

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

July 7, 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, 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 Doug Hautz, Alliance Community Church.
- 3) Pledge of Allegiance.
- 4) **PRESENTATIONS:**
 - A) Employee-of-the-quarter award to Edward Ray Back, Stormwater Maintenance.
 - B) Certificates of Appreciation to the members of the Development Review Board.
- 5) **AUDIENCE REMARKS:**
- 6) **APPROVAL OF THE MINUTES** of the June 16, 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. 2009-86 accepting a proposal from Camp, Dresser & McKee, Inc., for engineering services regarding a Stormwater Flooding Investigation Study; authorizing the execution of a Work Authorization and payment therefor. (Not to exceed \$49,690) (Acting City Engineer)
 - B) Resolution No. 2009-87 accepting a proposal from Camp, Dresser & McKee, Inc., for engineering services regarding the preparation of grant applications for funding from FEMA; authorizing the execution of a Work Authorization and payment therefor. (Not to exceed \$48,100) (Acting City Engineer)
 - C) Resolution No. 2009-88 authorizing the execution of Change Order Number Two (2) to that contract awarded to Meadors Construction Company, Inc., regarding the Reuse System Storage and Pumping Facility project, by increasing the contract price by \$6,818; by increasing the contract time by 53 days. (\$3,092,078 total contract price; 391 total contract days) (Acting City Engineer)
 - D) Resolution No. 2009-89 authorizing the execution of a contract between the City of Ormond Beach and Hall Construction Company, Inc., regarding the construction of a Fire Sprinkler System at the Senior Center. (Not to exceed \$110,975) (Acting City Engineer)
 - E) Resolution No. 2009-90 authorizing the execution of a Unity of Title Agreement unifying parcels of real property owned by the City of Ormond Beach, said parcels being located at 500 and 501 North Orchard Street, Ormond Beach, Volusia County, Florida. (Planning Director)
 - F) Resolution No. 2009-91 authorizing the execution of a Water, Sewer and Annexation Agreement between the City and Daytona Land Development, LLC, a Florida limited liability company, for property located at 1175 North US Highway 1, Ormond Beach, Volusia County, Florida; providing for recordation. (Planning Director)
 - G) Resolution No. 2009-92 authorizing the execution of an Animal Housing Agreement between the City and Flagler Humane Society, Inc. (Police Chief)
 - H) Resolution No. 2009-93 authorizing the submittal of an on-line grant application in the amount of \$10,890 to the U.S. Department of Justice, Office of Justice Programs, under the Edward Byrne Justice Assistance Grant Program; authorizing the execution of all documents incidental thereto, including any contract necessary for the City to accept the grant award. (Ticket Writer Technology) (Police Chief)

- I) Resolution No. 2009-94 authorizing the execution of a Lease Agreement between the City and Sunrise Aviation, Inc., regarding a fuel farm at the Ormond Beach Municipal Airport. (Airport Manager)
- J) Reclaimed water refund policy.

DISPOSITION: Approve as recommended in City Manager memorandum dated July 2, 2009.

- 8) **PUBLIC HEARING:** Ordinance No. 2009-16 authorizing the execution and issuance of the First Amended Development Order for the "RaceTrac Service Station at Southwest I-95 Complex" Planned Business Development by authorizing modifications to the building and canopy elevation, by authorizing modifications to the approved Greenbelt landscaping plan, by authorizing additional monument signage in exchange for increased landscaping along the western driveway area, and denying canopy signage and canopy striping; ratifying and affirming the development order approved by Ordinance No. 2008-16; establishing conditions and expiration of approval. (First Reading) (Planning Director)
- 9) **SECOND READING OF ORDINANCE** No. 2009-22 amending Chapter 22, Article II, Division 2, Sections 22-85 through 110, of the Code of Ordinances of the City of Ormond Beach, Florida, by adopting provisions regarding uniform requirements for direct and indirect contributions to the wastewater collection and treatment system; providing for administration, permits and enforcement penalties. (Utilities Manager)
- 10) **FIRST READING OF ORDINANCES:**
 - A) Ordinance No. 2009-23 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)
 - B) Ordinance No. 2009-24 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. (Early Retirement)
- 11) **RESOLUTIONS:**
 - A) Contract with Brown & Brown of Florida, Inc.
 - 1) Resolution No. 2009-95(A) authorizing the approval execution of a contract with Brown & Brown of Florida, Inc., regarding employee benefits consulting services under City of Daytona Beach RFP Number 1108-1650. (Not-to-exceed \$75,000) (Acting Human Resources Director)
 - 2) Resolution No. 2009-95(B) authorizing the approval and execution of a contract with Brown & Brown of Florida, Inc., regarding an employee benefits agent of record under City of Edgewater RFQ Number 07-OGS-05. (Acting Human Resources Director)
 - B) Resolution No. 2009-96 authorizing the submittal of an on-line grant application to the U.S. Department of Homeland Security, under the American Recovery and Reinvestment Act, Assistance to Firefighters grant program for funding assistance regarding the construction of a new fire station 94; authorizing the execution of all documents incidental thereto. (\$1.5 million) (Acting Fire Chief)
 - C) River Bend Golf Course:
 - 1) Resolution No. 2009-97 authorizing the execution of an amended and restated Ground Lease Agreement between the City and River Bend Management Group of Florida, LLC. (City Attorney)
 - 2) Resolution No. 2009-98 authorizing the execution of a settlement agreement between the City and Harold Layman and River Bend Management Group of Florida, LLC. (City Attorney)

- 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 7:01 p.m.

Item #2 – Invocation

Reverend Doug Hautz, Alliance Community Church, gave the invocation.

Item #3 – Pledge of Allegiance

Mayor Costello led the Pledge of Allegiance.

Item #4A – Presentation of Employee-of-the-Quarter Award

Ms. Joyce Shanahan, City Manager, announced that Mr. Edward Ray Back was chosen as the Employee-of-the-Quarter. She stated Ray was born and raised in Amelia, Ohio. He moved to the City in the early 1980s and began his career with the City in 1984, where he worked in Street Maintenance and Fleet Maintenance, before finally transferring to Stormwater Maintenance in 2001. She stated Mr. Back was one of the best heavy equipment operators anywhere, and there was nothing in Stormwater Maintenance that he couldn't do. Ms. Shanahan recognized members of Mr. Back's family in attendance.

Mayor Costello thanked Mr. Back and presented him with a City watch and certificate of appreciation. He explained the plaques commemorating his selection as Employee-of-the-Quarter would hang in the City Hall Atrium.

Item #4B – Certificates of Appreciation to Members of Development Review Board

Mayor Costello stated that the duties of Development Review Board had been incorporated into the Planning Board responsibilities at the recommendation of the members of the Development Review Board. The Mayor expressed the Commission's appreciation for the members of the Development Review Board: Doug Wigley, Phil Maroney, Brian Nave, Joe Lipscomb, Marvin Miller, and Bonnie Johnson, and presented them with a certificate of appreciation for a job well done.

Item #5 - Audience Remarks

Mr. Alan Burton, 915 Ocean Shore Boulevard, suggested the City Commission consider honoring a person or idea in the form of public art at the South Ormond Neighborhood Center (SONC) in the area of the street sign. He suggested public art or a statute to reflect the history and cultural heritage of Ormond Beach.

Mayor Costello charged Mr. Burton with bringing the Commission a concept of what the public art should be and a method for raising funds for such a project. The Mayor explained that it was a great idea, but the City's funding for public art had been allocated for the next five years.

Item #6 – Approval of the Minutes

Mayor Costello advised the minutes of the June 16, 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 Gillooly requested that Items 7A and 7B be pulled for discussion.

Commissioner Kent moved, seconded by Commissioner Kelley, for approval of the Consent Agenda minus Items A and B.

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

Item #7A – Stormwater Flooding Study

RESOLUTION NO. 2009-86

A RESOLUTION ACCEPTING A PROPOSAL FROM CAMP, DRESSER & MCKEE, INC., FOR ENGINEERING SERVICES REGARDING A STORMWATER FLOODING INVESTIGATION STUDY, AUTHORIZING THE EXECUTION OF A WORK AUTHORIZATION AND PAYMENT THEREFOR; AND SETTING FORTH AN EFFECTIVE DATE.

Commissioner Kent moved, seconded by Commissioner Partington, for approval of Resolution No. 2009-86 as read by title only.

Commissioner Gillooly stated that the County of Volusia would be receiving \$7.2 million in FEMA funds to assist with recent flooding damages throughout the County. She suggested the City had the in-house staff that could perform the study and prepare the grant application, rather than contract the work to a consultant.

City Engineer John Noble stated the proposed study would consider the atypical magnitude of the rainfall from the recent storm to develop a model for a stormwater plan that would prevent flooding in the future. Mr. Noble explained that a big component of the study was to model the system to determine how the piping and infrastructure would react under the conditions produced by the recent storm; and Camp, Dresser & McKee, Inc., had the resources to produce the model.

Commissioner Kelley emphasized the importance of insuring all the stormwater components worked efficiently, then, if the volume of stormwater could not be absorbed by the river, the issue of how to disperse the excess stormwater would be reviewed and considered under the East Volusia stormwater studies.

City Manager Joyce Shanahan explained the some of the modeling done in the study from 1997 was based on the 25-year storm event, which would not have impacted this particular event. She stated the computer modeling required for managing the aspects created by the recent storm was not available in-house. Ms. Shanahan agreed that a maintenance program of the various components of the stormwater system was critical, and staff was working on a program to insure all the components would be maintained whether by City staff or, when appropriate, the responsible party, such as a homeowner or a homeowners association.

Assistant City Manager Ted MacLeod reported he had met with the Department of Agriculture, which had a grant program that could be as much as \$250,000 for the City toward maintenance of the stormwater drainage system.

Mr. Noble explained the requirements for each proposed grant involved an inordinate amount of time, for which he did not have staff time available.

Commissioner Gillooly stated that the City should consider doing this type of work in-house even if it required the purchase of software and the hiring of another engineer to do the work, as a way to most effectively use tax dollars.

Mark Burgess, Vice President of Camp, Dresser & McKee, Inc., and Client Services Manager for Ormond Beach, stated there was no cost for the computer model, which was a public domain model, created by USEPA, which Camp, Dresser & McKee helped to develop, known as SWIM (stormwater management model). He stated the issue was not acquiring the software, but understanding of the model and the set-up that took a lot of time and effort to calibrate appropriately to mimic the City's system. Mr. Burgess stated Camp, Dresser & McKee had spent a number of years developing the model for the area, and it would cost a lot more money than proposed for someone who does not know the model and had not worked with the model for years to start from scratch to develop the model. Mr. Burgess explained none of the analysis done in the past would have prepared for the storm event that just occurred, because most regulations in Florida require a 25-year storm analysis to determine the level of service to provide citizens.

Mayor Costello reminded the Commission that in the past the City had five engineers on staff at one time, but the Commission determined to have fewer general engineers on staff and contract for specific engineering services.

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

Item #7B – Preparation of FEMA Grant Applications

RESOLUTION NO. 2009-87

A RESOLUTION ACCEPTING A PROPOSAL FROM CAMP, DRESSER & MCKEE, INC., FOR ENGINEERING SERVICES REGARDING THE PREPARATION OF GRANT APPLICATIONS FOR FUNDING FROM FEMA, AUTHORIZING THE EXECUTION OF A WORK AUTHORIZATION AND PAYMENT THEREFOR; AND SETTING FORTH AN EFFECTIVE DATE.

Commissioner Kent moved; Commissioner Kelley seconded, for approval of Resolution No. 2009-87, as read by title only.

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

Ms. Shanahan noted that there would be a study by the Regional Water Authority brought to the Commission for consideration regarding Nova Canal. She stated the City's contribution would be the City's proportional share to that watershed; the cost for the study, the modeling and the recommendations of this joint project would be in the range of \$18,000 to \$30,000 for the City.

Item #8 – RaceTrac Service Station

ORDINANCE NO. 2009-16

AN ORDINANCE AUTHORIZING THE EXECUTION AND ISSUANCE OF THE FIRST AMENDED DEVELOPMENT ORDER FOR "RACETRAC SERVICE STATION AT SOUTHWEST I-95 COMPLEX" PLANNED BUSINESS DEVELOPMENT BY AUTHORIZING MODIFICATIONS TO THE BUILDING AND CANOPY ELEVATION, BY AUTHORIZING MODIFICATIONS TO THE APPROVED GREENBELT LANDSCAPING PLAN, BY AUTHORIZING ADDITIONAL MONUMENT SIGNAGE IN EXCHANGE FOR INCREASED LANDSCAPING ALONG THE WESTERN DRIVEWAY AREA, AND DENYING CANOPY SIGNAGE AND CANOPY STRIPING; RATIFYING AND AFFIRMING THE DEVELOPMENT ORDER APPROVED BY ORDINANCE 2008-16; ESTABLISHING CONDITIONS AND EXPIRATION OF APPROVAL; AND SETTING FORTH AN EFFECTIVE DATE.

Mr. Michael Wood of Cobb Cole, 351 East New York Avenue, DeLand, reviewed the modifications agreed upon by the applicant and staff, which included landscaping changes and a canopy with a seamed roof. Mr. Wood stated the issue for discussion was the corporate signage and striping on the canopy, which was an important issue for the applicant. Mr. Wood explained one of the concerns regarding Commission approval to allow the corporate signage, was that the approval would permit others to use non-conforming signage. He stated this was a negotiated planned business development; therefore, the allowable signage would relate to this planned business development only. He stated that although aesthetics should be considered, there was nothing objectionable or offensive with the proposed signage.

Commissioner Gillooly stated she was in favor of Option 2, which allowed the changes in landscaping and allowed two monument signs, but denied corporate signage and striping on the canopy.

Commissioner Partington clarified that had the applicant built when the previous development order had been approved, the corporate signage and striping would have been permitted. He asked Mr. Woods to address the staff report comment regarding that standards were designed to promote and protect the overall community character of the City.

Mr. Woods stated this policy did not make sense in this situation, considering the scale and scope of the location of this project near an interstate system.

Commissioner Partington stated he was not offended by this project in relationship to the surrounding projects.

Commissioner Kelley agreed with Commissioner Partington that the signage and striping were not offensive, and it was important to be able to identify a business by its corporate image.

Commissioner Kent agreed that the corporate signage and striping were important to a business, and he was agreeable to the usage of corporate signage and striping at this location near the interstate.

Commissioner Kent moved; seconded by Commissioner Kelley, for approval of Option 1 of Ordinance 2009-16, on first reading, as read by title only.

Commissioner Partington asked Planning Director Ric Goss to address the issue that had the applicant developed the property under the first development order, they could have had the corporate signage and striping.

Mr. Goss stated the applicant could have built what had been approved; there were no architectural design standards in place that would have applied at that time.

Commissioner Partington asked how the signage, or lack thereof, protected the overall character of the community.

Mr. Goss stated he would have to refer to the intent of the Commission when they approved the architectural design standards along with the signage. He stated this City had always put great emphasis on reduced signage, and high standards with regards to architecture. Mr. Goss stated the project has two-64 square foot monument signs, the additional 48 square feet of signage on the canopy, and the wall signage with regard to the building; and overall, no one would confuse RaceTrac with a Shell station or other gas station. He stated the additional monument sign should preclude the need for the signage and striping on the canopy. He stated there was a reason the Commission did not want striping and logo signs back in 2004, and that reason was still valid.

Mayor Costello stated he would support any combination of three of the proposed five signs; two monument signs, two canopy signs, or striping.

Commissioner Partington suggested amending the development order to remove the eastern canopy sign while allowing two monument signs and a canopy sign and striping on the north side.

The City Attorney stated, although the applicant could suggest a preference, the Commission needed to specifically identify the conditions of the development order.

The applicant advised that they would prefer the canopy signage on the north face.

Commissioner Partington moved; seconded by Commissioner Kelley, to amend the development order to allow two 64-square foot monument signs and remove the canopy sign and striping on the eastern face of the canopy.

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

Mayor Costello called for the vote on the main motion, as amended.

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

Item #9 – Wastewater Collection and Treatment System

ORDINANCE NO. 2009-22

AN ORDINANCE AMENDING CHAPTER 22, ARTICLE II, DIVISION 2, SECTIONS 22-85 THROUGH 110, OF THE CODE OF ORDINANCES OF THE CITY OF ORMOND BEACH, FLORIDA, BY ADOPTING PROVISIONS REGARDING UNIFORM REQUIREMENTS FOR DIRECT AND INDIRECT CONTRIBUTIONS TO THE WASTEWATER COLLECTION AND TREATMENT SYSTEM; PROVIDING FOR ADMINISTRATION, PERMITS, AND ENFORCEMENT, PENALTIES; PROVIDING SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Commissioner Kelley moved, seconded by Commissioner Partington, for approval of Ordinance No. 2009-22, 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 #10A – Firefighters’ Pension Trust Fund – Multiplier Increase

Item 10A was pulled from the agenda prior to the meeting.

Item #10B – Firefighters’ Pension Trust Fund – Early Retirement Option

Item 10B was pulled from the agenda prior to the meeting.

Item #11A(1) and 11A(2) – Contract with Brown & Brown

RESOLUTION NO. 2009-95(A)

A RESOLUTION AUTHORIZING THE APPROVAL AND EXECUTION OF A CONTRACT WITH BROWN & BROWN OF FLORIDA, INC. REGARDING EMPLOYEE BENEFITS CONSULTING SERVICES, UNDER CITY OF DAYTONA BEACH RFP NUMBER 1108-1650; AND SETTING FORTH AN EFFECTIVE DATE.

RESOLUTION NO. 2009-95(B)

A RESOLUTION AUTHORIZING THE APPROVAL AND EXECUTION OF A CONTRACT WITH BROWN & BROWN OF FLORIDA, INC. REGARDING EMPLOYEE BENEFITS CONSULTING SERVICES, UNDER CITY OF EDGEWATER RFQ NUMBER 07-OGS-05; AND SETTING FORTH AN EFFECTIVE DATE.

Commissioner Kelley moved, seconded by Commissioner Partington to approve Resolution No. 2009-95(B), as read by title only.

All members of the Commission disclosed they had spoken to representatives of Brown & Brown regarding this item.

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

Item #11B – Assistance to Firefighters Grant Program

RESOLUTION NO. 2009-96

A RESOLUTION AUTHORIZING THE SUBMITTAL OF AN ON-LINE GRANT APPLICATION TO THE U.S. DEPARTMENT OF HOMELAND SECURITY, UNDER THE AMERICAN RECOVERY AND REINVESTMENT ACT, ASSISTANCE TO FIREFIGHTERS GRANT PROGRAM, FOR FUNDING ASSISTANCE REGARDING THE CONSTRUCTION OF A NEW FIRE STATION 94; AUTHORIZING THE EXECUTION OF ALL DOCUMENTS INCIDENTAL THERETO; AND SETTING FORTH AN EFFECTIVE DATE.

Commissioner Kelley moved, seconded by Commissioner Kent, to approve Resolution No. 2009-96, as read by title only,

Commissioner Kelley stated this was a good idea because it was possibly a mistake at the time in locating Fire State 94 where it was. He stated the out-parcel at Lowe's would be an excellent location for Fire Station 94.

Mayor Costello stated the station on Airport Road could possibly be shared in a partnership with Flagler County, in addition to a new station that might eventually be a partnership with Daytona Beach staffed by one firefighter from each governmental entity.

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

Item #11C(1) – River Bend Golf Course Amended Ground Lease Agreement

RESOLUTION NO. 2009-97

A RESOLUTION AUTHORIZING THE EXECUTION OF AN AMENDED AND RESTATED GROUND LEASE AGREEMENT BETWEEN THE CITY AND RIVER BEND MANAGEMENT GROUP OF FLORIDA, LLC; SETTING FORTH AN EFFECTIVE DATE.

Commissioner Partington moved, seconded by Commissioner Kelley, to approve Resolution No. 2009-97, as read by title only.

Commissioner Gillooly stated she appreciated the desire of residents to keep the golf course open; therefore, she would not argue regarding the claims of \$20,000 for overpayment of rent or the claim for repair of the culvert, but she could not agree to a credit for the claim of loss of revenue for \$47,600 due to flooding. She stated staff had not verified the amount of lost revenue, and this was not a wise use of tax dollars; therefore, she could not support the motion with this item as part of the settlement agreement.

Commissioner Kent stated he did not agree with the claim of \$47,600 for loss of revenue; and after speaking with the City Attorney, he understood that paying this claim would improve the situation and eliminate problems in the future while saving the City money, but he still could not agree to the payment.

City Attorney Randy Hayes stated this was the best deal available to the City, although he did not agree with the claims made. He pointed out that should the Commission not agree to this settlement agreement and the issue was litigated, the City would pay substantially more than the settlement agreement presented. He stated that from a cost benefit analysis, this was a good deal.

Mayor Costello stated this was a fabulous deal for the City, because the lessee had done a great job and the course was in better shape than ever, and this settlement was better than the original request made to the City.

City Manager Joyce Shanahan explained the golf course information was proprietary business data, and Mr. Layman was not required to report that to the City; therefore, staff could not verify the loss of income.

Commissioner Kelley agreed the settlement was packaged as well as possible, even though he did not agree that the City was responsible or liable; therefore, he supported the settlement agreement.

Commissioner Partington stated he supported the agreement because the City had a partnership with Mr. Layman who came to the City to ask for assistance. He stated this was a good deal for the City.

Doyle Tumbleson, attorney for River Bend Management Group of Florida, LLC, explained the request for loss of revenue was because the golf course bridge in the southeast quadrant was blown out due to the City's stormwater system failure, preventing access to that section of the course, resulting in closure of the course.

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

Item #11C(2) – River Bend Golf Course Settlement Agreement

RESOLUTION NO. 2009-98

A RESOLUTION AUTHORIZING THE EXECUTION OF A SETTLEMENT AGREEMENT BETWEEN THE CITY AND HAROLD LAYMAN AND RIVER BEND MANAGEMENT GROUP OF FLORIDA, LLC; SETTING FORTH AN EFFECTIVE DATE.

Commissioner Kelley moved, seconded by Commissioner Partington, to approve Resolution No. 2009-98, as read by title only.

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

Item #12 – Reports, Suggestions, Requests

Rockefeller Gardens Dedication and the 4th of July Celebration

Commissioner Partington stated the dedication of Rockefeller Gardens was great and very well run by staff. He stated that citizens were very pleased with the fireworks and the entire 4th of July Celebration.

Commissioner Gillooly stated the dedication was a beautiful event, and she thanked everyone involved.

Commissioner Kent stated he heard so many good comments about the events and thanked all.

Ms. Shanahan commended staff for completion of the Rockefeller Gardens project on time, even with the construction problems and the rains.

Mayor Costello expressed his pride and support for events such as the 4th of July Celebration.

Public Art Statue at South Ormond Neighborhood Center

Commissioner Kent thanked Alan Burton for bringing the idea of public art at South Ormond Neighborhood Center and suggested an art memorial for Geneva Jackson who taught art to elementary students for many years. He was anxious to talk to people about private funding.

Water Authority of Volusia (WAV)

Commissioner Kelley stated Lindsey Roberts had resigned to take an executive director's position for the state of North Carolina. He stated he had called a special meeting of the Executive Board to discuss the future of WAV and the direction WAV should go.

Countywide Unification of Services

Commissioner Kelley stated considering the budget situation the City was facing, it was past time for countywide unification of services; just unification of water services alone would have saved, possibly, millions of dollars.

Mayor Costello stated he had always supported regionalization of services and wanted to point out that Ormond Beach had one of the lowest water rates in the county. He asked the issue be on the July 21 City Commission meeting for discussion.

Four-day Work Week

Commissioner Kelley stated he still favored a four-day work week, which would benefit the employees, even though it would not save the City money. He stated if the employees were happy and worked hard, it would offset some of the other things the City would be facing.

Proposed Budget

Ms. Shanahan announced the proposed budget would be released on July 13 and reminded the Commission of the budget workshop on July 20 at the Senior Center at 5:30 p.m. She stated the staff's plan was to establish the millage rate at the next Commission meeting on July 21.

Fire Services

Ms. Shanahan reported the second regionalization meeting was held with Holly Hill, Daytona Beach, Port Orange and Volusia County. She stated that some progress had been made, specifically regarding priority dispatch and closest unit response, with an agreement coming to the Commission for consideration of the funding for calls.

East Volusia Water Study

Ms. Shanahan stated the municipalities involved in the water study would be members with voting authority. She stated she would report to the Commission when it was determined whether a Commission member or staff member was to be appointed.

Item #13 – Close the Meeting

The meeting was adjourned at 9:20 p.m.

APPROVED: July 21, 2009

BY: Fred Costello, Mayor

ATTEST:

Veronica Patterson, City Clerk