

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

**March 7, 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 February 21, 2006, meeting.

5) **PRESENTATIONS:**

- A) Presentation by “The Loop” Corridor Advocacy Group.
- B) Presentation by Randell Brown, Regional Director, Department of Financial Services, Daytona Beach Service Center, on Hurricane Preparedness and Insurance.

6) **AUDIENCE REMARKS:**

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. 2006-53 supporting the designation of Florida State Road 40 beginning at the intersection of State Roads 40 and 35 at Silver Springs in Marion County, ending at the intersection of State Road 40 (SR40) and Interstate 95 (I-95) in the City of Ormond Beach in Volusia County as a Florida Scenic Highway and National Scenic Byway; designating a City representative; authorizing transmittal.
- B) Resolution No. 2006-54 authorizing the sole source procurement of emergency medical equipment from Phillips Medical Systems North America Company; authorizing the execution of a contract and payment therefor. (\$50,084.10 – 90% U.S. Department of Homeland Security grant funding)
- C) Resolution No. 2006-55 authorizing the submittal of a grant application to the Florida Division of Emergency Management for Community Emergency Response Team for funding assistance relative to purchases and expenses associated with the City's Community Emergency Response Team program; authorizing the execution of all documents incidental thereto. (\$5,900 in grant funds; \$0 local funds)
- D) Resolution No. 2006-56 appointing Carl Gerken as a member to serve on the Historic Landmark Preservation Board; setting forth term and conditions of service.
- E) Resolution No. 2006-57 of the City Commission, also acting as the Community Redevelopment Agency of the City, authorizing the execution of a Property Improvement Grant Agreement between the City of Ormond Beach Community Redevelopment Agency and GO SURF, Inc. (120 East Granada Boulevard - \$17,868)
- F) Resolution No. 2006-58 authorizing the execution of an Impact Fee Reimbursement Agreement between the City and Emmer Investments, LLC, relative to a sewer force main extension along SRA1A near “The Verona” condominium. (\$226,930)
- G) Resolution No. 2006-59 approving and consenting to the award of a bid and the execution of a contract between the County of Volusia and Halifax Paving, Inc., regarding the provision of construction services for utility adjustments at the intersection of Tymber Creek Road and Airport Road, and payment thereunder. (\$441,760)
- H) Resolution No. 2006-60 accepting a proposal from Quentin L. Hampton Associates, Inc., to provide engineering services regarding the Tymber Creek Road Force Main Extension project; authorizing the execution of a Work Authorization thereto. (Not-to-exceed \$77,210)
- I) Resolution No. 2006-61 approving an agreement for joint use of parking and driveway facilities, and termination of a Unity of Title agreement between Ocean Shore Investments, LLC, and Coral Sands Motel, Inc.

- J) Approval of travel by the City Manager to attend the Governor's Hurricane Conference in Ft. Lauderdale, Florida, May 8-12, 2006.

DISPOSITION: Approve as recommended in City Manager memorandum dated March 2, 2006.

- K) Review of FY 2005-06 budget status.

DISPOSITION: Approve as recommended in City Manager memorandum dated March 2, 2006.

9) **PUBLIC HEARINGS:**

- A) Resolution No. 2006-62 approving and authorizing the removal of an historic tree located at 47 Park Place.

- B) Ormond Crossings:

- 1) Review by the Community Redevelopment Agency

- a) Recess the City Commission meeting and convene as the City of Ormond Beach Community Redevelopment Agency.
- b) Review of proposed eminent domain action.
- c) Adjourn as the Community Redevelopment Agency and reconvene the City Commission meeting.

- 2) Resolution No. 2006-63 of the City Commission of the City of Ormond Beach, Florida, also acting as the North Mainland/Ormond Crossings Redevelopment Agency; authorizing the initiation of eminent domain powers for the acquisition of certain real property within the North Mainland/Ormond Crossings Redevelopment Area; providing a description of the real property to be acquired; establishing the necessity of such acquisition.

10) **DISCUSSION ITEMS:**

- A) Regulation of non-profit organization donation bins.
- B) Reuse storage and pumping service alternatives.
- C) Appeal of the Planning Director's interpretation of the Land Development Code relative to property at 540 Leeway Trail.
- D) Audience participation policies for Commission meetings.

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

- 12) Close the meeting.

Item #1 - Call to Order

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

Item #2 – Invocation

Mayor Costello 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 February 21, 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.**

Honor to Chief Mathieson

Mayor Costello and the Commission honored Police Chief Larry Mathieson and his wife Peggy by presenting Chief Mathieson with a plaque thanking him for his dedicated service to the City of Ormond Beach.

Chief Mathieson stated it had been an honor acting as Ormond Beach's Police Chief for the past eight years, and he was proud of the Department's many accomplishments during his tenure.

Item #5(A) – “The Loop” Corridor Advocacy Group

Mr. Joe Jaynes, “The Loop” Corridor Advocacy Group (CAG), chairman, presented a video showcasing “The Loop” that would be presented to the Florida Department of Transportation as part of their eligibility application certificate. He reported two Daytona Beach Community College students produced the video.

Ms. Billy Jo Lackey, Daytona Beach Community College student, stated she was hopeful this video would help to gain recognition of the scenic corridor.

Mr. Jaynes reported there were several copies of the video available through CAG; one would be in the Ormond Beach Library, and another at City Hall as part of the record of this meeting. He requested the City continue to support the CAG in this partnering relationship.

Mayor Costello reported he asked Mr. Jaynes to serve on the Metropolitan Planning Organization (MPO) Bicycle Pedestrian Advocacy Committee to work for the safety and beauty of “The Loop.”

Commissioner Gillooly stated the professionalism of this film's production was incredible.

Mr. Jaynes thanked Michelle Gallagher, Senior Planner, for her assistance and for coming to the CAG meetings which are held on the fourth Wednesday of each month at the Ormond Beach Public Library. He invited the public to attend these meetings.

Item #5(B) – Hurricane Preparedness and Insurance

Mr. Randell Brown, Regional Director, Florida Department of Financial Services, 135 Executive Circle, Daytona Beach, stated his office's mission was to assist consumers with insurance complaints and educate them through seminars and speeches on subjects such as hurricane preparedness. He advised the help line phone number was 1-800-342-2762 to ask a question or file a complaint, and his office phone number was 386-323-0900.

CAFR Report

Mayor Costello presented a proclamation to Mr. Paul Lane, Finance Director, and the Finance Department recognizing them for presenting the Comprehensive Annual Financial Report (CAFR) report, for achieving the best opinion possible, for receiving a Certificate of Achievement for Excellence in Financial Reporting for the past 15 consecutive years, for the efficient and dedicated service of the entire Finance Department staff, and for presenting the report three months earlier than previous reports. He proclaimed March 10, 2006, as a date to recognize the Finance Department.

Mr. Lane recognized the Finance Department, particularly Ms. Jackie Carkhuff, Accounting Manager, who spends tireless hours conducting the audit and preparing the report.

Commissioner Kent thanked Mr. Lane for his quick responsiveness to Commission or citizen questions.

Item #6 – Audience Remarks

Water Issues

Mr. Joe Bourassa, 801 Lewis Drive, Daytona Beach, stated it was important for the Commission to be cognizant of the fact that the City was entering an important period in history, and the Commission should be careful of how it spends public money. He noted there were a number of very important water projects that should be considered very carefully.

Westland Village

Ms. Ella Godbee, 31 Foxfords Chase, Hunter's Ridge, expressed concern regarding the new Westland Village subdivision. She displayed pictures of the significant difference in elevation between her property and the abutting Westland Village subdivision. Ms. Godbee stated when this land was cleared, an entire conservation area was destroyed, and they were required to replant over 115 trees. She explained there was a problem with a burn endangering her property. Ms. Godbee reported her immediate concern was the difference in the elevation. She reported she contacted the owner of the property, 84 Lumber, the CFO in charge of land acquisition and development, and the CFO's assistant. Ms. Godbee explained she contacted the City Engineer who referred her to the City Inspector who then referred her to Kim Buck and Alann Engineering, who then referred her back to the City Engineer. She advised she copied Commissioner Kelley and the 84 Lumber CFO on all of the various correspondences. Ms. Godbee displayed photographs depicting the difference in elevation and the flooding that occurred after a slight rain. She pointed out that Kim Buck and Alann Engineering designed her community and was designing this new community as well. Ms. Godbee explained she was concerned that the plan was to use swales, and she asked the Commission for guidance.

Mayor Costello stated the City Engineer would provide the Commission with a report on this issue.

Reverse Osmosis Plant

Mr. Mike Chuvén, 144 South Halifax, stated the reverse osmosis (RO) plant would waste up to 500,000 gallons of water per day and was not an alternative water source. He noted it was stated the Division Avenue wellfields had salt infiltration, but the blend was well within the limits the State required for drinking water. Mr. Chuvén reported the City's ten-year report indicated that the salinity level would actually drop because of the new Rima Ridge wellfields. He questioned how watering restrictions could be ordered on citizens while the City would be wasting water should this plant be built. Mr. Chuvén reported the plant would cost over \$10 million, and the City already had a lime stabilization plant that was working. He stated this plant needed to be expanded, but the cost would be only two-thirds the cost of a new RO plant. Mr. Chuvén stated the RO plant cost more to run in electricity and supplies; and if the plant were not run perfectly, the water could have an odor and bad taste. He stated the RO plant may need more personnel, cost more for testing of effluent, the quality of the reuse would decrease, salt would eventually cause percolation problems in the sand, and it would not increase reuse.

Mayor Costello stated he looked forward to the response from Public Works Director/City Engineer Judy Sloane, City Manager Isaac Turner, Assistant City Manager Ted MacLeod, and Utility Manager Tim Sheahan regarding these issues. He asked that Mr. Chuvén be provided with a copy of the response in the next few weeks.

Audience Comments

Mr. Lawrence Cook, 1529 North Beach Street, expressed opposition to the Commission rule to not permit discussion on the same item three times. He noted a citizen should only need to come to the Commission twice: the first to state the problem, and the second to thank the Commission for the result, but this does not occur.

Code Enforcement

Mr. Cook stated code enforcement in Ormond Beach was very poor. He stated a supervisor lied in writing, and nothing was done by the City Manager at that time.

Mayor Costello stated Mr. Cook was welcome to speak on any new issue, but this was a 16 year old issue that had already been addressed even though Mr. Cook did not like the answer he was provided.

Ormond's Beach

Ms. Laura Jones, 59 Amsden Road, stated residents have become disappointed in broken promises that were made many years ago by the County Council regarding the beaches. She urged Ormond Beach to take their beach back from the County.

High Rises

Ms. Jones stated promises are now being made relative to allowing high rise condominiums and receiving parks and parking, but residents do not believe these promises.

Ms. Pat Otwell, 124 Ormond Parkway, stated Ormond Parkway was one of the finest streets on the beachside with low traffic, low noise, a low crime rate, no parking decks, and no skyscrapers. She expressed opposition to high rises and a public beachside parking garage because they had the potential of increasing crime, decreasing property values, and lowering the quality of life. Ms. Otwell questioned if the City's infrastructure was prepared to handle population growth, evacuation procedures and added growth, and the need for additional emergency shelters. She asked if the Commission was representing the will of the constituents or the developers.

Mayor Costello explained that no one was interested in increased density on the beach. He noted he was interested in the transfer of development rights to gain open space because many Ormond Beach residents can not access the beach. Mayor Costello reported no decision made would be about dollars, only the quality of life of Ormond Beach residents.

Item #7(A) Metropolitan Planning Organization

Mayor Costello stated that the Metropolitan Planning Organization (MPO) approved a new location where MPO, VCOG, and WAV would all meet together. He reported he asked Mr. Jaynes to serve, or find someone in the CAG to serve, on the bicycle pedestrian advisory group for the MPO.

Item #7(B) Volusia Council of Governments

Mayor Costello reported that the Volusia Council of Governments (VCOG) approved the new location. He stated emergency use of cell phones and cell phone providers were discussed. Mayor Costello advised that a charter review presentation would be made at the March meeting; the new County Manager would be at the April meeting; consolidation of fire services would be discussed at the May meeting; the MPO would discuss salary comparison studies among the municipalities in June; hurricane preparedness would be discussed in August; water edge protection, beach re-nourishment, lake and river waterways would be discussed in September; accident prevention in jurisdictions would be discussed in October; and indigent care in Volusia County would be discussed in November.

Item #7(C) – Water Authority of Volusia

Commissioner Kelley stated that the next meeting of Water Authority of Volusia (WAV) would be held on March 15, and Commissioner Partington would be representing the City since he would be out of town. He reported the agenda item for that meeting would be to amend the interlocal agreement. Commissioner Kelley expressed hope that by the April 5 meeting there would be a better understanding of the direction and future of WAV; therefore, he requested the City Manager schedule a workshop to fully discuss all water issues.

Mr. Turner recommended selecting a date at the end of the meeting.

Commissioner Kelley stated that if WAV were to be a true regional water supply entity, everyone would have to make concessions for the good of all. He questioned if the members could not agree on interlocal agreements, how they could agree on a regional distribution system.

Mr. Turner stated the Financial Trends workshop needed to occur in March, and he recommended the water workshop be held on March 28.

Commissioner Kelley reported he would be out of town on March 28.

Mr. Turner again recommended selecting a date at the end of the meeting.

Mayor Costello stated the St. Johns River Water Management District would be hosting a meeting in this room on water issues on April 5.

Item #8 - Consent Agenda

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

Commissioner Kelley asked that Item #8(A) be pulled for discussion.

Commissioner Kent asked that Item #8(K) be pulled for discussion.

Commissioner Gillooly asked that Item #8(I) be pulled for discussion.

**Commissioner Partington moved, seconded by Commissioner Kelley, for approval of the Consent Agenda minus Item Nos. 8(A), 8(I), and 8(K).**

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

Item #8(A) – Florida Scenic Highway and National Scenic Byway

RESOLUTION NO. 2006-53

A RESOLUTION SUPPORTING THE DESIGNATION OF FLORIDA STATE ROAD 40 BEGINNING AT THE INTERSECTION OF STATE ROADS 40 AND 35 AT SILVER SPRINGS IN MARION COUNTY, ENDING AT THE INTERSECTION OF STATE ROAD 40 (SR40) AND INTERSTATE 95 (I-95) IN THE CITY OF ORMOND BEACH IN VOLUSIA COUNTY AS A FLORIDA SCENIC HIGHWAY AND NATIONAL SCENIC BYWAY; DESIGNATING A CITY REPRESENTATIVE; AUTHORIZING TRANSMITTAL; AND SETTING FORTH AN EFFECTIVE DATE.

**Commissioner Kelley moved, seconded by Commissioner Kent, to approve Resolution No. 2006-53, as read by title only.**

Commissioner Kelley expressed concern as to the effect this project would have on the emergency evacuation system. He stated it would be safer for the bears and wildlife if the road were widened because they could then be seen and avoided. Commissioner Kelley reported this road was extremely dangerous. He urged the Commission to not accept this as a corridor without some provision that the road could be widened, especially through the forest.

Mr. Clay Ervin, Planning Director, stated the issues Commissioner Kelley noted were identified by Volusia County Traffic Engineering and Ormond Beach staff to the MPO, which was why the provisions incorporated into the MPO's resolution of support were to keep the road a Strategic Intermodal System Roadway designation with the FDOT, which would mean the State had identified this as an emergency evacuation corridor that needed to be maintained, and that it had the capacity to do so. He stated in this resolution of support, the City clearly identified to the corridor advocacy group for this project that the City Commission did not sponsor restricting this road because it was a main east-west expressway for emergencies as well as normal commerce. Mr. Ervin reported staff also identified that other roads have integrated designs that protect and preserve wildlife while maintaining proper traffic design and flow. He advised these issues have been incorporated into this resolution clearly identifying that Ormond Beach did not see any further restrictions that would benefit anyone. Mr. Ervin pointed out the last sentence of Section One could be amended as follows: recognizing that certain capacity improvements will be necessary along the corridor. the designation would not prevent the four-laning or further widening of this vital corridor.

Commissioner Kelley recommended more definitive language.

Mr. Ervin recommended the following wording for the last sentence of Section One: recognizing that widening of this road would not be prohibiting by designating it as a scenic corridor, and that it is a vital link as part of the emergency evacuation route for the City of Ormond Beach and Volusia County.

**Mayor Costello asked those making the motion if that wording would be incorporated into the motion; the Commission member making the motion and the Commission member seconding the motion concurred.**

Call Vote:	Commissioner Kent	yes
	Commissioner Kelley	yes
	Commissioner Partington	yes

Carried.	Commissioner Gillooly Mayor Costello	yes yes
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Item #8(l) – Agreement for Joint Use of Parking and Driveway Facilities

RESOLUTION NO. 2006-61  
A RESOLUTION APPROVING AN AGREEMENT FOR JOINT USE OF PARKING AND DRIVEWAY FACILITIES, AND TERMINATION OF A UNITY OF TITLE AGREEMENT BETWEEN OCEAN SHORE INVESTMENTS, LLC, AND CORAL SANDS MOTEL, INC.; AND SETTING FORTH AN EFFECTIVE DATE.

**Commissioner Kelley moved, seconded by Commissioner Gillooly, to approve Resolution No. 2006-61, as read by title only.**

Commissioner Gillooly stated this issue related to the fact the adjacent property was used by agreement for additional parking because in the 1998 agreement the property owner wanted additional landscape buffers. She noted the concern was that the property was now for sale, and this agreement was a lien on the property. Commissioner Gillooly asked what would occur with the new contract if the existing Coral Sands Motel were demolished and/or destroyed beyond 50% of its assessed value. She asked how the City would insure correction would be made since parking was such an important issue on the beach.

Mr. Ervin stated if the Coral Sands were demolished, it could not be rebuilt because the owner would have to meet parking standards in effect at that date. He reported if it were destroyed through natural disaster, the owner would have to demolish and rebuild it under the current code. Mr. Ervin noted the need for this parking agreement originated in 1998. He explained the owner made site improvements that eliminated seven parking spaces on the north side of the hotel. Mr. Ervin reported the owner was a full owner of the Coral Sands and a partial owner of the parcel to the north; therefore, there was an agreement between the two entities to make sure the integrity of the code was being maintained in that there was sufficient parking. He reported the unity of title would not impact the owner obtaining refinancing for the hotel site. Mr. Ervin stated that in this way the City was able to allow for the concerns of the City as well as the property owner.

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

Item #8(K) – Review of FY 2005-06 Budget Status

**Commissioner Kelley moved, seconded by Commissioner Gillooly, to approve the review of the FY 2005-06 budget status.**

Commissioner Kent stated two years ago the Commission spent a great deal of time discussing firefighter overtime, and many corrections were made last year to reduce that figure. He noted it was of concern that this figure was again increasing above last year's range. Commissioner Kent stated he was assured the Fire Department was doing everything possible to keep the overtime down.

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

Commissioner Kelley reported the City had a 1.7% increase in connections, yet also had a one million gallon-per-month decrease in water consumptions, which supported the projections given on future consumption usage. He stated there were many reasons for this, but this needs to be watched as future decisions are made.

Mayor Costello stated he concurred with Commissioner Kelley, which was why he discussed the possibility of a workshop on water issues with Mr. Turner; therefore, he was pleased Commissioner Kelley recommended a workshop be scheduled.

Item #9(A) - Historic Tree at 47 Park Place

RESOLUTION NO. 2006-62  
A RESOLUTION APPROVING AND AUTHORIZING THE  
REMOVAL OF AN HISTORIC TREE LOCATED AT 47 PARK  
PLACE; AND SETTING FORTH AN EFFECTIVE DATE.

**Commissioner Kelley moved, seconded by Commissioner Partington, to approve Resolution No. 2006-62, as read by title only.**

Commissioner Kent stated he could not support the removal of this tree because the owners could place pavers around the tree to save it.

Commissioner Kelley noted several homeowners' associations have asked for replacement trees for those that were damaged during the hurricanes.

Mayor Costello stated he would support this because it was not only an issue of cracked concrete. He noted the tree was diseased; the limbs would not be healthy; and it would be problematic.

Commissioner Kent reported he examined the tree, and it looked fine to him. He reiterated that it could be corrected with pavers around the pool rather than using the concrete.

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

Item #9(B)(1) – Ormond Crossings

Mayor Costello explained the City Commission would serve as the Community Redevelopment Agency for the City and must review this item prior to the City Commission public hearing.

Item #9(A)(1)(a) – Recess The City Commission Meeting and Convene as the City of Ormond Beach Community Redevelopment Agency

Mayor Costello called for a recess of the City Commission meeting at 8:16 p.m.

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.

Item #9(B)(1)(b) – Review of Proposed Eminent Domain Action

Mr. Ervin reported this action addressed the specific issue of disproportionate ownership within a antiquated subdivision. He stated Ormond Crossings was a project consisting of 6,100 acres straddling I-95 in Volusia and Flagler Counties. Mr. Ervin noted that in 1998 the City of Ormond Beach initiated an effort to do master planning for some economic development activities on the east side of I-95 with the owner at that time, the Flagler Development Corporation. He reported the Flagler Development Corporation liquidated its land holdings, and the City had a series of visioning sessions to identify what could be done in the 650 acres on the east side of I-95 and the entire 6,100 acres in the two counties. Mr. Ervin noted Tomoka Holdings, the current property owner, purchased the land in 2002 and worked with the City's plans to make them a reality. He stated the City annexed all 3,100 acres in Volusia County into Ormond Beach, created a Community Redevelopment Area and a Community Redevelopment Agency, worked through the Comprehensive Plan and Development of Regional Impact (DRI) process, and obtained funding for analysis of a regional transportation improvement involving FDOT, the Federal Highway Administration, Volusia County, Flagler County, the City of Ormond Beach, and the property owner.

Mr. Ervin pointed out that this was the first Community Redevelopment Area that Volusia County approved after taking back that power on July 8, 2004. He noted this was critical because Volusia County identified the economic development opportunity that this land provided and identified the opportunity of initiating some of the smart growth principals evolving at that time. Mr. Ervin reported the formal blight study and redevelopment plan took these initial concerns and visions and examined them in more detail, identifying the residential aspects relative to affordable housing and other issues as well as non-residential issues such as

economic redevelopment, antiquated subdivisions, and antiquated roadway system to come up with a solution. He stated one of the solutions was purchasing land subdivided in 1926 as part of an antiquated plat. Mr. Ervin reported there were approximately 3,100 acres owned by Tomoka Holdings; and of that, approximately 600 acres was contained within the 1926 subdivision. He noted they were now down to 4.2 acres or 49 parcels not owned by Tomoka Holdings. Mr. Ervin stated this action was significant in that it would deter good sound planning because the City would be forced to keep the antiquated road system to insure accessibility to these lots. He explained many of the parcels could not be used due to their size. Mr. Ervin reported the antiquated subdivision included roads that do not meet minimum standards; the lots do not meet minimum standards; the lots were not consistent with the City's overall goals in the draft and existing Comprehensive Plans; and the City was able to use eminent domain to acquire these properties. He reported eminent domain was difficult to address in that there had been a great deal of concern over the abuse of eminent domain by local governments. Mr. Ervin stated Tomoka Holdings has been working to secure all of this land over the last three years so eminent domain would not be needed; however, there were now 49 parcels remaining, owned by nine property owners, accounting for 4.2 acres. He explained these properties had problems with the deed or title making the owners unable to sell the property, problems finding heirs of deceased owners, and problems with those not interested in selling.

Mr. Ervin pointed out that none of the property was homesteaded or developed; therefore, the City would not be taking anyone's home or business by this action. He stated the City would be laying a sound framework so sound planning could be done to insure adequate employment opportunities, and affordable housing was being provided.

Mr. Bob Gray, Strategic Planning Group, stated his firm produced a Findings of Necessity Report in October 6, 2004. He explained the State had 14 criteria for determining blight. He explained that basically two of the 14 were required to be defined as blight; but the State indicated that if there were an interlocal agreement between the taxing agencies only one requirement needed to be met, and an interlocal agreement existed in this instance.

Mr. Gray stated the first criteria was: "predominance of defective or inadequate street layout, parking facilities, roadways, bridges, or public transportation facilities." He noted this criteria was met because it was an antiquated area. Mr. Gray pointed out I-95 actually cut the property in half and would have stopped the roads had they been built. He noted there were over seven railroad crossings marked but not part of the plan. Mr. Gray noted the next criteria was: "aggregate assessed values of real property in the area for ad valorem tax purposes have failed to show any appreciable increase over the five years prior to the finding of such conditions." He stated this property provided no additional income to the County for years. Mr. Gray stated the next criteria was: "faulty lot layout in relation to size, adequacy, accessibility, or usefulness which was a factor in that a significant number of the lots, size 25 feet by 100 feet, were nonconforming." Mr. Gray reported the following criteria was not relative to this parcel: "unsanitary or unsafe conditions;" "deterioration of site or other improvements;" "inadequate and out dated building density patterns;" "falling lease rates per square foot of office, commercial, or industrial space compared to the remainder of the county or municipality;" "tax or special assessment delinquency exceeding the fair value of the land;" "residential and commercial vacancy rates higher in the area than in the remainder of the county or municipality;" "incidence of crime in the area higher than in the remainder of the county or municipality;" "fire and emergency medical service calls to the area proportionately higher than in the remainder of the county or municipality;" and "a greater number of violations of the Florida Building Code in the area than the number of violations recorded in the remainder of the county or municipality." He advised "diversity of ownership or defective or unusual conditions of title which prevent the free alienability of land within the deteriorated or hazardous area" was definitely a criteria used in this instance. Mr. Gray stated the last criterion was: "governmentally owned property with adverse environmental conditions caused by a public or private entity," but the land was not governmentally owned.

Mr. Gray explained the criterion that was specifically used was the predominance of defective and inadequate street layout in that it was laid out in the 1920s, and parts were re-platted in the 1960s, and it did not conform to normal standards. He pointed out the platted roads, noting they did not exist. Mr. Gray stated the next criteria used related to the tax values, and he explained that this was a classic example of the definition of blight. He noted there was redundancy in the requirements relative to faulty layout. He reported diversity of ownership was another criteria used in that, when the study was completed, there were 56 parcels remaining with 12 different owners. Mr. Gray noted there were other types of extenuating areas that were generic in nature, such as the high cost of redevelopment and economic disuse, not producing any revenue.

Mayor Costello stated this was a public hearing and asked if anyone wished to address this item.

Mr. Joe Bourassa, 801 Lewis Drive, Daytona Beach, stated he understood blight referred to built up areas deteriorating through time, not undeveloped land. He questioned the criteria for blight where the area must benefit the government. Mr. Bourassa suggested this area be preserved.

Mayor Costello pointed out the City did not write the criteria for blight.

Ms. Lucille Bornmann, 6 Windsor Drive, stated eminent domain was originally created for governmental bodies to obtain land to widen roads, lay utilities, or build schools, benefiting all of the residents, but now many times it was being used incorrectly. She reported she did not object to this because this was vacant land and there was an expressed effort to find the owners of the land. Ms. Bornmann explained this would benefit the entire community; however, she expressed concern that this would be used to set a precedent. She urged this not be allowed to occur.

Mayor Costello stated he did not consider this to be a precedent unless there was another area with 25 foot by 100 foot lots platted in the 1920s where no homes or infrastructure existed.

Mr. Glenn Storch, of Storch, Morris and Harris, stated his firm has worked very hard to make certain this power was not abused. He reported the City had a vision to provide economic development. Mr. Storch reported Flagler Development worked with the City to realize that vision, but informed the City if the City were not able to obtain this property, it would restrict and prevent the City's vision from becoming a reality. He noted the only way to accomplish this vision was to deal with a CRA and the potential to use the eminent domain power. Mr. Storch stated 20 of the 49 parcels were parcels passed down so often that ownership could not be determined, and the only way to deal with these parcels was through eminent domain. He reported several parcels were owned by people who were deceased with no known next of kin, and the land could not be acquired any other way. Mr. Storch noted other parcels were acquired through tax deeds, while others did not want to sell. He stated the City needed to be certain these people were paid fairly; but without these parcels, the project could not proceed. Mr. Storch pointed out that without this deal, the zoning would remain residential with 25 foot lots in the center of this economically developed property, and access roads would have to be provided to the parcels. He clarified the City had no other option, and he urged the Commission to vacate this antiquated subdivision that could not be built on in a viable manner.

Mayor Costello noted due to the importance of this issue, he again asked if anyone in the audience had any issue they would like to discuss or question they would like to ask.

Commissioner Gillooly stated there were 49 parcels with 9 owners or an average of five to six lots for each property owner.

Mr. Ervin advised there was a range of one lot to 18 lots per property owner.

Commissioner Gillooly stated if these property owners wished to develop the land, they would need to merge at least three parcels, and it would not pay for them to develop infrastructure for one or two homes. She noted there had never been an attempt to develop this property to date.

Mr. Ervin responded that this land had been in the County, so he was not certain of that, but no one had come to the City in the past two years since it was in Ormond Beach

Commissioner Gillooly expressed agreement with Ms. Bornmann's concerns relative to eminent domain; however, she noted there has not been a viable method to develop this property in the past. She reported the work that had been done was incredible relative to the plan and the public/private partnership with the Tomoka Holdings, Ormond Beach, and Volusia County. Commissioner Gillooly noted from the beginning eminent domain had been an integral part of this plan, and the Commission as a body unanimously voted for the project; therefore, she would support moving ahead for the greater good of the plan.

Commissioner Kent concurred that eminent domain was an awesome power, but it was also an appropriate power to use this evening. He asked where the money for the land would go if an owner could not be found.

Mr. Storch reported the money would go into escrow in case the beneficiaries would ever be located.

Commissioner Kelley reported the value of the property and the amount a landowner would receive would be by the judgment of 12 of their peers to determine a fair value. He noted this provided a level of comfort that the value would not be determined by one person.

Mr. Storch reported the actual payment would be greater than the fair market value because attorney fees and costs would have to be paid.

Commissioner Kelley noted a premium above the value would also have to be paid. He stated this was a good use of a very powerful tool.

Mr. Storch advised he updated the County Council on March 2, and they were very pleased.

Commissioner Kelley reported that he did not consider any item he voted for as setting a precedent because each action stood on its own merit. He stated he would support this very appropriate use of eminent domain.

Mayor Costello stated this has taken years of work, and he appreciated the job of staff and the developer’s representatives to obtain clear titles. He reported while he could not state he agreed that no vote ever set a precedent, he did agree he did not favor the use of eminent domain to take anyone’s home or business. Mayor Costello noted these were lands that could not be used in their current condition, so he would support the use of eminent domain in this instance.

**Commissioner Kelley moved, seconded by Commissioner Kent, to recommend the City Commission approve initiation of eminent domain powers for the acquisition of property within the redevelopment area.**

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

Item #9(B)(1)(c) – Adjourn as the Community Redevelopment Agency and Reconvene the City Commission Meeting

Mayor Costello adjourned the Community Redevelopment Agency meeting and reconvened the City Commission meeting at 8:50 p.m.

Item #9(B)(2) – Authorizing the Initiation of Eminent Domain Powers

RESOLUTION NO. 2006-63  
 A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF ORMOND BEACH, FLORIDA, ALSO ACTING AS THE NORTH MAINLAND/ORMOND CROSSINGS REDEVELOPMENT AGENCY; AUTHORIZING THE INITIATION OF EMINENT DOMAIN POWERS FOR THE ACQUISITION OF CERTAIN REAL PROPERTY WITHIN THE NORTH MAINLAND/ORMOND CROSSINGS REDEVELOPMENT AREA; PROVIDING A DESCRIPTION OF THE REAL PROPERTY TO BE ACQUIRED; ESTABLISHING THE NECESSITY OF SUCH ACQUISITION; AND SETTING FORTH AN EFFECTIVE DATE.

**Commissioner Kelley moved, seconded by Commissioner Gillooly, to approve Resolution No. 2006-63, as read by title only.**

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

**Hearing no objection, Mayor Costello closed the public hearing on Item #9(B)(2).**

Item #10(A) – Regulation of Non-profit Organization Donation Bins

Mayor Costello noted no Commission member expressed support for the Planning Board recommendation to ban all bins.

Commissioner Kelley reported he would support the staff recommendation. He stated the only violators he found were with “for-profit” bins. He reported the bins serve a function for the needy. Commissioner Kelley reported restricting the bins to certain sizes would cause problems; therefore, he urged approval of the four recommendations listed in the cover sheet of the staff report.

**Commissioner Kelley moved, seconded by Commissioner Partington, to accept the staff recommendation.**

Commissioner Gillooly stated she believed the staff recommendations would help to alleviate some of the Planning Board’s concerns.

Commissioner Kent concurred with Commissioner Gillooly and favored Mayor Costello’s suggestion of locating the bins at Fleet Maintenance.

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

Item #10(B) – Reuse Storage and Pumping Service Alternatives

Mayor Costello asked if anyone would support the four million gallon tank for \$146,000 more than the cost of a three million gallon tank. He explained the City would have had a 1.4 million gallon storage tank or lake on the peninsula for \$3 million; but for the same \$3 million, the City could obtain a three million gallon tank, and for an extra \$146,000 the City could get a four million gallon tank.

Commissioner Gillooly pointed out grants could be obtained.

Mayor Costello explained grants were for \$1.228 million leaving the cost at \$1.918 million to the City. He noted he was prepared to support the \$3.146 million for the four million gallon tank.

Commissioner Kent and Commissioner Gillooly extended their support for Mayor Costello’s proposal.

Commissioner Kelley stated the Commission had been openly criticized for its 45-minute discussion of this item at the last meeting relative to spending \$4 million on plans where a portion was inherently flawed.

Mayor Costello recommended setting a precedent that the Commission should not be concerned regarding the length of time it would take for any decision it should make.

Commissioner Kelley pointed out that the Commission was criticized when they take the time to discuss spending money, but they are also criticized for not speaking when a vote was imminent. He explained this was the only time Commission members were able to speak to each other, and he considered the Commission being good stewards of the taxpayers’ money if they thoroughly discussed spending money. Commissioner Kelley noted because of this delay, the plan would provide three times the amount of storage capacity for the same dollars spent for open storage; therefore, the discussion time was well spent. He stated the Commission was well informed; a much better plan was devised; and staff became more creative because the Commission questioned their recommendation.

Commissioner Partington echoed Commissioner Kelley’s comments. He stated if delaying a project would produce a better product, the goal would have been met.

Mayor Costello reported he was unaware the Commission had been criticized, but he was proud of the Commission’s action.

**Commissioner Kelley moved, seconded by Commissioner Gillooly to approve the four million gallon tank located on City property for \$3.146 million with the \$1.918 million cost to the City and \$1.228 million cost for the grants.**

Call Vote:	Commissioner Gillooly	yes
	Commissioner Kent	yes
	Commissioner Kelley	yes

Carried.	Commissioner Partington	yes
	Mayor Costello	yes

Item #10(C) – Appeal Relative to Property at 540 Leeway Trail

Mayor Costello stated he did not wish to overrule the Planning Director’s decision.

Mr. John Schmidt, 520 Leeway Trail, asked permission to speak after the Commission discussion if he considered it necessary; whereby, Mayor Costello noted Mr. Schmidt may speak after Commission discussion.

Commissioner Gillooly questioned that the owner had received a Certificate of Occupancy, and she asked what mechanism was now in place to prevent this from recurring. She noted she could understand the property owner believing he complied with all regulations in that he received the Certificate of Occupancy.

Mr. Ervin stated the specific items were grading issues. He reported Planning staff was coordinating with the Engineering and Building Division to assure better cooperation between the inspectors to be certain the grading plans were being followed. Mr. Ervin stated infill lots without a specific grading plan provide more problematic inspections. He reported the goal was not to place an onerous burden on someone trying to develop their property, but a flooding problem should not be created. Mr. Ervin explained no permit was pulled, and the fact that the property owner violated the Land Development Code was discovered upon inspection. He pointed out the property owners were starting to construct an enclosure without a permit. Mr. Ervin stated the water treatment tanks are primarily for wells, and staff does not normally deal with them; therefore, they were not certain permits were required.

**Commissioner Kent moved, seconded by Commissioner Kelley, to uphold the Planning Director’s decision.**

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

Item #10(D) – Audience Participation Policies for Commission Meetings

Commissioner Gillooly stated that at the goal setting meeting it was certainly not the intent of any Commission member to limit public participation, but this was somehow the perception of some citizens and the *News-Journal*. She urged an open discussion at this time to clarify the Commission position and possibly amend the rules, should that be the will of the Commission.

Commissioner Partington stated that, basically, the rules were the same as they were previously, but some people misinterpreted the rule. He noted his interpretation of the rules were to allow people to speak within a certain time period. Commissioner Partington pointed out Ormond Beach had some of the more permissive rules than most places in the County. He stated the Commission did allow the chairman to make requests of a speaker to not repeat themselves more than twice; but if they were adamant, it would be difficult constitutionally to stop them. Commissioner Partington advised the rules were perfectly constitutional.

Commissioner Kelley stated citizens needed to understand that their right to speak was not being denied by any action the Commission has taken. He noted it was only the perception of a few people that has caused this problem, and there was a great difference between perception and fact. Commissioner Kelley advised the Commission was merely adopting a set of regulations for the expeditious process of conducting the City’s business. He reported that if the chair believed something to have a dilatory effect on the operation of the City’s business, the chair had the right to ask that person during “Audience Remarks” to refrain from making certain remarks.

Commissioner Kelley stated it would be very difficult, if not impossible, to please every citizen by any action. He pointed out that some citizens complained the City had no sign-in sheet, while others would object to a sign-in sheet. Commissioner Kelley stated he would prefer a way to time speakers, allowing five minutes exactly and not allowing any extra time; but he would yield to the chair’s discretion on the issue. He noted the “Audience Remarks” portion of the meeting was an extra benefit to the citizens in that meetings were to conduct City business. Commissioner Kelley pointed out that other cities, such as Port Orange, allow a maximum of three minutes with a maximum discussion time of 15 minutes. He questioned how many times

citizens must come back, not accepting the answers they had been given. Commissioner Kelley noted the Commission passed on concerns from constituents to the appropriate staff members for action. He pointed out the chair does a good job of running the meetings, but people must be assured the Commission was not attempting to stop citizen comments or that they would only listen to favorable comments. Commissioner Kelley reported people can speak on each issue that was voted upon.

Commissioner Kent agreed that this was the place the Commission does its business, and he pointed out Commission members are not permitted to contact one another outside of meetings to discuss issues. He reported that the people are the City. Commissioner Kent stated the chair has the power to make decisions because the people voted him to be Ormond Beach's mayor. Commissioner Kent explained the Commission wanted to hear from citizens on all sides of the issues. He stated he did not see a problem if the chair were to request people not to repeat themselves; but if they insisted, they should be permitted to state whatever they wanted for five minutes.

Mayor Costello thanked Commissioner Gillooly for bringing this issue up, and he noted that had been before the *News-Journal* article was published. He advised that he institutes policies made by the entire Commission. Mayor Costello pointed out that Ormond Beach gives five minutes instead of three minutes and positions the comments at the beginning of the meeting so people do not have to sit through the entire meeting before being able to comment. Mayor Costello noted this was the first he heard some people wanted to sign in, and he would gladly provide forms if people wanted to fill out them out; but most people prefer less formality and just raise their hands to be recognized. He stated the goal was to accommodate people to the greatest extent possible. Mayor Costello noted he remembered allowing a gentleman to go beyond the five-minute time period on the discussion regarding the subdivision at Tymber Creek Road and Airport Road. He stated this gentleman spoke very articulately and did not repeat himself; but he now realized he should not have allowed him to speak longer than the allotted time because the discussion was not at the Mayor's discretion but the Commission's discretion. Mayor Costello reported he writes down the time the speaker starts, and if he was off in his calculations, it would normally be less than one minute. He recommended ending the confusion and allowing any comment; but if it was an item that was repeated and received an answer, he would ask for Commission support to tell that party that the Commission had already done everything possible and request them to talk on any new items. Mayor Costello reported for 16 years Mr. Cook wanted the Commission to say someone lied, and he cannot do what Mr. Cook wanted. He pointed out he, former Mayor Persis, and Deputy Mayor Kelley apologized on behalf of the City for any wrongs done to Mr. Cook. Mayor Costello stated he did not consider it necessary to make a rule because of one individual. He clarified if an issue had been answered, it did not need to be brought up again; but the City may be better served by allowing him to say the same thing with the chair responding by indicating the issue had been addressed and asking if there was something else to discuss.

Commissioner Partington stated he preferred the five-minute rule because it was fairer for everyone.

Mayor Costello acknowledged his error in allowing the gentleman to continue and stated he would hold to the five-minute rule, allowing the individual to finish at the end of the meeting.

Commissioner Gillooly stated Mayor Costello was the chair, and she appreciated his role as chair. She reiterated that in the goal setting meeting, it was never the intention of the Commission to do more than to ask people who repeat to speak on a new topic. Commissioner Gillooly pointed out it appeared tonight that anyone wishing to speak was accommodated.

Mayor Costello reported it was always his goal to make sure anyone was welcome to speak.

Commissioner Kent stated he would agree as long as the warning of not repeating was only a request.

Commissioner Kelley stated many times he would like to respond to comments during "Audience Remarks," because people do not always state facts and the Commission may not respond until the end of the meeting when some of the people have already left. He reported a question or concern was directed to appropriate staff, but the Commission can not engage in a dialogue since this was the time for the citizens to express their concerns. Commissioner Kelley assured the audience the Commission was listening to their concerns.

Commissioner Partington stated timing should be a staff function.

Mayor Costello stated he would prefer to continue to write down the starting time and call the five minutes on a trial basis for a few weeks before considering the purchase of a timer.

Commissioner Partington stated a timer was helpful to the speaker in that it showed the speaker the remaining time so the person could make closing comment, and it was helpful to the audience so they could be assured everyone was being treated fairly. He noted Mr. Nave was working on a system for the City and recommended the Commission individually check the system prior to using it in an actual meeting.

Mr. Turner agreed the Commission could review the system before it would be used at a meeting.

Commissioner Kent stated he was not opposed to a timer. He reported there have recently been a number of changes, but he would hesitate adding a new requirement to use a sign-in sheet. Commissioner Kent urged the Commission to not complicate the situation more than absolutely necessary.

Commissioner Kelley stated he was not necessarily supporting a sign-in sheet. He reported he only mentioned it because some people had requested one. Commissioner Kelley noted the only benefit would be that Mayor Costello could refer to the person by name rather than number; but the current process of giving each speaker a number has worked well.

Mayor Costello summarized the Commission was not ready for a sign-in sheet; a timer would be available for examination; people could request pulling an item from the "Consent Agenda" by coming before the Commission during "Audience Remarks;" and he would encourage repetitive speakers to discuss new item while allowing them to continue if they insist.

Commissioner Gillooly questioned the cost of the program on which Mr. Nave was working.

Commissioner Partington reported the program would be free of charge.

#### Item #10 – Reports, Suggestions, Requests

##### Commissioner Partington's Water E-mail

Commissioner Kent stated Commissioner Partington sent an e-mail regarding reuse water with comments such as "reuse water in Zone 2 was a 'want' not a 'need'," and "we don't want to look at ugly tanks." He pointed out the residents next to the golf course in Zone 1 had a problem with the tanks, not the Zone 2 residents. Commissioner Kent reported Commission members are elected in zones, and there could be a zone mentality, but he attempted to look at the needs of the entire City. He noted his goal was to bring reuse water to the beachside and mainland. Commissioner Kent reported he spent two hours with Mr. Bourassa who was very educated regarding Florida water issues. He assured the people that he did not want to spend millions of dollars for reuse in Zone 2. Commissioner Kent stated if and when the people get salt water intrusion, he wanted those people to be able to take care of their property. He noted Mr. Bourassa recommended informing people to begin to reduce landscaping and use more indigenous plants; but he noted it would be unfair to warn people in one portion of the City, while other portions of the City could use unlimited water, to which Mr. Bourassa had concurred. He reported Mr. Bourassa then recommended that areas that do not already have reuse, install a separate meter at the street for potable water and charge the people any associated fees. Commissioner Kent noted that recommendation made sense, and he asked Mr. Turner to investigate the issue including its feasibility, impact fees, cost, and water pressure concerns.

##### Elevation at Hunter's Ridge

Commissioner Kent stated he could empathize with Ms. Ella Godbee of Hunter's Ridge, and he hoped this situation could be corrected.

##### Public Criticism

Commissioner Kent asked when the Commission was criticized for spending 45 minutes discussing a \$4 million expenditure.

##### Beachside Visioning Session

Commissioner Kent reported people attending his "Coffee with the Commissioner" indicated Mayor Costello mentioned a beachside visioning session which would include public involvement in the planning. He stated the people did not want to miss that opportunity, and he questioned when it would occur.

#### High Rises or Parking Garages

Commissioner Kelley stated one reason incorrect perceptions were made and fostered was due to comments like those that were made tonight relative to high rises and parking garages. He reported Ormond Beach had no plans for a high rise or a parking garage. Commissioner Kelley stated he received an e-mail objecting to his position of wanting to raise the building height limit due to the information gleaned from the CANDO PAC. He advised his position was and remained that he supported the 75-foot height limit in the Land Development Code. Commissioner Kelley noted he would consider allowing a greater height for a hospital or steeple on a church.

#### Effluent

Commissioner Kelley stated the effluent being discharged into the Halifax River had higher standards for solids than drinking water.

#### Trees

Commissioner Kelley stated he thought trees would be offered to the community through a program to replace some lost in the hurricanes.

Ms. Sloane stated the City was looking into grant opportunities for that purpose.

Commissioner Kelley noted if the City would not be able to obtain grants, he needed to inform his constituents to purchase replacement trees.

#### Public Criticism

Commissioner Kelley stated the criticism relative to the 45-minute discussion on reuse was on a radio program.

#### Water

Commissioner Partington explained his goal in the e-mail he sent was to encourage the Commission to think about water issues. He stated since he learned he would be representing the City at the WAV meeting next week, he started studying the water issues. Commissioner Partington noted he would meet with Mr. MacLeod and Mr. Sheahan to avoid Sunshine Law difficulties in discussing water issues with Commissioner Kelley. He stated the most important issue in the e-mail was his concern regarding WAV. Commissioner Partington reported he believed that, at this point, WAV needed to make a great effort to do what they were chartered to do immediately, which was to produce cost effective water and insure its availability for everyone. He stated his e-mail was not directed at Commissioner Kent personally. Commissioner Partington reported he would be excited to hear any new proposals to bring reuse water to the south peninsula, but he was concerned with cost issue. He recommended St. Johns River Water Management District and the State fund that project at a similar level as the FAA funds airport projects, or 90% to 95% with City shares being 5% or 2½%.

#### Trails at Central Park

Commissioner Partington stated the opening of the trails at Central Park was great. He pointed out this was paid for by impact fees and grants, not ad valorem tax dollars, due to the creativity of staff.

#### Chief Mathieson

Commissioner Gillooly stated she had worked with Chief Mathieson in her capacity as Director of Halifax Habitat for Humanity, as a Commission member, and as a friend. She stated in all of her dealings she found Chief Mathieson to be responsive and thoughtful, and he would be greatly missed. Commissioner Gillooly wished both Peggy and Chief Mathieson the best.

#### Historic Landmark Preservation Board Member

Commissioner Gillooly acknowledged Mr. Carl Gerken as the newest member of the Historic Landmark Preservation Board. She stated with his skills as an architect and his love of Ormond Beach, he would make an excellent board member, and she appreciated his willingness to serve.

#### Ormond Beach Historical Trust

Commissioner Gillooly reported she attended the dinner celebrating the thirtieth anniversary of the Ormond Beach Historical Trust. She acknowledged Dr. Philip Shapiro, a member of the Ormond Beach Historical Trust. Commissioner Gillooly stated the Trust announced its plans to make the Anderson-Price House into their first museum, which would be a cornerstone of what she hoped to be the future of downtown redevelopment.

#### Baseball Field Ribbon Cutting

Commissioner Gillooly noted she was involved with her first ribbon-cutting event at the baseball field where hundreds of people attended, including children and their parents. She thanked the Recreation Advisory Board members, the Sports Authority, the Ormond Beach baseball group, the parents, the children, the Leisure Services staff, other staff members, and the private partnerships. Commissioner Gillooly reported one of the great quality-of-life issues Ormond Beach had was the City's recreation program.

#### Beachside Vision

Commissioner Gillooly expressed concern that the vision for the beachside currently had a great deal to do with perception, miscommunication, and where the entire picture was not being explained correctly to the public. She stated it was extremely important to listen to the citizens and be aware that the redevelopment of the beachside should preserve the quality of life in Ormond Beach. Commissioner Gillooly reported the Commission decided in the goal setting meeting to have an open forum with the citizens to discuss a master plan for beachside development. She clarified no Commission member indicated they would not support the current Land Development Code and retain the current height limit. Commissioner Gillooly requested accelerating the plan to provide the facts so the Commission could alleviate some fears and perceptions by having a dialogue with the people.

#### Halifax Habitat for Humanity

Commissioner Gillooly invited the public to attend the celebration of the 20<sup>th</sup> anniversary of the Halifax Habitat for Humanity affiliate that serves Ormond Beach to Port Orange on March 17. She explained of the three individuals who were originally involved in Halifax Habitat for Humanity, two were Ormond Beach residents. Commissioner Gillooly reported two house dedications would be held that day in Daytona Beach.

#### Items for which Mr. Turner was Grateful and Items of Concern

Mr. Turner stated he was grateful for the Nova Road Field Number 4 opening, the Althouse Trails, PACE renovating the Rigby School, the Ormond Crossings project progress, the editorial board for listening and trying to understand the City's vision, and St. Johns River Water Management District grants.

Mr. Turner stated there has been more traffic with Bike Week this year than in years past. He noted there would be some discussion on this issue at a Commission meeting after staff had the opportunity to do some assessments. He noted the Sports Authority met last week and indicated they would like to pursue gaining private funding for a stadium, but this would also be discussed with the Commission. Mr. Turner stated Fire Department overtime was discussed every two weeks, trying to find solutions. He stated while he could not guarantee firefighter overtime would not go over budget, if it would go over budget, he could guarantee it would have been thoroughly discussed and would be presented to the Commission before it would occur.

#### Schedule Water Workshop Meeting

Mayor Costello asked how long it would take staff to prepare for the water workshop meeting; whereby, Mr. Turner indicated it would probably take a couple of weeks.

Mr. Turner recommended the focus workshop be held on April 18 and the water workshop on April 4.

Mr. Hayes recommended a special meeting rather than a workshop because Commissioner Kelley could then obtain formal direction from the City Commission.

Mayor Costello recommended discussing the item at a workshop and formalizing the action through a resolution at the City Commission meeting.

Mr. Turner urged a special meeting rather than a workshop with a discussion item on the City Commission agenda in case the discussion was not completed in the special meeting.

Mayor Costello summarized that the meeting would be held at 5:30 p.m., but it could be called a special meeting rather than a workshop and include a discussion item should the issue not be completed.

#### Water Plant

Mr. MacLeod stated that he, Ms. Sloane, and Mr. Sheahan went to Palatka to attend the St. Johns River Water Management District Governing Board meeting where they approved the City's grant for the water plant expansions for \$3.05 million in fiscal year 2006 and \$1.31 million in 2007. He reported an additional \$150,000 for storage tanks was approved this year and \$1.31 million for next fiscal year. Mr. MacLeod advised for the south peninsula reuse system,

St. Johns River Water Management District approved \$550,000 in 2007, 2008, and 2009. He pointed out this was approved unanimously, and only one member of the public spoke.

#### Storage Tanks

Mayor Costello stated the comment made regarding the appearance of the storage tanks was from a staff member who noted the potential site for the tanks in Zone 2, where the residents may have an opinion about the tanks.

#### St. Johns River Water Management District Grants

Mayor Costello stated the St. Johns River Water Management District grants have been approved, but the City needed to continue to work with them letting them know the City did not want to do anything deleterious to the current system; and if it would be better to distribute through a reuse system than to dump it into the Halifax River, the City would want their assistance. He noted he was pleased staff was ahead of the Commission in their effort to seek grants.

#### Jessica Lunsford Foundation

Mayor Costello reported he attended the Bike Week Kick Start Tour for the Jessica Lunsford Foundation on Saturday, and Mark Lunsford gave the City a poster thanking Ormond Beach for its support.

#### Sports Authority

Mayor Costello stated Peg Smith of the School Board indicated that by the end of March or early April she may have a better idea as to what the School Board would do to participate with the Sports Authority.

#### Hunter's Ridge

Mayor Costello stated something must be done about the situation at Hunter's Ridge. He noted he was upset to learn Ms. Godbee was sent from person to person. Mayor Costello expressed concern that the engineer for Hunter's Ridge that had flooding problems was also the engineer for the new project. He stated Ormond Beach needed something in its code where if it was discovered there was a problem with something that the Commission already approved, the project could be stopped.

#### Eminent Domain

Mayor Costello clarified his position on eminent domain was that he did not support taking anyone's home or business for anything other than for roads, sewer, or public use. He reported he considered a hospital serving the public. Mayor Costello noted he did not support taking a home for the hospital, but he would support taking a business for a hospital. He noted the entire Commission has tried to be certain no precedent was being set by this use of eminent domain.

#### A1A Master Plan

Mayor Costello stated the A1A Master Plan was a Commission goal. He urged staff to fast track this meeting as much as possible. Mayor Costello explained he wanted a mural covering half of the back wall displaying the parcels of A1A land, who owned each parcel, where the timeshares were located that could not be considered for redevelopment due to the large number of owners, and where the parcels were located that could conceivably have a transfer of development rights. He stated he would fight for the 75-foot height limit in Ormond Beach, but he would also fight for transfer of existing density on the beach if the City could gain the entire parcel for a park. Mayor Costello noted some people would fight this because they already have access to the beach; however, the people in Zone 3 and Zone 4 do not have access to the beach. He stated he was convinced CANDO would find enough people to sign its petition, but he would be willing to have two or three 10 to 12-story buildings in order to gain beachfront parks. Mayor Costello noted the focus should be on whether the people wanted to have beachfront parks in Ormond Beach, and if they should be paid for from tax revenue or from the developers, while retaining the existing density. He reported he was upset with the lies being spread regarding additional people and traffic when the density would not increase by a single person. Mayor Costello stated this was not about added density, it was about gaining open space.

#### US1

Mayor Costello stated he was hopeful that after Bike Week, the Commission could prepare a letter asking Volusia County to work on an agreement with Ormond Beach to adopt the highest standard on US1, eliminating entertainment venues. He reported he would work for Ormond Beach to control the zoning and business on the corridor. Mayor Costello noted he was not advocating closing any exiting businesses, but avoiding certain new businesses from coming in to the US1 Corridor, considering Ormond Crossings coming to the area. He pointed out County

personnel have not been responsive, but the Commission may need to go to the County Council for their assistance.

CRA on A1A

Mayor Costello reported he would like to discuss the possibility of a CRA on A1A, but certain criteria would have to be included. He stated he would not accept any eminent domain, and the only item the Tax Increment Financing (TIF) money could purchase would be raw land. Mayor Costello noted it would be even better if there was a way to obtain TIF funds without a CRA. He stated he would prefer an agreement with the County forming a TIF district where taxes from the properties on A1A, more specifically the difference from today's taxes and the tax as A1A develops for the next specified number of years, would go into a special fund for the purchase of beachfront property. Mayor Costello clarified the goal was to find beachfront property on A1A for several natural parks. He stated he was willing to explore all options and urged staff to become very creative.

Item #11 – Close the Meeting

The meeting was adjourned at 10:08 p.m.

APPROVED: \_\_\_\_\_ March 21, 2006 \_\_\_\_\_

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

ATTEST:

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