

**ORMOND BEACH CITY COMMISSION MEETING
HELD AT CITY HALL COMMISSION CHAMBERS
October 5, 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 Neal J. Ganzel, Jr., Coquina Presbyterian Church in America.
- 3) Pledge of Allegiance.

4) **PRESENTATION:** Employee-of-the-Quarter Award to Officers Greg Stokes and Lloyd Cornelius.

5) **AUDIENCE REMARKS:**

6) **APPROVAL OF THE MINUTES** of the September 21, 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. 2010-155 of the City of Ormond Beach opposing the transferring of mail processing services from the Daytona Beach main distribution center of the United States Postal Service located at 500 Bill France Boulevard in Daytona Beach, Florida, to the Mid-Florida Processing and Distribution Center.

B) Resolution No. 2010-156 authorizing the execution of a lease agreement between the City of Ormond Beach and Prosperity Bank for the use of office space as a Police Department substation. (\$1 Annually) (Police Chief)

C) Resolution No. 2010-157 authorizing the execution of a deductive Change Order Number One (1) to that contract awarded to Brasfield & Gorrie, LLC, regarding the Wastewater Treatment Plant Rehabilitation and Expansion project, by decreasing the contract price by \$408,959. (Acting City Engineer)

D) Transfer of landscape easement at 30 West Granada Boulevard.

1) Resolution No. 2010-158 authorizing the execution of a Quitclaim Deed in favor of Jeffery J. Boyle, releasing a landscape easement located at 30 West Granada Boulevard.

2) Resolution No. 2010-159 authorizing the acceptance of a Landscape Easement Deed from Highlander Corporation on property located at 30 West Granada Boulevard.

E) Closing of Riverside Drive for various events.

DISPOSITION: Approve as recommended in City Manager memorandum dated September 30, 2010.

F) Resident survey regarding underground utilities on John Anderson Drive.

DISPOSITION: Approve as recommended in City Manager memorandum dated September 30, 2010.

8) **PUBLIC HEARINGS:**

A) 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. (Second Reading)

B) Ordinance No. 2010-47 amending the Future Land Use Element of the Comprehensive Plan by amending the Future Land Use Map to change the designation on a six (6.0) acre parcel of real property located on the west side of North Orchard Street and north of West Granada Boulevard located at 146 North Orchard Street (Parcel ID No. 4241-01-09-0100), from "Office/Professional" to "Industrial/Utilities." (Planning Director)

9) **RESOLUTIONS:**

A) Resolution No. 2010-160 approving the use of a geometric pattern on the façade and seawall of the "Casa Del Mar Resort" located at 621 South Atlantic Avenue. (Planning Director)

- B) Resolution No. 2010-161 authorizing the execution of a Collective Bargaining Agreement between the City and the Ormond Beach Firefighters Association (Local 3499, IAFF, AFL-CIO, CLC). (Human Resources Director / Fire Chief)

10) **DISCUSSION ITEMS:**

- A) Participation in the Eastern Volusia Regional Water Authority.
B) Painting of traffic mast arm assemblies.

- 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.

Item #2 – Invocation

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

Item #3 – Pledge of Allegiance

The Pledge of Allegiance was led by Mayor Costello.

Item #4 – Presentation – Employee-of-the-Quarter

City Manager Joyce Shanahan announced Officers Lloyd Cornelius and Gregory Stokes were selected as the Employees-of-the-Quarter. She stated they were responsible for the D.A.R.E. and PAL programs, and they did a great job educating our children. She reported that Officer Cornelius joined the Ormond Beach Police Department in September of 1994, where he had worked patrol for his first eight years. He became a field officer and police instructor; he has received training on gang investigation; and he spent four years as an investigator, mainly fraud and financial crimes. He and his wife, Sandy, have two children, son Wesley and daughter Taylor. Ms. Shanahan reported that Officer Gregory Stokes was a graduate of Seabreeze High School, living in the city since 1981. He started with the City in the Recreation Department in 1993. In March 1998, he transferred to the Animal Control Division as a Community Services Officer; and in February 2000, he officially started his career in law enforcement with the Ormond Beach Police Department. After 8 ½ years in patrol, he was certified a D.A.R.E. instructor, as well as pursuing his certification as a crime prevention practitioner; and he and his wife, Phyllis, have two daughters, Manesha and Nadia. She stated Officers Cornelius and Stokes are assigned to the Outreach Division as Crime Prevention Officers in D.A.R.E.; and they coordinate the Annual Night Out, the Ormond Beach Police Academy, and teach crime prevention, anti-bullying and drug prevention to elementary and middle school students.

Mayor Costello presented plaques and City Seal watches to Officers Cornelius and Stokes.

Mike Fisher

Mayor Costello spoke about the unfortunate passing of Mike Fisher, known as “Mr. Rockefeller” for his portrayal of the historic figure, and his many contributions to the City, including picking up trash every day on the beach. The Mayor stated Mr. Fisher had been honored by the City several months ago, and he requested citizens make the City aware of any other members of the public that should be publicly recognized by the City.

Item #5 - Audience Remarks

Laurence Cook, 1529 North Beach Street, stated he had come before the Commission again to discuss his code enforcement issue.

Mayor Costello reported Mr. Cook’s issue was from 1982; and after spending numerous hours trying to resolve the issue to his satisfaction, the City had been unsuccessful.

Item #6 – Approval of the Minutes

Mayor Costello advised the minutes of the September 21, 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 Kelley moved, seconded by Commissioner Partington, for approval of the Consent Agenda.

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

Mayor Costello thanked Prosperity Bank for the \$ 1 annual lease of a police substation. He complimented staff for a \$17,060 reduction of the contract price for the Wastewater and Stormwater Treatment Plant project; and he pointed out the direct purchase saved taxes.

Commissioner Gillooly stated Item #7A was opposition to the transfer of the postal processing services from the Bill France facility, and she reported there would be a meeting Thursday evening (October 7) at the Plaza Resort at 7:00 p.m. to discuss this issue and consider options. She stated that regarding the John Anderson survey to determine any interest by residents for underground utilities, she could appreciate the lack of interest due to the cost involved. She suggested that since there was some interest, staff could research any possible grant opportunities that might impact the project.

Mayor Costello stated the project was something that should be done, but the City could not get the support to accomplish it currently. He agreed that grant funding could be pursued, but that he would not push for a special assessment.

City Manager Shanahan stated it was not staff's plan to authorize the design of that project, the design being necessary for a grant application, because it was difficult to pursue any grants without a design. City Manager Shanahan stated that most of the grants required a match by the City.

Mayor Costello asked the City Manager to look into it.

Mayor Costello stated he had sent a personal letter to the postal service opposing the transfer of postal services to Lake Mary.

Item #8A – 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.

Al Rice, 13 Needles Lane, stated he moved to the City twenty years ago and had raised his children here due to values of the community. He stated Cheaters would lower property values in Pine Run and would bring increased prostitution and drugs to the area. He read comments from patrons of Cheaters that were posted on the internet. He stated he would not have moved here had Cheaters been here when he came.

Tara Sanders, 4 Twelve Oaks Trail, stated she was here to encourage the Commission to annex Cheaters into the City, which would provide a tremendous advantage for protecting our City against these types of establishments. She stated not all communities had the same family values that Ormond Beach had. She stated the law suit by the owner of Cheaters against the City maintains that it was not an adult entertainment business or sexually oriented business because the performers wear appropriate covering all the time, but the comments posted on the internet by customers portrayed a very different picture. She asked the Commission to please continue to protect the family values and property values of our City.

Daisy Grimes, 130 Old Mill Run, stated she loved this City and moved here from south Florida for a better life for her children and grandchildren. She stated she was here to support the annexation of the property so the City would have some control over what happened there. She related a story about a friend from college who had to work as a dancer at a club in Daytona where she got hooked on heroin and became a prostitute. She stated we needed to protect other women from this type of employment.

Frank Sieni, 1545 North US1, representative of 1545 Ormond Beach LLC, the owner of 1545 US1, stated, "All permits for the property have been closed out and completed with Volusia County, and we have obtained our Certificate of Completion from the County. All construction, renovation and improvements to the realty have been fully approved by the County. Should you annex the property, you take it as it is in its fully completed and permitted state. We have been and continue to be operating 100% to the law as a bikini bar, not as an adult entertainment establishment. I am here tonight to state, on the record, that we object to annexation. Furthermore, I have an application to the City of Ormond Beach, with the application fee in the form of a check for a business licenses for the tenant at said location. I am submitting this application tonight at this meeting, because of the verbiage in the annexation resolution, which stated that it is to become effective upon passage. The following statement is to become part of the business license application. This application is to become effective only upon passage of annexation by the City of Ormond Beach. The applicant reserves all rights to protest annexation through any and all legal forums, and in no way is the filing of this application deemed to be a waiver of a grandfathered right as a fully approved and operating bikini bar in Volusia County. The applicant reserves all rights to challenge annexation, nor is the application deemed to be an acceptance of this annexation process."

Edward Shacklette, 55 John Anderson Drive, stated he was born and raised here, attending local schools and leaving only to attend college. He stated he was holding his sons because he wanted the Commission to consider the future of the City and what this business would bring. He stated the City was a good, clean, wholesome place to raise young people, and asked the Commission to protect that for his sons.

Peggy Farmer, 4 Allenwood Look, stated, while looking at the packet information, she realized all that the City had done to prevent this type of business. She reported in 2003 the business community set up a task force to prevent this type of business, because this type of business was not in the best interest of the community. She stated she was shocked when this happened, and it was not something new, nor something the task force ever wanted to happen.

Virginia Grillo, 3 Allenwood Look, stated she recently returned from New Orleans where gambling was not permitted, but by calling it gaming, they got away with it. She stated "bikini bar" was also a play on words. She stated the Commission needed to let these people know the City and the Commission were not stupid.

Mayor Costello explained that due to active litigation, the Commission had been advised by the attorneys not to make comments, but he stated that did not mean the Commission was not concerned and committed.

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

Planning Director Ric Goss stated his comments were not part of the annexation, but indirectly connected to the annexation issue. He stated staff had been asked why, suddenly, the City was interested in annexing properties along US1. He stated the details in the report spoke for itself, but the City's interest was long term from 1975 and 1980 when the City went to regional service to control the City's boundaries regarding growth management. He stated the Commission was intelligent to enter into an agreement with the County in 1990 which gave the City exclusivity with regard to service, allowing the City to control the boundaries and annex based on service provision. He stated the report outlined the regulatory scheme and the fact that the City required annexation for service, and contiguous property had to annex at the time of service request. He listed a couple of events which moved this issue forward, including the 1993 agreement which

created discussion about the corridor with Destination Daytona and the Business Center being developed. He explained that in 2004, the preservation corridor standards were approved by the County requiring that development along US1 comply with the City's standards. He explained 66 annexation agreements were collected at that time, 57 of which were identified as currently good annexation agreements, but were delayed because of the development process of the Ormond Crossings Development of Regional Impact, which completed state and county approval in July, at about the time the issue of 1545 North US1 started; therefore, the annexations began. Mr. Goss stated the final commitment by the City to the development of US1 was the Interlocal Boundary Agreement, which was very important because it picked up a lot of the annexations, where the City had no indentures but were in the City's service district. He expressed the City's efforts had been long term and were approaching the final point of annexations with the City's ability to service the area with regard to police, drainage, and streets.

City Attorney Randy Hayes stated the City did have other annexation ordinances that were in the process as part of the natural progress of the City's policies over the years, and they would be brought forward over the next few Commission meetings. He stated he wanted to add some comments regarding the terms under which City water and sewer lines were extended to the property at 1545 North US1 and the circumstances under which a reasonably prudent person should have exercised due diligence regarding the conditions upon which the City utilities were to be provided to the property.

The City Attorney advised that he had a number of documents he would introduce into the record and which he had provided copies to the City Clerk. He stated the first was a Sanitary Sewer and Water Agreement, consisting of nine pages, which was an agreement between Davis Brothers, Inc., and Saddle Jack's Bar and Grill, dated April 30, 2003, filed in the Public Records of Volusia County on May 15, 2003, recorded at Book 5075, Pages 1369 through 1377. He stated this was an agreement by which Davis Brothers was to provide the property with water and sewer services, including a number of conditions in the agreement in which the agreement would become null and void, notably if the facilities were not longer used by Davis Brothers, or other governmental agencies dictated that an alternative water source needed to be provided.

The City Attorney stated he wanted to draw their attention to the Water and Sewer Annexation Agreement between the City and Saddle Jack's Bar and Grill, signed by the President of Saddle Jack's Bar and Grill, Michael Maher, on December 19, 2006, which was attached to the annexation ordinance as Exhibit B, and was dated within the approximate time period as a number of engineering permits that he was going to discuss regarding the construction of City utilities to that property site. He stated the applications for those engineering permits were submitted to the City around that time period, and he directed attention to the fourth "Whereas" clause of the Saddle Jack's agreement which recognized that the City had reviewed and commented upon a site plan and engineering drawings for water and sewer facilities required to connect to City water and sewer system, and determined the proposed facilities were consistent with the City's requirement for connection to that system. He introduced an engineering permit application for the record, consisting of two pages, dated December 28, 2006, with a project description for Saddle Jack's Bar and Grill, a directional bore for approximately 150' of 8" water main beneath US1, installation of a water meter, a 2" water main to the building, insulation of sewage pump station with force main, and 4" force main in the north right-of-way at US1 for the property at 1545 North US1; the contractor was Denk Utilities, Inc.

He stated the next document was a utility permit, which was attached to a sheet of site plan and detail drawings; the utility permit itself was four pages, with the City of Ormond Beach listed as the permittee for the property at 1545 North US1, which was a permit to the State of Florida to allow the City's extension of utilities under US1, dated October 25, 2006. He stated the site plan and the detail sheet, also consist of four additional pages, and show very specifically the location of the utility proposed to be constructed under US1 and across Rosemary Street, including a lift station on that property. He stated the set in his possession contained the seal of the Florida Department of Transportation.

The City Attorney stated another set of plans in his possession were approved by the City of Ormond Beach, consisting of four sheets identical to the ones that were just discussed, with respect to the Florida Department of Transportation, and were approved by the City's Engineering Department. He stated there was a permit from the Florida Department of Health, consisting of five pages, the permittee being Saddle Jack's Bar and Grill, for the property at 1545 North US1 issued January 23, 2007, Permit #0125747184DS, for the installation of approximately 150' of 8" diameter water main, 240' of 2" diameter water service line and a pertinence for the extension of the Ormond Beach public water system to serve an existing business at 1545 North US1 in Ormond Beach. The City Attorney stated there was a permit

from the County of Volusia, consisting of one page for Saddle Jack’s Bar and Grill at 1545 North US1, which included an inspection report for the jack and bore, and inspection for the right-of-way use along US1. He stated there was a permit from the Florida Department of Environmental Protection, dated January 30, 2007, consisting of three pages, for domestic wastewater collection, transmission, individual permit; the permittee was Saddle Jack’s Bar and Grill at 1545 North US1, Permit #CS640272782001, for the construction of a sewage transmission system for the Saddle Jack’s Bar and Grill project. He stated there was a permit from Florida Department of Environmental Protection, actually a Notice of Permit Issuance, consisting of two pages, regarding the application for a permit by Saddle Jack’s Bar and Grill at 1545 North US1, reference Permit #CS640272782001, regarding the construction of a sewage transmission system, consisting of two pages. He stated there was a letter from the Department of Environmental Protection, consisting of one page, with reference to Permit #0260498001, the permittee being Michael HaHer, President of Saddle Jack’s Bar and Grill at 1545 North US1; the letter indicating that the Department did not object to the use of the general permit for the construction of the utilities. He stated there was an engineering permit from the City of Ormond Beach, Florida, consisting of one page, listing Michael HaHer as the permittee for the property at 1545 North US1 regarding the Saddle Jack’s Bar and Grill for the water and wastewater connection to the public systems for the existing restaurant; the issue date was April 4, 2007; the contractor was Denk Utilities, Inc. He stated the next document in the chronology was a Claim of Lien, filed by the contractor, Denk Utilities, Inc., against the property owner in the approximate amount of \$48,750 for the provision of material, labor, and supplies for underground utilities and pipe installation for stormwater and sewer to the property, dated October 30, 2007, consisting of two pages, filed in the Public Records of Volusia County, Florida, on November 1, 2007, at Book 6148, Pages 2087 through 2088.

City Attorney Hayes introduced a Notice of Lis Pendens, filed in the Circuit Court for the Seventh Judicial Circuit of Volusia County, styled Denk Utilities, Inc., plaintiff versus Saddle Jack’s Bar and Grill, Inc., defendant, filed in Public Records on July 1, 2008, in Book 6249, Pages 3821 through 3823, regarding the property at 1545 North US1, dated July 30, 2008, for the non-payment of the monies owed on a construction lien relative to the utilities project. He stated there was a Complaint, filed in the Circuit Court for Volusia County, Florida, by Denk Utilities, Inc., plaintiff versus Saddle Jack’s Bar and Grill, as defendant, to enforce the construction lien, consisting of ten pages.

The City Attorney reminded everyone the City’s code required annexation as a condition to receiving the City’s water and sewer services; it has been the policy and in the code for a very long time; and it was the policy implemented for the US1 corridor for many years. He stated the current property owner, 1545 Ormond Beach, LLC, knew or should have known that the prior agreement of record for utility service from Davis Brothers, Inc., was inoperative on the date of purchase, and the current property owner certainly knew that the property was in the unincorporated territory of Volusia County at the time of the purchase. He stated that based on those circumstances, based on the documents that were filed in the Public Records of Volusia County, Florida, and the various permits on file with the City’s Engineering Department for the construction of utility lines across US1 to the property at 1545 North US1, a reasonably prudent person would or should have exercised due diligence to inquire as to the terms under which City utility service was to be provide to the property and upon which the service was to continue to be provided. City Attorney Hayes stated he was of the legal opinion there was sufficient legal basis upon which to proceed with the adoption of the annexation ordinance on second and final reading.

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

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

Mayor Costello called for a recess at 8:05 p.m. The Mayor reconvened the City Commission meeting at 8:09 p.m.

Item #8B – 146 North Orchard Street

ORDINANCE NO. 2010-47

AN ORDINANCE AMENDING THE FUTURE LAND USE ELEMENT OF THE COMPREHENSIVE PLAN BY AMENDING THE FUTURE LAND USE MAP TO CHANGE THE DESIGNATION ON A SIX (6.0) ACRE PARCEL OF REAL PROPERTY LOCATED ON THE WEST SIDE OF NORTH ORCHARD STREET

AND NORTH OF WEST GRANADA BOULEVARD LOCATED AT 146 NORTH ORCHARD STREET (PARCEL ID NO. 4241-01-09-0100), FROM “OFFICE/PROFESSIONAL” TO “INDUSTRIAL/UTILITIES”; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; AND SETTING FORTH AN EFFECTIVE DATE.

Mayor Costello stated the ordinance received a recommendation of denial, 4 to 2, from the Planning Board and a staff recommendation with two stipulations.

Tom Harowski, 97 North St. Andrews Drive, of TMH Consulting, as representative of the applicant, stated the Comprehensive Plan Future Land Use Map designation of “Office/Professional” offered no future for this site as it is a poor site for office use. He stated immediately across the street was an industrial site outdoor storage use, as well as industrial use to the north; to the south was the rear of the Winn Dixie shopping center. He commented the site had no business exposure and was surrounded by negative views. He stated the same problems would apply to a general or commercial use site, nor for residential use. He stated the “Industrial/Utilities” designation was more fitting for the site. He stated the applicant had agreed to all staff recommendations, including an enhanced buffer due to the potential widening of Orchard and a buffer separation to the west. Upon hearing the comments from the Planning Board, he stated the applicant was willing to offer a buffer separation from the office complex to the west of a minimum 65’ from the closest building to any parking space developed on the applicant’s site. He stated the site was for storage use only with full site plan review, and the applicant was not pursuing zoning at this time, but would come back later for zoning approval.

Commissioner Kent moved, seconded by Commissioner Partington, for approval of Ordinance No. 2010-47, including conditions in Option 2 of staff recommendations, on first reading, as read by title only.

Commissioner Kent reported he had met with Mr. Harowski and although he had never voted against the Planning Board recommendation, in this case, he felt this was a good project for this site.

Commissioner Gillooly reported she had also met with Mr. Harowski to discuss the land use project. She reminded the Commission that once the Future Land Use designation was changed, it would be an industrial site with anything in the approved designation allowed. She stated at the Planning Board meeting, it was brought up that the applicant believed, “that the relocation of Florida Hospital to the I-95 area made the property less desirable for the existing land use.” Commissioner Gillooly stated considerable time was being spent to maintain the business or residential use of the area, where an industrial use would not be appropriate. She stated it would be shortsighted to revert to an industrial use for that area; therefore, she was not in favor of the ordinance.

Commissioner Kelley acknowledged that he had also met with Mr. Harowski. He pointed out the surrounding usage to the site as a water treatment plant, industrial parks, other outdoor storage areas, and a nice office development that took five years to fill. Commissioner Kelley stated there was enough Class A office space available in the City for the next five years. He stated the application was a good use of the site without a huge investment in construction, and allowed flexibility for future development. He stated the additional 65’ buffer from nearest office use to the closest parking space should be included in the documentation,

Commissioner Kelley moved; seconded by Commissioner Partington, to amend the motion to include a 65’ buffer from nearest office use building to the closest parking space on the proposed site.

Commissioner Kelley stated the courts would decide what could be done with the hospital, and then the City could move forward with their actions on that issue.

Mayor Costello stated he had met with Mr. Harowski. The Mayor stated the 65’ buffer and that west of the site was wetlands, which would be difficult, if not impossible, to develop, were significant to his decision.

Commissioner Gillooly stated some times exceptions were made because there was additional value to the City in jobs or something else, but this use does not bring anything to the City.

Mayor Costello called for the vote on the motion to amend the ordinance to include the 65’ buffer.

Call Vote:	Commissioner Kelley	Yes
	Commissioner Partington	Yes
	Commissioner Gillooly	No
	Commissioner Kent	Yes
Carried 4 to 1.	Mayor Costello	Yes

Mayor Costello called for the vote on the amended motion.

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

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

Item #9A – Geometric Patterns at 621 South Atlantic Avenue

RESOLUTION NO. 2010-160

A RESOLUTION APPROVING THE USE OF A GEOMETRIC PATTERN ON THE FAÇADE AND SEAWALL OF THE “CASA DEL MAR RESORT” LOCATED AT 621 SOUTH ATLANTIC AVENUE; AND SETTING FORTH AN EFFECTIVE DATE.

Commissioner Kelley moved, seconded by Commissioner Kent, for approval of Resolution No. 2010-160, as read by title only.

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

Item #9B – Firefighters’ Collective Bargaining Agreement

RESOLUTION NO. 2010-161

A RESOLUTION AUTHORIZING THE EXECUTION OF A COLLECTIVE BARGAINING AGREEMENT BETWEEN THE CITY OF ORMOND BEACH AND THE INTERNATIONAL ASSOCIATION OF FIREFIGHTERS (I.A.F.F.) LOCAL 3499; AND SETTING FORTH AN EFFECTIVE DATE.

Commissioner Gillooly moved, seconded by Commissioner Partington, for approval of Resolution No. 2010-161, 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 thanked IAFF and everyone involved in the negotiations for a fabulous job.

Item #10A – Eastern Volusia Regional Water Authority

Mayor Costello reported that all of the Commissioners were in favor of participation.

Item #10B – Painting of Traffic Signal Mast Arm Assemblies

Mayor Costello expressed his desire to paint the mast arms green.

Commissioner Gillooly pointed out the staff report included the high cost of maintenance for painting the mast arms green and a liability if the mast arms were not maintained.

Mayor Costello express that green was part of the ambience of the City.

Commissioner Gillooly stated she had spoken to another resident who felt code enforcement should be a priority, and the money could be spent for another staff person for code

enforcement. She stated the staff had reported the galvanized poles were less expensive and less of a liability.

Commissioner Kelley stated the painting could be paid from TIF funds, which would not be available for code enforcement expenditures. He expressed the green paint looked better than the galvanized poles.

City Manager Shanahan pointed out there were three mast arms that would not be painted as they are not entirely in the City, such as the mast arm at Hand Avenue and Williamson Boulevard.

Commissioner Kelley stated regarding liability, the Commission would maintain the mast arms under any circumstances.

Item #11 - Reports, Suggestions, Requests

Historical Society

Commissioner Gillooly acknowledged the Historical Society for achieving National Registry status for the Three Chimneys property.

Mike Fisher

Commissioner Gillooly stated she was so fortunate to have met Mike Fisher. She stated the memorial service for him was lovely and that his goal was to make a difference in the world, which he had. She related that everyone received a small trash bag as they left the service so they also could each make a little difference in the world.

Commissioner Kelley stated that Mike Fisher and his family were good friends of the Commissioner's family. He stated Sunday at church was a sad because Mike was missed. Commissioner Kelley stated Mike lived by "do just a little something every day"; and he suggested the City consider Mike Fisher's name for the new beachfront park because he did make a difference.

Habitat for Humanity

Commissioner Gillooly stated that October 5 was World Habitat Day, the purpose being to bring attention to the need for quality affordable housing. She reported that Sunday was 10/10/10, which Halifax Urban Ministries had designated as a day to recognize the plight of homeless because the most rapidly growing number of homeless was families with children. She stated it was vital to address the immediate needs for families, transitional assistance and affordable housing. She stated there was a free event, called Homeless to Housed, on Sunday, October 10, from 3:00 until 6:00 p.m. at the Masters Domain Church of God in Christ on Bay Street, and she invited everyone to attend.

9th Annual Bubba's Building Block Party

Commissioner Kent informed the Commission that the 9th Annual Bubba's Building Block Party was coming soon on November 20, starting at noon and going until 4:00 p.m. He assured the Commission that the City's defending champions, Team Ormond, had already held their first planning meeting and were ready to defend their title.

Movies on the Halifax

Commissioner Kent complimented the Leisure Services Department for another fabulous job on the Movies on the Halifax. He stated Monster House was exciting and scary. He stated that at the end of the movie, the Leisure Services Department had turned the Casements into an impressive mean-looking jack-o-lantern, like the one in Monster House.

Announcements

City Manager Shanahan announced there would be a Planning Board workshop on Thursday, October 14, at 7:00 p.m., to discuss electronic changeable copy signs. She announced that as part of Local Government Week the City employees would be recognized at an Employees Appreciation Luncheon, scheduled for Wednesday, October 20. She stated there was a Special Meeting of the City Commission on October 28 at 7:00 p.m. regarding the second reading of Remedial Comprehensive Plan amendments.

Flu Shots

The City Manager reported that the Ormond Beach Fire Department was offering seasonal flu shots at Fire Station #91, located at 364 South Atlantic Avenue, from 7:30 a.m. until 12:00 noon, on Monday, Wednesday, and Friday, and from 1:00 p.m. to 6:00 p.m. on Tuesday and Thursday at a cost of \$25 payable by cash, check, MasterCard or VISA, or Medicare Part B billing.

Shade Meeting

City Attorney Hayes requested a shade meeting regarding the pending litigation relative to 1545 North US1; and he suggested October 19 from 5:30 p.m. to 6:30 p.m., which was before the reception prior to the regular City Commission meeting.

After much discussion, Mayor Costello stated it was determined to meet at 5:30 p.m. on October 19, and, if needed, another meeting could be scheduled for a later date.

Item #12 – Close the Meeting

The meeting was adjourned at 9:00 p.m.

APPROVED: October 19, 2010

BY: _____

Fred Costello, Mayor

ATTEST:

Veronica Patterson, City Clerk