

**ORMOND BEACH CITY COMMISSION MEETING
HELD AT CITY HALL COMMISSION CHAMBERS
August 18, 2009 7:00 p.m.**

Present were: Mayor Fred Costello, Commissioners Lori Gillooly, Troy Kent, Ed Kelley, and Bill Partington, City Manager Joyce Shanahan, Assistant City Manager Ted MacLeod, Deputy City Attorney Ann-Margret Emery, and City Clerk Veronica Patterson.

A G E N D A

- 1) Meeting call to order by Mayor Costello.
- 2) Invocation by Pastor Bud Murphy, Unitarian Universalist Society.
- 3) Pledge of Allegiance.
- 4) **PRESENTATIONS:**
 - A) Proclamation honoring Bill Mueller and Jim Riecks, kayak and waveski champions.
 - B) Proclamation in support of the 2010 Census.
- 5) **AUDIENCE REMARKS:**
- 6) **APPROVAL OF THE MINUTES** of the August 5, 2009, 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. 2009-111 reappointing Joann Duran as a member to serve as a Commissioner of the Ormond Beach Housing Authority; setting forth term and conditions of service.
 - B) Resolution No. 2009-112 approving and authorizing a Flu Shot Program to be administered by the Ormond Beach Fire Department and authorizing the execution of a Flu-Station Program Vaccination Service Agreement between the City of Ormond Beach and Vax Care Corporation. (Acting Fire Chief)
 - C) Resolution No. 2009-115 authorizing the execution of a Local Agency Program Supplemental Agreement between the City and the Florida Department of Transportation regarding an interchange justification report for a proposed collector-distributor system located at the interchange of I-95 and US1. (\$16,314) (Planning Director)
 - D) Resolution No. 2009-116 authorizing the execution of Change Order Number Two (2) to that contract awarded to C.E.M. Enterprises, Inc., regarding the Rockefeller Gardens Site and Drainage Improvements project, by increasing the contract price by \$12,406.89; increasing the contract time by 33 days. (\$1,025,197.34 total contract price; 243 total contract days) (Acting City Engineer)
 - E) Resolution No. 2009-117 accepting a proposal from McKim & Creed, P.A., to provide engineering services regarding storm drain improvements for Alcazar Avenue, Arroyo Parkway, Buena Vista Avenue and Seville Street; authorizing the execution of a Work Authorization thereto. (Not to exceed \$99,831) (Acting City Engineer)
 - F) Resolution No. 2009-118 authorizing the execution of a Joint Project Agreement between the City and the Eastern Volusia Regional Water Authority, the City of Daytona Beach, the City of Holly Hill, the City of South Daytona, the City of Port Orange, and the County of Volusia, regarding a Feasibility Study for the Nova Canal Drainage System. (\$30,456) (Acting City Engineer)

- G) Resolution No. 2009-119 approving and authorizing a severance pay package for certain employees; making legislative findings. (\$35,816) (Finance Director)
- H) Resolution No. 2009-120 ratifying the execution of an amended agreement between the City and Brown & Brown of Florida, Inc.; authorizing a waiver to certain insurance requirements. (Risk Manager)
- L) Resolution No. 2009-121 approving an Interlocal Agreement with Volusia County through the Sheriff's Office to provide a records management system (RMS) for the Ormond Beach Police Department; authorizing the execution of said agreement. (\$25,300 annually) (Police Chief)
- M) Closing of Riverside Drive for the Caribbean Night and Island Market event.

DISPOSITION: Approve as recommended in City Manager Memorandum dated August 13, 2009.

- K) FY 2008-2009 budget results for the General Fund and the Water/Wastewater Fund. (Finance Director)

DISPOSITION: Approve as recommended in City Manager memorandum dated August 13, 2009.

8) **PUBLIC HEARINGS:**

- A) Resolution No. 2009-113 authorizing the submittal of a grant application to the County of Volusia under the Ponce de Leon Inlet and Port District Beach Ramp Beautification Grant Program for funding assistance regarding improvements to the Milsap Road beach ramp; authorizing the execution of all documents incidental thereto. (\$25,000 total project; \$10,000 grant funding) (Acting City Engineer)
- B) Resolution No. 2009-114 authorizing the submittal of a grant application to the County of Volusia under the Ponce de Leon Inlet and Port District Beach Ramp Beautification Grant Program for funding assistance regarding improvements to the Harvard Drive beach ramp; authorizing the execution of all documents incidental thereto. (\$25,000 total project; \$10,000 grant funding) (Acting City Engineer)
- C) Resolution No. 2009-122 of the City Commission, also acting as the Community Redevelopment Agency of the City of Ormond Beach, Florida, accepting a proposal from Zev Cohen and Associates, Inc., to provide engineering services regarding the Vining Court Streetscape project; authorizing the execution of a Work Authorization and payment therefor. (Not to exceed \$25,280) (Planning Director)
- D) Ordinance No. 2009-28 of the City of Ormond Beach, Florida, amending the Future Land Use Element of the Comprehensive Plan by amending the Future Land Use Map to change the designation of one (1) parcel of real property totaling 4.28 acres located at 1291 West Granada Boulevard, from "Suburban Low Density Residential" to "Office/Professional." (Planning Director)
- E) Ordinance No. 2009-29 amending Subsection A, Zoning Map, of Chapter 2, District and General Regulations, Article I, Establishment of Zoning Districts and Official Zoning Map, Section 2-03, Official Zoning Map and Zoning Districts, of the City of Ormond Beach *Land Development Code*, by rezoning two parcels of real property totaling 8.28 acres located at 570 and 592 Sterthaus Drive, from B-1 (Professional Office/Hospital) to PBD (Planned Business Development); authorizing revision of the Official Zoning Map; approving a Development Order for a Planned Business Development to be known as "Madison Glen

Apartments”; establishing conditions therefore; and approving and authorizing the removal of one historic tree located on the property. (Planning Director)

- 9) **FIRST READING OF ORDINANCE** No. 2009-30 amending Chapter 2, District and General Regulations, Article V, Non-conformance, Section 2-68, Application for a Determination of the Status of Non-conformity, of the *Land Development Code* by deleting the reference to the Development Review Team and adding a reference to the Determination Application Fee. (Planning Director)
- 10) **RESOLUTION** No. 2009-123 authorizing the renewal of a Solid Waste, Yard Waste, Recycling and Roll-off Collection and Disposal Services agreement and a Transfer Station Lease agreement between the City of Ormond Beach and Waste Management, Inc., of Florida. (Public Works Director)
- 11) **DISCUSSION ITEMS:**
 - A) West Granada roadway improvements. (Planning Director)
 - B) Construction of a bridge on Hand Avenue. (Acting City Engineer)
 - C) Florida International Festival funding request.
- 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 7:02 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.

Item #4A – Proclamation Honoring Bill Mueller and Jim Riecks.

Mayor Costello read a proclamation honoring the accomplishments of Bill Mueller, formerly ranked in the top three to five competitors in the sport of white water kayaking, and Jim Riecks, current 2008 National Waveski Surfing Champion in his division, who has qualified to compete in the World Champion Event in Australia in September. The Mayor explained that Mr. Mueller and Mr. Riecks, owners of the Kayak Center, enthusiastically shared their enjoyment of kayaking and waveskiing with any interested person, from children to seniors.

Mr. Riecks expressed his gratitude for the opportunity and excitement to represent his country and, also, his city in a world class event.

Item #4B - Proclamation in Support of the 2010 Census

Mayor Costello explained the census determines the amount of federal and state funds appropriated for the City, and he read a proclamation in support of the 2010 Census. The Mayor urged all residents to participate in the census process by ensuring they were counted.

Item #5 – Audience Remark

Vaccination Program

Jim Schulz, 117 Harvard Drive, discussed the flu vaccination programs, particularly the 1976 swine flu vaccination program, when more people died from the vaccine than died from the

actual flu. He stated people should be aware of the risks involved in receiving vaccinations, and he suggested everyone consider those risks before receiving a vaccination.

Item #6 – Approval of the Minutes

Mayor Costello advised the minutes of the August 5, 2009, 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, to approve the Consent Agenda.

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

Flu Shot Program

Dave King, Fire Department, explained the vaccination program offered by the City was for an annual flu shot; the Center for Disease Control, through the Department of Health, would be offering the swine flu vaccinations.

Rockefeller Gardens Change Order

Mayor Costello stated he continued to get compliments on the Rockefeller Gardens improvements. He explained the 5% increase in the contract price was less than the 10% contingency normally included in the calculations of a contract.

Severance Package

Mayor Costello explained the employee severance package was payable to only three employees due to attrition and reassignment of employees. He praised staff for their efforts on this issue.

Budget Report

Mayor Costello remarked that 83.3% of the fiscal year had elapsed, but only 69.6% of the funds allocated had been spent, with employee costs down \$1 million and projected revenues down \$.5 million. He stated that staff was doing a great job. The Mayor stated he looked forward to the explanation for the difference between 156 million gallons of water produced and the 129 million gallons billed.

Riverside Drive Closure

Commissioner Kent stated the closure of Riverside Drive was for the Caribbean Nights event, which was a fabulous event with three bands performing. He stated this was a wonderful event to bring the whole family. He cautioned City Manager Joyce Shanahan to schedule a police presence to deter any negative activity.

Item # 8A – Grant Application for Improvements to Milsap Road Beach Ramp

RESOLUTION NO. 2009-113

A RESOLUTION AUTHORIZING THE SUBMITTAL OF A GRANT APPLICATION TO THE COUNTY OF VOLUSIA UNDER THE PONCE de LEON INLET & PORT DISTRICT BEACH RAMP BEAUTIFICATION GRANT PROGRAM FOR FUNDING ASSISTANCE REGARDING IMPROVEMENTS TO THE MILSAP ROAD BEACH RAMP; AUTHORIZING THE EXECUTION OF ALL DOCUMENTS INCIDENTAL THERETO; AND SETTING FORTH AN EFFECTIVE DATE.

Commissioner Kent moved, seconded by Commissioner Partington, to approve Resolution No. 2009-113, as read by title only.

Call Vote:	Commissioner Kent	yes
	Commissioner Kelley	yes

	Commissioner Partington	yes
	Commissioner Gillooly	yes
Carried.	Mayor Costello	yes

Item #8B – Grant Application for Harvard Drive Beach Ramp Improvements

RESOLUTION NO. 2009-114

A RESOLUTION AUTHORIZING THE SUBMITTAL OF A GRANT APPLICATION TO THE COUNTY OF VOLUSIA UNDER THE PONCE de LEON INLET & PORT DISTRICT BEACH RAMP BEAUTIFICATION GRANT PROGRAM FOR FUNDING ASSISTANCE REGARDING IMPROVEMENTS TO THE HARVARD DRIVE BEACH RAMP; AUTHORIZING THE EXECUTION OF ALL DOCUMENTS INCIDENTAL THERETO; AND SETTING FORTH AN EFFECTIVE DATE.

Commissioner Kent moved, seconded by Commissioner Partington, to approve Resolution No. 2009-114, as read by title only.

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

Item #8C – Engineering Services for Vining Court Streetscape Project

RESOLUTION NO. 2009-122

A RESOLUTION OF THE CITY COMMISSION, ALSO ACTING AS THE COMMUNITY REDEVELOPMENT AGENCY, OF THE CITY OF ORMOND BEACH, FLORIDA, ACCEPTING A PROPOSAL FROM ZEV COHEN & ASSOCIATES, INC. TO PROVIDE ENGINEERING SERVICES REGARDING THE VINING COURT STREETScape PROJECT; AUTHORIZING THE EXECUTION OF A WORK AUTHORIZATION THERETO; AND SETTING FORTH AN EFFECTIVE DATE.

Mayor Costello recessed the City Commission meeting and called the Community Redevelopment Agency to order.

Commissioner Kent moved, seconded by Commissioner Gillooly, to recommend approval of Resolution No. 2009-122.

Mayor Costello reported a voice vote unanimously recommended approval of Resolution 2009-122. The Mayor adjourned the Community Redevelopment Agency and reconvened the City Commission meeting.

Commissioner Kelley moved, seconded by Commissioner Kent, for approval of Resolution No. 2009-122, as read by title only.

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

Item #8D – Land use Map Amendment – 1291 West Granada Boulevard

ORDINANCE NO. 2009-28

AN ORDINANCE OF THE CITY OF ORMOND BEACH, FLORIDA, AMENDING THE FUTURE LAND USE ELEMENT OF THE COMPREHENSIVE PLAN BY AMENDING THE FUTURE LAND USE MAP TO CHANGE THE DESIGNATION OF ONE (1) PARCEL OF REAL PROPERTY TOTALING 4.28 ACRES LOCATED AT 1291 WEST GRANADA BOULEVARD, FROM “SUBURBAN LOW DENSITY RESIDENTIAL” TO “OFFICE/PROFESSIONAL”; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; AND SETTING FORTH AN EFFECTIVE DATE.

James Morris, 420 S. Nova Road, Daytona Beach, the attorney for the applicant, stated the Planning Board recommended approval of the proposed land use amendment, and the Volusia

Growth Management Commission found no objection to the request. Mr. Morris stated staff recommended a maximum of 25,000 square feet for the property. Mr. Morris addressed a rumor circulating in the community that this was to be an abortion clinic; and for the record, he stated this rumor was completely false. He stated the applicant, Dr. Landau, was a medical doctor who had practiced for 20 years in the communities; he had not practiced as an abortion doctor, but delivered babies and cared for mothers. He stated this property was adjacent to a property that had already been given the same land use designation as requested by the applicant. He discussed the 50 foot buffer adjacent to the residential properties at Tomoka Estates, a larger buffer than normally required. Mr. Morris described a screening wall with a landscape buffer between the wall and the neighborhood to visually reduce the impact of the project on the neighborhood. He stated the proposed project was a Planned Business Development that would come before the Commission again during the Site Plan process, which included a suggestion from staff that the access be rerouted to save trees, and the applicant was in agreement with the idea.

Commissioner Kelley moved, seconded by Commissioner Kent, for approval of Ordinance No. 2009-28, Option 2 proposed, on first reading, as read by title only.

Mayor Costello asked the City Clerk to read into the record Option 2: “Approve the land use change with conditions designed to limit the overall development and ensure that there is a buffer against the existing single-family homes to the west of the subject property. The Planning board recommended 5 to 1 for this option, including a 25,000 square foot building size limitation. The size limitation was introduced between the April and September Planning Board meetings, in order to limit development. At the time of the 25,000 square foot limitation, the site plan had not been submitted.”

Commissioner Partington requested clarification as to the view of the neighbors abutting the proposed project.

Mr. Morris provided a photograph of the proposed view from the abutting residential properties, which showed the landscape buffer, and a photograph of the screening wall between the landscape buffer and the building.

Commissioner Partington suggested an office such as this would be better with frontage on Granada Boulevard.

Planning Director Ric Goss explained that with the changes in the last several years in the development of Granada Boulevard with the number of banks and upscale retail businesses built, the area would be better served with a professional office, rather than a residential use. He stated the residents on Seminole Drive would have a natural landscape buffer and a wall instead of abutting another back yard. Mr. Goss stated a residential use would be less appropriate for this property than a professional office. He explained that residential use could produce 24 platted lots lined up with no wooded area; whereas, the proposed professional office project provided a landscape buffer and wall to screen the building; and a professional office produced less activity, being closed on the weekends.

Mr. Morris stated the proposed office would be no higher than a single-family dwelling and offered more of a buffer than a residence.

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

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

Item #8E – Madison Glen Planned Business Development

ORDINANCE NO. 2009-29

AN ORDINANCE AMENDING SUBSECTION A, ZONING MAP, OF CHAPTER 2, DISTRICT AND GENERAL REGULATIONS, ARTICLE I, ESTABLISHMENT OF ZONING DISTRICTS AND OFFICIAL ZONING MAP, SECTION 2-03, OFFICIAL ZONING MAP AND ZONING DISTRICTS, OF THE CITY OF ORMOND BEACH *LAND DEVELOPMENT CODE*, BY REZONING TWO PARCELS OF REAL PROPERTY TOTALING 8.28 ACRES LOCATED AT 570 AND 592 STERTHAUS DRIVE FROM B-1 (PROFESSIONAL OFFICE/HOSPITAL) TO PBD (PLANNED BUSINESS DEVELOPMENT);

AUTHORIZING REVISION OF THE OFFICIAL ZONING MAP; APPROVING A DEVELOPMENT ORDER FOR A PLANNED BUSINESS DEVELOPMENT TO BE KNOWN AS “MADISON GLEN APARTMENTS”; ESTABLISHING CONDITIONS THEREFORE; AND APPROVING AND AUTHORIZING THE REMOVAL OF ONE HISTORIC TREE LOCATED ON THE PROPERTY; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; AND SETTING FORTH AN EFFECTIVE DATE.

Commissioner Gillooly moved, seconded by Commissioner Kelley, to approve Ordinance No. 2009-29, on first reading, as read by title only.

Commissioner Kelley pointed out there were high voltage power lines next to the property and questioned if potential residents of the project should be made aware of that fact.

Mayor Costello agreed that there had been concerns regarding power lines and asked that staff review the issues.

The Planning Director stated that staff would conduct research to determine if the law requires notification of the proximity to the power lines.

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

Mayor Costello stated the Planning Board unanimously approved recommendation of Ordinance No. 2009-29.

Item #9 – Determination of the Status of Nonconformity

ORDINANCE NO. 2009-30

AN ORDINANCE AMENDING CHAPTER 2, DISTRICT AND GENERAL REGULATIONS, ARTICLE V, NONCONFORMANCE, SECTION 2-68, APPLICATION FOR A DETERMINATION OF THE STATUS OF NONCONFORMITY, OF THE *LAND DEVELOPMENT CODE* BY DELETING THE REFERENCE TO THE DEVELOPMENT REVIEW TEAM AND ADDING A REFERENCE TO THE DETERMINATION APPLICATION FEE; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; PROVIDING FOR SEVERABILITY; AND SETTING FORTH AN EFFECTIVE DATE.

Commissioner Kelley moved, seconded by Commissioner Partington, for approval of Ordinance No. 2009-30, on first reading, as read by title only.

Commissioner Gillooly asked the Planning Director to clarify the amount of the fee and whether the fee was for the first request or only the appeals process.

Mr. Goss stated the fee was based upon the appeal. He explained that if the applicant asked for a determination of nonconformity, the applicant needed to provide documentation, to which a fee was attached; and should they not agreed with the Planning Director's decision, they would pay a fee for the appeal.

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

Item #10 – Waste Management Contract

RESOLUTION NO. 2009-123

A RESOLUTION AUTHORIZING THE RENEWAL OF A SOLID WASTE, YARD WASTE, RECYCLING AND ROLL-OFF COLLECTION AND DISPOSAL SERVICES AGREEMENT AND A TRANSFER STATION LEASE AGREEMENT BETWEEN THE CITY OF ORMOND BEACH AND WASTE MANAGEMENT, INC., OF FLORIDA; AND SETTING FORTH AN EFFECTIVE DATE.

Commissioner Kelley moved, seconded by Commissioner Kent, for approval for Resolution No. 2009-123, as read by title only.

Commissioner Gillooly commented that the five year extension was a good idea for both sides and she stated that using some of the sanitation reserve fund would benefit the residents and minimize the increase.

Mayor Costello commended Waste Management, Inc., for being a great community partner, and he stated this was a mutually beneficial agreement.

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

Item #11A – West Granada Road Improvements

Maggie Sacks, 215 Ormwood Drive, stated on August 10, the Ormond Main Street Design Committee voted unanimously to continue to pursue medians on SR40 between US1 and Beach Street, maintain on-street parking or increased parking, if feasible, and locate bike lanes to alternate locations off SR40. She reported that on August 17, the Ormond Main Street Board of Directors voted unanimously in favor of the design committee recommendations and suggested James Stowers, Esquire, and co-chair of the design committee, make a sunshine law, public records request to Florida Department of Transportation (FDOT) to determine which communities in Florida had been granted waiver of no bike lanes. She stated she was to contact the state’s Main Street Executive Director Joan Jefferson in order to ascertain which, if any, Main Street communities had been granted the waiver for no bike lanes, while maintain parking and adding medians.

Bill Partington, Sr., 1284 Fernway Drive, stated Ormond Main Street had been working hard to propose the very best project possible. He reported on an article written by a disgruntled citizen of San Jose, CA, who complained that it was the government’s responsibility to make plans happen. He expressed his pride in a non-profit group of volunteers who worked with a willing city government to devise the best plan for everyone, and we were all fortunate to have what we had in Ormond Beach.

Mayor Costello stated the City wanted to accommodate the Ormond Main Street Board with their vision of downtown with no bike lanes, medians and parking. The Mayor stated FDOT was trying to accommodate those wishes.

Commissioner Gillooly stated she supported Main Street and all the hard work they have done. She stated she continued to support the sidewalk accessibility issue.

Commissioner Kelley stated the sidewalks were very important, and the planters, trees and grating should be removed. He asked if Main Street could accept eliminating the bicycle lanes, which would allow for eleven foot sidewalks with no trees or grates, and medians.

Ms. Sacks stated that her understanding was the Community Redevelopment Agency and the Commission had approved eliminating the trees, the grates and the planters; and should medians be approved, small trees would be planted.

Commissioner Gillooly stated that in theory, the Commission approved of that but, officially, had not yet approved any funding for eliminating the trees, the grates and the planters.

Mayor Costello summarized that everyone wanted accessibility; and the Commission would support what Ormond Main Street determined was best for downtown, including parking.

The Planning Director reported that the Capital Improvement Plan contained a line item for a streetscape plan upgrade that included removal of the trees and planters, and straightening the sidewalk to improve accessibility.

Commissioner Gillooly requested the focus remain on correcting the sidewalk issues as this was a vitally important issue.

The Planning Director stated there were ways of getting sidewalks other than going toward the center line of the right-of-way, by utilizing redevelopment or vacant parcels to get additional right-of-way, a private easement to widen the sidewalk, or courtyard type developments.

Item #11B – Hand Avenue Bridge and Central Park Lake Interconnects

Commissioner Partington inquired as to the water quality between the different lakes and who monitored the water quality.

Acting City Engineer John Noble stated it was an issue that would have to be resolved during the permitting process because the borrow pit was more pristine. He explained the Hand Avenue project included some baffle boxes and shallow swales to treat the water prior to mixing with the water in the lakes.

Commissioner Partington remarked that foot traffic would go under the bridge, which was safer.

John Noble explained it would not cost much more to direct foot traffic under the bridge and tie into the existing trail system.

Commissioner Kelley stated one of his concerns, which could be addressed by St. Johns River Water Management District (SJRWMD), was whether the different elevations would cause additional flooding. He stated this was a “wish list” item, and the City did not have the funds for it at this time. Commissioner Kelley stated he was hesitant to ask the public to bond this project for \$1 million before other projects, such as John Anderson Drive.

The City Engineer stated the costs were for the bridge, interconnects, the engineering fees, and a 25% contingency.

Assistant City Manager Ted MacLeod explained the entire project costs, with a 25% contingency were estimated at \$994,000.

Mayor Costello stated ECHO grants could cover half of the costs and SJRWMD might contribute funding if it was determined interconnecting the lakes would be beneficial regarding stormwater issues. The Mayor explained that from a stormwater perspective, the interconnects may be considered necessary; therefore, an amenity for the community could be accomplished through funding from other agencies.

Commissioner Gillooly asked the City Engineer if the project was necessary for stormwater drainage.

John Noble stated the result of the stormwater model would be available in about a month, and the results would determine if the project was beneficial from the stormwater aspect.

Commissioner Kelley stated he was not agreeable to spend funds on this project; if funding was available and it was necessary for stormwater solutions, he would be in agreement.

Mayor Costello stated the project would not be feasible without funding assistance. He stated SJRWMD and ECHO would most likely agree to such a unique project.

The City Engineer explained the timing was critical for funding applications because of the timing for permitting.

The City Manager stated the application for ECHO was due in the next couple of weeks, and she requested the Commission's consent to submit the application. She explained that the FEMA funds for the Hand Avenue project would be part of the funding for this entire project.

Mayor Costello requested FEMA be notified of the upgrades to the project, which made additional funding requests necessary, and requested flexibility on the completion deadline for the Hand Avenue project.

John Noble stated he had already contacted FEMA, and FEMA was amenable to an extension of the deadline for completion.

Commissioner Kelley inquired as to the cost of the road improvements and the funding source for Hand Avenue. He stated it would have been helpful to see the costs of the total project with the breakdown for the bridge, the interconnects and the roadway improvements, and the funding sources for the entire project.

The City Manager agreed to provide the breakdown to the Commission.

Commissioner Gillooly confirmed the City's financial commitment was nominal in applying for the grants, and the decision to move forward would be determined by the availability of funding.

John Noble asked if the Commission would like to proceed with the design of the bridge, which was estimated to cost \$100,000.

Mayor Costello stated when the stormwater models were received and showed the interconnects to be beneficial, staff should proceed with the bridge design.

The City Manager stated since FEMA was providing some latitude on the completion deadline, staff would apply for ECHO funds and would bring the results of the stormwater models to the Commission upon completion in about a month.

Item #11C – Daytona Beach International Festival

Dave Slick, 322 John Anderson Drive, thanked the Commission for their past support of the Festival and explained the last festival could not have happened without the support of the City and Volusia County. He stated that Tippen Davidson, News-Journal Corporation, had contributed the majority of the funding, but the lawsuit against the News-Journal by Cox Publishing reduced the funding. He expressed the desire for the continued support of the City.

Pat Benkhe, 15 Malayan Sun Bear Path, stated the support last year was done as a one time contribution, and the Commission should instead support charitable organizations in Ormond Beach.

Manuel Bornia, President and CEO of Daytona Beach International Festival, 3703 Atlantic Avenue, stated a donation to the Festival was an investment in the economic future of the area. He explained the new philosophy of the Festival was to promote a cultural tourist engine to generate economic benefits for the entire area. He stated Ormond Beach was being promoted in the marketing materials for the Festival, listing lodging and dining establishments in the City.

Commissioner Kelley stated the Festival was a wonderful organization, and he appreciated the new television ads promoting the Festival. He questioned if the City could afford to financially support the Festival at a time when the Commission had cut their own salaries by 10%, and was eliminating staff positions and cutting expenses.

Commissioner Kent stated it was incredible to have a world class orchestra come to perform in our area, but he did not think it was fair to spend taxpayers' dollars on the Festival.

Commissioner Partington clarified this was a request for future funds and agreed with the Budget Advisory Board recommendation to reduce contribution to outside agencies by 20%.

Commissioner Gillooly stated she spoke with David Slick and understood the new way of viewing the Festival as an economic development opportunity was extremely important. She stated the Festival offered specific services, such as promoting motels and restaurants, and it was valuable for the City to be seen as a cultural resource. She pointed out this was a non-profit organization and, because of the economic return to the business owners, she supported a contribution reduced by 20%.

The City Manager explained that the Budget Advisory Board recommended a decrease of 20%, but the budget reflected a 7% reduction, which was the actual reduction in revenue.

Commissioner Partington stated, like the recommendation of the Budget Advisory Board, he supported a 20% reduction, for a donation of \$8,000 for next year.

Mayor Costello asked Economic Development Director Joe Mannarino the dollar value relative to the City for the marketing and promotion materials distributed by the Festival.

Mr. Mannarino stated he met with David Slick and Mary Rhodes from The Chambers to discuss partnering with private entities to support the Festival. He explained the Festival spent a substantial amount of money in promoting the Festival and the area, including Ormond Beach, with well designed brochures sent all over the country. He stated he planned to promote private interests to partner with the Festival.

Commissioner Kelley stated if the Festival provided a free concert for the residents of the City, he would support the Festival using the Performing Arts Center free of charge.

Commissioner Kent stated he was concerned about setting precedence by offering a City facility free of charge and did not support the idea.

Commissioner Gillooly stated her support for an \$8,000 donation was for a particular service the City was buying into and if Mr. Mannarino chose to do additional activities, it was separate from the donation.

Mayor Costello stated the Commission's support for an \$8,000 contribution to the Festival.

Commissioner Partington moved, Commissioner Gillooly seconded, for the City to donate \$8,000 to the Daytona Beach International Festival.

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

Item #12 – Reports, Suggestions, Requests

City Website

Commissioner Kelley reported that at the Florida League of Cities Conference in Orlando, there were round table discussions on various subjects, such as broadband partnerships, public involvement, consolidating services, economic development, stimulus, green city dialogues, etc. He stated he attended one on improving your city's communications; part of which was already being implemented. He stated a staff member would be at all City events to educate people on the use of the City's website.

Nuisance Abatement Board for Foreclosed Properties

Commissioner Kelley stated he requested Ann-Margret to research Port St. Lucie's Nuisance Abatement Board for Foreclosed Properties (NAB) to monitor and deal with these properties. He stated the city did any maintenance deemed necessary by the NAB to prevent the properties from becoming public nuisances, and the mortgage companies paid the city for the work. He stated that so far the procedure has passed state regulations with no problems.

The Deputy City Attorney thanked Commissioner Kelley for his suggestion on the NAB, which was a very interesting, novel approach.

Federal Regulations of Water Issues

Commissioner Gillooly stated there was an email regarding the potential of very strict federal regulations on water issues, and she suggested the City address the issue.

The City Manager stated that at the direction of the Commission, she would prepare a letter in response for the Mayor's signature.

John Anderson Drive

Ms. Shanahan commented that the study would be back and a special workshop needed to be scheduled to discuss the results. She suggested October 13.

After discussion of the Commission members' schedules, Ms. Shanahan advised she would send a request for their preferences between the dates October 7, 13, 19 or 21.

Property Appraiser's Website

Mayor Costello stated Property Appraiser Morgan Gilreath had done a great job in attempting to educate the public, but some of the information was depicted inappropriately, and Finance Director Kelly McGuire was working to resolve the issue with the property appraiser. The Mayor explained that due to a number of years with roll-back rates, this year's rate was shown as a 72% increase, based on CPI, while Ms. McGuire determined a 31% increase. He stated the City had the second lowest rate in Volusia County.

Airport

Mayor Costello stated he forwarded a suggestion that the City not issue a business license to a flight school if the recommendations of the Aircraft Noise Abatement Task Force were ignored.

Ms. Shanahan stated two years ago, the State changed the Occupational Licenses to a Business Tax Receipt, to prevent local governments from withholding an issuance of a license due to issues such as this. She explained the Business Tax Receipt was a receipt for taxes paid. She assured the Commission that staff was looking at every option to enforce compliance.

Item #13 – Close the Meeting

The meeting was adjourned at 9:30 p.m.

APPROVED: September 8, 2009

BY: Fred Costello, Mayor

ATTEST:

Veronica Patterson, City Clerk