

**ORMOND BEACH CITY COMMISSION MEETING
HELD AT CITY HALL COMMISSION CHAMBERS
March 16, 2010 7:00 p.m.**

Present were: Mayor Fred Costello, Commissioner Lori Gillooly, Commissioners Ed Kelley, Troy Kent, 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 Pastor Charles Melvin, Ormond Beach Union Church.
- 3) Pledge of Allegiance.
- 4) **PRESENTATION:** Proclamation in honor of the Ormond Beach Flames Cheer Team.
- 5) **AUDIENCE REMARKS:**
- 6) **APPROVAL OF THE MINUTES** of the March 2, 2010, 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. 2010-30 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 June 2010; providing for exceptions thereto. (City Clerk)
 - B) Resolution No. 2010-31 accepting the bid of Semper Fi Services, LLC, regarding construction services for the SR40 Multi-use Trail (Phase II) project under Bid No. 2010-03; rejecting all other bids; authorizing the execution of an agreement and payment thereunder. (\$184,391) (Acting City Engineer)
 - C) Resolution No. 2010-32 authorizing the execution of a Local Agency Program Supplemental Agreement between the City and the Florida Department of Transportation regarding Phase II Sidewalk Improvements on West Granada Boulevard. (\$184,391 AARA grant funding) (Acting City Engineer)
 - D) Trails South Forty median maintenance. (Assistant City Manager)

DISPOSITION: Approve as recommended in City Manager memorandum dated March 11, 2010.
 - E) Budget results for the FY 2008-09 General Fund and Water/Wastewater Fund.

DISPOSITION: Approve as recommended in City Manager

memorandum dated March 11, 2010.

- F) Execution of a Settlement Agreement between the City and FCB Properties relative to the Surfside Hotel.

DISPOSITION: Approve as recommended in City Manager memorandum dated March 11, 2010.

8) **PUBLIC HEARINGS:**

- A) Ordinance No. 2010-19 updating the floodplain management and protection regulations of the City of Ormond Beach *Land Development Code* by amending Chapter 1, General Administration, Article III, Definitions, Section 1-22, Definition of Terms and Words, and Section 1-24, Acronyms and Abbreviations, deleting Section 3-12.B., Definitions, of Chapter 3, Performance Standards, Article II, Environmental Protection Standards, and reserving the section, amending Section 3-20, Floodplain Management and Protection, of Chapter 3, Performance Standards, Article II, Environmental Protection Standards. (Second Reading) (Planning Director)
- B) Ordinance No. 2010-20 amending Chapter 3, Performance Standards, Article II, Environmental Protection Standards, Section 3-21, Wetland Protection, of the *Land Development Code* to delete the current wetland classification system to align with the St. Johns River Water Management District, Department of Environmental Protection, and Volusia County Wetland Standards for wetland impacts, required buffers, and mitigation. (Second Reading) (Planning Director)
- C) Ordinance No. 2010-21 updating the sign regulations of the City of Ormond Beach by amending Chapter 1, General Administration, Article II, Definitions and Acronyms, Section 1-22, Definitions and Acronyms, Section 1-22, Definition of Terms and Words, deleting Chapter 2, General and District Regulations, Article VI, Overlay Districts, Section 2-70, Downtown Overlay District, Sub-section K, Signs, amending Chapter 3, Performance Standards, Article IV, Sign Regulations, Section 3-38, Purpose, Chapter 3, Performance Standards, Article IV, Sign Regulations, Section 3-39, Sign Permit Required, Chapter 3, Performance Standards, Article IV, Sign Regulations, Section 3-40, Signs Exempt from the Permitting Standards of this Article, Chapter 3, Performance Standards, Article IV, Sign Regulations, Section 3-41, Sign Maintenance, Chapter 3, Performance Standards, Article IV, Sign Regulations, Section 3-42, Prohibited Signs, Chapter 3, Performance Standards, Article IV, Sign Regulations, Section 3-43, Non-conforming Signs, Chapter 3, Performance Standards, Article IV, Sign Regulations, Section 3-44, General Sign Regulations, deleting Chapter 3, Performance Standards, Article IV, Sign Regulations, Section 3-45, Temporary Signs, and creating a section titled, Commercial vs. Non-commercial Speech and Content, deleting Chapter 3, Performance Standards, Article IV, Sign Regulations, Section 3-46, Non-residential Site Identification Signs, and creating a section titled, Temporary Signs, deleting Chapter 3, Performance Standards, Article IV, Sign Regulations, Section 3-47, Business Premise Identification Signs, and creating a section titled, Site Identification Signs, deleting Chapter 3, Performance Standards, Article IV, Sign Regulations, Section 3-48, Specialized Signage Standard, and creating a section titled, Business Premise Identification Signs, deleting Chapter 3, Performance Standards, Article IV, Sign Regulations, Section 3-49, Residential Development Identification Signs, and creating a section titled, Master Sign Plan, deleting Chapter 3, Performance Standards, Article IV, Sign Regulations, Section 3-50, Historic District/Bed and Breakfast Inn Signs, deleting Chapter 3, Performance Standards, Article IV, Sign Regulations, Section 3-51, Sign Variances of the *Land Development Code*. (Second Reading) (Planning Director)
- D) Ordinance No. 2010-22 establishing uses and dimensional standards for manufactured and mobile home communities currently zoned as T-1 and

deleting the requirement for a rezoning to Planned Manufactured Home Community (PHMC) by amending Chapter 2, District and General Regulations, Article I, Establishment of Zoning and Official Zoning Map, Section 2-02, Future Land Use Map Designations and Zoning Districts, Table 2-2, Future Land Use Map Designations and Compatible Zoning Districts; amending Chapter 2, District and General Regulations, Article II, District Regulations, Section 2-20, Reserved (T-I) by re-establishing the T-1 Zoning District; deleting Chapter 2, District and General Regulations, Article II, District Regulations, Section 2-39, Planned Manufactured Home Community (PHMC) in its entirety and reserving the section; and amending Chapter 2, District and General Regulations, Article IV, Conditional and Special Exception Regulations, Section 2-57(M), Criteria for Review of Specific Conditional and Special Exception, to establish conditions for Manufactured Home Community (MAHC) and Mobile Home Community (MOHC). (First Reading) (Planning Director)

E) Ordinance No. 2010-23 amending Chapter 2, District and General Regulations, Article VI, Overlay Districts, Section 72, Airport Overlay District, of the *Land Development Code* by adding the Airport Overlay District Map 10-2. (First Reading) (Planning Director)

9) **FIRST READING OF ORDINANCE** No. 2010-24 amending Chapter 14, Offenses-Miscellaneous, of the Code of Ordinances, by adding Article X, Vehicle Parking/Nuisances, and Sections 14-103, Front Yard and Street-Side Yard Parking, thereunder; by establishing terms and conditions relative thereto. (Neighborhood Improvement Manager)

10) **RESOLUTION** No. 2010-33 authorizing the execution of a release and satisfaction of Special Master administrative fine/lien for code violations on property located at 357 North Ridgewood Avenue (Parcel ID 4240-01-13-0060), Ormond Beach, Volusia County, Florida. (Neighborhood Improvement Manager)

11) **DISCUSSION ITEMS:**

A) Stormwater Flooding Investigation Study recommendations. (Acting City Engineer)

B) Private stormwater management systems and conveyance flow-ways. (Acting City Engineer)

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 7:00 p.m.

Item #2 – Invocation

The invocation was giving by Pastor Charles Melvin, Ormond Beach Union Church

Item #3 – Pledge of Allegiance

The Pledge of Allegiance was led by Mayor Costello.

Item #4 – Presentations

Proclamation in honor of the Ormond Beach Flames Cheer Team

Mayor Costello stated the Ormond Beach Flames Cheer Team took first place in their division and third all-around at the Florida Cheer and Dance Association team event, “The Daytona Dazzler,” held on February 20, 2010. He stated the Flames were 24 girls, ages 8 through 15

years old, who participated in the Cheer Team conducted by the Leisure Services Gymnastics program.

Coach George Postell congratulated the Flames and reported the Flames would perform at the Daytona Beach Bandshell during the “Reach for the Beach” competition.

Birthplace of Speed Event

Recreation Manager Stefan Sibley stated the final event of the Centennial Celebration for the Birthplace of Speed was held with 37 cars made from 1907 to 1956 and a couple of motorcycles. He stated that 22 cars participated in the beach parade with over 600 people on the beach enjoying the parade. He reported that over 1,000 people came to view the vehicles at Rockefeller Gardens. He stated in November the City was partnering with the Chamber of Commerce to sponsor the nighttime parade.

Item #5 – Audience Remarks

There were no requests to speak.

Item #6 – Approval of the Minutes

Mayor Costello advised the minutes of the March 2, 2010, 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 Kent moved, seconded by Commissioner Kelley, for approval of the Consent Agenda.

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

Commissioner Gillooly remarked that Item #7F, regarding the settlement agreement involving the demolition of the Surfside Hotel, should have code enforcement oversight during the demolition.

Assistant City Manager Ted MacLeod stated the demolition contractor had applied to the City Building department for the necessary permit to begin asbestos removal right away.

Mayor Costello stated the demolition was to start by May 17, 2010.

Commissioner Kent reminded the City Manager to ensure the rodent problem was addressed before demolition took place.

Item #8A – LDC Amendments: Chapter 3, Art. II, Sec. 3-20, Floodplain Management and Protection

ORDINANCE NO. 2010-19

AN ORDINANCE UPDATING THE FLOODPLAIN MANAGEMENT AND PROTECTION REGULATIONS OF THE CITY OF ORMOND BEACH LAND DEVELOPMENT CODE BY AMENDING CHAPTER 1, GENERAL ADMINISTRATION, ARTICLE III, DEFINITIONS, SECTION 1-22, DEFINITION OF TERMS AND WORDS, AND SECTION 1-24, ACRONYMS AND ABBREVIATIONS, DELETING SECTION 3-12.B, DEFINITIONS, OF CHAPTER 3, PERFORMANCE STANDARDS, ARTICLE II, ENVIRONMENTAL PROTECTION STANDARD, AND RESERVING THE SECTION, AMENDING SECTION 3-20, FLOODPLAIN MANAGEMENT AND PROTECTION OF CHAPTER 3, PERFORMANCE STANDARDS, ARTICLE II, ENVIRONMENTAL PROTECTION STANDARD; REPEALING ALL INCONSISTENT ORDINANCES

OR PARTS THEREOF; PROVIDING FOR SEVERABILITY; AND SETTING FORTH AN EFFECTIVE DATE.

Mayor Costello stated this was a public hearing, and there were no requests from the audience to speak. The Mayor stated the ordinance included the 1:1.5 ratio approved at first reading.

Commissioner Kelley moved, seconded by Commissioner Partington, for approval of the revised Ordinance 2010-19, on second reading, as read by title only.

Commissioner Gillooly clarified her comment at first reading regarding the 1:1.15 ratio penalized property owners with more land, and that after speaking with Planning Director Ric Goss, she realized it was not less of a burden on larger property owners.

Planning Director Ric Goss stated the 1:1 ratio was more of a burden on the small parcels and less of a burden on larger parcels. He stated the ratio was a policy decision to be made by the Commission, but staff recommended a 1:1 ratio.

Commissioner Gillooly moved; Commissioner Partington seconded, to amend the Ordinance 2010-19, to read all lots under 20,000 square feet would remain at the 1:1 ratio and all lots over 20,000 square feet would require a ratio of 1:1.15.

Commissioner Kelley questioned how the 1:1.5 ratio would be easier for a property owner of a larger lot.

Mayor Costello stated no one indicated it was easier, but relative to the equity of the situation, a 2,000 square foot home on a 20,000 square foot lot was 10% of the impervious surface; whereas a 2,000 square foot home on a 40,000 square foot lot was on 5% of the impervious surface, which provided more room for the compensatory storage.

Planning Director Goss stated under the current ordinance, single family lots were exempt the same as under SJRWMD, if the lot was not under a current permit. He stated with Commission direction previously, the requirement was a minimum of 1:1 for all residential development whether you were operating under a SJRWMD permit or you were a single family lot in an old subdivision that never had a SJRWMD permit. He stated a compensatory storage calculation was created for all the lots in all the zoning districts to determine if an inequity existed and if so, where did it exist. He stated the unfairness existed with the smaller lots, although a 1:1 ratio was the right thing to do while creating a heavier burden for the smaller lot owners.

Commissioner Gillooly stated this was a good opportunity to start mitigating the stormwater issues in the future for all property owners.

Commissioner Kelley stated that he would not support the amendment due to the arbitrary lot size of 20,000 square feet, which created an unfair burden on the larger lot owner. He stated it was not equitable unless other factors were considered, such as the size of the home relative to the size of the lot, as well as the shape and location of the lot.

Planning Director Goss stated the R-1 zoning was up to 20,000 square foot lots before going to a minimum of an acre for a single-family home in other residential zones. He stated that was the reason for the choice of up to 20,000 square feet.

City Attorney Randy Hayes clarified that the vote was for Commissioner Gillooly's amendment to require 1:1.15 for lots over 20,000 square feet.

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

Mayor Costello called for the vote on the main motion which contained a revision that all lots, whether they were in a development or an existing lot, were included.

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

Item #8B – LDC Amendments: Chapter 3, Article II, Section 3-21 Wetland Protection

ORDINANCE NO. 2010-20

AN ORDINANCE AMENDING CHAPTER 3, PERFORMANCE STANDARDS, ARTICLE II, ENVIRONMENTAL PROTECTION STANDARDS, SECTION 3-21, WETLAND PROTECTION OF THE *LAND DEVELOPMENT CODE* TO DELETE THE CURRENT WETLAND CLASSIFICATION SYSTEM TO ALIGN WITH THE ST. JOHNS RIVER WATER MANAGEMENT DISTRICT, DEPARTMENT OF ENVIRONMENTAL PROTECTION, AND VOLUSIA COUNTY WETLAND STANDARDS FOR WETLAND IMPACTS, REQUIRED BUFFERS, AND MITIGATION; REPEALING ALL INCONSISTENT ORDINANCES, OR PARTS THEREOF; PROVIDING FOR SEVERABILITY; AND SETTING FORTH AN EFFECTIVE DATE.

Mayor Costello stated this was a public hearing regarding the wetland protection standards, and there were no requests to speak. He reported the Environmental Advisory Board and the Planning Board approved a recommendation of approval of the ordinance.

Commissioner Kelley moved, seconded by Commissioner Kent, for approval of Ordinance No. 2010-20, on second reading, as read by title only.

Mayor Costello stated this would protect more functioning wetlands and protect wetlands by mitigating where it mattered, rather than isolated wetlands.

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

Mayor Costello stated without objection the public hearing was closed.

Item #8C – LDC Amendments: Signage

ORDINANCE NO. 2010-21

AN ORDINANCE UPDATING THE SIGN REGULATIONS OF THE CITY OF ORMOND BEACH BY AMENDING CHAPTER 1, GENERAL ADMINISTRATION, ARTICLE III, DEFINITIONS AND ACRONYMS, SECTION 1-22, DEFINITION OF TERMS AND WORDS, DELETING CHAPTER 2, GENERAL AND DISTRICT REGULATIONS, ARTICLE VI, OVERLAY DISTRICTS, SECTION 2-70, DOWNTOWN OVERLAY DISTRICT, SUB-SECTION K, SIGNS, AMENDING CHAPTER 3, PERFORMANCE STANDARDS, ARTICLE IV, SIGN REGULATIONS, SECTION 3-38, PURPOSE, CHAPTER 3, PERFORMANCE STANDARDS, ARTICLE IV, SIGN REGULATIONS, SECTION 3-39, SIGN PERMIT REQUIRED, CHAPTER 3, PERFORMANCE STANDARDS, ARTICLE IV, SIGN REGULATIONS, SECTION 3-40, SIGNS EXEMPT FROM THE PERMITTING STANDARDS OF THIS ARTICLE, CHAPTER 3, PERFORMANCE STANDARDS, ARTICLE IV, SIGN REGULATIONS, SECTION 3-41, SIGN MAINTENANCE, CHAPTER 3, PERFORMANCE STANDARDS, ARTICLE IV, SIGN REGULATIONS, SECTION 3-42, PROHIBITED SIGNS, CHAPTER 3, PERFORMANCE STANDARDS, ARTICLE IV, SIGN REGULATIONS, SECTION 3-43, NON-CONFORMING SIGNS, CHAPTER 3, PERFORMANCE STANDARDS, ARTICLE IV, SIGN REGULATIONS, SECTION 3-44, GENERAL SIGN REGULATIONS, DELETING CHAPTER 3, PERFORMANCE STANDARDS, ARTICLE IV, SIGN REGULATIONS SECTION 3-45 TEMPORARY SIGNS AND CREATING A SECTION TITLED COMMERCIAL VS. NONCOMMERCIAL SPEECH AND CONTENT, DELETING CHAPTER 3, PERFORMANCE STANDARDS, ARTICLE IV, SIGN REGULATIONS, SECTION 3-46, NON-RESIDENTIAL SITE IDENTIFICATION SIGNS AND CREATING A SECTION TITLED TEMPORARY SIGNS, DELETING CHAPTER 3, PERFORMANCE STANDARDS, ARTICLE IV, SIGN REGULATIONS, SECTION 3-47, BUSINESS PREMISE IDENTIFICATION SIGNS AND CREATING A SECTION TITLED SITE IDENTIFICATION SIGNS, DELETING CHAPTER 3, PERFORMANCE STANDARDS, ARTICLE IV, SIGN REGULATIONS, SECTION 3-48, SPECIALIZED SIGNAGE STANDARD AND CREATING A SECTION TITLED BUSINESS PREMISE IDENTIFICATION SIGNS, DELETING CHAPTER 3, PERFORMANCE STANDARDS, ARTICLE IV, SIGN REGULATIONS,

SECTION 3-49, RESIDENTIAL DEVELOPMENT IDENTIFICATION SIGNS, AND CREATING A SECTION TITLED MASTER SIGN PLAN, DELETING CHAPTER 3, PERFORMANCE STANDARDS, ARTICLE IV, SIGN REGULATIONS, SECTION 3-50, HISTORIC DISTRICT/BED AND BREAKFAST INN SIGNS, DELETING CHAPTER 3, PERFORMANCE STANDARDS, ARTICLE IV, SIGN REGULATIONS, SECTION 3-51, SIGN VARIANCES OF THE LAND DEVELOPMENT CODE; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THERE; PROVIDING FOR SEVERABILITY; AND SETTING FORTH AN EFFECTIVE DATE.

Mayor Costello stated this was a public hearing, and there were no requests to speak.

Planning Director Ric Goss requested clarification regarding whether the electronic, changeable signs would be allowed on just Granada Boulevard or city-wide. Mr. Goss stated the problem with city-wide was that it applied to any churches in residential areas, but language could be added to clarify the need to be at least 200 feet from residential use and nothing in the downtown district. Mr. Goss stated the signs were stated as “business premise identification signs,” but he wanted to point out that was for all signs.

Commissioner Kelley stated his motion was intended to allow all the churches on Granada Boulevard to have the electronic signs the same as on Nova Road, excluding churches within 200 feet of residential homes, or in the Downtown Development District.

Mayor Costello requested a motion to clarify the matter.

Commissioner Kelley stated his motion would be to allow houses of worship on Granada Boulevard, not within 200 feet of a residential home and not in the Downtown Development District.

Mayor Costello suggested including all churches not within 200 feet of a residential home and not in the downtown district.

Commissioner Kelley moved, seconded by Commissioner Partington, to amend Ordinance 2010-21 to allow electronic, changeable signs for all houses of worship, not within 200 feet of a residential home or in the Downtown Development District.

Commissioner Kent inquired why the downtown district was excluded.

Planning Director Goss stated the downtown district was being developed as a downtown area, different from other areas, without electronic monument signs.

Commissioner Kent stated he did not support the ordinance because he did not believe electronic, changeable signs should be allowed for churches or any others.

Commissioner Gillooly stated initially the discussion was whether to allow churches over 20 acres to have electronic, changeable signs. She stated after the first reading, she was amenable to allowing all churches on Granada Boulevard to have electronic, changeable signs. Commissioner Gillooly stated there was a concern about flashing signs, which would not be compatible with the image of the City. She stated she would support permitting only the churches on Granada Boulevard to have the electronic, changeable signs as a pilot program to determine if they were compatible with the City’s image.

Planning Director Goss stated, initially, the staff recommendation was for the three larger churches on Granada Boulevard that exceeded 20 acres as an experiment, but he reminded the Commission that if they approved them for Granada Boulevard, the signs would be there forever; there was no such thing as a pilot program.

Mayor Costello clarified the points to be determined were should the electronic, changeable signs be permitting within 200 feet of single family home, and should the electronic, changeable signs be permitted within the Downtown Development District. He stated support for non-flashing electronic, changeable signs that would not change more often than once an hour; and he supported requesting those with these signs to post community events, such as the Birthplace of Speed event.

Planning Director Goss stated the criteria allowed for high resolution, 16 mm pixel spacing or less, no flashing or blinking, and the brightness as 2,500 NTS; all of which was based on demonstrations presented to the Planning Board. He suggested the Commission proceed with the ordinance and come back with any adjustments that were needed.

Commissioner Partington suggested the issue be continued until a public workshop could be held with a demonstration of an electronic, changeable sign during the daylight hours and nighttime hours.

Planning Director Goss suggested the Commission move forward with the ordinance minus the electronic, changeable sign issue.

Mayor Costello called for the vote on the amendment to allow electronic, changeable signs for all houses of worship, not within 200 feet of a residential home or in the Downtown Development District.

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

Commissioner Gillooly moved, Commissioner Partington seconded, to amend Ordinance No. 2010-21 by deleting Section 3-47.F regarding electronic, changeable signs, on second reading as amended.

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

Mayor Costello called the vote for the main motion minus Section 3-47.F.

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

City Attorney Hayes stated that any motion to come back before the Commission would be treated as a new ordinance with two readings.

Mayor Costello stated the public hearing was closed.

Item #9 – LDC Amendments: T-1 Zoning District

ORDINANCE NO. 2010-22

AN ORDINANCE ESTABLISHING USES AND DIMENSIONAL STANDARDS FOR MANUFACTURED AND MOBILE HOME COMMUNITIES CURRENTLY ZONED AS T-1 AND DELETING THE REQUIREMENT FOR A REZONING TO PLANNED MANUFACTURED HOME COMMUNITY (PHMC) BY AMENDING CHAPTER 2, DISTRICT AND GENERAL REGULATIONS, ARTICLE I, ESTABLISHMENT OF ZONING DISTRICT AND OFFICIAL ZONING MAP, SECTION 2-02, FUTURE LAND USE MAP DESIGNATIONS AND ZONING DISTRICTS, TABLE 202, FUTURE LAND USE MAP DESIGNATIONS AND COMPATIBLE ZONING DISTRICTS, AMENDING CHAPTER 2, DISTRICT AND GENERAL REGULATIONS, ARTICLE II, DISTRICT REGULATIONS, SECTION 2-20, RESERVED (T-1) BY RE-ESTABLISHING THE T-1 ZONING DISTRICT, DELETING CHAPTER 2, DISTRICT AND GENERAL REGULATIONS, ARTICLE II, DISTRICT REGULATIONS, SECTION 2039, PLANNED MANUFACTURED HOME COMMUNITY (PHMC) IN ITS ENTIRETY AND RESERVING THE SECTION, AND AMENDING CHAPTER 2, DISTRICT AND GENERAL REGULATIONS, ARTICLE IV, CONDITIONAL AND SPECIAL EXCEPTION REGULATIONS, SECTION 2-57(M), CRITERIA FOR REVIEW OF SPECIFIC CONDITIONAL AND SPECIAL EXCEPTION TO ESTABLISH CONDITIONS FOR MANUFACTURED HOME COMMUNITY (MAHC) AND MOBILE HOME COMMUNITY (MOHC); REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; PROVIDING FOR SEVERABILITY; AND SETTING FORTH AN EFFECTIVE DATE.

Mayor Costello stated this was public hearing relative to manufactured home and mobile home standards. The Mayor reported the Planning Board recommended approval of the ordinance. He stated there were no requests from the audience to speak.

Commissioner Kelley moved, seconded by Commissioner Partington, for approval of Ordinance No. 2010-22, 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

Mayor Costello closed the public hearing without objection.

Item #8E – LDC Amendments: Airport Overlay District Map

ORDINANCE NO. 2010-23

AN ORDINANCE AMENDING CHAPTER 2, DISTRICT AND GENERAL REGULATIONS, ARTICLE VI, OVERLAY DISTRICTS SECTION 2-72, AIRPORT OVERLAY DISTRICT, OF THE *LAND DEVELOPMENT CODE* BY ADDING THE AIRPORT OVERLAY DISTRICT MAP 10-2; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; PROVIDING FOR SEVERABILITY; AND SETTING FORTH AN EFFECTIVE DATE.

Commissioner Kent moved, seconded by Commissioner Kelley, for approval of Ordinance No. 2010-23, 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

Mayor Costello stated with no objection the public hearing was closed.

Item #9 – Front Yard Parking Residential Properties

ORDINANCE NO. 2010-24

AN ORDINANCE AMENDING CHAPTER 14, OFFENSES-MISCELLANEOUS, OF THE CODE OF ORDINANCES, BY ADDING ARTICLE X, VEHICLE PARKING/NUISANCE, AND SECTIONS 14-103, FRONT YARD AND STREET-SIDE YARD PARKING, THEREUNDER; BY ESTABLISHING TERMS AND CONDITIONS RELATIVE THERETO; AND SETTING FORTH AN EFFECTIVE DATE.

Commissioner Kelley moved, seconded by Commissioner Partington, for approval of Ordinance No. 2010-24, on first reading, as read by title only.

Mayor Costello stated this ordinance was for no front, unimproved parking extensions, but allowed side driveway extensions that were unimproved.

Rick D’Louhy, 108 Rio Pinar, complimented staff for their interpretation of the discussion last December. He stated the City Manager’s memorandum stated, “gravel, mulch or stone” but the ordinance omitted the word, “stone.”

Commissioner Kelley explained that in the ordinance stone was covered in Sec. 14-103(b) and gravel and mulch were covered in Sec. 14-103(e).

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

Item #10 – Release and Satisfaction of Special Master Lien

RESOLUTION NO. 2010-33

A RESOLUTION AUTHORIZING THE EXECUTION OF A RELEASE AND SATISFACTION OF SPECIAL MASTER ADMINISTRATIVE FINE/LIEN FOR CODE VIOLATIONS ON PROPERTY LOCATED AT 357 NORTH RIDGEWOOD AVENUE (PARCEL ID 4240-01-13-0060), ORMOND BEACH, VOLUSIA COUNTY, FLORIDA; AND SETTING FORTH AN EFFECTIVE DATE.

Mayor Costello called for a motion and hearing none, invited the individuals from the audience who had requested the opportunity to speak, to do so.

Jerome Mitchell, 1326 South Ridgewood #8, Daytona Beach, stated the owners of the property lived in Pennsylvania since 2006 and had a bad tenant who caused the situation and kept the information from the owners by signing for registered mail. Mr. Mitchell stated that compliance was completed within six days of the owners' return to resolve this issue. He stated a reduction to 20% of the fine was a large deduction, but in this case, the efforts of the owners was extraordinary; therefore, the owners requested a nominal administrative fine of less than \$1,000.

Sharlene Eddy, of 12905 Dicksonberg Road, Conneautville, Pennsylvania, and 357 North Ridgewood Avenue, stated the Volusia County Property Appraiser's office did not honor her request to send the information to their Pennsylvania address because it was not made in writing, a requirement she did not learn about until recently.

Commissioner Gillooly stated staff had gone to extraordinary efforts to locate the owners of this property. She asked Mrs. Eddy how they were aware of the amount of taxes to be paid.

Mrs. Eddy stated they called to find out the amount to pay.

Commissioner Gillooly stated that due to the efforts on the part of staff and the severity of the issue, 20% of the fine was too low.

Commissioner Partington moved, seconded by Commissioner Kent, to discuss approval of Resolution No. 2010-33, as read by title only.

Commissioner Partington stated a reduction to 30% of the fine was closer to covering staff expenses, and the City was not at fault.

Commissioner Kelley stated he had a problem with the fact that the tenant attended hearings, accepted service for certified mail and ran a business out of the residence, without the homeowners being aware and suggested a \$10,000 fine.

Commissioner Kent stated that although the owners were visibly upset, the neighbors had to contend with this issue for years. He stated support for a reduction to 20%.

Mayor Costello stated he supported a reduction to 20% because he was approached at the Birthplace of Speed event by an out-of-town couple who were crying due to a parking ticket for parking on the sidewalk. He stated that, he mentioned to the police officer that it was more about compliance and change of behavior, and not so much about fining. He suggested issuing more warnings. He stated these homeowners received warnings, admitted they were wrong, and met compliance.

Commissioner Gillooly stated she appreciated the homeowners' hardship, but there were budgetary concerns, and staff had spent a great deal of time on this issue. She stated she would support a reduction to 30%.

Commissioner Partington moved, Commissioner Kelley seconded, to amend Ordinance No. 2010-33 to reduce the fine to 30%.

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

Mayor Costello called for the vote on the main motion including a reduction in the fine to 30%.

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

Mayor Costello suggested the City could arrange for a payment plan for the homeowners.

Item #11A – Stormwater Flooding Investigation Study Recommendations

Acting City Engineer John Noble stated the two discussion items were Commission directives following the May flooding event. He stated this item was a presentation of the findings from the stormwater management study recently completed. Mr. Noble stated the May storm deposited 27 inches of rain on the City, resulting in flooding of 81 houses and multiple streets; the worst hit was the Laurel Creek Basin. He reported that since the event, staff had been working to repair the damage that occurred, including failed pipes and roads, and blocked or plugged ditches, at \$645,000 spent of which \$475,000 was grant monies.

Mayor Costello stated Phase 1 will cost \$2.4 million, hopefully coming from FEMA; Phase 2 will cost \$6.8 million from East Volusia Water Authority; John Anderson needed \$546,000, Riverside Drive needed \$128,000, Mound Avenue needed \$100,000, which he proposed as a special assessment district to fund. The Mayor stated Mr. Burgess could assist the Commission with suggestions as to solutions for those areas.

Mark Burgess, Vice President of Camp, Dresser and McKee, Inc. (CDM), discussed slides presented regarding the stormwater management study, which emphasized the Laurel Creek area as the hardest hit area. Mr. Burgess explained for perspective, a 100 years storm, which had a recurrence interval of 1% in any year, was 11 inches of rain; the May event was 27 inches of rain. He stated that typically, they did not design to that level. He stated Phase 1 provided permanent connectivity through existing burrow pits and ponds with open channels and under roadways, as well as strategically placed pumps to pump down water levels in advance to provide more storage during a storm. Mr. Burgess stated CDM was confident the funding could be accomplished through the grant programs available, with the only cost to the City being a 25% match to the grant funds. He stated Phase 2 consisted of a pump station with 150 CFS (67,000 gallons per minute); treatment pond and force main discharging out to the Halifax River; several locations for a potential pond, if one were needed; and purchasing wetlands to be mitigated. Mr. Burgess pointed out that Phase 1 would be necessary to accomplish the benefits of Phase 2. He stated the recommendations for the Laurel Creek area were to purchase flood insurance, work with FEMA to establish floodplain elevations, implement Phase 1, continue to pursue grant funding, and implement Phase 2.

Mayor Costello requested CDM model with two ponds to determine if the second pond would significantly improve the situation. The Mayor stated that if it did significantly decrease flooding, a second pond should be pursued as part of Phase 2.

Mr. Burgess stated the pump stations were relatively typical and usually located on private property, which would require funding discussions, such as special assessment districts, and easements. He stated the study showed the flooding to be property owner to property owner, excess water on one property overflowing onto another property; the problem was not the streets causing the majority of flooding. He summarized the recommendations as reviewing the gravity drainage potential, estimate the water quality volume, size of the pipe to retain the water quality volume and develop conceptual cost estimates.

Commissioner Kelley stated it was a very difficult problem with costly solutions for minimal results. He stated the flooded homes could be purchased and elevated to prevent flooding at a lesser cost; and he stated there must be a better way to handle the issue. He commented in regards to the clean water quality, the EPA was going to force an unfunded mandate to resolve the issue, demanding analysis of every outfall of every rain and then treatment of the water. He stated there were only nine damaged houses without flood insurance; and he stated these homes should not have been built on the surficial aquifer. He suggested there were areas that could be purchased, if the owners were willing, to be used for a retention area, as done in Port Orange where 20 some houses were purchased, and the two property owners who did not sell were flooded by the storm.

Mayor Costello stated an effort was made to bring the flooded homeowners together with staff and FEMA, and only one homeowner was willing to sell; the others were not interested in selling.

City Manager Shanahan stated Phase 1 flooding was due largely to street flooding, which would be resolved with connectivity. She recommended the City, at least, pursue Phase 1 because there was a great opportunity to get grant funding to accomplish the changes that would position the City for Phase 2 with possible grant funding through the East Volusia Water Authority. Ms. Shanahan requested consensus from the Commission to move forward with the staff recommendations.

Mayor Costello polled the Commission, which resulted in a consensus to move forward with the staff recommendations.

At Commissioner Gillooly's request, Mr. Burgess confirmed the house to house flooding on Riverside Drive would be resolved through a special assessment district.

Mayor Costello stated the City would develop a campaign to encourage property owners in Flood Zone A to get flood insurance, and inform the property owners that the City's goal was to keep flood waters out of the houses, but the City could not afford to keep flood waters out of yards.

Item #11B – Private Stormwater Management Systems and Conveyance Flow-ways

Mayor Costello summarized the Commission's desire not to purchase property, but to pursue easements on private property.

Acting City Engineer Noble asked for clarification that for the properties which the City did not currently have easements, if the City was willing to purchase those easements, if necessary.

Mayor Costello stated that should a property owner request financial compensation for an easement, it should be explained that the City's action was an attempt to protect the owner's property from flooding.

Item #12 - Reports, Suggestions, Requests

Birthplace of Speed

Commissioner Gillooly thanked staff, volunteers from the Motor Racing Society and the Historic Society who all did a great job with the well attended Birthplace of Speed event.

Mayor Costello and the other Commissioners agreed the event was fabulous.

Metro Daytona-Volusia Economic Development Group

Commissioner Gillooly stated she attended the meeting for the new Metro Daytona-Volusia Economic Development Group and suggested the City look at any way to maximize opportunities to partner with or consolidate efforts with other entities to be more efficient and sustainable for the long haul.

City Manager Shanahan stated the Metro Daytona-Volusia Economic Development concept was formerly the Business Development Partnership, and the contract would be presented to the Commission for consideration, as well as their presentation which had been given to other cities.

Mayor Costello stated there were more private dollars involved than public dollars with the CEO category, which was a commitment of \$100,000 per year for three years, and already consisted of four members, Consolidated Tomoka, Brown & Brown, Florida Hospital, and the International Speedway Corporation. He stated any information received by the group was to be distributed to all the member cities.

Ormond MainStreet

Commissioner Gillooly stated it was wonderful to see everyone, including all the new people, working together for improving businesses and creating events to establish a real downtown district. She stated that things were starting to happen, and Darlin Nangano asked her to mention that everyone should consider MainStreet businesses for their St. Patrick Day celebrations. Commissioner Gillooly announced that MainStreet was using Facebook to promote the Farmers Market.

Commissioner Kent gave accolades to Bill Partington, Sr. for his work on Ormond Main Street.

Habitat for Humanity

Commissioner Gillooly thanked First United Methodist Church for their incredible generosity in sponsoring a Habitat home and thanked Deputy City Mayor Ed Kelley for speaking on behalf of First United Methodist Church at the dedication of the home.

Commissioner Kelley stated that Commissioner Gillooly was fantastic in action, and it was amazing watching her work with all the people and bringing everything together. He stated that when Commissioner Gillooly and the Habitat family that received the home came to his church, it was obvious that it meant a lot to the people who had worked to make the home happen. He state they really appreciated being able to associate faces with their efforts.

Thompson Creek Ribbon Cutting

Commissioner Gillooly reminded everyone that March 18 was the ribbon cutting ceremony at Thompson Creek.

Volusia League of Cities

Commissioner Partington stated the Volusia League of Cities meeting had a recap of the Metro Daytona-Volusia Economic Development Group meeting. He stated that some cities chose not to participate, but it was better to try to do something, rather than do nothing. He stated that in the past when the City had offered financial support for partnership ideas, the result was at least a break even situation. He stated he wanted to learn what the rest of the Commission thought about the idea.

Mayor Costello stated he was excited about the dinner to be held at Rockefeller Gardens for the Volusia League of Cities with music and an arts celebration.

Item #13 – Close the Meeting

The meeting was adjourned at 9:29 p.m.

APPROVED:

April 6, 2010

BY:

Fred Costello, Mayor

ATTEST:

Veronica Patterson, City Clerk