

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

**May 3, 2011**

**7:00 p.m.**

Present were: Mayor Ed Kelley, Commissioners James Stowers, Troy Kent, Rick Boehm and Bill Partington, City Manager Joyce Shanahan, Assistant City Manager Ted MacLeod, City Attorney Randy Hayes, and Acting City Clerk Lois Towey.

**A G E N D A**

- 1) Meeting call to order by Mayor Kelley.
- 2) Invocation by Father Comforted Keen, Church of the Holy Child Episcopal Church.
- 3) Pledge of Allegiance.
- 4) **PRESENTATION:** Proclamation in honor of Gary Heatwole, recipient of the United States Tennis Association Florida Annual Award.
- 5) **AUDIENCE REMARKS:**
- 6) **APPROVAL OF THE MINUTES** of the April 20, 2011, meeting.
- 7) **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. 2011-59 authorizing the execution of a lease agreement between the City and The Casements Guild for the City of Ormond Beach, Inc. (Director of Leisure Services)
  - B) Resolution No. 2011-60 authorizing the execution of a Local Agency Program Agreement between the City and Florida Department of transportation regarding Phase III Sidewalk Improvements on West Granada Boulevard. (Total Project Cost \$628,691; City \$15,000 and in-kind services) (City Engineer)
  - C) Patrol Car Markings. (Police Chief)

DISPOSITION: Approve as recommended in City Manager memorandum dated April 28, 2011.
- 8) **PUBLIC HEARING:** Ordinance No. 2011-15 authorizing the execution and issuance of a First Amended Development Order for the "Tuscany" also known as "The IL Villaggio" subdivision, a Planned Residential Development located on West Granada Boulevard to the west of the Indian Springs subdivision and east of the Breakaway Trails subdivision; authorizing an amendment of the required recreational amenities; ratifying and affirming the Development Order approved by Resolution No. 2003-17 and the Preliminary and Final Plat approved by Ordinance No. 2004-30; establishing conditions and expiration of approval. (Planning Director)
- 9) **DISCUSSION ITEMS:**
  - A) Redistricting (Planning Director)
  - B) Sun Rail (Planning Director)
  - C) Meeting Schedule Change (City Clerk)
  - D) Workshop Schedule (City Clerk)
- 10) **REPORTS, SUGGESTIONS, REQUESTS:** Mayor, City Commission, City Manager, City Attorney.
- 11) **CLOSE THE MEETING.**

Item #1 – Meeting Call to Order

The meeting was called to order by Mayor Kelley at 7:00 p.m.

Item #2 – Invocation

The invocation was given by Father Comforted Keen, Church of the Holy Child Episcopal Church.

Item #3 – Pledge of Allegiance

The Pledge of Allegiance was led by Mayor Kelley.

Item #4 – Presentation

Mayor Kelley read a proclamation honoring Gary Heatwole, recipient of the 2010 United States Tennis Association Florida Annual Award, who started playing tennis at the age of 25 and went on to become a tennis teacher, and in 1975, he accepting a position with the City where he remained for over 30 years as the Tennis Coordinator. The Mayor stated Mr. Heatwole's love of tennis lead him to being awarded the USTA Florida Male Merit Award. Commissioner Kent thanked Mr. Heatwole for lessons when Commissioner Kent was in the fifth grade.

Item #5 - Audience Remarks

Team Volusia

Helen Cauthen, CEO of Team Volusia, introduced herself to the Commission members she had not previously met. She stated the vision for Team Volusia, as a start up economic development organization, was to be best in class for economic development not only in Florida, but throughout the southeast. She stated the public/private partnership was the method by which to do it. She stated she was extremely impressed with the level of collaboration and energy surrounding economic development throughout the entire county. She pointed out the quarterly report she had given them, which showed ten city investors, as part of twelve public investors, and 49 private sector investors, totaling 61 investors. She stated public investors had made contributions of \$455,250 or 52% of the total funding; and the private sector investment had reached \$412,500 or 47.5% of the total. She announced the first order of business was to activate an economic development website with an interactive search for sites and building a database. She stated a new branding campaign had been approved, including a new logo. She expressed gratitude for the warm welcome she had received from the City.

Mayor Kelley stated if Ms. Cauthen was half as successful here as she was in Greensboro, everyone would be very happy.

Item #6 – Approval of the Minutes

Mayor Kelley advised the minutes of the April 20, 2011, regular meeting had been sent to the Commission for review, and were on the City's website for public review. Mayor Kelley asked for any corrections, additions, or omissions. Mayor Kelley stated that hearing no corrections, the minutes would stand approved as presented.

Mayor Kelley stated staff requested pulling Item #9A – Redistricting.

City Manager Shanahan explained there was an error on one of the maps, and staff would like to bring the issue back to the Commission in a workshop setting.

Item #7 – Consent Agenda

Mayor Kelley advised 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 item separately.

**Commissioner Stowers moved, seconded by Commissioner Boehm, for approval of the Consent Agenda.**

Call Vote:	Commissioner Stowers	Yes
	Commissioner Kent	Yes
	Commissioner Boehm	Yes
	Commissioner Partington	Yes
Carried.	Mayor Kelley	Yes

Item #8 – Tuscany

AN ORDINANCE AUTHORIZING THE EXECUTION AND ISSUANCE OF A FIRST AMENDED DEVELOPMENT ORDER FOR THE “TUSCANY” ALSO KNOWN AS “THE IL VILLAGGIO” SUBDIVISION, A PLANNED RESIDENTIAL DEVELOPMENT LOCATED ON WEST GRANADA BOULEVARD TO THE WEST OF THE INDIAN SPRINGS SUBDIVISION AND EAST OF THE BREAKAWAY TRAILS SUBDIVISION; AUTHORIZING AN AMENDMENT TO THE REQUIRED RECREATIONAL AMENITIES; RATIFYING AND AFFIRMING THE DEVELOPMENT ORDER APPROVED BY AFFIRMING THE DEVELOPMENT ORDER APPROVED BY RESOLUTION NO. 2003-17 AND THE PRELIMINARY PLANS AND FINAL PLAT APPROVED BY ORDINANCE NO. 2004-30; ESTABLISHING CONDITIONS AND EXPIRATION OF APPROVAL.

Planning Director Ric Goss explained this was an amendment to the Planned Residential Development, filed by Paul Holub, managing partner for Villaggio Investors, LLC (the Investors), to remove the requirement for a pool and clubhouse as part of a Development Order and plat approved in 2003 and 2004. He stated the pool and clubhouse would not be required until the 30<sup>th</sup> building permit occurred. He explained Tuscan, LLC, the original limited partner, went bankrupt and the property reverted to the Fifth Third Bank. He stated Fifth Third Bank sold the remaining 39 lots to the current applicant. He stated the Planning Board approved the staff recommendation five to one. He stated the question was if the Commission wanted to approve an amendment to delete a pool and clubhouse, which were not a requirement of the Land Development Code, but was part of the Development Order. He stated staff attended a neighborhood meeting in February, where the majority of the members of the homeowners association (HOA) expressed a desire to remove the requirement for a pool and clubhouse facilities. He stated the consensus was that for the 39 lots to move forward, the issue of the pool and clubhouse needed to be resolved.

Mr. Paul Holub, managing member of the Villaggio Investors, LLC, 675 North Beach Street, explained the investment group consisted of physicians, paving contractors, home builders, and an auto mechanic, who purchased the lots from Fifth Third Bank. He stated this entity was not in the development business, but individuals who purchased the 39 lots collectively. He stated the purchase included impact fees credits that were outstanding. He stated the entity paid dues to the HOA and worked with the HOA to improve the architectural requirements, with minor revisions. He stated that a major revision would come back to the City for approval. He clarified that the original developer did not file bankruptcy and was still a valid entity. He stated he had met with the majority of the 12 homeowners, who were in agreement to eliminate the pool and clubhouse. He stated a compromise was offered for the investors to place \$7,800 in a reserve account to provide funding for a pocket park. He stated after the 30<sup>th</sup> home was built, the owners would meet to determine if a full clubhouse facility should be built, with all homeowners contributing to the costs. He stated in the interim, the investment group would fund a pocket park, which was permitted by the LDC. He pointed out that no bond was ever posted to guarantee construction of a pool and clubhouse on a parcel owned by the HOA. He stated Steven Spraker had done a very thorough review, staff supported it, and the Planning Board supported it.

Greg Oakwood, 79 Apian Way, stated he was an owner in Villaggio, who purchased his home with the promise of a pool and clubhouse. He stated five of the ten homes opposed the amendment. He stated the City Attorney was of the opinion that the Investors were responsible for construction of the pool and the clubhouse. He stated the owners would be giving up value in the amount of \$150,000, if the pool and clubhouse were not built. He stated at a minimum, the owners deserved some amenities.

Jeff Sweet, address on file, stated he represented the investors and he preferred to speak after the other speakers.

Mr. Louis Roppolo, 52 Apian Way, President of the HOA, stated his first concern was the appropriate place for the pool, which was currently a very dangerous location. He stated the wall had been breached three times by an automobile. He stated he supported the Investors, because they had been fair and supportive of the HOA.

Ms. Meredith Giebert, 55 Apian Way, stated she approved of the amendment before the Commission.

Mr. Darren Elkind, attorney for Mr. Oakwood, stated he would like to address the idea that the location was not well thought out, as he felt it was very well thought out, being outside the gate with a certain amount of stacking, as cars waited for the gate to open. He discussed several photos of wall setback, and he stated the majority of homeowners favored the amendment. He

read into the record from an email from Mike and Ann Powell, 75 Apian Way, who were strongly against the amendment, *“Although we are unable to attend the May 3, 2011, meeting of the City of Ormond Beach Commission, I will be present for the May 17, 2011, meeting. Please share this email with the Commissioners on our behalf when you go to the meeting on May 3. Michael Powell and wife, Ann, are strongly against the proposed changes of the PRD that Paul F. Holub, Jr., wants to bring about, wherein the elimination of the pool and clubhouse would occur and in their place, a “pocket park” would be substituted. This substitution does not equate the value of a pool and clubhouse. Also, we would be highly opposed to any changes to the architectural designs that IL Villaggio presently has in place. Changing the architectural designs would depreciate existing home values, which have already greatly decreased because of the economic downturn in our area.”* He read a note from Tim and Jeannette Foley, *“We cannot attend these meetings, May 3 and 17, the undersigned property owner in Tuscany, aka Villaggio Subdivision, hereby formally objects to the proposed development plan amendment concerning the exclusion of the requirements to install a recreational center pool and clubhouse.”* He stated the owners he spoke for and the ones he had spoken to wanted the investment group to be successful with this project. As an attorney, he stated he disagreed with the position the applicant had taken on their legal obligation to build a pool and clubhouse which would save the investors upwards of \$150,000. He stated if the Commission elected to remove this requirement, then he asked that the architectural controls include a deed restriction that the minimum house and lot price would be \$170,000 and the investment group place in escrow 25% of the value of what they would be saving.

Mayor Kelley disclosed he had spoken with Darren Elkind earlier in the day.

Mr. Michael Pyle, 43 Apian Way, stated he was one of the original owners in IL Villaggio and was the Vice President of the HOA. He stated he promoted the amendment and spoke regarding the legal documents and who was responsible for building the pool and clubhouse. He stated while the properties were in foreclosure the HOA was stagnant, when Lou Roppolo and he decided to save the HOA by adding architectural language and correcting errors in the HOA documents, as well as the Consolidated Tomoka documents. He stated the HOA documents did not include a requirement for building a pool and clubhouse. He stated although the proposed plat showed where the pool and clubhouse would be built, that document was unrecorded, and it was not attached to the development order or resolution, which were recorded. He stated the final plat did not include the pool and clubhouse, and Ordinance 2004-30 did not speak to the pool and clubhouse, nor any 30 lot limit. He stated that it was also unclear who would be required to pay for the construction and maintenance of a pool and clubhouse. He stated the other owners did not view the investment group as a developer and strongly promoted the investment group. He recapped the development agreement was with the developer and there was no developer; the agreement was superseded by a plat; and the final plat did not indicate a pool and clubhouse; no owner should be considered under constructive notice because the documents either show nothing or were unclear and contradictory; no owner or group of owners should be bound to construct anything; and if it was so important to the City to have the requirement, then the documents should have been recorded that specified the requirement. He stated the owners did not want the liability associated with a pool and clubhouse, nor did they want the obligation to build it, and they supported the investment group's idea to set aside funds toward the construction of whatever was determined to be built.

Mr. Louis LaTulippe, 39 Apian Way, stated he was one of the original owners and he was told on numerous occasions that a pool was going to be built; therefore, he built the maximum size house for his lot based on the understanding that the pool and clubhouse were to be built. He objected to removing the requirement. He stated the architectural changes would be based on economics, which did not improve the appearance of the community.

Mr. Michael Zaharius, 25 Apian Way, agreed with Mr. LaTulippe that he purchased his home in this development due to an understanding that a pool and clubhouse would be built. He stated he was opposed to the proposed idea of building a park. Regarding the three incidents with vehicles breaching the wall, he suggested the wall could be replaced with a solid structure, rather than a cosmetic wall.

Scott Vanacore, 1293 North US1, stated the issue of who was responsible for building the pool needed to be addressed. He stated Villaggio Investors, LLC, was a group of investors, not a developer. He stated there was plenty of room on the lots to build a pool, as the lots were a minimum of 40 feet wide and 140 to 170 feet deep. He proposed that when the 30<sup>th</sup> house was built, then everyone should decide what was desired, with all owners contributing to the construction.

Jeff Sweet, address on file, stated he was prepared to say basically what Michael Pyle had stated. He stated that during the initial development period, it was never made clear that someone was obligated to build the pool and clubhouse. He stated that if the Investors were the

developer, they would have taken control of the HOA, and guaranteed the budget, rather than paying the monthly fees the other owners paid. He pointed out that when the investment group acquired the lots, they did not acquire the property where the pool and clubhouse was supposed to go. He stated they were trying to remove the uncertainty of someone being responsible for building a pool and clubhouse on land they did not own.

Mr. Holub stated the Investors did not have an issue with paying their share of the pool and clubhouse, if a pool and clubhouse was what the other owners desired. He stated they were not suggesting anything be done immediately when nothing had been done for five years, but proposed that when the 30<sup>th</sup> home was built, the HOA would vote on what amenity was to be built, and the Investors would pay their fair share. He suggested the Commission focus on the postage size lot, with only room for six or seven parking spaces, a residential size pool, and a small clubhouse, which was worth about \$75,000. He stated the \$7,800 was not the only investment they were making in the community, and they were prepared to pay their fair share. He reported there was one other owner not represented, Mr. Olivari, who owned two vacant lots and supported the amendment.

**Commissioner Boehm moved; Commissioner Stowers seconded, for discussion of Ordinance No. 2011-15, on first reading, as read by title only.**

Commissioner Boehm stated the Land Development Code (LDC) required a recreation area of 47,170 square feet for this subdivision, and asked City Attorney Hayes who the City would look to for the building of this area. He stated that the owners could vote for what they desired and inquired if the City had any enforcement rights, if the owners decided to build something in conflict with the LDC.

City Attorney Hayes stated a simple issue for the Commission was whether the development order should be amended, but the complicated issue was who got the development rights when the property was conveyed. He stated the City could not enforce posting of a bond for the development of a pool and clubhouse. He stated the 31<sup>st</sup> home built was not required to build a pool and clubhouse, but no permit for the 31<sup>st</sup> home would be issued unless the pool was under construction. He stated Ordinance 2004-30 approved the preliminary plans and the final plat for this subdivision, including the site plan, which clearly showed the location of a pool and clubhouse. He stated the Investors may have intended to only be investors, but they acquired what the bank had, which was the development order, the site plan, the plat, and the impact fee reimbursement agreement. He stated that when the bank conveyed the property to the Investors, all development rights were conveyed by virtue of the warranty deed, with no exceptions.

Mayor Kelley stated it was said that Ordinance 2004-30 was not recorded and he asked if it was a requirement to record an ordinance.

City Attorney Hayes stated he did not know why Ordinance 2004-30 was not recorded, but even though the recording was not done, all the documents were executed by the developer, Tuscan, LLC. He stated the notion that because it was not recorded, it did not exist was untrue. He stated that when the Investors took title from the bank, they received the development rights, because the Final Judgment of Foreclosure and the Certificate of Title specifically stated the bank received the development orders, the site plans, all of the development rights. He stated the Commission would have to decide, but he had rendered an opinion that the Investors had the development rights, which included a development order, for which he had prepared an amendment to authorize the Commission to authorize legal action to enforce a condition of a development order, if the condition was not fully in compliance. He stated that after the 30<sup>th</sup> permit was issued, the HOA would have to make the decision as to what amenity was desired, then the issue would have to come back to the Commission regarding the approval of standards per the LDC. He expressed his concern that there was not a good way to define or enforce this issue at some point in the future.

Commissioner Boehm inquired as to how the HOA could be forced into compliance with the LDC for the recreational area. He stated the procedure did not seem clear.

City Attorney stated that in his opinion, the Investors were the successor and interest to the development rights that they acquired from Fifth Third Bank, who in turn acquired them from Tuscan, LLC. He stated that to the extent a condition in the development order needed to be enforced, it would be against the Investors, as the developer.

Commissioner Boehm stated that should the Commission vote no on the amendment and leave the requirement in the Development Order, the City had no means to force anyone to build a pool and clubhouse.

City Attorney Hayes suggested the Commission consider the specific request before them and to use their discretion to approve the request, deny it, or make some modification to the request. He suggested that if the Commission chose not to delete the building of a pool and clubhouse from the development order, they should at a minimum approve a development order that indicated who the Commission believed to have received the underlying development rights, which in his legal opinion were the Investors.

Commission Boehm asked if the applicant, Mr. Holub representing the Investors as the owner of lots and not the developer, had standing to request the amendment to the development order.

City Attorney Hayes stated the development order was the controlling document for enforcement purposes. He stated the proposed First Amended Planned Residential Development Order, attached to the ordinance before the Commission, had specific findings of fact and conditions that were imposed in the application of the Investors. He stated that if the applicant was not the developer, they could have standing, depending on who had voting rights, and they would be the largest voting block.

Commissioner Stowers stated he had studied these materials, and in 2003, this was a Planned Residential Development, which was a zoning category, and there was a development order. He stated, per City Planner Steven Spraker, Vince Viscomi had additional architectural features, but he had 55-foot lots, whereas 75-foot lots were required in that zoning category, which required the public process for approval, and as part of what he was giving to make this a uniquely planned development, was a pool with clubhouse. He stated there was a bundle of rights transferred to the Fifth Third Bank when the property was foreclosed upon; therefore, he agreed with the City Attorney, that it transferred to the Investors, who would have to do something about the development agreement issue, a Commission issue. He stated the placement of the pool and clubhouse was not advantageous, but Mr. Viscomi had agreed in an effort to move his project forward. Commissioner Stowers stated he was willing to move past the pool and clubhouse issue, but he expressed his concern about what would happen if the Commission did not remove the requirement for a pool, because it was a burden. He stated the burden was on the Investors, and making a contribution to the HOA, with the issue being decided in the future, shifted the burden to the HOA. He stated for the record, he spoke with Mr. Elkind before he had reviewed the materials, and interestingly, Commissioner Stowers agreed it was premature to know what the recreational amenities would be; therefore, the question was the equities of the savings for all lot owners within the development. He stated the Investors had already gotten the benefit of being the developer, relative to the impact fees of approximately \$100,000 once the obligations of the development agreement had been met. He stated the removal of the pool and clubhouse would have a benefit to the Investors of not having to pay for the cost of improvements, but a continual benefit, as well as to those who have already purchased lots, through the savings of monthly maintenance fees for the pool and clubhouse. He stated the issue was the cost of improvements, with the savings allocated among all the lot owners, not just the Investors.

Commissioner Partington stated when he voted for Ordinance 2004-30, he thought there was a pool and clubhouse included in the development order. He stated he did not understand why the City was involved at this point, when the parties could come to an agreement themselves. He stated he was inclined to continue the matter for 30 days to allow the parties to settle the issue.

Commissioner Kent stated he also approved the ordinance in 2004, and he supported continuing the matter to allow the parties to resolve the issue.

Commissioner Boehm clarified a denial of the amendment would not resolve the issue of who was responsible for building the pool and clubhouse; therefore, he agreed with allowing the parties to resolve the issue. He stated he did not want to see lawsuits over this issue.

City Attorney Hayes stated he preferred the Commission approve naming the Investors as the applicant and the recipient of the underlying development rights. He stated denial would leave the issue clouded, until something forced the issue, possibly the permit for the 30<sup>th</sup> home, when the issue would need to be revisited by the Commission.

Commission Boehm expressed concern that the 31<sup>st</sup> home would not get a permit to build unless the pool and clubhouse were built, and by then, the Investors could have sold more of their lots to owners that could not build.

Mayor Kelley stated seven of the current owners were in favor of the amendment, five were against it, and two were silent due to foreclosure, plus 39 lots. He stated if the HOA was willing to resolve the matter, the Commission should allow them to do so.

Mr. Holub stated the HOA owned the land set aside for the pool and clubhouse; the Investors could not force the HOA to allow them to build a pool and clubhouse on the property; and no one expected them to build anything without the City's approval. He suggested the HOA call a vote of the owners after the 30<sup>th</sup> permit was pulled. He stated the Investors would not be eligible to vote, which would allow the 30 homeowners to decide what they wanted, and the Investors would pay their fair share for the lots they still owned, and this could be put into the development order. He stated the Investors would like to have input into the quality of the amenity that was determined to be built. He stated any purchaser of their lots would be put on notice that there could be an assessment for whatever recreational feature was to be built, which could be three or four years from now, due to the slow absorption rate. He stated the Investors entity was willing to pay their fair share and not interfere with what the community wanted.

Commissioner Stowers agreed this was an outstanding issue that needed to be settled, and the Commission needed to address it, as a zoning issue. He stated everyone wanted the Investors to succeed and everyone would realize a savings should the pool and clubhouse requirement be removed; therefore, he would like to see \$18,500 in a recreation fund, which would be more equitable, as well as the architectural changes being added to the development order.

Mayor Kelley suggested for discussion purposes, they set aside \$7,800, and as lots were sold, an amount would be set aside until the \$18,500 was reached.

Commissioner Stowers agreed the payment could be incremental.

Mayor Kelley stated if the Commission did nothing, there was a huge problem, and they wanted to do the right thing. He stated it was not possible to get all of the vested parties to agree to a single answer.

Commissioner Boehm stated he would like to see Mr. Holub's proposal memorialized in the development order, which seemed to be an attempt to compromise, that could be presented to the other owners.

Mayor Kelley asked City Attorney Hayes if the amendment could be done for second reading.

City Attorney Hayes stated it was possible, if they agreed upon what was to be included, but a suggestion could not be approved; therefore, he stated it was best to continue to allow the parties to present something specific.

Mr. Holub restated for the record, the concept was that when the 30<sup>th</sup> home was built; the HOA would convene to hold a vote on what type of recreational facility would be built, with any lots held by the Investors ineligible for a vote; and the Investors would put any purchasers of their lots on notice that they could expect something in the range of a pocket park to a pool and clubhouse, which would be partially funded by an amount to be determined, which would be set aside along with the \$7,800 the Investors would deposit into the fund. He stated that if the deposit exceeded the assessment, the owners would receive a refund of the difference.

Commissioner Stowers stated the savings benefit of not building a pool and clubhouse should be shared among all of the owners, not just the 39 lot owners, the Investors.

**Commissioner Boehm moved, seconded by Commissioner Partington, to continue the issue until the first meeting in June, to allow the owners time to present an option for the Commission to consider.**

Call Vote:	Commissioner Kent	Yes
	Commissioner Boehm	Yes
	Commissioner Partington	Yes
	Commissioner Stowers	Yes
Carried.	Mayor Kelley	Yes

Hearing no objection, Mayor Kelley closed the public hearing.

#### Item #9A – Redistricting

The item was pulled at staff request due to error on one of maps, which would require time to correct.

#### Item #9B – Sun Rail

Planning Director Ric Goss explained a request came to the City from Transportation Planning Organization requesting support for the Sun Rail project. He stated he attempted to capture the background and the costs for the Commission's consideration.

Commissioner Stowers, Commissioner Kent and Commissioner Partington expressed support for Sun Rail.

Commissioner Boehm and Mayor Kelley did not support Sun Rail.

Planning Director Goss stated a resolution would come to the Commission in support of Sun Rail at the next meeting.

#### Item #9C – Meeting Schedule Change

City Manager Shanahan explained that at the last meeting, the Commission wanted to consider changing the first meeting in June from June 7 to Wednesday, June 1.

Commissioner Stowers stated he was leaving town the evening of June 1.

Commissioner Kent stated he was leaving town on June 3 and returning on June 12.

City Manager Shanahan stated the meetings were usually scheduled ten days apart due to advertising requirements for ordinances.

After discussing various options, Commissioner Kent suggested June 1 at 12 noon, which was agreeable for everyone's schedule.

#### Item #9D – Workshop

City Manager Shanahan discussed holding the Ideas Workshop on May 17 at 5:30, which was agreed to by all. She stated the CIP workshop was scheduled on June 21, and she would send the Commission members, for their consideration, suggested dates and times of the other three workshops: Interchange Justification Report, Landscape and Irrigation, and Redistricting. She asked the Commission for their preference to holding workshops the same week as regular meetings, or if they preferred, a particular day of the week. She stated Servello had been given notice that the City might rebid the landscaping contract.

#### Item #10 - Reports, Suggestions, Requests

##### Sun Rail

Commissioner Boehm stated he was opposed to Sun Rail, because he did not see any benefit to the citizens of the City with the closest station in DeLand or DeBary; and he opposed taxing the citizens for the cost overruns in construction and shortfalls in revenues from riders.

Mayor Kelley agreed that it was a waste of money, as he would not drive to DeLand to ride a train to Orlando when he could not go anywhere once he got there. He pointed out that Amtrac was subsidized \$54 per trip. He stated he opposed the project because it would be subsidized by taxpayers for a long time. He expressed support for the passenger train from Jacksonville to Miami.

##### Community Meetings

Commissioner Boehm stated the public meetings for the Andy Romano Beachfront Park would be held May 10 and 11 and this was the opportunity for citizen input. He asked citizens to please attend.

Commissioner Boehm stated he and Commissioner Partington would be hosting a Town Hall meeting on May 12 at the Trails Clubhouse, and he asked citizens to attend to share their issues.

##### Gymnastic Champions

Commissioner Boehm reported some of the City's gymnastic teams went to the Expo National Championship, placing first in their divisions. He requested the Commission recognize their accomplishment at a Commission meeting.

##### The Casement Guild

Commissioner Partington reported he attended The Casement Guild luncheon to present a proclamation. He stated the guild was doing amazing work for the City, and he let them know how much they were appreciated.

Mayor Kelley stated someone told him that Commissioner Partington did a fantastic job representing the City, and the guild felt very appreciated.

#### Ormond Beach Middle School

Commissioner Partington reported May 14 was the 50<sup>th</sup> anniversary celebration for Ormond Beach Middle School, and at that time the new gymnasium would be named after Coach Hill.

#### John Anderson Drive

Commissioner Stowers stated on April 21, there was a meeting regarding John Anderson Drive. He stated 50 to 60 citizens attended to express a lot of concerns. He stated a one-way option and sidewalk option were discussed. He reported the sidewalk plan design was 60% completed showing 625 trees on John Anderson, with 118 of those trees being impacted by the design. He stated the Comprehensive Plan had a provision for scenic roadways, which required trees to be planted three to five years in advance of roadway widening projects. He stated if the project severely impacted the tree canopy and aesthetics of the road, it would be 40 to 50 years before the impact would be negated. He stated no one had a firm grasp of the impact on the roadway by this project, which made him uncomfortable. He stated the aerial view of the design showed a meandering sidewalk around some trees, but the catch was that landowners would have to give an easement to the City to allow saving the tree. He stated his concerns included the width of the sidewalk, the type of curb, and the residents on the west side of the street desire for a sidewalk for safety reasons. He stated he received and reviewed police safety reports back to 2008, which he would share with the other Commission members, showing all incidents on John Anderson, North Beach Street, North Halifax Drive and Ocean Shore Boulevard within the City for approximately the same length of road. He reported there was not a higher safety risk on John Anderson. He stated he felt the Commission needed to revisit this issue at a public meeting to determine what residents wanted. He stated he believed the sidewalk would be problematic, due to the impact on trees. He reported the consultant said that even with the "F" curb, all the stormwater issues would not be resolved on John Anderson, and there would still be potential for flooding.

Commissioner Kent stated he recalled that initially the impact was to three palms, one pine and one oak tree, the roadway was to keep the same footprint, and the sidewalk would meander, but not into anyone's yard. He stated if it was now 118 trees, he wanted to revisit the issue.

City Manager Shanahan stated she had gotten feedback for the Commission members to hold a John Anderson Drive public meeting, which she would schedule, and she would stop further work on the design until more information from the public and from the Commission was available.

#### Transportation Planning Organization

Commissioner Stowers stated he attended the Transportation Planning Organization meeting where a presentation was made on Bicycle/Pedestrian School Safety Review Study Phase IV. He stated the next phase would include Ormond Elementary and Ormond Middle School. He stated there was also a presentation regarding Votran's Transit Alternative Funding Options Study, which contemplated rating Community Development Areas (CRA) for Votran funds. He stated Daytona Beach Commissioner Gilliland reminded the consultants that any CRA funds would have to be for service only within a CRA, as CRA funds could not be used for broader programs.

#### Rockefeller Gardens

Commissioner Kent stated the algae growth in the pond at Rockefeller Gardens was clogging up everything, and something needed to be done to make the water wheel function correctly every day.

#### City Manager Notes

City Manager Shanahan stated the public meeting on the beachfront park would be held May 10 and May 11. She reported there was an online survey available on the website and at City Hall and the library for those who could not attend one of the meetings,.

City Manager Shanahan reminded the Commission that the town hall budget meetings were scheduled for May 12 at 6:30 p.m. at the Trails Clubhouse for Zones 3 and 4, and May 25 at 6:30 p.m. at the Senior Center for Zones 1 and 2.

City Manager Shanahan stated the Capital Improvement Projects (CIP) workshop was on June 21, and the Operating Budget workshop was scheduled for July 18.

Amendment to the Agreement with MainStreet

City Manager Shanahan stated she had received a request from Main Street for an amendment to the agreement to include \$3,690 for security and traffic control at the Seafood and Blue Festival on May 13 through May 15. She stated the security consisted of three extra duty patrol officers, who would assist people in crossing Granada Boulevard which was a requirement because alcohol was sold at the festival. She stated the funds would be provided from TIF funds.

Commissioner Kent stated he had an issue with giving MainStreet additional funds when the City was already giving them \$52,000.

Mayor Kelley stated he was not supportive of the amendment. He stated Main Street was doing an outstanding job, but the City could not continue to fund their projects.

Commissioner Boehm stated he would support this request, but he pointed out that it was only May and they were requesting additional funds.

Commissioner Stowers stated he agreed with this request, and he appreciated MainStreet entrepreneurial spirit in providing these events, as a valuable service to the downtown and the residents. He stated he had a bit of conflict with a for-profit event using funds from the City.

Mayor Kelley summarized the Commission would approve this request, but the entire issue would be discussed later. He stated Main Street and Maggie Sacks did an outstanding job, but the City could not financially support all of their activities for profit.

Consolidated, Unified Dispatch

City Manager Shanahan reported the County would be holding a regular meeting on May 19 at 5:00 p.m. to discuss consolidated, unified dispatch. She stated the City had been a part of the program for five years and a representative of the City would attend the meeting.

Cardinal Beach Approach

City Manager Shanahan stated she spoke the Deputy County Manager, who indicated the County was not closing the Cardinal approach. She stated the County was going to provide a project timeline and a schedule for the holidays.

Item #11 – Close the Meeting

The meeting was adjourned at 10:03 p.m.

APPROVED: May 3, 2011

BY: Ed Kelley, Mayor

ATTEST:

Lois Towey, Acting City Clerk