

**ORMOND BEACH CITY COMMISSION MEETING
HELD AT CITY HALL COMMISSION CHAMBERS
October 19, 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 James Davis, Strong Tower Christian Fellowship.
- 3) Pledge of Allegiance.
- 4) **PRESENTATIONS:**
 - A) Presentation by the Civil Air Patrol.
 - B) Proclamation in honor of Jackie Burke.
 - C) Proclamation in honor of Employee Appreciation Day.
 - D) Presentations to Mayor Fred Costello.
- 5) **AUDIENCE REMARKS:**
- 6) **APPROVAL OF THE MINUTES** of the October 5, 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. 2010-162 authorizing the execution of a contract between the City of Ormond Beach and Hall Construction Company, Inc., regarding the Main Trail Bridge Rehabilitation project. (Not-to-exceed \$44,257) (Acting City Engineer)
 - B) Resolution No. 2010-163 accepting a bid from Halifax Paving, Inc., for the construction of a left-turn lane on Hull Road and US Highway No. 1 under Bid No. 2010-20; authorizing the execution of a contract and payment therefor; rejecting all other bids. (\$47,451) (Acting City Engineer)

- C) Resolution No. 2010-164 authorizing the execution of a Local Agency Program Agreement between the City and the Florida Department of Transportation regarding the State Road 40 Traffic Signal Fiber Optic Interconnection from Nova Road to A1A. (\$56,232 total project cost; 25% in-kind City funding) (Acting City Engineer)
- D) Continuing engineering consultant contracts:
 - 1) Resolution No. 2010-169 accepting proposals and authorizing the execution of continuing contracts with four (4) professional services firms for professional airport services under RFQ 2010-16; rejecting all other proposals. (Acting City Engineer)
 - 2) Resolution No. 2010-170 accepting proposals and authorizing the execution of continuing contracts with forty-five (45) professional services firms for professional architectural, civil, electrical, environmental, geotechnical, green planning, hydrogeologic, mechanical, parks & recreation, planning, roadway, stormwater, structural, survey, transportation, wastewater treatment, water and reuse distribution and wastewater collection, and water treatment services under RFP 2010-16; rejecting all other proposals. (Acting City Engineer)
- 8) **PUBLIC HEARINGS:**
 - A) Resolution No. 2010-165 of the City Commission, also acting as the Community Redevelopment Agency of the City of Ormond Beach, Florida, accepting the bid of HD Supply Utilities for the purchase of decorative lighting in the Central Business District Community Redevelopment Area; rejecting all other bids; authorizing the execution of a contract therefor. (\$356,684.90) (Acting City Engineer)
 - B) Resolution No. 2010-166 of the City Commission, also acting as the Central Business District Community Redevelopment Agency of the City of Ormond Beach, Florida, authorizing the execution of a Property Improvement Grant Agreement between the Agency and the Highlander Corporation. (156 West Granada Boulevard - \$50,000) (Planning Director)
 - C) Resolution No. 2010-167 of the City Commission, also acting as the Central Business District Community Redevelopment Agency of the City of Ormond Beach, Florida, authorizing the execution of a Property Improvement Grant Agreement between the Agency and the Highlander Corporation. (50 New Britain - \$50,000) (Planning Director)
 - D) Resolution No. 2010-168 of the City Commission of the City of Ormond Beach, authorizing the City to enter into a Stipulated Settlement Agreement with the Florida Department of Community Affairs regarding the Comprehensive Plan – EAR-based Remedial Amendments; providing for transmission. (Planning Director)
 - E) Ordinance No. 2010-47 amending the Future Land Use Element of the Comprehensive Plan by amending the Future Land Use Map to change the designation on a six (6.0) acre parcel of real property located on the west side of North Orchard Street and north of West Granada Boulevard located at 146 North Orchard Street (Parcel ID No. 4241-01-09-0100), from “Office/Professional” to “Industrial/Utilities.” (Second Reading) (Planning Director)
 - F) Ordinance No. 2010-48 of the City of Ormond Beach, Florida, adopting the EAR-based Remedial Amendments for the City of Ormond Beach Comprehensive Plan; amending goals, objectives and policies of the Transportation Element by amending certain policies to adopt land use and transportation strategies to support and fund mobility within transportation concurrency exception areas, specifying the adoption of sidewalk standards into the Capital Improvements Element by a certain date, providing a specified date to adopt the US1 and A1A Redevelopment Plans, establishing minimum percentages for the mix of uses for non-residential land use categories; amending the Capital Improvements Element to add a transit schedule of capital and operating improvements and a non-motorized schedule of capital improvements; amending the multi-modal strategy with additional data and analysis to provide a conceptual fee structure; repealing all inconsistent ordinances or parts thereof; providing for severability; providing for transmission. (First Reading) (Planning Director)

9) **FIRST READING OF ORDINANCES:**

- A) Ordinance No. 2010-49 amending Chapter 2, District and General Regulations, Article III, General Regulations, Section 2-50, Accessory Uses, of the Ormond Beach *Land Development Code*, by amending Subparagraph V, Outdoor Storage, Parking or Use of Personal Property, by providing standards for the parking of vehicles in yards on residential property; by repealing Section 14-103, Front Yard and Corner Side Yard parking, of Chapter 14, Offenses-Miscellaneous, Article X, Vehicle Parking/Nuisances, of the Ormond Beach Code of Ordinances; repealing all inconsistent ordinances or parts thereof; providing for severability; and setting forth an effective date. (First Reading) (Planning Director)
- B) Ordinance No. 2010-50 amending the annual budget for Fiscal Year 2009-2010 by amending the General Fund; the Ormond Crossings CRA Fund; the Transportation Fund; the Water/Wastewater Debt Service Fund; the Water Plant Construction Fund; and the Wastewater Plant Construction Fund. (First Reading) (Finance Director)

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

11) **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 James Davis, Strong Tower Christian Fellowship.

Item #3 – Pledge of Allegiance

The Pledge of Allegiance was led by Mayor Costello.

Item #4A – Presentation by the Civil Air Patrol

Lt. Col. Joe Wisniewski thanked the Commission for all their support provided to the Civil Air Patrol and introduced Major Roger Helton, Florida Wing Director of Operations, Civil Air Patrol, to read a proclamation to the City.

Major Helton read a Proclamation of Appreciation, which included the four key missions of the Civil Air Patrol; emergency services including search and rescue; disaster operations; aerospace education for youth and general public; and homeland security.

Mayor Costello accepted the proclamation on behalf of the City and thanked the Civil Air Patrol for their acknowledgement.

Captain Wilder, Wing Information Officer, stated the support from the City was the reason the Air Force selected Ormond Beach as a mission base, where currently Capital defense organizations, including the National Guard troops that support all air defenses for the Washington, D.C. area and the Capital, were conducting a mission with 41 volunteers assisting about 300 flight hours, requiring about \$15,000 in fuel costs and 27 hotel rooms, paid for by Air Force funding.

Item #4B – Proclamation in Honor of Jackie Burke

Mayor Costello read a proclamation honoring Jackie Burke on her retirement after 22 years of outstanding service to the City.

Item #4C – Proclamation in Honor of Employee Appreciation Day

Mayor Costello read a proclamation to honor all the employees of the City during Florida City Government Week.

Item #4D – Presentations to Mayor Fred Costello

Commissioner Kelley stated on behalf of the City, he presented the Mayor with a plaque in honor of the Mayor's service to the community.

City Manager Joyce Shanahan gave Mayor Costello flowers that were to be presented to Linda Costello, wife of Mayor Costello.

Commissioner Kelley stated Port Orange Mayor Larry Green had sent a letter of congratulations, which the Mayor could read later with the other letters of support and congratulations received.

Commissioner Partington stated Mayor Costello was an awful politician, but a wonderful public servant, and the City had been the beneficiary for the last eleven years. He read a portion of the Athenian Oath which he stated embodied the spirit of Mayor Costello's service to the City. Commissioner Partington stated the Mayor was certainly leaving the City in better condition than when he came to serve as Mayor, and he presented the Mayor with a City seal watch.

Commissioner Kent stated it was a bittersweet night for many. He stated that as a teacher, he decided to give the Mayor a report card, which was graded A+ for honesty, integrity, leadership, communication, fairness, with an overall grade of A++, including teacher comments, "Fred is an innovative leader who shows tenacity in his decision making skills and commitment to his community. Fred is a great role model for others. Keep up the good work," and signed by an official teacher.

Commissioner Gillooly acknowledged Mayor Costello for the incredible graciousness he had always had toward all the citizens who had volunteered their time and donated their resources to make something wonderful happen in this community. She thanked him for honoring and championing the community spirit in the City.

Commissioner Kelley presented the Mayor with a key to the City and stated he would always be welcome. He instructed the Mayor to not drink the Kool-Aid in Tallahassee and not forget where he came from, because he would always have the key to the door.

Rick Boehm, 5 Springwood Trail, stated this would be his last chance to publicly thank the Mayor for what he meant to the City, and for all he had done for the City. Mr. Boehm expressed that he wanted to talk about the Mayor as the person who supported community events, including painting the concession stand at the Sports Complex, playing in the new Splash Pad at the South Ormond Recreation Center, encouraging the Pop Warner teams, and relating to all the citizens of the City no matter what their age. Mr. Boehm stated this was the man he so admired.

Doug Thomas, 132 River Bluff Drive, stated he and the Mayor went back a long time. Mr. Thomas stated he had worked with a lot of Mayors in the City; and every one of them was a fine person, but he had never experienced a better Mayor in Ormond Beach than Mayor Costello.

Heather Kent, 130 Magnolia Drive, stated she had never spoken at a Commission meeting before, but wanted to thank the Mayor for his service, and she stated she held the Mayor in high regard, both professionally and personally.

Wyatt Kent, 130 Magnolia Drive, thanked the Mayor for marrying his mom and dad.

Gabby Sutton, 130 Magnolia Drive, thanked the Mayor for being a great mayor and providing a safe city where she could grow up.

Maggie Sacks, 215 Ormwood Drive, thanked the Mayor, on behalf of Ormond Main Street and her family, for everything he had done for the City, and for making it a great city in which to raise her three children.

Mayor Costello thanked everyone for all the kind thoughts, and he stated he would always be here in spirit.

Item #5 – Audience Remarks

Oceanside Country Club Pond

Donald Moore, 411 Triton Road, thanked the Mayor for his service; and he thanked the City Manager and her staff for providing him with his public records request. Mr. Moore discussed documents related to the Oceanside Country Club pond, which was eroding his property and threatening his pool; and he requested the City require Oceanside Country Club to comply with the development plan.

City Manager Joyce Shanahan stated Oceanside Country Club was holding a board meeting on October 28 and would make a decision at that time.

Lawrence Cook, 1529 North Beach Street, spoke regarding an ongoing issue he had with the City, which could not be resolved to his satisfaction.

Mayor Costello stated he had spent many hours on this matter, but could not resolve Mr. Cook's grievance, which occurred 16 years ago.

Ernestine Wittmann, 1 Dover Falls Road, spoke to the Commission regarding the increase in her lot rent at The Falls.

Mayor Costello asked City Attorney Randy Hayes to let the Commission know if the City could do anything to assist the residents.

City Attorney Hayes stated it was a private matter between private citizens, and there was nothing the City could do in an official capacity.

Fred Patterson, 9 Huckson Falls, had planned to ask if the City could help, but stated he had received his answer.

Item #6 – Approval of the Minutes

Mayor Costello advised the minutes of the October 5, 2010, regular meeting had been sent to the Commission for review and asked for any corrections, additions, or omissions. Mayor Costello stated with no corrections, the minutes stand approved as printed.

Item #7 – Consent Agenda

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

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

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

Mayor Costello commented the estimate for the Main Trail bridge rehabilitation was \$70,000, and the bid came in at not-to-exceed \$44,000; the Hull Road left turn lane bid was also under the estimate for the project cost; and for better traffic flow, the traffic lights from A1A to Nova Road would be synchronized with the City only paying \$50,000, plus an in-kind contribution of \$33,000 for a project costing \$300,000.

Mayor Costello stated Item 8A was for decorative lighting and Items 8B and 8C were for property improvement grants in the Downtown Community Redevelopment Area. He explained the City Commission served as the Community Redevelopment Agency for the Downtown Redevelopment Area and the North Mainland/Ormond Crossings Community Redevelopment Area, and as such, must review each CRA agenda item and make a recommendation as the CRA prior to the City Commission public hearing; therefore, the City Commission meeting would be recessed and a meeting of the Community Redevelopment Agency convened. He explained that once the recommendations were made, the CRA meeting would be adjourned and the City Commission meeting reconvened to hold the public hearing on these items.

Mayor Costello stated the City Commission meeting was adjourned, and called the meeting of the Community Redevelopment Agency to order at 7:50 p.m.

Commissioner Kelley moved, Commissioner Gillooly seconded, for recommending approval of Resolution No. 2010-165.

Commissioner Gillooly remarked that the LED lighting would save \$10,000 annually in energy costs, and the materials were rated for 15 years.

Commissioner Kelley stated he brought the idea of LED lighting to the Commission about three years ago, and it was not only more efficient in energy use, but would save maintenance time and expense replacing light bulbs.

Mayor Costello stated the recommendation was approved unanimously by voice vote.

Commissioner Kelley moved, Commissioner Kent seconded, for recommending approval of Resolution No. 2010-166.

Mayor Costello stated the recommendation was approved unanimously by voice vote.

Commissioner Kelley moved, Commissioner Gillooly seconded, for recommending approval of Resolution No. 2010-167.

Mayor Costello reported the CRA unanimously recommended Resolution No. 2010-167. He adjourned the CRA and reconvened the City Commission meeting at 7:55 p.m.

Item #8A – Downtown Streetscape Decorative Lighting Replacement

RESOLUTION NO. 2010-165

A RESOLUTION OF THE CITY COMMISSION, ALSO ACTING AS THE COMMUNITY REDEVELOPMENT AGENCY, OF THE CITY OF ORMOND BEACH, FLORIDA, ACCEPTING THE BID OF HD SUPPLY UTILITIES, FOR THE PURCHASE OF DECORATIVE LIGHT POLES FOR THE DOWNTOWN STREETScape LIGHTING PROJECT (BID NO. 2010-31); REJECTING ALL OTHER BIDS; AUTHORIZING THE EXECUTION OF A CONTRACT, AND PAYMENT THEREUNDER; AND SETTING FORTH AN EFFECTIVE DATE.

Mayor Costello stated Resolution No. 2010-165 had been approved unanimously by the CRA.

Commissioner Kelley moved, seconded by Commissioner Partington, for approval of Resolution No. 2010-165, as read by title only.

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

Item #8B – 156 West Granada Boulevard

RESOLUTION NO. 2010-166

A RESOLUTION OF THE CITY COMMISSION, ALSO ACTING AS THE COMMUNITY REDEVELOPMENT AGENCY, OF THE CITY OF ORMOND BEACH, FLORIDA, AUTHORIZING THE EXECUTION OF A PROPERTY IMPROVEMENT RANT AGREEMENT BETWEEN THE CITY OF ORMOND BEACH AND HIGHLANDER CORP.; AND SETTING FORTH AN EFFECTIVE DATE.

Mayor Costello reported the CRA unanimously recommended approval of Resolution No. 2010-166.

Commissioner Kelley moved, seconded by Commissioner Gillooly, for approval of Resolution No. 2010-166, as read by title only.

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

Item #8C – 50 New Britain Avenue

RESOLUTION NO. 2010-167

A RESOLUTION OF THE CITY COMMISSION, ALSO ACTING AS THE COMMUNITY REDEVELOPMENT AGENCY, OF THE CITY OF ORMOND BEACH, FLORIDA, AUTHORIZING THE EXECUTION OF A PROPERTY IMPROVEMENT GRANT AGREEMENT BETWEEN THE CITY OF ORMOND BEACH AND HIGHLANDER CORP.; AND SETTING FORTH AN EFFECTIVE DATE.

Mayor Costello stated Resolution No. 2010-167 received unanimous approval from the CRA.

Commissioner Kent moved, seconded by Commissioner Gillooly, for approval of Resolution No. 2010-167, 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 stated that without objection, the public hearing was closed.

Item #8D – Stipulated Settlement Agreement

RESOLUTION NO. 2010-168

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF ORMOND BEACH, AUTHORIZING THE CITY TO ENTER INTO A STIPULATED SETTLEMENT AGREEMENT WITH THE FLORIDA DEPARTMENT OF COMMUNITY AFFAIRS REGARDING THE COMPREHENSIVE PLAN – EAR-BASED REMEDIAL AMENDMENTS; PROVIDING FOR TRANSMISSION; AND SETTING FORTH AN EFFECTIVE DATE.

Linda Shelly, Fowler White Boggs Banker, explained she had assisted the City in the negotiations with the Department of Community Affairs (DCA) relative to the Comprehensive Plan EAR-Based amendments. She stated in July 2010, the City adopted the EAR-based amendments after considerable work on the part of the staff and the community members who participated in the process of a large revision of the Comprehensive Plan. She stated DCA designated one policy as non-compliant, which was the Transportation Concurrency Exception Area issue in Senate Bill 360. She reported that after months of negotiating, although DCA had not agreed to the specific wording, DCA had agreed to the principles expressed in the Stipulated Settlement Agreement, which was to be executed by the City, sent to Tallahassee for execution by DCA, and finalized at a special meeting of the Commission scheduled for October 28, 2010.

Commissioner Partington moved, seconded by Commissioner Kelley, for approval of Resolution No. 2010-168, 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 that hearing no objection, the public hearing was closed.

Item #8E – 146 North Orchard

ORDINANCE NO. 2010-47

AN ORDINANCE AMENDING THE FUTURE LAND USE ELEMENT OF THE COMPREHENSIVE PLAN BY AMENDING THE FUTURE LAND USE MAP TO CHANGE THE DESIGNATION ON A SIX (6.0) ACRE PARCEL OF REAL PROPERTY LOCATED ON THE WEST SIDE OF NORTH ORCHARD STREET AND NORTH OF WEST GRANADA BOULEVARD LOCATED AT 146 NORTH ORCHARD STREET (PARCEL ID NO. 4241-01-09-0100), FROM “OFFICE/PROFESSIONAL” TO “INDUSTRIAL/UTILITIES”; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; AND SETTING FORTH AN EFFECTIVE DATE.

Mayor Costello stated this was a public hearing regarding a land use change for property located at 146 North Orchard.

Tom Harowski, 97 N. St. Andrews Drive, representing the applicant, stated the issues had been explored pretty thoroughly at the first reading, and he was available for any questions from the Commission.

Commissioner Kent moved, seconded by Commissioner Kelley, for approval of Ordinance No. 2010-47, on second reading, as read by title only.

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

Mayor Costello stated that without objection, the public hearing was closed.

Item #8F – Remedial EAR-Based Amendments

ORDINANCE NO. 2010-48

AN ORDINANCE OF THE CITY OF ORMOND BEACH, FLORIDA, ADOPTING THE EAR-BASED REMEDIAL AMENDMENTS FOR THE CITY OF ORMOND BEACH COMPREHENSIVE PLAN; AMENDING GOALS, OBJECTIVES AND POLICIES OF THE TRANSPORTATION ELEMENT BY AMENDING CERTAIN POLICIES TO ADOPT LAND USE AND TRANSPORTATION STRATEGIES TO SUPPORT AND FUND MOBILITY WITHIN TRANSPORTATION CONCURRENCY EXCEPTION AREAS, SPECIFYING THE ADOPTION OF SIDEWALK STANDARDS INTO THE CAPITAL IMPROVEMENTS ELEMENT BY A CERTAIN DATE, PROVIDING A SPECIFIED DATE TO ADOPT THE US1 AND A1A REDEVELOPMENT PLANS, ESTABLISHING MINIMUM PERCENTAGES FOR THE MIX OF USES FOR NON-RESIDENTIAL LAND USE CATEGORIES; AMENDING THE CAPITAL IMPROVEMENTS ELEMENT TO ADD A TRANSIT SCHEDULE OF CAPITAL AND OPERATING IMPROVEMENTS AND A NON-MOTORIZED SCHEDULE OF CAPITAL IMPROVEMENTS; AMENDING THE MULTI-MODAL STRATEGY WITH ADDITIONAL DATA AND ANALYSIS TO PROVIDE A CONCEPTUAL FEE STRUCTURE; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; PROVIDING FOR SEVERABILITY; PROVIDING FOR TRANSMISSION; AND SETTING FORTH AN EFFECTIVE DATE.

Mayor Costello stated this was a public hearing regarding the City's evaluation and appraisal report from the Department of Community Affairs (DCA) for the Comprehensive Plan remedial amendments. The Mayor stated there were no requests from the audience to speak, and he pointed out there was a sign-up sheet available in the rear of the Chambers for anyone who wanted to receive additional information from the DCA regarding any of these amendments.

Planning Director Ric Goss stated these issues started in 2007, after direction from the Commission that they wanted more than just wide roads. Mr. Goss explained the multi-modal concept was designed prior to Senate Bill 360, and the approval of 360 advanced the City's efforts toward approval of the multi-modal concept. He reported the City was the only municipality in Volusia County to be this close to approval, and the City would not have been able to do this without the assistance of Linda Shelly. Planning Director Goss stated, for the record, there were two minor changes he wanted to clarify: 1) a reference of the table to the multi-modal strategy, rather than the Comprehensive Plan, which had been corrected; and 2) DCA wanted a clarification of a policy as to when the mobility fee would take effect, which was clarified as the date the Comprehensive Plan became effective. He stated those minor changes had been resolved and the approval was ready to move forward.

Mayor Costello asked if the Commission needed to act upon the changes.

Planning Director Goss stated the changes would be made should the Commission approve the changes; the Commission concurred with the changes.

Commissioner Kelley moved, seconded by Commissioner Partington, for approval of Ordinance No. 2010-48, on first reading.

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

Mayor Costello asked for any objections to closing the public hearing; hearing none, he stated the public hearing was closed.

Item #9A – Residential Parking Ordinance

ORDINANCE NO. 2010-49

AN ORDINANCE AMENDING CHAPTER 2, DISTRICT AND GENERAL REGULATIONS, ARTICLE III, GENERAL REGULATIONS, SECTION 2-50, ACCESSORY USES, OF THE ORMOND BEACH LAND DEVELOPMENT CODE BY AMENDING SUBPARAGRAPH (V) OUTDOOR STORAGE, PARKING, OR USE OF PERSONAL PROPERTY, BY PROVIDING STANDARDS FOR THE PARKING OF VEHICLES IN YARDS ON RESIDENTIAL PROPERTY; BY REPEALING SECTION 14-103, FRONT YARD AND CORNER SIDE YARD PARKING, OF CHAPTER 14, OFFENSES-MISCELLANEOUS, ARTICLE X, VEHICLE PARKING/NUISANCES, OF THE ORMOND BEACH CODE OF ORDINANCES; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; PROVIDING FOR SEVERABILITY; AND SETTING FORTH AN EFFECTIVE DATE.

Commissioner Partington moved, seconded by Commissioner Kelley, for approval of Ordinance No. 2010-49, on first reading, as read by title only.

Rick Orfinger, thanked the Mayor for his many years of devoted service to the community. Mr. Orfinger stated the proposed ordinance was an improvement, but he suggested two minor changes for consideration by the Commission: 1) the exception period could be 72 hours on a quarterly basis; and 2) the driveway extension standard should be a impervious surface, such as brick or concrete, or pervious surface for a year, afterwards a special exception could be requested and granted.

Commissioner Gillooly stated she had spoken with Mr. Orfinger regarding the driveway extension material, and she appreciated his concern. She stated the pervious surface was less obtrusive, as well as less expensive than brick or concrete; therefore she asked the Commission to consider the less expensive, more temporary surface.

Commissioner Kent stated Mr. Orfinger's pictures spoke loud and clear to the problem. He stated he was not comfortable with mulch or gravel for a driveway extension, and preferred a permanent surface. He stated he could accept a 72 hour exception quarterly, but he would prefer a 48 hour period.

Commissioner Partington stated he would support a 72 hour exception quarterly, and he supported the improved driveway as the standard, but allowing an 18 to 24 month period of time for the property owner to meet the standard.

Commissioner Kent asked Commissioner Partington and Commissioner Gillooly how they felt about six to eight months for a temporary surface.

Mayor Costello suggested 12 months, with a possible 12 month extension, if the pervious surface had been maintained.

Commissioner Gillooly, Commissioner Kent and Commissioner Partington agreed with a 12 month pervious surface, with a possible 12 month extension.

Commissioner Kelley stated the 72 hour exception quarterly was acceptable to him. He addressed Tomoka Oaks where there were gravel driveways and The Trails where there were mulch driveways that had been maintained for 25 years. He asked if this ordinance would require those property owners to convert to an impervious driveway surface.

Commissioner Gillooly commented it would apply to new extensions to the driveway.

Commissioner Kelley stated the ordinance permitted any driveway before 1998 to remain as it currently was, but he questioned what would happen if one of the property owners that currently had an acceptable mulch driveway wanted to add an extension.

The Planning Director stated The Trails and Tomoka Oaks subdivisions was developed under a separate development order that permitted pervious surfaces for driveways; therefore, this ordinance would not affect The Trails.

Commissioner Kelley stated his preference for the brick that allowed water to filter through openings in the brick. He stated he would support up to 24 months for a pervious surface, or a year with a possible year option, before the driveway was converted to an impervious surface.

Mayor Costello reminded the Commission that only three feet was allowed for the driveway extension, and some properties might not have three feet next to the driveway.

Commissioner Kent asked Planning Director Goss to confirm that homes built before 1998, which were not in a subdivision with a separate development order, that had gravel driveways, would not be required to convert to an impervious surface driveway.

Planning Director Goss stated those property owners would not be required to convert to a permanent surface driveway, which also included estate homes built on dirt roads.

Commissioner Kelley pointed out the one year period would have to be regulated.

City Attorney Randy Hayes stated the ordinance would be modified to change the 24 hour exception to a 72 hour exception, with four times a calendar year. He suggested language for subparagraph V.1.d.4, after pervious contract as following, "A widened parking area is improved if it is constructed with one of the following approved materials, asphalt, bituminous brick, concrete, turf block, brick pavers or pervious concrete. Stone gravel or mulch is allowed for a period not to exceed twelve (12) months and may be granted for an additional period of twelve (12) months, during any five (5) year period. An approved parking area must be maintained in the same condition to that which has been approved by permit."

Planning Director Goss stated he was not sure how it could be tracked or enforced; he questioned how code enforcement would know a new resident needed a driveway extension.

City Attorney Hayes suggested a building permit be issued, which could be tracked.

Planning Director Goss stated there was no building permit in this type of situation; only a zoning approval letter which would state for that particular use, it met the three foot setback.

After discussion, Mayor Costello stated all agreed to leave out the five (5) years stipulation from the ordinance.

Commissioner Gillooly moved, seconded by Commissioner Kent, to amend the ordinance to a 72 hours exception four times a calendar year and allowing an impervious surface for one year with the possibility of a one year extension.

Commissioner Gillooly expressed concern how to enforce the exception period of four times a year.

Commissioner Kent stated this would not involve hundreds of property owners, but the few who broke the rules would be brought to the attention of code enforcement by the neighbors.

Vote on amendment:

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

Vote on the motion as amended to reflex a 72 hour exception, four times within a calendar year; and an impervious driveway extension for one (1) year, with a possible one (1) year extension.

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

Item #9B – Budget Amendments

ORDINANCE NO. 2010-50
AN ORDINANCE AMENDING THE ANNUAL BUDGET FOR FISCAL YEAR 2009-2010 BY AMENDING THE GENERAL FUND; THE ORMOND CROSSINGS CRA FUND; THE TRANSPORTATION FUND; THE WATER/WASTEWATER DEBT SERVICE FUND; THE WATER PLANT CONSTRUCTION FUND; AND THE WASTEWATER PLANT CONSTRUCTION FUND; AND SETTING FORTH AN EFFECTIVE DATE.

Commissioner Kelley moved, seconded by Commissioner Partington, for approval of Ordinance No. 2010-50, on first reading, as read by title only.

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

Item #10 – Reports, Suggestions, Requests

Mayor Costello

Commissioner Kent commented that Mayor Costello, as an individual, a human being, a leader of the Commission, had been most impressive and the Mayor set an example for which to strive and emulate. He stated that every ship that ran smoothly had a great captain at the helm, and the Mayor had been a great captain. Commissioner Kent wished Mayor Costello the best; and it was exciting to think that someone from Ormond Beach would be representing the City in Tallahassee.

Commissioner Kelley stated he hoped the election results were the same as the “hobnob” results, which were 77% in favor of Mayor Costello. He stated he had known Mayor Costello for 30 years, and the worst thing anyone could say about the Mayor was that he was too nice. He stated he looked forward to seeing Mayor Costello in Tallahassee.

Commissioner Partington stated the time on the Commission with Mayor Costello had been a good run and wildly successful due to Mayor Costello’s leadership and vision. He thanked Dr. Kraski, Mayor Costello’s partner, for allowing Mayor Costello to serve the City. He wished the Mayor all success in the future.

Commissioner Gillooly expressed her best wishes to the Mayor. She stated he was beloved by many in the City, and if he was elected as a state representative, she would be counting on him to watch over the City.

City Manager Shanahan read “Penalties of Leadership” from a 1950 Cadillac advertisement which expressed that great leadership received criticism due to envy on the part of lesser people; she stated it epitomized Mayor Costello’s leadership. She thanked the Mayor and presented a photo of the entire Commission to the Mayor.

City Attorney Hayes mentioned when Mayor Costello first took office, the Mayor said a lot of nice things about the former mayors, and the Mayor stated he wanted to be remembered as a gracious leader, which he had accomplished. He thanked the Mayor for the pleasure to serve with him.

Mayor Costello thanked everyone for all the wonderful things that had been said about him, and he thanked everyone for the City seal watch, the photo and the key to the City, as well as the appreciation for his business partners.

Jackie Burke

Commissioner Gillooly stated she hoped Jackie Burke was listening. She stated she got to meet Jackie in 1999 when Commissioner Gillooly started working for Ormond Main Street. She stated Jackie had an incredible laugh, and was always available to Commissioners. Commissioner Gillooly expressed she appreciated very much all that Jackie had done.

City Manager Shanahan thanked the Commission for recognizing Jackie Burke’s retirement. She stated Jackie was truly one of the ambassadors of the City, and Jackie’s time with the City was appreciated.

Don Moore’s Issue with the Oceanside Country Club Encroachment

Commissioner Gillooly stated Mr. Moore always conducted himself as gentleman, and he was working very hard to resolve his problem with the Oceanside Country Club pond relative to the encroaching onto his property. She asked City Manager Shanahan if the City had been involved with Mr. Moore’s issue with Oceanside Country Club.

City Manager Shanahan stated that City Engineer John Noble had met with Oceanside Country Club, and staff had provided Mr. Moore with documentation through public records requests, but no one had presented “a case” to Oceanside on Mr. Moore’s behalf because it is a private

matter between private parties. She expressed hope that the issue would be resolved on the meeting scheduled between Mr. Moore and Oceanside on October 28.

Ormond Crossings

Mayor Costello commented that he would like the following entered into the record:

Ormond Crossings Design and Development Standards

The Ormond Crossings planned mix-use development project has the opportunity to incorporate the best practices into the pending Design and Development Standards that are currently being drafted by Tomoka Holdings and City staff. As a Commission we have approved a unique development plan that will incorporate multi-modal transportation strategies, environmentally sensitive construction methods, and energy efficient technologies. I am hopeful this project will truly incorporate “best practices” and will become the benchmark for mixed use business/industrial parks developed in conjunction with town center focused residential developments.

I could like to pass along to you my hopes and expectations that the standards include some of the following:

- An efficient and streamlined permitting process for the businesses that will locate in the Commerce Park and Town Center . . . possibly even prepermitted lots.
- Standards that encourage and reward energy efficient “green” building
- Specify high quality architectural forms, construction materials and colors that combine into a design building package that can be repeated quickly and economically for future development.
- My goal for Ormond Crossings continues to be that it will be a LEED certified mixed use project with all buildings incorporating some form of renewable energy (such as wind or solar) and utilizing water conservation methods such as cisterns and other collection methods to use nonpotable water where appropriate. The development standards should be crafted to maximize the energy efficiency and minimize the impacts to the natural vegetation on the site.
- Provide pedestrian access linking the site with walking trails and landscaping paths with bridges and water bodies in addition to plans to incorporate golf cart type transportation.
- Provide flexibility in the Town Center standards that allow for a mix of retail shops, cultural facilities, offices, restaurants, outdoor events, and residential units.
- Utilities should be sized to accommodate a variety of corporate interests and incorporate technologies such as fiber optic cable for high speed internet capability.
- Provide for redundancy of power generation to the commerce park such as wind, solar, and electric.

I am proud to have participated in the conceptual stages, annexation of the land, and final approvals for Ormond Crossings. It is now for you, and others that will join you on the Commission, to watch over this project and ensure that Ormond Beach realizes the tremendous opportunity that Ormond Crossings will provide for the future of this great City.

Electrical Upgrades at Rockefeller Park

Mayor Costello asked the Commission members how they felt about the information provided to the Commission in an email relative to spending \$10,000 toward permanent electrical upgrades at Rockefeller Gardens Park, and he stated he would be responsible for raising the other \$17,000 for the project.

Commissioner Gillooly stated she was not prepared to make a decision before staff could present the information to the Commission, although she understood City Manager Shanahan had the authority to approve the upgrades.

City Manager Shanahan stated she was looking for a consensus from the Commission. She stated these were permanent upgrades, but she did not want to pursue the issue, unless the Commission so desired.

Commissioner Kent stated he would support the idea, and he would support the City Manager spending the \$10,000 for the upgrades.

Mayor Costello reported that he, Commissioner Kelley, and Commissioner Partington expressed support; therefore, it was approved. The Mayor stated he would raise the additional \$17,000 for the project, and sponsors had already pledged \$12,500.

Mayor's Comments

Mayor Costello expressed appreciation for the support of a beachfront park and Ormond Crossings, which were the two things he had been passionate about, and he appreciated the team effort of the Commission. He hoped the Commission would continue with the Hand Avenue Overpass project over I95, bike and multi-use trails, and to someday do something with the Loop. He stated public service was gratifying when you were able to work with people you loved, respected, and appreciated.

Beachfront Property Purchase

City Manager Shanahan stated the closing for the purchase of the beachfront park property was scheduled for October 22.

Item #11 – Close the Meeting

The meeting was adjourned at 9:05 p.m.

APPROVED: November 3, 2010

BY: Fred Costello, Mayor

ATTEST:

Veronica Patterson, City Clerk