

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

March 2, 2004

7:00 p.m.

Present were: Mayor Fred Costello, Commissioners Jeff Boyle, Troy Kent, Scott Selis, 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 called to order by Mayor Costello.
- 2) Invocation by Reverend Deborah Henning, Ormond Beach Presbyterian Church.
- 3) Pledge of Allegiance.
- 4) Approval of the Minutes of the February 17, 2004, meeting.
- 5) ***PRESENTATIONS:***
 - A) Introduction of Police Officers returning from military service and introduction of new officers.
 - B) Proclamation by Mayor Costello proclaiming the month of April as Water Conservation Month in the City of Ormond Beach.
- 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. 2004-48 authorizing the approval of a requisition for the purchase of nine (9) patrol vehicles under Florida Sheriff's Association Bid Number 03-11-0825; declaring certain patrol vehicles to be surplus property and authorizing the disposition thereof. (Duval Ford - \$203,563)
- B) Resolution No. 2004-49 authorizing the acceptance a Public Utility Easement Deed from Breakaway Trails Homeowners Association, Inc., on property located within the Breakaway Trails, Phase 3, Unit 1, Parcel H, common area.
- C) Approval of travel by Mayor Fred Costello and City Manager Isaac Turner to attend the "Volusia Days" events in Tallahassee, Florida.

DISPOSITION: Approve as recommended in City Manager memorandum dated February 26, 2004.

- D) Request to continue allowing the East Volusia Mosquito Control District to perform low-level flights over the City of Ormond Beach to apply insecticides for the control of mosquitoes.

DISPOSITION: Approve as recommended in City Manager memorandum dated February 26, 2004.

9) **PUBLIC HEARINGS:**

- A) Resolution No. 2004-50 authorizing the execution of a Third Amended Conditional Use Permit for Florida Urology Complex to allow a further expansion of the existing building for an x-ray room expansion; the enclosure of three parking spaces for a doctor's parking garage; the transfer of 1,027 square feet from the proposed new building for the expansion of the existing building; the construction of 83 parking spaces for a total of 147 parking spaces within Phase 1; establishing a vesting period for the two proposed expansion buildings and associated parking spaces; ratifying and affirming the development order; establishing conditions and expirations of approval.
- B) Ordinance No. 2004-03 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 changing the board membership from eleven to twelve members; providing criteria for the appointment of board members; providing terms and conditions. (Second Reading)
- C) Ordinance No. 2004-04 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 changing the board membership from seven to nine members; providing criteria for the appointment of board members; providing terms and conditions. (Second Reading)

10) **RESOLUTIONS:**

- A) Resolution No. 2004-51 appointing Carole Pearson as a member of the Historic Landmark Preservation Board; establishing term and conditions of service.
- B) Resolution No. 2004-52 appointing Rick Boehm as a member of the Recreation Advisory Board; establishing term and conditions of service.
- C) Budget Review Committee:
 - 1) Resolution No. 2004-53 establishing an Ad Hoc Budget Advisory Committee to review budget issues; establishing purpose and function; establishing terms and conditions of appointment of members.
 - 2) Resolution No. 2004-54 appointing members to serve on an Ad Hoc Budget Advisory Committee; setting forth terms and conditions of service.

11) **DISCUSSION ITEMS:**

- A) Appeal of the Planning Director's interpretation of the Land Development Code regarding the Mirror Lake Medical Offices.
- B) Use of the Nova landfill by a model airplane club.
- C) City Manager retirement contribution.
- D) Review of the City Attorney evaluation.
- E) Nova Community Center Field #1 press box.

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 February 17, 2004, 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) – Honoring Police Officers

Police Chief Larry Mathieson presented a “badge” plaque to retired Corporal Skip Andress. He advised Corporal Andress joined the Police Department as a reserve in 1976, became a full-time officer in 1982, and was promoted to the rank of corporal in 1998. Chief Mathieson reported Corporal Andress worked in the traffic unit and was responsible for the acquisition of the “Smart Trailer,” a stealth stat device, and improved speed detection equipment. He thanked Corporal Andress for his years of dedicated service.

Chief Mathieson recognized Tara Kissling and Jessey Welch, officers who recently returned from military service. He stated Mr. Welch served the City as a police officer for the past 19 years and recently returned from serving with the Army National Guard in Iraq. Chief Mathieson advised that in 1999 Mr. Welch was selected by the local American Legion as the Police Officer-of-the-Year for Volusia County and came in second at the national level. He stated Ms. Kissling had worked for the Police Department since 1994 and was currently working as an Emergency Communications Officer. Chief Mathieson noted Ms. Kissling served active duty for the last five years in the US Navy and 14 years in the Selected Reserve Service in the US Naval Reserve as a Communications Specialist on shore and at sea. He recognized these excellent employees not only for their service to the City of Ormond Beach, but also to the citizens of the United States of America.

Chief Mathieson introduced three new officers to the Commission and the public: Kris Cicero, Quentin Gibbs and Michael Pavelka.

Item #5(B) – Proclaiming the Month of April as Water Conservation Month

Mayor Costello read a proclamation expressing that clean, safe, and sustainable water resources were essential to Volusia County's economy, environment, and its people. He reported Florida's water resources were finite, and April was a month when water demands

were most acute. Mayor Costello noted that for this reason, April was designated as Water Conservation Month to education citizens as to how they could save precious water resources.

Commissioner Boyle introduced Dr. Bruce Mowry, Executive Director, Water Authority of Volusia.

Dr. Bruce Mowry, Executive Director, Water Authority of Volusia (WAV), stated WAV would play a vital role in Volusia County's future, but WAV must work for the people and have the support of the people. He advised he was visiting each of WAV's member cities to determine how their governments were being run and to witness the relationships and the personalities on the people so he would be able to effectively provide direction to the WAV board. Dr. Mowry stated he would gladly work with the City in all capacities.

Item #7(C) – Water Authority of Volusia

Mayor Costello asked Commissioner Boyle to give his report on WAV at this point in the agenda.

Commissioner Boyle advised a WAV meeting was scheduled for March 3rd at 3:30 p.m. He stated the board would discuss and adopt a vision statement, mission statement, long-term goals, and a new logo.

Item #6 - Audience Remarks

Corridor Management Study Meeting

Ms. Rita Press, 875 Wilmette Avenue, stated a corridor management meeting was scheduled for March 10th at 7:00 p.m. in the City Commission chambers. She advised that due to the public's activism, Volusia County hired TEI Consultants to conduct a corridor management study. She reported elements of "The Loop" were being destroyed daily. Ms. Press reported input by citizens at this meeting was vital.

Mayor Costello reported Ms. Press was instrumental in initiating this process.

Item #7(A) – Metropolitan Planning Organization

Mayor Costello advised Ormond Beach hosted the Strings and Ribbons program where the public forecasted what roadway projects they would like to see built in the next 20 years.

Item #7(B) – Volusia Council of Governments

Mayor Costello reported Dwight Lewis, Volusia County Council Chairman, defended and explained County Council goals at the Volusia Council of Governments (VCOG) meeting, and he noted this would continue at the next meeting. He stated his goal as VCOG Chairman was to discuss issues affecting the County and municipalities.

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

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

Item #9(A) - Florida Urology Complex Expansion

RESOLUTION NO. 2004-50

A RESOLUTION AUTHORIZING THE EXECUTION OF A THIRD AMENDED CONDITIONAL USE PERMIT FOR FLORIDA UROLOGY COMPLEX TO ALLOW A FURTHER EXPANSION OF THE EXISTING BUILDING FOR AN X-RAY ROOM EXPANSION; THE ENCLOSURE OF THREE PARKING SPACES FOR A

DOCTOR'S PARKING GARAGE; THE TRANSFER OF 1,027 SQUARE FEET FROM THE PROPOSED NEW BUILDING FOR THE EXPANSION OF THE EXISTING BUILDING; THE CONSTRUCTION OF 83 PARKING SPACES FOR A TOTAL OF 147 PARKING SPACES WITHIN PHASE 1; ESTABLISHING A VESTING PERIOD FOR THE TWO PROPOSED EXPANSION BUILDINGS AND ASSOCIATED PARKING SPACES; RATIFYING AND AFFIRMING THE DEVELOPMENT ORDER; ESTABLISHING CONDITIONS AND EXPIRATIONS OF APPROVAL; AND SETTING FORTH AN EFFECTIVE DATE.

Commissioner Kent moved, seconded by Commissioner Selis, to approve Resolution No. 2004-50, as read by title only.

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| Call Vote: | Commissioner Kent | yes |
| | Commissioner Selis | 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) - Recreation Advisory Board Membership

ORDINANCE NO. 2004-03
 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 CHANGING THE BOARD MEMBERSHIP FROM ELEVEN TO TWELVE MEMBERS; PROVIDING CRITERIA FOR THE APPOINTMENT OF BOARD MEMBERS; PROVIDING TERMS AND CONDITIONS; AND SETTING FORTH AN EFFECTIVE DATE.

Commissioner Boyle moved, seconded by Commissioner Selis, to approve Ordinance No. 2004-03, on second reading, as read by title only.

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| Call Vote: | Commissioner Selis | 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) – Historic Landmark Preservation Board Membership

ORDINANCE NO. 2004-04
 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 CHANGING THE BOARD MEMBERSHIP FROM SEVEN TO NINE MEMBERS; PROVIDING CRITERIA FOR THE APPOINTMENT OF BOARD MEMBERS; PROVIDING TERMS AND CONDITIONS; AND SETTING FORTH AN EFFECTIVE DATE.

Commissioner Boyle moved, seconded by Commissioner Selis, to approve Ordinance No. 2004-04, on second reading, as read by title only.

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

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

Item #10(A) – Historic Landmark Preservation Board Appointment

RESOLUTION NO. 2004-51
A RESOLUTION APPOINTING CAROLE PEARSON AS A MEMBER OF THE HISTORIC LANDMARK PRESERVATION BOARD; ESTABLISHING TERM AND CONDITIONS OF SERVICE; AND SETTING FORTH AN EFFECTIVE DATE.

Commissioner Kent moved, seconded by Commissioner Boyle, to approve Resolution No. 2004-51, as read by title only.

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

Item #10(B) – Recreation Advisory Board Appointment

RESOLUTION NO. 2004-52
A RESOLUTION APPOINTING RICK BOEHM AS A MEMBER OF THE RECREATION ADVISORY BOARD; ESTABLISHING TERM AND CONDITIONS OF SERVICE; AND SETTING FORTH AN EFFECTIVE DATE.

Commissioner Partington moved, seconded by Commissioner Boyle, to approve Resolution No. 2004-52, as read by title only.

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

Item #10(C)(1) – Establishing an Ad Hoc Budget Advisory

RESOLUTION NO. 2004-53
A RESOLUTION ESTABLISHING AN AD HOC BUDGET ADVISORY COMMITTEE TO REVIEW BUDGET ISSUES; ESTABLISHING PURPOSE AND FUNCTION; ESTABLISHING TERMS AND CONDITIONS OF APPOINTMENT OF MEMBERS; AND SETTING FORTH AN EFFECTIVE DATE.

Commissioner Kent moved, seconded by Commissioner Partington, to approve Resolution No. 2004-53, as read by title only.

Commissioner Boyle stated that at the last meeting at least four members of the Commission requested this be a permanent advisory board; therefore, he was not ready to approve an ad hoc committee that would end in 90 days.

Commissioner Boyle recommended eliminating item (e) relative to determining justification for raising recreation fees, item (f) relative to determining the level of a utility rate increase, and item (i) reviewing the current level of service provided in the City service operations. He noted about six to seven years ago the City hired a consultant to examine recreation fees. Commissioner Boyle noted if the board wished to investigate these issues, they could do so; however, he objected to charging this group to investigate these issues. He reported item (f) assumed there would be a utility rate increase. Commissioner Boyle submitted item (i), relative to the level of service, was solely the Commission's responsibility to determine. He requested item (j) be revised as follows: review other matters as directed by the City Commission or by the board. He noted this would allow the board some autonomy to research issues they considered important.

Commissioner Boyle moved to amend the resolution to eliminate Items (e), (f), and (i) and revise Item (j) as follows: review other matters as directed by the City Commission or by the board.

Mayor Costello recommended this would be a board with a 90-day commitment where some may continue and others may not. He stated items (e), (f), and (i) could be removed and item (j) could be amended allowing these items to be examined by the board if the board made a determination to do so.

Commissioner Boyle expressed doubt the committee would accomplish the seven items they were charged with in a 90-day period.

Commissioner Kent seconded the motion to amend.

Mr. Isaac Turner, City Manager, reported staff understood that a temporary board would be named so the committee could begin discussion sooner. He noted staff thought it would be beneficial for this group, or some members of this group, to attend the financial trends workshop that would be held next week to provide them with some background information. Mr. Turner urged the Commission to give as much direction to the board as possible so the board could meet the Commission’s expectations in time for them to make recommendations for the upcoming budget season.

Mr. Randal Hayes, City Attorney, reported he understood that there was a desire to establish a group fairly quickly before two readings could occur, and he had suggested forming an ad hoc committee by resolution for one reading to be followed by a permanent board to be accomplished by two readings of an ordinance. He noted this meeting would then provide him with firm direction on what should be included in the ordinance. Mr. Hayes advised he could have that ordinance ready for first reading at the next meeting.

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

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

Item #10(C)(2) – Ad Hoc Budget Advisory Committee Appointments

RESOLUTION NO. 2004-54
 A RESOLUTION APPOINTING MEMBERS TO SERVE ON AN
 AD HOC BUDGET ADVISORY COMMITTEE; SETTING FORTH
 TERMS AND CONDITIONS OF SERVICE; AND SETTING
 FORTH AN EFFECTIVE DATE.

Commissioner Selis moved, seconded by Commissioner Partington, to approve Resolution No. 2004-54, as read by title only.

Commissioner Boyle nominated Mr. Randy Brewer.

Commissioner Kent nominated Mr. Rick Lovell.

Commissioner Selis nominated Mr. Joe Loguidice.

Commissioner Partington nominated Mr. John Leemkuil.

Mayor Costello nominated Mr. Bill Olivari.

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| Call Vote to approve the Nominees and Resolution: | Commissioner Boyle | yes |
| | Commissioner Kent | yes |
| | Commissioner Selis | yes |
| | Commissioner Partington | yes |
| Carried. | Mayor Costello | yes |

Item #11(A) – Mirror Lake Medical Offices

Mr. Clay Ervin, Planning Director, stated a project was approved in 1993 for the development of a medical office building off Mirror Lake Road facing Granada Boulevard. He explained the

elevations approved by the Site Plan Review Committee included two dormers in the front of the building. Mr. Ervin reported that if architectural modifications would be made to an approved site plan, they would probably be permitted as long as there were equal or similar improvements made; however, if there were an outright deletion, those changes would typically not be approved. He stated staff wanted to be fair and equitable in how it applied the City's code. Mr. Ervin provided renderings with the approved dormers and actual photographs of the building minus the dormers. He noted the roof was constructed without the dormers; however, the applicant understood that if they lose this appeal, they would have to add the dormers.

Commissioner Selis stated that unless staff's ruling was clearly erroneous and unsupported by any facts, the Commission should support staff.

Commissioner Partington questioned if this roof would have been approved on the original application.

Mr. Ervin advised the roof would probably have been approved; however, since the roof was approved with the dormers and no corresponding improvements were offered, the dormers would be needed for approval. He reported the River Grille made architectural changes; however, corresponding changes in the elevations were made.

Commissioner Partington reported he did not approve of the way this project was done; however, he preferred the roof without the dormers. He asked if there was any provision in the code that would allow the building to remain as it is in a situation where an applicant did not follow the proper procedure.

Mr. Ervin stated the Commission could make a determination that the applicant adhered to the standards; the changes made by the applicant would not result in a detriment to the building; and the changes were generally consistent with the code. He clarified that this project was approved under the previous Land Development Code that was more general in nature. Mr. Ervin reported the current standards clearly state large expanses of roof, wall, or other area shall be broken up with architectural features.

Commissioner Partington advised he also wished to support staff; and if there were a way to impose a penalty for not following the proper procedure but to allow the roof to remain, he would support that. He questioned what staff would do if someone were to build a building without proper permits.

Mr. Ervin reported they would provide an after-the-fact permit for double the fee.

Ms. Kimberly Buck, Alann Engineering, stated the dormers were originally to be used for storage space, but it was later discovered that space would not be able to be utilized due to the MRI equipment. She noted it was decided the dormers would create a "busy" look. Ms. Buck reported the owner requested the contractor to not build the dormers; the contractor did not build the dormers; and when the framing was due for inspection, the inspector ordered the work to cease since the work was not being done as approved on the site plan. She noted it was unfortunate the contractor was not used to working in Ormond Beach and indicated Daytona Beach would not have objected to the change. Ms. Buck advised while she understood staff's position, she was trying to find a solution to the problem.

Mayor Costello advised the issue was not the aesthetics of the building but how to proceed at this point.

Mr. Ervin advised the inspectors identified the fact that the building was not being built to specifications, and they instructed the contractor to contact the Planning Department before proceeding. He stated they basically meet the technical specifications for the type of roof they have in place, but there was a question regarding the support of the dormers. Mr. Ervin notified the contractor the changes could not be approved without corresponding improvement in the building or site in order to equitably apply the code.

Commissioner Boyle expressed appreciation to staff for doing a thorough job and for the inspectors for acknowledging the problem; however, he stated there were times the City needed to be flexible and pragmatic. He concurred with Commissioner Partington, but urged something compensatory to the site or the building be required.

Commissioner Kent expressed a concern as to the precedent this could set. He concurred with Commissioner Selis in that the Commission must support staff.

Commissioner Selis noted his and Commissioner Partington's views were not very different. He pointed out staff advised some compensatory change was necessary, and he understood that Commissioner Partington was leaning more towards a fine; however, he did not believe there was any clause in the code to allow this to occur, and to do so would be arbitrary, capricious, and totally unenforceable. Commissioner Selis advised the choice was to allow this to be approved, which would set a precedent for others to change their approved plans by indicating they made a mistake, or to require either the dormers to be built or compensation made on the building or the site. He stated this professional contractor was responsible for this problem even though he may not have been familiar with Ormond Beach regulations. Commissioner Selis advised the contractor was informed by staff that this would not be acceptable, but he went forward in spite of that knowledge. He noted if it were proper to levy a fine, he would support a fine; however, it would have to be almost equal to the cost of installing the dormers in order to deter others from purposely not adhering to the site plans and merely paying the fine. Commissioner Selis asked what type of improvement would be considered adequate compensation.

Mr. Ervin recommended a possibility of additional landscaping or other improvements to maintain the quality of the project.

Commissioner Boyle noted he was not considering imposing a fine, rather that the applicant could voluntarily offer some sort of compensation. He stated the roof had already been built; and if the roof were taken off to add the dormers, there may be problems with leaks on the roof for a long time. Commissioner Boyle noted if the inspector had caught the error when the framing was being done, the adjustment could have been made without difficulty.

Mayor Costello stated that if there were a fine, it should be more than the cost of the dormers rather than less; however, he would oppose a fine. He recommended giving the applicant the opportunity to get bids on what it would cost to install the dormers and add a 20% charge to improve the building or site. Mayor Costello noted he did not want Ormond Beach to be known as a City where applicants could disregard their codes and proceed with construction. He reported he wanted to protect the code while offering flexibility.

Dr. Dave McDonald, the developer on the project, stated he had no idea this would create such a problem. He reported it was his idea originally to place the dormers on the roof to break up an expansive roof; however, upon examination, he discovered there was no room for dormers, and he deleted them.

Mayor Costello noted had Dr. McDonald questioned the City before the roof was built, it may have approved the dormers being removed from the plans.

Dr. McDonald stated the entire roof was completed before the inspector came to the site and indicated the dormers had to be added, closing down the project. He advised to add the dormers at this point would cause the roof to leak.

Attorney Ty Wilson, 7 Circle Oaks Trail, stated this roof was a standard roof and would probably have been approved if done correctly. He pointed out this was not a structural problem; it was a procedural problem. Mr. Wilson reported he could understand correcting this, but not adding onerous fees. He stated he was sorry this procedural glitch occurred.

Mr. Hayes advised the project was approved through the Site Plan Review Committee process, and had the developer contacted the Planning Department, an equitable tradeoff may have been worked out. He stated in order to impose a penalty, authority must be provided in the code, and no authority for a penalty was provided in this code; therefore, the Commission could not impose a penalty of the cost of the dormers plus an additional cost of 20%. Mr. Hayes noted it would be different if the builder offered to voluntarily commit to such improvements, but it could not be imposed as a penalty. He reported the Commission's options were to support the Planning Director in his interpretation or reverse the Planning Director and allow the builder to continue without a penalty and without the dormer. Mr. Hayes stated the Commission could take no action and ask the builder to try to work out an equitable solution with the Planning Director, failing which the issues would come back to the City Commission for final determination.

Mayor Costello reported he would favor a solution that adds value to the site without adding the dormers.

Commissioner Partington moved, seconded by Commissioner Boyle, to ask staff and the applicant try to work out a solution, failing which the issue would come back to the Commission for final determination.

Mr. Hayes clarified this would only come back to the Commission if a solution could not be worked out with staff.

Mr. Ervin reported the applicant would soon be seeking a Certificate of Occupancy, and if approved, he would ask his staff to work with the applicant in the next few days to seek a solution as a minor site plan modification. He noted if a solution could not be reached, he would prepare another discussion item similar to this item for the next meeting.

Commissioner Partington advised that if this could not be worked out, he would probably need to vote to support the Planning Director's interpretation.

Mayor Costello explained the Commission did not wish to penalize anyone, merely to preserve the code and be equitable to all.

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

Item #11(B) – Use of the Nova Landfill by a Model Airplane Club

Mayor Costello questioned if it were possible to support the model airplane club using the Nova landfill as long as they would not drive where the landfill was settling and that they would be aware that if staff would develop a plan for that area, they could be removed.

Ms. Judy Sloane, Public Works Director/City Engineer, stated staff's concern was allowing a single user group to make improvements, but staff would not have the ability to restrict access onto the property since no fence was proposed by this group. She noted the request included the ability to drive their vehicles onto the landfill.

Mayor Costello asked if staff would oppose this use if it were articulated that they would not be able to drive on the landfill; whatever improvements made would be at their own risk; and if staff would devise a plan to use the site, they could lose their improvements.

Mr. Hayes advised several issues make this request problematic. He expressed his discomfort in allowing an exclusive use to one group excluding the general public in a public park. Mr. Hayes reported there may also be some potential liability concerns. He stated if the park were to be opened for use, it should be opened for use to the general public as opposed to selected groups; however, absent this, he would recommend entering into an agreement with a hold harmless indemnity agreement in favor of the City. Mr. Hayes advised that any improvements made by the group would become the City's property permanently, and the City would not be held liable in the event of any vandalism.

Commissioner Boyle reported Dr. James White approached him months ago and noted Dr. White met with staff on a number of occasions. He advised this involved an organization with its own insurance policy. Commissioner Boyle stated people currently fly model airplanes without any insurance or supervision, and this group would help police and control that situation. He reported fencing was a separate issue. Commissioner Boyle noted the staff report indicated that once the landing strip was planted, it would have to be irrigated; however, Dr. White assured him irrigation would not be necessary. He concurred that a contract was needed stipulating all of the concerns the City Attorney articulated. Commissioner Boyle recommended a short time contract, perhaps 90 to 180 day, to determine if any problems would arise, and at the end of that period, the contract could be extended to an annual contract or cancelled. He advised he considered this the best use for this property offering more control than that which currently existed.

Commissioner Kent agreed this club would serve a good purpose. He asked to be shown where this club would want to drive onto the landfill.

Ms. Sloane explained there was a dirt road directly across from Lake Bridge Drive between the cemetery and the ballfields that continues to a gate blocking the road on the north side of the landfill. She reported there was an opening south of the gate by which this road could be accessed. Ms. Sloane stated that if this use were permitted, this area should be fenced and a gate provided that only this group could access. She noted there was a slope that could be driven on; but there was a liner under it, so vehicular use was discouraged. Ms. Sloane

explained that when the landfill was closed, it was capped with a liner and fill, and it must be monitored for 30 years.

Commissioner Kent asked if Dr. White would object to Option 2, allowing free access for all model airplane users.

Dr. James White, 353 Oak Drive, reported his organization had searched for a place to fly model airplanes, and this was a perfect location. He stated forming the club would allow control and provide insurance through the American Model Association (AMA) with a \$2.5 million liability insurance policy. Dr. White reported the people currently flying illegally would join the club because they are currently being chased off the property by the police. He stated this group would teach children to fly model airplanes. Dr. White noted this would not be an exclusive club, but it could not be open to everyone or control would be lost. He explained there were a limited number of frequencies that could be used to avoid crashing the airplanes.

Mayor Costello asked if Dr. White would agree to install a fence if required to keep the cars out and all of the other aforementioned requirements; whereby, Dr. White advised he would agree to the stipulations.

Commissioner Partington disclosed he spoke to Dr. White. He noted he was a student pilot and supported this endeavor. Commissioner Partington reported this was a good educational tool, and he hoped staff could develop an equitable contract to allow this to occur.

Commissioner Selis advised he would vote in favor of this club although he was uncomfortable because of the liability of the club member or their guest and because this was public land to be used by a private club. He noted that in the spirit of consensus he would concur in the hope that when other clubs would come to the Commission, if they would be willing to sign the same type of contract, they would be able to use the land as well.

Mr. Hayes pointed out the City did have contracts with other non-profit sports organizations for the use of other fields. He stated this was slightly different, but staff could create a similar agreement.

Mayor Costello reported there was a consensus to request Mr. Hayes to draw up a contract to be approved by the Commission.

Item #11(C) – City Manager Retirement Contribution

Commissioner Boyle recommended Option #1 or Option #2 as specified in the City Manager memorandum.

Commissioner Partington asked if Mr. Turner had a preferred option. He stated he would not oppose spending a little extra money to keep the City Manager content or comparable to other cities. Commissioner Partington advised he had a great deal of respect for Mr. Turner and noted he had weathered storms, behaved in an exemplary manner, and treated the City more than fairly where other individuals might have taken advantage of the City for personal gain. He reported that based on the aforementioned, he would support Option #3, but would consider the other Commission member's views.

Commissioner Kent concurred that Mr. Turner was an exemplary individual and had weathered storms by staying with Ormond Beach; however, he had a concern relative to the timing of this request. He urged the City Manager to wait for the other raises to be given.

Mr. Turner advised that all of the other employees received increases in their retirement pensions effective October 1, 2003. He stated he made contributions to the maximum extent allowed by law to his retirement in excess of the total City's contribution.

Commissioner Kent advised he was leaning toward Option #5, providing a 12.4% rate with a budget impact of \$2,132.96.

Commissioner Selis stated this was a difficult decision. He stated he focused on the retirement and other benefits and observed that except for Daytona Beach, Mr. Turner's salary was higher; however, he concurred with Commissioner Partington that Mr. Turner did go through a great deal, and while he could have taken advantage of the City to his personal benefit, he did not do so and he should be commended. Commissioner Selis reiterated that he was conflicted. He advised on the one hand, he favored keeping the percentage where it was because 10.8% was in line with other cities. Commissioner Selis noted Mr. Turner had a healthy auto allowance, a severance pay allotment, and family health insurance. He noted since he appreciated what

Mr. Turner does for the City, he may prefer Option #3 raising the contribution to 15.2%, but as a businessman he may prefer Option #1, since it would have no budget impact. Commissioner Selis advised that, regrettably, he would have to favor Option #1.

Mayor Costello advised he would favor Option #1. He stated he fully supported Mr. Turner and favored his being able to utilize the retirement fund to the fullest extent possible; therefore, if restructuring would be necessary, it should be done. Mayor Costello reported this should be reevaluated after the union contracts are settled. He advised while Mr. Turner had raises, he had not received a merit raise. Mayor Costello noted that at that point, Mr. Turner should be able to take the merit raise and put it into retirement or salary, whichever he selected.

Commissioner Boyle advised he would not oppose revisiting an increase at a later date. He stated that he was “a part of the cause of the storm and a part of the sunshine coming out” and he assured the Commission that there never was an opportunity or the motive for the manager to take advantage of the City. Commissioner Boyle reported either the Commission should continue to provide the City Manager with automatic raises annually, which was the how the contract was negotiated and how other managers in other cities receive their raises, or provide merit raises from which there may be no turning back. He pointed out that every request made when Mr. Turner was hired was met 100%. Commissioner Boyle stated the report received from seven other city managers was not complete. He noted that it may seem inequitable to have the manager at 10.8% and other employees at 12.4%; however, the City Manager had a different contract with family dependent health insurance, something other City employees did not have. Commissioner Boyle reported when approved in 2001, the insurance was worth \$3,500 to \$4,000 and it was currently worth probably \$5,000 to \$6,000, something no other city manager in the County possessed. He stated other cities negotiate the manager's raise annually, but Ormond Beach depoliticized that process. Commissioner Boyle concurred with Mayor Costello in recommending Option #1 or Option #2. He reported Ormond Beach had a great City Manager who kept every promise and led the City through numerous complicated issues. Commissioner Boyle stated one of the smartest things the Commission had done was to retain Mr. Turner and empower him. He reported Mr. Turner had been successful in every way, as had his subordinates because they thrive on the autonomy and leadership Mr. Turner has provided. Commissioner Boyle reiterated he was willing to consider this again at a future time.

Commissioner Selis concurred that he would favor Option #2 since it would have a net zero impact on the budget, and he urged this be visited again at a later date.

Mr. Turner stated he would probably bring this back in July or August while the Commission was considering the budget. He clarified he did not receive everything he asked for since his contract was a negotiation and most was mirrored from the prior City Manager contracts.

Mayor Costello concluded this would be brought back in July, August, or September for discussion.

Item #11(D) – Review of the City Attorney Evaluation

Mr. Hayes thanked the Commission for the evaluation. He noted the results were self-explanatory. Mr. Hayes explained former Commissioner Privett had been very busy for the last 18 months and was unable to participate in the evaluation. He advised the comments in the evaluation were largely a reflection of the quality of his staff.

Mayor Costello reported a score of three indicated “fully competent,” and he did not consider this a negative score. He advised he supported Mr. Hayes, noting he had done a great job; however, he had difficulty giving superior rankings when he had nothing to compare it with.

Item #11(E) – Nova Community Center Field #1 Press Box

Ms. Sloane stated there was a press box at Nova Community Park Ball Field #1 which was recently renovated on the east side of Nova Road. She explained the press box was currently closed since it was not a safe structure. Ms. Sloane advised three options were provided: 1) to demolish the second story and renovate the first story of the building; 2) to demolish the entire structure and construct a new two-story building; and 3) demolish the entire structure and construct a new single story building. She reported with Option #1, there was a flooding problem that could be corrected but the building could not be renovated to meet ADA requirements. Ms. Sloane advised that Option #2 was not being recommended because the press box portion could be done as a pavilion attached to a one-story building; therefore, Option #3 was being recommended.

Commissioner Selis suggested sending this issue to the Recreation Advisory Board since he was unaware of any reason a two-story building was needed at this facility, but the Recreation Advisory Board may be aware of a legitimate reason.

Commissioner Boyle concurred with Commissioner Selis' recommendation. He stated that whatever decision was made should assure that the flooding problem would not recur.

Mayor Costello noted the consensus opinion was to send this to the Recreation Advisory Board. He stated he objected that people have to cross Nova Road to go from one field to the other and recommended either adding fencing so people had to go to the light to cross, or selling the east side and using the landfill for a field when it becomes stable enough. Mayor Costello recommended this possibility also be examined by the Recreation Advisory Board.

Ms. Sloane reported the field was recently renovated with new lights.

Item #12 - Reports, Suggestions, Requests

Clean-up at the Main Street Park Enclosure

Commissioner Boyle thanked Ted MacLeod, Assistant City Manager, for his response regarding the cleanup of the Ormond Main Street park trash enclosure, and he implored his fellow businessmen to keep the park clean.

Chamber of Commerce Workshop

Commissioner Boyle advised he attended the 2004 Chamber of Commerce workshop and served on the Economic Prosperity Committee. He stated there was a great synergy with the goals of the Chamber economically and the goals of the City. Commissioner Boyle advised the City needed the Chamber, and the Chamber needed the City, and that partnership was vital to developing a strategic economic plan. He reported Mr. Gerald Upson requested a review of the mitigation for the wetlands in the business park area. Commissioner Boyle stated Mr. Bill Miller urged the Chamber to support the City in its quest for off-beach parking. He advised he, as a small business owner, had decided to join the Chamber.

Parking at the River Grille Restaurant

Commissioner Boyle advised he went to the River Grille Restaurant at "happy hour" on February 19th, which was not a special event week, and the cars were not parked on the US1 right-of-way; however, he noted that when vehicles make the left turn into the restaurant going north, the oncoming southbound passing lane could not be seen very well. He asked that this be investigated. Commissioner Boyle noted 30 to 35 vehicles were parked illegally along curbing and along the entrance. He recommended the curbing be painted yellow and signage be added.

City Manager Conferences with Commission Members

Commissioner Boyle stated since he was three doors from City Hall, he had the opportunity to speak to Mr. Turner almost at any time; but he was aware other Commission members did not have this same opportunity. He advised he did not want any one Commission member to have any more access to the City Manager than any other; therefore, he was pleased when he received a schedule to meet the City Manager on a one-on-one basis, but was disappointed to learn that while he met with Mr. Turner in January and February, not all of the other Commission members met with Mr. Turner. Commissioner Boyle requested the City Manager provide each Commission member with a schedule so they would have the opportunity to meet with Mr. Turner on a monthly basis.

Off-Beach Parking

Commissioner Boyle reported he received an excellent report from Mr. Andy Romano and distributed copies to the Commission. He advised the report indicated something that had been previously overlooked. Commissioner Boyle stated Ormond Beach had three beach approaches being utilized while four approaches were not being utilized, offering opportunities for off-beach parking on currently existing public land. He reported private enterprises have appropriated some of these approaches with the acquiescence of the County government. Commissioner Boyle requested staff analyze this report and, at the next meeting, the Commission discuss the possibility of any of these ideas being passed on to the County.

Mr. Ted MacLeod, Assistant City Manager, requested this be postponed to the first meeting in April since the timeframe to prepare the analysis for the agenda was short.

Commissioner Boyle requested the discussion be held at the next meeting; and if there was information staff wanted to further investigate, that be communicated to the Commission, and action could be postponed to the following meeting.

Mr. MacLeod advised that for the discussion to be meaningful, staff would need to speak to the County since some of the land had been preempted by private interests through negotiations with the County.

Commissioner Boyle urged that the Commission discuss this before staff contacts the County. He noted the Commission should develop questions to take to the County.

Mayor Costello asked that this issue be placed on the next agenda; however, he advised that staff would not be under any pressure to provide an exhaustive report.

Lights on the Granada Bridge

Commissioner Boyle related a chronic problem of unlit lights on the Granada Bridge. He noted four lights on the bridge were out tonight. Commissioner Boyle urged researching a way to get longer service from the lights. He advised the public assumed replacing the lights was a City function, and this reflects poorly on the City.

Fire Department Overtime

Commissioner Boyle advised the Commission received a report where the Budget Director indicated the Fire Department overtime was attributed to the accumulated effect of four factors, and his research, including speaking to the representative of the bargaining unit, indicated that the facts were reversed. He stated the vacancies for Assistant Chief and Division Chief had the highest impact, not the lowest, as was indicated on the Budget Director's report. Commissioner Boyle requested staff investigate this issue and provide a report that would explain why he received two conflicting reports.

New Fire Station

Commissioner Boyle stated a previous Friday letter indicated the fire station approved by the bond issue was to be discussed this evening. He urged this be discussed at the next meeting since many people in the community who approved this fire station had concerns.

E-Mail

Commissioner Boyle advised that the City Manager loaned him a laptop computer to retrieve his E-mail. He reported that in checking his E-mail before this meeting he noted that he received 150 messages since Friday, and 146 of those messages or 97% were "SPAM." Commissioner Boyle stated staff was investigating this problem and urged a solution be found as soon as possible.

Double Left Turn Lane at Halifax

Commissioner Kent reported the double left turn lane at Halifax and Granada Boulevard had done a great deal to help the traffic flow in that area.

Overnight Parking of Trailers

Commissioner Kent thanked staff for their diligence relative to the overnight parking of trailers at Zaxby's and the hospital. He noted there was a problem at the beginning of the event, but staff had been diligent in their efforts to be certain the perpetrators were stopped from illegally parking. Commissioner Kent reported he personally visited Zaxby's and the Surfside Resort and was informed by the Surfside Resort that this problem would not recur.

Financial Advisory Board

Commissioner Kent thanked all of the volunteers who offered their time to help the City by serving on the Financial Advisory Board.

Police Athletic League Regional Basketball Tournament

Commissioner Selis congratulated the Police Athletic League (PAL) regional basketball tournament participants and especially the "boys 12 and under" who placed first in the regional basketball tournament and would be going to the State competition. He stated if they come in first or second, they would progress to the national competition.

Federal Drug Task Force

Commissioner Selis congratulated Police Chief Larry Mathieson for the \$41,000 the City received because of its involvement with the Federal Drug Task Force. He applauded the City for participating in this task force where the community, the Police Department, and the City benefit and the only losers were those breaking the law.

Insurance

Commissioner Selis advised he reviewed a letter from Mr. Glenn Vincent, the current insurance agent, responding to an overcharge on the health insurance dated February 4th. He noted he

did not understand why it took Mr. Vincent so long to send this letter. Commissioner Selis reported there were numerous items in this letter that were misleading. He requested a discussion item on the next agenda to discuss Mr. Vincent's explanation for first indicating the competing agent could not have gotten quotes from the non-admitted carriers and then in the next paragraph indicating that he obtained quotes from the non-admitted carriers. Commissioner Selis asked that an appropriate timeline be determined and an explanation of the process be provided.

Runway Extension

Commissioner Selis advised that the airport runway extension was on the City's long-term master plan. He stated he understood the actual cost of the runway extension plus incidentals was combined in a single figure. Commissioner Selis reported the City would be entitled to a large matching grant through the FAA and incidentals should not be included in the overall cost, but the Commission should be advised of the individual costs.

Mr. Tom Lipps, Support Services Director, stated that this was a follow-up of the Commission's goal setting meeting. He reported it was staff's plan to bring this back to the Commission in May for another review. Mr. Lipps advised the previous Commission made a strong policy decision on this issue, and staff was updating the cost estimates. He noted this would be taken to the Aviation Advisory Board in April and to the Commission in May.

Commissioner Selis advised he was suggesting looking at the costs broken down between the runway extension and the incidentals impacted by this expansion. He reported he would also like information relative to any third parties who could possibly pay for those incidentals.

Bid Procedure

Commissioner Selis reported a recent construction project was sent out for bid, but no bids were received. He stated the City had a construction management company who was also a general contractor on a City contract; and since no bids were received, this company subcontracted the project out at a cost higher than the City was willing to pay. Commissioner Selis advised the City should reexamine how much the consulting contracts were costing when the consulting contractor was used in place of an actual bid process. He requested a report indicating how much the City was paying in consulting contracts each year and how many times have those contractors been used to perform, costing more than the proposed bid, when the City failed to receive bids.

Ms. Sloane advised that this was the first time the City had experienced this type of situation. She pointed out the City had not received a price from the continuing contractor. Ms. Sloane noted Hall Construction was under a continuing contract and would bid out each element. She explained that by Hall Construction's contract, a specified general contractor's fee would be included in the contract. Ms. Sloane clarified that Hall Construction would obtain three bids for this project.

Commissioner Selis pointed out that these bids would not be under the City's bidding process.

Ms. Sloane stated Hall Construction would bid out the project, and the City would review and approve the bids as in any other bid. She noted she had not contacted Hall Construction relative to this project at this point. Ms. Sloane pointed out that since no bids were received the first time, it was possible the City would not receive any bids if it were rebid. She explained the City would typically not rebid a project without modifications.

Commissioner Selis stated that when this was priced out, he would like to know the difference between the bid cost through Hall Construction and what it would have cost if the City had received a bid.

Ms. Sloane advised the cost could be compared to the City's estimated cost.

River Grille Restaurant

Commissioner Selis reported he also went to the River Grille restaurant last Saturday, which was the beginning of Bike Week, during the dinner hour at 9:00 p.m. and the parking lot was nearly empty with the restaurant only half full. He noted he also went one to two weeks after the restaurant opened, and the parking lot was full. Commissioner Selis reported it appeared there might be some tapering off of the initial exuberance experienced when the restaurant first opened. He advised there seemed to be a great deal of open space in the restaurant, and he encouraged staff to witness this open space on the floor and deck, examining the typical as opposed to peak hours for parking. Commissioner Selis stated he went out on the deck on a very windy day and did not hear any music from the Iron Horse Saloon.

City Commission – March 2, 2004

April 13th Meeting

Commissioner Selis stated he understood one Commissioner could not make the April 13th meeting due to a family emergency; therefore, he requested discussing changing that meeting date. He stated he would be available, but he would be willing to change the date to accommodate that Commissioner.

Commission Members Actively Supporting Commission Candidates

Commissioner Selis stated he would like an item at some time in the future to discuss whether it would be appropriate for a sitting Commissioner to actively support a candidate running against another sitting Commissioner.

April 13th Meeting

Mayor Costello asked if the date of the April 13th meeting should be changed.

Commissioner Boyle reported he was the Commissioner with the conflict on April 13th. He noted he could probably be available on Thursday, April 15th.

Commissioner Selis reported he was leaving town on April 14th and would not be available for the remainder of that week.

Mayor Costello stated a tour and budget workshop was scheduled for April 13th, and while Commissioner Boyle may not need to attend the tour, he should be present for the budget workshop.

Mr. Turner suggested the Commission bring their calendars to the Budget Trends workshop on Monday, March 8th, where an alternate date could be selected.

Mayor Costello stated that the budget workshop could be postponed, but the tour could be kept on April 13th since Commissioner Boyle previously indicated he had been on numerous tours.

Mr. Turner reported that in an attempt to make the tours more amicable for everyone, the meetings were scheduled to be held in the facility being toured.

Mayor Costello requested the April 13th meetings be canceled.

Agenda Preparation

Commissioner Partington commended staff for the agenda preparation and for their timely responses in helping him with the day-to-day issues that arise.

Central Park Grant Money

Commissioner Partington stated now that the Florida State Legislature was in session, he asked staff to inform him if he could be helpful going to Tallahassee to solicit grant money for Central Park or in any other way.

Televised Commission Meetings

Commissioner Partington reported that in the past week and one-half he had been to Tampa, Gainesville, Savannah, and Lake City where each City had a television channel dedicated to the local government to view City Commission and advisory board meetings as well as important notifications from the Police and Fire Departments which run on a continual basis. He again urged staff to investigate televising meetings as well as web casting meetings. Commissioner Partington noted he envisioned a time when each Commission member would have a laptop computer at the dais where the Commission could be receiving e-mails while deliberating an issue.

Formation of the Dais

Commissioner Partington reported he had a difficult time seeing all of his fellow Commission members sitting on the dais, and Mr. Turner has, on occasion, had difficulty being recognized. He urged staff to investigate turning the dais into a horseshoe shape. Commissioner Partington reported at times nonverbal communication was more important than verbal communication.

COPCN for Advanced Life Support

Mr. Turner asked Fire Chief Barry Baker to speak to the Commission relative to an issue that was recently raised and would be on Thursday's County Council agenda.

Fire Chief Barry Baker advised he received notification yesterday afternoon relative to a Certificate of Public Convenience and Necessity (COPCN) for Advanced Life Support, which is provided on all the City's units. He stated the language amounts to a conditional approval for one year; and if guidelines were met, it would allow the City to continue on through September

2006. Chief Baker advised both Deltona and New Smyrna Beach have also had difficulties with this issue. He pointed out the comments in the document were inaccurate; therefore, he was requesting permission to speak to the County Council on Thursday relative to this issue. Chief Baker stated he was aware that some of the County Council members were not pleased with their EMS Division at this time because of these types of issues recurring.

Hearing no objection, Mayor Costello asked Chief Baker to speak to the County Council at their meeting relative to this issue.

Workshops

Mr. Turner reminded the Commission of the two workshops scheduled for Monday, March 8th and Tuesday, March 9th.

CTLC Meeting

Mr. Turner reported the Commission authorized him to speak with Mr. Bill McMunn, president of Consolidated Tomoka Land Company (CTLC) and Richard Quigley, Daytona Beach City Manager. He reported there were four key points established; however, before any discussion on these issues could occur, he felt he should first bring them to the City Commission. Mr. Turner reported the first issue was a mutually agreeable planning or development standard for the entire 2,900 acres. He advised the second concept was land for service area encompassing deannexation and annexation of land. Mr. Turner stated the third issue referred to the utility service line on the west following municipal boundaries. He reported the final issue was to find resolutions for the existing service boundary issues east of I-95. Mr. Turner advised these issues were discussed conceptually, and there was an opportunity to discuss these issues in further detail. He reported it was important to have a CTLC representative at the table if and when further discussions would occur between the executives or the legislative bodies. Mr. Turner stated absent any other issues, Mr. Quigley and Daytona Beach intended to proceed with the joint meeting to specifically discuss the service line issue. He questioned whether the Commission was comfortable allowing him to pursue the four aforementioned issues in more detail.

Hearing no objection, Mayor Costello authorized Mr. Turner to continue discussions as indicated. Mayor Costello congratulated Mr. Turner for proceeding to this point and urged him to continue.

Formation of the Dais

Mayor Costello concurred the horseshoe formation concept should be examined.

Staff Reports

Mayor Costello commended staff for the outstanding staff reports. He stated the quality of these reports answer questions and, at times, allow him the opportunity to summarize quickly and move on to the next issue, saving time.

Ormond Crossings Wetland Mitigation

Mayor Costello stated there were roughly 5,000 acres in the Ormond Crossings area in both Volusia County and Flagler County. He pointed out the Flagler County area was wetter, leaving the question of where to mitigate. Mayor Costello advised that these issues would be worked out at a later date.

Economic Prosperity Meeting

Mayor Costello thanked Commissioner Boyle for attending the Economic Prosperity meeting. He advised he lamented not being able to attend, but he attended the Teacher-of-the-Year banquet that night representing Ormond Beach and trying to show that Ormond Beach cares about education. Mayor Costello reported the teachers appreciated that the political leaders cared enough to attend the banquet. He stated that same night was also the Ormond Beach Historical Trust banquet and the Volusia League of Cities banquet, and one person can not attend every function.

E-mail

Mayor Costello reported the longer a person had E-mail, the less spam could be expected. He noted he received about 25% SPAM, and it can be deleted quickly.

Seabreeze High School Rededication

Mayor Costello announced the Seabreeze High School rededication would be held March 20th at 11 a.m. He urged anyone able to attend do so since he considered Seabreeze an Ormond Beach high school even though it is located in both Daytona Beach and Ormond Beach.

City Commission – March 2, 2004

Item #13 – Close the Meeting

The meeting was adjourned at 9:15 p.m.

APPROVED: March 16, 2004

BY: Fred Costello, Mayor

ATTEST:

Veronica Patterson, City Clerk