

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

**December 18, 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 David Wooten, Riverbend Community Church.
- 3) Pledge of Allegiance.
- 4) ***PRESENTATIONS:***
  - A) Presentation of Plaques to Jane Robinson and Robert Thames for service on the Historic Landmark Preservation Board.
  - B) Proclamation honoring Chris Flynn for achieving the rank of Eagle Scout.
- 5) ***AUDIENCE REMARKS:***
- 6) ***APPROVAL OF THE MINUTES*** of the December 3, 2007, meeting.
- 7) ***INTERGOVERNMENTAL REPORTS:***
  - A) Metropolitan Planning Organization
  - B) Volusia Council of Governments
  - C) Water Authority of Volusia

- 8) **CONSENT AGENDA:** The action proposed is stated for each item on the Consent Agenda. Unless a City Commissioner removes an item from the Consent Agenda, no discussion on individual items will occur and a single motion will approve all items.
- A) Resolution No. 2007-222 authorizing the execution of a First Amendment to Hangar Lease Agreement between the City and Tomlinson Aviation, Inc.
  - B) Resolution No. 2007-223 authorizing the execution of a Joint Participation Agreement, Amendment Number 3, between the City and the State of Florida Department of Transportation regarding the Nova Road Median Landscaping project. (Nova Road, US1 to Southern City limits – Additional \$50,000 funding; 100% FDOT funding)
  - C) Resolution No. 2007-224 authorizing the execution of a Joint Participation Agreement, Amendment Number 1, between the City and the State of Florida Department of Transportation regarding the installation of landscaped medians along US1 from Hernandez Avenue to Calle Grande. (Correction to dates; 100% FDOT funding)
  - D) Resolution No. 2007-225 accepting a bid from Bean Construction, Inc., for construction services regarding the Nova Community Park Ball Field No. 5 Improvements project under Bid No. 2008-01; authorizing the execution of a contract and payment therefor; rejecting all other bids. (\$459,800)
  - E) Resolution No. 2007-229 approving a settlement proposal regarding the Worker's Compensation claims of John Erdman; authorizing the execution of a settlement agreement and any and all documents incidental thereto; authorizing payment relative thereto. (\$60,000)
- 9) **PUBLIC HEARINGS:**
- A) Ordinance No. 2007-36 vacating a portion of Flagler Road right-of-way lying west of US1, running east from Magnolia Street, and vacating an unopened public alley lying north of Flagler Road, running east from Magnolia Street. (Second Reading)
  - B) Ordinance No. 2007-39 amending the Comprehensive Land Use Plan Map of the City of Ormond Beach for a 10-acre parcel of real property located at the rear of the existing church at 1687 West Granada Boulevard (SR40) from High Density Residential (HDR) to Tourist Commercial (TC); establishing conditions therefor. (Calvary Church) (First and Only Reading)
  - C) Ordinance No. 2007-40 amending the official zoning map of the City of Ormond Beach to rezone a 10-acre parcel of real property located to the rear of the existing church at 1687 W. Granada Boulevard (SR40) from Urban Multi-Family Residential (R-6) to Highway Tourist Commercial (B-7). (Calvary Church) (First Reading)
  - D) Ordinance No. 2007-41 amending the zoning map of the City of Ormond Beach by rezoning a 2.73-acre parcel of real property located at 298 & 300 South Nova Road from B-8 (Commercial) with a Planned Business Development Overlay to PBD (Planned Business Development); approving a Development Order for a Planned Business Development to be known as "Capital Plaza" and establishing conditions therefore. (First Reading)
  - E) Ordinance No. 2007-42 relative to Planning Industrial Development (PID) zoning districts, Chapter 2, District and General Regulations, Article II, District Regulations, Section 2-37, Planned Industrial Development (PID), Subsection C, Dimensional Requirements, of the *Land Development Code* by amending regulations regarding minimum number of business/industrial uses. (First Reading)
  - F) Ordinance No. 2007-43 relative to district and general regulations, Article I, Establishing of Zoning Districts and Official Zoning Map, and Article II, District Regulations, Sections 2-02 and 2-38, of the *Land Development Code* by amending regulations to establish a consistency between the Comprehensive Plan and the list of official zoning districts and by creating a new section to be numbered 2-38, creating and establishing minimum standards and procedures for a Planned Mixed Use Development (PMUD) zoning classification. (First Reading)

- G) Ordinance No. 2007-44 relative to definitions, Chapter 1, General Administration, Article III, Definitions and Acronyms, Section 1-22, Definition of Terms and Words, of the *Land Development Code* by amending regulations to clarify that submerged land cannot be used to calculate minimum lot area or dimensional requirements established in Chapter 2, Article II, of the *Land Development Code* by adding the terms “Land, Submerged” and “Lot, Area.” (First Reading)

10) **SECOND READING OF ORDINANCES:**

- A) Ordinance No. 2007-37 relative to development orders and concurrency certificate expiration dates and the administrative extension approval thereof, by amending Chapter 1, General Administration, Article II, Administration and Enforcement, Subparagraphs C, Expiration of a Development Order, D, Extension of Expiration Date, and E, Modification of a Development Order, of Section 1-14, Development Orders and Building Permits; amending Chapter 1, General Administration, Article V, Concurrency Management, Section 1-37, Expiration, of the *Land Development Code*.
- B) Ordinance No. 2007-38 amending Sections 22-23, 22-24, and 22-71 of Chapter 22, Water and Sewers, of the Code of Ordinances, by increasing the minimum water and sewer rates; repealing all inconsistent ordinances or parts thereof.

11) **RESOLUTIONS:**

- A) Resolution No. 2007-226 approving the preliminary plat for the “River Oaks of Ormond Beach” subdivision located south of Airport Road, east of I-95, west of the Broadwater subdivision and north of the Tomoka River; establishing conditions and expiration date of approval.
- B) Resolution No. 207-227 naming the three major league baseball fields located at the Ormond Beach Sports Complex the “Harry Wendlestedt, Jr., Baseball Fields.”
- C) Resolution No. 2007-228 accepting a proposal from Reynolds, Smith and Hills, Inc., for professional services regarding the performance of an interchange justification report concerning Interstate 95 and US1; authorizing the execution of an agreement and payment therefor; rejecting all other proposals. (\$560,986 – Federal Safe Accountable, Flexible, Efficient Transportation Equity Act-a Legacy for Users [SAFETEA-LU] act funding)

12) **DISCUSSION ITEMS:**

- A) Wetland standards.
- B) Establishment of a non-ad valorem assessment fire fee.
- C) Seabreeze High School / Harvard Drive beach approach parking.
- D) Advisory board nominations.
- E) Naming of parks and recreational facilities.

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

14) **CLOSE THE MEETING.**

Item #1 - Call to Order

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

Item #2 - Invocation

Reverend David Wooten, Riverbend Community Church, gave the invocation.

Item #3 - Pledge of Allegiance

Mayor Costello led in the Pledge of Allegiance.

Item #12(A) – Wetland Standards

Mayor Costello advised Item #12(A) would be delayed until April with the Commission's approval. He explained his goal for this item was to be educated as to the differences between Ormond Beach wetland standards and St. Johns standards. Mayor Costello explained Mr. Kirby Green, Executive Director, St. Johns River Water Management District, had advised that he would have a report for the Commission in March; therefore, hearing no objection, this item would be postponed to April.

Item #11(B) – "Harry Wendlestedt, Jr., Baseball Fields"

Mayor Costello reported he would move Item #11(B) relative to naming the fields for Harry Wendlestedt, Jr. on the agenda after the second presentation in that he considered this to be a type of presentation.

Item #4(A) – Presentation for Service on the Historic Landmark Preservation Board

Mayor Costello presented plaques to Ms. Jane Robinson and Mr. Robert Thames for their many years of service on the Historic Landmark Preservation Board. He advised Ms. Robinson had served on the Historic Landmark Preservation Board since May 21, 1991, and Mr. Thames has served since July 19, 1994.

Mr. Thames and Ms. Robinson thanked the Commission for the privilege of serving Ormond Beach.

Mayor Costello stated one of the things that make Ormond Beach special was that there were so many people willing to volunteer, giving of their expertise, and he wanted to show the City's appreciation of these people.

Item #4(B) – Proclamation Honoring Chris Flynn for Achieving the Rank of Eagle Scout

Mayor Costello reported Mr. Chris Flynn was being honored for achieving the rank of Eagle Scout, attained by only 4% of all scouts. He stated Chris Flynn, who has been a Boy Scout for 11 years, has exemplified qualities through leadership roles such as junior assistant scout master and by earning 21 merit badges. Mayor Costello reported Chris selected, as his project toward achieving the rank of Eagle Scout, to repaint a pavilion at St. Brendan Catholic Church and School and to clear 245 feet of yard waste at the edge of the property, which took two months of planning, 600 volunteer hours, and \$1,000 of donations to complete. He proclaimed December 18, 2007, as "Chris Flynn Day" and thanked him for his service to the community.

Item #11(B) – "Harry Wendlestedt, Jr., Baseball Fields"

RESOLUTION NO. 2007-227

A RESOLUTION NAMING THE THREE MAJOR LEAGUE BASEBALL FIELDS LOCATED AT THE ORMOND BEACH SPORTS COMPLEX THE "HARRY WENDLESTEDT, JR., BASEBALL FIELDS;" SETTING FORTH AN EFFECTIVE DATE.

**Commissioner Kelley moved, seconded by Commissioner Partington, to approve Resolution No. 2007-227, as read by title only.**

Mr. Doug Thomas, 132 River Bluff Drive, stated this was a great honor for Harry Wendlestedt, Jr., who gave Ormond Beach untold hours and gifts of his time and influence to make the City a better place for the youth. He described Mr. Wendlestedt as a hero and a legend, and he thanked the Commission for recognizing what he has accomplished.

Commissioner Gillooly thanked and congratulated Mr. Wendlestedt, noting she was proud to be a part of the Commission bestowing this honor on him.

Commissioner Kent stated Mr. Thomas said it best. He reported Ormond Beach was fortunate to have Mr. Wendlestedt as a resident.

Commissioner Kelley stated he personally appreciated his son being able to play baseball, and without Mr. Wendlestedt, he did not believe the facilities would have been available. He explained Mr. Wendlestedt had the foresight to create these fields, and he thanked him for his vision.

Commissioner Partington stated he was grateful Mr. Wendlestedt chose Ormond Beach as his home, and he thanked him for all he has done for the City.

Mayor Costello stated Mr. Wendlestedt was a legend, mentor, example, community servant, and one willing to do physical labor as well providing financial resources. He reported he was told by a Titusville resident who travels all over Florida to play soccer that Ormond Beach’s facilities were one of the best due to Mr. Wendlestedt’s efforts, and the players were excited to come to Ormond Beach.

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

Mr. Wendlestedt thanked the Commission for the honor and commended them for the great support, leadership, and cooperation they give the Leisure Services Department. He stated under Leisure Services Director David Abee’s leadership, great things were achieved. Mr. Wendlestedt reported Mr. Charlie Croucher of the Ormond Beach Kiwanis Club had supported him, enlisting the assistance of the Kiwanis Club to sponsor the first quarter of the complex. He also thanked Mr. Thomas for all he does for Ormond Beach youth. Mr. Wendlestedt expressed how pleased he was to see hundreds of children playing soccer and baseball and advised he would continue to try to make this community better. He explained he was currently working with Major League Baseball on a program where they come into an inner city to revamp a baseball field, noting he was working to obtain a couple million dollars to revamp the baseball field on Division Avenue, which has fallen into disrepair.

Item #5 - Audience Remarks

Walking on Public Land

Mr. Dan Zurla, 3751 Long Grove Lane, Port Orange, complained that not allowing individuals to walk on the golf course was unconstitutional, and mandating carts was only to make money. He stated he went to court, which turned out to be a “kangaroo court,” using trickery to evade the constitution; and then the judge “cooked the books” removing all traces of the illegal proceedings.

Mayor Costello reported Ormond Beach was not violating the constitution in that the courts have deemed what the City was doing was legal. Mayor Costello stated the City leases the land to an entity to run a municipal golf course so anyone can have access to the course. He advised hundreds of thousands did not die in vain; Ormond Beach does secure liberty; Ormond Beach does comply with the constitution; and it was not a disgrace for the City to have an opportunity to use lands from which many in the community could benefit. Mayor Costello pointed out many people would not have had the opportunity to see some of this magnificent land if there was no golf course, and the lessee can operate that course in whatever manner helps him to be profitable so that the residents can enjoy the land.

Commissioner Kent stated he enjoyed hearing Mr. Zurla every week, but was starting to tune him out because of his accusations of Mayor Costello such as “scheming politicians working with judges.” He advised he did not know the judge Mr. Zurla alluded to; but he knew Mayor Costello, and knew the accusations were not true.

Excess Taxes

Ms. Lucille Bornmann, 6 Windsor Drive, questioned where all of the excess taxes went in the past few years when the people were paying double taxation on projects with the County and the State. She stated the Commission was taking trips; there were large increases in salaries every year; and more money was being funneled into an airport used by few. Ms. Bornmann reported the taxes were being raised for police, fire, water, and sewer service. She advised the City needed someone to take more responsibility in using the money for the majority of the residents.

Mayor Costello stated he would respectfully disagree and would be happy to discuss these issues with her at any time.

Police Department

Ms. Laura Jones, 59 Amsden Road, questioned if there were any vacancies in the Police Department; how many officers left the department in the last year; why these officers left; and what the cost of training and equipping a police officer was. She noted Ormond Beach was training officers to go to other cities. Ms. Jones explained she was told the reason for leaving

was a lack of security in their job, and there was a rumor that in two years there would be no Ormond Beach Police Department because the County sheriffs would be policing the City. She questioned why Sheriff Ben Johnson was trying to take over Ormond Beach.

Mayor Costello asked Mr. Turner to report the answers to Ms. Jones' questions in the Friday Letter. He expressed a concern that people hear these rumors and innuendos, especially when, after being on the Commission for eight years, he had not heard anything about Sheriff Johnson taking over the Police Department. Mayor Costello reported there were discussions about many ways to deliver public safety services in the most efficient and effective manner at the least cost without diminishing the level of service. He advised he would consider anything and everything to accomplish this, but no one was seeking any assistance from any other agency. Mayor Costello stated there were various reasons why people leave, such as being interested in pursuing advanced positions like HazMat or SWAT, which Ormond Beach does not have. He reported he was proud of the Ormond Beach Police Department.

#### Poinsettia Plant

Mr. Joe Lipscomb, 22 Shadow Creek Way, thanked the Commission for the holiday poinsettia plant provided to board members. He stated the Commission should be going into this New Year considering the great vote of confidence they received in November.

#### Taxes

Mr. Turner stated there were no raises and pointed out the Commission set aside \$500 for each of the non-management employees; and while negotiations were continuing, \$500 was all that was set aside for employee, with management and the Commission agreeing not to accept any increases this year. He pointed out taxes have decreased, not increased, the past couple of years. Mr. Turner advised the Police Department did not have an unusually high level of vacancies, but he would provide information regarding the limited number of people leaving the City along with their reasons given for leaving.

#### Water Treatment Plant

Mr. Turner thanked Mr. Lipscomb for coming to the water treatment plant last year when the City was having issues and returning after the improvements were made. He stated he looked forward to speaking to Mr. Lipscomb regarding the water plant.

#### Item #6 - Approval of Minutes

Mayor Costello advised the minutes of the December 3, 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 #7(A) - Metropolitan Planning Organizations

Mayor Costello advised he would be attending the District Five Update meeting on January 25 in Orlando. He explained the Metropolitan Planning Organization (MPO) basically did not have funding, and roads would not get built because it cost 50% more to build roads, and fewer funds were available.

#### Item #7(B) - Volusia Council of Governments

Mayor Costello reported the Volusia Council of Governments (VCOG) continues to meet with Volusia Tax Reform to come up with some tax reform that would be true, meaningful, comprehensive, and sustainable. He stated the Smart Growth Implementation Committee was trying to find ways to protect the environmental core. Mayor Costello noted no one seeks growth, but growth should be directed to the best area.

#### Item #7(C) - Water Authority of Volusia

Commissioner Kelley reported he forwarded the minutes of the last Water Authority of Volusia (WAV) meeting, and a joint meeting with St. Johns River Water Management District would be held tomorrow to discuss the modeling for the minimum flows and levels. He advised the Technical Advisory Committee (TAC) would be stressing conservation and education.

#### 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 Gillooly requested Item No. 8(D) be removed for discussion.

**Commissioner Partington moved, seconded by Commissioner Kelley, for approval of the Consent Agenda, minus Item No. 8(D).**

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

Item #8(D) –Nova Community Park Ball Field No. 5 Improvements Project

RESOLUTION NO. 2007-225

A RESOLUTION ACCEPTING A BID FROM BEAN CONSTRUCTION, INC., FOR CONSTRUCTION SERVICES REGARDING THE NOVA COMMUNITY PARK BALL FIELD NO. 5 IMPROVEMENTS PROJECT UNDER BID NO. 2008-01; AUTHORIZING THE EXECUTION OF A CONTRACT AND PAYMENT THEREFOR; REJECTING ALL OTHER BIDS; AND SETTING FORTH AN EFFECTIVE DATE.

**Commissioner Kelley moved, seconded by Commissioner Partington, to approve Resolution No. 2007-225, as read by title only.**

Commissioner Gillooly clarified these were not the fields being named after Harry Wendlestedt. She stated leisure services were very important to the people’s quality of life; however, the Commission was asking the people to pay an increase in water fees while on the same agenda the Commission was considering \$459,000 being spent to redo a baseball field. Commissioner Gillooly reported she understood there were different funds, and all of the funds had to be addressed independently. She pointed out Mayor Costello indicated the MPO identified roads that needed to be repaired and improved, but there was no money for the improvements, so prioritization was needed. Commissioner Gillooly questioned the wisdom of spending \$459,000 at this time when it was not known what would occur in January with the property tax issue. She urged the Commission to wait on this project at this time. Commissioner Gillooly noted she was informed there was \$200,000 in grant money, but it was not addressed in the memo. She pointed out tax dollars still come from the same pocket of the taxpayer, and the Commission needed a new vision for priorities.

Mayor Costello agreed with the need for a new vision and priorities. He noted, however, this has been in the budget the past three years and was the last ball field to be improved. He noted Mr. Wendlestedt advised he was trying to get major league baseball to invest millions of dollars to redo the Division Avenue ball field. Mayor Costello noted it cost a great deal of only to redo these fields to make it safe for the children to play ball.

Mr. Turner pointed out there was \$200,000 in grant funding out of the \$459,000 total. He stated cities will have to do business in an entirely different way, assuming all of the legislation that has already passed and what may occur on January 29 would meet constitutional muster. Mr. Turner advised there would be a loss of revenue for the foreseeable future, and severe cuts would need to be made year after year, with some items cut out permanently. He reported during the budget process the Commission indicated staff should recommend methods to make these cuts without affecting services; however, the Commission did not want to revert to the situation where the buildings, fields, and infrastructure were left to deteriorate. Mr. Turner pointed out the Commission set aside funds to maintain existing facilities, and that fund was to remain intact. He stated much of these funds were coming from those maintenance dollars set aside by the Commission. Mr. Turner advised at budget meetings the Commission would set the priorities as to which maintenance projects would take priority over other projects. He explained his goal was to have a full service City, delivering exceptional services and thriving. Mr. Turner stated relative to the water increases, he would have preferred smaller rate increases throughout the years so the plant would not have deteriorated, but the equipment was old and needed to be modernized. He noted he was trying to balance everything out, but there would be many critical cost items in water and wastewater the next couple of years.

Mayor Costello noted this cost was not including the millions it will cost to replace the piping for which the Commission must start planning.

Commissioner Kent reported he appreciated Commissioner Gillooly's hesitation with approving this expenditure, and had this been a new field, he would have agreed; but the City was committed to this project, and the residents expect it. He reminded the Commission the residents were upset with the Commission questioning how they could allow the Nova gym to deteriorate, so rather than paying for the new roof that was needed, a new roof, insulation, and flooring was needed due to the delay. Commissioner Kent advised the Commission realized the City needed to create a renewal and replacement fund. He stated he believed it would be a safety hazard not to proceed, and the Commission owed it to the residents.

Commissioner Kelley advised the grant would expire if it was not used, and it would not be renewed. He stated this project was on the books for at least three years; staff has been very diligent in cost-cutting measures allowing the Commission to lower taxes; and the City was committed to this project. Commissioner Kelley reported this was essential for the program to be successful. He stated he agreed with Commissioner Kent that he did not want to let repairs lapse again and have facilities fall in disrepair. Commissioner Kelley advised the City was now in great shape; it had many accomplishments; and still taxes were decreasing. He stated he saw this as an opportunity and obligation to provide these services for this worthwhile project.

Commissioner Partington stated he would support this based on what had been stated. He concurred with Commissioner Gillooly that the Commission needed to do everything possible to make the budget easier to understand in that it was over a \$100 million budget that was spread over 45 funds. Commissioner Partington advised he has asked the Finance Director to give a clear reason for what was being done in each fund. He stated he considered it to be a good business decision to take care of what existed before buying anything new.

Mr. Harry Wendlestedt, 88 South St. Andrews Drive, stated while he certainly appreciated Commissioner Gillooly's concern about how the tax dollars were being spent, preventive maintenance was important or the cost would be even greater. He reported Ormond Beach facilities were maintained now better than ever other than one baseball diamond on Division Avenue that was run down, and he would be working on improvements for that baseball diamond. Mr. Wendlestedt thanked Judy Sloane, Public Works Director, and David Abee, Leisure Services Director, for the great job they have done working on these projects. He stated the Commission did a tremendous job proportioning the tax money.

Mr. Doug Thomas, 132 River Bluff Drive, reported this field was built in the late 1960s on a landfill, and it continued to deteriorate as the landfill settled. He pointed out this was the last field, with half of the cost being paid with someone else's money, making it a very wise expenditure. Mr. Thomas stated over 800 children play baseball and softball in Ormond Beach, not counting the young adults using the field for flag football. He reported in the 1980s he was commissioned to reach out to the service clubs in the community because they would not donate anything to Ormond Beach because the facilities were in shambles.

Commissioner Gillooly stated there was a difference between maintenance issues and new items, and this project called for a great deal of new items. She noted she was totally supportive of maintenance. Commissioner Gillooly asked for clarification in that she was told the money for the grant was good to 2010. She questioned if the Commission was being asked to fund \$259,000 or the \$459,000.

Mr. Turner stated of the \$459,000, \$200,000 was a Florida Recreation and Development Assistance Program (FRDAP) grant, and the Commission was being asked to fund \$259,000. He noted the memo should have had this information clearly outlined.

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

Mayor Costello thanked Commissioner Gillooly for being willing to change her opinion after hearing new information.

Item #9(A) –Vacation of a Portion of Flagler Road

ORDINANCE NO. 2007-36  
AN ORDINANCE VACATING A PORTION OF FLAGLER ROAD  
RIGHT-OF-WAY LYING WEST OF US1, RUNNING EAST FROM  
MAGNOLIA STREET, AND VACATING AN UNOPENED PUBLIC  
ALLEY LYING NORTH OF FLAGLER ROAD, RUNNING EAST



FROM MAGNOLIA STREET; REPEALING ALL INCONSISTENT ORDINANCES AND PARTS THEREOF; AND SETTING FORTH AN EFFECTIVE DATE.

Ms. Susan Canales, 1460 North US1, reported she did not believe the railroad tracks had been considered. She noted she hoped the provisions would be adequate to control water in an uncontrolled environment. Ms. Canales thanked Mr. Ric Goss, Planning Director, for his prompt response and for mailing her a copy of his productivity analysis.

Mayor Costello explained this request was to vacate a 15-foot alley and five-feet of a 60-foot right-of-way.

Ms. Canales pointed out that the analysis was based on 20 acres, and the current plan was for a far smaller plan. She stated page three of the report included a chart entitled: "Calculations using the most used trip generation rates for the seventh edition ITE trip generation report" and indicated the daily traffic would be 1,457. Ms. Canales stated page four indicated that the minimum 60-foot road uses an average daily traffic from 500 to 1,500. She asked the Commission to examine the 50-foot road.

Mayor Costello pointed out the 60-foot road was a subdivision feeder, and the 50-foot road was a local access road, which was not only the difference in the width, but the classification of the road.

Ms. Canales noted 1,457 trips were almost 1,500, and it required a road with a minimum of 60 feet; but 1,457 trips were almost three times more than the capacity for a 50-foot road.

Mayor Costello clarified that would be more than the capacity for a local access road, which was usually 50 feet, but a subdivision feeder could be 50 feet or 60 feet.

Ms. Canales stated no road smaller than 60 feet would be adequate. She requested the Commission consider the impact this could have on US1, which currently had traffic problems due to overdevelopment. Ms. Canales stated leaving Flagler Road a 60-foot road would be in the best interest of all parties. She requested the Commission vote "no," postpone the vote, or suspend the vote until all of the above-noted factors had been taken into consideration.

Mr. Ric Goss, Planning Director, stated he attempted to predict the number of net acres that would be developed between US1 and Flagler Road and create a site productivity analysis of the area to determine how many trips would come out of the site. He reported to accomplish that, he predicted the floor area by referring to the code requirements and then assigned the floor area against the trip generation rate from DOT to determine the number of trips. Mr. Goss explained he then matched that with the street classification. He pointed out there was a provision in the code that would allow the width of the road to be reduced if the clear sight triangles at the corners were adequate, which was the provision being used in this vacation.

Mayor Costello asked what size the lanes would be.

Mr. Goss reported the lanes would probably be between 10½ and 11 feet.

Commissioner Gillooly reported at the last meeting it was believed this was a five-foot vacation on both the north and south side, and Mr. Goss clarified that this was just a five-foot vacation. She stated that would give 55 feet.

Mr. Goss indicated it would be 55 feet based upon what was known today; however, he could not guarantee Mr. Vanacore would not come back for the other five feet as part of a development. He noted staff was indicating that the 50-foot minimum right-of-way would handle the expected volume of traffic based upon developing the net 20 acres.

Commissioner Gillooly clarified that what the Commission was to be voting on tonight was for a five-foot vacation leaving 55 feet.

Mr. Clay Ervin, Chief Planner for Special Projects, explained that many of these roads feeding out to US1 would be maintained, so there would not be a cumulative effect of every piece of property on Flagler Road needing to use the road that currently ran from Portland Street up to Broadway Avenue. He stated the original request was for vacating all 60 feet, but staff expressed concern as to what could occur there. Mr. Ervin noted staff would normally be trying to obtain a vacation of more than just Mr. Vanacore's property, but the roadway was through several jurisdictions. He reported until staff was able to consolidate the land or work with Volusia County, the larger scale vacation was being postponed. Mr. Ervin advised that

ultimately Flagler Avenue would be a 50-foot right-of-way, which was what was on many similarly zoned properties along Andalusia Avenue, Coolidge Avenue, and Parque Drive where there was a series of lots that could be developed for industrial and commercial uses that feed into side streets and then ultimately out to US1. He noted these were real-world examples of what would occur on Flagler Road.

Mr. Ervin explained all of this area would have to go into a master stormwater treatment facility that would be routed into Ormond Crossings. He advised the developers of Ormond Crossings were considering major improvements to US1 as part of their proportionate share agreement, such as six lanes on US1 from Crossings Boulevard on the west side to Crossings Boulevard on the east side as well as participating in the improvements currently occurring at Broadway Avenue/Plantation Oaks Boulevard, which would become a signalized intersection. Mr. Ervin reported Ormond Crossings would have to contribute to the interstate improvements. He pointed out staff has had detailed discussions with DOT regarding the issues Ms. Trescott mentioned at the last meeting, and the DOT representative indicated the concerns were resolvable and do not involve the DOT.

Ms. Sharon Trescott, 689 Pineland Trail, asked if Mr. Vanacore needed this five feet of Flagler Road for the plan submitted, and if so, how and in what way. She asked if Mr. Vanacore could obtain the 15-foot alley vacation, of which there was no objection on this application, if the Flagler Road portion was denied. Ms. Trescott questioned if five feet of Flagler Road was given to Mr. Vanacore, if five feet be given to other property owners and what guarantee would there be for those property owners to obtain their footage at that time. She asked for a letter assuring this would occur should Mr. Vanacore obtain his five feet. Ms. Trescott questioned how the City could determine there would be no need for these five feet for possible storm retention, dry retention, swells, traffic separators, turn lanes, curbs and inlets, utility easements, or beautification. Ms. Trescott asked on what side the sidewalk would be placed on Flagler Road, and how it could possibly be known there would be no need for a sidewalk on both sides of Flagler Road. She questioned how the concerns of the railroad tracks had been factored into this analysis. Ms. Trescott asked if the drainage pattern for the area was known. She advised good concerns have been brought forward and requested more information be obtained before this was passed.

Mr. Edwin Canales, 1460 North US1, reported his concern related to traffic control, particularly during special events such as Biketoberfest and Bike Week. He noted the turn-around was recently removed, making access on US1 more difficult. Mr. Canales stated Flagler Road was a parallel alternative to US1, and he questioned why the City would want to jeopardize that roadway for a developers' construction project.

Mayor Costello asked if this were a new road, how wide would the road be, and what right-of-way would be requested. He asked staff to clarify the City policy and explain why.

Mr. Allen Watts, senior member of the Community Development Team at Cobb & Cole representing Mr. Scott Vanacore, stated that when National Gardens was platted, these uniform model zoning laws were not widely distributed, there were no Land Development Codes as currently exist, and these types of questions were not being asked. He noted, consequently, there were extremely small lots, which would not be allowed today in that they cannot accommodate landscaping and drainage; therefore, they are considered substandard lots. Mr. Watts pointed out development was discouraged through the codes, and the entire area needed to be replanned. He explained the major cross street for Plantation Oaks Boulevard would be a signalized intersection and would be continued along what was now Broadway Avenue, which would provide some measure of traffic control. Mr. Watts stated a section of Flagler Boulevard that runs from Plantation Oaks Boulevard to Crossings Boulevard would serve as an access road for all of the properties. He reported the alley does not meet any codes for any use, and there was no objection heard to vacating the alley.

Mr. Watts advised there would probably be a need for a central stormwater utility, but this would be known when the overall stormwater plan would be designed. He noted there was concern regarding the drainage patterns and whether the railroad tracks work as a dam along the south side; however, no amount of right-of-way would solve that problem because Flagler Avenue would have to be used as access for the rear of the lots. Mr. Watts explained it would not be advisable to have many driveways along US1, particularly since it would be six lanes. He reported the local traffic can be collected in the rear on Flagler Avenue and come out either on Plantation Oaks to the signal or toward Ormond Crossings. Mr. Watts advised there was a plan working with Tomoka Holdings to take Portland Street and move it with a signalized access, making all of the properties more economically useful. He reported the original concept was to take the entire area, making one development block measuring all of the set backs from that block; but Mr. Vanacore recognized he needed to come up with a plan to keep Flagler Road

open, so the property was now divided, requiring setbacks and buffers on both sides. Mr. Watts noted to obtain some benefit, Mr. Vanacore asked for the five feet that the City does not need be yielded to provide the required buffer. He advised he was trying to make the best of a situation that was created in 1926. In reply to some of the questions posed, Mr. Watts stated: the five feet was needed; the alley could be vacated and the road denied; staff indicated it was likely the five feet would be given to other landowners as well as Mr. Vanacore; the City could determine there was no need for stormwater, curbs, utilities, and beautification at site plan; and a central utility would probably be needed to collect water and feed it to a storm retention area within the Ormond Crossings development.

Mr. Ervin stated with or without the five feet, the project meets City requirements, but the five feet would provide additional depth, landscaping, and buffering. He explained for a 50-foot road there were designated sizes of lanes, curbs, and sidewalks that would be adequate for the public need. Mr. Ervin stated in reply to Mayor Costello’s question that should this be a new road, a 50-foot right-of-way would be required because Flagler Avenue would be truncated by Crossings Boulevard, and the close proximity of Portland Street to that road was why the City was mandating the developers of Ormond Crossings to create a new route to provide additional access onto US1. He reported in addition to Broadway Avenue and Portland Street, there were also Magnolia Street and two other streets, so Flagler Avenue may seem to have a longer stretch, but the number of cross streets that feed to US1 would provide quick and immediate access.

Mr. Ervin agreed Bike Week and Biketoberfest had a severe impact on US1 to the point that the City has been monitoring traffic for the past three years. He noted staff sincerely hoped they could find a solution, but a 60-foot road would not necessarily increase the amount of travel lanes. Mr. Ervin reported staff wanted pedestrian access everywhere so one sidewalk was mandated; however, this was all commercial and industrial zoning, and the typical need for a sidewalk was in residential areas. He stated staff had a good understanding of the drainage patterns, but Mr. Vanacore must present a site plan before he could receive a building permit; and to obtain that approval, the pre and post development would need to be handled properly. Mr. Ervin advised staff was aware of Ms. Trescott’s concerns, and he would make certain she was made aware when the plans as they come in. He explained the curb cuts were 100% a function of FDOT. Mr. Ervin stated this was a platted right-of-way, meaning in future vacations, whoever adjoins the right-of-way, that property owner would get their fair share of the road.

Commissioner Gillooly thanked staff who she believed addressed the concerns brought up. She explained she considered it important to support this because of the City’s partnership with economic development. Commissioner Gillooly pointed out this was platted land that was not usable in and of itself other than with a concentrated plan to find a viable way to make it commercially successful, which would help the taxpayers.

**Commissioner Kelley moved, seconded by Commissioner Gillooly, to approve Ordinance No. 2007-36, on second reading, as read by title only.**

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

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

Mayor Costello called for a short break at 8:45 p.m. He reconvened the meeting at 8:51 p.m.

Item #9(B) – Calvary Church Comprehensive Land Use Plan Map Amendment

ORDINANCE NO. 2007-39

AN ORDINANCE AMENDING THE COMPREHENSIVE LAND USE PLAN MAP OF THE CITY OF ORMOND BEACH FOR A 10-ACRE PARCEL OF REAL PROPERTY LOCATED AT THE REAR OF THE EXISTING CHURCH AT 1687 WEST GRANADA BOULEVARD (SR40) FROM HIGH DENSITY RESIDENTIAL (HDR) TO TOURIST COMMERCIAL (TC); ESTABLISHING CONDITIONS THEREFOR; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; AND SETTING FORTH AN EFFECTIVE DATE.

**Commissioner Gillooly moved, seconded by Commissioner Partington, to approve Ordinance No. 2007-39, on first and only reading, as read by title only.**

Commissioner Gillooly stated she understood the rationale to go to the tourist commercial zoning, but recommended a better designation be created that would be more logical for a congregation and allow them to meet the goals of such a plan.

Mayor Costello concurred with Commissioner Gillooly.

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

Mr. Watts stated discussions have occurred with Volusia County regarding the theoretical traffic impacts of the small portion of the building that would be on the ten acre unincorporated parcel. He advised a cap on the total number of daily trips was discussed. Mr. Watts explained the map would have a notation relative to the cap, but they did not want to include this with the permanence of a deed restriction.

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

Item #9(C) – Calvary Church Rezoning

ORDINANCE NO. 2007-40  
AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF ORMOND BEACH TO REZONE A 10-ACRE PARCEL OF REAL PROPERTY LOCATED TO THE REAR OF THE EXISTING CHURCH AT 1687 W. GRANADA BOULEVARD (SR40) FROM URBAN MULTI-FAMILY RESIDENTIAL (R-6) TO HIGHWAY TOURIST COMMERCIAL (B-7); REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; AND SETTING FORTH AN EFFECTIVE DATE.

**Commissioner Kelley moved, seconded by Commissioner Gillooly, to approve Ordinance No. 2007-40, 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

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

Item #9(D) – “Capital Plaza” Rezoning

ORDINANCE NO. 2007-41  
AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF ORMOND BEACH BY REZONING A 2.73-ACRE PARCEL OF REAL PROPERTY LOCATED AT 298 & 300 SOUTH NOVA ROAD FROM B-8 (COMMERCIAL) WITH A PLANNED BUSINESS DEVELOPMENT OVERLAY TO PBD (PLANNED BUSINESS DEVELOPMENT); APPROVING A DEVELOPMENT ORDER FOR A PLANNED BUSINESS DEVELOPMENT TO BE KNOWN AS “CAPITAL PLAZA” AND ESTABLISHING CONDITIONS THEREFORE; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; AND SETTING FORTH AN EFFECTIVE DATE.

Ms. Patti Ann Welter, 303 Forest Hills Boulevard, expressed concern regarding where the garbage would be placed on the site. She noted the recommended area was acceptable; however, it should be angled away from the development. Ms. Welter stated landscaping was another concern. She reported she did not understand the Planned Business Development (PBD) designation and considered the ordinance to be very vague as to what would be allowed and what would not be allowed.

Mayor Costello stated the information was in the report that was available in the library, the rear of the chambers, and the internet.

Ms. Welter asked what would protect the residents from having a drive-through or a 24-hour restaurant.

Mr. Goss reported when this was first approved several years ago, it had a B-8 designation with a PBD overlay. He stated that overlay was removed, and this ordinance would amend the PBD and rezone the property. Mr. Goss explained the PBD introduces a use that may not otherwise be permitted based on the original rezoning. He advised this was originally approved for office and warehousing, and not for a restaurant; however, there was sufficient parking and facilities to support a restaurant conversion if approved after meeting all of the criteria. Mr. Goss noted the only issue remaining was the dumpster location. He explained Option 1 and Option 2 were approved, but after discussion an Option 3 was suggested. Mr. Goss noted today an Option 4 was recommended due to concerns about traffic while picking up the trash in Option 3. He reported Option 4 would move the dumpster away from the conflicts with the sanitation vehicle and traffic on Moreland. Mr. Goss stated the dumpster would need to be landscaped and slanted to allow the truck to pick it up. He reported this was not related to Phase III, which was the out-parcel. Mr. Goss advised the residents are protected because each time this ordinance was amended, the applicant would have to come back to the Planning Board and the Commission for another series of public hearings.

Mayor Costello noted in this case the PBD was more restrictive than the B-8 designation.

Mr. Mark Baker, 298 South Nova Road, reported he would support the Commission's decision, and the neighborhood was doing a good job for the community. He stated he would prefer Option 2 for the dumpster in that the landscaping for this option would be the best, but he was not opposed to Option 4 and only wanted to move forward.

Commissioner Kelley asked what the reasoning for Option 1 had been.

Mr. Baker stated Option 1 was the original plan, and Option 2 was the location that would be used had the land remained office. He noted he understood the concerns of the residents.

Mr. Andy Thomas, 298 South Nova Road, stated Option 1 was already in existence, and Option 2 was planned after tenants were moved into the building. He reported Option 3 blocked the view of the building at the main entrance. Mr. Thomas agreed Option 4 would work, but indicated Option 2 would be preferable. He advised he wanted to move forward.

**Commissioner Kelley moved, seconded by Commissioner Partington, to approve Ordinance No. 2007-41, on first reading, as read by title only.**

Commissioner Kent noted he agreed that Option 2 was the best option.

Mayor Costello stated a restaurant dumpster was different from office and warehousing in that the restaurant dumpster may produce smells and possibly rats.

Commissioner Kent acknowledged Mayor Costello had a good point, and he concurred.

Commissioner Partington asked what the residents preferred. He noted Option 3 would be the farthest away and have the least visual effect if properly screened.

Mr. Goss stated the access to pick up the trash would be facing the subdivision. He explained the problem with Option 3 was that, depending on the intensity of the traffic at the outparcel and the shopping center in the morning, picking up the garbage could be unsafe; therefore, Option 4 was offered in that it would meet the concerns of the applicant and it would be far enough away from Moreland that it would not be a concern for the residents.

Commissioner Gillooly asked if staff spoke to Ms. Welter today regarding Option 4.

Mr. Goss reported staff visited Ms. Welter late this afternoon to determine if Option 4 would address her concerns, and it did seem to address her concerns. He noted staff also contacted Mr. Thomas who preferred Option 3, while Option 2 was favored by the applicant and restaurant owner.

Mayor Costello summarized that the people on both sides of this issue would prefer something else, but all would accept Option 4, and it would meet the safety criteria.

Commissioner Partington stated Option 4 would be acceptable. He asked Mr. Goss to explain to Ms. Welter how the ordinance incorporates the development order and that it would be legally binding as to the conditions; whereby, Mr. Goss advised staff would explain it to Ms. Welter.

**Commissioner Partington withdrew his second.**

**Commissioner Kelley withdrew his motion.**

**Commissioner Kent moved, seconded by Commissioner Partington, to approve Ordinance No. 2007-41, with Option 4 relative to the placement of the dumpster, 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

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

Item #9(E) – Planned Industrial Development Zoning Districts

ORDINANCE NO. 2007-42  
AN ORDINANCE RELATIVE TO PLANNED INDUSTRIAL DEVELOPMENT (PID) ZONING DISTRICTS, CHAPTER 2, DISTRICT AND GENERAL REGULATIONS, ARTICLE II, DISTRICT REGULATIONS, SECTION 2-37, PLANNED INDUSTRIAL DEVELOPMENT (PID), SUBSECTION C, DIMENSIONAL REQUIREMENTS, OF THE *LAND DEVELOPMENT CODE* BY AMENDING REGULATIONS REGARDING MINIMUM NUMBER OF BUSINESS/INDUSTRIAL USES; REPEALING ALL INCONSISTENT ORDINANCES AND PARTS THEREOF; PROVIDING FOR SEVERABILITY; AND SETTING FORTH AN EFFECTIVE DATE.

**Commissioner Kelley moved, seconded by Commissioner Kent, to approve Ordinance No. 2007-42, on first reading, as read by title only.**

Commissioner Gillooly asked what the original rationale was to make five the minimum.

Mr. Ervin advised he could not explain the original rationale, but it was possibly taken from another entity's Planned Industrial Development (PID) standards. He noted there was no original zoning document and all entities copy portions from other entities, changing the documents to adequately address local needs. Mr. Ervin advised this amendment would provide more flexibility.

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(E).

Item #9(F) – Consistency Between the Comprehensive Plan and the List of Official Zoning Districts

ORDINANCE NO. 2007-43  
AN ORDINANCE RELATIVE TO DISTRICT AND GENERAL REGULATIONS, ARTICLE I, ESTABLISHING OF ZONING DISTRICTS AND OFFICIAL ZONING MAP, AND ARTICLE II, DISTRICT REGULATIONS, SECTIONS 2-02 AND 2-38, OF THE *LAND DEVELOPMENT CODE* BY AMENDING REGULATIONS TO ESTABLISH A CONSISTENCY BETWEEN THE COMPREHENSIVE PLAN AND THE LIST OF OFFICIAL ZONING DISTRICTS AND BY CREATING A NEW SECTION TO BE NUMBERED 2-38, CREATING AND ESTABLISHING MINIMUM STANDARDS AND PROCEDURES FOR A PLANNED MIXED

USE DEVELOPMENT (PMUD) ZONING CLASSIFICATION; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; PROVIDING FOR SEVERABILITY; AND SETTING FORTH AN EFFECTIVE DATE.

**Commissioner Kelley moved, seconded by Commissioner Gillooly, to approve Ordinance No. 2007-43, on first reading, as read by title only.**

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

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

Item #9(G) – Submerged Land

ORDINANCE NO. 2007-44

AN ORDINANCE RELATIVE TO DEFINITIONS, CHAPTER 1, GENERAL ADMINISTRATION, ARTICLE III, DEFINITIONS AND ACRONYMS, SECTION 1-22, DEFINITION OF TERMS AND WORDS, OF THE *LAND DEVELOPMENT CODE* BY AMENDING REGULATIONS TO CLARIFY THAT SUBMERGED LAND CANNOT BE USED TO CALCULATE MINIMUM LOT AREA OR DIMENSIONAL REQUIREMENTS ESTABLISHED IN CHAPTER 2, ARTICLE II, OF THE *LAND DEVELOPMENT CODE* BY ADDING THE TERMS "LAND, SUBMERGED" AND "LOT, AREA;" REPEALING ALL INCONSISTENT ORDINANCES AND PARTS THEREOF; PROVIDING FOR SEVERABILITY; AND SETTING FORTH AN EFFECTIVE DATE.

**Commissioner Gillooly moved, seconded by Commissioner Partington, to approve Ordinance No. 2007-44, 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(G).

Item #10(A) – Development Orders and Concurrency Certificate Expiration Dates

ORDINANCE NO. 2007-37

AN ORDINANCE RELATIVE TO DEVELOPMENT ORDERS AND CONCURRENCY CERTIFICATE EXPIRATION DATES AND THE ADMINISTRATIVE EXTENSION APPROVAL THEREOF, BY AMENDING CHAPTER 1, GENERAL ADMINISTRATION, ARTICLE II, ADMINISTRATION AND ENFORCEMENT, SUBPARAGRAPHS C, EXPIRATION OF A DEVELOPMENT ORDER, D, EXTENSION OF EXPIRATION DATE, AND E, MODIFICATION OF A DEVELOPMENT ORDER, OF SECTION 1-14, DEVELOPMENT ORDERS AND BUILDING PERMITS; AMENDING CHAPTER 1, GENERAL ADMINISTRATION, ARTICLE V, CONCURRENCY MANAGEMENT, SECTION 1-37, EXPIRATION; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; PROVIDING FOR SEVERABILITY; AND SETTING FORTH AN EFFECTIVE DATE.

**Commissioner Kelley moved, seconded by Commissioner Partington, to approve Ordinance No. 2007-37, 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(B) - Increasing the Minimum Water and Sewer Rates

ORDINANCE NO. 2007-38  
AN ORDINANCE AMENDING SECTIONS 22-23, 22-24, AND 22-71 OF CHAPTER 22, WATER AND SEWERS, OF THE CODE OF ORDINANCES, BY INCREASING THE MINIMUM WATER AND SEWER RATES; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; AND SETTING FORTH AN EFFECTIVE DATE.

**Commissioner Partington moved, seconded by Commissioner Kelley, to approve Ordinance No. 2007-38 on second reading, as read by title only.**

Mr. Carl Leidenfrost, 2 Alamanda Drive, recommended this policy be changed. He stated he was being charged for 2,000 gallons when he consistently uses only 1,000 gallons or less. Mr. Leidenfrost pointed out the people should be compensated for conservation.

Mr. Marvin Miller, Riverside Drive, stated there were many inconsistencies in the City's policy. He advised duplexes and triplexes were being punished because businesses were being charged more than single-family homes. Mr. Miller reported rentals cannot be increased to cover these charges because they have to be competitive. He noted people were being conservative and should be charged for consumption.

Mayor Costello asked Mr. Miller to speak to Mr. Paul Lane, Finance Director, regarding this issue.

Commissioner Kelley stated the triplex had one meter with three tenants, which was standard throughout the County. He pointed out people are being billed because they have access to service rather than actual consumption.

Mayor Costello clarified the current structure was based on being billed partially for availability and partially for consumption.

Ms. Caryn Baker, 40 Pine Valley Circle, asked what need the increase would serve and what the amount of the proposed increase was.

Mayor Costello reported all of this information was in the report. He explained \$540,000 was the annual debt service to the water/wastewater capital projects, and \$215,000 was for repair and maintenance costs.

Ms. Baker asked if the rate would roll back once the need for the repair and maintenances costs were met.

Mayor Costello reported he did not foresee that need being met with all of the delayed maintenance that was needed.

Ms. Baker stated that at a time that the residents were in need of financial relief, the people need the leadership to freeze, if not roll back, rates. She reported an increase would be burdensome to most residents and should be avoided.

Mayor Costello stated if the repairs, maintenance, and upgrades could be done without an increase, the Commission would be happy to do so. He noted the structure could be changed later without increasing the revenue received. Mayor Costello stated he was still interested in conservation pricing, and he would like to discuss that issue in the future; however, he was convinced the 5.75% increase was needed, and he was not prepared to redistribute this cost differently at this time.

Commissioner Kelley stated a minimum user of 2,000 gallons or less would pay \$.59 cents more per month under the option being proposed than if Option C were selected. He reported this would increase the ability for the City's reuse, which was making the City more environmentally friendly. Commissioner Kelley stated he believed everyone should be paying for this. He pointed out Ormond Beach already had conservation pricing compared to other cities.

Commissioner Kent stated it was obvious that Ormond Beach was fortunate when comparing Ormond Beach rates with its sister cities' rates. He noted he did not want to raise water rates, but he also did not want to have the problems with the water system as had occurred over a year ago due to the lack of repairs and maintenance. Commissioner Kent agreed this was a tax



increase, but Ormond Beach had galvanized pipes that had to be replaced. He stated he would prefer to restructure the system and consider a 1,000 gallon minimum in the future.

Mayor Costello stated the Commission needed to consider if the minimum was appropriate, and if there should be an access fee line item.

Commissioner Gillooly reported she favored Option B which would spread the increase more fairly and encourage conservation. She advised she agreed the Commission should look at the inconsistencies at a future meeting. Commissioner Gillooly stated there was a greater impact to small rental units than there would be to a major business use in that businesses anticipate utility cost increases.

Commissioner Kelley stated it was \$.33 more for Option B for the smaller user.

Commissioner Gillooly stated the large commercial user would pay \$.80.

Commissioner Kelley advised Memorial Hospital would pay \$23,000 more.

Commissioner Gillooly stated Option B places the focus back on conservation.

Commissioner Kelley stated if the rates would not be spread out across the board, as soon as Memorial Hospital leaves, the City would have to increase the rates again to make up for the loss.

Mayor Costello stated the Commission would be voting on Option A on this motion. He stated he was not certain how the City would pay for the piping, and he would not be surprised to have another increase in the future for the pipe replacement.

Commissioner Partington stated the needs would continue and be growing; therefore, the requested rollback was not likely to occur. He advised the Commission was responsible for maintaining and making certain the system was high quality. Commissioner Partington reported this would be done as efficiently as possible, but there were costs that were increasing. He reported no one likes to increase the fees, but it must be done, and making the improvements now would be less expensive than making them later.

Commissioner Kent concurred with Commissioner Partington. He pointed out there were no water rate increases for years, and now the Commission had to play “catch up.” Commissioner Kent stated there was a great product going out of the plant but through 40 to 50 year old pipes. He noted the Commission set up a fund for renewal and replacement of facilities, and it may be necessary to replace the pipes for future generations.

Mayor Costello stated piping should be on the utility bill rather than on the property taxes. He reiterated the Commission must address the infrastructure issue.

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

Item #11(A) – “River Oaks of Ormond Beach”

RESOLUTION NO. 2007-226

A RESOLUTION APPROVING THE PRELIMINARY PLAT FOR THE “RIVER OAKS OF ORMOND BEACH” SUBDIVISION LOCATED SOUTH OF AIRPORT ROAD, EAST OF I-95, WEST OF THE BROADWATER SUBDIVISION AND NORTH OF THE TOMOKA RIVER; ESTABLISHING CONDITIONS AND EXPIRATION DATE OF APPROVAL.; AND SETTING FORTH AN EFFECTIVE DATE.

**Commissioner Kelley moved, seconded by Commissioner Kent, to approve Resolution No. 2007-226, as read by title only.**

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

Ms. Sue Harpster-McCoy, 290 Military Boulevard, thanked the Commission for the poinsettia her husband received for serving on a City board.

Item #11(C) – Interchange Justification Report Concerning Interstate 95 and US1

RESOLUTION NO. 2007-228

A RESOLUTION ACCEPTING A PROPOSAL FROM REYNOLDS, SMITH AND HILLS, INC., FOR PROFESSIONAL SERVICES REGARDING THE PERFORMANCE OF AN INTERCHANGE JUSTIFICATION REPORT CONCERNING INTERSTATE 95 AND US1; AUTHORIZING THE EXECUTION OF AN AGREEMENT AND PAYMENT THEREFOR; REJECTING ALL OTHER PROPOSALS; AND SETTING FORTH AN EFFECTIVE DATE.

**Commissioner Partington moved, seconded by Commissioner Kent, to approve Resolution No. 2007-228, as read by title only.**

Commissioner Gillooly reported there was a concern regarding the process. She advised that she was informed that steps have been taken to insure that there would be better adherence to the set process to be fair to everyone.

Mayor Costello requested Mr. Ervin explain what had occurred.

Mr. Ervin stated staff followed the process for the selection of a professional consultant for engineering services with a selection committee. He reported by law, minutes were required, and he pushed the button on the recorder, but the recorder did not work properly, and staff was unable to provide an audio of the meeting; however, accurate minutes have been provided. Mr. Ervin noted a consultant expressed concern relative to how her staff was treated and the procedure followed. He assured the Commission the issues had been seriously assessed by staff. Mr. Ervin explained this was the most important project in the Volusia County/Flagler County area, and staff would make every effort to assure this would not occur again. He reported what occurred was valid, and the mistakes were being addressed. He advised the firm selected was the best firm because they have written the manual for the DOT on how to prepare and submit Interchange Justification Reports (IJRs) and Interchange Modification Reports (IMRs). Mr. Ervin stated the competition was fierce, and all were good firms; but this project must go beyond the technical aspect and deal with the Federal Highway Administration, Florida Department of Transportation, and the Federal Department of Transportation. He pointed out Reynolds, Smith and Hills, Inc. (RSH) has been able to do this immediately in Jacksonville and throughout the entire southeast United States. Mr. Ervin advised this was a critical element of some of the transportation needs in the future.

Mr. Turner stated RSH and Ghyabi and Associates both pointed out the City needed more defined procedures in case disputes are raised, and staff was working on this.

Mr. Randal Hayes, City Attorney, stated the issues addressed were technical in nature and most unusual in bids of this sort. He reported from a legal perspective, he was comfortable with staff's recommendation to award the bid. Mr. Hayes advised there was no legal requirement that public meetings be video or audio recorded, but that minutes be taken, and minutes were created from notes. He noted bid submitters offered methods to improve the process in the future.

Mr. Turner assured the Commission that all of the issues that were raised were addressed individually, and he responded to them.

Commissioner Kent asked what would have happened if this resolution did not receive a second tonight.

Mr. Ervin stated the federal money would go back to the federal government, because if the bid was not awarded, they would have wanted to know why the bid was rejected.

Mr. Turner stated this money was earmarked for Ormond Beach by Representative Mica. He reported if Ormond Beach did not receive this money and the City would have to go through the normal process, it would not be available because funding has dried up. Mr. Turner noted if the City would have had to go through the normal process, it would take another five to ten years to arrive at this point, and then only if it would have been approved to that point; and the interchange itself had a 30 year horizon. He pointed out this project has been fast tracked; it

was being done the right way; and while there was a technical “glitch” with the recorder, written minutes do exist, which was what was required. Mr. Turner advised nothing improper has occurred, and he recommended the Commission proceed.

Mr. Ervin stated at this point, given the financial feasibility of the long range transportation plan for Volusia County’s Metropolitan Planning Organization, 10 to 15 years would be inaccurate because the City would need to prove the City had the financial feasibility to do the project tomorrow, which was the reason a company such as RSM was selected. He advised there was a certain amount of engineering and modeling, but a critical element that RSM has been able to accomplish with other projects, particularly along the I-95 and I-10 corridor in the Jacksonville area, was to secure the non-technical aspects such as the funding, feasibility, and partnerships that have made similar projects successful.

Mr. Hayes stated this bid protest was not normal. He stated, typically, if there was an irregularity with a bid that was substantive in nature where the Commission would reject the bid, the scope of work would be changed, and it would then go out for bid again to allow an even field for everyone. Mr. Hayes noted the problem with the concept was that there was no way to change the scope of work in a manner that would make it competitive to everyone. He advised a good argument could be made that this would put RSM at a competitive disadvantage. Mr. Hayes reiterated he was comfortable with the review given and the recommendation to proceed.

Mayor Costello summarized that if Ormond Crossings were to proceed, the Commission needed to approve this resolution.

Mr. Ervin reported he would not characterize this that by not voting for this would endanger Ormond Crossings; but it would endanger the I-95 improvements at US1. He clarified that there was an existing analysis that showed improvements were needed at US1 regardless of Ormond Crossings. Mr. Ervin advised DOT District 5 was waiting for Ormond Beach to proceed because they are aware they do not have the money for the improvements and were relying on Ormond Beach’s success to receive the federal earmark to get the needed improvement.

Mayor Costello noted without the interchange, the industrial aspect of Ormond Crossings would be slowed down.

Commissioner Gillooly stated because of reasons articulated, and due to the City Attorney’s assurance, she could move forward and support this resolution.

Commissioner Kelley questioned why it took three months to respond after the bid and seven months to come to the Commission considering the importance of this issue.

Mr. Turner explained the initial call that came in late May had a different issue raised, and in June or July he received a list of issues to address after he believed he had addressed the initial complaint. He noted at that point he made a list of all of the issues and had to then interview individuals and investigate each issue. Mr. Turner stated he believed the initial issue was the treatment of staff members during the panel discussions, but the target changed. He reported from August to now, staff investigated the processes, and discussions with attorneys on both sides occurred trying to find solutions. Mr. Turner advised he wanted to clarify the issue as much as possible before coming to the Commission. He noted the issues were very cumbersome and complicated.

Commissioner Kelley asked Mr. Hayes if he could defend a legal challenge.

Mr. Hayes advised this decision was very defensible and winnable although he could never guarantee any outcome in any case. He stated there was no specific legal authority directly on point on the technical aspects of the irregularities; therefore, a great deal of research was necessary. Mr. Hayes pointed out this research and investigation took time to navigate through the complexity of the issues.

Commissioner Kelley asked why the scope of service would have to be revised to justify a rebid at which time the funding would have been lost.

Mr. Hayes stated unlike most bids where the scope of work can be changed, this was a solicitation of proposals for profession services; and the scope of work was defined by DOT, so the City could not reshape the scope. He reported the nature of the issues came to the forefront after the selection committee had made their decision and after some negotiations had occurred; therefore, it would put RSH at a competitive disadvantage should it be rebid.

Commissioner Partington stated he would not get into the side issues and would vote on what was before the Commission tonight. He noted this was important, and he would support it.

Commissioner Gillooly stated should there be a lawsuit, there was just as much of a chance that RSH would have an issue that the City would be impacting the competitive nature of the process.

Mr. Hayes concurred that Commissioner Gillooly was correct, and he reiterated he was comfortable with the decision.

Mayor Costello stated he spoke to Ms. Miriam Ghyabi of Ghyabi and Associates and an attorney representing her, and he was disappointed her company did not get the bid; but he was pleased staff selected who they believed was the best for the job. He noted he was disappointed incidents had occurred, but he agreed that this was a unique situation.

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

Item #12(B) – Establishment of a Non-Ad Valorem Assessment Fire Fee

Mayor Costello stated if the CPI was 3% and the firefighters were paid an additional 4%, then that 1% was being taken out of other portions of the budget. He explained with a fire fee, when the fire costs increased 4%, the fire fee would be increased 4%, and other parts of the budget would not be depleted. Mayor Costello noted a fire fee would show the citizens the true cost. He clarified this was a revenue neutral fire fee as opposed to what other communities were doing to try to raise money. Mayor Costello stated funding for a new fire truck, paramedic, or other fire need would also come from the fire fee. He noted this would be helpful if there were ever a call for unification, coordination, or joining in services. Mayor Costello reported he favored all who receive fire services paying a fire fee including non-profits and governments. He stated he would not oppose a lower fee for non-profits, but all should pay. Mayor Costello asked the Commission whether they were interested in delving into this issue because a letter must be prepared to allow the Commission to make a decision by March 2008.

Mr. Paul Lane, Finance Director, reported staff needed to send a letter to the Property Appraiser to obtain an extension to March 1, 2008, at which time a Resolution of Intent would need to be passed to use a uniform method of collection, and then staff must proceed with calculating the fee.

Commissioner Gillooly reported she was interested in exploring this issue. She questioned when this would need to be on the agenda for discussion and if it would have two phases of discussion.

Mr. Lane recommended considering this as two issues. He stated one issue was going through the process to use the property tax bill to collect the fee. Mr. Lane noted this must be in place with a Resolution of Intent by March 1. He advised the other issue was proceeding with the calculation of the assessment, which would probably be approved in June or early July.

Commissioner Gillooly noted churches and non-profits are exempted from property taxes. She questioned if disabled citizens who are exempted from property taxes would be charged the fire fee. Commissioner Gillooly requested seeing the numbers for exempted and non-exempted property owners to determine the impact on all of the residents.

Mr. Lane stated any assessments must be derived from the general revenues.

Mayor Costello stated by exempting certain people, other people were being forced to pay for their portion.

Commissioner Kent agreed to investigate the issue. He stated if it were to pass, it must be fair.

Commissioner Kelley reported it did not seem to go far enough because the total cost of providing fire service was \$8 million, and the City would only be able to redistribute \$3 million.

Mayor Costello noted he would speak to Mr. Lane relative to that issue. He stated a certain number of personnel were needed for fire; the City would not need that amount for emergency

medical; the City must have fire houses when the ambulances could be on street corners; and the City would not need as many paramedics and could just have firefighters.

Mr. Lane stated a consultant would analyze this, and it would depend on the type of calls.

Mayor Costello noted he respectfully disagreed, noting merely because the people use the medical more did not mean the City did not have to be staffed for fire. He stated it was the cost of providing fire services that the City can charge for, and the cost existed whether used or not. Mayor Costello noted this could have a more thorough discussion at a later time.

Commissioner Partington stated he was willing to look at it.

Commissioner Kelley stated this was not the answer to the problems of equity in taxing. He noted discussions involved the best delivery of services, which was consolidation, and it would eventually have to be explored.

Mayor Costello asked that a letter be sent to the Property Appraiser to obtain an extension.

#### Item #12(C) – Seabreeze High School/Harvard Drive Beach Approach Parking

Commissioner Kent thanked the Commission for postponing this issue at the last meeting until his return. He stated driving was a privilege and not a right. Commissioner Kent advised the report indicated the requirements for a parking pass were a 2.5 grade point average minimum, no disciplinary action, and a \$25 fee. He stated the report advised there were adequate parking spaces on campus for the students who qualify and have paid for the pass, while the students parking on the Harvard approach were probably not eligible for an on-campus pass, and the businesses would not be interested in the students parking on their sites due to the lettering and loitering. Commissioner Kent reported he was told sophomores can not have a parking pass, but he could not confirm that statement was accurate. He advised he was informed there was a minimum of 20 open parking places at the school every day. Commissioner Kent summarized Ormond Beach residents and visitors cannot park in the 48 parking spaces ten months out of the year because students are not allowed to park on campus or at the businesses. He advised this was not completely Ormond Beach's problem. Commissioner Kent commended the school for keeping parking a privilege, but the residents and visitors should not have to suffer by not being able to utilize those parking spaces. He reported he favored a creative approach to work with the County, and recommended signage that indicated Monday through Friday there was a two-hour parking limit. Commissioner Kent advised he was not against the students, and they should be able to park; but the residents and visitors also need that right. He urged something be done about this issue.

Commissioner Kelley questioned how many students park at the approach and why they were parking there. He reported he did not believe there was adequate parking at the school.

Commissioner Kent stated the lifeguard and toll booth attendant were the only ones parking at the approach other than the students. He noted there were available spaces at the school parking lot, but the school was not letting them park.

Commissioner Kelley stated this was the School Board's problem, or fault, and they should provide the solution.

Commissioner Kent agreed it was the School Board's problem, their fault, and they should provide the solution; but they were not willing to solve the problem.

Ms. Judy Sloane, Public Works Director, reported she received the information on the parking passes from Principal Wallace. She stated she spoke to Ms. Judy Conte regarding the purchase of the property and the lack of interest from the School Board.

Commissioner Kent stated the School Board's view was that they provide bussing; there was adequate parking; and that was the end of their responsibility; but there was an unintended consequence that the residents have to deal with, and it was just not fair. He reiterated something must be done.

Mayor Costello suggested the Neighborhood Improvement personnel conduct a survey indicating the City was contemplating two hour maximum parking and asking who this action would impact; whether the person parking was a Seabreeze High School student; and why the students were not parking on campus. He suggested it make clear if the survey was not responded to, the two-hour parking would go into effect.

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Commissioner Kent stated he believed there was a survey by one person working in the area and another by a resident. He noted it would be obvious how many were students that were parking on the approach by just watching them come in.

Mayor Costello clarified he wanted to know why the students were parking there.

Commissioner Gillooly stated she believed a reason may be because it was “cool” to park on the approach. She noted the school does not see this as a problem. Commissioner Gillooly reported this was the City’s problem. She questioned the need to send staff out for more information and recommended checking out the City’s options to place a time limit on parking.

Commissioner Partington reported he preferred a survey. He stated there were many possible solutions, but the Commission needed documented, factual information before moving forward.

Police Chief Michael Longfellow stated Mr. Wallace stated the empty spaces were due to absenteeism. He explained students would prefer to park off campus so they could cut class because they can not get off campus during school hours.

Mr. Turner reported staff would have to research how much authority the City would have over that area.

Mayor Costello requested the Commission submit information they would like to see in a survey since three Commission members expressed an interest in conducting a survey. He stated if the City had no jurisdiction, nothing could be done.

Mr. Turner stated the City could still have conversations with the School Board.

Mr. Clark Rohmer asked to speak.

Mayor Costello noted a decision was not made so Mr. Rohmer would not be permitted to speak.

Commissioner Kent requested allowing Mr. Rohmer to speak in that he stayed to this late hour to be heard.

Mayor Costello noted if the Commission wanted to allow Mr. Rohmer to speak, he would allow him to speak. He explained he was merely enforcing the will of the Commission.

Mr. Clark Rohmer, 843 Marvin Road, reported this was a continuing problem, and a survey was not necessary. He stated the City needed to force the School Board to act or put up the two-hour signs. Mr. Rohmer advised the students park in Bennigan’s parking lot, the A1A parking places, and behind Olive Garden.

Mayor Costello noted when something was done at the Harvard approach, the students would be parking in front of the residences making the residents upset.

Commissioner Kent stated the residents could then call the School Board asking them to provide parking. He advised he had received many complaints about this issue.

Mayor Costello summarized that the Commission gave instruction to staff to find out more information.

Mr. Rohmer read a statement relating to the difficulty his wife encountered in trying to find a parking place in that general vicinity to access the beach.

Mayor Costello noted all were in agreement there was a problem.

#### Item #12(D) – Advisory Board Nominations

Mayor Costello reported Mr. Jim Greenless and Mr. Richard Brookfield were willing to serve on the Affordable/Attainable Housing Task Force.

Commissioner Gillooly stated there was no response from Mr. Robert Pralle and Mr. William McGrane was willing to serve on the Affordable/Attainable Housing Task Force in his place.

Mayor Costello noted with Ms. Erlene Turner there were now four people to replace the three people who were not interested in continuing on the Affordable/Attainable Housing Task Force and the one who did not respond. No alternate suggestions were offered.

Mayor Costello reported the two “at large” appointments on the Development Review Board and on the Environmental Advisory Board were willing to continue to serve. Hearing no other nominations they would be reappointed.

Commissioner Gillooly stated she did not have an opportunity to speak to Mr. Bill Jennings as to his willingness to serve on the General Employees’ Pension Board.

Commissioner Kelley noted Mr. Jennings indicated he may be willing to serve on the Budget Advisory Board, but he did not pursue the issue as he did not have any appointments available.

Mayor Costello requested Ms. Veronica Patterson, City Clerk, check to determine if Mr. Jennings was willing to serve. He noted Ms. Bev Grissom was willing to fill the vacant position on the Historic Landmark Preservation Board. No other nominations were made for the Historic Landmark Preservation Board, Municipal Firefighters’ Pension Board, or Planning Board. Mayor Costello stated while he was not excited about the attendance records of some of the Quality of Life Advisory Board members, he reappointed them because they bring something special to the board; however, if attendance does not improve, and the Commission had concerns, the issue could be discussed. He asked Ms. Patterson to provide a letter to anyone who missed over three meetings indicating that the Commission valued their service, but there was a rule where board members would be removed from boards with three absences; however, the Commission was willing to waive the rule at this time, but the board members should be willing to attend the scheduled meetings.

Commissioner Kent stated he had an opening on the Quality of Life Advisory Board and asked if anyone knew of someone who would be willing to serve in that capacity.

Commissioner Gillooly stated Dr. Gerald Woodard may be interested in serving on the Quality of Life Advisory Board, and she believed he resided in Zone 2.

Mayor Costello asked Ms. Patterson to also contact Dr. Woodard to be certain he would be willing to serve. He advised he would be willing to continue to serve on the MPO.

Commissioner Kent requested a break from serving on the Ormond Main Street board. He noted he served for four years and would prefer someone else serve on the board.

Commissioner Gillooly reported she would be willing to serve on the Ormond Main Street board because of her previous background with the board, and a portion of the downtown was in Zone 1.

Commissioner Kelley advised he would continue to serve on WAV.

Mayor Costello stated Ms. Patterson would call the two prospective board members, and if either preferred not to serve, he asked her to send the Commission an e-mail requesting they seek another appointment. He reported he was grateful Mr. Eugene Miller accepted his request to serve on the Budget Advisory Board.

#### Item #12(E) – Naming of Parks and Recreational Facilities

Mayor Costello stated the Quality of Life Advisory Board and Recreation Advisory Board recommended no change be made relative to naming the parks and recreational facilities.

#### Item #13 – Reports, Suggestions, Requests

##### Fire Station #91 Playground Dedication

Commissioner Kent thanked Fire Chief Barry Baker for his idea of the playground, Leisure Services Director David Abee for his incredible staff, and the City Commission for their support for the Fire Station #91 playground. He reported a Commission member can not do anything without the support of at least two other Commission members, and he thanked the Commission for seeing this as a serious need in the Zone 2 beachside. Commissioner Kent noted this was money well spent.

##### Special Needs Population Social/Dance

Commissioner Kent stated last Friday his daughter volunteered, and they went to Nova Recreation for a special needs population social/dance. He advised this was a great program and important to the special needs population. Commissioner Kent urged continued support of these types of programs.

Planning Department Customer Service

Commissioner Kent expressed appreciation for the Planning Department customer service. He noted Mr. Spraker met with a resident at 4:30 p.m. today explaining Option 4 relative to the “Capital Plaza” rezoning.

Submerged Boat

Commissioner Kent thanked staff for removing the submerged boat from the river.

Procedural Rules

Commissioner Kent thanked the Commission for waiving the procedural rule not allowing members of the public to speak during discussion items when a vote was not being taken. He noted Mr. Rohmer was in the audience from 7:00 p.m. to 11:00 p.m. to be heard for three minutes, and he would have been very disappointed had he not had the opportunity to speak.

Serving on Advisory Boards

Commissioner Kent thanked the people for serving on City advisory boards. He noted these people do not get paid for the time they spend at the meetings and in preparation and only receive a poinsettia at Christmas as a token of the City’s appreciation. Commissioner Kent stated the City and Commission owed these generous people their thanks. He also thanked the Commission members for attending events in the City and working on boards such as MPO, VCOG, and WAV. Commissioner Kent thanked Commissioner Gillooly for taking over the Ormond Main Street board, stating he was hoping she would volunteer for that position.

Commissioner Kelley also thanked the people for serving on the City advisory boards. He noted he received e-mails, letters, and calls thanking the Commission for the poinsettia plant.

Water Plant

Commissioner Partington stated he was excited about what was happening at the water plant. He advised Ormond Beach’s water plant was on the cover of the St. Johns River Water Management District newsletter. Commissioner Partington thanked Ms. Judy Sloane, Public Works Director, for all her work at the water plant, and he looked forward to the water quality reports.

Thanking Staff

Commissioner Partington thanked staff for their assistance on a myriad of issues, particularly the dumpster issue at “Capital Plaza.”

Serving on Boards

Commissioner Gillooly also thanked the people for serving on the City advisory boards. She stated she had the privilege of working with Mr. Thames and Ms. Robinson on the Historic Landmark Preservation Board prior to her service on the Commission. Commissioner Gillooly reported history was very important.

Walking on Golf Courses

Commissioner Gillooly stated it was not unconstitutional to mandate golf cart use and not allow walking on the golf course, but she asked if there could be a certain time when it was not as busy to set aside to allow people to walk on the golf course. She advised she was not asking for lengthy reports but only to ask a few questions to determine if it were possible to allow walking at certain times.

Commissioner Kelley pointed out some times there was a half mile distance between the tees and the hole.

Commissioner Gillooly noted she did not perceive this to be a hindrance for someone wanting to walk.

Mr. Turner stated he could take anyone interested out to Riverbend Golf Course to show the uniqueness of the course that would make walking impractical. He noted if more than one Commission member wished to go, they could go with different staff members.

Mayor Costello offered Commissioner Gillooly to bring the subject up again after her tour with Mr. Turner if she felt the need to do so.

Ormond Main Street

Commissioner Gillooly reported she looked forward to working with Ormond Main Street and appreciated the opportunity.



Mr. Ervin

Mr. Turner formally thanked Mr. Ervin for coming back to the City and stated that he appreciated working with him.

Mayor Costello stated he also appreciated Mr. Ervin's service to the City and wished him well.

Boundless Playground

Mayor Costello reported Mr. Rick Boehm discussed trying to obtain private funding to build a "boundless playground."

Nova Recreation

Mayor Costello stated he received a phone call thanking the City for paving the road and eliminating the pot holes at the Nova Recreation Center.

Miss Florida

Mayor Costello stated he forwarded a letter from Miss Florida thanking the City for how well she was treated at the holiday parade. He advised Miss Florida indicated she goes to many places for different events and was never treated better.

Moving the Boat

Mayor Costello asked if the Port Authority paid to remove the boat; whereby, Mr. Turner indicated the Port Authority paid to have the boat removed.

Significant Goals

Mayor Costello stated *Hometown News* asked him, as Mayor, what resolutions he may have for the City. He requested the Commission provide significant goals, apart from those noted at the goal-setting meeting, at the next meeting.

Holidays

The Commission and staff wished everyone a happy holiday.

Item #14 - Close the Meeting

The meeting was adjourned at 11:29 p.m.

APPROVED: January 8, 2007

BY: Fred Costello, Mayor

ATTEST:

Veronica Patterson, City Clerk