

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

**June 5, 2007**

**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.

- 1) Meeting call to order by Mayor Costello.
- 2) Invocation.
- 3) Pledge of Allegiance.
- 4) **AUDIENCE REMARKS:**
- 5) **APPROVAL OF THE MINUTES** of the May 15, 2007, meeting.
- 6) **PRESENTATION** by Jeff Blass, United Way Board of Directors.
- 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. 2007-71 accepting the bid of Halifax Paving, Inc., regarding paving services for the 2007 Roadway Resurfacing project under Bid No. 2007-14; rejecting all other bids; authorizing the execution of a contract between the City and Halifax Paving, Inc., and payment thereunder; and setting forth an effective date. (\$396,283)
  - B) Resolution No. 2007-72 accepting the bid of Servello and Sons, Inc., for the purchase and installation of palm trees regarding the Beachside Palm Tree Planting project (Bid No. 2007-16); rejecting all other bids; authorizing the execution of a contract between the City and Servello and Sons, Inc., and payment thereunder; and setting forth an effective date. (\$32,206.08)
  - C) Resolution No. 2007-73 authorizing the purchase of a Gradall hydraulic excavator; authorizing the execution of a contract with Great Southern Construction Equipment Co.; rejecting all other bids; declaring the City's existing excavator to be surplus property; authorizing the disposition thereof; and setting forth an effective date; rejecting Bid No. 2007-11. (\$188,785)
  - D) Resolution No. 2007-74 accepting the bid of Hancock Bank of Florida to finance the acquisition of a Gradall hydraulic excavator under bid No. 2007-24; rejecting all other bids; authorizing the execution of a lease-purchase agreement and all other papers necessary and incidental thereto; and setting forth an effective date. (\$188,785 - Interest rate - 3.82%)

- E) Resolution No. 2007-75 authorizing the execution of a letter approving the distribution of \$272,638 of Fiscal Year 2008 Federal Edward Byrne Memorial Justice Assistance Grant funds within Volusia County; authorizing the execution of an application for funding assistance.
  - F) Resolution no. 2007-76 appointing Jean M. Dwyer, Esquire, as special master of the City's code enforcement system; setting forth term and conditions of service; and setting forth an effective date.
  - G) Resolution No. 2007-77 authorizing the execution of a contract between the City and Bristol, Inc, regarding upgrades and improvements to the City's Water and Wastewater Supervisory Control and Data Acquisition (SCADA) system; authorizing the sole source procurement of contractual services from Bristol, Inc.; granting a limited waiver from the City's minimum insurance requirements; accepting Bristol's \$555,000 limitation of liability. (\$555,000)
- 9) **PUBLIC HEARING:** Ordinance No. 2007-12 annexing certain real property into the City of Ormond Beach located at 1614 North US Highway 1; setting forth zoning, privileges, and obligations of said property; providing for transmission. (Best Value Inn - 6.24 acres) (Second Reading)
- 10) **SECOND READING OF ORDINANCES:**
- A) Final Plats for Deer Creek at Hunter's Ridge:
    - 1) Ordinance No. 2007-13 approving the final plat for "Deer Creek," Phase Two of the "Hunter's Ridge" Development of Regional Impact; establishing conditions and expiration dates of approval.
    - 2) Ordinance No. 2007-14 approving the final plat for "Deer Creek," Phase Three of the "Hunter's Ridge" Development of Regional Impact; establishing conditions and expiration dates of approval.
    - 3) Ordinance No. 2007-15 approving the final plat for "Deer Creek," Phase Four of the "Hunter's Ridge" Development of Regional Impact; establishing conditions and expiration dates of approval.
- 11) **FIRST READING OF ORDINANCES:**
- A) Ordinance No. 2007-17 changing the name of a portion of "Thornhill Chase Court" to "Thornhill Chase Circle," within Briargate Subdivision, Unit I, Phase II, of the "Hunter's Ridge" Development of Regional Impact; repealing all inconsistent ordinances or parts thereof; and setting forth an effective date.
  - B) Ordinance No. 2007-18 approving a replat of "Briargate," Unit 1, Phase I, located within "Hunter's Ridge" Development of Regional Impact by eliminating Lot 13, to create a new road, renumbering Lots 12 and 14, to become Lots 1 and 2; establishing conditions and expiration dates of approval; and setting forth an effective date.
  - C) Ordinance No. 2007-19 approving a replat of "Westland Village, Phase I," located within the OB-II Phase of the "Hunter's Ridge" Development of Regional Impact by changing Lot 45 from a residential lot to a wildlife/water management area; changing the common area between Lots 39 and 40 to a developable residential lot; renumbering lots 40 to 44 consistent therewith; establishing conditions and expiration date of approval; and setting forth an effective date.
- 12) **RESOLUTION** No. 2007-78 of the City of Ormond Beach, Florida, adopting Map "A" as presented and accepted by the Volusia Council of Governments (VCOG) Smart Growth Committee as environmentally sensitive lands to be conserved for future generations.
- 13) **DISCUSSION ITEMS:**
- A) John Anderson Drive roadway reconstruction project.
  - B) FY 2007-08 budget process update.
- 14) **REPORTS, SUGGESTIONS, REQUESTS:** Mayor, City Commission, City Manager, City Attorney.

15) ***CLOSE THE MEETING.***

Item #1 - Call to Order

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

Item #2 - Invocation

Mr. Isaac Turner, City Manager, gave the invocation.

Item #3 - Pledge of Allegiance

Mayor Costello led in the Pledge of Allegiance.

Item #4 - Audience Remark

Golf Courses

Mr. Daniel Zurla, 3751 Long Grove Lane, Port Orange, complained that Daytona Beach, Port Orange, and Ormond Beach were the only golf courses that mandated the use of golf carts at their six municipal golf courses depriving golfers of the freedom to walk on public land, which he stated was unconstitutional because it denies the golfer the right to walk. Mr. Zurla advised that he sued two cities and lost because the judge had “cooked the books” and illegally helped the cities hide their errors of building unconstitutional golf courses.

Mayor Costello stated Ormond Beach abides by the courts and the Constitution.

Traffic Light for Aberdeen

Mr. Andy Margalotti, 58 Green Forest Drive, representing the Aberdeen residents, stated the stretch of Clyde Morris Boulevard in front of Aberdeen was to be enlarged from two to four lanes and the County engineer indicated there were no plans for the placement of a traffic light at the Aberdeen entrance. He noted Aberdeen had over 500 homes with over 800 residents, the vast majority of which were senior citizens. Mr. Margalotti stated the only method of ingress and egress was from Clyde Morris Boulevard and exiting and entering was very difficult. He reported the completion of the widening project would greatly enhance the difficulty. Mr. Margalotti stated the speed limit was 50 mph, and vehicles frequently exceed the speed limit. He explained there were already two large residential developments under construction east of Clyde Morris Boulevard between Hand Avenue and LPGA Boulevard, and the development of the commercial property along the east side of Clyde Morris Boulevard opposite Aberdeen would probably occur in the near future. Mr. Margalotti stated it was inevitable that the traffic volume would increase with that development. He reported Clyde Morris Boulevard was a County road and not under Ormond Beach’s jurisdiction; but the residents are Ormond Beach residents, and Ormond Beach emergency services would be called if and when accidents occur. Mr. Margalotti advised he provided the City Clerk with a copy of a petition signed by most of the Aberdeen residents, which he would also provide to Volusia County. He requested Ormond Beach contact the appropriate County authorities recognizing and supporting their application for a traffic signal.

Mayor Costello stated he voted against the City paying for the traffic signal at Tymber Creek Road and at Breakaway Trails because they were gated communities, but he would personally advocate for a signal at Aberdeen with the Aberdeen residents paying for the light.

Cassen Park Boat Ramp

Mr. Worley Pruett, 129 Seminole Avenue, stated the City had a bid for \$224,000 to pave the boat ramp, which did not need to be paved. He noted the boat ramp will only accommodate single trailers. Mr. Pruett recommended that if the City was to do something they should make the ramp large enough for a double trailer.

Mayor Costello asked Ms. Sloane to report to the Commission on this issue.

Budget Reduction

Mr. Glenn Jaspers, 160 Ocean Terrace, stated last April there was a notice in the Sunday newspaper indicating that, due to occurrences in Tallahassee, the City would have to come up with \$5 million in cuts, and only 20 choices were provided with no “sacred cows” recommended. He reported the City’s documentation indicated the cost for paving the remainder of Cassen Park was \$100,000, and the prior speaker stated the cost was \$220,000 and all would come from property taxes. Mr. Jaspers questioned the difference in the cost of the project and why

the City would consider the proposal. He stated there was a discussion regarding paying \$4.6 million to \$4.93 million at John Anderson, which was a 2000 goal. Mr. Jaspers questioned why a 2000 goal was resurrected when funds are supposedly needed so desperately. He reported he read the specs for the runway rehabilitation and could not find any documentation as to what the City paid to support the equipment and day-to-day operations of the airport in that all the FAA paid for was the salaries of the controllers. Mr. Jaspers questioned why the runway rehabilitation project indicated the MRI lighting needed to be done in that there already was MIRL lighting.

#### Fluoridation

Mr. Jim Schultz, 117 Harvard Drive, spoke against the addition of fluoride in City water.

#### Budget Issues

Mr. Bob Behnke, 15 Malayan Sunbear Path, questioned Item Nos. 8(A) with a cost of \$396,000 for paving roads, 8(B) with a cost of \$32,000 for palm trees, and 8(C) and 8 (D) for a purchase of excavator. He questions what roads would be resurfaced. Mr. Behnke asked what the salvage value and the reconstruction or refurbishing cost would be for the excavator. He noted these three items cost \$616,000, and he questioned if this was the time to spend so much when it was unknown what would occur with the taxes next year.

Deputy Mayor Kelley advised that none of the items Mr. Behnke mentioned were funded through property taxes.

Mayor Costello agreed these were not funded through property taxes, but Mr. Behnke's points were still valid.

#### Item #5 - Approval of Minutes

Mayor Costello advised the minutes of the May 15, 2007, 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 – Jeff Blass, United Way Board of Directors Presentation

Mr. Jeff Blass, United Way Board of Directors, thanked the City and the employees for their support, involvement, and participation in the annual United Way fundraising campaign. He presented Mayor Costello with 11 certificates for those employees who gave at the leadership level, at the Pillars Club level, or at the President's Club level. Mr. Blass asked Mayor Costello to distribute the certificates to the appropriate employees.

Mayor Costello gave the certificates to Mr. Turner for distribution to the employees with thanks from the Commission for their support of the United Way.

#### Bill France Proclamation

Mayor Costello read a proclamation honoring Mr. Bill France, Jr. He stated Mr. France expanded NASCAR racing into a national sport; partnered to create student incentive programs; supported the arts; supported Betty Jane France's Pediatrics Program at Halifax Medical Center; touching the lives of many people devastated through wildfires, hurricanes, and tornados by providing equipment, food, housing, personnel, and financial assistance; and supporting community improvements. Mayor Costello proclaimed June 5, 2007, as a day to remember and honor the generous community support of William Clifton France, and he expressed the City's condolences to the family.

#### Item #7(A) - Metropolitan Planning Organizations

Mayor Costello reported the Metropolitan Planning Organization (MPO) adopted the minimum standards for the level of service, and he hoped the MPO would go beyond recognizing this to establishing a method to adopt it with some force behind it. He noted this was the first step to coordinate when there was differing level of service from one community to the next and one of those communities desired to continue building when the roads were at capacity and another community wanted to slow the pace. Mayor Costello reported there was currently no mechanism for enforcement.

Item #7(B) - Volusia Council of Governments

Mayor Costello reported the same two issues were discussed at the Volusia Council of Governments (VCOG) meeting that were previously discussed. He urged everyone to try to attend the “How Shall We Live” seminar at Embry Riddle Aeronautical University. Mayor Costello noted the property tax reform issues were also discussed, regarding how the reforms would impact the services and quality of life of the residents. He noted VCOG would encourage the State to adopt true comprehensive sustainable reform allowing the local entities to work on reductions once there was a “level playing field.” Mayor Costello pointed out 45% of the residents received tax decreases last year, and 55% received tax increases.

Item #7(C) - Water Authority of Volusia

Commissioner Kelley stated he had nothing new to report regarding the Water Authority of Volusia (WAV).

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.

Mayor Costello stated that he would pull Item Nos. 8(A), 8(B), 8(C), and 8(D) for discussion.

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

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

Item #8(A) – 2007 Roadway Resurfacing Project

RESOLUTION NO. 2007-71  
 A RESOLUTION ACCEPTING THE BID OF HALIFAX PAVING, INC., REGARDING PAVING SERVICES FOR THE 2007 ROADWAY RESURFACING PROJECT UNDER BID NO. 2007-14; REJECTING ALL OTHER BIDS; AUTHORIZING THE EXECUTION OF A CONTRACT BETWEEN THE CITY AND HALIFAX PAVING, INC., AND PAYMENT THEREUNDER; AND SETTING FORTH AN EFFECTIVE DATE.

**Commissioner Kelley moved, seconded by Commissioner Partington, to approve Resolution No. 2007-71, as read by title only.**

Mayor Costello stated this bid reflected a 20% reduction in the cost of asphalt.

Ms. Judy Sloane, Public Works Director, stated the primary funding source for resurfacing projects was through the gas tax. She noted she could provide Mr. Behnke a list of roads to be resurfaced. Ms. Sloane explained very little property tax money was used for resurfacing projects. She advised 17 roadways would be resurfaced as routine maintenance so the roads would not deteriorate to the point a great deal of money would be needed to reconstruct the roadways.

Commissioner Kelley stated the estimate on this project was \$536,000 and the bid came in at \$396,000. He noted the funding for this project was available, and the packet included a list of the roads.

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

Item #8(B) – Beachside Palm Tree Planting Project

RESOLUTION NO. 2007-72

A RESOLUTION ACCEPTING THE BID OF SERVELLO AND SONS, INC., FOR THE PURCHASE AND INSTALLATION OF PALM TREES REGARDING THE BEACHSIDE PALM TREE PLANTING PROJECT (BID NO. 2007-16); REJECTING ALL OTHER BIDS; AUTHORIZING THE EXECUTION OF A CONTRACT BETWEEN THE CITY AND SERVELLO AND SONS, INC., AND PAYMENT THEREUNDER; SETTING FORTH AN EFFECTIVE DATE.

**Commissioner Kent moved, seconded by Commissioner Kelley, to approve Resolution No. 2007-72, as read by title only.**

Ms. Sloane stated this project was recommended by the Neighborhood Improvement Advisory Board using funds from a Community Development Block Grant fund which can only be utilized in certain areas of the City. She reported several years ago the City made improvements on the street such as curb and gutter, but the landscaping was sorely lacking. Ms. Sloane pointed out this was also not a property tax item.

Commissioner Gillooly stated she supported using this funding in the Community Development Block Grant district. She reported this was a true use of the funds in the area in which they were intended to be used, and this was a strong priority of the Neighborhood Improvement Advisory Board.

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

Item #8(C) – Purchase of a Gradall Hydraulic Excavator

RESOLUTION NO. 2007-73

A RESOLUTION AUTHORIZING THE PURCHASE OF A GRADALL HYDRAULIC EXCAVATOR; AUTHORIZING THE EXECUTION OF A CONTRACT WITH GREAT SOUTHERN CONSTRUCTION EQUIPMENT CO.; REJECTING ALL OTHER BIDS; DECLARING THE CITY'S EXISTING EXCAVATOR TO BE SURPLUS PROPERTY; AUTHORIZING THE DISPOSITION THEREOF; AND SETTING FORTH AN EFFECTIVE DATE.

**Commissioner Kelley moved, seconded by Commissioner Partington, to approve Resolution No. 2007-73, as read by title only.**

Ms. Sloane reported the funding source for this project was the Stormwater Utility Fund. She explained the gradall would primarily be used to do maintenance on ditches.

Commissioner Kelley reported Mr. Behnke's question related to the amount that would be recovered from the surplus, but he imagined that this figure would not be known until the sale was completed.

Mr. Tom Mulligan, Fleet Maintenance Manager, stated staff attempted to obtain some residual value from the contractor who placed the bid for the new machine, and he had no interest due to the age of this machine. He noted the City believed it could be better served placing the gradall on the auction block where it was expected to bring in approximately \$5,000 to \$7,000.

Mayor Costello noted another question Mr. Behnke asked was if this could have been refurbished or used a few extra years.

Mr. Mulligan stated this machine was a 1989 model, and it had probably been already kept too long in that it had been deferred for several years. He reported the engine failed; it was rusted; and the hydraulic system was in very poor condition; therefore, it was no longer feasible to keep the machine.

Call Vote:	Commissioner Partington	yes
	Commissioner Gillooly	yes

	Commissioner Kent	yes
	Commissioner Kelley	yes
Carried.	Mayor Costello	yes

Item #8(D) – Financing the Acquisition of a Gradall Hydraulic Excavator

RESOLUTION NO. 2007-74  
 A RESOLUTION ACCEPTING THE BID OF HANCOCK BANK OF FLORIDA TO FINANCE THE ACQUISITION OF A GRADALL HYDRAULIC EXCAVATOR UNDER BID NO. 2007-24; REJECTING ALL OTHER BIDS; AUTHORIZING THE EXECUTION OF A LEASE-PURCHASE AGREEMENT AND ALL OTHER PAPERS NECESSARY AND INCIDENTAL THERETO; AND SETTING FORTH AN EFFECTIVE DATE.

**Commissioner Kent moved, seconded by Commissioner Kelley, to approve Resolution No. 2007-74, as read by title only.**

Mayor Costello noted the questions on this item have previously been answered.

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

Item #9 - 1614 North US1 Annexation

ORDINANCE NO. 2007-12  
 AN ORDINANCE ANNEXING CERTAIN REAL PROPERTY INTO THE CITY OF ORMOND BEACH LOCATED AT 1614 NORTH US HIGHWAY 1; SETTING FORTH ZONING, PRIVILEGES, AND OBLIGATIONS OF SAID PROPERTY; PROVIDING FOR TRANSMISSION; AND SETTING FORTH AN EFFECTIVE DATE.

**Commissioner Kelley moved, seconded by Commissioner Gillooly, to approve Ordinance No. 2007-12, 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.**

Item #10(A)(1) - Final Plat for “Deer Creek,” Phase Two of the “Hunter’s Ridge”

ORDINANCE NO. 2007-13  
 AN ORDINANCE APPROVING THE FINAL PLAT FOR “DEER CREEK,” PHASE TWO OF THE “HUNTER’S RIDGE” DEVELOPMENT OF REGIONAL IMPACT; ESTABLISHING CONDITIONS AND EXPIRATION DATES OF APPROVAL; AND SETTING FORTH AN EFFECTIVE DATE.

**Commissioner Kent moved, seconded by Commissioner Partington, to approve Ordinance No. 2007-13, on second reading, as read by title only.**

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

Item #10(A)(2) - Final Plat for "Deer Creek," Phase Three of the "Hunter's Ridge"

ORDINANCE NO. 2007-14

AN ORDINANCE APPROVING THE FINAL PLAT FOR "DEER CREEK," PHASE THREE OF THE "HUNTER'S RIDGE" DEVELOPMENT OF REGIONAL IMPACT; ESTABLISHING CONDITIONS AND EXPIRATION DATES OF APPROVAL; AND SETTING FORTH AN EFFECTIVE DATE.

**Commissioner Kelley moved, seconded by Commissioner Kent, to approve Ordinance No. 2007-14, 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

Item #10(A)(3) - Final Plat for "Deer Creek," Phase Four of the "Hunter's Ridge"

ORDINANCE NO. 2007-15

AN ORDINANCE APPROVING THE FINAL PLAT FOR "DEER CREEK," PHASE FOUR OF THE "HUNTER'S RIDGE" DEVELOPMENT OF REGIONAL IMPACT; ESTABLISHING CONDITIONS AND EXPIRATION DATES OF APPROVAL; AND SETTING FORTH AN EFFECTIVE DATE.

**Commissioner Kelley moved, seconded by Commissioner Partington, to approve Ordinance No. 2007-15, 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

Item #11(A) - Changing the Name of a Portion of "Thornhill Chase Court" to "Thornhill Chase Circle"

ORDINANCE NO. 2007-17

AN ORDINANCE CHANGING THE NAME OF A PORTION OF "THORNHILL CHASE COURT" TO "THORNHILL CHASE CIRCLE," WITHIN BRIARGATE SUBDIVISION, UNIT I, PHASE II, OF THE "HUNTER'S RIDGE" DEVELOPMENT OF REGIONAL IMPACT; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; AND SETTING FORTH AN EFFECTIVE DATE.

**Commissioner Kent moved, seconded by Commissioner Kelley, to approve Ordinance No. 2007-17, 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 #11(B) - "Briargate" Unit 1, Phase I Replat

ORDINANCE NO. 2007-18

AN ORDINANCE APPROVING A REPLAT OF "BRIARGATE," UNIT 1, PHASE I, LOCATED WITHIN "HUNTER'S RIDGE" DEVELOPMENT OF REGIONAL IMPACT BY ELIMINATING LOT 13, TO CREATE A NEW ROAD, RENUMBERING LOTS 12 AND 14, TO BECOME LOTS 1 AND 2; ESTABLISHING CONDITIONS AND EXPIRATION DATES OF APPROVAL; AND SETTING FORTH AN EFFECTIVE DATE.

**Commissioner Kelley moved, seconded by Commissioner Gillooly, to approve Ordinance No. 2007-18, on first reading, as read by title only.**

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

Item #11(C) - "Westland Village, Phase I" Replat

ORDINANCE NO. 2007-19  
 AN ORDINANCE APPROVING A REPLAT OF "WESTLAND VILLAGE, PHASE I," LOCATED WITHIN THE OB-II PHASE OF THE "HUNTER'S RIDGE" DEVELOPMENT OF REGIONAL IMPACT BY CHANGING LOT 45 FROM A RESIDENTIAL LOT TO A WILDLIFE/WATER MANAGEMENT AREA; CHANGING THE COMMON AREA BETWEEN LOTS 39 AND 40 TO A DEVELOPABLE RESIDENTIAL LOT; RENUMBERING LOTS 40 TO 44 CONSISTENT THEREWITH; ESTABLISHING CONDITIONS AND EXPIRATION DATE OF APPROVAL; AND SETTING FORTH AN EFFECTIVE DATE.

**Commissioner Kent moved, seconded by Commissioner Kelley, to approve Ordinance No. 2007-19, on first reading, as read by title only.**

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

Item #12 – Map "A" - Environmentally Sensitive Lands to be Conserved

RESOLUTION NO. 2007-78  
 A RESOLUTION OF THE CITY OF ORMOND BEACH, FLORIDA, ADOPTING MAP "A" AS PRESENTED AND ACCEPTED BY THE VOLUSIA COUNCIL OF GOVERNMENTS (VCOG) SMART GROWTH COMMITTEE AS ENVIRONMENTALLY SENSITIVE LANDS TO BE CONSERVED FOR FUTURE GENERATIONS; AND SETTING FORTH AN EFFECTIVE DATE.

**Commissioner Kelley moved, seconded by Commissioner Kent, to approve Resolution No. 2007-78, as read by title only.**

Mayor Costello stated he was excited about this because it took three years to arrive at this point. He noted this did not mean that all of this land could be purchased, but there may be some transfer of development rights where the farmers could continue to farm while they would sell off the development rights. Mayor Costello reported he considered it a major step where an agreement had been made as to what environmentally sensitive land should be preserved.

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

Item #13(A) – John Anderson Drive Roadway Reconstruction Project

Mr. John Noble, City Engineer, stated this was a follow-up to the April 17 discussion item where four alternatives were investigated, which included two reconstruction alternatives with one including a sidewalk and one without a sidewalk, one that milled and resurfaced the project including a sidewalk with spot drainage improvements, and one that strictly milled and resurfaced the road. He reported the Commission favored the two reconstruction alternatives, and staff was tasked to inform the residents of the decision inviting them to this meeting tonight. Mr. Noble advised the notices were sent. He stated staff recommended, from an engineering perspective, the alternative with the reconstruction in that there was significant flooding in the area. Mr. Noble explained the roadway had a 40-year old asphalt surface on an underlying

sand road, which was not the typical base for a roadway with the traffic volume of John Anderson Drive. He reported staff was aware funding considerations had a high priority, and should that be a concern, a scaled down approach could be considered for spot drainage improvements along with the milling and resurfacing. Mr. Noble advised where the milling would last approximately five years, the reconstruction would last 20 years.

Mayor Costello advised that what would be discussed tonight was basically reconstruction with the sidewalk or reconstruction without the sidewalk. He reported he would find it difficult to consider the five-year option when there was a 20-year option.

Ms. Vivi Cload, 360 John Anderson Drive, stated a sidewalk was needed on the west side of John Anderson Drive to provide safety for pedestrians and children to play. She reported John Anderson Drive was a narrow and busy street. Ms. Cload considered the removal of only 12 palm trees and no hardwoods a phenomenal accomplishment to provide a sidewalk. She questioned if going around a tree to save it would justify saving certain trees in that trees have a life span, and some may not be worth saving. Ms. Cload recommended that damaged trees be removed, and young trees be planted to replace them further away from the roadway. She reported she would prefer the six-foot wide sidewalk for safety purposes.

Commissioner Kent asked if Ms. Cload lived on the east or west side; whereby, Ms. Cload stated she lived on the west side and would welcome the sidewalk on her side of the street if the utility lines would be removed and buried.

Mr. Steven Serack, 1031 John Anderson Drive, stated he opposed the sidewalk due to liability issues. He noted he planted a great deal of trees and did not lose any in the storms. Mr. Serack advised that because of the shape of the tree on the corner of his property, it would not be possible for a sidewalk to go under it as depicted in the City drawings; therefore, the tree would have to be removed. He recommended making John Anderson Drive a one-way street, which would allow room for a sidewalk and there would be less of a road to maintain. Mr. Serack noted should a sidewalk be constructed, he suggested using recycled tires in that the sidewalk would be going over tree roots.

Mr. Murray Steinberg, 697 John Anderson Drive, reported if one life could be saved, he would give the City his front yard including the 400-year old live oak tree; however, he expressed his concern that the issue was the speeding vehicles and the unsightly utility poles on John Anderson Drive. He questioned if anyone would use a sidewalk.

Ms. Barbara Steinberg, 697 John Anderson Drive, stated John Anderson Drive was a scenic route, and the neighborhood believed the City must give permission to cut trees down; therefore, the City should ask the homeowners' permission to cut down trees as well. Mr. Steinberg expressed opposition to the sidewalk.

Mr. Jeff Boyle, 614 North Halifax Drive, reported he supported Option 2, which eliminated the sidewalk. He stated the notice indicated the sidewalk that would have eliminated a large number of trees on February 15 would now impact no hardwood trees; however, there were 24 hardwood trees in the likely path of the sidewalk. Mr. Boyle expressed concern that the road reconstruction would have the same defects that exist on Amsden Road and Standish Drive, and the people would suffer days and weeks with no work being done. He expressed concern with the sidewalk being constructed along the edge of the paved road. Mr. Boyle noted Mayor Costello had indicated that roads with sidewalks were always safer than those without sidewalks, but that statement did not apply to John Anderson Drive. He asked the Commission to not place people at risk by placing the sidewalk along the edge of the traffic lane. Mr. Boyle pointed out the City did not have enough funds for this project, and it was to be partially funded by a \$2 per month increase in the stormwater fee, which was a tax that would regressively impact those on fixed incomes. He stated stormwater fee money was not being well spent; there has not been oversight on the contracts; there have been deficiencies; and the people have had to pay for the deficiencies.

Ms. Lois Spiess, 209 Osceola Avenue, reported she was speaking for herself and her aunt who lives on John Anderson Drive and recommended Option 4, which would resurface the road and correct specific drainage problems and would accomplish the goal at half the cost to the taxpayers. She noted the sidewalk would add \$300,000 to the project. Ms. Spiess reported this project would cost five hardwood trees and 12 to 15 palm trees.

Ms. Paige Cohen, 135 John Anderson Drive, emphasized the danger of speeding on John Anderson Drive. She stated she chose to move from a neighborhood situation to a historic drive, and she hired a landscape architect to create a beautiful front yard, but now she was facing the possibility of a sidewalk replacing her hedges. Ms. Cohen reported the sidewalk

would be larger than the five feet indicated, and it would not be used directly adjacent to such a busy street.

Ms. Linda Neubauer, 487 John Anderson Drive, reported she lived on the east side of John Anderson Drive, and she favored a sidewalk. She reported people currently do not walk on John Anderson Drive because it was not safe. Ms. Neubauer asked the Commission to look out for the safety of the community at large and not just the John Anderson Drive residents.

Mr. David Slick, 322 John Anderson Drive, stated tax funds have been set aside for road and sewer maintenance. He noted John Anderson Drive was originally scheduled for improvements in 2005, which probably could have been done for less that it would cost now, but John Anderson Drive need did need to be rebuilt. Mr. Slick noted he and his wife favored the plan to rebuild the stormwater system, the roadway, and build the sidewalk. He pointed out both sides of the street had a public right-of-way where the sidewalk would be built, which was not on the homeowners' property.

Mr. Joe Jaynes, Chair of the Ormond Scenic Loop and Trail Group (CAG), reported CAG expected to have the scenic highway designation on June 14 for the Loop, and John Anderson Drive was a part of the Loop. He advised the historic and scenic value of John Anderson Drive has been discussed to a great extent at CAG meetings where the goal was to protect and preserve the Loop, and an element in the Corridor Management Plan was to enhance the public availability of the resources around the loop. Mr. Jaynes noted he envisioned a trails system around the loop in some fashion, and CAG's recommendation was to do a passive sidewalk trail along John Anderson Drive that would meander around the trees, having less of an environmental impact. He noted, however, that the sidewalk must be built handicap accessible due to State regulations. Mr. Jaynes advised an example of an environmentally friendly sidewalk already exists along Beach Street south of Granada Boulevard. He concurred that John Anderson Drive was dangerous due to the speed of drivers. Mr. Jaynes noted he applauded the decision to keep the lanes the same, and with a high back curb and a sidewalk, traffic would naturally be slowed slightly. He stated while speed bikers would not use the sidewalk, regular bikers and pedestrians could use a five foot sidewalk and pass safely. Mr. Jaynes noted the longtime vision was to make the Loop fully compatible for all who want to use the Loop, and CAG would support the Commission fully. He noted while the Commission considers the risk of building the sidewalk, he urged they also consider the risk of not building the sidewalk because people already use the road. Mr. Jaynes reported funding could be obtained through the Volusia ECHO Program, and he noted the Council was in a better position now with the dropping of the West Volusia Convention Center project. He advised he had already initiated contact to determine the availability of funds for the project. Mr. Jaynes reported FP&L spoke to the CAG regarding removing the poles along John Anderson Drive for underground utilities, and an FP&L program was available which would contribute up to 25% of the cost; however, the cost was extremely high.

Ms. Barbara Coleman, 305 John Anderson Drive, stated her husband met with the City's engineers, McKim & Creed, who stated they did boring samples and found certain portions of John Anderson Drive had deficiencies, and these were the areas that should be addressed. She urged the City to approach this in an incremental basis because the work would disturb some of the root growth of trees. Ms. Coleman suggested the Commission meet with its engineers who indicated there was a method to approach this that would be fiscally responsible and prudent in that it would keep the historic character of the road. She noted she did not have a stormwater issue at her home, but portions of the road did; and she urged the City not to tear up the entire stormwater system since it was not necessary. Ms. Coleman pointed out the storm drain was never cleaned in 20 years by the City, and she recommended this be done and only the areas of difficulties be targeted to fix the road to save money. She cautioned against spending money for a sidewalk and destroying what John Anderson Drive means to the community. Ms. Coleman stated the photographs posted on the City's website misrepresented what existed in the area.

Mr. George Pappas, 39 Neptune Avenue, stated he believed in sidewalks and believed they bring communities together. He reported walking on John Anderson Drive was dangerous, and a sidewalk would improve that situation; but he understood those who opposed them. Mr. Pappas asked what effect the widened sidewalk would have on the side roads.

Mayor Costello noted he would ask that this be explained after all of the speakers were heard.

Ms. Ryan Adams, 986 John Anderson Drive, stated she lived on the west side of John Anderson Drive, and she favored a sidewalk. She noted John Anderson Drive was currently unsafe. Ms. Adams reported there were only six streets to access Halifax Drive in the two mile stretch, and she stated she believed sidewalks would enhance property values.

Mr. Wes Fink, 639 John Anderson Drive, reported he opposed a sidewalk on John Anderson Drive, but recommended fixing the sidewalk on Halifax Drive. He stated Halifax Drive was built to eliminate traffic from John Anderson Highway as it was called at that time. Mr. Fink urged the City to add stop signs to slow down the traffic. He noted hardwood trees would be removed, and trees make John Anderson Drive a scenic drive. Mr. Fink stated residents do not mind pedestrians walking on their property, and a sidewalk was not needed because it would not be used.

Mr. Phillip Maroney, 117 Atwood Lane, thanked the Commission for being proactive, particularly regarding the drainage and road improvements. He advised he preferred the replacement rather than the short term correction. Mr. Maroney noted he would use the sidewalk, but he understood those who opposed it. He stated new residential projects typically require a sidewalk for pedestrian access and connectivity, which was important. Mr. Maroney noted sidewalks would encourage walking and interaction between neighbors. He reported if the Commission would decide to construct a sidewalk, upkeep and maintenance would be important, and residents should be inconvenienced as little as possible while work was being done so it should be done efficiently and as quickly as possible. Mr. Maroney noted while this was an expensive undertaking, particularly in a tight budget year, safety was a priority. He encouraged minimizing tree impact; replacing any tree taken out; and adding more trees than were taken out. Mr. Maroney applauded the concept of making this a one-way street, which was very creative.

Mr. Scott Cichon, 761 John Anderson Drive, echoed the recommendation for the \$1.9 million alternative. He noted at the original meeting the literature indicated that repaving would last five to ten years. Mr. Cichon reported most of the people at the meeting wanted no sidewalks with the lower cost alternative. He noted Mayor Costello advocated a more economical plan that would last longer, but Mr. Cichon recommended waiting until the City had enough money to bury the utilities and repair the road at the same time. Mr. Cichon pointed out easements must be paid for, and the estimate did not include the cost of the easements; and if property owners would not give an easement, the City would need to condemn the property using eminent domain.

Commissioner Kelley reported he would not approve the use of eminent domain.

Mr. Cichon stated if the Commission would not use eminent domain the only other alternative was to take out trees; therefore, he recommended not starting the project until all of the easements were in place. He noted at the last meeting 99% of the people opposed the sidewalk. Mr. Cichon pointed out there were already two sidewalk systems going north/south. He advised a suggestion was made at the last meeting to center the road if sidewalks were built sharing the burden with both sides of the street. Mr. Cichon reported he believed the property values would decrease, and he noted bicyclers and runners do not use the sidewalk. He urged factoring in additional maintenance cost for sidewalks, and he did not believe the reported loss of trees was accurate.

Mr. Lee Strong, 803 John Anderson Drive, stated wider streets meant faster speeds and less safety.

Mayor Costello noted there were no plans to widen John Anderson Drive.

Mr. Strong stated if sidewalks were added, while the road may not be physically wider, it would be viewed to be a wider street. He urged the Commission to preserve John Anderson Drive as it is without sidewalks and table this project for future research.

Mr. Michael Chimento, 825 John Anderson Drive, stated John Anderson Drive was an asset, and the City should preserve the scenic nature of the drive. He noted John Anderson Drive was not just a road but the character of the community. Mr. Chimento urged that an opportunity be provided for the community to have input in more design standards and criteria. He noted he was torn because he did not want sidewalks, but considering the safety issues he believed a sidewalk may be advisable. Mr. Chimento urged the Commission to work on removing the safety concern in the design of the road.

Mr. Glen Kaplan, 289 John Anderson Drive, stated that at the last meeting the biggest complaint was related to taking out hundreds of trees. He stated that after listening to the residents, the City offered to save the trees; but after all of the concessions, the people still did not want the sidewalk. He noted the road needed to be replaced long-term, and only 6% of the money would go for sidewalks. Mr. Kaplan pointed out the road was currently completely unsafe. He urged the City to lower the speed limit, fix the road, save most of the trees, add speed bumps, and add

stop signs to make John Anderson Drive safe and even more beautiful where everyone could have their needs met. Mr. Kaplan stated people have been talking about the past; but this was a different time with a larger population, faster cars, more people drinking, more people driving on the road, and there were different considerations than there were in the past.

Mr. Paul Dodd, 734 John Anderson Drive, stated he opposed a sidewalk and recommended sending out a registered questionnaire to every property owner in the involved area to find out what the majority wanted and then act accordingly.

Mayor Costello stated that would include all of Ormond Beach because not only John Anderson Drive residents would enjoy the area.

Mayor Costello called for a break at 9:18 p.m. He reconvened the meeting at 9:25 p.m.

Mayor Costello asked Mr. Hayes if there would be an increased liability if a sidewalk was constructed or if there were no sidewalk.

Mr. Randal Hayes, City Attorney, stated it would be a subjective question requiring a subjective analysis. He reported there was no liability for the Commission to decide to construct a sidewalk or not to construct a sidewalk. Mr. Hayes advised if there was a sidewalk, the City had the responsibility to properly maintain the sidewalk, failure of which may result in negligence, and injury could result in liability.

Mayor Costello clarified there were a number of trees that would come out for the stormwater aspect of the project; but there were no additional hardwood trees, and 12 palm trees for the sidewalk portion of the project. He stated relative to the recycled rubber being used for the sidewalk, whatever was used had to be ADA compliant. Mayor Costello reported he could support a one-way street with a ten-foot wide bike trail if the residents agreed. He stated FP&L would pay 25% to bury utility lines, and he would vote for the City to pay 25% if the residents would tax themselves to pay the remaining 50%. Mayor Costello reported the traffic lanes would not be changed, but he would support speed bumps, stop signs, and a 25 or even 20 mph speed limit. He pointed out John Anderson Drive was not only for residents, but for everyone; and the only way it could be for everyone was if it was safe to use. He agreed the stormwater fee was a tax, and it would be increased from \$6 to \$8 if this project was funded. Mayor Costello stated while he did not like taxes, no one should have a flooding issue. He reported he would like to vote for the less costly \$1.9 million project, but he preferred something that would last longer. Mayor Costello concurred that some of the other projects had problems, and they can not be repeated. He noted he had not planned to mention ECHO funds until he determined how the Commission felt on the issue, but he would work with Mr. Jaynes to obtain ECHO funds for this project and to continue the trail past where the reconstruction was stopped. Mayor Costello advised he wanted the sidewalk on Halifax Drive fixed. He reported that if the City needed an easement to go around a tree and the homeowner would not give the easement, he would recommend taking the tree down because he would vote to give up the tree rather than use eminent domain and hold up the project.

Commissioner Partington advised he concurred with Mayor Costello regarding the Halifax Drive sidewalk needing to be fixed. He stated he wanted to hear from staff and residents about the one-way road approach, and he questioned if Mayor Costello envisioned the road would go north or south.

Mayor Costello noted he did not have a preference, but since Riverside Drive headed south, John Anderson Drive should probably go the same way. He noted this was an issue where he would take a vote of the residents on John Anderson Drive, but the sidewalk would provide connectivity with the entire community.

Ms. Sloane stated this was a collector road designated in the Transportation Element of the Comprehensive Plan. She reported she would need the planners input on this issue.

Commissioner Partington agreed the speed was a problem, and he would support traffic calming measures. He reported he would like to see the utilities underground, and ECHO money may be available to defray the cost. Commissioner Partington pointed out that without raising fees, the City did not currently have the money to fund the project at this time, and the future was unknown regarding what would occur in Tallahassee. He noted he looked forward to being creative; but due to concurrency issues, there may be resistance. He recommended the City to set the bar high for requirements and push to see the project done correctly; but the one way solution may be the best solution.

Commissioner Gillooly thanked everyone who came out tonight. She noted this issue was important to the residents, but others were also interested. Commissioner Gillooly agreed a sidewalk was a connecting point to everything in the City, making this a City-wide issue; however, she was very cognizant of the residents' concerns. She pointed out a common theme was the safety and speeding issue. Commissioner Gillooly noted that at the first meeting there was a tremendous negativity based on the fact that the design would create a loss of 200 trees. She stated that once the proposed plan was changed to limit the amount of tree loss, about half of the people were for the sidewalks.\* ~~She noted about half of the people were for the sidewalks and half were opposed to the sidewalks.~~ Commissioner Gillooly advised she believed sidewalks enhance a street and a sense of community. She reported Ms. Dawn Parr, 890 John Anderson Drive, could not attend tonight, but she asked that it be noted that she favored a sidewalk. Commissioner Gillooly stated Planning, Engineering, and the Police Department provided data indicating a minimum speed of 10 mph and maximum of 77 mph with an average speed of 29.9 mph on this road. She asked Chief Longfellow to advise the residents of any measures he might recommend.

Police Chief Michael Longfellow stated two speed surveys using the Stealthstat system, which was a small box on a utility pole that people do not recognize, were conducted with the first on March 15 for a 24-hour period in the 800 block of John Anderson Drive. He noted they clocked 3,298 vehicles at an average speed of 29 mph; and following that the Police Department conducted 12 Selective Traffic Enforcement Programs (STEP) where an officer runs radar, and 28 citations were written and nine warnings were issued. Chief Longfellow advised the Stealthstat device was moved to Neptune and John Anderson Drive on May 18 for another 24-hour period and 3,595 vehicles were recorded with an average speed of 30.4 mph.

Mayor Costello asked if it was possible to get the median and what percent of the traffic was going over 40 mph.

Chief Longfellow offered to provide that data. He noted the officers patrol John Anderson Drive when calls for service allow.

Commissioner Gillooly noted she was not using the numbers provided by the Police Department to indicate there was no speeding issue, but she wanted reassurance there was activity.

Ms. Sloane stated the Capital Improvements Project (CIP) included a traffic calming study City-side; however, this would not be done until October. She recommended implementing certain measures such as different textures of paving. Ms. Sloane noted there were different alternatives that could be considered.

Commissioner Gillooly stated this project had been waiting to come to the forefront for a number of years. She stated she had questioned why the Commission was considering a sidewalk and Mr. Turner had provided her with a data sheet showing a rating system.

Ms. Sloane explained that in 1998 the City did a Stormwater Master Plan and a Sidewalk Master Plan with eight different criteria, which included issues such as connectivity, classification of the street, if it was a bus route, types of accidents that had occurred, and destinations. She noted the John Anderson Drive sidewalk rated as the number one need; but it was determined to do the sidewalk along with the drainage and roadway improvements, so it was postponed until the drainage project rose to the top of the priority list, which has occurred.

Commissioner Kelley stated the Sidewalk Master Plan was started in 1997.

Ms. Sloane advised the City built all but three of the sidewalks in that plan, and each of the sidewalks not built was joined with another construction project.

Commissioner Gillooly noted she found it interesting that John Anderson Drive was rated number one for a sidewalk. She stated placing the utilities underground would be an aesthetic enhancement, but the expert for FP&L spoke at a meeting indicating that underground utilities were not necessarily the ultimate answer because if there was any issue of flooding it would take longer for FP&L to respond in that the water would have to recede to repair the utility. Commissioner Gillooly reported boring the road for underground utilities could damage the tree roots. She advised she favored the sidewalk because it was a community-wide effort, and she would do everything to insure the City was moving forward as quickly as possible for as short a construction period as possible. Commissioner Gillooly requested investigating the possibility of John Anderson Drive becoming a one-way road. She pointed out this was a scenic drive and a part of the Loop, so the look should not be standard and should be enhanced. Commissioner Gillooly noted the City may be able to obtain funding through grant projects.

\* Corrected by Commissioner Gillooly – 6/19/07.

Commissioner Kelley reported if the road were one way the street could have a bike trail, sidewalk, and it could be made special, probably at a lower cost. He noted the City did not have the money for this project at this time, and he could not support raising the stormwater fee to \$8. Commissioner Kelley advised he would not support doing a partial job of repairing the road. He stated he supported sidewalks, but urged the Commission to take the time to determine if a one-way solution would be feasible.

Commissioner Kent asked when John Anderson Drive was last resurfaced; and Mr. Noble replied in 1998 the City did a trenching and overlay on one side of John Anderson Drive.

Commissioner Kent stated there were eight speakers in favor of sidewalks and 11 who were opposed to the sidewalks. He requested the Stealthstat equipment be set up on Magnolia Drive. Commissioner Kent reported he could support the 25% from the City for underground utilities if the City could obtain grants because it would not be feasible without grants. He advised John Anderson Drive was an asset to the community because of what it was now, and the sidewalk would ruin the street. Commissioner Kent reported at his "Coffee with the Commissioner" he mentioned the possibility of making John Anderson Drive a one-way road, and everyone in attendance seemed to be interested in the possibility. He stated he was pleased the Commission agreed to determine if it was feasible tonight. He noted he could not support the increase in the stormwater fee. Commissioner Kent stated one recommendation was for the improvements to last five to ten years and the other was for 15 to 20 years; but when it was explained, it was for a proposal changed to last five years or 20 years, which was the low end of one and the high end of the other. He stated he would like the project to last the longest time; but if money was not available, it should be done with the available funds and by not going into debt. Commissioner Kent stated if the traffic calming devices could not be implemented, he urged making John Anderson Drive the kind of road where people know if they speed they will get a ticket similar to driving through Daytona Beach Shores.

Mayor Costello summarized that Commissioner Gillooly, Commissioner Partington, and he favored sidewalks; Commissioner Kent opposed the sidewalk; and Commissioner Kelley stated he could go either way. He recommended sending a questionnaire to all of the John Anderson Drive residents asking if they would support making John Anderson Drive a one-way road. Mayor Costello stated there could be a 12-foot lane and 6-foot bike trail. He noted he favored providing alternatives. Mayor Costello asked if the Commission would agree to send a questionnaire to John Anderson Drive residents.

A member of the audience asked to have Halifax Drive included in the survey.

Mayor Costello stated this would impact other areas as well, and the question would be where the line would be drawn. He noted a public hearing would be held after the replies were received.

Commissioner Gillooly stated this would affect John Anderson Drive residents specifically, because it would impact their trips more than anyone else. She asked how this would impact safety vehicles and speeders. Commissioner Gillooly reported she would like to be informed of the planning and engineering implications as well before anything was sent out to the residents.

Mr. Isaac Turner, City Manager, reported he would provide a staff report after analysis and assessment.

Mayor Costello noted he favored obtaining all of the information. He stated that unless the one-way alternative was approved, the majority favored the sidewalk, and staff could proceed with the plans for the repair including the sidewalk.

#### Item #13(B) – FY 2007-08 Budget Process Update

Mr. Turner stated staff had a structure for the upcoming budget in tiers. He reported some items may be funded through the Tax Increment Financing (TIF) district. Mr. Turner advised this was not the first occasion this local government examined the budget to try to cut costs because the staff always goes into a budget with that frame of mind.

Mayor Costello recommended sending that report out in a press release.

Mr. Turner stated staff wanted to discuss any opportunities to enhance revenues, which were listed at the bottom of the report. He stated Volusia County spoke to the City to consider this regionally.

Mayor Costello advised that he continued to support at least a 20% reduction; and even if the State would not mandate cuts, he would still recommend those cuts to show good faith to the citizens.

Commissioner Partington and Commissioner Gillooly concurred with Mayor Costello.

Commissioner Gillooly stated VCOG held a workshop and the current recommended reserve was 25% in light of the hurricanes and other natural disasters due to the delay in reimbursement from Federal Emergency Management Association (FEMA) that could take from one to two years.

Mayor Costello reported it was important to inform all of the residents what was cut and why. He recommended a revenue neutral fire fee that would take the fire service dollars out of the General Fund, lowering the General Fund the exact number of dollars that would go into the fire fund. Mayor Costello reported by doing this when raises are given to the firefighters, the fire fee would be impacted, and it would not come out of other portions of the budget as was done in the past. He noted he favored a police fee as well, but that was not legal. Mayor Costello advised that in this way people can see what they are actually paying for fire service.

Mr. Turner advised that he would need a consensus of the Commission to take action.

Mayor Costello clarified he would not favor this as a revenue source as indicated in the report, but would favor a substitute revenue neutral fee.

#### Item #14 - Reports, Suggestions, Requests

##### "Taste of Ormond"

Commissioner Partington stated Ormond Main Street's "Taste of Ormond" was held at the Casements, and it was a great event. He noted he was excited about what was occurring at the Casements. Commissioner Partington stated a few years ago this event was held on the lawn by the river, and he hoped that could be repeated next year.

##### Funding Infrastructure

Commissioner Gillooly stated she has tried to be fiscally conservative in all of her votes. \*Regarding the John Anderson Drive improvements project, she advised that there were certain items that must be financed. Commissioner Gillooly stated it was important to have a master plan so not only one area was corrected and maintained but the entire City was considered and the cost was shared throughout the City. She expressed concern about cost, but the City's infrastructure must be funded.

##### Beachside Parking

Commissioner Gillooly thanked the County Council for the purchase of the beachside property to provide residents access. She questioned why some residents spoke against this project to the County Council in that there had been such a push to obtain property at a more reasonable cost than some of the other projects.

##### Memorial Day Service

Commissioner Gillooly commended City staff, the remembrance committee, and all involved for what she considered to be the best Memorial Day Service to date.

##### Tomoka State Park

Commissioner Gillooly reported she received a letter from the Director of the Tomoka State Park regarding a request for a letter of support for a grant fund to save the statue.

Mayor Costello stated he sent a letter of support from him personally, but not from the Commission.

Commissioner Partington indicated he would support a letter be sent from the Commission.

The consensus was to send another letter of support from the Commission.

##### "Taste of Ormond"

Commissioner Kent reported he had not been well and was disappointed that he was unable to attend the "Taste of Ormond," but he heard it was a great event.

\*Added by Commissioner Gillooly, 6/19/07.

Birthplace of Speed Cars

Commissioner Kent stated there was rust on the cars at the Birthplace of Speed Park. He stated Mr. Smith frequently works on the cars, but he urged the City to do whatever was needed to insure the cars are kept in good condition.

Memorial Day Event

Commissioner Kent concurred with Commissioner Gillooly that the Memorial Day event was awesome.

Commend Veronica Patterson, City Clerk

Commissioner Kent commended Ms. Veronica Patterson, City Clerk. He explained he came to City Hall, and Ms. Patterson helped him and other residents; however, she did not inform him that it was her day off. Commissioner Kent praised Ms. Patterson's attitude of service.

Memorial Day Celebration and "Taste of Ormond"

Commissioner Kelley concurred that the Memorial Day Celebration and "Taste of Ormond" were both great events.

Budgeting Process

Commissioner Kelley stated it was difficult to explain to the citizens where all the funds come from in the budgeting process and how certain funds uses were restricted.

Commend Veronica Patterson, City Clerk

Commissioner Kelley also commended Ms. Patterson and explained that he came to City Hall last week on her day off, but she insisted that if anyone came in and needed her assistance that she should be called. He noted she took his call and provided the information he requested.

Missing a City Commission Meeting

Mr. Turner thanked the Commission for allowing him to miss the last meeting to witness his son receiving an award.

Memorial Day Event

Mr. Turner stated the Memorial Day event was phenomenal, and the relationships between the Leisure Services Department and the community formed committee was one of the best. He commended Mr. David Abee, Leisure Services Director, for his leadership.

Taste of Ormond

Mr. Turner complimented the "Taste of Ormond" event.

School Concurrency Issue

Mr. Turner stated staff needed to discuss the school concurrency issue in the near future with the Commission.

Budget Challenges

Mr. Turner stated he looked forward to the budget challenges, and he appreciated staff's efforts in working on these challenges.

Shade Meeting

Mr. Hayes stated a number of Workers' Compensation litigation issues would be discussed with the Commission in a shade meeting which was scheduled for June 26.

Traffic Signal at Aberdeen

Mayor Costello asked if the Commission would support sending a letter to the County Council endorsing a traffic signal be placed at Aberdeen at their expense.

Commissioner Partington advised he would prefer to speak to the Aberdeen representatives first to discuss options that may avoid the need for a traffic light on Clyde Morris Boulevard.

Mayor Costello noted he would gladly wait for Commissioner Partington to discuss the issue before sending a letter.

Mr. Turner noted that traffic lights need to go through a warrant process.

City Size

Mayor Costello reported he was sent a questionnaire entitled "How Shall We Grow" from "MyReagion.org." He explained a question asked was, "Do you envision yourself staying a small city between 30,000 and 50,000 or growing to a medium city." Mayor Costello noted he would believe the answer to be Ormond Beach would stay a small city, but he wanted the Commission's support before sending in the form. The Commission concurred with Mayor Costello.

Item #14 - Close the Meeting

The meeting was adjourned at 10:39 p.m.

APPROVED: June 19, 2007

BY: Fred Costello, Mayor

ATTEST:

Veronica Patterson, City Clerk