

**ORMOND BEACH CITY COMMISSION MEETING
HELD AT CITY HALL COMMISSION CHAMBERS**

August 26, 2008 7:00 p.m.

Present were: Mayor Fred Costello, Lori Gillooly, Troy Kent, Ed Kelley, and Bill Partington, Acting City Manager Ted MacLeod, City Attorney Randal Hayes, and City Clerk Veronica Patterson.

A G E N D A

- 1) Meeting call to order by Mayor Costello.
- 2) Invocation by Reverend Gary Powell, Oasis Christ Fellowship.
- 3) Pledge of Allegiance.
- 4) ***PRESENTATION:*** Recognition of Junior Olympians Emily Bauer and Brittany Dunn for outstanding efforts and achievements in gymnastics.
- 5) ***CITY MANAGER TRANSITION ACTIONS:***
 - A) Resolution No. 2008-148 ratifying and affirming the appointment of Theodore S. MacLeod to serve as Acting City Manager; authorizing and directing all financial institutions which hold funds of the City of Ormond Beach to delete the name of Isaac D. Turner as City Manager from their records and to add thereto the name of Theodore S. MacLeod as Acting City Manager.
 - B) City Manager selection process.
 - 1) Resolution No. 2008-149 accepting a proposal from Eugene Miller to serve as a consultant regarding the City Manager recruitment and selection process.
 - 2) Resolution No. 2008-150 establishing a Citizens Advisory Committee regarding the City Manager selection process; establishing purpose and function; establishing terms and conditions of appointment of members.

- 3) Resolution No. 2008-151 appointing members to serve on a Citizens Advisory Committee regarding the search for a City Manager; setting forth terms and conditions of service.

6) **AUDIENCE REMARKS:**

- 7) **APPROVAL OF THE MINUTES** of the August 6, 2008, meeting.

8) **INTERGOVERNMENTAL REPORTS:**

- A) Metropolitan Planning Organization
- B) Volusia Council of Governments
- C) Water Authority of Volusia

- 9) **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. 2008-143 renewing an engagement letter between the City and Samuel P. Bell, III, of Pennington, Moore, Wilkinson, Bell & Dunbar, P.A., regarding legislative lobbying services for the 2008 Florida legislative session; authorizing the execution thereof. (\$31,000)
- B) Resolution No. 2008-144 of the City of Ormond Beach, Florida, expressing the City's commitment to participate in a process to seek efficiencies in fire, EMS and related services through interlocal cooperation with the cities and County of Volusia. (\$1,618)
- C) Resolution No. 2008-145 authorizing the execution of an "Attachment Agreement" between the City of Ormond Beach and Florida Power & Light Company.
- D) Approval of travel by Commissioner Ed Kelley to the Florida League of Cities Century Commission Water Congress in Orlando, Florida.

DISPOSITION: Approve as recommended in City Manager memorandum dated August 14, 2008.

- 10) **PUBLIC HEARING:** Resolution No. 2008-146 authorizing the execution and issuance of a Development Order for a Special Exception Redevelopment Plan at 15, 29 and 43 West Granada Boulevard, said property being within the B-4 (Central Business) zoning district and Downtown Overlay District; establishing conditions and expiration date of approval
- 11) **SECOND READING OF ORDINANCE** No. 2008-36 amending the annual budget for Fiscal Year 2007-2008 by amending the General Fund; the Pension Contribution Pass Thru; the Facilities Renewal and Replacement Fund; Fire Station #92 Fund; Fire Station #91 Fund; the Water/Wastewater Fund; the Water Impact Fees Fund; and the Workers' Compensation Insurance Fund.
- 12) **FIRST READING OF ORDINANCE** No. 2008-37 amending Chapter 5, Animals and Fowl, of the City of Ormond Beach, Florida, *Code of Ordinances*, specifically as to Section 5-25 (Notice of Impounding); the title of Article III (Dogs and Cats), Section 5-62 (Licenses Annual; Fee), Section 5-69 (Running at Large Prohibited), Section 5-70 (Impounding of Violators), Section 5-71 (Notice of Impounding), Section 5-72 (Reclaiming After Impoundment), Section 5-73 (Duty to Keep After Impoundment, Authority to Destroy in Certain Cases), Section 5-80 (Investigation and Determination of Dangerous Dog), and Section 5-81 (Action to be Taken by Owners/Keepers of Dangerous Dogs).
- 13) **RESOLUTION** No. 2008-147 approving and authorizing a severance pay package for certain employees.
- 14) **DISCUSSION:** Use of Tax Increment Financing funds.
- 15) **REPORTS, SUGGESTIONS, REQUESTS:** Mayor, City Commission, Acting City Manager, City Attorney.
- 16) **CLOSE THE MEETING.**

Item #1 - Call to Order

Mayor Costello called the meeting to order at 7:00 p.m.

Mayor Costello introduced those on the dais and Ms. Lorenda Volker, Human Resources Director, who was greeting citizens coming into the meeting.

Item #2 - Invocation

Mr. Ted MacLeod, Acting City Manager, gave the invocation.

Item #3 - Pledge of Allegiance

Mayor Costello led in the Pledge of Allegiance.

Item #4 – Recognition of Junior Olympians Emily Bauer and Brittany Dunn

Mr. David Abee, Leisure Services Director, stated the City was extremely proud to recognize Ms. Emily Bauer and Ms. Brittany Dunn for participating in the Junior Olympics in Michigan. He stated these young ladies are excellent roll models.

Coach George Postell, Head Coach and Program Coordinator for Ormond Beach Gymnastics, stated Emily Bauer and Brittany Dunn are Level Seven Modified Optional Gymnasts. He advised that Ms. Dunn has been in his program for 11 years, and Ms. Bauer has been in the program for three years. Coach Postell reported Ms. Bauer personally received three silver medals and a bronze medal, and her team took the gold medal. Coach Postell noted Ms. Dunn was in the Women’s Division and received a bronze medal and sixth place overall where she competed with gymnasts who were older and had more experience.

Item #5(A) – Appointment of Theodore S. MacLeod to Serve as Acting City Manager

RESOLUTION NO. 2008-148
A RESOLUTION RATIFYING AND AFFIRMING THE APPOINTMENT OF THEODORE S. MACLEOD TO SERVE AS ACTING CITY MANAGER; AUTHORIZING AND DIRECTING ALL FINANCIAL INSTITUTIONS WHICH HOLD FUNDS OF THE CITY OF ORMOND BEACH TO DELETE THE NAME OF ISAAC D. TURNER AS CITY MANAGER FROM THEIR RECORDS AND TO ADD THERETO THE NAME OF THEODORE S. MACLEOD AS ACTING CITY MANAGER; SETTING FORTH AN EFFECTIVE DATE.

Mayor Costello requested the Commission consider whether they favor providing a 10% increase, and if so, if it should be retroactive to August 6, 2008.

Commissioner Kent moved, seconded by Commissioner Kelley, to approve Resolution No. 2008-148, as read by title only, with a 10% increase retroactive to August 6, 2008.

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

Item #5(B)(1) – City Manager Recruitment and Selection Process

RESOLUTION NO. 2008-149
A RESOLUTION ACCEPTING A PROPOSAL FROM EUGENE MILLER TO SERVE AS A CONSULTANT REGARDING THE CITY MANAGER RECRUITMENT AND SELECTION PROCESS; AND SETTING FORTH AN EFFECTIVE DATE.

Commissioner Partington moved, seconded by Commissioner Gillooly, to approve Resolution No. 2008-149, as read by title only.

Commissioner Kelley stated it would be difficult, in the short period of time, to find 15 people who would be able to have time to meet to organize a committee.

Mayor Costello stated Mr. Miller would obtain 15 names from the Commission, and there would be one publicly advertised meeting on a day when most of the members would be able to attend. He reported, at that meeting, the members would review the criteria and have a goal to create an advertisement that would then be placed. Mayor Costello advised the committee would not evaluate the names of the applicants or have multiple meetings.

Mr. Randal Hayes, City Attorney, stated the resolution was presented in essentially the same form that was used the last time the City was seeking a city manager, but the duties and functions of the previous selection committee were a bit broader than what was being proposed tonight. He explained these members would provide a set of qualifications or skills. Mr. Hayes noted there may be one or more than one meeting. He advised there was no Sunshine Law problem with fact-finding meetings with Mr. Miller, who was very qualified to perform those duties.

Mayor Costello stated anything Mr. Miller learned from individual meetings would be shared at the public meeting.

Commissioner Kent advised he found three individuals who would be well qualified to serve on the citizen committee; however, he believed it to be a waste of peoples' time to provide qualifications for a city manager, since the Commission could decide what they want in a city manager, and the citizens could become more involved with the individual candidates.

Mr. Eugene Miller, 395 South Atlantic Avenue, reported he performed this task in Seminole County after serving as Interim City Manager in Orange City; and in Oviedo, Sanford, and Casselberry he took the job with the understanding that he would facilitate the recruitment process with the Human Resources staff. He stated by living in Ormond Beach, he knows the community. Mr. Miller clarified that the Commission, as the elected body, must make the decisions; and his job as a facilitator would be to make no decision, but to keep everyone on a correct path. He noted he would develop a profile of a city manager that the community and the Commission want as well as a profile of Ormond Beach. Mr. Miller stated he understood the importance the Commission gives to citizen participation, and the most effective way to do that was to obtain their input up front rather than having the committee associating with the personalities of the individuals, which he believed should not come into play until after the background checks are completed. He explained there may be many applications, but there would not be 25 people the Commission would want to consider for the interview process.

Mayor Costello stated Mr. Miller has functioned as a "Range Rider," and they do not usually work with a citizen committee. He reported the Range Riders indicated that the problem with having the citizens involved after the fact was that they become invested in a particular candidate, and if that candidate does not get selected, they question why the Commission did not listen to them.

Commissioner Kent stated he believed the citizens would be better served if they were used in a different capacity. He advised when one person was chosen, and the media published that name, he did not want any negotiations; therefore, he recommended the Commission create concrete parameters regarding salary and benefits so those seeking the job would either accept the position with those stipulations, or someone else would be selected without negotiating.

Mayor Costello stated he e-mailed Mr. Paul Lane, Finance Director, asking for all of the numbers in the contracts. He reported after the advertisement was created, he anticipated the Commission would come up with a generic contract they could accept. Mayor Costello urged that another Commission member work on that contract. He stated there should be some flexibility to provide somewhat more for one allowance and less for another allowance.

Commissioner Kent stated he would prefer the toughest negotiator setting the parameters; and if the Commission could come up with parameters, there would be no negotiating needed.

Mayor Costello stated he would prefer to hear from Mr. Miller at the workshop prior to advertising the position.

Mr. Hayes stated negotiating a contract must be done by the Commission in a public meeting. He advised the salary range and benefits could be published as part of the solicitation so when the applicants apply they would know what to expect.

Mayor Costello stated that should be included as an agenda item at the workshop.

Commissioner Kent stated he met Mr. Miller only once, and he appreciated Mayor Costello's forward thinking in selecting Mr. Miller; but he believed that should have been a Commission decision. He expressed concern that Mr. Miller would be selecting the final candidates for city manager in that Mr. Miller once held that position.

Mr. Miller reported he would have no hard feelings for any decision the Commission should make.

Commissioner Kent stated he believed that Mr. Miller loved Ormond Beach, and he was aware Mr. Miller was willing to do this service for no charge; but he still questioned the appropriateness of this action since he was a past Ormond Beach city manager. He assured Mr. Miller his concern was certainly not personal.

Commissioner Gillooly advised she understood Mayor Costello to have spoken of a citizens' committee as described here, and then later another citizens' committee or part of that same committee to examine the résumés and assist the Commission in making selections. She stated during her tenure as the Director of Ormond Main Street, she had an office in City Hall, and she personally got to know Mr. Miller through seeing him on a daily basis. Commissioner Gillooly reported Mr. Miller was extremely professional, particularly "under fire." She stated she appreciated Mayor Costello's initiative. Commissioner Gillooly advised that after research she believed that the concept of bringing in the citizens committee in the beginning would add to the Commission's discussion because the people on the committee would bring different qualities to the committee and may recommend qualities in a city manager that she would not think of on her own. She stated Mr. Miller mentioned main criteria and secondary criteria. Commissioner Gillooly noted she originally believed the City should keep five of the 15 member for later on in the process, but after research she now believed this process would afford the opportunity to give the Commission a plan in what it should be looking for in the optimum person for the role of city manager. She advised she completely concurred with Commissioner Kent that the City should set parameters regarding salary and benefits. Commissioner Gillooly noted this plan could be changed if it was found that it was not working properly; however, the plan gives the City the most efficient use of the tax dollars since Mr. Miller would not be charging for his services. She noted Mr. Miller offers a unique opportunity in that he knows the staff, the goals of the City, and he cares about the City. Commissioner Gillooly advised there would still be public input and public interviews where the committee members would be able to attend and offer advice to their appointing Commission member before a decision would be made. She noted she felt good about this process now.

Mayor Costello stated he knew he was taking a risk, but at the last meeting he thought he presented other options for the selection process, and he thought he received a consensus to ask Mr. Miller.

Commissioner Partington stated he favored the prescribed process. He noted he told his appointments that this was a one-meeting commitment for a citizen committee.

Commissioner Kelley advised he also favored the process. He noted he worked with Mr. Miller for six years. Commissioner Kelley reported he had a concern that the final five or six selections should be at the Commission's discretion as opposed to at the citizens' discretion. He stated Mr. Miller loved Ormond Beach and made it his home. Commissioner Kelley noted his only concern was the ability to obtain the input up front in a timely manner; but this has been addressed, so he was now comfortable with the procedure.

Mr. Miller stated once the process was started he recommended staying the course and not making changes at that point.

Commissioner Gillooly clarified she was referring to a change only if there was a problem.

Mayor Costello explained Mr. Miller informed him that in his experience if the process would last through the holiday season, it would have to start over because people would have found other employment.

Mr. Miller noted a great deal of this discussion was premature. He reported he has always tried to develop the employment agreement up front before the candidates are asked to come to a city for an interview.

Mayor Costello stated most of the advertising was web based, which can include a proposed contract or anything else the Commission wanted to include. He noted Mr. Miller was not recommending the finalists, he was only selecting those applicants who meet the qualifications;

and the Commission would cull through those to decide who they wished to invite for an interview.

Mr. Miller stated after the meeting of September 17, the advertisement should be ready to go out on September 18.

Commissioner Kent questioned why candidates could not fly down for an interview at their own expense. He noted while he appreciated Mr. Miller's willingness to help, he still had his original concern that Mr. Miller was a former Ormond Beach city manager.

Commissioner Kelley stated over 100 people applied for the position of WAV Executive Director, and two came to the top. He stated the WAV board negotiated with the top applicant, but ended up with the second and was probably better off in doing so. Commissioner Kelley noted it was customary to pay to have people fly in because this would insure the best people would apply; but if someone wished to pay their own ticket, he would not recommend prohibiting that. He advised this was done in all industries.

Mayor Costello advised Mr. Miller conducted searches in four other communities.

Call Vote:	Commissioner Kent	no
	Commissioner Kelley	yes
	Commissioner Partington	yes
	Commissioner Gillooly	yes
Carried.	Mayor Costello	yes

Item #5(B)(2) – Establishing a Citizens Advisory Committee

RESOLUTION NO. 2008-150

A RESOLUTION ESTABLISHING A CITIZENS ADVISORY COMMITTEE REGARDING THE CITY MANAGER SELECTION PROCESS; ESTABLISHING PURPOSE AND FUNCTION; ESTABLISHING TERMS AND CONDITIONS OF APPOINTMENT OF MEMBERS; AND SETTING FORTH AN EFFECTIVE DATE.

Commissioner Kelley moved, seconded by Commissioner Partington, to approve Resolution No. 2008-150, as read by title only.

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

Item #5(B)(3) – Appointing Members to Serve on a Citizens Advisory Committee

RESOLUTION NO. 2008-151

A RESOLUTION APPOINTING MEMBERS TO SERVE ON A CITIZENS ADVISORY COMMITTEE REGARDING THE SEARCH FOR A CITY MANAGER; SETTING FORTH TERMS AND CONDITIONS OF SERVICE; AND SETTING FORTH AN EFFECTIVE DATE.

Commissioner Gillooly moved, seconded by Commissioner Partington, to approve Resolution No. 2008-151, as read by title only.

Commissioner Gillooly nominated Rita Press, Phil Maroney, and Rick Fraser.

Commissioner Kent nominated Bill Dellecker, Andy Romano, and Sue Parkerson.

Commissioner Kelley nominated Rick Boehm, Bill Olivari, and Doug Wigley.

Commissioner Partington nominated Ryan Will, Gerry Upson, and Rick Lovell.

Mayor Costello nominated Lonnie Brown, Jerry Kane, and Dr. P.T. (Bud) Fleuchaus.

Call Vote:	Commissioner Partington	yes
	Commissioner Gillooly	yes
	Commissioner Kent	yes

Carried.	Commissioner Kelley	yes
	Mayor Costello	yes

Item #6 – Audience Remarks

Insurance

Mayor Costello stated Brown & Brown requested Mr. MacLeod authorize them to receive information from companies submitting Request for Proposals (RFP). He advised Brown and Brown was offering their consulting services on a voluntary basis with no remuneration.

Ms. Julie Freidus, Brown and Brown, stated she believed the Commission would be very pleased with the end product. She asked for something in writing from the City.

Mr. Hayes advised that issue had been addressed.

Item #7 - Approval of Minutes

Mayor Costello advised the minutes of the August 6, 2008, meeting had been sent to the Commissioners for review and asked if there were any corrections, additions, or omissions.

Commissioner Gillooly stated on page 16301 in the first paragraph the appearance was that she suggested she do an update and status every 30 days with the City Manager; however, she clarified that her intent was for the Commission as a whole would do the update.

Mayor Costello stated that the minutes were approved as amended.

Item #8(A) – Metropolitan Planning Organization

Mayor Costello reported the Metropolitan Planning Organization (MPO) met this morning; and in the Transportation Improvement Program (TIP), FDOT indicated they understood the City would pay for the improvements at the intersection of SR40/US1. He noted he had questioned how they expected the City to pay. He reported the City was anxious for the improvements in order to move traffic during special events, which was what FDOT had requested; and it may or may not be what Ormond Main Street wanted. Mayor Costello noted neither SR40 nor US1 were local roads; therefore, he believed FDOT should be paying for the improvements. He advised FDOT was indicating that if Ormond Beach wanted these improvements, the City may have to pay for them. Mayor Costello explained that he, as an individual, was not certain whether he could support General Fund dollars for these improvements. He stated Ormond Beach was willing to work with FDOT, but he did not want them to believe Ormond Beach was ready to pay \$600,000 on top of what FDOT would be spending to add the double turn lanes.

Mayor Costello reported the MPO has lowered the local match for the bicycle pedestrian programs from 50% to 25%. He noted he was a huge proponent of bike paths, and the Commission must determine if they were serious about bike paths. Mayor Costello reported MPO would give bonus points to those who would contribute more than 25%.

Mayor Costello stated there was a discussion regarding the \$3.8 million for the design of the widening project on Clyde Morris Boulevard from four to six lanes between Beville Road and International Speedway Boulevard, which was being redirected to build a 12-foot bike path with the portion on Embry Riddle property paid by Embry Riddle. He stated he requested assurances that Daytona Beach would either pay for or create an alternate route. Mayor Costello explained that if the money was taken from the road and placed into a sidewalk, there was a potential that a developer would have to pay the proportionate share, but this discussion was to be continued to the next meeting.

Mayor Costello advised the MPO discussed evaluating the weight of trucks on local roads.

Mayor Costello reported he requested the MPO not allow any tandem trucks on two-lane roads, specifically SR40.

Item #8(B) – Volusia Council of Governments

Mayor Costello reported the Mr. Ken Parker gave a report at the Volusia Council of Governments (VCOG) meeting regarding "life after Amendment One." He noted the state sales tax, revenue share state turn-back dollars, and telecommunications taxes were lowered; therefore, even if the property taxes stayed the same, there would be a decrease in revenue. Mayor Costello advised the Department of Revenue, at their estimating conference on July 1 decided it would be lowered again. He noted Florida Power and Light estimated that it would

have a 16.7% increase in the utility fees for next year. Mayor Costello advised cost benefit analysis of reuse water was discussed with the goal of urging long-term thinking when infrastructure decisions are made such as green, solar, and hybrids. He stated VCOG examined how the municipalities could cooperate with health insurance costs, pension costs, and salary costs. Mayor Costello advised that Mr. Parker and others commended Ms. Volker and the City of Ormond Beach for their efforts on the salary survey. He stated Mr. Parker discussed the need for equity of delivery in special districts, i.e. why should street lights be paid for by general property taxes when some people live in an area where they have street lights through a homeowners' association or in an area where the state pays for the lights. Mayor Costello reported the goal should be to know the full cost and then decide if the municipality wanted to continue to underwrite the cost. He advised energy recovery fees were discussed that would be adjusted every six months. Mayor Costello reported Port Orange bought approximately 5,000 acres for a recharge area where their wells were located. He advised Mr. Parker explained he could see hunting leases, possible silviculture, condominiums for gopher tortoises, and mostly a mitigation bank that would bring in \$90 million for this land. He stated Mr. Parker discussed a list of user fees and service charges where the people who get the services would pay for the services. Mayor Costello noted stormwater was also discussed.

Mayor Costello reported DeLand talked about green building, with permitting being completed in three days for a green permit. He stated there would be a 25% decrease in impact fees for water star projects. Mayor Costello explained DeLand has staff who are certified in green building. He noted possible incentives for green building would only last a couple of years, but would include a decrease in permitting fees, decrease in impact fees, fast tracking, density bonuses, and property tax credits.

Item #8(C) – Water Authority of Volusia

Commissioner Kelley advised the Water Authority of Volusia (WAV) discussed the Coquina Project, and the decision was made to pay \$10,000 and not become full members. He noted the minutes are normally sent to the Commission the day after the meeting; but considering the weather conditions last week, they were not prepared, and the Commission would be provided a copy, hopefully, by tomorrow. Commissioner Kelley noted the water from the storm was welcome.

Item #9 – Consent Agenda

Mayor Costello advised that 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 one or more of the items separately.

Commissioner Kelley moved, seconded by Commissioner Kent, for approval of the Consent Agenda as presented.

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

Item #10 – Special Exception Redevelopment Plan

RESOLUTION NO. 2008-146

A RESOLUTION AUTHORIZING THE EXECUTION AND ISSUANCE OF A DEVELOPMENT ORDER FOR A SPECIAL EXCEPTION REDEVELOPMENT PLAN AT 15, 29 AND 43 WEST GRANADA BOULEVARD, SAID PROPERTY BEING WITHIN THE B-4 (CENTRAL BUSINESS) ZONING DISTRICT AND DOWNTOWN OVERLAY DISTRICT; ESTABLISHING CONDITIONS AND EXPIRATION DATE OF APPROVAL; AND SETTING FORTH AN EFFECTIVE DATE.

Ms. Dorian Burt, 203 Pine Cone Trail, provided a rendering of the special exception project and stated staff had been a great help working with her on this project.

Commissioner Kelley moved, seconded by Commissioner Kent, to approve Resolution No. 2008-146, as read by title only.

Commissioner Kent thanked Mayor Costello and Mr. Bill Jones for their leadership on this project.

Mayor Costello urged Ms. Burt to bring the rendering to the State of the City meeting. He noted Mr. Jones has been working hard to revitalize Ormond Beach’s downtown.

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

Hearing no objection, Mayor Costello closed the public hearing on Item #10.

Item #11 – Amending the Annual Budget for Fiscal Year 2007-2008

ORDINANCE NO. 2008-36

AN ORDINANCE AMENDING THE ANNUAL BUDGET FOR FISCAL YEAR 2007-2008 BY AMENDING THE GENERAL FUND; THE PENSION CONTRIBUTION PASS THRU; THE FACILITIES RENEWAL AND REPLACEMENT FUND; FIRE STATION #92 FUND; FIRE STATION #91 FUND; THE WATER/WASTEWATER FUND; THE WATER IMPACT FEES FUND; AND THE WORKERS’ COMPENSATION INSURANCE FUND; AND SETTING FORTH AN EFFECTIVE DATE.

Commissioner Kelley moved, seconded by Commissioner Partington, to approve Ordinance No. 2008-36, on second reading, as read by title only.

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

Item #12 – Dangerous Dogs

ORDINANCE NO. 2008-37

AN ORDINANCE AMENDING CHAPTER 5, ANIMALS AND FOWL, OF THE CITY OF ORMOND BEACH, FLORIDA, *CODE OF ORDINANCES*, SPECIFICALLY AS TO SECTION 5-25 (NOTICE OF IMPOUNDING); THE TITLE OF ARTICLE III (DOGS AND CATS), SECTION 5-62 (LICENSES ANNUAL; FEE), SECTION 5-69 (RUNNING AT LARGE PROHIBITED), SECTION 5-70 (IMPOUNDING OF VIOLATORS), SECTION 5-71 (NOTICE OF IMPOUNDING), SECTION 5-72 (RECLAIMING AFTER IMPOUNDMENT), SECTION 5-73 (DUTY TO KEEP AFTER IMPOUNDMENT, AUTHORITY TO DESTROY IN CERTAIN CASES), SECTION 5-80 (INVESTIGATION AND DETERMINATION OF DANGEROUS DOG), AND SECTION 5-81 (ACTION TO BE TAKEN BY OWNERS/KEEPERS OF DANGEROUS DOGS); REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; PROVIDING FOR SEVERABILITY, AND SETTING FORTH AN EFFECTIVE DATE.

Commissioner Kelley moved, seconded by Commissioner Kent, to approve Ordinance No. 2008-37, 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

Commissioner Kent stated there seemed to be a pattern of the City not raising fees for long periods of time, and he urged that fees be evaluated every year or two to determine if they need to be increased.

Item #13 – Severance Pay Package for Certain Employees

RESOLUTION NO. 2008-147
A RESOLUTION APPROVING AND AUTHORIZING A
SEVERANCE PAY PACKAGE FOR CERTAIN EMPLOYEES;
AND SETTING FORTH AN EFFECTIVE DATE.

Commissioner Kelley moved, seconded by Commissioner Gillooly, to approve Resolution No. 2008-147, as read by title only.

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

Item #14 – Use of Tax Increment Financing Funds

Commissioner Gillooly expressed appreciation for the report. She stated Mr. MacLeod has agreed to meet with her and certain staff members including Mr. Lane and Planning Director Mr. Ric Goss to discuss maximizing the benefits of the TIF district.

Item #15 – Reports, Suggestions, Requests

Tropical Storm Fay

Commissioner Kent stated he was pleased the City Commission meeting from last week was postponed due to Tropical Storm Fay and thought it wise the City erred on the side of caution. He advised he believed when the schools are closed to protect the children, the City should take their lead and cancel meetings.

Reggae Night

Commissioner Kent stated the Reggae Night event at The Casements was great. He commended staff for this wonderful family night at a great price.

Tymber Creek Car Wash

Commissioner Kent stated the Tymber Creek Car Wash was in the process of turning their business into an extremely environmentally-friendly car wash by recycling a great deal of the water and by using all eco-friendly solvents. He urged the Commission to honor them for this effort at a future Commission meeting when the job was completed.

Tropical Storm Fay

Commissioner Kelley thanked the employees for their handling of the effects of Tropical Storm Fay. He also thanked Waste Management who did not miss a single day on the job.

Tax Shift

Commissioner Kelley reported his taxes on a building in Holly Hill increased 33% this year. He noted his Holly Hill water bill was \$276 per month for using 2,000 gallons.

US1/SR40 Intersection

Commissioner Partington requested a discussion be scheduled regarding the best approach for the US1/SR40 intersection. He noted new information had been provided since it was last discussed. Commissioner Partington advised there were non-traditional things the City could do to enhance the downtown that may improve the traffic flow. He pointed out that FDOT makes demands; and unless the City would be in a position of negotiating with them or explain the needs, they may overlook the City's position. Commissioner Partington stated he would like this discussion so the City would not lose the opportunity to make a change.

TIF District

Commissioner Partington stated some people are confused, not knowing that the Tax Increment Financing (TIF) district was a separate governmental entity. He advised any group such as business people or a group of citizens could spend that money the way they believed was best for the City, subject to the Commission's participation and approval. Commissioner Partington reported he concurred with Commissioner Gillooly that there were other items that money could be spent on that may be more effective.

Gymnasts

Commissioner Partington congratulated the gymnasts who were honored tonight. He stated Coach Postell was a great example of a young sportsman when he and Mr. Postell played on

the same team at Ormond Beach Junior High School. Commissioner Partington noted he was pleased Mr. Postell was now training children in a very popular sport.

US1/SR40 Intersection

Commissioner Gillooly thanked Mr. Bill Partington, Sr., for using his own personal resources to provide the Commission with information regarding the US1/SR40 intersection. She noted this may provide an opportunity to take another look at the entire situation on US1/SR40 to be certain what was done was in the best interest of the downtown.

Downtown

Commissioner Gillooly stated as a liaison of the Commission to the Ormond Beach Main Street board she was extremely impressed. She noted she has always been a proponent of the downtown, but she believed the City was now on the cusp. Commissioner Gillooly advised everyone treats the TIF funds very carefully, which was why there was money in the fund at this time. She reported she believed that if the City were slightly more creative with the funds, it could help Main Street and the businesses that were taking an interest in the downtown and would accelerate the process. Commissioner Gillooly advised many other cities that had made great strides had a CRA board different from the Commission. She noted she was not indicating she was ready to recommend such a board at this time, but she was open to a debate on the issue.

Commissioner Gillooly stated Mr. Joe Mannarino's, Economic Development Director, comment in the report recommended this project as an economic development initiative that would increase property values and provide employment opportunities and private capital investment to the downtown district, which she considered very important. She noted she considered this very encouraging to the Main Street board.

Rigby School

Commissioner Gillooly reported that on Saturday, September 6, at the South Ormond Neighborhood Center, there would be a reunion of the Rigby School family.

Heroes of Zone 1

Commissioner Gillooly stated a News-Journal article on Monday highlighted Dot and Jim Newman, living in Zone 1, for their work with the homeless. She expressed great pride in what they do for the community. Commissioner Gillooly urged everyone to mark October 18 on the calendar in that there would be a groundbreaking for the Halifax Habitat for Humanity house in Ormond Beach as well as a block party. She advised she would provide further information as she obtained more details.

Property and Liability Insurance

Mr. Ted MacLeod, Acting City Manager, stated Brown & Brown was in the process of securing quotes for the City's property and liability insurance, and staff would bring that to the Commission at the September 17 meeting. He noted there were a few minor lines of insurance that the City needed quotes on, and he would be issuing letters of authorization for Brown and Brown to secure the quote for the September 17 meeting.

Assistance for Acting City Manager

Mr. MacLeod reported he would ask Fire Chief Barry Baker to take on additional responsibilities during the period he would be Acting City Manager if there was no objection from the Commission. No objection was noted.

Mr. Miller's Assistance

Mayor Costello thanked Commissioner Kent for bringing up his concern regarding his acting too hastily at the last meeting regarding asking for Mr. Miller's assistance, but he thought he had a consensus from the Commission to proceed.

Florida League of Cities

Mayor Costello advised he believed the last Florida League of Cities meeting was one of the better meetings he had attended. He noted they were impressed by how Finance Director Mr. Paul Lane and Budget Director Ms. Kelly McGuire run the City's finances.

Tropical Storm Fay

Mayor Costello advised there were people from other communities with low tax rates, but no public works department and no stormwater plan, and they were beginning to understand the situation they could be in. He advised he was proud the Commission worked hard to take care of its infrastructure and make certain people's homes do not flood.

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US1/SR40

Mayor Costello stated he put FDOT on notice that he was not ready to spend money for what was being discussed and that he was not certain Ormond Main Street would support trying to move more traffic through the area more quickly. He reported he agreed there was a need for a discussion item on this issue; and while he was not indicating he favored it, he was willing to discuss it for US1/SR40 or other intersections. Mayor Costello noted he would consider some traffic calming to make the downtown area have the feel it was something special.

Item #16 - Close the Meeting

The meeting was adjourned at 8:41 p.m.

APPROVED: _____ September 3, 2008

BY: _____
Fred Costello, Mayor

ATTEST:

Veronica Patterson, City Clerk