

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

November 1, 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 18, 2005, meeting.
- 5) **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. 2005-221 authorizing the execution of an agreement between the City and Council on Aging of Volusia County, Inc., for the use of a site at the Senior Center for a nutrition program.
 - B) Resolution No. 2005-222 authorizing execution of a Community Development Block Grant Subrecipient Agreement for Fiscal Year 2005-2006 between the City and the County of Volusia. (\$119,527)
 - C) Resolution No. 2005-223 ratifying the execution of a Change Order No. 1 regarding the completion of the installation of baffle boxes at Live Oak Avenue and Lorillard Place. (Extending the completion date 90 days.)
 - D) Resolution No. 2005-224 authorizing the execution of Change Order Number One (1) to that contract awarded to D&W Paving, Inc., regarding the South Ridgewood Avenue, Lorillard Place and Live Oak Avenue Roadway and Drainage Improvements project, by increasing the contract price by \$20,754 and increasing the contract time by 14 days. (Total project cost, \$1,520,862.85; total project time, 254 days)

- E) Resolution No. 2005-225 authorizing the submittal of an easement application to the Board of Trustees of the Internal Improvement Trust Fund of the State of Florida regarding the Rima Ridge Raw Water Well Expansion project; authorizing the execution of all documents incidental thereto.
- F) Resolution No. 2005-226 accepting the bid of McMahan Construction, Inc., regarding the provision of construction services for the Hunter's Ridge Irrigation and Fire Protection System Ground Storage Tank Expansion project under Bid No. 2005-16; rejecting all other bids; authorizing the execution of a contract between the City and McMahan Construction, Inc., and payment thereunder; authorizing reimbursement to the Hunter's Ridge Homeowner's Association. (\$798,000 total project; \$1,500 reimbursement to Hunter's Ridge)
- G) Property improvement grant program:
 - 1) Resolution No. 2005-227 of the City Commission, also acting as the Community Redevelopment Agency of the City, authorizing the execution of a First Amended Property Improvement Grant Agreement, by authorizing a 169 calendar day extension between the City of Ormond Beach Community Redevelopment Agency and Edwin M. Byrd and Edith K. Byrd d/b/a Byrd's Nest Quilting; ratifying and affirming the agreement.
 - 2) Resolution No. 2005-228 of the City Commission, also acting as the Community Redevelopment Agency of the City, authorizing the execution of a First Amended Property Improvement Grant Agreement, by authorizing a 180 day extension between the City of Ormond Beach Community Redevelopment Agency and MDSS, Inc.; ratifying and affirming the agreement. (Building "A" of the former Scotty's site located at 333 West Granada Boulevard)
 - 3) Resolution No. 2005-229 of the City Commission, also acting as the Community Redevelopment Agency of the City, authorizing the execution of a First Amended Property Improvement Grant Agreement, by authorizing a 180 day extension between the City of Ormond Beach Community Redevelopment Agency and MDSS, Inc.; ratifying and affirming the agreement. (Building "B" of the former Scotty's site located at 333 West Granada Boulevard)
- H) Resolution No. 2005-230 authorizing a donation to the Ormond Beach Police Athletic League; authorizing expenditure from the City of Ormond Beach State Law Enforcement Trust Fund; authorizing the execution of all documents necessary thereto. (\$4,000)
- 9) **PUBLIC HEARINGS:**
 - A) Resolution No. 2005-231 authorizing the execution of a Cable Television Franchise Agreement between the City and Bright House Networks, LLC, regarding the provision and operation of cable television services and related services.
 - B) Resolution No. 2005-232 authorizing the execution and issuance of a Development Order for "Chabad Lubavitch Synagogue" Special Exception on a site located at 1079 West Granada Boulevard, within the B-10 (Suburban Boulevard) zoning district; to allow the construction of a house of worship and private school consisting of a 21,000 square foot two-story building that includes a synagogue, school and administrative offices; establishing conditions and expiration of approval.
 - C) Ordinance No. 2005-56 authorizing the execution and issuance of a First Amended and Restated Development Order regarding the "Pineland" Planned Residential Development, authorizing the extension of the expiration date for which a plat must be approved; authorizing the development of an additional seventeen (17) single-family lots within the development; ratifying and affirming the Development Order; establishing conditions and expiration of approval.
 - D) 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.
(Second Reading)

- E) Ordinance No. 2005-38 relative to Accessory Uses, amending Section 2-50 of Article III, General Regulations, of the Land Development Code by amending regulations regarding accessory uses and structures. (First Reading)

10) **FIRST READING OF ORDINANCES:**

- A) Ordinance No. 2005-39 amending Chapter 3, Performance Criteria, Article III, Off-street Parking and Circulation, Section 3-26, Off-street Parking Requirements, of the Land Development Code by clarifying the location and minimum distance for residential driveways.
- B) Ordinance No. 2005-40 amending Section 1-16, Board of Adjustment and Appeals, of Article II, Administration and Enforcement, of Chapter 1, General Administration, of the Land Development Code, by clarifying the power and duties, processing procedure and award of variances by the board members; by amending subparagraph P, Variance Request, of Section 1-26, Application Processing Fees.
- C) Ordinance No. 2005-41 amending the annual budget for the 2005-2006 fiscal year relative to the Stormwater Utility Fund; Airport Fund; Economic Development Fund; Grants Fund; General Improvement Fund; Vehicle Replacement Fund; Transportation Improvement Fund; Recreational Impact Fee Fund; Local Roads Impact Fee Fund; Stormwater Drainage Impact Fee Fund; Fire Station #92 Construction Fund; Fire Station #91 Construction Fund; Water & Wastewater Utility Fund; Water & Wastewater Vehicle Replacement Fund; Water & Wastewater Renewal & Replacement Fund; West Ormond Reuse Impact Fee Fund; Water System Impact Fee Fund; Wastewater System Impact Fee Fund.
- D) Advisory Board nominations:
 - 1) Ordinance No. 2005-42 amending Section 2-206, Residency Requirements, of Article VI, Boards, Commissions, Committees and Other Agencies, of Chapter 2, Administration, of the *Code of Ordinances*, by revising the criteria for the appointment of board members.
 - 2) Ordinance No. 2005-43 amending Section 2-214, Human Resources Board, of Article VI, Boards, Commissions, Committees and Other Agencies, of Chapter 2, Administration, of the *Code of Ordinances*, by revising the criteria for the appointment of board members.
 - 3) Ordinance No. 2005-44 amending Section 2-227, Goodwill Ambassador Program, of Article VI, Boards, Commissions, Committees and Other Agencies, of Chapter 2, Administration, of the *Code of Ordinances*, by revising the criteria for the appointment of ambassadors.
 - 4) Ordinance No. 2005-45 amending Section 2-217, Historic Landmark Preservation Board, of Article VI, Boards, Commissions, Committees and Other Agencies, of Chapter 2, Administration, of the *Code of Ordinances*, by revising the criteria for the appointment of board members.
 - 5) Ordinance No. 2005-46 amending Section 2-218, Neighborhood Improvement Advisory Board, of Article VI, Boards, Commissions, Committees and Other Agencies, of Chapter 2, Administration, of the *Code of Ordinances*, by revising the criteria for the appointment of board members.
 - 6) Ordinance No. 2005-47 amending Section 2-220, Aviation Advisory Board, of Article VI, Boards, Commissions, Committees and Other Agencies, of Chapter 2, Administration, of the *Code of Ordinances*, by revising the criteria for the appointment of board members.
 - 7) Ordinance No. 2005-48 amending Section 2-221, Recreation Advisory Board, of Article VI, Boards, Commissions, Committees and Other Agencies, of Chapter 2, Administration, of the *Code of Ordinances*, by revising the criteria for the appointment of board members.

- 8) Ordinance No. 2005-49 amending Section 2-223, Citizens' Law Enforcement Advisory Board, of Article VI, Boards, Commissions, Committees and Other Agencies, of Chapter 2, Administration, of the *Code of Ordinances*, by revising the criteria for the appointment of board members.
 - 9) Ordinance No. 2005-50 amending Section 2-224, Quality of Life Advisory Board, of Article VI, Boards, Commissions, Committees and Other Agencies, of Chapter 2, Administration, of the *Code of Ordinances*, by revising the criteria for the appointment of board members.
 - 10) Ordinance No. 2005-51 amending Section 2-225, Environmental Advisory Board, of Article VI, Boards, Commissions, Committees and Other Agencies, of Chapter 2, Administration, of the *Code of Ordinances*, by revising the criteria for the appointment of board members.
 - 11) Ordinance No. 2005-52 amending Section 2-226, Budget Advisory Board, of Article VI, Boards, Commissions, Committees and Other Agencies, of Chapter 2, Administration, of the *Code of Ordinances*, by revising the criteria for the appointment of board members.
 - 12) Ordinance No. 2005-53 amending Section 16-3, Board of Trustees, of Article I, In General, of Chapter 16, Pensions and Retirement, of the *Code of Ordinances*, by revising the criteria for the appointment of trustees.
 - 13) Ordinance No. 2005-54 amending Section 16-42, Board of Trustees, of Article III, Firefighters' Pension Trust Fund, of Chapter 16, Pensions and Retirement, of the *Code of Ordinances*, by revising the criteria for the appointment of trustees.
 - 14) Ordinance No. 2005-55 amending Section 16-73, Board of Trustees, of Article VI, Police Officers' Pension Trust Fund, of Chapter 16, Pensions and Retirement, of the *Code of Ordinances*, by revising the criteria for the appointment of trustees.
- 11) **DISCUSSION** regarding legislative line item requests.
- 12) **REPORTS, SUGGESTIONS, REQUESTS:** Mayor, City Commission, City Manager, City Attorney.
- 13) Close the meeting.

Item #1 - Call to Order

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

Item #2 – Invocation

Mayor Costello 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 18, 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 – Municipal Wireless Internet Services

Mayor Costello introduced St. Cloud Mayor Glenn Sangioanni. The Mayor pointed out that out of 410 cities, Mayor Sangioanni was a finalist for the 2005 Mayor-of-the-Year Award for the State of Florida for displaying his outstanding skills in the areas of initiative, integrity, vision, innovation, leadership, and commitment. Mayor Costello reported St. Cloud had been recognized for its many groundbreaking and successful programs over the last few years,

including being the first city to have a city-wide high speed wireless system in America, provided free to the citizens as a public service.

Mayor Sangioanni stated St. Cloud had been on a “shoestring budget” for years, and the City Council had to seriously consider raising taxes and cutting services, which had not been done in years. He applauded Ormond Beach for its great mayor who was very innovative. Mayor Sangioanni noted cities can not wait for county, state, or federal government to make a difference and must take the responsibility themselves to bring in jobs and protect their citizens. He stated St. Cloud purchased 600 acres with money from an economic development fund and became master developers, which was highly unusual. Mayor Sangioanni noted the intent was to promote economic development, bring better paying jobs to the community, build a corporate tax base, and improve transportation. He reported all of these goals were accomplished. Mayor Sangioanni explained the city was required to put forth \$32 million, but actually invested \$0 tax dollars. He stated this land became 800 residential units, a 100-acre corporate park, and 16 acres of retail. Mayor Sangioanni noted in an attempt to make this a high tech park, St. Cloud opted for a wireless community for every home and business in the corporate park and residence. He reported the next step was to examine the advantages of making the entire city wireless.

Mayor Sangioanni reported St. Cloud held a two-day session with community leaders, the Chamber of Commerce president, student body, hospitals, utilities, and telecommunication companies participating to identify the benefits of partnering with a technology company (HP). He stated an advantage of partnering with HP was that they would be available and they had used this technology in Europe. Mayor Sangioanni pointed out that the United States was now only 16th in the world of technology.

Mayor Sangioanni noted the internal users would be the police, fire, utilities, and others, and the external users would be residents, tourists, and businesses. He reported a determination was that St. Cloud would take ownership of the system and could either charge for the service or offer it at no charge. Mayor Sangioanni stated their Council made the decision that this would be considered a utility and a quality of life decision in that the internet was no longer a luxury and should be offered for free to the citizens. He explained this could be done privately or with a public/private partnership. Mayor Sangioanni explained St. Cloud did a pilot project in their downtown and beachfront to determine the project’s feasibility. He stated it was a big job to operate the system, and it had to be supported around the clock. Mayor Sangioanni noted the facility costs, employee costs, operating costs, and liability must be considered and St. Cloud outsourced the job to HP. He reported the capital cost for the entire city was \$2.6 million, and the operating costs were \$400,000. Mayor Sangioanni explained every department head was asked to identify uses for this technology, and it was determined St. Cloud could save ten full time equivalents (FTE) over the next three years. He noted St. Cloud was similar to Ormond Beach at a population of 28,000, which was less than Ormond Beach, but was growing to 74,000 in seven years and expanding from 15 to 22 square miles. Mayor Sangioanni explained that it was included in their Land Development Code that as the city grew, the developers would help add to their network. He explained St. Cloud would save \$500,000 per year, which would help to replenish the economic development fund. Mayor Sangioanni noted there were many ways to offset these costs. He explained the local newspaper offered advertising in exchange for allowing the newspaper to be on the front page of their website. Mayor Sangioanni reported other methods of offsetting the costs were the use of naming rights and base ads. He stated the system could be a combination of a cost and free system.

Mayor Sangioanni stated St. Cloud hired a marketing company that was able to convince the public to support the project without one negative phone call. He explained some of the benefits were for public safety in that it would increase the control time; security cameras could be piped directly into patrol cars; blue prints and GIS data could be accessed in the field; life saving medical records could be accessed; the ability to track a firefighter inside of a burning building; and photographs could be e-mailed to squad cars in minutes for amber alerts. Mayor Sangioanni explained this would increase the internal productivity for city departments such as permit inspections, parks and recreation, and water meter reading. He reported this was studied from an economic development standpoint to obtain higher paying jobs and enhance tourism. Mayor Sangioanni stated there are people who can not afford to get on the internet and St. Cloud wanted to close the digital divide because access to information enhances the public safety and enhances educational opportunities. He explained a survey was conducted contacting every household for three consecutive years, and it was found that 72% of the people used the internet in 2004, and there would be 100% in 2005. Mayor Sangioanni noted people are paying an average of \$450 per year for service, and this was saving people that money. He reported this \$450 per household was \$4 million throughout the city, and those funds had been leaving the city, the county, and mostly the state; therefore, the Council considered this an economic opportunity to reinvest the money back into the

community. Mayor Sangioanni stated that every dollar reinvested in the community rolls over seven times; therefore, there would be a \$28 million economic impact to the community every year for a small investment.

Mayor Sangioanni noted some challenges were to keep the project moving along. He stressed the importance of educating people with workshops throughout the community. He stated the city partnered with a company where, for a small one-time fee, the user could obtain a turn-key where they could have the system set up at the home. Mayor Sangioanni stated the Council, community, small businesses, and schools are excited about this system. He reported the telecommunication companies went through legislation to prevent cities from doing this in some states, but Florida companies see the spin-off applications of which they could take advantage and were partnering with St. Cloud. Mayor Sangioanni reported Bright House has provided the government channel to help train the citizens.

Mayor Costello suggested the Commission respond to this presentation in the Commission comments section of the meeting. He recommended a 5:30 p.m. workshop be scheduled to have Jonathan Baltuch answer any questions. Mayor Costello requested that a copy of the PowerPoint presentation be provided to Commission.

Mayor Sangioanni noted St. Cloud would have this system functional by January, and Ormond Beach could learn from some of their difficulties.

Mayor Costello stated that if the cost for internet service was \$450, and taxes were \$300; therefore, the people were basically living tax-free.

River Bend Nature Park

Mr. Isaac Turner, City Manager, recognized Pat and Richard Behnke for organizing the citizens of Bear Creek to adopt and revitalize the River Bend Nature Park located on Airport Road, west of US1, on the Tomoka River. He noted the park had suffered from neglect and damage from the 2004 hurricanes, needing repairs, landscaping, and overall cleanup. Mr. Turner stated Bear Creek volunteers and City crews went to work to clean up this area, re-striped the parking lot, poured new walkways, poured concrete slabs for the picnic tables, and much more. He reported last week 25 Bear Creek residents along with City officials had a ribbon-cutting ceremony and unveiled a new Bear Creek "Adopt-a-Park" sign. Mr. Turner reported Ms. Behnke was instrumental in organizing and coordinating this project as well as producing a Bear Creek newsletter. He noted Ms. Behnke reported Bear Creek residents were looking forward to bringing their children to the park to enjoy the fishing pier, the observation deck, the trails, and the picnic areas. Mr. Turner displayed photographs of the celebration and those who had worked on this project. He thanked the residents for partnering with the City to make a difference on this park and encouraged others to partner with the City to make a difference in other areas.

Ms. Pat Behnke, 15 Malayan Sun Bear Path, stated Commissioner Kelley originated this idea, and the concept evolved. She noted all of the residents were proud of this project and were excited to be able to use the park. Ms. Behnke noted there was a core group of 23 members involved in the project.

Mayor Costello thanked the entire Bear Creek community for their help in reclaiming an asset to the City and urged other groups to partner with the City as well.

Item #6 – Audience Remarks

Itinerant Vendors During Biketoberfest

Ms. Pat Behnke, 15 Malayan Sun Bear Path, thanked Mayor Costello, Commissioner Kelley, and Mr. Turner for their prompt response regarding her concern regarding itinerant vendors on US1 during Biketoberfest. She expressed surprise that the County permitted itinerant vendors for five days prior to and three days after a scheduled event, allowing a four day event to extend 12 days. Ms. Behnke urged the City to continue in these efforts and to try to come to some resolution with the County.

Naming Rights to a Daytona Beach Shelter

Ms. Behnke expressed disagreement with Mayor Costello's perspective put forth in his letter to the editor regarding Bray and Gillespie purchasing the naming rights to a shelter in Daytona Beach. She stated Bray and Gillespie purchased building rights to a 33-story building for \$250,000, which was helpful to Daytona Beach but mere "pocket change" for the group, and accomplished this in a way that they would appear to be benevolent neighbors. Ms. Behnke noted that, coincidentally, a short time later, Bray and Gillespie received permission for this 33-

story building with minimal objections. She stated she hoped this would not occur in Ormond Beach.

Code Concern

Mr. Frank Lewis, 35 Lorillard Place, expressed concern relative to the code involving privacy fencing. He noted he had a river view property until last Sunday when a six-foot fence was erected. Mr. Lewis stated this fence was devaluing his property, but he received no help from code enforcement. He provided photographs of the fence and his property to the Commission.

Mayor Costello recommended Mr. Lewis give the photographs to the City Clerk who would provide copies to the Commission. He asked for a report from either Mr. Clay Ervin, Planning Director, or Ms. Joanne Naumann, Neighborhood Improvement Manager, regarding this matter. Mayor Costello stated should any Commission member wish to bring this up at the next meeting, they may do so.

Commissioner Kent stated he just received Mr. Lewis' telephone message and would meet with him on the issue.

Soco Trail

Mr. Jim McCusker, 16 Soco Trail, stated there was a dangerous situation at the intersection of Soco Trail and Main Trail because of cars parked at the end of Main Trail waiting for the children to come out of school. He reported the residents of Soco Trail have no access to enter their neighborhood because of all the cars. Mr. McCusker requested "no parking" signs be erected so the entrance would not be blocked.

Mayor Costello requested Mr. McCusker contact Mr. Ervin. He asked Police Chief Larry Mathieson to determine if the City could place a "please do not block intersection" sign on Main Trail.

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

Mayor Costello stated the Metropolitan Planning Organization (MPO) met last Tuesday, and the Volusia Council of Governments (VCOG) met last night. He advised he would forward written reports to the Commission and provide oral reports at the next meeting.

Item #7(C) – Water Authority of Volusia

Commissioner Boyle stated that at the last Water Authority of Volusia (WAV) meeting the concept of weighted voting for different members was rejected and a mediation conference with the City of Daytona Beach and WAV had been set for November 18 at 8:30 a.m. at the VCOG office.

Item #7(A) Metropolitan Planning Organization

Mayor Costello stated in light of Commissioner Boyle's report, he would report that the MPO was trying to obtain a study of all of the schools, and he would urge the study to include the stacking of cars waiting to pick up the children. He noted he suggested a fence be placed down the median from Airport Road to Wall Street on the US1 corridor, encouraging traffic to take precedence and walkers to cross the street at Airport Road so US1 would continue to be a thoroughfare.

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 Kelley moved, seconded by Commissioner Partington, 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) – Bright House Agreement

RESOLUTION NO. 2005-231
 A RESOLUTION AUTHORIZING THE EXECUTION OF A CABLE TELEVISION FRANCHISE AGREEMENT BETWEEN THE CITY AND BRIGHT HOUSE NETWORKS, LLC, REGARDING THE PROVISION AND OPERATION OF CABLE TELEVISION SERVICES AND RELATED SERVICES; AND SETTING FORTH AN EFFECTIVE DATE.

Commissioner Boyle stated that although the City could not require it, he suggested the cable provider include the weather channel in the basic package in that information regarding storms in Florida was an essential service for public safety.

Mayor Costello recommended asking the cable company provide information as to how much more the standard package would cost if the weather channel were included.

Mr. Tom Lipps, Support Services Director/Airport Manager, stated staff would obtain a response from the cable provider.

Mr. Turner questioned the Commission's views regarding televised City Commission meetings.

Commissioner Kent thanked Mr. Kent Jones of Bright House for his prompt service with any questions or concerns that he has had.

Mayor Costello thanked Bright House for their support of community events. He asked the Commission for their opinion regarding the \$.06 or \$.07 per month surcharge for the next ten years that would be needed to televise meetings. Mayor Costello pointed out that he was not ready to spend the \$200,000 annually and would prefer the \$400 per meeting or \$12,000 per year option to televise the meetings providing access to the residents. He noted that, should there be a desire to include board meetings, that could be considered in a few years.

Commissioner Boyle stated other cities have government television, and it tended to encourage people to serve on boards. He noted he considered this a worthy idea for many reasons other than merely televising City Commission meetings. Commissioner Boyle reported a government television station could provide information such as where to vote.

Mayor Costello urged starting slowly to determine the will of the community. He noted the City had the option of including a \$.06 to \$.07 surcharge per month that would provide the capital to invest in the technology needed to provide this service. Mayor Costello reported it would take a budget amendment of approximately \$12,000 for the first year.

Mr. Turner noted the minimum funds needed would be \$12,000 per year, and staff suggested this not be done the first year but have funding available should the Commission desire to proceed.

Mayor Costello clarified he was not asking for a vote on this issue tonight. He stated he was merely indicating that he was interested.

Mr. Turner stated the way the contract was currently structured was that the later the Commission would delay the decision to do the television or the character generation, the less amount the contract would provide. He noted he was fairly confident that should the Commission request a period of time to make that decision, possible two to three years, there was a possibility for some dialogue with Bright House where the full amount to obtain the equipment could be available. Mr. Turner suggested this be delayed one meeting to allow the Commission to discuss this option if they would like it to be considered.

Mayor Costello reported he had heard enough interest in the community for televised meetings.

Commissioner Partington stated the initial approach was for televised meetings, but the internet web casting was so much more economical that he would prefer to continue with the web casting because of the huge cost of televising the meetings. He noted he would be willing to discuss the issue in a workshop to review the details and to obtain a better understanding of the cost benefit analysis.

Mayor Costello asked staff to provide realistic options and to schedule a workshop in the next few months.

Mr. Turner clarified that should this resolution be passed as it currently existed, the time issue would need to be considered.

Mayor Costello stated the decrease would be \$10,000 per year. He noted it would not be extreme to wait for a month or two to make a decision. Mayor Costello explained he wanted more information and did not want anyone being rushed to make a decision.

Commissioner Kelley concurred that he did not want to rush into anything tonight. He noted he did not hear a great outcry that people want meetings televised. Commissioner Kelley reported he would favor a workshop to discuss the issues.

Commissioner Kent moved, seconded by Commissioner Boyle, to approve Resolution No. 2005-231, 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) – “Chabad Lubavitch Synagogue” Special Exception

RESOLUTION NO. 2005-232

A RESOLUTION AUTHORIZING THE EXECUTION AND ISSUANCE OF A DEVELOPMENT ORDER FOR “CHABAD LUBAVITCH SYNAGOGUE” SPECIAL EXCEPTION ON A SITE LOCATED AT 1079 WEST GRANADA BOULEVARD, WITHIN THE B-10 (SUBURBAN BOULEVARD) ZONING DISTRICT; TO ALLOW THE CONSTRUCTION OF A HOUSE OF WORSHIP AND PRIVATE SCHOOL CONSISTING OF A 21,000 SQUARE FOOT TWO-STORY BUILDING THAT INCLUDES A SYNAGOGUE, SCHOOL AND ADMINISTRATIVE OFFICES; ESTABLISHING CONDITIONS AND EXPIRATIONS OF APPROVAL; AND SETTING FORTH AN EFFECTIVE DATE.

Mayor Costello stated this special exception would include the Development Review Board conditions that were approved unanimously. He explained this would include a maximum of 100 students, operations from 8:00 a.m. to 5:30 p.m., and a six foot wall.

Mr. Jim McCusker, 16 Soco Trail, questioned what type of lighting would be used. He questioned what the hours of operation would be.

Mayor Costello reported the hours of operation would be from 8:00 a.m. to 5:30 p.m., and the lighting would be directed on site.

Mr. Martin Shook, 151 Deer Lake Circle, stated the City had been managed very well. He noted tearing down the Ormond Hotel and building the condominium was a sign of good growth. Mr. Shook pointed out that people feared terrible traffic problems, but they never occurred. He stated this new center would be a magnificent facility, and it would enhance the City and property values in the area.

Ms. Roberta Sappington, 1009 North US1, stated there had never before been an opportunity for children in this community to attend a Jewish school until Chabad Lubavitch. She pointed out that most of those who would use the school and synagogue would live within walking distance; therefore, that traffic would already exist. Ms. Sappington urged this be approved tonight.

Commissioner Partington moved, seconded by Commissioner Kent, to approve Resolution No. 2005-232, as read by title only.

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) – “Pineland” Planned Residential Development

ORDINANCE NO. 2005-56
 AN ORDINANCE AUTHORIZING THE EXECUTION AND ISSUANCE OF A FIRST AMENDED AND RESTATED DEVELOPMENT ORDER REGARDING THE “PINELAND” PLANNED RESIDENTIAL DEVELOPMENT, AUTHORIZING THE EXTENSION OF THE EXPIRATION DATE FOR WHICH A PLAT MUST BE APPROVED; AUTHORIZING THE DEVELOPMENT OF AN ADDITIONAL SEVENTEEN (17) SINGLE-FAMILY LOTS WITHIN THE DEVELOPMENT; RATIFYING AND AFFIRMING THE DEVELOPMENT ORDER; ESTABLISHING CONDITIONS AND EXPIRATION OF APPROVAL; AND SETTING FORTH AN EFFECTIVE DATE.

Mayor Costello reported the Planning Board approved this without the additional 17 lots. He pointed out that the developer would incur additional costs to solve some of the drainage issues. Mayor Costello stated that when this came before the Commission previously, he had stated that he would not support the project if Mr. Frank Bailey would not approve the drainage plan. He reported Mr. Bailey had indicated to him that Pete Zahn had done an outstanding job to channel the water away from the airport industrial park and areas north to take care of the drainage problem.

Mr. Pat Behnke, 15 Malayan Path, stated there were good reasons the Planning Board did not approve the additional 17 lots.

Mr. Kevin McCue, representing the Ormond Green homeowners' association, stated he wanted to be assured that the agreement included a masonry wall separating Pinelands from Ormond Green. He stated Mr. Holub mentioned additional development at the Planning Board meeting, but the Planning Board reported this additional development would not be accepted.

Mayor Costello stated the agreement did include the masonry wall and would not allow the extra lots requested by Mr. Holub.

Mr. Clay Ervin, Planning Director, explained that, per the Development Order, the masonry wall required by the original approval would continue to be required. He explained that Mr. Holub identified concerns that the development plan would prevent him from developing the 1.99 acre lot in Parcel D of Ormond Green, but staff sent Mr. Holub a letter identifying what must be done in order to develop his property. Mr. Ervin reported should Mr. Holub follow the options; however, this plan would not necessarily enhance nor prevent him from developing his property.

Mr. McCue asked if access from the Pineland Parkway to the Ormond Green area would be allowed.

Mr. Ervin explained that the City was not requiring connection to Prairie View Lane, and it would remain a cul-de-sac. He noted what may happen, although staff did not necessarily support that, was that access may be granted for individual lots off a relocated Pineland Trail. Mr. Ervin pointed out that this would be subject to Mr. Holub filing an application and going through the administrative process. He stated that was not addressed in this plan.

Mayor Costello noted the Commission could not do anything regarding that issue tonight.

Mr. McCue asked if there was a prohibition for issuing Certificates of Occupancy until the traffic issues were resolved.

Mr. Ervin stated no Certificate of Occupancy could be issued until the improvements identified by Volusia County for Airport Road and Tymber Creek Road are completed, and that was scheduled for this summer.

Mr. Frank Bailey, 355 Airport Road, stated stormwater has been a problem in this area. He explained retention ponds for Pine Trail discharged into this area, and whenever rain filled the retention pond, it flowed onto this property. Mr. Bailey reported careful planning was necessary to correct this problem. He noted outfall from the industrial park added to the problem. Mr. Bailey requested assurance that all of this water was being addressed.

Mayor Costello pointed out that Mr. Zahn's credibility was on the line should the drainage not work properly.

Commissioner Partington moved, seconded by Commissioner Kelley, to approve Ordinance No. 2005-56, on first reading, as read by title only.

Mr. Pete Zahn, Zahn Engineering, displayed a rendering of the 17 lots in question and provided copies for the Commission. He explained the primary concerns were traffic and stormwater. Mr. Zahn provided a map displaying existing conditions without development and explained the drainage system, including off-site drainage that had been included in the calculations. He stated blockages existed, preventing drawdown and water to flow properly, and there were low elevations in areas. Mr. Zahn showed that pipes installed under the road would allow the flow to continue to migrate across the site. He reported all of the new development would discharge into the retention areas, but the wetland areas would remain the same because that could not be changed. Mr. Zahn explained cross connections would be provided to allow the natural flow that falls into the wetlands or off-site to flow through.

Mayor Costello asked if the homeowners' association would be responsible for maintenance.

Mr. Zahn concurred the homeowners' association would be responsible for maintenance.

Mayor Costello stated he heard from Mr. Bailey that subsequent to the Planning Board meeting, the developer had done more with the drainage than what had been done before, and while it would cost more, the developer was committed to solving the drainage problems. He noted this statement made a difference to him relative to permitting the extra lots because this project would solve existing drainage problems.

Commissioner Kent asked if this was the project that was sent back to the developer two years ago to reduce the number of lots.

Mr. Ervin reported this was the project to which Commissioner Kent referred.

Commissioner Kelley expressed concern regarding water being able to move. He noted as a Commission member in 1994 and 1995, the City had to pay for "fixes" in the Trails South Forty, and he was concerned the City would have to absorb the cost for similar fixes should this drainage system not be effective. Commissioner Kelley asked if there were any assurances this could be prevented.

Mr. Zahn stated this was a practical plan to prevent flooding. He noted there was an additional 50% of the normal storage required because of the proximity to Outstanding Florida Water. Mr. Zahn pointed out they must also compensate for all displaced water. He reported that when staff indicated drainage was a major issue, he asked the City's consultant to review the drainage plan, and the consultant sent a memo to the City indicating their drainage concerns had been addressed. Mr. Zahn stated he had been in this field for 30 years doing malls, subdivisions, and commercial subdivisions, and none have failed in the past; but he noted no one could promise any project would not fail. He reported his company was vigilant, and 50 acres would be draining on site and accounted for with oversized pipes for the off-site drainage flowing through the project. He noted the average elevation was from 25 to 26 feet on the north and northeast area, 22 to 23 feet on site, and 18 feet as a discharge point at Airport Road.

Commissioner Kelley stated this project would have a fairly high elevation even for the wetland areas.

Mr. Zahn noted the wetland areas were shallow, only one foot deep; but the area with the lots was generally 25 or 26 feet.

Mayor Costello noted Mr. Zahn's credibility was a very important issue.

Commissioner Kent reported he could approve the 182 lots, but not the 199 lots. He pointed out that this project was denied earlier with more lots; it came back with less lots; and now there were more lots again.

Commissioner Boyle concurred with Commissioner Kent, but advised he was very encouraged by what was reported relative to the drainage issue. He noted the advisory boards study issues in detail, and he would concur with their recommendation.

Commissioner Boyle moved, seconded by Commissioner Kent, to amend the motion to reduce the allowable lots to 182, excluding the 17 lots.

Mr. Randall Hayes, City Attorney, advised he was trying to determine how substantial a change this would be in terms of amending the plans in the Development Order and the ordinance. He recommended either denying the ordinance as proposed or tabling it and allowing staff to come back with additional plans. Mr. Hayes noted he would need to examine this to determine if it should go back to the Planning Board.

Mr. Ervin stated this was addressed at the last meeting of the Planning Board, and the board recommended the 17 lots not be added. He noted he did not believe it would be a substantial deviation to make this change. Mr. Ervin reported the lots that were to be added had been identified, and this could be cleaned up between the first and second readings.

Mr. Hayes stated his concern was that the plans before the Commission did not reflect what the Commission was advocating.

Commissioner Kelley stated the plans before the Commission showed the 17 lots, and if those lots were to be removed, he questioned exactly which lots would be removed.

Mr. Ervin advised the 17 lots to be removed had been identified. He pointed out the lots under consideration were those that were darkly shaded on the rendering. Mr. Ervin noted should the Commission remove those lots, the area would become open space with possibly some reconfiguration of the area that could be developed; but the total number of lots and lot dimensions would not deviate greatly from what was shown. He stated Mr. Zahn would have to provide a revised exhibit depicting the change. Mr. Ervin advised this was a conceptual plan that was a portion of a Planned Residential Development (PRD), and the final subdivision plat must comply, requiring more specific details with the final subdivision plat. He explained this would merely provide the generalized location of the lots and roads. Mr. Ervin stated the roads, drainage, and utility locations would not change. He noted what would change was where the lot lines would be located; therefore, he believed the exhibits were sufficient. Mr. Ervin reported he would not object should the City Attorney believe a further delay was necessary since this was his decision.

Mr. Hayes stated he had a better comfort level with Mr. Ervin's explanation if the Commission wished to act on this tonight.

Commissioner Partington asked if the drainage system would remain unchanged with the deletion of the 17 lots. He questioned how the traffic study would be impacted by the addition of the 17 lots, and if the extra lots would affect the percolation.

Mr. Ervin stated the drainage system would remain. He noted the applicant was processing the final plat with the City relative to stormwater. Mr. Ervin reported the City used an outside consultant due to citizen concern regarding this issue. He stated the in-house engineer and the consultant have reviewed the calculations for the stormwater system provided by Mr. Zahn and they are confident regarding the stormwater aspects of the project. Mr. Ervin noted an outside consultant reviewed the traffic during the previous review, and the 17 lots would increase traffic by 107 daily trips and 17 peak hour trips which was considered to be a negligible impact. He pointed out no Certificates of Occupancy would be issued until the intersection improvements at Airport Road and Tymber Creek Road would be completed.

Commissioner Partington asked if water would stay on the property or flow into the Tomoka River.

Mr. Zahn stated the water stages were like small “birdbaths” where the depressions would fill up; and if the storm was large enough, it would flow into the next one. He explained that at least once a year there would be enough rainfall to flow over Pineland Trail, so at the low point at the south end it would cross over to the swale on the other side of Pineland Trail. Mr. Zahn noted the water had no place to go at this time because the inlet was blocked, but after development, all of the runoff from the new sections would be directed into stormwater retention areas. He stated the wetland areas would remain the same because they could not be changed, but they would be interconnected, and the blockages would be removed so the water could slowly bleed off to the south and trickle off site.

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

Call Vote on the Underlying Motion:	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(C).

Item #9(D) – “The Granada Plaza” Planned Business Development

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.

Commissioner Boyle moved, seconded by Commissioner Kelley, to approve Ordinance No. 2005-37, 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(D).

Item #9(E) – Accessory Uses

ORDINANCE NO. 2005-38

AN ORDINANCE RELATIVE TO ACCESSORY USES, AMENDING SECTION 2-50 OF ARTICLE III, GENERAL REGULATIONS, OF THE LAND DEVELOPMENT CODE BY AMENDING REGULATIONS REGARDING ACCESSORY USES AND STRUCTURES; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; PROVIDING FOR SEVERABILITY; AND SETTING FORTH AN EFFECTIVE DATE.

Commissioner Partington moved, seconded by Commissioner Kelley, to approve Ordinance No. 2005-38, 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

Mayor Costello asked Mr. Ervin to provide his thoughts on garage apartments and affordable housing. He noted he believed the City would need to do something regarding this in the future, but he would like to have Mr. Ervin's input.

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

Item #10(A) – Location and Minimum Distance for Residential Driveways

ORDINANCE NO. 2005-39

AN ORDINANCE AMENDING CHAPTER 3, PERFORMANCE CRITERIA, ARTICLE III, OFF-STREET PARKING AND CIRCULATION, SECTION 3-26, OFF-STREET PARKING REQUIREMENTS, OF THE LAND DEVELOPMENT CODE BY CLARIFYING THE LOCATION AND MINIMUM DISTANCE FOR RESIDENTIAL DRIVEWAYS; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; PROVIDING FOR SEVERABILITY; AND SETTING FORTH AN EFFECTIVE DATE.

Commissioner Kelley moved, seconded by Commissioner Partington, to approve Ordinance No. 2005-39, on first reading, as read by title only.

Mayor Costello expressed concern regarding paving three-feet from the property line on narrow lots. He requested guidance questioning if any other entity would have an ordinance where it would allow people to go up to the property line where both parties had side entrance garages backing up to each other and where it would be paved with a drain down the middle.

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

Item #10(B) –Board of Adjustment Processes

ORDINANCE NO. 2005-40

AN ORDINANCE AMENDING SECTION 1-16, BOARD OF ADJUSTMENT AND APPEALS, OF ARTICLE II, ADMINISTRATION AND ENFORCEMENT, OF CHAPTER 1, GENERAL ADMINISTRATION, OF THE LAND DEVELOPMENT CODE, BY CLARIFYING THE POWER AND DUTIES, PROCESSING PROCEDURE AND AWARD OF VARIANCES BY THE BOARD MEMBERS; BY AMENDING SUBPARAGRAPH P, VARIANCE REQUEST, OF SECTION 1-26, APPLICATION PROCESSING FEES; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; PROVIDING FOR SEVERABILITY; AND SETTING FORTH AN EFFECTIVE DATE.

Commissioner Partington moved, seconded by Commissioner Kelley, to approve Ordinance No. 2005-40, 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(C) – Amending the Annual Budget

ORDINANCE NO. 2005-41

AN ORDINANCE AMENDING THE ANNUAL BUDGET FOR THE 2005-2006 FISCAL YEAR RELATIVE TO THE STORMWATER UTILITY FUND; AIRPORT FUND; ECONOMIC DEVELOPMENT FUND; GRANTS FUND; GENERAL IMPROVEMENT FUND; VEHICLE REPLACEMENT FUND; TRANSPORTATION IMPROVEMENT FUND; RECREATIONAL IMPACT FEE FUND; LOCAL ROADS IMPACT FEE FUND; STORMWATER DRAINAGE IMPACT FEE FUND; FIRE STATION #92 CONSTRUCTION FUND; FIRE STATION #91 CONSTRUCTION FUND; WATER & WASTEWATER UTILITY FUND; WATER & WASTEWATER VEHICLE REPLACEMENT FUND; WATER & WASTEWATER RENEWAL & REPLACEMENT FUND; WEST ORMOND REUSE IMPACT FEE FUND; WATER SYSTEM IMPACT FEE FUND; WASTEWATER SYSTEM IMPACT FEE FUND; AND SETTING FORTH AN EFFECTIVE DATE.

Commissioner Partington moved, seconded by Commissioner Kelley, to approve Ordinance No. 2005-41, on first reading, as read by title only.

Mayor Costello suggested that the comments focus on the six items that were different. He explained Ms. Kelly McGuire, Budget Director, prepared the budget differently than the former Budget Director, Mr. Bob Bentkofsky, in that Mr. Bentkofsky included the numbers needed to be carried over in the budget, but Ms. McGuire waited for the actual numbers and then requested a budget amendment. Mayor Costello reported the six items were: the US1 median landscaping grant for \$300,000, the firefighter grant for \$293,524, the Airport Sports Complex concept for \$500,000 from the Recreation Impact Fees, the dump truck from the Stormwater Impact Fee for \$100,000, the water and wastewater electric increase of \$211,651 from the Water and Sewer Fund, and the \$107,000 increase for Hunter's Ridge irrigation from the impact fee fund.

Commissioner Boyle stated this was \$15 million in transfers, and it would increase the 2005-06 budget. He stated his concern was that the past projects that were budgeted did not get completed when they were supposed to be completed and then change orders were necessary because the projected costs were no longer accurate. Commissioner Boyle stated he was hopeful that in the future this process would run smoother. He reported that when the City was flush with cash a few years ago, the City allocated \$1 million worth of projects for the airport out of the General Fund. Commissioner Boyle noted a majority of the projects seemed to be safety related projects, so with staff recommendations, the Commission approved the projects. He stated years passed and projects did not get done; however, projects for economic development and leaseholders were rushed to the forefront with no explanation as to why. Commissioner Boyle pointed to the project that he stated was rushed through last spring. He reported that in the fall of 2004, he found that of \$938,000 in the project fund, only \$712,000 was allocated, with \$226,000 not allocated to any project. Commissioner Boyle stated that since there was a problem, the City was planning to take money from this fund, and people are told it would not cost the taxpayers. He acknowledged that these were philosophical issues rather than budget issues, and the budget was to be considered on this item.

Commissioner Kelley stated the City needed to go to zero budgeting at the end of the year, but that did not mean it needed to flow through when funds were not used. He explained these were allocated funds where the project was not completed; and just because the project was not completed, did not mean there was extra money or that the budget increased because it was just a change off since the project was still needed. Commissioner Kelley reported the allocation of the funds was not costing anything extra from the General Fund funded by the ad valorem tax revenues which was the important issue.

Mayor Costello stated he did not understand how the airport fit into this discussion and pointed out that he commended Commissioner Boyle for finding unallocated funds, but he understood

that the \$938,000 was money the prior Commissions advanced to the airport fund for a loan to be used as a match for projects and not all of the projects were allocated. He reported when the adjustment Commissioner Boyle alluded to was made, he cautioned that there may come a time that the \$226,000 may be needed for other safety project. Mayor Costello noted he had continually advocated the airport function as an enterprise fund meaning that any dollars coming out of the General Fund should be considered a loan and when the airport was generating profits, the loans would be repaid.

Commissioner Boyle concurred with Mayor Costello regarding the enterprise fund, but in the late 1990s Commissions voted for safety projects and some were not done, other economic development projects were brought to the forefront and the Commission was never informed why the other projects were not completed.

Mr. Charles Carter, 212 Arlington Way, stated it appeared the budgeting situation was not in order, and the City was now willing to make corrections. He recommended a more complete explanation of each line item change to educate the Commission and the taxpayers because some items were new and needed to be considered by the Commission.

Mr. Carter pointed out that at the last meeting it was reported that the City was unique in that it did not provide for contingencies for projects, but this report indicated there was over \$1 million for contingencies. He suggested the projects be based on a three-year cycle rather than on a one-year cycle because no projects are being completed in a single year. Mr. Carter urged the projects be completed on time and with the funds allocated to them. He explained the City would be transferring \$14,607,000 or 82% of the total budgeted in the 2004-05 budget that were not completed. Mr. Carter stated only 18% of the projects were completed. He pointed out that in delaying these projects, the budget would be \$33 million next year. Mr. Carter reported the City had a budget/finance problem and an engineering problem because the projects take three to nine month to take into effect after the Commission approves them. He stated if the City did not have the staff to complete the projects, the City was wasting taxpayers' money.

Commissioner Kelley clarified that every project cannot possibly be completed within a single year as there may be many components involved, but they would be completed at some point. He noted every project was approved by the Commission and needed to be done. Commissioner Kelley reiterated this would not affect the General Fund or the tax revenue.

Mr. Turner stated the projects are not done by the fiscal year but according to the project schedules. He noted if there were any questions relative to any of the schedules of the projects, the issue could be discussed with Ms. Judy Sloane, Public Works Director/City Engineer.

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

Item #10(D)(1) – Residency Requirements of Board Members

Mayor Costello stated in Item Nos. 10(D)2, 4, 5, 6, 7, 8, 10, and 11 the following language was inadvertently left out and should be added: “If any candidate is rejected by the City Commission, the City Commission member who nominated the candidate may nominate additional candidates in like manner, and if said City Commission member chooses not to make such additional nominations, then one or more of the other City Commission members may nominate candidates to fill the position in like manner.”

Mr. Hayes recommended that a Commission member move to include that language as an amendment for each ordinance.

Mr. Turner noted the Commission member could merely state “approved as amended.”

ORDINANCE NO. 2005-42
 AN ORDINANCE AMENDING SECTION 2-206, RESIDENCY REQUIREMENTS, OF ARTICLE VI, BOARDS, COMMISSIONS, COMMITTEES AND OTHER AGENCIES, OF CHAPTER 2, ADMINISTRATION, OF THE CODE OF ORDINANCES, BY REVISING THE CRITERIA FOR THE APPOINTMENT OF BOARD MEMBERS; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; AND SETTING FORTH AN EFFECTIVE DATE.

Commissioner Kelley moved, seconded by Commissioner Partington, to approve Ordinance No. 2005-42, on first reading, as read by title only.

Commissioner Boyle asked if the same criteria in Item No. 10(D)1 would be incorporated into Item Nos. 10(D)2 through 14; whereby, Mr. Hayes noted that was correct.

Commissioner Boyle clarified that the Commission would now be requiring citizenship by board members, requiring the board members to be registered voters, an affidavit of the board members' character, and assurance that the board members were not convicted felons. He stated because of the discomfort on one occasion, the Commission would be throwing out the traditional prerogative to appoint and require majority approval, which would allow three members of the Commission to reject appointments without providing any reason. Commissioner Boyle explained he did not notice any difference between a new board member or retaining a current board member. He noted this had the potential to politicize the process for boards that were advisory only. Commissioner Boyle reported it was never articulated to his satisfaction what was wrong with the current system. He noted that if a person was on a board who was not a United States citizen, it may be possible they could add some different perspective. He noted he would now need to vote against all of the ordinances in this section. Commissioner Boyle pointed out that the Commission may discover it would be difficult to find anyone to serve on these boards.

Mayor Costello pointed out that it was Commissioner Boyle who first voted against a board member without giving a reason, which opened this up this discussion. He noted prior to Commissioner Boyle's vote, he had never voted against board members appointed by other Commission members.

Commissioner Kelley stated part of the problem with the current system was that one board had different requirements than any other board, and the Commission was required to vote to accept whoever was appointed. He noted this would clarify the issue, making all of the boards the same. Commissioner Kelley stated he did not believe it would be difficult to find people to serve on boards in that those currently serving could easily meet the requirement in the ordinance. He expressed doubt that people would be rejected because the Commission would refuse to appoint them, because the intent of the Commission was to appoint good, qualified people.

Commissioner Boyle stated in ten years on the Commission he had made one "no" vote for a board member. He pointed out that the City never defined cause. Commissioner Boyle explained he had an appointment on a board whom he asked a direct question on a potential conflict, and the person misrepresented himself before that person was placed on the board; but four members of the Commission disagreed with him and did not consider this adequate cause to remove him from the board. He stated he had accepted that decision. Commissioner Boyle reported the one time he opposed another Commission member's board appointment, which he pointed out did not affect the outcome of that appointment, it involved an investigation by the State Attorney's office where he had been asked to fill out an affidavit. He stated he could not vote for that individual or reveal his reason and considered that the ethical action for him to take.

Mayor Costello stated the unintended consequence of that vote was that Commissioner Boyle showed him that a Commission member could vote against people who were nominated by Commissioners without providing a reason, and every Commission member should have the same right Commissioner Boyle established.

Commissioner Kent stated no one wanted to be told how they had to vote on any issue, and he commended the concept of raising the standards. He pointed out that most people who want to serve on any board in any city are there because they love that city and want to help the city; however, there are some people who do not want good things for Ormond Beach, as had been proven by their actions. Commissioner Kent stated this change was superior in that it would provide each Commission member more of a voice and a better vision of what was best for the City. He noted people who never had anything positive for the City and were constantly being negative should not inject that negativity on the City boards.

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

Item #10(D)(2) – Criteria for the Appointment of Human Resources Board Members

ORDINANCE NO. 2005-43
AN ORDINANCE AMENDING SECTION 2-214, HUMAN RESOURCES BOARD, OF ARTICLE VI, BOARDS, COMMISSIONS, COMMITTEES AND OTHER AGENCIES, OF CHAPTER 2, ADMINISTRATION, OF THE CODE OF ORDINANCES, BY REVISING THE CRITERIA FOR THE APPOINTMENT OF BOARD MEMBERS; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; AND SETTING FORTH AN EFFECTIVE DATE.

Commissioner Kelley moved, seconded by Commissioner Partington, to approve Ordinance No. 2005-43 as amended, on first reading.

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

Item #10(D)(3) – Criteria for Appointment of Goodwill Ambassador Program Members

ORDINANCE NO. 2005-44
AN ORDINANCE AMENDING SECTION 2-227, GOODWILL AMBASSADOR PROGRAM, OF ARTICLE VI, BOARDS, COMMISSIONS, COMMITTEES AND OTHER AGENCIES, OF CHAPTER 2, ADMINISTRATION, OF THE CODE OF ORDINANCES, BY REVISING THE CRITERIA FOR THE APPOINTMENT OF AMBASSADORS; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; AND SETTING FORTH AN EFFECTIVE DATE.

Commissioner Kelley moved, seconded by Commissioner Partington, to approve Ordinance No. 2005-44 as amended, on first reading.

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

Item #10(D)(4) – Criteria for Appointment of Historic Landmark Preservation Board Members

ORDINANCE NO. 2005-45
AN ORDINANCE AMENDING SECTION 2-217, HISTORIC LANDMARK PRESERVATION BOARD, OF ARTICLE VI, BOARDS, COMMISSIONS, COMMITTEES AND OTHER AGENCIES, OF CHAPTER 2, ADMINISTRATION, OF THE CODE OF ORDINANCES, BY REVISING THE CRITERIA FOR THE APPOINTMENT OF BOARD MEMBERS; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; AND SETTING FORTH AN EFFECTIVE DATE.

Commissioner Kelley moved, seconded by Commissioner Partington, to approve Ordinance No. 2005-45 as amended, on first reading.

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

Item #10(D)(5) – Criteria for Appointment of Neighborhood Improvement Advisory Board Members

ORDINANCE NO. 2005-46

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

Commissioner Kelley moved, seconded by Commissioner Partington, to approve Ordinance No. 2005-46 as amended, on first reading.

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

Item #10(D)(6) – Criteria for Appointment of Aviation Advisory Board Members

ORDINANCE NO. 2005-47

AN ORDINANCE AMENDING SECTION 2-220, AVIATION ADVISORY BOARD, OF ARTICLE VI, BOARDS, COMMISSIONS, COMMITTEES AND OTHER AGENCIES, OF CHAPTER 2, ADMINISTRATION, OF THE *CODE OF ORDINANCES*, BY REVISING THE CRITERIA FOR THE APPOINTMENT OF BOARD MEMBERS; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; AND SETTING FORTH AN EFFECTIVE DATE.

Commissioner Kelley moved, seconded by Commissioner Partington, to approve Ordinance No. 2005-47 as amended, on first reading.

Commissioner Boyle stated the Legal Department expressed concern regarding who was appointed to the Aviation Advisory Board because there were members of the board with clear conflicts. He reported he appointed someone other than the person who had previously served on the board because of that change; however, the Commission created a waiver system, but it was too late to appoint his first choice for the board.

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

Item #10(D)(7) – Criteria for Appointment of Recreation Advisory Board Members

ORDINANCE NO. 2005-48

AN ORDINANCE AMENDING SECTION 2-221, RECREATION ADVISORY BOARD, OF ARTICLE VI, BOARDS, COMMISSIONS, COMMITTEES AND OTHER AGENCIES, OF CHAPTER 2, ADMINISTRATION, OF THE *CODE OF ORDINANCES*, BY REVISING THE CRITERIA FOR THE APPOINTMENT OF BOARD MEMBERS; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; AND SETTING FORTH AN EFFECTIVE DATE.

Commissioner Kelley moved, seconded by Commissioner Partington, to approve Ordinance No. 2005-48 as amended, on first reading.

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

Item #10(D)(8) – Criteria for Appointment of Citizens’ Law Enforcement Advisory Board Members

ORDINANCE NO. 2005-49
AN ORDINANCE AMENDING SECTION 2-223, CITIZENS’ LAW ENFORCEMENT ADVISORY BOARD, OF ARTICLE VI, BOARDS, COMMISSIONS, COMMITTEES AND OTHER AGENCIES, OF CHAPTER 2, ADMINISTRATION, OF THE CODE OF ORDINANCES, BY REVISING THE CRITERIA FOR THE APPOINTMENT OF BOARD MEMBERS; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; AND SETTING FORTH AN EFFECTIVE DATE.

Commissioner Kent moved, seconded by Commissioner Kelley, to approve Ordinance No. 2005-49 as amended, on first reading.

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

Item #10(D)(9) – Criteria for Appointment of Quality of Life Advisory Board Members

ORDINANCE NO. 2005-50
AN ORDINANCE AMENDING SECTION 2-224, QUALIFY OF LIFE ADVISORY BOARD, OF ARTICLE VI, BOARDS, COMMISSIONS, COMMITTEES AND OTHER AGENCIES, OF CHAPTER 2, ADMINISTRATION, OF THE CODE OF ORDINANCES, BY REVISING THE CRITERIA FOR THE APPOINTMENT OF BOARD MEMBERS; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; AND SETTING FORTH AN EFFECTIVE DATE.

Commissioner Kelley moved, seconded by Commissioner Kent, to approve Ordinance No. 2005-50 as amended, on first reading.

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

Item #10(D)(10) – Criteria for Appointment of Environmental Advisory Board Members

ORDINANCE NO. 2005-51
AN ORDINANCE AMENDING SECTION 2-225, ENVIRONMENTAL ADVISORY BOARD, OF ARTICLE VI, BOARDS, COMMISSIONS, COMMITTEES AND OTHER AGENCIES, OF CHAPTER 2, ADMINISTRATION, OF THE CODE OF ORDINANCES, BY REVISING THE CRITERIA FOR THE APPOINTMENT OF BOARD MEMBERS; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; AND SETTING FORTH AN EFFECTIVE DATE.

Commissioner Kelley moved, seconded by Commissioner Partington, to approve Ordinance No. 2005-51 as amended, on first reading.

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

Item #10(D)(11) – Criteria for Appointment of Budget Advisory Board Members

ORDINANCE NO. 2005-52

AN ORDINANCE AMENDING SECTION 2-226, BUDGET ADVISORY BOARD, OF ARTICLE VI, BOARDS, COMMISSIONS, COMMITTEES AND OTHER AGENCIES, OF CHAPTER 2, ADMINISTRATION, OF THE *CODE OF ORDINANCES*, BY REVISING THE CRITERIA FOR THE APPOINTMENT OF BOARD MEMBERS; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; AND SETTING FORTH AN EFFECTIVE DATE.

Commissioner Kelley moved, seconded by Commissioner Partington, to approve Ordinance No. 2005-52 as amended, on first reading.

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

Item #10(D)(12) – Revising the Criteria for the Appointment of Trustees

ORDINANCE NO. 2005-53

AN ORDINANCE AMENDING SECTION 16-3, BOARD OF TRUSTEES, OF ARTICLE I, IN GENERAL, OF CHAPTER 16, PENSIONS AND RETIREMENT, OF THE *CODE OF ORDINANCES*, BY REVISING THE CRITERIA FOR THE APPOINTMENT OF TRUSTEES; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; AND SETTING FORTH AN EFFECTIVE DATE.

Commissioner Partington moved, seconded by Commissioner Kent, to approve Ordinance No. 2005-53, on first reading, as read by title only.

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

Item #10(D)(13) – Criteria for Appointment of Firefighters' Pension Trust Fund Trustees

ORDINANCE NO. 2005-54

AN ORDINANCE AMENDING SECTION 16-42, BOARD OF TRUSTEES, OF ARTICLE III, FIREFIGHTERS' PENSION TRUST FUND, OF CHAPTER 16, PENSIONS AND RETIREMENT, OF THE *CODE OF ORDINANCES*, BY REVISING THE CRITERIA FOR THE APPOINTMENT OF TRUSTEES; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; AND SETTING FORTH AN EFFECTIVE DATE.

Commissioner Partington moved, seconded by Commissioner Kent, to approve Ordinance No. 2005-54, on first reading, as read by title only.

Commissioner Kelley noted this was the only board where the Commission was required to accept an appointment.

Mr. Hayes advised the Commission was able to appoint two members by majority vote, but there was a statutory obligation to approve the appointment of the fifth member.

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

Item #10(D)(14) – Criteria for Appointment of Police Officers' Pension Trust Fund Trustees

ORDINANCE NO. 2005-55
AN ORDINANCE AMENDING SECTION 16-73, BOARD OF TRUSTEES, OF ARTICLE VI, POLICE OFFICERS' PENSION TRUST FUND, OF CHAPTER 16, PENSIONS AND RETIREMENT, OF THE *CODE OF ORDINANCES*, BY REVISING THE CRITERIA FOR THE APPOINTMENT OF TRUSTEES; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; AND SETTING FORTH AN EFFECTIVE DATE.

Commissioner Kelley moved, seconded by Commissioner Kent, to approve Ordinance No. 2005-55, on first reading, as read by title only.

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

Item #11 - Legislative Line Item Request

Commissioner Kent asked if the order listed in the report was the order that these line items would be requested.

Mr. Tom Lipps, Support Services Director/Airport Manager, stated staff would change the order if the Commission would prefer a different order.

Commissioner Kent recommended that even though the South Peninsula reuse system was very important to him be to completed, that the sewer system in Hidden Hills should be the first priority, the South Peninsula reuse system expansion be second, and the Neptune reuse storage be the third priority.

Mayor Costello stated removing the septic tanks off the barrier island in cooperation with Volusia County should be included every year. He reported at the VCOG meeting last night he indicated that he did not want Ormond Beach to be derelict in asking for beach re-nourishment, although he did not favor spending money that would wash out to sea such as the practice of bringing in sand; but tens of millions of dollars were being spent to re-nourish other beaches, and Ormond Beach's beach could use assistance at times as well. Mayor Costello questioned if this should be considered by the Commission.

Mr. Lipps noted the Commission had not asked staff to investigate that issue, but it would probably be a categorical program and would not be listed in this program.

Mayor Costello stated he was not asking for the program, but he did not want Ormond Beach to be negligent in not asking for it when other communities were having their beaches rebuilt; therefore, Ormond Beach may need to consider it.

Ms. Sloane stated staff was continuing to work with the Northern Coastal Basin program and developers to extend the force main on the barrier island. She noted the Commission would have agreements with developers coming before them to remove package plants along A1A, but there was no current activity relative to residential septic tanks.

Mayor Costello reported if Volusia County was working on this, he would recommend lending City support.

Mr. Turner stated he would investigate to determine if this was on Volusia County's list. He noted previously the City would include it in the City's sewer issues, but he recommended keeping the in-City items on the list first.

Mayor Costello recommended adding this as a fourth item if Volusia County was working on it; and if they were not, he would encourage them to do so in that it was an environmental issue that should be addressed.

Mr. Lipps stated this could support the Volusia County's efforts, but this list was Ormond Beach's list for City projects inside the City.

Mayor Costello stated if Ormond Beach would add it to its list, it would add credence to the fact that while it was not in Ormond Beach, it would affect Ormond Beach residents due to the environmental problems. He noted the consensus was to add it as an addendum to show Ormond Beach's support.

Commissioner Boyle agreed with Commissioner Kent regarding the sequence of priorities and commended him for not being parochial and moving another zones' interests higher than an item in his own zone.

Commissioner Kent thanked Commissioner Boyle for his comment and noted it was difficult for him to make this recommendation because he wanted the South Peninsula reuse badly, but the need for sewers in Hidden Hills was more immediate.

Item #12 - Reports, Suggestions, Requests

Municipal Wireless Internet Services

Commissioner Partington reported he would favor a similar program to St. Cloud's program with the wireless internet service for Ormond Beach, but he would need to be assured it would be self-sustaining.

Consent Agenda

Commissioner Partington commended staff for explaining the consent agenda issues so clearly that none needed to be pulled for questions.

Public Hearing Process

Commissioner Partington commended Mayor Costello for the new process being followed for public hearings and pointed out that it was working well.

Division Avenue Lighting

Commissioner Partington thanked staff for investigating the Division Avenue lighting situation. He reported some lights were out, and FPL was notified. Commissioner Partington stated the quick work would improve safety to the area.

Requests for Information

Commissioner Boyle stated the system for handling requests for information in City Hall should be corrected. He noted a constituent called City Hall questioning where to obtain a flu shot and was confused by the phone system.

Upcoming Election

Commissioner Boyle congratulated all six people running for a Commission seat, noting it was not an easy thing to do; however, he noted it was healthy for candidates to dialogue with constituents about the City.

Municipal Wireless Internet Services

Commissioner Kent stated the wireless internet service concept was exciting, and he anticipated a workshop to discuss the particulars.

"Coffee with the Commissioner"

Commissioner Kent advised that he was forced to cancel "Coffee with the Commissioner" for November, but it would be continued on December 5.

River Bend Nature Park

Commissioner Kent commended the Behnke's, Commissioner Kelley, and Bear Creek for their great leadership. He noted the Behnke's have tried to give back to the community. Commissioner Kent recommended a proclamation be prepared for the Bear Creek residents for making a difference in the City.

Commissioner Kelley noted the residents took the leadership role, and a bad situation was made into a good situation. He stated it had been a long time since anyone felt safe in this park until the efforts of these residents. Commissioner Kelley commended the City Manager for his hands-on approach, John Miskell, the Bear Creek residents, and the Bear Creek management for their support and for providing food for the workers. He stated he believed this was a project the Bear Creek residents would continue to work on, offering new opportunities to use the park. Commissioner Kelley hoped this effort could be carried throughout other areas of the City.

Home Occupational License

Commissioner Kelley stated he received a letter regarding a home occupational license. He pointed out that when people obtain a home occupational license they are made aware of the

rules, but Ormond Beach continues to have people violate these rules operating businesses illegally. Commissioner Kelley urged a better method be found to regulate this situation and urged staff to possibly investigating other cities ordinances.

Upcoming Election

Commissioner Kelley stated campaigning was exciting but difficult.

Commission Terms

Commissioner Kelley stated that while Commissioner Boyle moved and he seconded the motion for four-year terms, he actually favored two-year terms.

Groundbreaking for the A1A Fire Station

Mr. Ted MacLeod, Assistant City Manager, thanked Mayor Costello, Commissioner Kent, and Commissioner Partington for attending the groundbreaking for the A1A fire station.

Municipal Wireless Internet Services

Mayor Costello requested staff determine if the Tax Increment Financing (TIF) fund could be used for any portion of possibly providing wireless internet services in the downtown area since it would benefit the TIF area.

Groundbreaking for the A1A Fire Station

Mayor Costello stated he was excited about the groundbreaking for the A1A fire station, and it appeared to be something that belonged in Ormond Beach.

Parks and Off-Beach Parking

Mayor Costello requested Mr. Turner investigate potential sites on A1A for parks and off-beach parking.

Naming Rights to a Daytona Beach Shelter

Mayor Costello stated he respectfully disagreed with Ms. Behnke regarding Bray and Gillespie purchasing the naming rights to a shelter in Daytona Beach in that they had already had their approvals; therefore, the shelter had nothing to do with obtaining approvals for the building. He stated he wanted to plant the seed that the successful people in the community should do as Bear Creek and Bray and Gillespie did in giving back to the community.

Two-Year Terms

Mayor Costello stated he did not favor four-year terms for all Commission members, but did favor four-year staggered terms. He noted Commissioner Boyle made the motion for strait four-year terms. Mayor Costello suggested that any Commission member who did not favor a motion should not make that motion because the Commission was forced to vote for a motion that no Commission member actually favored. He explained Commissioner Boyle indicated he favored two-year terms tonight, but made a motion for four-year terms.

Commissioner Boyle indicated Mayor Costello was misrepresenting his actions; whereby, Mayor Costello reiterated Commissioner Boyle made a motion for four-year terms and was now speaking against it. He clarified that he opposed four-year un-staggered terms and supported four-year staggered terms.

River Bend Nature Park

Mayor Costello concurred the City should prepare a proclamation for Bear Creek, which could present a challenge to other homeowners' associations.

Item #12 – Close the Meeting

The meeting was adjourned at 9:42 p.m.

APPROVED: November 15, 2005

BY: Fred Costello, Mayor

ATTEST:

Veronica Patterson, City Clerk