

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

**April 7, 2004            7:00 p.m.**

Present were: Mayor Fred Costello, Commissioners Jeff Boyle, Troy Kent, and Bill Partington, City Manager Isaac Turner, Assistant City Manager Theodore MacLeod, City Attorney Randy Hayes, and City Clerk Veronica Patterson.

***A G E N D A***

- 1) Meeting call to order by Mayor Costello.
- 2) Invocation.

- 3) Pledge of Allegiance.
- 4) Approval of the Minutes of the March 16, 2004, meeting.
- 5) **PRESENTATIONS:**
  - A) Employee-of-the-Quarter award to Ned Kraft.
  - B) Presentation of retirement badge to Corporal Dennis O'Donnell.
  - C) Proclamation in honor of the Citizens' Police Academy Alumni Association.
  - D) Proclamation in memory of the victims of the Holocaust.
  - E) Presentation of the Comprehensive Annual Financial Report for the fiscal year ended September 30, 2003 (Annual Report).
- 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. 2004-59 approving the Community Development Block Grant Annual Plan for the 2004-2005 fiscal year and the Five-year Community Development Block Grant Program schedule for the 2004-2005 through 2008-2009 fiscal years. (\$125,819/Yr.)
  - B) Resolution No. 2004-60 authorizing the execution of an agreement between the City of Ormond Beach and the St. Johns River Water Management District regarding the installation of baffle boxes at Live Oak Avenue and Lorillard Place as part of the City's Stormwater Management Plan. (\$80,000 in funding assistance)
  - C) Resolution No. 2004-61 authorizing the execution of an Alternative Water Supply Cost Sharing Agreement between the City of Ormond Beach and St. Johns River Water Management District regarding the construction of a reclaimed water storage pond, reclaimed water supply line, and an irrigation pump station to be located at the Tomoka Oaks Golf and Country Club. (\$100,000 in funding assistance)
  - D) Resolution No. 2004-62 authorizing the execution of a Subordination Agreement between the City of Ormond Beach and the Florida Department of Transportation, subordinating a portion of an existing utility easement in connection with the construction of a deceleration lane on State Road 40 where the proposed Chelsea Place subdivision will abut State Road 40; authorizing transmittal.
  - E) Resolution No. 2004-63 accepting the bid of Municipal Contracting Company, Inc., regarding the provision of maintenance services to repair and replace manhole rings and covers along A1A under Bid No. 2004-05; rejecting all other bids; authorizing the execution of a contract between the City and Municipal Contracting Company, Inc., and payment thereunder. (\$78,300)
  - F) Resolution No. 2004-64 authorizing the sole source procurement of M26 Advanced Air Tasers from DGG Taser; authorizing the approval of a requisition and payment therefor. (\$27,168)
  - G) Resolution No. 2004-65 authorizing the sole source procurement of equipment, labor and services from Eimco Water Technologies to rebuild the No. 2 clarifier at the Wastewater Treatment Plant; authorizing and ratifying the execution of a contract and payment therefor. (\$138,617)

- H) Resolution No. 2004-66 authorizing the reduction of a code enforcement lien regarding real property at 206 Ormwood Avenue; authorizing the execution of a satisfaction and release of lien.

9) **PUBLIC HEARINGS:**

- A) Resolution No. 2004-67 authorizing the execution and issuance of a Development Order for the “Orchard Street Business Center” Planned Business Development to allow the construction of a single-story, 14,720 square foot office building and mixture of permitted uses including office and office/warehouse facilities on a 2.79-acre site located at 136 North Orchard Street within the B-4 (Central Business) zoning district; establishing conditions and expirations of approval.
- B) Land Development Code amendments:
  - 1) 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. (Second Reading)
  - 2) 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. (Second Reading)
  - 3) 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. (Second Reading)
  - 4) 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 within the Greenbelt and Gateway Preservation Districts. (Second Reading)
  - 5) 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. (Second Reading)
  - 6) 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. (Second Reading)
  - 7) 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. (Second Reading)
  - 8) 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. (Second Reading)
  - 9) 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. (Second Reading)
  - 10) 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 providing conditions for special exceptions or planned development approval. (Second Reading)
- C) 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. (Second Reading)

- 10) **FIRST READING OF ORDINANCE** No. 2004-16 approving the preliminary and final plat for the “Creekside Subdivision” Planned Residential Development; establishing conditions and expiration dates of approval; authorizing the placement of official traffic control devices.
- 11) **DISCUSSION ITEMS:**
  - A) Alternatives to the renaming of Granada Boulevard.
  - B) Update on the Harley-Davidson development project.
  - C) Fire Station #91 short and long-term facility improvements.
  - D) Flagler County utility service agreement.
  - E) Commission Ambassador Program.
  - F) City Commission member’s support of candidates.
  - G) Political sign regulations.
- 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 Jesse Cotton, 528 Fred Gamble Way, 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 16, 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) – Employee-of-the-Quarter Award to Ned Kraft

Mr. Isaac Turner, City Manager, announced Mr. Ned Kraft began his career with the City in 1974 as a gardener in the Parks and Beautification Department and advanced to supervisor from 1990 to 1997, supervising the operation of the right-of-way mowing, ground maintenance, urban forestry, and City nursery. He stated Mr. Kraft was the City’s tree inspector from 1990 to 1996. Mr. Turner reported that in 1997 when the Parks Maintenance Division was privatized, Mr. Kraft was reassigned as a Maintenance Worker III on the urban forestry crew. He advised that from 1976 to 1989 Mr. Kraft was a member of Ormond Beach’s Volunteer Fire Department, from 1973 to 1993 he was a member of the Ormond Beach Jaycees serving as president three times, and in 1979 he was selected as the “Outstanding Young Man of America.” Mr. Turner noted for Mr. Kraft’s dedication and being such a vital part of Ormond Beach history he was selected as Employee-of-the-Quarter.

Mayor Costello congratulated Mr. Kraft and presented him with two plaques to be placed on display at City Hall honoring him as the Employee-of-the-Quarter, along with a watch with the City seal on its face. He reported he had never seen Mr. Kraft without joy on his face and a servant’s attitude.

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Item #5(B) – Presentation of Retirement Badge to Corporal Dennis O'Donnell

Police Chief Larry Mathieson recognized Corporal Dennis O'Donnell for his 23 years of service with the Ormond Beach Police Department. He presented Corporal O'Donnell with his retirement badge plaque.

Chief Mathieson advised that Keith Bandell (Rocco) would be promoted to corporal to take Corporal O'Donnell's position.

Item #5(C) – Proclamation in Honor of the Citizens' Police Academy Alumni Association

Chief Mathieson reported the Ormond Beach Police Department Citizens Police Academy Alumni Association (CPAAA) had been in existence for 11 years. He noted these citizens participated in a ten week program where they learned about the inner workings of the Police Department. Chief Mathieson reported that after graduation from the program they joined the alumni association where they remain committed to work with the Ormond Beach Police Department. He stated these alumni were being honored for their contributions in the giving of their time and financial assistance.

Mayor Costello read a proclamation naming April 10, 2004, as Citizens Police Academy Alumni Association Day in the City of Ormond Beach and urged all residents to join him in appreciation of these outstanding citizens for their support and contributions to the community.

Chief Mathieson recognized that various police officers and staff members who were present to acknowledge the CPAAA, the retirement of Corporal O'Donnell, and the promotion of Corporal Bandell.

Item #5(D) – Proclamation in Memory of the Victims of the Holocaust

Mayor Costello advised the timing of this proclamation seemed appropriate considering it was Easter and Passover. He read a proclamation naming the week of April 18 through April 25, 2004, as "Days of Remembrance" in the City of Ormond Beach in memory of the victims of the Holocaust, and in honor of the survivors, as well as rescuers and liberators, and he urged all citizens to strive to overcome intolerance and indifference through learning and remembrance.

Item #5(E) – Comprehensive Annual Financial Report

Ms. Suzanne Forbes, CPA, Managing Partner of James Moore & Company, presented the annual Comprehensive Annual Financial Report (CAFR) for the period ending September 30, 2003. She stated Ormond Beach earned the "unqualified opinion" which was the highest opinion that could be given when the financial statements were in accordance with all of the accounting and reporting standards. Ms. Forbes advised the emphasis last year was on the implementation of the Governmental Accounting Standards Board (GASB) number 34 system. She stated a report documenting compliance to the City's State financial programs showed no instances of noncompliance or reportable conditions. Ms. Forbes advised that in another report required by the government auditing standards on internal control, they found no reportable conditions.

Ms. Forbes commended City staff in that the majority of the recommendations made last year were implemented; however, the Accounting Procedures Manual had not yet been completely implemented. She reported implementation would entail a massive job, and it was in process. Ms. Forbes reported relative to a recommendation regarding the segregation of duties, Ormond Beach was investigating the reallocation of some of the job responsibilities. She asked the Commission to seriously consider staffing while discussing the budget this year because the department was one staff member short, although staff did a great job in obtaining the information to enable her firm to provide this report to the Commission tonight.

Ms. Forbes explained the State required a report on any fund with fund deficits for more than three continuous years. She reported Ormond Beach had the Stormwater Drainage and Redevelopment Construction funds, and both had fund deficits because they had advances from other funds. Ms. Forbes advised this was not a crisis situation since those deficits were expected to be recovered through future revenues.

Ms. Forbes reported the total fund balance in the General Fund was \$5,275,000 of which \$103,000 was reserved under State rules, \$938,000 was designated for airport improvements, leaving \$4,234,000 unreserved. She explained the City's goal was to have an unreserved fund balance of 12% of total expenditures, and the current fund balance was 17%. She noted last year the City had a fund balance of 20%. Ms. Forbes reported the City originally budgeted to

spend \$1.8 million of the fund balance, and only \$583,000 was spent. She noted had the City spent the entire \$1.8 million, the fund balance would have been 12%. Ms. Forbes explained the City had a positive variance of \$1.2 million. She reported the primary decrease in the actual fund balance was due to the termination of the County fire contract for \$400,000. Ms. Forbes expressed concern that a great deal of the \$1.8 million was being used for re-occurring expenses. She urged the Commission to utilize the fund balance for one-time expenditures rather than re-occurring costs.

Ms. Forbes reported the funding status had decreased in the trending of the pension funds, noting that last year the City was 93% funded in the police pension fund and 87% this year. She advised last year the City was 96% funded in the fire pension fund and 81% funded this year. Ms. Forbes recommended the pension boards investigate the funding status. She stated in the self-insurance fund for the liability and workers compensation, the external rate increased to 40% with a 91% increase in claims paid, and the reserves had to increase 112%. Ms. Forbes advised the reserves were based on an estimate of what the claims had been, and they increased from \$639,000 to \$1,355,000. She reported over the last three years for expenses the City averaged \$81,000 in cost for self-insurance claims, but last year the costs were \$1,089,000. She recommended closely monitoring the reserving practices of the City.

Ms. Forbes commended Finance Director Paul Lane and Accounting Manager Jackie Carkhuff for working with them to meet the short deadlines. She reported she would answer any questions the Commission may have either tonight or in the future.

Mayor Costello complimented staff for teaching the Commission some of the issues Ms. Forbes pointed out in her presentation, such as utilizing the fund balance for one-time expenditures rather than reoccurring expenditures.

Mayor Costello requested the terminology be changed referring to the 12% fund balance as a "goal" since the 12% was a "minimum" that the City did not wish to exceed. He stated the City would prefer to increase the fund balance and keep it for an opportunity fund to be used for special projects. Mayor Costello highlighted Ms. Forbes remark that the City took action on all of the recommendations from last year, achieving all except for preparing the Accounting Procedures Manual, which was in process.

Commissioner Boyle asked if the Accounting Procedures Manual would be completed by next year; whereby, Ms. Forbes advised staff has assured her it would be completed by next year.

Commissioner Boyle asked if the question Ms. Forbes' mentioned last year relative to having adequate personnel overseeing the process had been satisfied.

Ms. Forbes advised the reportable item was segregating specific duties so that the same person would not collect money coming in for utilities and make adjustments on the computer, and those procedures have been put in place. She reiterated her concern relative to workload, noting an additional staff member was recommended.

Commissioner Boyle thanked Ms. Forbes for the clarity of her report.

Mr. Turner reported there were some areas where the departments were shortchanged, trying to place too much work on too few people; and with the departure of the Budget Director he would be considering coming to the Commission for additions to better meet the needs. He noted this was too critical a need in which to have a shortage.

Mayor Costello advised he looked forward to the actuary providing some ideas before the budget process, not just for this year, but relative to the trend for the following years. He stated that a fund should have been set aside with funds from the privatization of the solid waste to purchase equipment if the City every decided to provide that service in the future. Mayor Costello noted he was not advocating any change; he just wanted to be certain the funds would be available. He questioned why the City's percent of exemption of the total assessed value increased 25%. Mayor Costello requested that the trend number for the past five years of emergency rescue responses, fire responses, police service calls, and total operations at the airport be provided in a report.

#### Item #6 - Audience Remarks

##### Volusia Growth Management Commission

Mr. Gerald T. Brandon, 7 Fawn Pass Way, Ormond Beach representative to the Volusia Growth Management Commission, distributed a report for the 2003 calendar year indicating that the Volusia Growth Management Commission had processed 54 applications throughout the

County. He reported that as chairman for the past two years, he was asked to speak on behalf of the Volusia Growth Management Commission to Brevard County who was going through a charter review. Mr. Brandon noted the Volusia Growth Management Commission would act as a model to formulate a Brevard Growth Management Commission. He reported 24 applications had been processed so far this year. Mr. Brandon explained this organization did not handle zoning, but handled conformity to the Comprehensive Plan.

Mayor Costello requested Mr. Brandon make a presentation to the Volusia Council of Governments since they had been discussing urban growth boundaries, and it was important to know what each entity could do and how to best utilize each other to accomplish the goal of preserving Volusia County.

Mayor Costello questioned when the appointment of a representative to the Volusia Growth Management Commission was scheduled. He noted he would prefer keeping Mr. Brandon. Mayor Costello pointed out Mr. Brandon's term would end June 30<sup>th</sup>, and he asked staff to add an item on a future agenda relative to an appointment.

Commissioner Boyle thanked the former City Commissioner for his great service to the City on the Volusia Growth Management Commission. He advised he observed a meeting which had very positive results for Ormond Beach, and he expressed his appreciation to Mr. Brandon.

Mr. Brandon reported that on April 28<sup>th</sup> at 7:00 p.m. a workshop would be held for the new members of the Commission at the Volusia County chambers in Deland.

#### Expression of Remembrance

Ms. Joyce High, 38 Oak Brook Drive, expressed appreciation for the kindness and prayers for her family during the illness and the death of her sister. She also asked that Commissioner Kent's grandfather, who served in WWII at Pearl Harbor, be remembered.

#### Off-beach Parking

Ms. High stated through the pride, prayer, patience, and perseverance Ormond Beach was finally able to work with Volusia County, Grace Lutheran Church, and Oceanside Country Club to achieve the off-beach parking it had been seeking for a long time.

#### Signal Light at Breakaway Trails Entrance

Mr. Richard Lovell, 354 Applegate Landing, advised the new entrance to Breakaway Trails on Tymber Creek Road increased the traffic flow at the intersection between the Tymber Creek subdivision and the Breakaway Trails subdivision. He stated there was currently no funding for a signal light in that area at this time. Mr. Lovell reported a signal study was completed to determine if Breakaway Trails alone would warrant the signal, and it was determined that Breakaway Trails or Tymber Creek individually would not warrant a traffic light. He pointed out the problem was that both Breakaway Trails and Tymber Creek Road were private streets, making it difficult for either subdivision to pay or jointly pay for a light. Mr. Lovell asked if any development would be coming in the near future to help resolve this situation, or if the City would reconsider the possibility of paying for the light. He advised a dangerous situation was beginning to develop with the other new developments on Airport Road and Tymber Creek Road using the road.

Mayor Costello thanked Mr. Lovell for his service on the Budget Advisory Committee. He advised he did not believe that the City would pay for a traffic signal on two private streets; however, he asked staff to investigate this issue to determine if this had been done in the past. Mayor Costello concurred that a traffic signal was needed, and he, as a resident, would be willing to pay his share of an assessment to pay his half of the light, and Tymber Creek residents could pay the other half of the light. He reported it was unfair for the City to pay for the signal and unfair for the residents to not have a signal. Mayor Costello requested staff research the situation and provide recommendations.

#### Brushfire Danger

Reverend Jesse Cotton, 528 Fred Gamble Way, reported some brushfires were caused by nature and others by man's carelessness, and he urged everyone to be more vigilant to fire safety and not hesitate to report fires.

#### Item #7(A) – Metropolitan Planning Organization

Mayor Costello advised the Metropolitan Planning Organization passed a resolution asking DOT and other agencies for a separated bike trail along SR40. He stated the study regarding to the LPGA extension between I-95 and SR415 requested a bicycle pedestrian facility be included in the study.

Item #7(B) – Volusia Council of Governments

Mayor Costello reported the next Volusia Council of Governments (VCOG) meeting would include a presentation on consolidated dispatch, code enforcement, fire works, building inspectors' accreditation, and urban growth boundaries.

Item #7(C) – Water Authority of Volusia

Commissioner Boyle advised the last regular Water Authority of Volusia (WAV's) meeting was held on March 17<sup>th</sup> where the auditor's report was received and preliminary discussions of funding WAV took place. He noted that at today's WAV workshop, the discussion focused on the burgeoning crisis in water flow levels at Blue Springs. Commissioner Boyle reported preliminary identification of projects and priorities for WAV were also discussed.

Executive Director Bruce Mowry stated Ormond Beach was planning to construct a two mgd reverse osmosis type processing plant as a condition of the City's new Consumptive Use Permit (CUP). He stated Ormond Beach's sister cities have needs, and interconnects between the systems were contemplated. Dr. Mowry reported he presented constructing a larger facility by WAV with the cooperation of the City of Ormond Beach as a potential project to the WAV board today, and the board did not object to the proposal. He advised another project he proposed to the board was a project on the St. Johns River to address the Blue Springs issue. Dr. Mowry stated WAV also placed a request to Tallahassee for additional funding through an appropriation for a water project that could include Ormond Beach. He requested direction as to whether the City would approve WAV starting to develop this concept with the Ormond Beach staff, with information brought to the City Commission at a future meeting for consideration. Dr. Mowry reported there was not a great deal of time to make these decisions since WAV would not wish to adversely impact Ormond Beach water needs.

Mayor Costello reported he was proud to find Daytona Beach and Ormond Beach listed as potentially cooperating on a desalinization plant. He advised Ormond Beach could self-sufficiently construct its two million gallon plant, but he would be pleased to have this opportunity to provide a regional benefit.

Commissioner Boyle echoed Mayor Costello's comments, noting Ormond Beach was the place where this cooperation had to start.

Commissioner Kent advised he concurred with Mayor Costello and Commissioner Boyle. He asked Dr. Mowry to elaborate on the Blue Springs issue.

Dr. Mowry stated the St. Johns River Water Management District was under a requirement to establish minimum flows and levels in all of the water systems including the springs, wetlands, and lakes. He reported the necessary flows to sustain the manatee population would hopefully increase due to the increasing number of manatees. Dr. Mowry stated due to the pumping in southwest Volusia County, the flows have been reduced; therefore, the State had established higher numbers, requiring that present groundwater supplies be taken out of service in the future. He advised that the St. Johns River Water Management District presented a compliance schedule to be phased in during the next 20-25 years, but it may be overridden by other State organizations forcing the impact immediately rather than over a number of years. Dr. Mowry reported this would have significant impact on the entire County. He stated to increase Ormond Beach's plant from a 2 mgd to a 4 mgd would increase the cost less than 25%. Dr. Mowry noted a hearing was scheduled for April 20<sup>th</sup> at 6:00 p.m. at the Deltona City Hall.

Commissioner Kent thanked Dr. Mowry for his comments and insight.

Mayor Costello reported that anyone who had been to Blue Springs would want it to be saved.

Commissioner Partington echoed the comments of the prior Commission members and thanked Dr. Mowry for bringing his expertise and serving WAV. He advised WAV was serving as a model of cooperation and water conservation in Florida, which was a positive for everyone. Commissioner Partington advised he anticipated the report and, hopefully, cooperation with WAV.

Mayor Costello reported Ormond Beach was not interested to foster or increase development, but it was interested in protecting water and providing water to fulfill the needs of the people.



Item #8 – Consent Agenda

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

Commissioner Partington asked that Items #8(A) and 8(H) be discussed.

Commissioner Kent asked that Items #8(F), #8(G) and #8(H) be discussed.

Commissioner Boyle asked that Items #8(E) and #8(G) be discussed.

**Commissioner Partington moved, seconded by Commissioner Kent, for approval of Items #8(B), #(C) and 8(D) of the Consent Agenda,**

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

Item #8(A) – Community Development Block Grant Annual Plan

RESOLUTION NO. 2004-59

A RESOLUTION APPROVING THE COMMUNITY DEVELOPMENT BLOCK GRANT ANNUAL PLAN FOR THE 2004-2005 FISCAL YEAR AND THE FIVE-YEAR COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM SCHEDULE FOR THE 2004-2005 THROUGH 2008-2009 FISCAL YEARS; AND SETTING FORTH AN EFFECTIVE DATE.

**Commissioner Kent moved, seconded by Commissioner Boyle, to approve Resolution No. 2004-59, as read by title only.**

Commissioner Partington asked how the \$10,000 figure to the homeless assistance center was calculated, and he questioned how funds set aside for a particular area could be shifted and used for a homeless center in another city.

Mr. Tom Lipps, Support Services Director, reported it was legally acceptable and appropriate to use the funds in this manner. He stated the issue of the homeless was originated from a resident, and the Neighborhood Improvement Advisory Board brought in the executive director of the Homeless Coalition for a presentation. Mr. Lipps reported that slightly under 8% of their contacts from meals involved people whose last residence was in Ormond Beach. He advised the Homeless Coalition only requested \$5,000, but the Neighborhood Improvement Advisory Board raised the figure to \$10,000. Mr. Lipps noted there was a desire to consolidate these services into a single location because this would be more cost effective, and there were also neighborhood issues involved.

Commissioner Partington reported he would favor as much funding as possible go into the actual community in which they were designated. He noted he would support a motion to provide the \$5,000 to the Homeless Coalition as they requested, which he considered more than generous and more than the City would give to other non-profit organizations.

**Commissioner Partington moved, seconded by Commissioner Boyle, to amend the motion to reduce the \$10,000 to \$5,000 for the Coalition for the Homeless.**

Commissioner Kent advised the Quality of Life Advisory Board questioned the priority area designated by HUD from the data obtained from the 2000 census. He noted the discussion was to conduct another survey, and he questioned the possible cost for such a survey.

Mr. Lipps stated the use of block grant funds was governed by certain designated populations, such as the elderly or handicapped or for a particular district. He advised there was a radical change in the designated district. Mr. Lipps reported staff would investigate the data to determine if there were obvious holes in the census data. He noted if the right number of responses was received, the data would probably hold as accurate. Mr. Lipps stated that normally when populations shift after nine years, it was not uncommon to make these inquiries, but it would be more difficult only four years after the survey was conducted. He noted this would be done on an in-house basis; and if a radical problem were discovered, some action may need to be taken.

Mayor Costello reported he was proud of the Neighborhood Improvement Advisory Board and of their \$10,000 recommendation. He stated the homeless were a regional problem, and Ormond Beach should be willing to do their fair share and even go beyond. Mayor Costello reported if Ormond Beach had to build a facility for the homeless in the City, the cost would be much greater. He noted he would favor the \$10,000 to honor the board that made the recommendation since they had the advantage of hearing the presentation that he had not had the opportunity to hear.

Ms. Lindsey Roberts, Executive Director Volusia/Flagler County Coalition for the Homeless, 316 North Street, Daytona Beach, reported the coalition provided services for 2,410 homeless people, with only 36 emergency shelter beds serving the entire two county area. She stated boys over the age of seven must sleep in the men's dormitory because the Salvation Army did not have adequate facilities. Ms. Roberts advised it took a great deal of time, energy, and money to build facilities to provide services, and the North Street address was the first step toward regionally addressing homelessness issues. She stated more than 60% were mentally ill, having a greater need. Ms. Roberts noted some of the problems in building multiple centers in the different communities were cost and zoning difficulties. She advised the goal for the North Street center was to take people out of homelessness by providing counseling and referral services, basic life sustaining services, and providing identification to enable people to find employment. Ms. Roberts expressed a desperate need for funding, noting that a small grant provides \$82,000, Daytona Beach provided \$28,000, and Volusia County provided \$100,000. She reported that insurance, utilities, and job training was very costly.

Commissioner Partington commended the coalition for the service they provided; however, he stated this would set a precedent in that any non-profit group coming to the City would expect double what they asked. He stated absent a breakdown to explain why it would be appropriate to give the \$10,000 to the homeless and away from the children and families living in the area, he could not support the expenditure.

Commissioner Boyle reported Ms. Roberts made a very compelling case, but he was also worried about a precedent. He asked Ms. Roberts to come back, making a stronger appeal next year for the additional \$5,000. Commissioner Boyle noted the Commission was uncertain that if the extra funds would go to the coalition, it may mean another program would lose that funding.

Commissioner Kent reported he was very empathetic to Ms. Robert's cause, but Commissioner Partington made a great deal of sense; and he was leaning more toward his recommendation.

Mayor Costello reported the census was that the Commission would listen to a proposal to increase funding next year, but he personally would favor the \$10,000 to help the homeless find a place to go to move them away from the zone where they may impact the children that the Commission was trying to help.

Mr. Lipps asked if the \$5,000 being removed would be added to the Mainland safety enhancements; whereby, Commissioner Boyle noted this would not be part of the amendment.

Commissioner Partington reported he did not have adequate information to determine where the funds should be spent.

Mayor Costello recommended sending this back to the Neighborhood Improvement Advisory Board.

Mr. Lipps noted this needed to be submitted to the County, but it could be amended during the course of the year. He recommended adding the funds into either of the remaining elements and revisiting the issue later in the year.

Commissioner Boyle recommended Mr. Lipps supply a report at the next meeting so a determination could be made.

Mr. Randal Hayes, City Attorney, stated the funds should be either designated tonight or tabled to another meeting.

Mr. Lipps reported the County was seeking resolution on this issue by April 30<sup>th</sup>.

Commissioner Boyle pointed out this was another short deadline for action.

Mr. Turner noted while the Commission had another April meeting, the Neighborhood Improvement Advisory Board meets monthly. He noted if the funds were placed into an account, a recommendation could be brought back within 30 days after the board meets.

**Commissioner Partington advised he was comfortable to include Mr. Turner's recommendation into his motion. He stated the funds could be placed into the Mainland safety enhancements category and then moved after the recommendation of the Neighborhood Improvement Advisory Board.**

Mr. Lipps advised these funds would not become available until October 1 of the next fiscal year.

**Commissioner Boyle, as second, concurred with Commissioner Partington's recommendation.**

Mayor Costello reported if the Neighborhood Improvement Advisory Board had a different recommendation, they should contact the Commission; however, if they would prefer keeping the \$5,000 in the Mainland safety enhancements category, nothing further needed to be done.

Call Vote for the Amendment:	Commissioner Kent	yes
	Commissioner Partington	yes
	Commissioner Boyle	yes
Carried.	Mayor Costello	no
Call Vote for the Underlying Motion:	Commissioner Partington	yes
	Commissioner Boyle	yes
	Commissioner Kent	yes
Carried.	Mayor Costello	yes

Item #8(E) – Repair and Replace Manhole Rings and Covers Along A1A

RESOLUTION NO. 2004-63

A RESOLUTION ACCEPTING THE BID OF MUNICIPAL CONTRACTING COMPANY, INC., REGARDING THE PROVISION OF MAINTENANCE SERVICES TO REPAIR AND REPLACE MANHOLE RINGS AND COVERS ALONG A1A UNDER BID NO. 2004-05; REJECTING ALL OTHER BIDS; AUTHORIZING THE EXECUTION OF A CONTRACT BETWEEN THE CITY AND MUNICIPAL CONTRACTING COMPANY, INC., AND PAYMENT THEREUNDER; AND SETTING FORTH AN EFFECTIVE DATE.

**Commissioner Boyle moved, seconded by Commissioner Kent, to approve Ordinance No. 2004-67, as read by title only.**

Commissioner Boyle asked for a brief history on this item.

Ms. Judy Sloane, Public Works Director/City Engineer, reported this project was advertised for bid, but only one bid was received, and that bid exceeded the budget; therefore, staff worked with DOT to reduce the amount of paving being required around the manholes in order to alter the specifications and rebid the project. She reported temporary repairs were done with in-house staff.

Commissioner Boyle reported every manhole on that stretch of A1A was recessed. He asked if that problem would be addressed with this project; whereby, Ms. Sloane reported the manholes would be raised to grade; but the problem was the location of the manholes since the re-widening of A1A, and that would not be changed.

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

Item #8(F) – Procurement of M26 Advanced Air Tasers

RESOLUTION NO. 2004-64

A RESOLUTION AUTHORIZING THE SOLE SOURCE PROCUREMENT OF M26 ADVANCED AIR TASERS FROM

DGG TASER; AUTHORIZING THE APPROVAL OF A REQUISITION AND PAYMENT THEREFOR; AND SETTING FORTH AN EFFECTIVE DATE.

**Commissioner Partington moved, seconded by Commissioner Boyle, to approve Resolution No. 2004-64, as read by title only.**

Commissioner Kent stated the money the City would be receiving from the Federal government and the purchase of these tasers was a great advantage for Ormond Beach.

Police Chief Larry Mathieson reported two officers were currently certified as instructors for the use of the tasers, and all of the officers would go through eight hours of training in their safe operation and use. He noted the taser would reduce the frequency with which officers would have to come into actual physical contact with individuals. Chief Mathieson noted the taser was effective against individuals under the influence of narcotic drugs that would not normally respond to physical force or chemical spray. He stated liability and cost related issues were taken into consideration. Chief Mathieson pointed out the Orange County Sheriff's office has had tasers in operations for several years, and their use of force, claims against the City, and costs paid out due to excessive force have decreased 80%. He noted the officers and staff were enthusiastic about making this recommendation to purchase this equipment, which was supplemental to a grant approved last year under the Law Enforcement Block Grant.

Mayor Costello noted the Citizens' Police Academy Alumni Association honored tonight also purchased three tasers for the Police Department.

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

Item #8(G) – Rebuilding the No. 2 Clarifier at the Wastewater Treatment Plant

RESOLUTION NO. 2004-65  
A RESOLUTION AUTHORIZING THE SOLE SOURCE PROCUREMENT OF EQUIPMENT, LABOR AND SERVICES FROM EIMCO WATER TECHNOLOGIES TO REBUILD THE NO. 2 CLARIFIER AT THE WASTEWATER TREATMENT PLANT; AUTHORIZING AND RATIFYING THE EXECUTION OF A CONTRACT AND PAYMENT THEREFOR; AND SETTING FORTH AN EFFECTIVE DATE.

Commissioner Kent stated the failure of the clarifier was caused by a combination of corrosion, metal fatigue, and the method used to attach the full radius skimmer. He asked if the City had adequate personnel to examine the equipment to be certain the equipment would not break again.

Ms. Sloane reported this was an unusual occurrence, and it was not evident from the routine inspections. She noted regardless of the number of personnel, once the full radius skimmer trough sunk, this incident could not have been stopped. Ms. Sloane noted the corrosion and metal fatigue were not evident.

Commissioner Boyle asked if the two remaining clarifiers were in danger of this same problem since they were all installed at the same time.

Ms. Sloane advised the City had been servicing the remaining two clarifiers. She explained this was an emergency repair since it was very difficulty to operate the reuse system with one of the clarifiers completely out of service. Ms. Sloane noted that when the other two clarifiers were repaired last year, the City rented a unit. She stated adding an additional clarifier was anticipated in a future Capital Improvement Program for redundancy and backup to avoid trouble with the reuse system if something should fail.

Mayor Costello stated that when the additional clarifier would be purchased, it would mean staff could drain the tanks more often to inspect for corrosion and metal fatigue.

**Commissioner Partington moved, seconded by Commissioner Boyle, to approve Ordinance No. 2004-67, as read by title only.**

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

Item #8(H) – Authorizing the Reduction of a Code Enforcement Lien

RESOLUTION NO. 2004-66

A RESOLUTION AUTHORIZING THE REDUCTION OF A CODE ENFORCEMENT LIEN REGARDING REAL PROPERTY AT 206 ORMWOOD AVENUE; AUTHORIZING THE EXECUTION OF A SATISFACTION AND RELEASE OF LIEN; AND SETTING FORTH AN EFFECTIVE DATE.

**Commissioner Kent moved, seconded by Commissioner Boyle, to approve Ordinance No. 2004-67, as read by title only.**

**Commissioner Partington moved to table this item until more information could be provided.**

Commissioner Partington stated that during a quick check of the property records held by Ms. Elizabeth Camm Morgan, he discovered she owned approximately \$800,000 worth of property in New Smyrna Beach, Ormond Beach, and Orlando. He reported without information such as a letter from a doctor as to why Ms. Camm Morgan could not respond in a timely manner, he could not approve this reduction. Commissioner Partington advised Ms. Camm Morgan may have other financial factors of which the Commission was unaware. He recommended that in the future when a resident requested a reduction in a code enforcement action that they fill out a sworn financial affidavit so the Commission could determine if an indigent problem existed. Commissioner Partington advised while he wanted to be sensitive to these requests, he did not wish to set a precedent that a resident could break the rules and negotiate the fine down at a later date.

Ms. Joanne Naumann, Neighborhood Improvement Manager, reported she could provide the information requested for this case and in future instances. She advised she was aware of Ms. Camm Morgan's Orlando home and condominium in New Smyrna Beach, but did not attempt to determine if these homes had liens or mortgages. She stated it had been extremely difficult to have Ms. Camm Morgan fully understand what was being asked of her. Ms. Naumann advised had she not considered this reduction justifiable, she would not have brought it to the Commission. She noted this case had finally been brought to conclusion to the satisfaction of the residents, and she determined this action was appropriate at this time.

Mayor Costello asked Mr. Hayes if that was accepted, if it would set a precedent.

Mr. Hayes advised the Commission would not be bound to permit similar reductions; however, if other people were aware of the reduction, they could request similar reductions.

Commissioner Boyle questioned who suggested the reduction.

Ms. Naumann explained once the process was completed, any relief of the fines would have to come before the City Commission. She noted she did not present the number. Ms. Naumann reported the Special Master set the fine which accrued to \$11,900.

Mr. Hayes reported the Special Master set a fine of \$50 per day for each day of the violation, which accrued to \$11,900. He noted under this system, the Special Master could reduce a fine or make adjustments; however, once it had been recorded as a lien, the City Commission must release the lien.

**Commissioner Boyle seconded Commissioner Partington's motion to table.**

Commissioner Boyle reported this problem had been ongoing for approximately five years, and the funds in question could be used for better purposes such as the homeless shelter previously discussed.

Commissioner Kent concurred this would set a precedent, noting he had a similar problem with a resident in his zone. He commended Commissioner Partington for his research in this matter. Commissioner Kent advised he had an opportunity to accompany the Police Athletic League (PAL) at the Oakridge Cemetery cleanup. Commissioner Kent reported that if there were

someone who genuinely needed assistance, PAL could provide assistance, and he would be willing to lend his assistance as well. He advised it was not fair for everyone who tries to make their neighborhood look great when eyesores are not properly addressed.

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

Item #9(A) - Orchard Street Business Center PBD Development Order

RESOLUTION NO. 2004-67

A RESOLUTION AUTHORIZING THE EXECUTION AND ISSUANCE OF A DEVELOPMENT ORDER FOR THE "ORCHARD STREET BUSINESS CENTER" PLANNED BUSINESS DEVELOPMENT TO ALLOW THE CONSTRUCTION OF A SINGLE-STORY, 14,720 SQUARE FOOT OFFICE BUILDING FOR MIXTURE OF PERMITTED USES INCLUDING OFFICE AND OFFICE/WAREHOUSE FACILITIES ON A 2.79-ACRE SITE LOCATED AT 136 NORTH ORCHARD STREET WITHIN THE B-4 (CENTRAL BUSINESS) ZONING DISTRICT; ESTABLISHING CONDITIONS AND EXPIRATIONS OF APPROVAL; AND SETTING FORTH AN EFFECTIVE DATE.

**Commissioner Partington moved, seconded by Commissioner Boyle, to approve Ordinance No. 2004-67, as read by title only.**

Call Vote:	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(A).**

Item #9(B)(1) - Establishing Submittal Requirements for Building Permits and the Process for Certificate of Occupancy 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 Partington moved, seconded by Commissioner Boyle, to approve Ordinance No. 2004-05, on second reading, as read by title only.**

Ms. Lucille Bornmann, John Anderson Drive, asked if this ordinance would allow temporary Certificate of Occupancies. She expressed great concern that allowing temporary Certificate of Occupancies would open the taxpayers to possible liability.

Mayor Costello reported staff was adamantly opposed to the Commission even discussion allowing temporary Certificate of Occupancies.

Mr. Clay Ervin, Planning Director, advised the proposed change actually strengthens the code in that no Certificate of Occupancy could be approved unless the development would comply with all of the conditions of the development order.

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

**Hearing no objection, Mayor Costello closed the public hearing on Item #9(B)(1).**

Item #9(B)(2) - 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 Kent moved, seconded by Commissioner Partington, to approve Ordinance No. 2004-06, on first reading, as read by title only.**

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

**Hearing no objection, Mayor Costello closed the public hearing on Item #9(B)(2).**

Item #9(B)(3) – 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 Partington moved, seconded by Commissioner Kent, to approve Ordinance No. 2004-07, on second reading, as read by title only.**

Reverend Jesse Cotton, 528 Fred Gamble Way, asked if slot machines would be allowed in the game rooms.

Mayor Costello reported only games of skill would be permitted where coupons could be earned toward prizes, but games of chance being masked as games of skill would not be permitted.

Call Vote:	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)(3).**

Item #9(B)(4) – 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 Kent moved, seconded by Commissioner Boyle, to approve Ordinance No. 2004-08, on second reading, as read by title only.**

Call Vote:	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)(4).**

Item #9(B)(5) – 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 second reading, as read by title only.**

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

**Hearing no objection, Mayor Costello closed the public hearing on Item #9(B)(5).**

Item #9(B)(6) – 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 Partington moved, seconded by Commissioner Boyle, to approve Ordinance No. 2004-10, on second reading, as read by title only.**

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

**Hearing no objection, Mayor Costello closed the public hearing on Item #9(B)(6).**

Item #9(B)(7) – 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 Kent moved, seconded by Commissioner Boyle, to approve Ordinance No. 2004-11, on second reading, as read by title only.**

Call Vote:	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)(7).**

Item #9(B)(8) – 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 Partington moved, seconded by Commissioner Boyle, to approve Ordinance No. 2004-12, on second reading, as read by title only.**

Call Vote:	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)(8).**

Item #9(B)(9) – 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 Kent moved, seconded by Commissioner Boyle, to approve Ordinance No. 2004-13, on second reading, as read by title only.**

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

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

Item #9(B)(10) – 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 Kent, to approve Ordinance No. 2004-14, on second reading, as read by title only.**

Commissioner Boyle asked if including Section 2-24 as read by the City Clerk was correct and there was a misprint on the agenda.

Ms. Veronica Patterson, City Clerk, reported Section 2-24 was being amended. She noted this section was inadvertently omitted from the agenda title.

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

**Hearing no objection, Mayor Costello closed the public hearing on Item #9(B)(10).**

Item #9(C) – 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 POWERS AND DUTIES; AND SETTING FORTH AN EFFECTIVE DATE.

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

Mayor Costello advised he would vote against this item since he would prefer an ad hoc committee to be appointed as needed. He stated more boards or additional layers of bureaucracy were unnecessary.

Commissioner Boyle reported he did not consider citizen review to be adding a layer of bureaucracy by definition.

Mayor Costello reported he may not have used the proper word in his description. He explained he would prefer to have the ability to appoint different people at different times for various needs rather than asking for a two-year appointment to a general board without a specific cause.

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

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

Item #10 – Creekside Subdivision PRD

ORDINANCE NO. 2004-16  
 AN ORDINANCE APPROVING THE PRELIMINARY AND FINAL PLAT FOR “CREEKSIDE SUBDIVISION” PLANNED RESIDENTIAL DEVELOPMENT; ESTABLISHING CONDITIONS AND EXPIRATION DATES OF APPROVAL; AUTHORIZING THE PLACEMENT OF OFFICIAL TRAFFIC CONTROL DEVICES; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; AND SETTING FORTH AN EFFECTIVE DATE.

**Commissioner Kent moved, seconded by Commissioner Boyle, to approve Ordinance No. 2004-16, on first reading.**

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

Mayor Costello stated this was a fine example of the developer working with the City.

Mayor Costello called for a break at 8:58 p.m. and reconvened at 9:04 p.m.

Item #11(A) – Alternatives to the Renaming of Granada Boulevard

Mr. Turner reported the City Commission requested staff to set up a public hearing relative to the renaming of Granada Boulevard; however, since that time, the Commission had had the opportunity to hear from members of the community. He advised that the Commission subsequently requested staff to bring back alternatives to renaming Granada Boulevard for the Commission to consider.

Mayor Costello reported he was willing to consider renaming Granada Boulevard because Mr. Don Bostrom and Mr. Gordon Kipp recommended the change. He noted these two individuals have done a great deal to preserve Ormond Beach's heritage. Mayor Costello advised the community resoundingly responded that they would be interested in honoring the Birthplace of Speed name, but were opposed to the renaming of Granada Boulevard.

Commissioner Kent advised he had voted to consider renaming Granada Boulevard because he had not wanted to take the opportunity away from the public to present an idea, even if he personally would not favor that idea.

Commissioner Partington reported that when he first brought this concept forward, he indicated he was not wedded to the idea, but he liked the idea because while attending the Birthplace of Speed events at the centennial celebration, he realized this was a great part of Ormond Beach's heritage. He pointed out various people mentioned the possibility of changing Granada Boulevard's name to Birthplace of Speed Boulevard. Commissioner Partington reported this was the beauty of the process where an idea could be suggested, and when the public opposed that idea, it would not be pursued, which was what had occurred in this instance.

Commissioner Boyle stated that on the positive side, many people on both sides of this issue contacted the Commission. He noted the staff entitled this item "alternatives," and he offered two possible recommendations: adding a brown historic sign below the interstate exit signs indicating "Birthplace of Speed," or adding a "Birthplace of Speed" beach sign to the poles that the City had been trying to move on the beach. Commissioner Boyle reported permission may be needed from the Federal and County officials to place the sign on the beach.

Mayor Costello stated he would support either of Commissioner Boyle's suggestions and offered a third alternative, which would be to change the name of the bridge to "Bridge to the Birthplace of Speed" for the Granada Bridge, even though people would continue to call the bridge the "Granada Bridge."

Commissioner Partington distributed a packet of information that was downloaded from the Main Street website, a division of the National Historical Trust, relative to heritage trails for which cities had received funding. He suggested this be considered with the cooperation of Leisure Services or the Historical Trust. Commissioner Partington reported a heritage walking trail could be something in which people could participate.

Mayor Costello recommended hearing from Mr. Bostrom and Mr. Kipp and then asking staff to come back with the costs for the various proposals for the Commission to consider at a future meeting.

Mr. Gordon Kipp, 182 Grove Street, reported he was the current president of the Ormond Beach Historical Trust; however, he was not speaking on behalf of the Trust. He stated he brought up the suggestion of renaming Granada Boulevard and urged it be given consideration for action at a later date, not that it be taken to the City Commission for immediate consideration. Mr. Kipp expressed disenchantment with the City of Ormond Beach because they had not done enough to publicize the single item for which Ormond Beach was most famous. He noted there were three firsts in Ormond Beach: the first Christian wedding in North America on the banks of the Halifax River in 1565; the first sugar mill and rum distillery in North America in 1765; and the first speed trials held on the beach setting world records in 1903. Mr. Kipp pointed out the first suggestion was to rename Bovard; however, he stated if anything were to be renamed, it should be something significant and visible such as Granada Boulevard. He suggested renaming that portion of Granada Boulevard from the east bank of the Halifax River to the ocean.

Mayor Costello requested that Mr. Turner add Mr. Kipp's recommendation to the list of options; however, to receive his vote, he would need a petition signed by approximately 200 people who wanted the Commission to consider the change. He stated he would be willing to add heritage signs under the Granada Boulevard signs indicating "Birthplace of Speed Boulevard."

Mr. Don Bostrom, 274 Cumberland Avenue, stated Ormond Beach was quickly losing the identity of being the Birthplace of Speed; and if something positive was not done soon, within a

few short years Daytona Beach International Speedway would be known as the Birthplace of Speed. He questioned if the City Attorney was doing anything to protect its copyright of the identity of Birthplace of Speed. Mr. Bostrom reported that when the Ormond Beach Historical Trust asked to use the Birthplace of Speed name, they had to obtain permission from the City to do so; and he questioned if the others using that name had obtained City permission. He stated the name had to be placed where people would see it because people identify Daytona Beach as the Birthplace of Speed and are unaware that Ormond Beach was truly the Birthplace of Speed. Mr. Bostrom supported Mr. Kipp's suggestion, and as an alternative, suggested placing the name under the Granada Boulevard signs; however, he stated that most importantly, every sign entering Ormond Beach should signify Ormond Beach as the Birthplace of Speed.

Mayor Costello reported the City would respond accordingly, and there were many ideas from which the Commission could select. He committed that the Commission wanted to protect the City's heritage.

Commissioner Boyle thanked Mr. Kipp and Mr. Bostrom for their passion, noting there were a number of historical buildings in Ormond Beach that would not exist today without their efforts. He pointed out that the Birthplace of Speed Park was renamed, the City purchased replica cars for the park, and the park was re-landscaped, costing \$250,000. Commissioner Boyle stated he did not consider that the City had been lax in protecting its heritage. He noted that if the Historical Trust needed permission to use the name "Birthplace of Speed," the City has protected that copyright.

Mayor Costello requested staff examine the alternatives and provide costs, bringing it back to the Commission in a couple of months.

#### Item #11(B) – Update on the Harley-Davidson Development Project

Mr. Ervin reported this Business Planned Unit Development (BPUD) would be reviewed by the County Planning and Land Development Review Committee (PLDRC) next week and, subsequently, by the County Council. He noted that as part of the County Council's attempt to work with Ormond Beach and other communities, the County has established specific standards in their Land Development Code that require anyone developing in an area subject to a service agreement with a municipality for water and sewer services; and if that municipality had specific gateway or corridor standards, that the development would have to comply with those standards. Mr. Ervin reported Ormond Beach was requested to make comments on this application.

Mr. Ervin reported there were two specific issues: 1) whether the proposed application would generally comply with the City's greenbelt standards for US1 and I-95; and 2) there are two uses not otherwise permitted by Ormond Beach zoning codes or having additional standards not currently being addressed in the application. He noted staff could not provide a letter indicating the project would completely comply with Ormond Beach's requirements. Mr. Ervin advised the developer had asked staff if the City, through a similar process of a Planned Business Development (PBD), would allow similar waivers, variances, or changes from the City's standards. He asked the Commission to consider that if this project were in the jurisdiction of Ormond Beach, would they allow for these variances, waivers or deviations from the City's standards.

Mr. Ervin advised the first issue was signage, landscaping, and buffering. He displayed a site plan map. Mr. Ervin reported the project was approximately 43 acres with 10 acres used for an FDOT drainage pond and the remainder split between two uses: 1) a 60,000 square foot Harley-Davidson dealership with a retail sales component, renovation of an existing hotel to be converted into a condominium resort, and three different restaurants; and 2) an independent parcel to become the Love's Truck Service Plaza. He noted other parcels would be incorporated with primarily retail and residential components, and two lots identified for future development but currently identified as parking for special events. Mr. Ervin reported the applicant had brought back a revised application from the information received at the last City Commission meeting where this issue was discussed. He noted the buffer adjacent to US1 had been altered to meet the City's minimum dimensional requirements and landscaping requirements, and it generally complied with the sign requirements with minor deviations. Mr. Ervin reported that along I-95 the project did not meet the dimensional requirements of 60 feet for a project without a frontage road and 25 feet for a frontage road project. He noted the new Harley-Davidson dealership building would be located approximately 20 feet from the I-95 right-of-way. He stated the applicant cut out certain portions of the asphalt and inserted a landscape area of 5 to 10 feet from the I-95 exit ramp. Mr. Ervin reported there were issues relative to tree preservation and protection. He noted the applicant was planning a variety of

different architectural styles, but Ormond Beach required compatible architecture incorporated in the Development Order.

Mr. Ervin reported staff provided 12 comments listed in Appendix “A” of the report indicating where the project did or did not comply with City codes and included concerns regarding uses and technical applications of the development agreement.

Mr. Ervin advised that in the BPUD application, the applicant included two uses “itinerant vendors” and “outdoor entertainment,” but the City’s code did not allow for itinerant vendors to operate within City limits. He reported the applicant was requesting the ability to maintain this standard because it was currently allowed under the B6 County zoning. Mr. Ervin stated the original intent was to determine if the Commission would support having these identified in the BPUD so that when an annexation agreement would be processed, the BPUD would be referenced, creating a grandfathering or vesting of these uses. He noted the City Attorney cautioned against this because of a concern for de facto contract zoning; therefore, the concept of itinerant vendors and outdoor entertainment should not be addressed as part of an annexation agreement, but be addressed as a portion of the City’s operations when the City was able to annex the property. Mr. Ervin pointed out that if and when this land was annexed into Ormond Beach, the County’s land use and zoning would prevail until the City would be able to amend its Comprehensive Plan and zoning map. He noted there were also issues of legal nonconforming uses established by the uses of the County in whether or not they would be subject to Ormond Beach’s standards of nonconformity once annexed. Mr. Ervin recommended the issues of itinerant vendors and outdoor entertainment not be addressed until a properly noted public hearing could be set.

Mr. Hayes stated that at this juncture, the application was proceeding under the County, which had jurisdiction for review and approval of the project with or without any comment from this body. He noted that due to the County adopting an ordinance that deferred to some City standards, there may be a legal obligation imposed on the County to incorporate some of the City standards in their review and approval process. Mr. Hayes reported once the project went through the process and at the point of annexation into the City, the Commission would have to determine if it would incorporate that BPUD as a portion of the annexation agreement or deal with it as a separate issue.

Mr. Ervin stated the City would need to provide comments to the County staff, and he planned to attend the Planning and Land Development Review Committee and the County Council meetings to speak to the Commission’s directives. He noted if there were any objections to having these specifics incorporated into the BPUD, this would be the time to address the issues since it would be the final opportunity the City would have to provide its views over the entire development program.

Mayor Costello questioned if the recommendation was to comment or not to comment on itinerant vendors and outdoor entertainment tonight.

Mr. Hayes reported the County would deal with those issues as part of this process, and the City had the right to forward comments to the County. He stated that, typically, if there was a use that was lawful in the County at the time of approval and the property was subsequently annexed into the City, but the codes were not consistent with the use; the use would normally be considered a legal nonconforming use that could continue under certain conditions.

Mayor Costello noted this would differ from the Corridor Gateway standard that the County had adopted. He publicly thanked the County for adopting this standard, and he stated he appreciated the developers working so hard to achieve that standard. Mayor Costello advised the Commission wanted to work with the developer to make the best project possible and avoid the contract zoning that the City Attorney cautioned the Commission about without causing problems for the developer or the City.

Mr. Jim Morris, 4320 South Nova Road, Daytona Beach, representing Harley-Davidson, reported the City was not agreeing to anything or being bound to any decision, it was merely an opportunity for the Commission to make comments. He reported the County had moved to have a more cooperative effort with the cities, and Ormond Beach has led the way. Mr. Morris noted he recognized that process, and he had attempted to honor that process throughout this endeavor. He stated refinements had been made in the direction the City had sought.

Mr. Morris stated there were two property owners involved in this request. He noted Love’s Truck Stop had existing property and an existing approved special exception for a truck stop, with the ability to have freestanding driveways on their land. Mr. Morris stated the remainder of the property was owned by a limited liability company named Having Fun, and was zoned B6

and permitted all of the uses in the BPUD agreement except one minor exception. He explained that in the B6, specialty retail was permitted, and in the PUD, general retail was permitted. Mr. Morris reported the B6 zoning allowed for itinerant vendors and outdoor entertainment. He advised that these two property owners decided to work together to have a development that addressed standards, and Love's agreed to a property line shift in the location and delayed moving forward to accommodate the PUD and address common access issues. Mr. Morris stated prior to the County adopting the process of adopting the City's gateway standards, the applicant was already targeting meeting Ormond Beach standards. He noted that relative to landscaping, this area suffered forest fires leaving low quality vegetation. Mr. Morris reported there was nothing on the site that merited preservation, nor would it be aesthetically pleasing as a gateway to Ormond Beach; therefore, the landscaping plan would be extensive and expensive and designed to exceed the standards typically expected of a developer.

Mr. Morris pointed out the development complied to standards relative to highway signage, noting they would be permitted four 50-foot tall highway signs of 125 square feet, which would be reduced to two signs. He advised that at the last meeting he did not have a sign package, but one was submitted in the interim. Mr. Morris reported the applicant would have two monument style pole signs built due to the proximity to the driveways. He stated the site plan was an internal plaza; therefore, there was a need to direct people into the heart of the business properties.

Mayor Costello reported the Commission was being asked to respond on signage, landscaping, buffering, and architecture, but not itinerant vendors and outdoor entertainment; whereby, Mr. Morris concurred.

Mr. Hayes clarified that the Commission could comment on the itinerant vendors and outdoor entertainment use, but cautioned it should not be discussed in great detail unless staff requested direction in that regard.

Mr. Ervin advised it would be appropriate to comment on the itinerant vendors and outdoor entertainment issue so he would be able to relay the Commission's general feeling toward all of these issues when speaking to the PLDRC and County Council. He noted the Commission should not lead into an annexation agreement discussion tonight.

Mayor Costello questioned if the Commission had any objections to the signage package.

Commissioner Partington requested colored illustrations of the signage; whereby, Mr. Morris advised the black and white illustrations were in the Commission packet, and he would provide color illustrations.

Mayor Costello stated the theme of the signage was excellent, and the interstate signs would use the same motif.

Mr. Morris stated the architecture was compatible, but not identical.

Mr. Ervin advised there would be two signs, depicted as Type 1, proposed at the main entrances into the facilities classified by City codes as pole signs, thus not permitted. He noted the monument signs proposed for Love's and the two restaurants generally comply except the height of 8 feet would not be consistent with Ormond Beach standards.

Mr. Morris reported the applicant's intention was to comply exactly with City standards.

Mr. Ervin stated the proposal for the interstate interchange signs did comply with City standards, but there had been a request by Love's to address the issue of billboards, which would be discussed later. He stated another issue was that Harley-Davidson exceeded the allowable building signage, but he pointed out that variances were allowed for the Wal-Mart signage.

Mr. Morris reported the building was unchanged from what the Commission reviewed at the last meeting where this was discussed, and the Commission formerly gave its endorsement for a consideration to reduce the number of highway signs. He stated the bar and shield logo and graphic identification of their product would be determined a sign, but it was more a logo identifying Harley-Davidson.

Commissioner Partington questioned which options depicted for the signs would be used; whereby, Mr. Morris indicated that this was being deleted since the building itself would be its own identification. Commissioner Partington stated he heard there was a possibility "Destination Daytona" would be used for this area.

Mr. Morris stated this was being attempted, but was not yet accomplished. He advised the name "Daytona" has worldwide recognition, and keeping that name would be a matter of business, not a matter of disrespect toward Ormond Beach.

Mayor Costello questioned if there was any objection to using Option 1 for the pole signs, the additional square footage on the building, and the elevated monument signs at the two entrances. Hearing none, the signage was accepted as presented. He questioned if there were objections to the landscaping; and hearing none, the landscaping plan was also accepted. Mayor Costello questioned if the buffering would be 20 or 30 feet.

Mr. Morris stated the buffer would be 36 feet along US1 and 30 feet from I-95. He advised the building was 30 feet from the edge of the right-of-way, and the depth of the landscaping was 20 feet and expanded from that point.

Mayor Costello reported no objections were voiced relative to the proposed buffer. He advised that the architecture of the motel being renovated would be done in a separate motif as that of the Harley-Davidson building.

Mr. Ervin clarified the Harley-Davidson dealership would meet the architectural definition, but there was a metal roof planned for the hotel that would not conform to standards. He pointed out a 50's style diner was proposed, another restaurant would have rural vernacular architectural with a rustic appearance, and a mixed New Orleans style appearance would be predominant on the remaining projects. Mr. Ervin stated the City's architectural standards were to establish a theme and remain consistent with that theme.

Mayor Costello asked if the motel being renovated was structurally sound enough to withstand replacement with a tile roof.

Mr. Morris reported the motel would not be able to have a tile roof, which was why a metal roof was proposed for this building, while all of the other buildings would have a tile roof.

Mayor Costello stated that while he would prefer a tile roof, the renovation would be a great improvement over what currently existed, and he would consider this as redevelopment. He noted he would be willing to accept the mixed facades as long as the overall character was a Mediterranean style. Mayor Costello noted the building facing the road should be compatible, but another theme could be used facing inside the compound; however, he noted he was overruled in his recommendation, and the consensus was that the Commission was satisfied with the way the applicant presented the architectural design.

Mayor Costello advised itinerant vendors and outdoor entertainment would be discussed next.

Mr. Morris reported Mayor Costello properly characterized this project as a compound that could be maintained visually and from a traffic management perspective. He reported the itinerant vending would be permitted only for a limited time each year. Mr. Morris pointed out that US1 to the south was County land, and this type of activity existed in that area. He reported the applicant would be continuing that practice but in a contained area that they determined Ormond Beach would consider preferable.

Mayor Costello advised he preferred to have no itinerant vendors at all, but for this parcel west of I-95 with the compound effect and where the itinerant vendors would be internalized to the project, he may find it to be more acceptable. He recommended a Land Development Code amendment stating if an applicant had perhaps 25 acres or more where a compound effect could be created and the vendors would be 200 feet off from the right-of-way and visually buffered with buildings or landscaping, itinerant vendors would be acceptable. Mayor Costello clarified that he did not wish to see itinerant vendors become part of Ormond Beach's gateway corridor standard.

Commissioner Boyle stated itinerant vendors was a community-at-large issue; and since it was permitted elsewhere in Volusia County and this project was developing in Volusia County, that it would be impossible to deny this project that use. He stated, however, that he did not support the compound rationale articulated by Mayor Costello. He reported he appreciated all that the applicant and the professionals representing the applicant had done in working with Ormond Beach on this and other projects in trying to comply with all of Ormond Beach's standards. Commissioner Boyle reported that regardless of how Ormond Beach felt about itinerant vendors, it was Volusia County's jurisdiction; however, if it would ever become Ormond Beach jurisdiction, he may have a problem accepting them.

Commissioner Kent reported he appreciated the concessions on the landscaping and signage. He supported Mayor Costello's position relative to itinerant vendors and stated he did not prefer them in Ormond Beach, but would find more comfort in permitting them under certain criteria such as the compound recommendation off US1 and I-95.

Mr. Morris advised the applicant asked Ormond Beach staff for direction and pursued design standards suggested by Ormond Beach staff. He clarified staff did not provide a mandate to follow their direction or promise approval if they pursued staff's direction, but the applicant elected to pursue staff's direction.

Commissioner Partington echoed the previous comments. He reported he preferred to avoid the look of a flea market, especially with all of the efforts that were being used in creating Ormond Crossings. Commissioner Partington noted his main concern was that this project should not detract from Ormond Crossings, but that it would be an aesthetically pleasing project; and he noted the applicant had come a long way toward creating that type of project. He requested a further explanation of exactly how protected the itinerant vendor area would be from the roadways.

Mr. Morris displayed a colored site plan showing the area proposed for the itinerant vendors, which would be buffered by landscaping, a retention pond, and buildings. He noted the speed the vehicles would be traveling would also be a consideration. Mr. Morris advised the vending area would be surrounded and placed away from the traffic flow by approximately 150 feet.

Mayor Costello reported a requirement to be 150 feet from the roadway would not encumber this project; whereby, Mr. Morris concurred.

Commissioner Partington reported he had a high level of comfort at this point; however, he reserved the right to raise questions at a future date if this were to be annexed into Ormond Beach. He reiterated his concern was to shield the itinerant vendors to the greatest extent possible.

Mr. Morris noted the 150 feet alluded to by Mayor Costello was not in the PUD agreement, but he made a note to establish it; and if the Commission concurred, he would include it in the standards and advise the County planners to that effect. He advised it may not be included in time for the hearing next week, but would be a condition of the Planning Board's review.

Mayor Costello asked the Commission their thoughts on the outdoor entertainment issue.

Commissioner Boyle asked if an amphitheatre was being proposed.

Mr. Morris stated there was a type of amphitheatre proposed in the interior and aimed toward the traffic noise of I-95.

Commissioner Boyle reported he did not object to the music where the applicant proposed; however, he would have a problem with the itinerant vendors.

Mayor Costello reported that considering the internalized aspects of the proposal, he would not object. He suggested Mr. Ervin inform the County that Ormond Beach did not allow itinerant vendors in the corridor; but if under the abovementioned criteria, it could be acceptable. Mayor Costello asked the representative from Love's if he would comply with the landscaping, setbacks, and the theme of the building.

Mr. Doug Daniels, attorney, representing Love's Travel Plaza, stated the Love's project would comply with the landscaping and setbacks, but differed from Harley-Davidson in the theme of the building in that the style Love's would pursue was "Spanish Eclectic," which was very similar.

Mayor Costello asked if staff considered this style compatible; whereby, Mr. Ervin advised it was compatible. He noted the only issue remaining with Love's was the signage. Mayor Costello reported Love's would give up one interstate pole sign they would be permitted because they were proposing to take two billboards down and use only one billboard.

Mr. Daniels noted Harley-Davidson agreed to give up two of their pole signs to enable Love's to have a billboard. He reported Love's would be taking two billboards down and erecting a single billboard of 950 square feet.



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Mayor Costello reported he could accept the billboard if Love's would remove two billboards and replace it with one the same size as a single billboard; but the proposed billboard was roughly double the size of one billboard.

Mr. Dwight Durant, Zev Cohen and Associates, reported the two billboards were currently 650 square feet each.

Mayor Costello recommended replacing the two billboards with one 650-square foot billboard.

Mr. Daniels noted they had redesigned the billboard and may be able to reduce the size to 650 or 700 square feet.

Mayor Costello advised he was opposed to all billboards but could accept a 650-square foot billboard if the other was removed; however, if the applicant insisted on the 900-square foot billboard, he could not support the billboard.

Commissioner Boyle reported there was little difference between the one large billboard and two 650-square foot signs; but since it was on the interstate, he could accept the proposal.

Commissioner Kent advised he met with Mr. Daniels. He indicated that since the County would be making this decision, the Commission had little control.

Mr. Daniels reported this property was zoned B6, entitling them to a 950-square foot billboard which did not need to be addressed in the BPUD. He noted Love's could bring this in as a nonconforming use in the BPUD or cut it out of the area and leave it B6 without rezoning it. Mr. Daniels concurred it was primarily a County issue.

Mr. Ervin reported he was informed that the building application submitted for the billboard on this property would have to adhere to Ormond Beach standard. He pointed out Ormond Beach prohibits all billboards; therefore, because of the County's corridor standards, the County would defer to Ormond Beach. Mr. Ervin noted he was not certain if the County would be able to issue the permit.

Mr. Daniels advised this was the first time he was informed of this, and the County's interpretation to him up to this point had been the opposite.

Commissioner Kent reported considering the leniency being afforded Harley-Davidson, he did not understand why Love's would need such a large sign. He concurred with Mayor Costello that he would prefer signs to the large billboard that was proposed.

Mr. Daniels reported Love's may be able to utilize the smaller billboard. He advised Love's had done studies that indicated the 650-square foot sign was the minimum needed to bring in the business.

Mr. Hayes advised the code indicates no new billboards would be permitted in Ormond Beach, but it did not address rehabbing the old billboards.

Mayor Costello stated that he preferred one billboard at 650 square feet.

Commissioner Partington advised he also spoke to Mr. Daniels and indicated he would accept one billboard up to 700 square feet.

Mr. Ervin reported there was an agreement to work out the amortization of the billboards.

Mayor Costello summarized Commissioner Kent concurred with his recommendation of one billboard at 650 square feet, Commissioner Partington would accept one billboard at 700 square feet, and Commissioner Boyle would accept the 900-square foot billboard.

Mr. Daniels reported if the Commission could agree on a recommendation to accept a 650 to 700-square foot billboard, Love's would accept that recommendation.

Mr. Ervin summarized by stating he would present to the PLDRC that the applicant had worked with Ormond Beach, attempting to establish a compound setup to internalize the impacts from itinerant vendors and outdoor entertainment. He stated Ormond Beach would accept the existing site plan with the provision that no itinerant vendors would be permitted within 150 feet of the property line, and they would be screened via landscaping, building, and signage. Mr. Ervin advised that relative to the site-specific development standards, the Commission had determined the signage package presented was acceptable except that for Sign #4, Option 1

would be selected. He noted the two existing billboards could be traded for refurbishing one from 650 to 700 square feet. Mr. Ervin advised the monument signs would be acceptable, and the applicant identified that they would reduce the Type 2 sign to the height identified in the Ormond Beach Land Development Code. He noted the proposed four interstate interchange signs would be reduced to two. Mr. Ervin stated relative to the landscaping and buffering adjacent to US1 and I-95, the architecture, and the signage on the Harley-Davidson building, the proposals by the applicant would be acceptable to the City Commission. He reported the City Commission recommended approval of the BPUD as presented with the abovementioned specific modifications.

Commissioner Boyle disclosed he also met with Mr. Daniels.

Mr. Ervin reported that in review of this project, the City's public safety personnel identified the potential impact this project may have along the entire US1 corridor since there would be increased traffic and calls for public safety. He noted in an effort to provide an accurate depiction of the City concerns in that regard, there may be a separate discussion item relative to how the County would address the US1 corridor regarding these uses and making certain provision of services, personnel, and facilities were adequately addressed.

Mayor Costello reported he assumed the County would provide the law enforcement to patrol the traffic.

Mr. Ervin advised this project would require special details; however, staff's concern was the provision of adequate fire, emergency response staff, and traffic control requiring more than only County staff. He noted this was an example where the developer was working with the City, but there were numerous other parcels on the US1 corridor with the same zoning, and much could be done on which Ormond Beach may not have the ability to express an opinion. Mr. Ervin recommended using that situation as a model, implementing the application of these regulations on anyone coming into the area to avoid inconsistencies on how the code would be applied.

Mayor Costello requested that part of the presentation to the County include that Ormond Beach would expect the County to provide whatever public safety would be necessary.

#### Item #11(C) – Fire Station #91 Short and Long-term Facility Improvements

Ms. Judy Sloane, Public Works Director/City Engineer, reviewed the short-term improvements to Fire Station #91. She advised an air quality study was conducted over the past two years, and the last report provided three recommendations: 1) repair HVAC deficiencies; 2) install HEPA filtered air cleaners; and 3) consult with a design professional to determine the proper corrective measures for the water intrusion that had been occurring. Ms. Sloane noted all three recommendations had been accomplished. She reported the City consulted with Mr. Kenneth Smith, the historic architect who worked with the City in preparing The Casements evaluation. Ms. Sloane noted the report Mr. Smith completed was to be included in the packet, but was inadvertently omitted. She advised the report revealed the testing on site determined the amount of water infiltrating through the coquina and examined other areas of the building. Ms. Sloane reported water was coming into the building through several areas. She stated a sealant was applied, and then it was retested, which brought the level down to an acceptable level. She noted the recommended improvements were listed on page two of the City Manager memorandum costing nearly \$100,000, and it would increase to \$110,000 for the architect to provide the specifications. Ms. Sloane advised that whatever should occur with the facility, the building should be repaired since it had health and safety implications. She noted that since this was a non-budgeted item and there was no dedicated funding source for this type of maintenance, she recommended funds be taken from the General Fund reserves to cover the repairs.

Fire Chief Barry Baker stated that at the last meeting, the Commission requested options be provided for the future of Fire Station #91. He advised the first long-term option was to maintain the existing site. Chief Baker reported the second option would be to demolish the building, which would require a change to the Comprehensive Plan that required this historic structure to remain. He stated the third option would be to dispose of the building and find new property for a new fire station. Chief Baker advised beachside property large enough to accommodate a fire station was difficult to find; therefore, if the Commission selected Option 3, staff would need to start work on this issue promptly. He pointed out this was requested in the budget last year, and the request received notoriety, but no funding.

Mr. Turner stated that at the last meeting it was noted that this would not need to go through an election process since it was a public safety issue. He advised funding could occur through

Certificates of Obligation bonds, but direction would be needed from the Commission before this could be considered. Mr. Turner reported there may be land opportunities available; and if the Commission would provide direction to proceed with Option 3, staff would pursue that possibility.

Mayor Costello advised the unanimous consensus of the Commission was to pursue Option 3 as quickly as possible. He reported since the public supported bonds for a fire station, he noted it was his believe the community would support building another fire station since this was an issue of public safety. Mayor Costello urged staff to seek land and place the building up for sale to those who would want to keep the building on the historic registry; however, the building needed to be repaired now to enable the firefighters to inhabit the building until it could be sold. No objection was made to Mayor Costello's comments.

Ms. Dorian Burt, 203 Pine Cone Trail, asked if an appraisal would be performed immediately; whereby, Mr. Turner reported an appraisal would be performed.

Mayor Costello advised staff would probably not put the fire station up for sale until a new site could be located, but an appraisal would be needed.

Item #11(D) – Flagler County Utility Service Agreement.

Ms. Sloane reported staff had been working with Flagler County on a water and wastewater services agreement for nearly a year to determine the best method to service the Hunter's Ridge phase that would start construction shortly in the Flagler County area. She stated Ormond Beach was obligated to provide Hunter's Ridge with water service.

Mayor Costello clarified staff was asking if the Commission would prefer the out-of-City rate as opposed to the in-City rate. He advised the consensus was to charge the out-of-City rate.

Mr. Turner advised he received a letter from the Flagler County manager who requested a meeting to discuss this situation and asked if he should report any proposals to the Commission.

Mayor Costello reported it would be incumbent upon the Commission to listen to anything Mr. Turner deemed appropriate to bring to them.

Mr. Turner advised staff clearly understood the importance of the outside rates, not only for its current customers, but for future customers outside of the City.

Commissioner Boyle reported Mr. Turner could speak to the Flagler County manager, but he should make it clear the higher surcharge rates were non-negotiable.

**Commissioner Boyle moved, seconded by Commissioner Partington, to approve the Flagler County Utility Agreement as recommended by staff.**

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

Item #11(E) – Commission Ambassador Program

Mayor Costello recommended badges be provided, but jackets were not necessary for the Commission Ambassador Program. He noted anyone selected would dress appropriately.

Commissioner Partington asked to hear from former Commissioner Joyce High to obtain her opinion as to whether she would prefer the jackets.

Mayor Costello disclosed he contacted former Commissioner High to ask her to be his appointment, and she indicated she considered the jackets may be too hot to wear.

Former Commissioner Joyce High confirmed she stated the jackets may be too hot in the summertime and may be appropriate in the wintertime, but the ambassadors could make the adjustment without putting the City to that expense. She stated those appointed to this position would have a pride in what they would be doing and dress appropriately.

Mayor Costello reported when he was made aware of an event where he could not participate, he would ask the City Manager's secretary to contact the Commission. He noted if no

Commission member would be able to represent the City, the City Manager's secretary would contact his ambassador. Mayor Costello noted the Commission would have the option to either contact their ambassador directly or ask the City Manager's secretary to contact that person.

Item #11(F) – City Commission Member's Support of Candidates.

Mayor Costello recommended delaying this item until Commissioner Selis could be present. The Commission concurred.

Item #11(G) – Political Sign Regulations

Mr. Ervin reported the old Land Development Code had a specific requirement indicating signs could only be placed during the time the person was running for political office, but the amendments processed through the ad hoc committee and Planning Board changed this to 30 days prior to the election. He noted the City Attorney advised him that there was question as to the constitutionality of imposing the time limits. Mr. Ervin reported due to the provision being unconstitutional, no formal action would be needed this evening because the provision with the timeline was null and void. He advised staff would review this particular standard and come back with a revised standard. Mr. Ervin stated those signs that were currently posted would not be deemed in violation of this regulation.

Mr. Hayes stated political speech was protected under the first amendment, although governments may impose reasonable time, place, and manner restrictions on protected speech if the regulation was content neutral. He noted political signs are afforded a fundamental protection under the first amendment as political expression. Mr. Hayes reported a Court of Appeals addressed a similar ordinance, and the court held the durational limit was not content neutral but actually based on content since it targeted the political nature of the sign, thus held it to be unconstitutional and invalid. He noted this unenforceable provision in the code should be revised, and it would afford the City the opportunity to examine the political sign ordinance in its entirety to determine if other areas need to be amended as well. Mr. Hayes reported he would do his best to include this on the May 13<sup>th</sup> Planning Board agenda; but if additional revisions would be needed, it may be necessary to bring the entire package back.

**Commissioner Boyle moved to start an amendment process and to suspend enforcement of the existing language.**

Commissioner Boyle expressed discomfort that there was never public discussion of this ordinance, and he urged the City Attorney to consider reverting to the former language in the code. He advised the current language would force a person running for County Council on August 31 to not post signs until August 1<sup>st</sup>, then take them down on September 1<sup>st</sup>, store them, and replace them again in the first week in October. Commissioner Boyle pointed out the Presidential candidates' signs were already being displayed, which would be in violation of the code as written; and if those violations were to be enforced, First Amendment lawyers would certainly oppose the regulations. He reported it would always be difficult for incumbents to pass more restrictive regulations that may hinder those trying to be elected to the seats the incumbents held. Commissioner Boyle advised the Building Department, Planning Department, City Attorney, City Commission, City Clerk, and Code Enforcement were all unaware of the new regulation until after the complaint was filed. He asked for a verbatim account of when this was ever publicly discussed by a board. Commissioner Boyle reported it was a mystery how a substantive change in the code of Ormond Beach could be changed without any public discussion or input from the people affected.

Mr. Ervin advised that on May 22, 2002, the consultant provided the final draft of the Land Development Code, which did not contain this language; however, there was a discussion on limiting the time and duration of posting campaign signs. He noted when the ad hoc committee was reviewing this document, staff was making a recommendation against the consultants' recommendations and changes because it would result in 85% of the signs being nonconforming; and through an elaborate discussion, this particular point was identified. Mr. Ervin reported this was presented to the Planning Board based on the ad hoc committee's recommendations with the redrafting of the consultant's application that included bullet points specifying the changes, and this modification was included in that list of changes. He noted this smaller issue got lost in all of the changes being made to the code.

Commissioner Boyle reported that since the ad hoc committee was working under the rules of parliamentary procedure, he questioned where was the motion, second, and the vote to send this to the Planning Board.

Mr. Ervin reported he would research this information and provide it to the Commission. He noted it was presented as a portion of the formal presentation to the Planning Board and also in November.

Commissioner Boyle stated someone should have informed the City Commission. He reported he had no documentation whatsoever that this change ever occurred. Commissioner Boyle stated the City Commission needed to have better information provided.

Mayor Costello concurred the Commission needed better information. He stated he may have been one of the few who was aware of this provision because he did not personally like political signs. Mayor Costello reported he remembered a discussion relative to this issue but did not remember if it was at a Volusia County Association for Responsible Development (VCARD) meeting or a Chamber of Commerce meeting. He advised he was so opposed to signs that he did not wish to use them during his bid for re-election, but he did use them because his campaign team informed him that if he did not use signs, people would believe he was taking his electability for granted and was unwilling to work for his seat.

Commissioner Partington reported he distributed a copy of Section 5.5 "Special Event Signs" from the Port Orange Land Development Code. He advised Port Orange calls all political signs "special event sign" and allowed posting of signs not more than 30 days prior to the special event, but they make an exception for political campaign signs extending the period to 60 days. Commissioner Partington recommended permitting political campaign signs 90 to 120 days. He noted this would allow the message to be seen, but prevent "sign gardens" that clutter the City for an extended period of time.

Commissioner Boyle concurred with Mayor Costello and Commissioner Partington, noting that in 1995 he also opposed signs. He reported the Commission tried to find a way to eliminate the signs, but it could not be done. Commissioner Boyle pointed out challengers could qualify in February for a County seat, and the primary would be the end of August. He noted the system worked fine under the prior regulations and should be reinstated.

Commissioner Kent advised as a newly elected Commission member he could attest that the signs were needed for name recognition. He reported 120 days was a bit excessive, and the signs tend to become "stale" and "old" after seeing them for a long period of time.

Mr. Hayes reported he would examine the Port Orange ordinance, but cautioned another issue of the Fourteenth Amendment referring to equal protection must also be considered. He advised staff would bring back suggestions and recommendations.

Mayor Costello advised he would prefer the 30 to 60 day limit. He noted that if someone would post a sign 30 days prior to a primary election and that candidate won the primary, those signs could remain until after the general election since the election would not be over until that final general election date.

#### Item #12 - Reports, Suggestions, Requests

##### Activities Attended

Commissioner Partington advised he attended the grand opening for the new B'Nai Torah facility at the invitation of Commissioner Selis. He reported he learned a great deal about the Jewish faith, and it was a great experience.

Commissioner Partington reported he accompanied Mayor Costello, Mr. Turner, Mr. Lipps, Economic Development Director Joe Mannarino, Peggy Farmer from the Ormond Beach Chamber of Commerce, and Rick Frasier from the Workforce Development Board, to Tallahassee for the Volusia Days activities, visiting with many legislators. He advised progress was made on the issues important to Ormond Beach.

Commissioner Partington advised he attended the Seabreeze High School rededication with Commissioner Kent and Mayor Costello. He noted he was pleased to see Ormond Beach at this celebration supporting education.

Commissioner Partington commended Commissioner Boyle for his efforts on the beach parking issue, which he led to conclusion at the County Council meeting last week.

Commissioner Partington stated he attended the grand opening of the Jos. A. Bank store and noted there were exciting things happening at The Trails Shopping Center. He noted another ribbon cutting would be held soon for a shoe store.

Commissioner Partington reported he attended an urban growth boundaries seminar sponsored by VCARD where he heard interesting perspectives on the urban growth boundaries. He noted the seminar did a commendable job showing both sides of the issue.

#### Fire in Twin Rivers

Commissioner Boyle reported while Elliott Gross was campaigning for County Council in Twin Rivers, he discovered a home on fire, and Mr. Gross physically extinguished the fire.

#### Replica Cars

Commissioner Boyle requested the subject of replica cars be placed on this agenda, but it was not. He noted a year has elapsed since the replica cars were sent back to Oregon, and no reports or information have been provided. Commissioner Boyle advised the Commission was receiving public pressure to provide answers, which they did not possess.

#### Off-beach Parking

Commissioner Boyle thanked Commissioner Partington for attending the County Council meeting where the off-beach parking issue was discussed. He stated Oceanside Country Club still must approve the proposal, and there was no guarantee this approval would be provided. Commissioner Boyle pointed out Oceanside Country Club did not have to even consider this partnership with the City, and he was thankful for their consideration. He expressed appreciation to staff, particularly Ms. Sloane. Commissioner Boyle advised that the only reason the Neptune parking lot was discussed was because of the high level of respect Oceanside Country Club had for Ormond Beach staff and particularly for Ms. Sloane.

#### A1A Sidewalk

Commissioner Boyle advised the A1A sidewalk was a positive asset that the Oceanside Country Club and the citizens in general greatly appreciate. He commended Ms. Sloane and noted he hoped she would be a part of any new negotiations with the Oceanside Country Club because of the respect they have for her great integrity and professionalism.

#### Consolidated Tomoka Land Company

Commissioner Boyle reported he met with Mr. Bill McMunn of Consolidated Tomoka Land Company (CTLC) where the issues were discussed, and he described the meeting as very positive.

#### Ormond Beach/Daytona Beach Meeting

Commissioner Boyle advised the Ormond Beach/Daytona Beach meeting was a great interlocal meeting. He thanked Mr. Turner and Mayor Costello for bringing the Commission to the point that this meeting could occur. Commissioner Boyle noted each Commission member was a parishioner of the "Fred Costello School of Diplomacy." He thanked Commissioner Partington for the gift of "peace" he distributed, which he gave with great grace and sincerity. Commissioner Boyle noted Commissioner Selis provided the answer to the most important question of the evening, which was why Daytona Beach should give Ormond Beach 700 acres. He advised Commissioner Selis also apologized to Daytona Beach, which he considered to be appropriate and sincere, and something that perhaps he should have done since he was on the Commission during the years of difficulty with Daytona Beach. Commissioner Boyle reported government was truly about trust, and Commissioner Kent summed up that aspect perfectly in his analogy with the Cold War and the Berlin Wall. He presented Commissioner Kent with a small piece of the east side of the Berlin Wall that he received from a student in 1989 in consideration of the comments he made at that meeting.

Commissioner Kent thanked Commissioner Boyle for this gift and stated he would show this to his students who recently studied the Cold War.

#### Oakridge Cemetery

Commissioner Kent reported he attended the Oakridge Cemetery cleanup with the Police Athletic League (PAL) group, and he thanked them and the other residents who helped in this cause.

#### Seabreeze Rededication

Commissioner Kent stated the Seabreeze rededication was a phenomenal event. He thanked Mayor Costello and Commissioner Partington for their support.

#### Off-beach Parking

Commissioner Kent stated Commissioner Boyle, Mayor Costello, and Mr. Turner worked tirelessly on the off-beach parking issue. He reported Commissioner Boyle's entire demeanor had changed, and he appreciated that change. Commissioner Kent agreed with

City Commission – April 7, 2004

Commissioner Boyle that Mayor Costello constantly provided the Commission lessons in “friendly politics,” and it was appreciated.

#### Commissioner Kent's Grandfather

Commissioner Kent noted his grandfather was a phenomenal man who was at Pearl Harbor during the bombing and spoke to his class on four separate occasions relaying his experiences at Pearl Harbor.

#### Ormond Beach/Daytona Beach Meeting

Mr. Turner commended the Commission for their actions at the Ormond Beach/Daytona Beach joint meeting. He also commended staff for all of the work they did in preparing the information in the packet. Mr. Turner noted that regardless of the outcome of the decisions on the issues, the relationships that were established would be of ultimate benefit to both cities.

#### Neptune Parking Lot

Mr. Turner commended Ms. Sloane for her work on the Neptune parking lot and noted she has “resurrected” that project approximately four to five times and made a miracle happen. He noted the atmosphere at this last meeting compared to prior votes was entirely different in that the respect Oceanside Country Club has with this community was evident. Mr. Turner noted Ormond Beach’s reputation was now gaining it credibility.

#### CTLC Meeting

Mr. Turner reported his secretary would be contacting the Commission relative to a possible 5:30 p.m. meeting with Mr. McMunn of CTLC on April 20<sup>th</sup>, April 27<sup>th</sup>, or May 4<sup>th</sup>.

#### Volusia Days

Mr. Turner thanked the Commission for attending Volusia Days in Tallahassee and Mr. Sam Bell for escorting the Ormond Beach contingent and introducing them to the legislators. He noted that because of Mr. Bell’s efforts, the City was able to keep the possibility of receiving appropriations to fund design work for the overpass at the Ormond Crossings project. Mr. Turner advised another visit may be necessary in that regard.

#### Commissioner Kent's Grandfather

Mayor Costello reported Commissioner Kent’s grandfather seemed like a person he would have liked to have known.

#### Spirit of Cooperation

Mayor Costello urged the Commission not to feel as though they were in competition with Daytona Beach for the name Birthplace of Speed since only Ormond Beach was designated as the Birthplace of Speed, and Daytona Beach could be considered the Birthplace of Racing or choose another name. He stated Ormond Beach would cooperate with the centennial celebration. Mayor Costello advised the meeting with Daytona Beach was only the beginning of many cooperative efforts between the two cities. He noted that through the cooperation with WAV, the St. Johns River Water Management District and other State agencies would be more likely to provide funding because they want this cooperation amongst the entities to work to benefit the entire region.

#### Poles on the Beach

Mayor Costello reported he spoke on the phone to Steve Kitner relative to the Incidental Take Permit, beach driving, and moving the poles. He advised Mr. Kitner was very optimistic the poles could be moved during the November 1<sup>st</sup> to March 1<sup>st</sup> window after the permits were received.

Mayor Costello reported Mr. Josh Gaboton from Congressman Mica’s office prompted him to call Mr. Kitner today. He stated he was impressed Mr. Gaboton would take an interest in something this important to Ormond Beach.

#### Ormond Crossings Overpass

Mayor Costello stated Senator Evelyn Lynn and Representative Pat Patterson have both advised trading would occur at the budget committee meetings, and they were fairly confident the Ormond Crossings overpass project would remain at the end of the process. He noted both legislators have influence in their respective bodies.

Mayor Costello noted he spoke to Dick Harky in Congressman Mica’s office who indicated there was \$4 million in the House budget for Ormond Crossings and \$1 million for A1A beautification between Ormond Beach and Daytona Beach. He noted if these funds survive the budget committee and a Presidential veto from President Bush, those funds would be available.

Volusia League of Cities Dinner

Mayor Costello reported the Volusia League of Cities dinner at Oceanside Country Club was a great success with Pattie Lane and Siobhan Daly providing music. He thanked staff for the excellent job they did with all aspects of this dinner.

Volusia Growth Management Commission

Mayor Costello stated he hoped the Commission would soon consider reappointing Mr. Brandon to the Volusia Growth Management Commission.

Ormond Crossings

Mayor Costello reported he met with the City Attorney, County Attorney, City Manager, County Manager, and the County Council Chairman to try to pinpoint the problems holding back progress on the Ormond Crossings project. Mayor Costello advised he left the meeting feeling very optimistic.

Ormond Beach/Daytona Beach Meeting

Mayor Costello reported he spoke to Mr. McMunn of CTLC who stated Mr. Turner was a great negotiator who was very persistent. He noted this was an interesting comment considering that Mr. McMunn was used to negotiating.

Item #13 – Close the Meeting

The meeting was adjourned at 11:28 p.m.

APPROVED: April 20, 2004

BY: Fred Costello, Mayor

ATTEST:

Veronica Patterson, City Clerk