

**ORMOND BEACH CITY COMMISSION MEETING  
HELD AT CITY HALL COMMISSION CHAMBERS  
April 20, 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 Cantor Zev Sonnenstein, Temple Beth-El.
- 3) Pledge of Allegiance.
- 4) **PRESENTATIONS:**
  - A) Certificate for "Achievement of Civic Excellence" presented to Caroline Herbster, Ormond Beach Middle School, and Nelson Taylor, Hinson Middle School.
  - B) Introduction to the City's new website.
- 5) **AUDIENCE REMARKS:**
- 6) **APPROVAL OF THE MINUTES** of the April 6, 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. 2010-47 authorizing the execution of a quitclaim deed in favor of Michael Yusko and Barbara A. Yusko, releasing a portion of a ten-foot utility easement located on Lot 45, Creekside Planned Residential Development.
  - B) Resolution No. 2010-48 authorizing the execution of a quitclaim deed in favor of Myco Builders, LLC, releasing a portion of a ten-foot utility easement located on Lots 43, 60 and 62, Creekside Planned Residential Development.
  - C) Resolution No. 2010-49 authorizing the execution of a satisfaction of a Community Development Block Grant Impact Fee Lien for property located at 279 Jefferson Street, Ormond Beach, Volusia County, Florida.
  - D) Resolution No. 2010-50 authorizing the execution of a release and satisfaction of a Special Master Administrative Fine/Lien for code violations on property located at 253 Grove Street (Parcel ID 4222-09-06-0080), Ormond Beach, Volusia County, Florida.
  - E) Resolution No. 2010-51 accepting staff's recommendation regarding aircraft noise at the Ormond Beach Municipal Airport; authorizing the implementation of recommended strategies.
  - F) Budget results for the FY 2008-09 General Fund and Water/Wastewater Fund.

DISPOSITION: Approve as recommended in City Manager memorandum dated April 15, 2010.

- 8) **PUBLIC HEARING:** Resolution No. 2010-52 authorizing the execution of a Nonexclusive Franchise Agreement between the City and southeast Container Services, inc., regarding the collection of construction and demolition debris.

9) **SECOND READING OF ORDINANCES:**

- A) Garage sale permits:
    - 1) Ordinance No. 2010-25 amending Chapter 2, District and General Regulations, Article III, General Regulations, Section 2-50, Accessory Uses, of the Land Development Code by amending Paragraph P, Garage Sales, providing for an additional annual garage sale at no cost to the citizens, and clarifying the process for holding a garage sale. (Planning Director)
    - 2) Ordinance No. 2010-26 amending Chapter 8, Building and Construction Regulations, Article I, In General, of the Code of Ordinances of the City of Ormond Beach; by amending Section 8-10, Application Processing Fees, Paragraph G, Miscellaneous, Subparagraph 5, Garage or Yard Sales, to provide for a third event at no cost to the citizens. (Planning Director)
  - B) Ordinance No. 2010-27 amending Chapter 14 of the Code of Ordinances of the City of Ormond Beach, Florida, by creating Article V, titled "Abandoned Real Property"; providing for purpose and intent; providing definitions; providing for notification procedures; providing for the registration of abandoned real property by mortgagees; requiring mortgagees to inspect and maintain abandoned real property; providing for enforcement and penalties. (Neighborhood Improvement)
- 10) **FIRST READING OF ORDINANCE** No. 2010-28 relative to the office of mayor and City Commissioner, providing for and calling a Regular Election of the registered electors of the City of Ormond Beach to be held on November 2, 2010; providing for qualifying and election procedures; establishing a date for taking office; designating the location of polling places.
- 11) **DISCUSSION ITEM:** Sprinkler system legislation. (Fire Chief)
- 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 Cantor Zev Sonnenstein, Temple Beth-El.

Item #3 – Pledge of Allegiance

The Pledge of Allegiance was led by Mayor Costello.

Item #4A – Certificates of Achievement

Mary Rhodes, Chamber of Commerce, introduced Nelson Taylor, Hinson Middle School, and Caroline Herbster, Ormond Beach Middle School, as the winners of the Chamber's Achievement of Civic Excellence award. Ms. Rhodes stated Nelson Taylor was a seventh grade student at Hinson Middle School, a member of the National Honor Society, student government, Naturist Club, and played the drums in the school band, among some of his many accomplishments. She stated Nelson traveled to the Rally in Tally and Washington, DC, with the Youth Leaders Group. Ms. Rhodes explained Caroline Herbster, Ormond Beach Middle School, a seventh grader at Ormond Beach Middle School with a 4.0 GPA, was active in the National Junior Honor Society, Ormond Beach PTSA, the Leukemia Society fundraiser, the holiday drive for the Star Center, her church and Girl Scout Troop 1086.

Item #4B – Introduction to the New Website

Stephanie Molohon, Office Assistant for the City, explained how to navigate the City's new website and pointed out some of the new features, such as the Facilities module, a list of City facilities and parks, and the Photo Gallery with photos of the City contributed by citizens and staff members.

Mayor Costello suggested a discussion at a later date regarding the website policies relative to posting non-profit organizations' events and activities on the City's website.

Item #5 – Audience Remarks

Walking Riverbend Golf Course

Daniel Zurla, 3751 Long Grove Lane, Port Orange, spoke about the freedom to walk public golf courses.

Anniversary - Naming of Ormond

Bobbie Coleman, 28 Iroquois Trail, President of Historical Society, stated it was the 130<sup>th</sup> Anniversary of the incorporation and naming of Ormond; she stated the word, "Beach" was added in 1950. Ms. Coleman reported on April 22, 1880, a group of citizens met at the Dix House and named the City. Ms. Coleman stated Bonda Garrison, Education Director of the Historical Society, approached Bright House regarding inclusion of Ormond Beach history in the series of thirty second spots, This Day in History, and Bright House had agreed.

Item #6 – Approval of the Minutes

Mayor Costello advised the minutes of the April 6, 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.

Mayor Costello stated Item #7E was being pulled for discussion.

Commissioner Gillooly requested Item #7C also be pulled.

**Commissioner Kent moved, seconded by Commissioner Partington, for approval of the Consent Agenda, absent Items #7C and #7E.**

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

Item #7C – Satisfaction of CDBG Impact Fee Lien

RESOLUTION NO. 2010-49

A RESOLUTION AUTHORIZING THE EXECUTION OF A SATISFACTION OF A COMMUNITY DEVELOPMENT BLOCK GRANT IMPACT FEE LIEN FOR PROPERTY LOCATED AT 279 JEFFERSON STREET, ORMOND BEACH, VOLUSIA COUNTY, FLORIDA; AND SETTING FORTH AN EFFECTIVE DATE.

**Commissioner Partington moved, seconded by Commissioner Kent, for approval of Resolution No. 2010-49, as read by title only.**

Commissioner Gillooly stated the property was a former Habitat for Humanity home, and although there was no prohibitive voting conflict, she was abstaining from the vote due to her involvement with Habitat for Humanity.

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

Item #7E – Recommendations Regarding Aircraft Noise at the Municipal Airport

RESOLUTION NO. 2010-51

A RESOLUTION ACCEPTING STAFF’S RECOMMENDATIONS REGARDING AIRCRAFT NOISE AT THE ORMOND BEACH MUNICIPAL AIRPORT; AUTHORIZING THE IMPLEMENTATION OF RECOMMENDED STRATEGIES; AND SETTING FORTH AN EFFECTIVE DATE.

**Commissioner Kelley moved, seconded by Commissioner Partington, to approve Resolution No. 2010-51, as read by title only.**

Lou Lumaghi, 1 Cliffside Drive, stated several items were mentioned at the meetings of the Aircraft Noise Abatement Task Force (ANATF) that were not included in the recommendations. He stated the board did not include any residents that had to listen to the noise. He stated his suggestion to convert the airport into a free enterprise zone that would pay its own expenses was ignored, as were landing fees. Mr. Lumaghi stated there was very little control of the altitude at which the planes flew outside of the airport, and suggested the planes were flying at 300 to 500 feet over his neighborhood, which made it noisy. He stated that from 7:00 pm to 7:00 am when the tower was not open, there was no one in control.

Mayor Costello stated the airport did not act as a free enterprise zone, but any funds invested in the airport were kept in a separate fund as a loan to the airport to allow the City to repay itself; currently the fund was even, not costing the City, but no funds were available yet to repay the loan. The Mayor stated the FAA would not allow landing fees to be charged as a method for controlling noise. He stated any planes flying too low would be notified. The Mayor stated the more business flights at the airport would mean fewer flight schools, which would be better for the residents.

Gene DeCarlo, 3029 Monaghan Drive, a retired FAA flight coordinator, suggested noise complaints be addressed to the FAA at the airport because the FAA was responsible for noise abatement at the airport.

Mayor Costello stated Mr. DeCarlo was correct, but the FAA had not been responsive to noise complaints, stating if it was not related to safety they would not respond.

Steve Searle, 3949 Tano Drive, speaking as a pilot, stated the pilots at the airport had worked to abide by the rules and regulations, and were complying with the noise abatement recommendations made by the ANATF. He stated the ceiling at the airport was 1,200 feet, and no one was flying at 300 feet over houses but at, generally, 1,000 feet when departing from the pattern. He suggested that if you bought a house by a train track and you were disturbed by the train at night, he was sorry; if you bought a house on the river and were disturbed by the boats, he was sorry; if you bought a house by the airport and were disturbed by the airplane noise, he was sorry; but he enjoyed flying and the pilots at the airport were cooperating.

Terry Perkins, 108 Heritage Circle, complimented the Mayor on his technical knowledge, and staff, Airport Manager Lichliter, Deputy City Attorney Emory, and City Manager Shanahan for

their efforts. He stated he learned a great deal from information provided to the ANATF, and staff recommendations were correct and keeping with the tone the ANATF was trying to set.

Larry Stout, 677 North Beach Street, stated he would yield because the other speakers had already said what he would have said.

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

Mayor Costello stated the staff report was easy to understand, thorough, complete and covered all the issues.

Item #8 – Nonexclusive Franchise Agreement

RESOLUTION NO. 2010-52

A RESOLUTION AUTHORIZING THE EXECUTION OF A NONEXCLUSIVE FRANCHISE AGREEMENT BETWEEN THE CITY AND SOUTHEAST CONTAINER SERVICES, INC., REGARDING THE COLLECTION OF CONSTRUCTION AND DEMOLITION DEBRIS; AND SETTING FORTH AN EFFECTIVE DATE.

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

**Commissioner Kelley moved, seconded by Commissioner Gillooly, for approval of Resolution No. 2010-52, 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 #9A(1) – Additional Annual Garage/Yard Sale

ORDINANCE NO. 2010-25

AN ORDINANCE AMENDING CHAPTER 2, DISTRICT AND GENERAL REGULATIONS, ARTICLE III, GENERAL REGULATIONS, SECTION 2-50, ACCESSORY USES, OF THE *LAND DEVELOPMENT CODE* BY AMENDING PARAGRAPH P, GARAGE SALES, PROVIDING FOR AN ADDITIONAL ANNUAL GARAGE SALE AT NO COST TO THE CITIZENS, AND CLARIFYING THE PROCESS FOR HOLDING A GARAGE SALE; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; PROVIDING FOR SEVERABILITY; AND SETTING FORTH AN EFFECTIVE DATE.

**Commissioner Kent moved, seconded by Commissioner Partington, to discuss approval of Ordinance No. 2010-25, on second reading, as read by title only.**

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

Item #9A(2) – Providing for a Third Garage/Yard Sale

ORDINANCE NO. 2010-26

AN ORDINANCE AMENDING CHAPTER 8, BUILDINGS AND CONSTRUCTION REGULATIONS, ARTICLE I, IN GENERAL OR THE CODE OF ORDINANCES OF THE CITY OF ORMOND BEACH; BY AMENDING SECTION 8-10, APPLICATION PROCESSING FEES, PARAGRAPH G, MISCELLANEOUS, SUBPARAGRAPH 5, GARAGE OR YARD SALES TO PROVIDE FOR A THIRD EVENT AT NO COST TO THE CITIZENS; PROVIDING FOR SEVERABILITY;

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

**Commissioner Gillooly moved, seconded by Commissioner Partington, to discuss approval of Ordinance No. 2010-26 on second reading, as read by title only.**

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

Item 9B – Abandoned Real Property

ORDINANCE NO. 2010-27

AN ORDINANCE AMENDING CHAPTER 14 OF THE CODE OF ORDINANCES OF THE CITY OF ORMOND BEACH, FLORIDA, BY CREATING ARTICLE V, TITLED “ABANDONED REAL PROPERTY”; PROVIDING FOR PURPOSE AND INTENT; PROVIDING DEFINITIONS; PROVIDING FOR NOTIFICATION PROCEDURES; PROVIDING FOR THE REGISTRATION OF ABANDONED REAL PROPERTY BY MORTGAGEES; REQUIRING MORTGAGEES TO INSPECT AND MAINTAIN ABANDONED REAL PROPERTY; PROVIDING FOR ENFORCEMENT AND PENALTIES; PROVIDING FOR INCLUSION IN CITY CODE; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTING ORDINANCES; AND PROVIDING FOR AN EFFECTIVE DATE.

**Commissioner Kelley moved, seconded by Commissioner Partington, to approve Ordinance 2010-27, on second reading, by title only.**

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

Item #10 – Regular Election

ORDINANCE NO. 2010-28

AN ORDINANCE RELATIVE TO THE OFFICE OF MAYOR AND CIT COMMISSIONER, PROVIDING FOR AND CALLING A REGULAR ELECTION OF THE REGISTERED ELECTORS OF THE CITY OF ORMOND BEACH TO BE HELD ON NOVEMBER 2, 2010; PROVIDING FOR QUALIFYING AND ELECTION PROCEDURES; ESTABLISHING A DATE FOR TAKING OFFICE; DESIGNATING THE LOCATION OF POLLING PLACES; AND SETTING FORTH AN EFFECTIVE DATE.

**Commissioner Kelley moved, seconded by Commissioner Gillooly, to approve Ordinance No. 2010-28 on first reading, as read by title only.**

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

Item #11 – Administrative Costs for Code Enforcement Liens

Commissioner Partington stated support for the use of the Seminole County cost sheet method.

Commissioner Gillooly agreed that it gave an opportunity to determine the actual costs and the amount of staff time.

Mayor Costello offered his support of the cost sheet method.

### Item #12 - Reports, Suggestions, Requests

#### Police Department Volunteer Appreciation Luncheon

Commissioner Kelley stated he attended the Police Department Volunteer Appreciation Luncheon. He reported that the luncheon was well attended, and it was important to recognize the wonderful things the volunteers do for the City.

City Manager Joyce Shanahan stated the volunteers sent a letter to the City expressing their appreciation for the luncheon and the proclamations. She reported that most of the outstanding food was made by the Police Department staff.

#### Beachfront Property

Commissioner Kelley stated he was called for the phone survey on the beach property acquisition, but explained to the pollster he would abstain from the poll, because he was on the City Commission. He stated people would accept the idea; and once it was a reality, he suggested the Commission recommend the County close the section of beach in front of the park to cars. He suggested the traffic be one way from Granada south to the Cardinal approach, and close the beach to cars from the Cardinal approach to Main Street, where the traffic could be one way north to Main Street. He stated whether or not you personally use the beachfront park, a lot of people go to the beach and use the many activities available in the City, which made the City unique.

Commissioner Kent thanked Parker Menchenberger for the conceptual drawings of a beachfront park. He stated a lot of residents did use the beach, but not necessarily the beach in the City, due to the lack of accessibility. He supported the removal of cars from the beach in specific areas.

Mayor Costello expressed appreciation for Commissioner Kelley's recommendation for one-way traffic on the beach, which was something the Mayor had supported for the past twenty years, and a traffic-free zone on the beach in front of the park.

#### Park Clean-Up

Commissioner Partington reported the Central Park Clean-Up was a big success, and he praised the efforts of Recreation Manager Stefan Sibley. Commissioner Partington stated the volunteers cleaned up a lot of trash, 15-20 bags in the area he was working. He stated that as beautiful as the park looked when you drove by, it was that much more beautiful after the trash was removed. He stated it was wonderful to see the community come together for the clean-up project. Commissioner Partington suggested Rainbow Park needed a face lift, and it could be done through a community effort.

Commissioner Gillooly reported she attended the Sanchez Park clean-up and was struck by how little litter needed to be picked up. She stated she was impressed by Recreation Director Stefan Sibley's ability to coordinate the event so professionally, while relating to a six year old to engage her efforts.

City Manager Shanahan stated she attended the Sanchez Park clean-up, and Leisure Services was considering a quarterly clean-up for each of the parks. She stated the family living across the street from the park was delighted to participate in the park clean-up.

#### Chamber of Commerce Goal Setting Workshop

Commissioner Gillooly stated she was privileged to participate in the Chamber's Goal Setting Workshop. She stated one of the issues was about working more closely with the City's Economic Development Director, Joe Mannarino, and Ormond MainStreet with their goals. She stated the community had a lot of volunteers who would make things happen.

#### Municipal Airport

Commissioner Gillooly commended Economic Development Director Joe Mannarino for bringing Captain Steven Lichliter to the City as the Airport Manager, and for the professional, but congenial tone set at the airport for dealing with the businesses and citizens.

#### Achievement Awards

Commissioner Kent stated it was a big deal for young people to receive the award and to have their picture taken with the Mayor.

#### Town Hall Meetings

City Manager Shanahan reported the town hall meetings were being scheduled, and the format was being considered. She stated the tentative dates were Zone 4 on May 10; Zone 2 on May 11; Zone 3 on May 19; Zone 1 on May 25.

Mayor Costello stated he would try to attend all the town hall meetings; he hoped the media got the dates to the community; and the community came out to express their opinions.

Housing Authority

Mayor Costello reported there was a resignation from the Housing Authority, and he asked the Commission to consider recommendations for a replacement.

Granada Boulevard

Mayor Costello stated City Engineer Larry Rivera’s efforts regarding the downtown had been successful, and FDOT agreed to move the bike lanes, keep parking and possibly medians on Granada Boulevard between US1 and Beach Street. The Mayor suggested the City send a letter of thanks to FDOT for listening to the City.

Maintenance in the City

Mayor Costello stated he received a request from a citizen to do something about the condition of the boardwalk under the bridge. He stated that before he could forward the request, staff had already been working on a maintenance plan for the boardwalk. He reported that the I-95 and SR40 intersection needed maintenance. He stated his point was that citizens noticed the condition of the community.

Item #13 – Close the Meeting

The meeting was adjourned at 8:20 p.m.

APPROVED: May 4, 2010

BY: Fred Costello, Mayor

ATTEST:

Veronica Patterson, City Clerk