

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

September 17, 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 Neal Ganzel, Coquina Presbyterian Church in America.
- 3) Pledge of Allegiance.
- 4) **SECOND PUBLIC HEARING – FY 2008-2009 MILLAGE RATES/BUDGET:**
 - A) Resolution No. 2008-165 establishing the final millage rates to be levied for Fiscal Year 2008-2009; directing certification; expressing legislative intent. (3.38884 operating millage rate; debt service millage rates of 0.38550 and 0.03534)
 - B) Second Reading of Ordinance No. 2008-38 adopting the Annual Budget for the 2008-2009 Fiscal Year beginning October 1, 2008, and ending September 30, 2009; repealing all inconsistent ordinances or parts thereof. (\$117,142,301)
- 5) **AUDIENCE REMARKS:**
- 6) **APPROVAL OF THE MINUTES** of the August 26, 2008, and September 3, 2008, meetings.
- 7) **INTERGOVERNMENTAL REPORTS:**
 - A) Metropolitan Planning Organization
 - B) Volusia Council of Governments
 - C) Water Authority of Volusia
 - D) Report of Citizens' Advisory Committee for recommending a profile of next City Manager.
- 8) **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. 2008-166 reappointing Carolyn Parker as a member to serve as commissioner of the Ormond Beach Housing Authority; setting forth terms and conditions of service.
 - B) Resolution No. 2008-167 authorizing and directing the City Clerk to procure the necessary ballots and other forms, to arrange for the use of voting machines, and to make other required arrangements for the Special Referendum Election to be held on Tuesday, November 4, 2008; authorizing the execution of a Memorandum of Understanding for Services and Materials with the County of Volusia. (\$1,000 or less)
 - C) Resolution No. 2008-168 authorizing execution of an agreement between the City and the Volusia County Metropolitan Planning Organization in support of planning and funding of Volusia County transportation system projects; authorizing the expenditure of funding. (\$3,685)
 - D) Resolution No. 2008-169 authorizing the execution of a service contract between the City and the Ormond Beach Chamber of Commerce. (\$29,000)
 - E) Resolution No. 2008-170 authorizing the execution of a Cooperative Business Development agreement between the City and Daytona Beach/Halifax Area Chamber of Commerce, Inc. (\$18,150)

- F) Resolution No. 2008-171 authorizing the execution of a Unit of Title Covenant unifying parcels of real property owned by the City of Ormond Beach that were acquired from Elijah Boles a/k/a Elijah Bowles, said parcels being located at 179 Tomoka Avenue, Ormond Beach, Volusia County, Florida.
- G) Resolution No. 2008-172 increasing the pay ranges and steps for non-bargaining unit classified and unclassified employees and officials by 3%; authorizing the implementation and granting of a 3% general wage increase to all non-bargaining unit employees and officials.
- H) Resolution No. 2008-173 accepting a bid from Expertech Network Installation (U.S.), Inc., for construction services regarding the North US1 20" Force Main Extension Phase II Construction project under Bid No. 2008-08; authorizing the execution of a contract and payment therefor; rejecting all other bids. (\$1,163,235.17)
- I) Multifunctional copy machines:
 - 1) Resolution No. 2008-179 authorizing the purchase of multi-function copy machines and other related equipment from Ricoh Americas Corporation, authorizing payment therefor. (\$123,550)
 - 2) Resolution No. 2008-180 authorizing the execution of a maintenance and supplies agreement with Technicians Unlimited, Inc., d/b/a TUI Business Machines (TUI), in connection with the City's proposed purchase of multi-function Ricoh copy machines and other related equipment; authorizing payment relative thereto.
- J) Fire Department purchase of equipment for installation on a smaller vehicle to be used as part of a pilot program.

DISPOSITION: Approve as recommended in City Manager memorandum dated September 11, 2008.

- K) Closing of Riverside Drive for various events.

DISPOSITION: Approve as recommended in City Manager memorandum dated September 11, 2008.

9) **PUBLIC HEARINGS:**

- A) Community Redevelopment Agency contract for services with Ormond Main Street:
 - 1) Review by the Community Redevelopment Agency.
 - a) Recess the City Commission meeting and convene as the City of Ormond Beach Community Redevelopment Agency.
 - b) Review the contract for recommendation to the City Commission.
 - c) Adjourn as the Community Redevelopment Agency and reconvene the City Commission meeting.
 - 2) Resolution No. 2008-174 of the City Commission, individually and acting as the Community Redevelopment Agency for the Central Business District and adjacent areas, authorizing the execution of a service agreement between the City/Agency and Ormond Beach Main Street, Inc., for the promotion of economic, physical and aesthetic redevelopment and maintenance of the Ormond Beach Main Street District. (\$34,000)
- B) Ordinance No. 2008-44 authorizing the execution and issuance of a Development Order for a Planned Residential Development to be known as "Pineland" to be located on a 164.5-acre site north of Airport Road, east of Interstate 95, south of the City's business park, and west of the Ormond Green subdivision and Pine Trails subdivision; authorizing a five-phased project consisting of 188 single-family lots. (First Reading)

10) **SECOND READING OF ORDINANCES:**

- A) Ordinance No. 2008-40 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. (Approximately 6%)
- B) Ordinance No. 2008-41 relative to stormwater management; amending Section 22-158, Utility Fee Established, of Article V, Stormwater Drainage Utility, of Chapter 22, Water and Sewers, of the Code of Ordinances, by extending the sunset provision of the stormwater utility fee for a time certain. (0% increase)
- C) Ordinance No. 2008-42 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. (Approximately 5.5%)
- D) Ordinance No. 2008-43 amending Chapter 8, Buildings and Construction Regulations, Article I, In General, Section 8-3, Local Amendments to Building Code, Subsection (b), Schedule of Permit Fees, of the Code of Ordinances, amending permit fees.

11) **FIRST READING OF ORDINANCES:**

- A) Ordinance No. 2008-45 amending Chapter 1, General Administration, Article IV, Schedule of Development Review and Impact Fees, Section 1-26, Application Processing Fees, and Section 1-28, Utility Installation Fees, of the Land Development Code.
- B) Ordinance No. 2008-46 amending Chapter 2, District and General Regulations, Article VI, Overlay Districts, Section 2-71, Historic Districts and Landmarks, of the Land Development Code, by adding six (6) properties to the Ormond Beach Historic Landmarks list. (39 N. Ridgewood Avenue; 100 Corbin Avenue School; 100 Corbin Avenue School Stone Wall; 1 N. Beach St., Pilgrim's Rest Primitive Baptist Church; 1 Sanchez Avenue, Coquina Monuments; 45 S. Halifax Dr., Emmons Cottage)

12) **RESOLUTIONS:**

- A) Resolution No. 2008-175 accepting a proposal from Brown & Brown of Florida, Inc., for the renewal of Property & Casualty insurance; authorizing the execution of an agreement and payment therefor. (\$418,950)
- B) Resolution No. 2008-176 of the City Commission of the City of Ormond Beach, Florida, providing for the borrowing of not exceeding \$7,000,000 in one or more series from Branch Banking and Trust Company to finance the cost of a portion of the construction and improvements to the wastewater system; providing for the issuance of a Wastewater System Revenue Bond, Series 2008, to evidence the City's obligation to repay such loan; providing for the payment of the Series 2008 Bond and the execution and delivery of a loan agreement in connection therewith, containing terms and conditions relating to such loan; authorizing further official action in connection with the delivery of the Series 2008 Bond and the loan agreement; designating the Series 2008 Bond as a "qualified tax exempt obligation" under 265(b)(3)(B) of the Code.
- C) Resolution No. 2008-177 accepting a bid from Censtate Contractors, Inc., for construction services regarding the Wastewater Treatment Plant Rehabilitation Project under Bid No. 2008-13; authorizing the execution of a contract and payment therefor; rejecting all other bids. (\$3,651,979)
- D) Resolution No. 2008-178 authorizing the execution of a First Amended Agreement between the City and Camp Dresser and McKee regarding engineering construction administration, inspection and design services for the Wastewater Treatment Plant Rehabilitation and Expansion projects. (\$1,478,475)

13) **DISCUSSION ITEM:** Animal licensing, spaying and neutering issues.

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

15) **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 Robert Carolin, Acting Leisure Services Director, who was greeting citizens coming into the meeting.

Item #2 - Invocation

Reverend Neal Ganzel of Coquina Presbyterian Church in America, gave the invocation.

Item #3 - Pledge of Allegiance

Mayor Costello led in the Pledge of Allegiance.

Item #4(A) – Establishing Final Millage Rate

Mayor Costello advised per *Florida Statute*, he was required to state the proposed millage rate for the City of Ormond Beach necessary to fund the FY 2008-2009 budget was 3.38884 mills. He reported this was a 0.0% tax increase from the rolled back tax rate of 3.38884. Mayor Costello stated the proposed debt service millage rates are 0.38550 for the 2002 General Obligation Bond Sinking Fund and 0.03534 for the 2003 General Obligation Bond Sinking Fund.

Mayor Costello stated this was a public hearing. He stated there was information provided on the tables in the vestibule about the proposed tax rates. He briefly reviewed the information contained on the material provided. He asked members of the public if they wished to speak or ask questions prior to the adoption of the final millage rate and budget.

Ms. Linda Kane, 78 Ivanhoe Drive, expressed her concern that her taxes were too low at the expense of non-homesteaded and business properties. She stated she did not favor funding 100% of certain contracts for services, expanding employee salary ranges, or paying a 3% salary increase to some employees when others received only 2%.

Mr. Clifford Martin, 934 Northbrook Drive, expressed his concern that taxes would increase 11%, and he asked about the reliability of the grant money and if it was necessary to fund utility improvements this year. He expressed concern that the two Chambers would continue to receive funding, which was unfair to the other organizations whose funding had been cut. He asked that the millage rate remain as it was and complained about salary increases. Mayor Costello explained that the employees who received the 2% increase have a bargaining option to re-open the negotiation regarding the rate, which was expected to occur. He explained how the tax reporting was structured, where it was determined that citizens were more interested in the total tax rather than the millage rate, and that the total tax each property paid was determined by the property appraiser. He explained that the increase in the budget had nothing to do with property taxes but rather the water/wastewater improvements. He explained that by making the utility improvements now, there would be a savings in construction costs.

Mr. Gregory Avakian, 161 Heritage Circle, expressed his concern that business owners were not able to pay their taxes. He asked to have read into the record a letter from business owners urging the Commission to meet them halfway on the proposed 12% tax increase.

Mr. Rick Boehm, 5 Springwood Trail, stated he admired the Commission and felt they made the best choice available for Ormond Beach, as times were tough for government as well as private business.

Mayor Costello asked for a motion and second to adopt the proposed operating millage rate of 3.38884 and the debt service millage rates of 0.38550 and 0.03534.

RESOLUTION NO. 2008-165
A RESOLUTION ESTABLISHING THE FINAL MILLAGE RATES
TO BE LEVIED FOR FISCAL YEAR 2008-2009; DIRECTING
CERTIFICATION; EXPRESSING LEGISLATIVE INTENT; AND
SETTING FORTH AN EFFECTIVE DATE.

Commission Kelley moved, seconded by Commissioner Gillooly, to approve Resolution No. 2008-165, as read by title only.

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

Mayor Costello stated the proposed operating millage of 3.38884 mills was 0.0% less than the rolled back millage rate. He advised the resolution also included the adoption of the proposed debt service millage rates of 0.38550 for the 2002 General Obligation Bond Sinking Fund and 0.03534 for the 2003 General Obligation Bond Sinking Fund.

Item #4(B) – Adopting the Annual Budget

Mayor Costello asked the City Clerk to read Ordinance No. 2008-38 to adopt a budget of \$117,142,301.

ORDINANCE NO. 2008-38
 AN ORDINANCE ADOPTING THE ANNUAL BUDGET FOR THE
 2008-2009 FISCAL YEAR BEGINNING OCTOBER 1, 2008, AND
 ENDING SEPTEMBER 30, 2009; REPEALING ALL
 INCONSISTENT ORDINANCES OR PARTS THEREOF; AND
 SETTING FORTH AN EFFECTIVE DATE.

Commissioner Kelley moved, seconded by Commissioner Gillooly, to approve Ordinance No. 2008-38, 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

Hearing no objection, Mayor Costello closed the public hearing on Item #4.

Commissioner Kelley stated there was very little the City could do about the broken revenue producing system of the State of Florida. He expressed concern as it related to the school system and economic development. Commissioner Kelley advised that the Commission had not taken the budget lightly. He noted the School Board was spending \$18,000 per student, which was expected to go up,

Commissioner Gillooly encouraged public participation with the Budget Advisory Board. She advised that the monies spent on the sewer and water plants and sustaining infrastructure was something that must be done.

Commissioner Kent noted the amounts on the tax bills that went to the City as compared to other taxing agencies, such as the schools, the taxpayers paid whether they had kids in school or not. He advised that the Commission put a lot of effort into this budget.

Commissioner Partington concurred that the tax system was in need of correction.

Item #5 Audience Remarks

Quality Inn/Surfside Inn

Mr. Worley Pruett, 129 Seminole Avenue, stated he read in the newspaper that Bray & Gillespie had filed bankruptcy on the Quality Inn at 251 South Atlantic Avenue. He stated there were no fines against the Quality Inn, which was hit four years ago by storms. He stated his concern about the disrepair and unsightliness of the building.

Mayor Costello stated he had a discussion with Mr. Joe Gillespie recently about the property, and his understanding was that litigation was scheduled for February 2009. He stated the Planning Director advised him that the structural integrity was not diminished such that it was not retrievable. He stated they would like to have something done, but it had become a legal issue.

Commissioner Kent stated the building was condemned in 2004 by the City’s building inspector. He stated he was appalled that no fines had been levied against it, and further he found out that different law enforcement groups had been using the building for routine exercises.

Commissioner Gillooly suggested the City could levy fines legally; whereby, Mr. Randy Hayes, City Attorney, stated it was his understanding that the building was bankrupt. He stated under bankruptcy law, there could not be any enforcement action, as the bankruptcy form had jurisdiction over everything at this point. He stated he could look into this issue, but he did not predict a positive outcome.

Commissioner Kent provided a letter dated September 15, 2004, to Surfside Resort and Suites, Inc., which was read into the record, declaring the structure unsafe by the Chief Building Official and outlining steps for compliance or demolition.

Mayor Costello asked for follow-up information; whereby, Mr. MacLeod stated staff would research it between then and now. He further encouraged Mr. Hayes to review it back to that point and to provide information on what could be done under the bankruptcy laws.

PIGP Extension

Ms. Elizabeth Morejon, 308 River Bluff Drive, stated she owned a commercial property at 163 Tomoka Avenue and had applied for a property improvement grant last year, but she failed to apply for an extension to the grant. She requested consideration by the Commission of an extension.

Mayor Costello stated that Ms. Morejon was redeveloping the area and setting a standard for it. He stated he favored granting the extension; whereby, Mr. Hayes advised he needed to review it and bring it back to the Commission.

Commissioners Gillooly and Kent favored bringing the item back to the Commission for consideration.

Spay and Neuter Program

Ms. Pat Mihalic, 216 York Towne Drive, Daytona Beach, expressed her concern of the City having an aggressive, affordable, and accessible spay and neuter program. She stated this program was specific to the ordinance already in place.

Citizen Participation

Mr. Gregory Avakian, 161 Heritage Circle, stated he used to participate at the Budget Advisory Board meetings, but his confidence was shaken when the Commission sitting at the time approved a pay increase that was twice what city management and the BAB recommended.

Water Connection Fee

Mr. Avakian stated he looked at both sides regarding a connection fee for water. Mayor Costello stated the Commission was listening to the advice of the advisory boards, but they did not always follow it. He stated he favored an access fee to maintain the connection.

Item #6 - Approval of Minutes

Mayor Costello advised minutes of the August 26, 2008, and September 3, 2008, meetings had been sent to the Commissioners for review and asked if there were any corrections, additions, or omissions.

Mayor Costello stated that the minutes were approved as submitted.

Item #7(A) – Metropolitan Planning Organization and Item #7(B) – Volusia Council of Governments

Mayor Costello advised these organizations had not met since the last meeting.

Item #7(C) – Water Authority of Volusia

Commissioner Kelley stated the Volusia County Health Department would be asking for money to fund the clean, safe drinking water project of about \$544,000 which was an unfunded mandate that the cities would have to pick up.

Item #7(D) – Report of Citizens' Advisory Committee for Recommending a Profile of Next City Manager

Mr. Rick Fraser, 92 Wildwood Avenue, chairman of the Citizens' Advisory Committee (CAC), stated the committee compiled their recommendation in the areas of education, experience, personal traits, management style, salary and benefits, retirement benefits, severance, personal leave, vehicle allowance vs. city vehicle, relocation expenses, and residency. He noted Mr.

Eugene Miller, Consultant for the City Manager Search, and Ms. Lorenda Volker, Human Resources Director, supplied the committee with extensive research from other communities in Volusia County, which allowed them to form their recommendation in a timely manner.

Education

Mr. Fraser stated the CAC recommended a Bachelor's degree in public or business administration or closely related field should be required, and a Master's degree in public or business administration and a credentialed City/County Manager should be preferred.

Experience

Mr. Fraser stated the CAC recommended experience of five years or more in a full-service city/county of comparable size or larger (population, budget and workforce) should be required. He stated it was recommended that an Assistant City/County Manager with seven years or more of experience in a similar size or larger government agency should also be considered.

Personal Traits, Management Style

Mr. Fraser stated the traits that received four or more votes from the CAC should be considered when the Commission was reviewing the resumes. He stated a manager should be pro-active, an open and accessible communicator, and a consensus builder.

Knowledge Skills

Mr. Fraser stated the CAC recommended that the manager have experience in budgeting, finance, economic development, redevelopment, and negotiations in all areas, including labor relations, intergovernmental operations, organization/agency relationships, and economic development. He stated preferred skills were in "green" practices and intergovernmental relations.

Compensation and Benefits

Mr. Fraser stated the CAC recommended the advertised hunting rate should be between \$125,000 and \$150,000 per year with benefits of six months' severance or six months notice, capped accrued leave at the same rate as other employees, health benefits consistent with those offered to other employees, retirement contributions not to exceed 10% of salary, transportation allowance, relocation expenses negotiable with a \$25,000 cap, residency within six months' of employment, and salary increases based on a different standard than performance incentives.

Mr. Rick Boehm stated that the committee did not create anything new or different than what was in other city manager contracts in Volusia County. He stated all the requirements were within the realm of the standards for city managers, which was different than employees or City Commissioners. He stated the International Association of City Managers (ICMA) had a process in which the city managers received recognition as being a "Credentialed City Manager," which was something that set them apart from other city managers.

Mayor Costello stated he favored following the committee's recommendation as closely as possible.

Commissioner Kelley stated he preferred an annual performance review with a performance-based bonus, which he felt would instill a drive to do better. He stated he had concern with hiring someone from a much larger community, because they tended to delegate rather than manage hands-on style.

Commissioner Kent stated he favored a performance-bonus method and a manager with experience from managing a larger city. He stated he preferred a four-month severance package. He stated he favored capped accrued leave and health benefits consistent with other employees. He stated the City had plenty of cars and trucks, and he felt the manager should use a city vehicle. He stated he felt \$25,000 was a tremendous amount of money for moving expenses. He suggested some really great candidates would be eliminated by the experience requirement. He suggested City employees would be a great source of information regarding the qualities of a city manager.

Mayor Costello stated he was looking for someone who saw our ad and wanted to come and interview, rather than someone who was looking for a job.

Commissioner Partington suggested language changes to the profile to make it more concise. He stated he favored three years' experience, salary range of \$110,000-\$130,000, city vehicle, severance of six months, negotiable relocation and moving expenses, insurance benefits for employee and negotiable for family, and a resume that may include a proposal for an incentive-

based component to enhance the compensation package up to \$25,000. He stated Mr. Miller had a lot of valuable knowledge and experience, and he thanked him for his service to the City.

Commissioner Gillooly suggested a new manager could trim the budget earning a salary-based incentive. She stated she was comfortable with the salary range but was concerned about the severance package in order to protect the City. She stated she favored the cap for accrued leave consistent with other employees and the retirement contribution up to 10% of his salary. She stated she agreed with the car allowance, moving expenses, and residency requirements. She suggested including anyone with demonstrated business leadership experience.

Mr. Eugene Miller stated the advertisement was ready to go to various organizations. He stated the salary, education and experience were areas that had to be agreed upon tonight in order to be able to recruit the manager. He stated that many managers would be very wary of a bonus system, as it was not realistic in the city manager field. He stated a salary of \$115,000 would be non-competitive, and he suggested they consider increasing it.

Mayor Costello also suggested changes to the profile regarding Ormond Crossings. He stated there was a consensus for three years' experience as a City/County Manager or five years' experience as an Assistant City Manager, with private business experience as a plus. He stated there was a consensus for a salary range of \$125,000-\$150,000 of comparable size city, six months severance, and negotiating city vehicle, relocation expenses, and family insurance benefits, as well as integrity being the #1 personal trait.

Commissioner Gillooly asked about city manager negotiations being open to the public; whereby, Mr. Hayes stated it was public business and had to be done in the sunshine, but fact finding did not.

Mr. Miller stated October 17 at 5:00 p.m. was the deadline for the applications, and the Commission would be conducting on-site interviews with approximately five candidates on November 14 and 15. He stated the candidate would be provided with a model employment agreement before the interview. He stated the process took place in a short time span, and he was confident they could meet the schedule.

Mayor Costello requested a reception for the candidates and their wives/families at The Casements on the evening of November 14.

Mayor Costello asked about interviewing anyone outside the criteria; whereby, Mr. Miller stated he had witnessed this in other communities, and he recommended not doing this, because the integrity of the process and the community would be jeopardized.

Mr. Fraser also cautioned the Commission about considering someone without certain requirements, because the City could become subject to certain actions because of that.

Item #8 – 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 requested removing Item Nos. 8(I)(1) and 8(J) for discussion.

Commissioner Partington moved, seconded by Commissioner Kelley, for approval of the Consent Agenda minus Items 8(D), 8(I)(1), and 8(J).

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

Item #8(D) – Chamber of Commerce Service Contract

RESOLUTION NO. 2008-169
A RESOLUTION AUTHORIZING THE EXECUTION OF A SERVICE CONTRACT BETWEEN THE CITY AND THE ORMOND BEACH CHAMBER OF COMMERCE; SETTING FORTH AN EFFECTIVE DATE.

Commissioner Kelley moved, seconded by Commissioner Gillooly, to approve Resolution No. 2008-169, by title only.

Mr. Gregory Avakian, 161 Heritage Circle, expressed his concern about the City's perceived bias towards the Chamber of Commerce. He questioned who received a benefit from this contract and suggested there was favoritism towards the Chamber.

Mayor Costello stated that there were many businesses who felt the value/service they received from the Chamber outweighed the cost. He requested Mr. MacLeod to have the contract posted on the City's website.

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

Item #8(I)(1) – Multi-Function Copy Machines and Other Related Equipment

RESOLUTION NO. 2008-179

A RESOLUTION AUTHORIZING THE PURCHASE OF MULTI-FUNCTION COPY MACHINES AND OTHER RELATED EQUIPMENT FROM RICOH AMERICAS CORPORATION, AUTHORIZING PAYMENT THEREFOR; AND SETTING FORTH AN EFFECTIVE DATE.

Commissioner Kelley moved, seconded by Commissioner Partington, to approve Resolution No. 2008-179, by title only.

Commissioner Kelley stated he was very satisfied with the contract, especially with the scanning feature, which he stated could lead to paperless packets. He stated he was concerned about purchasing a 500-sheet tray; whereby, Ms. Kelly McGuire, Budget Director, stated that multiple trays for different size paper or stationery were more efficient.

Commissioner Kelley suggested printing the city manager memo and receiving the rest of the packet on the computer. He stated this would save paper and possibly reduce the maintenance contract.

Mr. Gregory Avakian, 161 Heritage Circle, noted there was not any information other than the resolution and purchase order on the City's website. He stated he checked the price of the copiers on-line and did not see a savings on the unit price of the copiers, as there was not enough information provided.

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

Item #8(J) – Fire Department Purchase of Equipment

Commissioner Kelley stated he thought this item would have been put on a hold situation based upon a recommendation from Fire Chief Baker; whereby Mayor Costello stated his understanding was that it was on a trial basis.

Mr. Barry Baker, Fire Chief, stated there were two separate issues which were interconnected, but he had gotten feedback from EVAC on the quick response vehicle. He stated they had identified a vehicle to use as a pilot, rather than buying a new vehicle. He asked the Commission if they wished to proceed or wait until he provided additional data.

Commissioner Kelley stated he would feel more comfortable with the concept in place for the test program to see how it worked.

Mayor Costello stated he favored the test program and using a smaller vehicle for all emergency medical situations.

Chief Baker stated it was a pilot program that involved other relationships that would come back to the Commission for consideration at a future date. He stated it was likely there would be an

impact bargaining request from the union on this item. He stated it would cost \$11,000 to put this vehicle in service.

Commissioner Gillooly asked about the funding; whereby, Chief Baker stated he did not have the funds in his budget for the vehicle.

Mayor Costello suggested delaying this item for at least 60 days until Chief Baker could provide additional information.

Commissioner Partington moved, seconded by Commissioner Kent, to continue this item for 30 days.

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

Item #9(A) – Service Agreement with Ormond Beach Main Street, Inc.

Mayor Costello recessed the City Commission meeting and convened a meeting of the City of Ormond Beach Community Redevelopment Agency (CRA) at 10:00 p.m. He noted this was a public hearing but there were no card from anyone requesting to address the Commission.

Commissioner Partington moved, seconded by Commissioner Kelley, to recommend that the City Commission approve the service contract with Ormond Beach Main Street, Inc.

Mayor Costello adjourned the Community Redevelopment Agency and reconvened the City Commission meeting at 10:05 p.m., and Mayor Costello closed the public hearing.

RESOLUTION NO. 2008-174

A RESOLUTION OF THE CITY COMMISSION, INDIVIDUALLY AND ACTING AS THE COMMUNITY REDEVELOPMENT AGENCY FOR THE CENTRAL BUSINESS DISTRICT AND ADJACENT AREAS, AUTHORIZING THE EXECUTION OF A SERVICE AGREEMENT BETWEEN THE CITY/AGENCY AND ORMOND BEACH MAIN STREET, INC., FOR THE PROMOTION OF ECONOMIC, PHYSICAL AND AESTHETIC REDEVELOPMENT AND MAINTENANCE OF THE ORMOND BEACH MAIN STREET DISTRICT; AND SETTING FORTH AN EFFECTIVE DATE.

Commissioner Partington moved, seconded by Commissioner Gillooly, to approve Resolution No. 2008-174 by title only.

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

Item #9(B) – “Pineland”

ORDINANCE NO. 2008-44

AN ORDINANCE AUTHORIZING THE EXECUTION AND ISSUANCE OF A DEVELOPMENT ORDER FOR A PLANNED RESIDENTIAL DEVELOPMENT TO BE KNOWN AS “PINELAND” TO BE LOCATED ON A 164.5-ACRE SITE NORTH OF AIRPORT ROAD, EAST OF INTERSTATE 95, SOUTH OF THE CITY’S BUSINESS PARK, AND WEST OF THE ORMOND GREEN SUBDIVISION AND PINE TRAILS SUBDIVISION; AUTHORIZING A FIVE-PHASED PROJECT CONSISTING OF 188 SINGLE-FAMILY LOTS; AND SETTING FORTH AN EFFECTIVE DATE.

Mr. Ric Goss, Planning Director, stated this was an application for a Planned Residential Development (PRD). He stated there were two issues involved: 1) an interconnection with the Ormond Green subdivision and 2) access connections onto Ormond Green Boulevard. He stated the Planning Board recommended interconnection with Ormond Green with no vehicle

access. He stated staff recommended two principle access points, one on Pineland Trail and one on Ormond Green Boulevard.

Mr. Goss stated this application was better than the previous one, as there was less than an acre of wetlands impacted. He stated the developer was proposing that some of the lots be smaller in order to impact wetlands less, which was a unique and good design feature of the application.

Commissioner Kelley asked about the ingress/egress on Ormond Green and Pineland; whereby, Mr. Goss stated that sometime in the future when Ormond Crossings was developed, there would be more traffic going northbound, and there should be an access point on Pineland Trail.

Mr. Fred Share, 145 Heritage Circle, stated he was the managing member of Funcoast Holdings. He stated the issue was the access itself. He stated this development order contained 188-189 lots based on the two-way "T" entrance. He stated the residents' preference was a cul-de-sac at the Ormond Green access point with emergency egress. He stated if the Commission chose anything other than the two-way "T" entrance, they would like the ability to have 192 lots.

Mr. Clair Atwell, 49 Ormond Green Boulevard, stated his concern for the need of an additional entrance. He suggested large trucks could push over the bollards, as well as allowing access to motorcycles.

Mr. Frank Bailey, 355 Airport Road, stated his concern about off-site water on this project as there was a natural drainage between Ormond Green and Creekside that was non-functional that drained on to the Thompson property. He stated there was a canal and drainage pipe at the industrial park that also drained into Ormond Green. He stated the City had a map that showed the proper drainage pattern, and he would like to see the drainage accomplished with this project.

Mr. Kevin McCue, 4 Prairieview Lane, stated from his experience that more intersections provide the opportunity for more accidents. He stated a "T" intersection at Ormond Green would make it less safe, and he was against a second entrance.

Mr. Richard Almond, 32 Greenvale Drive, stated he felt it made more sense to make it more like it was originally designed by realigning Pineland Trail and not making it a safety hazard. He stated he was concerned that the water system was not efficient enough to remove the water in the subdivision. He stated safety was his biggest concern, because he traveled in and out of the subdivision every day.

Mr. Joe Dougherty, 33 Division Avenue, stated he felt two entrances were advantageous from the standpoint of safety. He stated water had always been a problem, and he felt the developer could correct it.

Mr. Paul Holub, 675 North Beach Street, stated he was representing his brother, Joseph Holub, who resides in Ormond Green. He stated the only problem he had with the project was the access to Ormond Green Boulevard. He asked that they consider no access on Ormond Green Boulevard and promote the main entrance on Pineland Trail, as he felt it would encourage some of the residents of the Pineland Trail subdivision to use Pineland Trail to go north to US1. He stated there was no question that the drainage would improve once the retention ponds were built.

Mr. Holub stated he had some suggested conditions if a one-way access into Ormond Green was approved: 1) a bond be posted by the developer in the amount of the value of a traffic signal (\$200,000); 2) a one-way entrance not be constructed until 50% of the homes within the Pineland subdivision were completed; 3) a left turn lane be built on Ormond Green Boulevard with sufficient stacking to accommodate Pineland traffic; 4) all Ormond Green Boulevard road improvements related to a left turn lane be located in the most westerly portion of the right-of-way in order to avoid impact to the street trees and sidewalk located in the easterly portion of the right-of-way; 5) to ask that the developer provide adequate design restrictions to the one-way entrance in order to discourage that the one-way access was utilized as an exit point by the Pineland residents; 6) in the event the one-way access resulted in a significant number of accidents at Ormond Green Boulevard or was being used by the residents of Pineland as an exit, then the developer or Pineland HOA should be responsible for terminating the entrance; 7) subsequent to completion of 50% of the homes and prior to a one-way entrance being constructed, request that the developer submit a traffic signal warrant for the intersection of Ormond Green Boulevard and Airport Road to determine if a traffic signal was warranted; and if warranted, then a traffic signal be installed prior to a one-way entrance construction and a

study conducted to include all existing traffic at Ormond Green and Pineland subdivisions and Ormond Crossing trips, said study should be included in HOA document for future residents' awareness of potential for one-way access being terminated. He suggested these conditions be included as a condition of approval of the one-way access.

Mr. Sans Lassiter, Lassiter Transportation Group, 123 Live Oak Avenue, Daytona Beach, stated in general it was good planning to have two separate accesses, especially for emergency reasons. He stated bollards were typically spaced so one had to walk their bicycle through them, but the design concept should be approached in order to come up with a certain intent. He stated that more access points did not necessarily cause more accidents, as it was a function of the geometry, the number of turns, the number of vehicles, and so forth. He stated the right-of-way to extend Pineland Road was no longer available, which would have been the best thing to do. He stated he recommended one-way inbound rather than outbound, because it removed more of the left turns. He stated the intersection did not warrant a traffic signal because most of the volume of traffic would be turning right out and left in which did not require a signal. He stated a traffic signal warrant was good, and if required, it should be shared by more than one party.

Commissioner Partington moved, seconded by Commissioner Kelley, to approve Ordinance No. 2008-44 on first reading, read by title only.

Commissioner Partington moved, seconded by Commissioner Kent, to amend to the two-way emergency access only with 192 lots.

Mr. Hayes stated the addition of lots was a material change and changed the site plan, and would have to be re-advertised. He stated they would have to bring it back for two readings.

Commissioner Gillooly asked Mr. Goss if he had a concern with adding the additional lots; whereby, Mr. Goss stated he did not have a concern, because they exceeded the standards in almost all cases, except for the provisions he explained with regard to flexibility.

Commissioner Gillooly stated she favored the traffic signal warrant/bond in the future; whereby, Mr. Lassiter stated it could be put in the ordinance in the future.

Mayor Costello stated he desired the bond to cover their proportionate share, if a traffic signal was warranted. He asked if there would be a stop sign where Ormond Green Boulevard intersected with Pineland Trail; whereby, Mr. Goss stated there was not one.

Mayor Costello stated he was concerned about the stacking to get on to Airport Road, and if there was not an entrance only, he felt there should be a stop sign to keep people out of the intersection; whereby, Mr. Lassiter recommended either going straight or turning left without being hindered.

Mayor Costello stated he wanted Pineland to pay their fair share of a traffic signal; whereby, Mr. Lassiter stated that fair share could be interpreted in the future, if the traffic signal was warranted.

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

Item #10(A) - Increasing Minimum Water and Sewer Rates

ORDINANCE NO. 2008-40
AN ORDINANCE 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; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; AND SETTING FORTH AN EFFECTIVE DATE.

Commissioner Kelley moved, seconded by Commissioner Gillooly, to approve Ordinance No. 2008-40, on second reading, as read by title only.

Ms. McGuire stated there was a proposed 6% rate increase and savings from the healthcare costs, resulting in a reduced increase of 5.1%.

Commissioner Partington asked about the additional funds at 6%; whereby, Ms. McGuire stated they would stay in the water and sewer fund.

Commissioner Kelley moved to amend the ordinance to reduce the rate increase to 5.1%. The motion died for lack of a second.

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

Item #10(B) - Extending the Sunset Provision of the Stormwater Utility Fee

ORDINANCE NO. 2008-41
 AN ORDINANCE RELATIVE TO STORMWATER MANAGEMENT; AMENDING SECTION 22-158, UTILITY FEE ESTABLISHED, OF ARTICLE V, STORMWATER DRAINAGE UTILITY, OF CHAPTER 22, WATER AND SEWERS, OF THE CODE OF ORDINANCES, BY EXTENDING THE SUNSET PROVISION OF THE STORMWATER UTILITY FEE FOR A TIME CERTAIN; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; AND SETTING FORTH AN EFFECTIVE DATE.

Commissioner Kelley moved, seconded by Commissioner Partington, to approve Ordinance No. 2008-41, on second reading, as read by title only.

Commissioner Gillooly stated she favored raising the stormwater fee by \$2.00 as recommended by staff.

Commissioner Gillooly moved, seconded by Commissioner Kent, to approve amending the ordinance to increase the stormwater utility fee by \$2.00.

Commissioner Kelley stated he could not support raising the fee \$2.00; whereby, Mayor Costello stated that there were roads that needed stormwater improvements, and he felt a stormwater fee was the best way to pay for it.

Commissioner Partington stated the City stormwater fee would still be \$6.00 less than any other city in Volusia County.

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

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

Mayor Costello suggested removing the sunset provision; whereby, Mr. Hayes suggested they evaluate the changes at a later date.

Item #10(C) - Increasing Fees for the Collection and Disposal of Solid Waste

ORDINANCE NO. 2008-42
 AN ORDINANCE 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; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF;

AND SETTING FORTH AN EFFECTIVE DATE.

Commissioner Kent moved, seconded by Commissioner Kelley, to approve Ordinance No. 2008-42, on second reading, as read by title only.

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

Item #10(D) - Amending Permit Fees

ORDINANCE NO. 2008-43
AN ORDINANCE AMENDING CHAPTER 8, BUILDINGS AND CONSTRUCTION REGULATIONS, ARTICLE I, IN GENERAL, SECTION 8-3, LOCAL AMENDMENTS TO BUILDING CODE, SUBSECTION (B), SCHEDULE OF PERMIT FEES, OF THE CODE OF ORDINANCES, AMENDING PERMIT FEES; REPEALING ALL INCONSISTENT CODE SECTION REFERENCES OR PARTS THEREOF; AND SETTING FORTH AN EFFECTIVE DATE.

Commissioner Kent moved, seconded by Commissioner Kelley, to approve Ordinance No. 2008-43, on second reading, as read by title only.

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

Item #11(A) - Application Processing Fees, and Utility Installation Fees

ORDINANCE NO. 2008-45
AN ORDINANCE AMENDING CHAPTER 1, GENERAL ADMINISTRATION, ARTICLE IV, SCHEDULE OF DEVELOPMENT REVIEW AND IMPACT FEES, SECTION 1-26, APPLICATION PROCESSING FEES, AND SECTION 1-28, UTILITY INSTALLATION FEES, OF THE LAND DEVELOPMENT CODE; 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. 2008-45, on first 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 #11(B) - Adding Six Properties to the Ormond Beach Historic Landmarks List

ORDINANCE NO. 2008-46
AN ORDINANCE AMENDING CHAPTER 2, DISTRICT AND GENERAL REGULATIONS, ARTICLE VI, OVERLAY DISTRICTS, SECTION 2-71, HISTORIC DISTRICTS AND LANDMARKS, OF THE LAND DEVELOPMENT CODE, BY ADDING SIX (6) PROPERTIES TO THE ORMOND BEACH HISTORIC LANDMARKS LIST; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; PROVIDING FOR SEVERABILITY; AND SETTING FORTH AN EFFECTIVE DATE.

Commissioner Kent moved, seconded by Commissioner Kelley, to approve Ordinance No. 2008-46, on first reading, as read by title only.

Commissioner Kelley stated he could not support the Pilgrim’s Rest Church because it had been moved three times, the Ormond Beach Elementary School because he felt it would be defunct in the future, or the wall.

Mr. Ric Goss stated portions of the school were eligible for the National Register and then would be eligible for tax credits which could result in making money for the development of the property. He stated he felt it would be a benefit for the elementary school, particularly from a tax credit perspective in an adaptive reuse situation. With regard to the other properties, they were requested by a Commissioner to evaluate for their historic significance.

Mayor Costello suggested that Emmons Cottage be considered also. He stated he would be proud that the Ormond Beach Elementary School was on the National Register.

Mr. Goss stated the local significance of the property was not lost by moving historic property, and there was a benefit of having the property put on the list of local historic properties. Mayor Costello stated he would like a plaque to note that it had been moved.

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

Item #12(A) - Renewal of Property & Casualty Insurance

RESOLUTION NO. 2008-175
 A RESOLUTION ACCEPTING A PROPOSAL FROM BROWN & BROWN OF FLORIDA, INC., FOR THE RENEWAL OF PROPERTY & CASUALTY INSURANCE; AUTHORIZING THE EXECUTION OF AN AGREEMENT AND PAYMENT THEREFOR; AND SETTING FORTH AN EFFECTIVE DATE.

Commissioner Partington moved, seconded by Commissioner Kelley, to approve Resolution No. 2008-175, as read by title only.

Mayor Costello stated he was excited the City was saving \$136,385 in insurance costs.

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

Item #12(B) - Construction and Improvements to the Wastewater System

RESOLUTION NO. 2008-176
 A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF ORMOND BEACH, FLORIDA, PROVIDING FOR THE BORROWING OF NOT EXCEEDING \$7,000,000 IN ONE OR MORE SERIES FROM BRANCH BANKING AND TRUST COMPANY TO FINANCE THE COST OF A PORTION OF THE CONSTRUCTION AND IMPROVEMENTS TO THE WASTEWATER SYSTEM; PROVIDING FOR THE ISSUANCE OF A WASTEWATER SYSTEM REVENUE BOND, SERIES 2008, TO EVIDENCE THE CITY’S OBLIGATION TO REPAY SUCH LOAN; PROVIDING FOR THE PAYMENT OF THE SERIES 2008 BOND AND THE EXECUTION AND DELIVERY OF A LOAN AGREEMENT IN CONNECTION THEREWITH, CONTAINING TERMS AND CONDITIONS RELATING TO SUCH LOAN; AUTHORIZING FURTHER OFFICIAL ACTION IN CONNECTION WITH THE DELIVERY OF THE SERIES 2008 BOND AND THE LOAN AGREEMENT; DESIGNATING THE SERIES 2008 BOND AS A “QUALIFIED TAX EXEMPT OBLIGATION” UNDER 265(B)(3)(B) OF THE CODE; AND SETTING FORTH AN EFFECTIVE DATE.

Commissioner Kelley moved, seconded by Commissioner Partington, to approve Resolution No. 2008-176, as read by title only.

Mr. Gregory Avakian, 161 Heritage Circle, suggested waiting until a new city manager was on board; whereby, Mayor Costello stated the City was getting good bids with a cost lower than the initial estimate, and a new city manager probably would not impact them.

Commissioner Partington suggested delaying until April for Item D to save finance fees on the loan, and by that time a new manager would be on board.

Mr. Ted MacLeod, Acting City Manager, stated that we were committed to a construction contract which was on a tight schedule for compliance requirements. He stated a new city manager would not be directly involved or impact the project as the project was done by the City's technical staff. He stated we should move forward with the project, as there was nothing to be gained by delaying it. He stated they could have more problems by delaying the project, like they did with the water plant projects that were continually delayed.

Mr. MacLeod stated he spoke with Mr. Paul Lane, Finance Director, who advised we needed to have the bridge dome for the project underway now and the Censtate bid that would be awarded tonight. He stated the other funding would be received as needed. He stated between Mr. Lane and Ms. McGuire the City would have the most efficient borrowing way possible. He recommended going ahead with this.

Commissioner Kelley stated that most likely design and construction costs would increase by waiting a year. He suggested that waiting six months might not be beneficial either.

Mr. John Noble, City Engineer, stated the Utilities Department was in the process of updating their operating permit. He stated the department was adamant that they provide a schedule to meet the upgrade schedule for January 2010-December 2010, and by delaying the SRF loan, they would not be able to meet the schedule. He stated it was very difficult to get them to extend the schedule.

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

Item #12(C) - Wastewater Treatment Plant Rehabilitation Project

RESOLUTION NO. 2008-177

A RESOLUTION ACCEPTING A BID FROM CENSTATE CONTRACTORS, INC., FOR CONSTRUCTION SERVICES REGARDING THE WASTEWATER TREATMENT PLANT REHABILITATION PROJECT UNDER BID NO. 2008-13; AUTHORIZING THE EXECUTION OF A CONTRACT AND PAYMENT THEREFOR; REJECTING ALL OTHER BIDS; AND SETTING FORTH AN EFFECTIVE DATE.

Commissioner Kelley moved, seconded by Commissioner Kent, to approve Resolution No. 2008-177, as read by title only.

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

Commissioner Kelley noted the estimate for construction was \$5.4 million, and the bids came in at \$3.6 million.

Item #12(D) - Wastewater Treatment Plant Rehabilitation and Expansion Projects

RESOLUTION NO. 2008-178

A RESOLUTION AUTHORIZING THE EXECUTION OF A FIRST AMENDED AGREEMENT BETWEEN THE CITY AND CAMP DRESSER AND MCKEE REGARDING ENGINEERING

CONSTRUCTION ADMINISTRATION, INSPECTION AND DESIGN SERVICES FOR THE WASTEWATER TREATMENT PLANT REHABILITATION AND EXPANSION PROJECTS; AND SETTING FORTH AN EFFECTIVE DATE.

Commissioner Kelley stated the design part was very expensive at over \$1 million; whereby, Mr. MacLeod stated professional engineering services were procured under the provision of the Consultant's Competitive Negotiation Act, which was a qualifications based selection process. He stated a firm was selected based on the qualifications they presented, and then the scope of work and contract fee were negotiated.

Commissioner Kelley noted it was not an open bid process; whereby, Mr. MacLeod stated they selected the engineer as prescribed by state law.

Mr. Noble stated they looked at many things during the negotiation process such as ASCE recommendation fee curves, cost estimates for the scope of work, deleting contingencies (25%) in the cost estimates to get the price down as low as possible, reducing the engineering fee from \$1.6 million to \$1.197%, and cutting scope to reduce price. He stated his experience gave him the level of confidence to bring this item to them tonight.

Mayor Costello stated he was dissatisfied with the process.

Commissioner Partington asked if this was a unique design to Ormond Beach; whereby, Mr. Noble stated this was an existing facility that had to be retrofitted, and the design was labor intensive that involved a higher technical requirement than a virgin site where you built from scratch.

Commissioner Partington asked about a breakdown of the fee; whereby, Mr. Noble stated \$900,000 was for the generation of the plans and specifications for the design. Mr. MacLeod stated there was a breakdown based on all the scope items.

Commissioner Kelley asked about a professional contract negotiator; whereby, Mr. MacLeod stated the negotiation was on the scope and had to be negotiated by the professional staff. He stated it was a matter of defining the scope and the amount of effort required for the items included in the scope.

Commissioner Kelley stated that typically the engineer based their cost at 10% of the project cost; whereby, Mr. MacLeod stated it was not done that way. He stated the City had professional staff that had negotiated a lot of projects. He stated the biggest incentive was that they had to stand before them defending the fee. He stated they were tight, stingy and mean when negotiating the engineering fee. He stated this project was key to keeping the project on schedule to get the work done.

Commissioner Kent moved to approve Resolution No. 2008-178, as read by title only.

Commissioner Gillooly moved to table the item until the next meeting until a list of questions was answered.

Mr. MacLeod asked about a list of questions; whereby, Commissioner Gillooly stated she would provide them tomorrow.

The motion to table died for lack of a second.

Commissioner Kelley seconded the motion to approve.

Commissioner Kent stated he believed Mr. MacLeod when he said he fought for the best deal for the City.

Commissioner Kelley stated he respected Mr. MacLeod and Mr. Noble's opinion, but he was dissatisfied with the process.

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

Mayor Costello suggested that staff come up with some sort of resolution requesting that the state change this process.

Item #13 - Animal Licensing, Spaying and Neutering Issues

Commissioner Kelley stated the cost was an unknown amount, and he did not feel there were enough people that needed the service. He stated he did not favor the ordinance or the County bus program.

Commissioner Partington stated he supported the County's spay and neuter ordinance proposal to offset the cost, but he did not support paying for the cost of the bus.

Commissioner Kent stated he did not favor the ordinance or bus.

Commissioner Gillooly stated there were already opportunities for spaying and neutering services, so she was not in favor of the bus, but she was in favor of supporting the ordinance.

Mayor Costello stated the consensus was in favor of an ordinance for the spay and neuter program and not in favor of the bus. He asked staff to bring the ordinance back to them.

Mayor Costello suggested a fund of maybe \$10,000 to assist vets in a spay and neuter program, which would show that the City was in support of the program.

Commissioner Kent stated he did not feel it was the City's job to take care of peoples' animals.

Commissioner Kelley asked for statistics regarding the number of animals; whereby, Mr. Jay Cuddy, Division Chief Support Services, stated that 589 animals were transported to Halifax Humane Society last year. He stated they did not know how many were euthanized or how many were reclaimed by owners. He stated this year the total was about 280 because of a different method of handling the animals. He noted that there had been donations that allowed the purchase of kennels and the care of the animals for a longer time.

Item #14 – Reports, Suggestions, Requests

Rigby School Reunion

Commissioner Gillooly stated she attended the Rigby School reunion, and she was proud that a previous Commission voted to preserve its historical significance.

Surfside Motel

Commissioner Kent stated he apologized if the Surfside Motel had not been condemned.

Halloween Night

Commissioner Kent stated that Riverside Drive was closed for Halloween night, and it was unsafe for pedestrians and children because the older kids were going crazy. He stated he called the police last year because it was unsafe, and the atmosphere changed with the officer's presence.

Mayor Costello stated he was incredulous about the problems on Halloween night. He stated it was almost a gang situation in Breakaway Trails.

Open Flag/Sign

Commissioner Kent stated the people who own Hair to Dye For called him and told him that code enforcement notified them that they would be fined if they hung out their "open" for business flag. He requested reviewing this issue at a future meeting; whereby, Mayor Costello suggested he speak with Mr. Goss about the issue.

Habitat for Humanity

Commissioner Kelley stated that Habitat was getting ready to open two new homes in Ormond Beach. He stated he was glad to see this again in Ormond Beach.

Girl Scout Project

Commissioner Kent stated he had a request from a girl scout leader about on-going community service, as she was trying to teach the girl scouts about loving their community and giving back to it.

Mr. MacLeod stated there was a list of things they used for Eagle Scout projects, which would be provided.

Bahia Grass

Commissioner Kelley stated he had been noticing the condition of the St Augustine grass in the medians. He stated he felt there were other options that could save money in the long run.

Commissioner Kelley stated there had been Bahia grass in the medians, but it was replaced in 1998 with St. Augustine.

Retention Pond Break

Commissioner Kelley stated that WAV explained that two retention ponds in DeBary were breached above other ones, resulting in flooding. He stated the City should not have that kind of problem.

Halloween

Commissioner Kelley stated that back in 1980's there was easily 200 children running through The Trails subdivision on Halloween night.

Notebook Computers

Commissioner Kelley stated he favored doing something to eliminate the meeting notebooks using the technology with the copiers; whereby, Mr. MacLeod stated that project would be started this year when the technology was in place.

Kudos to Ted

Commissioner Kelley stated he appreciated Mr. MacLeod's efforts in making the City run smoothly.

Kudos to Ted

Commissioner Partington stated he appreciated Mr. MacLeod's efforts, as well, as he was direct and to the point.

Paperless Agenda

Commissioner Partington stated he felt paperless was the way to go. He suggested using a CD for the meeting packet. He also requested LDC updates on-line.

DRI Workshop October 7

Mr. MacLeod stated that Mr. Clay Ervin and Mr. Joe Mannarino needed to meet with the Commission to discuss Ormond Crossings and proposed changes to the DRI. He stated he would like to schedule a workshop on October 7 at 6:00 p.m.

Finance Director

Mr. MacLeod stated that Mr. Lane was retiring on September 30, and he was proposing to appoint Ms. McGuire as Finance Director.

Commissioner Gillooly stated she preferred Ms. McGuire be appointed Acting Finance Director at this time, as she felt appointing her as Finance Director was premature. She stated she felt the new city manager should make the decision to realign staff. She stated the Commission needed to discuss this at a future workshop.

Mr. MacLeod stated he had worked with Ms. McGuire on a day-to-day basis for some time and had seen how she performed. He stated there was not anyone better for the job, and he stated she had his complete confidence.

Commissioner Kent stated he appreciated Mr. MacLeod's forward thinking, because he felt it would make it easier on the city manager to have a support system/directors already in place.

Mayor Costello stated he had asked Mr. Miller if a new city manager wanted to appoint the directors, whereby, Mr. Miller advised the manager would prefer to already have staff in place.

Commissioner Kelley stated he supported Mr. MacLeod's decision 100% in appointing Ms. McGuire as Finance Director, her assuming both Budget and Finance Director positions, and including the Purchasing Coordinator position. He suggested she could get someone to fill in part-time for purchasing and budget.

Commissioner Partington stated he supported Mr. MacLeod's decision 100% also. He stated that not only had Ms. McGuire impressed Mr. MacLeod, but she had impressed the citizens of the City.

Commissioner Gillooly stated Ms. McGuire was responsive, knowledgeable and professional, but the savings would only be about \$20,000 to eliminate her position because another position was being created. She stated now there was a whole new plan, which she felt would change the original plan.

Commissioner Kent stated in the past when Mr. Lane did both jobs, the auditors considered him as having too much under his umbrella. He stated he asked Mr. MacLeod about the accountability; whereby, Mr. MacLeod stated this appointment would give Ms. McGuire the ability to solidify what needed to be done in the Finance Department. He stated there were five employees in the Finance Department who took early retirement.

Mayor Costello reminded the Commission that they did not have authority as far as appointments, and that Mr. MacLeod did not have to discuss it with them; whereby, Mr. MacLeod stated that as Acting City Manager, he had to ask for advice and consent from the Commission.

Leisure Services Director

Mr. MacLeod stated he had appointed Mr. Robert Carolin as Acting Leisure Services Director with the intent to perform an international search, but he stated Mr. Carolin had taken hold of the department and accomplished a great deal in a short time, and he was reluctant to do the national search. He stated he felt Mr. Carolin was the man for the job, and he would like to appoint him as Leisure Services Director.

Commissioners Kent and Kelley were in full agreement, but Commissioner Gillooly stated she felt he should be appointed Acting Leisure Services Director. She stated because of the other Recreation Manager position, she felt the search should be performed, and they were jumping the gun. She suggested they use more restraint.

Mr. MacLeod stated he interviewed both Recreation Managers to evaluate who should be the Acting Leisure Services Director, before appointing Mr. Carolin.

Commissioner Kelley stated he felt the morale would be fantastic as Mr. Carolin always had a smile on his face. He stated he felt Mr. Carolin was great for the job, and there was nothing wrong with the process as it was in Mr. MacLeod's authority.

Mayor Costello stated he was elated with Mr. MacLeod's decisions. He stated he felt the choices were excellent, and he felt it would increase morale to know that people were appointed from within. He stated he would tell the new manager that he supported staff, but if there was a problem, he wanted the manager to tell the Commission about it.

School Board Reimbursement

Mr. MacLeod stated staff would be meeting with the School Board to discuss their share of maintenance costs and capital investments. He stated in the past the School Board preferred a fee schedule. He stated the School Board would be paying more than other schools (i.e. Father Lopez, Calvary) on the theory that they were a separate taxing entity that was supposed to be providing their own recreation facilities, whereas the other agencies were not taxing entities and had no other responsibility in that regard. He stated the conflict would be that the School Board would not want to pay the capital element.

Commissioner Kelley stated that the School Board had paid the capital element in other locations.

Stormwater Ordinance Flexibility

Mayor Costello asked staff to think in terms of flexibility so the Commission had more time to decide without having to re-advertise something. He noted the stormwater sunset issue was one of those items.

Mr. MacLeod stated staff could put together a program within a certain guideline.

City Manager Interviews

Mayor Costello stated he wanted a manager that would be passionate like Mr. MacLeod was tonight. He stated he wanted a manager that would push something, because he thought it was important, whether the Commission agreed/approved it or not.

Item #14 - Close the Meeting

The meeting was adjourned at 12:40 p.m.

APPROVED: _____ October 7, 2008

City Commission – September 17, 2008

BY: _____
Fred Costello, Mayor

ATTEST:

Veronica Patterson, City Clerk