

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

**July 28, 2008                      7:00 p.m.**

Present were: Mayor Fred Costello, Lori Gillooly, Troy Kent, and Bill Partington, City Manager Isaac Turner, Assistant City Manager Ted MacLeod, Deputy City Attorney Sandy Upchurch, 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) **AUDIENCE REMARKS:**
- 5) **APPROVAL OF THE MINUTES** of the July 15, 2008, meeting.
- 6) **INTERGOVERNMENTAL REPORTS:**
  - A) Metropolitan Planning Organization
  - B) Volusia Council of Governments
  - C) Water Authority of Volusia
- 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. 2008-133 authorizing the execution of an Animal Housing Agreement between the City and Flagler Humane Society, Inc.
  - B) Resolution No. 2008-134 authorizing the execution of a letter approving the distribution of \$91,455 of Fiscal Year 2008 Federal Edward Byrne Memorial Justice Assistance Grant Program funds within Volusia County.
  - C) Resolution No. 2008-135 authorizing acceptance of a grant award from the Florida Department of Environmental Protection under the Florida Recreation Development Assistance Program for funding assistance relative to installation of new field lighting at the South Ormond Neighborhood Center; authorizing the execution of a project agreement. (\$235,000 total project - \$79,671 grant funding)
  - D) Resolution No. 2008-136 authorizing the execution of an agreement with Software House International for the provision of Microsoft software and an agreement with Microsoft Licensing, GP, for the authorized use of said software; authorizing payment therefor. (\$158,993.40 for three years)
- 8) **PUBLIC HEARING:** 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 applications for recommendation to the City Commission.
    - c) Adjourn as the Community Redevelopment Agency and reconvene the City Commission meeting.
  - 2) Resolution No. 2008-138 of the City Commission, also acting as the Central Business District Community Redevelopment Agency of the City of Ormond Beach, Florida, authorizing the execution of a Property Improvement Grant Agreement between the Agency and James G. Hull, Jr. (Hull's Seafood – 111 West Granada Boulevard - \$50,000)

9) **SECOND READING OF ORDINANCES:**

- A) Ordinance No. 2008-31 amending Sections 3.03, 5.06, and 6.02 of the *Charter* of the City of Ormond Beach, Florida, by providing for four (4) year staggered terms for the members of the City Commission elected by zone; by providing a transition election schedule; by eliminating the requirement for a run-off election; by providing for one regular election for City Commissioners and the Mayor; providing for and calling a Special Referendum Election of the registered electors of the City of Ormond Beach, Florida, to be held on November 4, 2008.
- B) Ordinance No. 2008-32 relative to definitions, Chapter 1, Article III, Section 1-22, Definition of Terms and Words, of the *Land Development Code* by amending regulations to add a definition for accessory dwelling units and Chapter 2, Article III, Section 2-50, to allow detached accessory dwelling units on properties under certain conditions.
- C) Ordinance No. 2008-33 amending Chapter 2, District and General Regulations, Article III, District and General Regulations, Section 2-50, Accessory Uses, Subparagraph T, Outdoor Activities, and Chapter 3, Performance Standards, Article IV, Sign Regulations, Section 3-45 (E), Temporary Signs, of the *Land Development Code* by clarifying regulations concerning temporary signage during outdoor activities and special events.
- D) Ordinance No. 2008-34 amending Chapter 2, Article VI, Overlay Districts, Section 2-71, Historic Landmarks and Districts, of the *Land Development Code*, amending Subsection F, Maintenance, concerning the demolition of historic structures as a result of neglect and the maintenance of historic structures.
- E) Ordinance No. 2008-35 of the City of Ormond Beach, Florida, amending Article I, In General, of Chapter 16, Pensions and Retirement, of the *Code of Ordinances*, by amending Section 16-6, Benefit Amounts and Eligibility.

10) **RESOLUTION** No. 2008-137 approving and authorizing revisions to the City's fee schedule for cultural and recreational programs and facilities operated by the Leisure Services Department.

11) **DISCUSSION ITEMS:**

- A) CDBG redistribution of funds.
- B) Public notice signage for development applications.
- C) Proposed 2008 Evaluation and Appraisal Report.
- D) September City Commission meeting schedule.

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.

Mayor Costello introduced those on the dais and Police Chief Michael Longfellow who was greeting citizens coming into the meeting.

Item #2 - Invocation

Mr. David Abee, Leisure Services Director, gave the invocation.

Item #3 - Pledge of Allegiance

Mayor Costello led in the Pledge of Allegiance.

Item #4 - Audience Remarks

Mayor Costello advised he received no card; therefore, there were no audience remarks.

Item #5 - Approval of Minutes

Mayor Costello advised the minutes of the July 15, 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 #6(A) – Metropolitan Planning Organization and Item #6(B) – Volusia Council of Government

Mayor Costello reported the Metropolitan Planning Organization (MPO) and Volusia Council of Governments (VCOG) did not meet in July.

Item #6(C) - Water Authority of Volusia

Mayor Costello reported Commissioner Kelley was not present to report on the Water Authority of Volusia (WAV).

Commissioner Partington advised the WAV meeting would be held tomorrow.

Item #7 - Consent Agenda

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

Mayor Costello stated he was asked to remove Item No. 7(B) for discussion.

Commissioner Gillooly requested removing Item No. 7(A) for discussion.

**Commissioner Kent moved, seconded by Commissioner Partington, for approval of the Consent Agenda, minus Item Nos. 7(A) and 7(B).**

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

Item #7(A) - Animal Housing Agreement with Flagler Humane Society, Inc.

RESOLUTION NO. 2008-133  
 A RESOLUTION AUTHORIZING THE EXECUTION OF AN ANIMAL HOUSING AGREEMENT BETWEEN THE CITY AND FLAGLER HUMANE SOCIETY, INC; AND SETTING FORTH AN EFFECTIVE DATE.

**Commissioner Kent moved, seconded by Commissioner Partington, to approve Resolution No. 2008-133, as read by title only.**

Commissioner Gillooly reported she did not have the opportunity to speak to Mr. Rick Banker who sits on the Budget Advisory Board and the Humane Society Board. She stated if nothing has changed, she would support this resolution, and she would not advocate spending more money. Commissioner Gillooly advised the City has had a very good experience with the Flagler Humane Society; however, she would have preferred to work with the Halifax Humane Society. She pointed out this did not need to be approved this evening; therefore, she requested this item be delayed to the next meeting.

Mayor Costello reported he was willing to delay this if it were the will of the Commission, but this was for a “no kill humane society” versus the number of animals that are put down at the Halifax Humane Society. He noted he also was pleased the City could save money. Mayor Costello stated there were multiple reasons he would support this, but he would be willing to delay it for Commissioner Gillooly.

Mr. Isaac Turner, City Manager, stated the new rates would not come out until January at the Halifax Humane Society, and staff did anticipate they would be increased. He advised he foresaw no problem in delaying this for a couple of weeks.

**Commissioner Gillooly moved, seconded by Commissioner Kent, to delay this item to the August 6 meeting.**

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

Item #7(B) - Federal Edward Byrne Memorial Justice Assistance Grant Program

RESOLUTION NO. 2008-134

A RESOLUTION AUTHORIZING THE EXECUTION OF A LETTER APPROVING THE DISTRIBUTION OF \$91,455 OF FISCAL YEAR 2008 FEDERAL EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT PROGRAM FUNDS WITHIN VOLUSIA COUNTY; AND SETTING FORTH AN EFFECTIVE DATE.

**Commissioner Kent moved, seconded by Commissioner Gillooly, to approve Resolution No. 2008-134, as read by title only.**

Commissioner Partington questioned why Ormond Beach would be required to approve this grant when the City would not receive any of the grant funds. He stated he could not support this because it takes a percentage for administration without any justification as to where that money would be spent. Commissioner Partington pointed out the amount being taken for administration would be enough to fund what was being cut from Ormond Beach, which was the Teen Scene Program at Ormond Beach Middle School. He stated this program was unfunded because the City did not obtain this grant, and he urged the City to fund this program. Commissioner Partington pointed out he was impressed with what the City's Drug Abuse Resistance Education (DARE) officer does. He advised this program was vitally important for children who may have the option to make a bad choice, but they may make a right choice due to a personal relationship with a police officer in the DARE program.

Mayor Costello advised he concurred with Commissioner Partington. He stated Teen Scene cost only \$6,512 for this year.

Mr. Isaac Turner, City Manager, stated there was \$7,900 funded last year; however, it was under \$8,000; and should the Commission decide to fund it, it could be accomplished.

Mayor Costello stated unless Chief Longfellow would inform him that he believed this program was not accomplishing its objectives, that the City should consider funding the program. He advised he was glad this came before the Commission since he was unaware it was not being funded. Mayor Costello requested information on this so the Commission could decide whether it wanted to fund the program. He stated he would vote for these grants and would like the information regarding the percentage the County was charging, but this was standard procedure.

Commissioner Gillooly thanked Commissioner Partington for bringing this up for discussion.

Call Vote:	Commissioner Partington	no
	Commissioner Gillooly	no
	Commissioner Kent	no
Failed.	Mayor Costello	yes

Mayor Costello asked for further information regarding Teen Scene in either the Friday letter or at the next meeting.

Item #8 (1) – CRA Property Improvement Grant

Mayor Costello recessed the City Commission meeting and convened a meeting of the City of Ormond Beach Community Redevelopment Agency (CRA) at 7:16 p.m.

**Commissioner Gillooly moved, seconded by Commissioner Partington, to recommend the City Commission approve the grant application for Hull's Seafood at 111 West Granada Boulevard.**

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

Mayor Costello adjourned the Community Redevelopment Agency and reconvened the City Commission meeting at 7:17 p.m.

Item #8(2) – Hull's Seafood – 111 West Granada Boulevard

RESOLUTION NO. 2008-138

A RESOLUTION OF THE CITY COMMISSION, ALSO ACTING AS THE CENTRAL BUSINESS DISTRICT COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF ORMOND BEACH, FLORIDA, AUTHORIZING THE EXECUTION OF A PROPERTY IMPROVEMENT GRANT AGREEMENT BETWEEN THE AGENCY AND JAMES G. HULL, JR.; AND SETTING FORTH AN EFFECTIVE DATE.

**Commissioner Kent moved, seconded by Commissioner Partington, to approve Resolution No. 2008-138, as read by title only.**

Commissioner Kent reported he thought the application was a very good thing for Ormond Beach and for Hull's Seafood.

Commissioner Gillooly stated this was the true intent of this grant, which was to attract new business and support those businesses that had already made an investment in the downtown. She thanked the Hull family for their support.

Commissioner Partington stated he was amazed by how successful this grant program has been.

Mayor Costello stated he was pleased Mr. Hull purchased the land for the parking lot because it allowed Mr. Hull to do what he was doing. He stated he highly supported this resolution.

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

Hearing no objection, Mayor Costello closed the public hearing on Item #8(A)(2).

Item #9(A) – Special Referendum Election

ORDINANCE NO. 2008-31

AN ORDINANCE AMENDING SECTIONS 3.03, 5.06, AND 6.02 OF THE *CHARTER* OF THE CITY OF ORMOND BEACH, FLORIDA, BY PROVIDING FOR FOUR (4) YEAR STAGGERED TERMS FOR THE MEMBERS OF THE CITY COMMISSION ELECTED BY ZONE; BY PROVIDING A TRANSITION ELECTION SCHEDULE; BY ELIMINATING THE REQUIREMENT FOR A RUN-OFF ELECTION; BY PROVIDING FOR ONE REGULAR ELECTION FOR CITY COMMISSIONERS AND THE MAYOR; PROVIDING FOR AND CALLING A SPECIAL REFERENDUM ELECTION OF THE REGISTERED ELECTORS OF THE CITY OF ORMOND BEACH, FLORIDA, TO BE HELD ON NOVEMBER 4, 2008; PROVIDING FOR SEVERABILITY; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; AND SETTING FORTH AN EFFECTIVE DATE.

Mayor Costello advised this ordinance had been revised as amended at the last meeting.

**Commissioner Kent moved, seconded by Commissioner Partington, to approve Ordinance No. 2008-31, on second reading, as read by title only.**

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

Item #9(B) – Definition for Accessory Dwelling Units

ORDINANCE NO. 2008-32  
 AN ORDINANCE RELATIVE TO DEFINITIONS, CHAPTER 1, ARTICLE III, SECTION 1-22, DEFINITION OF TERMS AND WORDS, OF THE *LAND DEVELOPMENT CODE* BY AMENDING REGULATIONS TO ADD A DEFINITION FOR ACCESSORY DWELLING UNITS AND CHAPTER 2, ARTICLE III, SECTION 2-50, TO ALLOW DETACHED ACCESSORY DWELLING UNITS ON PROPERTIES OF TWO ACRES OR GREATER UNDER CERTAIN CONDITIONS; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; PROVIDING FOR SEVERABILITY; AND SETTING FORTH AN EFFECTIVE DATE.

Mayor Costello advised this ordinance was amended as per the Commission vote at the last meeting to reflect the Planning Board recommendation, which does not include a size requirement, but has the 49% included. He asked the Commission to make a motion for either Option 1 or Option 2 as explained in the City Manager memorandum.

**Commissioner Gillooly moved, seconded by Commissioner Partington, to approve Ordinance No. 2008-32, on second reading, for Option 2, as read by title only.**

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

Item #9(C) – Clarifying Regulations Concerning Temporary Signage

ORDINANCE NO. 2008-33  
 AN ORDINANCE AMENDING CHAPTER 2, DISTRICT AND GENERAL REGULATIONS, ARTICLE III, DISTRICT AND GENERAL REGULATIONS, SECTION 2-50, ACCESSORY USES, SUBPARAGRAPH T, OUTDOOR ACTIVITIES, AND CHAPTER 3, PERFORMANCE STANDARDS, ARTICLE IV, SIGN REGULATIONS, SECTION 3-45 (E), TEMPORARY SIGNS, OF THE *LAND DEVELOPMENT CODE* BY CLARIFYING REGULATIONS CONCERNING TEMPORARY SIGNAGE DURING OUTDOOR ACTIVITIES AND SPECIAL EVENTS; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; PROVIDING FOR SEVERABILITY; AND SETTING FORTH AN EFFECTIVE DATE.

Mayor Costello reported this received a unanimous approval from the Planning Board.

**Commissioner Gillooly moved, seconded by Commissioner Partington, to approve Ordinance No. 2008-33 on second reading, as read by title only.**

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

Item #9(D) – Demolition of Historic Structures as a Result of Neglect

ORDINANCE NO. 2008-34  
 AN ORDINANCE AMENDING CHAPTER 2, ARTICLE VI, OVERLAY DISTRICTS, SECTION 2-71, HISTORIC LANDMARKS AND DISTRICTS, OF THE *LAND DEVELOPMENT CODE*, AMENDING SUBSECTION F, MAINTENANCE, CONCERNING THE DEMOLITION OF HISTORIC STRUCTURES AS A RESULT OF NEGLIGENCE AND THE MAINTENANCE OF HISTORIC

STRUCTURES; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; PROVIDING FOR SEVERABILITY; AND SETTING FORTH AN EFFECTIVE DATE.

Mayor Costello advised this received the unanimous approval of the Historic Landmark Preservation Board, and the Planning Board denied it on a three-to-three vote.

**Commissioner Partington moved, seconded by Commissioner Gillooly, to approve Ordinance No. 2008-34, on second reading, as read by title only.**

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

Item #9(E) – Pensions and Retirement

ORDINANCE NO. 2008-35

AN ORDINANCE OF THE CITY OF ORMOND BEACH, FLORIDA, AMENDING ARTICLE I, IN GENERAL, OF CHAPTER 16, PENSIONS AND RETIREMENT, OF THE *CODE OF ORDINANCES*, BY AMENDING SECTION 16-6, BENEFIT AMOUNTS AND ELIGIBILITY; REPEALING ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING AN EFFECTIVE DATE.

**Commissioner Partington moved, seconded by Commissioner Kent, to approve Ordinance No. 2008-35, on second reading, as read by title only.**

Mayor Costello advised the City's policy was that if there was a two-to-two vote, it would be automatically continued to the next meeting.

Call Vote:	Commissioner Gillooly	no
	Commissioner Kent	yes
	Commissioner Partington	yes
Failed.	Mayor Costello	no

Mayor Costello reported this item would be brought back at the next City Commission meeting.

Item #10 - Fee Schedule for Cultural and Recreational Programs and Facilities

RESOLUTION NO. 2008-137

A RESOLUTION APPROVING AND AUTHORIZING REVISIONS TO THE CITY'S FEE SCHEDULE FOR CULTURAL AND RECREATIONAL PROGRAMS AND FACILITIES OPERATED BY THE LEISURE SERVICES DEPARTMENT; AND SETTING FORTH AN EFFECTIVE DATE.

**Commissioner Gillooly moved, seconded by Commissioner Partington, to approve Resolution No. 2008-137, as read by title only.**

Mayor Costello reported this would include the 30% option with the 3% annual increase beginning October 1, 2009.

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

Item #11(A) – CDBG Redistribution of Funds

Commissioner Gillooly advised there was a member of the Neighborhood Improvement Advisory Board in attendance at the last meeting, who was unable to attend tonight, so she discussed this issue with her. She reported the Commission was presented with the idea of redistributing additional funding to the Housing Authority. Commissioner Gillooly stated Ms. Loretta Moisiso, Grants Coordinator, provided two recommendations, which were to use the additional funding toward the Housing Authority or to use the funds for a cul-de-sac at Selden

Avenue for landscaping and street resurfacing. She advised the cost estimates went from \$45,000 to \$155,000. Commissioner Gillooly noted there was a direction from the Neighborhood Improvement Advisory Board to not consider the cul-de-sac, but to deal with the drainage and landscaping issues; however, that was not in the memorandum.

Ms. Loretta Moasio, Grants Coordinator, reported the board discussed beautification and drainage to the project; but they supported their original recommendation for the cul-de-sac since they believed it would help with the drainage situation.

Commissioner Gillooly asked if there were another way to deal with the issue other than with a cul-de-sac. She recommended the Neighborhood Improvement Advisory Board discuss funding the Police Athletic League (PAL), but she noted the board had some concern that it would be too difficult to ascertain who would be eligible for the services.

Ms. Moasio explained for the Community Development Block Grant (CDBG) to fund such a program, each individual child would be considered a beneficiary and would have to complete a packet of information for the Housing and Urban Development (HUD) requiring various financial forms to enable the child to participate if they meet the low-income requirements. She noted she did not believe all of the children would meet the requirements. Ms. Moasio advised the children would also have to live within the City limits. She stated the stipulations are very intense.

Commissioner Gillooly questioned if the City knew 80% of the children would be eligible, if only 80% of the program could be funded. She reported once the work was completed, would this then not place the City in a good position for Ms. Moasio to seek other grant funding.

Ms. Moasio stated the last time she checked the income they would not have met the HUD requirements and that possibly less than 50% were Ormond Beach residents and children were coming in from different areas. She noted she did not have the income verification from PAL.

Commissioner Gillooly asked if more than 50% of the children in PAL were not from Ormond Beach.

Ms. Moasio reported she did not have the specific information as to the income level or the number of Ormond Beach residents participating, and she would need to obtain that from the PAL office.

Commissioner Gillooly requested Ms. Moasio obtain that information.

Ms. Moasio reported she would also need to speak to the County CDBG grant manager to determine if the funds could be split.

Commissioner Gillooly stated if a large percentage of the children were from outside Ormond Beach, the City may need to consider the funding. She pointed out the Neighborhood Improvement Advisory Board had an interest in funding youth programs with their dollars.

Mr. Turner stated staff could ascertain this information.

Commissioner Gillooly asked Mr. Noble if by dealing only with the drainage issues, some landscaping, and resurfacing of the roadway, it would create a cul-de-sac.

Mr. John Noble, Acting City Engineer, stated he would have to specifically examine the issues to address the drainage and maintain it within the right-of-way. He stated curb and gutter systems would collect the runoff in the curb and take it to a drainage system, and this road does not have that curb and gutter system, but it does have some inlets sporadically placed, especially toward the back. Mr. Noble stated if the City did the cul-de-sac, they could grade the pavement to take the water to the inlets; and if they resurfaced the road they could eliminate pocket draining on the road surface itself.

Commissioner Gillooly asked if the \$45,000 for Option 1 would include everything Mr. Noble mentioned.

Mr. Noble explained that would include the resurfacing, which would improve draining on the road.

Commissioner Gillooly stated if additional funding was needed, if it would come from future CDBG funds or road funds.

Mr. Noble stated there would be an option for both types of funding.

Commissioner Kent thanked Commissioner Partington for his suggestion to use this money for parks in the CDBG area. He advised he had not had any complaints about Selden Avenue. Commissioner Kent reported he wanted the most he could get for the residents in those designated CDBG priority areas. He noted he was pleased with the list of eligible items staff provided. Commissioner Kent requested staff determine, with the use of some type of questionnaire, to use the money to pay for child care services. He pointed out the areas where he receives the most complaints on the beachside CDBG area were Arlington Way, Magnolia Drive, Valencia Drive, and Ormond Parkway. Commissioner Kent noted Ormond Parkway was a cross-through from Halifax Drive to A1A and there has been a longstanding issue of speeding of Magnolia Drive and Valencia Road. He questioned if smaller palms could be planted in the right-of-way as a traffic calming method. Commissioner Kent stated with the child care services and the plantings that would calm traffic, the money would be spent well. He stated he wanted to take care of drainage on Selden Avenue.

Commissioner Partington reported this was another federal program that was frustrating in that it was provided to the City through Volusia County because the City does not have a large enough population to receive it directly from the federal government. He stated if the funds are not used, the funds would go back to the County. Commissioner Partington advised he was leaning toward recommendation one because recommendation two was more properly funded through the federal government. He questioned when a decision needed to be made. Commissioner Partington stated Commissioner Kent knows his zone best; but it was frustrating in that for every suggestion, there were reasons that it could not be done. Commissioner Partington reported he knew the funds could be used for parks. He recommended, if there was adequate time, to explore Commissioner Kent's recommendations further.

Mayor Costello stated he favored neither option, and he had been advised the Commission did not need to decide tonight. He advised he would not vote for any money for the Housing Authority without them partnering with the City. Mayor Costello noted the cul-de-sac on Selden Avenue would cause other problems. He stated drainage was the number one issue. Mayor Costello commended Commissioner Kent's creativity, noting he could imagine bulb-outs on the streets mentioned, which should slow the traffic. He urged staff to determine if residents want the traffic calming initiative. Mayor Costello noted he had heard many complaints relative to speeding on these roads, and he would also agree to defer to Commissioner Kent; however, he did not want the Neighborhood Improvement Advisory Board to feel the Commission was not taking their recommendations seriously. He stated the board was basing their recommendations on what they had before them.

Commissioner Kent requested taking what he gleaned from tonight's discussion and some of the information he had compiled and discussing it at the next "Coffee with the Commissioner" at his home on August 4. He noted he would then talk to staff about what was discussed at the meeting, take it back to the Neighborhood Improvement Advisory Board, and then come back to the Commission with a board recommendation.

Commissioner Gillooly advised she did not believe there would be any Sunshine Law issues for Commissioner Kent to share his thoughts with the board's chair. She stated the Neighborhood Improvement Advisory Board spent a great deal of time on this issue, and they were trying to do their best with the information provided. Commissioner Gillooly reported she believed the board would welcome Commissioner Kent's ideas.

#### Item #11(B) – Public Notice Signage for Development Applications

Mayor Costello reported the Commission favored Option 2.

#### Item #11(C) – Proposed 2008 Evaluation and Appraisal Report

Mayor Costello stated the Commission was not making the amendments tonight and would only be providing guidance to staff. He noted after it comes back from the Department of Community Affairs (DCA), the Commission would be providing the enabling amendments. Mayor Costello urged the Commission to give input on the following issues: 1) the St. Johns River Water Management District wetland standards; 2) fill in the floodplain; 3) incorporating low impact development techniques; 4) specifying density and intensity standards, 5) adopting policies encouraging redevelopment of existing corridors; 6) incorporating the downtown master plan; and 7) adopting the Volusia County traffic impact analysis requirements once the Ormond Crossings proportionate share agreements were completed. He advised he favored each of these items.

Mayor Costello summarized there was a consensus to adopt the St. Johns River Water Management District standards to protect the aquifers and allow the low impact development to take care of the open space. He stated this would remove the City from the wetland permitting business, reduce staff time, clear issues for those who wish to develop, and eliminate forum shopping. Mayor Costello advised there was a consensus to proceed with the compensatory storage, which was the scientific method rather than using the floodplain percentages in addition to the compensatory storage method. He reported there was a consensus to incorporate low impact development techniques. Mayor Costello stated in specifying density and intensity standards, the City would not be diminishing the standards only quantifying them; and the Commission concurred with that recommendation.

Commissioner Gillooly asked if this would also address affordable housing.

Mayor Costello stated he wished to adopt any policies that would encourage redevelopment of the existing corridors. He noted the Commission concurred. Mayor Costello stated there was a consensus to agree with item six relative to the downtown master plan. Mayor Costello stated the benefit of the Volusia County traffic impact analysis being required in Ormond Beach was that everyone would use the same standard; however, he wanted to finish Ormond Crossings calculations before adopting this, and the Commission concurred.

Commissioner Gillooly stated the task force added credence to some thoughts on affordable housing. She noted issues such as the accessory dwellings issue passed tonight was vitally important as a part of a package in how the City addresses a myriad of housing opportunities. Commissioner Gillooly reported the concept of considering density must be examined. She advised she saw a wonderful opportunity for affordable senior housing bringing revitalization and energy into the downtown while addressing housing need opportunities. Commissioner Gillooly expressed concern about mobile homes, but understood it to be an opportunity. She noted she would favor more programs such as Halifax Habitat for Humanity homes rather than mobile homes as a safety factor in emergency weather situations; however, many options must be open for the residents.

Mayor Costello advised he was not interested in density bonuses other than for affordable housing or transfer of development rights to preserve other open space. He noted he was working with Smart Growth groups for years, and the transfer of development rights was now being discussed. Mayor Costello stated this was appropriate in selected isolated areas, but not as a general rule.

Commissioner Gillooly reported density bonuses should only be allowed where it would be justified and have tangible benefits that could be seen for the people in the community.

Commissioner Partington stated the form base code, non-Euclidian, zoning was a vital component to redevelopment since it was a common sense approach to zoning, allowing people to know what can be done rather than what can not be done. He reported this would spark a new interest, giving people a better level of comfort in what they were doing, which would allow for the blending of uses. Commissioner Partington advised there was a need to educate what it was and what it allowed people to do.

Mr. Ric Goss, Planning Director, reported he was very pleased the Planning Department and the Commission were in agreement in that staff was proceeding in the correct direction. He stated staff was integrating the level of service out of the recreation plan along with the goals, objectives, and policies. Mr. Goss noted staff was also integrating the goals, objectives and policies plus the level of service out of the sewer and water master plan along with the ten year water plan. He stated staff was incorporating the language in the Land Use Element with regard to Eco Map A and policies that would affect 3,000 acres in Ormond Beach, but most of that was the State Park and the Tomoka Basin, which was undevelopable. Mr. Goss stated much of the Comprehensive Plan has regulatory language rather than the goals, objectives, and policies because there are always new approaches. He advised these approaches should be addressed in the Land Development Code. Mr. Goss stated the report discussed eliminating the "how to" or regulatory language found in the Comprehensive Plan. He advised they would substitute broad goals, objectives, and policies to make certain the Commission's intent was intact while allowing flexibility to have more than one approach. Mr. Goss reported staff has been working on this report since September, and the Planning Board has vetted this since January. He advised the Planning Department, along with Geotechnical Information Systems (GIS), and advisory boards have worked on this report. Mr. Goss noted in that it was already drafted, the City could take advantage of the DCA courtesy review; but it will be coming back to the Commission. He asked for the Commission's approval to forward this document to DCA for

a courtesy review. Mr. Goss advised it would come back to the Commission for a final plan in November or December.

Mayor Costello stated if Mr. Goss would incorporate all of the comments made and direction given from the Commission it could be sent for the courtesy review. He pointed out the map of the Future Land Use changes that occurred in the past eight years and noted that they were minimal, with most being annexations.

#### Item #11(D) – September City Commission Meeting Schedule

Mayor Costello stated the Commission would normally meet on September 2 and September 16. He explained cities cannot adopt their budgets at the same time as a County Council or School Board meeting occurs; therefore, he recommended the September meetings be held September 3 and September 17. He advised the Commission concurred with this recommendation.

#### Item #12 – Reports, Suggestions, Requests

##### Homeless

Commissioner Partington advised his constituents have contacted him regarding homeless people in the parks and downtown. He requested an update as to how the Police Department was dealing with the homeless issue. Commissioner Partington stated the police needed to be kind and firm, particularly in locations where there were children at play.

Police Chief Michael Longfellow reported the Police Department patrols the parks, particularly in the early morning hours, looking for these issues. He noted the opportunity to provide assistance was somewhat limited, and many people do not want any assistance. Chief Longfellow advised he would provide more information on this issue in the Friday letter.

Mr. Turner asked Chief Longfellow to explain the recent increase in the homeless.

Chief Longfellow advised Ormond Beach has seen an increase recently in that some people have lost their homes through foreclosures. He noted homeless are also being pushed from other areas.

Mr. Turner urged informing the City should they witness a problem.

Mayor Costello stated he was not surprised to hear this due to what was occurring with the economy. He reported he was pleased Ormond Beach had helped the Homeless Coalition. Mayor Costello stated this was not only a Daytona Beach/Volusia County problem, but everyone's problem.

Commissioner Gillooly asked if the Homeless Coalition solicits input from Chief Longfellow and the other police chiefs.

Chief Longfellow stated the chiefs have met with the Homeless Coalition. He noted normally representatives from the coalition would come out once a year to do a head count so they could go out and offer assistance and ask what was needed.

##### Signature Health Care

Commissioner Gillooly advised she used to work at Signature Health Care. She stated Ms. Rita Press attended their awards event as the ambassador representing Mayor Costello. Commissioner Gillooly advised Signature Health Care honored three residents for special lifetime achievements, two employees working over 22 years, and Mayor Costello for his community services. Commissioner Gillooly stated another honored guest was Ms. Gloria Max of the Jewish Federation. She reported the economic climate was creating more people who need services, and the middle class are now becoming unable to assist. Commissioner Gillooly commended Ms. Max for her back-pack program because there were more and more children who needed these back-packs.

##### Splash Pad

Commissioner Gillooly stated she voted for the money spent on the splash pad, although she did have concerns regarding the cost, but she was extremely pleased she supported it after seeing the children and the professional job being done.

##### Volunteerism

Commissioner Gillooly stated volunteerism was alive and well in Ormond Beach. She advised one of those groups was the Ormond Main Street group. Commissioner Gillooly reported she

hoped the signage ordinance passed tonight might help some of the recent issues with businesses. She advised Ormond Beach has already begun a coalition with the Economic Development Director, Planning Department, Ormond Main Street, and the Ormond Beach Chamber of Commerce to try to address some of these issues and offer some flexibility in this economic climate.

#### CDBG Funding

Commissioner Gillooly stated in her role as Director of Halifax Habitat for Humanity she went to the Neighborhood Improvement Advisory Board for many years regarding funding for land for Habitat homes. She noted the land values have made it almost impossible to consider acquisition of land at this point; therefore, there was no conflict with her role as Halifax Habitat for Humanity Director and as Commissioner. Commissioner Gillooly pointed out the City had board members who were trying to address a number of issues, but their views were limited in the information they had been provided; therefore, she commended Commissioner Kent's idea to go directly to the board.

Commissioner Kent stated he would only invite one board member due to Sunshine Law provisions, although he could probably invite the entire board if only one spoke.

#### The Economy

Commissioner Kent stated it was sobering to learn how many homeless students attend Volusia County schools. He advised he has witnessed a tremendous increase in the number of students who need the back-packs provided by the Jewish Federation. Commissioner Kent reported if a school had more than 50% of their children on free and reduced lunch, they would qualify for the federal Title One funding. He noted Pathways Elementary was around 16% five to six years ago and now was up to 30% to 35%, but it gets no support unless it was over 50%; and he believed it should receive 30% of the money. Commissioner Kent reported he had received complaints regarding camps being set up for the homeless on Marvin Road. He asked to speak about the homeless issue at a goal setting meeting or workshop.

#### Splash Pad

Commissioner Kent thanked staff for their professionalism at the splash pad.

Commissioner Kent thanked Commissioner Gillooly for her support even with her financial concerns. He stated he knew Commissioner Gillooly was pleased she supported the splash pad by her expressions at the grand opening.

#### Coffee with the Commissioner

Commissioner Kent reported the next "Coffee with the Commissioner" would be held on Monday, August 4 at his home at 130 Magnolia Drive.

#### Splash Pad

Mr. Turner advised people of all ages had a good time at the splash pad.

#### Businesses

Mr. Turner stated everyone was sensitive to the difficulties businesses were having. He noted he and Mr. Joe Mannarino, Economic Development Director, were trying to be the catalyst to start some dialogue among a group of business owners in terms of what they need to be more successful and make it through these difficult times. He noted a number of businesses have closed, but the City wanted to do everything possible to assist Ormond Main Street. Mr. Turner noted any changes in the code would be brought to the Commission; and while the goal was not to impact City standards, there may be issues that could be resolved on an emergency basis.

#### Land Values

Mr. Turner noted he hoped one of the blessings of this economic crisis may be that land values would decrease and make land available to change the neighborhood.

#### Focus Meetings

Mr. Turner urged the Commission to reinstitute the focus meetings to allow for focused discussions to take place.

#### Splash Pad

Mayor Costello thanked staff for completing the sidewalk connector at the splash pad. He stated the opening was fun for everyone.

#### Homeless

Mayor Costello stated various chambers of commerce were forming trying to do something about the homeless situation. He advised they spoke to VCOG who would most likely ask cities

for some funding for this growing homeless problem. Mayor Costello stated everyone will have to participate in some manner.

Next Meeting Format

Mayor Costello advised he planned to place the City Manager contract as the first item on the agenda prior to the Audience Remarks portion at the August 6 meeting. He reported he would first allow Mr. Turner to review anything he wished to discuss and hear any responses from Mr. Turner, followed by impressions and comments from the Commission, followed by public comment, and then discussion would come back to the Commission to make a decision.

Ms. Sandy Upchurch, Deputy City Attorney, stated if any action would be taken on Mr. Turner's contract at the August 6 meeting an interim City Manager would need to be appointed.

Mayor Costello reported the meeting was being postponed from when it was originally scheduled in that the City Attorney did not believe adequate public notice could be provided.

Commissioner Gillooly asked if an action were taken at the August 6 meeting, how it would affect the remainder of the meeting.

Mayor Costello stated it would have no effect on the rest of the meeting in that the Assistant City Manager could be appointed Acting City Manager, and he could take over for that meeting or as long as the Commission would request him to do so.

Item #13 - Close the Meeting

The meeting was adjourned at 8:34 p.m.

APPROVED: \_\_\_\_\_ August 6, 2008

BY: \_\_\_\_\_  
Fred Costello, Mayor

ATTEST:

\_\_\_\_\_  
Veronica Patterson, City Clerk