

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

**March 4, 2008            7:00 p.m.**

Present were: Mayor Fred Costello, Lori Gillooly, Troy Kent, Ed Kelley, and Bill Partington, City Manager Isaac Turner, Assistant City Manager Ted MacLeod, City Attorney Randal Hayes, and City Clerk Veronica Patterson.

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

- 1) Meeting call to order by Mayor Costello.
- 2) Invocation by Reverend Jay Therrell, First United Methodist Church.
- 3) Pledge of Allegiance.
- 4) ***PRESENTATION:*** Proclamation in honor of Bruce Rossmeyer.
- 5) ***AUDIENCE REMARKS:***
- 6) ***APPROVAL OF THE MINUTES*** of the February 19, 2008, meeting.
- 7) ***INTERGOVERNMENTAL REPORTS:***
  - A) Metropolitan Planning Organization
  - B) Volusia Council of Governments
  - C) Water Authority of Volusia
- 8) ***CONSENT AGENDA:*** The action proposed is stated for each item on the Consent Agenda. Unless a City Commissioner removes an item from the Consent Agenda, no discussion on individual items will occur and a single motion will approve all items.
  - A) Resolution No. 2008-56 appointing a member of the Recreation Advisory Board; setting forth term and conditions of office. (Douglas Mierzykowski)
  - B) Hold Harmless Agreements – Water Plant Temporary Parking:
    - 1) Resolution No. 2008-57 authorizing the execution of an Indemnification and Hold Harmless Agreement between the City and JRN, Inc., d/b/a Kentucky Fried Chicken.
    - 2) Resolution No. 2008-58 authorizing the execution of an Indemnification and Hold Harmless Agreement between the City and Emmanuel Missionary Baptist Church of Ormond Beach, Inc.
  - C) Acceptance of Deeds – Division Avenue and US1 Right of Way:
    - 1) Resolution No. 2008-59 authorizing the acceptance of a Warranty Deed from East Coast Plaza, Inc., conveying property located at 291 South Yonge Street to the City of Ormond Beach for use as right-of-way for the Division Avenue roadway construction from South Yonge Street (US1) to South Beach Street; authorizing the payment of compensation therefor. (\$1,000)

- 2) Resolution No. 2008-60 authorizing the acceptance of a Warranty Deed from Robert A. Boscovich and Alison H. Boscovich conveying property located at 325 South Yonge Street to the City of Ormond Beach for use as right-of-way for the Division Avenue roadway construction from South Yonge Street (US1) to South Beach Street; authorizing the payment of compensation therefor. (\$1,000)
  - 3) Resolution No. 2008-61 authorizing the acceptance of a Quitclaim Deed from Michel Hanna, Elena Hanna and Nicholas Petropouleas releasing an access easement to property located at 325 South Yonge Street to the City of Ormond Beach for use as right-of-way for the Division Avenue roadway construction from South Yonge Street (US1) to South Beach Street; authorizing the payment of compensation therefor. (\$1,000)
  - D) Resolution No. 2008-62 accepting a proposal from Kenneth Smith Architects, Inc., to provide architectural and engineering services regarding the Casements Architectural Improvements project; authorizing the execution of a work authorization thereto. (Not to exceed \$99,700)
  - E) Resolution No. 2008-63 authorizing the execution of Change Order Number One (1) to that contract awarded to Cheesbro Roofing, Inc., regarding construction services for the Performing Arts Center Roof Replacement project, by increasing the contract price by \$3,472. (\$145,742 total contract)
  - F) Resolution No. 2008-64 authorizing the execution of a Cost Share Agreement between the City of Ormond Beach and St. Johns River Water Management District regarding the Reuse Storage and Pumping Facility project. (\$580,000 in SJRWMD funding)
  - G) Resolution No. 2008-65 authorizing the execution of a Second Amendment to the agreement between the St. Johns River Water Management District and the City for the North Peninsula Reclaimed Water Storage Tanks project. (Changing the project completion date from March 2, 2008, to July 1, 2009)
  - H) Resolution No. 2008-66 accepting a bid from Meadors Construction Co., Inc., for construction services regarding the Reuse System Storage and Pumping Facility project under Bid No. 2008-09; authorizing the execution of a contract and payment therefor; rejecting all other bids. (\$3,029,000)
- 9) **PUBLIC HEARINGS:**
- A) Community Redevelopment Agency Grant Application:
    - 1) Review by the Community Redevelopment Agency.
      - a) Recess the City Commission meeting and convene as the City of Ormond Beach Community Redevelopment Agency.
      - b) Review Property Improvement Grant application for recommendation to the City Commission.
      - c) Adjourn as the Community Redevelopment Agency and reconvene the City Commission meeting.
    - 2) Resolution No. 2008-67 of the City Commission of the City of Ormond Beach, also acting as the Community Redevelopment Agency of the City of Ormond Beach, authorizing the execution of a Property Improvement Grant Agreement between the City of Ormond Beach Community Redevelopment Agency and the Highlander Corporation. (45-51 West Granada Boulevard - \$4,093.55)
  - B) Ordinance No. 2008-01 amending the Comprehensive Plan of the City of Ormond Beach by adding a Public School Facilities Element; amending the Intergovernmental Coordination and Capital Improvement Elements. (Second Reading)
  - C) Ordinance No. 2008-06 relative to the regulation of camouflaged telecommunication towers and antennae, by amending the following chapters of the Land Development Code, Chapter 1, General Administration, Article III, Definitions and Acronyms, Section 1-22, Definition of Terms and Words, by adding a definition for “Commercial Impracticability or Commercially Impracticable” and “Stealth or Stealth Technology” and modifying the definition of “Camouflaged Tower or Antenna”; by amending

Chapter 2, District and General Regulations, Article II, District Regulations, Sections 2-08, Special Environmental, through 2-32, Light Industrial, as to uses in various zoning districts; and amending Article IV, Conditional and Special Exception Regulations, Section 2-57, Criteria for Review of Special Conditional and Special Exception, to add camouflaged towers or antennae as a use. (Second Reading)

- D) Ordinance No. 2008-09 amending Subsection A, Zoning Map, of Chapter 2, District and General Regulations, Article I, Establishment of Zoning Districts and Official Zoning Map, Section 2-03, Official Zoning Map and Zoning District, of the City of Ormond Beach Land Development Code, by rezoning a 1.68-acre parcel of real property located at 150 North Orchard Street from B-1 (Professional Office/Hospital) to PBD (Planned Business Development); authorizing revision of the Official Zoning Map, and approving a Development Order for a Planned Business Development to be known as “North Orchard Center” and establishing conditions therefore. (Second Reading)
- E) Ordinance No. 2008-10 amending the Future Land Use Element of the Comprehensive Plan by amending the Future Land Use Map to change the designation of one (1) parcel of real property totaling ±0.126 acres located at 245 Palm Place from “General Commercial” to “Medium Density Residential.” (First and Only Reading)
- F) Ordinance No. 2008-11 amending the Future Land Use Element of the Comprehensive Plan by amending the Future Land Use Map to change the designation of one (1) parcel of real property totaling ±0.768 acres located at 1110 John Anderson Drive from Volusia County “Urban Low Intensity” to Ormond Beach “Low Density Residential.” (First and Only Reading)
- G) Ordinance No. 2008-12 amending Paragraph C, Official Zoning Map, of Section 2-01, Establishment of Zoning Districts and Official Zoning Map, of Article I, Establishing of Zoning Districts and Official Zoning Map, of Chapter 2, District and General Regulations, of the City of Ormond Beach Land Development Code, by amending the Official Zoning Map to rezone certain real property totaling 0.768 acres located at 1110 John Anderson Drive from Volusia County R-3 (Urban Single-Family Residential) to Ormond Beach R-2 (Single-Family Low Density); authorizing revision of the official zoning map. (First and Only Reading)

10) **FIRST READING OF ORDINANCES:**

- A) Ordinance No. 2008-13 amending Chapter 2, Administration, Article VII, Code Enforcement, of the Code of Ordinances, by amending Section 2-258, Administrative Fines and Liens; amending Section 2-262, Schedule of Civil Fines.
- B) Ordinance No. 2008-14 amending Chapter 14, Offenses-Miscellaneous, of the Code of Ordinances, by adding Article IX, Performance Standards, and Sections 14-101, Nuisance Odors, and Section 14-102, Glare and Heat, thereunder; by establishing terms and conditions relative thereto.

11) **DISCUSSION ITEM:**

- A) Cardinal Drive Affordable / Attainable Housing Project.
- B) Rockefeller Gardens Drainage and Site Improvements.

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

13) **CLOSE THE MEETING.**

Item #1 - Call to Order

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

Item #2 - Invocation

Reverend Jay Therrell, First United Methodist Church, gave the invocation.

Item #3 - Pledge of Allegiance

Mayor Costello led in the Pledge of Allegiance.

Item #4 - Proclamation in Honor of Bruce Rossmeyer

Ms. Jackie Boykin, 311 Eastridge Drive, Eustis, Florida, advised Camp Boggy Creek was the only medical therapeutic camping facility for children suffering from life-threatening illnesses in Florida. She stated many times these children do not go to school because of the severity of their illness, but are able to go to Camp Boggy Creek at no cost to them while Camp Boggy Creek's cost were over \$4 million each year. Ms. Boykin reported Mr. Rossmeyer has supported Camp Boggy Creek and has urged others to support the camp because he met the children and knows the importance of this mission.

Mayor Costello read a proclamation honoring Bruce Rossmeyer who operates Destination Daytona, the largest Harley-Davidson dealership in the world. He stated Mr. Rossmeyer was the founder of Camp Boggy Creek, a proud member of The Association of Hole In The Wall Camps co-founded by Paul Newman and General H. Norman Schwarzkopf, that offers weeklong summer sessions for children with life threatening illnesses and their families. Mayor Costello reported Mr. Rossmeyer's annual Champagne Ball and Daytona Harley-Davidson Ride for Children was Camp Boggy Creek's largest fundraiser raising \$500,000 this year and over \$3 million to date. He advised Mr. Rossmeyer was chosen as the *2007 Central Florida Philanthropist of the Year* by the Association of Fundraising Professionals, an organization that strives to enhance philanthropy and volunteerism through programs of education, research, and service. Mayor Costello noted Mr. Rossmeyer's involvement with the Boys & Girls Clubs of Volusia/Flagler has led to the creation of naming rights of specific Boys & Girls Club locations for \$100,000, including his personal donation and the naming of the Rossmeyer Family Boys & Girls Club. He stated Mr. Rossmeyer was involved in many area organizations including the "Petals & Palettes" fundraising auction benefiting the Ormond Art Museum and Easter Seals; therefore, he proclaimed March 4, 2008, as a day to pay tribute to Mr. Rossmeyer for his service to the community.

Mr. Rossmeyer thanked the City of this honor. He stated he and his family deeply care for children.

Item #5 - Audience Remarks

There were no audience remarks.

Item #6 - Approval of Minutes

Mayor Costello advised the minutes of the February 19, 2008, meeting had been sent to the Commissioners for review and asked if there were any corrections, additions, or omissions.

Mayor Costello stated that the minutes were approved as submitted.

Item #7(A) - Metropolitan Planning Organizations and Item #7(B) - Volusia Council of Governments

Mayor Costello stated there was nothing new to report relative to the Metropolitan Planning Organization (MPO) and the Volusia Council of Governments (VCOG).

Item #7(C) - Water Authority of Volusia

Commissioner Kelley advised he just left a special meeting of the Water Authority of Volusia (WAV) where they interviewed the final two candidates out of 70 applicants, and WAV selected a new Executive Director and Conservation Director. He noted when he left the meeting final negotiations were taking place.

Item #8 - Consent Agenda

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

**Commissioner Kent moved, seconded by Commissioner Gillooly, for approval of the Consent Agenda as presented.**

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Call Vote:	Commissioner Gillooly	yes
	Commissioner Kent	yes
	Commissioner Kelley	yes
	Commissioner Partington	yes
Carried.	Mayor Costello	yes

Item #9(A)(1) – Property Improvement Grant for 45 – 51 West Granada Boulevard - CRA

Mayor Costello recessed the City Commission meeting and convened a meeting of the City of Ormond Beach Community Redevelopment Agency at 7:15 p.m.

**Commissioner Kelley moved, seconded by Commissioner Kent, to recommend the City Commission approve this grant application.**

Commissioner Kent thanked Ms. Dorian Burt and Mr. Bill Jones for this first class project.

Call Vote:	Commissioner Kent	yes
	Commissioner Kelley	yes
	Commissioner Partington	yes
	Commissioner Gillooly	yes
Carried.	Mayor Costello	yes

Mayor Costello adjourned the Community Redevelopment Agency and reconvened the City Commission meeting at 7:18 p.m.

Item #9(A)(2) – Property Improvement Grant for 45 – 51 West Granada Boulevard

RESOLUTION NO. 2008-67

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF ORMOND BEACH, ALSO ACTING AS THE COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF ORMOND BEACH, AUTHORIZING THE EXECUTION OF A PROPERTY IMPROVEMENT GRANT AGREEMENT BETWEEN THE CITY OF ORMOND BEACH COMMUNITY REDEVELOPMENT AGENCY AND THE HIGHLANDER CORPORATION; AND SETTING FORTH AN EFFECTIVE DATE.

**Commissioner Kelley moved, seconded by Commissioner Gillooly, to approve Resolution No. 2008-67, as read by title only.**

Call Vote:	Commissioner Kelley	yes
	Commissioner Partington	yes
	Commissioner Gillooly	yes
	Commissioner Kent	yes
Carried.	Mayor Costello	yes

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

Item #9(B) – Public School Facilities Element

ORDINANCE NO. 2008-01

AN ORDINANCE AMENDING THE COMPREHENSIVE PLAN OF THE CITY OF ORMOND BEACH BY ADDING A PUBLIC SCHOOL FACILITIES ELEMENT; AMENDING THE INTERGOVERNMENTAL COORDINATION AND CAPITAL IMPROVEMENT ELEMENTS; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; AND SETTING FORTH AN EFFECTIVE DATE.

Mayor Costello advised this was a public hearing on the proposed amendments to the Comprehensive Plan. He noted this was continued from the February 19 meeting to allow minor amendments that have been included. Mayor Costello advised he had no cards for people wishing to speak.

**Commissioner Kelley moved, seconded by Commissioner Gillooly, to approve Ordinance No. 2008-01, on second reading, as read by title only.**

Call Vote:	Commissioner Partington	yes
	Commissioner Gillooly	yes
	Commissioner Kent	yes
	Commissioner Kelley	yes
Carried.	Mayor Costello	yes

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

Item #9(C) – Camouflaged Telecommunication Towers and Antennae

ORDINANCE NO. 2008-06

AN ORDINANCE RELATIVE TO THE REGULATION OF CAMOUFLAGED TELECOMMUNICATION TOWERS AND ANTENNAE, BY AMENDING THE FOLLOWING CHAPTERS OF THE LAND DEVELOPMENT CODE, CHAPTER 1, GENERAL ADMINISTRATION, ARTICLE III, DEFINITIONS AND ACRONYMS, SECTION 1-22, DEFINITION OF TERMS AND WORDS, BY ADDING A DEFINITION FOR “COMMERCIAL IMPRACTICABILITY OR COMMERCIALLY IMPRACTICABLE” AND “STEALTH OR STEALTH TECHNOLOGY” AND MODIFYING THE DEFINITION OF “CAMOUFLAGED TOWER OR ANTENNA”; BY AMENDING CHAPTER 2, DISTRICT AND GENERAL REGULATIONS, ARTICLE II, DISTRICT REGULATIONS, SECTIONS 2-08, SPECIAL ENVIRONMENTAL, THROUGH 2-32, LIGHT INDUSTRIAL, AS TO USES IN VARIOUS ZONING DISTRICTS; AND AMENDING ARTICLE IV, CONDITIONAL AND SPECIAL EXCEPTION REGULATIONS, SECTION 2-57, CRITERIA FOR REVIEW OF SPECIAL CONDITIONAL AND SPECIAL EXCEPTION, TO ADD CAMOUFLAGED TOWERS OR ANTENNAE AS A USE; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; PROVIDING FOR SEVERABILITY; AND SETTING FORTH AN EFFECTIVE DATE.

**Commissioner Kent moved, seconded by Commissioner Gillooly, to approve Ordinance No. 2008-06, on second reading, as read by title only.**

Call Vote:	Commissioner Gillooly	yes
	Commissioner Kent	yes
	Commissioner Kelley	yes
	Commissioner Partington	yes
Carried.	Mayor Costello	yes

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

Item #9(D) – “North Orchard Center”

ORDINANCE NO. 2008-09

AN ORDINANCE AMENDING SUBSECTION A, ZONING MAP, OF CHAPTER 2, DISTRICT AND GENERAL REGULATIONS, ARTICLE I, ESTABLISHMENT OF ZONING DISTRICTS AND OFFICIAL ZONING MAP, SECTION 2-03, OFFICIAL ZONING MAP AND ZONING DISTRICT, OF THE CITY OF ORMOND BEACH LAND DEVELOPMENT CODE, BY REZONING A 1.68-ACRE PARCEL OF REAL PROPERTY LOCATED AT 150 NORTH ORCHARD STREET FROM B-1 (PROFESSIONAL OFFICE/HOSPITAL) TO PBD (PLANNED BUSINESS DEVELOPMENT); AUTHORIZING REVISION OF THE OFFICIAL ZONING MAP, AND APPROVING A DEVELOPMENT ORDER FOR A PLANNED BUSINESS DEVELOPMENT TO BE KNOWN AS “NORTH ORCHARD CENTER” AND ESTABLISHING CONDITIONS THEREFORE; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; AND SETTING FORTH AN EFFECTIVE DATE.

**Commissioner Kelley moved, seconded by Commissioner Kent, to approve Ordinance No. 2008-09, on second reading, as read by title only.**

Call Vote:	Commissioner Kent	yes
	Commissioner Kelley	yes
	Commissioner Partington	yes
	Commissioner Gillooly	yes
Carried.	Mayor Costello	yes

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

Item #9(E) – 245 Palm Place

ORDINANCE NO. 2008-10  
AN ORDINANCE AMENDING THE FUTURE LAND USE ELEMENT OF THE COMPREHENSIVE PLAN BY AMENDING THE FUTURE LAND USE MAP TO CHANGE THE DESIGNATION OF ONE (1) PARCEL OF REAL PROPERTY TOTALING ±0.126 ACRES LOCATED AT 245 PALM PLACE FROM “GENERAL COMMERCIAL” TO “MEDIUM DENSITY RESIDENTIAL;” REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF, AND SETTING FORTH AN EFFECTIVE DATE.

Mayor Costello advised the Volusia Growth Management Commission found the application acceptable, and the Planning Board unanimously approved the application.

**Commissioner Kent moved, seconded by Commissioner Kelley, to approve Ordinance No. 2008-10, on first and only reading, as read by title only.**

Call Vote:	Commissioner Kelley	yes
	Commissioner Partington	yes
	Commissioner Gillooly	yes
	Commissioner Kent	yes
Carried.	Mayor Costello	yes

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

Item #9(F) – 1110 John Anderson Drive – Land Use Amendment

ORDINANCE NO. 2008-11  
AN ORDINANCE AMENDING THE FUTURE LAND USE ELEMENT OF THE COMPREHENSIVE PLAN BY AMENDING THE FUTURE LAND USE MAP TO CHANGE THE DESIGNATION OF ONE (1) PARCEL OF REAL PROPERTY TOTALING ±0.768 ACRES LOCATED AT 1110 JOHN ANDERSON DRIVE FROM VOLUSIA COUNTY “URBAN LOW INTENSITY” TO ORMOND BEACH “LOW DENSITY RESIDENTIAL;” REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; AND SETTING FORTH AN EFFECTIVE DATE.

Mayor Costello reported this item received unanimous approval at the Planning Board.

**Commissioner Kent moved, seconded by Commissioner Partington, to approve Ordinance No. 2008-11, on first reading and only, as read by title only.**

Call Vote:	Commissioner Partington	yes
	Commissioner Gillooly	yes
	Commissioner Kent	yes
	Commissioner Kelley	yes
Carried.	Mayor Costello	yes

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

Item #9(G) - 1110 John Anderson Drive - Rezoning

ORDINANCE NO. 2008-12  
AN ORDINANCE AMENDING PARAGRAPH C, OFFICIAL ZONING MAP, OF SECTION 2-01, ESTABLISHMENT OF

ZONING DISTRICTS AND OFFICIAL ZONING MAP, OF ARTICLE I, ESTABLISHING OF ZONING DISTRICTS AND OFFICIAL ZONING MAP, OF CHAPTER 2, DISTRICT AND GENERAL REGULATIONS, OF THE CITY OF ORMOND BEACH LAND DEVELOPMENT CODE, BY AMENDING THE OFFICIAL ZONING MAP TO REZONE CERTAIN REAL PROPERTY TOTALING 0.768 ACRES LOCATED AT 1110 JOHN ANDERSON DRIVE FROM VOLUSIA COUNTY R-3 (URBAN SINGLE-FAMILY RESIDENTIAL) TO ORMOND BEACH R-2 (SINGLE-FAMILY LOW DENSITY); AUTHORIZING REVISION OF THE OFFICIAL ZONING MAP; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; AND SETTING FORTH AN EFFECTIVE DATE.

**Commissioner Kent moved, seconded by Commissioner Partington, to approve Ordinance No. 2008-12, on first reading and only, as read by title only.**

Call Vote:	Commissioner Gillooly	yes
	Commissioner Kent	yes
	Commissioner Kelley	yes
	Commissioner Partington	yes
Carried.	Mayor Costello	yes

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

Item #10(A) – Schedule of Civil Fines

ORDINANCE NO. 2008-13  
 AN ORDINANCE CHAPTER 2, ADMINISTRATION, ARTICLE VII, CODE ENFORCEMENT, OF THE CODE OF ORDINANCES, BY AMENDING SECTION 2-258, ADMINISTRATIVE FINES AND LIENS; AMENDING SECTION 2-262, SCHEDULE OF CIVIL FINES; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; AND SETTING FORTH AN EFFECTIVE DATE.

Mayor Costello advised the purpose of this was to make the Land Development Code amendments and the classification of violations and fines correlate properly.

**Commissioner Kelley moved, seconded by Commissioner Gillooly, to approve Ordinance No. 2008-13, on first reading, as read by title only.**

Call Vote:	Commissioner Kent	yes
	Commissioner Kelley	yes
	Commissioner Partington	yes
	Commissioner Gillooly	yes
Carried.	Mayor Costello	yes

Item #10(B) – Adding Nuisance Odors and Glare and Heat

ORDINANCE NO. 2008-14  
 AN ORDINANCE AMENDING CHAPTER 14, OFFENSES-MISCELLANEOUS, OF THE CODE OF ORDINANCES, BY ADDING ARTICLE IX, PERFORMANCE STANDARDS, AND SECTIONS 14-101, NUISANCE ODORS, AND SECTION 14-102, GLARE AND HEAT, THEREUNDER; BY ESTABLISHING TERMS AND CONDITIONS RELATIVE THERETO; AND SETTING FORTH AN EFFECTIVE DATE.

Mayor Costello reported odors, glare, and heat were inadvertently omitted when shifted from the Land Development Code to the Code of Ordinances.

**Commissioner Kelley moved, seconded by Commissioner Gillooly, to approve Ordinance No. 2008-14, on first reading, as read by title only.**

Call Vote:	Commissioner Kelley	yes
	Commissioner Partington	yes
	Commissioner Gillooly	yes



Carried.	Commissioner Kent	yes
	Mayor Costello	yes

Item #11(A) – Cardinal Drive Affordable/Attainable Housing Project

Mr. Steve Spraker, Senior Planner, stated the Affordable/Attainable Housing Task Force was seeking direction as to how the City intended to utilize surplus property. He explained the task force was working through a final draft that offered a wide range of options to stimulate affordable/attainable housing. Mr. Spraker reported the information provided one option. He explained this was the largest surplus property consisting of three acres with a variety of development patterns. Mr. Spraker asked if this was something the City Commission would consider doing; would additional information be required; or would the City Commission rather wait to review this along with the other options at the same meeting.

Commissioner Gillooly thanked Mr. Spraker for the information she received from the Affordable/Attainable Housing Task Force. She advised she would look at the project, and she understood the Commission needed to arrive at a policy as to how to deal with surplus property; however, she recommended dealing with the regulatory issues first before a specific project was considered. Commissioner Gillooly expressed concern in taking on all of the regulatory issues at a single meeting as it may be construed as not providing the opportunity for all to express their concerns. She noted people may be concerned that this may negatively impact existing property values, and it includes elements which some people may find objectionable. Commissioner Gillooly stated it was incumbent upon the Commission, staff, and task force to assure the residents that, just as in any other development project, the Commission must determine the impact on the existing development. She suggested the Commission wait for the final report from the task force, review the regulatory issues, and take on the easier issues first. Commissioner Gillooly advised Former Mayor Dave Hood put into effect legislation to address the impact fee issue. She reported fees could be set aside in affordable housing. Commissioner Gillooly pointed out in the redevelopment district there was already a mechanism to place a lien on a property; and when that property was transferred or sold, the lien would have to be satisfied. She advised the Land Development Code does not allow the City to waive building permit fees. Commissioner Gillooly pointed out it could not be known that building fees would be coming in, but the City does budget for a certain amount; therefore, this was not money that would be taken away from the City if it was not charged. She stated if there were a mechanism to absorb the building permit fees in order to stimulate affordable housing, it may be very positive for the City because this would take property previously undeveloped and would add City utilities making the property viable. Commissioner Gillooly recommended taking on these types of issues first in that this has already been addressed and was in place. She noted density issues could be discussed later in that it would require greater community education. Commissioner Gillooly reported she preferred Option 2.

Mr. Isaac Turner, City Manager, asked if the Commission wished to show some success in a smaller project to dispel some of the perceptions.

Commissioner Gillooly noted she was not implying the Commission should not to do this project, but to address the regulatory issues first.

Mr. Turner stated Halifax Habitat for Humanity has gone into neighborhoods building several houses on a block, changing the neighborhood; and this gives people an opportunity to see the positive changes in the entire neighborhood.

Commissioner Gillooly explained infill has been very successful for Halifax Habitat for Humanity; but due to the cost of land, they were now working closely with Mid Florida Housing and Central Florida Community development, which involved mixed income rather than low income. She noted people in 120% of median income are having a difficult time, but are eligible for SHIP money and other money where the cost burden would not necessarily have to be borne by the City.

Commissioner Partington advised he also preferred Option 2. He noted initially he felt he would not recommend any development in this area, but he wanted to wait for the report before making a decision. Commissioner Partington stated he would rather see different projects around town where one or two affordable units would be offered in conjunction with other housing rather than a large grouping of affordable housing in a single area. He noted these thoughts were preliminary and subject to change after the full report was provided.

Commissioner Kent stated he agreed with Option 2, and he was also concerned with clustering all of the affordable housing in a single area. He reported he would be proud to have affordable housing in his zone; and once people have an actual project to examine, most of the peoples'

fears would be alleviated. Commissioner Kent advised he preferred a more central location to businesses and shopping. He noted he did not object to the City giving up the land, but an additional cost of \$350,000 seemed excessive.

Commissioner Kelley reported he had a large number of questions about the concept in this location relative to access. He advised he also agreed with Option 2. Commissioner Kelley stated the \$350,000 will not be adequate and would be closer to \$500,000 plus the cost of the land. He questioned what this land was worth and if the City could receive revenue for the land utilizing some of the funds for other projects to help offset the cost of making affordable housing available in other places throughout the City. Commissioner Kelley urged staff to be creative with this property.

Mayor Costello advised he supported affordable/attainable housing in Ormond Beach, and he wanted to support the recommendations of the Affordable/Attainable Housing Task Force, but they have not made a firm recommendation to date; therefore, he agreed with Option 2. He suggested possibly splitting the land into three parcels with a shared driveway, determining the worth of the land, and then adding the \$250,000 for infrastructure and the \$41,000 to \$87,000 development fees, which could be used as a bank for affordable housing. Mayor Costello reported he was not certain at this point whether it would be better to use the land or sell the land for seed money for other projects. He noted he could not justify subsidizing \$100,000 per unit, but he did not want to send the wrong message to the task force. Mayor Costello pointed out that whatever project was done first would set the tone, so it must be the best.

Mr. Spraker summarized that the Commission has directed staff to allow the task force to finish their task; provide the regulatory amendment suggestions, followed by zoning and density; and then specific sites would be determined. He noted there was a concern with the RFP process where the City may be looking for the respondents to do some of the infrastructure work.

Mayor Costello pointed out the Commission also suggested the possibility of converting that asset to three one-acre lots to be sold on the open market to use as seed money. He urged examining all options.

Commissioner Gillooly agreed the City must investigate all options. She urged finding another mechanism to fund the infrastructure such as possible mitigation from another developer. Commissioner Gillooly recommended asking the task force when investigating properties if the location was more cost prohibitive regarding property taxes and insurance than it would be elsewhere.

Mayor Costello stated he wanted to make sure the regulations allow the building permits and all development fees as well as the infrastructure to possibly be placed as a lien on the house. He explained he was willing to front these funds; but when the property was sold and the profit realized, the money should come back to the City to help someone else.

#### Item #11(B) – Rockefeller Gardens Drainage and Site Improvements

Mr. John Noble, Acting City Engineer, stated a site plan layout for the Rockefeller Gardens was taken to the Quality of Life Advisory Board and the Recreation Advisory Board, which both approved the layout. He explained one concern regarded skateboarders and another was to make the features blend well with The Casements building. Mr. Noble reported adjustments were made, and this was being presented to the Commission for review before going into a hard design. He advised this would go to the Historic Landmark Preservation Board on March 17.

Mr. Kenneth Smith displayed current views and design views of The Casements area and Rockefeller Gardens area. He noted their recommendation was to enlarge the platform, but the Recreation Advisory Board recommended leaving the coquina platform as it is because they believed the historic significance was more important; therefore, the coquina platform would remain unchanged other than being cleaned and repointed. Mr. Smith explained the recommendations were: a new handicap ramp, a 50-foot diameter stage area raised above the main promenade, the paving revised to allow a larger promenade along the sea walk, an informal drainage pond with a fountain, a service drive, and terraced seating cut into the bank on the north end of the plaza. He reported that in response to comments, they have redesigned the stage area. Mr. Smith stated a recommendation was to add a cable to hang a stage curtain to subdivide the stage and they suggested tower-type elements designed to be in harmony with the front of The Casements building to accomplish that. He reported 118 10-foot by 10-foot festival tents could fit on the site comfortably. Mr. Smith noted people would walk on the paved areas and the tents would be off the paved area. He pointed out the entire site was handicap accessible with new ramps.

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Commissioner Kent advised he thought the plans were phenomenal except that the wooden water wheel was taken out and should be replaced. He pointed out many people have requested the water wheel be replaced.

Mr. Smith stated the water wheel could certainly be replaced.

Commissioner Kelley asked what the objection was to enlarging the platform.

Mr. Smith explained the Recreation Advisory Board believed the historical merits outweighed the benefit of a larger platform.

Commissioner Kelley stated enlarging the platform would make it more usable without destroying it.

Mayor Costello asked if what existed could be kept but another section added further west.

Mr. Smith explained they intended to leave what existed, take the west wall down, and move it back another six or eight feet.

Commissioner Kelley reiterated he would prefer making the platform more usable.

Commissioner Gillooly stated the Historic Landmark Preservation Board would meet on March 17, and she recommended they provide their opinion on this matter before the Commission provides a final decision. She stated she also would like it expanded, if possible.

Commissioner Partington questioned how the determination to raise the promenade two feet was made.

Mr. Smith reported two feet was the top of the current bulkhead along the intracoastal waterway.

Commissioner Partington asked if electricity would be added for the tents.

Mr. Smith stated water and eclectic would be available for the tents and the stage.

Commissioner Partington reported he was not impressed with the towers on either side of the stage. He asked if there were a way to screen the sound from the neighbors on the south.

Mr. Smith stated the vision was for it to be open rather than a band shell. He noted the back could be used for smaller lectures or exhibits with the front being used as well for multiple events. Mr. Smith noted the towers were added for the cables. He pointed out the towers were not in the budget and would be bid as bid alternates where the Commission could decide if they wanted to move forward on them or not. Mr. Smith noted the design was to be in keeping with The Casements.

Commissioner Partington recommended a coquina column for the cable as well as for hanging a curtain for sound. He noted he was not excited about paving of a sidewalk, but he understood a sidewalk could have a coquina-type finish.

Mr. Smith reported coquina shell paving was discussed, but the maintenance and accessibility were of concern; therefore, they recommended a rock salt finish. He noted coquina shell could be placed in the concrete.

Commissioner Partington reported he would prefer the coquina shell in the concrete to fit in better.

Mayor Costello stated he would like to see a sample of the coquina shell in concrete. He reported if staff would approve it relative to maintenance he could support it. Mayor Costello noted he liked the towers. He recommended an eight-foot finished rear that would block the sound. Mayor Costello noted agreement with replacing the water wheel and advised that he knew someone who was willing to contribute funds for the water wheel. He advised he would support any seating possible to allow people to look onto the river. Mayor Costello recommended keeping the platform, but adding electric and speakers so it could be a stage at the one end of the park.

Mr. Smith reported the audio visual equipment would be portable, but conduits could be added.

Mayor Costello asked if there could be an area for bocce and croquet. He urged the area be made available for as many uses as possible.

Item #12 – Reports, Suggestions, Requests

State Mandates

Commissioner Kelley reported Mr. Turner, Human Resources Director Lorenda Volker, and he attended a Volusia County Association for Responsible Development (VCARD) and Volusia League of Cities meeting. He noted it was very important to continue dialogue with the City's elected representatives because they were not listening to the needs of the local governments and were creating unfunded mandates. Commissioner Kelley urged making every effort to let them know the cities were working hard and listening to the people. He reported House Bill 911 would mandate cities provide time for public comment when, in fact, all cities now allow comment.

Water

Commissioner Kelley reported that WAV discussed that by 2013 if all of the efforts were not made necessary, the water districts would be the water providers.

Staff Response

Commissioner Partington thanked Police Chief Michael Longfellow for a number of police responses to citizen concerns.

Commissioner Partington thanked Assistant City Manager Ted MacLeod and the Public Works Department for quickly responding to dumping on City property satisfying the citizen's concerns.

Ormond Beach Historical Trust Annual Dinner

Commissioner Gillooly stated she attended the Ormond Beach Historical Trust annual dinner last week. She stated this community was blessed to have so many people willing to work for the community. Commissioner Gillooly acknowledged the Ormond Beach Historical Trust's outgoing president, Ms. Bonda Garrison, for all of the work she has done this past year.

Birthplace of Speed Events

Commissioner Gillooly reported the Birthplace of Speed events start tomorrow.

Mr. David Abee, Leisure Services Director, noted the time trials were 10:00 a.m. to 11:30 a.m., and the reception at The Casements was planned for 12:30 to 1:00 p.m. He advised that everyone was invited.

Mr. Tim Sullivan

Commissioner Gillooly thanked Mayor Costello for the proclamation for Mr. Tim Sullivan and his family.

Height Limit

Commissioner Gillooly reported she received an e-mail from Mr. Phil Maroney in his capacity with the area Association of Realtors regarding their concern relative to the legal impact of the height limits. She pointed out realtors must disclose if there was prior knowledge of problems such as flooding or damages. Commissioner Gillooly requested a discussion item regarding a blanket discloser for any Ormond Beach property that in the event a catastrophic incident should occur, the individual may not be able to rebuild due to building height limits. She questioned if the City can or cannot legally grandfather in these affected properties.

Mayor Costello stated any Commission member can request a discussion item; however, if that same Commission member asks for the same item again after the discussion occurs, that it would take more than one Commission member to discuss the issue a second time. He also requested the item not necessarily be requested for the following meeting if the schedule would not allow such discussion, but allow time for staff to provide documentation.

Mayor Costello reported he would support grandfathering these affected buildings, if possible.

Illegal Guns

Mayor Costello reported he attended the Mayors Against Illegal Guns meeting in Jacksonville yesterday. He noted he was proud of the Ormond Beach Police Department's responsiveness. Mayor Costello noted he supported proactive checks without profiling.

Tiger Bay Meeting

Mayor Costello reported on March 27 the Chairman of Tiger Bay Recreational Coordinator (TBRC) will be at Tiger Bay at noon, but he would not be able to ask questions in that he would be facilitating the meeting. He urged people from Volusia Council of Governments (VCOG), Volusia League of Cities, and the Commission to attend if possible.

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Item #13 - Close the Meeting

The meeting was adjourned at 8:18 p.m.

APPROVED: March 18, 2008

BY: Fred Costello, Mayor

ATTEST:

Veronica Patterson, City Clerk