

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

October 21, 2008

7:00 p.m.

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

A G E N D A

- 1) Meeting called to order by Mayor Costello.
- 2) Invocation by Father Richard Grasso, Prince of Peace Catholic Church.
- 3) Pledge of Allegiance.
- 4) ***PRESENTATION:*** Proclamation in honor of Zachary Driscoll.
- 5) ***AUDIENCE REMARKS:***
- 6) ***APPROVAL OF THE MINUTES*** of the October 7, 2008, meeting.
- 7) ***INTERGOVERNMENTAL REPORTS:***
 - A) Metropolitan Planning Organization
 - B) Volusia Council of Governments
 - C) Water Authority of Volusia

- 8) **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. 2008-188 authorizing the execution of a release and satisfaction of Special Master administrative fine/lien for code violations on property located at 59 Laurel Oaks Circle, Ormond Beach, Volusia County, Florida.
 - B) Resolution No. 2008-189 authorizing the approval of two requisitions (#0000005299 and #0000005300) and authorizing the execution of two blanket purchase orders for the purchase of gasoline and diesel fuel for City vehicles under State of Florida Contract Number 405-000-04-1. (\$573,000 for gasoline; \$275,000 for diesel fuel)
 - C) Resolution No. 2008-190 authorizing a cost-of-living increase in the rate paid by the City to Economy Electric Company, Inc., for electrical services. (\$2,184 annually)
 - D) Resolution No. 2008-191 authorizing a cost-of-living increase in the rate paid by the City to Services Rendered, Inc., for janitorial services. (\$9,827 annually)
 - E) Resolution No. 2008-192 authorizing the execution of a Community Development Block Grant Subrecipient Agreement for Fiscal Year 2008-2009 between the City and the County of Volusia. (\$101,843 CDBG funds)
 - F) Resolution No. 2008-193 authorizing the execution of Change Order Number Two (2) to that Joint Project Agreement between the City and the County of Volusia regarding the utility installation and road construction on Clyde Morris Boulevard from Aberdeen to Fallsway Boulevard, by increasing the contract price by \$44,000. (\$914,613 total contract)
 - G) Resolution No. 2008-194 accepting a bid from Brenntag Mid-South, Inc., for the provision of a scale inhibitor for the City's Water Treatment Plant under Bid No. 2008-35; authorizing the execution of a purchase order and payment therefor; rejecting all other bids. (\$30,024)
 - H) Rockefeller Gardens improvements:
 - 1) Resolution No. 2008-195 accepting the bid of C.E.M. Enterprises, Inc., regarding construction services for the Rockefeller Gardens Site and Drainage Improvements project under Bid No. 2008-30, rejecting all other bids; authorizing the execution of a contract between the City and C.E.M. Enterprises, Inc., and payment thereunder. (\$1,016,333)
 - 2) Resolution No. 2008-196 authorizing the sole source procurement of site amenities from Landscapeforms, Inc., regarding the Rockefeller Gardens Site and Drainage Improvements project; authorizing the execution of a purchase authorization. (\$41,054)
 - 3) Resolution No. 2008-197 accepting a proposal from Kenneth Smith Architects, Inc., to provide construction administration services regarding the Rockefeller Gardens Site and Drainage Improvements project; authorizing the execution of a Work Authorization thereto. (Not-to-exceed \$32,800)
 - I) Resolution No. 2008-198 authorizing the execution of a subgrant agreement between the City and the State of Florida, Division of Emergency Management, regarding the Hazard Mitigation Grant Program. (Funding for the Hand Avenue and Laurel Creek Improvements Drainage project - \$934,011 HMGP funding)
- 9) **PUBLIC HEARINGS:**
- A) Community Redevelopment Agency grant applications:
 - 1) Review by the Community Redevelopment Agency.
 - a) Recess the City Commission meeting and convene as the City of Ormond Beach Community Redevelopment Agency.
 - b) Review Property Improvement Grant applications for recommendation to the City Commission.

- c) Adjourn as the Community Redevelopment Agency and reconvene the City Commission meeting.
- 2) Resolution No. 2008-199 of the City Commission, also acting as the Central Business District Community Redevelopment Agency of the City of Ormond Beach, Florida, authorizing the extension of a Property Improvement Grant Agreement between the Agency and Tomoka Properties, LLC, a Florida Limited Liability Company. (163 Tomoka Avenue - \$50,000)
- 3) Resolution No. 2008-200 of the City Commission, also acting as the Central Business District Community Redevelopment Agency of the City of Ormond Beach, Florida, authorizing the extension of a Property Improvement Grant Agreement between the Agency and the Highlander Corporation, a Florida corporation. (44 West Granada Boulevard - \$12,647.83)
- B) Ordinance No. 2008-44 authorizing the execution and issuance of a Development Order for a Planned Residential Development to be known as “Pineland” to be located on a 164.5-acre site north of Airport Road, east of Interstate 95, south of the City’s business park, and west of the Ormond Green subdivision and Pine Trails subdivision; authorizing a five-phased project consisting of 192 single-family lots. (Second Reading)
- C) Ordinance No. 2008-48 amending Subsection A, Zoning Map, of Chapter 2, District and General Regulations, Article I, Establishment of Zoning Districts and Official Zoning Map, Section 2-03, Official Zoning Map and Zoning Districts, of the City of Ormond Beach Land Development Code, by rezoning a 19.22 acre parcel of real property located at 765 West Granada Boulevard from B-9 (Boulevard) to PBD (Planned Business Development); authorizing revision of the Official Zoning Map; approving a Development Order for a Planned Business Development to be known as “Granada Grande”; establishing conditions therefore; and approving and authorizing the removal of eight (8) of the forty-seven (47) historic trees located on the property. (First Reading)
- D) Ordinance No. 2008-49 relative to the location of sexually oriented businesses, amending Chapter 1, Article III, Section 1-22, entitled Definitions; amending Chapter 2, Article II, Section 2-29, entitled Commercial (B-8); amending Chapter 2, Article IV, Section 2-57, entitled Special and Conditional Use Criteria, of the Land Development Code. (First Reading)
- E) Ordinance No. 2008-50 relative to sexually oriented business permit and license requirements; amending Chapter 12, Business Regulations, Article XIV, Sale or Rental of Sexually Explicit Materials, of the Code of Ordinances, by deleting in its entirety Sections 12-390, Definitions, 12-391, Businesses Prohibited, and 12-392, Regulation of the Sale or Rental of Materials Depicting or Describing Specified Sexual Activities or Specified Anatomical Areas, and adding Sections 12-390 through 12-413. (First Reading)
- 10) **SECOND READING OF ORDINANCE** No. 2008-47 amending Section 2-221, Recreation Advisory Board, of Article VI, Boards, Commissions, Committees and Other Agencies, of Chapter 2, Administration, of the Code of Ordinances by amending the name of the board and its purpose.
- 11) **FIRST READING OF ORDINANCES:**
 - A) Ordinance No. 2008-51 relative to Business Signs, Chapter 3, Article IV, Section 3-47, Business Premise Identification Signs, of the Land Development Code, by amending regulations to include the B-5 Zoning District in those districts where height exceeding twenty feet (20’) is subject to the coordination of sign placement with architectural style, and to remove the special exception requirement for those zoning districts.
 - B) Ordinance No. 2008-52 relative to accessory dwelling units, Chapter 2, District and General Regulations, Article III, General Regulations, Section 2-50, Accessory Uses, to clarify permitted occupancy.

12) **RESOLUTIONS:**

- A) Resolution No. 2008-201 amending Resolutions 2008-23 and 2008-56 regarding appointments to the Recreation Advisory Board for the limited purpose of acknowledging the correct name of the board on which its members serve.
- B) Resolution No. 2008-202 authorizing the execution of a Interlocal Agreement between the City and the Volusia County School Board regarding the use of fields and facilities at the Ormond Beach Sports Complex for the extracurricular activities of Seabreeze High School students. (\$600,000)

13) **DISCUSSION ITEMS:**

- A) Special Election to amend the City Charter relative to municipal elections.
- B) Purchasing threshold.
- C) Beach concession services.

14) **REPORTS, SUGGESTIONS, REQUESTS:** Mayor, City Commission, City Manager, City Attorney.

15) **CLOSE THE MEETING.**

Item #1 – Call to Order

Mayor Costello called the meeting to order at 7:05 p.m.

Item #2 – Invocation

Invocation by Father Richard Grasso, Prince of Peace Catholic Church.

Item #3 - Pledge of Allegiance

Item #4 – Presentation

Mayor Costello presented a proclamation to Zachary Driscoll for rescuing a family of three in distress from rough surf.

Item #5 – Audience Remarks

Rita Press, 875 Wilmette Ave., reminded everyone of the October 22, 2008 Candidates Forum. She stated that the “meet and greet” started at 6:30 p.m. She announced she would debate Mayor Costello on Ormond Beach Question #2.

Craig Olsen, 146 Magnolia, thanked the Commission in advance for recommending the County keep at least the minimum amount of services on the beaches and allowing the concessionaires to form an entity to provide those services.

Item #6 – Approval of Minutes

Mayor Costello advised the minutes of the October 7, 2008 meeting stand approved without objections.

Item #7(A) – Metropolitan Planning Organization and Item #7(B) Volusia Council of Governments

Mayor Costello stated that MPO was working on definitive direction regarding the design of intersections of two state roads and whether local communities should participate in the costs. He stated that MPO will have no new projects for a long time due to lack of funding.

Mayor Costello reported that VCOG is continuing to focus on issues such as cost cutting measures, a smart growth initiative, and fire and emergency medical services.

Item #7(C) - Water Authority of Volusia

Commissioner Kelley stated that as a conservation project, WAV would be offering a \$20 rebate on the first 150 people who purchase a rain barrel and \$150 rebate for the first 70 people who purchase an energy-efficient, front-loading washing machine. Commissioner Kelley questioned if the City could match the rebate or duplicate it within the City. He suggested the promotional information could be included with the City water bill. He pointed out that use of those 70 washing machines would save 126,000 gallons of water over the conventional machines. He requested staff review the idea of matching rebates to any Ormond Beach residents.

Commissioner Gillooly suggested the City could extend the rebate to others rather than matching rebates.

Commissioner Kelley stated the other cities were considering that idea. He said he would have specific information after November 1.

Mayor Costello asked Ted MacLeod to bring back recommendations to the Commission.

Commissioner Kelley stated that Daytona Beach has opted not to come back into WAV. He advised that the remaining members are all on board and will make measurable differences in conservation.

Item #8 – Consent Agenda

Mayor Costello advised that 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 one or more of the items separately.

Commissioner Gillooly asked to remove Items C and D for discussion.

Commissioner Kelley moved, seconded by Commissioner Gillooly, for approval of the Consent Agenda, absent Items C and D.

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

Item #8(C) – Economy Electric Company, Inc.

RESOLUTION NO. 2008-190
RESOLUTION NO. 2008-190 AUTHORIZING A COST-OF-LIVING INCREASE IN THE RATE PAID BY THE CITY TO ECONOMY ELECTRIC COMPANY, INC., FOR ELECTRICAL SERVICES. (\$2,184 ANNUALLY)

Commissioner Kelley moved, seconded by Commissioner Partington, to approve Resolution 2008-190 as read by title only.

Commissioner Gillooly expressed concern about the delay in bringing this item to the Commission. She asked what determines when contracts will be rebid to verify cost efficiency.

Mr. MacLeod explained that before rebidding a contract, the staff will research costs to determine that the current contract is at a competitive price. He advised that the danger of rebidding a contract allows the current vendor to submit a new, higher price rather than accept the cost-of-living increase contained in the current contract. He further explained that rollover contracts are usually the best prices.

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

Item #8(D) – Services Rendered, Inc.

RESOLUTION NO. 2008-191
RESOLUTION NO. 2008-191 AUTHORIZING A COST-OF-LIVING INCREASE IN THE RATE PAID BY THE CITY TO SERVICES RENDERED, INC., FOR JANITORIAL SERVICES. (\$9,827 ANNUALLY)

Commissioner Partington moved, seconded by Commissioner Kelley, to approve Resolution 2008-191 as read by title only.

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

Mayor Costello suggested that the City seek Community Development Block Grant funds for the other two intersections not included in the fiscal year 2008-2009 request by including them in the 2009-2010 request.

Mayor Costello proposed the City seek Racing and Recreation grant funding for construction of an under-the-road connection of the lakes on the north and south sides of Hand Avenue to be used by a kayak or rowboat. He noted that ECHO funding would not be available until next October; whereas, this funding request could be sought now. The Commission was in agreement to move forward with the grant request.

Item #8(G) – Rockefeller Gardens Site and Drainage Improvements project

Commissioner Kent stated that he is very excited about the Rockefeller Gardens Site and Drainage Improvements project and hopes the project will be complete by the July 4th festivities.

Item #8(F) – Utility Installation and Road Construction on Clyde Morris Boulevard

Commissioner Kent stated that he is against the City paying for any of the construction but is supportive of getting the work done.

Item #9(A) – CRA Property Improvement Grants

Mayor Costello recessed the City Commission meeting and convened a meeting of the City of Ormond Beach Community Redevelopment Agency (CRA) at 7:37 p.m.

Item #9(A)(2) – 163 Tomoka Avenue – Grant Extension

Commissioner Kelley moved, seconded by Commissioner Gillooly, to recommend approval of Resolution No. 2008-198. The motion passed by unanimous vote.

Item #9(A)(3) – 44 West Granada Boulevard – Grant Extension

Commissioner Kent moved, seconded by Commissioner Kelley, to recommend approval of Resolution No. 2008-199. The motion approved by unanimous vote.

Mayor Costello adjourned the CRA meeting and reconvened the City Commission meeting at 7:50 p.m.

Item #9(A)(2) – 163 Tomoka Avenue

RESOLUTION NO. 2008-198
RESOLUTION NO. 2008-199 OF THE CITY COMMISSION, ALSO ACTING AS THE CENTRAL BUSINESS DISTRICT COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF ORMOND BEACH, FLORIDA, AUTHORIZING THE EXTENSION OF A PROPERTY IMPROVEMENT GRANT AGREEMENT BETWEEN THE AGENCY AND TOMOKA PROPERTIES, LLC, A FLORIDA LIMITED LIABILITY COMPANY.

Commissioner Kelley moved; seconded by Commissioner Kent; to approve Resolution 2008-198 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 noted that the CRA recommended approval, and it was now approved by the Commission unanimously.

Item #9(A)(3) – 44 West Granada Boulevard

RESOLUTION NO. 2008-199
RESOLUTION NO. 2008-200 OF THE CITY COMMISSION, ALSO ACTING AS THE CENTRAL BUSINESS DISTRICT COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF ORMOND BEACH, FLORIDA, AUTHORIZING THE EXTENSION OF A PROPERTY IMPROVEMENT GRANT AGREEMENT BETWEEN THE AGENCY AND THE HIGHLANDER CORPORATION, A FLORIDA CORPORATION.

Mayor Costello advised that it was recommended by the CRA unanimously.

Commissioner Gillooly moved, seconded by Commissioner Kent, to approve Resolution No. 2008-199, as read by title only.

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

Item #9(B) – Pineland (a Planned Residential Development on Airport Road)

ORDINANCE NO. 2008-44
ORDINANCE NO. 2008-44 AUTHORIZING THE EXECUTION AND ISSUANCE OF A DEVELOPMENT ORDER FOR A PLANNED RESIDENTIAL DEVELOPMENT TO BE KNOWN AS "PINELAND" TO BE LOCATED ON A 164.5-ACRE SITE NORTH OF AIRPORT ROAD, EAST OF INTERSTATE 95, SOUTH OF THE CITY'S BUSINESS PARK, AND WEST OF THE ORMOND GREEN SUBDIVISION AND PINE TRAILS SUBDIVISION; AUTHORIZING A FIVE-PHASED PROJECT CONSISTING OF 192 SINGLE-FAMILY LOTS; REPEALING ALL INCONCSISTENT ORDINANCES OR PARTS THEREOF; AND SETTING FORTH EFFECTIVE DATE.

Clair Atwell, 49 Ormond Green Blvd., stated he still holds an objection to the intrusion of an emergency exit into the entryway but liked the second stop sign.

Commissioner Kelley moved, seconded by Commissioner Partington, to approve Ordinance 2008-44, as read by title only.

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

Item #9(C) – Rezoning of 765 West Granada Boulevard

ORDINANCE NO. 2008-48
ORDINANCE NO. 2008-48 AMENDING SUBSECTION A, ZONING MAP, OF CHAPTER 2, DISTRICT AND GENERAL REGULATIONS, ARTICLE I, ESTABLISHMENT OF ZONING DISTRICTS AND OFFICIAL ZONING MAP, SECTION 2-03, OFFICIAL ZONING MAP AND ZONING DISTRICTS, OF THE CITY OF ORMOND BEACH LAND DEVELOPMENT CODE, BY REZONING A 19.22 ACRE PARCEL OF REAL PROPERTY LOCATED AT 765 WEST GRANADA BOULEVARD FROM B-9 (BOULEVARD) TO PBD (PLANNED BUSINESS DEVELOPMENT); AUTHORIZING REVISION OF THE OFFICIAL ZONING MAP; APPROVING A DEVELOPMENT ORDER FOR A PLANNED

BUSINESS DEVELOPMENT TO BE KNOWN AS “GRANADA GRANDE”; ESTABLISHING CONDITIONS THEREFORE; AND APPROVING AND AUTHORIZING THE REMOVAL OF EIGHT (8) OF THE FORTY-SEVEN (47) HISTORIC TREES LOCATED ON THE PROPERTY; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; AND SETTING FORTH AN EFFECTIVE DATE.

Mayor Costello stated that the Planning Board approved this ordinance by unanimous vote.

Scott Dupont, 912 South Ridgewood, Suite D, Daytona Beach, an attorney representing William T. Moore, who owns approximately twelve acres to the south and east of this development, stated that current development plans would not allow Mr. Moore access to his property.

Ric Goss explained that access for Mr. Moore’s property is planned for Granada Boulevard because any other access would be through wetlands.

Commissioner Kelley moved, seconded by Commissioner Kent, to approve Ordinance 2008-48, on first reading, as read by title only.

Commissioner Kelley asked why three dead or diseased historic trees were being left.

Mayor Costello pointed out that these three trees were in the stormwater area and would fall in the stormwater area.

Brian Share, representing the owners, stated that these three trees would not impact the development.

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

Brian Share asked if removal of the three trees was approved.

Commissioner Kelley moved; seconded by Commissioner Gillooly, to reopen the discussion.

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

Commissioner Kelley moved; seconded by Commissioner Gillooly, to amend the motion to allow removal of the three dead or diseased trees.

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

Call Vote for Motion as amended:	Commissioner Kent	yes
	Commissioner Kelley	yes
	Commissioner Partington	yes
	Commissioner Gillooly	yes
Carried.	Mayor Costello	yes

Item #9(D) – Amending Land Development Code

ORDINANCE NO. 2008-49
 ORDINANCE NO. 2008-49 RELATIVE TO THE LOCATION OF SEXUALLY ORIENTED BUSINESSES, AMENDING CHAPTER 1, ARTICLE III, SECTION 1-22, ENTITLED DEFINITIONS; AMENDING CHAPTER 2, ARTICLE II, SECTION 2-29, ENTITLED COMMERCIAL (B-8); AMENDING CHAPTER 2, ARTICLE IV, SECTION 2-57, ENTITLED SPECIAL AND CONDITIONAL USE

CRITERIA, OF THE LAND DEVELOPMENT CODE; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; AND SETTING FORTH AN EFFECTIVE DATE.

Ric Goss noted in September, the Planning Board recommended approval.

Commissioner Kelley moved; seconded by Commissioner Gillooly, to approve Ordinance 2008-49, on first reading, as read by title only.

Commissioner Kelley asked about amending the buffer to 1,000 feet.

Mayor Costello responded that Randy Hayes, City Attorney, stated a 1,000 foot buffer does not allow for any eligible locations.

Mr. Goss explained the analysis for determining the appropriate buffer was from 2,000 feet to 500 feet around all sensitive areas. He stated a buffer of 500 feet allows 20 sites that would meet the requirements.

Commissioner Kelley asked why the buffer couldn't be 750 feet.

Mr. Goss explained research revealed the most current case law was from just south of the City at the Daytona Grande where the courts determined that 20 sites seemed to be the adequate number that would withstand any court challenge.

Commissioner Kelley questioned that since the City is smaller, why ten available lots would not be enough.

Mr. Goss expressed the need for this ordinance to withstand any legal challenge.

Pat Banke, 15 Sun Bear Path, stated her objection to a 500 foot buffer was that it is less than two football fields from residences and would promote crime and devalue property in residential neighborhoods.

Mr. Hayes said that a 750 foot buffer would basically eliminate all potential available sites. He specified that the benchmark in related cases is 20 available sites. He explained that this ordinance was the most stringent that was legally defensible.

Commissioner Kelley asked why the ordinance couldn't be amended when it was challenged.

Mr. Hayes noted that a component of a legal challenge would be an immediate injunction to prohibit the City from enforcing the ordinance; therefore, they could effectively set up business anywhere.

Mr. Goss explained the sites would be available, which makes the ordinance more able to stand up in court; but the sites wouldn't necessarily be viable business sites. He reported that staff learned from Daytona Beach's mistakes and created a strong ordinance.

Commissioner Gillooly asserted her belief that this was the most rational and the best protection available to the citizens.

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

Item #9(E) – Amending Business Permit and License Requirements

ORDINANCE NO. 2008-50
ORDINANCE NO. 2008-50 RELATIVE TO SEXUALLY ORIENTED BUSINESS PERMIT AND LICENSE REQUIREMENTS; AMENDING CHAPTER 12, BUSINESS REGULATIONS, ARTICLE XIV, SALE OR RENTAL OF SEXUALLY EXPLICIT MATERIALS, OF THE CODE OF ORDINANCES, BY DELETING IN ITS ENTIRETY SECTIONS 12-390, DEFINITIONS, 12-391, BUSINESSES PROHIBITED, AND 12-392, REGULATION OF THE SALE OR RENTAL OF MATERIALS DEPICTING OR DESCRIBING SPECIFIED SEXUAL ACTIVITIES OR SPECIFIED ANATOMICAL AREAS, AND ADDING SECTIONS 12-390 THROUGH 12-413 REPEALING ALL INCONSISTENT

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

Commissioner Partington moved; seconded by Commissioner Kelley, to approve Ordinance 2008-50, on first reading, as read by title only.

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

Item #10 – Recreation Advisory Board

ORDINANCE NO. 2008-47

ORDINANCE NO. 2008-47 AMENDING SECTION 2-221, RECREATION ADVISORY BOARD, OF ARTICLE VI, BOARDS, COMMISSIONS, COMMITTEES AND OTHER AGENCIES, OF CHAPTER 2, ADMINISTRATION, OF THE CODE OF ORDINANCES BY AMENDING THE NAME OF THE BOARD AND ITS PURPOSE; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; AND SETTING FORTH AN EFFECTIVE DATE.

Commissioner Kelley moved, seconded by Commissioner Partington, to approve Ordinance 2008-47, on second reading, as read by title only.

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

Item #11(A) – Amending Land Development Code Relative to Business Signs

ORDINANCE NO. 2008-51

ORDINANCE NO. 2008-51 RELATIVE TO BUSINESS SIGNS, CHAPTER 3, ARTICLE IV, SECTION 3-47, BUSINESS PREMISE IDENTIFICATION SIGNS, OF THE LAND DEVELOPMENT CODE, BY AMENDING REGULATIONS TO INCLUDE THE B-5 ZONING DISTRICT IN THOSE DISTRICTS WHERE HEIGHT EXCEEDING TWENTY FEET (20') IS SUBJECT TO THE COORDINATION OF SIGN PLACEMENT WITH ARCHITECTURAL STYLE, AND TO REMOVE THE SPECIAL EXCEPTION REQUIREMENT FOR THOSE ZONING DISTRICTS; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; AND SETTING FORTH AN EFFECTIVE DATE.

Commissioner Kelley moved, seconded by Commissioner Gillooly, to approve Ordinance 2008-51, 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 #11(B) – Accessory Dwelling Units

ORDINANCE NO. 2008-52

ORDINANCE NO. 2008-52 RELATIVE TO ACCESSORY DWELLING UNITS, CHAPTER 2, DISTRICT AND GENERAL REGULATIONS, ARTICLE III, GENERAL REGULATIONS, SECTION 2-50, ACCESSORY USES, TO CLARIFY PERMITTED OCCUPANCY; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; AND SETTING FORTH AN EFFECTIVE DATE.

Commissioner Kelley moved; seconded by Commissioner Gillooly, to approve Ordinance 2008-52, on first reading, as read by title only.

Call Vote:	Commissioner Kelley	Yes
	Commissioner Partington	Yes

	Commissioner Gillooly	Yes
	Commissioner Kent	Yes
Carried.	Mayor Costello	Yes

Item #12(A) – Appointments to Recreation Advisory Board

RESOLUTION NO. 2008-201

RESOLUTION NO. 2008-201 AMENDING RESOLUTIONS 2008-23 AND 2008-56 REGARDING APPOINTMENTS TO THE RECREATION ADVISORY BOARD FOR THE LIMITED PURPOSE OF ACKNOWLEDGING THE CORRECT NAME OF THE BOARD ON WHICH ITS MEMBERS SERVE; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; AND SETTING FORTH AN EFFECTIVE DATE.

Commissioner Kent moved, seconded by Commissioner Kelley, to approve Resolution No. 2008-201, as read by title only.

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

Item #12(B) – Interlocal Agreement regarding Seabreeze High School

RESOLUTION NO. 2008-202

RESOLUTION NO. 2008-202 AUTHORIZING THE EXECUTION OF A INTERLOCAL AGREEMENT BETWEEN THE CITY AND THE VOLUSIA COUNTY SCHOOL BOARD REGARDING THE RECREATIONAL USE OF FACILITIES AT THE ORMOND BEACH SPORTS COMPLEX FOR THE EXTRACURRICULAR ACTIVITIES OF SEABREEZE HIGH SCHOOL STUDENTS.

Commissioner Kelley moved, seconded by Commissioner Gillooly, to approve Resolution No. 2008-202, as read by title only.

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

Item #13(A) – Special Election Relative to Municipal Elections

Mayor Costello pointed out that the height amendment allows any property that was over 75 feet prior to November 14, 2006, to be rebuilt, if damaged.

Regarding four year, staggered terms for Commissioners, Commissioner Gillooly and stated she supports two year terms.

Commissioner Kelley stated that he favored four year, staggered terms as it offers continuity but, also, provides changeability through an option for a new voice, a new Commission and a new majority every two years without the challenge of campaigning every two years.

Mayor Costello stated he favored four year, staggered terms because the election every two years requires either running for election, recovering from an election, or thinking about whether or not to run again. He stated another advantage is that a four year term minimizes the issue of whether the decision is politically beneficial or not. The Mayor expressed that in his experiences, City Managers highly prefer a Commission that has an overlap in terms so they do not have to be as concerned with frequent changes in the direction of the Commission. He stated that the longer term gives more stability not only for the Commission but for stability for staff. The Mayor commented that some of the urgency new Commissioners may feel regarding Capital Improvement Projects would be relieved with four year terms, allowing them time for input on issues that are important to them individually. He explained the learning curve to be overcome by new Commissioners would be less of an obstacle for the Commission by providing more opportunity for an accumulation of information and experience by a Commissioner over a four year term.

Commissioner Kelley and Commissioner Gillooly expressed their support for a regular election in November.

Item #13(B) - Purchasing Threshold

Commissioner Kelley inquired how the City could prevent RFPs from being split into parts to avoid the \$25,000 limit.

Mr. MacLeod explained that if staff knew the RPF would exceed \$25,000, it would be brought before the Commission for approval.

Mr. Hayes stated that bids are not split. He noted that an RFQ and RFP could be brought to the Commission before being put out for bid, allowing the Commission more input before expenditures are made. He noted staff has a lot of oversight in purchasing matters to avoid violation of regulations.

Commissioner Partington stated his desire for better oversight. He requested records where the purchasing coordinator has monitored for purchases deliberately split to avoid the Commission threshold.

Kelly reported the purchasing agent reviews weekly check runs for multiple purchases from one vendor.

Commissioner Gillooly asked for a report for the Commission to review expenditures by vendor.

Mayor Costello asked Ted MacLeod and Kelly McGuire to bring before the Commission, a written clarification of purchasing practices currently used and a report for a period of the past two years indicating expenditures of \$25,000 or more to a single vendor or any purchases of \$2,500 or more that have not previously come before the Commission.

Item #13(C) – Beach Concession Services.

Mayor Costello asked for responses to the County’s beach concession questionnaire.

The Commission agreed that: there should be equipment standards; location spacing should be no further than it is currently; grouping of concessions is currently appropriate; concession revenues would not go to beach related expenses; concessions should be required to accept debit and credit cards; roving vendors should be allowed; sponsorships should be permitted signs; and the concessions should be allowed in front of private residences.

Mayor Costello asked the City Clerk to notify the County of the City’s preferences, and that the City favors a partnership with the County and the other cities to get the tolls off the beach, which would allow greater access to the beach.

Item #14 – Reports, Suggestions, Requests

Commissioner Gillooly thanked Warren Anderson for his offer. She said he is a former City Manager and Safety Officer who volunteered his services to the City during the search for a new City Manager.

Mayor Costello pointed out there were 85 applicants for the City Manager position and the pool is amazing.

Item #15 - Close the Meeting

The meeting was adjourned at 9:22 p.m.

APPROVED: _____ November 5, 2008

BY: _____
Fred Costello, Mayor

ATTEST:

Veronica Patterson, City Clerk