

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

March 21, 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 by Rabbi Jerry Miller, Beth Judah Messianic Congregation.
- 3) Pledge of Allegiance.
- 4) Approval of the Minutes of the March 7, 2006, meeting.
- 5) ***PRESENTATION*** of a proclamation in honor of the Police Athletic League basketball teams.
- 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. 2006-64 accepting a warranty deed from Wachovia Bank, National Association, successor by merger to Southtrust Bank, an Alabama banking corporation, for property located along South Orchard Street for right-of-way purposes.

B) Resolution No. 2006-65 authorizing the sole source procurement of light poles and fixtures from SESCO Lighting regarding the Granada Boulevard Streetscape Lighting project; authorizing the approval of a requisition and payment therefor. (\$66,046)

C) Resolution No. 2006-66 declaring the intention of the City Commission to consider vacating a portion of West Street, a platted public right-of-way lying west of 351 Cumberland Avenue, establishing a time certain for a public hearing.

D) Resolution No. 2006-67 authorizing execution of a contract between the City of Ormond Beach and Hall Construction Company, Inc., regarding the Fire Station #91 emergency traffic signal. (Not-to-exceed \$74,929)

E) Resolution No. 2006-68 authorizing the purchase of one aerial fire apparatus under Florida Sheriffs' Association Bid Number 05-06-0823; authorizing the execution of a contract with Hall-Mark Fire Apparatus. (\$518,831)

F) Approval of representation by the City's labor counsel, Mark Levitt, in a federal/state lawsuit.

DISPOSITION: Approve as recommended in City Attorney memorandum dated March 16, 2006.

G) Approval of an engagement letter with Williams & Moore, P.A., for the provision of legal services.

DISPOSITION: Approve as recommended in City Attorney memorandum dated March 16, 2006.

9) **DISCUSSION ITEMS:**

A) Technology projects.

B) Sports Authority proposed 4,000-seat stadium.

C) Height limitation Charter amendments.

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

11) 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 March 7, 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.

Item #5 – Honoring of the Police Athletic League Basketball Teams

Mayor Costello asked the Police Athletic League (PAL) basketball teams and coaches to come forward to be honored and to take photographs. He read a proclamation stating that five Ormond Beach PAL basketball teams participated in the PAL regional basketball tournament held February 25, 2006. Mayor Costello advised the Bruins 14 and under boys' team, the Bruins 12 and under boys' team, and the Lady Bruins 10 and under girls' team won first place. He advised the teams and coaches would be traveling to the State tournament at Disney's Wide World of Sports in Orlando from March 31 to April 2. Mayor Costello noted the Bruins 12 and under girls and Bruins 10 and under boys teams captured second place. He stated the team's sportsmanship and practice sessions made them winners. Mayor Costello proclaimed March 23, 2006, as a day to recognize the members of the Bruins teams as outstanding representatives of the youth of the City of Ormond Beach.

Item #6 – Audience Remarks

Reverse Osmosis Plant

Mr. Mike Chuyen, 144 South Halifax, provided a copy of a report of the March 2006 issue of Florida Professional Water/Wastewater Association dealing with the quality of discharge from a reverse osmosis (RO) plant. He stated this report was prepared by professionals dealing with existing water plants in Florida and the problems they experience. Mr. Chuyen reported Ormond Beach's report recommending an RO plant was prepared in 1998 using a soil analysis report from 1980. He noted the City report indicated the plants would be capable of handling a higher salinity level, so it would not adversely affect the plants; however, a report now existed that proved that not to be true. Mr. Chuyen stated golf course lawn maintenance was highly sophisticated. He noted Oceanside Country Club had a problem with salt levels, and the City convinced them to go with reuse; but adding salt back into the reuse would cause the same problems they were trying to avoid. Mr. Chuyen reported the quality of water would decrease. He stated this RO plant would cost a great deal to operate and maintain, and if taken off line, it would affect capacity. Mr. Chuyen stated the ozone could be back on line providing quality water at less expense than the RO system. He noted the consultant, CDM, would make a great deal of money in recommending an RO plant in that they would not need to do as much engineering work and it would be a more expensive process. He reported the St. Johns River Water Management District grant was approved, but not delivered, and Ormond Beach must prove that this would provide an alternative water source. Mr. Chuyen advised that with the information he provided, St. Johns River Water Management District was now questioning if this was an alternative water source. He noted the City's ten-year projection report indicated the water quality would improve. Mr. Chuyen recommended bringing in an unbiased consultant to provide a fair opinion.

Technology Projects

Mr. Sean Daly requested addressing three items on the agenda under discussion items. He cautioned that should the Commission utilize Black Berry technology, any e-mails received would become public property and must be retrievable upon a public records request.

Stadium

Mr. Daly stated the stadium was to be paid by someone else; but he reminded the Commission that in 2005, the Commission paid a consultant to conduct a study of the City's recreational need, and the stadium came in last while purchasing and using undeveloped land was the most requested use. He noted prior to considering spending any City money, the Commission should examine the survey. Mr. Daly stated using impact fees or private funds could be considered, but he urged the Commission to also consider the maintenance costs.

Building Height Limitation

Mr. Daly stated Mayor Costello recommended an alternative Charter amendment explaining the transfer of development rights concept; however, he noted most transfer of development rights ordinances run 50 to 100 pages due to the detail needed, which would be difficult to place on a ballot considering the wording limitations involved. He stated businesses on I-95 should not be exempted from following the rules.

Mr. Glenn Jaspers, 160 Ocean Terrace, stated the Commission should allow all residents in the City to give their opinions in a referendum. He recommended the City Attorney investigate Flagler Beach which stopped high-rises and placed a 35-foot limit on buildings in the Charter. Mr. Jaspers noted that in the July 12, 2005, Commission minutes, Ms. Rita Press urged people to have an open mind, and Ms. Peggy Farmer urged input, indicating the beachfront was behind

the times and an embarrassment, and urged flexibility. He reported at that same meeting he contended that the Land Development Code was being ignored, which was totally inconsistent with the trend for the last 25 years. Mr. Jaspers noted Mr. Doug Kosarek of Bray and Gillespie was not kind to the Land Development Code. He reported if the Commission were to ignore petitions with thousands of names, they would not be fulfilling their duty.

Ms. Margaret Sharifi, 210 Valencia Drive, stated Ormond Beach was a place where people have a sense of community and where people cherish and protect their homes, the beach, the rivers, and recreational parks. She reported Bray and Gillespie purchased seven properties on east A1A and two on west A1A with a vision of high-end condominium hotels, which would obliterate the beach. Ms. Sharifi stated this would injure the beach and soul of the City. She noted Bray and Gillespie's proposal would include transfer of property where they would share their land with the public by placing strips of land between the high-rise condos and offer off-beach parking. Ms. Sharifi reported the four selling points Bray and Gillespie offered were that these hotels would add to Ormond Beach's tax base, increase property values, provide additional parking, and provide parks. She stated the citizens and Commission need to evaluate the following questions: what would be the impact on the infrastructure, water tables, erosion, and traffic congestion; what would be the cost for additional fire, police, and City services; how easily could the procurement of property west of A1A via eminent domain take place; was the City willing to lose the ocean view, ocean breeze, and beach access; have transportation and environmental impact studies been done; have prior projects of Bray and Gillespie been investigated; are long-term financial incentives being offered to the City by Bray and Gillespie; and what percentage of the tax base increase would be allotted to the City. Ms. Sharifi noted it seemed Bray and Gillespie already had the support and promise of people in power for them to continue to purchase this valuable beachfront property. She stated residents should be permitted to vote on the building height restriction issue.

Chamber of Commerce

Ms. Peggy Farmer, Ormond Beach Chamber of Commerce, introduced the new executive director, Mr. Andrew Cripps.

Mr. Andrew Cripps thanked the department heads and Commission members for welcoming him, and he thanked the members of Chamber of Commerce for their professionalism.

Ms. Farmer stated she enjoyed working with the Commission and staff for the past seven and one-half years. She presented the Commission a framed photograph of the Granada Bridge with the inscription "Problems become opportunities when the right people join together."

Fluoridation

Mr. Jim Schultz, 117 Harbor Drive, stated from 1957 to 1968 fluoride was responsible for more damage claims than the next 20 major air pollutants on the list. He reported in an incident in Apopka, DuPont tainted fungicide sprayed in the ferneries caused a \$1.3 billion loss. Mr. Schultz advised the problem was adding fluoride to enhance products to kill funguses. He stated fluoride has the ability to take a product into the brain. Mr. Schultz reported there were attorneys pursuing water fluoridation lawsuits for bone cancer patients. He stated the National Research Council will have the final report out tomorrow for the Environmental Protection Agency. Mr. Schultz explained the chart being displayed was from the World Health Organization. He noted it had been stated fluoride decreases cavities; however, the chart indicated that out of 18 countries, 14 were non-fluoridated and four were fluoridated with no significant difference.

Building Height Limits

Mr. Jeff Boyle, 614 North Halifax Drive, representing Citizens and Neighbors Devoted to Ormond (CANDO), reported there has been an overwhelming response to their petition drive, and he expected to reach their goal in two to three weeks. He advised he would report the results to the Commission in April. He stated there had been no misrepresentation, lies, or misleading of the people. Mr. Boyle noted the perceptions of people are just as valid as the Commission's perception that A1A was blight. He reported citizens were signing the petition so they could vote to have the final say on building heights. Mr. Boyle pointed out a citizen asked for this referendum last summer; three Commission members refused; and Commissioner Kelley urged signatures be obtained, which was what this petition accomplished. He reported Mayor Costello stated "the issue is too complicated for citizens to understand on a ballot question"; however, he must have reversed that position in that he was seeking an alternative ballot question that would insert exceptions to building heights into the City Charter, while thousands of citizens seek to restrict City Commission power in building heights, as Mayor Costello seemed to want to expand that power. Mr. Boyle noted the public perception was that this alternate ballot question was a transparent attempt to confuse the voters.

Ms. Lucille Bormann, 6 Windsor Drive, stated the Commission wanted Ormond Beach residents' votes when they were running for office, but now the residents want the Commission to recognize the citizens' will to exercise a right to vote on a particular issue. She pointed out this would cause a drastic change to the City. Ms. Bormann noted the Commission was to represent the will of the people. She reported Ormond Beach did not need high-rises to make Ormond Beach beautiful; however, redevelopment was needed in certain areas. Ms. Bormann stated some developers have already purchased a great deal of the beach and would not be very pleased if they had to settle for seven stories after being allowed a great deal more in other cities. She questioned if this was about the people of Ormond Beach or money a developer could make. Ms. Bormann stated Ormond Beach had already paid for parks through County taxes, but the same effort and determination had not been displayed in pursuing a lawsuit to make the County provide Ormond Beach with a park. She reported she opposed bargaining away the lifestyle of Ormond Beach residents. Ms. Bormann questioned what kind of trade off the City would be expected to accept for parks and parking. She stated a public meeting should be held where the people could express their opinions on this very important issue.

Mayor Costello stated there will be many opportunities for people to speak on this issue.

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

Mayor Costello stated the Metropolitan Planning Organization (MPO) and Volusia Council of Governments (VCOG) would meet next week at the VOTRAN office, and he invited anyone who wished to attend.

Item #7(C) – Water Authority of Volusia

Commissioner Partington stated he attended the Water Authority of Volusia (WAV) meeting in Commissioner Kelley's absence, and nothing definitive was decided. He noted he provided a written report to the Commission. Commissioner Partington advised that Mr. Kirby Green, the Executive Director of the St. Johns River Water Management District, attended the meeting and was questioned regarding concerns as to what would occur if WAV were to fail. Commissioner Partington reported Mr. Green cited the Orange County Cooperative Agreement, which was working very well by working together in a cooperative basis, to accomplish some of the same goals WAV was trying to accomplish. He noted there were other options to accomplish the Water Management District's goals. Commissioner Partington reported Mr. Green indicated that if WAV members were unable to work together, the Water Management District would be forced to take control, which none of the WAV members wanted to occur.

Mayor Costello advised a workshop on the water issues would be held on April 4. He asked the issues Mr. Mike Chuyen addressed be included in the information provided in preparation to this meeting.

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

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

Item #9(A) - Technology Projects

Mr. Isaac Turner, City Manager, stated the Commission discussed making investments in technology. He noted the report outlined the purchase of additional computers. Mr. Turner advised the City was and would continue to be relying more heavily on technology in the future. He pointed out the City had not been able to replace aging computers as quickly as was advisable. Mr. Turner stated the replacement goal was three to five years, but some replacements have taken a substantially longer period of time.

Mr. Turner stated Commissioner Kent requested the Commission be provided with BlackBerry devices. He noted the same system that currently saves e-mails that come through the City would be utilized to save e-mails on the BlackBerry should the Commission decide to make this investment. Mr. Turner reported this method would archive the e-mails and comply with Sunshine Law and records management obligations.

Commissioner Partington stated he did not want a BlackBerry, but would not object to other Commission members being provided with one should they want one.

Mayor Costello stated he already had a pocket personal computer where he receives his personal e-mail, but this was an important step forward, and the Commission should be as accessible as staff for any issues. He noted it was incumbent on the Commission to decide what would work best for them. Mayor Costello explained the Commission was not provided with personal laptop computers. He recommended Mr. Turner speak with each Commission member individually to determine if they want a BlackBerry or not, explaining the advantages and disadvantages.

Commissioner Kelley stated the BlackBerry would provide the Commission with more accessibility. He reported a BlackBerry would allow him to check for messages when not at home rather than requiring him to go home to check his home computer.

Commissioner Kent echoed Commissioner Kelley's statement that the BlackBerry would make the Commission more effective and efficient. He noted if the BlackBerry computers were purchased and they were found not to be an effective tool, they could be returned.

Mayor Costello stated that if, in the future, a Commissioner did not have a computer, one should be provided.

Commissioner Kent reported he used only his work computer and did not own a computer until he became a Commission. He stated he purchased a computer at that time because he considered it necessary to do his job effectively.

Item #9(B) – Sports Authority Proposed 4,000-seat Stadium

Mayor Costello stated specific information from the School Board would be available at the beginning of April.

Mr. Turner stated this item was on the agenda because the Sports Authority had a meeting and decided to pursue information and potential funding for a 4,000-seat stadium, which was a substantial change in the scope from the championship field the Commission discussed publicly. He reported the Sports Authority was in discussions with the School Board but had not made any financial commitment. Mr. Turner advised there was discussion of the School Board covering some portion of a \$30,000 maintenance budget from Seabreeze High School going toward this project. He stated they were anticipating the City utilizing some of the dollars that were planned to be used at the Airport Sports Complex to be used for the stadium; however, a substantial amount of those dollars was to be used for drainage and road improvements. Mr. Turner emphasized this was in the very preliminary stages, and much research must be still accomplished.

Mayor Costello stated the City Commission had not endorsed spending any City funds for a stadium. He reported the Sports Authority planned to raise funds privately and obtaining funds from the School Board. Mayor Costello stated he was looking forward to a report on any proposal the Sports Authority would make as long as they would be funding the project.

Commissioner Kent questioned, with a 4,000 seat stadium, how the parking and restrooms could possibly remain the same. He concurred he did not favor spending ad valorem dollars on this project. Commissioner Kent noted the School Board would have to pay since they would use the stadium. He stated this would only be used once or twice a year.

Mayor Costello stated the City would invest in parking and restrooms for the field, but not for the stadium.

Mr. Turner stated staff had not done any research to indicate the impact this facility would have in this location. He noted this was merely to inform the Commission what the Sports Authority proposed to pursue. Mr. Turner stated staff would provide further information along with possible alternatives in the future.

Commissioner Kelley stated there were many obstacles in this project. He noted parking was an obstacle that must be considered. Commissioner Kelley reported the proposed stadium would not be adequate to handle the Mainland/Seabreeze game and would be too large for most other games. He stated space was very limited.

Mr. Turner reported Mr. Dana Smith who was working with the architect was in the audience.

Item #9(C) – Height Limitation Charter Amendments

Mayor Costello stated Mr. Daly mentioned it would take 50 pages to explain the concept of the “transfer of development rights” issue, which was what he spoke of months ago when he indicated the complexity of this issue and that trying to place such a proposal on the ballot would be difficult. He advised a staff report may be available by April 4. Mayor Costello reported he was withdrawing the second amendment at this point, and he noted the Commission did not have a proposal to consider. He reported he wholeheartedly supported the citizens’ ability, desire, and willingness to go out into the community and obtain signatures on a petition to put something on a ballot, and he did not want the Commission to inadvertently make the citizens feel the Commission did not support that effort; however, he did not support the proposed amendment because there would be a great many ramifications of which most people may not be aware. Mayor Costello stated that even in the prepared statement that was so eloquently given tonight, there were multiple issues that have absolutely nothing to do with what was under consideration.

Mayor Costello reiterated his vision for the beach. He noted his intent was to make sure that all of the residents have an opportunity to decide what they really want. Mayor Costello explained that the talk about increased density, increased traffic, increased police, and the fear of eminent domain has absolutely nothing to do with the transfer of development rights. He noted he wanted the people to be able to vote on something that was actually a consideration. Mayor Costello explained that there was a choice to be made, which was to either maintain the private beach that currently existed today or the alternative that he was proposing. He stated people can not access the beach north of Granada except at Neptune where people could walk onto the beach, and south of Granada half of the beach was gone because of the red sand. Mayor Costello noted the City typically had one beach approach open; therefore, as the City maintains the 75-foot height limit on every parcel of land south of Granada, it would, in essence, be maintaining the status quo of a private beach for those that own beachfront land without beachfront parks or off-beach parking.

Mayor Costello explained his proposal was that any developer that owned land on A1A who would give the City land could take those units and move them onto another piece of land. He stated he attended the CANDO meeting, where he knew he was not welcomed, and encouraged them to wait until there was a proposal they could evaluate. Mayor Costello recommended at that point, the people could evaluate the situation and offer any suggestions. He stated he may consider approving a proposal for a couple of 12 or 14-story buildings and one 20-story building along with two or three nine or ten-story buildings with 850 feet for a beachfront park. Mayor Costello pointed out the other Commission members may not agree with this, but he believed the City needed to see a specific proposal. He advised he has heard discussions regarding undergrounding utilities on all of A1A, streetscape for A1A, a community center on the beachside for the residents, and off-beach parking, which are all items he knew the community wanted. Mayor Costello reported the question was, “Do the citizens want these items more than they want to keep the height limit?” He stated the voters would have the opportunity to decide that issue, but the issue was not solely about height. He questioned how the City was to pay for the beachfront land it desires: through increased taxes or suing Volusia County. Mayor Costello stated he was open to whatever suggestions anyone had to offer in order to obtain land on A1A for beachfront parks and off-beach parking, because the people that live more than two or three blocks from the beach basically do not feel like they have a beach in Ormond Beach anymore.

Mayor Costello asked the additional potential amendment be removed unless a way could be found where both questions could be on the ballot at the same time; however, he was advised by the attorneys that there were some potential pitfalls in having both of them on the ballot at the same time. He noted if only one could be on the ballot, it would have to be the one from the citizens’ petition.

Commissioner Kent commended Mayor Costello for his enthusiasm and his ability to “think outside the box.” He stated this was a huge concern for residents and the Commission. Commissioner Kent reported each Commission member represented the people of Ormond Beach and were their voice. He stated he believed the runway extension was a good idea for businesses and their growth; but it was a bad idea for those living in the vicinity of the airport, so

he opposed the extension. He noted no Commission member takes this responsibility lightly. Commissioner Kent reported that on this issue, he agreed with the vast majority of the people he spoke with who feel that all buildings in Ormond Beach should be kept at 75-feet. He noted he would approve a cell tower at a greater height, and a hospital was a non-issue since there would not be a hospital in Ormond Beach. Commissioner Kent urged residents to lobby the County with good pressure, not threats of a lawsuit. He stated he would propose no deals with any developers, but urged dealing with the County Council instead. Commissioner Kent questioned who the parks would be for since people could not access the beach, and he questioned if they would be for the owners of the condominiums. He stated shade was a major issue. Commissioner Kent pointed out that the Commission just passed a Consent Agenda item to purchase a fire truck with a 75-foot ladder. He reported he did not support certain individuals of the CANDO movement, but he did support the idea of a 75-foot height limit.

Mr. Turner clarified this item actually encompassed a discussion of height limits as well as redevelopment on A1A.

Commissioner Kelley stated CANDO would probably be successful in its drive to place this issue on the ballot, but at that time it would be incumbent on the people to know what they would be voting for, including all of the ramifications. He reported this would be unlike what occurred in Flagler Beach and Cocoa Beach. Commissioner Kelley stated the effect this could have on the future of Ormond Beach would be far reaching. He reported people come to the podium and speak on the radio of issues such as 20 and 30-story buildings, Mayor Costello not running next year because he would run for the State legislature, and saying Mayor Costello purchased land in North Carolina and would be leaving the City. Commissioner Kelley stated these were a few of the many rumors being circulated that add to the fears of people, but they were not true or relevant to the issue at hand. He reported he has not seen a single plan to date.

Commissioner Kelley explained the Commission could not exceed what the Land Development Code allowed unless it was amended, and it would take nine months to a year to make any changes if there was a desire to make any changes. He stated it was the City's job to make people fully understand all of the issues and ramifications. Commissioner Kelley reported he had received e-mails indicating Ormond Beach did not have a 75-foot height limit, and he did not support a 75-foot height limit, but this was not true; therefore, there was misinformation being disseminated. He stated he heard charges of collusion and violation of the Sunshine Law, which were an insult to the entire Commission. Commissioner Kelley noted these dispersions add to the momentum and fear in the community.

Commissioner Kelley stated this was an extension of the last election when a slate of people advocated a height limit be placed in the Charter, and three of the elected Commission advocated the height limit remaining in the Land Development Code. He noted the claim of candidates accepting money from developers to win the election was untrue, and he assured the people he did not take any money from Mr. Doug Kosarek of Bray and Gillespie. Commissioner Kelley reported no one can buy him or his vote because he wanted to do what was best for the City; and in this case, he considered that to be to look at all of the options and the effects. He stated if the people were to decide what to do, they needed all of the information.

Commissioner Partington concurred with Mayor Costello and Commissioner Kelley. He stated it would be difficult to make any decisions without a report or knowing what he would be voting on; therefore, it would be unfortunate to make a decision with a closed mind, not listening to all facts. Commissioner Partington noted he was pleased with the discourse of this discussion so far because there would always be varying opinions.

Commissioner Gillooly stated citizens always have the final say because they voted the Commission into office. She reported that from the beginning of her campaign she had indicated she would never favor high-rises on the beach or "a condo canyon." Commissioner Gillooly advised she would always support the citizens' right to have a voice. She noted the idea of protecting the beachfront and feel of a small town was extremely important, but the Commission must also consider where it wanted to go and how to get there. She stated that since January, the Commission has requested a workshop where the public could speak in a "town hall style" forum. Commissioner Gillooly advised she has advocated the Land Development Code remain unchanged. She pointed out that both the Land Development Code and the Comprehensive Plan had a great deal of citizen input. Commissioner Gillooly reported the Comprehensive Plan indicated that one of the City's goals was to redevelop the beachside and encourage tourism, using tourism as an economic development tool. She pointed out that the City had a great one-time opportunity to envision the beachside as the best it could possibly be. Commissioner Gillooly stated that from a business point of view, surrounding cities may be

looking to higher building heights for condominiums; but if Ormond Beach would remain exclusive with adherence to the Land Development Code, everyone would be better off. She noted she was not concerned about the profits of a developer. Commissioner Gillooly echoed the other Commission members by stating she had not seen any specific plans to date; therefore, this discussion was about intangibles. Commissioner Gillooly reported there were legal issues that must be investigated. She noted she was informed staff was still in the research process, and urged staff speed up that process as much as possible. Commissioner Gillooly asked Mr. Ervin to affirm that the Comprehensive Plan involved citizen input.

Mr. Clay Ervin, Planning Director, confirmed the Comprehensive Plan did involve citizen input.

Commissioner Gillooly stated the 75-foot height limit was mentioned in the B-6 zone. She asked where the B-7 zoning district was, which had a four-story height limit.

Mr. Ervin stated the B-7 zoning district was located along the west side of A1A and at the interchange of I-95 and SR40. He noted the Comprehensive Plan identifies a height limitation of 75-feet or seven stories in the B-6 zoning district.

Commissioner Gillooly asked if the City voted to allow a variance with unanimous approval for a higher height limit in Ormond Crossings.

Mr. Ervin noted the Ormond Crossings plan was identified, but not specifically delineated in that it would require additional amendments to the Comprehensive Plan. He noted a specific height had not been identified for Ormond Crossings to date.

Mr. Turner reported that while this had not been formally done, the Commission had favorably expressed its agreement to allow building structures to exceed the 75-foot limit in the industrial commercial areas of Ormond Crossings. He noted a similar statement was made relative to the issue of the hospital.

Commissioner Gillooly stated people were being given misinformation, and one of the most resounding issues was the concept that on any night, three Commission members could vote to change the Land Development Code.

Mr. Ervin explained the only way to allow for height to exceed 75 feet was to rezone the property to Planned Business Development, which would require a public hearing before the Planning Board and approval of an ordinance requiring two readings through public hearings of the City Commission. He advised the maximum additional height that could be allowed would be 15 feet or a total of 90 feet. Mr. Ervin reported there were currently provisions in the code that would allow for structural embellishments to hide elevator towers, mechanical equipment, and cooling towers. He noted the Ormond Heritage received this variance, and the roof of habitable space was at 74 feet 10 inches, but the roofline with the embellishments extended to approximately 92 feet.

Commissioner Gillooly noted the embellishments were probably encouraged because they hid the utilities. She stated if the petition was successful and became a Charter amendment, such a situation would not allow the embellishments to be covered.

Mr. Ervin noted utilizing the current reading of the petition, no exceptions were indicated; therefore, those provisions would have to be eliminated from the code.

Commissioner Gillooly clarified there would no longer be an opportunity to add embellishments that would increase the aesthetic quality of the building.

Mr. Ervin concurred with Commissioner Gillooly's assertion.

Commissioner Gillooly reiterated she ran for office because she cared for the City and wanted to make a difference. She stated for people to be making decisions and signing petitions while not being provided with the full facts of the process involved was unfair to everyone. Commissioner Gillooly reported that at the open meeting where everyone could speak, it was very important to provide a complete step-by-step process including everything involved. She noted upon explanation of the process, the public would learn that a developer could not possibly come to the Commission and win approval for a high rise with three votes, because the process was quite lengthy and it afforded many opportunities for public comment. Commissioner Gillooly reiterated this could simply not happen.

Commissioner Gillooly stated she did not believe this belonged in the Charter because the Charter was meant for governance or how the City was run. She pointed out that every Commission member on the dais, other than the two who were unopposed, won their seat with a strong majority of the voters who trusted their opinion and believed they would listen to the people. Commissioner Gillooly noted the Commission was hired to listen and to evaluate proposals representing the people's interests.

Commissioner Gillooly expressed concern about comments she heard on the radio, by someone who should know better, about Mayor Costello and another Commissioner that were outright slanderous. She stated there was no place for such talk. Commissioner Gillooly noted the Commission welcomed citizen input, dialogue, and ideas. She reported some people believed the Commission planned on voting on this issue tonight, when in actuality this was their first opportunity to discuss this issue. Commissioner Gillooly stated she asked that this be placed on the agenda tonight even though she was aware staff was not prepared to provide all of the answers to the questions, but she considered it important for staff and the citizens to know what the Commission's concerns were and that it would be a very important step to talk about where the Commission stood publicly. She reiterated for clarity, that she favored the current Land Development Code and noted there may be a way to insure Ormond Beach keeps its small town feel while also availing itself of tremendous opportunities to redevelop the beachside. Commissioner Gillooly stated she looked forward to any and all plans that may come forward and to hear citizen and Commission input. She asked if a date had been scheduled for this meeting.

Mr. Turner noted a date had not yet been scheduled for the meeting. He commended the Commission for how well they had handled this issue. Mr. Turner explained many issues were mentioned of which staff was aware. He concurred information could have been disseminated more accurately. Mr. Turner stated staff would try to offer some suggestions relative to helping the process at the next meeting in a discussion item. He reported the difficulty staff was experiencing was due to the unknown entity, since no plans had been forwarded.

Mayor Costello explained his position was that this did not belong in the Charter, but if the residents sign petitions and that was what they wanted, it would have to be done. He noted he was distressed that he heard things that he had been purported to have said, and things about him that were totally untrue; therefore, he would again clarify his position. Mayor Costello stated he had been trying to get beachfront property for parks and off-beach parking for Ormond Beach ever since he was elected to the Commission, and he was no more successful than anybody else had been, so he decided it was time to "get out of the box." He reported he was willing to look at anything, so he approached people that have beachfront land, informing them he wanted beachfront parks, off-beach parking, to have A1A look beautiful, to eliminate some power lines, and to have a community center. Mayor Costello questioned how many times he heard the Zone 1 and Zone 2 Commissioners talk about having a park for the children to play on the beachside. He stated he had asked how this could be accomplished and suggested forming a Community Redevelopment Area (CRA). Mayor Costello noted his suggestion would absolutely at no time include the use of eminent domain, and if anyone would say he favored eminent domain, it was just not true. He reported his idea for the CRA would be only to buy raw A1A beachfront land, and see if some Tax Increment Financing (TIF) funds could be used for the County and City to figure out how to buy some beachfront land working together. Mayor Costello clarified that these funds could not build restrooms, parking lots, or be used for anything other than the purchase of beachfront land, but the idea was rejected so he moved on.

Mayor Costello reported some developers that own property on A1A indicated they might be able to do some trading, where they are currently able to build by placing a 75-foot building on every parcel on A1A, and instead give the City some raw land where they would build the park, buy some land on the other side of A1A to build some off-beach parking, and even build a walkover on A1A because it could be profitable. He noted in America profit was a good thing if it was a winning situation for everyone. Mayor Costello pointed out that he never advocated doing anything to benefit Ormond Beach tourism, but he did care a great deal about the quality of life for Ormond Beach residents; and he always believed that the best tourism Ormond Beach could have was the fact that Ormond Beach had the best quality of life for its residents. He questioned where residents take their visiting friends and family and indicated it was probably not Ormond's beach because of the difficulty to access the beach.

Mayor Costello explained that so far the only way he had found to get beachfront land, off-beach parking, underground utilities on A1A from Granada south to the Daytona Beach line, a streetscape to beautify A1A, and a community center on the west side of A1A, was to work with a developer who had enough land and wanted to build a hotel. He pointed out that Ormond Beach would lose 600 to 650 hotel rooms because of the hurricanes. Mayor Costello reported there was a developer that was willing to work with the City and build a four star hotel. He noted

it may be possible to replace about 40% to 50% of the Ormond Beach hotel rooms with only one hotel.

Mayor Costello stated in the financial trends workshop tonight it was stated Ormond Beach had \$180,000 in new growth, which was extremely low, but he pointed out it was low by design. He reported Ormond Beach had the highest standards, and each Commission member would work hard to maintain those high standards.

Mayor Costello reported he was told about this concept plan last Thursday night for the first time, and it included some of those items that he had been requesting for the past year. He explained Daytona Beach locked up the enhancement funds for beautification of A1A until 2011, and then there was a backlog, so A1A may not be included. Mayor Costello pointed out the same number of units allowed would be built. He asked everyone to merely wait and see what the plan looked like. Mayor Costello clarified that he would not support a 30 or 40-story building, but there was now a 17-story building in Ormond Beach across from Julian's restaurant. He stated if the developer wanted to build one or two 17-story building and two or three 12-story buildings, he would be willing to listen; but he did not know what would be proposed.

Mayor Costello, individually and not as a Commissioner, asked anybody that had not signed the petition to not sign it until they could see what the plan was. He noted if they did not like the plan, they could then sign the petition. Mayor Costello stated if people told him what they were telling everybody else, and he didn't know that he was being told lies, he would sign the petition too. Mayor Costello urged people to simply get some information.

Mayor Costello reported Ormond Beach had an election, and some of the candidates had height limit as an issue. He noted they lost the election, but they were now still working for the height limits. He noted while that was fine, he did not want the community to get into the same problem that it had with previous Commissions where Ormond Beach ended up giving away 3,000 acres to Daytona Beach because the Commission "buried its head in the sand" and was not willing to compromise. Mayor Costello stated because of that, Ormond Beach was losing tens of millions of dollars, and it would have the same development, because a previous Commissioner would not compromise. He noted those tens of millions of dollars could have purchased beachfront land or City needs. Mayor Costello reported the same incident occurred with utilities in Halifax Plantation where previous Commission members did not want to work with Volusia County, so Volusia County expanded and now there was competing infrastructure. He stated that the residents would have an opportunity to look forward or to look back, and he urged everybody to look forward. Mayor Costello asked the people to vote on something significant and specific and not submit to fear tactics.

Commissioner Kent asked if a developer could build a condo or hotel at 60 feet and add embellishments up to 75 feet; whereby, Mr. Ervin replied they could. Commissioner Kent stated the way he has dealt with the comments made on the radio was that he made a decision to refuse to listen to any and all radio shows that he would not go on as a guest, and that decision has enhanced his quality of life.

Item #10 – Reports, Suggestions, Requests

National League of Cities Trip

Commissioner Kelley thanked staff for arranging the meetings with himself, Mayor Costello, Mr. Turner, Congressman Mica, Senator Nelson, and Senator Martinez last week in Washington at the National League of Cities conference. He commended Mayor Costello and Mr. Turner for doing a great job at the meeting. Commissioner Kelley stated Senator Nelson's staff was well informed of Ormond Beach's issues.

WAV

Commissioner Kelley thanked Commissioner Partington for filling in for him at the WAV meeting.

National League of Cities Conference

Commissioner Partington thanked Commissioner Kelley and Mayor Costello for taking the time to attend the National League of Cities event in Washington. He noted while attending requires additional stress, time, and additional uncovered costs, it was critically important.

Height Limit

Commissioner Gillooly thanked staff for the information they provided so the height limit dialogue could begin tonight. She expressed admiration for Mayor Costello's creativity, his willingness to think "out of the box," and his willingness to work with staff and interlocal

governments which have fast-tracked the Ormond Crossings project. Commissioner Gillooly stated dialogue and evaluating proposals was essential. She reiterated her request to fast-track the meeting to thoroughly discuss this issue.

Recreational Programs

Commissioner Gillooly applauded the PAL teams and coaches. She pointed out many of the athletes and coaches honored tonight were also Halifax Habitat for Humanity families with one or two full-time jobs while they still found time to support their families. Commissioner Gillooly expressed appreciation for staff and the fact that the citizens support the recreational programs Ormond Beach has for children and youth.

News-Journal

Commissioner Gillooly stated that at the last City Commission meeting it was mentioned the Commission would ask people not to speak on a specific item numerous times, and she was pleased a decision was made to revert to the way meetings were conducted previously. She clarified that the comment she made, that she wanted to address this issue because of the concerns and misunderstandings the citizens and the *News-Journal* had, was referring to the editorial that gave the Commission an "F." Commissioner Gillooly apologized for the misunderstanding to the reporter attending the meeting who checked her facts carefully. She advised that the editorial board revisited the issue and gave the City a "B."

Attendance

Commissioner Gillooly thanked the people for coming tonight and participating in the meeting. She challenged each person to bring someone along for the next meeting because it was so important. Commissioner Gillooly urged the people to work with the Commission because so much more could be accomplished working together to achieve goals.

Commissioner Kent also thanked the residents for attending this meeting.

Different Views

Commissioner Kent expressed his pleasure that, while there was a difference of opinion, there was no "venom" on the dais.

League of Cities

Commissioner Kent stated he was pleased Commissioner Kelley had the opportunity to see Mr. Turner "in action" in Washington, D.C. He reported he needed to stay at school at the time of the League of Cities meeting, but he knew Ormond Beach would be well represented. Commissioner Kent explained he was personally very impressed by Mr. Turner, who knew the key people who make things happen in Washington.

Coffee with the Commissioner

Commissioner Kent stated the next "Coffee with the Commissioner" would be held on Monday, April 3 at his home at 4:00 p.m.

Happy Birthday

Commissioner Kent wished Mr. Ervin a "Happy Birthday" on Sunday, and stated he considered him to be the best in the business.

Parks and Off-beach Parking

Commissioner Kent provided a copy of an e-mail he received today from Matt Greeson, Interim Volusia County Manager, in response to a request he sent questioning off-beach parking provided by Volusia County in all of the municipalities and the amount of money Volusia County spent on off-beach parking and parks.

Signs in the Downtown

Commissioner Kent thanked staff for the signs that would be placed in the downtown informing the public that Ormond Beach partners with businesses to help create a better look in the downtown. He stated there were many people who were unaware Ormond Beach paid for the light at Tymber Creek Road, which was a County road with two private developments, and he recommended a sign be erected to inform the public about this or to include the information in the water bill.

Sharing Information

Mr. Turner pointed out relative to who requested the height limit issue to be placed on the agenda that he does not share information between one Commission member and other Commission members as outlined in the Sunshine Law.

National League of Cities

Mr. Turner stated copies of the information that was distributed to the legislators at the National League of Cities conference would be provided to the Commission. He noted for the past three to four years the Commission had been reaching out to a number of entities to establish partnerships to better Ormond Beach. Mr. Turner stated the City had benefited by the number and types of grants as well as through the City's ability to contact FEMA regarding reimbursements after the storms and share the City's concerns.

Signs

Mr. Turner stated he instructed staff to develop signs for CIP projects to include such information as the fact it was a City CIP project, the cost, an explanation of the project, and to basically inform the public where their tax dollars were being spent. He noted Commissioner Kent requested the façade improvement grants be included. Mr. Turner stated staff was working on deciding exactly what to include on the signs, and it would be brought to the Commission in a few weeks.

Building Height Limit

Mr. Turner stated the public discussions on policies and visioning was difficult, especially on controversial issues. He reported staff would try to present a vision relative to building height limit without a specific project to present to the Commission at the next meeting.

Chamber of Commerce

Mr. Turner expressed appreciation to Ms. Peggy Farmer who has provided, and would continue to provide, a great deal to the community in a quiet, behind-the-scenes manner. He stated he considered Ms. Farmer to be a great friend and a person of character, integrity, and high ethics, who cared deeply about the people in the community. Mr. Turner thanked Ms. Farmer for what she had done for the Chamber of Commerce, but he reported he mostly appreciated what she had done for the City.

Mr. Turner welcomed Mr. Andrew Cripps and stated he looked forward to a close relationship, noting it was critical to work together for the City. He stated while he may not always agree, he would be as supportive of the Chamber as possible, because if the City and Chamber do not have a good relationship, the residents would suffer.

Honoring Chief Baker

Mayor Costello stated Fire Chief Barry Baker was selected as one of the ten technical experts for the National Intrastate Mutual Aid System. He noted Chief Baker does this on his own time, and he was being nationally recognized for his expertise.

Interim Police Chief Mike Longfellow

Mayor Costello congratulated Interim Police Chief Mike Longfellow for his new title, and stated he looked forward to his continued service to the Ormond Beach Police Department.

A1A Redevelopment

Mayor Costello stated the City had an awesome opportunity for the next few months, and he urged everyone to join together to find out what they can embrace together.

Item #11 – Close the Meeting

The meeting was adjourned at 9:08 p.m.

APPROVED: _____ April 4 2006

BY: _____
Fred Costello, Mayor

ATTEST:

Veronica Patterson, City Clerk