

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

**June 16, 2009**

**7:00 p.m.**

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

- 1) Meeting call to order by Mayor Costello.
- 2) Invocation.
- 3) Pledge of Allegiance.
- 4) **PRESENTATIONS:** Proclamation in honor of Gregory Berry, National PAL “Male Youth of the Year.”
- 5) **AUDIENCE REMARKS:**
- 6) **APPROVAL OF THE MINUTES** of the May 26, 2009, special City Commission meeting and the June 2, 2009, regular City Commission 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. 2009-77 terminating a contract for sale and purchase between the City and Florida Commercenters, LLC, on behalf of Ormond Beach Airport Industrial, LLC, for the conveyance of Lots 3 and 4, Tower Circle Extension, Phase II, Airport Business Park; authorizing the execution of a termination agreement. (Economic Development Director)
  - B) Resolution No. 2009-82 authorizing and ratifying the execution of a distribution letter between the City and the County of Volusia regarding funding assistance for a Teen Scene program at the Ormond Beach Middle School; authorizing the execution of all documents incidental thereto, including any contract necessary for the City to accept the grant award. (Justice Assistance Grant - \$12,307) (Grants Coordinator)
  - C) FY 2008-2009 budget results for the General Fund and the Water/Wastewater Fund. (Finance Director)

DISPOSITION: Approve as recommended in City Manager memorandum dated June 11, 2009.
- 8) **PUBLIC HEARINGS:**
  - A) Resolution No. 2009-79 of the City Commission, also acting as the Community Redevelopment Agency, of the City of Ormond Beach, Florida, authorizing the execution of a Property Improvement Grant Agreement between the Agency and Bart A. Beninati. (73 W. Granada - \$6,075) (Planning Director)
  - B) Resolution No. 2009-83 authorizing the execution and issuance of a first amended Special Exception Redevelopment Plan Development Order for “Thirty-one on the Boulevard,” for that portion of the project located at 43 West Granada Boulevard, said property being within the B-4 (Central Business) zoning district and Downtown Overlay District; ratifying and affirming the Development Order; establishing conditions and expiration date of approval. (Planning Director)
  - C) Ordinance No. 2009-16 authorizing the execution and issuance of the First Amended Development Order for the “RaceTrac Service Station at Southwest I-95 Complex” Planned Business Development located at 1670 West Granada Boulevard, modifying the Development Order. (First Reading) (Planning Director) **(To be Continued)**
  - D) Ordinance No. 2009-20 adopting certain amendments to the Conservation Element, Coastal Management Element, Cultural Affairs Element, Recreation and Open Space Element, and Intergovernmental Coordination Element of the City of Ormond Beach Comprehensive Plan; providing when such amendments shall take effect. (1<sup>st</sup> Cycle 2009) (Second Reading) (Planning Director)

- 9) **FIRST READING OF ORDINANCE** No. 2009-22 amending Chapter 22, Article II, Division 2, Sections 22-85 through 110, of the Code of Ordinances of the City of Ormond Beach, Florida, by adopting provisions regarding uniform requirements for direct and indirect contributions to the wastewater collection and treatment system; providing for administration, permits and enforcement penalties. (Utilities Manager)
- 10) **RESOLUTIONS:**
- A) Resolution No. 2009-84 a resolution of the City Commission, also acting as the Community Redevelopment Agency, of the City of Ormond Beach, Florida, authorizing execution of a Program Agreement between the Agency and the Ormond Memorial Art Museum, Inc., regarding a war memorial tribute for Memorial Gardens. (\$50,000) (Planning Director)
- B) Resolution No. 2009-85 appointing a member to serve on the Aircraft Noise Abatement Task Force; establishing terms and conditions of approval. (Airport Manager)
- 11) **DISCUSSION ITEMS:**
- A) Real estate brokerage commission program. (Economic Development Director)
- B) Low flow toilet rebate program. (Finance Director)
- C) SR40 (Granada Boulevard) downtown landscaped medians.
- 12) **REPORTS, SUGGESTIONS, REQUESTS:** Mayor, City Commission, City Manager, City Attorney.
- 13) **CLOSE THE MEETING.**

Item #1 – Meeting Call to Order

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

Item #2 – Invocation

Commissioner Kelley gave the invocation.

Item #3 – Pledge of Allegiance

Mayor Costello led the Pledge of Allegiance.

Item #4 – Presentation of PAL “Male Youth of the Year” Award

Mayor Costello read a proclamation in honor of Gregory Berry for receiving the National PAL “Male Youth of the Year” award. Mayor Costello stated Gregory Berry was an honor roll student in his senior year at Seabreeze High School, had participated in the Ormond Beach PAL since he was five years old, participated in various local civic activities, and served on the National PAL’s Youth Leadership Council where his outstanding leadership skills led to his nomination for a position on the State PAL Youth Director’s Council “YDC” Youth Conference Committee.

Gregory Berry thanked the City for the award and thanked his family, friends, teachers and coaches for all their encouragement and support.

Item #5 - Audience Remarks

Neighborhood Issue on Melrose Avenue

Elaine Davis, 66 Melrose Avenue, stated she had an ongoing dispute with her neighbor over a construction issue, as well as personal conflicts. Ms. Davis explained she had been to the Police Department, Neighborhood Improvement, City inspectors and other City departments but had gotten nowhere regarding the construction on the property. She stated there were no valid permits at present for his ongoing construction project, with all the accumulated debris. She stated she needed help resolving the issue of the construction eyesore.

Mayor Costello stated that, unfortunately, the City could not do much in situations of civil disputes between neighbors; but he suggested the City Attorney could let her know what she could or could not do. The Mayor stated the City Manager was working on a program to assist neighbors in dispute resolution.

Todd Johnston, 75 Melrose, stated he lived across the street from the property Ms. Davis referenced. He asked if the City would give the neighbor a deadline for completion of his long-term, ongoing construction and suggested there be a realistic time limit for completing construction projects. He stated the neighbor had created a problem situation by parking a commercial vehicle and storing scaffolding on his property.

Mayor Costello asked them to contact the City Manager, after the first of July, to allow her time to research the situation and provide a solution.

Granada – DOT

Bill Partington, Sr., 1284 Fernway Drive, stated he made a personal list of items he would like for the downtown area. He stated MainStreet unanimously approved a wonderful drawing done by the City Engineer of what the Downtown Merchants would like to see in the downtown. He stated he would like to say, “thank you,” for what the City had done and what will be done. He stated the Florida Department of Transportation (FDOT) website reported a change in the rule regarding bicycle lanes in repaving contracts, such as the one for the City.

Mayor Costello stated he believed that George Lovett and others at FDOT were trying to find ways to accommodate the City’s goals for the downtown.

Aircraft Noise Abatement Task Force

Vince Kinsler, 16 Jolynn Drive, stated the Aircraft Noise Abatement Task Force had their first meeting, which got off to a rough start. He stated he wanted to address the issue of the composite of the task force, as one neighborhood, Pine Trails, was not represented.

Mayor Costello explained there was a resolution on the agenda to appoint a representative from the Pine Trails subdivision to the task force.

Mr. Kinsler asked to address some issues relative to the sunshine laws; whereby, Mayor Costello asked Mr. Kinsler to contact the City Attorney on those issues.

Item #6 – Approval of the Minutes

Mayor Costello advised the minutes of the May 26, 2009, special meeting and the June 2, 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 #7 – Consent Agenda

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

**Commissioner Kelley moved, seconded by Commissioner Kent, for approval of the Consent Agenda.**

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

Mayor Costello asked Finance Director Kelly McGuire to provide a summarized evaluation of where the City stands as part of the regular monthly budget status report for the Commission.

Item #8(A) – Property Improvement Grant for 73 West Granada

RESOLUTION NO. 2009-79  
A RESOLUTION OF THE CITY COMMISSION, ALSO ACTING AS THE COMMUNITY REDEVELOPMENT AGENCY, OF THE CITY OF ORMOND BEACH, FLORIDA, AUTHORIZING THE EXECUTION OF A PROPERTY IMPROVEMENT GRANT AGREEMENT BETWEEN THE AGENCY AND BART A. BENINATI; AND SETTING FORTH AN EFFECTIVE DATE.

Mayor Costello recessed the City Commission meeting and convened the Community Redevelopment Agency to allow the review and recommendation of the resolution by the Community Redevelopment Agency.

**Commissioner Kent moved, seconded by Commissioner Kelley, to recommend the City Commission approve Resolution No. 2009-79.**

Mayor Costello reported there was unanimous approval by voice vote to recommend approval of Resolution No. 2009-79 to the City Commission. The Mayor adjourned the Community Redevelopment Agency and reconvened the City Commission meeting.

After the reading of Resolution No. 2009-79, by title only, the Mayor stated the Community Redevelopment Agency unanimously recommended approval of the resolution.

**Commissioner Kent moved, seconded by Commissioner Gillooly, for approval of Resolution No. 2009-79, as read by title only.**

Commissioner Gillooly noted a revised resolution was presented for the Commission for approval and requested an explanation.

The Planning Director explained that incorrect backup had been supplied for the accompanying memorandum, which correctly stated the grant amount as \$6,075; therefore, the backup data was revised to be consistent with the memorandum.

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

Mayor Costello closed the public hearing with no objections.

Item #8(B) – Amended Special Exception for “Thirty-One on the Boulevard”

RESOLUTION NO. 2009-83

A RESOLUTION AUTHORIZING THE EXECUTION AND ISSUANCE OF A FIRST AMENDED SPECIAL EXCEPTION REDEVELOPMENT PLAN DEVELOPMENT ORDER FOR “THIRTY-ONE ON THE BOULEVARD”, FOR THAT PORTION OF THE PROJECT LOCATED AT 43 WEST GRANADA BOULEVARD, SAID PROPERTY BEING WITHIN THE B-4 (CENTRAL BUSINESS) ZONING DISTRICT AND DOWNTOWN OVERLAY DISTRICT; RATIFYING AND AFFIRMING THE DEVELOPMENT ORDER; ESTABLISHING CONDITIONS AND EXPIRATION DATE OF APPROVAL; AND SETTING FORTH AN EFFECTIVE DATE.

**Commissioner Kelley moved, seconded by Commissioner Partington, for approval of Resolution No. 2009-83, in accordance with the Planning Board recommendation, 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(C) – Amended Development Order for RaceTrac Service Station

ORDINANCE NO. 2009-16

AN ORDINANCE AUTHORIZING THE EXECUTION AND ISSUANCE OF THE FIRST AMENDED DEVELOPMENT ORDER FOR THE “RACETRAC SERVICE STATION AT SOUTHWEST I-95 COMPLEX” PLANNED BUSINESS DEVELOPMENT LOCATED AT 1670 WEST GRANADA BOULEVARD, MODIFYING THE DEVELOPMENT ORDER; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; AND SETTING FORTH AN EFFECTIVE DATE.

**Commissioner Partington moved, seconded by Commissioner Gillooly, to continue Ordinance No. 2009-16 until the July 7, 2009, City Commission meeting.**

|            |                         |     |
|------------|-------------------------|-----|
| Call Vote: | Commissioner Partington | Yes |
|            | Commissioner Gillooly   | Yes |

|          |                     |     |
|----------|---------------------|-----|
|          | Commissioner Kent   | Yes |
|          | Commissioner Kelley | Yes |
| Carried. | Mayor Costello      | Yes |

Mayor Costello closed the public hearing.

Item #8(D) – Adopting Certain Amendments to the Comprehensive Plan

ORDINANCE NO. 2009-20  
AN ORDINANCE ADOPTING CERTAIN AMENDMENTS TO THE CONSERVATION ELEMENT, COASTAL MANAGEMENT ELEMENT, CULTURAL AFFAIRS ELEMENT, RECREATION AND OPEN SPACE ELEMENT, AND INTERGOVERNMENTAL COORDINATION ELEMENT, OF THE CITY OF ORMOND BEACH COMPREHENSIVE PLAN; PROVIDING WHEN SUCH AMENDMENTS SHALL TAKE EFFECT; 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. 2009-20, on second reading, as read by title only.**

Mayor Costello stated the Environmental Advisory Board and the Planning Board unanimously recommended approval of the ordinance.

Mayor Costello asked the Commission members for any comments or questions and upon hearing none, he called for the vote.

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

The Mayor stated a sign up sheet was in the back of the Chambers for anyone wishing to receive any follow-up on this item from the State Department of Community Affairs. The Mayor stated that with no objection, he closed the public hearing.

Item #9 – Wastewater Collection and Treatment System

ORDINANCE 2009-22  
AN ORDINANCE AMENDING CHAPTER 22, ARTICLE II, DIVISION 2, SECTIONS 22-85 THROUGH 110, OF THE CODE OF ORDINANCES OF THE CITY OF ORMOND BEACH, FLORIDA, BY ADOPTING PROVISIONS REGARDING UNIFORM REQUIREMENTS FOR DIRECT AND INDIRECT CONTRIBUTIONS TO THE WASTEWATER COLLECTION AND TREATMENT SYSTEM; PROVIDING FOR ADMINISTRATION, PERMITS, AND ENFORCEMENT, PENALTIES; PROVIDING SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

**Commissioner Kelley moved, seconded by Commissioner Gillooly, for approval of Ordinance No. 2009-22, 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 #10(A) – Program Agreement with Ormond Memorial Art Museum

RESOLUTION NO. 2009-84  
A RESOLUTION OF THE CITY COMMISSION, ALSO ACTING AS THE COMMUNITY REDEVELOPMENT AGENCY, OF THE CITY OF ORMOND BEACH, FLORIDA, AUTHORIZING EXECUTION OF A PROGRAM AGREEMENT BETWEEN THE AGENCY AND THE ORMOND MEMORIAL ART MUSEUM, INC., REGARDING A WAR MEMORIAL TRIBUTE FOR MEMORIAL GARDENS; AND SETTING FORTH AN EFFECTIVE DATE.

Mayor Costello recessed the City Commission meeting and convened the Community Redevelopment Agency to consider Resolution No. 2009-84.

**Commissioner Kelley moved, seconded by Commissioner Gillooly, for approval of Resolution No. 2009-84, as read by title only.**

Mayor Costello stated a voice vote resulted in unanimous approval to recommend the adoption of the resolution to the City Commission.

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. 2009-84, as read by title only.**

Mayor Costello stated the resolution was unanimously recommended by the Community Redevelopment Agency. The Mayor asked Susan Richardson, Ormond Memorial Art Museum, when they had first discussed this idea.

Susan Richardson stated it had been several months.

Mayor Costello stated it was amazing in that short time the Museum developed such a fabulous concept to utilize the Art in Public Places funding to upgrade the memorials to our veterans while enhancing the gardens.

Ms. Richardson expressed her gratitude and explained the expediency and quality of the concept was attributed to everyone who was involved and supported the project.

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

Item #10(B) – Appointing a Member to the Aircraft Noise Abatement Task Force

RESOLUTION NO. 2009-85  
 A RESOLUTION APPOINTING A MEMBER TO SERVE ON THE AIRCRAFT NOISE ABATEMENT TASK FORCE; SETTING FORTH TERMS AND CONDITIONS OF SERVICE; AND SETTING FORTH AN EFFECTIVE DATE.

**Commissioner Kelley moved, seconded by Commissioner Partington, for approval of Resolution No. 2009-85, as read by title only.**

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

Item #11(A) – Real Estate Brokerage Commission Program

Commissioner Gillooly asked if there were certain criteria that had been established regarding eligibility for the \$10,000 credit, which was to offset site plan expenses.

Economic Development Director Joe Mannarino stated after the Commission approved the sales contract, the potential buyer would be required to complete the site plan review process and obtain an approved site plan before the closing on the property could take place. He stated if the potential buyer had an approved site plan, they would be eligible for the \$10,000 abatement based on the project.

Commissioner Gillooly stated the Airport Business Park was a highly desirable area and expressed that for a local realtor, it was not a bad idea to start at a three percent commission rate.

The Economic Development Director stated DeLand gave a five percent commission to brokers who found someone to lease the property, rather than selling the property, so he felt five

percent for the purchase of property was very fair to the City to pay as a commission. He explained that three percent was such a low commission to pay, not many good prospects to purchase the land would result.

Mayor Costello explained that commissions for residential properties were usually in the six percent range, but commercial properties were usually ten percent.

Commissioner Kelley stated five percent was fair for the City and would speed the process along. He stated there were a lot more expenses for a realtor when marketing commercial property that were not necessary to market residential property. Commissioner Kelley expressed that he was pleased with the change and surprised it had not been done sooner.

The Economic Development Director stated he had been waiting for the County to determine their program before crafting the best deal for the City, and there had been a potential buyer for the property. He stated five percent commission would be a much better way to market the property in the future.

Mayor Costello asked if there were any objections, to which there were none.

#### Item #11(B) – Low Flow Toilet Rebate Program

Mayor Costello thanked Commissioner Partington for bringing the idea to the Commission and asked if anyone was opposed to the idea.

The City Manager stated since there were no objections to the program, a formal resolution would be brought to the Commission for their approval.

#### Item #11(C) – SR40 (Granada Boulevard) Downtown Landscaped Medians

Mayor Costello advised that staff had requested this item be pulled from the agenda for discussion at a later time.

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

##### Florida League of Cities Conference

Commissioner Kelley noted Mayor Costello was scheduled to attend the Florida League of Cities conference in Orlando and stated he would, also, like to attend.

Mayor Costello suggested Commissioner Kelley act as the delegate for voting purposes, in case the Mayor could not attend any of the meetings.

##### Monthly Water Usage

Commissioner Kelley stated that some cities were tracking the monthly water usage to compare the current year to previous year for the Commission's information and suggested he would like that information.

##### Pedestrian Signs

Commissioner Kelley asked if the pedestrian signs had been received and the placement determined.

Assistant City Manager Ted MacLeod stated that one would be placed at Nova Recreation Complex and one at the Airport Sports Complex.

##### Community Redevelopment Agency Meetings

Commissioner Kelley asked if anything would preclude the Community Redevelopment Agency from convening before the City Commission meeting on nights there was a workshop held before the Commission meeting. He explained this would allow the recommendations to be presented to the Commission without recessing the Commission meeting for the Community Redevelopment Agency's consideration and then reconvening the Commission meeting.

City Attorney Randy Hayes explained if the Community Redevelopment Agency met separately from the City Commission, the Community Redevelopment Agency meeting would need to be advertised, which would increase costs. He stated the Community Redevelopment Agency meeting was currently advertised as part of City Commission meeting, and the workshops prior to City Commission meetings were non-action meetings.

Mayor Costello suggested all Community Redevelopment Agency items on a particular agenda be handled at the same time.

#### Pedestrian Signs in Central Park

Commissioner Partington asked about the pedestrian signs for roads in Central Park; Division Avenue, Hand Avenue, Hammock Lane and Fleming. He stated DeLand and Eustis had FDOT approved signs that were used in areas with a high volume of pedestrian traffic.

Assistant City Manager Ted MacLeod reported the signs for Central Park had been ordered.

#### Bike Lanes on Granada Bridge

Commissioner Partington asked about the progress on making the bike lanes on the bridge safer. He reminded the Commission of the fatal accident on the bridge involving a bicycle.

Assistant City Manager Ted MacLeod stated FDOT had studied the situation and could not change the configuration of the lanes to make it safer. Mr. MacLeod explained FDOT attributed the cause of the accident to driver inattention, rather than the configuration of the lanes and barriers; and FDOT determined the concrete barriers were structurally integrated into the bridge and would be a major undertaking to move.

Commissioner Partington asked staff to go back to FDOT to reconsider a safer solution for the bike lanes on the bridge and stated there should be something that could be done.

Mayor Costello asked if the barricades on the bridge were structurally difficult or structurally impossible to move. He suggested everyone get creative to find a way to make the victim's death result in greater safety for others.

#### 911 Magnets

Commissioner Partington stated he had received a copy of the proposed layout of the magnets and requested the Commission review the magnet layout for their input.

#### Medians on Granada

Commissioner Gillooly agreed with Commissioner Partington on the issue of the bike lanes on the Granada Bridge and stated she wanted to continue efforts to get medians on Granada Boulevard in the downtown area. She suggested bringing in local traffic engineers to consider way to reach these goals.

The Planning Director stated the engineer who worked with the City regarding medians knew FDOT and had been a bulldog with FDOT. He stated the engineer was the best available with his inherent knowledge of FDOT, FDOT rules, the relationships he had established from when he worked at FDOT, and he had not missing anything.

Mayor Costello stated he was convinced Norian and Mary Ann, from the Metropolitan Planning Organization, and George, from FDOT, were trying to get out of the box further than they had ever done to look for a solution to this situation.

#### Neighborhood Disputes

Commissioner Gillooly stated the issue of neighborhood disputes could be extremely frustrating and noted there were mediation services available through the County.

The City Manager stated she was working with Sandy Upchurch's mediation firm to possibly start a pilot program to assist in neighborhood disputes. She stated the Police and Neighborhood Improvement departments do an excellent job in attempting to resolve these types of disputes. She stated, although the City would try to develop a program to intervene, sometime the answer was that nothing could be done.

#### Gregory Berry, PAL "Male Youth of the Year"

Commissioner Gillooly acknowledged the Police Academy Alumni for giving a college scholarship to Gregory Berry, PAL "Male Youth of the Year."

#### World War II Veterans' Plaque

Commissioner Kent stated that veterans wanted the Memorial Garden's plaque, honoring veterans, back inside the front door in its original location, and he asked that the City Commission discuss the issue in the near future.

Mayor Costello suggested the museum board look at the new memorial and the plaque placement to determine an overall plan before the City intervened.

#### Surfside

Commissioner Kent stated Worley Pruitt was right about the Surfside; the City would not allow another location to sit in such disrepair. He stated that something more needed to be done and suggested the City mow the grass and clean up the site and then send the bill to the bank who owned the property.

Mayor Costello stated that if the change in ownership of Surfside had occurred, for the purpose of goodwill, staff should clean up the property to show the community something had changed.

#### Beach Access

Commissioner Kent stated he would not accept that there were seven beach approaches in the City but only three approaches would be open on any given day, and he wanted to know why. He expressed frustration that people had less access to the beach since the County took over managing the beach. He stated he was ready to recommend the City take back management of the beach within the City.

Mayor Costello suggested starting a campaign to get the approaches opened; and although the City was told the permits to protect the turtles necessitated the approaches be closed, he hoped that was not true. Mayor Costello stated that residents did not mind paying the toll; they just wanted to have access to the beach. The Mayor asked Commissioner Kent for his idea of what to do next.

Commissioner Kent stated people had grown apathetic about not having access to the beach, but it was unacceptable to close the approaches as much as they were; therefore, he would like staff to meet with the County about opening the City's approaches.

Commissioner Kelley stated he had been fighting this issue since 1994 because the County wanted to prohibit vehicles from driving on the beach and always found some reason to prevent beach access. He stated that when the City expressed the desire to take back control of the beach, the County was only going to give the City sixty percent of the revenue from the tolls. Commissioner Kelley stated there was no reason not to open all of the beach approaches in the City.

Commissioner Kent stated if adequate off-beach parking was available, he would have no problem taking the cars off the beach. He asked the City Manager to make something happen to get the beach opened, suggesting a workshop with the County to discuss the issue.

Mayor Costello stated there were four members of the County Council who support using ECHO funds for the purchase of land for beach parking. He stated the County lost a court battle regarding the turtle taking permit, and he suggested not placing anger and frustration in the wrong place but continuing the willing partnership with the County Council to get the Surfside and off-beach parking. The Mayor proposed an idea that the City put up a barrier in the sand at Surfside to prevent cars from driving south into other municipalities; the City would pay the tolls that would have been generated north of the Surfside; open the approaches to allow the public to use the beach; and then determine if the number of visitors increased with all the approaches opened.

Commissioner Kent expressed he would still like to talk to the County on the beach access issue.

Mayor Costello suggested the discussion wait until the Surfside issue was resolved.

#### Flood Meeting

Mayor Costello stated the intergovernmental flood meeting was June 29, 2009, and he did not want residents to get their hopes up that their homes would be purchased or elevated on stilts, but there were a lot of options on the table to be discussed.

#### Budget Meetings

Mayor Costello stated the Commissioners and staff did a great job on the town hall budget meetings. He reported that seventy percent of the people attending the meetings wanted to maintain the current quality of life, even if it cost a little more money.

#### Permit Deadlines

Mayor Costello asked regarding permits, if the applicant or the City determined the value of a project.

Ric Goss stated the applicant determined the value, but if the amount seemed out of line, the City assessed the project to determine if the value was appropriate.

Mayor Costello requested research on the possibility of establishing a permit threshold with a generous deadline for completion of a project; otherwise a penalty would be imposed.

Item #13 – Close the Meeting

The meeting was adjourned at 8:30 p.m.

APPROVED: July 7, 2009

BY: Fred Costello, Mayor

ATTEST:

Veronica Patterson, City Clerk