

**ORMOND BEACH CITY COMMISSION MEETING
HELD AT CITY HALL COMMISSION CHAMBERS
November 3, 2010 7:00 p.m.**

Present were: Deputy Mayor Ed Kelley, Commissioners Lori Gillooly, 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 Deputy Mayor Kelley.
- 2) Invocation by Father Comforted Keen, Church of the Holy Child.
- 3) Pledge of Allegiance.
- 4) **AUDIENCE REMARKS:**
- 5) **APPROVAL OF THE MINUTES** of the October 19, 2010, meeting.
- 6) **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. 2010-171 accepting a quitclaim deed from The Trails South Forty Homeowners Association, Inc., a Florida non-profit corporation, for property located within South Forty Trail for landscape median purposes. (Public Works Director)
 - B) Resolution No. 2010-172 accepting a bid from JD Weber Construction Co. for construction services regarding the Coolidge Avenue Road and Drainage Improvements project under Bid No. 2010-26; authorizing the execution of a contract and payment therefor; rejecting all other bids. (\$629,147.50) (Acting City Engineer)

- C) Resolution No. 2010-173 accepting a proposal from Zev Cohen & Associates for engineering construction administration services regarding the Coolidge Avenue Road and Drainage Improvements project; authorizing the execution of a Work Authorization and payment therefor. (Not-to-exceed \$35,410.28) (Acting City Engineer)
- D) Resolution No. 2010-174 correcting the name of the contractor providing services for the Sanitary Sewer Manhole Rehabilitation project; ratifying the execution of a contract with Chaz Equipment Company, Inc. (Utilities Manager)
- E) Resolution No. 2010-175 authorizing the extension of a third amendment to the Impact Fee Reimbursement and Joint Participation Agreement between the City and Villaggio Investors, LLC, relative to sanitary sewer service extension along State Road 40 near "The Tuscany" subdivision. (Acting City Engineer)
- F) Resolution No. 2010-176 of the City of Ormond Beach, Florida, authorizing the issuance of its \$5,000,000 in principal amount General Obligation Bond, Series 2010, for the purpose of financing the project (as defined herein) and certain costs associated with the issuance of such bond; providing that such bond shall constitute a general obligation of the City, and that the full faith, credit and taxing power of the City shall be irrevocably pledged for the payment of the principal of and the interest on such bond; making certain findings, covenants and agreements in connection therewith; appointing a paying agent and a bond registrar; accepting the proposal of JP Morgan Chase Bank, N.A., to purchase such bond and approving the award of such bond to JP Morgan Chase Bank, N.A.; authorizing certain officials and employees of the City to take all actions required in connection with the issuance of such bond. (Purchase and Development of Beachfront Park at 839 South Atlantic Avenue – Not to exceed 3.5%)
- G) Resolution No. 2010-177 amending the Pay and Classification Plan. (Planning Department Permit Manager and Police Department Lieutenant)
- H) Resolution No. 2010-178 authorizing the execution of a Highway Maintenance Memorandum of Agreement between the City of Ormond Beach and the Florida Department of Transportation. (Public Works Operations Manager)
- I) Emergency procurement from Florida N-Viro, L.P., for wastewater sludge hauling, treatment and disposal services.

DISPOSITION: Approve as recommended in City Manager memorandum dated October 28, 2010.

- J) East Volusia Regional Water Authority Nova Canal Flood Control and Integrated Water Resource program final report.

DISPOSITION: Approve as recommended in City Manager memorandum dated October 28, 2010.

7) **PUBLIC HEARINGS:**

- A) Ordinance No. 2010-51 amending Chapter 2, District and General Regulations, of Article VI, Overlay Districts, Section 2-70, Downtown Overlay District, by deleting in its entirety Subsections 2-70 A through R, re-establishing Section 2-70 entitled, Downtown Overlay District; adding Subsections A through I. (First Reading) (Planning Director)
- B) Ordinance No. 2010-52 annexing certain real property into the City of Ormond Beach, said property being generally located along the west side of North U.S. Highway 1, approximately 1,200 linear feet from Interstate 95 and being commonly located at 1520 North U.S. Highway 1, including a portion of Benton Street and Flagler Road; 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. (First Reading) (Planning Director)
- C) Ordinance No. 2010-53 annexing certain real property into the City of Ormond Beach, said property being generally located along the west side of North U.S. Highway 1 approximately 325 linear feet from Interstate 95 and being commonly located at 1560 North U.S. Highway 1; 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. (First Reading)
(Planning Director)

- D) Ordinance No. 2010-54 annexing certain real property into the City of Ormond Beach, said property being generally located along the west side of North U.S. Highway 1 approximately 255 linear feet from Interstate 95 and being commonly located at 1570 North U.S. Highway 1; 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. (First Reading)
(Planning Director)
- E) Ordinance No. 2010-55 annexing certain real property into the City of Ormond Beach, said property being generally located along the west side of North U.S. Highway 1 abutting Interstate 95 and being commonly located at 1576 North U.S. Highway 1; 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. (First Reading) (Planning Director)
- F) Ordinance No. 2010-56 granting to Peoples Gas System, a Division of Tampa Electric Company, its successors and assigns, a non-exclusive natural gas franchise renewal agreement for a period of thirty (30) years; imposing provisions and conditions relative thereto. (First Reading) (City Attorney)

8) **SECOND READING OF ORDINANCES:**

- A) Ordinance No. 2010-49 amending Chapter 2, District and General Regulations, Article III, General Regulations, Section 2-50, Accessory Uses, of the Ormond Beach *Land Development Code*, by amending Subparagraph V, Outdoor Storage, Parking or Use of Personal Property, by providing standards for the parking of vehicles in yards on residential property; by repealing Section 14-103, Front Yard and Corner Side Yard parking, of Chapter 14, Offenses-Miscellaneous, Article X, Vehicle Parking/Nuisances, of the Ormond Beach Code of Ordinances; repealing all inconsistent ordinances or parts thereof; providing for severability; and setting forth an effective date. (Planning Director)
- B) Ordinance No. 2010-50 amending the annual budget for Fiscal Year 2009-2010 by amending the General Fund; the Ormond Crossings CRA Fund; the Transportation Fund; the Water/Wastewater Debt Service Fund; the Water Plant Construction Fund; and the Wastewater Plant Construction Fund. (Finance Director)

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

10) **CLOSE THE MEETING.**

Item #1 – Meeting Call to Order

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

Item #2 – Invocation

The invocation was giving by Father Comforted Keen, Church of the Holy Child.

Item #3 – Pledge of Allegiance

The Pledge of Allegiance was led by Deputy Mayor Kelley.

Item #4 – Audience Remarks

Firefighters

Eric Summerlad, IAFF Vice President, explained that in the recent campaign, a Commissioner used a seven year old anomaly as an example of pension benefits to mislead the voters. He reported the example of a \$2 million payout was based on a life expectancy of 84 years, while the national life expectancy of a firefighter was five to seven years after retirement; nearly all retirees from the City's Fire Department have not survived 15 years after retirement. He stated currently the issues for the Fire Department were a reduction in EMS services, reduction in Fire Department personnel over the last two to three years, three unfilled positions, three positions eliminated, working together to resolve pension issues, supplementing the Fire Department's budget with fire transport, and giving the citizens of the City the services they deserve. He stated these were issues that needed to be discussed now, with no need to go back seven years.

John Bandorf, 18 Village Drive, stated that at the October Planning Board meeting one of the members of the Planning Board that voted against electronic signs, had voted in the past for electronic signs at the Performing Arts Center and The Trails Shopping Center. He stated the same Planning Board member was the campaign manager for one of the City Commissioners who had or has a business at The Trails Shopping Center. He suggested that this Planning Board member voted for the City and her friend to obtain an electronic sign. He stated he hoped the Commission would vote in favor of electronic signs when the issue came before them next month.

Commissioner Gillooly stated she and her husband had owned Pickwick's Tea Room, a business at the Trails Shopping Center from 1992 to 1996. She stated that years after they sold the business, the electronic sign was installed as part of a new development order for The Trails Shopping Center; therefore, she was not involved in the electronic sign in any way.

Classic Iron Beds

Stan Lomowski, 5500 Ocean Shore Boulevard, stated he and his wife were the owners of Classic Iron Beds and Designer Linens for the last year and a half, and he spoke to the use of portable signs. He stated he recently received a notice of violation for the portable, wire sign he had outside his business. He stated he wanted to promote his business, and petitioned the Commission to allow him a portable sign at Christmas time.

Deputy Mayor Kelley stated the City was aware of the business owners' situation, and he stated the new Commission would possibly be reviewing the sign issue.

Beachfront Park

Charlie Wilkes, 67 Hernandez Avenue, asked the Commission to set aside the naming of the new beachfront park for the time being, and instead, focus on the design and development of the park. Mr. Wilkes suggested a public workshop be held for public input.

Deputy Mayor Kelley stated he felt safe in saying the park would not be named without public participation.

City Manager Shanahan stated when the issue was brought to the Commission there would be much public involvement in the process.

Norman Lane, 1314 Northside Drive, agreed with Mr. Wilkes regarding the naming of the park, and he asked the City to replace the "for sale" sign with a "coming soon" sign. He stated the citizens committee that had worked on the park would probably pay the \$200 estimated cost if someone would get the ball rolling with a sign permit, if one was needed.

Deputy Mayor Kelley stated it was a great idea, and possibly a rendering could be erected when it was completed.

City Manager Shanahan stated staff would take care of the issue.

Commissioner Gillooly

Frank Pezzimenti, 7 Sycamore Circle, thanked Commissioner Gillooly for the hard work and fine representation she had provided to her constituents.

Deputy Mayor Kelley stated Mr. Pezzimenti had given a great lead in to the next part of the meeting, and presented Commissioner Gillooly with flowers from the Commission. He read a letter from former Mayor Costello written to Commissioner Gillooly describing her as a fabulous person, who had emphasized communication and allowed the Commission to speak openly and honestly without offending each other personally, and the City was better because of her efforts.

Deputy Mayor Kelley stated that former Mayor Costello had a way with words, and he did not know how it could have been said any better.

Commissioner Kent stated when he walked into the Chambers, he had received a lot of bizarre looks due to his black hat and black shirt, but he wanted to read a few lyrics from Johnnie Cash's song, "Man In Black", which reminded him of Commissioner Gillooly's dedication to the service of the less fortunate. He stated he was sad the Commission was losing Commissioner Gillooly because she was a fantastic lady.

Commissioner Partington stated he could not say it better than had already been said. He stated Commissioner Gillooly was loved, had been fantastic for the City, and she would be missed, but she would be near working hard for her passions.

Commissioner Gillooly stated her advice to young women she had mentored was to never cry in public, but she stated she was tearing up because she was humbled by the accolades she had received. She stated that as a part of the team, they had accomplished a lot, but the thing she was most proud of was being the catalyst for the change in the City's management by recognizing the abilities of the current City Manager Joyce Shanahan and advocating for her. Commissioner Gillooly expressed appreciation for City Manager Shanahan's involvement in the community, as well as her many abilities. She acknowledged City Attorney Hayes and City Clerk Patterson and she stated it was a privilege to work with them. Commissioner Gillooly reminded the citizens that it was incumbent upon them to remain involved, to be aware and to consider running for office.

Item #5 – Approval of the Minutes

Deputy Mayor Kelley advised the minutes of the October 19, 2010, regular meeting had been sent to the Commission for review and asked for any corrections, additions, or omissions. Deputy Mayor Kelley stated with no corrections, the minutes stand approved as presented.

Item #6 – Consent Agenda

Deputy Mayor Kelley 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.

Deputy Mayor Kelley stated there was a request to pull Item #6F for discussion.

Commissioner Partington moved, seconded by Commissioner Kent, for approval of the Consent Agenda, absent Item #6F.

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

#6F – General Bond Issuance

RESOLUTION NO. 2010-176

RESOLUTION NO. 2010-176 OF THE CITY OF ORMOND BEACH, FLORIDA, AUTHORIZING THE ISSUANCE OF ITS \$5,000,000 IN PRINCIPAL AMOUNT GENERAL OBLIGATION BOND, SERIES 2010, FOR THE PURPOSE OF FINANCING THE PROJECT (AS DEFINED HEREIN) AND CERTAIN COSTS ASSOCIATED WITH THE ISSUANCE OF SUCH BOND; PROVIDING THAT SUCH BOND SHALL CONSTITUTE A GENERAL OBLIGATION OF THE CITY, AND THAT THE FULL FAITH, CREDIT AND TAXING POWER OF THE CITY SHALL BE IRREVOCABLY PLEDGED FOR THE PAYMENT OF THE PRINCIPAL OF AND THE INTEREST ON SUCH BOND; MAKING CERTAIN FINDINGS, COVENANTS AND AGREEMENTS IN CONNECTION THEREWITH; APPOINTING A PAYING AGENT AND A BOND REGISTRAR; ACCEPTING THE PROPOSAL OF JP MORGAN CHASE BANK, N.A., TO PURCHASE SUCH BOND AND APPROVING THE AWARD OF SUCH BOND TO JP MORGAN CHASE BANK, N.A.; AUTHORIZING CERTAIN OFFICIALS AND EMPLOYEES OF THE CITY TO TAKE ALL ACTIONS REQUIRED IN CONNECTION WITH THE ISSUANCE OF SUCH BOND. (PURCHASE AND DEVELOPMENT OF BEACHFRONT PARK AT 839 SOUTH ATLANTIC AVENUE – NOT TO EXCEED 3.5%)

Commissioner Kent moved, seconded by Commissioner Partington, for approval of Resolution No. 2010-176, as read by title only.

Greg Avakian, 161 Heritage Circle, strongly urged the Commission to borrow only \$3.5 million, which would match the County's contribution. He pointed out the estimated cost of development for two bathhouses at \$350,000 was unrealistically high, and \$350,000 was the cost of building two nice homes. Mr. Avakian stated the City did not have to borrow \$5 million because the voters approved up to \$5 million.

Commissioner Partington asked City Manager Shanahan to explain the reasoning behind borrowing the entire \$5 million.

City Manager Shanahan stated the City had received two unsolicited site proposals for the park, and that combined with a comparison of costs to build the Sun Splash Park resulted in a cost

higher than initially thought. She stated the County would not provide any additional funds for the park. City Manager Shanahan explained costs would depend on the amenities provided, and one Commissioner had said to build, “Tom Rennick Park on steroids.” She stated the City only had one opportunity to design this park, and the money needed to be available initially. She stated if the full \$5 million was not needed for development, it could be used to prepay the bonds, even if there was a penalty. She pointed out the interest rate was a tremendous 3.30 percent for twenty years, and she did not anticipate getting a lower rate.

Commissioner Gillooly stated the main point of the referendum was to determine if the voters wanted the additional expense for a park; therefore, she stated it was prudent to borrow the full \$5 million with the possibility that any overage would be used to prepay the bonds.

Commissioner Kent expressed agreement with Commissioner Gillooly and Commissioner Partington. He suggested that any unneeded funds could be used to purchase additional property for another beachfront park closer to the center of the City’s beach.

Deputy Mayor Kelley stated Commissioner Kent had summed up the issue. The entire \$5 million did not necessarily need to be used on this beachfront park, and any excess funds could be used to partner with another entity to acquire more property for another beachfront park. He stated it was better to have the funds available to make a park the citizens would be proud of, instead of not having adequate funds to develop the park. Deputy Mayor Kelley suggested the citizens could view the proposed conceptual designs online to see what had been proposed to how the park could be designed.

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

Deputy Mayor Kelley stated a request card to speak during Audience Remarks from Paul Wolf had been inadvertently overlooked, and he called Mr. Wolff forward to speak.

Paul Wolf, 62 Creek Bluff Way, stated on September 14, his wife was in need of an ambulance. He stated a large fire truck arrived first; but no police came, like in New York. He stated the delay in the ambulance’s arrival contributed to his wife death; she died later in the hospital. He expressed concern that the appropriate personnel and equipment did not arrive in a timely manner. He suggested the City should be able to transport in medical emergencies.

Deputy Mayor Kelley confirmed that Mr. Wolf had not spoken to staff about the incident, and he asked City Manager Shanahan to speak with Mr. Wolf to determine the circumstances of the incident.

Item 7A – Downtown Overlay District

ORDINANCE NO. 2010-51
AN ORDINANCE AMENDING CHAPTER 2, DISTRICT AND GENERAL REGULATIONS, OF ARTICLE VI, OVERLAY DISTRICTS, SECTION 2-70, DOWNTOWN OVERLAY DISTRICT BY DELETING IN ITS ENTIRETY SUBSECTIONS 2-70 A THROUGH 4, RE-ESTABLISHING SECTION 2-70, ENTITLED DOWNTOWN OVERLAY DISTRICT, ADDING SUBSECTIONS A THROUGH I; REPEALING ALL INCONSISTENT CODE SECTION REFERENCES OR PART THEREOF; AND SETTING FORTH AN EFFECTIVE DATE.

Deputy Mayor Kelley stated this was a public hearing and one person had requested to speak.

Commissioner Gillooly moved, seconded by Commissioner Kent, for approval of Ordinance No. 2010-51, on first reading, as read by title only.

Planning Director Ric Goss stated he had a presentation, if the Commission desired to view the information.

Deputy Mayor Kelley stated the PowerPoint presentation would not be necessary, because the Commissioners had reviewed the information presented in the agenda packet.

Dorian Burt, 203 Pine Cone Trail, a representative for Highlander Corp., stated her company had invested considerable funds in the Downtown area, and it was vital to Highlander Corp. that

the Commission passed the ordinance which would put the Master Plan into play with the form based code.

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

Deputy Mayor Kelley stated the public hearing was closed.

Item 7B – Lil’ Champ/Jiffy Store Annexation

ORDINANCE NO. 2010-52

AN ORDINANCE ANNEXING CERTAIN REAL PROPERTY INTO THE CITY OF ORMOND BEACH, SAID PROPERTY BEING GENERALLY LOCATED ALONG THE WEST SIDE OF NORTH U.S. HIGHWAY 1 APPROXIMATELY 1,200 LINEAR FEET FROM INTERSTATE 95 AND BEING COMMONLY LOCATED AT 1520 NORTH U.S. HIGHWAY 1 INCLUDING A PORTION OF BENTON STREET AND FLAGLER ROAD; 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.

Deputy Mayor Kelley stated this was a public hearing and no one had requested to speak.

Commissioner Kent moved, seconded by Commissioner Partington, to approve Ordinance No. 2010-52, as read by title only.

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

Item 7C – 1560 North US1, Vacant Station Annexation

ORDINANCE NO. 2010-53

AN ORDINANCE ANNEXING CERTAIN REAL PROPERTY INTO THE CITY OF ORMOND BEACH, SAID PROPERTY BEING GENERALLY LOCATED ALONG THE WEST SIDE OF NORTH U.S. HIGHWAY 1 APPROXIMATELY 325 LINEAR FEET FROM INTERSTATE 95 AND BEING COMMONLY LOCATED AT 1560 NORTH U.S. HIGHWAY 1; 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.

Commissioner Partington moved, seconded by Commissioner Kent, for approval of Ordinance No. 2010-53, on first reading, as read by title only.

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

Deputy Mayor Kelley stated that without objection, the public hearing was closed.

Item 7D – 1570 North US1, Waffle House Annexation

ORDINANCE NO. 2010-54

AN ORDINANCE ANNEXING CERTAIN REAL PROPERTY INTO THE CITY OF ORMOND BEACH, SAID PROPERTY BEING GENERALLY LOCATED ALONG THE WEST SIDE OF NORTH U.S. HIGHWAY 1 APPROXIMATELY 255 LINEAR FEET FROM INTERSTATE 95 AND BEING COMMONLY LOCATED AT 1570 NORTH U.S. HIGHWAY 1; 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.

Deputy Mayor Kelley stated staff had advised this annexation can not go forward at this time.

Commissioner Kent moved, seconded by Commissioner Partington, to table Ordinance No. 2010-54, to December 7, 2010.

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

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

Item 7E – 1576 North US1, Sunoco & Fruit Store Annexation

ORDINANCE NO. 2010-55

AN ORDINANCE ANNEXING CERTAIN REAL PROPERTY INTO THE CITY OF ORMOND BEACH, SAID PROPERTY BEING GENERALLY LOCATED ALONG THE WEST SIDE OF NORTH U.S. HIGHWAY 1 ABUTTING INTERSTATE 95 AND BEING COMMONLY LOCATED AT 1576 NORTH U.S. HIGHWAY 1; 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.

Deputy Mayor Kelley stated staff had advised this annexation could not go forward at this time, and had recommended it be tabled until the December 7, 2010, City Commission meeting.

Commissioner Kent moved, seconded by Commissioner Partington, to table Ordinance No. 2010-55, until December 7, 2010.

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

Item 7F – Peoples Gas Renewal Agreement

ORDINANCE NO. 2010-56

AN ORDINANCE GRANTING TO PEOPLES GAS SYSTEM , A DIVISION OF TAMPA ELECTRIC COMPANY, ITS SUCCESSORS AND ASSIGNS, A NON-EXCLUSIVE NATURAL GAS FRANCHISE RENEWAL AGREEMENT FOR A PERIOD OF THIRTY (30) YEARS; IMPOSING PROVISIONS AND CONDITIONS RELATIVE THERETO; AND PROVIDING FOR AN EFFECTIVE DATE.

Deputy Mayor Kelley stated this was a public hearing with no requests from anyone wishing to speak.

Commissioner Kent moved, seconded by Commissioner Gillooly, for approval of Ordinance No. 2010-56, on first reading, as read by title only.

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

Deputy Mayor Kelley, hearing no objection, closed the public hearing.

Item #8A – Residential Parking Ordinance

ORDINANCE NO. 2010-49

AN ORDINANCE AMENDING CHAPTER 2, DISTRICT AND GENERAL REGULATIONS, ARTICLE III, GENERAL REGULATIONS, SECTION 2-50, ACCESSORY USES, OF THE ORMOND BEACH LAND DEVELOPMENT CODE BY AMENDING SUBPARAGRAPH (V) OUTDOOR STORAGE, PARKING, OR USE OF PERSONAL PROPERTY, BY PROVIDING STANDARDS FOR THE PARKING OF VEHICLES IN YARDS ON RESIDENTIAL PROPERTY; BY REPEALING SECTION 14-103, FRONT YARD AND CORNER SIDE YARD PARKING, OF CHAPTER 14, OFFENSES-MISCELLANEOUS, ARTICLE X, VEHICLE PARKING/NUISANCES, OF THE ORMOND BEACH CODE OF ORDINANCES; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; PROVIDING FOR SEVERABILITY; AND SETTING FORTH AN EFFECTIVE DATE.

Commissioner Kent moved, seconded by Commissioner Gillooly, for approval of Ordinance No. 2010-49, on second reading, as read by title only.

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

Item #8B – Budget Amendments

ORDINANCE NO. 2010-50

AN ORDINANCE AMENDING THE ANNUAL BUDGET FOR FISCAL YEAR 2009-2010 BY AMENDING THE GENERAL FUND; THE ORMOND CROSSINGS CRA FUND; THE TRANSPORTATION FUND; THE WATER/WASTEWATER DEBT SERVICE FUND; THE WATER PLANT CONSTRUCTION FUND; AND THE WASTEWATER PLANT CONSTRUCTION FUND; AND SETTING FORTH AN EFFECTIVE DATE.

Commissioner Gillooly moved, seconded by Commissioner Kent, for approval of Ordinance No. 2010-50, on second reading, as read by title only.

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

Item #9 – Reports, Suggestions, Requests

Pop Warner

Commissioner Partington stated the Pop Warner teams were advancing into the final games and play off season. He reported every cheer team that was eligible was going to the regional competition. He stated he had not realized how favorably the activity reflected on the City as a community. He stated the football teams wore their jerseys to the cheer team competition to show support for the girls who had cheered for them. He congratulated the coaches, parents and volunteers for their dedication and professionalism. He reported that the Pop Warner Midget team had one of the most exciting finishes to their game against Port Orange that you would ever see at any level of football.

PAL Golf Tournament

Commissioner Partington reported the PAL Golf Tournament was coming up, Saturday, November 13, which was a great event and could always use more sponsors.

EVAC

Commissioner Partington expressed it was shocking to hear about Mr. Wolf's wife, and he was saddened to hear about the incident. He stated the new Commission needed to address this issue and determine how the issue needed to be handled. He stated if the County was going to handle medical emergencies, they needed to handle it with better service.

City Manager Shanahan stated that currently Daytona Beach and Volusia County were studying emergency transport, not contingency transport, and she stated the study was probably not going to be completed until after the first of the year. She stated Volusia County was in the process of considering their contract with EVAC. She stated Port Orange, Edgewater and New

Smyrna were participating in the Regional Communicational Center, and were considering emergency transport in the future.

Commissioner Gillooly expressed her sympathy to Mr. Wolf. She stated she recently was told of an incident at Amaral Plaza when an elderly woman fell in the parking lot, and how it took so long for EVAC to arrive. She expressed that this issue would be resolved, and she had always advocated for emergency transport by the City.

Commissioner Kent stated he had spoken to Fire Chief Irby regarding an incident in The Trails when a resident was concerned that it took four minutes for help to arrive due to a problem with Dispatch. He agreed that something needed to be done.

Deputy Mayor Kelley reminded the Commission of the discussions when Fire Chief Baker was with the City about locating the Suburbans away from the fire stations to get a quicker response to medical emergencies. He stated the Fire Department was staffed for fires, but it was doing mostly medical emergencies. He suggested a workshop with the new Commission to discuss the issue, and possibly, a partnership with Daytona Beach and Holly Hill.

Naming of the Park

Commissioner Gillooly stated that when someone passed away unexpectedly, the emotions at the time contributed to the desire to name a public venue in honor of the deceased; but she expressed it was important to have criteria established before naming public areas.

Commissioner Kent stated he and Commissioner Partington had never asked that something be named after anyone. He stated he felt that it was a wonderful occasion to name a park after someone who was still alive to enjoy the honor. He stated he was strongly in favor of naming the park after Andy Romano, known as Mr. Beach, who has been involved with the beach for many years.

Deputy Mayor Kelley suggested a workshop for public input. He suggested setting aside a memorial with ways to memorialize living and deceased individuals.

Senior Games

Commissioner Gillooly acknowledged Dolph Veatch, Chairman of the Senior Games, and his board members for the fantastic event each year. She thanked the City Manager and Leisure Services for their involvement in the event.

Rockefeller Revisited

Commissioner Gillooly stated she attended a great new event, Rockefeller Revisited, at The Casements. She stated it was an extremely well attended event and very successful.

Commissioner Kent reported his neighbors told him that it was an outstanding event.

Riverside Drive

Commissioner Kent thanked City Manager Shanahan for providing a police presence on Riverside Drive for Halloween. He stated there was one incident involving a young man on a skateboard, but the police interceded quickly.

Pearl Harbor

Commissioner Kent suggested to City Manager Shanahan that any Pearl Harbor survivors in the City be sent flowers on December 7 to honor their contributions.

Traffic Light

Commissioner Kent requested thirty minutes with City Manager Shanahan to investigate with him the difference in the timing of the traffic light at Hand Avenue at US1 and Division Avenue at US1.

City Manager Shanahan stated the problem was a turning issue, not a traffic light issue.

Commissioner Kent agreed that it was a turning issue, and he requested time with her in the next few days.

Farmers Market

City Manager Shanahan stated the Farmers Market had requested extending their hours from 1:00 p.m. until 6:30 p.m. She stated an ordinance was required for the change, and it had to go to the Planning Board first, but it would be coming to the Commission shortly, if the Commission did not object.

Commissioner Gillooly stated it made sense to extend the hours.

Fiber Optics

City Manager Shanahan reported that the SR40 Fiber Optic Interconnection from Nova Road to A1A program was ranked by the Metropolitan Planning Organization and included in the funding list. She stated the program had been accelerated to the June 11 fiscal year for the State. She explained that it meant the program would have to be fast tracked on the City's side, which would require the design work be done to make it happen. She stated the initial design cost to the City was \$32,000, but it had been negotiated to under \$25,000, which was within her spending authority; therefore, the City would be working with McKim and Creed to accelerate the process.

Community Events

Deputy Mayor Kelley stated it was interesting to listen to Commissioner Partington get passionate and excited about some of the activities the City sponsors for our youth. He stated that, as a community, we often overlook the multitude of events in our community that made our community very special.

Commissioner Gillooly

Deputy Mayor Kelley stated that Commissioner Gillooly would be missed. He stated she had been an important part of the Commission, adding a dimension to the Commission seat that had not been there before, and she had been a breath of fresh air by being informed, prepared and being passionate about the issues.

Item #10 – Close the Meeting

The meeting was adjourned at 8:33 p.m.

APPROVED: November 16, 2010

BY: Ed Kelley, Mayor

ATTEST:

Veronica Patterson, City Clerk