

**ORMOND BEACH CITY COMMISSION MEETING  
HELD AT CITY HALL COMMISSION CHAMBERS  
November 3, 2009 7:00 p.m.**

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

**A G E N D A**

- 1) Meeting call to order by Mayor Costello.
- 2) Invocation by Rabbi Pinchas Ezagui, Chabad Lubavitch of Greater Daytona.
- 3) Pledge of Allegiance.
- 4) **AUDIENCE REMARKS:**
- 5) **APPROVAL OF THE MINUTES** of the October 19, 2009, special meeting and the October 20, 2009, regular meeting.
- 6) **CONSENT AGENDA:** The action proposed is stated for each item on the Consent Agenda. Unless a City Commissioner removes an item from the Consent Agenda, no discussion on individual items will occur and a single motion will approve all items.
  - A) Resolution No. 2009-179 establishing dates and times for regular meetings of the City Commission of the City of Ormond Beach, Florida, during calendar year 2010; providing for exceptions thereto. (City Clerk)
  - B) Resolution No. 2009-180 appointing Hildegard Hill as a member to serve as a Commissioner of the Ormond Beach Housing Authority; setting forth term and conditions of service. (City Clerk)
  - C) Resolution No. 2009-181 authorizing the execution of an agreement between the City and Council on Aging of Volusia County, Inc., for the use of a site at the Senior Center for a nutrition program. (\$2,400 annually) (Leisure Services Director)
  - D) Resolution No. 2009-182 authorizing the execution of a lease agreement between the City and Sunrise Aviation, Inc. (Airport Manager)
  - E) Resolution No. 2009-186 approving and authorizing the execution of a revised Interlocal Retail Water and Wastewater Service Agreement for the Hunter's Ridge development in Flagler County between the City of Ormond Beach and Flagler County.
  - F) Garage sale permits.

DISPOSITION: Approve as recommended in City Manager memorandum dated October 29, 2009.

- G) Support for legislative action by Volusia County legislative delegation.

DISPOSITION: Approve as recommended in City Manager memorandum dated October 29, 2009.

7) **PUBLIC HEARINGS:**

- A) Resolution No. 2009-183 of the City Commission, also acting as the Central Business District Community Redevelopment Agency of the City of Ormond Beach, Florida, authorizing an additional 180-day extension of a Property Improvement Grant Agreement between the Agency and the Highlander Corporation. (11-23 West Granada Boulevard - \$50,000) (Planning Director)
- B) Resolution No. 2009-184 of the City Commission, also acting as the Central Business District Community Redevelopment Agency of the City of Ormond Beach, Florida, authorizing an additional 180-day extension of a Property Improvement Grant Agreement between the Agency and the Highlander Corporation. (29 and 31 West Granada Boulevard - \$50,000) (Planning Director)
- C) Resolution No. 2009-185 of the City Commission, also acting as the Central Business District Community Redevelopment Agency of the City of Ormond Beach, Florida,

authorizing a 180-day extension of a Property Improvement Grant Agreement between the Agency and the Highlander Corporation. (43 West Granada Boulevard - \$50,000) (Planning Director)

- D) Ordinance No. 2009-37 authorizing the execution and issuance of the Fifth Amended Development Order for the “Wal-Mart Supercenter” Planned Business Development to allow a waiver of 89 parking spaces for internal parking lot improvements; establishing conditions and expiration of approval. (Second Reading) (Planning Director)

8) **SECOND READING OF ORDINANCES:**

- A) Ordinance No. 2009-38 deleting Section 2-216, Development Review Board, of Article VI, Boards, Commissions, Committees and Other Agencies, of Chapter 2, Administration; of the Code of Ordinances; amending Section 2-217 Historic Landmark Preservation Boards, of Article VI, Boards, Commissions, Committees and Other Agencies, of Chapter 2, Administration, of the Code of Ordinances by deleting current provisions and adding a reference to the Land Development Code.

B) Advisory board terms of office:

- 1) Ordinance No. 2009-39 amending Chapter 2, Administration, Article VI, Boards, Commissions, Committees and Other Agencies, of the Code of Ordinances, Section 2-214, Human Resources Board, by amending terms of office of members.
- 2) Ordinance No. 2009-40 amending Chapter 2, Administration, Article VI, Boards, Commissions, Committees and Other Agencies, of the Code of Ordinances, Section 2-218, Neighborhood Improvement Advisory Board, by amending terms of office of members.
- 3) Ordinance No. 2009-41 amending Chapter 2, Administration, Article VI, Boards, Commissions, Committees and Other Agencies, of the Code of Ordinances, Section 2-220, Aviation Advisory Board, by amending terms of office of members.
- 4) Ordinance No. 2009-42 amending Chapter 2, Administration, Article VI, Boards, Commissions, Committees and Other Agencies, of the Code of Ordinances, Section 2-221, Leisure Services Advisory Board, by amending terms of office of members.
- 5) Ordinance No. 2009-43 amending Chapter 2, Administration, Article VI, Boards, Commissions, Committees and Other Agencies, of the Code of Ordinances, Section 2-223, Citizens’ Law Enforcement Advisory Board, by amending terms of office of members.
- 6) Ordinance No. 2009-44 amending Chapter 2, Administration, Article VI, Boards, Commissions, Committees and Other Agencies, of the Code of Ordinances, Section 2-224, Quality of Life Advisory Board, by amending terms of office of members.
- 7) Ordinance No. 2009-45 amending Chapter 2, Administration, Article VI, Boards, Commissions, Committees and Other Agencies, of the Code of Ordinances, Section 2-225, Environmental Advisory Board, by amending terms of office of members.
- 8) Ordinance No. 2009-46 amending Chapter 2, Administration, Article VI, Boards, Commissions, Committees and Other Agencies, of the Code of Ordinances, Section 2-226, Budget Advisory Board, by amending terms of office of members.
- 9) Ordinance No. 2009-47 amending Chapter 2, Administration, Article VI, Boards, Commissions, Committees and Other Agencies, of the Code of Ordinances, Section 2-227, Goodwill Ambassador Program, by amending terms of office of members.
- 10) Ordinance No. 2009-48 amending Chapter 1, General Administration, Article II, Administration and Enforcement, of the Land Development Code, Section 1-15, Planning Board, by amending terms of office of members.
- 11) Ordinance No. 2009-49 amending Chapter 1, General Administration, Article II, Administration and Enforcement, of the Land Development Code, Section 1-16, Board of Adjustment and Appeals, by amending terms of office of members.
- 12) Ordinance No. 2009-50 amending Chapter 1, General Administration, Article II, Administration and Enforcement, of the Land Development Code, Section 1-17, Historic Landmark Preservation Board, by amending terms of office of members.

- C) Ordinance No. 2009-51 repealing Section 2-209, Sunset Review of Boards and Committees, of Division 1, Generally, of Article VI, Boards, Commissions, Committees and Other Agencies, of Chapter 2, Administration, of the Code of Ordinances of the City of Ormond Beach.
- D) Ordinance No. 2009-52 amending of the City of Ormond Beach, Florida, amending Article V, Stormwater Drainage Utility, of Chapter 22, Water and Sewers, of the Code of Ordinances; amending Section 22-153, Definitions; amending Section 22-158, Utility Fee Established; changing title to Section 22-159, to “Stormwater Pollution Prevention,” and amending Section 22-159; Amending Section 22-160, Stormwater Management Fund; amending Section 22-161, Stormwater Drainage Utility Fee Collection; adopting provisions providing for administration and establishing terms and conditions thereof; providing for enforcement; providing for severability; providing for conflicting ordinances; and providing for an effective date.

9) **DISCUSSION ITEMS:**

- A) Volusia County Emergency Medical Services ordinance.
- B) House Bill 0239 – Certificate of Public Convenience and Necessity (COPCN).
- 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 7:01 p.m.

Item #2 – Invocation

The invocation was giving by Rabbi Pinchas Ezagui, Chabad Lubavitch of Greater Daytona.

Item #3 – Pledge of Allegiance

The Pledge of Allegiance was led by Mayor Costello.

Item #4 – Audience Remarks

Flu Vaccinations

Jim Schultz, 117 Harvard Drive, discussed an article on mercola.com about a Canadian study that reported individuals who received the seasonal flu shot were twice as likely to get the swine flu. He stated that a CBS investigation of records for the Center for Disease Control revealed gross discrepancies in the number of reported swine flu cases; many were, in fact, seasonal flu.

Item #5 – Approval of the Minutes

Mayor Costello advised the minutes of the October 19, 2009, special meeting and the October 20, 2009, regular meeting had been sent to the Commission for review and asked for any corrections, additions, or omissions. The Mayor stated the minutes were approved as printed without objection.

Item #6 – 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 he received a request to pull Items #6A and #6B, for clarification.

Commissioner Gillooly asked to discuss Item #6F.

Commissioner Kelley requested Item #6G be removed for discussion.

**Commissioner Partington moved, seconded by Commissioner Kelley, to approve the Consent Agenda, absent Items #6A, #6B, #6F and #6G.**

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

Item #6A – Establishing Dates and Times for Regular Meetings of the City Commission

RESOLUTION NO. 2009-179

A RESOLUTION ESTABLISHING DATES AND TIMES FOR REGULAR MEETINGS OF THE CITY COMMISSION OF THE CITY OF ORMOND BEACH, FLORIDA, DURING CALENDAR YEARS 2009 AND 2010; PROVIDING EXCEPTIONS THERETO; AND SETTING FORTH AN EFFECTIVE DATE.

Dorian Burt, 203 Pine Cone Trail, clarified her request was to comment on Items #7A and #7B, not #6A & #6B

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

Item#6B – Appointing Hildegard Hill as a Member of the Housing Authority

RESOLUTION NO. 2009-180

A RESOLUTION APPOINTING HILDEGARD HELL AS A MEMBER TO SERVE AS A COMMISSIONER OF THE ORMOND BEACH HOUSING AUTHORITY; SETTING FORTH TERM AND CONDITIONS OF SERVICE; AND SETTING FORTH AN EFFECTIVE DATE.

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

Item #6F – Garage Sale Permit

Commissioner Gillooly stated she was not in favor of losing the revenue by waiving the garage sale permit for one garage sale per year, but was in favor of a city-wide day for garage sales.

City Manager Shanahan stated the intent was to allow residents to have three garage sale permits per year, which would be one extra sale, with one permit free. She discussed the complications of having a day designated for holding a garage sale city-wide.

Commissioner Kelley stated the \$5 fee did not cover the cost of issuing the permit. He stated a city-wide garage sale was not a practical idea, and he was opposed to allowing a free permit.

Commissioner Partington stated it did not make a difference whether one day was designated or the citizen was allowed to pick a day to hold a sale. He suggested since Commissioner Kent presented the idea, as a courtesy, the decision should wait for his return.

**Commissioner Partington moved, seconded by Commissioner Gillooly, to table the item until the November 17, 2009, regular meeting.**

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

Item # 6G – Support for Legislative Action by Volusia County Legislative Delegation

Commissioner Kelley stated he had a question about House Bill 0239 and wanted to discuss it during the time it was scheduled on the agenda as a discussion item. He stated he did not support House Bill 0239, but supported the other issues.

The City Manager explained the memorandum recommended the legislation not be supported.

Mayor Costello stated he was more inclined to support Rep. Patterson’s bill.

Commissioner Kelley expressed opposition to both bills because it would create another layer of bureaucracy with another board that would have to be funded. He stated it would shift County taxes to others, with the County not paying their share by eliminating EVAC.

Commissioner Gillooly stated the intent to consolidate was good, but this did not accomplish the intent.

City Manager Shanahan summarized that of the five issues, the Commission supported all except Rep. Taylor’s House Bill 0239.

**Commissioner Partington moved, seconded by Commissioner Kelley, to support the issues before the Volusia County Legislative meeting, except House Bill 0239.**

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

Item #7A – Property Improvement Grant Program Extension – 11-23 West Granada Boulevard

Mayor Costello explained the Commission served as the Community Redevelopment Agency, to review these recommendations; therefore, he recessed the Commission meeting and convened the Community Redevelopment Agency.

Dorian Burt, 203 Pine Cone Trail, Coordinator for Highlander Corporation, developer of 11-23 West Granada Boulevard, 29 and 31 West Granada Boulevard, and 43 West Granada Boulevard, requested the Property Improvement Grants to extended, due to changes in state law that required further improvements.

Commissioner Gillooly stated she favored granting the six month extensions.

**Commissioner Kelley moved; Commissioner Gillooly seconded, for recommending approval to the Commission of Resolutions 2009-183, 2009-184, and 2009-185.**

Mayor Costello stated a voice vote was unanimous for recommending approval of Resolutions 2009-183, 2009-184, and 2009-185.

Mayor Costello state the Community Redevelopment Agency was adjourned, and the Commission meeting was reconvened.

RESOLUTION NO. 2009-183

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

Mayor Costello stated the Community Redevelopment Agency unanimously recommended approval of Resolution No. 2009-183.

**Commissioner Kelley moved, seconded by Commissioner Gillooly, for approval of Resolution No. 2009-183, as read by title only.**

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

Item #7B – Property Improvement Grant Program Extension – 29 & 31 West Granada Boulevard

RESOLUTION NO. 2009-184

A RESOLUTION OF THE CITY COMMISSION, ALSO ACTING AS THE COMMUNITY REDEVELOPMENT AGENCY, OF THE CITY OF ORMOND BEACH, FLORIDA, AUTHORIZING AN ADDITIONAL ONE HUNDRED EIGHTY

DAY EXTENSION OF A PROPERTY IMPROVEMENT GRANT AGREEMENT BETWEEN THE AGENCY AND HIGHLANDER CORP.; AND SETTING FORTH AN EFFECTIVE DATE.

Mayor Costello stated the Community Redevelopment Agency unanimously recommended approval of Resolution No. 2009-184.

**Commissioner Kelley moved, seconded by Commissioner Partington, for approval of Resolution No. 2009-184, as read by title only.**

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

Item #7C – Property Improvement Grant Program Extension – 43 West Granada Boulevard

RESOLUTION NO. 2009-185

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

Mayor Costello stated approval of Resolution No. 2009-185 was unanimously recommended by the Community Redevelopment Agency.

**Commissioner Kelley moved, seconded by Commissioner Partington, for approval of Resolution No. 2009-185, as read by title only.**

Commissioner Gillooly commented the funds for these Property Improvement Grants would be part of the budget for fiscal year 2010-2011; therefore, only \$50,000 remained available for other property improvement grants.

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

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

Item #7D – Fifth Amended Development Order for the “Wal-Mart Supercenter”

ORDINANCE NO. 2009-37

AN ORDINANCE AUTHORIZING THE EXECUTION AND ISSUANCE OF THE FIFTH AMENDED DEVELOPMENT ORDER FOR THE “WAL-MART SUPERCENTER” PLANNED BUSINESS DEVELOPMENT TO ALLOW A WAIVER OF 89 PARKING SPACES FOR INTERNAL PARKING LOT IMPROVEMENTS; ESTABLISHING CONDITIONS AND EXPIRATION OF APPROVAL; AND SETTING FORTH AN EFFECTIVE DATE.

Mayor Costello stated the development order had been amended to reflect the requirement for the entryway improvements to be completed within three years.

Andree Cortez, Duplantis Design Group, PC, reported Wal-Mart agreed to the conditional approval with the intersection improvements to be completed within three years. She stated that Wal-Mart was concerned that the project could be completed within three years, due to the necessity for Florida Department of Transportation involvement, and requested assistance from the City, should it be necessary.

**Commissioner Kelley moved, seconded by Commissioner Partington, for approval of Ordinance No. 2009-37, on second reading, as read by title only.**

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

Mayor Costello closed the public hearing.

Item # 8(A) – Deleting Development Review Board and Amending Historic Landmark Preservation Board

ORDINANCE NO. 2009-38

AN ORDINANCE DELETING SECTION 2-216, DEVELOPMENT REVIEW BOARD, OF ARTICLE VI, BOARDS, COMMISSIONS, COMMITTEES AND OTHER AGENCIES, OF CHAPTER 2, ADMINISTRATION OF THE *CODE OF ORDINANCES*; AMENDING SECTION 2-217, HISTORIC LANDMARK PRESERVATION BOARD, OF ARTICLE VI, BOARDS, COMMISSIONS, COMMITTEES, AND OTHER AGENCIES, OF CHAPTER 2, ADMINISTRATION, OF THE *CODE OF ORDINANCES* BY DELETING CURRENT PROVISIONS AND ADDING A REFERENCE TO THE LAND DEVELOPMENT CODE; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; AND SETTING FORTH AN EFFECTIVE DATE.

**Commissioner Kelley moved, seconded by Commissioner Partington, for approval of Ordinance No. 2009-38, on second reading, as read by title only.**

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

Item #8(B)1 – Human Resources Board

ORDINANCE NO. 2009-39

AN ORDINANCE AMENDING SECTION 2-214, HUMAN RESOURCES BOARD, OF ARTICLE VI, BOARDS, COMMISSIONS, COMMITTEES, AND OTHER AGENCIES, OF CHAPTER 2, ADMINISTRATION, OF THE *CODE OF ORDINANCES*, BY EXPENDING THE TERMS OF OFFICE OF CURRENT BOARD MEMBERS; BY AMENDING TERMS OF OFFICE; BY REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; AND SETTING FORTH AN EFFECTIVE DATE.

**Commissioner Kelley moved, seconded by Commissioner Partington, for approval of Ordinance No. 2009-39, on second reading, as read by title only.**

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

Item #8(B)2 – Neighborhood Improvement Board

ORDINANCE NO. 2009-40

AN ORDINANCE AMENDING SECTION 2-218, NEIGHBORHOOD IMPROVEMENT ADVISORY BOARD, OF ARTICLE VI, BOARDS, COMMISSIONS, COMMITTEES, AND OTHER AGENCIES, OF CHAPTER 2, ADMINISTRATION, OF THE *CODE OF ORDINANCES*, BY EXPENDING THE TERMS OF OFFICE OF CURRENT BOARD MEMBERS; BY AMENDING TERMS OF OFFICE; BY REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; AND SETTING FORTH AN EFFECTIVE DATE.

**Commissioner Kelley moved, seconded by Commissioner Gillooly, for approval of Ordinance No. 2009-40, on second reading, as read by title only.**

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

Item #8(B)3 – Aviation Advisory Board

ORDINANCE NO. 2009-41

AN ORDINANCE AMENDING SECTION 2-220, AVIATION ADVISORY BOARD, OF ARTICLE VI, BOARDS, COMMISSIONS, COMMITTEES, AND OTHER AGENCIES, OF CHAPTER 2, ADMINISTRATION, OF THE *CODE OF*

ORDINANCES, BY EXPENDING THE TERMS OF OFFICE OF CURRENT BOARD MEMBERS; BY AMENDING TERMS OF OFFICE; BY REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; AND SETTING FORTH AN EFFECTIVE DATE.

**Commissioner Kelley moved, seconded by Commissioner Partington, for approval of Ordinance No. 2009-41, on second reading, as read by title only.**

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

Item #8(B)4 – Leisure Services Advisory Board

ORDINANCE NO. 2009-42

AN ORDINANCE AMENDING SECTION 2-221, LEISURE SERVICES ADVISORY BOARD, OF ARTICLE VI, BOARDS, COMMISSIONS, COMMITTEES, AND OTHER AGENCIES, OF CHAPTER 2, ADMINISTRATION, OF THE *CODE OF ORDINANCES*, BY EXPENDING THE TERMS OF OFFICE OF CURRENT BOARD MEMBERS; BY AMENDING TERMS OF OFFICE; BY REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; AND SETTING FORTH AN EFFECTIVE DATE.

**Commissioner Kelley moved, seconded by Commissioner Gillooly, for approval of Ordinance No. 2009-42, on second reading, as read by title only.**

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

Item #8(B)5 – Citizens' Law Enforcement Advisory Board

ORDINANCE NO. 2009-43

AN ORDINANCE AMENDING SECTION 2-223, CITIZENS' LAW ENFORCEMENT ADVISORY BOARD, OF ARTICLE VI, BOARDS, COMMISSIONS, COMMITTEES, AND OTHER AGENCIES, OF CHAPTER 2, ADMINISTRATION, OF THE *CODE OF ORDINANCES*, BY EXPENDING THE TERMS OF OFFICE OF CURRENT BOARD MEMBERS; BY AMENDING TERMS OF OFFICE; BY REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; AND SETTING FORTH AN EFFECTIVE DATE.

**Commissioner Kelley moved, seconded by Commissioner Partington, for approval of Ordinance No. 2009-43, on second reading, as read by title only.**

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

Item #8(B)6 – Quality of Life Advisory Board

ORDINANCE NO. 2009-44

AN ORDINANCE AMENDING SECTION 2-224, QUALITY OF LIFE ADVISORY BOARD, OF ARTICLE VI, BOARDS, COMMISSIONS, COMMITTEES, AND OTHER AGENCIES, OF CHAPTER 2, ADMINISTRATION, OF THE *CODE OF ORDINANCES*, BY EXPENDING THE TERMS OF OFFICE OF CURRENT BOARD MEMBERS; BY AMENDING TERMS OF OFFICE; BY REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; AND SETTING FORTH AN EFFECTIVE DATE.

**Commissioner Kelley moved, seconded by Commissioner Gillooly, for approval of Ordinance No. 2009-44, on second reading, as read by title only.**



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

Item #8(B)7 – Environmental Advisory Board

ORDINANCE NO. 2009-45

AN ORDINANCE AMENDING SECTION 2-225, QUALITY OF LIFE ADVISORY BOARD, OF ARTICLE VI, BOARDS, COMMISSIONS, COMMITTEES, AND OTHER AGENCIES, OF CHAPTER 2, ADMINISTRATION, OF THE *CODE OF ORDINANCES*, BY EXPENDING THE TERMS OF OFFICE OF CURRENT BOARD MEMBERS; BY AMENDING TERMS OF OFFICE; BY REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; AND SETTING FORTH AN EFFECTIVE DATE.

**Commissioner Gillooly moved, seconded by Commissioner Partington, for approval of Ordinance No. 2009-45, on second reading, as read by title only.**

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

Item #8(B)8 – Budget Advisory Board

ORDINANCE NO. 2009-46

AN ORDINANCE AMENDING SECTION 2-226, QUALITY OF LIFE ADVISORY BOARD, OF ARTICLE VI, BOARDS, COMMISSIONS, COMMITTEES, AND OTHER AGENCIES, OF CHAPTER 2, ADMINISTRATION, OF THE *CODE OF ORDINANCES*, BY EXPENDING THE TERMS OF OFFICE OF CURRENT BOARD MEMBERS; BY AMENDING TERMS OF OFFICE; BY REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; AND SETTING FORTH AN EFFECTIVE DATE.

**Commissioner Kelley moved, seconded by Commissioner Gillooly, for approval of Ordinance No. 2009-46, on second reading, as read by title only.**

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

Item #8(B)9 – Budget Advisory Board

ORDINANCE NO. 2009-47

AN ORDINANCE AMENDING SECTION 2-227, GOODWILL AMBASSADOR PROGRAM, OF ARTICLE VI, BOARDS, COMMISSIONS, COMMITTEES, AND OTHER AGENCIES, OF CHAPTER 2, ADMINISTRATION, OF THE *CODE OF ORDINANCES*, BY EXPENDING THE TERMS OF OFFICE OF CURRENT BOARD MEMBERS; BY AMENDING TERMS OF OFFICE; BY REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; AND SETTING FORTH AN EFFECTIVE DATE.

**Commissioner Kelley moved, seconded by Commissioner Gillooly, for approval of Ordinance No. 2009-47, on second reading, as read by title only.**

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

Item #8(B)10 – Planning Board

ORDINANCE NO. 2009-48

AN ORDINANCE AMENDING SECTION 1-15, PLANNING BOARD, OF ARTICLE II, ADMINISTRATION AND ENFORCEMENT, OF CHAPTER 1,

ADMINISTRATION, OF THE *LAND DEVELOPMENT CODE*, BY EXPENDING THE TERMS OF OFFICE OF CURRENT BOARD MEMBERS; BY AMENDING TERMS OF OFFICE; BY REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; AND SETTING FORTH AN EFFECTIVE DATE.

**Commissioner Gillooly moved, seconded by Commissioner Partington, for approval of Ordinance No. 2009-48, on second reading, as read by title only.**

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

Item #8(B)11 –Board of Adjustment and Appeals

ORDINANCE NO. 2009-49

AN ORDINANCE AMENDING SECTION 1-16, BOARD OF ADJUSTMENT AND APPEALS, OF ARTICLE II, ADMINISTRATION AND ENFORCEMENT, OF CHAPTER 1, ADMINISTRATION, OF THE *LAND DEVELOPMENT CODE*, BY EXPENDING THE TERMS OF OFFICE OF CURRENT BOARD MEMBERS; BY AMENDING TERMS OF OFFICE; BY REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; AND SETTING FORTH AN EFFECTIVE DATE.

**Commissioner Kelley moved, seconded by Commissioner Gillooly, for approval of Ordinance No. 2009-49, on second reading, as read by title only.**

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

Item #8(B)12 – Historic Landmark Preservation Board

ORDINANCE NO. 2009-50

AN ORDINANCE AMENDING SECTION 1-17, HISTORIC LANDMARK PRESERVATION, OF ARTICLE II, ADMINISTRATION AND ENFORCEMENT, OF CHAPTER 1, ADMINISTRATION, OF THE *LAND DEVELOPMENT CODE*, BY EXPENDING THE TERMS OF OFFICE OF CURRENT BOARD MEMBERS; BY AMENDING TERMS OF OFFICE; BY REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; SETTING FORTH AN EFFECTIVE DATE.

**Commissioner Kelley moved, seconded by Commissioner Partington, for approval of Ordinance No. 2009-50, on second reading, as read by title only.**

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

Item # 8(C) – Sunset Review of Boards

ORDINANCE NO. 2009-51

AN ORDINANCE REPEALING SECTION 2-209, SUNSET REVIEW OF BOARDS AND COMMITTEES, OF DIVISION 1, GENERALLY, OF ARTICLE VI, BOARDS, COMMISSIONS, COMMITTEES AND OTHER AGENCIES, OF CHAPTER 2, ADMINISTRATION OF THE CODE OF ORDINANCES OF THE CITY OF ORMOND BEACH; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; AND SETTING FORTH AN EFFECTIVE DATE.

**Commissioner Kelley moved, seconded by Commissioner Gillooly, for approval of Ordinance No. 2009-51, on second reading, as read by title only.**

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

Item # 8(D) – Stormwater Pollution Prevention

ORDINANCE NO. 2009-52

AN ORDINANCE OF THE CITY OF ORMOND BEACH, FLORIDA, AMENDING ARTICLE V, STORMWATER DRAINAGE UTILITY, OF CHAPTER 22, WATER AND SEWERS, OR THE CODE OF ORDINANCES; BY CREATING DIVISION 1, GENERALLY, AND AMENDING SECTION 22-152, DEFINITIONS; CREATING DIVISION 2, RATES AND CHARGES, AND AMENDING SECTION 22158, UTILITY FEE ESTABLISHED; CREATING DIVISION 3, STORMWATER POLLUTION PREVENTION, CHANGING TITLE OF SECTION 22-159, TO “STORMWATER POLLUTION PREVENTION”, AND AMENDING SECTION 22-159; AMENDING SECTION 22-160, STORMWATER MANAGEMENT FUND; AMENDING SECTION 22-161, STORMWATER DRAINAGE UTILITY FEE COLLECTION; ADOPTING PROVISIONS PROVIDING FOR ADMINISTRATION AND ESTABLISHING TERMS AND CONDITIONS THEREOF; PROVIDING FOR ENFORCEMENT; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTING ORDINANCES; AND PROVIDING FOR AN EFFECTIVE DATE.

**Commissioner Kelley moved, seconded by Commissioner Gillooly, for approval of Ordinance No. 2009-52, on second reading, as read by title only.**

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

Item #9(A) – Volusia County Emergency Medical Services Ordinance

Mayor Costello called for Commission comments or questions regarding the report.

Commissioner Kelley recommended the Commission accept the report as presented.

Mayor Costello stated that the Commission agreed to accept the report as presented.

Item #9(B) – Proposed House Bill 0239

Commissioner Gillooly stated the bill negatively impacted everyone and she could not support it.

Commissioner Kelley stated the bill would have a negative impact on the City by increasing response times and incurring additional costs.

Mayor Costello stated the City had worked diligently with other entities for the highest level of service at the lowest costs, and needed to partner with the other communities. The Mayor opposed separate services for the local communities, and stated it was for greater good of all the residents of Volusia County to find a way to participate together.

Item #10 – Reports, Suggestions, Requests

Citizens of Ormond Beach Citizen of the Year

Commissioner Gillooly mentioned the Citizens of Ormond Beach honored Mr. Woodham from Tomoka State Park as the Citizen of the Year. She commented the City Manager gave a fantastic speech.

Commissioner Kelley and Mayor Costello stated they had heard wonderful comments about City Manager Joyce Shanahan’s speech.

Police Department

Commissioner Kelley confirmed with the City Manager that all of the Commission received the City Manager’s response to the citizen regarding the burglary situation; and he was enlightened to see all the Police Department did. He stated the website was the excellent source of information and should be promoted in the utility bills and anywhere possible.

Public Works Board

Commissioner Kelley stated he had brought up the idea of a Public Works Board about a year ago, but nothing had happened.

The City Manager stated staff was working to bring something for discussion to the Commission around the first of the year regarding how the Commission wanted the board to be formatted.

Beachfront Property

The City Manager stated the Trust for Public Lands (Trust) had been working with the City to identify beachfront property for beach parking. She reported the Trust had some funds that could be utilized to survey the citizens and has asked the City for an official request for technical assistance to move forward with a survey. The City Manager stated the action required no commitment of funds on the part of the City, and she presented a draft letter for the Commission's approval.

Mayor Costello stated seeing no objection, the Commission approved transmitting the letter to the Trust.

Hazard Mitigation Committee

The City Manager reported the local Hazard Mitigation Committee met to determine allocation of the \$1.1 million in funds. She stated the City was to receive \$220,000 toward the total cost of \$300,000 for the Lake Park Circle project for equipment to pump into Central Park pond, and ultimately into the Laurel Creek drainage canal to alleviate flooding issues.

Item #11 – Close the Meeting

The meeting was adjourned at 7:48 p.m.

APPROVED: November 17, 2009

BY: Fred Costello, Mayor

ATTEST:

Veronica Patterson, City Clerk