

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

March 16, 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 Jeff Beebe, Christ Presbyterian Church.
- 3) Pledge of Allegiance.
- 4) Approval of the Minutes of the March 2, 2004, meeting.
- 5) **PRESENTATIONS:**
 - A) Proclamation in Honor of Ormond Beach Teachers Earning National Certification.
 - B) Recognition of Chris Raley, City of Ormond Beach Leisure Services employee returning from military service in Iraq.
- 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. 2004-55 appointing Ann Eifert as a member of the Historic Landmark Preservation Board; establishing term and conditions of service.
 - B) Resolution No. 2004-56 appointing Pete Klironomos as a member of the Ad Hoc Budget Advisory Committee; establishing term and conditions of service.
 - C) Resolution No. 2004-57 authorizing the execution of a lease agreement between the City and Halifax Urban Ministries, Inc., for the "Old Housing Authority Building" located at 164 West Granada Boulevard.
 - D) Resolution No. 2004-58 authorizing the submittal of a grant application to the Florida Department of Environmental Protection under the Land and Water Conservation Fund Program for funding assistance relative to Central Park improvements; authorizing the execution of all documents incidental thereto. (\$100,000 LWCF, \$100,000 local match)

- E) Request to allow the use of outside consultants to review the Pineland PRD traffic study and the Tomoka Grille PBD amendment noise study.

DISPOSITION: Approve as recommended in City Manager memorandum dated March 11, 2004.

- F) Review of FY 2003-04 budget status.

DISPOSITION: Approve as recommended in City Manager memorandum dated March 11, 2004.

9) **PUBLIC HEARING** on amendments to the City's *Land Development Code*:

- A) Ordinance No. 2004-05 amending Section 1-14 of the *2004 Land Development Code* by establishing submittal requirements for building permits and establishing the process for certificate of occupancy and occupational licenses; providing for conditions imposed and an appeal process. (First Reading)
- B) Ordinance No. 2004-06 relative to parking standards for off-street parking requirements; amending Article III of the *2004 Land Development Code* by amending the parking calculation for transient lodging. (First Reading)
- C) Ordinance No. 2004-07 amending Chapter 2, Article IV, Sections 2-28 and 2-29, and 2-57 of the *2004 Land Development Code* by amending regulations regarding automatic amusement centers/game rooms. (First Reading)
- D) Ordinance No. 2004-08 relative to the Greenbelt and Gateway Preservation District; amending the *2004 Land Development Code* by adopting Section 2-73, establishing landscape regulations governing development with the Greenbelt and Gate Preservation District. (First Reading)
- E) Ordinance No. 2004-09 relative to site plans, subdivisions and planned development; amending Sections 4-03 and 4-06, Article I, of the *2004 Land Development Code* by amending the filing requirements. (First Reading)
- F) Ordinance No. 2004-10 amending Chapter 3, Article I, Sections 3-02, 3-03, 3-04 and 3-05 of the *2004 Land Development Code* by amending regulations regarding landscaping requirements and clarifying definitions. (First Reading)
- G) Ordinance No. 2004-11 relative to the Planning Board; amending Article II of the *2004 Land Development Code* by adding the State required School Board member; clarifying that planned developments are reviewed by the Planning Board; establishing a schedule for application submittal; and by establishing public hearing notification requirements for planned developments. (First Reading)
- H) Ordinance No. 2004-12 relative to the Development Review Board; amending Article II of the *2004 Land Development Code* by adding the State required School Board member; clarifying that planned developments are reviewed by the Development Review Board; establishing a schedule for application submittal; and by revising public hearing notification requirements for planned developments. (First Reading)
- I) Ordinance No. 2004-13 relative to the definitions; amending Article III of the *2004 Land Development Code* by amending the definitions of automatic amusement centers/game rooms, bed and breakfast inn, hotel/motel, executive suite, sign, changeable copy, sign, electronic changeable copy, timeshare property and transient lodging. (First Reading)
- J) Ordinance No. 2004-14 amending Chapter 2, Article II, Sections 2-22, 2-23, 2-25, 2-26, 2-27, 2-28, 2-29, 2-30 and 2-31 of the *2004 Land Development Code* by clarifying conditions that require special exception or planned development approval. (First Reading)

- 10) **FIRST READING OF ORDINANCE** No. 2004-15 amending Chapter 2, Administration, Article VI, Boards, Commissions, Committees and Other Agencies, Division 2, Enumerated, of the Code of Ordinances, by adding a new section to be numbered and entitled Section 2-226, Budget Advisory Board, establishing terms and conditions of membership; establishing powers and duties.

11) **DISCUSSION ITEMS:**

- A) Renaming of Granada Boulevard to Birthplace of Speed Boulevard.
- B) Property insurance process.
- C) Beach parking options.
- D) Fire Station #92 construction options.
- E) Broadcasting of City Commission meetings.
- F) Land Development Code amendments relative to carport standards.

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

Reverend Jeff Beebe, Christ Presbyterian Church 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 March 2, 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) – National Board of Professional Teaching Standards Recognition Day

Mayor Costello read a proclamation honoring the following teachers who teach or live in Ormond Beach and have earned certification by the National Board for Professional Teaching Standards (NBPTS): Keith Costner, who teaches Adolescent through Young Adulthood Social Studies History at Spruce Creek High; Erika Holubeck, who is an Early Childhood Generalist at Bonner Elementary; Robert McCormack, who teaches Early Middle Childhood Music at Holly Hill Elementary; Pamela Novy, who is an Early Adolescent through Young Adult Exceptional Needs Specialist at Pierson Elementary; Jane Peters, who is a Middle Childhood Generalist at Sunrise Elementary; Carolyn Pratt, who teaches Early and Middle Childhood Physical Education at Pathways Elementary; Linda Rivard, who is an Early Childhood Generalist at Bonner Elementary; Lorna Rooy, who teaches Early and Middle Childhood Art at Pine Trail Elementary; Janice St. Gelais, who is an Early Adolescent through Young Adulthood Exceptional Needs Specialist at Euclid Avenue Learning Center; Katie Shaw, who is an Early Childhood Generalist at Ortona Elementary; Kristen Strang, who is an Early Childhood Generalist at Ortona Elementary; Susan “Michelle” Walker, who is an Early Childhood Generalist at Pathways Elementary; and Annamaria Zeoli, who is an Early Adolescent through Young Adulthood World Languages other than English teacher at DeLand High.

Mayor Costello stated the NBPTS recognizes the contributions of exemplary teachers who set high expectations for themselves and their students and rewards them with salary and mentoring bonuses. He proclaimed Friday, March 19, 2004, as NBPTS Certification Recognition Day and urged all residents to join in acknowledging these outstanding teachers for their many accomplishments and dedication to their profession.

Item #5(B) – Recognition of Employee Returning from Military Service

Mayor Costello recognized Mr. Chris Raley, a Community Events Technician in the Leisure Services Department, returning from military service in Iraq. He stated Mr. Raley served 13 months in Iraq in the Second Battalion, 124th Infantry Division. Mayor Costello advised Mr. Raley went to Iraq as a Private and was promoted to Specialist. He reported Mr. Raley received a Purple Heart when his division came under mortar fire attack.

Item #6 - Audience Remarks

Request for Consent Agenda Items to be Discussed

Mr. Rob Merrell, 150 Magnolia Avenue, asked the Commission to discuss Item 8(E) on the Consent Agenda.

Ms. Jeannie Ball, 3 Eagle Drive, asked the Commission to discuss Item 8(D).

Nova Road Construction

Ms. Jennifer Casey, 32 Pebble Beach Drive, voiced a complaint relative to the construction on Nova Road; whereby, Mayor Costello advised the Nova Road construction was a State project, and the City had no jurisdiction in the matter. He recommended Ms. Casey speak with Ms. Judy Sloane, Public Works Director/City Engineer, who could explain the timetable for the FDOT construction. Mayor Costello pointed out he was not diminishing Ms. Casey's concerns, but this was not the body she needed to speak to on this matter.

Fire Department Overtime

Fire Captain Matt Marteeny, representing the IFF Local 3499, stated that in a budget memorandum written by Mr. Bob Bentkofsky, Budget Director, to the Commission, a statement was made indicating the fire contract bargaining agreement between the union and the City was the number one cause for the extensive overtime. He asked that it be officially recorded that the contract was not the main cause for the overtime; rather, it was a management decision that was causing the overtime.

Expression of Appreciation

Mr. Dwight Selby, 1535 Oak Forest Drive, expressed his and his partner's sincere appreciation to staff for the speedy resolution to the problems they incurred in providing utilities to Phase II of their medical park. He offered special thanks to City Manager Isaac Turner, Assistant City Manager Ted MacLeod, Public Works Director/City Engineer Judy Sloane, Planning Director Clay Ervin, City Attorney Randal Hayes, Mayor Costello and the Commission.

Mayor Costello stated the Commission appreciated Daytona Beach's willingness to be receptive to an interim agreement that would allow this project to proceed.

Item #7(A) – Metropolitan Planning Organization

Mayor Costello advised the executive committee of the Metropolitan Planning Organization met yesterday. He stated he mentioned the need to be certain the bike trails along SR40 are being planned in accordance with the County's goals and focusing on connectivity.

Item #7(B) – Volusia Council of Governments

Mayor Costello reported County goals and urban boundary lines were discussed at the Volusia Council of Governments (VCOG) meeting. He stated it was determined the County, cities, and all interested parties should consider four aspects of urban boundary lines as follows: 1) from a historical perspective; 2) that the urban growth boundary line would be the same as the service line; 3) that the urban growth boundary line should be the annexation line inside which the County would support any and all annexations; and 4) that the urban growth boundary line should be a line where both the City and the County would have to agree to any change.

Item #7(C) – Water Authority of Volusia

Commissioner Boyle advised WAV held a workshop on March 3rd where a new logo was accepted, and the mission statement and goals were discussed. He stated he would make the first financial report available to the City Manager so it would be available if anyone would like a copy. Commissioner Boyle advised that he and Executive Director Bruce Mowry had a discussion on many water issues. He stated he shared the legislative report from Sam Bell's law firm with Mr. Mowry and recommended he contact Mr. Bell to determine if he knew of any issues WAV should be made aware of relative to water issues.

Commissioner Boyle reported he learned Daytona Beach may be having difficulty renewing their Consumptive Use Permit with the St. Johns River Water Management District. He urged staff to verify whether that was correct since the Commission would meet with Daytona Beach in 13 days, and the status of that permit may have implications for discussions relative to the provision of services to the lands annexed two years ago.

Commissioner Boyle advised WAV's regular monthly meeting was schedule for tomorrow morning. He noted the board would probably meet monthly for its regular meetings as well as one or two workshops in the interim.

Item #8 – Consent Agenda

Mayor Costello advised that the action proposed for each item on the Consent Agenda was so stated on the agenda. He asked if any member of the Commission had questions or wished to discuss any one or more of the items separately. Mayor Costello removed Items #8(D) and 8(E) for discussion

Commissioner Boyle moved, seconded by Commissioner Kent, for approval of the Consent Agenda, minus Items #8(D) and 8(E).

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

Item #8(D) – Central Park Improvements Grant Application Submittal

RESOLUTION NO. 2004-58
AN ORDINANCE AUTHORIZING THE SUBMITTAL OF A GRANT APPLICATION TO THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION UNDER THE LAND AND WATER CONSERVATION FUND PROGRAM FOR FUNDING ASSISTANCE RELATIVE TO CENTRAL PARK IMPROVEMENTS; AUTHORIZING THE EXECUTION OF ALL DOCUMENTS INCIDENTAL THERETO; AND SETTING FORTH AN EFFECTIVE DATE.

Commissioner Boyle moved, seconded by Commissioner Selis, to approve Resolution No. 2004-58, as read by title only.

Ms. Jeannie Ball, 3 Eagle Drive, stated she received a call from former Commissioner Joyce High who planned on speaking on this issue, but was unable to attend. Ms. Ball asked this Commission to keep in mind the passion the former Commissioner had relative to this issue, and let that guide their vote.

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

Item #8(E) – Use of Outside Consultants

Commissioner Selis moved, seconded by Commissioner Partington, to approve the City Manager recommendation to allow the use of outside consultants to review the Pineland PRD traffic study and the Tomoka Grille PBD amendment noise study.

Commissioner Boyle moved to amend the motion to delete the Tomoka Grille PBD amendment noise study.

Mayor Costello advised he understood this to be a request to use outside consultants for a study that the Development Review Board or Planning Board requested.

Commissioner Selis stated that under Roberts Rules of Order, an amendment cannot be inconsistent with the underlying motion and this amendment would be inconsistent with the primary motion; therefore, he asked it be ruled out of order.

Mayor Costello ruled the amendment to be in order.

Mr. Clay Ervin, Planning Director, reported that according to the Land Development Code, the City had the ability to use outside consultants to review technical information submitted as part of applications; however, approval from the City Commission was needed so the charges could be charged to the applicants as part of their application fee. He stated staff was seeking assistance in reviewing the Pineland PRD traffic impact study and the Tomoka Grille PBD amendment noise study. Mr. Ervin pointed out that both of these applications were already in process. He noted the reason staff was seeking these consultants was because staff must provide the advisory boards and the City Commission with a technical review of the information provided by the applicants. He noted in the Pineland PRD study, the applicant had done complicated art tab analysis and staff wanted to have a certified engineer to verify if the applicant followed the proper procedures prescribed by FDOT and whether the study was appropriate. Mr. Ervin advised the reason the consultant was being sought for the River Grille project was to determine if the time, date, and methodologies utilized in the applicant's study were appropriate to enable staff to provide an accurate report indicating that based on accepted practices, the reports were technically correct, and if they were not technically correct, to point out the deficiencies.

Mr. Rob Merrell, 150 Magnolia Avenue, reported this item was not to consider the merits of the applicant's request, but to hire a consultant on behalf of the City to evaluate the information the applicant would provide. He stated the \$10,000 figure indicted in the report was excessive. Mr. Merrell reported the PBD amendment request would become more defined eliminating some types of music that was causing concern by some residents. He advised due to the refinement of the request, this analysis would be simple; therefore, he recommended limiting the fee to \$2,500.

Mr. Randal Hayes, City Attorney, advised the cost estimates provided were general and were purposely estimated on the high side. He stated the Commission's decision must be based on competent and substantial evidence, which means good imperial data was needed on which to base the evidence. Mr. Hayes reported it had been previously stated that the only evidence the Commission was given was that of the applicant, and the City did not provide its own independent source of evidence to contrast that evidence. He noted if the Commission would eliminate this source, it may be hindering its own ability to obtain independent evidence; but this was the decision the Commission had to make. Mr. Hayes cautioned against recommending a certain dollar amount if the proposal was accepted.

The motion to amend died for lack of a second.

Commissioner Boyle moved to amend the motion to separate the two components of the request. Commissioner Selis seconded the motion.

Call Vote on the Motion to Amend:	Commissioner Selis	yes
	Commissioner Partington	yes
	Commissioner Boyle	yes
	Commissioner Kent	yes
Carried.	Mayor Costello	no

Mayor Costello asked that the vote be called to accept the request to hire a consultant to review the Pineland PRD traffic study.

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

Regarding the Tomoka Grille PBD, Commissioner Boyle stated the City already had prohibitions on what the applicant was requesting of the City.

Mayor Costello advised that the Commission sent this to the advisory board, and they requested a study; therefore, he considered Commissioner Boyle's point was inappropriate at this time. He noted either the Commission wanted a study or not.

Commissioner Boyle reported that to approve this, the Commission would have to reverse the previous Development Order and grant a waiver of the code.

Mayor Costello advised that would not be necessary in order to address what was being asked tonight. He clarified what was on the agenda tonight was whether or not the Commission should hire a consultant to do a study at the applicant's expense. Mayor Costello reported Commissioner Boyle's admonishment was appropriate before voting on the actual Development Order amendment.

Commissioner Boyle yielded on this point to the chair. He stated if the issue was so complicated a consultant was needed, that fact alone was a concern to some people. Commissioner Boyle noted the issue was not the decibel level; the actual issue was whether or not the Commission would waive the prohibition of outdoor noise. He advised the sound test would not address the prohibition; it would address the degree of sound making the sound test irrelevant to the issue.

Commissioner Selis reported he was thrilled to see this request because of what it would mean in the broader picture for Ormond Beach. He noted he had expressed frustration in the past when developers would come before the Commission with their own traffic studies, and the Commission had nothing with which to counter the study; and this was precisely what this study would accomplish.

Commissioner Boyle asked what was being tested.

Mr. Ervin reported that when the applicant asked what was being required of them to amend the Development Order, staff responded that they had no imperial evidence to support removing the prohibition; therefore, proof that there would not be additional noise impacts on the adjoining residential properties would be needed. He stated the applicant had conducted a noise study, but staff did not have the technical expertise to determine if the test was valid or invalid; therefore, staff determined the need to utilize a DOT consultant to be certain the applicant followed the proper procedures and methodologies.

Commissioner Boyle asked Mr. Merrell if a crowd of people were on the deck when the test was performed.

Mr. Merrell stated he did not attend the test; however, people did witness the test.

Commissioner Kent urged the applicant to once again extend an invitation to the Commission to the next sound test so he could attend.

Mr. Merrell clarified any new test would not be the applicant's test. He noted the City staff determined they needed a professional opinion to review the test done by the applicant; however, he concurred the invitation should certainly be extended for any new test.

Mayor Costello reported he considered it appropriate to use professionals whenever possible. He noted the residents have a right to not have their quality of life diminished with live music, and he was hopeful some sort of compromise could be worked out. He reported the test could provide a threshold that could be acceptable to the residents.

Mayor Costello asked a vote be called to accept the request to hire a consultant to review the Tomoka Grille PBD amendment noise study.

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

Item #9(A) - Building Permits, Certificate of Occupancies and Occupational Licenses

ORDINANCE NO. 2004-05

AN ORDINANCE AMENDING SECTION 1-14 OF THE 2004 LAND DEVELOPMENT CODE BY ESTABLISHING SUBMITTAL REQUIREMENTS FOR BUILDING PERMITS AND ESTABLISHING THE PROCESS FOR CERTIFICATE OF OCCUPANCY AND OCCUPATIONAL LICENSES; PROVIDING FOR CONDITIONS IMPOSED AND AN APPEAL PROCESS; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; PROVIDING FOR SEVERABILITY; AND SETTING FORTH AN EFFECTIVE DATE.

Commissioner Boyle moved, seconded by Commissioner Selis, to approve Ordinance No. 2004-05, on first reading, as read by title only.

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) - Parking Calculation for Transient Lodging

ORDINANCE NO. 2004-06
 AN ORDINANCE RELATIVE TO PARKING STANDARDS FOR OFF-STREET PARKING REQUIREMENTS; AMENDING ARTICLE III OF THE 2004 LAND DEVELOPMENT CODE BY AMENDING THE PARKING CALCULATION FOR TRANSIENT LODGING; AND BY REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; PROVIDING FOR SEVERABILITY; AND SETTING FORTH AN EFFECTIVE DATE.

Commissioner Boyle moved, seconded by Commissioner Kent, to approve Ordinance No. 2004-06, on first reading, as read by title only.

Ms. Peggy Farmer, Executive Director, Ormond Beach Chamber of Commerce, appealed to the Commission to not pass this ordinance, as it would be a detriment to encouraging motels to redevelop. She pointed out this proposal originated due to a complication with a vacation timeshare, and a recommendation was made to tie timeshares, motels, and condominiums together. Ms. Farmer advised the requirement for motels was increased from one parking space per room to one and one-half spaces per room. She asked that the motels and timeshares not be combined since they are different. Ms. Farmer advised the average occupancy of motels was 65% per year, and the new statistics indicate the average had been reduced to 62%. She advised an average parking place on the beachside cost \$30,000. Ms. Farmer reported combining motels with timeshares was the wrong direction for this community to take if redevelopment was a goal. She advised the LaPlaya Hotel was planning a total renovation after Spring Break, and she feared they might not do the renovation if this ordinance passed; however, she was pleased that she later realized they were within the Daytona Beach borders. Ms. Farmer reported that if this should pass, it would designate Ormond Beach as having the highest percentage for hotel parking required in Florida. She pointed out that Ormond Beach was struggling to keep beachside businesses and tourism flourishing, and this would make that task more difficult. Ms. Farmer stated a large number of motels lost parking places when A1A was widened, placing them at a disadvantage.

Mayor Costello stated that if a motel would renovate without adding to the number of rooms, they would be grandfathered in and not be required to provide the additional spaces.

Mr. Ervin stated any transient lodging facility approved prior to July 16, 2003, could keep the old parking standard. He noted this ordinance would only apply to new facilities or expansions where the number of rooms was increased. Mr. Ervin advised the reason timeshares, hotels, and motels were combined was because the trend in resort development was for timeshares to operate as hotels and motels.

Mayor Costello asked if there was a threshold that could be used as a compromise on some of the older and smaller hotels that could not be used as a timeshare.

Mr. Ervin stated there were some hotels with very limited space to develop where they could possibly meet current standards; therefore, it would need to be grandfathered in or be assumed by other land ownership and be utilized to expand an existing hotel. He advised that if the Commission wanted to make a change, he urged this be adopted and staff be asked to come back with an amendment, because the City was now lacking in a specific standard. Mr. Ervin reported the Planned Business Development (PBD) would allow for certain waivers.

Commissioner Boyle reported this issue was thoroughly debated previously. He advised there was a train of thought that this ordinance would not be a hardship and might actually create more upscale development.

Ms. Lucille Bornmann, John Anderson Drive, stated one of Ormond Beach's largest problems was parking. She advised cars are parked along A1A because when the hotels were built, they were not required to provide adequate parking. Ms. Bornmann reported most hotels that renovate would revert to timeshares where more parking would be necessary. She advised the answer was to not allow such great density.

Mayor Costello recommended passing this since the PBD process would allow the hotel owners to accomplish their objective. He challenged Ms. Farmer to provide evidence that this would not work, and if it were made clear that this would penalize people, he would be willing to consider a change.

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) – Automatic Amusement Centers/Game Rooms

ORDINANCE NO. 2004-07
AN ORDINANCE AMENDING CHAPTER 2, ARTICLE IV, SECTIONS 2-28 AND 2-29, AND 2-57 OF THE 2004 LAND DEVELOPMENT CODE BY AMENDING REGULATIONS REGARDING AUTOMATIC AMUSEMENT CENTERS/GAME ROOMS; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; PROVIDING FOR SEVERABILITY; AND SETTING FORTH AN EFFECTIVE DATE.

Commissioner Kent moved, seconded by Commissioner Selis, to approve Ordinance No. 2004-07, on first reading, as read by title only.

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 #9(D) – Greenbelt and Gateway Preservation District

ORDINANCE NO. 2004-08
AN ORDINANCE RELATIVE TO THE GREENBELT AND GATEWAY PRESERVATION DISTRICT; AMENDING THE 2004 LAND DEVELOPMENT CODE BY ADOPTING SECTION 2-73, ESTABLISHING LANDSCAPE REGULATIONS GOVERNING DEVELOPMENT WITHIN THE GREENBELT AND GATEWAY PRESERVATION DISTRICT; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; PROVIDING FOR SEVERABILITY; AND SETTING FORTH AN EFFECTIVE DATE.

Commissioner Partington moved, seconded by Commissioner Kent, to approve Ordinance No. 2004-08, on first reading, as read by title only.

Mayor Costello asked if Ormond Beach standards were the best in this area; whereby, Mr. Ervin confirmed they were.

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

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

Item #9(E) – Site Plans, Subdivisions and Planned Development

ORDINANCE NO. 2004-09
AN ORDINANCE RELATIVE TO SITE PLANS, SUBDIVISIONS AND PLANNED DEVELOPMENT; AMENDING SECTIONS 4-03 AND 4-06, ARTICLE I, OF THE *2004 LAND DEVELOPMENT CODE* BY AMENDING THE FILING REQUIREMENTS; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; PROVIDING FOR SEVERABILITY; AND SETTING FORTH AN EFFECTIVE DATE.

Commissioner Kent moved, seconded by Commissioner Partington, to approve Ordinance No. 2004-09, on first reading, as read by title only.

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(E).

Item #9(F) – Landscaping Requirements and Clarifying Definitions

ORDINANCE NO. 2004-10
AN ORDINANCE AMENDING CHAPTER 3, ARTICLE I, SECTIONS 3-02, 3-03, 3-04 AND 3-05 OF THE *2004 LAND DEVELOPMENT CODE* BY AMENDING REGULATIONS REGARDING LANDSCAPING REQUIREMENTS AND CLARIFYING DEFINITIONS; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; PROVIDING FOR SEVERABILITY; AND SETTING FORTH AN EFFECTIVE DATE.

Commissioner Kent moved, seconded by Commissioner Selis, to approve Ordinance No. 2004-10, on first reading, as read by title only.

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(F).

Item #9(G) – Planning Board Membership

ORDINANCE NO. 2004-11
AN ORDINANCE RELATIVE TO THE PLANNING BOARD; AMENDING ARTICLE II OF THE *2004 LAND DEVELOPMENT CODE* BY ADDING THE STATE REQUIRED SCHOOL BOARD MEMBER; CLARIFYING THAT PLANNED DEVELOPMENTS ARE REVIEWED BY THE PLANNING BOARD; ESTABLISHING A SCHEDULE FOR APPLICATION SUBMITTAL; AND BY ESTABLISHING PUBLIC HEARING NOTIFICATION REQUIREMENTS FOR PLANNED DEVELOPMENTS; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; PROVIDING FOR SEVERABILITY; AND SETTING FORTH AN EFFECTIVE DATE.

Commissioner Partington moved, seconded by Commissioner Boyle, to approve Ordinance No. 2004-11, on first reading, as read by title only.

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(G).

Item #9(H) – Development Review Board Membership

ORDINANCE NO. 2004-12

AN ORDINANCE RELATIVE TO THE DEVELOPMENT REVIEW BOARD; AMENDING ARTICLE II OF THE *2004 LAND DEVELOPMENT CODE* BY ADDING THE STATE REQUIRED SCHOOL BOARD MEMBER; CLARIFYING THAT PLANNED DEVELOPMENTS ARE REVIEWED BY THE DEVELOPMENT REVIEW BOARD; ESTABLISHING A SCHEDULE FOR APPLICATION SUBMITTAL; AND BY REVISING PUBLIC HEARING NOTIFICATION REQUIREMENTS FOR PLANNED DEVELOPMENTS; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; PROVIDING FOR SEVERABILITY; AND SETTING FORTH AN EFFECTIVE DATE.

Commissioner Kent moved, seconded by Commissioner Boyle, to approve Ordinance No. 2004-12, on first reading, as read by title only.

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

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

Item #9(I) – Amending Definitions

ORDINANCE NO. 2004-13

AN ORDINANCE RELATIVE TO THE DEFINITIONS; AMENDING ARTICLE III OF THE *2004 LAND DEVELOPMENT CODE* BY AMENDING THE DEFINITIONS OF AUTOMATIC AMUSEMENT CENTERS/GAME ROOMS, BED AND BREAKFAST INN, HOTEL/MOTEL, EXECUTIVE SUITE, SIGN, CHANGEABLE COPY, SIGN, ELECTRONIC CHANGEABLE COPY, TIMESHARE PROPERTY AND TRANSIENT LODGING; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; PROVIDING FOR SEVERABILITY; AND SETTING FORTH AN EFFECTIVE DATE.

Commissioner Partington moved, seconded by Commissioner Kent, to approve Ordinance No. 2004-13, on first reading, as read by title only.

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(I).

Item #9(J) – Conditions for Special Exception and Planned Development Approval

ORDINANCE NO. 2004-14

AN ORDINANCE AMENDING CHAPTER 2, ARTICLE II, SECTIONS 2-22, 2-23, 2-24, 2-25, 2-26, 2-27, 2-28, 2-29, 2-30 AND 2-31 OF THE *2004 LAND DEVELOPMENT CODE* BY PROVIDING CONDITIONS FOR SPECIAL EXCEPTION AND PLANNED DEVELOPMENT APPROVAL; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; PROVIDING FOR SEVERABILITY; AND SETTING FORTH AN EFFECTIVE DATE.

Commissioner Partington moved, seconded by Commissioner Boyle, to approve Ordinance No. 2004-14, on first reading, as read by title only.

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(J).

Item #10 – Budget Advisory Board

ORDINANCE NO. 2004-15
AN ORDINANCE AMENDING CHAPTER 2, ADMINISTRATION, ARTICLE VI, BOARDS, COMMISSIONS, COMMITTEES AND OTHER AGENCIES, DIVISION 2, ENUMERATED, OF THE CODE OF ORDINANCES, BY ADDING A NEW SECTION TO BE NUMBERED AND ENTITLED SECTION 2-226, BUDGET ADVISORY BOARD, BY CREATING A BUDGET ADVISORY BOARD; ESTABLISHING TERMS AND CONDITIONS OF MEMBERSHIP; ESTABLISHING TERMS AND CONDITIONS AND MEMBERSHIP; ESTABLISHING POWERS AND DUTIES; AND SETTING FORTH AN EFFECTIVE DATE.

Commissioner Selis moved, seconded by Commissioner Boyle, to approve Ordinance No. 2004-15, on first reading, as read by title only.

Mayor Costello passed the gavel to Deputy Mayor Boyle to make a motion.

Mayor Costello moved to table this item for 90 days and provide the ad hoc committee members the opportunity to inform the Commission if they believe they should continue to function as a year-round board.

Mayor Costello expressed concern regarding having an ongoing budget board when the Commission was not in the budget process. He stated he would prefer having the opportunity to change the membership of the board if the Commission determined a certain expertise was indicated. Mayor Costello advised he would prefer to have the committee's recommendation at the end of a certain period of time as to whether they would favor a year-round board.

Commissioner Selis reported he would second the motion to table if it were for 60 days.

Mayor Costello advised he had no objection to the 60-day delay. He noted he could include continuing the ad hoc committee for 180-days in the motion, and the vote on the board could follow that 180 day period.

Mr. Hayes advised that if the Commission decided to change the date in the motion, the underlying amendment and the second would need to reflect that change. He stated if the Commission decided to continue the ad hoc committee beyond the 90-day time limit, the resolution would have to be brought back and amended. Mr. Hayes reported some options were to adopt the ordinance on first and second readings; the board could run concurrent with the ad hoc committee; different people could be appointed to the board than those currently serving on the had hoc committee; or the committee could be terminated when the board was adopted.

Mayor Costello revised his motion to table to indicate 60 rather than 90 days; whereby, Commissioner Selis seconded the motion.

Commissioner Kent advised that if the committee did not elect to continue serving after 90 days, they had the option to resign at that time. He pointed out that there were other boards that do not meet every month. Commissioner Kent noted the board could meet more often during the budget cycle and then bi-monthly or quarterly outside of the budget cycle.

Mayor Costello stated the City did not need an additional layer of bureaucracy; however, if the committee could establish a need, he may reconsider.

Commissioner Selis reported a 60-day period was acceptable because at that point, the Commission could vote on whether to extend the committee. He advised that at this point, he more than likely would extend the committee to a permanent board; however, in light of

Mayor Costello's concerns, it may be prudent to allow the committee to advise the Commission of their opinion on this matter.

Deputy Mayor Boyle advised he concurred this should be a permanent board and noted the original concept was for a permanent board. He reported four Commission members embraced the permanent board concept; however, staff had the perception that the Commission was anxious for the creation of the board so they could sit in on the initial workshops, which was how the committee concept occurred. Deputy Mayor Boyle stated Mayor Costello favored a temporary committee since his appointee was interested in serving on a committee but may not be interested in serving on a board.

Mayor Costello advised he had not yet asked his appointee whether he wished to serve long-term.

Deputy Mayor Boyle reported he did not want to leave the committee appointees questioning if they would be serving on a permanent board or a temporary committee. He urged the Commission to proceed to create this board. Deputy Mayor Boyle noted he did not see this as an additional layer of bureaucracy since any time citizens review what government does, it is healthy and would assist the Commission to achieve a better government.

Call Vote on the Amendment:	Commissioner Partington	No
	Commissioner Boyle	No
	Commissioner Kent	No
	Commissioner Selis	Yes
Failed.	Mayor Costello	Yes
Call Vote on the Underlying Motion:	Commissioner Boyle	Yes
	Commissioner Kent	Yes
	Commissioner Selis	Yes
	Commissioner Partington	Yes
Carried.	Mayor Costello	Yes

Item #11(A) – Renaming of Granada Boulevard to Birthplace of Speed Boulevard

Mr. Clay Ervin, Planning Director, advised this process would be a relatively simple administrative process; however, prior to initiating this effort, it would be prudent to initiate a public hearing to gauge the public's support of the proposed change.

Mayor Costello advised the decision the Commission would be making tonight was whether or not to consider changing the name of Granada Boulevard and conduct a public hearing.

Dr. Mun Lee Lopez, Ormond Naprapathy Clinic, 115 East Granada Boulevard, advised she was speaking on behalf of approximately 12 businesses on East Granada Boulevard. She urged the Commission to not change the name of Granada Boulevard. Dr. Lopez reported she spent over \$200,000 for advertising, and many other businesses would lose money if the name would be changed. She suggested changing Atlantic Avenue (A1A) to Birthplace of Speed Boulevard.

Mr. Don Bostrom, 274 Cumberland Avenue, stated it was normal for the public to resist change. He advised Ormond Beach residents know Ormond Beach was the Birthplace of Speed, but people visiting Ormond Beach are not aware of that heritage. Mr. Bostrom pointed out other changes made within the last few years such as Volusia Avenue becoming International Speedway Boulevard, Eleventh Street becoming LPGA Boulevard, and Second Avenue becoming Mary Bethune McCloud Boulevard. He reported Daytona Beach and Holly Hill commissions took a hard line and rejected sentimental objections in making these changes, and he urged this Commission to do the same thing. Mr. Bostrom advised Ormond Beach was the Birthplace of Speed, and the City should let people know this important fact.

Ms. Dorian Burt, Ormond Main Street, 160 East Granada Boulevard, reported she sent a message relative to this issue to her board members. She stated out of 25 messages sent, 21 responded. Ms. Burt advised 20 were opposed and the remaining respondent recommended making Birthplace of Speed Boulevard an honorary name, while keeping Granada Boulevard as the actual name.

Ms. Lucille Bornmann, John Anderson Drive, reported last year she made various recommendations in an effort to benefit from Ormond Beach's heritage, and one of those suggestions was to rename Granada Boulevard and to use the words "Birthplace of Speed" at every opportunity possibility. She reported others have profited from promoting the Birthplace of Speed, and Ormond Beach was behind in what it was entitled to and from what it could benefit.

Ms. Bornmann noted that she believed the majority of people would fully support this proposition. She advised she understood why businesses would not want to pay for changing their letterhead and advertising; however, those same businesses could benefit by gaining recognition with this name change. Ms. Bornmann urged the citizens do everything possible to promote this change.

Ms. Rita Press, 875 Wilmette Avenue, reported she opposed this name change and would oppose any name with the word “speed” located in the name. She reported the expense for the businesses to change their brochures, cards, letterhead, address in the telephone book, and the cost of the street signs would be totally unnecessary. Ms. Press recommended businesses wanting to promote the Birthplace of Speed add a stamp or logo, and place it on all correspondence the company sends out.

Reverend Jesse Cotton, 528 Fred Gamble Way, encouraged a public forum for those directly affected by this change. He noted if the name change would occur, Birthplace of Speed Boulevard would most likely be abbreviated in some way.

Mayor Costello noted there was a possibility it would be shortened to BS Boulevard.

Commissioner Boyle advised he strongly supported the name be kept Granada Boulevard, and noted a forum was not necessary since until a recent meeting he had not heard anyone support this concept. He questioned what the City would be trying to accomplish with this change and what it would cost both the public and private citizens. Commissioner Boyle stated the cost would be astronomical at a time when the business community and government could not afford an additional unanticipated expense. He questioned if there would be an East Birthplace of Speed Boulevard and a West Birthplace of Speed Boulevard, making five word names. Commissioner Boyle concurred with Dr. Lopez that A1A would be a more appropriate street to rename. He suggested the possibility of naming the beach the Birthplace of Speed Beach.

Commissioner Boyle reported the comparison Mr. Bostrom indicated in Daytona Beach was a different type situation than existed in Ormond Beach since one side of the bridge had one name and the other side had a different name in Daytona Beach. He advised he anticipated a great deal of confusion for those visiting the area less frequently. Commissioner Boyle stated if this was considered, a straw ballot should be attached to the next election, and he would anticipate 99.5% of the people would oppose the change. He advised the name “Granada” was Ormond Beach history since it had been that name since the 1880s.

Commissioner Kent advised he would not object to hearing the people in a public forum or debate. He reported his first concern was the cost involved in changing the name on all the street signs.

Commissioner Selis advised he did not see the need for such a forum. He reported he would not necessarily oppose changing the name of Granada Boulevard; however, Birthplace of Speed Boulevard would surely become an acronym. Commissioner Selis noted he would caution the street could easily become known as BS Boulevard, and he did not want that as Ormond Beach’s main thoroughfare.

Commissioner Partington advised he favored a workshop. He noted this discussion item was included at his request, and he explained he was made aware of the interest in this concept from a number of people at the centennial event held last year. He stated it was important to focus on the history of Ormond Beach, and renaming a street would be a good link to Ormond Beach’s rich history. Commissioner Partington advised he was not adamant about what street should be renamed, and he advised renaming A1A may be a feasible option. He reported the cost to businesses could be phased in over a period of time, making the cost nominal. Commissioner Partington pointed out his business cards would have to be changed since he had a business on Granada Boulevard. He reported the issues mentioned tonight were not all of the issues that had to be considered before making a decision, which was why he supported a public hearing.

Mayor Costello advised at this point two Commissioners were for a meeting and two Commissioners were opposed to a meeting. He stated nothing could be lost in having a workshop; therefore, he would support it. Mayor Costello recommended expanding the concept from Granada Boulevard to include the possibility of changing the name of Atlantic Avenue or Yonge Street and noted any other street could also be considered. He advised this would need to be advertised, and he recommended an article be placed in the newsletter. Mayor Costello reported this issue did not have to be discussed immediately; it could be postponed for a few months. He stated that when making this decision, the Commission must consider all of the citizens as opposed to only considering the residents and business owners on Granada

Boulevard. Mayor Costello disclosed that he also was a Granada Boulevard business owner and would need to change his business cards just as they had to be changed when the zip code was changed.

Commissioner Boyle stated if a workshop would be scheduled, the cost would already be accruing since it would tie up the staff and the Commission as well as creating a great deal of stress in the community; therefore, he recommended going straight to a straw ballot allowing the community to vote on this issue. He reported this Commission's responsibility was to preserve history, not to invent it.

Commissioner Kent stated when he first heard of this concept, he opposed it; however, as he had given the concept more thought, he had become more open to the possibility. He noted he understood why some residents would want the name changed because the name "Birthplace of Speed" would better signify Ormond Beach's history.

Commissioner Selis reported this was one of those issues on which the Commission should try to build a consensus. He stated allowing a public forum was an acceptable idea; however, he did not ultimately consider renaming Granada Boulevard would be prudent. Commissioner Selis reported in an effort to build a consensus, if three Commission members supported the meeting, he could concur.

Mayor Costello advised that if this concept had come from anyone other than the Ormond Beach Historical Trust, he might have made a different decision. He stated he discovered the history of the name "Granada" was that John Anderson named the street after a housing development by the same name.

Mayor Costello asked that a vote be called regarding whether the Commission would favor initiating a public forum to discuss changing Granada Boulevard or another street's name to Birthplace of Speed Boulevard.

Mr. Ervin advised it would be difficult to describe this proposed change in order to send out notices to the public. He questioned if this would be specific to Granada Boulevard.

Mayor Costello reported he would prefer notification be given via the newsletter, indicating the original concept was for Granada Boulevard, but the Commission would also consider other streets such as A1A.

Mr. Ervin reported typically staff would notify the property owners subject to the change; and if it were not certain what streets would be involved, this notification would be impossible.

Commissioner Boyle withdrew his suggestion for another street to be renamed.

Mayor Costello advised the vote would be to approve a forum to discuss changing the name of Granada Boulevard to Birthplace of Speed Boulevard.

Mayor Costello urged that the entire community be notified as well as the Granada Boulevard landowners.

Mr. Ervin advised staff would present the notice to the Commission for review before it would be sent to the landowners.

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

Item #11(B) – Property Insurance Process

Ms. Lorenda Volker, Human Resources Director, explained that Commissioner Selis had asked for this item to be placed on this agenda for discussion. She reported a Request for Qualifications (RFQ) had been published for benefits, agent of record, and a separate RFQ for a property insurance agent of record; therefore, the process of seeking a consultant to serve as the agent of record was underway, and there would be no need for the Commission to designate a consultant for that purpose. Ms. Volker reported 19 interests were received on the benefits RFQ, which was due next Tuesday. She explained the process followed in September was the same process that had been followed for a long period of time. Ms. Volker advised that the agent of record would typically canvass the market in June or July; the City's insurance

program committee would review those submittals in August; and then the item would be brought to the Commission for approval of the purchase of the insurance. She stated this was the first RFQ searching for an agent of record, since it was typically done by City Manager appointment. Ms. Volker reported the City would be comparing service and cost. She advised a subcommittee was established to comment on the RFQs as they are submitted prior to the City's insurance program committee reviewing the submittals.

Mayor Costello asked for the subcommittee's input on issues current and past where the City had been advised they could have saved money, as well as all of the issues, rather than this Commission trying to make decisions on issues it knows little about.

Ms. Volker reported she was unsure this committee had the expertise to provide some of the information Mayor Costello had requested, and it may need to be addressed at another time.

Commissioner Selis expressed frustration with how this issue was handled last year. He stated Mr. Vincent started working on the quotes in June, and the first time the insurance committee examined this was August 25th. Commissioner Selis noted the first time the Commission saw the renewal of the commercial property insurance was September 16th before the October 1st renewal date. He advised he had repeatedly indicated there was a need for competition for insurance in general; however, he may have mentioned it in the context of health insurance benefits. Commissioner Selis reported nothing was ever done to that end. He pointed out that three Commission members indicated they wanted to see other quotes from other brokers at that October meeting, and he indicated he wanted it to be provided 30 days after that meeting in order to attempt to save money if that was at all possible. Commissioner Selis stated one other company, TOPIC Insurance, came forward and indicated they needed a limited agent of record letter to obtain formal quotes from two carriers, and the request was refused; therefore, they proposed a limited letter of authority to obtain the quotes, but that was also refused. He reported he could not imagine any reason why a competing vendor, who may have been able to save the City money, should not have been allowed to demonstrate that savings when at least two Commission members had indicated they wanted that to occur.

Commissioner Selis advised TOPIC Insurance discovered they would be able save the City \$38,000 on commercial property insurance. He reported TOPIC wrote a letter in October 2003 indicating their frustration with their inability to obtain the option of competing. Commissioner Selis pointed out TOPIC was an Ormond Beach company, contributing to its tax base. He expressed frustration that the City could not obtain any other bids because this was presented at "the last minute." Commissioner Selis advised he spoke to Mr. Turner in December relative to TOPIC not receiving a response to the October 21, 2003, letter, and Mr. Turner advised he would investigate the situation. He reported he next heard about this issue in Mr. Vincent's February 4th letter that indicated the companies mentioned in the TOPIC Insurance letter, specifically Lexington Insurance Company and Royal Resurgence, could not bid because neither were admitted carriers in the State of Florida. Commissioner Selis advised the letter also indicated that they had already contacted all possible companies, including the two mentioned in the TOPIC letter. He expressed puzzlement as to how Mr. Vincent could first say that TOPIC could not obtain quotes because they were not admitted carriers, yet in the next paragraph state that he contacted the companies for quotes. Commissioner Selis reported he was also troubled by the fact that Mr. Vincent's property market summary presented at last year's September meeting indicating that Lexington Insurance Company was listed as providing "primary only" without "excess" available, and that Royal Resurgence was a non-admitted carrier, which was why they did not obtain a bid from those companies. Yet, he continued, in Mr. Swett's letter, who was a broker, it was stated that Lexington declined because they were not writing excess, but it was on the primary layer of insurance coverage that Lexington was available to write. He stated that ultimately Mr. Vincent was able to obtain coverage from two companies, one for the primary layer and one from the excess layer. Commissioner Selis reported for this reason, he was bewildered why Lexington was not asked for a bid.

Commissioner Selis stated Mr. Swett indicated Royal Resurgence's ratings were in turmoil, going from "A" to "B," and he was not comfortable using them; but in the property market summary he indicated there was no quote because the company was a non-admitted carrier, creating an inconsistency. He reported even more troubling was a July 1st business wire indicating A.M. Best Company had assigned a financial strength rating of "A" to this company. Commissioner Selis reiterated these two companies could provide the City almost \$40,000 in savings.

Commissioner Selis noted that in Mr. Vincent's letter of February 4th, he did not consider this "last minute," but Mr. Hayes indicted that the Commission did not have time to do anything but approve the recommendation. He advised that due to the City's failure to handle this situation appropriately, this incident cost the taxpayer \$38,000. Commissioner Selis proposed a different

timeline be used in the future to allow the opportunity for competition and for the Commission to not find out about this until after the fact. He stated he did not see any problem with allowing limited letters of authority after an agent of record had been selected.

Commissioner Selis stated Mr. Vincent was licensed to write non-admitted carriers. He advised the only difference between an admitted and non-admitted carrier was that the admitted carrier had its offices and principal incorporation in the State of Florida where the non-admitted carrier was outside of the State of Florida, and the agent was responsible for negotiating down to the non-admitted carrier's price if they obtained a quote from an admitted carrier. Commissioner Selis explained the problem was that Mr. Vincent obtained the quote from an admitted carrier so he was restricted, based on Florida law, from obtaining quotes from non-admitted carriers; but this was not true for another agent or a limited agent of record. He stated that in the memo from Mr. Turner, it was indicated that Mr. Vincent provides a number of services free of charge, such as managing the City's pretax spending accounts and participating heavily in the planning, organizing, and cost underwriting of the City's annual Health and Fitness Fair. Commissioner Selis questioned if this service was worth \$40,000 and if it was known if other agents would have provided those same services free of charge.

Ms. Volker advised those services have been included in the RFQ which speaks to the customer service aspect. She stated while the cost was important, customer service was also important to the City.

Commissioner Selis reported in an undated letter from Mr. Swett, an indication was made that non-admitted carriers have taxes and fees. He pointed out that the statute exempts municipalities from having to pay these taxes and fees.

Mr. Turner stated the expressions by the prior Commission, lead by Commissioner Selis, requesting these items be bid out was the reason this RFQ was prepared and sent out. He noted the RFQ's were sent out within an adequate timeframe for the Commission to consider them before the current policies would expire. Mr. Turner advised the genesis of the concern appeared last fall, and the Commission discussed whether there was an opportunity at that time to make changes or to make the changes the next year. He noted he clearly understood the determination was to make the changes as it went through the next year's process, which was what had occurred. Mr. Turner advised that two Commissioners had indicated they wanted to or had arranged to obtain quotes, and this occurred. He reported staff received several letters from Mr. Todd Phillips, and in one letter it requested to be designated as an agent of record; but he did not have the authority to grant that request, and it was not appropriate to do so since the process had already designated an agent of record for the City. Mr. Turner advised he did try to talk to Mr. Phillips to determine if there was another way to obtain those quotes.

Commissioner Selis reported his understanding was that when TOPIC was asked what other language would be acceptable, they suggested a limited letter of authority so they would not be an agent of record; but that request was refused. He expressed his concern was that the City would find itself back in the same situation whether Mr. Vincent retained the designation as agent of record or if someone else would become the agent of record next year. Commissioner Selis advised the reason this could occur was when someone becomes an agent of record and someone else comes forward to offer saving the City money and enough time existed to consider the proposal, once again the City would have the same problems of a limited agent of record and a limited letter of authority. He asked that a decision be made on a policy regarding this issue either tonight or at a workshop.

Commissioner Selis reported the Mayor of Springfield saved his city \$4 million by giving his employees an option of using a mail order pharmacy in Canada, and this was something Ormond Beach should consider.

Mayor Costello summarized that the City Manager understood he was given direction to open the process up to competition, which had been done. He stated he also understood Mr. Vincent could not use the non-admitted carriers because he had already received quotes from admitted carriers. Mayor Costello reported he favored providing others a limited letter of record or a limited agent of record to determine if the services could be provided for less. He agreed he did not want the same problems to recur next year with whomever was selected as the agent of authority.

Mr. Turner stated there would always be opportunities after a bid would be awarded for someone to indicate they could have bid lower. He advised the purpose of the bid process was for everyone to have an equal opportunity to state what services they would provide at what cost. Mr. Turner noted this was a fair process.

Mr. Glenn Vincent, NT Vincent Insurance, reported this was the timeline that had been used for many years, and he was sorry Commissioner Selis was unhappy about the timeline. He stated obtaining quotes in June was probably the earliest possible time to obtain those quotes because of the market changes. Mr. Vincent pointed out the market had changed drastically since October 1st because there were no storms last year making the market better. He reported sometimes it would be to the City's advantage and sometimes to their disadvantage to wait for figures; however, he assured the Commission he worked diligently to try to obtain figures early. Mr. Vincent advised that he would have no reason not to bring a \$40,000 savings to the City if it were possible since he had always done what was best for the City.

Mr. Vincent reported the two companies TOPIC approached were companies he had already contacted, and there was no reason to go back to them. He noted if they had recommended another company he had not contacted, he would have agreed. Mr. Vincent advised he went out for the primary market and the additional layer which were separate issues, and they use the pricing of every company to influence every other company in order to lower the cost. He noted a non-admitted carrier should not under quote an admitted carrier, but that happened constantly, so it was used as a negotiating tool. Mr. Vincent reported this insurance program runs very well. He pointed out that most municipalities do not put their business out for bid; the City Manager would select an agent of record that would go to the marketplace. Mr. Vincent advised there were only 19 possible companies. He stated he was asked to take over the health insurance in 2000, and he was able to streamline that process making great progress.

Mr. Todd Phillips, 123 North Orchard Street, stated that when he contacted the market in September, his firm examined the list of carriers that had been contacted and found a list of those carriers who did not quote on the City's insurance. He reported he went back to two of those companies with which his firm had a good relationship and secured quotes that would have generated a savings of nearly \$40,000 for the City. Mr. Phillips stated in their letter to Mr. Turner in October, they stipulated their goal was to save the City money and offered to go to Mr. Vincent with the quotes they received.

Commissioner Boyle advised he was disturbed at the challenge to a process that had been successfully in place and that was also at "the 11th hour," which was more of a problem to him than the timeline that had been testified to and been in place for years. He stated he trusted the process and the integrity of the bids, but the City would not allow someone to come in after the bidding process and offer to do a job at less cost, because while the City may save a few dollars, it would lose in the long run. Commissioner Boyle reported the City Manager correctly refused to create a second letter of record since he did not have the authority even if he had wanted to do so. He stated the claim the City could have saved \$38,000 by enacting the process suggested by Commissioner Selis and Mr. Phillips had not been proven. Commissioner Boyle stated had this been accepted, it would have violated the current process, and it would have given the second bidder an unfair advantage. He pointed out the City now had a Statewide competition for an RFQ, a citizen subcommittee, a competitive process, and a professional staff to oversee the process. Commissioner Boyle reported this was a classic example of this Commission micromanaging in an area where they have little or no expertise, which was why the Commission should rely on professionals to create a process. He noted he was very satisfied with the current process and was frustrated that it was now being questioned and politicized and that the integrity of Mr. Vincent and the City's professional staff was being questioned. Commissioner Boyle accepted the testimony of Ms. Volker that this agent of record saved the City all of the money he could, that the City had received a satisfactory return on City dollars, and that the subcommittee would verify Mr. Vincent's excellent service. He added he hoped that if Mr. Vincent's bid was close to the other bids, the City would retain his service due to his proven track record of professionalism and integrity. Commissioner Boyle stated that rather than fearing the same situation would recur next year, he would embrace it since the process had worked well for eight years without a single complaint from the community.

Commissioner Kent asked if there had been a problem in the past relative to customer service and accessibility.

Ms. Volker explained the City was having difficulty getting attention from the broker Brown and Brown (Poe and Brown at the time), and former City Manager Eugene Miller decided to move the benefits to Mr. Vincent in 2000.

Commissioner Partington advised he merely wanted the process to be as competitive as possible. He questioned if the \$38,000 savings was attributable to the fact Mr. Vincent's quote was in July and TOPIC's quote came at the end of September. Commissioner Partington stated if this were the case, he advocated the City adopt a cost advantageous process so the City could obtain the best possible quote. He reported if this would require an emergency meeting of the Commission to save \$38,000, he would willingly attend.

Commissioner Selis advised he appreciated the comments of the entire Commission, especially Commissioner Boyle since he agreed that there should never be a back bid process. He explained his concern was that no one else was permitted to bid because the agent of record was held exclusively by Mr. Vincent, and the RFQ would not change this situation. Commissioner Selis reported there would not be a real bid process with the Commission examining various prices and services from various agents. He concurred the service aspect would be settled by the RFQ process; however, it would not settle the bid process. Commissioner Selis advised that Mr. Phillips even offered to allow Mr. Vincent to write this policy for the \$38,000 that could have been saved, but it was declined. He encouraged the Commission to vote for an open process.

Mr. Turner stated the brokerage service was one level while the insurance providers were another level. He asked if the Commission wanted several brokers asking the same insurance companies to provide quotes on insurance for the City or if a single broker should be selected to solicit the quotes. Mr. Turner advised it had been the custom of this City to have one brokerage firm solicit quotes from a very limited number of companies. He stated the Commission could provide input on when to solicit the quotes. Mr. Turner noted no matter what method the Commission should select, there was always the possibility that in the end someone could come back with the thought that they could have devised a better plan.

Mayor Costello reported this Commission should be educated as to the benefit of having an agent of record versus allowing multiple agents asking the same companies for bids. He stated his first instinct would be to allow anyone to provide bids from all of the companies, but there may be sound reasons why this may not be advisable. Mayor Costello concurred that this may border on micromanaging, and he would prefer staff do what was necessary to save the City money. He stated he was pleased this was challenged because it would probably make the system better and save the citizens money. Mayor Costello urged Mr. Vincent and Mr. Phillips not to take this discussion as a personal attack. He stated it was good to try to save money without questioning motives or methods.

Mr. Turner reported that because this policy was questioned, an RFQ was out at this time, which would benefit the City.

Mr. Vincent explained that he had already secured quotations from the carriers mentioned by Mr. Phillips. He advised the letter from Mr. Phillips indicated he had received an "indication" from the carriers, which greatly differed from a "quote." Mr. Vincent reiterated that if he had a savings of \$38,000, he certainly would have brought it to the City.

Mr. Turner clarified that a company that provided Mr. Vincent with a quote could not release another lower quote. He stated when Mr. Vincent would go to the marketplace, the first agent obtains the quote unless the client provides other instructions; therefore, he went to the companies via the broker, and no other agent would have been permitted to obtain a quote from those companies.

Mr. Phillips reported he would provide evidence that he obtained a quote. He asked if there was a question of the City Commission relative to TOPIC's ability to be a licensed insurance agency in Ormond Beach.

Commissioner Boyle reported that when TOPIC came onto the scene at the "eleventh hour," the Commission had no information about the qualifications of Mr. Phillips or TOPIC, and the City still had no documentation as to their qualifications. He pointed out Mr. Vincent had to provide documentation, and TOPIC should also go through this same process. Commissioner Boyle reported he was still not sure there was any proof \$38,000 could have been saved.

Mr. Phillips asked what evidence Commissioner Boyle would require as to proof of his qualifications.

Mayor Costello requested TOPIC go through the RFQ process. He reported he and his fellow Commission members would not know what to ask to determine qualification. Mayor Costello noted if staff would allow TOPIC to bid on the RFQ, he would interpret that to mean TOPIC was qualified.

Mr. Phillips stated if Mayor Costello would prefer to verify the validity of their proposal and of the \$38,000 savings, he would gladly work with staff to do so.

Mayor Costello reiterated Mr. Phillips should go through the RFQ process, show staff the documentation, and also show Mr. Vincent documentation. He summarized that what probably

occurred was that a lower quote was given after the official quote was given; and under the current rules, that second bid should not have been given. Mayor Costello stated he accepted that both Mr. Phillips and Mr. Vincent were both ethical, but Mr. Vincent worked within the rules he was given, and Mr. Phillips was able to obtain a lower bid after the fact.

Mr. Phillips advised he did provide Mr. Vincent with a name and contact person at Lexington so he could independently validate that he was provided a quote.

Commissioner Selis stated that in Mr. Swett's letter to Glenn Vincent, he indicated that Lexington declined to provide a quote, but Mr. Phillips was able to obtain a quote from Lexington. He reported that although Mr. Vincent indicated he had obtained quotes from other carriers, in Mr. Swett's letter to Mr. Vincent, it stated that he chose not to pursue a quote from Royal Resurgence, while Mr. Phillips obtained a quote from them.

Mr. Ken Weibling, Vice President for Property Casualty Operations, TOPIC Insurance, explained he only obtained an indication from Royal Resurgence because he was not granted the agent of record letter he was requesting.

Mr. Turner summarized staff would come back at a future meeting to discuss the possibility of utilizing multiple brokers as opposed to the single broker system currently being utilized.

Item #11(C) – Beach Parking Options

Commissioner Boyle thanked Mr. Andy Romano for his citizenship and his excellent report, and he also thanked staff for the quick turnaround in providing this information. He noted the Commission could deduce that Mr. Romano was essentially accurate relative to the availability of parking. He asked that the Commission seriously consider spending the \$4,000 to stripe the 14 parking spaces at Ormond Parkway. Commissioner Boyle reported the City may be able to apply to the County for signage and also for assistance with the cost of striping. He requested staff make a written inquiry as to the feasibility of additional parking on beach approaches on public land and attempt to stop the private use of public land.

Mr. Turner advised that the City could proceed with the striping and ask the County for financing relative to the signage issue. He advised the County would bring the Grace Lutheran Church parking lot and the Neptune parking lot to the April 1st County Council meeting. Mr. Turner reported staff would be at that meeting and urged the Commission or a Commission representative to attend the meeting.

Mayor Costello reported he supported striping the parking spaces now, consideration of the wall to obtain more spaces in the future, and working with Volusia County on what could be done with the approaches.

Commissioner Partington moved, seconded by Commissioner Selis, to stripe the parking spaces now, to consider the wall to obtain more spaces in the future, and to work with Volusia County on what could be done with the approaches.

Commissioner Kent questioned why the handicapped stall was at the end farthest away from the ocean.

Mr. MacLeod reported the reason the stall was placed at this location was to better access the park.

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

Mayor Costello called for a break at 9:32 p.m. and reconvened the meeting at 9:36 p.m.

Mayor Costello asked if Commissioner Boyle could attend the County Council meeting since he was the City's most effective advocate on beach issues.

Commissioner Boyle advised he would gladly attend the meeting.

Mr. Turner reported he and Ms. Sloane would also attend the meeting.

Item #11(D) – Fire Station #92 Construction Options

Mayor Costello advised the goal was to select Option A, B, C, or another option.

Ms. Sloane introduced Mr. Troy Hawkins who was under contract to the City for design of the fire station and Mr. Dennis Hall who was under contract for preconstruction services.

Mr. Troy Hawkins, Hawkins & Hall Architects, Inc., reported his firm had been on a continuing service contract that had been renewed approximately four times over the past 10 to 11 years with Volusia County Fire Services. He reported at the initial meeting with his office, the Fire Department and administration discussed a preliminary needs estimate of approximately 2,000 square feet for administration and 6,000 to 7,000 square feet for the fire station totaling 8,000 to 9,000 square feet of project area and a construction budget of \$1,350,000. Mr. Hawkins advised from that point, space development questionnaires were provided and completed indicating the types of desired spaces and parking requirements. He stated follow-up review meetings were held, and using that information, a facility need space study was developed. Mr. Hawkins advised the program analysis indicated the City's administration areas would require approximately 2,130 net square feet of area. He explained 5% to 6% would have to be added for mechanical equipment, and that total must be multiplied by 34% to determine gross square feet. Mr. Hawkins reported the grossing factor would take into account what would be required for the wall thicknesses and roof overhangs; therefore, the 2,130 square feet grew to 2,995 square feet as the figure that would be required to satisfy facility space needs. He advised the same was done on the fire station and equaled 5,633 square feet, plus the grossing factor that would equal 7,925 square feet. Mr. Hawkins explained the total gross square feet required would be 10,920 square feet. He stated the site was 1.2 acres, and considering the landscape buffer and building setback requirements, the options for the building footprint were limited. Mr. Hawkins advised a 1.2 acre site was the minimum they would recommend to Volusia County Fire Services for a fire station to be built. He stated meetings were conducted with the neighbors to address their concerns. Mr. Hawkins reported after considering all of these factors, they met with the users and eventually developed a conceptual plan.

Mr. Hawkins reviewed each option in great detail. He explained Option A would cost \$1,805,000 with 11,668 square feet. Mr. Hawkins revised the plan by deleting a plan review and fire inspector area, storage areas, small reductions in the staff areas and in the fire apparatus area and the training area, bringing it to 10,630 gross square feet at an estimated cost of \$1,648,000. He advised the square footage was still too great and the costs were higher than the construction budget; therefore, they reduced the scope further. Mr. Hawkins explained they eliminated the expansion space for future training officers, the space for the fire inspector and the conference room. He stated they reduced the storage area, making a more efficient circulation area, combined the reception area with the lobby, eliminated one apparatus bay, and reduced ancillary areas. Mr. Hawkins stated this plan brought the square footage down to 8,633 gross square feet and construction costs to \$1,390,500.

Mr. Hawkins explained Option B was the same plan with the same reductions except the enclosed lobby space was eliminated and replaced by a covered porch area, further reductions to the conference training room were recommended, the fourth apparatus bay was added back in, and a storage area adjacent to the conference area was eliminated. He stated the gross square footage was 8,880 sq. ft. at a cost of \$1,392,500.

Mr. Hawkins advised Option C was to build the full scope of the fire station with all of the spaces originally requested for the fire stations minus the administrative area; and if they did not plan for future expansion, they could modify the stormwater retention area and simplify the drainage system to make additional savings. He reported the cost would be \$1,230,500 for 7,640 gross square feet.

Mr. Hawkins stated his firm built a fire station in Lake Helen of 5,600 square feet on a 1.2 acre site with the bids averaging \$148 per square foot. He stated the low bid was \$123 per square foot. He reported that same fire station was upsized to 6,400 square feet for Halifax Plantation in January 2004 on a 2.2 acre site, and the average bid was \$176 per square foot with the low bid at \$157 per square foot. Mr. Hawkins noted all of the bids included site work. He reported the construction costs have increased substantially even since the beginning of the year. Mr. Hawkins advised the buildings would be in a contemporary facility done in a regional style with a metal roof, a combination of stucco and some brick, using brackets, and adding residential character with the copula.

Mr. Turner reported any option would be better than what currently existed. He commended Ms. Sloane, Mr. Hawkins, and the Fire Department staff for providing input. Mr. Turner explained in discussing special needs, it was determined that the amount of space needed was

greater than that which was assumed when the bond issue was initiated, resulting in a higher cost. He reported a number of options were offered which would bring the costs back into the range of what was budgeted during the bond issue. Mr. Turner reported Options B and C were those presented to the voters for administrative and fire station areas. He noted staffing areas were determined to be more important than the fourth bay. Mr. Turner reported the current station had 1½ bays and the two additional bays would be used to store reserve pieces of equipment.

Mayor Costello urged focusing on the three options or any other option not presented.

Commissioner Kent stated this past week he toured all of the fire stations in Ormond Beach and spoke with the firefighters asking questions about the City's fire service. He advised the City needed space for administration and a plan for the future. Commissioner Kent pointed out a pattern in Ormond Beach where the day a project was completed, it was inadequate to house personnel, and he used City Hall, the Police Station, and some of the fire stations as examples. He reported the bond information sent out by the City indicated that the replacement of Fire Station #92 located at 189 South Nova Road to replace the 24 year old steel frame building was to include office space for fire administrators and inspectors who were currently located at City Hall. Commissioner Kent advised the City must provide what was presented to the public in the bond question.

Commissioner Kent reported the roof leaks at Fire Station #91; there is moisture in the building, the air quality tests failed, and the sides of the bay doors were barely large enough for the apparatus. He advised the 100-foot ladder truck did not fit in the building. Commissioner Kent questioned the safety of condominiums, businesses, churches, schools, and residents when the City has proper equipment, but that equipment has to be stored three miles away on the mainland. He questioned how long the City could operate from this station. Commissioner Kent advised he would have difficulty supporting any option provided; therefore, he offered an Option "D" to construct two new fire stations with the bond money—one at Fire Station #92 and one on the beachside. He stated administration, in his opinion, would have to wait to move from City Hall. Commissioner Kent reported the cost of Station #93 on Wilmette Avenue was \$765,000 approximately three to four years ago, and the cost of that building was \$612,000. He advised the employees working at the station reported the configuration of the building was good, other than a few minor problems. Commissioner Kent recommended duplicating this building or others for which the City already has plans since costs are increasing daily. He advised the citizens of Ormond Beach would concur that two fire houses were a great deal, and the Commission made the best out of the situation. Commissioner Kent stated there was land available on the beachside for a fire station; however, if the decision was postponed, the opportunity would eventually be lost.

Commissioner Kent reported he was advised that Ormond Beach would eventually start a transport unit, which would bring approximately \$1 million per year to the City. He noted that if this concept would materialize, the Commission should consider where to house these units. Commissioner Kent urged the Commission to consider Option "D."

Commissioner Boyle concurred with Commissioner Kent that the City did need the second fire station; however, he was not certain the funds for the second fire station could come from the bond since the bond specified one fire station. He pointed out the bond information mentioned the administrative offices, but the ballot question did not; therefore, he questioned if it would have passed had that verbiage been included in the question. Commissioner Boyle reported it would have been advantageous to have the information regarding the construction costs and the various options prior to adding Station #92 to the bond referendum. He advised he would support Option "C," which was supported by the Fire Department staff. Commissioner Boyle advised administrative staff recommended Option "A," and he questioned if that recommendation was biased by the need for space at City Hall. He urged the Commission not to compromise the function for the form. Commissioner Boyle also concurred with Commissioner Kent in his recommendation of reproducing the Wilmette Avenue design. He advised the Wilmette Avenue fire station was brought in on budget with no cost increases between the bond referendum and the construction of that facility. Commissioner Boyle reported the Fire Department needed storage, but Option "C" would not provide that storage. He stated there were also questions relative to parking for administrative staff. Commissioner Boyle acknowledged fire administration needed office space, and he questioned if space could be leased for this purpose. He expressed concern that when those offices became vacant, new positions would be hired to fill those offices.

Commissioner Partington supported Option "C," but applauded Commissioner Kent for his work on this issue and presenting an additional option, noting he would support considering an additional fire station on the beachside. He stated he would like to examine why Ormond Beach

repeatedly approved projects as inexpensively as possible. He stated someone has to stand up and do things right, and fund them properly. Commissioner Partington advised he did not want to approve huge tax increases, but he also did not want to allow the degradation he has witnessed. He concurred it was important to construct a facility on the beachside properly so the ladder truck could be kept where it would be needed most. Relative to Fire Station #92, he noted if there was another site that would work as well or better, he would prefer considering the relocation of the fire station. He pointed out there was a block of five to eight acres in front of the Forest Hills Subdivision that was currently undeveloped although this area was technically located in Volusia County. Commissioner Partington stated there was a parcel facing Nova Road that may be a possible site behind an equipment rental facility on Hand Avenue. He reported the abandoned St. James school site was another possible site. Commissioner Partington urged examining these options to create a better option since he was troubled with each of the options presented because none of them met the needs of the City.

Commissioner Selis congratulated Commissioner Kent on his recommendation and information packet. He advised he completely supported the recommendation for an additional station on the beachside; however, he did not support using the funds from this bond referendum since the voters specified the funds were to be used at Station #92. Commissioner Selis encouraged staff to have the Commission consider adding another fire station in the Capital Improvement Program.

Commissioner Selis reported he would support Option "C" since the Fire Department recommended it, and they would be using the facility. He stated the Commission also needed to find space for administration to enable them to effectively perform their jobs. Commissioner Selis applauded Commissioner Partington for his recommendation of a potential land swap and urged staff to investigate this possibility further.

Mayor Costello advised he did not see how a land swap could save enough money to enable the City to add the portions of the design that were eliminated back into the design; however, it was appropriate to investigate the possibility. He reported he supported Option "A" because it provided everything required other than the fourth bay. Mayor Costello pointed out that this option would provide the ability to have the administrative staff interacting with the firefighters, which was very beneficial. He advised the Commission had been informed that City Hall needed more space; therefore, opening up the office space at City Hall would be positive. Mayor Costello pointed out the extra bay would be used for storage of an extra unit; it would not be an active unit. He recommended an agenda item to discuss purchasing land for a fire station on the beachside. Mayor Costello advised it was obvious the current beachside fire station was not adequate, and it was unnecessary to put this before the voters since the voters have shown they favor outstanding fire service for the community. He stated if the bond issue was for \$1.3 million and the City could build the facility for \$800,000, the City should only bond the \$800,000 and build the station on Nova Road and then build an additional station on the beachside without using funds from the bond issue. Mayor Costello commended Commissioner Kent for his creative recommendation.

Mr. Turner explained the sole purpose of moving administration was to move them closer to the firefighters. He clarified that other than the dispatchers, he had not added any staff since he arrived in Ormond Beach, although he could not promise not to recommend additional staff in this budget season.

Mr. Turner reported the Wilmette Avenue station did not meet the City's current design and architectural standards. He noted when this station is constructed, it would have to meet the City's architectural codes, and it should blend into the immediately adjacent neighborhood. Mr. Turner advised that agendas were conceptually planned months in advance, and one of the items on the April 7th City Commission agenda was relative to Fire Station #91. He stated if there were a way to have included Station #91 and #92 using the bond funds, he would have brought that option to the Commission. Mr. Turner advised staff wanted to build a quality facility with an interior appropriate for staff to have a comfortable working environment.

Mr. Hayes advised that the use of the bond issue funds would be limited to constructing a fire station on the Nova Road site only.

Fire Chief Barry Baker advised the City would not be able to swap the land at Fire Station #92 for another parcel of land unless the land retained its public use. He stated the City did not own the land; it was given to the City and must be used for a public purpose. Chief Baker reported Fire Station #92 was the busiest fire station, and it was important it be geographically located in an area advantageous to the people it would serve. He explained there would actually be two items on the April 7th agenda relative to Fire Station #91: one item would be to try to make the

station comfortable and healthy for the employees and to prevent the water infiltration, and the other item would be to investigate relocation options.

Chief Baker advised he has worked on renovations and building new fire stations numerous times in his career and stated Mr. Troy Hawkins was truly a profession and worked well with the employees, creating a very positive environment for the entire department. He expressed appreciation for the Commission for supporting Option "C." Chief Baker commended Mr. Turner for allowing both the Fire Department and staff recommendations to be outlined in the packet information.

Ms. Jeannie Ball, 3 Eagle Drive, offered Option "E," which was to add the administrative staff on a second floor, which could save money since it was generally less expensive to build up rather than out.

Mr. Hawkins advised that for a certain size and types of buildings it was less expensive to add a second floor; however, this would be a small facility, and elevators and two stairways would have to be provided to conform to ADA requirements, increasing the cost and eliminating any savings, making the project more expensive.

Commissioner Kent stated he questioned how his recommendation would be accepted by the Commission, and while the Commission may have been aware of some of the problems at Fire Station #91, they were now probably more aware of the problems and ready to act. He advised he was pleased that options would be provided to resolve these problems next month and was hopeful the decision would not be to apply a temporary fix for this problem.

Mayor Costello recommended the fire station have a tile roof and resemble City Hall. He advised if the Commission expected other applicants to build to certain standards, the City should adhere to those same standards.

Commissioner Partington moved, seconded by Commissioner Selis, to approve Option "C" be used for Fire Station #92.

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

Mayor Costello challenged staff to find a location to construct another fire station on the beachside and work it into the budget because the residents expect the City to provide first class fire service.

Commissioner Partington advised that while he voted for Option "C," he was not enthused about it; but it appeared to be the will of the people who approved the bond referendum. He stated he selected that option since this was recommended by the Fire Department.

Commissioner Boyle reported he served on the Commission when the Wilmette fire station was approved. He stated what the Commission was told at the time Fire Station #92 was being discussed was totally different from what they were now being told relative to architectural standards, which was a major rationale for the increased cost. Commissioner Boyle reported the Commission was now being told the Wilmette station was substandard, and the costs have now escalated to above what the voters were asked to approve.

Mr. Turner explained the reason this station was different from the Wilmette station was because of time and size. He stated the Wilmette site was 10,000 square feet, and there has been an increase in the cost of construction since its completion. Mr. Turner explained there were new architectural standards in place that were not in place at the time the Wilmette station was constructed.

Item #11(E) – Broadcasting of City Commission Meetings

Mr. Tom Lipps, Support Services Director, stated that several Commission members have discussed increasing citizen access to meetings by the use of some sort of broadcast option. He reported the City offered the option of providing audiotape copies at no cost to the citizen when they bring in cassette tapes and to continue that procedure would be Option 1.

Mr. Lipps explained Option 2 was for live audio web streaming which was audio only. He noted with this option, citizens with internet access could listen to Commission meetings live, and

download recent meetings from the City's website. Mr. Lipps reported the cost would be only \$50 per month, plus capital costs of \$1,000 initially.

Mr. Lipps reported Option 3 would be for televising the 24 City Commission meetings with a vendor providing all of the equipment, and Option 4 would be similar except the City would purchase the equipment. He pointed out staff would be entering negotiations with Bright House relative to franchise renewal, and a pass through option could be negotiated where an additional line item would be placed on the customers' bill which would be passed back to the City for capital improvements only. Mr. Lipps explained one problem with this option was that equipment would become obsolete, and replacement would be needed along with maintenance costs. He stated when meetings are televised, there seemed to be a tendency to start with the City Commission meetings, then add more and more.

Mr. Lipps advised Option 5 would be for a full video production capability. He noted Port Orange recently decided on this option to completely retrofit the City Commission chambers, establish a production studio concept, and acquire portable equipment to go out into the community at a cost of \$200,000 worth of equipment and \$120,000 in annual operating expenses.

Mr. Lipps stated if the Commission would recommend anything other than Option 1, he would request permission to bring someone in on a technical basis to evaluate the chambers, the existing equipment, and come back with a final cost estimate. He advised if the meetings were to be broadcast, the equipment must work correctly the first time. Mr. Lipps estimated the consultant would cost approximately \$5,000; equipment could cost up to \$75,000; and vendor provided equipment could cost up to \$14,000 per year versus \$9,200 if the City provided the equipment.

Mr. Turner advised that relative to Option #2, the sound system may also need to be examined as it relates to broadcasts.

Mayor Costello questioned if any Commission member would prefer any other option other than Option 2 and to hire the consultant for up to \$5,000.

Mr. Lipps reported for Option 2, the consultant would probably cost closer to \$500 or \$1,000 since it would only consider the audio side of the equation.

Mayor Costello reported he favored Option 2, but also hiring a video consultant. He advised he would think four to six spotlights could be added that the technician could control with a video camera and a zoom with a joystick to control the camera costing much less than estimated cost listed.

Commissioner Selis asked if money was budgeted for this.

Mr. Lipps replied no money had been allocated for this purpose. He noted Option 2 required a relatively small sum of money; but if Option 3 or 4 were selected, funding would probably come from unappropriated funds for the technical analysis. Mr. Lipps noted if it was decided to utilize the franchise renegotiation process, it would be postponed to 2005, and anything earlier would need to be rolled into the budget for next year.

Commissioner Selis reported he supported Option 2 and while he would prefer video, funding would need to be available.

Commissioner Partington advised he favored Option 2 as quickly as possible, and then budgeting for Option 3 with the study for the next fiscal year.

Commissioner Selis concurred with Commissioner Partington.

Commissioner Kent reported he was pleased the Commission preferred Option 2 in that it would be more prudent to start slowly and work up to Option 3 in the future.

Commissioner Boyle concurred with the consensus to start slowly allowing the community an opportunity to digest this idea and determine if there was a legitimate need for this service in the community.

Mayor Costello concluded the consensus was to start with Option 2 as soon as possible and work on Option 3 next year.

Mr. Lipps questioned if the Commission preferred the \$5,000 technical analysis and operating funds be budgeted for next year.

Mr. Turner reported a separate item could be added during the budget discussions with an estimate of the cost. He reported an additional item for the sound system would also be included.

Item #11(F) – Land Development Code Amendments Relative to Carport Standards

Mr. Clay Ervin, Planning Director, reported there were a number of shade structures or canopies and aluminum or metal carports readily available at local stores that do not meet code. He noted many people have purchased these structures not knowing a permit would be required. Mr. Ervin stated many people have been notified they were in violation of the code, and the structures needed to be removed. He pointed out the primary concern was that many of these structures may not be able to be issued a permit because under the Florida Building Code, they would not meet the wind load requirements. Mr. Ervin explained no one would be happy with any decision made in this case since people have invested money in these structures and would have to remove them; and conversely, neighbors may not appreciate the structures considering them to be degradation to the neighborhood.

Mr. Charles Whatley, 753 Garden Lane, reported he needed this structure because his home was located on the golf course, and stray golf balls had hit his car.

Commissioner Boyle reported he would defer to the recommendation of staff. He stated he had no qualifications to judge this, and the City had a code that must be followed.

Commissioner Kent reported Mr. Whatley contacted him regarding this issue; and while he was very empathetic for what Mr. Whatley was experiencing, he would agree with Commissioner Boyle.

Commissioner Partington advised he would also support staff. He stated these structures detract from the beauty of the City, and the code was in place to protect people from wind damage, noting these structures would be very susceptible to such damage. Commissioner Partington urged Mr. Whatley to raise these concerns with the golf course and the insurance carrier. He pointed out these metal structures would still not protect Mr. Whatley's car from golf balls.

Mayor Costello reported Mr. Whatley would have to remove this carport even if these structures would be allowed because it was in the front yard setback.

Mr. Ervin concurred it would have to be removed unless he would apply for a variance and the variance were approved.

Mayor Costello reported he would allow for a three-year grace period to remove the cloth or metal carports. He stated he would not object to a carport if it would match the home. Mayor Costello noted Ormond Beach standards were higher, and they needed to be kept higher.

Commissioner Kent thanked Mayor Costello for his leadership on this issue, noting he was more comfortable with Mayor Costello's recommendation.

Commissioner Boyle moved, seconded by Commissioner Selis, to approve the staff recommendation.

Mayor Costello summarized the recommendation was to allow metal carports that were not in front and side yard setbacks and not to allow the cloth structures.

Mr. Ervin reported another aspect was to perform an informational campaign and to allow for a grace period to have non-conforming structures removed.

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

Item #12 - Reports, Suggestions, Requests

The Loop Meeting

Commissioner Kent commended Mayor Costello for his leadership at “The Loop” meeting.

Main Street

Commissioner Kent stated that the Main Street board had been reviewing projects in the Main Street area for possible funding. He announced the First Annual Fish Fry would be held on Sunday, April 25th, in Fortunato Park. Commissioner Kent advised Ms. Burt could use volunteers to help fry the fish, and he would be working from 2:00 p.m. to 3:00 p.m.

Respect Workshop

Commissioner Kent reported he recently attended the “Respect” workshop in Daytona Beach to discuss Spring Break and Black College Reunion (BCR). He reported the speedway provided a large number of garbage cans on A1A with the “Respect” theme. Commissioner Kent advised that if individuals do not empty their trash into the cans, it would be obvious that they would be littering purposely.

Facilities Tour

Commissioner Kent reported the Commission attended a great tour of the water plant, fire station, and Nova Recreation. He questioned who checks the work when a job was completed. Commissioner Kent reported staff had to add fencing material to the bottom of the fence because ground balls would shoot through the fence. He urged that someone be charged with the responsibility for checking the work when completed.

Fleet Sale

Commissioner Kent requested a report as to the success of the surplus sale at Fleet and what items remained.

Signs on Main Street

Commissioner Kent requested a report as to why businesses on Main Street could not have the fold-out signs for their businesses since some were small enough that they would not be in the way of pedestrians. He noted this would let the businesses know the Commission cared about their needs.

Mayoral Leadership

Commissioner Kent commended Mayor Costello on his leadership. He noted that, of all those in attendance, the News-Journal had quoted Mayor Costello at the ribbon cutting ceremony for the business park at the intersection of LPGA Boulevard and Williamson Boulevard.

Facilities Tour

Commissioner Selis commended Mr. Turner and everyone working on the facilities tour. He stated he found it to be extremely informative. Commissioner Selis reported Ormond Beach was so much better than the condition the recreation center was in and noted it needed to be replaced. He advised he was impressed with the water plant and Mr. Dave Cahill who conducted the very thorough tour.

Budget Workshop

Commissioner Selis commended Mr. Paul Lane, Finance Director, and Mr. Bob Bentkofsky, Budget Director, with regard to the budget workshop held last week. He stated this workshop was very informative and helpful. Commissioner Selis expressed excitement over the Budget Advisory Committee and thanked Commissioner Kent for proposing the committee.

Tree Removal

Commissioner Selis reported he spoke to a citizen on the phone last week relative to a problem he was experiencing relative to a tree removal. He stated this resident, Mr. Archie Prince, indicated he was taking two trees out of his yard when he realized he needed a permit. Commissioner Selis reported upon trying to obtain a permit, Mr. Prince was informed he could not take the tree out and was unclear as to why this had occurred. He advised if this tree were removed, Mr. Prince indicated there were many more trees already on his property than the minimum number of trees required. Commissioner Selis explained he did not have sufficient information to judge this situation and asked that it be investigated.

Daytona Beach/Ormond Beach Negotiations

Commissioner Selis congratulated Mr. Turner for his negotiations relative to the Daytona Beach/Ormond Beach controversy. He stated the tone of the correspondence between Daytona Beach and Ormond Beach had radically improved.

Senate Bill 2298

Commissioner Selis requested a report on Senate Bill 2298, which proposed to modify the method the millage rate would be calculated. He suggested having a conversation with the Senator proposing this bill when he attended Volusia Days in Tallahassee.

Facilities Tour

Commissioner Partington echoed the comments relative to the facilities tour. He stated the fire station, Nova Recreation, and the water plant looked run down. Commissioner Partington reported he was pleased to hear the water plant was scheduled to be repainted. He advised he wanted the Commission to be made aware of situations where the City had run down facilities. Commissioner Partington asked staff to provide funding options to replace the Nova Recreation Center with an adequate facility—one that would reflect Ormond Beach's standards.

Commissioner Partington requested staff investigate the possibility of selling the ballfields on the east side of Nova Road and adding a ballfield on the landfill before the lighting and press box were added.

Lighting System for Recognition of Commissioners

Commissioner Partington stated after he recommended changing the shape of the dais at the last meeting, a resident recommended a lighting system be used when a Commissioner wished to be recognized. He reported this may be a less costly alternative.

Animal Nuisance Issues

Commissioner Partington thanked Police Chief Larry Mathieson, his staff, and Mr. Turner for coordinating animal nuisance issues in some neighborhoods in Zone 4. He stated a meeting took place, and he was pleased Ormond Beach was such a customer friendly City.

Recognition of Commissioners

Commissioner Boyle reported the problem was not merely being recognized, but eye contact as well; however, it would be considerably problematic to reconfigure the dais.

Different Recommendations Offered

Commissioner Boyle applauded the integrity of staff when the Fire Chief and City Manager made different recommendations and both were listed for the Commission to review.

Lights on the Granada Bridge

Commissioner Boyle thanked Mr. Ted MacLeod, Assistant City Manager, for making certain the lights were lit on the Granada Bridge.

Beach Report

Commissioner Boyle thanked Mr. MacLeod for the quick report on the beach issue. He stated the discussion on this issue was timely and appropriate considering the April 3rd meeting.

Commission Members Actively Supporting Commission Candidates

Commissioner Boyle read a portion of the minutes from the last meeting where Commissioner Selis asked that a discussion be held in the future on whether it would be appropriate for a sitting Commissioner to actively support a candidate running against another sitting Commissioner. Commissioner Boyle stated he would define active support as giving another candidate money, erecting signs at businesses or on yards, taking out newspaper ads, writing letters of endorsement, physically holding signs at polling places, or placing a bumper sticker on a car. He advised that he felt such support was inappropriate; however, it was a first amendment right. He stated that the 2001 election was very intense in Zone 1, with an outstanding leader in this community, and he learned much that he needed to change. He advised he adopted his opponent's goals as his own, with positive results. Commissioner Boyle apologized to Commissioner Selis if he believed that he provided undue support to his opponent, Ms. Jeannie Ball, who was a personal friend. He explained he spoke to a mutual friend, Mr. Reid Hughes, to ask if he planned to support Ms. Ball; but he did not call to ask him to support her. Commissioner Boyle advised he also did not ask Mr. Hughes, as reported in the newspaper, to provide a Green Voters Group endorsement, since that was Mr. Hughes' suggestion. He reported Mr. Hughes' instruction was to communicate that to Ms. Ball, which he did do, although he now regretted doing so. Commissioner Boyle stated a supporter of Commissioner Selis chose to request an investigation of the Green Voters. He expressed pride in the fact Ms. Ball was a close personal friend, and this fact, plus the newspaper article and similarities in a mailer he distributed during his campaign and Ms. Ball's mailers, may have left the perception that he was actively supporting Ms. Ball. Commissioner Boyle reported challengers to elections have called him, and he has provided them counsel without endorsement; but incumbents cannot call because of the Sunshine Law. He advised there was a rumor he encouraged Mr. Kim Heller to run against Mayor Costello because he was the

captain of his golf team 20 years prior; however, he advised he had not talked to Mr. Heller for 15 years.

Commissioner Boyle advised that in the future he would not serve as an intermediary to make phone calls for candidates to potential contributors and offered Commissioner Selis a public apology.

Mayoral Leadership

Commissioner Boyle commended Mayor Costello for chairing tonight's meeting, expressing his ideas, and helping the Commission to reach consensus. He stated Mayor Costello had been brilliant in chairing the workshops.

Commissioner Boyle noted he came to Commission meetings with a thought as to how he intended to vote, and numerous times he found that he actually voted differently because of the subtle insights made by this Commission.

Commission Members Actively Supporting Commission Candidates

Commissioner Selis thanked Commissioner Boyle for his comments and accepted his apology.

Daytona Beach/Ormond Beach Issue

Mr. Turner thanked the Commission for permitting him the opportunity to explore a Daytona Beach/Ormond Beach conflict resolution. He commended Mr. Richard Quigley, Daytona Beach City Manager, and Mr. Bill McMunn, Consolidated Tomoka Land Company, for doing an outstanding job, but stated this would not have been possible without this Commission allowing him to examine the larger issues. Mr. Turner commended Mr. Hayes for his suggestions and assistance.

Building Department Personnel

Mr. Turner reported the City has had a difficult time maintaining building inspectors and plans examiners. He stated a salary survey was recently done, and it was discovered that the City's salary ranges were sufficient, but other communities provide incentive pay and they are also hiring substantially above their minimum, placing Ormond Beach at a disadvantage. Mr. Turner pointed out that Ormond Beach would pay a bonus amount for the various licensing, but it would not be folded into the base pay. He stated this pay would be paid out over the course of one year with a maximum of \$7,500. Mr. Turner advised the City must make this change in order to not lose inspectors and retain inspectors. He reported that if the employee leaves within two years of receiving this certification pay, they would be required to reimburse the City.

Reporting Assignments

Mr. Turner reported staff was anticipating changes in reporting assignments, which would be further discussed on Friday morning via telephone call and in the Friday letter. He clarified these reporting assignments would not be changes in the organization or creating a new department.

Water Plant Expansion

Mr. Ted MacLeod, Assistant City Manager, advised Dr. Bruce Mowry, Executive Director of WAV, visited him and Ms. Sloane yesterday to discuss a concept of WAV partnering with the City in its water plant expansion. He reported Dr. Mowry was working on a plan to obtain funding from the State, and he would discuss this at the executive board meeting tomorrow.

Expressions of Appreciation

Mayor Costello commended Mr. Turner, Mr. Hayes, Ormond Beach staff, Daytona Beach staff, Mr. Bill McMunn and everyone else who was working on the Daytona Beach/Ormond Beach/Consolidated Tomoka Land Company issue as well as the Ormond Crossings issue. He noted Mr. Dwight Lewis, County Council Chairman, offered assistance to be certain Ormond Crossings moved forward. Mayor Costello requested any problems relative to Ormond Crossings be forwarded to him so he could contact Mr. Lewis.

Mayor Costello thanked Commissioner Boyle for his comments relative to support of candidates. He stated Commissioner Boyle had mellowed in his interaction and kept his passion, which was what everyone should do. Mayor Costello reported he would like closure on the issue of supporting a candidate who is opposing a sitting Commissioner. He stated he advocated any Commission member supporting any candidate without concern. Mayor Costello reported, however, that this should not diminish one Commission member's respect for another Commission member.

Mayor Costello thanked Commissioner Boyle for his willingness to go to the County Council meeting relative to the beach issue, and he expressed great confidence in Commissioner Boyle's ability.

Selling Ballfield

Mayor Costello recommended he would like an unofficial appraisal of the ballfield to discover what the field was worth. He noted it was possible the Commission would ask the Recreation Advisory Board to discuss if the money received from the sale would be better spent on a replacement ballfield or for replacing the gymnasium.

Budget Advisory Committee

Mayor Costello reported the Commission discussed numerous deficiencies in City structures and many areas in which the City was lacking. He urged that the Budget Advisory Committee be made aware of these discussions and provided ideas on what could be done to rectify this situation.

Recreation Impact Fees

Mayor Costello requested a report outlining the possible uses of Recreation Impact Fees. He stated the City would be approached by those working on creating a stadium to be used by Seabreeze High School and Pop Warner football. Mayor Costello questioned if Recreation Impact Fees could be used for matching ECHO grants. He stated before discussion on this begins, he would like to know if impact fees could be used for the gymnasium or fixing other problems, although his understanding was that they could not.

Building Relationships

Mayor Costello advised he had worked hard to create a good relationship with Daytona Beach and Consolidated Tomoka Land Company so they would know Ormond Beach was willing to work with anyone on reasonable terms.

Fire Station 91

Mayor Costello reported he received a phone call from a friend who indicated he was interested in purchasing Fire Station 91, if the City decided to sell. He advised it would certainly have to go out for competitive bid, but this individual would build an office and keep the building on the historic registry. Mayor Costello stated if the City could find an alternate location for the fire station, this person, or another buyer, could purchase this fire station and perhaps lease it back to the City for however long it was needed.

Ormond Beach/Daytona Beach Workshop

Mayor Costello urged everyone keep an open mind at the Ormond Beach/Daytona Beach workshop and realize what the City had and does not have at this point. He reported the City would be giving up a lot, but could also gain. Mayor Costello stated that whether Ormond Beach comes to a consensus with Daytona Beach or not, this Commission should go into the meeting and come out of the meeting as friends.

Item #13 – Close the Meeting

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

APPROVED: _____ April 6, 2004

BY: _____
Fred Costello, Mayor

ATTEST:

Veronica Patterson, City Clerk