown tree. She stated they wanted to assist with tree relocation on the John Anderson Drive project, but had determined the logistics of the street would make it almost impossible. She stated she was taken by their willingness to help.

Movies on the Halifax

Commissioner Kent asked City Manager Shanahan what movie was planning Friday.

City Manager Shanahan reported the October movie was “Monster House” at 8:00 p.m.

Halloween

Commissioner Kent asked for at least two officers to patrol on Riverside Drive for Trick or Treat on Halloween.

Announcements

City Manager Shanahan stated staff required a Special Meeting to conduct the final readings of the remedial Comprehensive Plan amendments and suggested Thursday, October 28, at 7:00 p.m.

City Manager Shanahan reminded the Commission that the Planning Board was holding a workshop to discuss copy on electronic signage on Tuesday, September 28 at 6:00 p.m.

City Manager Shanahan reported that collective bargaining agreements for the police and general employees were being negotiated. She stated she was pleased to announce that the IAFF had ratified their agreement, which would be coming to the Commission for their consideration.

City Manager Shanahan stated that Local Government Week recognized by the Florida League of Cities started the third week in October, and a staff appreciation luncheon was being planned. She stated the Commission would be provided with further details as they were finalized.

City Attorney Randy Hayes stated he needed to schedule a litigation shade meeting regarding the Carpenter matter, probably before the October 5 City Commission meeting, and would contact them regarding the scheduling.

Proclamations

Mayor Costello suggested everyone visit the City’s website at www.ormondbeach.org to view the proclamations presented by the City to citizens who made a difference in the community, such as Bill Jones, who had received the Downtown Angel Investment Award.

Mayor Costello called forward his wife, Linda and grandchildren, Skylar and Joey, to allow them recognition for their support of his efforts to make the community a better place.

Item #12 – Close the Meeting

The meeting was adjourned at 8:11 p.m.

APPROVED: October 5, 2010

BY: Fred Costello, Mayor

ATTEST:

Veronica Patterson, City Clerk