

**ORMOND BEACH CITY COMMISSION MEETING
HELD AT CITY HALL COMMISSION CHAMBERS
February 2, 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 Cantor Zev Sonnenstein, Temple Beth-El.
- 3) Pledge of Allegiance.
- 4) **PRESENTATIONS:**
 - A) Proclamation in honor of the PAL Youth Director's Council.
 - B) Proclamation in honor of the Ormond Beach Daisy's Soccer Team.
 - C) Proclamation in honor of the Boys Soccer Teams.
 - D) Certificate for "Achievement of Civic Excellence" presented to Kevin Scheiber, Ormond Beach Middle School and Chelsey Gonzales, Hinson Middle School.
- 5) **AUDIENCE REMARKS:**
- 6) **APPROVAL OF THE MINUTES** of the January 19, 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. 2010-11 authorizing the submittal of a grant application to the Florida Department of Agriculture and Consumer Services under the 2009-2011 Forest Health Improvement Initiative Grant Program for funding assistance relative to a tree planting project at the Division Avenue stormwater pond; authorizing the execution of all documents incidental thereto, including any contract necessary for the City to accept the grant award. (\$24,000 maximum available funding) (Acting City Engineer)
 - B) Resolution No. 2010-12 authorizing the execution of a Utility Master Agreement between the City and Florida Department of Transportation, regarding the relocation of City of Ormond Beach utilities located within Florida Department of Transportation's right of ways. (Acting City Engineer)
 - C) Budget results for the FY 2008-09 General Fund and Water/Wastewater Fund.

DISPOSITION: Approve as recommended in City Manager memorandum dated January 28, 2010.
 - D) Quarterly Report on Alternative Standards and Administrative Relief Granted.

DISPOSITION: Approve as recommended in City Manager memorandum dated January 28, 2010.
 - E) Follow up regarding the City Commission Goals Workshop.

DISPOSITION: Approve as recommended in City Manager memorandum dated January 28, 2010.
- 8) **PUBLIC HEARINGS:**
 - A) Resolution No. 2010-13 of the City Commission of the City of Ormond Beach, authorizing the City to enter into a Stipulated Settlement Agreement with the Florida Department of Community Affairs regarding the Ormond Crossings Comprehensive Plan – remedial amendments. (Economic Development Director)

- B) Ordinance No. 2010-06 of the City of Ormond Beach, Florida, adopting the Remedial Amendments for the City of Ormond Beach Comprehensive Plan; amending Goals, Objectives and Policies of the Future Land Use Element by creating and establishing the “Activity Center” land use category and establishing specific permitted uses, development intensities and required improvements for all “Activity Centers”; amending the Future Land Use Map to assign the designation of “Highway Tourist Commercial” and “Industrial” to approximately 155 acres of land located on the south side of US Highway 1, and spanning east and west of Interstate 95 (I-95); amending the Future Land Use Map to assign the designation of “Activity Center” to approximately 2,940 acres located south of the FEC railroad line, spanning east and west of Interstate 95 (I-95); amending the Goals, Objectives and Policies of the Transportation Element for the “Ormond Crossings Activity Center” by designating that area as a Transportation Concurrency Exception Area (TCEA) and establishing specific mobility strategies and improvements to the transportation network to mitigate for impacts resulting from the Ormond Crossings Activity Center; deleting previous provisions approved in 2005 pertaining to wetland and floodplain impacts in the Conservation and Coastal Management Elements; amending Objectives and Policies in the Recreation and Open Space Element by identifying specific improvements to be funded by the developer to mitigate for the impacts resulting from the development of the Ormond Crossings Activity Center; amending the Capital Improvements Element by including specific improvements required of the developer of the Ormond Crossings Activity Center in order to mitigate for impacts to the Emergency Management, Transportation, Utilities and Recreational Facilities of the City of Ormond Beach.
- C) Ordinance No. 2010-07 of the City Commission of the City of Ormond Beach, Florida, approving a Development Agreement between the City of Ormond Beach and Tomoka Holdings, LLC, as owner and developer; providing for the development of a 2,924 acre mixed-use development on property located on the south side of the Florida East Coast Railroad, spanning both sides of I-95, and north of the Ormond Beach Municipal Airport within the City of Ormond Beach, to be known as “Ormond Crossings”; authorizing the execution of the Development Agreement. (Economic Development Director)
- D) Ordinance No. 2010-08 of the City of Ormond Beach, Florida, rescinding the Ormond Crossings Development of Regional Impact (DRI) Development Order (DO) approved by Resolution No. 2006-269. (Economic Development Director)
- E) Resolution No. 2010-14 of the City Commission of the City of Ormond Beach, Volusia County, Florida, also acting as the North Mainland/Ormond Crossings Community Redevelopment Agency, approving and adopting the Amendment/Update to the Master Redevelopment Plan for North Mainland/Ormond Crossings Community Redevelopment Area; implementing actions taken by the City Commission in Resolution Number 2006-35; further implementing the provisions of the Community Redevelopment Act of 1969 (as amended); providing for legislative findings; providing for definitions; providing for capital projects and programs to be implemented as part of said Redevelopment Plan. (Economic Development Director)
- F) Resolution No. 2010-15 of the City Commission, also acting as the Community Redevelopment Agency of the City of Ormond Beach, Florida, accepting the bid of Traffic Control Devices, Inc., regarding the rehabilitation of two traffic signals (Bid No. 2010-05); rejecting all other bids; authorizing the execution of a contract and payment thereunder. (\$75,935.30) (Acting City Engineer)
- G) Resolution No. 2010-16 of the City Commission, also acting as the Community Redevelopment Agency of the City of Ormond Beach, Florida, authorizing the execution of a contract between the City of Ormond Beach and Hall Construction Company, Inc., regarding the Cassen Park Boat Ramp Extension project. (\$31,845) (Acting City Engineer)
- H) Resolution No. 2010-17 of the City Commission, also acting as the Community Redevelopment Agency of the City of Ormond Beach, Florida, authorizing the execution of a contract between the City of Ormond Beach and Hall Construction Company, Inc., regarding the Granada Beach Approach Improvements project. (\$210,109) (Acting City Engineer)
- I) Ordinance No. 2010-12 granting to Florida Power & Light Company, its successors and assigns, a non-exclusive electric franchise for a period of thirty (30) years, imposing provisions and conditions relating thereto. (Public Works Director)

9) **SECOND READING OF ORDINANCES:**

- A) Ordinance No. 2009-57 amending Chapter 4, Alcoholic Beverages, Section 4-3, Sale, consumption, possession, etc., prohibited except on licensed premises; exceptions, of the Code of Ordinances by providing an application process for persons desiring to use City property for social events; providing conditions for the use thereof; restricting the use, sale or consumption of alcoholic beverages at such events to beer, wine or champagne. (Leisure Services Director)
- B) Ordinance No. 2010-02 of the City of Ormond Beach, Florida, making determinations regarding the height of an existing 147 unit building located at 205 South Atlantic Avenue, known as Best Western Castillo Del Sol, granting certain vested rights relative thereto. (Planning Director)
- C) Ordinance No. 2010-03 of the City of Ormond Beach, Florida, making determinations regarding the height of an existing 98 unit building located at 711 South Atlantic Avenue, known as the Coral Beach Motel, granting certain vested rights relative thereto. (Planning Director)
- D) Ordinance No. 2010-04 of the City of Ormond Beach, Florida, making determinations regarding the height of an existing building and the proposed building located at 915 Ocean Shore Boulevard, known as Shoreham Condominium apartments; granting certain vested rights relative thereto. (Planning Director)
- E) Ordinance No. 2010-05 amending Chapter 2, Administration, Article VI, Boards, Commissions, Committees and other agencies, Division 2, Enumerated, of the Code of Ordinances, by adding a new section to be numbered and entitled Section 2-228, Public Works Advisory Board; creating a Public Works Advisory Board; establishing terms and conditions of membership; establishing powers and duties. (Assistant City Manager)

10) **FIRST READING OF ORDINANCES:**

- A) Ordinance No. 2010-09 of the City of Ormond Beach, Florida, amending and restating Article I, in General, of Chapter 16, Pensions and Retirement, Sections 16-1 through 16-21.8 inclusive of the Code of Ordinances; amending definitions; amending terms of office of board members; amending conditions for investing fund assets; amending conditions for optional forms of benefits; amending conditions pertaining to contributions, vesting, benefit amounts and eligibility requirements, and pre-retirement death requirements; amending conditions pertaining to maximum pension and minimum distribution of benefits; amending provisions pertaining to the forfeiture of pension benefits, direct transfers of eligible rollover distributions, separation of employment for military service, and prior government service; amending conditions pertaining to Deferred Retirement Option Plan; providing for codification. (Finance Director)
- B) Ordinance No. 2010-10 of the City of Ormond Beach, Florida, amending and restating Article III, Firefighters' Pension Trust Fund, of Chapter 16, Pensions and Retirement, Sections 16-40 through 16-69 inclusive of the Code of Ordinances; amending definitions, amending conditions pertaining to Deferred Retirement Option Plan (DROP), investment of fund assets, contributions, benefit amounts and eligibility, pre-retirement death requirements, disability and vesting; amending provisions pertaining to optional forms of benefits, maximum pension and minimum distribution of benefit requirements; amending conditions pertaining to forfeiture of pensions, direct transfer of eligible rollover distributions, and separation from employment for military service; amending conditions pertaining to the purchase of prior years of service. (Finance Director)
- C) Ordinance No. 2010-11 of the City of Ormond Beach, Florida, amending and restating Article IV, Police Officers' Pension Trust Fund, of Chapter 16, Pensions and Retirement, Sections 16-71 through 16-99 inclusive of the Code of Ordinances; amending definitions; extending terms of office of board members; establishing a Partial Lump Sum Payment (PLOP) Option; amending conditions for the purchase of prior years of service; establishing a Deferred Retirement Option Plan (BAC-DROP); providing optional forms and distribution of benefits; providing for investment of fund assets; providing conditions regarding forfeiture of pensions.

11) **DISCUSSION ITEM:**

- A) Project Development and Environment (PD&E) Study for Hand Avenue Extension.
- B) SR40 Multi-use Trail – Phases 2A and 3.

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

13) **CLOSE THE MEETING.**

Item #1 – Meeting Call to Order

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

Item #2 – Invocation

The invocation was given by Mayor Costello.

Item #3 – Pledge of Allegiance

The Pledge of Allegiance was led by Mayor Costello.

Mayor Costello noted that Item #8A was being pulled from the agenda until the next meeting.

Item #4 – Presentations

PAL Youth Director's Council

Mayor Costello read the proclamation for the PAL Youth Director's Council, stating they were awarded the most outstanding Youth Director's Council in the state recently at Walt Disney World. He stated the program was about leadership and service for 12 to 17 year olds giving back to the community through various community service projects. The Mayor stated the honorees completed 12 local service projects and 6 regional projects, as well as four State of Florida PAL license plate campaigns which provide most of the funding for the PAL programs throughout the state.

PAL Director Brenda Leggett stated the honorees were a great group to work with, and she was very proud of them; and someday, they would be the leaders of this community.

Ormond Beach Daisy's Soccer Team and Boys' Soccer Teams

Mayor Costello stated the Daisy's Soccer Team won tournaments at the University of Central Florida and in Jacksonville, as well as every tournament they entered in the past year; and finished 5th in the girls' under seven division at the World Championship with five wins, one loss and one tie. The Mayor stated Dillon Parker, seven years old, plays on Future Legends FC with five other players throughout Florida and qualified for the World Championship Invitation Only after winning the national championship in August 2009. Mayor Costello stated E. William Crotty, II, aka Will, an eight year old, played on the Lakeland Heat team throughout Florida, and qualified for the World Championship, winning the championship in the silver division. The Mayor reported the Ormond Beach Bolts, an under six year old division, with five players from the area, qualified for the World Championship by finishing in fourth place at the national tournament in August 2009, and finished 7th overall.

Achievement of Civic Excellence

Mary Rhodes, Chamber of Commerce, presented the Certificate of "Achievement of Civic Excellence" to Kevin Scheiber, a seventh grade student at Ormond Beach Middle School, and read a list of his accomplishments, including being a member of the National Junior Honor Society, a media volunteer, member of PTSA, and a volunteer for numerous fundraising events and a volunteer for activities such as packing boxes for soldiers in Iraq and toys for children in Africa.

Item #5 – Audience Remarks

Fire Department

Eric Summerlad, 22 South Beach Street, Vice President of IAFF Local 3499 of the Ormond Beach Fire Department, stated he had spoken at the Commission meetings for the last several months hoping to impress upon the Commission the concerns of the firefighters: a reduction in apparatus; a reduction in personnel; and a reduction of EMS services to the citizens. He stated the Mayor had emphasized the importance of staffing for the 85% of calls for EMS, rather than the 15% of calls for fires. He stated due to an attempt to maintain the ISO rating, the Quint concept was implemented, which removed a ladder truck from service; thereby affecting only the 15% of calls relative to fires, and not improving service for the 85% of EMS calls the Fire Department received. Mr. Summerlad stated five staff members accepted the early retirement program offered and retired last December. He stated nothing had been done to replace those staff members, although the Commission voted 3-2 against staff reductions.

Mayor Costello stated he was elated that together all of the county was working toward priority dispatch.

Item #6 – Approval of the Minutes

Mayor Costello advised the minutes of the January 19, 2010, regular meeting had been sent to the Commission for review and asked for any corrections, additions, or omissions. The Mayor stated the minutes were approved as printed without objection.

Item #7 – Consent Agenda

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

Commissioner Kelley moved, seconded by Commissioner 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

Ormond Crossings

Item #8A – Remedial Amendments for Ormond Crossings Stipulated Settlement Agreement

Mayor Costello stated George Lovett, FDOT, had indicated it was appropriate to read his comment into the record, “So long as the department has two weeks to work with your staff on these issues, we have no objection to the City moving forward with the first reading on these matters.”

RESOLUTION NO. 2010-13

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF ORMOND BEACH, AUTHORIZING THE CITY TO ENTER INTO A STIPULATED SETTLEMENT AGREEMENT WITH THE FLORIDA DEPARTMENT OF COMMUNITY AFFAIRS REGARDING THE ORMOND CROSSINGS COMPREHENSIVE PLAN – REMEDIAL AMENDMENTS; SETTING FORTH AN EFFECTIVE DATE.

Commissioner Partington moved, seconded by Commissioner Kent, to continue Resolution No. 2010-13 until the February 16, 2010, City Commission meeting.

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

Item #8B – Remedial Amendments for Ormond Crossings (Activity Center)

Glenn Storch, Storch Morris & Harris, stated he had represented this project for twelve years, first by representing Flagler FEC to help start this process, because the City had the vision for this true public/private partnership of the Ormond Crossings project. Mr. Storch discussed the history of the City’s continued efforts involved in bringing this vision to reality, even through a change in ownership of the property to Tomoka Holdings and Bill Livingston. He remarked it was fascinating that every Commission during the entire twelve years had unanimously supported the project; this was a rare occurrence and the City deserved credit for their efforts, particularly since the County had to be convinced. Mr. Storch pointed out this had been a difficult process, but this project will preserve over half of the land in perpetuity as green space, while providing economic growth in the form of over 11,000 new jobs and \$60,000,000 in revenue for the City.

Clay Ervin, Senior Planner for the City, discussed the various aspects of the project using a PowerPoint presentation. He stated Ormond Crossings consisted of 3,095 acres in the City, and over 1,000 acres were committed for economic development usage: retail commercial, office, business, industrial, storage, warehouse distribution and institutional. He stated this project was a wonderful example of smart growth by blending usages, including 2,950 homes; along US1, which would produce upwards of 1.45 million square feet of office, commercial and industrial type uses, for a grand total of 4.8 million square feet. Mr. Ervin stated from a planner’s point of view, he could not emphasize enough the importance of the proposed project because the approximately 600 acres on the east side of I-95 currently had land use in the County for four units per acre and had a 1925 subdivision plat with about 5,000 lots. He stated it was not desirable to put homes next to I-95, the FEC railroad, US1 and the City’s municipal airport; whereas, this project supported diversity of land use while providing economic development.

Mr. Ervin discussed the proposed remedial amendments, which included specific uses and limitations on the amount of development, reduction in land use intensities and densities for the activity center, established land uses along US1 and added policies regarding capital improvements, all of which were based on concerns from DCA. He stated in 2009 there were serious changes to the Growth Management Act. He explained the most significant to this project was the establishment of Dense Urban Land Areas (DULA), which allowed for more creative planning with the state, such as a transportation concurrency exception area, proposed for Ormond Crossings. He stated a DULA allowed for the landowner to opt out of the Development of Regional Impact (DRI) process; fortunately the developer for this project was able to carry over many of the criteria established previously by the City in the DRI into the proposed Comprehensive Plan Amendments.

Mr. Ervin reported some of the reductions in intensity and density just within the activity center included 900,000 square feet of retail/commercial that had been dropped; 1 million square feet of office was now 900,000; 800,000 square feet of flex space was reduced to 350,000 square feet; and 1 million square feet of industrial was now 800,000. He stated originally 4,400 units were approved through Flagler and the City for the project, but were reduced by 750 units in Flagler, as well as 750 units in the City. He stated there was already an existing, approved 1,860 acre wetland mitigation bank in Flagler County, and the developer proposed an expansion which was currently under review, totaling 3,000 acres in Flagler that would remain in a wetland mitigation bank. Mr. Ervin explained that a wetland mitigation bank required management that involved removal of invasive exotic plants, restoration of the natural hydro period, and more to restore the land to its natural state.

Mr. Ervin stated of more than 6,000 acres under the same ownership, over half was left in open space; and within the residential area were 62 acres of parks and open space. He explained the development order obligated the developer for the next 15 years to provide a variety of different improvements that totaled over \$56 million to the City, the County and FDOT in revenues, as well as establishing a timetable for the development along with checks and balances for the City. He stated that should a public entity or private development assume development of a phase of the project, the City can allocate those funds to another project deemed by the City as appropriate, which allowed the developer flexibility and the City adaptability for any future changes. He listed the categories of improvements as potable water, sanitary sewer, reclaimed water, recreational open space and emergency management, including building a fire station and all necessary equipment. He stated the developer was required to give 20 acres to an elementary school site, although not absolving them of concurrency requirements; and providing utilities that would benefit Ormond Crossings and the US1 corridor regarding fire flow pressure. He stated the developer was mandating green development standards for the residential and institutional uses.

Mr. Ervin explained changes in state law permitted a DULA not to participate in the DRI process; therefore, the rescission of the DRI, in a hold mode at the state level, was requested. He stated the Community Redevelopment Agency (CRA) item was another issue before the Commission, and staff had been working with the County for a financially feasible solution to address some of the conditions of blight identified in 2004, specifically the subdivision lots platted in 1925 with no real means for access. He stated that subdivided land, including 1,180 lots showing no ownership, was acquired through eminent domain by the CRA and assigned to Tomoka Holdings who paid all legal fees for the City related to the acquisition of that plat which would be vacated. He stated the primary elements of the CRA existed, elimination of the faulty lots, providing tax increment financing, and a reduction in the capital amount of TIFF, thereby protecting the City and eliminating any bonding obligation by the City. He stated the project had been updated to insure consistency, the third and fourth phases were eliminated, the land for the Collector-Distributor system was deleted, and the overall intensity of the DRI was reduced. He explained another issue was a \$8 million cap on TIFF from the City's perspective, with a positive cumulative impact of \$63.7 million. He stated the project devoted 1,000 acres of land to the commerce park, providing an estimated 11,000 plus jobs, with a net impact of \$63.7 million. He reported DCA was willing to provide an extension on the stipulated settlement agreement.

Mr. Ervin assured the Commission that every level of government had been worked to insure the project was approved because it was the right development for this area, with financial feasibility, appropriate densities and intensities, potable water, and all DRI and development orders addressed through the Comprehensive Plan and the Development Agreement. He summarized the changes in the project still provided economic development diversity, even with the reduced 4.8 million square feet; proper mix of uses; over \$56 million in improvements coming to the City; wetland mitigation banks and open space; over 11,000 new jobs; and over \$63 million to the positive.

Kent Jones, President of Ormond Beach Chamber of Commerce, spoke in support of the Ormond Crossings project, which would bring more business and industry to the City, thus improving the overall economic development plan.

ORDINANCE NO. 2010-06

AN ORDINANCE OF THE CITY OF ORMOND BEACH, FLORIDA, ADOPTING THE REMEDIAL AMENDMENTS FOR THE CITY OF ORMOND BEACH COMPREHENSIVE PLAN; AMENDING GOALS, OBJECTIVES AND POLICIES OF THE FUTURE LAND USE ELEMENT BY CREATING AND ESTABLISHING THE “ACTIVITY CENTER” LAND USE CATEGORY AND ESTABLISHING SPECIFIC PERMITTED USES, DEVELOPMENT INTENSITIES AND REQUIRED IMPROVEMENTS FOR ALL “ACTIVITY CENTERS”; AMENDING THE FUTURE LAND USE MAP TO ASSIGN THE DESIGNATION OF “HIGHWAY TOURIST COMMERCIAL” AND “INDUSTRIAL” TO APPROXIMATELY 155 ACRES OF LAND LOCATED ON THE SOUTH SIDE OF US HIGHWAY 1, AND SPANNING EAST AND WEST OF INTERSTATE 95 (I-95); AMENDING THE FUTURE LAND USE MAP TO ASSIGN THE DESIGNATION OF “ACTIVITY CENTER” TO APPROXIMATELY 2,940 ACRES LOCATED SOUTH OF THE FEC RAILROAD LINE, SPANNING EAST AND WEST OF INTERSTATE 95 (I-95); AMENDING THE GOALS, OBJECTIVES AND POLICIES OF THE TRANSPORTATION ELEMENT FOR THE “ORMOND CROSSINGS ACTIVITY CENTER” BY DESIGNATING THAT AREA AS A TRANSPORTATION CONCURRENCY EXCEPTION ARE (TCEA) AND ESTABLISHING SPECIFIC MOBILITY STRATEGIES AND IMPROVEMENTS TO THE TRANSPORTATION NETWORK TO MITIGATE FOR IMPACTS RESULTING FROM THE ORMOND CROSSINGS ACTIVITY CENTER; DELETING PREVIOUS PROVISIONS APPROVED IN 2005 PERTAINING TO WETLAND AND FLOODPLAIN IMPACTS IN THE CONVERSATION AND COASTAL MANAGEMENT ELEMENTS; AMENDING OBJECTIVES AND POLICIES IN THE RECREATION AND OPEN SPACE ELEMENT BY IDENTIFYING SPECIFIC IMPROVEMENTS TO BE FUNDED BY THE DEVELOPER TO MITIGATE FOR THE IMPACTS RESULTING FROM THE DEVELOPMENT OF THE ORMOND CROSSINGS ACTIVITY CENTER; AMENDING THE CAPITAL IMPROVEMENTS ELEMENT BY INCLUDING SPECIFIC IMPROVEMENTS REQUIRED OF THE DEVELOPER OF THE ORMOND CROSSINGS ACTIVITY CENTER IN ORDER TO MITIGATE FOR IMPACTS TO THE EMERGENCY MANAGEMENT, TRANSPORTATION, UTILITIES AND RECREATIONAL FACILITIES OF THE CITY OF ORMOND BEACH; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; PROVIDING FOR SEVERABILITY; AND SETTING FORTH AN EFFECTIVE DATE.

Mayor Costello stated this was a public hearing to adopt remedial amendments to the City’s Comprehensive Plan regarding Ormond Crossings and pointed out that a sign-up sheet was available in the rear of the Chambers for anyone who wanted to receive additional information from the Department of Community Affairs (DCR) regarding the adoption of the proposed Comprehensive Plan amendments.

Commissioner Kelley moved, seconded by Commissioner Partington, for approval of Ordinance No. 2010-06, on first 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 asked for any objections to closing the public hearing; hearing none, he stated the public hearing was closed.

Item #8C – Ormond Crossings Development Agreement

ORDINANCE NO. 2010-07

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF ORMOND BEACH, FLORIDA, APPROVING A DEVELOPMENT AGREEMENT BETWEEN THE CITY OF ORMOND BEACH AND TOMOKA HOLDINGS, LLC, AS OWNER AND DEVELOPER; PROVIDING FOR THE DEVELOPMENT OF A 2,924 ACRE MIXED-USE DEVELOPMENT ON PROPERTY LOCATED ON THE SOUTH

SIDE OF THE FLORIDA EAST COAST RAILROAD, SPANNING BOTH SIDES OF I-95 AND NORTH OF THE ORMOND BEACH MUNICIPAL AIRPORT WITHIN THE CITY OF ORMOND BEACH TO BE KNOWN AS “ORMOND CROSSINGS”; AUTHORIZING EXECUTION OF THE DEVELOPMENT AGREEMENT; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; PROVIDING FOR SEVERABILITY; AND SETTING FORTH AN EFFECTIVE DATE.

Mayor Costello stated this was a public hearing, and he stated there were no requests from anyone to speak.

Commissioner Kent moved, seconded by Commissioner Kelley, for approval of Ordinance No. 2010-07, 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 that hearing no objectives, the public hearing was closed.

Item #8D – Rescission of the Ormond Crossings Development of Regional Impact Development Order

ORDINANCE NO. 2010-08

AN ORDINANCE OF THE CITY OF ORMOND BEACH, FLORIDA, RESCINDING THE ORMOND CROSSINGS DEVELOPMENT OF REGIONAL IMPACT (DRI) DEVELOPMENT ORDER (DO) APPROVED BY RESOLUTION NO. 2006-269; REPEALING ALL INCONSISTENT ORDINANCES AND RESOLUTIONS OR PARTS THEREOF; PROVIDING FOR SEVERABILITY; AND SETTING FORTH AN EFFECTIVE DATE.

Mayor Costello stated this was a public hearing, and he stated he had no requests for anyone to speak.

Commissioner Kent moved, seconded by Commissioner Partington, for approval of Ordinance No. 2010-08, on first reading, as read by title only.

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

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

Community Redevelopment Agency Items

Mayor Costello stated the City Commission served as the Community Redevelopment Agency (CRA), and 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 each item.

Mayor Costello recessed the City Commission and called the meeting of the Community Redevelopment Agency to order at 7:53 p.m.

Mayor Costello stated he had no requests from anyone to speak to the CRA regarding Resolution No. 2010-14 relative to amendments to the Master Redevelopment Plan for the North Mainland/Ormond Crossings Community Redevelopment Area, and asked the CRA members for their recommendation.

Commissioner Gillooly recommended, seconded by Commissioner Kelley, for approval of Resolution No. 2010-14.

Mayor Costello called a voice vote, which resulted in unanimous recommendation for approval.

Mayor Costello stated Resolution No. 2010-15 was to accept a bid from Traffic Control Devices for rehabilitation of two traffic signals at Granada and Halifax Drive and Granada and Orchard Street in the Downtown Community Redevelopment Area. He stated he had no requests to speak from anyone.

Commissioner Kelley moved, seconded by Commissioner Gillooly, for recommending approval of Resolution No. 2010-15 for Commission approval.

Mayor Costello reported the voice vote was unanimous for recommending approval of Resolution No. 2010-15.

Mayor Costello stated Resolution No. 2010-16 before the CRA was to authorize a contract with Hall Construction to extend the boat ramp at Cassen Park in the Downtown Community Redevelopment Area. He stated there were no one had requested to speak on the issue.

Commissioner Kelley moved, seconded by Commissioner Gillooly, for a recommendation of approval of Resolution No. 2010-16.

Mayor Costello called for a voice vote, resulting in a unanimous recommendation for approval of Resolution No. 2010-16.

Mayor Costello stated Resolution No. 2010-17 was to authorize a contract with Hall Construction to construct parking improvements at the Granada Beach approach in the Downtown Community Redevelopment Area. He stated he had received no request from anyone to speak, and asked the CRA members for any comments.

Commissioner Gillooly stated Ormond MainStreet proposed the roadway and the parking area be paved with asphalt rather than using stamped concrete, while staff recommended the roadway be paved with asphalt and the parking area be stamped concrete to distinguish the traffic lanes.

Mayor Costello stated he supported the staff recommendation because the stamped concrete improved the look of the paving and delineated the driving lanes from the parking area, and set a standard for future beach approach projects.

Commissioner Gillooly requested any signage contain the Birthplace of Speed logo.

Commissioner Kelley expressed support for using the stamped concrete for the parking area to provide a natural division from the traffic lanes, but he opposed the use of the Birthplace of Speed logo on all City signs because the City had adopted an official City logo.

Mayor Costello suggested staff bring options for the signage to the Commission, and he agreed with Commissioner Kelley that the Birthplace of Speed logo should not be used throughout the City, but the approach was next to the Birthplace of Speed Park.

Mayor Costello asked the CRA members for their recommendation regarding the stamped concrete on the parking area.

Commissioner Partington clarified the CRA was discussing two different CRA areas, as the first item was regarding Ormond Crossings and then, the last two items was regarding the Downtown. He expressed support for the stamped concrete.

Commissioner Gillooly moved, seconded by Commissioner Kelley, recommending approval of Resolution No. 2010-17.

Mayor Costello reported the voice vote was unanimous for recommending Resolution No. 2010-17, including the use of stamped concrete for the parking area of the approach.

Mayor Costello adjourned the CRA meeting and reconvened the City Commission meeting at 8:05 p.m.

Item #8E – Amendments to the Ormond Crossings/North Mainland Community Redevelopment Area Master Plan

RESOLUTION 2010-14
A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF ORMOND
BEACH, VOLUSIA COUNTY, FLORIDA, ALSO ACTING AS THE NORTH

MAINLAND/ORMOND CROSSINGS COMMUNITY REDEVELOPMENT AGENCY APPROVING AND ADOPTING THE AMENDMENT/UPDATE TO THE MASTER REDEVELOPMENT PLAN FOR NORTH MAINLAND/ORMOND CROSSINGS COMMUNITY REDEVELOPMENT AREA; IMPLEMENTING ACTIONS TAKEN BY THE CITY COMMISSION IN RESOLUTION NUMBER 2006-25; FURTHER IMPLEMENTING THE PROVISIONS OF THE COMMUNITY REDEVELOPMENT ACT OF 1969 (AS AMENDED); PROVIDING FOR LEGISLATIVE FINDINGS; PROVIDING FOR DEFINITIONS; PROVIDING FOR CAPITAL PROJECTS AN PROGRAMS TO BE IMPLEMENTED AS PART OF SAID REDEVELOPMENT PLAN; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Commissioner Kelley moved, seconded by Commissioner Gillooly, to approve Resolution 2010-14, 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 closed the public hearing. He called a five minute recess of the City Commission meeting.

Mayor Costello reconvened the City Commission meeting at 8:10 p.m.

Item #8F – Rehabilitation of Two Traffic Signals

RESOLUTION NO. 2010-15

A RESOLUTION OF THE CITY COMMISSION, ALSO ACTING AS THE COMMUNITY REDEVELOPMENT AGENCY, OF THE CITY OF ORMOND BEACH, FLORIDA, ACCEPTING THE BID OF TRAFFIC CONTROL DEVICES, INC., REGARDING THE REHABILITATION OF TWO TRAFFIC SIGNALS (BID NO. 2010-05); REJECTING ALL OTHER BIDS; AUTHORIZING THE EXECUTION OF A CONTRACT AND PAYMENT THEREUNDER; AND SETTING FORTH AN EFFECTIVE DATE.

Commissioner Kelley moved, seconded by Commissioner Gillooly, for approval of Resolution No. 2010-15, 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, without objection, the public hearing was closed.

Item #8G – Extension of Cassen Park Boat Ramps

RESOLUTION NO. 2010-16

A RESOLUTION OF THE CITY COMMISSION, ALSO ACTING AS THE COMMUNITY REDEVELOPMENT AGENCY, OF THE CITY OF ORMOND BEACH, FLORIDA, AUTHORIZING THE EXECUTION OF A CONTRACT BETWEEN THE CITY OF ORMOND BEACH AND HALL CONSTRUCTION COMPANY, INC., REGARDING THE CASSEN PARK BOAT RAMP EXTENSION PROJECT; AND SETTING FORTH AN EFFECTIVE DATE.

Mayor Costello stated the Community Redevelopment Agency unanimously recommended approval of Resolution No. 2010-16; and he stated no one had requested to speak.

Commissioner Partington moved, seconded by Commissioner Gillooly, for approval of Resolution No. 2010-16, as read by title only.

Call Vote:	Commissioner Partington	Yes
	Commissioner Gillooly	Yes
	Commissioner Kent	Yes

Carried.	Commissioner Kelley	Yes
	Mayor Costello	Yes

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

Item #8H – Granada Beach Approach Improvements

RESOLUTION NO. 2010-17

A RESOLUTION OF THE CITY COMMISSION, ALSO ACTING AS THE COMMUNITY REDEVELOPMENT AGENCY, OF THE CITY OF ORMOND BEACH, FLORIDA, AUTHORIZING THE EXECUTION OF A CONTRACT BETWEEN THE CITY OF ORMOND BEACH AND HALL CONSTRUCTION COMPANY, INC., REGARDING THE GRANADA BEACH APPROACH IMPROVEMENTS PROJECT; AND SETTING FORTH AN EFFECTIVE DATE.

Mayor Costello stated this was a public hearing, and he stated there were no requests to speak. The Mayor reported the Community Redevelopment Agency recommended unanimously for approval of Resolution No. 2010-17.

Commissioner Kelley moved, seconded by Commissioner Gillooly, for approval of Resolution No. 2010-17, as read by title only.

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

Mayor Costello stated, without objection, the public hearing was closed.

Item #8I – Florida Power and Light Franchise Agreement

ORDINANCE NO. 2010-12

AN ORDINANCE GRANTING TO FLORIDA POWER & LIGHT COMPANY, ITS SUCCESSORS AND ASSIGNS, A NON-EXCLUSIVE ELECTRIC FRANCHISE FOR A PERIOD OF THIRTY (30) YEARS; IMPOSING PROVISIONS AND CONDITIONS RELATIVE THERETO; AND SETTING FORTH AN EFFECTIVE DATE.

Mayor Costello stated this was a public hearing, and no one had requested to speak.

City Manager Joyce Shanahan pointed out the Commission received a staff version and an FPL version of the ordinance. She stated the final version would be brought back at second reading, and the City Attorney did not anticipate any substantive changes; therefore, there would be no need to advertise the ordinance for a second reading. Ms. Shanahan stated should there be any significant changes, the item would be advertised.

Commissioner Kent moved, seconded by Commissioner Kelley, for approval of the staff version of Ordinance No. 2010-12, on first reading, as read by title only.

Commissioner Kelley stated Florida allowed for a lower rate for LED lighting, which would save the City money.

Mayor Costello stated that was a tariff issue, which would not be a part of this agreement. The Mayor stated the tariff agreement could be negotiated with the state, which was not part of the franchise agreement. The Mayor mentioned an email that had been sent to the Commission members regarding South Daytona and Florida Power & Light (FP&L) negotiations.

City Manager stated for the record that South Daytona was in the midst of purchasing the utilities infrastructure from FP&L, and, the results of the non-binding arbitration meeting held before Christmas to determine the value of the assets, should be available soon, at which point South Daytona would be able to make a decision to move forward with the infrastructure purchase.

Mayor Costello stated the critical issue was that the value was based on the cost of the improvements, but the City would have to value the assets on the going concern using those improvements.

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

Item #9A - Alcoholic Beverages

ORDINANCE NO. 2009-57

AN ORDINANCE AMENDING CHAPTER 4, ALCOHOLIC BEVERAGES, SECTION 4-3, SALE, CONSUMPTION, POSSESSION, ETC., PROHIBITED EXCEPT ON LICENSED PREMISES; EXCEPTIONS, OF THE CODE OF ORDINANCES BY PROVIDING AN APPLICATION PROCESS FOR PERSONS DESIRING TO USE CITY PROPERTY FOR SOCIAL EVENTS; PROVIDING CONDITIONS FOR THE USE THEREOF; RESTRICTING THE USE, SALE OR CONSUMPTION OF ALCOHOLIC BEVERAGES AT SUCH EVENTS TO BEER, WINE OR CHAMPAGNE; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; PROVIDING FOR SEVERABILITY; AND SETTING FORTH AN EFFECTIVE DATE.

Commissioner Kelley moved, seconded by Commissioner Gillooly, to approve Ordinance No. 2009-57, on second reading, as read by title only.

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

Item #9B – Height Determinations at 205 South Atlantic Avenue

ORDINANCE NO. 2010-02

AN ORDINANCE OF THE CITY OF ORMOND BEACH, FLORIDA, MAKING DETERMINATIONS REGARDING THE HEIGHT OF AN EXISTING 147 UNIT BUILDING LOCATED AT 205 SOUTH ATLANTIC AVENUE, KNOWN AS BEST WESTERN CASTILLO DEL SOL; GRANTING CERTAIN VESTED RIGHTS RELATIVE THERETO; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; AND SETTING FORTH AN EFFECTIVE DATE.

Commissioner Partington moved, seconded by Commissioner Kent, to approve Ordinance No. 2010-02, on second reading, as read by title only.

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

Item #9C – Height Determinations at 711 South Atlantic Avenue

ORDINANCE NO. 2010-03

AN ORDINANCE OF THE CITY OF ORMOND BEACH, FLORIDA, MAKING DETERMINATIONS REGARDING THE HEIGHT OF AN EXISTING 98 UNIT BUILDING LOCATED AT 711 SOUTH ATLANTIC AVENUE, KNOWN AS CORAL BEACH MOTEL; GRANTING CERTAIN VESTED RIGHTS RELATIVE THERETO; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; AND SETTING FORTH AN EFFECTIVE DATE.

Commissioner Partington moved, seconded by Commissioner Kent, to approve Ordinance No. 2010-03, on second reading, as read by title only.

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

Item #9D – Height Determinations at 915 South Atlantic Avenue

ORDINANCE NO. 2010-04

AN ORDINANCE OF THE CITY OF ORMOND BEACH, FLORIDA, MAKING DETERMINATIONS REGARDING THE HEIGHT OF AN EXISTING BUILDING AND THE PROPOSED BUILDING LOCATED AT 915 OCEAN SHORE BOULEVARD, KNOWN AS SHOREHAM CONDOMINIUM APARTMENTS; GRANTING CERTAIN VESTED RIGHTS RELATIVE THERETO; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; AND SETTING FORTH AN EFFECTIVE DATE.

Commissioner Gillooly moved, seconded by Commissioner Partington, to approve Ordinance No. 2010-04, 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 #9E – Public Works Board

ORDINANCE NO. 2010-05

AN ORDINANCE AMENDING CHAPTER 2, ADMINISTRATION, ARTICLE VI, BOARDS, COMMISSIONS, COMMITTEES AND OTHER AGENCIES, DIVISION 2, ENUMERATED, OF THE CODE OF ORDINANCES, BY ADDING A NEW SECTION TO BE NUMBERED AND ENTITLED SECTION 2-228, PUBLIC WORKS ADVISORY BOARD; CREATING A PUBLIC WORKS ADVISORY BOARD; ESTABLISHING TERMS AND CONDITIONS OF MEMBERSHIP; ESTABLISHING POWERS AND DUTIES; AND SETTING FORTH AN EFFECTIVE DATE.

Commissioner Kent moved, seconded by Commissioner Kelley, to approve discussion of Ordinance No. 2010-05, on second reading, as read by title only.

Mayor Costello stated he did not support this ordinance due to the terms of office; members should not be appointed for longer terms than the Commission members.

Commissioner Gillooly agreed that four years was a long time to volunteer, and she suggested the terms coincide with the Commission terms.

Mayor Costello stated there was discussion at the Volusia Growth Management Commission regarding four year terms, and municipalities may not want to be able to recall their appointees, if their decisions were not agreeable. He stated a precedent should be set to prohibit a Commissioner from appointing a board member to a term longer than the Commission member's term.

Commissioner Kelley clarified the meetings were held quarterly to consider five year capital projects, and the four year terms allowed for members to review most of a project.

Commissioner Kent moved to amend Ordinance No. 2010-05 to set the terms of the board members to coincide with the term of the Commission member making the appointment; Commissioner Gillooly seconded, on second reading, as read by title only.

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

Item #10A – Proposed Changes – General Employees' Pension Trust Fund

ORDINANCE NO. 2010-09

AN ORDINANCE OF THE CITY OF ORMOND BEACH, FLORIDA AMENDING AND RESTATING ARTICLE I, IN GENERAL, OF CHAPTER 16, PENSIONS AND RETIREMENT, SECTIONS 16-1 THROUGH 16-21.8 INCLUSIVE OF THE CODE OF ORDINANCES; AMENDING DEFINITIONS; AMENDING TERMS OF OFFICE OF BOARD MEMBERS; AMENDING CONDITIONS FOR INVESTING

FUND ASSETS; AMENDING CONDITIONS FOR OPTIONAL FORMS OF BENEFITS; AMENDING CONDITIONS PERTAINING TO CONTRIBUTIONS, VESTING, BENEFIT AMOUNTS AND ELIGIBILITY REQUIREMENTS, AND PRE-RETIREMENT DEATH REQUIREMENTS; AMENDING CONDITIONS PERTAINING TO MAXIMUM PENSION AND MINIMUM DISTRIBUTION OF BENEFITS; AMENDING PROVISIONS PERTAINING TO THE FORFEITURE OF PENSION BENEFITS, DIRECT TRANSFERS OF ELIGIBLE ROLLOVER DISTRIBUTIONS, SEPARATION OF EMPLOYMENT FOR MILITARY SERVICE, AND PRIOR GOVERNMENT SERVICES; AMENDING CONDITIONS PERTAINING TO DEFERRED RETIREMENT OPTION PLAN; SEVERABILITY OF PROVISIONS; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH AND PROVIDING AN EFFECTIVE DATE.

Commissioner Kelley moved, seconded by Commissioner Partington, for approval of Ordinance No. 2010-09, on first reading, as read by title only, including any mandatory changes, but absent proposed changes to Section 16-3(a), regarding terms of office of board members; and proposed change to Section 16-15(j), Service Credit Purchase Limits and Section 16-21.7(2), Prior government service, allowing only one permissive service credit contribution.

Commissioner Gillooly stated she opposed any amendment that placed further financial burden on taxpayers, such as the proposed multiple service credit contribution.

Commissioner Kent agreed with two year terms, but was concerned about the possibility of “residual financial impact” to the City.

Mayor Costello stated he was against DROP, PLOP, BAC-DROP, and he would not support anything that did not contain a provision that if future actuaries determined the action would cost the City money, the employee would pay the cost. The Mayor stated the City was guaranteeing an 8% return because the actuaries based their calculations on an 8% return.

The City Manager stated many plans throughout the state offer only one opportunity to buy prior years for service credit, but periodically with the Commission approval, opportunities to purchase service time were brought to the employees. Ms. Shanahan stated currently, a single opportunity was provided for in the ordinance.

Mayor Costello stated that with assurance this ordinance would have no future financial impact on the City, he would support it; otherwise, he would not.

Ms. Shanahan clarified this ordinance was for multiple opportunities to purchase service credits, and she could not provide assurance there would be no future financial impact to the City. She stated the current ordinance provided for a single opportunity for purchase of service credits, and that would remain in effect until the Commission changed the ordinance.

Commissioner Kelley moved, seconded by Commissioner Partington, to amend his motion to exclude the opportunity for multiple purchases of service credits, but to approve the proposed change to two year terms for pension board members, on first reading, as read by title only.

Commissioner Kelley asked if the ordinance contained a prohibition to prevent employees from purchasing service credits for prior government service at another government entity.

Finance Director Kelly McGuire stated the ordinance did contain language to prevent an employee from buying prior government service credits, thereby preventing an employee from getting two different pensions for the same years of service. She explained the current conditions with DROP, PLOP and BAC-DROP were separate issues that would have to be negotiated before eliminating those plans.

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

Mayor Costello requested the City Manager inform the pension boards the Commission was not necessarily opposed to changes, as long as there was no financial impact to the City due to those changes.

Item #10B – Proposed Changes – Firefighters’ Pension Trust Fund

ORDINANCE NO. 2010-10

AN ORDINANCE OF THE CITY OF ORMOND BEACH, FLORIDA AMENDING AND RESTATING ARTICLE III, FIREFIGHTERS’ PENSION TRUST FUND, OF CHAPTER 16, PENSIONS AND RETIREMENT, SECTIONS 16-40 THROUGH 16-69 INCLUSIVE OF THE CODE OF ORDINANCES; AMENDING DEFINITIONS; AMENDING CONDITIONS PERTAINING TO DEFERRED RETIREMENT OPTION PLAN (DROP), INVESTMENT OF FUND ASSETS, CONTRIBUTIONS, BENEFIT AMOUNTS AND ELIGIBILITY, PRE-RETIREMENT DEATH REQUIREMENTS; DISABILITY AND VESTING; AMENDING PROVISIONS PERTAINING TO OPTIONAL FORMS OF BENEFITS, MAXIMUM PENSION AND MINIMUM DISTRIBUTION OF BENEFIT REQUIREMENTS; AMENDING CONDITIONS PERTAINING TO FORFEITURE OF PENSIONS, DIRECT TRANSFER OF ELIGIBLE ROLLOVER DISTRIBUTIONS, SEPARATION FROM EMPLOYMENT FOR MILITARY SERVICE; AMENDING CONDITIONS PERTAINING TO THE PURCHASE OF PRIOR YEARS OF SERVICE; PROVIDING SEVERABILITY OF PROVISIONS; REPEALING ALL ORDINANCES IN CONFLICT HERewith AND PROVIDING AN EFFECTIVE DATE.

Commissioner Kelley moved, seconded by Commissioner Partington, for approval of Ordinance No. 2010-10, on first reading, as read by title only, including the mandatory changes, but excluding Section 16-42, Section 16-63; Military service prior to employment; and Section 16-66, Prior Fire Service.

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

Item #10C – Proposed Changes – Police Officers’ Pension Trust Fund

ORDINANCE NO. 2010-11

AN ORDINANCE OF THE CITY OF ORMOND BEACH, FLORIDA, AMENDING AND RESTATING ARTICLE IV, POLICE OFFICERS’ PENSION TRUST FUND, OF CHAPTER 16, PENSIONS AND RETIREMENT, SECTIONS 16-71 THROUGH 16-99 INCLUSIVE OF THE CODE OF ORDINANCES; AMENDING DEFINITIONS; EXTENDING TERMS OF OFFICE OF BOARD MEMBERS; ESTABLISHING A PARTIAL LUMP SUM PAYMENT (PLOP) OPTION; AMENDING CONDITIONS FOR THE PURCHASE OF PRIOR YEARS OF SERVICE; ESTABLISHING A DEFERRED RETIREMENT OPTION PLAN (BAC-DROP); PROVIDING OPTIONAL FORMS AND DISTRIBUTION OF BENEFITS; PROVIDING FOR INVESTMENT OF FUND ASSETS; PROVIDING CONDITIONS REGARDING FORFEITURE OF PENSIONS; PROVIDING FOR SEVERABILITY OF PROVISIONS; REPEALING ALL ORDINANCES IN CONFLICT HERewith AND PROVIDING AN EFFECTIVE DATE.

Commissioner Kelley moved, seconded by Commissioner Partington, for approval of Ordinance No. 2010-11, on first reading, as read by title only, including any mandatory changes, but excluding Section 16-73, Section 16-80, Section 16-94, Section 16-95 and Section 16-98.

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

Commissioner Kelley asked why these ordinances were brought to the Commission.

Mayor Costello stated they were from the pension boards; and he requested the City Manager let the pension boards know that the Commission appreciated their efforts to present items that benefited the employees, but they needed to be sure there would be no financial impact to the City.

Commissioner Kent referenced the example in the information provided to the Commission that cited a retiring Police Officer eligible for a monthly benefit of \$5,500 after 25 years of service, and he pointed out that was more money than his salary as a teacher.

Commissioner Gillooly stated one of the most costly budget items for the City was pensions, and she suggested the pension boards be more engaged in the budget meetings to gain a better understanding of the overall budget for the City.

Mayor Costello stated in the last five years, the City had 25% fewer employees, but paid 50% more in pension benefits.

Commissioner Partington stated the percentage of department budgets for pensions was about 22% to 25%, which was huge.

Mayor Costello asked the City Manager to confirm the numbers for the Commission.

Item #11A - Study for Hand Avenue Extension

Mayor Costello expressed support for the PD&E study and the budget adjustment to accommodate the expense, and asked if the other members agreed; to which all agreed.

Item #11B – SR40 Multi-use Trail – Phase 2A and 3

Commissioner Gillooly clarified the FEMA funding had been approved and was pending distribution; and therefore, she was in favor of the expenditure of \$55,000 to perform advance design work for Phases 3A and 4 of the SR40 Trails project.

Mayor Costello stated this would include all the design work for the trail to Airport Road extension, leaving the section from Tymber Creek Road east to I-95.

Planning Director Ric Goss stated the design would include from Old Tomoka Road across the bridge to the Airport Road extension.

Mayor Costello requested staff bring the design from Tymber Creek Road east to I-95 to the Commission, which would complete the design from I-95 to Airport Road extension.

Item #13 - Reports

Meeting Date

Commissioner Kent requested the Commission consider moving the June 15 City Commission meeting to June 22 because he would be out of town.

City Clerk Veronica Patterson pointed out that qualifying was June 14 to June 18, and paperwork must be signed in the presence of the City Clerk.

Mayor Costello asked the City Clerk to verify the requirement that the paperwork be signed before the City Clerk between June 14 and June 18 and could not be provided earlier.

Timing of Remarks

Commissioner Kelley requested that no funds be spent on adding a timing device on the podium for any speakers.

City Manager Shanahan stated a solution to the visibility of the timing device was being investigated.

Fluoridation and H1N1

Commissioner Kelley stated the Commission had received letters from the Kidney Foundation, who does not support fluoridation, but supported the H1N1 vaccine shot.

Water Leaks

Commissioner Kelley stated he received a “leak facts sheet” with his water bill from Holly Hill, which stated a pinhead size leak can leak 360,000 gallons a year; a leaking toilet could leak 90,000 gallons of water in 30 days; and other facts. He suggested these facts be included in the City water bill.

Mayor Costello stated he had more residents approach him about leaks in the past month than in the past year, and asked the City Manager and Finance Director to automatically eliminate the sewer charge when a leak existed, evidenced by a large increase in water usage.

City Manager Shanahan stated that due to the few people who would take advantage, the resident would need to prove the leak was repaired, and thereby, justifying the write-off of the bill to the auditors.

Florida Youth Soccer

City Manager Shanahan reported the Florida Youth Soccer Association Regional Soccer Cup event was being held in the City, February 6 and February 7. She stated the Ormond Beach Soccer Club was selected to host the event from over 30 regional associations, due to outstanding volunteerism by the club, conditions of the sports field and the support received by the City.

Attorney General Opinion

City Attorney Randy Hayes stated staff received financial requests from private organizations to build something on City property and donate it back to the City. He suggested the City request an Attorney General opinion to get definitive answers on the issue.

Mayor Costello asked if it would be beneficial for the Commission to pass a resolution requesting an Attorney General Opinion on this issue. He stated he supported the concept, and would like to find a way to allow private enterprise to help the City publically.

The City Attorney stated a resolution was not necessary; he wanted the Commission to be aware of his course of action.

Mayor Costello suggested the City Attorney could request the perimeters under which this could be done, because the Commission was desirous of participation in the concept.

Proclamations and Memorabilia

Mayor Costello asked the City Manager to provide copies of the proclamations given out by the City be in the Mayor's office at City Hall and to display donated memorabilia.

Item #13 – Close the Meeting

The meeting was adjourned at 9:08 p.m.

APPROVED: February 16, 2010

BY: Fred Costello, Mayor

ATTEST:

Veronica Patterson, City Clerk