

**ORMOND BEACH CITY COMMISSION MEETING  
HELD AT CITY HALL COMMISSION CHAMBERS  
October 20, 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 Randy Hayes, and City Clerk Veronica Patterson.

**A G E N D A**

- 1) Meeting call to order by Mayor Costello.
- 2) Invocation.
- 3) Pledge of Allegiance.
- 4) **AUDIENCE REMARKS:**
- 5) **APPROVAL OF THE MINUTES** of the October 6, 2009, meeting.
- 6) **CONSENT AGENDA:** The action proposed is stated for each item on the Consent Agenda. Unless a City Commissioner removes an item from the Consent Agenda, no discussion on individual items will occur and a single motion will approve all items.
  - A) Resolution No. 2009-173 authorizing the execution of a lease agreement between the City of Ormond Beach and Prosperity Bank for the use of office space as a Police Department substation. (\$1 Annually) (Police Chief)
  - B) Resolution No. 2009-174 authorizing and ratifying the execution of a distribution letter between the City and the County of Volusia regarding funding assistance for a "Tutors R Us" program and the South Ormond Neighborhood Center; authorizing the execution of all documents incidental thereto, including any contract necessary for the City to accept the grant award. (Federal Edward Byrne Memorial Justice Assistance Grant Program - \$15,075 funding). (Grants Coordinator)
  - C) Resolution No. 2009-175 accepting the proposal of Penn Credit Corporation regarding debt collection services; authorizing the execution of an agreement and payment therefore; rejecting all other proposals. (Finance Director)
  - D) Resolution No. 2009-176 of the City of Ormond Beach, Florida, supporting actions by the Florida Department of Environmental Protection and the Environmental Regulation Commission to consider reasonable, science-based amendments to the designated uses and classification system of surface water bodies while protecting the quality of Florida's waters. (Utility Manager)
  - E) Resolution No. 2009-177 authorizing the acceptance of a public utility easement deed from Odyssey (IX) DP II, LLC, owners of the Ormond Mall located at 1248 Ocean Shore Boulevard, Ormond Beach, Florida (Parcel ID #3234-11-01-0120). (Utility Manager)
  - F) Resolution No. 2009-178 authorizing additional improvements for the Wastewater Treatment Plant Rehabilitation Project. (\$33,171.97) (Utilities Manager)
  - G) St. Johns River Water Management District conservation program. (Utilities Manager)
- DISPOSITION:** Approve as recommended in City Manager memorandum dated October 15, 2009.
- 7) **PUBLIC HEARING:** Ordinance No. 2009-37 authorizing the execution and issuance of the Fifth Amended Development Order for the "Wal-Mart Supercenter" Planned Business Development to allow a waiver of 89 parking spaces for internal parking lot improvements; establishing conditions and expiration of approval.
- 8) **FIRST READING OF ORDINANCES:**
  - A) Ordinance No. 2009-38 deleting Section 2-216, Development Review Board, of Article VI, Boards, Commissions, Committees and Other Agencies, of Chapter 2, Administration; of the Code of Ordinances; amending Section 2-217 Historic Landmark Preservation Boards, of Article VI, Boards, Commissions, Committees and Other

Agencies, of Chapter 2, Administration, of the Code of Ordinances by deleting current provisions and adding a reference to the Land Development Code.

B) Advisory board terms of office:

- 1) Ordinance No. 2009-39 amending Chapter 2, Administration, Article VI, Boards, Commissions, Committees and Other Agencies, of the Code of Ordinances, Section 2-214, Human Resources Board, by amending terms of office of members.
  - 2) Ordinance No. 2009-40 amending Chapter 2, Administration, Article VI, Boards, Commissions, Committees and Other Agencies, of the Code of Ordinances, Section 2-218, Neighborhood Improvement Advisory Board, by amending terms of office of members.
  - 3) Ordinance No. 2009-41 amending Chapter 2, Administration, Article VI, Boards, Commissions, Committees and Other Agencies, of the Code of Ordinances, Section 2-220, Aviation Advisory Board, by amending terms of office of members.
  - 4) Ordinance No. 2009-42 amending Chapter 2, Administration, Article VI, Boards, Commissions, Committees and Other Agencies, of the Code of Ordinances, Section 2-221, Leisure Services Advisory Board, by amending terms of office of members.
  - 5) Ordinance No. 2009-43 amending Chapter 2, Administration, Article VI, Boards, Commissions, Committees and Other Agencies, of the Code of Ordinances, Section 2-223, Citizens' Law Enforcement Advisory Board, by amending terms of office of members.
  - 6) Ordinance No. 2009-44 amending Chapter 2, Administration, Article VI, Boards, Commissions, Committees and Other Agencies, of the Code of Ordinances, Section 2-224, Quality of Life Advisory Board, by amending terms of office of members.
  - 7) Ordinance No. 2009-45 amending Chapter 2, Administration, Article VI, Boards, Commissions, Committees and Other Agencies, of the Code of Ordinances, Section 2-225, Environmental Advisory Board, by amending terms of office of members.
  - 8) Ordinance No. 2009-46 amending Chapter 2, Administration, Article VI, Boards, Commissions, Committees and Other Agencies, of the Code of Ordinances, Section 2-226, Budget Advisory Board, by amending terms of office of members.
  - 9) Ordinance No. 2009-47 amending Chapter 2, Administration, Article VI, Boards, Commissions, Committees and Other Agencies, of the Code of Ordinances, Section 2-227, Goodwill Ambassador Program, by amending terms of office of members.
  - 10) Ordinance No. 2009-48 amending Chapter 1, General Administration, Article II, Administration and Enforcement, of the Land Development Code, Section 1-15, Planning Board, by amending terms of office of members.
  - 11) Ordinance No. 2009-49 amending Chapter 1, General Administration, Article II, Administration and Enforcement, of the Land Development Code, Section 1-16, Board of Adjustment and Appeals, by amending terms of office of members.
  - 12) Ordinance No. 2009-50 amending Chapter 1, General Administration, Article II, Administration and Enforcement, of the Land Development Code, Section 1-17, Historic Landmark Preservation Board, by amending terms of office of members.
- C) Ordinance No. 2009-51 repealing Section 2-209, Sunset Review of Boards and Committees, of Division 1, Generally, of Article VI, Boards, Commissions, Committees and Other Agencies, of Chapter 2, Administration, of the Code of Ordinances of the City of Ormond Beach.
- D) Ordinance No. 2009-52 amending of the City of Ormond Beach, Florida, amending Article V, Stormwater Drainage Utility, of Chapter 22, Water and Sewers, of the Code of Ordinances; amending Section 22-153, Definitions; amending Section 22-158, Utility Fee Established; changing title to Section 22-159, to "Stormwater Pollution

Prevention,” and amending Section 22-159; Amending Section 22-160, Stormwater Management Fund; amending Section 22-161, Stormwater Drainage Utility Fee Collection; adopting provisions providing for administration and establishing terms and conditions thereof; providing for enforcement; providing for severability; providing for conflicting ordinances; and providing for an effective date.

- 9) **DISCUSSION ITEM:** Acquisition of downtown parking lot at 190 Coquina Court.
- 10) **REPORTS, SUGGESTIONS, REQUESTS:** Mayor, City Commission, City Manager, City Attorney.
- 11) **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

The invocation was giving by Commissioner Kelley.

Item #3 – Pledge of Allegiance

The Pledge of Allegiance was led by Mayor Costello.

Item #4 – Audience Remarks

Code Enforcement

Lawrence Cook, 1529 North Beach Street, stated he was looking for the truth regarding an issue which occurred 18 years ago.

Mayor Costello stated he had spent many hours listening to Mr. Cook and attempting to substantiate Mr. Cook’s statements, but had found no evidence of what Mr. Cook alleged.

Firefighters

Eric Sommerlad, 300 Wilmette Avenue, driver/engineer for Ormond Beach Fire Department, stated he previously worked at Station 94, referred to at the October 6, 2009, City Commission meeting as, “the gravy train station,” because of the low volume of calls. He related details of several extremely difficult calls he had responded to while at Station 94, involving horrific accidents and deaths. He stated this was not gravy, easy as pie, nor sugar and spice and everything nice; this was his job. He stated firefighters did not get paid for doing company inspections, pre-fire plans, hydrant maintenance, educating the public, or doing smoke detector programs; firefighters do not get paid for those things, because anyone could do those things. He stated the firefighters were not paid for what they do, but for what they do that no one else will. He stated the early retirement option did not help or hurt his career at this stage, but to compare his job with the general employees was disrespectful to the firefighter profession. He stated firefighters’ life spans were shortened from their jobs because of the greater stress on their bodies, and the things they witnessed that the Commission obviously does not want to know about. He stated he was insulted; he was offended; and he was ashamed for the amount of time the Commission members had held their seats and had not taken the time to truly know what the firefighters do.

Veterans’ Memorial

Susan Richmond, 733 North Halifax Avenue, reported the Ormond Memorial Art Museum’s project, funded by Commission approved TIFF funds, for a war memorial honoring Korean War veterans, was going well. She stated the search for an artist produced many fine submissions. She stated the three finalists’ presentations would be on display at the museum on Veterans’ Day for the public to vote on their choice.

Item #5 – Approval of the Minutes

Mayor Costello advised the minutes of the October 6, 2009, regular 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 #6 – 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 Kent requested Item #6(G) be discussed.

**Commissioner Kelley moved, seconded by Commissioner Partington, to approve the Consent Agenda, absent Item #6(G).**

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

Item #6(G) – St. Johns River Water Management District Conversation Program

Commissioner Kent stated that \$15,000 was returned from Water Authority of Volusia (WAV) and asked the other Commission members if it was wise to spend \$10,000 on a water conservation program.

Commissioner Kelley stated the educational part of conservation was worthwhile, but the results of a program should be measured, as WAV measured the benefit of a program. He stated that if St. Johns River Water Management could measure the effectiveness of a program, it would be fine; but they were going to institute the program whether the City participated or not.

Commissioner Gillooly inquired as to the any advantage of participation and expressed her desire to ensure the City got “bang for the buck.”

Mayor Costello stated the City should not only participate, but would probably contribute more for education in the future. The Mayor asked City Manager Joyce Shanahan to include the average consumption of water per person per day, in the past and currently, in the Weekly Review, because it had been a significant reduction.

Commissioner Kelley stated the City was below the district goal for consumption.

**Commissioner Kelley moved, seconded by Commissioner Partington, for approval of Item #6(G).**

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

Item #7 – Fifth Amended Development Order for the “Wal-Mart Supercenter”

ORDINANCE NO. 2009-37  
AN ORDINANCE AUTHORIZING THE EXECUTION AND ISSUANCE OF THE FIFTH AMENDED DEVELOPMENT ORDER FOR THE “WAL-MART SUPERCENTER” PLANNED BUSINESS DEVELOPMENT TO ALLOW A WAIVER OF 89 PARKING SPACES FOR INTERNAL PARKING LOT IMPROVEMENTS; ESTABLISHING CONDITIONS AND EXPIRATION OF APPROVAL; AND SETTING FORTH AN EFFECTIVE DATE.

Commissioner Gillooly stated although, she appreciated the proposed improvements, the applicant had been in non-compliance for a while, and she suggested that code compliance be a condition of approval for the parking variance.

Commissioner Kent stated he agreed with Commissioner Gillooly’s position.

Mayor Costello stated he appreciated that Wal-Mart was improving the appearance, and suggested changes for the entrance to be accomplished within three years; adding striping for the left turn lane for eastbound traffic and adding a right turn lane for the westbound traffic. He stated he wanted the entrance improved due to safety issues, and offered assistance with the Florida Department of Transportation (FDOT).

Shane Guin, Deplantis Design Group, representing Wal-Mart, stated that non-Wal-Mart delivery trucks have torn up the landscaping in the parking lot by using the wrong entrance, but changes had been made to resolve the problem. He stated the site maintenance issue of resealing and striping the parking lot was scheduled in their 2010 maintenance program after the construction project was completed. He stated the pedestrian walkways were also an issue, and he would take the Commission’s requirements to Wal-Mart and provide a response at the second reading.

Mayor Costello suggested Wal-Mart be given three years to complete the entrance improvements.

Planning Director Ric Goss stated this request was the sixth major amendment to the development order; all to the expansion of floor area, signage, the way vehicles move around the parking lot, and we still have issues. He stated what was being proposed was better than what currently existed, and they were willing to consider the Commission’s request; therefore, the situation was moving closer to what the Commission desired.

Mr. Guin stated the parking lot improvements resolved most of the code violations due to the damage of the large trucks, and the resealing and restriping of the parking lot would be done in 2010, leaving only the intersection and walkway.

Commissioner Gillooly stated the walkway should be done within a year of the architectural improvements.

**Commissioner Kelley moved, seconded by Commissioner Partington, for approval of Ordinance No. 2009-37, as read by title only, subject to stipulation the intersection improvements be completed within three years.**

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

Mr. Guin stated he would discuss the changes with Wal-Mart, and return with their response at second reading. He stated the intersection improvements were a large undertaking with FDOT, and requested the City provide assistance obtaining the FDOT approval.

Mayor Costello with no objection, public hearing is closed.

Item # 8(A) – Deleting Development Review Board and Amending Historic Landmark Preservation Board

ORDINANCE NO. 2009-38  
 AN ORDINANCE DELETING SECTION 2-216, DEVELOPMENT REVIEW BOARD, OF ARTICLE VI, BOARDS, COMMISSIONS, COMMITTEES AND OTHER AGENCIES, OF CHAPTER 2, ADMINISTRATION OF THE *CODE OF ORDINANCES*; AMENDING SECTION 2-217, HISTORIC LANDMARK PRESERVATION BOARD, OF ARTICLE VI, BOARDS, COMMISSIONS, COMMITTEES, AND OTHER AGENCIES, OF CHAPTER 2, ADMINISTRATION, OF THE *CODE OF ORDINANCES* BY DELETING CURRENT PROVISIONS AND ADDING A REFERENCE TO THE LAND DEVELOPMENT CODE; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; AND SETTING FORTH AN EFFECTIVE DATE.

**Commissioner Kent moved, seconded by Commissioner Kelley, for approval of Ordinance No. 2009-38, on first reading, as read by title only.**

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

Item #8(B)1 – Human Resources Board

ORDINANCE NO. 2009-39

AN ORDINANCE AMENDING SECTION 2-214, HUMAN RESOURCES BOARD, OF ARTICLE VI, BOARDS, COMMISSIONS, COMMITTEES, AND OTHER AGENCIES, OF CHAPTER 2, ADMINISTRATION, OF THE *CODE OF ORDINANCES*, BY EXPENDING THE TERMS OF OFFICE OF CURRENT BOARD MEMBERS; BY AMENDING TERMS OF OFFICE; BY REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; AND SETTING FORTH AN EFFECTIVE DATE.

**Commissioner Kelley moved, seconded by Commissioner Partington, for approval of Ordinance No. 2009-39, on first 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 #8(B)2 – Neighborhood Improvement Board

ORDINANCE NO. 2009-40

AN ORDINANCE AMENDING SECTION 2-218, NEIGHBORHOOD IMPROVEMENT ADVISORY BOARD, OF ARTICLE VI, BOARDS, COMMISSIONS, COMMITTEES, AND OTHER AGENCIES, OF CHAPTER 2, ADMINISTRATION, OF THE *CODE OF ORDINANCES*, BY EXPENDING THE TERMS OF OFFICE OF CURRENT BOARD MEMBERS; BY AMENDING TERMS OF OFFICE; BY REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; AND SETTING FORTH AN EFFECTIVE DATE.

**Commissioner Kelley moved, seconded by Commissioner Kent, for approval of Ordinance No. 2009-40, 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 #8(B)3 – Aviation Advisory Board

ORDINANCE NO. 2009-41

AN ORDINANCE AMENDING SECTION 2-220, AVIATION ADVISORY BOARD, OF ARTICLE VI, BOARDS, COMMISSIONS, COMMITTEES, AND OTHER AGENCIES, OF CHAPTER 2, ADMINISTRATION, OF THE *CODE OF ORDINANCES*, BY EXPENDING THE TERMS OF OFFICE OF CURRENT BOARD MEMBERS; BY AMENDING TERMS OF OFFICE; BY REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; AND SETTING FORTH AN EFFECTIVE DATE.

**Commissioner Kelley moved, seconded by Commissioner Kent, for approval of Ordinance No. 2009-41, on first reading, as read by title only.**

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

Item #8(B)4 – Leisure Services Advisory Board

ORDINANCE NO. 2009-42

AN ORDINANCE AMENDING SECTION 2-221, LEISURE SERVICES ADVISORY BOARD, OF ARTICLE VI, BOARDS, COMMISSIONS, COMMITTEES, AND OTHER AGENCIES, OF CHAPTER 2, ADMINISTRATION, OF THE *CODE OF ORDINANCES*, BY EXPENDING THE TERMS OF OFFICE OF CURRENT BOARD MEMBERS; BY AMENDING TERMS OF OFFICE; BY

REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; AND SETTING FORTH AN EFFECTIVE DATE.

**Commissioner Kelley moved, seconded by Commissioner Gillooly, for approval of Ordinance No. 2009-42, on first reading, as read by title only.**

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

Item #8(B)5 – Citizens’ Law Enforcement Advisory Board

ORDINANCE NO. 2009-43

AN ORDINANCE AMENDING SECTION 2-223, CITIZENS’ LAW ENFORCEMENT ADVISORY BOARD, OF ARTICLE VI, BOARDS, COMMISSIONS, COMMITTEES, AND OTHER AGENCIES, OF CHAPTER 2, ADMINISTRATION, OF THE *CODE OF ORDINANCES*, BY EXPENDING THE TERMS OF OFFICE OF CURRENT BOARD MEMBERS; BY AMENDING TERMS OF OFFICE; BY REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; AND SETTING FORTH AN EFFECTIVE DATE.

**Commissioner Kelley moved, seconded by Commissioner Kent, for approval of Ordinance No. 2009-43, on first 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 #8(B)6 – Quality of Life Advisory Board

ORDINANCE NO. 2009-44

AN ORDINANCE AMENDING SECTION 2-224, QUALITY OF LIFE ADVISORY BOARD, OF ARTICLE VI, BOARDS, COMMISSIONS, COMMITTEES, AND OTHER AGENCIES, OF CHAPTER 2, ADMINISTRATION, OF THE *CODE OF ORDINANCES*, BY EXPENDING THE TERMS OF OFFICE OF CURRENT BOARD MEMBERS; BY AMENDING TERMS OF OFFICE; BY REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; AND SETTING FORTH AN EFFECTIVE DATE.

**Commissioner Kelley moved, seconded by Commissioner Gillooly, for approval of Ordinance No. 2009-44, 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 #8(B)7 – Environmental Advisory Board

ORDINANCE NO. 2009-45

AN ORDINANCE AMENDING SECTION 2-225, QUALITY OF LIFE ADVISORY BOARD, OF ARTICLE VI, BOARDS, COMMISSIONS, COMMITTEES, AND OTHER AGENCIES, OF CHAPTER 2, ADMINISTRATION, OF THE *CODE OF ORDINANCES*, BY EXPENDING THE TERMS OF OFFICE OF CURRENT BOARD MEMBERS; BY AMENDING TERMS OF OFFICE; BY REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; AND SETTING FORTH AN EFFECTIVE DATE.

**Commissioner Kelley moved, seconded by Commissioner Partington, for approval of Ordinance No. 2009-45, on first reading, as read by title only.**

Call Vote:	Commissioner Kelley	Yes
	Commissioner Partington	Yes

	Commissioner Gillooly	Yes
	Commissioner Kent	Yes
Carried.	Mayor Costello	Yes

Item #8(B)8 – Budget Advisory Board

ORDINANCE NO. 2009-46  
 AN ORDINANCE AMENDING SECTION 2-226, QUALITY OF LIFE ADVISORY BOARD, OF ARTICLE VI, BOARDS, COMMISSIONS, COMMITTEES, AND OTHER AGENCIES, OF CHAPTER 2, ADMINISTRATION, OF THE *CODE OF ORDINANCES*, BY EXPENDING THE TERMS OF OFFICE OF CURRENT BOARD MEMBERS; BY AMENDING TERMS OF OFFICE; BY REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; AND SETTING FORTH AN EFFECTIVE DATE.

**Commissioner Kelley moved, seconded by Commissioner Partington, for approval of Ordinance No. 2009-46, on first reading, as read by title only.**

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

Item #8(B)9 – Budget Advisory Board

ORDINANCE NO. 2009-47  
 AN ORDINANCE AMENDING SECTION 2-227, Goodwill Ambassador Program, OF ARTICLE VI, BOARDS, COMMISSIONS, COMMITTEES, AND OTHER AGENCIES, OF CHAPTER 2, ADMINISTRATION, OF THE *CODE OF ORDINANCES*, BY EXPENDING THE TERMS OF OFFICE OF CURRENT BOARD MEMBERS; BY AMENDING TERMS OF OFFICE; BY REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; AND SETTING FORTH AN EFFECTIVE DATE.

**Commissioner Kelley moved, seconded by Commissioner Gillooly, for approval of Ordinance No. 2009-47, on first 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 #8(B)10 – Planning Board

ORDINANCE NO. 2009-48  
 AN ORDINANCE AMENDING SECTION 1-15, PLANNING BOARD, OF ARTICLE II, ADMINISTRATION AND ENFORCEMENT, OF CHAPTER 1, ADMINISTRATION, OF THE *LAND DEVELOPMENT CODE*, BY EXPENDING THE TERMS OF OFFICE OF CURRENT BOARD MEMBERS; BY AMENDING TERMS OF OFFICE; BY REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; AND SETTING FORTH AN EFFECTIVE DATE.

**Commissioner Kelley moved, seconded by Commissioner Gillooly, for approval of Ordinance No. 2009-48, 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 #8(B)11 –Board of Adjustment and Appeals

ORDINANCE NO. 2009-49  
 AN ORDINANCE AMENDING SECTION 1-16, BOARD OF ADJUSTMENT AND APPEALS, OF ARTICLE II, ADMINISTRATION AND ENFORCEMENT, OF

CHAPTER 1, ADMINISTRATION, OF THE *LAND DEVELOPMENT CODE*, BY EXPENDING THE TERMS OF OFFICE OF CURRENT BOARD MEMBERS; BY AMENDING TERMS OF OFFICE; BY REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; AND SETTING FORTH AN EFFECTIVE DATE.

**Commissioner Kelley moved, seconded by Commissioner Partington, for approval of Ordinance No. 2009-49, on first reading, as read by title only.**

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

Item #8(B)12 – Historic Landmark Preservation Board

ORDINANCE NO. 2009-50

AN ORDINANCE AMENDING SECTION 1-17, HISTORIC LANDMARK PRESERVATION, OF ARTICLE II, ADMINISTRATION AND ENFORCEMENT, OF CHAPTER 1, ADMINISTRATION, OF THE *LAND DEVELOPMENT CODE*, BY EXPENDING THE TERMS OF OFFICE OF CURRENT BOARD MEMBERS; BY AMENDING TERMS OF OFFICE; BY REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; AND SETTING FORTH AN EFFECTIVE DATE.

**Commissioner Kelley moved, seconded by Commissioner Gillooly, for approval of Ordinance No. 2009-50, on first reading, as read by title only.**

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

Item # 8(C) – Sunset Review of Boards

ORDINANCE NO. 2009-51

AN ORDINANCE REPEALING SECTION 2-209, SUNSET REVIEW OF BOARDS AND COMMITTEES, OF DIVISION 1, GENERALLY, OF ARTICLE VI, BOARDS, COMMISSIONS, COMMITTEES AND OTHER AGENCIES, OF CHAPTER 2, ADMINISTRATION OF THE CODE OF ORDINANCES OF THE CITY OF ORMOND BEACH; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; AND SETTING FORTH AN EFFECTIVE DATE.

**Commissioner Kelley moved, seconded by Commissioner Partington, for approval of Ordinance No. 2009-51, on first 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 # 8(D) – Stormwater Pollution Prevention

ORDINANCE NO. 2009-52

AN ORDINANCE OF THE CITY OF ORMOND BEACH, FLORIDA, AMENDING ARTICLE V, STORMWATER DRAINAGE UTILITY, OF CHAPTER 22, WATER AND SEWERS, OR THE CODE OF ORDINANCES; BY CREATING DIVISION 1, GENERALLY, AND AMENDING SECTION 22-152, DEFINITIONS; CREATING DIVISION 2, RATES AND CHARGES, AND AMENDING SECTION 22158, UTILITY FEE ESTABLISHED; CREATING DIVISION 3, STORMWATER POLLUTION PREVENTION, CHANGING TITLE OF SECTION 22-159, TO “STORMWATER POLLUTION PREVENTION”, AND AMENDING SECTION 22-159; AMENDING SECTION 22-160, STORMWATER MANAGEMENT FUND; AMENDING SECTION 22-161, STORMWATER DRAINAGE UTILITY FEE COLLECTION; ADOPTING PROVISIONS PROVIDING FOR ADMINISTRATION

AND ESTABLISHING TERMS AND CONDITIONS THEREOF; PROVIDING FOR ENFORCEMENT; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTING ORDINANCES; AND PROVIDING FOR AN EFFECTIVE DATE.

**Commissioner Partington moved, seconded by Commissioner Gillooly, for approval of Ordinance No. 2009-52, 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

Commissioner Kelley stated the number one polluter of nitrogen into the bodies of water was rain and lightening, not man-made causes.

Mayor Costello asked the City Manager to research the subject as a matter of education.

Item #9 - Acquisition of Downtown Parking Lot at 190 Coquina Court.

Dwight Selby, 200 East Granada Boulevard, thanked the Commission for discussing this topic, which was about the City's role in providing parking in the downtown, specifically on the beachside, and he was interested in hearing the Commission member's thoughts. He stated he was a partner in this property, and the Bank of America building, with Chuck Strasser, Sandy Miller, Save-A-Lot Car Rental, and Tom Dargan, from Floridian Bank; all active members of the community. He stated they only wanted to do this project if everyone wanted to do it. He stated the City should be proactive in providing parking in the downtown, because 1% of the land area in the City was in the downtown area, but 5% of the tax base in the City was in the downtown. He noted this property was already being used by public for parking, and that Main Street endorsed the acquisition.

Commissioner Kent questioned the appraisal for a lease rate was \$57,000 a year, but Selby's lease offer was double that amount at \$115,000 per year. He stated he did not support taking any action at this time.

Commissioner Kelley stated the City could not afford to buy the property; and a lease would be a huge responsibility at this time. He supported waiting.

Commissioner Partington agreed with waiting, but was interested in the cost of right-of-first-refusal.

Commissioner Gillooly stated the lack of parking was more of a problem on the west side of the river than on the beachside, and she hoped for an opportunity to address this in the future.

Mayor Costello stated any money spent now on property should be for beach property, which was a higher priority. The Mayor expressed willingness to work on "way finding" signs to the parking. He stated he was not particularly interested in a lease option but would consider it.

City Manager Shanahan stated staff was already working on the "way finding" signs.

Item #10 – Reports, Suggestions, Requests

Foreclosures

Commissioner Kelley stated he was made aware that a lot of homeowners were being forced into foreclosure to be able qualify for refinancing.

Commissioner Gillooly stated Commissioner Kelley brought up a great point that owners must be in trouble before access was granted to programs to help.

Firefighter's Comments

Commissioner Kelley stated his comment about "stuff" was that if we could reduced response time to four minutes or less to save someone's life, he does not care if a fire truck was 30 seconds later and his house burned down; he would rather save a life.

Commissioner Gillooly explained her comment about the Fire Department being an insurance policy, but her meaning was that at the end of the day when she paid her insurance premium, she was grateful she did not have a claim and did not begrudge paying the insurance policy; as with the Fire Department, she was grateful to have them, in case of a fire. She stated the Fire

Department did have respect of the Commission, but unfortunately, during contract negotiations, it was difficult due to the heavy hand that's been out there.

Signs Now

Commissioner Partington asked staff to research piggybacking on the same contract for the Holly Hill's signage program with Signs Now.

John Anderson Drive Meeting

Commissioner Gillooly expressed gratitude for the large turnout of citizens, and the manner in which the meeting was handled in a polite way. She stated it was an example of how government should work; we do it right in the City.

Commissioner Kent complimented Fire Chief Irby for handling the crowd situation at the John Anderson Drive meeting in a calm, polite, and professional manner.

Mayor Costello stated the John Anderson Drive meeting was fabulous, and he was proud of the way the meeting went, with the controversy changed from whether to have sidewalks to whether the traffic should be one-way or two-way.

Halloween

Commissioner Kent requested City Manager Shanahan have two uniformed officers on Riverside Drive to control the crowds for safety reasons.

Item #11 – Close the Meeting

The meeting was adjourned at 8:21 p.m.

APPROVED: November 3, 2009

BY: Fred Costello, Mayor

ATTEST:

Veronica Patterson, City Clerk