

**ORMOND BEACH CITY COMMISSION MEETING  
HELD AT CITY HALL COMMISSION CHAMBERS  
September 8, 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 by Father Bill Zamborsky, Prince of Peace Catholic Church.
- 3) Pledge of Allegiance.
- 4) **FIRST PUBLIC HEARING – FY 2009-2010 PROPOSED MILLAGE RATES AND BUDGET:**
  - A) Resolution No. 2009-124 adopting proposed millage rates for the 2009-2010 fiscal year; establishing a date, time and place for a public hearing to adopt final millage rates and final budget. (3.67418 operating millage rate; debt service millage rates of 0.09600 and 0.3950)
  - B) First Reading of Ordinance No. 2009-31 adopting the Annual Budget for the 2009-2010 Fiscal Year beginning October 1, 2009, and ending September 30, 2010; repealing all inconsistent ordinances or parts thereof. (\$99, 139,922)
- 5) **AUDIENCE REMARKS:**
- 6) **APPROVAL OF THE MINUTES** of the August 18, 2009, meeting.
- 7) **CONSENT AGENDA:** The action proposed is stated for each item on the Consent Agenda. Unless a City Commissioner removes an item from the Consent Agenda, no discussion on individual items will occur and a single motion will approve all items.
  - A) Resolution No. 2009-125 amending the dates and times for the holding of regular meetings of the City Commission of the city of Ormond Beach, Florida, for the month of October 2009; providing for exceptions thereto. (Wednesday, October 7, 2009, to Tuesday, October 6, 2009) (City Clerk)
  - B) Resolution No. 2009-126 appointing a member of the Leisure Services Advisory Board; setting forth term and conditions of service. (John Scotti)
  - C) Resolution No. 2009-127 authorizing the creation of a Real Estate Brokerage Commission Program and approving the payment of commissions to licensed real estate brokers for inducing the sale of designated City owned property for economic development use and to encourage new capital investment and creation of jobs at the Airport business Parl. (Economic Development Director)
  - D) Resolution No. 2009-128 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. (\$3,683) (Planning Director)
  - E) Resolution No. 2009-129 accepting a quotation from Kathy Harper Painting, LLC, for miscellaneous painting services under RFQ No. 2009-17; authorizing the execution of a contract and payment therefore; rejecting all other bids. (Leisure Services Director)
  - F) Debris removal and disposal agreements:
    - 1) Resolution No. 2009-130 renewing an agreement between the City of Ormond Beach and DRC Emergency Services, LLC, regarding emergency debris removal, reduction and disposal services. (Public Works Operations Manager)
    - 2) Resolution No. 2009-131 renewing an agreement between the City of Ormond Beach and Phillips & Jordan, Inc., regarding emergency debris removal, reduction and disposal services. (Public Works Operations Manager)

- 3) Resolution No. 2009-132 renewing an agreement between the City of Ormond Beach and Storm Reconstruction Services, Inc., regarding emergency debris removal, reduction and disposal services. (Public Works Operations Manager)
- G) Resolution No. 2009-133 authorizing the execution of Change Order Number One (1) to that contract awarded to Big Value Garden Center regarding the CDBG Beachside Palm Tree Planting and Irrigation project, by increasing the contract price by \$2,877. (\$42,605 total contract price) (Acting City Engineer/Grants Coordinator)
- H) Resolution No. 2009-134 terminating a Fourth Amended and restated Interlocal Agreement between the City of Ormond Beach and the Water Authority of Volusia; authorizing the transmittal of the City's intent of terminate said agreement.
- I) Resolution No. 2009-142 appointing a member to serve on the Aircraft Noise Abatement Task Force; setting forth term and conditions of service. (Ken Byrnes) (Airport Manager)
- J) Noise Abatement Task Force recommendation.

DISPOSITION: Approve as recommended in City Manager  
Memorandum dated September 3, 2009.

8) **PUBLIC HEARINGS:**

- A) Resolution No. 2009-135 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. (\$52,000) (Planning Director)
  - B) Ordinance No. 2009-28 of the City of Ormond Beach, Florida, amending the Future Land Use Element of the Comprehensive Plan by amending the Future Land Use Map to change the designation of one (1) parcel of real property totaling 4.28 acres located at 1291 West Granada Boulevard, from "Suburban Low Density Residential" to "Office/Professional." (Second Reading) (Planning Director)
  - C) Ordinance No. 2009-29 amending Subsection A, Zoning Map, of Chapter 2, District and General Regulations, Article I, Establishment of Zoning districts and Official Zoning Map, Section 2-03, Official Zoning Map and Zoning Districts, of the City of Ormond Beach *Land Development Code*, by rezoning two parcels of real property totaling 8.28 acres located at 570 and 592 Sterthaus Drive, from B-1 (Professional Office/Hospital) to PBD (Planned Business Development); authorizing revision of the Official Zoning Map; approving a Development Order for a Planned Business Development to be known as "Madison Glen Apartments"; establishing conditions therefore; and approving and authorizing the removal of one historic tree located on the property. (Second Reading) (Planning Director)
- 9) **SECOND READING OF ORDINANCE** No. 2009-30 amending Chapter 2, District and General Regulations, Article V, Non-conformance, Section 2-68, Application for a Determination of the Status of Non-conformity, of the *Land Development Code* by deleting the reference to the Development Review Team and adding a reference to the Determination Application Fee. (Planning Director)

10) **FIRST READING OF ORDINANCES:**

- A) Ordinance No. 2009-32 amending Sections 22-23, 22-24, and 22-71 of Chapter 22, Water and Sewers, of the Code of Ordinances, by increasing the minimum water and sewer rates. (Finance Director)
  - B) Ordinance No. 2009-33 amending Chapter 10, Solid Waste, Yard Waste and Recyclables, 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. (Finance Director)
- 11) **DISCUSSION ITEMS:**

- A) Volusia County revisions to regulations relating to Community Redevelopment Areas. (Economic Development Director)
  - B) Regulations regarding vehicle parking at residential properties. (Neighborhood Improvement Manager)
- 12) **REPORTS, SUGGESTIONS, REQUESTS:** Mayor, City Commission, City Manager, City Attorney.
- 13) **CLOSE THE MEETING.**

Item #1 – Meeting Call to Order

The meeting was called to order by Mayor Costello at 7:01 p.m.

Press Release – September 11, 2001

Mayor Costello read a press release regarding a silent observance on Friday, September 11, 2009, at 8:46 a.m., in memory of the 2,974 people who lost their lives on September 11, 2001, due to the terrorist attacks. He stated flags would be at half mast.

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 #4A – Proposed Millage Rates

RESOLUTION NO. 2009-124

A RESOLUTION ADOPTING PROPOSED MILLAGE RATES FOR THE 2009-2010 FISCAL YEAR; ESTABLISHING A DATE, TIME AND PLACE FOR A PUBLIC HEARING TO ADOPT FINAL MILLAGE RATES AND FINAL BUDGET; AND SETTING FOR TH AN EFFECTIVE DATE.

Mayor Costello stated the tentative millage rate for 2009-2010 was 03.67418 mills, which was a 4% tax decrease from the rollback rate of 3.92802. The Mayor stated the tentative debt service rates were 0.09600 for the 2002 General Obligation Bond Sinking Fund and 0.03950 for the 2003 General Obligation Bond Sinking Fund.

Finance Director Kelly McGuire explained the budget process started with a number of public meetings: Town Hall meetings; the Capital Improvement Budget workshop; and the Operating Budget workshop. She stated that this was the first of two public meetings regarding the 2009-2010 budget; the last meeting would be Monday, September 14. She stated the proposed budget was just under \$85 million, which was a reduction of approximately \$5 million from the current budget, equaling about a 17% reduction. She reported the General Fund budget decreased by \$2 million or 6.5%; constituting a reduction in twelve staff positions and a 10% reduction in Commission salaries. She stated some of the reductions were due to a decrease in the number of capital projects or a decrease in the dollar amount of the capital projects. Ms. McGuire explained the taxable value for 2009 was about \$2.9 billion, which was a reduction of \$440 million, and even at the same tax rate, this resulted in a revenue decrease overall of \$1.6 million in tax revenue. She stated the proposed millage rate for the Operating Fund millage was 6.46% below the rollback of 3.92 mills, and the total Operating and Debt Service millage was equal to the current rate. She pointed out the proposed millage was the second lowest in Volusia County, where in the current year the City was the fourth lowest. She explained the majority, 31%, of the City's revenue came from chargeable services, which included water, sewer, stormwater charges, as well as leisure services charges. She stated a large portion of the budget was for debt financing, which was close to \$25 million in the proposed budget, primary loans for the wastewater plant and other utility infrastructure. She stated that although the General Fund reserves were not typically used to fund ongoing expenditures, other funds, such as Impact Fee Fund reserves were used to fund a capital project; the proposed budget contained \$6.6 million in reserve funds being expended. Ms. McGuire reported the property tax revenue dollars constituted just under 13%, or \$10.8 million, of the overall budget. She stated the majority of the budget was expended on capital projects, not personnel, which was 27%, or just under \$23 million for wages and benefits, decreasing over the last several years due to no salary increases and a decrease in the number of positions.

Glenn Jaspers, 160 Ocean Terrace, stated the Commission should review all the individual items in the budget. He expressed his opposition to the improvements to Rockefeller Park, WAV, Community Redevelopment Agency, the airport, Three Chimneys and many of the capital improvements in past and future budgets.

Mayor Costello explained the upgrades to the Casements and Rockefeller Park, which included \$.5 million of ECHO funds, allowed citizens to enjoy the park, and events did not have to be cancelled due to poor conditions. The Mayor stated that 97.5% of the funds used to maintain and improve the airport came from FAA and FDOT; the other 2.5% that came from the City was a loan to the airport, until the airport was self-sustaining and repaid the loan. He stated the story about the City paying to build a road was false because the County did not build any road that was not in the 5 Year Plan and partnered with a municipality. Mayor Costello stated that the City was not paying for the Three Chimneys project; the Historic Society had a management contract for the property and was in the process of seeking grant funding.

John McLeish, 671 Buena Vista Avenue, discussed his property tax bill and his loss of a low income senior exemption through the County.

Karen Sherman, 20 Winding Woods Trail, stated her taxable value went down but her taxes went up; whereby, Ms. McGuire stated, after reviewing her proposed tax bill, Ms. Sherman's City taxes only went up \$.38 for the year.

Sean Daly, Northbrook, stated the current rollback rate was not a reduction from the rollback rate of 2001, and in fact, there have been double digit increases in the last eight years. He stated his millage rate was not reduced compared to 2002. He commented the money spent on the new park at the Casements was fine, but he can not ride his bicycle in the park, even though the ordinance only limited bicycles and skateboards at City Hall, not the park. He inquired as to what the City had done about the pension costs; he suggested any new employees be offered a defined contribution rather than a defined benefit plan. Mr. Daly urged the Commission to continue rollback rates for the millage rate. He stated he was opposed to giving to charitable organizations. He stated he was against the Community Redevelopment Agency giving funds to a select few to the detriment of everyone else and what benefits had been produced. He stated that Blackberrys, cell phones, and city vehicles for personal use were not necessary. He stated that employees' pay history should be posted on the website. He suggested money be spent on assisting citizens in financial difficulty rather than for charitable contributions. He stated this was a great city with great people, but there needed to be a difference in philosophy in how the City spent money.

Mayor Costello responded that fiscal decisions in the last several years were made to improve the financial stability of the City. The Mayor stated bicycles should be allowed in Rockefeller Park, but not skateboards.

Commissioner Kent stated skateboarding should be done at the skateboard park, and bicycles should be allowed at the Casements.

Mayor Costello stated this Commission had worked to resolve the issue of pension costs and explained the overlap to change to defined contribution, while paying for the defined benefit due to current members of the pension plan, would be more expensive. He explained when the State allowed use of funds for enhancements to be used to pay for benefits, the City could convert to a defined contribution pension plan. Mayor Costello stated the \$8,000 contribution to Daytona Beach International Festival for the London Symphony Orchestra included numerous events held in the City, where the dollars were returned to the City and the local businesses many times over in the advertising value. The Mayor requested that the City Manager include any contributions made by the City in the Weekly Review. Mayor Costello stated he paid for his own Blackberry, and he stated employee salary information was available with a public request, but should not be posted on the website. The Mayor responded that 73% of the citizens at the Town Hall meetings did not want services cut, and the proposed budget maintained services while cutting the millage rate. He stated he was proud and excited about what the Commission had done to reduce the budget, and the City should pay for today, what was used today.

Commissioner Kelley pointed out that the total amount of tax revenue received did not cover the cost of funding the police and fire services, and a good job had been done with the available resources.

Commissioner Gillooly stated the proposed budget included a "holding line item" for flood water management or a beach park; the increased Leisure Services fees would probably never cover the costs of activities; the City had the best Main Street organization ever, which was trying to

utilize tax dollars to the maximum benefit; and the Council on Aging utilized each dollar from the City to acquire four grant dollars for services to citizens. She stated the City could not provide the services for the citizens that these agencies provided through partnering with the City.

**Commissioner Kelley moved, seconded by Commissioner Kent, to adopt the proposed of the operating millage rate of 3.67418 and the debt service millage rates of 0.09600 and 0.03950.**

Mayor Costello stated the tentative operating millage rate was 6.46% less than the rollback rate, and the resolution included the adoption of the tentative debt services millage rates for the 2002 General Obligation Bond Sinking Fund of 0.09600, and for the 2003 General Obligation Bond Sinking Fund of 0.3950.

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

Mayor Costello stated the operating millage rate was set at 3.67481 mills, which was 6.46% less than the rollback millage rate.

Item #4B – Adopting the Annual Budget for FY 2009-2010

ORDINANCE NO. 2009-31  
AN ORDINANCE ADOPTING THE ANNUAL BUDGET FOR THE 2009-2010  
FISCAL YEAR BEGINNING OCTOBER 1, 2009 AND ENDING SEPTEMBER 30,  
2010; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF;  
AND SETTING FORTH AN EFFECTIVE DATE.

**Commissioner Kelley, Commissioner Gillooly seconded, for approval of Ordinance No. 2009-31, 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 #5 – Audience Remarks:

Very Special Arts

Barbara Wolfson, 132 Sandcastle Drive, expressed appreciation for the support the City had provided for the Very Special Arts, an organization that served individuals with disabilities, health related issues and other challenges. Ms. Wolfson stated Very Special Arts had lost its funding from the School District, Department of Children and Family Services, and two-thirds of their budget from Volusia County. She requested the Commission consider reinstating a donation to the Very Special Arts in the future when economic times improve.

The Finance Director reported there was a \$600 donation in the current budget and a reduced amount of \$558 in the proposed budget allocated to the Very Special Arts.

Beach Conditions

Chuck Carlson, 1111 Sherbourne Way, spoke regarding the dirty conditions and foul odor at the restrooms and surrounding area at the Granada beach approach.

Commissioner Kent stated Volusia County was responsible for the beach and referenced to the drop off on the approaches caused by erosion. He requested Mr. Carlson and his friends attend a County Council meeting to make the Council aware of their concerns.

Mayor Costello asked the City Manager to contact the County regarding these issues and determine what the expense would be for the City to maintain the restrooms.

Old Dixie Highway Cleanup

Rita Press, 875 Wilmette, remarked that this Commission was fantastic. She stated the last meeting on The Loop had a presentation by Ingrid Johnson from AmeriCorps who reporting there would be a cleanup of Old Dixie Highway on Saturday, Sept. 26, sponsored by Tomoka State Part in honor of National Public Lands Day. She asked the information be posted on the City’s website.

Item #6 – Approval of the Minutes

Mayor Costello advised the minutes of the August 18, 2009, meeting had been sent to the Commission for review and asked for any corrections, additions, or omissions. The Mayor stated the minutes were approved as printed without objection.

Item #7 – Consent Agenda

Mayor Costello advised the action proposed for each item on the Consent Agenda was so stated on the agenda. He asked if any member of the Commission had questions or wished to discuss any item separately.

Commissioner Kelley and Commissioner Gillooly requested Item J be removed for discussion.

**Commissioner Kelley moved, seconded by Commissioner Gillooly, to approve the Consent Agenda, absent Item J.**

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

Item #8J – Aircraft Noise Abatement Task Force Recommendations

Louis Lumaghi stated it was a surprise that the Mayor reported the airport would be self-sustaining soon because he saw in the newspaper that the City had a “disadvantaged business enterprise program,” namely the airport. He expressed his opposition to the airport, and he stated that people were moving from the area due to the airport.

Mayor Costello stated the federal government deeded land for the airport, and any monies from the Airport Business Park and the Airport Sports Complex must be spent on the airport. He explained the City was regulated by law to charge rent for the sports fields, which was paid from the Leisure Services budget, and those monies went toward the airport costs. The Mayor asked the City Manager to compile the specifics on the airport budget for distribution. Mayor Costello stated regarding Sunrise Aviation not paying what they should pay, a professional appraiser appraised the land, and as required by law, the leases are based on the appraisals. He stated the tree cutting was due to the previous golf course tenant, who convinced the previous administration not to require a survey as part of their lease; after the golf course cleared the land per an approved site plan, it was determined that land the golf course had been paying rent on for fourteen years was in the buffer zone. The Mayor stated the City was doing what could be done to maximize the number of jobs at the Airport Business Park while minimizing the impact of the tenants.

Sean Daly, Northbrook, stated his home was in the flight path of runway #826 at the airport. He asked that Northbrook and Oak Forest be added to the list of noise sensitive neighborhoods. He stated his research indicated that if voluntary compliance was not observed, the City could restrict or prohibit touch-and-go landings by the flight schools.

Economic Development Director Joe Mannarino explained the term, “disadvantaged business enterprise program” referred to the FAA’s requested classification of businesses that bid on airport contracts and qualify for special consideration.

City Manager Joyce Shanahan stated the noise abatement process was still being evaluated, and she requested the issues be addressed at a future meeting.

Mayor Costello stated he wanted an answer on the legal issues regarding touch-and-go landings.

Airport Manager Steven Lichliter explained the “disadvantaged business enterprise program” was a requirement by FAA that obligated the City to allocate a specific percentage of the airport’s capital improvement projects to “disadvantaged businesses.”

City Manager Shanahan explained that ERAU was willing to print the voluntary procedures brochure and distribute it to the new students, if the City endorsed the recommendations of the Aircraft Noise Abatement Task Force.

**Commissioner Gillooly moved, seconded by Commissioner Kelley, to accept the recommendations of the Aircraft Noise Abatement Task Force.**

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

Item #8A – Ormond Beach Main Street Service Agreement

RESOLUTION NO. 2009-135

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.

Mayor Costello recessed the City Commission meeting and convened the Community Redevelopment Agency to consider Resolution No. 2009-135.

Commissioner Kelley moved, seconded by Commissioner Gillooly, to recommend approval of Resolution No. 2009-135.

Mayor Costello stated a voice vote of the Community Redevelopment Agency was unanimously in favor of recommending approval of Resolution No. 2009-135. Mayor Costello adjourned the Community Redevelopment Agency and reconvened the City Commission meeting.

**Commissioner Kelley moved, seconded by Commissioner Gillooly, for approval of Resolution No. 2009-135, as read by title only.**

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

Item #8B – Amending the Future Land Use Map

ORDINANCE NO. 2009-28

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

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

**Commissioner Kelley moved, seconded by Commissioner Partington, for approval of Ordinance No. 2009-28, 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

Mayor Costello stated the Planning Board recommended approval by a five to one vote, and Volusia Growth Management Commission certified the resolution.

Item #8C – Rezoning at 570 and 592 Sterthaus Drive

ORDINANCE NO. 2009-29

AN ORDINANCE AMENDING SUBSECTION A, ZONING MAP, OF CHAPTER 2, DISTRICT AND GENERAL REGULATIONS, ARTICLE I, ESTABLISHMENT OF ZONING DISTRICTS AND OFFICIAL ZONING MAP, SECTION 2-03, OFFICIAL ZONING MAP AND ZONING DISTRICTS, OF THE CITY OF ORMOND BEACH *LAND DEVELOPMENT CODE*, BY REZONING TWO PARCELS OF REAL PROPERTY TOTALING 8.28 ACRES LOCATED AT 570 AND 592 STERTHAUS DRIVE FROM B-1 (PROFESSIONAL OFFICE/HOSPITAL) TO PBD (PLANNED BUSINESS DEVELOPMENT); AUTHORIZING REVISION OF THE OFFICIAL ZONING MAP; APPROVING A DEVELOPMENT ORDER FOR A PLANNED BUSINESS DEVELOPMENT TO BE KNOWN AS “MADISON GLEN APARTMENTS”; ESTABLISHING CONDITIONS THEREFORE; AND APPROVING AND AUTHORIZING THE REMOVAL OF ONE HISTORIC TREE LOCATED ON THE PROPERTY; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; AND SETTING FORTH AN EFFECTIVE DATE.

**Commissioner Partington moved, seconded by Commissioner Gillooly, for approval of Ordinance No. 2009-29, on second 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 #9 – Amending Land Development Code regarding Non-conformance

ORDINANCE NO. 2009-30

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

**Commissioner Kelley moved, seconded by Commissioner Partington, for approval of Ordinance No. 2009-30, on 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 #10A – Water and Sewer Rates

ORDINANCE NO. 2009-32

AN ORDINANCE AMENDING SECTIONS 22-23, 22-24, AND 22-71 OF CHAPTER 22, WATER AND SEWERS, 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.

Mayor Costello stated the proposal would increase the rate by 4% for water usage over 2,000 gallon.

Sean Daly, Northbrook, stated he had been billed in the past for 32 days and 35 days for a month, and the City ordinance was for a punitive charge for a “monthly usage” over a specific amount of gallons. He stated there were no 32 day or 35 day months. He suggested the City either discontinue the practice of punishment for usage over a certain amount, or amend the ordinance regarding “monthly usage.” He stated someone could bring a class action suit against the City for this practice.

**Commissioner Kelley moved, seconded by Commissioner Partington, for approval of Ordinance No. 2009-32, 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

Commissioner Gillooly clarified that anyone who used 2,000 gallons or under would not receive an increase in the rate.

Item #10B – Fees for the Collection and Disposal of Solid Waste

ORDINANCE NO. 2009-33

AN ORDINANCE AMENDING CHAPTER 10, SOLID WASTE, YARD WASTE AND RECYCLABLES, 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; SETTING FORTH AN EFFECTIVE DATE.

**Commissioner Kelley moved, seconded by Commissioner Kent, for approval of Ordinance No. 2009-33, 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 #11A – Revisions to Regulations relating to Community Redevelopment Areas

Mayor Costello stated staff had compiled a number of issues and concerns to be discussed with the County, and asked if any of the Commission members wanted to add anything further.

City Manager Shanahan stated staff would report the outcome of the discussions to the Commission.

Item #11B – Parking at Residential Properties

Mayor Costello asked the Commission which option presented was desired, and he supported Option 3 presented by staff.

Commissioner Gillooly stated parking on the lawn was a symptom of other problems, such as noise levels and how many people were residing in the house.

City Manager Shanahan stated the issue of the number of residents in a single family house would be coming to the Commission for consideration.

Commissioner Kent stated this was a big problem in Zone 2, but he saw the problem as a lot of people not being able to park in their garage due to the fact the garages were full. He stated support for Option 3.

Commissioner Kelley offered his support for Option 3.

Mayor Costello summarized the Commission supported Option 3 presented by staff.

#### Item #12 – Reports, Suggestions, Requests

##### Weekly Review

Commissioner Partington complimented staff on the Weekly Review and suggested it be emailed to the HOA presidents.

The City Manager stated she would confirm the distribution list included the HOAs, and each department contributed articles for the Weekly Review, which was compiled by the administrative staff.

##### Budget

Commissioner Gillooly complimented the Finance Director and the City Manager on the effort involved with the proposed budget.

City Manager Shanahan thanked the Commission for all their hard work, the suggestion of the Town Hall meetings, and applauded the Commission for cutting their own salaries by 10%.

##### City-Wide Garage Sale

Commissioner Gillooly suggested an idea for a city-wide garage sale so citizens could empty their garages and park their cars in the garage, and she suggested a \$5 permit fee for a city-wide garage sale.

Commissioner Kent asked the City Manager to follow-up on the idea for a city-wide garage sale with a fee abatement program for the designated weekend.

##### Aircraft Noise Abatement Task Force

Commissioner Gillooly referenced the article in the newspaper regarding the Aircraft Noise Abatement Task Force. She reminded that the members were volunteers who were working hard to resolve the issues, and she was optimistic that something was happening.

##### Human Resources Director

The City Manager introduced the new Human Resources Director Shelly Arzola, whom she stated was well qualified, including a Bachelor Degree in Management from Depaw University, as well as numerous certificates and designations, not the least of which was from the Harvard School of Law for Negotiation Issues.

##### Riverbend

City Attorney Randy Hayes stated a litigation shade meeting would be scheduled to discuss the Riverbend Investment Group matter.

##### Allan Burton Lawsuit

The City Attorney asked the Commission to consider the court costs awarded to the City in the suit brought by Allan Burton, and whether to pursue collection of the court costs of \$3,700.

Commissioner Kelley stated the City should pursue recovery of the costs.

Commissioner Gillooly supported pursuing the collection of the costs with a possible payment plan. She stated this was not a personal issue, but an opportunity to recovery a small portion of the expense to the City.

Commissioner Partington stated he was in favor of not pursuing the collection of the award.

Commissioner Kent agreed to pursue the recovery of the costs because it was the right thing to do.

Mayor Costello stated the majority supported pursuing the collection of the award of court costs of \$3,700.

City Commission – September 8, 2009

Item #13 – Close the Meeting

The meeting was adjourned at 9:08 p.m.

APPROVED: October 6, 2009

BY: Fred Costello, Mayor

ATTEST:

Veronica Patterson, City Clerk