

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

November 3, 2004 7:00 p.m.

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

A G E N D A

- 1) Meeting call to order by Mayor Costello.
- 2) Invocation.
- 3) Pledge of Allegiance.
- 4) Approval of the Minutes of the October 19, 2004, meeting.
- 5) ***PRESENTATION:*** 25th Annual Christmas Walk at The Casements.
- 6) ***AUDIENCE REMARKS:***
- 7) ***INTERGOVERNMENTAL BOARD REPORTS:***
 - A) Metropolitan Planning Organization
 - B) Volusia Council of Governments
 - C) Smart Growth Implementation Committee
 - D) 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. 2004-184 appointing Dr. B. J. Primus-Cotton as a commissioner of the Ormond Beach Housing Authority; setting forth term and conditions of office.
 - B) Resolution No. 2004-185 appointing John Dillard as a member to serve on the Environmental Advisory Board; setting forth term and conditions of office.

- C) Resolution No. 2004-186 appointing Todd Phillips as a member to serve on the Budget Advisory Board; setting forth term and conditions of service.
- D) Resolution No. 2004-187 of the City Commission, also acting as the Community Redevelopment Agency of the City, adopting an application and review process for the Property Improvement Grant Program; authorizing the payment of funds from the Tax Increment Financing Construction Fund for the Property Improvement Grant Program for Fiscal Year 2004-2005.
- E) Resolution No. 2004-188 authorizing the execution of a Land and Water Conservation Fund Program Project Agreement between the City and the Florida Department of Environmental Protection. (\$100,000 LWCF, \$100,000 local match for Central Park improvements)
- F) Resolution No. 2004-189 authorizing execution of a Community Development Block Grant Subrecipient Agreement for Fiscal Year 2004-2005 between the City and the County of Volusia. (\$125,819)
- G) Resolution No. 2004-190 in support of the creation of a Municipal Service Taxing and Benefit Unit for Water Supply; providing for conflict resolutions.
- H) Resolution No. 2004-191 authorizing the execution of two Disaster Relief Funding Agreements with the Florida Department of Community Affairs; naming the Finance Director and City Manager as applicant agents on behalf of the City. (\$3,150,000 reimbursement from FEMA; \$175,000 funded by the State; \$175,000 funded by the City – Hurricanes Frances and Jeanne)
- I) Replacement of the roof at the City-owned building at 156 New Britain Avenue used by American Legion Post 267.

DISPOSITION: Approve as recommended in City Manager memorandum dated October 28, 2004.

9) **PUBLIC HEARINGS:**

- A) Resolution No. 2004-192 authorizing the execution and issuance of a Development Order for “Nova Ace Plaza” Special Exception on a site located on the southwest corner of Nova Road and Moreland Boulevard within the B-8 (Commercial) zoning district to allow the construction of a mixed commercial development consisting of three (3) principal buildings for office, retail sales and services, restaurant uses, totaling over 10,000 square feet; allowing restaurant uses not permitted by right; approving a full waiver of the wall requirement along the west property line; approving a partial waiver of the wall requirement along the south property line; authorizing the Site Plan Review Committee to approve the development of the out parcel site; establishing conditions and expirations of approval. (Nova ACE Plaza)
- B) Ordinance No. 2004-44 amending Chapter 2, District and General Regulations, by amending Paragraph C, Official Zoning Map, of Section 2-01, Establishment of Zoning Districts and Official Zoning Map, of the *2004 Land Development Code* by changing the format of the Official Zoning Map from the existing hand drawn version to an electronically generated version linked to the City’s Geographic Information System (GIS). (Second Reading)
- C) Ordinance No. 2004-45 amending the annual budget for the 2003-2004 fiscal year relative to the General Fund, Stormwater Fund, Economic Development Fund, Federal Law Enforcement Trust Fund, Equipment Replacement Fund, Water and Sewer Fund, and Solid Waste Fund. (Second Reading)
- D) Ordinance No. 2004-47 amending Chapter 2, Administration, Article VI, Boards, Commissions, Committees and Other Agencies, Division 2, Enumerated, Section 2-220, Aviation Advisory Board, of the *Code of Ordinances* by amending Section 2-220(C) concerning the terms for and removal of members. (Second Reading)
- E) Ordinance No. 2004-48 amending Chapter 2, Administration, Article VI, Boards, Commissions, Committees and Other Agencies, Division 2, Enumerated, Section

2-218, Neighborhood Improvement Advisory Board, of the *Code of Ordinances* by correcting a scrivener's error. (Second Reading)

F) Ordinance No. 2004-49 amending Chapter 2, Administration, Article VI, Boards, Commissions, Committees and Other Agencies, Division 2, Enumerated, Section 2-226, Budget Advisory Board, of the *Code of Ordinances* by amending Section 2-226(C) concerning removal of members. (Second Reading)

10) **FIRST READING OF ORDINANCE** No. 2004-50 regarding the office of City Commissioner, Zone 3, providing for and calling a Special Primary Election of the registered electors residing in Zone 3 of the City of Ormond Beach, Florida, to be held, if necessary, on January 25, 2005; providing for and calling a Special Election of the registered electors residing in Zone 3 of the City of Ormond Beach, Florida, to be held on February 22, 2005; providing for qualifying and election procedures; establishing a date for taking office; designating the location of polling places; providing for severability; and setting forth an effective date.

11) **RESOLUTIONS:**

A) Resolution No. 2004-159 authorizing the execution of a Collective Bargaining Agreement between the City and the Ormond Beach Firefighters Association (Local 3499, IAFF, AFL-CIO, CLC). (Tabled from the 9/21/04 meeting)

B) Resolution No. 2004-160 amending the Pay and Classification Plan. (Tabled from the 9/21/04 meeting)

C) Resolution No. 2004-161 increasing the pay ranges and steps for non-bargaining unit classified and unclassified employees and officials by 2.75%; authorizing the implementation and granting of a one-step pay increase for all non-bargaining unit employees covered by a step plan; authorizing the implementation and granting of a 6% general wage increase to all other non-bargaining unit employees and officials not covered by a step plan. (Tabled from the 9/21/04 meeting)

D) Resolution No. 2004-182 authorizing the execution of a Contract for Land Exchange between the City of Ormond Beach and C. Fred Hudson, III, Trustee. (Land for Fire Station No. 91)

E) Resolution No. 2004-183 of the City Commission of Ormond Beach, Florida, declaring the City's official intent to seek reimbursement for certain capital expenditures made and to be made by the City with respect to the acquisition and improvement of land and the construction, improvement and equipping of a new facility thereon to house Fire Station No. 91 to be located on South Atlantic Avenue in the City of Ormond Beach from the proceeds of tax-exempt debt anticipated to be issued by the City; providing for severability and providing for an effective date.

12) **DISCUSSION ITEMS:**

A) Hurricane Charley, Frances and Jeanne.

1) Hurricane response efforts.

2) Debris removal status.

B) Marina Grande Redevelopment project.

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

14) Close the meeting.

Item #1 - Call to Order

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

Item #2 - Invocation

Reverend Dr. Jesse W. Cotton gave the invocation.

Item #3 - Pledge of Allegiance

Mayor Costello led the Pledge of Allegiance.

Item #4 – Approval of Minutes

Mayor Costello advised the minutes of the October 19, 2004, regular 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.

Item #5 - 25th Annual Christmas Walk at The Casements.

Ms. Patricia Johnson, The Casements Guild president, stated that a number of people have invested many years of service to the community through the Ormond Beach Cultural and Civic Association. She noted some have served for the past 25 years. Ms. Johnson reported the Commission has been provided with a ticket to attend the Christmas Walk and she also invited them to attend the Friends of The Casements celebration on Friday, November 12th. She introduced the members of the guild and indicated the number of years they had served.

Mayor Costello reported many people praise The Casements. He stated The Casements is the heart of the community and makes Ormond Beach a special place.

Hurricane Report

Mr. Isaac Turner, City Manager, advised that the Commission would be updated on activities that were being done during the recent hurricanes later this evening. He noted there were maps and photographs in the rear of the chambers and a slide show with hurricane photographs was running prior to the meeting.

Mayor Costello commended Mr. Turner for a very impressive report.

Item #6 – Audience Remarks

Budget Advisory Board Recommendation

Mr. Randy Brewer, 524 Arroyo Parkway, Budget Advisory Board Chairman, reported that the Budget Advisory Board recommended the firefighter overtime pay not exceed \$400,000 in the current budget. He noted it was also the unanimous opinion of the Budget Advisory Board that senior management must exercise more control over the issuance and utilization of overtime for all departments in the City.

Mayor Costello requested this issue be included as a discussion item on the first meeting after the end of the first quarter so that Paul Lane, Finance Director, could inform the Commission what the firefighter overtime figure was at that time.

Taxes

Mr. Glenn Jaspers, 160 Ocean Terrace, urged the Commission to set proper priorities relative to spending and to seek further savings. He objected to any delays in adopting the Budget Advisory Board recommended budget cuts.

Mr. Jaspers congratulated the Guild on its 25th anniversary, noting he would have preferred the funds that were spent on the Birthplace of Speed Park be spent on The Casements flooding problem. He stated 40 people presented considerable objections to raising the millage rate, but the Commission chose to ignore them and passed three airport expenses for \$39,000 at that same meeting. Mr. Jaspers noted he heard inane reasons for going ahead with the runway extension. He stated there was \$400,000 in items at the airport that could be cut considering the current economy.

Lightning Detection System

Mr. Gregory Avakian, 161 Heritage Circle, stated he asked a number of questions relative to the lightning detection system and received almost no satisfactory answers. He stated those answers should have been available if the Commission asked those same pertinent questions before approving the expenditure.

Collective Bargaining Agreement

Mr. Avakian stated the City Commission had an obligation to the public to prioritize needs. He pointed out the City was similar to a \$77 million corporation, but the Commission members

individually and collectively were not capable of running a \$77 million multifaceted corporation. Mr. Avakian stated the City's professional staff and Budget Advisory Board recommended a 3½% pay increase for City employees, but the Commission disregarded that expert opinion, which would bring into question the respect they have for the professional staff and the Budget Advisory Board members. He stated the collective bargaining agreement was not the best the City could get for the citizens and suggested the Commission rework the entire agreement.

Lightning Detection System

Mayor Costello reported he did not have the answers to the questions Mr. Avakian asked relative to the lightning detection system. He pointed out that The Commission approved or disapproved expenditures, but did not select a certain brand to be purchased.

Staff Travel

Mr. Adrian Thompson, 6 Dorado Beach Court, noted that several weeks ago he requested a report on trips taken by City staff, the cost of those trips, and whether the Commission had reports from those who took the trips. He stated he was promised copies would be available, but he had not received them to date; therefore, he again requested the reports. Mr. Thompson made a further request for information on the City Manager's recent trip to California, specifically including the cost of travel, transportation, hotel, subsistence, and any other expenses by line item supported by receipts along with details of all seminars such as subject, date, time, duration of the seminars, and a cost benefit analysis based upon what the City Manager learned at the seminars and how he could justify the expense paid by the taxpayers for the seminar.

FAA Complaint

Mr. Thompson stated the informal complaint his company made to the FAA has resulted in a finding that there appears to be no violations. He noted his counsel's opinion was that the FAA failed to take proper consideration of the evidence submitted and for him to file a formal complaint. Mr. Thompson stated he would give the Commission and staff an opportunity to discuss the specific items in question with him before filing his official complaint.

Staff Travel

Mayor Costello asked Mr. Turner to provide the presentation and benefits of the recent trip in the Friday letter; however, he noted he was not comfortable asking for a "cost benefit analysis." He reported any trip should be discussed with the employees' supervisor, and for the City Manager and City Attorney, the supervisor would be the City Commission; but that had been done. Mayor Costello stated if any Commission member wanted more information, they could request that at the end of the meeting.

FAA Complaint

Mayor Costello asked Mr. Tom Lipps, Support Services Director, to contact Mr. Thompson and arrange a meeting in a workshop forum with the Commission or with only Mr. Thompson and staff. He stated he wanted to do everything possible to put the airport issues behind them.

Item #7(A) – Metropolitan Planning Organization

Mayor Costello reported that Mr. George Gilhooley was named the new District 5 secretary for the Metropolitan Planning Organization (MPO). He stated Nova Road would have all lanes open by Thanksgiving. Mayor Costello noted he indicated the Ormond Beach residents wanted "The Loop" to be a "leisurely stroll" with bike lanes with the diamonds imprinted on both sides so motorists would know bikes were welcome. He stated he would even favor speed bumps. Mayor Costello explained MPO's around the country were using the Volusia County MPO as a model.

Item #7(B) – Volusia Council of Governments

Mayor Costello reported the Volusia Council of Governments (VCOG) decided they would work with the Volusia County Council to provide input on what the urban growth boundaries would consist of since they believed the urban growth boundary ballot question would pass. He stated it was decided it would not be appropriate to take a position on urban growth boundaries since some cities favored and some opposed them, but it would be appropriate to discuss how urban growth boundaries could benefit smart growth.

Mayor Costello advised that the November 22nd meeting would be his last meeting as VCOG chairman, and he would be discussing the goals that were achieved, those goals not yet achieved, and those items he would recommend VCOG achieve in the future.

Mayor Costello reported VCOG discussed the problems that many cities had with Nextel Communications and the concept of urging any new cell phone towers be permitted in such a fashion that any cell company could use the tower to avoid building new towers.

Mayor Costello commended Fire Chief Barry Baker for his assistance in the firefighter employment screening program where a firefighter could apply at a central location for testing, certification, and applications for positions within Volusia County. He noted 66 firefighters applied and 58 passed the test.

Mayor Costello noted a post hurricane discussion was scheduled with all of the cities and Volusia County to discuss ways to better assist each other in a future emergency.

Mayor Costello reported Deltona was trying to put together a veterans' museum and was seeking veteran memorabilia.

Item #7(C) – Smart Growth Implementation Committee

Mayor Costello reported the Smart Growth Implementation Committee was establishing work groups, and some Ormond Beach staff members have become involved. He stated the committee was seeking people who would serve on the environment, development/redevelopment, economy, and agricultural/rural subcommittees. Mayor Costello noted if time would permit, he would be serving on the economy subcommittee.

Item #7(D) – Water Authority of Volusia

Commissioner Boyle advised the Water Authority of Volusia (WAV) met on October 19th where minor amendments were made to the interlocal agreement and debate was continued on the funding mechanisms. He noted that all of the ground that he reported was gained at the last meeting had been lost because there was some hesitation on the part of County government to accept the Municipal Taxing Benefit Unit (MTBU) concept until all of the municipalities were committed. Commissioner Boyle stated this method would relate the tax to the benefit. He reported WAV was trying to include this in the 2005 tax year, but because of this delay, it would be in the 2006 tax year. He noted Dr. Bruce Mowry, Executive Director, assured him that this delay may have many advantages. Commissioner Boyle stated WAV may be on more solid footing; the County government may be more comfortable with the process and with this new entity; some jurisdictional issues could be settled; and the cities having varied situations may be more accepting.

Item #8 - Consent Agenda

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

Commissioner Kent asked that Item No. 8(B) be discussed separately.

Mayor Costello asked that Item Nos. 8(D) and (G) be pulled.

Mr. Thompson asked that Item No. 8(C) be pulled.

Mayor Costello asked that any member of the audience who wanted an item to be pulled from the Consent Agenda make that request during audience comments. He noted he would ask for Item No. 8(C) to be pulled; but in the future, it must be requested properly.

Commissioner Partington moved, seconded by Commissioner Kent, for approval of the Consent Agenda, minus Item Nos. 8(B), 8(C), 8(D), and 8(G).

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

Item #8(B) – Environmental Advisory Board Appointment

RESOLUTION NO. 2004-185
A RESOLUTION APPOINTING JOHN DILLARD AS A MEMBER
TO SERVE ON THE ENVIRONMENTAL ADVISORY BOARD;
SETTING FORTH TERM AND CONDITIONS OF SERVICE; AND
SETTING FORTH AN EFFECTIVE DATE.

Commissioner Partington moved, seconded by Commissioner Boyle, to approve Resolution No. 2004-185, as read by title only.

Commissioner Kent thanked Mr. Gordon Kipp for his service on the Environmental Advisory Board and Mr. John Dillard for his enthusiasm and willingness to serve on this board. He noted Mr. Dillard had previously served on the Environmental Advisory Board.

Commissioner Boyle stated Mr. Dillard had chaired this important board in the past.

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

Item #8(C) – Budget Advisory Board Appointment

RESOLUTION NO. 2004-186
A RESOLUTION APPOINTING TODD PHILLIPS AS A MEMBER TO SERVE ON THE BUDGET ADVISORY BOARD; SETTING FORTH TERM AND CONDITIONS OF SERVICE; AND SETTING FORTH AN EFFECTIVE DATE.

Commissioner Kent moved to approve Resolution No. 2004-186, as read by title only. Mayor Costello passed the gavel to Deputy Mayor Boyle to second the motion.

Deputy Mayor Boyle asked Mr. Thompson to explain why he requested this item be pulled.

Mr. Adrian Thompson, 6 Dorado Beach Court, cautioned the Commission about appointing Mr. Phillips because he already served on the Aviation Advisory Board; and when he was appointed to the Aviation Advisory Board, he immediately approached his business at the Ormond Beach Municipal Airport to sell insurance that was clearly linked to the influence he had as a member of the Aviation Advisory Board. Mr. Thompson noted it would be inappropriate to appoint Mr. Phillips because he had clearly demonstrated a lack of fiscal responsibility through comments he made regarding the runway extension.

Mayor Costello respectfully disagreed with Mr. Thompson noting it was inappropriate to make statements about what a person may have said when they were not present to defend themselves. He pointed out that the custom of the Commission was that when a Commission member made a board appointment, the Commission would ratify that appointment unless there was some egregious reason not to do so. Mayor Costello stated he appointed Mr. Marvin Miller to the Budget Advisory Board because Mr. Miller wrote a scathing letter objecting to the tax increase; therefore, he would do his very best to find cuts. He advised Mr. Phillips was also adamantly opposed to the tax increase, and this may be the reason Commissioner Selis selected him as his appointment to the board. Mayor Costello pointed out that Commissioner Selis agreed that this appointment would be only to February 28th when Commissioner Selis would resign, and the new Commissioner would appoint a new member or reappoint Mr. Phillips.

Deputy Mayor Boyle stated he was troubled by the offer to have this appointment only to February 28th since all of the other appointments would not expire on that date.

Call Vote:	Commissioner Partington	Abstain
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Deputy Mayor Boyle asked Ms. Upchurch under what circumstances a Commission member may abstain from voting.

Ms. Sandra Upchurch, Deputy City Attorney, asked Commissioner Partington if there was a reason he needed to abstain so she could make a determination if abstaining was permitted.

Deputy Mayor Boyle stated he understood that the Commission was required by law to vote on all items unless there was a conflict.

Mayor Costello stated the conflict had to be where the Commission member would derive personal or financial gain.

Ms. Upchurch advised that there would have to be a pecuniary gain to the Commission member or a family member.

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

Commissioner Boyle passed the gavel back to Mayor Costello. He stated he opposed the compromise of appointing Mr. Phillips to a term ending on February 28th because it would create two sets of rules for appointees.

Mayor Costello pointed out the people who were appointed to serve a full term would do so; only this newly appointed person would serve a partial term because he was aware at the time of the appointment that Commissioner Selis would be resigning.

Commissioner Boyle stated that even though he voted against Mr. Phillips' appointment, he would support him serving the full term.

Item #8(D) – Property Improvement Grant Program

RESOLUTION NO. 2004-187

A RESOLUTION OF THE CITY COMMISSION, ALSO ACTING AS THE COMMUNITY REDEVELOPMENT AGENCY OF THE CITY, ADOPTING AN APPLICATION AND REVIEW PROCESS FOR THE PROPERTY IMPROVEMENT GRANT PROGRAM; AUTHORIZING THE PAYMENT OF FUNDS FROM THE TAX INCREMENT FINANCING CONSTRUCTION FUND FOR THE PROPERTY IMPROVEMENT GRANT PROGRAM FOR FISCAL YEAR 2004-2005; AND SETTING FORTH AN EFFECTIVE DATE.

Commissioner Partington moved, seconded by Commissioner Boyle, to approve Resolution No. 2004-187, as read by title only.

Mayor Costello recommended a \$25,000 maximum for the Property Improvement Grant Program since he would prefer some money be used for parking.

Mr. Clay Ervin, Planning Director, stated the criterion was reviewed by Ormond Beach Main Street, which did not see a need for a cap at this time. He recommended allowing the program to continue as drafted; and if amendments need to be made in the future, that could be done. Mr. Ervin noted \$200,000 has been allocated and that amount would not be allocated to a single project if multiple projects would come in; conversely, if there was a project where the City could double the level of improvements to the exterior of an existing building, that may be beneficial to the City.

Mr. Turner stated this was a new program, and each project would come to the Commission on an individual basis. He noted a specific limit could be set on the project as it comes to the Commission. Mr. Turner reported the City had the opportunity to make a significant difference with the revenue.

Mr. Ervin advised banking money within a Tax Increment Financing (TIF) district was very limited without specific projects, and there are currently no specific improvement projects in the downtown. He noted TIF money could be used for parking within the next two to three years. Mr. Ervin reported the only parking project that has been identified was the joint parking agreement with the school, which has already been funded.

Commissioner Boyle stated with \$200,000 in the funds, a \$50,000 cap would be reasonable. He noted objection to the concept of passing this now and then amending it at a later time, which could cause inequity.

Commissioner Boyle moved, seconded by Commissioner Partington, to amend Resolution No. 2004-187 to initiate a \$50,000 cap per improvement.

Commissioner Kent stated the Main Street board discussed caps, and he would not object to a \$50,000 cap.

Mayor Costello reported he would vote against this motion because the City needed to invest in public property such as property for parking. He noted that due to the hurricanes, people could use matching grants, but he would prefer a lower cap.

Mr. Ervin clarified that on Exhibit B, the Grant Agreement, under Section I – Overview, the verbiage would be amended to read: “The maximum eligible amount for each project is fifty per cent (50%) of the total eligible costs to a maximum of \$50,000.”

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

Item #8(G) – Creation of a Municipal Service Taxing and Benefit Unit for Water Supply

RESOLUTION NO. 2004-190

A RESOLUTION IN SUPPORT OF THE CREATION OF A MUNICIPAL SERVICE TAXING AND BENEFIT UNIT FOR WATER SUPPLY; PROVIDING FOR CONFLICT RESOLUTIONS; AND SETTING FORTH AN EFFECTIVE DATE.

Commissioner Boyle moved, seconded by Commissioner Kent, to approve Resolution No. 2004-190, as read by title only.

Mayor Costello questioned if Commissioner Boyle, as the City’s representative to WAV, would consider this the best method to move forward.

Commissioner Boyle stated funding had been debated for many months with some recommending adding the cost to the water rate and others to the ad valorem taxes, but this MTBU was embraced by all. He stated the MTBU was complicated; but since all of the cities have embraced the MTBU method of funding, he could recommend approval.

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

Item #9(A) – Nova ACE Plaza

RESOLUTION NO. 2004-192

A RESOLUTION AUTHORIZING THE EXECUTION AND ISSUANCE OF A DEVELOPMENT ORDER FOR “NOVA ACE PLAZA” SPECIAL EXCEPTION ON A SITE LOCATED ON THE SOUTHWEST CORNER OF NOVA ROAD AND MORELAND BOULEVARD WITHIN THE B-8 (COMMERCIAL) ZONING DISTRICT TO ALLOW THE CONSTRUCTION OF A MIXED COMMERCIAL DEVELOPMENT CONSISTING OF THREE (3) PRINCIPAL BUILDINGS FOR OFFICE, RETAIL SALES AND SERVICES, RESTAURANT USES, TOTALING OVER 10,000 SQUARE FEET; ALLOWING RESTAURANT USES NOT PERMITTED BY RIGHT; APPROVING A FULL WAIVER OF THE WALL REQUIREMENT ALONG THE WEST PROPERTY LINE; APPROVING A PARTIAL WAIVER OF THE WALL REQUIREMENT ALONG THE SOUTH PROPERTY LINE; AUTHORIZING THE SITE PLAN REVIEW COMMITTEE TO APPROVE THE DEVELOPMENT OF THE OUT PARCEL SITE; ESTABLISHING CONDITIONS AND EXPIRATIONS OF APPROVAL; AND SETTING FORTH AN EFFECTIVE DATE.

Commissioner Boyle moved, seconded by Commissioner Kent, to approve Resolution No. 2004-192, as read by title only.

Mr. Ervin stated this application was reviewed by the Development Review Board, which recommended denial relative to buffering and the intensity of uses. He noted the staff report explained these issues and recommended approval. Mr. Ervin stated faxed letters were included in the Commission packet from several residents requesting the waiver for the wall along the western property line not be approved. He reported a letter was also included from the applicant’s attorney addressing the individual comments from the Development Review Board.

Mr. Ervin stated the site was located on Nova Road by Moreland Boulevard on the south and abutting an existing manufactured home community. He pointed out that the applicant

requested a partial waiver of the south wall, but is no longer requesting the waiver and is prepared to provide the buffering of a six-foot high masonry wall. Mr. Ervin noted the portion currently being contested was the area along the western property line where the applicant had provided for a 110 foot setback to the parking area, locating the stormwater in this area, preserving existing oak trees, and planting 18 wax myrtles similar to the project to the north. He pointed out that the applicant had addressed a majority of the concerns brought forward by the Development Review Board. Mr. Ervin explained the intensity was unchanged and similar to other projects previously approved. He stated the applicant had complied with the architectural requests and agreed to provide the buffering along the southern property line, but was currently requesting the waiver of the wall along the western property line and the approval of a Type A, B, C, or D restaurant. Mr. Ervin explained that a Type D restaurant was a fast food restaurant, but staff was recommending not permitting a drive-through without going through a public hearing process.

Commissioner Boyle moved, seconded by Commissioner Partington, to include the wall on the south side and architectural enhancements.

Mayor Costello stated that the wall would be constructed on the south; and if the wall was required to be built on the west by the Florida Power and Light (FPL) easement, the applicant would not be saving the trees or providing additional trees.

Mr. Peter Heebner, 523 North Halifax Avenue, Daytona Beach, attorney representing Ormond Ace Plaza, stated that this project was significantly less intensive than the B-8 zoning would allow, and there was a 196-foot buffer to the rear property line while only 35 feet was required. He reported the architectural treatment was different from the other similar projects to the north; and for each of those projects, the westerly wall was waived because it was within the FPL easement. Mr. Heebner pointed out that FPL would not allow a fixed structure to be constructed in its easement, but the applicant had offered to provide an extensive buffer where the retention would be located. He stated the number of trees being provided would far exceed that which would be required in the new Land Development Code. Mr. Heebner pointed out that this project was considerably less intense in use and lot coverage than similar projects. He noted the façade along Nova Road would be wrapped around the south end because this was a highly traveled road and the look would be complete. Mr. Heebner reported an effort was made to meet or exceed City requirements.

Mr. Thomas Walter, 303 Forest Hills Boulevard, stated there was 37½ feet available and only 12½ feet was in the FPL right-of-way. He reported the applicant proposed to plant the trees in the 12½ foot portion where FPL cut the trees down before Hurricane Charlie. Mr. Walter recommended placing the wall on the other side of the trees. He stated a letter was presented from all five property owners requesting the wall not be waived so the traffic would be eliminated and that the lights from the project would not shine in their windows. Mr. Walter reported that when he moved into his home, the City informed him that if this property would ever be developed, a wall would be required.

Mr. Ervin explained that there was a 100-foot easement of which 13 feet intruded into this property. He noted that on the property to the north, the amount of land dictated that the wall could not be set on the property line and would have to be set back, which was problematic from a maintenance perspective. Mr. Ervin reported that staff was being consistent in recommending approval for this project and the project to the north.

Mayor Costello asked if FPL would accept the wall being placed 13 feet east of the property line; whereby, Mr. Ervin noted that as long as the wall were outside of the FPL easement, the wall could be constructed.

Mayor Costello noted he was sensitive to the issue of maintenance.

Mr. Ervin noted there have been three parcels developed in a similar nature along the Nova Road corridor, and the City has not required walls on the other projects.

Commissioner Partington stated he would not be in favor of this project without the wall requested by the citizens.

Commissioner Kent disclosed he spoke to Mr. Rob Merrell, the project attorney, relative to this project. He noted his concern was that the City assured the residents there would be a wall prior to the citizens purchasing their homes.

Commissioner Boyle stated where commercial abuts residential, a wall has historically been required. He disclosed that he had a short conversation with Mr. Merrell. Commissioner Boyle concurred that a wall should be built.

Mayor Costello reported he also met with the developer. He stated this was a wonderful project that would enhance Nova Road, but he had voted for every buffer wall between commercial and residential if a wall could be built. Mayor Costello asked if a wall could be built with the same plan minus the trees.

Mr. Ervin stated a wall could meander outside the FPL easement, but it would be at the bank of the stormwater pond.

Commissioner Boyle noted trees may be lost with the wall; whereby, Mr. Ervin concurred that trees may be lost if a wall was built.

Mayor Costello pointed out the extra trees the applicant had proposed would not be added if the wall was required.

Commissioner Boyle asked for clarification as to what type of restaurant would be permitted.

Mr. Ervin stated that currently, within the B-8 zoning district, all of the types of restaurants would be permitted, but they would have to go through a special exception process. He noted the exception would be that staff recommended prohibiting a drive-through, similar to the Blockbuster center, where a drive-through would require an amended Planned Business Development (PBD) or a special exception.

Commissioner Boyle expressed concern that a future Commission could approve a drive-through at a later date.

Mayor Costello noted absent a PBD, a drive-through would be permissible now.

Mr. Ervin reported that if the applicant wanted a drive-through, they would have to go back through the public hearing process. He stated this would provide control over the most intensive uses.

Ms. Sandra Upchurch, Deputy City Attorney, noted that the resolution discussed a partial waiver of the wall requirement on the south side.

Mr. Ervin advised that portion of the resolution would be struck. He noted that the partial waiver was pertaining to length of the building; therefore, any waiver language should be deleted.

Commissioner Boyle moved, seconded by Commissioner Partington, to delete the waiver relative to wall requirements.

Mr. L. J. Van Lancker, 306 Forest Hills Boulevard, recommended meandering around the trees for the west wall as well as on the south wall.

Mayor Costello noted this would depend upon how it would fit with the retention pond.

Mr. Heebner stated the policy for placing a wall between commercial and residential uses was understandable; however, this was a different situation since there was 196 feet from the parking area to the lot line where the retention and maintenance would be needed.

Ms. Kimberly Buck, Alann Engineering Group, project engineer, stated that this wall would cause difficulty to maintain the property, and a plan would have to be worked out with staff as to what would happen on the west side of the wall. She pointed out that the wall would be splitting the buffer area.

Commissioner Partington recommended tabling this issue to allow staff to work with the developer.

Mr. Ervin stated the wall splitting the buffer could be done since it had been done in other projects; however, the landscaping would be dramatically changed in that instead of having the 18 wax myrtles along the property line, there would only be one tree for every 40 linear feet, 10 to 12 feet at time of planting, and a continuous hedge. He noted the wall would be six-feet high and can meander to the east to a limited extent. Mr. Ervin stated maintenance would be problematic. He noted it would go through a code enforcement procedure, and some methodology would be needed to access the area.

Mr. Heebner reported this was not an issue at the Development Review Board meeting. He stated due to the extraordinary amount of buffering and the fact that developments to the north were not required to provide the wall, it did not seem to be an issue. Mr. Heebner pointed out that the planning staff thought this was a much better solution considering the wall could not be built properly due to the FPL easement. He concurred with Commissioner Partington's recommendation to table this item to make certain the agreement could be clarified.

Commissioner Boyle stated the main issue was that even though there may be problems constructing this wall, the citizens wanted a wall. He stated if the citizens were willing to meet with the applicant to examine alternatives, he could support tabling the issue.

Mr. Thomas Walter, 303 Forest Hills Boulevard, stated the developer stated the FPL easement went 30 feet into the property, but it actually only went 12½ feet. He concurred that the wall would have to be built above the berm at the retention pond. Mr. Walter noted access to the wall could be gained through the 12½ feet. He stated he still wanted the wall.

Commissioner Boyle noted that he was not assured discussions between staff and the applicant would address the residents' request for a wall.

Commissioner Partington questioned if the residents fully understood what they were asking. He pointed out that there had been situations where residents had wanted a wall, but when the wall was constructed, they were not happy with the situation. Commissioner Partington noted a six-foot wall, especially on top of a berm, may not be what the residents really want, especially when there may be other options that could accomplish their goals.

Mayor Costello stated the current motion was for walls on the western and southern sides of the property.

Mr. Heebner reiterated that the wall on the west side had not been addressed because it did not seem to be of consequence, but an alternative may be worked out to the satisfaction of the residents.

Mayor Costello stated a vote could be taken tonight to add another amendment that if the developer could convince the residents to accept another plan, it could be brought back to the Commission and the order could then be amended.

Commissioner Partington moved to table this item.

Commissioner Boyle asked if one more resident could be heard before a vote was taken.

Ms. Patti Ann Welter, 303 Forest Hills Boulevard, stated that this was not a snap decision since she had been examining plans and attending meetings relative to this issue for three years. She noted there was no reason the developer could not erect a nice wall and save as many trees as possible.

Mayor Costello advised the motion to table died for lack of a second.

Mayor Costello asked Ms. Veronica Patterson, City Clerk, to call the question to require the two walls.

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

Mayor Costello asked Ms. Patterson call the question on the motion, as amended, including the architectural embellishments.

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(A).

Item #9(B) – Official Zoning Map

ORDINANCE NO. 2004-44

AN ORDINANCE AMENDING CHAPTER 2, DISTRICT AND GENERAL REGULATIONS, BY AMENDING PARAGRAPH C, OFFICIAL ZONING MAP, OF SECTION 2-01, ESTABLISHMENT OF ZONING DISTRICTS AND OFFICIAL ZONING MAP, OF THE 2004 LAND DEVELOPMENT CODE BY CHANGING THE FORMAT OF THE OFFICIAL ZONING MAP FROM THE EXISTING HAND DRAWN VERSION TO AN ELECTRONICALLY GENERATED VERSION LINKED TO THE CITY'S GEOGRAPHIC INFORMATION SYSTEM (GIS); 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. 2004-44, on second reading.

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).

Item #9(C) – Amending the Annual Budget

ORDINANCE NO. 2004-45

AN ORDINANCE AMENDING THE ANNUAL BUDGET FOR THE 2003-2004 FISCAL YEAR RELATIVE TO THE GENERAL FUND, STORMWATER FUND, ECONOMIC DEVELOPMENT FUND, FEDERAL LAW ENFORCEMENT TRUST FUND, EQUIPMENT REPLACEMENT FUND, WATER AND SEWER FUND, AND SOLID WASTE FUND; AND SETTING FORTH AN EFFECTIVE DATE.

Commissioner Boyle asked for clarification that this would not approve the water rate increase; whereby, Mr. Ted MacLeod, Assistant City Manager, assured this would not approve the water rate increase.

Commissioner Boyle moved, seconded by Commissioner Kent, to approve Ordinance No. 2004-45, on second reading.

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(C).

Item #9(D) – Terms For and Removal of Members of the Aviation Advisory Board

ORDINANCE NO. 2004-47

AN ORDINANCE AMENDING CHAPTER 2, ADMINISTRATION, ARTICLE VI, BOARDS, COMMISSIONS, COMMITTEES AND OTHER AGENCIES, DIVISION 2, ENUMERATED, SECTION 2-220, AVIATION ADVISORY BOARD, OF THE CODE OF ORDINANCES BY AMENDING SECTION 2-220(C) CONCERNING THE TERMS FOR AND REMOVAL OF MEMBERS; AND SETTING FORTH AN EFFECTIVE DATE.

Commissioner Kent moved, seconded by Commissioner Partington, to approve Ordinance No. 2004-47, on second reading.

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(D).

Item #9(E) – Scrivener’s Error – Neighborhood Improvement Advisory Board

ORDINANCE NO. 2004-48
AN ORDINANCE AMENDING CHAPTER 2, ADMINISTRATION, ARTICLE VI, BOARDS, COMMISSIONS, COMMITTEES AND OTHER AGENCIES, DIVISION 2, ENUMERATED, SECTION 2-218, NEIGHBORHOOD IMPROVEMENT ADVISORY BOARD, OF THE *CODE OF ORDINANCES* BY CORRECTING A SCRIVENER’S ERROR; AND SETTING FORTH AN EFFECTIVE DATE.

Commissioner Boyle moved, seconded by Commissioner Partington, to approve Ordinance No. 2004-48, on second reading.

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(E).

Item #9(F) – Removal of Members of the Budget Advisory Board

ORDINANCE NO. 2004-49
AN ORDINANCE AMENDING CHAPTER 2, ADMINISTRATION, ARTICLE VI, BOARDS, COMMISSIONS, COMMITTEES AND OTHER AGENCIES, DIVISION 2, ENUMERATED, SECTION 2-226, BUDGET ADVISORY BOARD, OF THE *CODE OF ORDINANCES* BY AMENDING SECTION 2-226(C) CONCERNING REMOVAL OF MEMBERS; AND SETTING FORTH AN EFFECTIVE DATE.

Commissioner Partington moved, seconded by Commissioner Kent, to approve Ordinance No. 2004-49, on second reading.

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(F).

Item #10 – Calling a Special Primary Election

ORDINANCE NO. 2004-50
AN ORDINANCE REGARDING THE OFFICE OF CITY COMMISSIONER, ZONE 3, PROVIDING FOR AND CALLING A SPECIAL PRIMARY ELECTION OF THE REGISTERED ELECTORS RESIDING IN ZONE 3 OF THE CITY OF ORMOND BEACH, FLORIDA, TO BE HELD, IF NECESSARY, ON JANUARY 25, 2005; PROVIDING FOR AND CALLING A SPECIAL ELECTION OF THE REGISTERED ELECTORS RESIDING IN ZONE 3 OF THE CITY OF ORMOND BEACH, FLORIDA, TO BE HELD ON FEBRUARY 22, 2005; PROVIDING FOR QUALIFYING AND ELECTION PROCEDURES; ESTABLISHING A DATE FOR TAKING OFFICE; DESIGNATING THE LOCATION OF POLLING PLACES; PROVIDING FOR SEVERABILITY; AND SETTING FORTH AN EFFECTIVE DATE.

Commissioner Partington moved, seconded by Commissioner Boyle, to approve Ordinance No. 2004-50, on first reading.

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

Item #11(A) – Firefighters’ Bargaining Agreement

RESOLUTION NO. 2004-159

A RESOLUTION AUTHORIZING THE EXECUTION OF A COLLECTIVE BARGAINING AGREEMENT BETWEEN THE CITY AND THE ORMOND BEACH FIREFIGHTERS ASSOCIATION (LOCAL 3499, IAFF, AFL-CIO, CLC); SETTING FORTH AN EFFECTIVE DATE.

Commissioner Partington moved, seconded by Commissioner Kent, to approve Resolution No. 2004-159, as read by title only.

Mayor Costello advised that based on the workshop relative to this bargaining agreement held prior to this meeting, the Commission was headed for a two-to-two vote; therefore, he recommended a motion be made to table this issue.

Commissioner Boyle moved, seconded by Commissioner Partington, to table Resolution No. 2004-159 to the November 16th City Commission meeting.

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

Item #11(B) – Pay and Classification Plan

RESOLUTION NO. 2004-160

A RESOLUTION AMENDING THE PAY AND CLASSIFICATION PLAN; AND SETTING FORTH AN EFFECTIVE DATE.

Commissioner Kent moved, seconded by Commissioner Partington, to approve Resolution No. 2004-160, as read by title only.

Mayor Costello noted that unless a Commissioner had changed his mind, there would be a two-to-two vote on this issue as well; therefore, he recommended a motion be made to table.

Commissioner Partington moved, seconded by Commissioner Boyle, to table Resolution No. 2004-160 to the November 16th City Commission meeting.

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

Item #11(C) – Increasing the Pay Ranges and Steps

RESOLUTION NO. 2004-161

A RESOLUTION INCREASING THE PAY RANGES AND STEPS FOR NON-BARGAINING UNIT CLASSIFIED AND UNCLASSIFIED EMPLOYEES AND OFFICIALS BY 2.75%; AUTHORIZING THE IMPLEMENTATION AND GRANTING OF A ONE-STEP PAY INCREASE FOR ALL NON-BARGAINING UNIT EMPLOYEES COVERED BY A STEP PLAN; AUTHORIZING THE IMPLEMENTATION AND GRANTING OF A 6% GENERAL WAGE INCREASE TO ALL OTHER NON-BARGAINING UNIT EMPLOYEES AND OFFICIALS NOT COVERED BY A STEP PLAN; SETTING FORTH AN EFFECTIVE DATE.

Commissioner Boyle moved, seconded by Commissioner Partington, to table Resolution No. 2004-161 to the November 16th City Commission meeting.

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

Item #11(D) – Contract for Land Exchange for Fire Station No. 91

RESOLUTION NO. 2004-182

A RESOLUTION AUTHORIZING THE EXECUTION OF A CONTRACT FOR LAND EXCHANGE BETWEEN THE CITY OF ORMOND BEACH AND C. FRED HUDSON, III, TRUSTEE; AND SETTING FORTH AN EFFECTIVE DATE.

Commissioner Kent moved, seconded by Commissioner Boyle, to approve Resolution No. 2004-182, as read by title only.

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

Item #11(E) – Acquisition and Improvement of Land for Fire Station No. 91

RESOLUTION NO. 2004-183

A RESOLUTION OF THE CITY COMMISSION OF ORMOND BEACH, FLORIDA, DECLARING THE CITY'S OFFICIAL INTENT TO SEEK REIMBURSEMENT FOR CERTAIN CAPITAL EXPENDITURES MADE AND TO BE MADE BY THE CITY WITH RESPECT TO THE ACQUISITION AND IMPROVEMENT OF LAND AND THE CONSTRUCTION, IMPROVEMENT AND EQUIPPING OF A NEW FACILITY THEREON TO HOUSE FIRE STATION NO. 91 TO BE LOCATED ON SOUTH ATLANTIC AVENUE IN THE CITY OF ORMOND BEACH FROM THE PROCEEDS OF TAX-EXEMPT DEBT ANTICIPATED TO BE ISSUED BY THE CITY; PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

Commissioner Boyle moved, seconded by Commissioner Kent, to approve Resolution No. 2004-183, as read by title only.

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

Item #12(A)(1) and 12(A)(2) – Hurricane Response Efforts and Debris Removal Status

Mr. Turner thanked all of the employees involved in hurricane response and debris removal for their efforts before, during, and after the hurricanes. He noted the information sheets provided details of some of the efforts that went well, some that were improved upon from the first storm, and others that still need further improvement. Mr. Turner commended staff for the constant coordination and communications, particularly between the directors and the division managers. He stated at least two meetings were held each day with the directors and the division managers, and supervisors met with their employees as the storms approached. Mr. Turner noted that there was a focus on maintaining City functions and services, such as keeping City Hall open as long as possible, but most critically, maintaining water and sewer services throughout the storm events. He pointed out that with the Commission's concurrence, after the first storm, the City was able to procure additional generators for water and sewer components and for traffic control devices. Mr. Turner stated phone and cell phone lines went down during Hurricane Charlie making communications difficult, but improvements were noted with Hurricane Frances and Hurricane Jeanne. He reported the City received excellent staff support from emergency personnel including not only police and fire personnel, but also public works employees who cleared the drains, removed debris, pumped the retention ponds, and made sure the lift stations were working. Mr. Turner stated non-emergency employees volunteering assistance enabled the City to keep communication lines open and track data. He thanked the Commission for allowing the staff to have the technologic equipment that improved staff's ability relative to the internet and mapping which included digital photos and debris removal progress.

Mr. Turner explained that Mr. Joe Mannarino, Economic Development Director, focused on businesses during the second storm and noted that the first contact made to Ormond Ace Hardware was made by Mr. Mannarino informing the owners of the small business loan assistance that was available. He noted Mr. Mannarino also contacted members at the Airport Business Park and worked with FPL to try to restore power.

Mr. Turner reported that the areas where improvement was needed were in receiving better information from FPL, increasing training of staff for these types of events, evaluating the need for more equipment, and improving the quality and process of the debris removal.

Mr. Turner stated the Public Works Department and other staff members did an outstanding job of clearing the roads within hours of the events passing, especially considering the storms had occurred back-to-back. He noted better communication regarding the debris removal project was needed.

Mr. Turner reported that the Employee Assistance Program entailed employee efforts to make sure staff was in a position to protect the public when they were required to work 12 or 24 hour days and also be able to protect their own homes and families. He noted some of the efforts were employee initiated, and some support was provided by the City, particularly in the boarding of the houses. Mr. Turner noted that clearly understood alternate methods must be examined along with liability and eligibility issues; however, he assured the public that City material and tools were not used in these efforts. He noted this program allowed employees who could not be let off, particularly in the Police Department, the assistance to make their homes secure. Mr. Turner noted he would appreciate an opportunity to examine this program to make improvements and report back to the Commission. He stated that during the time this decision occurred, there were literally hundreds of decisions that were being made, and it never occurred to him to discuss the program until the public mentioned the issue.

Mr. Turner explained that Ormond Beach was fortunate in that there was no loss of life; and while flooding did occur, it was not as severe as in some other areas. He stated staff understood that the service to the community was of primary concern.

Commissioner Boyle praised City employees and noted that the City was 98% effective in what Mr. Turner outlined. He noted the citizens were also to be commended for how they handled the three hurricanes. Commissioner Boyle stated the report indicated sand bag services were above normal. He reported that in preparing for Hurricane Frances, the City ran out of sand bags, and the staff did not know of any alternatives to offer questioning constituents; therefore, in the future, if the City would run out of sand bags, alternatives should be clearly articulated to the citizens through the media.

Commissioner Boyle stated Mr. Turner noted employees came in voluntarily, but there was an issue where there was confusion relative to an incentive that was offered prior to the second hurricane. He reported Mr. Turner explained the employees had accepted management's decision on this issue; however, he recently learned that there may be a grievance filed. Commissioner Boyle asked for an update on the status of this issue.

Commissioner Boyle stated he received three communications and a personal meeting with Mr. Turner relative to the Hurricane Employee Assistance Program. He reported the Commission had no idea the program was in place until 35 days after the boarding of the homes had occurred. Commissioner Boyle pointed out that there was a public perception that since the Commission was not aware of the program until after citizens complained, absent those complaints, the Commission may not have ever been informed of the program. He stated communications from the City Manager for the second and third hurricanes were very thorough. Commissioner Boyle noted another concern was that exposure of employees to liability had not been settled. Commissioner Boyle reported he knew of no other Volusia County city that allowed employees to board homes during the work day. He stated this program was supposedly for emergency employees to secure their property since they would be on duty; however, the list included detectives who could be excused from their duties to board up their homes because they did not have emergency duty, which left a discrepancy.

Commissioner Boyle reported this program was executed by the Police Chief and a dozen employees under his supervision, boarding up the homes of those same individuals, the City Manager, several other individuals, and a private nursing home. He stated this service was not offered to any other emergency employee of the City, leaving a built in inequity. Commissioner Boyle pointed out the Arbors Nursing Home was boarded at the request of the wife of a detective assisting with the boarding. Commissioner Boyle reported that on September 3rd between 2 p.m. and 6 p.m. the City Manager, Police Chief, and a Police Division Chief boarded up the City Manager's home while he had to contract a private firm to board his home up on that date. He stated during that time, there were City emergency personnel announcing an evacuation of the North Peninsula; therefore, three emergency personnel were boarding up a home at this critical time, and the City had no sand bags for that entire day. Commissioner Boyle reported that based on all of the facts, this well-meaning program raised questions of probity, equity, and fairness at a time when Ormond Beach citizens were still

traumatized from a 34% property tax increase and where they were now scrutinizing every action of the City government. He noted poor decisions were made. Commissioner Boyle reported he distributed a report outlining the objections he just raised.

Commissioner Kent thanked the employees, residents, and City Manager for their efforts. He noted after the first storm where some Commission members believed they did not receive proper communications, communications were received during the following two storms. Commissioner Kent pointed out the Hurricane Employee Assistance Program was a very well-intentioned program, but he expressed concern if these employees were being paid while this boarding was taking place. He stated hurricanes were slow moving storms, and residents knew they were coming well in advance. Commissioner Kent noted the program was not fair in that it was not opened to anyone meeting certain criteria. He urged fellow employees or families to help one another, but not on the City's time clock.

Mr. Turner stated that prior to boarding his home, Police Chief Larry Mathieson and Division Chief Mark Walker had a Emergency Operations Center (EOC) meeting and a meeting with the City's emergency staff, and after boarding up his home there was another emergency meeting. He clarified that he was physically staying at the police station over night. Mr. Turner reported Hurricane Charlie made it clear that projections were not always completely accurate. He stated the only window he had to make personal decisions, such as boarding up his home, was at that time when he was assured the City was safe, and he asked his friends, Chief Mathieson and Division Chief Walker, to help him. Mr. Turner pointed out that City employees were the people he knew the best, which was why he asked for their assistance. He noted both employees were on salary rather than hourly rates; therefore, they were not getting any more money for offering their assistance, and both would be at the police station all night and the next day. Mr. Turner explained the City did not lose any dollars or time from their assistance; however, the liability issues and others on City time do need to be addressed.

Mr. Turner advised that in early October a video was presented to the Commission purportedly as misuse of City resources. He stated the video was less than one minute in length showing his van and a City truck he utilized during the storms. Mr. Turner reported the truck had nothing in it, and the video showed his children but no City employees. He stated he resented his children being filmed, and the purpose behind the video was purposefully misconstrued. Mr. Turner requested knowing who shot the video since it was provided in a public meeting, discussed in a public meeting, and this was a public meeting. He reiterated nothing was done with City resources or tools inappropriately. Mr. Turner pointed out that the video was shot prior to Hurricane Jeanne, and the boards on his house were already up, and he was merely adjusting a board; but it had nothing to do with City personnel whatsoever.

Mr. Adrian Thompson, 6 Dorado Beach Court, stated he shot the video because members of the public came to him to inform him that City staff had boarded the City Manager's house using City time and City vehicles.

Mayor Costello stated Mr. Thompson could not accuse Mr. Turner of something that was not true. He noted it was not done on City time, since the employees were on salary.

Mr. Thompson stated even though the employees were on salary, the action was not at the behest of the City. He noted the City Manager had the opportunity at the City Commission meeting when another citizen made similar allegations to answer to the allegations. Mr. Thompson reported the City Manager's responses have been inconsistent.

Mayor Costello explained every person has the right to ask friends for assistance. He stated any accusations should be placed in writing so they could be responded to properly.

Mr. Turner stated he did not see the video prior to it being presented to the Commission; therefore, he could not respond at that time. He reported the innuendo was that the video showed something that it did not. Mr. Turner pointed out the video did not show City workers, rather, it showed his children, and he hoped the Commission and citizens would be sensitive to having videos taken of family members and purporting those to be misuse of City resources.

Police Chief Larry Mathieson stated that as the Vice President of the Florida Police Chief Association, he sent a statewide email asking for feedback relative to other entities that have exactly the same or similar programs, and a partial list included Miami-Dade Police Department, City of Miami Police Department, Coral Gables Police Department, Green Cove Springs Police Department, and the Port Orange Police Department. He explained the Friday prior to Hurricane Frances, a staff meeting was held in the Police Department training room, and he made an announcement to let those present know if anyone needed any additional assistance, it would be provided. Chief Mathieson noted that it was a policy in the City of Ormond Beach

and virtually every agency throughout the State of Florida to allow employees additional time off to prepare their homes. He stated he was not apologizing for the decision that was made since the City has an affirmative responsibility to the officers and staff to make sure that they can fulfill the responsibilities they are asked to fulfill. Chief Mathieson pointed out that the City has no difficulty asking these officers to leave their homes and families at a moment's notice to work 12 hour shifts for seven days a week; therefore, he would not stop these people from presenting the opportunity to assist them in fulfilling those duties and responsibilities since it was what good management should do. He stated he understood and respected anyone who would question these issues; but the correct decision was made, and unless ordered not to, he would do the same thing again.

Mr. Turner reported he had heard the Commission and would examine modification alternatives that would be brought back to the Commission for review.

Mayor Costello stated to continue such a policy, it would be necessary to determine if there was a legal way to cover the risk management issues, and it would need to be approved by the City Commission prior to implementation. He reported another issue that needed to be discussed was if the City Manager or Police Chief would help one another as friends since they are salaried employees who were not "on the clock."

Mr. Turner noted between the hours of 2:00 p.m. and 6:00 p.m. there were a number of employees that would normally work to 5:00 p.m. that took off to take care of last minute preparations. He stated the directors and staff who were expected to stay overnight and into the next day were, in essence, "off" at that time but would be "on" for the next 24 hours.

Mayor Costello stated that whatever policy was ultimately approved, he did not want anyone to come back with complaints of one City employee helping another City employee. He noted he would favor City staff to assist one another if they so desire.

Mr. Turner noted he did not believe the administration could prohibit City employees from helping one another, especially if it was not on City time.

Mayor Costello reported his understanding was that two of Mr. Turner's friends, not "on the clock," who were City employees, helped Mr. Turner; and the Commission should either support the right for that to occur or indicate it would not be prudent.

Commissioner Boyle pointed out that he concurred with almost everything Chief Mathieson stated; however, in most other agencies, the elected body was aware of the policy and the program had approval and guidelines. He stated people should not be video taping peoples' homes, but this happens when the Commission does not have all of the information. Commissioner Boyle reported that salaried employees make their own hours and can secure their homes any time they choose. He pointed out he had no problem with any program that released employees, including non-management, to secure their homes. Commissioner Boyle explained that there was a discrepancy between management and non-management personnel. He reiterated he would not object for any employee to help another employee do what was necessary in such situations; however, the Commission needed to know about it. Commissioner Boyle noted Mr. Turner stated some employees worked seven 12-hour shifts per week, but there were still opportunities to board up houses since the task could have been contracted out.

Mr. Turner reported a number of decisions were being made, but he apologized for not informing the Commission relative to this program. He stated non-management employees were permitted to make arrangements, but he reiterated that some employees worked 12-hour shifts and could not get off during the daytime to perform these tasks, which was a problem.

Mayor Costello commended Ms. Sloane for preparing the grid outlining the debris removal status and for having it available on the Internet. He urged this information also be placed in the News-Journal and on the radio. Mayor Costello recommended the grid be updated almost on a daily basis so people could determine the status of debris removal in their area.

Item #12(B) – Marina Grande Redevelopment Project

Mayor Costello clarified that staff was asking the Commission if they had any issues to present to the Department of Community Affairs (DCA) and the Volusia County Growth Management Commission relative to the Marina Gande redevelopment project.

Commissioner Boyle thanked Mr. Ervin for the thorough report. He stated a rationale provided was that even 30-story buildings were consistent with development to the south in Daytona

Beach. Commissioner Boyle noted that even though Ormond Beach borders were one and one-half to two miles from this site, if Ormond Beach should accept the premise that this development was consistent because of the development in Daytona Beach, he questioned if a future Ormond Beach City Commission could have an applicant using the precedent that a 30-story building would be consistent in Ormond Beach because of the 30-story building in Holly Hill.

Mr. Ervin stated that the level of scrutiny the City would have to go through in making a Future Land Use amendment was not as severe as it would be with a rezoning. He explained anything occurring in Ormond Beach would require a Future Land Use amendment where the City would have to examine all of the elements of the Comprehensive Plan to make the change and a rezoning would require a more exacting standard for approval. Mr. Ervin noted merely because a building would exist two miles from Ormond Beach's border would not dictate that Ormond Beach would have to follow suit; however, this would probably be an issue that Ormond Beach would have to grapple with in the next ten years. He stated DCA's comments would examine caps and intensity mixes, and the Volusia County Growth Management has identified a concern that facilities would have to be in place to offset the impacts. Mr. Ervin noted that this would not, in the long term, set a precedent Ormond Beach have to follow, but it would bring forward issues Ormond Beach may have to face in the future.

Commissioner Boyle noted Mr. Ervin conceded two key points: that there would conceivably be a process that may allow, through a number of public hearings, variances, and special exceptions, a 30-story building in Ormond Beach, and that once the 30-story building existed in Holly Hill, it may impact a decision of a future Ormond Beach City Commission to allow a similar project to go forward.

Mr. Ervin noted he would not say the Holly Hill project would set a precedent, but the urban growth boundary discussion would set a greater precedent.

Commissioner Boyle stated Ormond Beach has a seven-story height limit. He noted a report found this development compatible with Daytona Beach to the south, but made no mention of its compatibility to Ormond Beach to the north. Commissioner Boyle urged the Commission to picture the Ormond Heritage building three times higher to compare to this 30-story building. He recommended Ormond Beach offer a negative comment relative to this project considering Ormond Beach's seven-story limit. Commissioner Boyle pointed out that there was no building taller than three or four stories high in Holly Hill. Commissioner Boyle disclosed that he had a conversation with the representative of the company proposing the four 30-story buildings.

Mayor Costello reported he did not see the need to comment on what Holly Hill was doing in that location. He noted all areas in Volusia County would be faced with issues of redevelopment of higher intensity because of the urban growth boundary discussion. Mayor Costello stated that the Smart Growth Implementation Committee discussions included the transfer of development rights outside the urban growth boundaries where a landowner would sell the development rights to a developer inside the urban growth boundary to increase the intensity to preserve and protect land the public did not want to purchase outside the urban growth boundary. He concurred that there would come a time where Ormond Beach would have to decide if a project at nine or ten stories would be considered smart growth as a trade for something else; however, he strongly doubted any double digit height limit would be acceptable in Ormond Beach. Mayor Costello stated he did not see that a 30-story building in Holly Hill, even on Ormond Beach's border, would set a precedent for Ormond Beach since there had been a seven-story limit for many years.

Commissioner Boyle stated Ormond Beach has a mutual fire response agreement with Holly Hill. He asked how a 30-story building in Holly Hill would affect Ormond Beach firefighters, and if a new agreement would be required.

Fire Chief Barry Baker noted no change would be necessary due to the proximity of the location. He pointed out that Daytona Beach would be more affected. Chief Baker explained Holly Hill has now entered into an agreement with Volusia County where Holly Hill was staffing a station with Volusia County. He noted the exception for Ormond Beach being affected would be for multiple alarms or if Holly Hill was busy on other calls.

Commissioner Boyle stated if a fire would break out on the 20th floor, would there be a multiple alarm with every response unit called out.

Chief Baker explained this would be more likely in an older high-rise construction, but not as significant in a newer high-rise construction.

Mayor Costello stated since only one Commission member requested transmitting an objection, the recommendation would be dropped.

Item #13 - Reports, Suggestions, Requests

Expressions of Appreciation

Commissioner Kent thanked Mayor Costello for his leadership during this meeting and the 5:30 p.m. workshop.

Commissioner Kent thanked Mr. Turner for meeting with him this afternoon to allay some concerns he had.

Coffee with Commissioner Kent

Commissioner Kent reported the first "Coffee with Commissioner Kent" was held last Monday and was a success. He noted eleven citizens attended, five of which were not related. Commissioner Kent advised this would continue the first Monday of every month, but the time would be changed from 3:30 p.m. to 4:00 p.m.

Economic Recovery Initiative

Commissioner Kent applauded the Ormond Beach Chamber of Commerce for their efforts in establishing the Economic Recovery Initiative to try to help the local business in the aftermath of the three hurricanes.

Firefighter Overtime

Commissioner Kent commended the Budget Advisory Board recommendation regarding firefighter overtime.

Commercial Vehicles on a Residential Street

Commissioner Boyle stated he received a complaint from the fifth homeowner relative to commercial vehicles parked at 180 North Halifax Drive, which has been a continuing problem for three to five years. He urged a quick resolution to this situation.

Traffic Lanes on US1

Commissioner Boyle reported he received a complaint from a UPS driver that the traffic lanes are so tight to the curve on US1 that the turning movements for trucks and large vehicles are very problematic.

Undesignated Money in the Airport Improvement Fund

Commissioner Boyle stated he was disappointed staff did not point out the \$226,000 of undesignated money in the Airport Improvement Fund when the Commission was desperately searching for the extra funds.

Budget Director Search Consultant

Commissioner Boyle reported he opposed the \$10,000 to \$15,000 expenditure by the City Manager to hire a consultant to search for a budget director. He noted this appointment was solely the City Manager's responsibility and decision. Commissioner Boyle pointed out the same consulting firm that the Commission hired to find the City Manager was hired by the City Manager to find the budget director; therefore, he had a problem with the selection of this particular company.

Lightning Detection System

Commissioner Boyle stated the \$20,000 expenditure for the lightning detection system found its way into the budget without a staff report or analysis. He requested a written report explaining why the Commission was considering this system in only the Airport Sports Complex when there were other fields and the beach that also needed to be protected. Commissioner Boyle noted this single expenditure could open the City to exposure if a child was struck with the system in place or if a child was struck somewhere else where the protection did not exist.

Employee Overtime

Commissioner Boyle requested an updated report relative to employee overtime due to the potential grievance being filed.

Facility Maintenance

Commissioner Boyle asked the City Manager for a chronology of all of the facility maintenance requests made by staff on the public record since 1996 that were not funded by the City Commission.

Impact Fee Funds

Commissioner Boyle asked for copies of the exact language that qualified the use of impact fees for every impact fee fund. He stated these funds were hardly ever spent, and they had millions of dollars in the funds. Commissioner Boyle reported he failed to see how impact fees could not be used to resurface the road at the recreation center.

City Vehicles

Commissioner Boyle requested a list of every City vehicle assigned to an employee.

Racial Diversity in Recreation Programs

Commissioner Boyle requested a report on the racial diversity of participants in each youth recreational program. He stated he wanted to know whether Ormond Beach recreational programs were reaching all of the children. Commissioner Boyle noted he recommended six years ago that if the City could not get the children to the fields, to bring the fields to the children.

Chambers Beautification Award

Mr. Turner thanked the Chamber of Commerce for designating the Ormond Beach Public Works Department as a recipient of the Chambers Beautification Award for removing the debris from the streets and for all of their efforts during the storms. He commended the Public Works Department employees for their efforts.

Budget Director Search

Mr. Turner asked Ms. Volker to explain some of the services being provided by the consultant in the budget director search.

Ms. Lorenda Volker, Human Resources Director, stated the primary service the consultant can do that staff can not do was to “cold call” a list of Government Financial Officers Association (GFOA) members to determine if they would be interested in the budget director position. She noted this was a unique position in that the director would actually prepare the budget, and it would clarify the assumption relative to staff associated with the position. Ms. Volker explained prescreening was being done along with the calls. She reported they have noted ten qualified applicants were interested in the position. Ms. Volker pointed out that she did not have the staff time to devote to this objective.

Mr. Turner noted Ormond Beach staff was used through two or three iterations, such as the normal advertisements regionally and through national magazines, and post cards were sent to organizational members. He indicated over 100 applications were received, and seven to ten interviews were conducted. Mr. Turner pointed out that he was asking a great deal from the person who would fill this position, such as not only being a director but also manually entering the budget, possessing a knowledge of Excel, the ability to interact with the current software, and the ability to communicate with the Commission, staff members, and the public. He reported the consultant could make the calls more discretely. Mr. Turner clarified that if a City officially asked an applicant if they would be interested in a position, it would take on a different tone and would involve professional courtesy if a Human Resources Director were to ask employees if they wished to leave their current positions. He pointed out that the City would save more than the \$10,000 amount in the time this position has been vacant. He stated the City was only asking for the names, and the City would take care of the interviewing and travel expenses. Mr. Turner expressed a critical concern was that during the last couple of audits the City was noted for having too large a span of control by some of the financial personnel since Ormond Beach was a small organization and short-handed. He noted the Budget Director and Accountant III position would help that span of control be diluted. Mr. Turner reported he would like to hire these employees before the end of the year, and he believed this was the best methodology to hire someone well qualified. Mr. Turner reported if the Commission instructed him to perform these tasks in another manner, he would do so; but this process would allow the best opportunity to obtain highly qualified applicants.

Commissioner Kent disclosed that this was a topic of discussion he had with Mr. Turner today since he has had extreme discomfort with this process. He stated he expected the Human Resource Director to find these applicants; and if she could not, then the City Manager should find them, not a consultant. Commissioner Kent reported there were no guarantees the people who the consultant would recommend would work out. He noted that as the professional, if the City Manager was convinced this was the absolute best way to find this applicant, then he would accept that. Commissioner Kent pointed out Ms. Volker informed him today that the City was already in the process of using the consultant; therefore, the Commission may be too late discussing this issue. He stated he was not convinced staff had done all they could to save money in this instance.

Commissioner Boyle questioned what the City was offering for this position; whereby, Commissioner Kent reported the position offered \$75,000.

Ms. Volker noted she did not have that information at the moment.

Commissioner Boyle asked if there was anyone Mr. Turner wanted that turned the position down.

Ms. Volker reported the top candidate took a job elsewhere.

Commissioner Boyle stated he did not want to micro-manage what Ms. Volker and Mr. Turner were doing. He noted Mr. Turner made three excellent appointments, taking seven to ten months, so he would not want to hurry the City Manager to make appointments. Commissioner Boyle noted the problem was with the timing of the consultant considering the budget. He recommended offering the applicant that Mr. Turner wanted who refused the position \$10,000 for moving expenses or possibly increasing the salary to \$80,000. Commissioner Boyle stated Mr. Turner should have come to the Commission if he was having a crisis and needed to hire a consultant; however, he noted he was empowered to spend anything he deemed necessary under \$25,000 without Commission approval.

Mr. Turner stated the City was \$3,500 into the contract, and he would investigate to see if the contract could be terminated. He reported the purpose in mentioning the consultant was to update the Commission as to where staff was in hiring a budget director. Mr. Turner stated he was sensitive that positions were filled in a timely manner. He noted the process continued during the summer, but other concerns, such as completing the budget, took precedence. Mr. Turner reported the auditors would soon be coming in, and the City must show that it has responded to their comments relative to the span of control and other issues. He explained he would also like to hire a budget director to get ahead of the Commission and Budget Advisory Board in finding budget cuts. Mr. Turner noted he understood the concerns and would continue to be frugal with the City's money. He stated a report as to when the contract could be stopped would be included in the Friday letter.

Commissioner Boyle stated the process had already started, but he wanted to voice his objections so the next time the Commission would be informed when a consultant was to be hired.

Commissioner Kent concurred the process had already begun. He stated, however, he was not convinced everything was done that could be done. Commissioner Kent stated the Commission was held accountable for the budget.

Mayor Costello summarized Mr. Turner should do what he needed to do, and if it could be done without the consultant for the full contract, then the contract would be cancelled, if possible.

Chamber of Commerce Award

Mr. Ted MacLeod, Assistant City Manager, stated all the employees who worked during the storms to receive the Chamber of Commerce award filled the training room, and then they stood behind the beautification sign at the Public Works Department for a picture.

City Attorney's Absence

Ms. Sandra Upchurch, Deputy City Attorney, noted Mr. Randal Hayes, City Attorney, asked her to apologize for not being in attendance at this meeting, and she explained that a family emergency arose at 4:00 p.m. today that had to be attended to immediately.

Hurricane Employee Assistance Program

Ms. Upchurch advised that a memorandum would be prepared on the Hurricane Employee Assistance Program addressing liability issues, equitability issues, and the use of public funds.

Hurricane Aftermath

Mayor Costello commended the citizens noting that they understood the City experienced three hurricanes and they had put up with a great deal of debris, dead grass, and frustrations, and that staff and Waste Management has done an outstanding job. He noted that staff has responded rapidly to issues he forwarded to them.

Underground Utilities

Mayor Costello urged staff not to ignore the discussion relative to under grounding utilities.

Ms. Upchurch noted a memorandum was being prepared and was currently in draft form.

Hurricane Response Efforts

Mayor Costello requested research be done relative to what the role of the Mayor and Commission should be before, during, and after the storms. He noted he did not want to appear at events as a “politician,” but if he could have done something, he would have been pleased to help.

Commissioner Kent stated that as the head of the Commission, the Mayor should be up front and on the radio calming the residents.

Mayor Costello noted he would have done so; however, when he approached the City Manager, Mr. Turner was hesitant because he was concerned the City Commission may object to his being treated differently from the rest of the Commission since Mr. Turner’s visit after Hurricane Charlie initiated questions as to why he was contacted and the rest of the Commission was not. He noted he would like to discuss his role further.

Commissioner Kent noted he regretted Mayor Costello would feel awkward since the situation after Hurricane Charlie was a different situation, and the Commission was not aware of the circumstances involved at the time the comments were made.

Granada Boulevard Concurrency

Mayor Costello questioned when Granada Boulevard concurrency would be discussed. He requested it be addressed in the Friday letter. Mayor Costello noted this was a very important issue.

Sister Cities

Mayor Costello stated he received a letter relative to the Sister Cities program; and while he was not interested in the program, if any other Commission member would be interested they could see Ms. Ronnie Patterson, City Clerk, for the information.

Beachside Fire Station Relocation

Mayor Costello noted he was pleased the beachside fire station relocation item passed tonight, and he complimented Mr. Fred Hudson, the Commission, and everyone involved.

Impact Fee

Mayor Costello requested information in the Friday letter relative to when the Commission would be discussing impact fees, when the Budget Advisory Board could discuss the advantages and disadvantages of a revenue neutral fire fee, and possible partnerships with Daytona Beach, Holly Hill, the School Board, and Ormond Beach to develop the land with fields and a gymnasium next to the new middle school on Clyde Morris Boulevard that may bring the fields to the children as Commissioner Boyle recommended.

Commissioner Boyle stated this would not be the proper place since the children would still have to access the fields by using vehicles, and jurisdiction could be legally problematic.

Mayor Costello stated while this may not be the proper location, he believed impact fees could be used for this new growth.

Commissioner Selis Health

Mayor Costello stated he hoped Commissioner Selis would be able to return to the Commission quickly, feeling healthy.

Item #14 – Close the Meeting

The meeting was adjourned at 10:11 p.m.

APPROVED: _____ November 16, 2004

BY: _____
Fred Costello, Mayor

ATTEST:

Veronica Patterson, City Clerk