

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

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

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

***A G E N D A***

- 1) Meeting call to order by Mayor Costello.
- 2) Invocation by Pastor Bud Murphy, Unitarian Universalist Society.
- 3) Pledge of Allegiance.
- 4) ***AUDIENCE REMARKS:***
- 5) ***APPROVAL OF THE MINUTES*** of the October 3, 2006, meeting.
- 6) ***PRESENTATION:*** Recognition of Cub Scout Troop Pack 74 for earning their Citizen Activity Badges.
- 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. 2006-211 authorizing the purchase of various chemicals for the City's water and wastewater treatment plants under a cooperative bid solicited by several local cities; authorizing payment therefor.
  - B) Resolution No. 2006-225 accepting the sole source procurement of sodium hypochlorite from Odyssey Manufacturing Company for the water treatment plant and the wastewater treatment plant; authorizing the execution of an agreement and payment therefor; ratifying the emergency procurement of a sodium hypochlorite system at the water treatment plant.

- C) Resolution No. 2006-226 accepting a bid from P&S Paving, Inc., for construction services regarding the Orchard Street and SR40 Improvements project under Bid No. 2006-27; authorizing the execution of a contract and payment therefor; rejecting all other bids. (\$497,638)
  - D) Resolution No. 2006-227 accepting the proposal of Timothy Haahs and Associates, Inc., regarding professional services to conduct a downtown parking assessment; authorizing the execution of an agreement and payment therefor; rejecting all other proposals. (\$43,500)
  - E) Debris removal and disposal services:
    - 1) Resolution No. 2006-228 authorizing the execution of a contract between the City and Storm Reconstruction Services, Inc., for debris removal, reduction and disposal services under County of Volusia RFP #06-P-89BB.
    - 2) Resolution No. 2006-229 authorizing the execution of a contract between the City and DRC Emergency Services, LLC, for debris removal, reduction and disposal services under County of Volusia RFP #06-P-89BB.
    - 3) Resolution No. 2006-230 authorizing the execution of a contract between the City and Phillips and Jordan, Inc., for debris removal, reduction and disposal services under County of Volusia RFP #06-P-89BB.
    - 4) Resolution No. 2006-231 authorizing the execution of a contract between the City and Omni Pinnacle, LLC, for debris removal, reduction and disposal services under County of Volusia RFP #06-P-89BB.
  - F) Resolution No. 2006-232 authorizing the execution of a contract between the City and Beck Disaster Recovery, Inc., for disaster debris management services under Town of Longboat Key RFP #05-013.
- 9) **PUBLIC HEARINGS:**
- A) Resolution No. 2006-233 authorizing the execution and issuance of a Special Exception Development Order for the “Georgian Inn Beach Club” on a site located at 759 South Atlantic Avenue within the B-6 (Oceanfront Tourist Commercial) zoning district; by approving a wall sign to exceed the maximum height of twenty (20’) feet on the west elevation of the condominium as provided in Chapter 3, Article IV, Section 3-47 B.1.b of the *Land Development Code*; establishing conditions and expirations of approval.
  - B) Ordinance No. 2006-17 amending Subsection A, Zoning Map, of Section 2-03, Official Zoning Map and Zoning District, of Chapter 1, Article II, Establishment of Zoning Districts and Official Zoning Map, of the *Land Development Code*, by amending the Official Zoning Map to rezone a 147-acre parcel of real property from R-2 (Single-Family Low Density) to PRD (Planned Residential Development), said real property being located within the limits of the existing Tomoka Oaks Golf Course; establishing boundaries; authorizing revision of the Official Zoning Map; approving a Development Order for “The Tomoka Oaks Golf Village” Planned Residential Development (PRD). (Second Reading)
- 10) **SECOND READING OF ORDINANCE** No. 2006-18 amending Chapter 10, Waste, Yard Waste and Recyclables\*, of the *Code of Ordinances* of the City of Ormond Beach, Florida, by amending Article I, In General, Section 10-1, Definitions; and by amending Section 10-18, Reserved, to provide for the collection, removal, and disposal of debris upon private roads and within private gated communities during a declared state of emergency.
- 11) **FIRST READING OF ORDINANCES:**
- A) Ordinance No. 2006-19 amending Chapter 3, Performance Criteria, Article IV, Sign Regulations, Section 3-48, Specialized Sign Standards, of the *Land Development Code* by allowing for additional signage for professional office uses in the Greenbelt Overlay District, subject to minimum criteria.
  - B) Ordinance No. 2006-20 relative to rezonings of property, amending Section 1-18, City Commission/Public Hearings of Chapter 1, General Administration of Article II,

Administration and Enforcement, of the *Land Development Code* by amending notification requirements for public hearings.

12) **DISCUSSION ITEMS:**

- A) Sports Authority proposed 4,000-seat stadium.
- B) Update on building height Charter referendum public information.

13) **AUDIENCE REMARKS** (if not completed at beginning of meeting):

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

15) **CLOSE THE MEETING.**

Item #1 - Call to Order

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

Item #2 - Invocation

Pastor Bud Murphy, Unitarian Universalist Society, gave the invocation.

Item #3 - Pledge of Allegiance

Mayor Costello led the Pledge of Allegiance.

Item #4 - Audience Remarks

“State of the City” Luncheon

Mr. Andrew Cripps, 224 Rio Pinar Drive, thanked the Mayor, Commissioners, and City staff on behalf of the Ormond Beach Chamber of Commerce for their support of the “State of the City” luncheon last Tuesday. He thanked Mayor Costello and Commissioner Kent for their willingness to participate in the community information forum planned for October 30 from 5:30 p.m. to 7:00 p.m. at the Performing Arts Center. Mr. Cripps reported the forum would be broadcast live on radio station WNDB and moderated by Mr. Mark Bernier. He noted the Ormond Beach Chamber of Commerce was committed to presenting complete and accurate information in this incredibly important election to help voters make an informed decision.

Mayor Costello thanked the Chamber of Commerce for hosting the “State of the City” luncheon. He recommended in the future having each Commission member participate with the state of their individual zone as well as the state of the City.

Building Height Issue

Mr. Harold Hubka, 39 Cambridge Trace, representing Bray and Gillespie, stated CAN DO implied there would be a tax savings if the 75-foot height limit were maintained, and taxes would need to be increased should the Bray and Gillespie plan be passed. He reported the Bray and Gillespie plan was not growth but redevelopment with no increase in units; therefore, there would be no increase in the infrastructure nor new taxes for water or sewer with either plan. Mr. Hubka stated considering the value of the concessions being offered by Bray and Gillespie, there would be a conservative estimate of \$53 million the City would not need to pay with taxes. He reported the Bray and Gillespie proposal indicated the owners of the buildings would maintain the parks rather than the City maintaining the parks because it was important for those buildings that the parks keep their value in effect. Mr. Hubka noted it was also stated that the County would supply parks for Ormond Beach, and it would not be necessary for Bray and Gillespie to provide the parks. He pointed out the County had been discussing providing land for parks for a long time, but it had not occurred and would cost approximately \$25 million for 500 lineal feet on the beachside. Mr. Hubka advised Ormond Beach residents pay taxes to Volusia County as well as to the City of Ormond Beach, and residents would have to pay for the purchase through County and probably City funds. He pointed out that should the County purchase the land, it would take \$25 million off the tax rolls, which would equate to increased taxes.

Mr. Chris Duval, 27 Sunny Shore Drive, Ormond-by-the-Sea, stated the vote on November 7 represented the possibility of not tying the Commission’s hands to propose needed changes. He reported situations cause the need for improvements, and this would provide the

Commission the opportunity to accept improvements for the City. Mr. Duval advised he would be for any proposal that would provide a few more parks and open areas to see the beach. He reported this decision would affect more than those in this room, and would profoundly affect generations to come.

Mr. Harold Lueken, 754 John Anderson Drive, representing Bray and Gillespie, stated he was a lawyer experienced in real estate and was completely confident the Bray and Gillespie proposal versus the alternative would be a significant tax savings. He offered choosing any two of the top 20 firms in the country and Bray and Gillespie would pay for the service to confirm that this plan would be a significant tax savings versus a tax cost as was being asserted, and it would affect every person.

Mr. Tom Brinkman, 23 Walnut Lane, representing Bray and Gillespie, stated he had worked for major corporations for the past 25 years, and he believed it was very important to attract talent to the Ormond Beach area with high paying jobs. He noted this plan afforded a huge opportunity. Mr. Brinkman stated Ormond Beach's biggest attraction was currently the hospitality industry, but much more was needed. Mr. Brinkman explained when major corporations look for a place to locate, they look for amenities such as supporting jobs that pay well. He pointed out Ormond Beach had a very low salary scale compared to other places in Florida. Mr. Brinkman urged concentrating on opportunities for better wages, providing an opportunity for sensible growth and empowering the people to make good decisions for this and future generations.

#### Bridge

Ms. Pattie Barker, 1105 Overbrook Drive, stated she received a flyer advising residents of Mayor Costello's suggestion that a bridge be built two miles north of Granada Boulevard connecting Nova Road with the north peninsula. She noted the *News-Journal* indicated Mayor Costello was personally pushing this effort without a feasibility study, without a consensus from the MPO, without any discussions with affected residents, without any expert opinion or consultation on a potential crossing point, and without any public hearings or suggestions from the City Commission. Ms. Barker advised this would have a devastating impact on the lives of many people, such as property values in Northbrook and elsewhere. She stated voicing the Mayor's opinion without first weighing the effect on the neighborhood did not build trust, but tended to divide and breed speculation about the fate of the peoples' homes and livelihoods. Ms. Barker reported many people no longer trust Mr. Hayes to make the complex decisions that would affect the quality of life in Ormond Beach and shape the character of the community. She stated Mayor Costello had the responsibility to consider the weight his position carries and the consequences his opinions have on the lives of others.

Mayor Costello stated the MPO was investigating the possibility of a bridge anywhere from Edgewater to North Ormond Beach. He explained Granada Boulevard was very crowded, and he made the request that an investigation be made to determine whether a new bridge would be appropriate; but many meetings, investigations, public hearings, and studies would be held once the MPO would make a decision if a bridge was even feasible to consider. Mayor Costello pointed out the soonest another bridge would be built would be at least 20 to 30 years in the future, but some action needed to be taken now.

#### Building Height Issue

Mr. Doug, Kosarek, 501 North Atlantic Avenue, Senior Vice President of Bray and Gillespie, announced the petition drive was being continued with resident volunteers. He noted Commissioner Kent believed he was expressing the voice of his constituents; however, 6,500 signatures had been collected City-wide, and in Zone 2 there were almost 700 CAN DO signatures and 1,150 CAN BE signatures. Mr. Kosarek pointed out these 1,150 people were also Commissioner Kent's constituents. He reported as he has been in the neighborhoods speaking to small groups, many people have asked questions about details of the proposal. Mr. Kosarek pointed out a "yes" vote would eliminate that type of discussion and negotiation. He stated the people should vote "no" if they wish to discuss the merits of the proposal. Mr. Kosarek encouraged people to vote "no" to start the debate.

Mayor Costello stated he was elated Commissioner Kent was planning to participate in the forum because he believed he and Commissioner Kent respected each other and this would be a good open discussion of the facts.

Commissioner Kent stated he hoped to attend, but could not make a commitment because he must make certain he was available.

Item #5 – Approval of Minutes

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

**Mayor Costello stated that hearing none, the minutes were approved as submitted.**

Item #6 – Recognition of Cub Scout Troop Pack 74

Mayor Costello recognized Cub Scout Troop Pack 74.

Ms. Kathy Edwards, Den Mother for Cub Scout Troup Pack 74, stated these Webelow Cub Scouts were working hard to earn their Citizen Activity badges. She thanked Mr. Tom Lipps, Support Services Director, who presented a program for the boys. Ms. Edwards reported the boys now have a greater appreciation for City government.

Item #7(A) Metropolitan Planning Organization

Mayor Costello stated he asked the Metropolitan Planning Organization (MPO) to consider the potential for new bridges, and a number of areas were considered. He reported that he considered LPGA to be the most logical place because it has an interchange that went all the way to the river. Mayor Costello advised this was being considered to plan for 20 years into the future. He offered to add this as an item for the Commission to discuss. Mayor Costello reported he had not made any decisions, and the MPO would not make any decisions for years, but he believed he would be remiss as an MPO representative to not consider everything.

Commissioner Partington pointed out the Commission did have a discussion item regarding bridges last year. He noted it was publicly advertised that this was a possibility. Commissioner Partington noted that because this would not be done for so many years and there were other sites that may be better suited, this was not a big issue.

Item #7(B) Volusia Council of Governments

Mayor Costello reported the Volusia Council of Governments (VCOG) had not met since the last time he reported at the last meeting.

Item #7(C) - Water Authority of Volusia

Commissioner Kelley stated the next Water Authority of Volusia (WAV) meeting would be held tomorrow.

Item #8 - Consent Agenda

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

Commissioner Kelley requested removing Item Nos. 8(B) and 8(D) for discussion.

**Commissioner Kelley moved, seconded by Commissioner Gillooly, for approval of the Consent Agenda, minus Item Nos. 8(B) and 8(D).**

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

Item #8(B) - Procurement of Sodium Hypochlorite

RESOLUTION NO. 2006-225

A RESOLUTION ACCEPTING THE SOLE SOURCE PROCUREMENT OF SODIUM HYPOCHLORITE FROM ODYSSEY MANUFACTURING COMPANY FOR THE WATER TREATMENT PLANT AND THE WASTEWATER TREATMENT PLANT; AUTHORIZING THE EXECUTION OF AN AGREEMENT AND PAYMENT THEREFOR; RATIFYING THE EMERGENCY PROCUREMENT OF A SODIUM HYPOCHLORITE SYSTEM AT

THE WATER TREATMENT PLANT; AND SETTING FORTH AN EFFECTIVE DATE.

**Commissioner Partington moved, seconded by Commissioner Kent, to approve Resolution No. 2006-225, as read by title only.**

Commissioner Kelley stated the Commission gave serious consideration to whether or not to switch to this process and to the associated costs. He questioned how the information the Commission got today would affect this agreement. Commissioner Kelley expressed concern in that he discussed going to this system with outside engineers and he questioned if this would actually save money.

Ms. Sloane stated the onsite generation was part of the water treatment plant expansion, and the equipment had already been ordered, but it was not anticipated to be operational until the conclusion of the water treatment plant project in March 2008.

Commissioner Kelley asked how many accidents the City had using the chlorine gas in the past 25 years and how many accidents have there been using the manufacturing on site in the United States in the past few years. He reported he was informed the maintenance, personnel, and electrical costs would be much higher than anticipated.

Ms. Sloane stated there were two accidents in the past five years, with one in the water plant and one in the wastewater plant.

Mr. Isaac Turner, City Manager, recommended Commissioner Kelley and the engineers he spoke to meet with staff to discuss these issues.

Commissioner Kelley stated this was probably too far along to make any significant changes, but he had concerns, and he would prefer purchasing from outsourcing until more information was obtained.

Commissioner Partington noted he would consider the issue again, but the reasons he would vote for this tonight was due to safety, which was difficult to price; the City would save almost \$3 million over the next 20 years; and the qualitative analysis had sodium hypochlorite come out ten points ahead. He stated if Commissioner Kelley had other information, he would listen.

Commissioner Kelley stated this would have to be acquired now for next year, but he would have liked to have the additional information. He noted staff provided everything requested.

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

Item #8(D) - Downtown Parking Assessment

RESOLUTION NO. 2006-227  
A RESOLUTION ACCEPTING THE PROPOSAL OF TIMOTHY HAAHS AND ASSOCIATES, INC., REGARDING PROFESSIONAL SERVICES TO CONDUCT A DOWNTOWN PARKING ASSESSMENT; AUTHORIZING THE EXECUTION OF AN AGREEMENT AND PAYMENT THEREFOR; REJECTING ALL OTHER PROPOSALS; AND SETTING FORTH AN EFFECTIVE DATE.

**Commissioner Kent moved, seconded by Commissioner Gillooly, to approve Resolution No. 2006-227, as read by title only.**

Commissioner Kelley stated this project was being done in stages and this request was to do a parking study, but parking issues have been discussed since 1992. He reported until there were serious commitments and vision, he could not support a \$43,500 study to tell the Commission there was not enough parking and how much additional parking needed would depend upon what was developed. Commissioner Kelley advised that some times there was enough parking and some times there was not enough parking.

Commissioner Gillooly concurred with Commissioner Kelley in that there was a downtown visioning session where it was already identified that there was a problem, and the next step was the implementation of that visioning.

Mr. Turner stated through this study there was a commitment to identify a solution and expend dollars to implement the solution. He agreed this issue had been studied many times. Mr. Turner pointed out part of the design of the study was to make specific recommendations.

Mr. Joe Mannarino, Economic Development Director, stated the process the City was following was the first step to determine if a parking structure behind City Hall was warranted. He pointed out a new master plan would be coming before the Commission that had been in the process for approximately six months that included various groups from the downtown, the Chamber of Commerce, and downtown residents. Mr. Mannarino reported this study would look into 2020, and it would incorporate all of the recommendations and plans being proposed that the Commission would soon be seeing as well as those recommendations going before the County for their approval. He noted there were many places in the downtown that had potential areas that could be combined for parking for the existing businesses. Mr. Mannarino reported signage would also be studied. He advised that without outside help as to where to concentrate the Tax Increment Financing (TIF) dollars, how to utilize the TIF dollars in the best way possible, and to obtain public participation from residents and property owners, the City would be doing this project in a piecemeal fashion. He noted the past parking studies did not look far enough into the future. Mr. Mannarino noted this would look into where to get the investment for the public dollars being spent.

Commissioner Gillooly asked if the City could get the Main Street Board involved.

Ms. Mannarino stated the Main Street board had been involved for the past six months. He reported Main Street was trying to dissect all of the different districts to identify areas of concern and potential, but this study would provide more detailed technical information to enable the City to justify, particular to the County, where the dollars would be spent.

Commissioner Gillooly expressed concern regarding the amount of money that would need to be expended for this study. She stated the problem was on the west side of the Granada Bridge because most of locations on the east side of the Granada Bridge had parking associated with their sites.

Commissioner Partington favored the parking study because he had the resolve Commissioner Kelley indicated was needed to take care of this problem. He clarified that the law required justification when taking money from a TIF district, and the way to provide justification was through professional studies. Commissioner Partington noted a parking garage may not be the answer and the professions may recommend something no one had previously thought of, but they could provide the best solutions. He stated he would prefer a parking garage because he had seen parking garages done where they did not look like parking garages.

Mr. Turner stated staff did one or two assessments of parking opportunities and was able to obtain the parking in front of the elementary school but was not able to accomplish anything on the north side. He reported staff did not have the ability to do the long-term analysis assessments and the quantitative aspects of this study. Mr. Turner advised there were benefits to obtain an independent individual to do this assessment. He stated there had been a great deal of talk, but there was a need for someone to focus and provide solid recommendations and options.

Commissioner Kent stated he liked the parking garage concept the least and concurred with Commissioner Kelley.

Commissioner Gillooly asked why this company was selected out of the four proposals that were submitted.

Mr. Mannarino explained this company was selected due to their experience and performance in similar jobs, but no dollar values were provided based on the method Florida dictated on how this process needed to work. He explained negotiations could only begin once a company had been selected.

Mr. Turner stated a selection must be made based on qualifications, skills, and responsiveness before negotiations for a price could begin.

Commissioner Gillooly asked staff to go back and negotiate a lower price. She questioned if the City must continue to use the firm that was selected.

Mr. Mannarino stated staff would prefer to use this firm for the first two stages in that they had done a great deal of up front work. He explained after this, if there was work to be done on a structured site, the City would then renegotiate.

Commissioner Gillooly requested staff to go back and renegotiate a better price on this proposal.

Mayor Costello stated he would defer to Commissioner Kent as the Main Street representative.

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

Mayor Costello stated he agreed with Commissioner Gillooly. He recommenced the firm meet with Main Street.

Mr. Turner stated this could be discontinued if the Commission did not see a problem.

Mayor Costello explained he would defer to Main Street.

Commissioner Partington stated Main Street had already spoken, and he was not certain Commissioner Kent spoke for Main Street on this issue. He noted there was more support for this at the goal session than there was tonight, which was why staff did all of this preparatory work and brought it to the Commission.

Commissioner Kent stated Main Street had a new executive director, a new momentum, and more people were becoming actively involved. He offered to take this to the board and share the board's views with the Commission should he agree with them or not.

Item #9(A) - Georgian Inn Beach Club

RESOLUTION NO. 2006-233

A RESOLUTION AUTHORIZING THE EXECUTION AND ISSUANCE OF A SPECIAL EXCEPTION DEVELOPMENT ORDER FOR THE "GEORGIAN INN BEACH CLUB" ON A SITE LOCATED AT 759 SOUTH ATLANTIC AVENUE WITHIN THE B-6 (OCEANFRONT TOURIST COMMERCIAL) ZONING DISTRICT; BY APPROVING A WALL SIGN TO EXCEED THE MAXIMUM HEIGHT OF TWENTY (20') FEET ON THE WEST ELEVATION OF THE CONDOMINIUM AS PROVIDED IN CHAPTER 3, ARTICLE IV, SECTION 3-47 B.1.B OF THE *LAND DEVELOPMENT CODE*; ESTABLISHING CONDITIONS AND EXPIRATIONS OF APPROVAL; AND SETTING FORTH AN EFFECTIVE DATE.

**Commissioner Gillooly moved, seconded by Commissioner Partington, to approve Resolution No. 2006-233, as read by title only.**

Commissioner Gillooly stated the Development Review Board voted unanimously to deny this request, but staff recommended the Commission consider approving the request. She reported she visited the site, and she believed the pole sign was aesthetically pleasing. Commissioner Gillooly commended the developer for doing a good job on the façade. She pointed out the difference was for only a couple of feet.

Mr. Clay Ervin, Planning Director, stated this was a special exception. He explained a special exception would be used when in specific locations this development may be appropriate, but City-wide or district-wide it would not be appropriate. Mr. Ervin reported a special exception was more of a technical application of criteria rather than a negotiated agreement for waivers or variances. He stated this would examine how standards had been applied in other locations throughout the B-6 and B-7 zoning districts. Mr. Ervin advised areas where this had been done were at the Peninsula Hospital and the Royal Floridian. He explained the height of the sign was limited to 20 feet and the developer was requesting permission to exceed that 20 feet so they could have the sign on the vertical portion of their building facing A1A. Mr. Ervin explained that

businesses along A1A were permitted to have pole signs. He pointed out this was an older building with an architectural design that was somewhat limiting to allow for horizontal signs at or below 20 feet, and staff was trying to follow what was done previously at the other two sites referenced.

Commissioner Gillooly stated Commissioner Partington received an e-mail today questioning the fairness on how the Commission judged special exceptions. She requested Mr. Ervin explain what constituted a special exception.

Mr. Ervin stated the Land Development Code was specifically amended for this particular situation. He explained in the mid 1990s there was a prohibition of all signs over 20 feet, and Peninsula Hospital indicated they could not get a 20-foot sign, but it was imperative to have a sign. Mr. Ervin reported that rather than going through a variance procedure, the Planning Board recommendation was to make a special exception for applicants to go through a public hearing process at the Development Review Board and at the City Commission level. He pointed out that the concept behind a special exception was what was being requested may not work everywhere in the district but may be appropriate in certain locations. Mr. Ervin reported this was regulatory relief granted toward existing structures built along the beachfront and in the hospital zoning districts because it would deal with more institutional buildings that would typically be taller and did not have the architecture to support typical signage.

Mayor Costello asked why the parrot had to be removed from the hotel but this could stay.

Mr. Ervin stated this would meet the sign area requirements while the parrot exceeded the size limitation, and the parrot was considered a graphic representation used for commercial free speech; therefore, interpreted as a sign. He noted there was also a prohibition against murals.

Mayor Costello reported he worked hard to keep the parrot, and he did not understand why this was recommended for approval while the parrot had to be removed.

Commissioner Partington stated he also appreciated the pole sign on A1A. He summarized that Mr. Ervin was indicating that in order to be consistent with what was previously approved staff was recommending this be approved. Commissioner Partington noted he considered that to be an important factor.

Commissioner Kelley stated there was a very clear difference that the Development Review Board considered and assessed incorrectly which was that a special exception was granted to B-7 for a Planned Business Development (PBD). He pointed out the hospital had no place for a sign, but this applicant did have a place for a sign. Commissioner Kelley reported the sign would not be obtrusive, but the exception granted was meant to apply in those situations where there was no place for a sign, which was not the case in this instance; therefore, he would vote against this request.

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

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

Item #9(B) - "The Tomoka Oaks Golf Village"

ORDINANCE NO. 2006-17

AN ORDINANCE AMENDING SUBSECTION A, ZONING MAP, OF SECTION 2-03, OFFICIAL ZONING MAP AND ZONING DISTRICT, OF CHAPTER 2, ARTICLE I, ESTABLISHMENT OF ZONING DISTRICTS AND OFFICIAL ZONING MAP, OF THE LAND DEVELOPMENT CODE, BY AMENDING THE OFFICIAL ZONING MAP TO REZONE A 147-ACRE PARCEL OF REAL PROPERTY FROM R-2 (SINGLE-FAMILY LOW DENSITY) TO PRD (PLANNED RESIDENTIAL DEVELOPMENT), SAID REAL PROPERTY BEING LOCATED WITHIN THE LIMITS OF THE EXISTING TOMOKA OAKS GOLF COURSE; ESTABLISHING BOUNDARIES; AUTHORIZING REVISION OF THE OFFICIAL ZONING MAP; APPROVING A DEVELOPMENT ORDER FOR "THE TOMOKA OAKS GOLF VILLAGE" PLANNED RESIDENTIAL DEVELOPMENT (PRD); REPEALING ALL

INCONSISTENT ORDINANCES AND PARTS THEREOF; AND SETTING FORTH AN EFFECTIVE DATE.

**Commissioner Kelley moved, seconded by Commissioner Partington, to approve Ordinance No. 2006-17, on second reading, as read by title only.**

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

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

Item #10 - Collection, Removal, and Disposal Of Debris Upon Private Roads and within Private Gated Communities During a Declared State of Emergency

ORDINANCE NO. 2006-18  
 AN ORDINANCE AMENDING CHAPTER 10, WASTE, YARD WASTE AND RECYCLABLES\*, OF THE CODE OF ORDINANCES OF THE CITY OF ORMOND BEACH, FLORIDA, BY AMENDING ARTICLE I, IN GENERAL, SECTION 10-1, DEFINITIONS; AND BY AMENDING SECTION 10-18, RESERVED, TO PROVIDE FOR THE COLLECTION, REMOVAL, AND DISPOSAL OF DEBRIS UPON PRIVATE ROADS AND WITHIN PRIVATE GATED COMMUNITIES DURING A DECLARED STATE OF EMERGENCY; PROVIDING FOR SEVERABILITY; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; AND SETTING FORTH AN EFFECTIVE DATE.

**Commissioner Kent moved, seconded by Commissioner Kelley, to approve Ordinance No. 2006-18, on second reading, as read by title only.**

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

Item #11(A) - Signage for Professional Office Uses in the Greenbelt Overlay District

ORDINANCE NO. 2006-19  
 AN ORDINANCE AMENDING CHAPTER 3, PERFORMANCE CRITERIA, ARTICLE IV, SIGN REGULATIONS, SECTION 3-48, SPECIALIZED SIGN STANDARDS, OF THE LAND DEVELOPMENT CODE BY ALLOWING FOR ADDITIONAL SIGNAGE FOR PROFESSIONAL OFFICE USES IN THE GREENBELT OVERLAY DISTRICT, SUBJECT TO MINIMUM CRITERIA; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; PROVIDING FOR SEVERABILITY; AND SETTING FORTH AN EFFECTIVE DATE.

Mr. Ervin stated this was an administratively initiated amendment to the Land Development Code to address a concern identified to the Commission from a local land developer. He reported there was a concern that the current land development regulations do not provide enough sign flexibility for larger office complexes located along the major thoroughfares of Granada Boulevard, Clyde Morris Boulevard, Williamson Boulevard and Hand Avenue. Mr. Ervin noted staff had been in discussion with this developer to determine what options were available in that there were no sign variances for new construction, so developers have two options: rezone their property to PBD where they would have some flexibility or to go forward with straight zoning and comply with the minimum established standards. He explained the current minimum standards call for monument signage, and the size of the sign would be based on the frontage of the property with a maximum number of six tenant panels in addition to the name of the facility. Mr. Ervin reported the applicant was concerned this was not meeting the needs of today's real estate market and identified that the purchasers need additional signage. He noted staff had some concerns relative to applying the regulations City-wide. Mr. Ervin pointed out staff was not indicating the proposal was unattractive, and the applicant did point out

some existing non-conforming signs that were not attractive and do create difficulties, but staff could not recommend approval of the proposed language. He stated staff identified options for the Commission. Mr. Ervin advised the staff recommendation was incorporated into the staff report, which was that if the Commission deemed this to be appropriate, the criteria established would regard the size of the project that would be the minimum to be enforced and it would open up the opportunity for other existing projects to ask for revised signage. He reported he believed the information provided by the developer at the Planning Board meeting had been incorporated into the minutes, but it was inadvertently omitted; therefore, this information was placed on the dais tonight. Mr. Ervin clarified that there were no processing fees in that this was staff initiated.

Mr. Greg Antonich, 153 Dawn Drive, owner/developer of the Granada Professional Center, stated this was a 27,000 square foot professional office building located adjacent to Lohman's Funeral Home on the north side of Granada Boulevard. He pointed out the businesses would be occupying and investing in their own real estate on this site. Mr. Antonich noted these businesses were seeking the same consideration as projects for which he provided examples on Granada Boulevard and other major thoroughfares in Ormond Beach. He distributed the packet of information and offered to answer any questions. Mr. Antonich reported he did not understand that there were options when beginning this process, and since they started this process, many other developers have been approved to have two signs for a single building on Granada Boulevard. He explained nine businesses were ready to occupy this building, and there was a capacity of approximately 12 businesses for this development, while they were only allowed one sign with six panels. Mr. Antonich requested a paragraph be added to the code where one monument sign would be allowed that would include language such as "in addition to corner lots, if there was a development with a single building of a minimum 20,000 square feet combined with 250 feet of frontage, the developer would also qualify for the exact same signage criteria as a corner lot." He noted this would guarantee there would be no overcrowding of signage with the same square feet of separation as on a corner lot.

Mr. Joe Clark, 4 Lajolla Court, indicated he had been at the same location on Nova Road for 25 years and recently purchased this office location on Granada Boulevard. He requested the Commission grant the request for additional signage in that the permitted signage was not adequate.

Ms. Rochelle Cannon, 276 Timberline Trail, stated she was the administrator for Dr. Yanamadula's medical practice. She noted Dr. Yanamadula currently had offices in the Twin Lakes Medical Center, and he preferred being in Ormond Beach once he decided to move. She cautioned against allowing only one sign with six small signs on the very busy Granada Boulevard in that people would slow down to read the sign expanding the traffic problems and possibly causing a traffic hazard. Ms. Cannon reported Dr. Yanamadula would have a 6,500 square foot office providing many services to the community, and people needed to see the signage to access these services.

Dr. Dinash Yanamadula, 25 Misner's Trail, stated he sees a high volume of patients with significant neurological problems, and many are on narcotics that could impair their driving. He expressed concern regarding placing his patients at risk by trying to read a small sign. Dr. Yanamadula pointed out the traffic on Granada Boulevard was very fast and accidents could occur.

Mr. Ty Lohman, 753 Peninsula Drive, expressed concern in that his family dealt with a senior market, and if there was not adequate signage, older people may not be able to see the sign, causing a traffic hazard.

Commissioner Kelley asked what the property frontage was.

Mr. Antonich replied there was 315 to 317 feet of frontage.

Commissioner Kelley disclosed he received and replied to e-mails from Mr. Antonich and spoke to him on the telephone. He noted Mr. Antonich acknowledged the sign restrictions on the greenbelt were different; there were pre-existing signs; and there were some exceptions made through the PBD. Commissioner Kelley recommended the sign read "Building 566" rather than trying to place all of the occupant's names on the sign. He pointed out many times people find places by a landmark, and this was immediately east of Lohman's Funeral Home, which was a distinctive building. Commissioner Kelley asked what buildings, other than the Reflections Building, were over 20,000 square feet that had additional signage on Granada Boulevard.

Mr. Ervin replied immediately east of Reflections was the P&S building at Tomoka Avenue and SR40, and there were plans for the corner of Tomoka Avenue and SR40 for a 27,000 square

foot medical office building. He stated on Clyde Morris Boulevard south of Hand Avenue there were two separate projects.

Commissioner Kelley advised he was specifically referring to the greenbelt area.

Mr. Ervin explained that Clyde Morris Boulevard was in the Greenbelt Overlay District. He advised the Greenbelt Overlay District included Williamson Boulevard, Hand Avenue, Clyde Morris Boulevard, US1 north of Melrose Avenue, Granada Boulevard, and I-95.

Commissioner Kelley stated it was unfortunate this was coming to the Commission now in that studying the sign regulations was a goal he had recommended to study and a workshop on the issue had not yet occurred. He noted some signs were below the grade of the road yet they could not be any taller than the regulation allowed, making the situation unfair. Commissioner Kelley noted this was an unfortunate situation, but he questioned if the small signs could identify each business. He asked how many businesses would be at this location.

Mr. Antonich advised there would probably be 12 businesses. He stated his request was for two signs similar to what was permitted at the Seminole Center.

Mr. Ervin stated there was a provision in the code that a commercial property located on a corner parcel may have two signs, and staff had the ability to relocate one of the corner signs if it would impact a residential area. He noted that was done for the Tuscany Shoppes and Seminole Center.

Mr. Antonich pointed out when the Seminole Center and Tuscany Shoppes were built, the signs were large enough to read, but smaller signs can not be seen until a vehicle comes close to the sign. He stated this building was business owned rather than a central focus point. Mr. Antonich advised he had letters from other tenants expressing the importance of being allowed these signs for their businesses.

Commissioner Kelley stated it was difficult to provide adequate signage. He reported he was pro-business, and if businesses were to be allowed into the City, the City needed to try to make them successful in that they were investing money to provide jobs.

Commissioner Kent agreed the Commission must do the right thing for the businesses, but also for the people. He stated if this was allowed on a corner lot, it would be reasonable to allow two signs in this situation; therefore, he would support this request.

Commissioner Gillooly stated she met with Mr. Antonich this morning and indicated he created a quality product. She asked if Mr. Antonich considered going through the Planned Business Development (PBD) option, and she asked staff if that option was offered.

Mr. Antonich stated staff never presented him the option to go through the PBD process.

Mr. Ervin stated there was a specific discussion regarding the archeological impacts when he described to Mr. Antonich and his engineer, Mr. Mark Dowst, that there were options to process with this project either through a PBD or a special exception, and the PBD would require going through a public hearing process. He explained with the special exception process the applicant would have to meet the code, and the PBD process would offer an option for waivers and variances, but the City could also request additional improvements above and beyond what was required by code. Mr. Ervin explained the decision the applicant made was to use the special exception process. He stated the project basically complied with all of the criteria, and staff recommended approval on this very good project. Mr. Ervin noted Mr. Antonich was very mindful of the concerns brought forward by the Ormond Beach Historical Trust on the adjacent Three Chimneys site.

Commissioner Gillooly asked if there was a reason not to go for the PBD.

Mr. Ervin stated that "time is money" to a developer; therefore, every business owner would want to proceed as quickly as possible with the least amount of public hearings. He stated with each stage the criteria becomes more difficult to work with, making most people prefer the special exception route to obtain staff approval as opposed to going through the PBD process. Mr. Ervin noted the size of the project required either a special expectation or PBD.

Mayor Costello stated with a PBD the Commission could ask for specific amenities, but not with the special exception process.

Commissioner Gillooly asked if it was too late to go through this PBD process.

Mr. Ervin explained the development order for the special exception had been issued and the developer had complied with all of the codes and met the concerns brought forth by the public, leaving signage the only issue to be resolved.

Commissioner Gillooly stated it was ironic that Mr. Antonich went through a more involved process due to the location, and he complied willingly. She asked if each business would have signage on the building.

Mr. Ervin stated each business would have its own building signage over the door.

Commissioner Gillooly asked if Mr. Antonich could agree to have the address and Granada Professional Center without listing the individual names.

Mr. Antonich stated signage was very important to businesses, especially when the businesses were investing in their own business location. He noted he did not consider this a large enough destination to accomplish that goal. Mr. Antonich pointed out the signs he referred to earlier are attractive and not obtrusive. He stated by the time landscaping was in place the signage would blend well on the site.

Commissioner Gillooly stated she appreciated the issue, the initiative, and the quality of the development, but expressed concern about changing the rules in that it would affect other businesses. She asked Mr. Ervin if this language would be considered spot zoning.

Mr. Ervin stated the Commission must set policies based on aesthetics. He noted if it were the Commission's belief this was not in accordance with the aesthetic standards currently established, the Commission needed to vote against this; however, if the Commission believed this to be a natural transition and the policy would be acceptable, the Commission could approve this request. Mr. Ervin advised this was not engineering related.

Commissioner Gillooly asked if this could be compared to the J&P Cycles vote.

Mr. Ervin stated staff concurred with Mr. Antonich in that there was not a graduated scale, and if one were approved, a developer with a larger development would not be penalized by having a single internal parcel. He pointed out that the parcels are fairly well set on SR40 and the other roads in the greenbelt. Mr. Ervin reported staff deemed it important to maintain the consistency with how others were treated.

Commissioner Partington questioned if this building had a walkway through the middle, if it would be allowed two signs; whereby, Mr. Ervin advised if there were two buildings, two signs would be allowed. Commissioner Partington stated he was trying to balance the interests and understand the reasoning between the signage allowed as compared to the size of the building.

Mr. Ervin stated the first concern was to avoid a proliferation of signage. He noted Mr. Antonich indicated he believed the project to be large enough to require two signs, but not large enough to be a destination. Mr. Ervin advised the code basically stated one business would be allowed one sign, but some accommodations were made to accommodate multiple buildings and corner parcels. He stated this issue tonight was whether or not the policies have gone far enough to provide businesses with adequate signage and if an amendment would or would not cause a proliferation of unneeded signage.

Commissioner Partington stated he spoke to Mr. Antonich and saw some of the e-mails. He noted he was uncertain in that he wished to be supportive but shared Commissioner Gillooly's concern regarding changing the rules. Commissioner Partington stated the best recommendation was probably to use the name of the professional center and the address rather than all of the businesses. He advised he may consider accepting a larger sign adding the extra four businesses.

Commissioner Kelley asked if two buildings were separated by a walkway, if they could have two signs.

Mr. Ervin stated two signs would be acceptable with two buildings.

Commissioner Kelley noted people traveling east to west would pass the entrance before they could see the sign.

Mr. Ervin stated if the Commission wanted to help Mr. Antonich but was not ready to make these code changes, an alternative would be to ask staff to revise the code to bring back a sign

variance of some sort because the Commission should not examine one site to make policy for the entire City. He reported this could be on the agenda for the Planning Board in November and it could be brought back to the Commission in December or January.

Mr. Turner stated there were a number of sign issues about which the Commission expressed concern, and he hesitated to have this be dealt with in a piecemeal manner and would prefer to examine the issue on a more comprehensive basis. He noted staff wanted to try to help the Commission when they find themselves in a dilemma, but it had to be a well thought out process, and the Commission understood what the repercussions could be for any action taken.

Commissioner Gillooly stated since there was only one entrance, she suggested the developer seriously consider the sign saying Granada Professional Center. She reported she believe it would become a destination in that it was a beautiful building and a tremendous asset to the City.

Commissioner Partington questioned if four extra panels were allowed, what impact that scenario would have on other businesses coming to City Hall for new signs.

Mr. Ervin explained the maximum number of sign panels currently allowed was six panels.

Mayor Costello stated he met with Mr. Antonich who advised he was aware that by going with the PBD he could have been allowed the signs. He asked if staff would have recommended approval of the two signs had he gone the PBD route.

Mr. Ervin stated staff would not have approved the site plan as it currently existed because staff would have typically required additional improvements such as decorative lighting, additional buffering, and additional landscaping.

Mayor Costello summarized that the ways the two signs could be approved were going under the PBD process with other improvements to the site, if the parcel was located on a corner lot, and if there were two separate buildings. He pointed out that two signs would be allowed on a corner with 200 square feet of frontage, and this lot had 300 square feet. Mayor Costello clarified that had they built two buildings, even with a covering, two signs would have been permitted. He stated this was an equity issue, and he understood it may be difficult for a developer to decide which process he should follow. Mayor Costello advised he would support the two signs, but he was not ready to amend the codes. He noted he did not see a problem if a building over 20,000 square feet with 250 feet of frontage wanted two signs. Mayor Costello corrected a statement in Mr. Antonich's letter where it stated that he instructed Mr. Antonich to meet with Planning to put the proposal together so Planning would support it because what he actually said was that Planning would process it. He stated he did not specifically propose a minimum of 250 feet and 20,000 square feet, but recommended discussing a combination with staff. Mayor Costello explained he could accept a change where if the parcel was on a corner lot, the second sign could be moved by a PBD, and if the parcel had a certain frontage such as 250 feet or 300 feet, two signs would be allowed if it was one or two buildings.

Commissioner Partington stated this vote would change the code and not be only for this one applicant. He stated he believed the applicant knew of the various options and specifically did not go through the PBD process because of the concessions they may have been asked to make for the Three Chimney's site.

Mayor Costello clarified he was comfortable with the specific change he outlined, but not the comprehensive changes Mr. Turner mentioned.

Commissioner Kelley reported he did not favor one sign on a 20,000 square foot property with a 1,000 square foot building.

Mr. Ervin stated the current proposal was for anywhere in the Greenbelt Overlay District for anyone with a property of over 250 linear feet of frontage on the corridor and who proposed to construct a single building of over 20,000 square feet of leasable area that they would be allowed two monument signs. He noted Mr. Antonich wanted eight original tenant panels per sign. Mr. Ervin noted staff indicated that if the Commission wished to change the policy on the number of signs, they could do so; however, he recommended not changing the number of tenant panels per sign from six to eight.

Commissioner Kelley stated he would make a motion to table this because he was not clear if this was the proper way to handle this situation. He noted he wanted to support the developer, but he did not want to change the Land Development Code for one person. Commissioner Kelley stated his goal was to make the signage equitable.

**Commissioner Kelley moved, seconded by Commissioner Partington, to table this issue to the next meeting.**

Commissioner Gillooly asked if the Certificate of Occupancy was dependent upon resolution of this signage issue; whereby, Mr. Ervin indicated the Certificate of Occupancy was not dependent on signage.

Commissioner Kelley asked if this information was adequate for the Commission to make a Land Development Code amendment or would more information be needed; and if it was not adequate, would staff have time to address this issue for the next meeting.

Mr. Ervin stated he had been working with Mr. Antonich for three months. He noted staff recommended denial, but options were offered if the Commission wished to support Mr. Antonich's opinion on the policy change. Mr. Ervin noted this referred to areas on the greenbelt roadways, which would be the areas where the larger parcels were located and would impact Nova Road, US1 north of Melrose Avenue, Granada Boulevard east of Orchard, and all of the other commercial areas in Ormond Beach. He clarified that if there were to be a change in policy, this would be the most acceptable change, and it would be the most minimal change that would address Mr. Antonich's concerns as well as the Commission's concerns.

Mayor Costello stated he would not oppose tabling this if the Commission would receive additional information; but if no additional information would be forthcoming, he would rather decide the issue tonight.

Commissioner Kelley stated he had a concern regarding changing the Land Development Code, and he needed more time to consider this request.

Mr. Antonich stated this was started four years ago, and he was not aware there was a process where these issues could be negotiated. He pointed out examples of existing developments that were recently developed. Mr. Antonich agreed this was not a one site issue, but it would not affect corner sites, double row frontage sites, or separated buildings. He stated some developers were aware of this and were planning and designing their projects around the code. Mr. Antonich reported the area was limited in scope, but the City would be faced with larger buildings, specifically in Ormond Crossings. He stated this would be a benefit to the City in that they would be beautiful, readable monument signs.

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

Item #11(B) - Amending Notification Requirements for Public Hearings

ORDINANCE NO. 2006-20  
AN ORDINANCE RELATIVE TO REZONINGS OF PROPERTY, AMENDING SECTION 1-18, CITY COMMISSION/PUBLIC HEARINGS OF CHAPTER 1, GENERAL ADMINISTRATION OF ARTICLE II, ADMINISTRATION AND ENFORCEMENT, OF THE *LAND DEVELOPMENT CODE* BY AMENDING NOTIFICATION REQUIREMENTS FOR PUBLIC HEARINGS; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; PROVIDING FOR SEVERABILITY; AND SETTING FORTH AN EFFECTIVE DATE.

**Commissioner Kelley moved, seconded by Commissioner Gillooly to approve Ordinance No. 2006-20, on first reading, as read by title only.**

Commissioner Partington asked what the size of the sign being posted on the properties was.

Mr. Ervin stated the size of the sign was being handled administratively. He noted staff was informed there was concern relative to the yellow signs the City was currently using and was requiring the applicant to post a four foot by four foot sign. Mr. Ervin reported this would dramatically increase the size of the signs.

Commissioner Gillooly noted she assumed there was a mechanism to insure compliance.

Mr. Ervin stated this would take the requirements for posting off staff and require the developer to post the signs, pay for the signs, and provide the City with the mailings and an affidavit that notification was being done on time.

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

Mayor Costello called for a break at 9:12 p.m. He reconvened the meeting at 9:18 p.m.

Item #12(A) - Sports Authority Proposed 4,000-Seat Stadium

Ms. Judy Sloane, Public Works Director, stated there had been a great deal of discussion recently regarding the need for a stadium in the Ormond Beach area that would serve the Seabreeze High School. She noted the site most discussed was the Airport Sports Complex. Ms. Sloane advised that Glatting Jackson prepared a master plan for the sports complex last year. She noted in that Glatting Jackson was also the consultant for the Phase I master plan, staff asked them to identify the feasibility of locating a high school stadium at this site. Ms. Sloane advised that staff was very supportive of the Sports Authority's efforts to locate a stadium in Ormond Beach, but staff must express its concern regarding the obstacles and impacts of locating the stadium at the Airport Sports Complex.

Mr. Turner reported staff was appreciative of the Sports Authority taking the lead. He noted he believed the Seabreeze High School principal established criteria, and he did not provide alternatives because he considered that to be a Sports Authority function, and he did not want to provide alternatives that did not meet that criteria. Mr. Turner advised staff wanted to support this effort, but had concerns relative to the site.

Mayor Costello asked Mr. Rick Boehm or Mr. Dana Smith to provide a vision of how this could be carried out and how to work within the limitations staff provided for the site.

Mr. Rick Boehm, 5 Springwood Trail, Chairman of the Ormond Beach Sports Authority, stated the vision was to put together a facility that would serve athletics and could potentially serve large community gatherings and possibly even festivals. He advised he heard suggestions that another site may be more appropriate than the Airport Sports Complex; and if the City could identify a better site, he did not believe the Sports Authority would object to considering another site. Mr. Boehm stated the number of seats was chosen by the Seabreeze High School principal, but it was not certain that number was actually needed, and he considered it more important to determine what the site would accommodate. He pointed out the Glatting Jackson report indicated a 4,000-seat stadium could physically be accommodated on the site; however, there would be problems with traffic congestion and parking. Mr. Boehm questioned the possibility of a 3,000-seat stadium. Mr. Boehm stated Mr. Smith proposed building the facility in phases, and in Phase 1 the utilities would be run from the softball quads to that field where he would construct a concession stand and restroom that would be expandable, but would serve a 500-seat stadium. He advised that when this was addressed when moving Pop Warner to this location, Commissioner Kent indicated he wanted the addition to be permanent and first class, serving the needs of the facility indefinitely. Mr. Boehm reported that in Phase 1 there was no building, which means when Pop Warner come next fall there would be port-o-potties and a portable concession stand. He stated the City could run the utilities from the softball complex for a 500-seat stadium to Championship Field 7, and Mr. Smith submitted a plan to accomplish that. Mr. Boehm recommended the Commission approve Mr. Smith's Phase 1 plan, which would complete the 500-seat facility, and then consider whether or not to expand at this location or seek another site later. He reported the City had an unfunded recreation Capital Improvements Project (CIP) in next year's budget for \$200,000, and the City's consultant, McKim and Creed, recognized the need to run those utilities, and their cost figure was under the \$200,000.

Mayor Costello stated Mr. Boehm was recommending the City invest up to \$200,000 to run the utilities for a 500-seat stadium and build a concession area with money generated from the private sector.

Mr. Boehm stated the City was bringing in a 500-seat stadium in Phase 1, and he could bring in another 250 seats from Pop Warner. He noted this was designed to be expandable in the event this site was selected. Mr. Boehm noted the master plan called for a 1,500-seat stadium at this location.

Mr. Turner stated the 500-seat portion was already under way; therefore, this should not be a decision point for tonight's discussion.

Mr. Boehm stated there was no permanent restroom, press box, concession stand, or anything else in Phase 1; and in order to build anything else out, the utilities needed to be extended to the field. He noted the problem for a large stadium was that it would need to be run from US1; however, for a 500-seat stadium, the utilities could be run from the softball quads at a considerably lower expense.

Mayor Costello amended his summation to state that Mr. Boehm wanted a commitment for the \$200,000 for the utilities so the Sports Authority could raise the money.

Mr. Dana Smith, 5 Archangel Circle, architect and planner, stated the plan McKim and Creed developed showed an extension of the water and sewer line to the general location of the 500-seat stadium, but it would have to be extended slightly more to get to the building proper. He pointed out any expansion would require extensive water and sewer. Mr. Smith explained the area was easily expandable; and while Phase I was a good start, the City should not be self-limiting, and it should have the ability to move on even if the site would be changed in the future.

Mr. Turner clarified this item was to provide the Commission with information from Glatting Jackson, express staff concerns, and listen to the Commission's comments; however, staff was not requesting the Commission make a decision. He noted the Sports Authority had not had an opportunity to discuss the Glatting Jackson report, staff concerns, or discuss options with Ormond Beach staff, but he was not certain this was the forum to accomplish that because the Sports Authority would be the entity to make some of the key decisions, suggestions, and provide alternatives. Mr. Turner reported staff would continue to work with the Sports Authority. He recommended providing alternatives and noted the Sports Authority involved not only the City, but schools, fund raisers, and school board members.

Mr. Boehm stated the Sports Authority met; Mr. Smith presented a phased plan; and the Sports Authority approved Phase I, which was submitted to City staff. He contended that whether or not the City would ever build a larger facility or not, Mr. Smith's Phase I should be considered.

Mayor Costello requested staff ask Glatting Jackson to provide a response to Mr. Smith's submittals and bring a resolution back for the Commission to consider. He explained the Commission could then appropriate up to \$200,000 in fund balance to assure the utilities would be present so the project could be started up to that level. Mayor Costello clarified he was not recommending expending any additional City funds other than moving the utilities.

Mr. Turner stated he agreed with the decision regarding the utilities for the 500-seat stadium, but the remaining components would need to be discussed with the Sports Authority. He noted his concern with the phasing regarded any additional phases.

Mr. Boehm stated if another site would better serve the City's and the Sports Authority's purposes, he was willing to entertain that option; however, when discussing Pop Warner's move, it was decided that this would be a permanent move and permanent buildings would be required at that location, and the utilities would be needed to have the permanent building. He noted this would entail only Phase I, and the other phases were not being addressed at this time.

Mayor Costello stated if the City would commit up to \$200,000 to move the utilities and all that was ever built was the 500-seat stadium, then the larger stadium may or may not be built at this location. He noted if the Commission decided not to build a championship field/stadium somewhere else and decided to expand this site, utilities would have to be brought in from US1, and the City would have already invested the \$200,000 to bring in the utilities from the softball quad, which may not have been needed. Mayor Costello clarified that the City was not ready to make that decision yet. He noted he was willing to invest the \$200,000 to have the use of the utilities now in the belief that the City would find a different place for the stadium that would address the traffic issues, and the School Board would hopefully participate in the project.

Ms. Sloane stated the City was out for bids for Phase I, and one of the additive alternates for Phase I was for the utilities. She stated the bids would be coming back November 15 or 16 and would probably be on the Commission's agenda on the second meeting in December.

Commissioner Kelley agreed with Mayor Costello's summary up to the point where he indicated it would be expanded to a 4,000 seat stadium, because that would not work. He noted Mr. Boehm prefaced his statement by requesting the City extend the utilities, but not go any further at this time, such as running the utilities from US1. Commissioner Kelley stated the

Commission discussed a 1,500-seat stadium would be adequate for Seabreeze High School to run their freshmen game, their junior varsity games, Pop Warner, and all of the other immediate needs. He pointed out a 4,000-seat stadium, which would not fit, would not be enough for Seabreeze High School. Commissioner Kelley recommended waiting for the bids to come back to make a decision. He stated the progression Mr. Boehm recommended, which was to take care of needs now, was correct.

Mayor Costello clarified he was not recommending obtaining a bid to run a line from US1. He stated what he actually meant was that if the 500-seat stadium with the extension of the utilities from the softball quad were ever determined to be inadequate and the Commission chose to go to a 1,500 or 2,000-seat facility, the worst case scenario would be to run utilities; but that was not anticipated for several years. Mayor Costello noted he hoped the extension would be sufficient for the 500-seat stadium and an alternate spot would be found for anything larger, but that would be discussed at the second meeting in December.

Commissioner Gillooly asked to hear from Mr. Noble and the consultant.

Mr. John Noble, City Engineer, stated the memo summed up his and the consultant's perspective. He reported stormwater was a major concern should parking be added.

Commissioner Gillooly asked if a possible alternate site had been identified; whereby, Mr. Turner noted no specific site had been designated.

Mr. Nobles stated there was a large 12-inch water main going through the sports complex so water was not the problem, the expense would be to provide the sewer capacity for the facility.

Mayor Costello noted this would be discussed at the second meeting in December.

#### Item #12(B) - Update on Building Height Charter Referendum Public Information

Mr. Tom Lipps, Support Services Director, stated an ad would be placed in this Thursday's Neighbors section of the *News-Journal* and the Commission-approved brochure would also be sent this Thursday. He stated those who do not receive the *News-Journal* would receive the brochure within the week. Mr. Lipps advised there would be two additional ads on October 26 and November 2. He stated staff would continue to update the web and speak to the media and citizens.

Commissioner Gillooly asked if there had been a number of phone calls with comments and questions from the public.

Mr. Lipps stated there had been a great deal of interest throughout the community regarding this issue.

Commissioner Gillooly stated a common factor with the calls from her constituents was a misunderstanding where the person may not be totally convinced of the Bray and Gillespie concept for the beachside, but they did not favor placing a land use in the Charter. She reported people believe that if they vote down the Charter amendment, the Bray and Gillespie concept would begin immediately. Commissioner Gillooly explained she tried to educate people that this vote and the Bray and Gillespie project were two separate issues.

Mr. Turner stated there was a schedule for the public information and for the flyer to be distributed, and he would e-mail the Commission a copy either tonight or tomorrow morning. He pointed out there was a box on the bottom right that tried to address the issue Commissioner Gillooly mentioned.

Commissioner Kelley stated Mr. Hayes provided the Commission with information regarding any of the legal issues. He noted the biggest issue he witnessed was the lack of understanding and the misinformation when the question was very simple, because the vote was simply to place something in the Charter that, in his opinion, should be in the Land Development Code, and anything else would be discussed after the vote if the amendment was voted down. Commissioner Kelley advised people did not understand what a "yes" or a "no" vote would mean.

Mayor Costello reported he was the only one who publicly endorsed the concept of the Bray and Gillespie preliminary proposal. He advised he did not negotiate, but merely asked Bray and Gillespie to present a concept, which they did. Mayor Costello stated he would like to see certain changes, and others may have other changes that may be appropriate. He advised the negotiations would be done publicly if the Commission was afforded that opportunity.

Mayor Costello expressed disappointment that the Commission still did not receive the information from staff regarding the number of buildings over 75 feet. He stated the questions regarded how many of those buildings were at risk of being non-conforming; and should they be damaged from fire or hurricane, if they may or may not be able to be rebuilt.

Mr. Ervin stated staff was working with a surveyor to verify the exact height on some of the buildings. He explained there was an issue where the current Land Development Code definition of 75 feet and the ballot language definition would have to be examined. Mr. Ervin noted through that language some of the exemptions provided would have to be deleted; therefore, the records may show the building at 75 feet, but based on the garage being exempted from the height restriction, the actual height may be unknown, so this would have to be verified. He advised some of the buildings are older, and the City may not have the plans in their records to verify the height. Mr. Ervin explained staff must determine when a project was approved and what terminology was included regarding grandfathering in those buildings with development orders. He explained if height was not a specific issue, the building may not be grandfathered in. Mr. Ervin reported in The Cove, the roof stopped at 75 feet, but the overall height of the building was 81 to 83 feet. He advised that the project was approved by a PBD, so it would be a grandfathered structure, but others are still being researched.

Mayor Costello stated that all buildings over 75 feet where the City could not prove they would be grandfathered in should be notified by registered mail that they may be in danger of becoming nonconforming and may need to check with their attorneys. He asked if the City could grant a development order before the election to provide a development order for all buildings so they would be grandfather in. Mayor Costello clarified he was not using this to attack the amendment, but to determine who would have a problem. He noted his concern was that the City should do something to overcome that problem before the election, because should the amendment be passed, nothing could be done for these people.

Ms. Sandy Upchurch, Deputy City Attorney, stated if it could be done, which was questionable, it would need to go to the Planning Board and City Commission, and there would not be enough time to accomplish those public hearings.

Mayor Costello noted it was now even more important to notify every owner and occupant in buildings over 75 feet.

Mr. Ervin reported trying to unravel vested rights was never an easy issue. He agreed notification should be provided indicating there “may be” issues for those buildings over 75 feet, and the owner should contact their attorney to verify they have some proof of a development order to grandfather in the building. Mr. Ervin advised this would place the burden on the property owner to do the research.

Commissioner Partington stated the letter should clearly indicate that due to the Charter referendum put forth from the CAN DO organization, the City believed it had a responsibility to inform the people that they may be impacted by this amendment. He noted he did not want these residents to blame the City when it was not the City’s fault.

Commissioner Gillooly stated a line should be included indicating the City had been attempting to research this issue on behalf of the citizens affected.

Ms. Upchurch stated it would not be harmful to send out more notices than not enough notices. She explained there were some buildings clearly affected, but others had definitional problems, such as where to start measuring the 75 feet.

Mr. Turner stated the effort would be to “shot gun” letters out, so some people may receive the letter where it may not apply. He reported this was not to influence the election, rather it was meant to notify affected people.

Mr. Ervin recommended a generic letter be sent indicating there was a proposed Charter amendment, and staff may not have exact records on the resident’s particular project. They letter should make them aware of the proposed changes, indicating it was strongly recommended they review their documentation to determine if they would be grandfathered in.

Ms. Upchurch noted simply indicating the person may be affected by this change may be appropriate.

Mr. Turner stated staff could work out the wording, but people may receive this letter that may not be affected. He noted he did not want the letter to be perceived as a scare tactic.

Commissioner Gillooly agreed that was exactly her concern.

Mr. Turner clarified staff would send a letter as direct and to the point as possible without alarming people falsely.

Mayor Costello asked if there was a way to measure building heights from the road.

Mr. Ervin reported that measuring the building heights from the road was planned, and Consolidated Surveying would do the job for the City.

Mayor Costello expressed concern that no one in a building under 75 feet should receive the letter.

Mr. Turner advised he could not guarantee no one in a building under 75 feet would receive the letter.

Mr. Ervin explained the Chief Building Official would issue a letter to the owner of the building indicating an investigation was completed and the building was damaged over 50% of the appraised value. He noted the letter would ask the owner to provide justification as to what they planned to do. Mr. Ervin stated the owner would then need to bring in engineers and architects to show the level of improvements and cost estimates to either justify or not justify condemning the existing building. He reported if, at that point, the damage was so extreme that the non-conforming standards would apply and it would have to be reconstructed in a manner consistent with the current codes, the owner would then contact their attorney who would need to cull through the City and County records to find documentation to prove the property was vested. Mr. Ervin stated if it was determined there was no documentation that the use was vested, they would have to redesign the site to meet the minimum standards established by the Charter amendment.

Commissioner Gillooly stated that was some process to follow in the midst of a devastating event. She reported, in fairness to the people who may be affected, a letter was needed, but it should only be sent to those who may be affected and done in such a way that it would not appear that the City was creating an alarmist situation.

Mr. Turner stated staff was not trying to be alarmists, but he reiterated he could not guarantee that anyone under the proposed height limit would not receive the letter.

#### Item #13 - Audience Remarks

There were no additional audience remarks.

#### Item #14 - Reports, Suggestions, Requests

##### Ms. McGuire Response Letter

Commissioner Kelley stated Ms. Kelly McGuire, Budget Director, sent a letter responding to comments made by someone from the audience. He noted the letter was very well written and addressed incorrect statements.

##### Chili/Chowder Cook-off

Commissioner Kelley thanked Commissioner Kent for his efforts at the Chili/Chowder Cook-off sponsored by the Main Street organization. He noted he had a great time and recommended similar activities be planned for the future.

##### Local Events

Commissioner Partington stated Mayor Costello did a great job at the second annual "State of the City" luncheon, and he recommended the Mayor always continue to be the sole speaker at future "State of the City" luncheons. He noted the Oktoberfest was held at the Prince of Peace Church, which was a great event to raise money for the church. Commissioner Partington reported he attended the Hospice Walk in Port Orange. He noted this was a great event to raise money for that worthwhile organization. He advised he also attended a Pop Warner event and then went to the Pine Trails Fall Festival.

##### WAV

Commissioner Partington questioned if the City paid its WAV assessment. He questioned if it had not already been paid, if the City should pay the assessment. Commissioner Partington noted this could be answered in the Friday letter.

#### Building Height Forum

Commissioner Partington reported he heard on the radio several times that Commissioner Kent planned to attend the Chamber of Commerce building heights forum. He stated he believed it would be advisable for CAN DO to be represented at the forum.

#### Workforce Housing

Commissioner Gillooly stated she attended the first of eight workshops on community housing offered by the new president of the Florida League of Cities. She explained the first phase was on visioning, and she hoped to have the opportunity to attend each of the workshops. Commissioner Gillooly noted it was important to understand that one must look at the entire picture. She reported a joint round table was suggested with a couple of City boards, and she would bring notes, suggestions, and ideas to share with the Commission.

#### Weather Vane Dedication

Commissioner Gillooly stated the City of Ormond Beach and the Ormond Beach Historical Trust dedicated the weather vane on the top of the cupola at Fortunato Park on Saturday. She explained the dedication was in memory of Mr. Robinson and reported that he and his family donated many hours of volunteer time to the community.

#### Birthplace of Speed

Commissioner Gillooly stated there was an incredible article in the *Automobile* magazine regarding the Birthplace of Speed event and Stanley Steamer. She reported one of the issues that came out of the visioning on the downtown district was that it was important for Ormond Beach to have an identity, and Ormond Beach already had an identity as the Birthplace of Speed, which Ormond Beach should be capitalizing on. Commissioner Gillooly requested a discussion item in December to discuss a dialog on how to incorporate the Birthplace of Speed identity in the City.

#### Chili/Chowder Cook-off

Commissioner Gillooly stated the Chili/Chowder Cook-off was a great success and was well attended. She commended the Main Street board, the Main Street director, Mr. Joe Mannarino, City staff, and Commissioner Kent for their efforts in making this event a great success.

#### Building Height Charter Amendment

Commissioner Gillooly stated she believed it was vitally important to point out at every opportunity that this Charter amendment on building heights was not only about the Bray and Gillespie proposal, but everywhere in the City. She noted only if the amendment would fail would discussions be able to begin on the particulars of the Bray and Gillespie plan.

#### Building Height Forum

Commissioner Kent stated he would try to attend the building heights forum, but he had to check his schedule and could not commit to attend the forum at this time. He reported that merely because he agreed with what CAN DO says about some issues did not mean he was a CAN DO board member.

#### Pathways Fall Festival

Commissioner Kent noted the Pathways Fall Festival was scheduled for October 20 and invited everyone to come from 4 p.m. to 7 p.m.

#### Birthplace of Speed Park

Commissioner Kent stated some have reported the Birthplace of Speed Park was used often, so for 17 days at various times he checked the park, and the most people he saw at the park was two people. He reported he would continue to drive by and keep a record.

#### Parrot

Commissioner Kent thanked Mayor Costello for trying to save the parrot because he, too, enjoyed the parrot.

#### “Coffee with the Commissioner”

Commissioner Kent reported the next “Coffee with the Commissioner” would be held at his home at 130 Magnolia Drive on Monday, November 6, at 5 p.m.

#### Chili/Chowder Cook-off

Commissioner Kent thanked everyone who attended the Chili/Chowder Cook-off which meant a great deal to Ormond Main Street. He stated this event proved Ormond Beach could still come together with no political overtures. Commissioner Kent thanked Maggie Sacks, Joe Mannarino, Isaac Turner, and all of the restaurants. He noted Laura from La’s Bistro and Jimmie Hull helped other restaurants by setting up their burners and loaning supplies.

Affordable Housing Meeting

Mr. Turner stated on October 24 at 6:30 p.m. the Neighborhood Improvement Advisory Board, City Commission, and Planning Board would meet at the Senior Center to discuss affordable housing. He noted this was only the first meeting in this process.

Focus Meeting/Goal Setting Meetings

Mr. Turner stated staff would be contacting the Commission regarding scheduling a focus meeting before the end of the year and a goal setting meeting after the beginning of next year.

Affordable Housing Meeting

Mayor Costello recommended inviting Mr. Ty Wilson, Mr. Dwight Selby, and Mr. G.G. Galloway to the affordable housing joint meeting on October 24 in that he had spoken to these gentlemen and they were very interested in what the community could do for affordable housing.

Parrot

Mayor Costello stated the vote on the parrot was a three-to-two vote, and he and Carl Persis were on the losing side of the issue.

Historic Ormond Beach

Mayor Costello stated the November 2006 issue of *Automobile* had a five page article on historic Ormond Beach, particularly the Birthplace of Speed. He noted people know about Ormond Beach and the Birthplace of Speed and he agreed with Commissioner Gillooly that Ormond Beach residents may be the last to fully appreciate Ormond Beach as the Birthplace of Speed.

Item #15 - Close the Meeting

The meeting was adjourned at 10:31 p.m.

APPROVED: \_\_\_\_\_ November 7, 2006

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

ATTEST:

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