

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

May 17, 2005 7:00 p.m.

Present were: Mayor Fred Costello, Commissioners Jeff Boyle, Troy Kent, Ed Kelley, and Bill Partington, City Manager Isaac Turner, Assistant City Manager Theodore 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.
- 3) Pledge of Allegiance.
- 4) Approval of the Minutes of the May 3, 2005, meeting.
- 5) ***PRESENTATIONS:***
 - A) Proclamation by Mayor Costello proclaiming May 20, 2005, as Fire Chief Barry Baker Day in the City of Ormond Beach.
 - B) Proclamation by Mayor Costello proclaiming May 21, 2005, as Lisa Rosenthal, Crime Stopper of the Year Day in the City of Ormond Beach.
 - C) Proclamation by Mayor Costello proclaiming May 27, 2005, as Employee Appreciation Day in the City of Ormond Beach.
- 6) ***AUDIENCE REMARKS:***
- 7) ***INTERGOVERNMENTAL BOARD REPORTS:***
 - A) Metropolitan Planning Organization
 - B) Volusia Council of Governments

- C) Smart Growth Implementation Committee
 - D) 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. 2005-105 appointing Tameka McDowell as a member to serve as a commissioner of the Ormond Beach Housing Authority; setting forth term and conditions of office.
 - B) Resolution No. 2005-106 authorizing the execution of a lease agreement between the City and The Casements Guild, Inc.
 - C) Resolution No. 2005-107 approving and adopting an Employee Hurricane Assistance Program as part of the City's Peacetime Emergency Plan.
 - D) Resolution No. 2005-108 accepting a proposal from Quentin L. Hampton Associates, Inc., to provide engineering services regarding the North US1 Force Main Extension; rejecting all other proposals; authorizing the execution of a work authorization thereto. (Not-to-exceed \$55,222)
 - E) Resolution No. 2005-109 supporting the second phase of the proposed Florida Fish & Wildlife Conservation Commission's Manatee Protection Plan for Volusia County.
 - F) Resolution No. 2005-110 authorizing the execution of a Local Agency Program Agreement between the City and the Florida Department of Transportation regarding the design and construction of sidewalks along North Ridgewood Avenue and North Yonge Street.
 - G) Letter of opposition to construction of a cell tower at a location northeast of the Ormond Beach Municipal Airport.

DISPOSITION: Approve as recommended in City Manager memorandum dated April 14, 2005.

9) **PUBLIC HEARINGS:**

- A) Ormond Crossings redevelopment plan:
 - 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 the Ormond Crossings Redevelopment Plan.
 - c) Adjourn as the Community Redevelopment Agency and reconvene the City Commission meeting.
 - 2) Resolution No. 2005-111 of the City Commission of the City of Ormond Beach, Volusia County, Florida, also acting as the Community Redevelopment Agency of the City approving and adopting the North Mainland Community Redevelopment Area Master Plan for the Ormond Crossing Redevelopment Area; implementing actions taken by the City Commission in Resolution Number 2005-13; further implementing the provisions of the Community Redevelopment Act of 1969 (as amended); providing for legislative findings; providing for definitions; providing for capital projects and programs to be implemented as part of the said redevelopment plan; providing for conflicts; providing for severability; and providing for an effective date.
- B) Ordinance No. 2005-06 amending Paragraph C, Official Zoning Map, of Section 2-01, Establishment of Zoning Districts and Official Zoning Map, of Article I, Establishment of Zoning Districts and Official Zoning Map, of the *Land Development Code*, by amending the Official Zoning Map to rezone certain real property from I-1 (Light Industrial) to R-5 (Multi-Family Medium Density) and SE (Special Environmental), authorizing revision of

the official zoning map. (Ormond Grande property on US1, south of Ormond Lakes subdivision) (Second Reading)

- C) Ordinance No. 2005-07 amending Section 1-22, Article III, Chapter 1, Sections 2-17, 2-18, 2-19 and 2-44, Article II, Chapter 2; Section 2-57, Article IV, Chapter 2; and Section 3-26, Article III, Chapter 3, of the *Land Development Code*, by allowing townhouses as a conditional use in the R-4, R-5 and R-6 zoning districts and by creating standards for townhouse developments. (First Reading)

10) **FIRST READING OF ORDINANCES:**

- A) Ordinance No. 2005-08 amending Section 2-50, Accessory Uses, of Article III, General Regulations, of the *Land Development Code* by amending regulations regarding pool enclosure setbacks.
- B) Ordinance No. 2005-09 amending Chapter 1, Article III, Section 1-22 of the *Land Development Code* by amending the definition of kennel.
- C) Ordinance No. 2005-10 amending Section 5-14 of the *Code of Ordinances* relative to the spaying and neutering of animals.
- D) Ordinance No. 2005-11 amending Chapter 22, Article II, Division 2, Harmful or Industrial Wastes, of the *Code of Ordinances* by amending pollutant limitations.

11) **RESOLUTIONS:**

- A) Resolution No. 2005-112 authorizing the execution of a Collective Bargaining Agreement between the City of Ormond Beach and the Coastal Florida Police Benevolent Association.
- B) Bon Terre Fuel Adjustments:
 - 1) Resolution No. 2005-113 approving and authorizing the payment of special compensation to Bon Terre Group, Inc., associated with the unusual cost of providing services under the right-of-way mowing services agreement. (\$5,802)
 - 2) Resolution No. 2005-114 approving and authorizing the payment of special compensation to Bon Terre Group, Inc., associated with the unusual cost of providing services under the grounds maintenance agreement. (\$14,198)
- C) Resolution No. 2005-115 expressing support for certain transportation projects to be placed on the Transportation Improvement Program Project Priority List for Surface Transportation Program Funding, Fiscal Year 2010-2011; authorizing the City's representative and alternate representative to the Volusia County Metropolitan Planning Organization to take action consistent herewith; authorizing transmittal:
 - Widening of Hand Avenue from Williamson Boulevard to Shangri La Drive;
 - Widening of Hand Avenue from Williamson Boulevard to Tymber Creek Road;
 - Widening of Williamson Boulevard from Hand Avenue to Indigo/Dunn Avenue.

12) **DISCUSSION ITEMS:**

- A) Status of the Fire Department Overtime and Staffing for Adequate Fire and Emergency Response (SAFER) Grant Submittal Request
- B) Budget Advisory Board recommendations.
- C) Continuation of the existing relationship with Volusia County for the Community Development Block Grant program.
- D) Use of the former Rigby School facility.
- E) City-owned property to potentially be declared surplus property for sale.
- F) Transportation projects.
- G) Special events and related issues.

- H) Requests by VCOG for direction regarding amicus brief from Ponce Inlet and a constitutional amendment on sales tax exemptions.
 - I) Request to discuss a liability claim at 578 Riverside Drive.
 - J) Continuation of the appeal of the Planning Director's interpretation of the Land Development Code relative to the Granada Plaza signs.
- 13) **REPORTS, SUGGESTIONS, REQUESTS:** Mayor, City Commission, City Manager, City Attorney.
- 14) Close the meeting.

Item #1 - Call to Order

Mayor Costello called the meeting to order at 7:00 p.m.

Item #2 – Invocation

Commissioner Kelley gave the invocation.

Item #3 - Pledge of Allegiance

Mayor Costello led the Pledge of Allegiance.

Item #4 – Approval of Minutes

Mayor Costello advised the minutes of the May 3, 2005, meeting had been sent to the Commissioners for review and asked if there were any corrections, additions, or omissions.

Mayor Costello asked if there was any objection to approving the minutes as submitted. Hearing none, he declared the minutes approved as submitted.

Item #5(A) – Fire Chief Barry Baker Day Proclamation

Mayor Costello read a proclamation honoring Fire Chief Barry Baker for being selected as *Volusia County Fire Chief of the Year* by the Volusia County Fire Chiefs' Association. He proclaimed May 20, 2005, as Barry Baker Day and urged all residents to join in acknowledging Chief Baker's many accomplishments, congratulating him on being awarded *Volusia County Fire Chief of the Year*, and thanking him for his service to the community.

Item #5(B) – Lisa Rosenthal, Volusia County Crime Stopper of the Year Day Proclamation

Mayor Costello read a proclamation honoring Officer Lisa Rosenthal who was recently chosen as the *Volusia County Crimestoppers Officer of the Year* on the basis of her professionalism, outstanding work as a K-9 officer, and work with the Volusia County Northeast Narcotics Task Force. He proclaimed May 21, 2005, as Lisa Rosenthal Day and urged all residents to join in acknowledging Officer Rosenthal's many accomplishments, and congratulating her on being awarded *Volusia County Crimestoppers Officer of the Year*.

Item #5(C) – Employee Appreciation Day Proclamation

Mayor Costello read a proclamation recognizing and honoring all City employees as "ambassadors" who provide important community service on a daily basis. He stated Ormond Beach employees are the City's most valuable assets and proclaimed Friday, May 27, 2005, as City Of Ormond Beach Employee Appreciation Day and advised that City Hall, non-emergency facilities would be closed at 12:00 noon, Friday, May 27, 2005, in honor of Employee Appreciation Day.

Item #6 – Audience Remarks

Stormwater Drainage System at Heritage Circle

Mr. Gregory Avakian, 161 Heritage Circle, asked how the stormwater drainage system worked at Heritage Circle, particularly the flows and capacities it should be holding. He noted there was a breached berm on the rear of his property, disabling the system, that may have environment impact issues to the Tomoka River, which he requested be discussed. Mr. Avakian stated the

breached berm was identified ten years ago and again to Mayor Costello four years ago, leaving a long history of negligence and incompetence.

ThorGuard Lightning Unit

Mr. Avakian asked what protocols were put in place for the operation of the ThorGuard lightning unit; who was responsible for the activation and maintenance of the unit; and who would assume responsibility if an event were to occur.

Environmental Impact Study

Mr. Avakian stated HTA billed the City \$11,000 for the environmental impact study, and the project would not be done. He suggested the Commission make approval of a project conditional to a study before spending taxpayers' money. Mr. Avakian reported this project was instigated on the premise that this was not Ormond Beach's money, but Ormond Beach residents must pay for federal programs as well.

Ames Park

Mr. Avakian asked what the usage of Ames Park was and questioned the unit cost its usage.

Jail Break

Mr. Avakian questioned the outcome of the jailbreak in Ormond Beach.

Air Conditioning at City Hall

Mr. Avakian questioned if the entire air conditioning system at City Hall used regular thermostats. He noted he obtained significant savings by using programmable thermostats.

Mayor Costello asked Mr. Avakian to contact him in a month if he had not obtained answers to his questions.

Airport Issues

Mr. Glenn Jaspers, 160 Ocean Terrace, brought to the Commission's attention a document which he stated inferred that he had represented himself as an employee of Embry Riddle Aeronautics University. He pointed out that his comments have been based solely concerned with wasting taxpayer's money and common sense reasoning based on 50 years of aviation experience. Mr. Jaspers noted while this was not the only instance where an attempt was made to associate him with his employer, it was the only instance to which he could unequivocally refer. He reported he eventually chose to leave his position on the Aviation Advisory Board to dispel any speculation regarding his motivations. Mr. Jaspers pointed out that Hoyle Tanner received \$1 million over ten years for various projects at the airport, but the City did not get their money's worth. He recommended holding an open forum with FBOs and any other interested party to reveal or silence vested interests. Mr. Jaspers requested all documentation from all Ormond Beach offices regarding the tower be made available for his review within the next 30 days.

Dispatch

Mr. Pete Ludwin, 709 Orchard Avenue, expressed concern regarding the possibility of utilizing County dispatch. He noted if it should fail, the City could not go back to the current system because the City would not be able to rehire its quality dispatchers. Mr. Ludwin pointed out Ormond Beach was the only City working during the hurricanes. He stated the County was not ready to provide dispatch services although they may be at some time in the future.

Mayor Costello asked when this would be discussed; whereby, Mr. Turner stated this item would be discussed on June 14.

Item #7(A) – Metropolitan Planning Organization

Mayor Costello reported the Metropolitan Planning Organization (MPO) would host safety events this Saturday in the Ormond Beach City Hall parking lot.

Item #7(B) – Volusia Council of Governments

Mayor Costello reported the Volusia Council of Governments (VCOG) discussed the amicus brief relative to part-time residents' desires to vote in local elections, service taxes sunseting every ten years, the NASCAR Hall of Fame, the Volusia County Growth Management Plan, and unified interlocal emergency code.

Item #7(C) – Smart Growth Implementation Committee

Mayor Costello reported the Smart Growth Implementation Committee met yesterday and will meet again on May 31 and June 20.

Item #7(D) Water Authority of Volusia

Commissioner Boyle stated the Water Authority of Volusia (WAV) board would meet tomorrow at 8:30 a.m. He noted the St. Johns River Water Management District Executive Director, Mr. Kirby Green, would attend the next meeting. Commissioner Boyle stated he recommended a proposal for a mid-term funding mechanism of \$.05 per 1,000 gallons sold, netting \$750,000 in the first year for CIP projects such as matching funds for grants.

Commissioner Boyle reported Daytona Beach Mayor Scarlet Golden’s letter regarding Daytona Beach’s concerns on the interlocal agreement, the amendment process, method of voting, whether cities should possess veto power, long-term funding, and the impact of a combined CUP permit on their bond covenants was of concern. He stated Daytona Beach City Manager James Chisholm resigned from the WAV Manager Advisory Committee; however, he learned today from Dr. Bruce Mowry, Executive Director WAV, that the \$129,000 fee was received from Daytona Beach on Saturday. Commissioner Boyle reported he would attempt to reach out to Daytona Beach tomorrow in that they could be described as the economic engine of Volusia County, facing some of the most complex issues. He noted he would strongly urge Daytona Beach to stay at the table and trust WAV to address their concerns.

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.

Mayor Costello noted he was asked to pull Item No. 8(C) for discussion.

Commissioner Boyle requested Item No. 8(G) be pulled for discussion.

Commissioner Kelley moved, seconded by Commissioner Partington, for approval of the Consent Agenda, minus Item Nos. 8(C) and 8(G).

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

Item #8(C) – Hurricane Assistance Program

RESOLUTION NO. 2005-107
 A RESOLUTION APPROVING AND ADOPTING AN EMPLOYEE
 HURRICANE ASSISTANCE PROGRAM AS PART OF THE
 CITY’S PEACETIME EMERGENCY PLAN; AND SETTING
 FORTH AN EFFECTIVE DATE.

Commissioner Kelley moved, seconded by Commissioner Partington, to approve Resolution No. 2005-107, as read by title only.

Commissioner Partington questioned the force and effect of a resolution as opposed to that of an ordinance.

Mr. Randall Hayes, City Attorney, explained ordinances were effectively local law, and a resolution was an expression of policy and typically not binding unless the resolution would be to approve a contract. He advised this would be to approve certain components that would be incorporated into the City’s Peacetime Emergency Plan.

Commissioner Partington stated he was expecting a more detailed ordinance. He noted he understood staff had concerns regarding the need for flexibility in emergency situations. Commissioner Partington pointed out that he wanted to support a program because he applauded employees for taking care of each other during such situations, but he stated this may be creating a benefit that did not currently exist and may be brought up at future collective

bargaining negotiation meetings. He recommended including cost caps so the Commission could have a better idea of what it was approving.

Commissioner Boyle concurred that the City was unequivocally creating a benefit, and he would need to have the cost identified for this benefit. He stated he did not believe a program was needed, and recommended a simple policy such that any employee that would need to make preparations to protect their property may be excused by their supervisor to use their paid leave for this purpose. Commissioner Boyle noted whether that leave would be deducted from their accumulated leave or whether that employee's manager would create an opportunity during the emergency for the employee to reciprocate the time spent should be left to the managers. He stated the proposal raised scores of new questions as well as the added burden to the taxpayers, and it could cause inequity. Commissioner Boyle stated the Commission did not know who would administer this program, how it would be administered, who and how the program would be monitored, how an emergency would be defined, and which employees could participate. He pointed out there were vague references to payroll deductions and childcare. He reported he strongly opposed soliciting employee discounts. Commissioner Boyle stated he trusted the managers and supervisors to make the correct decisions on a case-by-case basis. He stated that to arrive at an equitable plan was nearly impossible, and he would prefer a simple, flexible, and defensible policy.

Commissioner Kelley stated he did not see a large cost to the City in that this would permit an employee to donate their personal leave time to allow another employee to prepare their home for a disaster. He reported that there were only six to 12 hours notice before Hurricane Charley, leaving an employee little time to prepare his home, especially since that employee would be on duty 24 hours a day, seven days a week until the disaster ended. Commissioner Kelley reiterated that this would not cost the City since the employee would be using his/her own straight time to, for instance, help an officer pick up a child from school or secure a home from a storm. He noted this was the least the City could do for these employees. Commissioner Kelley pointed out that at 3:30 p.m. or 4:00 p.m. when Hurricane Charley struck, the public works crews were out clearing the roads in Tomoka Oaks and The Trails to enable emergency vehicles to access the neighborhoods should the need arise. He stated that if Ormond Beach should have another disaster similar to Hurricane Charley, he offered his two checks for a month's salary to help offset any cost the City may incur. Commissioner Kelley reported these employees would be working to be certain the citizens' water runs, their sewage was pumped out, and they have electricity, because if the roads are not cleared, FPL could not repair the power lines.

Commissioner Kelley stated the discounts were for an employee who could not afford to purchase storm shutters to obtain a discount for them. He pointed out the City obtains many discounts. Commissioner Kelley reported he saw no problem in this provision, and it may be needed. He reiterated that this program would not be a major expense. Commissioner Kelley stated he favored a limit on the amount of money expended. He pointed out this involved employees' money and questioned why the Commission should oppose it if the employee were willing to donate the time to help another employee.

Commissioner Kent stated all three speakers spoke with common sense and brought out good points. He reported that this subject was initiated because ten months ago the City Manager and staff were being questioned by certain members of the community and some Commission members because of actions taken to help one another. Commissioner Kent noted he looked at the incident as a situation where the employees were merely helping each other in a time of need. He explained the Commission directed staff to develop a plan to avoid similar complaints in the future. Commissioner Kent reported he could support this, but he would want the minimal budget impact to be more clearly identified. He stated he did not see the need to continue this item to make a few of the Commissioners more comfortable in that the hurricane season would start on June 1.

Mayor Costello stated he was born and raised in Florida and experienced five hurricanes, three of which occurred last year. He stated the hurricane tracking for Hurricane Charley at 11 a.m. was for the storm to pass by Ormond Beach, and at 2 p.m. the storm shifted toward Ormond Beach, making it difficult to be prepared. Mayor Costello commended staff for doing what the Commission asked, which was to create a plan to avoid staff being placed in the situation where they would have to sacrifice their family or potentially lose their jobs, and people did lose their jobs in other entities. He stated this plan was not what he would consider a perfect plan, but staff has learned by experiencing three hurricanes, and the plan was a good start. Mayor Costello expressed a concern that if the plan would become too simplistic, allowing the employee to take personal leave, no one would be working.

Commissioner Boyle clarified he stated personal leave could be taken at the supervisor's discretion.

Mayor Costello stated if leave were permitted at the supervisor's discretion, it may revert to showing favoritism, which is what this plan was trying to avoid. He reported he was ready to vote for this should it be the Commission's will because it showed staff the Commission was sensitive to the situation in which they were placed.

Mr. Isaac Turner, City Manager, asked that this not be considered as an ordinance in that flexibility was needed during an emergency event. He pointed out that hurricane preparations do not begin hours before an event; they actually start a week or two weeks before an event because crews must clean drains, empty the retention ponds, and start sand bagging. Mr. Turner reported staff was also busy after the event. He noted there were some employees who would not be able to take time off because the community must be the first priority, and this program can help those who could not take time off with the assistance of those who could take time off. Mr. Turner reported the City had emergency and non-emergency employees, and this would affect those who were a part of the emergency group. He stated the cap suggestion was excellent and could be handled at this time. Mr. Turner reported staff could provide a recommendation as part of the budget process, or submit it to the Commission in its final form before implementation. He stated the time could be matched by the City or completely donated by the employees into a bank. Mr. Turner explained the benefit to the City was that the City had the potential of paying for leave at a lower rate rather than when the employee would retire or leave the City service. He noted all of the details were not included at this time and could be added should the Commission approve the concept.

Ms. Lorenda Volker, Human Resources Director, stated this was originally a concept, and staff never actually considered the Commission would adopt a program at this level. She requested the Commission determine what they favored and opposed, and then staff would bring the policy back for consideration and adoption as an administrative policy after revisions were made.

Commissioner Partington asked if Item #2, regarding counting all personal leave hours used in preparation for an impending hurricane or natural disaster as "time worked" for overtime purposes were deleted, would this leave the employee-donated leave bank in place.

Ms. Volker explained that there was scheduled and not scheduled leave in Ormond Beach. She stated scheduled time was as if the time had been worked, but when unscheduled leave was used, the overtime worked was not paid at time and one-half. Ms. Volker noted some employees took unscheduled leave to board up their homes; and while they worked overtime, they were not paid for overtime. She pointed out this was a separate issue from the time match situation.

Commissioner Partington noted he was informed the match could cost as much as \$10,000.

Ms. Volker stated the cost would depend on how many hours the employees donated, but the City could cap the cost. She noted this was to be on a seasonal basis based on the amount donated, but it could be returned on a prorated basis. Ms. Volker reported staff wanted to develop a concept before all of the details were provided.

Commissioner Partington noted he shared some of Commissioner Boyle's concerns regarding donations from local businesses. He stated he wanted to avoid the City reserving certain items making them unavailable to the public. Commissioner Partington urged the City to be in preparation now to avoid future problems.

Commissioner Partington moved to continue this to the June 14 meeting to allow staff to provide answers to the Commission's questions and have the policy refined.

Mayor Costello recommended a \$5,000 cap, and the cap could be revisited at a later date if necessary.

Commissioner Partington stated he had concerns regarding the overtime in that this would be a benefit issue with the unions; whereby, Ms. Volker concurred it could become a benefit issue with the unions.

Mayor Costello suggested taking out the overtime and discount issues and adding a \$5,000 cap.

Commissioner Boyle expressed concern regarding adopting a policy at a Commission meeting if it was not ready for a vote and suggested it be continued.

Commissioner Kelley expressed concern that when the employee would take the leave time from the personal leave time bank, the employee would be paid overtime. He stated he wanted the employees to be able to take care of each other because they were working for the City. Commissioner Kelley pointed out \$5,000 was not a significant amount. He stated he would favor adding a \$5,000 cap to the motion on the floor.

Commissioner Kelley moved to amend the motion to add a \$5,000 cap. The motion to amend died for lack of a second.

Commissioner Kent noted four Commission members expressed concerns about some portion of this resolution; therefore, he recommended continuing it to June 14.

Commissioner Kent seconded Commissioner Partington's motion to continue this to June 14.

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

Item #8(G) – Cell Tower Construction

Commissioner Boyle noted he would approve sending this letter to the FAA, but he indicated it should have gone out prior to the County Council vote. He urged that, in the future, these matters be referred to the Commission immediately for action. Commissioner Boyle pointed out Carl Persis was now on the County Council, and he seconded the motion to approve this cell tower because there was no contact or communication from anyone in Ormond Beach. He questioned why the County Council would approve cell towers without FAA approval.

Mayor Costello reported he did not think to object or bring this to the Commission because he did not believe the FAA would allow it to happen.

Mr. Clay Ervin, Planning Director, stated the Planning Department was in charge of the communication between the County and the City relative to applications for special exceptions. He noted the level of scrutiny Volusia County requires for their special exceptions was considerably less than Ormond Beach would require. Mr. Ervin explained Ormond Beach could only consider comments regarding County regulations. He pointed out when he received the concerns voiced by Mr. Lipps, it was indicated that many of the issues would be flushed out, not through the special exception, but as part of the site plan process. Mr. Ervin reported staff would have brought this forward if the County staff or the developer would be creating a situation where policy direction would be needed, but at that time, they did not have the specifics.

Commissioner Boyle stated that if this letter was appropriate tonight, it would have been appropriate earlier with an e-mail to the Commission members and would have avoided the Commission from hearing this on the radio.

Mayor Costello asked Commissioner Boyle to provide a checklist of all of the items the Commission should know about immediately, since it would be difficult to alert the Commission on every issue.

Mayor Costello called for a vote to send the proposed letter.

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

Item #9(A)(1) – Ormond Crossings Redevelopment Plan

Mayor Costello recessed the City Commission meeting at 8:00 p.m. and convened the meeting of the City of Ormond Beach Community Redevelopment Agency.

Mayor Costello asked if anyone had any questions, comments, or concerns they wished to direct to the Community Redevelopment Agency.

Mr. Sean Daly expressed concern regarding the legality of this development in that while the parcels to be acquired to establish unity of title within Tomoka Holdings were basically congregated in the residential development and were very few in number, the CRA exceeds that and included a number of commercial properties along US1 that were not necessary to include merely to deal with the unity of title issue; therefore, there must have been some other legal issue that allowed the City to declare this a blighted area or to meet the requirements of the statute.

Mr. Daly stated his concern related to the cost to run the City relative to taxation of the citizens because salaries were exceeding what the City was taking in on the tax base. He questioned when the bonds would be paid off; how many tax dollars would be needed; and when the City would have to forego tax dollars due the need to pay for a road and transportation within the CRA. Mr. Daly pointed out that nothing in the report identified the cost to the citizens in the interim while the City pays off the cost to build the roads. He stated that for the past four to five years, the City salaries ran about 9.5 to 10 employees per 1,000 population. Mr. Daly noted the residential land use forecast provided by the Strategic Planning Group indicated that by the eighth year, 2,000 residential units would be built, yet no money would be collected in taxes from those citizens for the services required for those residential units, and no increased tax revenue would be realized until year nine. He stated in the ninth year the City would collect \$200,000 in tax revenue, but the cost would be \$2,720,000, assuming a salary benefit payout of \$40,000 per employee. Mr. Daly reported that in order to protect these people, more personnel would be needed; therefore, even if Tomoka Holdings would build a fire or police station, they would not pay to staff them. Mr. Daly pointed out the citizens were already paying increased taxes for the past two years because the City could not pay for the current personnel, which led him to question why this study did not include a cost benefit study. He concurred that in 20 to 40 years the City would probably realize a great deal of tax dollars from this enterprise.

Mr. Daly explained that by year eleven, 3,250 new units would be constructed, costing \$3,240,000 for increased service cost, which would be offset by only \$800,000 of usable tax money, assuming everything occurs as predicted. He reported that the normal actions would be that the developer would shoulder the costs of the roadways, and as soon as the first house was built, the City would obtain the benefit of the increased tax revenue from the house instead of waiting years. Mr. Daly noted he was informed the benefit of this method was that the City would be able to draw the road as it wanted and to request a certain amount of commercial development.

Mr. Daly pointed out this project would basically increase the population of the City by 25% at build out in 14 years. He stated the developer realizes that the real revenue generator was residential units. Mr. Daly noted the City was negotiating a contract and could negotiate for any terms. He questioned why the City did not draft a CRA so it would only encompass the areas for which it needed to acquire unity of title, or why it did not stipulate the commercial properties must be developed before the residential was developed. Mr. Daly noted these qualifications may be coming in the Development of Regional Impact (DRI), but he would prefer to have the contracts with the conditions up front. He questioned why the City did not have to abide by the City's wetland ordinance in relation to this CRA. Mr. Daly reported the City could have this property in some form developed in Ormond Beach without having to give up tax dollars. He warned the City would be hiring more people and paying more for salaries with no money coming in from the area in which the service was being provided. Mr. Daly urged at least a cost benefit analysis be done.

Mayor Costello stated audience comments would be permitted at the public hearing of the City Commission.

Commissioner Partington moved, seconded by Commissioner Kelley, for the Ormond Beach Community Redevelopment Agency to approve the proposed redevelopment plan.

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

Mayor Costello adjourned the Community Redevelopment Agency and reconvened the City Commission meeting at 8:12 p.m.

Item #9(A)(2) – North Mainland Community Redevelopment Area Master Plan

RESOLUTION NO. 2005-111

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF ORMOND BEACH, VOLUSIA COUNTY, FLORIDA, ALSO ACTING AS THE COMMUNITY REDEVELOPMENT AGENCY OF THE CITY APPROVING AND ADOPTING THE NORTH MAINLAND COMMUNITY REDEVELOPMENT AREA MASTER PLAN FOR THE ORMOND CROSSING REDEVELOPMENT AREA; IMPLEMENTING ACTIONS TAKEN BY THE CITY COMMISSION IN RESOLUTION NUMBER 2005-13; FURTHER IMPLEMENTING THE PROVISIONS OF THE COMMUNITY REDEVELOPMENT ACT OF 1969 (AS AMENDED); PROVIDING FOR LEGISLATIVE FINDINGS; PROVIDING FOR DEFINITIONS; PROVIDING FOR CAPITAL PROJECTS AND PROGRAMS TO BE IMPLEMENTED AS PART OF THE SAID REDEVELOPMENT PLAN; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Commissioner Kelley moved, seconded by Commissioner Partington, to approve Resolution No. 2005-111, as read by title only.

Mr. Ervin stated this CRA was not limited to the National Gardens Subdivision because the finding of blight had two conditions; if the area was considered an antiquated dysfunctional subdivision and if it had inadequate transportation infrastructure, and both conditions must be addressed. He pointed out that both conditions exist in a larger area; therefore, the City incorporated the properties along US1 as well as the property's interior on the east and west side of I-95. Mr. Ervin noted that Mr. Daly expressed concern about some valid issues, but he explained that this was only one step of a multi-step process. He reported staff had to consider the worst-case scenario situation, which was the construction of the interchange collector distributor system now. Mr. Ervin noted that as staff progressed through the DRI process, it would have a better understanding of the infrastructure improvements, the phasing, and the timing of those improvements so the City could identify the funding needs as well as do a cost benefit analysis in order to issue the bonds. He pointed out that participation by the County was based on the date of issuance of the bonds by the CRA, and by approving this, the City would be setting in motion what must be done so that once the infrastructure improvements are identified through the DRI process, the City could then act on them as a CRA to be certain they were properly funded in a manner that would not negatively impact the residents of Ormond Beach and to make certain there would be an equal funding capability throughout the CRA.

Mr. Ervin urged the Commission to consider that if there was an economic downturn, part of the requirement of the CRA was that if the City or County increment could not sufficiently cover the bonds, the developer was obligated to make that coverage. He stated this was the first CRA Volusia County approved since taking back those services and rights. Mr. Ervin reported staff reviewed and explored alternative funding sources. He stated if the City did not do this CRA or was not working with a master developer, the ability to come up with these funding options would disappear, and it would become entirely the taxpayers' responsibility. Mr. Ervin reported staff would not come forward with a bond issue resulting in a negative impact on the Ormond Beach taxpayers.

Mr. Turner stated that without Ormond Beach's participation, it was very likely that 80% to 90% of this area would develop residentially, and there would not be the 1,000 acres of office/industrial land.

Mr. Glenn Storch of Storch Morris and Harris reported he was asked why a developer would commit to come into Ormond Beach when he could have gone to Volusia County, and his reply had been that this was the first development of its kind where there was full cooperation with the City, County, and landowner which exemplified smart growth. He stated this would place the economic development areas next to the housing, which was why the road was so important in this area. Mr. Storch noted it would take time to reap tax benefits from the residential development, but there was also the economic development side of the issue to consider. He pointed out that currently the land had no tax base, and any increase in the value of the land would go into the Tax Increment Financing (TIF) fund. Mr. Storch reported that when the road was paid off, it would all go back to the County and the City. He commended the City for all of the work put into this project to date.

Ms. Adrian Miles, 6 Tidewater Drive, stated she was not a proponent of CRAs because of eminent domain. She questioned what would happen with the schools with 25,000 additional

people in Ormond Beach, and she pointed out the TIF money did not go to the schools or the hospitals.

Mayor Costello stated there was \$10 million of TIF money going to the roads from the City and \$4 million from the County out of the \$45 million it would cost to redevelop the entire interchange system with the spine road. He noted the DRI would go through a nearly two-year process to determine where the schools, parks, and recreation areas would be located. Mayor Costello pointed out the area would go from 6,000 lots to 3,600 lots, decreasing the density and intensity of the residential development to increase the commercial, industrial, and office development.

Commissioner Boyle expressed appreciation for Mr. Daly’s comments and his performance on City boards for many years. He reported one business in the City’s business park currently produced revenue for the City in franchise fees and taxes equivalent to the ad valorem revenue on 400 homes. Commissioner Boyle stated for this revenue stream in a small area and gaining jobs, the City made a tradeoff; but he noted the City was taking a chance. He pointed out the Commission was trying to avoid the normal dynamic that had been occurring, which was for developers to develop in the County under lesser standards. Commissioner Boyle explained the Commission received complaints about how north US1 was being developed, and by trying to guarantee a business portion, the tradeoff was to approve a residential portion. He commended the landowner who could have gone to the County to develop.

Commissioner Kelley explained that no individual’s home was being taken in this process, and no one was being displaced. He stated all of the funds meant to go to the schools would go to the schools, not the CRA. Commissioner Kelley pointed out that the cost would be known before the bonds would go out.

Mayor Costello reported the CRA was only for Volusia County and Ormond Beach, not the hospital or the school board, and none of the money would go to the developer; it would go to infrastructure and roads.

Commissioner Kent stated a minimum of 11,000 good paying jobs was anticipated at build-out, and jobs were the economic engine for Ormond Beach and Volusia County.

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

Hearing no objection, Mayor Costello closed the public hearing on Item #9(A).

Item #9(B) – Ormond Grande Property Rezoning on US1

ORDINANCE NO. 2005-06
 AN ORDINANCE AMENDING PARAGRAPH C, OFFICIAL ZONING MAP, OF SECTION 2-01, ESTABLISHMENT OF ZONING DISTRICTS AND OFFICIAL ZONING MAP, OF ARTICLE I, ESTABLISHMENT OF ZONING DISTRICTS AND OFFICIAL ZONING MAP, OF THE LAND DEVELOPMENT CODE, BY AMENDING THE OFFICIAL ZONING MAP TO REZONE CERTAIN REAL PROPERTY FROM I-1 (LIGHT INDUSTRIAL) TO R-5 (MULTI-FAMILY MEDIUM DENSITY) AND SE (SPECIAL ENVIRONMENTAL), AUTHORIZING REVISION OF THE OFFICIAL ZONING MAP; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; AND SETTING FORTH AN EFFECTIVE DATE.

Commissioner Kelley moved, seconded by Commissioner Boyle, to approve Ordinance No. 2005-06, on second reading, as read by title only.

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

Hearing no objection, Mayor Costello closed the public hearing on Item #9(B).

Item #9(C) – Allowing Townhouses as a Conditional Use in the R-4, R-5 and R-6 Zoning Districts

ORDINANCE NO. 2005-07

AN ORDINANCE AMENDING SECTION 1-22, ARTICLE III, CHAPTER 1, SECTIONS 2-17, 2-18, 2-19 AND 2-44, ARTICLE II, CHAPTER 2; SECTION 2-57, ARTICLE IV, CHAPTER 2; AND SECTION 3-26, ARTICLE III, CHAPTER 3, OF THE *LAND DEVELOPMENT CODE*, BY ALLOWING TOWNHOUSES AS A CONDITIONAL USE IN THE R-4, R-5 AND R-6 ZONING DISTRICTS AND BY CREATING STANDARDS FOR TOWNHOUSE DEVELOPMENTS; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; PROVIDING FOR SEVERABILITY; AND SETTING FORTH AN EFFECTIVE DATE.

Commissioner Kent moved, seconded by Commissioner Kelley, to approve Ordinance No. 2005-07, on first reading, as read by title only.

Mr. Bob Pralle, 67 Nicholas Court, stated the Planning Department could not find setbacks or widths of lots for townhouses in the code, so staff researched what was built in Ormond Beach and what they wanted to have built in the City. He provided the Commission with photos of both 28 and 30-foot lots, which showed no driveway clutter. Mr. Pralle stated a 40-foot by 130-foot lot with a 30-foot setback on the front and a 20-foot garage would provide a 40-foot back yard. He noted if the lots were 40 feet wide there would be a minimum of 1,600 square feet on the first floor, and for two stories, there would be 3,200 feet for townhouses. Mr. Pralle provided photos of 25-foot wide lots at The Trails that also did not have the clutter effect in the driveways.

Mayor Costello stated the Commission could pass this ordinance as it existed, which was for a two-car garage requiring a wider lot and allowing a one-car garage on a narrower lot, or it could approve the Planning Board amendment, which was for a 40-foot minimum lot width instead of the 25-foot lot with a two-car garage instead of a minimum of a one-car garage.

Commissioner Kelley stated The Trails had 30-foot lots with two-car garages. He noted the goal would not be accomplished if a one-car garage were permitted, decreasing the space between the lots. Commissioner Kelley pointed out that the only lots he objected to in The Trails were the first ones built in 1978 or 1979.

Mayor Costello noted the staff recommendation would not allow this to occur.

Commissioner Boyle reported he favored the Planning Board recommendation. He noted he opposed the density of 25-foot lots with one-car garages, and he pointed out the Planning Board recommendation was unanimous.

Mayor Costello asked what the Planning Board objected to regarding the 30-foot wide lots with the two-car garages.

Mr. Ervin stated the Planning Board expressed concern about the amount of greenspace available, and parking of cars outside of the garage relative to maintaining a certain level of aesthetics. He reported the reason this was before the Commission was because it became apparent to staff that the City had numerous fee-simple ownership lots that were nonconforming, and there were no standards in the code to address them. Mr. Ervin stated a townhome was defined in the code, but standards are only listed in the R4 zoning district, and they called for a minimum 50-foot wide lot per townhome; therefore, a correction in the Code would be needed. He reported the lots this would affect were anywhere from 18 to 40 feet. Mr. Ervin advised a goal was to have consistency in the zoning districts and to have the City consistent with some of the developments that have already occurred. He pointed out that whether or not the Commission would allow for this minimum lot width for a townhome project would not prohibit a developer from building to a density in a multifamily development, because instead of constructing fee-simple townhome, they would construct condos that meet the minimum building standards with the same type of product without the fee-simple lot. Mr. Ervin explained the need to correct this gross inconsistency, noting the City had not had a new townhome project requesting a fee-simple development for 16 years.

Commissioner Partington stated he supported staff's recommendation in that this was an affordable housing issue. He noted there were some beautiful developments that worked well with smaller units interspersed amongst larger units. Commissioner Partington pointed out that

staff's recommendation was more consistent with current standards and would not add more onerous restrictions.

Commissioner Kelley asked if there was an ordinance prohibiting parking in the driveways.

Mr. Ervin stated there was no prohibition to parking cars in driveways. He explained the Planning Board was concerned about cars parking on streets, driveways, and roadways, and they preferred more screening by an enclosed garage.

Commissioner Kelley stated he did not favor a 25-foot lot with a one-car garage, but a 30-foot lot with a two-car garage with adequate space between was acceptable. He noted he favored the fee simple lot.

Commissioner Boyle stated he could accept the 30-foot lots with a two-car garage as a compromise.

Commissioner Partington and Commissioner Kent concurred with Commissioner Boyle.

Mayor Costello stated he could accept the 30-foot lots with a two-car garage, but the Commission must be ready to make some decisions on smart growth initiatives. He stated this was not only an affordable housing issue, but where to accept density.

Commissioner Kelley moved, seconded by Commissioner Boyle, to amend the motion to allow a minimum 30-foot lot with a two-car garage.

Call Vote on the Amendment:	Commissioner Kelley	yes
	Commissioner Partington	yes
	Commissioner Boyle	yes
	Commissioner Kent	yes
Carried.	Mayor Costello	yes

Call Vote on the Underlying Motion:	Commissioner Partington	yes
	Commissioner Boyle	yes
	Commissioner Kent	yes
	Commissioner Kelley	yes
Carried.	Mayor Costello	yes

Hearing no objection, Mayor Costello closed the public hearing on Item #9(C).

Item #10(A) – Amending Regulations Regarding Pool Enclosure Setbacks

ORDINANCE NO. 2005-08
 AN ORDINANCE AMENDING SECTION 2-50, ACCESSORY USES, OF ARTICLE III, GENERAL REGULATIONS, OF THE *LAND DEVELOPMENT CODE* BY AMENDING REGULATIONS REGARDING POOL ENCLOSURE SETBACKS; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; PROVIDING FOR SEVERABILITY; AND SETTING FORTH AN EFFECTIVE DATE.

Commissioner Kent moved, seconded by Commissioner Boyle, to approve Ordinance No. 2005-08, on first reading, as read by title only.

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

Item #10(B) – Amending the Definition of Kennel

ORDINANCE NO. 2005-09
 AN ORDINANCE AMENDING CHAPTER 2, ARTICLE II, SECTION 1-22 OF THE *LAND DEVELOPMENT CODE* BY AMENDING THE DEFINITION OF KENNEL; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; PROVIDING FOR SEVERABILITY; AND SETTING FORTH AN EFFECTIVE DATE.

Commissioner Partington moved, seconded by Commissioner Kent, to approve Ordinance No. 2005-09, on first reading, as read by title only.

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

Item #10(C) – Limitations on Domesticated Animals

ORDINANCE NO. 2005-10
AN ORDINANCE AMENDING ARTICLE I, IN GENERAL, OF CHAPTER 5, ANIMALS AND FOWL, OF THE *CODE OF ORDINANCES* BY AMENDING SECTION 5-11, LIMITATIONS ON DOMESTICATED ANIMALS; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; AND SETTING FORTH AN EFFECTIVE DATE.

Commissioner Kelley moved, seconded by Commissioner Boyle, to approve Ordinance No. 2005-10, on first reading, as read by title only.

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

Item #10(D) – Amending Pollutant Limitations

ORDINANCE NO. 2005-11
AN ORDINANCE AMENDING DIVISION 2, HARMFUL OR INDUSTRIAL WASTES, OF ARTICLE II, SEWERS OF CHAPTER 22, WATER AND SEWERS, OF THE *CODE OF ORDINANCES* BY AMENDING SECTION 22-86, REGULATIONS; PROVIDING FOR SEVERABILITY; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; AND SETTING FORTH AN EFFECTIVE DATE.

Commissioner Partington moved, seconded by Commissioner Boyle, to approve Ordinance No. 2005-11, on first reading, as read by title only.

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

Item #11(A) – Execution of a Collective Bargaining Agreement with the Coastal Florida Police Benevolent Association

RESOLUTION NO. 2005-112
A RESOLUTION AUTHORIZING THE EXECUTION OF A COLLECTIVE BARGAINING AGREEMENT BETWEEN THE CITY OF ORMOND BEACH AND THE COASTAL FLORIDA POLICE BENEVOLENT ASSOCIATION; SETTING FORTH AN EFFECTIVE DATE.

Commissioner Partington moved, seconded by Commissioner Kent, to approve Resolution No. 2005-112, as read by title only.

Commissioner Kelley stated he was not indicating he opposed paying employees fairly; however, he wanted the Commission to be aware when they vote that this would cost over \$5 million over the next 10 years for the increase in benefits. He pointed out there were only two ways the City could afford this expenditure: either increase the tax base or cut spending. Commissioner Kelley explained the basic salary increase would equate to 20.31% over three years. He stated allowing three additional step would increase cost \$645,000 over 10 years, and there were 15 officers currently whose salaries would increase by 10% before they reached

the top of the step. Commissioner Kelley reported the City would be picking up 1½% for retirement benefits, which would cost the City \$800,000 over the next ten years. He pointed out he presented his figures to Paul Lane, Finance Director, whose figures were slightly lower at \$4,800,000. Commissioner Kelley noted his calculations included the fact that the City would have to add additional employees. He urged the Commission to remember what this vote would be obligating future Commissions and the taxpayers to. Commissioner Kelley noted that he would not vote for a tax increase to fund this unless serious changes were made. He stated if this should pass, there would be a tax increase not only next year, but for future years as well unless serious changes were made in the way this City conducted its business.

Commissioner Boyle stated the only thing Commissioner Kelley left out of the equation was that in the next ten years, without a tax increase and assuming the same normal growth, the future Commissions and taxpayers would have an extra \$30 million in revenue.

Commissioner Kent stated this was an issue about people working for the citizens of Ormond Beach. He pointed out that he did not wear a bulletproof vest or go into burning buildings when he went to work, but he conceded that these employees chose these professions. Commissioner Kent stated for someone making \$100,000 to \$300,000, a 6% increase was a good raise, but for those making \$28,000 to \$35,000, the raise still good, but not as much money was involved. He noted he considered this to be a fair increase. Commissioner Kent stated he could go to his constituents and explain why he voted on a certain issue when discussing those who protect the Ormond Beach citizens.

Commissioner Partington echoed Commissioner Boyle's and Commissioner Kent's comments and noted there would be costs to provide City services. He pointed out that 71% of what the City did was service oriented; therefore, it was not surprising 75% of the costs were for paying those providing for those services, and this was not out of line. Commissioner Partington reported he looked at the amount of the raises this year in the 6% to 6½% range and the government CIP figure of 4.3% with gas prices backed out. He noted the actual raise was closer to 2.2%. Commissioner Partington stated there was a strong value in completing negotiations and not continuing the process for a protracted time period.

Commissioner Kent stated the actual cost-of-living has increased as observed from the cost of gas, milk, bread, and health care.

Commissioner Kelley stated he was not stating the police officers were not worth what the City was paying and noted they do a great job. He pointed out there were only four officers earning under \$30,000 last year. Commissioner Kelley reiterated that the Commission must be willing to pay for the increases they approve.

Mayor Costello stated this was about value, and this community had a high value. He reported he valued the firefighters, police, and general employees. Mayor Costello stated how much he enjoyed being mayor because he believed he was helping to design his community for the future, but he disliked situations where he seemed to be voting against people. He pointed out he welcomed hearing the perspectives each Commission member provided, even when he may not agree with that perspective.

Mayor Costello stated the April 3 *News-Journal* article indicated average salary increases for workers in the United States were 2.4% to 2.6% in 2004 according to the Bureau of Labor Statistics compared to average salary increases of 3.9% to 4.2%. He pointed out that Ormond Beach gave very generous raises. Mayor Costello noted the raises were probably appropriate, and he did not believe people working for Ormond Beach were overpaid; but what he had repeatedly indicated was that if the City was to give raises, they must be funded. He stated he has always objected to funding recurring expenses with one-time dollars out of the savings, which has brought the City to having 75% of the budget to be employee costs rather than the 65% it was previously. Mayor Costello reported he was committed to trying to bring the City back to that 65% rate. He stated that should he be present on the Commission in three years, he would be very receptive to having less employees, less capital costs with employees, or less overtime in order to value the employees without "breaking the bank." Mayor Costello stated comparisons are made of salaries of officers and firefighters to other communities; therefore, tax rates should also be compared. He noted Ormond Beach was trying to have a low tax rate with high salaries, but this just does not work. Mayor Costello stated Ormond Beach had high expectations and high property values because Ormond Beach had many amenities. He reiterated the Commission must fund what it values. Mayor Costello pointed out that Commissioner Kelley provided figures for the police, but there were two other bargaining units. Mayor Costello noted staff recommended a 3¼% increase, and the 3% over the staff recommendation would cost over \$12 million over ten years. He stated the entire Commission valued every employee no matter how they would ultimately vote on these issues.

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

Mayor Costello called for a short break at 8:59 p.m. and reconvened the meeting at 9:05 p.m.

Item #11(B)(1) – Special Compensation to Bon Terre Group, Inc. for the Right-of-way Mowing Services Agreement

RESOLUTION NO. 2005-113

A RESOLUTION APPROVING AND AUTHORIZING THE PAYMENT OF SPECIAL COMPENSATION TO BON TERRE GROUP, INC., ASSOCIATED WITH THE UNUSUAL COST OF PROVIDING SERVICES UNDER THE RIGHT-OF-WAY MOWING SERVICES AGREEMENT; AND SETTING FORTH AN EFFECTIVE DATE.

Commissioner Boyle moved, seconded by Commissioner Kelley, to approve Resolution No. 2005-113, as read by title only.

Commissioner Kent stated this previously came before the Commission, and he used the word “padded” to describe the contract or set up for fuel increases. He urged the Commission to deny this claim. Commissioner Kent pointed out that another company was ready to take on the contract with no increase, but Mr. Sharkey came before the Commission requesting permission to finish the contract. He stated that shortly thereafter the City received a letter from Mr. Sharkey’s attorney threatening a possible lawsuit, and Mr. Hayes sent a reply indicating he had no grounds for a lawsuit.

Commissioner Boyle stated this was not the same request that was denied, as this was the 2004 request. He pointed out that the City granted these adjustments in 2000, 2001, and 2002. Commissioner Boyle noted it was unfortunate that there was an eight-month delay for the 2003 request. He stated that if the Commission was disinclined to make this adjustment, which was in the contract, the City would probably see higher bids. Commissioner Boyle reported he hoped performance bonds would be required for bidders for the next contract and that this would be left out of the contract should the Commission be disinclined to make the adjustment. He pointed out that this company had saved the City millions of dollars. Commissioner Boyle urged the Commission to approve this fair adjustment and thanked previous Commissions for embracing this concept. He explained Mr. Sharkey consulted an attorney because some would interpret this contract to read that staff had the authority to grant this adjustment; but if staff did not want to approve the adjustment, it would then go to the Commission.

Commissioner Partington asked Mr. Lane to explain on what he based his calculations.

Mr. Paul Lane, Finance Director, explained the calculations were based upon an agreement stipulating the number of gallons the contractor was using and what the City was paying on average for a gallon of gasoline and diesel fuel. He reported the figure was originally calculated using receipts provided, and every year thereafter the City used the same baseline.

Commissioner Partington asked if the figure had been increased or decreased based upon equipment changes that may have saved gas. He requested an explanation regarding the Consumer Price Index (CPI) increase in the contract versus this extraordinary request.

Mr. Lane stated the figure had not increased or decreased based upon equipment changes. He explained the CPI adjustment in the contract did not cover the fuel intensive nature of this type of activity; therefore, the company would receive the general CIP adjustment to cover labor and other increases in the contract, excluding fuel. Mr. Lane noted 75% of the CIP was the adjustment that was given in the contract.

Commissioner Partington noted that based on Mr. Lane’s explanation, he now had a better comfort level with this increase.

Commissioner Kent reminded the Commission that there was another company who was willing to take over the contract with no increase. He stated he was not convinced the City would witness huge rate spikes as suggested, and he believed the equipment had become more fuel efficient.

Mayor Costello stated he would vote for this increase because the same method has been used in handling this situation since the inception of this contract. He stated he wanted vendors that worked with the City to know that Ormond Beach would go above and beyond to be certain they were being treated fairly. Mayor Costello noted it was reasonable for the vendor to believe he could receive this increase as it was provided for a number of years previously, and he believed new bidders would want to see something in the contract to provide for such an increase. He urged that when these contracts are rebid, it would be stipulated if increases could be expected or not, taking the confusion out of the equation.

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

Commissioner Boyle asked if it would be appropriate at this time to reconsider the 2003 contract increase or if it should be discussed in a future agenda.

Mayor Costello requested Commissioner Boyle mention this request during the discussion portion at the end of the meeting.

Item #11(B)(2) – Special Compensation to Bon Terre Group, Inc. for the Grounds Maintenance Agreement

RESOLUTION NO. 2005-114

A RESOLUTION APPROVING AND AUTHORIZING THE PAYMENT OF SPECIAL COMPENSATION TO BON TERRE GROUP, INC., ASSOCIATED WITH THE UNUSUAL COST OF PROVIDING SERVICES UNDER THE GROUNDS MAINTENANCE AGREEMENT; AND SETTING FORTH AN EFFECTIVE DATE.

Commissioner Kelley moved, seconded by Commissioner Boyle, to approve Resolution No. 2005-114, as read by title only.

Commissioner Partington reported that he was now conflicted because he feared that this vote may effect the contractor to make a second request for 2003, which he did not consider to be appropriate.

Mayor Costello stated Commissioner Boyle could not make a motion to bring the 2003 contract back in that he was not on the prevailing side. He urged Commissioner Partington not to base this decision on a potential future motion.

Commissioner Kelley stated that even small lawn services were increasing their costs due to the cost of fuel, not only for running their equipment, but also to transfer their equipment to the site. He pointed out that contracting out lawn service has saved the City millions of dollars, and it costs more to operate today than it did last year. Commissioner Kelley urged the Commission to consider equity, noting this was not an unreasonable request.

Commissioner Boyle stated this particular contractor had no problems in ten years.

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

Mayor Costello stated neither he nor Commissioner Boyle could request reconsideration of the 2003 contract in that they were not on the prevailing side, but Commissioner Boyle could ask anyone else to request reconsideration.

Item #11(C) – Transportation Improvement Program Project Priority List for Surface Transportation Program Funding

RESOLUTION NO. 2005-115

A RESOLUTION EXPRESSING SUPPORT FOR CERTAIN TRANSPORTATION PROJECTS TO BE PLACED ON THE

TRANSPORTATION IMPROVEMENT PROGRAM PROJECT
PRIORITY LIST FOR SURFACE TRANSPORTATION
PROGRAM FUNDING, FISCAL YEAR 2010-2011;
AUTHORIZING THE CITY'S REPRESENTATIVE AND
ALTERNATE REPRESENTATIVE TO THE VOLUSIA COUNTY
METROPOLITAN PLANNING ORGANIZATION TO TAKE
ACTION CONSISTENT HEREWITH; AUTHORIZING
TRANSMITTAL; AND SETTING FORTH AN EFFECTIVE DATE.

Commissioner Kelley moved, seconded by Commissioner Kent, to approve Resolution No. 2005-115, as read by title only.

Commissioner Boyle asked if the Commission approved the widening of Hand Avenue from Williamson Boulevard to Tymber Creek Road.

Mr. Ervin stated both the City and County have this project in their Comprehensive Plan documents. He noted the reason this was before the Commission at this time was that in the past the Commission supported adding this, and then in the last few years pulled sponsorship of the item. Mr. Ervin explained it was brought forward because when the City did the area-wide traffic study, all options to improve traffic were identified in the model. He stated staff assumed that since it was included in the model study and submitted to the MPO, that the Commission would want staff to pursue the project.

Commissioner Boyle asked if the cost for the two bridges over the interstate and the Tomoka River would be \$6 million each; whereby, Mr. Ervin replied the cost would be a minimum of \$6 million each because that figure did not take into consideration the environmental impacts that may occur.

Mayor Costello stated that in the future the cost would be even greater. He noted he was surprised to see this item because he thought it was pulled; however, as a resident of the western portion of Ormond Beach, he could attest that something must be done to be able to pass through the Williamson Boulevard/I-95/SR40 bottleneck.

Commissioner Kelley clarified that these were priority projects for 2010 or 2011, and it was unknown if funding would be approved; but if it was not on list, it would certainly not be funded.

Mr. Ervin explained if the items would be accepted on the priority list, it would be in the outer years when funding would possibly be available, if at all.

Commissioner Partington asked if the priority list could be changed only every five years.

Mr. Ervin explained the MPO long-range transportation plan could only be changed every five years, but the MPO had recently changed some of its policies and was working on an amendment process. He noted the MPO long-range transportation plan dictates what can be submitted for priority ranking; therefore, if the City recognized a need for a road two years after the long-range transportation plan, it would have to wait three years to have it added to the long-range transportation plan and another five years to begin receiving funding.

Commissioner Partington requested Mr. Ervin keep the Commission updated on the amendment process.

Mayor Costello stated he would be shocked to have any of these items funded within 10 years.

Commissioner Kelley stated the Nova Road widening project was on and off the list for 20 years; and if not on the list, it would surely not be done in the future, and Ormond Beach would be impacted to a greater extent in eight to ten years.

Mayor Costello stated the level of service on Granada Boulevard was "C" west of I-95, and Daytona Beach and Volusia County adopted a level of service of "E." He pointed out that Daytona Beach and Volusia County did not have to adopt Ormond Beach's level of service; therefore, they could allow development to occur while Ormond Beach stopped development. Mayor Costello reported those living west of I-95 would be forced to accept Daytona Beach and Volusia County's level of service even if Ormond Beach had a better level of service because of the pass through traffic that would occur. He stated not voting for an alternate route from west of I-95 east into Ormond Beach would commit all the Ormond Beach citizens to fight that traffic, which was why he was such an avid proponent of finding another way to travel from the west side of I-95 to the east side of I-95.

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

Introduction of Mary Swidersi, VCOG

Mayor Costello introduced Mary Swidersi, the new Executive Director of the Volusia Council of Governments. He noted Ms. Swiderski was a Commissioner in DeLand prior to joining VCOG.

Item #12(A) – Status of the Fire Department Overtime and SAFER Grant

Fire Chief Barry Baker stated staff was doing better than projected with overtime \$5,000 below the anticipated figure; however, the issues previously discussed relative to firefighter pregnancy and the deployment of a firefighter to Iraq would increase overtime somewhat. After review of the issues, he again recommended hiring two firefighters to provide flexibility and reduce overtime into next year. He stated that while significant progress was being made, he expressed concern regarding reducing certain overtime expenditures that could not be continued long-term while maintaining the same level of service. Chief Baker reported these expenditures dealt with the prescribed burn program and the training of employees, which had been significantly cut.

Chief Baker stated the City had the opportunity to apply for a Staffing for Adequate Fire and Emergency Response (SAFER) grant, which was similar to the COPS More program.

Mayor Costello reported he did not favor hiring new firefighters, but he was pleased with the efforts the Fire Department had made. He stated last year's figure was \$853,000, minus the figures for the hurricanes, minus that which was mandated by the contract, with the remaining figure from last year being \$622,000; and it was heading for \$305,000 this year or a 51% cut. Mayor Costello challenged the Fire Department and the bargaining unit to find methods to not only cut the overtime, but to cut the overall expenses so in two years he could vote for raises for all of the bargaining units.

Commissioner Boyle applauded the report.

Mayor Costello asked the Commission to provide staff direction as to whether or not they should hire the firefighters requested.

Commissioner Boyle asked if the hiring was contingent on obtaining the grant money.

Mayor Costello pointed out the Commission instructed staff not to ask for grants without Commission approval.

Chief Baker stated the purpose of this item was to provide the requested update and to review the need to hire the additional firefighters. He reported the SAFER grant begins at the end of this month with approximately 30 days in which to apply. Chief Baker noted he would not hold out any hope for SAFER grant money this year in that it was very limited, but this would provide a greater opportunity for next year. He stated if the Commission did not wish to hire firefighters this year, the City could apply for the grant, and then turn it down if offered; however, he was looking long-term on this issue. Chief Baker noted most grants tend to grow over time when the need was displayed, and the likelihood increased to have more funds available for the next year.

Commissioner Boyle stated he favored the cost benefit the City would receive for a potential grant to hire firefighters even though it may be only short term.

Commissioner Partington questioned how much was being budgeting for overtime for next year.

Mr. Turner reported that figure had not yet been determined.

Mr. Lane stated an estimate could be approximately \$480,000 plus 6.5%.

Mr. Turner stated that some measures being done this year to arrive at the current rate had not yet been discussed. He noted some items not done this year may have to be added next year; therefore, the figure was very preliminary.

Commissioner Partington asked how much would hiring two firefighters at a cost of \$42,000 each year over the next five years would reduce the \$510,000 overtime figure.

Chief Baker estimated an \$18,000 savings for one firefighter and the second firefighter would not be a savings but would provide the department the needed flexibility; however, he stated this was extremely difficult to calculate.

Commissioner Partington asked how many firefighters the City would be adding over the next five years.

Chief Baker reported the only firefighter would probably be a training officer, which they have been requesting for the past three years.

Mr. Turner stated part of the equation was the staffing issues for the next five years. He noted Ormond Beach had been seeking grant money, as most other cities have, for a number of years, and he requested permission to make an application for the grant so the City could express the need to Washington for personnel as well as equipment. Mr. Turner noted before the grant would be accepted, should it be approved, staff would come back to the Commission for approval.

Commissioner Kelley stated that if the City truly needed the grant, an application should be sent; but if not, it should not be sent. He reported he did not see the wisdom of hiring two firefighters and increasing the budget over \$100,000 in order to decrease the overtime. Commissioner Kelley reported one of the greatest problems related to overtime seemed to be filling positions at a higher level. He reiterated the City should not apply for a grant unless it was needed.

Chief Baker agreed filling positions at a higher level took place last year, but with the new contract this problem has been basically eliminated. He stated this change in the contract, along with the cooperation of the labor organization, was one reason staff was able to reduce overtime by approximately 68%. Chief Baker noted the department could use the flexibility afforded by these two new firefighters, but the City would not save a great deal of overtime money should they be hired.

Mayor Costello reiterated he was not in favor of adding to the Fire Department. He stated he had asked for a number of calculations that would help him determine the effectiveness of the Fire Department because Ormond Beach must use technology to decrease the costs. Mayor Costello stated Ormond Beach's overtime was higher compared to other communities, but the cost per run, citizen, and department was not higher than other departments. He challenged the employees to find cost-cutting methods.

Commissioner Kent thanked Chief Baker for bringing up the point where the new contract significantly saved money. He stated that if Chief Baker were coming to the Commission indicating he needed the firefighters, he would yield to the Chief's decision. Commissioner Kent concurred the funds from grants were taxpayer monies, but if Ormond Beach did not receive the grants, someone else would and the money for the taxes that would still be collected.

Mayor Costello summarized that Commissioner Boyle and Commissioner Kent favored applying for the grant, but Commissioner Kelley, Commissioner Partington, and he were not ready to approve applying for the grant; therefore, the Commission was directing staff not to apply for the grant.

Item #12(B) – Budget Advisory Board Recommendations

Commissioner Kelley requested discussing Item #7; Commissioner Boyle requested discussing Item #4; and Mayor Costello requested discussing Item #6. Mayor Costello recommended discussing Item #4 first.

Commissioner Boyle stated he understood the City was at 65% of the annual budget for personnel costs ten years ago after privatization, but moving from 65% to 75% was as much a result of adding positions, pension costs, hospitalization costs, and the investments not doing as well as anticipated. He reported the only thing the Commission could control in attempting to get back to the 65% was to either cut jobs or salaries. Commissioner Boyle stated that in seven years the City added 20% more employees while the population increased only 11%. He noted this may be a worthy goal, but he did not consider this a realistic goal, and he noted that he opposed setting unrealistic goals.

Commissioner Partington agreed with Commissioner Boyle's comment that this was a commendable goal that could probably not be attained since so many of the costs were out of the Commission's control. He recommended staff examine the possibility of employees in the higher pay ranges not realizing as great an increase as the lower pay ranges in the next negotiating session. Commissioner Partington concurred with Commissioner Kent that if an employee earned \$130,000, a 6.25% increase was greater than that of those employees earning \$29,000 or \$30,000; and a 2% or 3% increase may be more reasonable for the higher salaried employees. He recommended providing a pay amount as a bonus apart from the salary, which could be tied to the CPI component or to the pay raise component.

Commissioner Kelley stated he considered that going from 75% to 65% was rather ambitious, and the only way to attain that goal would be to not replace some jobs, cut the number of employees, decrease overall budget and capital spending, increase the revenue stream of ad valorem taxes, increase revenue, or maintain the costs. He suggested this was a goal that should be strived for, but it was not a major goal as long as the City could meet its obligations. Commissioner Kelley noted the bonus recommendation was investigated for a number of years, but it may not be able to be done equitably in that personalities would be involved. He stated should someone devise an equitable bonus situation, it would help morale.

Mayor Costello stated he liked the fact that the Budget Advisory Board provided guidelines they believed were appropriate. He pointed out that it took the City 10 years to arrive at 75%, it may take another 10 years to get back to 65%, which would be acceptable. Mayor Costello noted the board was not telling the Commission these goals had to be met immediately. He reiterated his challenge to the bargaining units to find more ways to save positions and money so employees could receive the raises they desire and become more efficient and effective. Mayor Costello pointed out that the number of employees per 1,000 population was not high. He stated the City added Code Enforcement employees, which most of the Commission favored, along with needed police and fire positions; but the reason the percentage was 75% rather than 65% was because the City paid the employees out of nonrecurring dollars rather than adding the cost to the recurring fund. Mayor Costello clarified that his point was that employees must be paid with recurring dollars. He stated this was a wonderful goal.

Commissioner Boyle reported the City received \$3.2 million of new money this year and would pay \$1.3 million; therefore, the added revenue acquired each year was more than enough to cover raises. He stated he placed two issues on the table too late to be considered in the negotiations last year. He noted a number of years ago management recommended that any raises provided to the general employees would also be provided to the managers, but he did not see equity in that process. Commissioner Boyle stated Ormond Beach was now 10% or 11% above the average in manager salary. He recommended paying all of the cost-of-living increases on October 1 which was the beginning of the fiscal year, but the pay step should not be paid until the employee had worked a full year.

Mayor Costello stated those two issues were to be considered in the next bargaining negotiations.

Mr. Turner stated that through individual discussions and what he learned at the significant number of advisory board meetings he has attended, was to be more prudent in the amount of raises the City was giving in the future. Mr. Turner reported staff would seek creative opportunities in terms of the raises, but he requested another discussion with the Commission regarding where they would like to be in the marketplace with different classifications of employee groups. He stated an issue that brought this to a head was where the City obtained the money to fund the salaries. Mr. Turner noted the Commission saw less money going into major maintenance items; therefore, part of the issue was to be certain the Commission considered major facilities maintenance and other projects that had been deferred over the years.

Mayor Costello reported he considered it to be class warfare to give a certain percentage raise to one group and not another; therefore, he would not approve different percentages being given. He stated the ranges for each employee position should be correct, and if the range was too high, he would adjust the range; but once the range was set, everyone should receive the same percentage. Mayor Costello asked if anyone wanted to eliminate Item #4.

Commissioner Boyle concurred that he wanted Item #4 deleted.

Commissioner Kent disagreed that everyone should receive the same percentage increase. He pointed to the Flagler County School Board where the superintendent received the same raise as the teachers, and now the superintendent was planning to leave, causing major problems. Commissioner Kent reported that if the money and productivity were present, he could give

raises; but with \$800,000 in overtime costs, he had a problem explaining to his constituents who was responsible. He commended Commissioner Partington for his suggestion of the one-time bonus concept. Commissioner Kent expressed agreement with Mayor Costello that going from 75% to 65% would not occur overnight. Commissioner Kent suggested deleting Item #4 from the recommendations.

Mr. Turner asked the Commission to allow staff to discuss the salary issue at a separate session and offer options at that time. He noted he understood the goal was to maintain appropriate funding in non-salary areas.

Commissioner Partington stated he would not object to taking the recommendation out or leaving it in; but if it were kept in, it could be a long-range goal to consider. He suggested asking staff to bring these recommendations to every budget workshop session to keep them in mind as goals.

Commissioner Kent noted he would concur with Commissioner Partington and asked it be left in as a goal.

Mayor Costello stated the consensus was to keep the goal in.

Commissioner Kelley noted the key was to watch the percentage, not allowing it to grow and attempting to reduce that level.

Mr. Turner clarified that when starting the budget process, staff would bring forth these objectives.

Mayor Costello stated that relative to Item #6, he spoke at great length to representatives from Brown and Brown Insurance and was convinced that staff should pursue an annual competitive review of the existing insurance policies, but should not go out for bid every year. He noted this would allow the staff the flexibility to take the process away from merely selecting a broker, to competitively bidding it out when the broker would not come in with that which would match the market. The Commission unanimously agreed with Mayor Costello.

Commissioner Kelley questioned how Item #7 could be put into effect. He stated the Commission had agreed that before budgeting for additional capital improvements, the City should be able to maintain what it already had; but this should have already been done in the budgeting process. Commissioner Kelley noted each department should know what it needed to operate efficiently; but if they have not been bringing these expenditures to the forefront because they have been told to cut their budget, then someone failed in their obligation to maintain the facilities. He reiterated that department heads should not be instructed by management to hold back their recommendations to avoid upsetting the budget process.

Mayor Costello stated the Budget Advisory Board was simply recommending the Commission take maintenance out of the CIP process and set a separate fund, not to compete with the CIP for funding, to be used solely for maintenance.

Commissioner Kelley concurred that maintenance should not have had to compete with CIP funding.

Commissioner Partington noted agreement with Commissioner Kelley and questioned why these costs were not included in each department director's budgets every year.

Mayor Costello explained the roof on Nova Recreation Center had been delayed for several years because the Commission did not fund the project. He reported the basement of The Casements, sealing the City Hall parking lot, and other projects have been delayed for several years. Mayor Costello pointed out that the Commission did not fund certain projects because other priorities were selected, and these projects would now cost more.

Mr. Turner reported that, historically, it was not unusual for cities to postpone maintenance when experiencing a lack of resources, and he was not aware of any grave needs that were not brought forth through the budget process. He noted the Commission needed to make difficult decisions regarding what to fund and what not to fund. Mr. Turner pointed out that none of the items were new in that the Commission discussed each item. He stated the preliminary assessment of the structures has been done, and this would be provided during the budget discussions. Mr. Turner pointed out that the City would not be able to provide all the funding during one year, and funding schedules would be provided for consideration.

Commissioner Kent stated the Budget Advisory Board recommendation was a great idea, but the problems could not be corrected in a single year. He agreed money needed to be available in a maintenance fund to take care of some of the problems. Commissioner Kent reported the citizens let the Commission know that they wanted the City to take care of the facilities it had by rejecting the bond issue.

Mr. Turner stated these were broad policy guidelines and staff would bring back figures and projects for Commission consideration. He urged the concept to be kept in the report.

Commissioner Boyle recommended that whenever building something new, the City take 5% of the cost of the project to be set aside in an emergency maintenance fund; however, he questioned how much the City would be building that was new within the next few years. He pointed out that he was not aware of any major maintenance project brought to the Commission's attention that had been rejected. Commissioner Boyle noted The Casements basement was not done because the choice was either removing the water from the basement or air conditioning another floor, and the air conditioning was recommended.

Commissioner Kelley noted he had no problem setting aside funds for maintenance, and urged the Commission to allow staff to bring back a mechanism.

Mayor Costello reported the consensus was to keep this item in.

Item #12(C) – Relationship with Volusia County for the CDBG Program

Mayor Costello noted the consensus was that the City continue to be a subrecipient of the Volusia County Community Development Block Grant (CDBG) program.

Item #12(D) – Use of the Former Rigby School Facility

Mayor Costello noted he toured the school and supported Pace and the opportunities it would afford the City.

Commissioner Kent stated he also toured the school, but did not have the opportunity to speak to Pace representatives. He reported a constituent approached him recommending using the Rigby School, which had a great deal of historical significance in the African American community. Commissioner Kent noted he received calls from members of the Historic Landmark Preservation Board, and none favored selling the property, and he would agree with that recommendation. He stated he favored leasing the property to Pace.

Commissioner Kent stated he advocated a room be set aside for a cultural center for the African American population where they could have functions. Commissioner Kent pointed out many issues needed to be discussed in this regard such as who would pay for the air conditioning, the custodian, how it should be rented out, and what kind of deal would be made with Pace; therefore, he asked this be continued to the June 14 meeting.

Ms. Carol Wick, Executive Director of Pace Center for Girls, recognized those supporters in attendance to discuss this item. She stated Pace was very interested in moving forward, and time was of the essence. Ms. Wick noted Pace was interested in restoring the physical property as closely as possible to its historic state as well as restoring the cultural memorabilia and being part of the community in allowing the facility to be used to its greatest extent by community groups and open for tours. She stated Pace's goal was to assure the building would no longer be an eyesore or a drain on the City's tax dollars, and Pace was not seeking any City funding. Ms. Wick reported Pace was open to allowing groups to come in and work out arrangements to have their staff available to have the facility, open since Pace would be liable for any damages that could occur. She pointed out that Pace requested \$50,000 from Volusia County in CDBG funds to renovate the facility, and the County vote would occur in June; therefore, Pace needed a decision to be made regarding proceeding with this lease.

Mayor Costello stated Ms. Wick expressed an openness to dedicate a room to a community center, but details must be worked out. He explained there was a need for a community room and an office for the Head Start teacher, but Ms. Wick indicated she needed to speak to her board, and Head Start needed to check with their representatives; and while this was not contingent to accepting the lease, it was a request he had made of Pace.

Commissioner Kent noted he needed more assurance regarding the community use before he could approve this. He stated residents were willing to pay to rent space, but he wanted assurance space would be available.

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Ms. Wick pointed out that this issue could be addressed in the lease, but she would have to protect the property.

Mayor Costello stated he envisioned portions of the building being locked off; however, Ms. Wick noted there was a central hallway connecting the rooms.

Commissioner Kent stated he would be comfortable if the lease would indicate the public had appropriate access.

Commissioner Kelley reported it may be difficult if the community was expecting unimpeded use of the facility at any time that may interfere with the operation of the school. He noted the school must have first priority, and the community needed to work within certain parameters.

Mayor Costello concurred the lease would have to indicate the times it would be available to the public, and the times it would not be available.

Commissioner Kent concurred with Mayor Costello's recommendation and reiterated the importance of what this school represented to the community. He noted this option could work with a partnership between the community, Pace, and the City.

Mr. Robert Thames, speaking on behalf of the Historic Landmark Preservation Board, urged the City to keep the building as part of the community.

Mayor Costello advised the consensus was to accept the Pace option.

Item #12(E) – City-owned Property to Potentially be Declared Surplus Property for Sale

Mayor Costello stated this was an informational item and more information and specific recommendations would be coming to the Commission at a later date.

Mr. Ervin questioned if anyone wanted any of the properties in Appendix "C" eliminated and further research ceased, that it be identified tonight.

Mayor Costello urged the Commission to inform staff at the next meeting should they want something eliminated.

Commissioner Boyle reported he had two parcels he wanted eliminated: the small parcel across from the car was on US1 and Tomoka Avenue and the New Britain parcel.

Mayor Costello urged the Commission to be prepared to discuss this and any other parcels to be eliminated at the next meeting.

Item #12(F) – Transportation Projects

Mr. Ervin stated it was a policy direction of the City Commission to tell staff how to pursue these road improvements.

Mayor Costello stated the reason he brought up the six laning of SR40 from I-95 to US1 was because it would cause the City to lose its boulevard and would encourage more development from Consolidated Tomoka Land Company and Daytona Beach in that it would increase the capacity of the road. He noted Ormond Beach would not have much more development out west that would influence the capacity of this road, but widening the road would encourage development outside Ormond Beach's borders.

Commissioner Boyle stated he did not support widening between US1 and I-95, but he did support widening between Nova Road and I-95. He reported that if the road were ever six lanes, the additional lanes would come out of the medians and not right-of-way acquisition on the side of the roads.

Mr. Ervin stated most would come out of the medians, but there was a distinct possibility that additional right-of-way would be needed.

Commissioner Boyle noted he had not considered Mayor Costello's suggestion that if the road was not altered it would discourage overdevelopment.

Mayor Costello clarified he did not want to encourage further development; however, he was not certain not altering the road would actually discourage development.

Commissioner Kelley noted it made no sense to tear out the medians and further increase the problems on Williamson Boulevard and SR40 in that there would still only be two lanes under the bridge.

Commissioner Boyle noted agreement with Commissioner Kelley and Mayor Costello.

Commissioner Partington noted agreement with Commissioner Boyle's previous position, which was Nova Road to I-95 for six lanes and then Nova Road to US1 and west of I-95 would remain four lanes, which was similar to that in Port Orange.

Mayor Costello pointed out that the road failed with four or six lanes.

Commissioner Kent stated at the workshop he supported the six lanes; however, he would now prefer the four lane boulevard with the medians.

Mayor Costello reported the consensus was for SR-40 to stay at four lanes.

Mayor Costello stated no one wanted another bridge, but something had to be done. He noted his vision of the Nova bridge was simply that a corridor be selected and certified letters be sent out from the County to everyone within six homes of either side of the corridor indicating that when the homeowner was ready to sell their home, the County wanted to place a bid on the home so the County would have a plot of land that would be needed to construct a bridge in approximately 30 years. Mayor Costello explained he was not excited about constructing another bridge, but the Commission was short sighted if they did not try to take people off the barrier island when the Granada Bridge was failing. He noted this was not a major issue, but it was appropriate for the Commission to consider.

Commissioner Boyle pointed out there were currently only 10,000 to 15,000 people living on the barrier island with no shopping or beach destination, and the bridge would cost in current estimates between \$100 to \$150 million and go through environmentally sensitive land and near a school. He disagreed that this bridge would be needed in 30 years unless the County had some plan for a CRA with condos.

Mayor Costello noted that, based on Commissioner Boyle's comments, he now opposed the bridge. He reiterated he was not excited about a bridge; he was merely attempting to be proactive. Mayor Costello noted the consensus was to take this item off the list.

Mr. Ervin summarized that he would transmit to the MPO that the City would like for the 2025 long-range transportation plan update to model Granada Boulevard as a four-lane facility west of I-95 from Nova Road to Cone Road and to A1A and to not recommend a bridge north of Granada Boulevard.

Item #12(G) – Special Events and Related Issues

Mayor Costello reported the Commission was to discuss County-wide special events, outdoor product display for non-profit organizations, circuses, carnivals, outdoor exhibitions, and temporary signs.

Commissioner Kelley stated girl scouts cannot legally sell cookies outside of Wal-Mart or Lowe's, and a baseball team could not have a car wash. He stated he believed some provisions should be added for nonprofit organizations to obtain a permit without a great deal of difficulty and at no cost.

Mayor Costello noted that it appeared all on the Commission concurred with Commissioner Kelley.

Commissioner Kelley noted that as part of the third item relative to circuses, carnivals, and outdoor exhibitions, there were certain activities such as the Prince of Peace's Octoberfest that should be permitted.

Mr. Ervin reported Prince of Peace went through a public hearing process where it was determined that the Octoberfest would be permitted in that zoning district; however, in order for other sites throughout the City to go forward, they would have to go through a special exception process because there was no specific zoning district that would allow these events to occur.

Commissioner Kelley noted he believed no one on the Commission wanted to allow temporary vendors; whereby, Mayor Costello advised the consensus was to allow a church to have events such as a pancake day to raise money, but not to allow itinerant vendors.

Mr. Ervin asked for clarification relative to houses of worship having seasonal sales for Christmas trees and pumpkin sales; whereby, Mayor Costello stated the Commission wanted to allow nonprofit organizations to have these outdoor events.

Mayor Costello recommended allowing temporary signage ten days per month rather than 40 days per year.

Mr. Ervin asked for clarification that if the business was not having an outdoor sale event, but a grand reopening or special sale, they would have similar provisions for temporary banners.

Commissioner Kelley expressed support for this to encourage business.

Mayor Costello noted the consensus was to support this recommendation; however, the Commission wanted strict regulations to be certain the signs were aesthetically pleasing.

Item #12(H) – Amicus Brief and a Constitutional Amendment on Sales Tax Exemptions

Mayor Costello stated Ponce Inlet was facing an issue where non-resident absentee owners wanted to vote in local elections while they were registered to vote elsewhere. He reported the County Attorney was working with County Chairman Dwight Lewis, who was also the VCOG chairman, to develop a letter to support VCOG rather than signing onto the amicus brief. Mayor Costello stated his stand would be that if a person was a registered voter in Florida, that person could vote in Florida elections, but if they were not registered in Florida, that person could not vote in Florida elections.

Commissioner Boyle, Commissioner Kent, and Commissioner Partington concurred with Mayor Costello.

Commissioner Partington questioned why this was a VCOG issue.

Mayor Costello noted Daytona Beach Shores also had a concern about this issue. He recommended the City support sending a letter indicating Ormond Beach's support for the position that only those registered in Florida could vote in Florida. Mayor Costello noted another issue was that the Florida League of Cities requested the City provide an opinion because the service tax constitutional amendment would be recommended to sunset every 10 years. He explained he believed this should be sunset and specifically exclude items they did not want to be taxes.

Commissioner Partington reported he considered this a State legislative issue. He noted he would probably agree with some exemptions and disagree with others; therefore, he would not favor approving the entire package.

Mayor Costello noted VCOG was trying to come up with some funding for the cities, because the cities were complaining the State was making mandates without funding.

Commissioner Boyle concurred with Commissioner Partington that the State issue was too complicated, and he opposed the letter.

Mayor Costello asked if the Commission was instructing him to vote to not sunset the exemptions.

Commissioner Kelley noted the method being taken now was that every ten years all of the exemptions were being extended. He stated what the Florida League of Cities was asking was that they consider each item as to whether they should be extended or eliminated.

Mayor Costello noted this would require the legislator go on record that they voted to extend certain exemptions. He summarized that Commissioner Boyle and Commissioner Partington favored leaving the situation as it was, but he was unclear on Commissioner Kelley's recommendation.

Commissioner Kelley clarified to leave the process unchanged, the legislator could extend all exemptions, and he would prefer they be examined individually.

Commissioner Kent supported Mayor Costello and Commissioner Kelley's position to have the legislators vote on the items individually.

Commissioner Boyle stated if he believed the League of Cities had more influence on this issue, he may reverse his opinion. He urged issues of concern be lobbied directly through the City's lobbyist.

Mayor Costello noted the consensus was to have the legislators vote on the items individually.

Item #12(l) – Liability Claim at 578 Riverside Drive

Commissioner Boyle reported this issue related to a sewer backup in a home where a power outage shut down the lift station after Hurricane Charley; the City was able to come to the home to alleviate the problem; but during Hurricane Frances, the homeowner and staff evacuated so City staff could not correct the problem in time to prevent extensive damages. He pointed out that the Claims Committee denied the claim, and the City would prevail if legally challenged; but there were a few facts pointing to a gray area of responsibility, such as the fact that the Commission was asked to approve an appropriation of \$300,000 to purchase seven emergency generators for the beachside lift stations. Commissioner Boyle explained he understood this was the only home in the City with this type of damage from a failed lift station. He stated that by the homeowner allowing the City to take photos, and the City requesting they produce receipts, the homeowner was given the assumption that the City would remedy this claim. Commissioner Boyle noted FEMA made an estimate of damage at \$36,000 and offered low cost loans, and the compensation request from the City was \$7,455 or 20% of the estimated cost. He reported if the City would decide to award any compensation, the homeowner would provide a full release.

Ms. Barbara Sandberg, 578 Riverside Drive, explained she considered the claim to be initiated and encouraged by the City: initiated because the City came into the house to take photos, and encouraged because she was asked to produce the receipts for the damages. She stated the claim was denied because workers could not cross the bridge in the evacuation; however, the bridge was open to traffic, the hurricane passed, and the evacuation was over. Ms. Sandberg stated in this instance, raw sewage coming into her home created an unsafe condition affecting the health of her entire family. She pointed out that she was not asking for any compensation for medical bills, alternate lodging, pain and suffering, or replacement of valuables in the home.

Commissioner Kent questioned how the Sandberg's arrived at the \$7,455 figure.

Ms. Sandberg explained this was the cost of a few items that had to be replaced. She noted the total damages would actually be \$47,671.

Commissioner Partington stated this was a difficult case, but he would favor providing the compensation for this claim even though the City was not legally obligated to do so. He noted the purchase of the generators after the incident was an issue of subsequent remedial measures, but this was not admissible to prove negligence on a claim. Commissioner Partington reported he believed this claim was caused by the City's inability to fix the problem. He noted while the City had no legal obligation, the City was known for doing the right thing.

Commissioner Kelley concurred the City was not legally responsible, but morally the City may have some responsibility. He questioned why only one house had this problem.

Mr. Hayes noted he was uncomfortable discussing a claim publicly. He pointed out that there were a number of other incidents resulting from the same hurricane, and other incidents resulting from heavy rains prior to hurricanes. Mr. Hayes advised the Claims Committee's role was to evaluate claims based on liability and damages as opposed to emotional responses.

Mr. Ted MacLeod, Assistant City Manager, stated this house was on the lowest spot in the system making it the first place to back up.

Commissioner Kent asked why homeowners' insurance did not cover this claim.

Ms. Sandberg stated homeowners insurance does not cover sewer backups.

Commissioner Kent reported he would support paying this request.

Mayor Costello concurred that it was absolutely not a legal requirement to pay this claim, but he would also support this request. He stated he would not state the City caused this problem or could have prevented it, but the homeowner certainly could not have prevented it. Mayor Costello urged a motion be made to waive the Thompson Rule.

Commissioner Boyle moved, seconded by Commissioner Partington, to waive the Thompson Rule.

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

Commissioner Boyle moved, seconded by Commissioner Kent, to pay the requested \$7,455 in exchange for a full release from the Sandbergs.

Commissioner Kelley reported no receipt was included for the carpet replacement.

Ms. Sandberg stated more expensive hardwood floors were installed rather than the carpet.

Commissioner Kelley reported he had difficulty approving paying this when it was legally not required and noted there were others claims. He stated that if this was approved, the Commission should expect other requests coming in as well.

Mayor Costello concurred that this was a possibility, but he could see some differences in this case compared to other cases.

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

Mayor Costello stated the Commission wanted the Claims Committee to vigorously protect the City as it had done in the past and noted this action was not a message to change that position. He reported that if the Commission believed there were extenuating circumstances, they may or may not respond in the same manner in another instance.

Item #12(J) – Appeal of the Planning Director’s Interpretation of Granada Plaza Signs

Mayor Costello reported this item would be continued to the August 16 meeting.

Item #13 - Reports, Suggestions, Requests

Events in Ormond Beach

Commissioner Partington stated the Citizens for Ormond Beach organization was having its annual installation luncheon on Saturday, May 21, at 11:30 a.m. at the River Grille restaurant. He noted this was the same day as the MPO Safety Day at City Hall. Commissioner Partington stated Janett VanWicklen was being honored at the Citizens for Ormond Beach luncheon, and Ann Moore from the St. Johns River Water Management District would be the guest speaker.

Commissioner Partington stated he attended the Great Kids Concert at the St. James Church serving children in Ormond Beach, Daytona Beach, and Holly Hill. He noted it was a wonderful opportunity to see the children displaying their talents and abilities.

Code Enforcement Sweep

Commissioner Partington reported he went on a Code Enforcement sweep with Ms. Joanne Naumann, Neighborhood Improvement Manager, last week and discovered that almost every other house had one or two violations. He stated he was impressed by the enormity of the job and how well the staff was doing the job.

Parks and Recreation Activities

Commissioner Boyle stated he was offered a tour by staff of unstructured activities and play areas, but he rejected the opportunity. He requested a mapping and listing of where those unstructured areas were located and an additional list of where the basketball courts were located.

2003 Bon Terre Request

Commissioner Boyle reported that it was always his intent that if the 2004 Bon Terre request was accepted as previous years had been accepted, that he would ask the 2003 request be reconsidered. He noted his understanding was that when a new Commission was seated, anyone could bring an item back for consideration.

Mr. Hayes concurred with Commissioner Boyle; therefore, Commissioner Boyle asked the 2003 request be revisited on a future agenda.

Mayor Costello apologized for his comment stating he and Commissioner Boyle could not bring the issue back, and noted he had forgotten that with the addition of Commissioner Kelley, this would be considered a new Commission.

Audience Participation

Commissioner Boyle stated audience participation did not delay this meeting, and he urged this be discussed again when the Commission reexamines its rules and procedures.

Tree Clearing

Commissioner Boyle stated an issue of tree clearing evolved immediately after the last Commission meeting. He stated bulldozers began the removal of critical sections of the greenbelt buffer zone along the 18th hole of Riverbend Golf Course to construct an access road for the southeast quad at that airport and that four additional acres of forest would be destroyed for the project.

Commissioner Boyle asked if the lease would still be transferred. He noted, as a Commissioner, he experienced a great deal of guilt and responsibility on this issue. Commissioner Boyle questioned why the City had to disfigure the golf course and its green buffer with functional, aesthetic, and environmental damage to the 18th hole and the other acreage in order to accomplish something at the airport. He understood this to be a huge cleared space with no trees, and having no other information from staff, he assumed that the hangars would go on the way to the control tower and not require deforestation of over four acres. Commissioner Boyle pointed out every golf hole has fairway, rough or non-fairway area, and a tree line. He stated this road has taken out not only the tree line, but also the non-fairway area, and some of the trees were large. Commissioner Boyle provided a list of questions on this issue, and he requested answers be provided at the next meeting. He questioned why the City Commission was precluded from a public discussion of the cost benefits of this decision and why the City boards do not review airport projects.

Candidacy for the Zone 1 Seat Announcement

Commissioner Boyle reported that he made a formal announcement on May 5 that he was running for the Zone 1 Commission seat.

Resident Attendance

Commissioner Kent thanked the ten residents who stayed for this meeting.

Fluoridation

Commissioner Kent reported he wanted to meet with Mr. MacLeod, Mr. Turner, or Mr. Tim Sheahan, Utilities Director, to discuss a citizen concern relative to fluoridation.

Commission Perspective

Commissioner Kent thanked Mayor Costello for his comment regarding his appreciation for the Commission's perspective on issues and for attending the Teachers-of-the-Quarter luncheon in that it meant a lot to him, the students, and the teachers.

Coffee with the Commissioner

Commissioner Kent advised the June "Coffee with the Commissioner" event would be held on Monday, June 6, 2005, at 4:00 p.m. at his home located at 130 Magnolia Drive.

Tree Clearing

Commissioner Kelley stated the first clearing was a disaster, and the second was even worse and should not have taken place. He urged the City to insure this action does not occur again.

Mayor Costello stated no Commission member favored the clearing that had occurred. He asked if this was land that had been leased for years.

Mr. Turner stated a part of the land was leased; however, he requested staff be allowed to provide all of the information on this issue as well as the context of the situation.

PBA Contract

Mr. Turner stated the contract with the PBA was an incredibly difficult process. He commended Ms. Volker and Police Chief Larry Mathieson for their hard work. Mr. Turner noted he considered the Commission to be better informed during the negotiation process and that the

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staff had a clearer direction to follow. He expressed his appreciation for creatively presenting options for the Commission to consider.

Memorial Day Celebration

Mr. Turner reported May 30 the City would have its Memorial Day remembrance celebration beginning at 9:00 a.m.

Budget Meetings

Mr. Turner stated he would be involved in budget meetings with department heads, and he may not be able to take Commission calls unless an emergency would arise during these meetings.

Congressman Mica

Mayor Costello stated Congressman Mica's "fly-in" would be held on May 24. He requested staff inform him if he should mention anything in particular at this event.

MPO Safety Day

Mayor Costello reported MPO Safety Day would be held this Saturday.

Walkable Community's Audit

Mayor Costello stated he attended the Walkable Community's Audit in Daytona Beach, but would have to miss the Walkable Community's Audit in Ormond Beach and urged fellow Commissioners to attend if possible. He noted he looked forward to the results.

Employee Appreciation Day

Mayor Costello stated Employee Appreciation Day would be held on May 27.

Volusia League of Cities

Mayor Costello reported the Volusia League of Cities dinner was scheduled for May 26.

Memorial Day

Mayor Costello stated while he anticipated the Memorial Day celebration each year, he would be out of the country and unable to attend the event this year, and Deputy Mayor Boyle would be officiating.

Audience Remarks

Mayor Costello reported he was under the impression the Commission had the "audience remarks" problems solved, but he noted he looked forward to any further comments on improving Commission meetings.

Golf Course Clearing

Mayor Costello noted he looked forward to the response on the issues raised on the golf course clearing.

Chain Link Fences

Mayor Costello questioned why chain link fences were permitted around the Rigby School and other areas on US1 or Granada Boulevard.

School Bus Alternate Site

Mayor Costello reported he discussed alternate sites for school buses with Mr. Ted MacLeod, Assistant City Manager, and urged alternate sites be recommended to provide a better entrance off US1 for Pace when they occupy the Rigby School.

Teacher-of-the-Quarter

Mayor Costello stated that at the Teacher-of-the-Quarter luncheon he advised that other than Carl Persis, this was the best Commission the City had ever had.

Fluoridation

Mayor Costello stated in that the fluoridation issue may come to the Commission, he could not discuss it in any length; however, he urged Commissioner Kent to look at scientific evidence rather than anecdotal evidence. He reported that it was irrefutable through every national or international agency who tested fluoridation that it was the best, most cost effective public health measure.

Fire Station E-mail

Mayor Costello asked that copies certain e-mails be made available to each Commission member relative to Fire Station #91. He read the following: "with that said the Commission didn't have a problem selling the historic fire station over on beachside to a business person who is a close friend of the Mayor so it might, if the right person/deal came along, it could easily

happen again. Ames property is not even recognized for the historical value the fire station was. In other words, Greg, you are not necessarily barking up the wrong tree just because I say I wouldn't support it. There is precedent for a connected individual making the right offer getting to buy City property."

Mayor Costello stated he had no foreknowledge of this issue, and he talked to Fred Hudson only after the Commission decided on the trade. He reported he favored purchase rather than the trade. Mayor Costello noted that at the last minute another offer was made from Mr. Lichtigman, which he brought to the Commission to consider. He explained all he did was call Mr. Hudson after the offer was made telling him he was not comfortable with the offer; Mr. Hudson amended the offer; and he brought the amended offer back to the Commission. Mayor Costello clarified that he did not, nor would he ever, allow personal friendships to influence how he would vote on an item.

Item #14 – Close the Meeting

The meeting was adjourned at 11:35 p.m.

APPROVED: _____ June 14, 2005

BY: _____
Fred Costello, Mayor

ATTEST:

Veronica Patterson, City Clerk