

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

**January 17, 2006 7:00 p.m.**

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

**A G E N D A**

- 1) Meeting call to order by Mayor Costello.
- 2) Invocation.
- 3) Pledge of Allegiance.
- 4) Approval of the Minutes of the January 3, 2006, meeting.
- 5) **PRESENTATIONS:**
  - A) Employee-of-the-Quarter award to Sam West.
  - B) Presentation of Plaques to the following advisory board members:
    - Sean Daly for service on the Planning Board.
    - Harold Briley for service on the Planning Board and Development Review Board.
    - Mary Ellen Speidel for service on the Quality of Life Advisory Board.
    - Jane Robinson for service on the Quality of Life Advisory Board.
  - C) Presentation of "HOMe for the HOLIDAYS" awards.
  - D) Presentation of PACE Community Partner of the Year Award.
  - E) Promotions - Corporal Michelle Gaden and Corporal Jim Doggett.
- 6) **INTERGOVERNMENTAL REPORTS:**
  - A) Metropolitan Planning Organization
  - B) Volusia Council of Governments
  - C) Water Authority of Volusia
- 7) **CONSENT AGENDA:** The action proposed is stated for each item on the Consent Agenda. Unless a City Commissioner removes an item from the Consent Agenda, no discussion on individual items will occur and a single motion will approve all items.
  - A) Resolution No. 2006-23 authorizing and directing the submittal and execution of amendments to the Community Development Block Grant Subrecipient Agreements for

Fiscal Years 2003-2004, 2004-2005 and 2005-2006 between the City of Ormond Beach and the County of Volusia.

- B) Resolution No. 2006-24 accepting the bid of Ball Products, Inc., regarding the provision of construction services at the Airport Sports Complex under Bid No. 2006-04; rejecting all other bids; authorizing the execution of a contract between the City and Ball Products, Inc., and payment thereunder. (\$31,705)
- C) Resolution No. 2006-25 accepting the bid of P&S Paving, Inc., regarding the provision of construction services regarding the Nova Road Recreational Facility Infrastructure Improvements project under Bid No. 2006-05; rejecting all other bids; authorizing the execution of a contract between the City and P&S Paving, Inc., and payment thereunder. (\$597,281.25)
- D) Resolution No. 2006-26 authorizing the execution of a Utility Takeover Agreement between the City and Ormond Airport Hangars, Inc.
- E) Resolution No. 2006-27 authorizing the execution of an Impact Fee Reimbursement Agreement between the City and Ormond Ocean Venture, LLC, relative to a sewer force main extension along Ocean Shore Boulevard near the “Capriana Condominium.” (\$121,080)
- F) Resolution No. 2006-28 authorizing the execution of a Quitclaim Deed in favor of Richard R. and Susan Rivers, releasing a portion of a 15 foot drainage and utility easement located along the rear of Lot 68, Tomoka Oaks, Unit 7-C, Subdivision (3 Sherwood Court).
- G) Resolution No. 2006-29 authorizing the execution of a Quitclaim Deed in favor of Hull Road, LLC, releasing a portion of an un-platted 50 foot easement on property located on Block 1, of an unrecorded plat of Tomoka Heights, a Subdivision of Section 38, Township 14 South, Range 32 East (873 Hull Road); reserving certain easements.
- H) Resolution No. 2006-30 authorizing the acceptance of a Sidewalk Easement Deed from Howard L. Shaw and Geneva M. Shaw on property located on the east side of US1 along Lincoln Avenue. (\$8,400)
- I) Resolution No. 2006-31 accepting the donation of a Police K-9 Unit; authorizing the expenditure of \$5,600 from the Federal Law Enforcement Confiscation Fund for initial costs for the newly established unit.
- J) Resolution No. 2006-32 urging members of the Florida Legislature to support certain issues during the 2006 legislative session.
- K) Emergency Management Competitive Grant Program applications:
  - 1) Resolution No. 2006-33 authorizing the submittal of a grant application to the State of Florida Department of Community Affairs, Division of Emergency Management, under the Emergency Management Competitive Grant Program for miscellaneous expenses associated with the Fire Corps Program. (\$6,000 total grant - no matching City funds)
  - 2) Resolution No. 2006-34 authorizing the submittal of a grant application to the State of Florida Department of Community Affairs, Division of Emergency Management, under the Emergency Management Competitive Grant Program for the purchase of public notification signs. (\$250,000 total project - \$125,000 matching City TIF funds)
- L) Approval of travel by City Commissioners and the City Manager to attend the National League of Cities 2006 Congressional City Conference in Washington, D.C. on March 3-11, 2006, and for the City Manager to attend the National Forum for Black Public Administrators National Conference in Ft. Worth, Texas, on April 8-12, 2006.

**DISPOSITION:** Approve as recommended in City Manager memorandum dated January 12, 2006.

8) **PUBLIC HEARINGS:**

A) North Mainland/Ormond Crossings Community Redevelopment Area:

- 1) Resolution No. 2006-35 of the City Commission of the City of Ormond Beach, Volusia County, Florida, providing for the Findings of Necessity relating to the existence of one (1) or more conditions of blight in certain areas of the City of Ormond Beach; providing for the establishment of a Community Redevelopment Area; providing for other findings; providing for implementation; repealing Resolution No. 2005-13 in its entirety.
- 2) Resolution No. 2006-36 of the City Commission of the City of Ormond Beach, Volusia County, Florida, providing for the creation of a Community Redevelopment Agency; providing for Findings; providing for implementation and providing for an effective date.
- 3) Ormond Crossings redevelopment plan:
  - a) Review by the Community Redevelopment Agency
  - b) Recess the City Commission meeting and convene as the City of Ormond Beach Community Redevelopment Agency.
  - c) Review the Ormond Crossings Redevelopment Plan.
  - d) Adjourn as the Community Redevelopment Agency and reconvene the City Commission meeting.
- 4) Resolution No. 2006-37 of the City Commission of the City of Ormond Beach, Volusia County, Florida, also acting as the Community Redevelopment Agency of the City approving and adopting the Master Redevelopment Plan for the North Mainland/Ormond Crossings Community Redevelopment Area; implementing actions taken by the City Commission in Resolution Number 2006-36; further implementing the provisions of the Community Redevelopment Act of 1969 (as amended); providing for legislative findings; providing for definitions; providing for capital projects and programs to be implemented as part of the said redevelopment plan; repealing Resolution No. 2005-111 in its entirety; providing for conflicts; providing for severability; and providing for an effective date.

B) Resolution No. 2006-38 authorizing the transmittal of various amendments to the City of Ormond Beach Comprehensive Plan. (First Cycle 2006 Comp Plan Amendments)

- 1) Speno/Paul Property: Amending the Future Land Use Element (Map) to change the future land use from Volusia County "Rural" and "Environmental Systems Corridor" to Ormond Beach "Suburban Low Density Residential" and "Open Space/Conservation" (37.9 acres).
- 2) River Oaks: Amending the Future Land Use Element (Text): Adding a new policy to establish a maximum density for the River Oaks property located south of Airport Road, east of I-95, west of the Broadwater subdivision and north of the Tomoka River.
- 3) Manatee Protection Plan: Amending the Conservation Element (Text): Amending Policies 6.1.18 and 6.1.26 to adopt the Manatee Protection Plan for Volusia County.

C) Resolution No. 2006-39 relative to the "Breakaway Trails" Development of Regional Impact; amending the Development Order to extend the project build-out date for Phase III from December 30, 2003, to December 30, 2008; ratifying and confirming the Development Order.

D) Ordinance No. 2005-62 amending Paragraph C, Zoning Map, of Section 2-01, Establishment of Zoning Districts and Official Zoning Map, of Article I, Establishment of Zoning Districts and Official Zoning Map, of the *Land Development Code*, by amending the Official Zoning Map to rezone certain real property from Volusia County RPUD (Residential Planned Unit Development) to City of Ormond Beach PRD (Planned Residential Development). (Second Reading) (River Oaks property)

E) Ordinance No. 2005-63 amending Subsection A, Zoning Map and Zoning District, of Article I, Establishment of Zoning Districts and Official Zoning Map, of the *Land*

*Development Code*, by amending the Official Zoning Map to rezone a 3.54-acre parcel of real property from SR (Suburban Residential) to PBD (Planned Business Development), said real property being located on the north side of Hand Avenue, south of The Falls manufactured home community, west of an existing mobile home park, and east of the Coquina Point Subdivision; establishing boundaries; authorizing revision of Official Zoning Map; approving a Development Order for “1425 Hand Avenue Centre,” Planned Business Development; repealing all inconsistent ordinances or parts thereof. (Second Reading) (1425 Hand Avenue)

- F) Ordinance No. 2005-64 amending Chapter 2, District and General Regulations, Article VI, Overlay District, Section 2-72, Airport Overlay District, of the *Land Development Code* by amending the Airport Overlay District; repealing all inconsistent ordinances or parts thereof. (Second Reading)
- G) Ordinance No. 2005-67 amending Sections 22-23, 22-24, and 22-71 of Chapter 22, Water and Sewers, the Code of Ordinances, by increasing the minimum water and sewer rates; repealing all inconsistent ordinances or parts thereof. (Second Reading)
- H) Ordinance No. 2006-01 amending Subsection A, Zoning Map of Chapter 2, district and General Regulations, Article I, Establishment of Zoning Districts and Official Zoning Map, Section 2-03, Official Zoning Map and Zoning District, of the *Land Development Code*, by amending the Official Zoning Map to rezone 3.12-acres of real property from B-6 (Oceanfront Tourist Commercial) and B-7 (Highway Tourist Commercial) to PBD (Planned Business Development), said real property being located at 707 and 656 South Atlantic Avenue/A1A; establishing boundaries; authorizing revision of Official Zoning Map; approving a Development Order for the “Parc at Ormond Beach,” Planned Business Development. (First Reading)

9) **SECOND READING OF ORDINANCES:**

- A) Ordinance No. 2005-65 changing the names of “Lindenwood Circle East” and “Lindenwood Circle West” to “Lindenwood Circle South,” said street being located north of the intersection of McIntosh Road; repealing all inconsistent ordinances or parts thereof; providing for transmittal and recording in the public records of Volusia County.
- B) Ordinance No. 2005-66 naming the Wal-Mart secondary access road and the main access road for the Bermuda Estates Development to be “Bermuda Estates Drive.”

10) **FIRST READING OF ORDINANCES:**

- A) Ordinance No. 2006-02 amending Chapter 3, Performance Criteria, Article V, Utility and Infrastructure Design Standards, Section 3-58, Drainage Systems, of the *Land Development Code* by creating design standards for wet retention ponds.
- B) Ordinance No. 2006-03 amending Chapter 2, District and General Regulations, Article III, General Regulations, Section 2-50, Accessory Uses, of the *Land Development Code* by creating regulations to ensure proper placement and operation of donation bins used by charitable, non-profit organizations as accessory uses.

11) **RESOLUTION** No. 2006-40 approving and authorizing the execution of an Interlocal Bulk Water and Wastewater Treatment Service Interim Agreement for the Hunter’s Ridge Development in Flagler County between the City of Ormond Beach and Flagler County.

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 Martin Roberts, Church of God by Faith, gave the invocation.

Item #3 - Pledge of Allegiance

Mayor Costello led the Pledge of Allegiance.

Item #4 – Approval of Minutes

Mayor Costello advised the minutes of the January 3, 2006, regular meeting had been sent to the Commissioners for review and asked if there were any corrections, additions, or omissions.

**Mayor Costello asked if there was any objection to approving the minutes as submitted. Hearing none, he declared the minutes approved as submitted.**

Mayor Costello announced that Item #8H was being withdrawn.

Item #5(A) – Employee-of-the-Quarter Award to Sam West

Mr. Isaac Turner, City Manager, announced that Mr. Sam West was selected as the Employee-of-the-Quarter. He stated Mr. West had been with the City for 15 years, originally in the Parks and Recreation Department, and now was a Senior Meter Reader. Mr. Turner reported Mr. West had been instrumental in a number of fund-raising activities for charitable causes. He stated Mr. West was a very diligent worker.

Mayor Costello congratulated Mr. West and presented him with two plaques to be placed on display at City Hall honoring him as the Employee-of-the-Quarter, along with a watch with the City seal on its face. He thanked Mr. West for all he does for Ormond Beach.

Item #5(B) – Presentation of Plaques to Advisory Board Members

Mayor Costello presented plaques to Sean Daly for his service on the Planning Board since 1987, Harold Briley for his service on the Planning Board and Development Review Board since 1996 and the Beautification Board since 1994, and Mary Ellen Speidel, and Jane Robinson for their service on the Quality of Life Advisory Board since 1996. He stated these are the type of people who make Ormond Beach a wonderful City, and they are greatly appreciated.

Item #5(C) – Presentation of “HOMe for the HOLIDAYS” Award

Mayor Costello stated Mr. Brian Daly, the parade chairman, had been involved with the HOMe for the HOLIDAYS parade for over ten years.

Mr. Brian Daly reported the 15th annual HOMe for the HOLIDAYS parade was held this year in conjunction with Ormond Main Street's tree lighting ceremony. He thanked Dorian Burt, Executive Director of Ormond Main Street. Mr. Daly also thanked Denis Bells with the Halifax Area Baptist Churches for providing carolers, a live nativity scene, and refreshments. He reported there were 80 entries and 2,400 people participating in the parade. Mr. Daly thanked the committee and specifically honored a number of citizens and employees who worked hard to make the parade a success.

Mr. Daly reported Pathways Elementary was awarded first prize, the Volusia County Beach Patrol was awarded the second prize, and Ron Johnson (classic car) was awarded the third prize in the Vehicles Division. He stated the Goldettes Twirl Team was awarded the first prize, the Cub Scout Pack #403 was awarded the second prize, and the Holly Hill Drill Team was awarded the third prize in the Walkers Division. Mr. Daly stated the Ormond Beach Leisure Services Department was awarded the first prize, Aberdeen was awarded the second prize, and the Riverbend Community Church was awarded the third prize in the Floats Division. He advised Seabreeze High School FFA was awarded the “Best Overall” designation.

Ms. Lorry Garafolo, President of the Ormond Beach Chamber of Commerce, stated the City of Ormond Beach, Department of Leisure Services, was awarded the Ormond Beach Chamber of Commerce Cup trophy.

Item #5(D) – Presentation of PACE Community Partner of the Year Award

Ms. Carol Wick, Executive Director of PACE, introduced Andrea Kurak, the new board president. She stated the staff and officials of Ormond Beach have been very professional, helpful, and friendly while PACE was involved in its major renovation project. Ms. Wick acknowledged various citizens who had been very helpful to PACE. She presented a Community Partner-of-the-Year award to the City officials and staff for their help in achieving PACE's goal to help their girls succeed. Ms. Wick reported that PACE had spent \$220,000 in

Phase 1 of the renovation, which was mostly in-kind and donated revenue. She announced the ribbon cutting was scheduled for February 24 and invited everyone to attend.

Item #5(E) – Promotions - Corporal Michelle Gaden and Corporal Jim Doggett

Police Chief Larry Mathieson introduced Claudia DiNardo, the new Victim Advocate, and two new police officers: Officer Christopher McIlrath and Officer Robert Boleak.

Chief Mathieson announced the promotion to Corporal by Michelle Gaden and Jim Doggett.

Item #5.1 – Audience Remarks

Policies and Procedures for Commission Meetings

Mayor Costello reported the following were policies and procedures the Commission adopted for the next two years. He stated that as mayor, he was the presiding officer of the City Commission proceedings, and it was his responsibility to implement the policies of the Commission and to preserve order and decorum in the meetings.

Mayor Costello explained that as to the “Audience Remarks” portion of the agenda, audience remarks would be limited to five minutes or less and may be about any item not on the printed agenda for that meeting. He noted comments should be addressed to him as the presiding officer. Mayor Costello reported personal attacks on character or motive, impertinent or slanderous remarks, or boisterous or offensive language would not be allowed or tolerated. He stated no reference, by name, to any individual present or absent, including Commission members and City staff, shall be used in a derogatory or offensive manner. Mayor Costello reported redundant or repetitive remarks were deemed to have a dilatory effect on the expeditious and orderly process of conducting the meeting and would not be allowed. He explained this “Rule of Two” means that after an individual had spoken about something twice, the Commission did not need to hear it again. Mayor Costello stated audience members may request, prior to the meeting, that any member of the Commission remove one or more agenda items from the consent agenda in order to offer comments on that particular item at the time it was being considered by the Commission.

Mayor Costello reported as to items under the “Resolutions or Ordinances” portion of the agenda, audience comments should be confined to the subject at issue and should be confined to five minutes or less. He explained audience comments are not allowed under the “Discussion Items” or the “Reports, Suggestions, Requests” portion of the agenda unless the Commission would decide to vote on a particular matter. Mayor Costello noted that if the Commission would decide to vote on a matter, the audience would be given an opportunity to provide comments, and the comments should be limited to five minutes or less and be confined to the subject at issue.

Mayor Costello reported residents may present information to the Commission at times other than at the Commission meeting, but after information had been presented on a specific item, the Commission would not need to hear the same information at the Commission meeting. He clarified that all of the Commission members were accessible, and the public was welcome to present any items at any time other than at the Commission meetings.

Water Issues

Mr. Joe Bourassa, Daytona Beach, stated the water rate increase seemed to be necessary. He reported he would like to speak about the water plant.

Mayor Costello stated Mr. Bourassa spoke about the water plant previously and under the new rules he would not be able to discuss the same information presented previously. He explained Mr. Bourassa would be able to present information to the Commission outside of the City Commission meetings, but he would not allow issues discussed previously to be discussed again.

Mr. Bourassa stated he would discuss other water issues. He noted there was a very important WAV vote coming shortly. Mr. Bourassa provided a chart describing weather characteristics where the area was in warm and wet periods. He reported the area was experiencing 9.47% more rain than normal in the last five years, which provided plenty of aquifer water and caused flooding. Mr. Bourassa stated the WAV study was out of line from the reality of the last five years. He stated there was no water crisis and asked the City to urge WAV to take the most economical approach possible.

Animal Control Ordinance

Ms. Janet Narushka, 357 Collins Street, stated this summer Mayor Costello urged a committee be formed to review the current animal control laws in Ormond Beach. She presented the results of the committee meetings and recommendations for revisions to the current laws. Ms. Narushka requested a meeting with Mayor Costello and the City Attorney to present their recommendations.

Mayor Costello stated if the Commission wanted to place this item on the agenda, the City Manager would schedule the item. He urged Ms. Narushka to check with Mr. Turner in a week or so to determine the status of this item.

Truth

Mr. Lawrence Cook, 1529 North Beach Street, stated he wished to speak regarding truth.

Mayor Costello noted the Commission would not hear the same issues he had mentioned previously.

Impact Fee

Mr. Preston Freburger, Ormond-by-the-Sea, stated he had been purchasing Ormond Beach water for 38 years. He stated impact fees should pay for growth.

Mayor Costello stated the City was examining all impact fees including water and sewer impact fees. The Mayor reported he had indicated previously that he personally wanted the highest legitimate impact fees so growth would pay for itself. Mayor Costello pointed out this opinion was not a unanimous Commission position.

Sewer System in Saddler's Run

Mr. Mike Demchak, 71 Sounders Trail Circle in Saddler's Run, stated Saddler's Run had a pep tank sewer system which continually backed up, polluting the nearby pond. He stated the City maintains the lift station, and when a backup occurs the City makes minor adjustments alleviating the problem temporarily. Mr. Demchak pointed out this could create a health problem to the children in the park and nearby residents. He reported the Health Department and the State Department of Environmental Protection would check the pond for pollution. Mr. Demchak questioned why the City continued to issue building permits if the sewer system could not handle what currently existed. He stated funds from building permits, impact fees, and increased real estate taxes should be sufficient to pay for the water and sewer needs and a fee increase would not be necessary. Mr. Demchak recommended developing a citizen "think tank" to review these issues, and they could propose ideas to the Commission.

Mayor Costello asked Mr. Demchak to contact him via e-mail relative to ideas to save money. He recommended Mr. Demchak contact Ms. Judy Sloane, Public Works Director/City Engineer, regarding Saddler's Run, and she would report to the Commission.

Mr. William Kushin, 83 Sounders Trail Circle, expressed concern regarding the responses residents received when the City was notified about the backup problems. He stated this area needed a more thorough cleanup. Mr. Kushin expressed concern regarding the short-term environmental impact on the area.

Commissioner Kelley stated he brought this issue up several months ago, and it should have been addressed.

Mayor Costello stated Ms. Sloane would provide a report to the Commission.

Fluoridation

Mr. Jim Schultz, 117 Harbor Drive, stated the Nestle Corporation indicated it did not recommend the use of any fluoridated water in its formula.

Visibility on the Corner of Harvard Drive and Oleander Place

Mr. Schultz stated there was a visibility problem on the corner of Harvard Drive and Oleander Place. He reported some modifications were made, but it did not alter the basic concept, and it was still not safe.

Mayor Costello stated this would be examined, and options would be provided to the Commission.

Item #6(A) Metropolitan Planning Organization

Mayor Costello stated that at a Metropolitan Planning Organization (MPO) meeting, the Ormond Crossings interchange was the main issue, but progress has not been made to date.

Item #6(B) Volusia Council of Governments

Mayor Costello reported the Volusia Council of Governments (VCOG) would meet on Monday. He stated he would mention the problem with dispatch as witnessed at the fire at Police Chief Larry Mathieson's home. Mayor Costello reported he attended a Mayor's Institute for Disaster Training seminar today, and several senior staff members may be invited to a similar seminar on Thursday.

Item #6(C) – Water Authority of Volusia

Commissioner Kelley stated Mr. Bourassa mentioned issues in his comments that he planned to present in this report. He noted there would be an important Water Authority of Volusia (WAV) meeting tomorrow when the Master Plan would be presented. Commissioner Kelley reported that he would meet with Mr. Turner, Assistant City Manager Ted MacLeod, Ms. Sloane, and Utilities Manager Tim Sheahan on Friday to update them on the issues. He noted there was a question regarding the legality of whether Daytona Beach could withdraw from WAV.

Audience Remarks

Mayor Costello urged the Commission members to inform him at the end of this or any other meeting if they believed he gave too much or too little latitude to anyone making audience remarks.

Item #7 - Consent Agenda

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

**Commissioner Partington moved, seconded by Commissioner Kent, for approval of the Consent Agenda as submitted.**

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

Mayor Costello reported that the City would save \$265,000 under Item #7(C) relative to the Nova Road recreational facility infrastructure improvements.

Item #8(A) – Ormond Crossings

Mayor Costello explained the City Commission would address the Findings of Necessity and establish the Community Redevelopment Area by Resolution No. 2006-35, which was a public hearing. He stated by approving Resolution No. 2006-36 a Community Redevelopment Agency would be created with the City Commission sitting as that agency, which would also be a public hearing. Mayor Costello noted that as the Community Redevelopment Agency, the Commission must review the Ormond Crossings Redevelopment plan prior to the Commission's public hearing on the redevelopment plan. He explained after Resolution No. 2006-36 was approved, the City Commission meeting would be recessed, and the Commission would convene a meeting of the Community Redevelopment Agency (CRA). Mayor Costello stated the CRA would review the plan and make a recommendation, after which the CRA would be adjourned and the City Commission meeting would reconvene to hold the public hearing on this item.

Item #8(A)(1) – Providing for Findings of Necessity

RESOLUTION NO. 2006-35  
A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF ORMOND BEACH, VOLUSIA COUNTY, FLORIDA, PROVIDING FOR THE FINDINGS OF NECESSITY RELATING TO THE EXISTENCE OF ONE (1) OR MORE CONDITIONS OF BLIGHT IN CERTAIN AREAS OF THE CITY OF ORMOND BEACH; PROVIDING FOR THE ESTABLISHMENT OF A COMMUNITY REDEVELOPMENT AREA; PROVIDING FOR OTHER FINDINGS; PROVIDING FOR IMPLEMENTATION; REPEALING



RESOLUTION NO. 2005-13 IN ITS ENTIRETY; AND SETTING FORTH AN EFFECTIVE DATE.

Mayor Costello stated this was a public hearing and asked if anyone wished to address this item. Seeing none, he asked for a motion on the resolution.

**Commissioner Kelley moved, seconded by Commissioner Kent, to approve Resolution No. 2006-35, 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 #8(A)(1).**

Item #8(A)(2) – Providing for the Creation of a Community Redevelopment Agency

RESOLUTION NO. 2006-36  
 A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF ORMOND BEACH, VOLUSIA COUNTY, FLORIDA, PROVIDING FOR THE CREATION OF A COMMUNITY REDEVELOPMENT AGENCY; PROVIDING FOR FINDINGS; PROVIDING FOR IMPLEMENTATION AND PROVIDING FOR AN EFFECTIVE DATE.

Mayor Costello stated this was a public hearing and asked if anyone wished to address this item. Seeing none, he asked for a motion on the resolution.

**Commissioner Kent moved, seconded by Commissioner Partington, to approve Resolution No. 2006-36, 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 #8(A)(2).**

Mayor Costello called for a recess of the City Commission meeting at 7:55 p.m.

Item #8(A)(3) – Ormond Crossings Redevelopment Plan

Mayor Costello called the Community Redevelopment Agency meeting to order and asked if anyone had any questions, comments, or concerns they wished to address to the Community Redevelopment Agency.

**Commissioner Kelley moved, seconded by Commissioner Gillooly, to approve the Ormond Crossings Redevelopment Plan.**

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

Mayor Costello adjourned the Community Redevelopment Agency meeting and reconvened the City Commission meeting at 7:57 p.m.

Mayor Costello thanked City Clerk Veronica Patterson and City Attorney Randy Hayes for their guidance through this complex procedure.

**Hearing no objection, Mayor Costello closed the public hearing on Item #8(A)(3).**

Item #8(A)(4) – Master Redevelopment Plan for the North Mainland/Ormond Crossings Community Redevelopment Area

RESOLUTION NO. 2006-37

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF ORMOND BEACH, VOLUSIA COUNTY, FLORIDA, ALSO ACTING AS THE COMMUNITY REDEVELOPMENT AGENCY OF THE CITY APPROVING AND ADOPTING THE MASTER REDEVELOPMENT PLAN FOR THE NORTH MAINLAND/ORMOND CROSSINGS COMMUNITY REDEVELOPMENT AREA; IMPLEMENTING ACTIONS TAKEN BY THE CITY COMMISSION IN RESOLUTION NUMBER 2006-35; FURTHER IMPLEMENTING THE PROVISIONS OF THE COMMUNITY REDEVELOPMENT ACT OF 1969 (AS AMENDED); PROVIDING FOR LEGISLATIVE FINDINGS; PROVIDING FOR DEFINITIONS; PROVIDING FOR CAPITAL PROJECTS AND PROGRAMS TO BE IMPLEMENTED AS PART OF THE SAID REDEVELOPMENT PLAN; REPEALING RESOLUTION NO. 2005-111 IN ITS ENTIRETY; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

**Commissioner Partington moved, seconded by Commissioner Kelley, to approve Resolution No. 2006-37, 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 #8(A)(4).**

Item #8(B) – First Cycle 2006 Comp Plan Amendments

RESOLUTION NO. 2006-38

A RESOLUTION AUTHORIZING THE TRANSMITTAL OF VARIOUS AMENDMENTS TO THE CITY OF ORMOND BEACH COMPREHENSIVE PLAN; AND PROVIDING FOR AN EFFECTIVE DATE.

Mr. Aiden Magee, Environmental Action Committee, Inc., for Volusia/Flagler, stated he would address the development proposed on Tymber Creek Road. He explained City staff recommended approval, but the City's advisory committee recommended denial. Mr. Magee urged Ormond Beach to lead Volusia County in aggressively addressing environmental issues, using smart growth and calling a halt to out-of-control-growth. He stated the Commission had a duty to protect the wetlands and forests for future generations. Mr. Magee reported Tymber Creek Road was currently too congested, and new growth would make the situation worse. He stated the definition of smart growth in the Smart Growth report was flawed, and the City Commission must decide on a correct definition and lead the City toward the true goals of smart growth. Mr. Magee noted the County would only allow one unit per acre while Ormond Beach would allow many more.

Mayor Costello stated neither the environmental community nor the developers like the smart growth plan; therefore, it was probably working well. He reported the urban growth boundaries straw ballot was flawed because it did not explain that no more growth would be accepted outside of the urban growth boundary, and inside that boundary increased growth would be accepted. Mayor Costello noted to protect rural lands, the City must decide what lands would be suitable for development. He explained there were no specific densities included because it was based on holding capacity.

**Commissioner Kelley moved, seconded by Commissioner Partington, to approve Resolution No. 2006-38, as read by title only.**

Commissioner Kelley stated this item was not to approve development plans. He noted the Planning Board vote was three-to-three. Commissioner Kelley reported this would set the designation in the Comprehensive Plan. He noted the Commission was very aware of the traffic at the intersection of Airport Road and Tymber Creek Road. Commissioner Kelley noted when

this development was annexed into the City, he had pointed out that the roads could not carry the development. He explained this action would change the land from the County designation to a comparable Ormond Beach designation and would not automatically allow any development to occur.

Commissioner Gillooly thanked Mr. Magee for his e-mail and comments. She concurred with Commissioner Kelley that this was not approving a development, merely changing the zoning. Commissioner Gillooly stated the maximum allowable for this zoning was 128 sites, but the developer already self-imposed a limit of 55 units.

Mr. Michael Boucher, Chief Planner, advised this would approve a future land use as part of a package that would go to the Department of Community Affairs (DCA) for final approval, and the Commission would have to then review the Planned Residential Development (PRD), which would tie the land to a specific number of units. He reported this area had always contemplated to be within the urban service boundary, and this process was consistent with the Comprehensive Plan. Mr. Boucher reported the landowner chose to come into the City, accepting the City's wetland standards rather than going to the County to develop and intrude into the wetlands with mitigation because it would be permitted in the County. He stated this would allow an applicant to prove his plans would be able to be held on the property, which was called a holding capacity analysis. Mr. Boucher noted the landowner also agreed to await the County improvements for Tymber Creek Road. He reported the landowner has complied with every intent and spirit of the Comprehensive Plan and annexed first.

Commissioner Gillooly asked if this were approved, if the landowner would be legally permitted 128 sites if he could prove the area could hold the 128 sites.

Mr. Boucher stated the holding capacity analysis would set a theoretical maximum, but the developer would also have to meet the City's minimum lot sizes.

Commissioner Gillooly questioned how the people are notified such projects would come before the Commission.

Mr. Boucher stated that when the rezoning would come to the Commission everyone within a 300-foot radius would be notified, signs would be posted, and advertisements would be posted in the newspaper. He noted this occurred prior to the Planning Board meeting and also before the first and second reading before the Commission.

Commissioner Gillooly questioned if Bear Creek residents were notified.

Mayor Costello reported Bear Creek was not within 300 feet.

Commissioner Gillooly asked if the 300-foot rule would negate the notification in that others who would be impacted by the traffic would not be notified.

Mr. Boucher reiterated the requirements were for notification in a 300-foot radius, posted signs, and newspaper advertisements.

Commissioner Gillooly questioned if the City could examine the possibility of increasing the size of the signs.

Mr. Boucher noted this had not been considered in the past, but could certainly be considered if it were the will of the Commission.

Mayor Costello urged general questions, such as amending notice requirements, be addressed at the end of the meeting during Commission comments.

Commissioner Gillooly stated the report indicated that had the land stayed in the County, the land would most likely have been rezoned, allowing a greater density, but would have had to go to the County Council for approval.

Mr. Boucher concurred that it would have gone through the County system rather than the City system; however, the County allows impacts in the wetlands while the City does not allow wetlands to be impacted.

Commissioner Gillooly stated she was impressed by the diversity of the members of the Smart Growth Committee, and many concerns were addressed. She noted the plan indicated an interlocal agreement between the County and the cities where the same restrictions would be met.

Mayor Costello concurred that the County and City would both have to agree to a plan.

Commissioner Gillooly reiterated her concern that tonight's vote was on the land use, but that it would go to the Planning Board or Commission when a specific project was submitted.

Mr. Boucher explained it would come back to the Planning Board and possibly the Development Review Board and then on to the Commission for two hearings.

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 #8(B).**

Item #8(C) – “Breakaway Trails” Development of Regional Impact

RESOLUTION NO. 2006-39

A RESOLUTION RELATIVE TO THE “BREAKAWAY TRAILS” DEVELOPMENT OF REGIONAL IMPACT; AMENDING THE DEVELOPMENT ORDER TO EXTEND THE PROJECT BUILD-OUT DATE FOR PHASE III FROM DECEMBER 30, 2003, TO DECEMBER 30, 2008; RATIFYING AND CONFIRMING THE DEVELOPMENT ORDER; AND SETTING FORTH AN EFFECTIVE DATE.

**Commissioner Kelley moved, seconded by Commissioner Kent, to approve Resolution No. 2006-39, 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 #8(C).**

Item #8(D) – River Oaks Property Zoning

ORDINANCE NO. 2005-62

AN ORDINANCE AMENDING PARAGRAPH C, ZONING MAP, OF SECTION 2-01, ESTABLISHMENT OF ZONING DISTRICTS AND OFFICIAL ZONING MAP, OF ARTICLE I, ESTABLISHMENT OF ZONING DISTRICTS AND OFFICIAL ZONING MAP, OF THE *LAND DEVELOPMENT CODE*, BY AMENDING THE OFFICIAL ZONING MAP TO REZONE CERTAIN REAL PROPERTY FROM VOLUSIA COUNTY RPUD (RESIDENTIAL PLANNED UNIT DEVELOPMENT) TO CITY OF ORMOND BEACH PRD (PLANNED RESIDENTIAL DEVELOPMENT;) REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; AND SETTING FORTH AN EFFECTIVE DATE.

**Commissioner Kelley moved, seconded by Commissioner Partington, to approve Ordinance No. 2005-62, 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 #8(D).**

Item #8(E) – 1425 Hand Avenue Zoning

ORDINANCE NO. 2005-63

AN ORDINANCE AMENDING SUBSECTION A, ZONING MAP, OF SECTION 2-03, OFFICIAL ZONING MAP AND ZONING DISTRICT, OF ARTICLE 1, ESTABLISHMENT OF ZONING DISTRICTS AND OFFICIAL ZONING MAP OF THE LAND DEVELOPMENT CODE, BY AMENDING THE OFFICIAL ZONING MAP TO REZONE A 3.54-ACRE PARCEL OF REAL PROPERTY FROM SR (SUBURBAN RESIDENTIAL) TO PBD (PLANNED BUSINESS DEVELOPMENT), SAID REAL PROPERTY BEING LOCATED ON THE NORTH SIDE OF HAND AVENUE, SOUTH OF THE FALLS MANUFACTURED HOME COMMUNITY, WEST OF AN EXISTING MOBILE HOME PARK, AND EAST OF THE COQUINA POINT SUBDIVISION; ESTABLISHING BOUNDARIES; AUTHORIZING REVISION OF OFFICIAL ZONING MAP; APPROVING A DEVELOPMENT ORDER FOR “1425 HAND AVENUE CENTRE,” PLANNED BUSINESS DEVELOPMENT; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; AND SETTING FORTH AN EFFECTIVE DATE.

**Commissioner Kelley moved, seconded by Commissioner Kent, to approve Ordinance No. 2005-63, on second reading, as read by title only.**

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

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

Item #8(F) – Amending the Airport Overlay District

ORDINANCE NO. 2005-64

AN ORDINANCE AMENDING CHAPTER 2, DISTRICT AND GENERAL REGULATIONS, ARTICLE VI, OVERLAY DISTRICT, SECTION 2-72, AIRPORT OVERLAY DISTRICT, OF THE *LAND DEVELOPMENT CODE* BY AMENDING THE AIRPORT OVERLAY DISTRICT; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; PROVIDING FOR SEVERABILITY; AND SETTING FORTH AN EFFECTIVE DATE.

**Commissioner Partington moved, seconded by Commissioner Kent, to approve Ordinance No. 2005-64, 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 #8(F).**

Item #8(G) – Increasing the Minimum Water and Sewer Rates

ORDINANCE NO. 2005-67

AN ORDINANCE AMENDING SECTIONS 22-23, 22-24, AND 22-71 OF CHAPTER 22, WATER AND SEWERS, 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.

Mr. Richard Street, 610 South Ridgewood Avenue, stated last year he used 14,000 gallons of water, but paid for 24,000 gallons. He recommended the minimum water usage be changed to 1,000 gallons.

Mayor Costello noted the minimum usage in Orlando was 8,000 gallons. He noted a 2,000 gallon minimum was low compared to other areas.

**Commissioner Partington moved, seconded by Commissioner Gillooly, to approve Ordinance No. 2005-67, on second reading, as read by title only.**

Commissioner Gillooly stated that there was a legitimate reason for this increase. She reported there were much needed updates to the system, and additional safety factors that need to be addressed and require the additional funds. Commissioner Gillooly stated considering the disaster that recently occurred in Daytona Beach, safety was a very important factor. She noted the studies provided have proved this increase was necessary. She pointed out that this plan provided some savings and acknowledgements for those who conserve water.

Commissioner Kelley stated he originally opposed this, but acknowledged it was necessary. He noted that by serving on WAV he had learned that by expanding the water plant, receiving the Consumptive Use Permit, and making the safety improvements, Ormond Beach would be able to provide for the City's water needs to 2025 regardless of what should transpire with WAV, which was an important point. Commissioner Kelley pointed out the money was better spent now than later when it would cost more. He explained the City was under the authority of the Health Department regulations.

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 #8(G).**

Item #8(H) – “Parc at Ormond Beach,” Planned Business Development

Mayor Costello asked Mr. Hayes if anything needed to be done formally with this item in that it was withdrawn by the applicant.

Mr. Randall Hayes, City Attorney, recommended a motion to postpone the item for a date certain or indefinitely.

Mr. Rob Merrill, Cobb and Cole, reported the applicant withdrew the application completely; therefore, there would be no date certain involved.

Mayor Costello recommended that in incidents where the applicant withdraws a request, it would be withdrawn and no motion would be needed. He noted should the applicant wish to bring the item back, they would be required to go through the entire process again. No objection was voiced from the Commission.

Item #9(A) – Changing the names of “Lindenwood Circle East” and “Lindenwood Circle West” to “Lindenwood Circle South”

ORDINANCE NO. 2005-65  
AN ORDINANCE CHANGING THE NAMES OF “LINDENWOOD CIRCLE EAST” AND “LINDENWOOD CIRCLE WEST” TO “LINDENWOOD CIRCLE SOUTH,” SAID STREET BEING LOCATED NORTH OF THE INTERSECTION OF MCINTOSH ROAD; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; PROVIDING FOR TRANSMITTAL AND RECORDING IN THE PUBLIC RECORDS OF VOLUSIA COUNTY; AND SETTING FORTH AN EFFECTIVE DATE.

**Commissioner Kelley moved, seconded by Commissioner Gillooly, to approve Ordinance No. 2005-65, 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

Mr. Frank Sterbenz, 161 Lindenwood Circle South, thanked the Commission for approving this ordinance, which solved a difficult problem. He explained the subdivision of Woodmere South had four corners even though it was a circle. Mr. Sterbenz reported the problem had been that on the south side, the City and tax assessor designated the street Lindenwood South, while the 911 and election representatives have designated everything from MacIntosh toward the ocean as Lindenwood East and the opposite side as Lindenwood West. He thanked Mr. MacLeod, Planning Director Clay Ervin, and Senior Planner Doug Gutierrez for bringing this item to the Commission, and he thanked the Commission for approving this ordinance.

Item #9(B) – Naming “Bermuda Estates Drive”

ORDINANCE NO. 2005-66  
 AN ORDINANCE NAMING THE WAL-MART SECONDARY ACCESS ROAD AND THE MAIN ACCESS ROAD FOR THE BERMUDA ESTATES DEVELOPMENT TO BE “BERMUDA ESTATES DRIVE;” AND SETTING FORTH AN EFFECTIVE DATE.

**Commissioner Kelley moved, seconded by Commissioner Kent, to approve Ordinance No. 2005-66, on second reading, as read by title only.**

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

Item #10(A) – Creating Design Standards for Wet Retention Ponds

ORDINANCE NO. 2006-02  
 AN ORDINANCE AMENDING CHAPTER 3, PERFORMANCE CRITERIA, ARTICLE V, UTILITY AND INFRASTRUCTURE DESIGN STANDARDS, SECTION 3-58, DRAINAGE SYSTEMS, OF THE *LAND DEVELOPMENT CODE* BY CREATING DESIGN STANDARDS FOR WET RETENTION PONDS; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; PROVIDING FOR SEVERABILITY; AND SETTING FORTH AN EFFECTIVE DATE.

**Commissioner Gillooly moved, seconded by Commissioner Partington, to approve Ordinance No. 2006-02, on first reading, as read by title only.**

Commissioner Kelley noted he and Mr. Boucher had a conversation earlier today.

Mr. Boucher explained Commissioner Kelley expressed concern regarding the term “free-form” which was added in the language, and he concurred that the term should probably be removed because the term “non-geometric” would prevent ponds that do not appear natural. He stated the term “free-form” was more difficult to define. Mr. Boucher reported the term “wet retention pond” would more accurately be called “detention ponds,” and he recommended these two amendments be made to the ordinance.

**Mayor Costello noted the aforementioned amendments were being accepted by Commissioner Gillooly, as the maker of the motion, and Commissioner Partington, as the Commission member who seconded the motion.**

Commissioner Kent thanked Ms. Rita Press for bringing this item forward.

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

Item #10(B) – Donation Bins Used by Charitable, Non-Profit Organizations

ORDINANCE NO. 2006-03  
 AN ORDINANCE AMENDING CHAPTER 2, DISTRICT AND GENERAL REGULATIONS, ARTICLE III, GENERAL REGULATIONS, SECTION 2-50, ACCESSORY USES, OF THE

*LAND DEVELOPMENT CODE BY CREATING REGULATIONS TO ENSURE PROPER PLACEMENT AND OPERATION OF DONATION BINS USED BY CHARITABLE, NON-PROFIT ORGANIZATIONS AS ACCESSORY USES; 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. 2006-03, on first reading, as read by title only.**

Ms. Rita Press, 875 Wilmette Avenue, stated the number of bins in the community has been increasing a great deal recently, and she has witnessed a great deal of debris around these bins. She explained that while these bins should be strictly for charitable, non-profit organizations, she recently discovered that some bins were collected by for-profit foreign corporations disguised as a non-profit organization. Ms. Press stated this issue needed further investigation, and she believed the suggestions made by the Planning Director were good. She reported while she would prefer no bins be permitted, if they are to be permitted, they should at least be monitored and only accepted by non-profit "501C3" organizations.

Commissioner Kent noted page four of the staff report indicated the owner of the property was responsible for maintenance. He asked if there would be fines levied if the property owner did not maintain the bins. Commissioner Kent reported the staff report also indicated the donation bins must be painted with natural earth tones or pastel colors. He recommended deleting the option for pastel colors.

Commissioner Kelley questioned if legislating the color of the bins was essential in that these were to be charitable organizations who were trying to help people in need, and painting the bin could be costly.

Mr. Boucher explained the rationalization was that the City takes great effort in making certain sites were developed according to certain architectural styles, and the bins should match that architectural style. He noted pastels were permitted colors in virtually all of the architectural styles and consistent with the Land Development Code. Mr. Boucher explained staff would use the "501C3" designation as part of the documentation that must be shown before a bin would be permitted.

Commissioner Kelley noted the organization would also need permission from the owner of the land where the bin would be placed. He pointed out that the Salvation Army bins were generally red, and he stated he would hesitate to restrict colors that may be used due to the added expense of changing the color of the bins.

Commissioner Gillooly stated once an organization had proven they were a legitimate charitable organization, they should be able to keep their colored bins because certain charities are identified by their logo and the color of their bins.

**Commissioner Kelley moved, seconded by Commissioner Gillooly, to remove the qualification relative to colored bins.**

Commissioner Partington concurred with staff the color should be consistent with the project where the bin was located.

Mr. Hayes reported this amendment would eliminate Subsection Three in Section One of the ordinance. He advised that under the Code, not properly maintaining a bin would be considered a Class One fine carrying a \$50 fine for a first offense and \$100 for repeat offenses.

Mayor Costello concurred with Commissioner Partington. He explained he would vote against this amendment because he preferred the bins would appear more like the development where they were located. Mayor Costello stated he would be receptive to a motion to place bins at locations such as at the City's Fleet facility or at City Hall so the City could have better control over the bins, and the charity could use any color they wanted; however, if the bin was in other areas within the City, they would be required to be in harmony with their surroundings.

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



Commissioner Partington stated there was no definition for a non-profit, charitable organization; therefore, the Planning Director would interpret the code. He noted Mr. Ervin’s intent was to require a 501C3 designation.

**Commissioner Partington moved, seconded by Commissioner Kent, to amend Paragraph 6 to require sponsoring agencies to provide proof of being a 501C3 organization in order to place donation bins in the City.**

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

Mayor Costello asked staff to make the Commission aware if they should receive applications from organizations without the 501C3 status for Commission consideration.

Commissioner Gillooly recommended restricting the location rather than restricting the color. She noted most legitimate bins would be located in supermarket parking lots or larger public areas as opposed to smaller developments where the architectural standards were more important.

Mayor Costello reiterated he would prefer the bins in the Fleet facility rather than throughout the community, and the City could promote the location to make citizens aware of the location.

Mr. Boucher reported bins were restricted to certain zones, and there were also specific physical location restrictions on the site.

Commissioner Kent agreed with Mayor Costello’s suggestion and questioned what would have to be done to implement his recommendation.

Commissioner Kelley recommended tabling the issue tonight or defeating it and bringing it back.

Mayor Costello noted it may not be possible to place the bins at Fleet, but it should be somewhere the City could monitor the situation. He stated he welcomed staff input.

Mr. Turner recommended allowing staff to research the situation and bring recommendations back to the Commission at a later date.

**Commissioner Kelley moved, seconded by Commissioner Gillooly, to table Item 10(B) until the City Manager brings it back to the Commission for consideration.**

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

Item #11 – Interlocal Bulk Water and Wastewater Treatment Service Interim Agreement

RESOLUTION NO. 2006-40

A RESOLUTION APPROVING AND AUTHORIZING THE EXECUTION OF AN INTERLOCAL BULK WATER AND WASTEWATER TREATMENT SERVICE INTERIM AGREEMENT FOR THE HUNTER’S RIDGE DEVELOPMENT IN FLAGLER COUNTY BETWEEN THE CITY OF ORMOND BEACH AND FLAGLER COUNTY; AND SETTING FORTH AN EFFECTIVE DATE.

**Commissioner Kelley moved, seconded by Commissioner Gillooly, to approve Resolution No. 2006-40, as read by title only.**

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

Mayor Costello thanked staff for the working diligently for a long time to arrive at the agreement.

Item #12 – Reports, Suggestions, Requests

Thanking David Abee

Commissioner Kent reported how refreshing and pleasant it was that jobs under Interim Leisure Services Director David Abee's direction were being performed so well. He thanked Mr. Abee for stepping into this leadership role.

Minimum Water Usage

Commissioner Kent requested a study regarding the possibility of reducing the minimum water usage to 1,000 gallons, including all of the possible ramifications. He noted this study would not need to have an extremely high priority, but he would like to see the results of such a study.

Coffee-with-the-Commissioner

Commissioner Kent invited everyone to attend his "Coffee-with-the-Commissioner" on February 6 at 4 p.m. at his residence at 130 Magnolia Drive.

Traffic Concerns on Magnolia Drive, Valencia Drive, and Ormond Parkway

Commissioner Kent expressed concerns regarding the traffic on Magnolia Drive, Valencia Drive, and Ormond Parkway. He stated hospital employees use this route as a cut-through to the hospital. Commissioner Kent noted complaints were made previously; someone spoke to the hospital employees; and the problem stopped for a few weeks, but the problem continually recurs. He stated while he did not want these streets closed, he wanted the problem corrected. Commissioner Kent requested information regarding "Keep Kids Alive, Drive 25" signs and possible speed bumps for this area to provide a long-term solution to this problem.

Welcome Commissioner Gillooly

Commissioner Kent welcomed Commissioner Gillooly to the Commission.

Goal-Setting Meetings

Commissioner Kelley thanked the City Manager and staff for their preparation for the goal-setting meetings.

Staff Response

Commissioner Kelley thanked Mr. Boucher for his quick responses to his questions.

Military in Iraq

Commissioner Kelley stated the Commission indicated that anyone who had served in Iraq would be honored at a Commission meeting. He reported he had two friends whose children were going to Iraq in February and March. Commissioner Kelley requested these soldiers be honored before leaving for Iraq.

Mayor Costello concurred with Commissioner Kelley.

Water Issue

Commissioner Kelley stated Mr. Joe Bourassa took a portion of the CDM report he planned to provide to the Commission and presented highlights from that report along with some of his own information on the water issue. He noted WAV was not planning to consider the climactic changes, but may now do so. Commissioner Kelley stated CDM offered to make a presentation to the Commission, but he urged them to delay the presentation until after the meeting tomorrow and the meeting with Mr. Turner when a more detailed report on WAV issues could be presented.

Welcome Commissioner Gillooly

Commissioner Partington welcomed Commissioner Gillooly to the Commission. He noted Commissioner Gillooly brought a new approach and was a great addition to the Commission.

Commission Packet

Commissioner Partington stated the Commission packet was getting larger, and it would be easier to carry a compact disc rather than the huge books. He reported he could supply his own laptop computer if necessary. Commissioner Partington stated he would continue to urge that this technology be utilized.

#### Ormond Crossings

Commissioner Partington stated staff did a huge amount of work on the Ormond Crossings issue. He thanked staff for directing the Commission in the proper process to follow. Commissioner Partington stated changes in the law and changes in the technical specifications were required; therefore, it needed to come back to the Commission although there was not much new information included.

#### Central Park

Commissioner Partington stated the walking trails at Central Park were close to completion and were already being used. He reported this would increase property values and tie into the County-wide trails system, making them a great asset to the City.

#### Fire Station 92

Commissioner Partington stated the grand opening for Fire Station 92 would be occurring soon.

#### Thanking Staff

Commissioner Partington thanked staff for answering many of his questions prior to the meeting, which avoided time being spent at the Commission meetings answering his questions.

#### Commissioner Gillooly's First Full Meeting

Commissioner Gillooly thanked the Commission and audience for their patience during her first full Commission meeting. She stated she certainly learned a great deal, noting the large size of the packet information provided. Commissioner Gillooly thanked staff for responses to her questions and the great amount of detail in the packet, which was very helpful.

#### Notification Signs

Commissioner Gillooly recommended examining the possibility of enlarging rezoning notification signs.

#### Goal-setting Meeting

Commissioner Gillooly thanked staff for all the preparation work for the Commission's goal-setting workshop. She stated this was a great way to start the year, hearing from her fellow Commission members, learning what priorities they deem to be most important to achieve, attempting to better understand each other, and voicing the concerns each had for their perspective zones.

#### NAACP Celebration

Commissioner Gillooly thanked staff and the local branch of the NAACP for the celebration and breakfast that was held yesterday at the South Ormond Neighborhood Center. She stated there was a true determination to be assured the legacy of Dr. Martin Luther King, Jr., remained with the youth in the community. Commissioner Gillooly noted she was most touched by the participation of the youth in the audience as well as in the ceremony.

Mr. Isaac Turner, City Manager, noted he also enjoyed the Dr. Martin Luther King, Jr., Day program. He reported he had the opportunity to participate in the Daytona Beach parade along with his son who played in the band.

#### Flagler County Wholesale Water Agreement

Mr. Turner thanked staff for their hard work on the Flagler County Wholesale Water Agreement. He stated the Commission would have a workshop to discuss goals and objectives on February 7 relative to the wholesale water agreement and staff was currently working on gathering detailed information to provide the Commission for that meeting.

#### Halifax Plantation Area Water Treatment Plant Expansion

Mr. Turner reported staff became aware approximately one month ago that Volusia County was considering expanding their water treatment plant in the Halifax Plantation area. He stated prior to this, staff was under the impression Volusia County would negotiate with Ormond Beach to try to come to a wholesale water agreement similar to the Flagler County agreement. Mr. Turner advised staff just received the engineering report today and learned that the expansion was on the Volusia County agenda for Thursday. He pointed out that in 2003, a similar incident occurred where Volusia County planned a wastewater plant but only informed the City a number of weeks prior to the meeting for approval. Mr. Turner advised he would send an e-mail to Mr. Matt Greeson, Interim County Manager, with a copy to the City Commission and County Council. He reported City staff had no negotiations with the County staff or received any explanation as to why the County would be expanding its treatment facilities. Mr. Turner stated staff performed its own engineering assessment previously and shared it with the County. He noted there were a limited number of customers in the area to justify the County's expansion, and Ormond Beach had the capability and had planned for the area to be in Ormond Beach's service area.

Commissioner Kelley stated he would address this issue at the WAV meeting tomorrow. He described this as a prime example of not cooperating with using the existing facilities.

Mr. Turner noted he was not certain how much this involved the County Council and how much involved the County staff.

Mayor Costello asked that the letter be very strong, reminding Volusia County that last year Ormond Beach was only given 45-days notification to make a decision to provide water, without an opportunity to study the proposal. He pointed out that some who voted against that proposal had subsequently indicated it may have been the wrong position to take. Mayor Costello suggested they be reminded that smart growth would indicate that multiple service providers should not compete; Ormond Beach had the capability; and the infrastructure costs should not be duplicated. He stated the letter should include language that, considering the consolidation of service such as for dispatch services, eventually Halifax Plantation may become a part of Ormond Beach. Mayor Costello requested the County delay this so the City could consider the possibility of Ormond Beach serving the entire area. He recommended discussions between the City Commission and County Council rather than staff to staff.

#### Martin Luther King, Jr., Program

Mayor Costello urged promoting the City's Martin Luther King, Jr., program next year including a newspaper ad and notice in the City newsletter.

#### Staff Appreciation

Mayor Costello reported that in the Mayor's Disaster Preparedness workshop today it was stated that preparations were made much easier for elected officials if these officials had confidence in the cities' staffs. He expressed appreciation to the Ormond Beach staff for how they had handled disaster situations in the past.

#### Answering Questions Prior to Commission Meetings

Mayor Costello stated when the Commission members ask staff questions before the meetings, the meetings can run much more smoothly. He reported citizens also have the same opportunity to ask staff questions. Mayor Costello clarified the Commission was not trying to prevent residents from asking questions during Commission meetings; but if the questions were asked prior to the meeting, staff may be able to provide more comprehensive answers.

#### Daytona Beach Employees' Families

Mayor Costello stated the thoughts and prayers of the Commission go to the families of those employees who were lost and injured at the water plant explosion in Daytona Beach as well as to Mayor Yvonne Scarlett-Golden who was hospitalized.

#### Goal-setting Workshop

Mayor Costello stated the goal-setting workshop went well, and he commended Dr. Larry Ritcey for his efforts.

#### Dog Ordinances

Mayor Costello requested input from staff relative to the recommendations from the committee regarding the dog ordinances when it comes to the Commission for consideration.

#### Honoring the Military

Mayor Costello stated Ormond Beach wanted to honor the military whether they were leaving or returning home from service overseas.

#### Welcome Commissioner Gillooly

Mayor Costello thanked Commissioner Gillooly for being receptive and responsive at the goal-setting workshop. He noted Commissioner Gillooly came to the meeting to learn and interject her thoughts relative to the issues at hand.

#### Item #13 – Close the Meeting

The meeting was adjourned at 9:25 p.m.

APPROVED: \_\_\_\_\_ February 7, 2006

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

ATTEST:

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Veronica Patterson, City Clerk