



CITY OF ORMOND BEACH CITY COMMISSION MEETING

SEPTEMBER 14, 2009

7:00 PM

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PURSUANT TO SECTION 286.0105, FLORIDA STATUTES, IF ANY PERSON DECIDES TO APPEAL ANY DECISION MADE BY THE CITY COMMISSION WITH RESPECT TO ANY MATTER CONSIDERED AT THIS PUBLIC MEETING, SUCH PERSON WILL NEED A RECORD OF THE PROCEEDINGS AND FOR SUCH PURPOSE, SUCH PERSON MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE, INCLUDING THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED.

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PERSONS WITH A DISABILITY, SUCH AS A VISION, HEARING OR SPEECH IMPAIRMENT, OR PERSONS NEEDING OTHER TYPES OF ASSISTANCE, AND WHO WISH TO ATTEND CITY COMMISSION MEETINGS OR ANY OTHER BOARD OR COMMITTEE MEETING MAY CONTACT THE CITY CLERK IN WRITING, OR MAY CALL 677-0311 FOR INFORMATION REGARDING AVAILABLE AIDS AND SERVICES. LISTENING DEVICE AVAILABLE FOR HEARING IMPAIRED.

A G E N D A

- 1) Meeting call to order by Mayor Costello.
- 2) Invocation by Reverend Neal Ganzel, Jr., Coquina Presbyterian Church in America.
- 3) Pledge of Allegiance.
- 4) **SECOND PUBLIC HEARING – FY 2009-2010 MILLAGE RATES/BUDGET:**
 - A) Resolution No. 2009-136 establishing the final millage rates to be levied for Fiscal Year 2009-2010; directing certification; expressing legislative intent. (3.67418 operating millage rate; debt service millage rates of 0.09600 and 0.03950) **APPROVED**
 - B) Second Reading of Ordinance No. 2009-31 adopting the Annual Budget for the 2009-2010 Fiscal Year beginning October 1, 2009, and ending September 30, 2010; repealing all inconsistent ordinances or parts thereof. (\$99,139,922) **APPROVED ON SECOND READING**
- 5) **AUDIENCE REMARKS:**
- 6) **CONSENT AGENDA:** The action proposed is stated for each item on the Consent Agenda. Unless a City Commissioner removes an item from the Consent Agenda, no discussion on individual items will occur and a single motion will approve all items.
 - A) Resolution No. 2009-137 authorizing the execution of a service contract between the City and the Ormond Beach Chamber of Commerce. (\$26,970) (Economic Development Director) **APPROVED**
 - B) Resolution No. 2009-138 authorizing the execution of a Cooperative Business Development Agreement between the City and Daytona Beach/Halifax Area Chamber of Commerce, Inc. (\$18,150) (Economic Development Director) **APPROVED**

- C) Resolution No. 2009-139 authorizing the execution of a service agreement between the City and the Ormond Memorial Art Museum; authorizing the expenditure of funding. (\$43,640) (Leisure Services Director) **APPROVED**
- D) Resolution No. 2009-140 authorizing the execution of 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. (\$31,000) (Economic Development Director) **APPROVED**
- E) Resolution No. 2009-141 authorizing the acceptance of a grant award from the State of Florida, Office of the Attorney General, regarding funding for the City's Victim's Advocate Program; authorizing the execution of all documents incidental thereto, including any contract necessary for the City to accept the grant award. (\$46,075 total project; \$36,860 grant funds; \$9,215 matching City funds) (Grants Coordinator) **APPROVED**
- F) Resolution No. 2009-143 authorizing the execution of a quit claim deed between the City and the County of Volusia regarding a parcel of land at the northwest corner of River Chase Way and Tymber Creek Road. (Acting City Engineer) **APPROVED**
- G) Resolution No. 2009-144 approving a settlement proposal regarding the Worker's Compensation claim of Sabrina Potter; authorizing the execution of a settlement agreement and any and all documents incidental thereto; authorizing payment relative thereto. (\$37,500) (City Attorney) **APPROVED**
- H) Resolution No. 2009-145 authorizing the purchase of various chemicals for the City's water and wastewater treatment plants under a cooperative bid solicited by several local cities; authorizing payment therefor. (Estimated annual cost - \$839,663) (Utilities Manager) **APPROVED**
- I) Resolution No. 2009-146 accepting a proposal to provide utility bill printing services; rejecting all other proposals; authorizing the execution of an agreement with Pinnacle Data Systems. (\$28,980) (Finance Director) **APPROVED**
- J) Resolution No. 2009-147 authorizing the execution of an interlocal agreement with the City of Holly Hill regarding building inspection and permitting services. (Planning Director) **APPROVED**
- K) Resolution No. 2009-148 authorizing the execution of a Local Agency Program Agreement between the City and Florida Department of Transportation regarding Phase I sidewalk improvements on West Granada Boulevard. (\$372,000) (Acting City Engineer / Planning Director) **APPROVED**
- L) Employee health insurance coverage:
 - 1) Resolution No. 2009-149 accepting a proposal for the provision of employee health/medical benefits services; authorizing the execution of a contract and payment therefor. **APPROVED**

- 2) Resolution No. 2009-150 accepting a proposal for the provision of employee dental benefits services; authorizing the execution of a contract and payment therefor. **APPROVED**
- 3) Resolution No. 2009-151 accepting a proposal for the provision of employee long term disability insurance benefits services; authorizing the execution of a contract and payment therefor. **APPROVED**
- 4) Resolution No. 2009-152 accepting a proposal for the provision of employee life insurance benefits services; authorizing the execution of a contract and payment therefor. **APPROVED**

M) Wastewater Treatment Plant Rehabilitation and Expansion project. **APPROVED**

DISPOSITION: Approve as recommended in City Manager memorandum dated September 10, 2009.

7) **SECOND READING OF ORDINANCES:**

- A) Ordinance No. 2009-32 amending Sections 22-23, 22-24, and 22-71 of Chapter 22, Water and Sewers, of the Code of Ordinances, by increasing the minimum water and sewer rates. **APPROVED ON SECOND READING**
- B) Ordinance No. 2009-33 amending Chapter 10, Garbage Refuse and Yard Waste, Section 10-16, Fees for Collection and Disposal Established, of the Code of Ordinances, by increasing fees for the collection and disposal of solid waste. **APPROVED ON SECOND READING**

8) **FIRST READING OF ORDINANCES:**

- A) Ordinance No. 2009-34 amending Chapter 2, District and General Regulations, Article VI, Overlay Districts, Section 2-71, Historic Districts and Landmarks, of the Land Development Code, by amending Paragraph C, Designation Procedures, and Paragraph D, Certificates of Appropriateness, by changing the requirement for notice for public hearings from certified mail to regular mail; by amending paragraph K, Ormond Beach Historic Landmarks List, by adding one (1) property to the Ormond Beach Historic Landmarks list. (Three Chimneys site – 715 West Granada Boulevard) (Planning Director) **APPROVED ON FIRST READING**
- B) Ordinance No. 2009-35 amending Chapter 2, District and General Regulations, Article III, General Regulations, Section 2-50, Accessory Uses, of the Land Development Code, by amending Subparagraph F, Carport, to clarify the requirement for a permanent garage or carport with an improved driveway when converting an existing garage or carport into additional living space. (Planning Director) **APPROVED ON FIRST READING**

- C) Ordinance No. 2009-36 of the City of Ormond Beach, Florida, amending Article III, Firefighters' Pension Trust Fund, of Chapter 16, Pensions and Retirement, of the Code of Ordinances, amending Section 16-45, Benefit Amounts and Eligibility; amending Section 16-47, Disability. (Multiplier) (Finance Director) **FAILED FOR LACK OF MOTION**

9) **DISCUSSION ITEMS:**

- A) Pension issues. (Finance Director)

Commission agreed to retain a pension attorney and actuary to investigate options for modifying pension benefits.

- B) Regulations regarding number of unrelated individuals in residential dwellings. (Deputy City Attorney)

1. **Commission supported a six month minimum duration of rentals;**
2. **No change in the LDC regarding the number of tenants permitted;**
3. **Determined a registry was not necessary at this time;**
4. **No change in the LDC, no parking in right-of-way; and**
5. **"No Trespassing" signs do not prohibit police or NID from entering the property pursuant to lawful enforcement investigation of crimes and the restraint on searches apply.**

- C) Riverwalk concepts. (Planning Director)

Commission supported Concept Option 2, a destination concept with a national brand restaurant and relocating the historic building at Bailey Park, including approximately 65 parking spaces on site.

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

- 11) **CLOSE THE MEETING.**