

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

October 18, 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 October 5, 2005, meeting.
- 5) **PRESENTATIONS:**
 - A) Presentation of a plaque to Gary Hall in recognition of 30 years of service to the City.
 - B) Recognition of Police Officers Larry Lanier, Dan Jordan, and Joseph Barnett.
 - C) Proclamation by Mayor Costello proclaiming the month of November as The Month of the Family.
 - D) Presentation by Jonathan Baltuch, MRI – Municipal Wireless Internet Services.
- 6) **AUDIENCE REMARKS:**
- 7) **INTERGOVERNMENTAL BOARD REPORTS:**
 - A) Metropolitan Planning Organization
 - B) Volusia Council of Governments
 - C) Water Authority of Volusia
- 8) **CONSENT AGENDA:** The action proposed is stated for each item on the Consent Agenda. Unless a City Commissioner removes an item from the Consent Agenda, no discussion on individual items will occur and a single motion will approve all items.
 - A) Resolution No. 2005-214 authorizing the execution of an easement deed in favor of Florida Power & Light Company granting a twenty-foot wide easement within the Ormond Beach Municipal Airport for Hangar 14 (Saltaire Hangar).
 - B) Resolution No. 2005-215 authorizing the execution of an agreement between the City and the State of Florida, Office of the Attorney General, regarding the City's Victim's Advocate Program. (\$44,698 total project; \$35,758 grant funds; \$8,940 matching City funds)
 - C) Resolution No. 2005-216 authorizing and directing the City Clerk to procure the necessary ballots and other forms, to arrange for the use of voting machines, and to make other required arrangements for the Regular Municipal Election and Special Referendum Election to be held in the City of Ormond Beach, Florida, on Tuesday, November 8, 2005; authorizing the execution of an agreement for services and materials.
 - D) Resolution No. 2005-217 appointing clerks, assistant clerks, Accu-vote inspectors, deputies, inspectors and alternate inspectors for the Regular Election and the Special Referendum Election to be conducted on Tuesday, November 8, 2005, in the City of Ormond Beach, Florida.
 - E) Resolution No. 2005-218 accepting the bid of A&M SI Construction Company, Inc., regarding the provision of construction services for the Central Park Multi-Use Trails project under Bid No. 2005-38; rejecting all other bids; authorizing the execution of a

contract between the City and A&M SI Construction Company, Inc., and payment thereunder. (\$188,597.50)

F) Resolution No. 2005-219 authorizing the execution of Change Order Number Three (3) to that contract awarded to Masci Corporation regarding the Dormont Drive Drainage Improvement project, by increasing the contract price by \$18,600 and increasing the contract time by seven (7) days.

G) Resolution No. 2005-220 supporting and recommending implementation of the Volusia Smart Growth Implementation Committee Report dated August 2005.

9) **PUBLIC HEARINGS:**

A) Ordinance No. 2005-35 annexing certain real property into the City of Ormond Beach located west of Tymber Creek Road and north of Airport Road; setting forth zoning, privileges, and obligations of said property; providing for transmission. (37.9 acres – Paul-Speno Property) (Second Reading)

B) Ordinance No. 2005-36 of the City of Ormond Beach, Florida, creating Chapter 23, to be hereinafter entitled “Sexual Offenders and Sexual Predators;” providing for findings and intent, definitions, residence prohibition, penalties and exceptions; providing that property owners are prohibited from renting real property to certain sexual offenders and sexual predators and providing for penalties; providing that property owners are prohibited from renting or leasing to sexual offenders and sexual predators convicted of crimes under certain Florida statutes any place, structure, trailer, vessel or part thereof located within 2,500 feet of specified locations within the City of Ormond Beach. (Second Reading)

C) Ordinance No. 2005-37 amending Subsection A, Zoning Map, of Section 2-03, Official Zoning Map and Zoning District, of Article I, Establishment of Zoning Districts and Official Zoning Map, of the Land Development Code, by amending the Official Zoning Map to rezone a 9.11-acre parcel of real property from B-4 (Central Business) to PBD (Planned Business Development), said real property being located at 125 East Granada Boulevard; authorizing revision of the official zoning map; approving a Development Order for “The Granada Plaza” Planned Business Development. (First Reading)

10) **DISCUSSION:**

A) Advisory Board appointment process.

B) Canvassing Board schedule.

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

12) 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 October 5, 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) – Recognition of 32 Years of Service to the City

Mr. Isaac Turner, City Manager, reported Mr. Gary Hall started with the City in 1973 in the Sanitation Division and moved to the Athletic Maintenance Division in 1986. Mr. Turner noted comments made about Mr. Hall were that he had always had outstanding evaluations, was greatly respected, and sets examples for his fellow employees. He stated Mr. Hall affected thousands of children who participated in the City's recreation programs. Mr. Turner pointed out Mr. Hall never complained about job assignments and was known for his honesty, dedication to his job, and a sense of humor.

Mayor Costello presented a plaque to Mr. Hall in recognition of 32 years of service to the City of Ormond Beach upon his retirement.

Item #5(B) – Recognition of Police Officers Larry Lanier, Dan Jordan, and Joseph Barnett

Police Chief Larry Mathieson recognized Police Officer Dan Jordan who had been recognized by the Citizens Police Academy Alumni Association as the Officer-of-the-Quarter. He noted Officer Jordan was only with Ormond Beach for three years, which was a short time to have received this honor.

Chief Mathieson presented Officer Larry Lanier with the City's "Fingerprint Award Program" designed for officers who go above and beyond their job description. He explained Officer Lanier took the time and effort to process a relatively insignificant crime scene; however, no incident was too small. Chief Mathieson reported that as a result of processing that crime scene, a positive identification of a burglary suspect was made that ultimately led to the closure of numerous other burglaries in the City. He presented Officer Lanier with a Certificate of Recognition and noted the officer was also eligible to take one day of administrative leave as part of this program.

Chief Mathieson recognized Officer Joseph Barnett who was being deployed to Iraq through the United States Navy for one or possibly two years.

Ms. Trish Mucciolo of the River Grille Restaurant expressed pride in Officer Barnett and presented him with a \$50 gift certificate to the River Grille restaurant.

Ms. Peggy Farmer of the Ormond Beach Chamber of Commerce thanked Officer Barnett for his service to the community.

Chief Mathieson presented a certificate of recognition for Officer Barnett's service to the City of Ormond Beach and to the United States. He also presented Officer Barnett with a CD of approximately 100 photographs of Ormond Beach employees and scenery to invoke pleasant thoughts of Ormond Beach while he is in Iraq.

Mayor Costello asked how many people have family members or close friends serving in Iraq or Afghanistan. He noted Officer Barnett was "one of us," and everyone now had a friend serving in Iraq.

Item #5(C) – Proclaiming November as The Month of the Family

Mayor Costello read a proclamation recognizing November as the "Month of the Family" in that strong families were the center of strong communities. He urged everyone to take the time to recognize the importance of families, celebrate their successes, and recognize the community resources that support and strengthen families year round.

Mr. Eric Hill, representing the Church of Jesus Christ of Latter-day Saints, accepted the proclamation and read a quote from former First Lady Barbara Bush relative to the importance of the family. He encouraged everyone to put one day a week aside to meet with their families.

Item #5(D) – Municipal Wireless Internet Services

Mayor Costello advised the Wireless Internet Services presentation would be at the November 1 meeting instead of tonight.

Steve Spraker

Mayor Costello advised Mr. Steve Spraker, Senior Planner, was leaving the employment of the City, and he thanked Mr. Spraker for his service and for being a fantastic team member.

Item #6 – Audience Remarks

Construction Projects

Mr. Charles Carter, 212 Arlington Way, stated a report of the status of construction projects was being provided to the Commission on a monthly basis. He reported a memorandum from the City Manager explained the difficulties the administration was experiencing with Capital Improvements Projects, such as personnel and procedures to follow up on related projects. Mr. Carter stated the recommendation in a memorandum dated September 1 by the City Planner regarding this procedure was not reviewed by any Board, but it was presented to the City Commission. He noted that of the 15 projects on the September list, half were in some type of trouble, such as time limits lapsed, incorrect plans, and change orders resulting in increased costs. Mr. Carter pointed out that seven projects were in the million-dollar range, and the Commission should assure the people they were being done correctly and on time. He urged all projects be halted, and no new projects be started until proper protection for the taxpayers could be provided. Mr. Carter stated the Airport Southeast Quad project for \$1.2 million should have been completed on September 1 but was not completed to date, 45 days later, with a possible completion date 30 to 60 days hence. He reported there were liquidated damages of \$500 per day for non-completion of projects, and he urged the Legal Department to follow up on this issue to be certain the damages are received.

Mayor Costello stated all on the Commission was concerned with overruns, but there were overruns in other entities as well, such as in the Nova Road and US1 projects. He noted he was pleased with the reports but not with the overruns. Mayor Costello asked Mr. Turner to report in a future Friday letter if other cities were experiencing similar overruns, which was what he expected was occurring.

Mr. Turner explained Ormond Beach had a unique procedure where the City does not provide for any contingencies and only approves the amount for which the project was awarded. He noted it was not unusual to consider a 7% to 10% contingency, but in Ormond Beach when projects do go over, staff comes back to the Commission for more money since no contingencies are being provided. Mr. Turner pointed out that when a project comes under budget, the Commission does not see the project; it merely goes on to the next project. He stated he would check with other cities, but he did not believe Ormond Beach had a great problem in this regard.

Police Department Issues

Ms. Pattie Barker, 1105 Overbrook Drive, stated at the October 5 meeting she expressed concern regarding Officer Diana Price being unfairly placed on unpaid administrative leave during an internal affairs investigation after she was exonerated of all charges by the State Attorney's office and the internal affairs investigation had yet to prove any wrongdoing. She reported on October 7 Chief Mathieson wrote a memorandum to the Commission indicating that during the October 5 City Commission meeting a citizen made an inaccurate statement that Officer Price was in a non-paid status, and while consideration was given to this course of action, a review of the circumstances indicated such action was not warranted at this time, and Officer Price remains on administrative leave with pay pending the outcome of the internal affairs investigation. Ms. Barker provided a copy of a memorandum by Chief Mathieson issued on September 29 where he personally ordered Officer Price be suspended without pay. She stated Chief Mathieson was again questioning her honor. Ms. Barker questioned how Chief Mathieson could discuss the evidence and conduct of an active and ongoing internal affairs investigation in a memorandum to the Commission. She reported she would file a formal complaint with Mr. Turner regarding this matter and expected it to be formally and professionally investigated.

Mayor Costello asked that Ms. Barker provide the information to Mr. Turner, and he would provide a response to the Commission.

Commissioner Boyle

Mr. Gregory Avakian, 161 Heritage Circle, Chairman of the FACTS Political Action Committee (PAC), played two audio tapings of portions of previous City Commission meetings. He stated in the first recording Commissioner Boyle made an accusation against Commissioner Partington for providing the "brown envelope" containing his personnel information from when he was a schoolteacher, stating that Commissioner Boyle would consider Commissioner Partington to be guilty until he would be proven to be innocent. Mr. Avakian reported America had a fundamental law that people would be considered innocent until proven guilty, and such a statement should not be made from the dais. He stated the people should hold the Commissioner members to a higher standard. Mr. Avakian expressed concern that should a lawsuit be generated from such a statement, the citizens may be asked to pay for defending Commissioner members for making statements such as these.

Mr. Avakian played another recording where Commissioner Boyle indicated people took the time to write, call, or come into his shop with words of encouragement and provided campaign contributions and overwhelming support. He expressed puzzlement over Commissioner Boyle's statement of "a lot of money pouring in" and displayed the records of Commissioner Boyle's campaign contributions to show that only two contributions of \$250 each were received. Mr. Avakian questioned if that statement could be considered misdirection in that \$500 could not be considered money pouring in, and he questioned if other contributions were received but not filed in a timely manner. He pointed out the two aforementioned contributions were from the Zone 3 candidate, Mr. Glen Wren. Mr. Avakian noted there was nothing wrong with this contribution, but it was curious that this was 50% of the contributions Commissioner Boyle received for that filing period.

Mr. Avakian pointed out that citizens have paid to defend the Commission members from Sunshine Law violation law suits where Commissioner Boyle was involved. He read a quote where Commissioner Boyle explained on cross examination that his use of the word "our" did not refer to him, Privett, or High, but rather to the members of the community, and that "bloodhounds" referred to Randy Brewer, Dean Gast, and Tom Viscoti. Mr. Avakian noted he found it distressing to have a "personal wrecking crew" going after people, and he requested an explanation.

Mayor Costello noted the custom of the Commission was that any Commission member may respond to comments under the "Commission Comments" section of the agenda.

Biketoberfest

Ms. Pat Behnke, 15 Malayan Sun Bear Path, questioned that a four-day event, such as Biketoberfest, had been started five days early. She noted an early start date last year afforded businesses an opportunity to make up lost revenue from the hurricanes, but there were no hurricanes this year, yet the tent vendors were operating on Saturday, October 15. Ms. Behnke reported a News-Journal article indicated Daytona Beach was writing citations for vendors violating the restrictions. She noted all 16 events were scheduled between October 20 and October 23 except the annual Harley Davidson Ride for Children. Ms. Behnke stated neither City nor County funds should be spent for the benefit of a few. She reported extra police patrols were expensive, and taxpayers pay for the cost. Ms. Behnke noted she was unable to obtain an accurate figure of tax revenue generated by this event, but she expressed doubt that it would cover the expenses. She reported police overtime alone would run approximately \$5,000 to \$6,000. Ms. Behnke stated she could accept the fact Biketoberfest was scheduled for four days, but it should be restricted to that schedule. She acknowledged most of these activities occur on County property, but she urged the Commission to work with the County to bring this event back to its original format.

Mayor Costello reported the Commission was working with the County on this event and would continue to do so.

City Contracts

Mr. Bob Behnke, 15 Malayan Sun Bear Path, stated numerous times throughout the year additional funding was required for existing contracts. He questioned why these contracts were not made binding at the price bid by the contractor and they not be allowed to come back for additional funds. Mr. Behnke pointed out that these are mostly included in the Consent Agenda without any information provided.

Mayor Costello stated the Commission did not invest in doing a survey in older areas of the City; therefore, the City was required to pay extra for change orders when the lines were not where they were believed to have been. He asked Mr. Behnke to contact Mr. Turner for further explanations. Mayor Costello reported any time any member of the public had a concern regarding an item on the Consent Agenda, they should ask a Commission member prior to the meeting to pull the item for discussion.

Emory L. Bennett Veterans Nursing Home

Mr. Donald J. O'Lone, 60 Mayfield Terrace, stated Mr. Tom Dean of the Eddy Corporation drew up a petition to establish a veterans' nursing home in 1986. He pointed out Ormond Beach was the birthplace of the Emory L. Bennett Memorial Veterans Nursing Home. Mr. O'Lone stated in 1990 the land was sold to the State of Florida, and the Emory L. Bennett nursing home was born. He reported the Viet Nam Veterans Motorcycle Club led a parade to lobby for the creation of this veterans nursing home. Mr. O'Lone noted this occurred as a result of volunteerism in Ormond Beach, and the insurgents right here in Ormond Beach disturbed him.

Neighborhood Watch

Ms. Alice Henry, 193 Bosarvy Drive, thanked the Ormond Beach Police Department, and especially Officer James Doggett, for forming a Neighborhood Watch in the Osceola area. She expressed a need for the youth in the Osceola area through the Police Athletic League (PAL), Leisure Services department, Boys and Girls Club, or other organizations for the youth who could not get into the organized sports at Nova Road or the Airport Sports Complex.

Mayor Costello asked for an update of the Osceola School agreement as soon as possible. He noted the Commission supported the concept, but was awaiting implementation.

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

Mayor Costello reported the Metropolitan Planning Organization (MPO) and the Volusia Council of Governments (VCOG) had not met since he reported on them at the last meeting.

Item #7(C) – Water Authority of Volusia

Commissioner Boyle noted the regular monthly meeting of the Water Authority of Volusia (WAV) would be held tomorrow. He stated Daytona Beach passed the resolution, a copy of which he had provided at the last meeting. Commissioner Boyle reported Daytona Beach believed their voting weight should equal whatever money they contributed to WAV. He stated he would make the point at the meeting that WAV members were like the members of Congress where each had an equal vote. Commissioner Boyle reported the water pumped from the ground and the water that was sold would have representation based on size and the amount of their water sales. He explained he would urge WAV to continue as it was established and as Daytona Beach had originally agreed.

Mayor Costello stated the Commission concurred that Commissioner Boyle had done an outstanding job on WAV.

Item #8 - Consent Agenda

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

Commissioner Boyle moved, seconded by Commissioner Kent, for approval of the Consent Agenda, as presented.

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

Item #9(A) – Paul-Speno Property

ORDINANCE NO. 2005-35
 AN ORDINANCE ANNEXING CERTAIN REAL PROPERTY INTO THE CITY OF ORMOND BEACH LOCATED WEST OF TYMBER CREEK ROAD AND NORTH OF AIRPORT ROAD; SETTING FORTH ZONING, PRIVILEGES, AND OBLIGATIONS OF SAID PROPERTY; PROVIDING FOR TRANSMISSION; AND SETTING FORTH AN EFFECTIVE DATE.

Commissioner Kelley moved, seconded by Commissioner Kent, to approve Ordinance No. 2005-35, 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(A).

Item #9(B) – “Sexual Offenders and Sexual Predators”

ORDINANCE NO. 2005-36

AN ORDINANCE OF THE CITY OF ORMOND BEACH, FLORIDA, CREATING CHAPTER 23, TO BE HEREINAFTER ENTITLED “SEXUAL OFFENDERS AND SEXUAL PREDATORS;” PROVIDING FOR FINDINGS AND INTENT, DEFINITIONS, RESIDENCE PROHIBITION, PENALTIES AND EXCEPTIONS; PROVIDING THAT PROPERTY OWNERS ARE PROHIBITED FROM RENTING REAL PROPERTY TO CERTAIN SEXUAL OFFENDERS AND SEXUAL PREDATORS AND PROVIDING FOR PENALTIES; PROVIDING THAT PROPERTY OWNERS ARE PROHIBITED FROM RENTING OR LEASING TO SEXUAL OFFENDERS AND SEXUAL PREDATORS CONVICTED OF CRIMES UNDER CERTAIN FLORIDA STATUTES ANY PLACE, STRUCTURE, TRAILER, VESSEL OR PART THEREOF LOCATED WITHIN 2,500 FEET OF SPECIFIED LOCATIONS WITHIN THE CITY OF ORMOND BEACH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Ms. Brenda Wesolowski, 6 Wayland Circle, expressed concern that this would reward these offenders and predators through lawsuits should the law be challenged in the courts.

Commissioner Kent moved, seconded by Commissioner Kelley, to approve Ordinance No. 2005-36, on second reading, as read by title only.

Mayor Costello stated while he did not like this ordinance, if the City did not pass it, Ormond Beach would attract offenders and predators because other entities have similar ordinances. He noted as soon as the courts make a decision, the law could be amended.

Mr. Gregory Avakian, 161 Heritage Circle, stated most things have inherent dangers, but some issues were worth the risk, and he considered this to be worth the risk. He urged the lawyers to unite to provide a defense fund to help provide a united front against any possible lawsuit.

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

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

Item #9(C) – The Granada Plaza

ORDINANCE NO. 2005-37

AN ORDINANCE AMENDING SUBSECTION A, ZONING MAP, OF SECTION 2-03, OFFICIAL ZONING MAP AND ZONING DISTRICT, OF ARTICLE I, ESTABLISHMENT OF ZONING DISTRICTS AND OFFICIAL ZONING MAP, OF THE LAND DEVELOPMENT CODE, BY AMENDING THE OFFICIAL ZONING MAP TO REZONE A 9.11-ACRE PARCEL OF REAL PROPERTY FROM B-4 (CENTRAL BUSINESS) TO PBD (PLANNED BUSINESS DEVELOPMENT), SAID REAL PROPERTY BEING LOCATED AT 125 EAST GRANADA BOULEVARD; AUTHORIZING REVISION OF THE OFFICIAL ZONING MAP; APPROVING A DEVELOPMENT ORDER FOR “THE GRANADA PLAZA” PLANNED BUSINESS DEVELOPMENT; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; AND SETTING FORTH AN EFFECTIVE DATE.

Mr. Clay Ervin, Planning Director, stated this ordinance encompassed two specific issues, which was a rezoning of the property to PBD (Planned Business Development) and to add an amended sign plan. He reported the Commission could approve one or both of the provisions.

Commissioner Partington moved, seconded by Commissioner Kelley, to approve Ordinance No. 2005-37, on first reading, as read by title only.

Mayor Costello stated the Planning Board opposed the staff recommendation in a vote of four to two, and Mr. Doug Thomas asked it be reconsidered with a vote of three to three. He asked if the Commission would accept the staff recommendation.

Commissioner Kelley stated he spoke to the attorney representing the applicant, Senior Planner Steve Spraker, and a member of the Planning Board regarding this issue. He requested more detail in the presentation of the signage provisions be provided for the second reading.

Call Vote:	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).

Mayor Costello reported he approved this because he preferred less signage, and this would cause less signage than it would with multiple individual buildings.

Item #10(A) – Advisory Board Appointment Process

Mayor Costello asked if any member of the Commission opposed Items 1 through 5.

Commissioner Boyle stated the intent noted at the workshop was that the board qualifications would mirror the Commission qualifications, and he questioned why the changes were necessary. He questioned what problems had arisen that required these changes. Commissioner Boyle concurred with Item No. 2 where the Commission did not need to appoint within their zone because it was difficult at times to find qualified and interested people in a particular zone to appoint to a board. He stated regarding Item No. 3 relative to Commission approval of nominations, this would move away from Commissioner prerogatives in order to get around the discomfort Commission members had with the requirement to vote for an appointment. Commissioner Boyle expressed concern that in approving this, the Commission would be politicizing the process. He pointed out that, theoretically, a Commission member could have none of their appointments approved without any reason being offered. Commissioner Boyle noted that the only reason for these changes he could imagine was one recent appointment made that Commission members did not want to vote for, but this was the first in the past ten years. He stated he had a question that was never defined regarding Item No. 4 relative to removal for cause. Commissioner Boyle urged that this also apply to people who misrepresent themselves to obtain an appointment. He noted relative to Item No. 5 regarding replacement nominations, it would involve the same issue as in Item No. 3 relative to majority vote, with which he had a problem.

Mayor Costello stated the reason he asked if the Commission could concur on Item Nos. 1 through 5 was that the Commission had a workshop, and these items came out of that workshop where Commission consensus was reached. He noted he separated Item No. 6 because there were now dollar amounts that were not available at the meeting. Mayor Costello asked if the audience had any comments because there would be a vote taken tonight, and for discussion items where a vote was anticipated, audience remarks are solicited.

Commissioner Partington questioned if this would have a vote or if it would come back as a formal resolution.

Mr. Randall Hayes, City Attorney, advised this was a discussion item, and it would come back.

Commissioner Partington stated he supported Item Nos. 1 through 5 and appreciated the fact that they did reflect the consensus reached at the workshop. He reported relative to Item No. 6, he expressed concern that someone with a felony could be on a City board, and the Commission would be unaware of that fact. Commissioner Partington asked staff to check with other cities to determine how they deal with this issue.

Commissioner Kelley stated residency was not an issue in that it would not be changed. He noted board members should be a registered voter because they would be representing the voters. Commissioner Kelley pointed out that there were very few times the Commission voted against any nomination, but this would provide an option, and that was fully discussed at the workshop. He expressed doubt that there would be many replacement nominations needed. Commissioner Kelley asked that anyone interested in serving on a board contact

Veronica Patterson, City Clerk, where she could then add the name to a list of those willing to serve. He noted regarding Item No. 6, he would not support a background check, but would favor requiring an affidavit.

Commissioner Kent reported he would support Item Nos. 1 through 5 and concurred with Commissioner Kelley relative to Item No. 6. He thanked this Commission for working on this rather than allowing the prior method to remain merely because it had always been done that way in the past. Commissioner Kent stated two years ago the Commission discussed sending letters to board appointments noting time for the end of the terms was approaching and asking the board members if they wanted to be reappointed. He asked if that would be done.

Mr. Turner advised the letter would be sent.

Mayor Costello stated the consensus was that Item Nos. 1 through 5 had Commission support and Item No. 6 would require an affidavit. He asked that research be done to determine the difficulty involved and the cost of providing a felony background check. Mayor Costello noted should this information be helpful, the Commission could consider an amendment.

Mr. Turner reported staff would possibly have substitute language available when this comes back to the Commission. He noted staff was to bring back an ordinance, but this was brought back to the Commission because staff was not certain about particular issues, such as Item No. 6.

Item #10(B) – Canvassing Board Schedule

Mayor Costello noted that Commissioner Boyle offered to attend the L&A testing on October 21 at 9 a.m. in DeLand. He noted three Commission members were required to canvass the ballots on November 8. Mayor Costello stated he and Commissioner Kent would canvass the ballots on November 8.

Commissioner Partington noted he would be happy to canvass the ballots; however, he expressed concern that some people have a problem with a candidate canvassing the ballots. He stated in that three Commission members were required, he would attend. Commissioner Partington explained this situation may be corrected with the proposed Charter Amendment.

Item #11 - Reports, Suggestions, Requests

Casual Attire

Commissioner Kelley stated this was the last meeting of the year when casual attire on the Commission was acceptable. He noted he would prefer casual attire as long as possible but would go back to jacket and ties if it were the will of the Commission.

Mayor Costello noted he merely selected a date, and that date easily could be amended.

Commissioner Boyle recommended extending the casual attire for one month, then dress up for Christmas season continuing for the next two months.

Commissioner Kent concurred with Commissioner Boyle.

Mayor Costello noted the consensus was to accept Commissioner Boyle's recommendation.

Quick Response

Commissioner Kelley thanked the City Manager and Fire Chief Barry Baker for reacting very quickly in response to a situation where clearing was occurring to make way for the construction of a house. He noted the fire that was about to occur would have adversely affected the neighbor's asthmatic children due to the close proximity of the neighbor's home.

Division Avenue Improvements

Commissioner Partington thanked staff for the completion of the improvements between Old Kings Road and Nova Road on Division Avenue. He noted most of the landscaping was completed, and he received many positive comments. Commissioner Partington noted the only concern he heard was relative to the lack of lighting. He asked if the lighting could be improved.

North Beach Street Traffic Issues

Commissioner Boyle expressed appreciation for the commitment on the North Beach Street traffic issues. He stated whenever an accident occurs on I-95 between the Ormond Beach interchange and the interchanges to the north or south, traffic was rerouted down Old Dixie

Highway, which had proved to be problematic for the trees and the residents. Commissioner Boyle recommended the possibility of rerouting semi trucks to US1.

Beach Street Resurfacing

Commissioner Boyle stated while it was great that the resurfacing on Beach Street was completed, it had affected the water and the drainage in the area.

Open Fire Hydrant

Commissioner Boyle noted he received a call from a Zone 2 resident relative to an open fire hydrant with water gushing into the drain at high pressure for several days. He assumed the City was flushing chlorine from the system; whereby, Ms. Sloane nodded that was correct.

Mayor Costello requested the Commission be notified when flushing was to occur so they could respond to residents who expressed concerns.

Commissioner Kent noted he received several calls relative to this issue. He concurred that each Commission member was not merely a Commissioner for their own particular zone, but a Commissioner for the entire City. Commissioner Kent stated he was alarmed regarding this incident and contacted staff. He noted he heard three conflicting accounts on how long the flushing had occurred.

Beach Street Drainage Problem

Commissioner Kent stated he received a call from a Zone 1 resident complaining about the drainage issues that had begun after the Beach Street resurfacing project. He noted he contacted Mr. Turner regarding this issue, who was handling the matter.

Neighborhood Watch

Commissioner Kent thanked Ms. Henry for coming forward. He noted he was grateful Osceola Elementary School was being opened as a community meeting place for the Neighborhood Watch meetings, and he hoped to be able to attend a meeting soon.

Public Hearings

Commissioner Kent commended Mayor Costello for the way he was now handling public hearings, allowing the audience the opportunity to speak before a motion or second was made.

Kent Drive

Commissioner Kent thanked staff for handling the issue of the overgrown lot on Kent Drive.

Halifax Habitat for Humanity

Commissioner Kent noted he had the opportunity to watch a Halifax Habitat for Humanity home dedication on Live Oak. He thanked Commissioner Partington for attending and lending his support. Commissioner Kent stated it was wonderful to experience the events from ground breaking to the completion of the home.

“Coffee with the Commissioner”

Commissioner Kent announced the next “Coffee with the Commissioner” would be held at Ms. Sue Parkerson’s home on Monday, November 7, at 4 p.m.

Make a Difference Day

Mr. Turner stated October 22 was “Make a Difference Day,” and the focus would be at the Pace Center, 208 Central Avenue, to do landscaping and to beautify the area. He invited everyone to attend as much or little as possible between 8 a.m. and 3 p.m.

Zone 1 Impact Fees

Mr. Clay Ervin, Planning Director, noted he received notification regarding an item pending on the County Council agenda pertaining to an agreement with the Consolidated Tomoka Land Company (CTLC) regarding Zone 1 impact fees. He advised the Commission that the County staff had recommended denial of the agreement. Mr. Ervin explained CTLC was trying to identify three significant roadways with regional impacts where they wanted to use impact fee credits to construct the roads. He noted the Volusia County staff’s concern was that this would take up all of the Zone 1 impact fees for a considerable number of years so other roads such as Clyde Morris Boulevard, Williamson Boulevard, and potentially Hand Avenue may not be widened due to funds being rerouted to this project. Mr. Ervin noted this would be on the County Council agenda for this Thursday. He apologized that this was just now being mentioned to the Commission, but he was just now notified. Mr. Ervin asked if the Commission would direct staff to investigate this further and attend the meeting.

Mayor Costello noted he most assuredly would direct staff to attend the meeting because the Commission did not want impact fees used to increase the density, transportation, traffic, or activity in the Daytona Beach segment of west Ormond Beach or to have any money diverted from Clyde Morris Boulevard or Williamson Boulevard. The Commission concurred with Mayor Costello's assessment. Mayor Costello requested Mr. Ervin e-mail him tomorrow with the particulars so he could e-mail the County Council members regarding this issue. He noted he would not be able to attend this meeting. Mayor Costello reported it was clear development would occur in this area, but the roads should not be built at the expense of the roads already needed.

SOAR

Mr. Ervin stated staff received a SOAR (System Operational Analysis Report) today from the Department of Transportation (DOT) regarding the potential interchange at I-95 and US1 indicating it was not justified; therefore, staff would need to meet with DOT representatives because staff believed the study to be inaccurate.

Mayor Costello stated DOT was basically looking at this as an additional interchange rather than a modification, and there were flaws in the report. He noted he was trying to work through the MPO regarding this issue.

Mr. Turner noted staff had already scheduled a meeting with the Director of the Department of Transportation several months ago, and it was cancelled due to a potential hurricane but was rescheduled to next week, and this would be the foremost topic of discussion at that meeting.

Fire Station 91

Mr. Turner stated the groundbreaking ceremony for Fire Station 91 would be held on Monday at 4 p.m.

November Meetings

Mayor Costello stated the regular City Commission meetings would be on November 1 and November 15. He noted the election was November 8 and he, Commissioner Kent, and Commissioner Kelley would canvass the ballots in DeLand. Mayor Costello reported there would be a short meeting on November 10 to certify the election results at City Hall at 5:30 p.m.

Item #12 – Close the Meeting

The meeting was adjourned at 8:22 p.m.

APPROVED: _____ November 1, 2005

BY: _____
Fred Costello, Mayor

ATTEST:

Veronica Patterson, City Clerk