

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

October 16, 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.

A G E N D A

- 1) Meeting call to order by Mayor Costello.
- 2) Invocation by Reverend George Hobbs, Alliance Community Church.
- 3) Pledge of Allegiance.
- 4) **AUDIENCE REMARKS:**
- 5) **APPROVAL OF THE MINUTES** of the October 2, 2007, meeting.
- 6) **PRESENTATION:** Proclamation in honor of Gordon Johnson.
- 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. 2007-169 authorizing the submittal of a grant application to the State of Florida Department of Transportation under the Highway Safety Grant Program for the purchase of radar speed measurement units; authorizing the execution of all documents incidental thereto, including any contract necessary for the City to accept the grant award. (\$16,125)
 - B) Resolution No. 2007-170 accepting a bid from Grandview Landscaping Services, Inc., for landscaping services regarding the US1 Median Landscaping project under Bid No. 2007-35; authorizing the execution of a contract and payment therefor; rejecting all other bids. (\$263,763 – 100% FDOT grant funding)
 - C) Resolution No. 2007-171 accepting a bid from R.J. Landscape Contractors, Inc., for landscaping services regarding the Nova Road Median Landscaping project under Bid No. 2007-32; authorizing the execution of a contract and payment therefor; rejecting all other bids. (\$317,730 – 100% FDOT grant funding)
 - D) Resolution No. 2007-172 authorizing the execution of Change Order Number One (1) to that contract awarded to P&S Paving, Inc., regarding the Orchard Street and SR40 Improvements project by increasing the contract price by \$115,926.85 and increasing the contract time by 150 days. (\$613,564.85 total contract; 410 total days)
 - E) Resolution No. 2007-173 authorizing the execution of Change Order Number Two (2) to that contract awarded to McMahan Construction Company, Inc., regarding the Water Treatment Plant Filter Replacement project by increasing the contract price by \$32,038. (\$2,768,006 total contract)
 - F) Resolution No. 2007-174 authorizing the execution of Change Order Number Four (4) to that contract awarded to Meadors Construction Company, Inc., regarding the Water Treatment Plant Expansion project, by decreasing the contract price by \$101,567. (\$10,322,424 total contract)

G) Airport tenant lease amendments:

- 1) Resolution No. 2007-175 authorizing the execution of a First Amendment to Hangar Lease Agreement between the City and Aqua Sun Investments, Inc.
- 2) Resolution No. 2007-176 authorizing the execution of a Second Amendment to Hangar Lease Agreement between the City and Richard E. Porter.
- 3) Resolution No. 2007-177 authorizing the execution of a Second Amendment to Hangar Lease Agreement between the City and RYHH, LLC.
- 4) Resolution No. 2007-178 authorizing the execution of a First Amendment to Hangar Lease Agreement between the City and Cavalier Aviation, Inc.
- 5) Resolution No. 2007-179 authorizing the execution of a First Amendment to Hangar Lease Agreement between the City and Tomlinson Aviation, Inc.
- 6) Resolution No. 2007-180 authorizing the execution of a First Amendment to Hangar Lease Agreement between the City, Dewey A. Christmas and Bruce D. Manne.
- 7) Resolution No. 2007-181 authorizing the execution of a First Amendment to Hangar Lease Agreement between the City, Stephen B. Searle, Jr., and Diane L. Searle.
- 8) Resolution No. 2007-183 authorizing the execution of a Third Modification of Lease Agreement between the City, Ormond Airport Hangars, Inc., and Southtrust Bank of Volusia County.
- 9) Resolution No. 2007-184 authorizing the execution of a First Amendment to Hangar Lease Agreement between the City and Bert M. Morrow.
- 10) Resolution No. 2007-185 authorizing the execution of a First Amendment to Hangar Lease Agreement between the City and Hangar Seven Aviation LLC.
- 11) Resolution No. 2007-186 authorizing the execution of a First Amendment to Hangar Lease Agreement between the City and James A. Newslow.
- 12) Resolution No. 2007-187 authorizing the execution of a First Amendment to Hangar Lease Agreement between the City and Anthony and Sheila Cassata.

9) **PUBLIC HEARINGS:**

- A) Resolution No. 2007-188 authorizing the execution and issuance of a Development Order for a Special Exception to allow temporary remote parking during Bike Week and Biketoberfest events on vacant property located at 680 South Atlantic Avenue, immediately west of the "Makai Hotel," said property being within the B-7 (Highway Tourist Commercial) zoning district; establishing conditions and expiration date of approval.
- B) Ormond Beach Downtown Community Redevelopment Area:
 - 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 five 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. 2007-189 of the City Commission, also acting as the Community Redevelopment Agency of the City, authorizing the execution of a Property Improvement Grant Agreement between the City of Ormond Beach Community Redevelopment Agency and Granada Arts, Inc. (56 New Britain Avenue - \$44,938)

- 3) Resolution No. 2007-190 of the City Commission, also acting as the Community Redevelopment Agency of the City, authorizing the execution of a Property Improvement Grant Agreement between the City of Ormond Beach Community Redevelopment Agency and Granada Arts, Inc. (45-51 West Granada Blvd. - \$49,511)
 - 4) Resolution No. 2007-191 of the City Commission, also acting as the Community Redevelopment Agency of the City, authorizing the execution of a Property Improvement Grant Agreement between the City of Ormond Beach Community Redevelopment Agency and Medical Arts Building Association, Inc. (196-200 Vining Court - \$2,238.75)
 - 5) Resolution No. 2007-192 of the City Commission, also acting as the Community Redevelopment Agency of the City, authorizing the execution of a Property Improvement Grant Agreement between the City of Ormond Beach Community Redevelopment Agency and Radar Adventures, Inc. (195 Coquina Court - \$50,000)
 - 6) Resolution No. 2007-193 of the City Commission, also acting as the Community Redevelopment Agency of the City, authorizing the execution of a Property Improvement Grant Agreement between the City of Ormond Beach Community Redevelopment Agency and Radar Adventures, Inc. (188 East Granada Blvd. - \$50,000)
- C) Ordinance No. 2007-34 amending the Official Zoning Map of the City of Ormond Beach to rezone certain real property located at 2 Plaza Drive from Volusia County R-4 (Urban Single Family Residential) to City of Ormond Beach R-2.5 (Single Family Low-Medium Density). (First and Only Reading)

10) **RESOLUTIONS:**

- A) Resolution No. 2007-182 certifying the results of the Regular Municipal Election conducted in the City of Ormond Beach, Florida, on Tuesday, October 9, 2007; authorizing the issuance of certificates.
- B) Resolution No. 2007-194 granting a one-time lump-sum payment for employees in the "200 Series" of the City of Ormond Beach Pay and Classification Plan. (\$500.00)

11) **DISCUSSION ITEMS:**

- A) Naming of parks and recreational facilities.
- B) Relaxation of real estate directional signs from enforcement.
- C) Use of Leisure Service facilities by Seabreeze High School.
- D) Extension of development orders.
- E) Clyde Morris Boulevard / Hand Avenue traffic signal.

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

13) **CLOSE THE MEETING.**

Item #1 - Call to Order

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

Item #2 - Invocation

Reverend George Hobbs, Alliance Community Church, gave the invocation.

Item #3 - Pledge of Allegiance

Mayor Costello led in the Pledge of Allegiance.

Item #4 - Audience Remarks

Budget Issues

Ms. Magi Sharifi, 210 Valencia Drive, reported four candidates ran a dignified race for four Commission seats and lost. She advised an issue of concern in the campaign was the City budget, particularly the fear of job cuts. Ms. Sharifi noted none of the budget meetings included a line item review of current expenditures; therefore, she recommended forming a committee including business-oriented citizens with representatives from City staff, including police and fire, to study the expenditures on a line-by-line basis and offer recommendations to the City Manager for cost saving measures.

Mayor Costello stated the City had a Budget Advisory Board, two workshops, and two City Commission meetings dealing with budget issues. He offered a personal invitation to anyone to make suggestions. Mayor Costello requested Mr. Turner promote the next Budget Advisory Board meeting widely, encouraging people to become a part of that process.

Walking on Public Golf Courses

Mr. Dan Zurla, 3751 Long Grove Lane, Port Orange, complained that golfers were not allowed to walk on the publicly owned golf course in Ormond Beach.

Election

Mr. Rick Fraser, 92 Wildwood Avenue, congratulated the sitting City Commission on their reelection stating this was the finest Commission in his 16 years as a resident. He advised he and other residents were here to support the Commission and urge them to keep up their good work. Mr. Fraser thanked Mr. Isaac Turner for his efforts for the City. He noted he was Mayor Costello's campaign manager, a role he served proudly, and he asked the Pop Warner participants, who he considered to be the future of Ormond Beach, to stand up to be recognized. He reported the youth should be the special interest group the Commission should be most concerned with to help provide jobs so they will be able to stay in Ormond Beach in the future.

Mr. Marvin Miller, 40 Riverside Drive, stated he was happy this Commission was returning for another term. He stated it was unfortunate there was a negative element that split the City, which hurt everyone, and he urged people to have a positive outlook.

Mayor Costello stated he appreciated the people's support. He noted he also appreciated all of the residents who supported the other candidates.

Ms. Rita Press, 875 Wilmette Avenue, congratulated the incumbents and stated that last Tuesday's win was not only a win for the sitting Commission, but also for the City. She pointed out the residents clearly stated they were not unhappy with this City's leadership. Ms. Press urged a continuing policy of fiscal responsibility and progressive thinking allowing the residents to continue with the quality of life the citizens' desire. She advised there were individuals and groups working to come up with a dialogue for Ormond Beach relative to low impact development. Ms. Press quoted a member of this group as follows: "Ormond is the perfect community to begin this dialogue about low impact development because Ormond has a reputation for being open and receptive to new ideas that could set an example for other cities in Volusia County to emulate." She advised this was Ormond Beach's reputation of which residents could be proud.

Mr. Mike Mitchener, 24 Allenwood Look, expressed congratulations to the Commission. He stated children, parents, and coaches of the Pop Warner Organization were in attendance tonight to show their appreciation to Mayor Costello and the Commission for their support. Mr. Mitchener explained these youth focus on academics first and athletics second.

Mayor Costello questioned how many participants earned status as Academic All Americans in the Ormond Beach Pop Warner program last year.

Mr. Mitchener reported there were 47 or 48 Academic All Americans last year, and there were 61 applications submitted for Academic All Americans this year.

Mayor Costello stated this Commission was excited to support these youth because Pop Warner was not just about winning ball games but shaping lives as well.

Beach Street Issues

Dr. Mike Rodriguez, 90 North Beach Street, congratulated the Commission on their election win. He recommended examining the speed limit on North Beach Street where people go 40 to 45 miles per hour on a residential street.

Dr. Rodriguez asked if anything could be done about houses boarded up since the hurricanes of two years ago, specifically the property on the corner of Highland Avenue and Beach Street.

Mayor Costello reported he had gone on record that Beach Street's speed limit should be changed to 25 miles per hour. He asked the Police Department to step up enforcement of the current speed limit.

Election

Mr. Joe Lipscomb, 22 Shadow Creek Way, stated the true winners of this election were the residents of the City of Ormond Beach. He stated that Ormond Beach needed people working together.

Mayor Costello stated diversity was good, but you can have diversity and unity at the same time to make a positive difference.

Mr. Gregory Avakian, 161 Heritage Circle, stated while he has opposed some decisions this Commission has made, this was the best Commission seated in his 18 years as a resident. He welcomed the Commission back.

Mayor Costello offered this opportunity for the Commission to recognize any family in the Chambers tonight.

Commissioner Gillooly stated last week's experience was very humbling, and she greatly appreciated the support shown to her. She introduced her father, her campaign managers Marty and Rita Press, and her friend Roy Debolt. She stated this was about unity and a common purpose, harnessing the energy for positive effects in Ormond Beach. Commissioner Gillooly reported one of the greatest resources Ormond Beach had was the people's spirit and the volunteer community effort they provide.

Commissioner Kent thanked everyone who was involved because they care about Ormond Beach. Commissioner Kent noted his wife and family were listening on-line.

Commissioner Kelley acknowledged his wife. He stated he was proud to be a part of this Commission. Commissioner Kelley reported people's votes make a difference, and he thanked everyone for their support.

Commissioner Partington agreed with Commissioner Gillooly that it was a humbling experience to know this Commission had the support and confidence of the people the Commission works hard for. He thanked everyone who worked on his campaign and acknowledged his wife, three children, and his mother, who were in the audience.

Mayor Costello thanked Mr. Fraser for being his campaign manager particularly because he was a man of great integrity. He stated the youth of today will determine what Ormond Beach would be in the future. Mayor Costello introduced his granddaughter, Skylar. He stated Skylar broke her neck seven months ago and while there was a time the doctors were not certain she would survive, she was now doing great thanks to the prayers of many people. Mayor Costello noted the Commission, coaches, and board members could go on more vacations, but chose not to because they care about Ormond Beach and are working hard for the City. He stated everyone does not need to agree with every decision, but they must work together to choose the best option.

Mayor Costello reported he was asked to move Item 10(A) forward.

Item #10(A) – Certifying the Results of the Regular Municipal Election

RESOLUTION NO. 2007-182

A RESOLUTION CERTIFYING THE RESULTS OF THE REGULAR MUNICIPAL ELECTION CONDUCTED IN THE CITY OF ORMOND BEACH, FLORIDA, ON TUESDAY, OCTOBER 9, 2007; AUTHORIZING THE ISSUANCE OF CERTIFICATES; AND SETTING FORTH AN EFFECTIVE DATE.

Commissioner Kelley moved, seconded by Commissioner Kent, to approve Resolution No. 2007-182, as read by title only.

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

Item #5 - Approval of Minutes

Mayor Costello advised the minutes of the September 18, 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 - Proclamation in Honor of Gordon Johnson

Mayor Costello read a proclamation honoring Mr. Gordon Johnson, a resident of Ormond Beach and former director of the Illinois Department of Children & Family Services. He stated Mr. Johnson was the founder of Neighbor to Family with the support of his wife, Deloris, in 1998 in Daytona Beach, which contracts with the state and Community Partnership for Children in providing sibling foster care to 100 children. Mayor Costello reported the agency has also expanded to the Orlando and Miami-Dade area and was operating in four additional states caring for a total of 5,000 children. He advised Mr. Johnson was recently named as one of the five winners of the Purpose Prize, which honors innovators older than 60 with \$100,000 each. He proclaimed October 16, 2007, as a day to honor Mr. Johnson for working on critical social issues and spending his life finding ways to care for neglected and at-risk people in society.

Mr. Johnson stated he was proud to be an Ormond Beach citizen and for being recognized for the work he would normally be doing.

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

Mayor Costello advised he forwarded the minutes of the Metropolitan Planning Organization (MPO) and Volusia Council of Governments (VCOG) to the Commission.

Item #7(C) - Water Authority of Volusia

Commissioner Kelley reported Water Authority of Volusia (WAV) would meet tomorrow.

Item #8 - Consent Agenda

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

Commissioner Kelley moved, seconded by Commissioner Kent, for approval of the Consent Agenda.

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

Item #9(A) – Temporary Remote Parking During Bike Week and Biketoberfest Events

RESOLUTION NO. 2007-188

A RESOLUTION AUTHORIZING THE EXECUTION AND ISSUANCE OF A DEVELOPMENT ORDER FOR A SPECIAL EXCEPTION TO ALLOW TEMPORARY REMOTE PARKING DURING BIKE WEEK AND BIKETOBERFEST EVENTS ON VACANT PROPERTY LOCATED AT 680 SOUTH ATLANTIC AVENUE, IMMEDIATELY WEST OF THE "MAKAI HOTEL," SAID PROPERTY BEING WITHIN THE B-7 (HIGHWAY TOURIST COMMERCIAL) ZONING DISTRICT; ESTABLISHING

CONDITIONS AND EXPIRATION DATE OF APPROVAL; AND
SETTING FORTH AN EFFECTIVE DATE.

Mr. Clay Ervin, Chief Planner for Special Projects, reported staff received notice from the applicant today concerning two items identified as conditions for approval. He noted at the Development Review Board there was a request to have the required fencing along the western property line extended so they could participate in this Biketoberfest with the understanding that it would be in place prior to the 2008 Bike Week. Mr. Ervin advised the applicant was not aware that the landscaping requirements along South Atlantic Avenue would also have to be in place, and they are facing a deadline that they would not be able to meet. He reported the applicant requested the landscaping also follow the requirements established by the Development Review Board for the fence. Mr. Ervin stated the potential to utilize a performance bond and move up the date was recommended by Mayor Costello to insure no precedent was being set and no favoritism shown. He pointed out that staff and the Development Review Board recommended approval with the conditions which have been uniformly applied to these type of uses on A1A as well as on US1.

Commissioner Gillooly stated the Development Review Board allowed the extension of the fence because it was not reasonable to expect the work to be done for Biketoberfest, but the landscaping was clearly expected.

Mr. Ervin stated the Development Review Board's specific motion related to the fence only. He stated a 20-foot buffer would have to be maintained for the landscaping, and permits would be needed for the irrigation system.

Mayor Costello stated he had asked staff how this could be handled and was informed that if changes were allowed, it may set a precedent; but if a bond were required for the cost of the landscaping and the date moved to January 1, it would be a win for the community. He stated he could not see someone putting in landscaping that would be torn up to install a fence later. Mayor Costello advised the City needed a mechanism to be assured the landscaping would be installed. He noted if this site could not be used for parking there would be complaints from neighbors that people were parking on the streets.

Commissioner Gillooly stated the applicant made a specific request regarding the fence; the Development Review Board reviewed this and allowed the extension; landscaping was not discussed; and the applicant was aware of the requirements for the landscaping. She stated she would require the landscape buffer to be installed.

Commissioner Partington moved, seconded by Commissioner Kelley, to approve Resolution No. 2007-188, as read by title only.

Mr. Tim Stockman, Vice President of Ocean Waters Management, 600 North Atlantic Avenue, Daytona Beach, stated he believed the deadline applied to the fencing and the landscaping. He reported irrigation takes time to be installed, and they would not move forward until they obtained approval from the City Commission, which would leave them only two days to meet the criteria before Biketoberfest.

Mayor Costello agreed it would not make sense to invest the money for landscaping until the project was approved, and there was less than a week before Biketoberfest would start.

Commissioner Kent questioned Item #7 and Item #13 regarding recreation vehicle, semi-trailers, or other commercial vehicles being prohibited and access to the storage trailers. He asked if anyone would be onsite to make certain access would be prohibited from 8 p.m. to 8 a.m.

Mr. Tim Stockman introduced Ms. Maya Cater, Ocean Waters Management, who reported security was planned.

Mayor Costello stated his statement referred to any sites where storage of trailers are permitted, that if there were any problems at the site, he would not approved them again. He noted it was incumbent upon the applicant to make certain there were no problems.

Commissioner Kent stated he wanted to help Ocean Waters because he wanted to help the community, and by allowing them to use this remote parking Ormond Beach would be helped during this special event. He hoped the Commission could find a solution without legally binding them in the future.

Mr. Ervin clarified that the special exception did not have a sunset provision, and if one was desired, an amendment would be needed.

Mayor Costello stated that in the future, such items should have a provision that if there were any Police Department issues, code enforcement issues, or community complaints, staff would evaluate them, and it could then be brought back to the Commission.

Mr. Ervin stated within the special exception development order there was criteria stating if it was in violation of any established criteria, staff had the ability to take them for code enforcement action and rescind the special exception; however, there was no provision indicating if there was police intervention, the special exception would automatically cease. He noted staff would have to go through the proper code enforcement procedures.

Mayor Costello stated he did not want the special exception to cease after just one police action; but if there were multiple issues, he wanted a provision so the applicant would be made aware that if they do not take care of the site they could lose the privilege.

Mr. Randal Hayes, City Attorney, stated this could be done in the future, but an amendment would be needed for this item.

Commissioner Partington questioned the need for the performance bond; whereby, Mr. Ervin stated the performance bond would provide a certain level of certainty to insure what was needed to be done would be done.

Mayor Costello stated approving this would set a precedent, and he wanted to bond this project so the next project could be bonded.

Commissioner Partington stated a special exception was different from a permit. He recommended the special exception be worded to indicate that if the criteria were not met by December 31, the lot could not be used.

Mayor Costello pointed out they would have already used the lot for Biketoberfest.

Mr. Hayes stated a provision could be included in the development order similar to the provision for the fence terminating the special exception automatically at a certain time if the work was not completed. He advised that in paragraph 13 on page 4 there was a provision that provided that in the event that a Special Master finds a violation of the development order, it could come back to the City Commission and the special exception could be revoked.

Commissioner Kelley recommended moving the date to March 1 due to the time it may take to obtain an irrigation permit, which would eliminate the use for Bike Week if it were not done.

Commissioner Kelley moved to amend, seconded by Commissioner Partington, to approve Resolution No. 2007-188 conditioned upon the landscaping and the fence being installed by March 1, 2008.

Commissioner Gillooly asked if the applicant was delayed in any way by the City process.

Ms. Maya Cater, Ocean Waters Management, explained this was filed in May. She noted there were staff changes, and additional processes were required than were required in other cities.

Commissioner Gillooly asked Mr. Ervin to verify the process.

Mr. Ervin stated specific deadlines were established, and the applicant must obtain a special exception where there was not a great deal of documentation; but the applicant must go through the process. He advised staff received the application in May, it was processed in June, and staff met with Ms. Cater in August on the site to review the issues. He noted a great deal of money would not be spent on improvements in a situation like this unless it was to be approved.

Call Vote on the Amendment:	Commissioner Kelley	Yes
	Commissioner Partington	Yes
	Commissioner Gillooly	Yes
	Commissioner Kent	Yes
Carried.	Mayor Costello	Yes

Call Vote on the Underlying Motion:	Commissioner Partington	Yes
	Commissioner Gillooly	Yes
	Commissioner Kent	Yes
	Commissioner Kelley	Yes
Carried.	Mayor Costello	Yes

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

Item #9(B)(1) – Ormond Beach Downtown Community Redevelopment Area

Mayor Costello recessed the City Commission meeting and convened a meeting of the City of Ormond Beach Community Redevelopment Agency at 8:05 p.m.

Mr. Ervin stated additional information clarifying the specific cost identified for the application for 188 East Granada Boulevard and 195 Coquina Drive were placed on the dais. He noted Commissioner Gillooly had expressed concerns relating to deferred maintenance. He explained maintenance would not be subsidized; however, if certain maintenance type issues were an integral part of an exterior improvement and the expansion facility grants were available, it would be included in the grant.

Commissioner Gillooly stated her question related to trimming the trees, pressure washing the building, removing vines, and replacing rotted wood over a doorway. She advised that in the past, the Commission included these as part of the overall project. She advised she would support these this evening, but requested a discussion item to discuss whether these types of improvements should be taken out to save the money for another project, which would maximize the use of the improvement grants.

Mr. Ervin advised staff was working with the Main Street Design Committee to come up with a better application for the grants. He noted the target was to identify specific areas in the downtown where the grants should be applied and to discuss whether the limitations were too low. Mr. Ervin advised this would be brought back after discussions with Ormond Main Street.

Commissioner Kent noted he looked forward to the discussion item Commissioner Gillooly recommended.

Commissioner Partington concurred he was also looking forward to that discussion considering the scrutiny CRAs were undergoing in other districts. He noted these funds belong to the businesses in the defined areas because they have paid higher taxes into the fund. Commissioner Partington reported that behind the Wendy’s restaurant on Granada, the Selby Corporation turned a blighted area into a vibrant bustling area. He stated the grants work, and he supported them; but the Commission must constantly be checking to be certain the money was being spent wisely.

Commissioner Kent noted there was another area near the Atlantic Water Sports Surf Shop, which was now LuLu’s Café and was thriving. He stated this proved government can help a little, allowing the community to benefit greatly; therefore, he was excited to support this program.

Mayor Costello stated this was the essence of community redevelopment. He reported he favored Ormond Main Street becoming involved, and the Commission could then respond to what Ormond Main Street recommended.

Mayor Costello asked for a motion to recommend to the City Commission the approval of the property improvement grants.

Commissioner Kent moved, seconded by Commissioner Gillooly, as the Community Redevelopment Agency to recommend approval of all five property improvement grants to the City Commission.

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

Mayor Costello adjourned the Community Redevelopment Agency and reconvened the City Commission meeting at 8:15 p.m.

Item #9(B)(2) – Property Improvement Grant Agreement for 56 New Britain Avenue

RESOLUTION NO. 2007-189
A RESOLUTION OF THE CITY COMMISSION, ALSO ACTING
AS THE COMMUNITY REDEVELOPMENT AGENCY OF THE

CITY, AUTHORIZING THE EXECUTION OF A PROPERTY IMPROVEMENT GRANT AGREEMENT BETWEEN THE CITY OF ORMOND BEACH COMMUNITY REDEVELOPMENT AGENCY AND GRANADA ARTS, INC.; AND SETTING FORTH AN EFFECTIVE DATE.

Commissioner Gillooly moved, seconded by Commissioner Kelley, to approve Resolution No. 2007-189, 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(B)(2).

Item #9(B)(3) – Property Improvement Grant Agreement for 45-51 West Granada Boulevard

RESOLUTION NO. 2007-190

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

Commissioner Kent moved, seconded by Commissioner Kelley, to approve Resolution No. 2007-190, as read by title only.

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

Hearing no objection, Mayor Costello closed the public hearing on Item#9(B)(3).

Item #9(B)(4) – Property Improvement Grant Agreement for 196-200 Vining Court

RESOLUTION NO. 2007-191

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

Commissioner Kelley moved, seconded by Commissioner Gillooly, to approve Resolution No. 2007-191, as read by title only.

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

Hearing no objection, Mayor Costello closed the public hearing on Item #9(B)(4).

Item #9(B)(5) – Property Improvement Grant Agreement for 195 Coquina Court

RESOLUTION NO. 2007-192

A RESOLUTION OF THE CITY COMMISSION, ALSO ACTING AS THE COMMUNITY REDEVELOPMENT AGENCY OF THE CITY, AUTHORIZING THE EXECUTION OF A PROPERTY IMPROVEMENT GRANT AGREEMENT BETWEEN THE CITY

OF ORMOND BEACH COMMUNITY REDEVELOPMENT AGENCY AND RADAR ADVENTURES, INC.; AND SETTING FORTH AN EFFECTIVE DATE.

Commissioner Kent moved, seconded by Commissioner Kelley, to approve Resolution No. 2007-192, as read by title only.

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

Hearing no objection, Mayor Costello closed the public hearing on Item #9(B)(5).

Item #9(B)(6) – Property Improvement Grant Agreement for 188 East Granada Boulevard

RESOLUTION NO. 2007-193

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

Commissioner Kent moved, seconded by Commissioner Gillooly, to approve Resolution No. 2007-193, 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(B)(6).

Item #9(C) – 2 Plaza Drive Rezoning

ORDINANCE NO. 2007-34

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF ORMOND BEACH TO REZONE CERTAIN REAL PROPERTY LOCATED AT 2 PLAZA DRIVE FROM VOLUSIA COUNTY R-4 (URBAN SINGLE FAMILY RESIDENTIAL) TO CITY OF ORMOND BEACH R-2.5 (SINGLE FAMILY LOW-MEDIUM DENSITY); REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; AND SETTING FORTH AN EFFECTIVE DATE.

Commissioner Kelley moved, seconded by Commissioner Kent, to approve Ordinance No. 2007-34, on the first and only reading, as read by title only.

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

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

Item #10(B) – Granting a One-Time Lump-Sum Payment for Employees in the “200 Series”

RESOLUTION NO. 2007-194

A RESOLUTION GRANTING A ONE-TIME LUMP-SUM PAYMENT FOR EMPLOYEES IN THE “200 SERIES” OF THE CITY OF ORMOND BEACH PAY AND CLASSIFICATION PLAN; AND SETTING FORTH AN EFFECTIVE DATE.

Commissioner Kelley moved, seconded by Commissioner Partington, to approve Resolution No. 2007-194, as read by title only.

Commissioner Gillooly stated historically the City's non-bargaining employees have received wage increases equivalent to those provided to the general employees' bargaining unit. She reported considering the budgetary constraints intensified by property tax reform and the fact collective bargaining was not completed this would provide a one-time \$500 lump sum payment for 200 series employees. Commissioner Gillooly reported the Commission discussed this and budgeted for it; but under the current constraints and the increase in the cost in health care insurance, she did not believe it prudent to approve this at this time. She advised this could be discussed after the collective bargaining discussions were completed.

Mayor Costello stated he wanted to treat the bargaining and non-bargaining units the same, and he was not concerned who was addressed first. He stated the Commission went on record to not set a percentage increase, but set aside \$500 per employee, and any increases in pension and insurance would be deducted from that bonus. Mayor Costello advised department heads and division managers were at zero percent increase, and he believed the Commission should also receive a zero percent increase. He reiterated it was not relevant who was handled first as long as all of the employees were treated fairly and equitably.

Commissioner Kent stated in such tight budget constraints it was difficult to tell employees they would not get any increases when they were working hard for the City. He reported this was an attempt to let these employees know the Commission cared and to do something for them.

Mayor Costello stated he has had a dental practice for 30 years, and there were times his employees did not get an annual increase, received delayed increases, lump sum bonus, or received larger than normal increases, depending on the circumstances that occurred in that year. He noted his employees have been with him for 18 to 30 years.

Commissioner Gillooly stated this was sending a message that the Commission can find funding for a certain segment of the employee population. She noted she did not believe the cost for the health insurance was being deducted from this figure.

Mayor Costello concurred that deducting the health insurance cost was his recommendation, but it was not what was before the Commission.

Mr. Turner stated the amount set in the budget was discussed with the Commission and funds were budgeted for each non-management employee to receive \$500. He agreed the bargaining must continue. Mr. Turner stated the total amount in the budget was \$162,500. Mr. Turner thanked the management group for agreeing to not receive any consideration for compensation this year.

Mayor Costello stated there was \$500 for all employees other than management no matter if they were bargaining or non-bargaining. He noted this item tonight addressed only non-bargaining employees, but money was set aside for all non-management employees.

Commissioner Gillooly asked if taking this first group would set a precedent.

Mr. Turner reported he received direction from the Commission to establish this standard regarding budgeting. He described this as a prudent, fiscally conservative step that would demonstrate to the employees and the bargaining units that this was a change.

Mayor Costello stated the City Commission was empowered by what it needed to do regarding this issue, and the last election showed that the voters want the Commission to take control of the costs of the City. He pointed out some groups favored this Commission's opponents because it was known that this Commission had taken a stand.

Commissioner Kelley reported he also has had employees, and people need to understand these were difficult times that may get worse. He advised he did not believe this would set a precedent. Commissioner Kelley stated this was a one-year contract as opposed to other bargaining units working with a three-year contract.

Commissioner Partington stated he would support this tonight because it was a fairness issue, and it was not relevant who received the funds first. He reported City employees were always well paid, but this was an exceptional year.

Mayor Costello stated salaries were typically toward the top of the range. He noted there were a few entry-level positions in a few bargaining units that were not high, which was because

some of the bargaining units have requested the top range be increased in the past rather than the lower range rather. Mayor Costello advised he would prefer increasing the lower positions rather than across-the-board increases, but that could be discussed at another time.

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

Mayor Costello asked where it would be appropriate to make a motion for the Commission to not receive an increase this year.

Mr. Turner stated the Commission was not scheduled for an increase this year, but it could be done at this time if the Commission wishes to do so by waiving the Thompson Rule.

Mayor Costello asked for a motion for the Thompson Rule to be waived.

Commissioner Gillooly moved, seconded by Commissioner Kelley, to waive the Thompson Rule.

Commissioner Partington asked why the Thompson Rule was needed if it would not cost the City any money.

Mr. Randal Hayes, City Attorney, explained that the Thompson Rule was used when any paperwork was needed and would require an item to be scheduled on a future agenda or have the rule waived to consider it at the same meeting. He reported that even though this would be a cost-saving measure, there would be paperwork that would be generated, so the Thompson Rule should be waived in this instance. Mr. Hayes stated a resolution could be prepared to bring back to the Commission for consideration.

Mayor Costello stated the less paperwork involved the better.

Call Vote to Waive the Thompson Rule:	Commissioner Gillooly	yes
	Commissioner Kent	yes
	Commissioner Kelley	yes
	Commissioner Partington	yes
Carried.	Mayor Costello	yes

Commissioner Kelley moved, seconded by Commissioner Gillooly, that the Commission receive no additional remuneration this year.

Commissioner Kent stated he was excited about this vote because he witnessed other government entities with low morale because the Commission received a hefty increase while the employees did not. He reported he was pleased Ormond Beach was taking the leadership role to say this was how important this issue was to the Commission that they would not take a pay increase.

Mayor Costello stated the Commission was taking the lead in that department heads and managers volunteered to take no increase before the Commission had an opportunity to even discuss it.

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

Item #11(A) – Naming of Parks and Recreational Facilities

Commissioner Kelley stated he would prefer plaques for specific individuals and specific actions in a “wall of fame” type setting because there were a limited number of facilities. He noted it may not be wise to name the airport complex after one individual when many people were involved, but certain people may deserve special recognition.

Mayor Costello reported he supported Commissioner Kelley’s idea of plaques and Mr. Boehm’s recommendation to waive the requirement that the person would have to be deceased for three years. He advised he would not oppose naming something for those who make a monetary

City Commission – October 16, 2007

investment in the City. Mayor Costello stated people making an investment in time were equally as important.

Commissioner Kelley concurred with Mayor Costello.

Commissioner Partington recommended this go to the Quality of Life Advisory Board and any other pertinent board before the Commission makes a final decision.

Commissioner Gillooly concurred with Commissioner Kelley and Commissioner Partington. She recommended a review by the Planning Board, Quality of Life Advisory Board, and Historic Landmark Preservation Board.

Mayor Costello noted the Commission must provide direction to the boards. He recommended opening it up to people who were living; but he questioned what would occur if a recommendation was made and the person to be honored did not believe they would qualify, making it embarrassing for all concerned, so the person nominated must be very well qualified, stopping all need for debate.

Commissioner Kent noted he was pleased to see this on the agenda and noted he was more focused on honoring the living. He advised he would not oppose anyone providing a monetary investment, but he would also honor those who provided time and effort to help in certain areas.

Mayor Costello stated the consensus was to honor the living. He urged the recommended boards spend some time to come up with a list of things appropriate for naming rights.

Commissioner Kent asked if the Commission could have a shade meeting to discuss this issue.

Mr. Hayes stated the Commission could only have a shade meeting for pending litigation or collective bargaining.

Mayor Costello stated the City would have to select only a limited amount in any given year making it a unique gift of time, talent, and treasure before any action would be taken.

Commissioner Kelley concurred with Mayor Costello's recommendation of naming for financial contributions because the City will have to be very creative to fund activities in the coming years.

Commissioner Gillooly stated she would agree to naming rights for financial contributions, but this ideally would be for new items rather than for items on which citizens have worked for years.

Commissioner Kelley noted the City would have a difficult enough time to fund what it currently has without funding new items.

Item #11(B) – Relaxation of Real Estate Directional Signs From Enforcement

Mayor Costello stated there were three options presented as follows: Option 1 to do nothing; Option 2 was to amend the code including billboards; and Option 3 would amend the code to allow an increase in temporary directional signs with no billboards.

Commissioner Kelley recommended Option 3.

Commissioner Kent asked if Option 3 would allow yard sale signs.

Mr. Ric Goss, Planning Director, stated Option 3 would allow yard sale signs. He explained one sign in a class of signs can not be treated differently than the other signs in that class. Mr. Goss noted the unintended consequence of trying to address the issue of real estate or directional signs was the clutter of signs.

Commissioner Kent stated the clutter of yard sale signs were a concern to him.

Commissioner Gillooly reported she understood the slowdown in the housing market, but questioned if allowing more signs would be a tangible way to help the situation. She advised she believed the current sign ordinance in Ormond Beach added to the quality of life that would help a realtor and builder sell property in the community due to the quality of the City. Commissioner Gillooly reported the applicant offered to take his signs down, but many people would become a code enforcement problem, and the City just cut the code enforcement budget. She noted this would add the potential for extra work with no guarantee of a favorable result.

Commissioner Gillooly reported she could not support this tonight and recommended Option 1 which was to do nothing.

Commissioner Partington concurred with Commissioner Gillooly's recommendation of Option 1. He noted signs would not fix the real estate problem.

Commissioner Kent concurred, advising he would also support Option 1.

Commissioner Kelley stated he did not want signs cluttering the area, but he expressed that signs do help. He urged that the City do whatever would be possible to help the situation because if one sign could sell one house it would help the market. Commissioner Kelley reported the real estate market in Florida had drastically fallen off, and if the new tax measure would pass the problem will be exacerbated. He stated a directional sign placed on Saturday and picked up by Monday morning would not be a problem. Commissioner Kelley urged that a trial period be considered.

Mayor Costello stated he did not like signs, but he would be willing to approve this for a three month period with a \$100 bond, and every time Code Enforcement picked up a sign, \$20 would be taken out of that bond. He reported he wanted Ormond Beach to be known as a community where if there was something the Commission could do to support the business community that would not cost anything, it would be willing to try it for a limited amount of time and then evaluate it to see if it had made a difference.

Commissioner Kent stated what Mayor Costello stated made sense, but the people and businesses are in Ormond Beach because of the stringent codes, and this would be abused. He noted he feared this would open the City to unnecessary problems, and he did not believe it would help. Commissioner Kent agreed he wanted Ormond Beach to be known to be helpful to youth, seniors, communities, and businesses, but this was not the right decision to help all of Ormond Beach, nor would it fix the problem.

Commissioner Gillooly concurred with Mayor Costello that the City should support the business community. She noted also that realtors drive other businesses in the community, but she was not convinced a sign would have a tangible correlation. Commissioner Gillooly agreed it was incumbent upon the Commission to help fix the problem. She explained she needed to be very fiscally responsible because that does affect every business in this community, but she could not support this as it stands now.

Commissioner Kelley reiterated that the real estate market was really bad, and it affected every facet of life. He urged a three month trial with a \$100 deposit, with each sign placed having a permit number; and if the signs were not picked up, a \$20 fee would have to be paid. Commissioner Kelley stated if it did not work in three months, it could be stopped; but it might work and help sell some homes.

Mayor Costello stated if anyone wanted to bring this back they could do so.

Item #11(C) – Use of Leisure Service Facilities by Seabreeze High School

Mayor Costello stated he and many people were supportive of finding a cooperative agreement with Seabreeze High School for years. He reported he was frustrated that there was no capital investment or renewal and replacement investment by the School Board. Mayor Costello advised there was a proposal for \$350,000 for ten years, and City staff has indicated there would be a \$360,000 cost to the City.

Mr. Turner stated staff may need to go back to talk to the School District staff regarding capital funding items. He noted he did not want to subsidize the use of the fields by the School District. Mr. Turner reported Deputy Superintendent Tim Huth and Principal Bob Wallace were at the meeting tonight.

Mayor Costello stated he wanted an agreement but was frustrated that the School Board did not believe it would benefit Seabreeze High School to invest in the Ormond Beach facilities. He explained Ormond Beach has partnered with Seabreeze High School for years and he wished to continue partnering with them, especially since 78% of the students were Ormond Beach children. He stated considering the amount of money invested in stadiums throughout the county, it did not appear that Ormond Beach warranted a partnership where the School Board would want to invest money in Ormond Beach. Mayor Costello reported he wanted to send a clear, strong, and hopefully unified message to Seabreeze High School that Ormond Beach wanted to make this work because there was no room at the school's present location. He pointed out the additional tax exemptions proposed would not affect the School Board, while

there would be a \$1 to \$2 million decrease in property taxes in Ormond Beach if the tax bill passed. Mayor Costello stated the City did not want to lose money on this deal.

Commissioner Kent thanked Principal Wallace and Superintendent Huth for attending the meeting. He stated it was incumbent upon the Commission to try to get the best deal for its residents, and he urged Mr. Turner to go back to the table, to be friendly, but to be tough. He advised the Commission did not want to be unfair to the School Board, but it must make certain they were not being unfair to the City.

Commissioner Partington stated it seemed like a good first step to receive the \$350,000 up front, and he noted the relationship with the School Board was important. Commissioner Partington reported if the City were to take a loss, they could go back to the School Board in five to six years and request more funds. He stated this showed the School Board was working in good faith, and he would accept the offer now.

Mayor Costello stated if there were any capital and renewal and replacement funds with that rather than only the annual maintenance, he could also support it.

Mr. Turner concurred with Commissioner Partington that the \$350,000 and \$360,000 would probably be equal, considering the financial circumstances and paying up front; however, his concern was the capital outlay to establish the facilities and the capital outlay in the out years.

Commissioner Kelley noted the other schools received a great deal of money.

Mayor Costello read from a news article that the proposal for Atlantic High School was: electric extended for scoreboards \$35,000; bleachers and bleacher pads for baseball, softball, and track \$100,000; resurfacing of athletic courts \$71,000; prototype building with restroom, storage and concession \$250,000; and completed sidewalk, girls batting cage, and girls' dugouts \$59,000. He stated at the New Smyrna Beach High School the proposal was: prototype building with restroom, storage and concession \$300,000 and completed bleachers and dugouts \$18,000. Mayor Costello noted Seabreeze High School's proposal was: install bleachers at ball field and track \$25,000. He stated at Spruce Creek High School the proposal was: restroom building with storage \$250,000; in progress lighting replacement for ball fields \$379,000; in progress eight-lane track with lights \$1,415,000; and completed bleachers with sidewalk \$76,000. Mayor Costello pointed out Seabreeze High School did not have the amount of capital investment other schools were receiving. He noted he, personally, would probably settle for \$500,000 capital up front dollars with the \$350,000, but he could not accept \$350,000 as a match to the capital investment the City put in plus the maintenance.

Commissioner Kelley stated he did not believe the School District would be able to create anything better than the Ormond Beach facilities. He requested a capital investment with the maintenance for the ten years. Commissioner Kelley pointed out Seabreeze High School was built on a site that was too small. He noted the school was to have only 1,400 students and now had nearly 2,000 students. He advised he would like these students to have the ability to use Ormond Beach's facilities because most of the students are Ormond Beach residents.

Commissioner Gillooly stated the relationship was extremely important with the School Board and Pop Warner, but there has been a tremendous investment made by Ormond Beach, so a capital investment from the School Board was necessary up front. She noted she would like to trust having this issue come back in five years; however, two separate entities were involved, and the same people may not be involved in either entity at that time.

Deputy Superintendent Tim Huth stated he recognized the commitment the Commission gave to the facilities and the recreation programs for Seabreeze High School and all of the youth in Ormond Beach. He advised that times were changing, and past agreements were changing. Mr. Huth reported in the first meeting in August they asked for a fee schedule and were unable to obtain one. He noted he identified in this year's budget \$250,000 was allocated for each school for capital improvements to their athletic facilities. Mr. Huth pointed out some items in the newspaper article were items from approved budgets in past years and ongoing projects. He stated in the second meeting in September they were given a chart identifying the maintenance costs, and they discussed paying these costs up front. Mr. Huth reiterated they did not have a schedule indicating what was being asked of the School Board under capital improvements for use of the facilities. He noted over time there was an investment on everyone's part, and capital improvements must take place year in and year out. Mr. Huth stated this Commission must make a policy decision regarding a fee structure for all non-City entities. He noted he was not certain if the Harry Wendelstedt school was a City entity, but if they were not, there should be a fee structure for those non-City or any other non-City entity who would rent the City facilities. Mr. Huth stated he understood that Ormond Beach has been

a great partner with the school, and the Commission was protecting the interests of the Ormond Beach residents. He noted the City provided the schedule for the maintenance as that was the only schedule it had at this time. Mr. Huth stated the School Board would continue working on this issue to maintain a positive relationship.

Mr. Turner explained at the first meeting the City was expecting to receive a proposal from the School Board, and at the second meeting, Ormond Beach provided the maintenance costs as well as the costs of the capital investment the City put into the facilities along with the projected costs for the next five and ten years. He noted the City had contracts with all of the other entities for the past ten years; however, that was not comparable to this issue. Mr. Turner reported the City was specifically informed by Dr. Smith that there was no funding for capital or renewal and replacement, so staff did not work up a schedule for capital investments. He noted Dr. Smith called yesterday asking for a capital investment figure, but that was the first time it was mentioned that there was even a possibility that capital funding could be made available. Mr. Turner asked for the school representatives to inform him any time specific information was needed, and he would provide it.

Mayor Costello stated he would not give the School Board or Daytona Beach or Holly Hill, entities who he considered partners, the same deal he would give entities such as Harry Wendelstedt or Pop Warner, since they do not have other facilities in the community in which they invest. He reported the School Board shorted Seabreeze High School, and they should treat Seabreeze High School the same as all of the other schools relative to the investment they have made in their other facilities. Mayor Costello noted a fee schedule with what Ormond Beach would charge other entities to use for ball fields would not be as significant as the School Board would believe it to be. He reported it would cost the School Board a great deal less to work with the City than it would to purchase the land to build on the Seabreeze High School campus.

Mr. Bob Wallace, principal of Seabreeze High School, stated he was an advocate for children, and he did not want to see his students losing out. He noted he did not want to have to look for alternate venues to have the Seabreeze High School students practice and play. Mr. Wallace expressed hope that everyone could put aside some monetary issues and come to an agreement to help the students.

Mayor Costello stated he shared the hope an agreement could be reached, and he would be willing to go on record that if the School Board would come up with dollars for the capital investment, all of the money would not be needed up front.

Commissioner Partington reiterated he would accept the \$350,000 tonight and continue to work on the rest of the issues. He stated the \$350,000 was not guaranteed to remain, and the School Board may look for other places or keep the play on campus.

Mayor Costello stated that would probably be better for the City, although it may not be better for the students. He reported Commissioner Partington was the only Commission member willing to approve this tonight and continue to negotiate, and the remaining Commission members wanted to continue to negotiate.

Commissioner Kelley stated he was surprised there was no fee schedule available as there was one in the past for use of the soccer fields.

Mr. Turner explained there were fee schedules, but Mr. Huth indicated the fee schedule was not brought to the meeting that they could use. He reported staff came to the meeting because the superintendent requested attendance in order for them to inform the City what they were proposing for the use of the field. Mr. Turner advised staff needed to determine what uses they were proposing for the field and what they were willing to pay for the use before a fee schedule could be provided.

Commissioner Kelley stated playing at the municipal stadium was not safe, and Ormond Beach had state-of-the-art fields.

Mr. Turner clarified a fee schedule would not have helped in this case unless the Commission was willing to allow the same fees that other entities use. He noted this use would be different in that it would have on-going use year-by-year by another governmental entity without paying any capital costs. Mr. Turner explained the School Board came to the table with a proposal for \$250,000 at the first meeting.

Mayor Costello stated he would personally be happy with another \$500,000 over ten years; but capital was needed, and the other agreements could remain unchanged.

Commissioner Kelley requested Mr. Turner see if capital was available and come back to the Commission.

Mayor Costello reiterated Seabreeze High School has been under-funded or years.

Item #11(D) – Extension of Development Orders

Mayor Costello stated Option 1 was to administratively allow two extensions; Option 2 was coming to the Commission for two extensions; Option 3 was a combination where the first extension would be administratively approved and the second legislatively approved; Option 4 was to extend the initial term for the agreements and add an additional year either administratively or legislatively; and Option 5 was to do nothing.

Commissioner Kelley recommended Option 4.

Commissioner Partington asked for the definition of “materially affect.”

Mr. Goss explained, as an example, if the dimensions of a parking lot were to change, it would not materially affect the parking lot; but if more square footage or units were added or if the phasing of the development would be changed, it would materially affect the project.

Commissioner Kelley stated if it was already approved, he believed it could be done administratively.

Commissioner Kent and Commissioner Partington concurred with Commissioner Kelley.

Commissioner Gillooly agreed with an administrative approach, but she questioned why the initial date would need to be extended.

Mr. Goss explained that some people have suggested that Ormond Beach’s initial period in development orders was very short. He stated this would not be approved unless there were no changes.

Commissioner Gillooly concurred with Option 4 and that the extension be approved administratively.

Mayor Costello stated the consensus was for Option 4 done administratively.

Item #11(E) – Clyde Morris Boulevard / Hand Avenue Traffic Signal

Mayor Costello stated the City had the option to invest an additional \$72,000, which may be reduced to \$39,000, for mast arms on what would become a major intersection. He noted this would reduce the reserve fund balance to 17.25% or \$4,900,000.

Commissioner Partington expressed support for the proposal.

Commissioner Kelley asked if the mast arms would have to be relocated in five years.

Mayor Costello stated he understood they would not have to be moved.

Commissioner Kelley stated the improvements should be done while they can be done; therefore, he favored the proposal.

Commissioner Gillooly stated this was a safety and aesthetics issue, but due to budgetary constraints, the County was not willing to do this without partnering with the City. She advised she could not approve this expenditure at this time.

Commissioner Kent concurred with Commissioner Gillooly.

Mayor Costello stated he would approve the mast arm making the consensus to proceed with the project. He noted this location would become a major intersection.

Mr. Turner reported staff would come back with documentation for approval.

Item #12 – Reports, Suggestions, Requests

City Manager Commendation

Commissioner Kent commended Mr. Turner for reasons he felt Mr. Turner understood.

Speeding on Beach Street

Commissioner Kent stated he hoped Beach Street could become a road where drivers would know they cannot speed because of the serious police presence, although he did not believe it necessary to reduce the speed limit to 25 miles per hour.

A United Commission

Commissioner Kent reported this Commission could be unstoppable if they were united.

PAL Working with Target

Commissioner Kent reported he was pleased to see the Ormond Beach Police Athletic League (PAL) working with the Target store to receive funds to continue the reading and tutoring program at Ormond Beach Elementary School located in the heart of Ormond Beach. He noted this would make these children better adapted to handle many issues and create better public speakers.

Do the Right Thing

Commissioner Kent reported Police Chief Michael Longfellow's "Do the Right Thing" program makes a great difference in the lives of the children honored. He noted his daughter was chosen last year, and she was thrilled to have lunch with the Chief of Police.

Blue Seal of Excellence Honor

Commissioner Kent reported the Ormond Beach Fleet Division received the Blue Seal of Excellence award where 75% of the technicians need to be ASE certified, and Ormond Beach had 100% ASE certified. He urged Mr. Turner to do something special for the Fleet Division, such as having lunch from Commission funds to honor them.

Make a Difference Day

Commissioner Kent reported the students at the school where he teaches, Pathways Elementary, decided to participate in Ormond Beach's Make a Difference Day, so on Saturday, October 27, the students and their parents will be at Granada Boulevard with gloves and trash bags to pick up trash down to the Daytona Beach line.

Mayor's Granddaughter, Skylar

Commissioner Kent reported Mayor Costello's granddaughter, Skylar, was so fortunate because of the incredible love displayed by Mayor Costello and his wife Linda. He stated he was very touched by Skylar and appreciated her coming tonight.

Commissioner Kelley echoed Commissioner Kent's comments.

Election

Commissioner Kelley congratulated the Commission on the election.

Commissioner Kent also congratulated the Commission.

Tax Reform

Commissioner Kelley stated something must be done to inform the State that they were only compounding the problem and doing nothing to solve the tax inequity. He noted the State was giving the people who already have the benefit of "Save Our Homes" a benefit. Commissioner Kelley reported statistics indicate that 66% of the people who would not benefit, which were those who were not homesteaded and the renters, may defeat the vote.

Advertising the City's Parks and Recreational Facilities

Commissioner Partington thanked Mr. David Abee, Leisure Services Director, for the letter he received about advertising the City's parks and recreational facilities in the "Yellow Pages" of the phone book. He stated in tight fiscal times, cities find it difficult to accomplish this; but through Mr. Abee's work with Yellow Book, he found a way to provide that service at no cost to the City of Ormond Beach, and everyone will benefit as a result.

Civil Air Patrol

Commissioner Gillooly stated she spoke at the airport with the Civil Air Patrol last Monday. She reported this was followed by a debate at Ormond Lakes where she was asked why she would support an airport that was only a "playground for the rich" in the community. Commissioner Gillooly shared information about the Civil Air Patrol she had just learned with the

group at Ormond Lakes. She reported public relations were very important. Commissioner Gillooly advised there was a great value in what the Civil Air Patrol does for the community. She stated suggestions were made to make the airport a valuable resource. Commissioner Gillooly pointed out things are occurring at the airport that were not apparent to the community, so she asked the members of the Civil Air Patrol to start coming to some Commission meetings to start a dialogue. She noted she would meet with them and bring some ideas back to the Commission.

Seabreeze High School Teacher-of-the-Year

Commissioner Gillooly stated Mark VanDeventer has worked with Halifax Habitat for Humanity and was named as Seabreeze High School's Teacher-of-the-Year. She reported Mr. VanDeventer got many students involved in many activities in the community.

Make a Difference Day

Commissioner Gillooly stated the City was doing a project at the Casements gathering food items for the needy for Make a Difference Day.

Election

Commissioner Gillooly thanked everyone who helped her in her campaign.

Mayor's Granddaughter, Skylar

Commissioner Gillooly stated it was a pleasure having Skylar in attendance tonight.

Budget

Mayor Costello stated if anyone had any ideas as to how to increase involvement with the Budget Advisory Board, he would welcome any suggestion. He reported the Commission was not trying to shut anyone out of these discussions.

Airport Road Overpass

Mayor Costello stated as of the last report he received, the Airport Road overpass repairs would take one week. He noted these repairs were impacting a great many people.

Hand Avenue Extension

Mayor Costello stated Ormond Beach needed to work with the MPO and Volusia County on the Hand Avenue extension. He encouraged staff to use the incident which closed down the Airport Road overpass to show why there was a concern and why this project needed to be moved up in priority.

Anonymous Letter Regarding the PBA

Mayor Costello stated he looked forward to the response to the anonymous letter regarding the PBA. He noted he opposed anonymous letters because they could not be responded to, but he requested to be informed regarding the Commission's responses.

Bike Path on Airport Road

Mayor Costello stated a citizen wrote a letter requesting that Airport Road have a bike path. He reported there was a consensus that Airport Road needed to have four lanes, but he questioned what could be done to obtain a bike path between the schools.

Improving the Permitting Process

Mayor Costello stated Mr. Goss was working on improving the permitting process. He reported he wanted to keep the standards high, but he expressed disappointment that Ormond Beach lost a Super Target because of its development standards. Mayor Costello advised Ormond Beach would now be getting a Home Depot rather than a Target because they would not need any adjustments to City codes. He stated Ormond Beach did not have the mechanism to make adjustments to fit a business that would be an asset to the community and instead would get a business that was not needed. Mayor Costello asked to discuss how the Commission could make adjustments when they believe the development to be a benefit to the community.

Ormond Crossings Green Standards

Mayor Costello requested a workshop to speak to Ormond Crossings representatives regarding green standards.

Notification

Mayor Costello stated he was not satisfied with the notification regarding homeowners' associations and coordination of permits.

Revenue Neutral Fire Fee

Mayor Costello requested the Commission provide staff clear direction regarding a revenue neutral fire fee. He stated as the Commission starts examining the budget issues in depth, he believed it was important to take the fire costs out of the general budget.

Beach / A1A

Mayor Costello requested a forum be scheduled in the new year to discuss the beach and A1A followed by one meeting in each of the four zones and then another forum at City Hall to discuss what people wanted to occur on A1A. He noted it was clear what the people did not want, but it was not clear what they did want.

Employee Forum

Mayor Costello requested preparing a session for a workshop or a discussion item for the Commission to listen to representative from the police union, fire union, general employees' union, management, and non-bargaining employees regarding issues of importance. He clarified he did not wish to negotiate or bargain but merely to listen to employee concerns.

Aerial Photograph of the Ball Fields

Mayor Costello requested an aerial photograph be taken of the fields at the Airport Sports Complex on a busy day with Pop Warner and other teams playing.

Election

Mayor Costello stated he believed the "disconnect" was over. He reported the community has shown through the election that while there may be issues where the community may disagree, overall, the people are happy with Ormond Beach and realize the commitment the Commission has made. Mayor Costello stated it was an honor and pleasure to serve with this Commission.

Item #13 - Close the Meeting

The meeting was adjourned at 10:05 p.m.

APPROVED: November 6, 2007

BY: Fred Costello, Mayor

ATTEST:

Veronica Patterson, City Clerk