

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

May 3, 2005

7:00 p.m.

Present were: Mayor Fred Costello, Commissioners Jeff Boyle, 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 Reverend Neal J. Ganzel, Jr., Coquina Presbyterian Church in America.
- 3) Pledge of Allegiance.
- 4) Approval of the Minutes of the April 19, 2005, meeting.
- 5) **PRESENTATIONS:**
 - A) Proclamation by Mayor Costello proclaiming May 6, 2005, as "Bruins" Day" in the City of Ormond Beach.
 - B) Proclamation by Mayor Costello proclaiming May 7, 2005, as "Save the Loop Day" in the City of Ormond Beach.

- C) Proclamation by Mayor Costello proclaiming May 19, 2005, as Law Enforcement Officers Memorial Day in the City of Ormond Beach.
- D) Presentation to the family of Police Office Robert F. Grim, Sr.

6) **AUDIENCE REMARKS:**

7) **INTERGOVERNMENTAL AND BUDGET ADVISORY BOARD REPORTS:**

- A) Budget Advisory Board
- B) Water Authority of Volusia
- C) Metropolitan Planning Organization
- D) Volusia Council of Governments
- E) Smart Growth Implementation Committee

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. 2005-93 authorizing the execution of a Quitclaim Deed in favor of Lyle Trachtman and Raquel Trachtman, releasing a portion of a seven and one-half foot easement located on Lot 59, The Trails Subdivision, Unit 1 (12 Rio Pinar Trail).
- B) Resolution No. 2005-94 authorizing the execution of a Quitclaim Deed in favor of Joseph M. Gruninger, releasing a portion of a ten-foot utility and drainage easement located on Lot 54, The Ormond Green, Phase II (39 Ormond Green Boulevard).
- C) Resolution No. 2005-95 authorizing the execution of Change Order Number One (1), to that contract awarded to Halifax Paving, Inc., regarding the Dirt Road Paving Project, by increasing the contract price by \$8,130.
- D) Resolution No. 2005-96 authorizing the approval of a requisition for the purchase of 75 traffic direction light units and batteries; authorizing the expenditure of \$1,425 from the Federal Law Enforcement Trust Fund (112).
- E) Resolution No. 2005-97 authorizing the purchase of personal safety and firefighting equipment under Lake County Bid #02-010D; authorizing the execution of a contract with Ten-8 Fire Equipment, Inc. (\$202,043.30; 90% grant funding, 10% City funding)
- F) Resolution No. 2005-98 accepting the bid of SunTrust Leasing Corporation to finance the acquisition of a street sweeper and AS400 computer upgrades under Bid No. 2005-24; rejecting all other bids; authorizing the execution of an equipment schedule, escrow agreement and all other papers necessary and incidental thereto. (Interest rate – 3.379%)
- G) Resolution No. 2005-99 authorizing the execution of a Product Agreement and a Services Agreement between the City and HTE VAR for the purchase and installation of an IBM iSeries Computer (Model 520-0901) under State of Florida Bid Number 52-250-000-B. (\$80,174)
- H) Resolution No. 2005-100 authorizing the purchase of one street sweeper under Town of Davie Bid #B-05-22; authorizing the execution of a contract with Florida Municipal Equipment, Inc.; declaring the City's existing street sweeper to be surplus property, and authorizing the disposition thereof. (\$136,884)
- I) Resolution No. 2005-101 authorizing the purchase of four heart monitors under Polk County Bid Number 04-085; authorizing the execution of a contract with Philips Medical Systems. (\$58,324.80)

9) **PUBLIC HEARINGS:**

- A) Resolution No. 2005-102 approving and authorizing the removal of an historic tree located at 11 Park Place.
- B) Resolution No. 2005-103 approving and authorizing the removal of an historic tree located at 10 Cliffview Lane.
- C) Resolution No. 2005-104 authorizing the execution and issuance of a Development Order for “Defilippo Restaurant” Special Exception on a site located at 30 South Atlantic Avenue, on the southeast corner of Coquina Court and Bovard Avenue within the B-4 (Central Business) zoning district, to allow the redevelopment of a former gas station into a two-story mixed-use structure consisting of a Type “A” restaurant with outside seating on the first floor and two apartments on the second floor; approving a 0.66 foot waiver of the required front yard setback of ten feet; approving a waiver of the on-site parking requirements; establishing conditions and expirations of approval.

10) **FIRST READING OF ORDINANCE** No. 2005-06 amending Paragraph C, Official Zoning Map, of Section 2-01, Establishment of Zoning Districts and Official Zoning Map, of Article I, Establishment of Zoning Districts and Official Zoning Map, of the Land Development Code, by amending the Official Zoning Map to rezone certain real property from I-1 (Light Industrial) to R-5 (Multi-Family Medium Density) and SE (Special Environmental), authorizing revision of the official zoning map. (Ormond Grande property on US1, south of Ormond Lakes subdivision)

11) **DISCUSSION ITEMS:**

- A) Status of the River Bend Golf Course lease agreement reassignment.
- B) Hurricane activities and assistance.
- C) Code enforcement procedures.
- D) Consideration of a salary increase for the City Attorney.

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

13) Close the meeting.

Item #1 - Call to Order

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

Item #2 – Invocation

Mayor Costello gave the innovation.

Item #3 - Pledge of Allegiance

Mayor Costello led the Pledge of Allegiance.

Item #4 – Approval of Minutes

Mayor Costello advised the minutes of the April 19, 2005, 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(A) – “Bruins” Day” Proclamation

Mayor Costello read a proclamation honoring the Police Athletic League age 10 and under girls basketball team, The Bruins, for winning the State Basketball Championship. Mayor Costello proclaimed May 6, 2005, as “Bruins” Day and urged all residents to pay tribute to the team as outstanding representatives of the youth of the City of Ormond Beach. He also commended Mr. Avery Randolph, Ormond Beach Police Athletic League (PAL) Basketball Coordinator and

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Gregory Stokes, Ormond Beach Police Officer/Coach, along with six coaches, including Liviston Edwards and Jefferey Meers for this achievement.

Item #5(B) – “Save the Loop Day” Proclamation

Mayor Costello presented a proclamation to Ms. Lynn Smith, Vice-Chairman of the Save the Loop Committee, honoring the committee for their work to raise community consciousness as to what a precious resource “The Loop” was to the residents of Ormond Beach and the entire Halifax area and to minimize any future impacts to lands along “The Loop.” Mayor Costello reported the Loop Group was sponsoring a 5K race and a one-mile run/walk on May 7, 2005, beginning at 8:00 a.m. to help spread the message that local governments, Volusia County, Flagler County, and the St. Johns River Water Management District need to work more closely with each other to help preserve scenic lands. He proclaimed May 7, 2005, as “Save the Loop” Day, encouraging all residents to join in expressing appreciation to the Save the Loop Group for their commitment and efforts to preserve the rapidly disappearing green spaces such as “The Loop.”

Item #5(C) – Law Enforcement Officers Memorial Day Proclamation

Mayor Costello read a proclamation naming May 19, 2005, as Law Enforcement Officers Memorial Day in the City of Ormond Beach, honoring the memory of the fallen officers and recognizing those who devote their lives to enforcing our laws, bringing criminals to justice, and making America safer. He reported that all American flags in the City would fly at half mast on May 19 in their honor.

Item #5(D) – Presentation to the Family of Police Officer Robert F. Grim, Sr.

Chief Mathieson presented the family of Officer Robert F. Grim, Sr. with a flag that was flown over the American Police Hall of Fame and over the Ormond Beach Police Department immediately following the death of Officer Grim, a plaque holding Officer Grim’s police badge, a letter from President Bush, and a scrapbook of condolences from law enforcement agencies throughout the country. He reported the Volusia/Flagler Police Chiefs’ Association has established a Robert F. Grim Memorial Scholarship Fund through the Daytona Beach Community College, which would provide funds for individuals interested in a career in law enforcement who may not otherwise be able to afford the tuition. Chief Mathieson reported stickers to be affixed to vehicle windows would be available for purchase at the Ormond Beach Police Department for \$5 each, and the proceeds would go to the scholarship fund.

Mr. Robert Grim, Jr., advised that as a law enforcement officer himself, he could attest that the job of a police officer was very difficult, but his father loved his job and the people he served. He noted this evening provided a measure of comfort knowing that people had not forgotten his father, and he thanked the Mayor, the Commission, and the officers for all they had done.

Fire Chief of the Year for Volusia County and Officer of the Year

Mayor Costello reported Fire Chief Barry Baker was selected “Fire Chief of the Year” for Volusia County and Officer Lisa Rosenthal was selected as the “Crimestoppers Officer of the Year,” and both would be recognized at the next meeting.

Item #6 – Audience Remarks

Dispatch Services

Mr. Ray Back, President General Employees Association (GEA), stated the dispatch services item was pulled from this agenda, and he asked when this issue would be on an agenda.

Mr. Isaac Turner, City Manager, stated the dispatch services issue was scheduled for the June 14 meeting.

Haz mat Warning at the Water Plant

Mr. Pete Ludwin, 709 Orchard Avenue, objected to the method in which the haz mat warning of April 21 was issued. He noted many people were confused and frightened by the call.

Mayor Costello stated the City was looking at this as an opportunity to work with the County to improve the system should a similar situation ever occur.

Fiscal Issues

Mr. Glenn Jaspers, 160 Ocean Terrace, questioned the fairness of the Commission raising the taxes with no attempt to exercise fiscal responsibility. He stated employee salaries were extreme. Mr. Jaspers recommended taking over the golf course and allowing the City to own

and operate the golf course. He questioned the fairness of the amount paid for land at the Ormond Beach Airport.

Item #7(A) Budget Advisory Board

Mr. Randy Brewer, 524 Arroyo Parkway, Chairman, Budget Advisory Board, introduced the members of the Budget Advisory Board (BAB) and provided the unanimous recommendations from the board. He noted the board recommended a complete philosophical and procedural change occur in the City's annual budgeting process in that the City's basic operating expenses should be budgeted for and addressed prior to addressing the payroll and capital improvement portions of the budget.

Mr. Brewer stated the BAB indicated the employees deserved pay and benefits comparable to other municipalities; however, it was the Commission's responsibility to pay those salaries within available revenues and not create an undue impact on the citizens. He reported any budget proposal presented for consideration should not include an appropriation from the General Fund reserve. Mr. Brewer pointed out the General Fund reserve would probably drop below 12% by the end of this fiscal year, and the Commission would decide what minimum level would be acceptable. He stated the BAB recommend the City establish 15% as the benchmark based on Ormond Beach's coastal proximity and the problems experienced in the past. Mr. Brewer reported the BAB recommended setting a goal of reducing personnel costs to 65% of the annual budget, possibly by limiting future pay and benefit adjustment. He noted the BAB suggested the Commission balance the 2005-2006 Water and Sewer Utility fund, and it should remain balanced without appropriation of retained earnings. Mr. Brewer stated existing insurance policies should be bid annually, and a request for proposal on general liability and workman's compensation coverage should be pursued. He reported the BAB identified a deficiency in budget procedures for maintaining the City's structures and facilities. Mr. Brewer noted large projects were handled through the Capital Improvement Program (CIP) and approved annually during the budgeting process. He noted that funding all of the CIP was typically beyond the City's available funding, but many projects could be delayed for a year or more. Mr. Brewer reported that in 2004-2005 the BAB included \$500,000 for maintenance of CIP and for grant matching funds. He advised the BAB's intent was for these moneys to be a reoccurring fund used specifically for the repair and replacement of City structures and facilities. Mr. Brewer stated routine maintenance should not have to compete with new projects for funding. He urged the Commission to improve the procedures for maintaining City property by the Public Works Department reviewing all City structures and facilities and preparing a list of all deficiencies and maintenance items with a projected useable life span. Mr. Brewer recommended department heads submit a prioritized list of items identified as deficient. He noted maintenance schedules of identified items should be created, and an estimated annual cost to meet this schedule needed to be calculated. Mr. Brewer stated items requiring immediate action needed to be prioritized. He reported a separate fund for other budgeting devices needed to be created allocating a separate portion of the millage rate to fund projected annual renewal and replacement expenses.

Mr. Brewer thanked the Commission and the taxpayers who participated in this process. He reported the BAB met 25 times this past year. Mr. Brewer pointed out that the taxpayers in Ormond Beach recognize and understand the necessity of fiscal health in the City, hold no one at fault, and applaud the Commission and staff for their courage in dealing with this issue.

Mayor Costello asked that the report be included as a discussion item on the next agenda to address each issue Mr. Brewer mentioned. He thanked the board for their efforts.

Commissioner Boyle thanked Mr. Rick Lovell for writing the report.

Item #7(B) Water Authority of Volusia

Commissioner Boyle stated the Water Authority of Volusia (WAV) board met on April 19, and a report on what transpired was included in the Commission packet. He noted the second page in the report was a letter from Daytona Beach Mayor Yvonne Scarlett-Golden to WAV Chairman Robert Apgar outlining Daytona Beach's concerns. Commissioner Boyle noted the St. Johns River Water Management District Executive Director, Mr. Kirby Green, would attend the next meeting of the WAV board on May 18 where he would answer questions and the board would try to address Daytona Beach's concerns, attempting to reach a mid-term funding mechanism. He stated that while some of the Daytona Beach demands at this late date were counterproductive, their continued participation was crucial to the future of WAV. Commissioner Boyle reported that when Dr. Bruce Mowry, Executive Director WAV, went to the Daytona Beach City Commission meeting on April 20, he received a positive public response; however, members of that Commission communicated privately that they were not content. He

noted this issue would take statesmanship and the help of the St. Johns River Water Management District. Commissioner Boyle explained the St. Johns River Water Management District had been subsidizing WAV at over \$500,000 each year; and if WAV were to continue and succeed, WAV would have to establish its own funding mechanism. He reported it would seem the fairest funding mechanism would be some sort of assessment on water sales, but any decision would require approval of 11 of the 14 members. Commissioner Boyle advised that many people were working hard to resolve this issue.

Item #7(C) – Metropolitan Planning Organization

Mayor Costello reported the Metropolitan Planning Organization (MPO) discussed “Strings and Ribbons,” a Traffic Incident Management Report, traffic signalization synchronization, railroad tracks, and the Clyde Morris Boulevard and Hand Avenue sidewalks.

Item #7(D) – Volusia Council of Governments

Mayor Costello reported he forwarded a copy of the Volusia Council of Governments (VCOG) report to the Commission, which was self-explanatory.

Item #7(E) – Smart Growth Implementation Committee

Mayor Costello reported the Smart Growth Implementation Committee discussed possible clustering incentives in great detail; however, no complete decision had been made to date.

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 Boyle requested Item No. 8(H) be pulled for discussion.

Commissioner Boyle moved, seconded by Commissioner Partington, for approval of the Consent Agenda, minus Item No. 8(H).

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

Item #8(H) – Purchase of One Street Sweeper

RESOLUTION NO. 2005-100
A RESOLUTION AUTHORIZING THE PURCHASE OF ONE STREET SWEEPER UNDER TOWN OF DAVIE BID #B-05-22; AUTHORIZING THE EXECUTION OF A CONTRACT WITH FLORIDA MUNICIPAL EQUIPMENT, INC.; DECLARING THE CITY’S EXISTING STREET SWEEPER TO BE SURPLUS PROPERTY, AND AUTHORIZING THE DISPOSITION THEREOF; SETTING FORTH AN EFFECTIVE DATE.

Commissioner Partington moved, seconded by Commissioner Kent, to approve Resolution No. 2005-100, as read by title only.

Commissioner Boyle stated the staff report indicated a cost of \$136,884 and the budget report indicated a cost of \$129,000, and he questioned why there was a discrepancy.

Mr. Paul Lane, Finance Director, explained the street sweeper proposed included a maintenance contract, and it would probably come from the total appropriation in the Solid Waste Fund; however, if that were not possible, a budget amendment would be needed at the end of the year.

Mayor Costello noted he found it incredulous that the new machine cost \$136,884, and the five year old machine would only bring in \$4,000 to \$6,500.

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

Item #9(A) – Removal of Historic Tree Located at 11 Park Place

RESOLUTION NO. 2005-102
 A RESOLUTION APPROVING AND AUTHORIZING THE REMOVAL OF AN HISTORIC TREE LOCATED AT 11 PARK PLACE; AND SETTING FORTH AN EFFECTIVE DATE.

Commissioner Partington moved, seconded by Commissioner Kelley, to approve Resolution No. 2005-102, as read by title only.

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

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

Item #9(B) – Removal of Historic Tree Located at 10 Cliffview Lane

RESOLUTION NO. 2005-103
 A RESOLUTION APPROVING AND AUTHORIZING THE REMOVAL OF AN HISTORIC TREE LOCATED AT 10 CLIFFVIEW LANE; AND SETTING FORTH AN EFFECTIVE DATE.

Commissioner Kent moved, seconded by Commissioner Kelley, to approve Resolution No. 2005-103, as read by title only.

Commissioner Kelley stated that the Commission had been receiving requests for the removal of many historic trees and explained that a great deal of this was due to the storms placing the trees in shock. He assured the public these trees were damaged beyond repair. Commissioner Kelley noted staff recommended the trees be removed because the trees were dying and for safety reasons as well.

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

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

Item #9(C) – Development Order for “Defilippo Restaurant”

RESOLUTION NO. 2005-104
 A RESOLUTION AUTHORIZING THE EXECUTION AND ISSUANCE OF A DEVELOPMENT ORDER FOR “DEFILIPPO RESTAURANT” SPECIAL EXCEPTION ON A SITE LOCATED AT 30 SOUTH ATLANTIC AVENUE, ON THE SOUTHEAST CORNER OF COQUINA COURT AND BOVARD AVENUE WITHIN THE B-4 (CENTRAL BUSINESS) ZONING DISTRICT, TO ALLOW THE REDEVELOPMENT OF A FORMER GAS STATION INTO A TWO-STORY MIXED-USE STRUCTURE CONSISTING OF A TYPE “A” RESTAURANT WITH OUTSIDE SEATING ON THE FIRST FLOOR AND TWO APARTMENTS ON THE SECOND FLOOR; APPROVING A 0.66 FOOT WAIVER OF THE REQUIRED FRONT YARD SETBACK OF TEN FEET; APPROVING A WAIVER OF THE ON-SITE PARKING REQUIREMENTS; ESTABLISHING CONDITIONS AND EXPIRATIONS OF APPROVAL; AND SETTING FORTH AN EFFECTIVE DATE.

Commissioner Partington moved, seconded by Commissioner Kent, to approve Resolution No. 2005-104, as read by title only.

Mr. Dwight Selby, 1535 Oak Forest Drive, stated he was a member of the Ormond Beach Chamber of Commerce, Main Street Board of Directors, Citizens for Ormond Beach, and he lived and worked in Ormond Beach. He reported he represented the owners of the property that immediately adjoined the subject property. Mr. Selby explained he was against this project because it was too much in too little space due to a lack of parking. He noted the staff report dated February 18 and the parking study indicated that Mr. Defilippo would provide 19 parking spaces on site, but this was not correct because five of the spaces were partially on site, and the remaining spaces were in the right-of-way. He noted that 14 other spaces were adjoining the site, but they were entirely in the right-of-way. Mr. Selby reported Mr. Zahn indicated there were 84 public parking spaces within 500 feet, but that was not possible unless the cars were to park on both sides of Coquina Drive. He noted there were only 36 public parking spaces with 48 possible parking spaces, and 13 of those spaces were in the Bovard right-of-way, six were in front of Menu Realty, and nine spaces in front of the former Ace Hardware building. He stated he understood the former Ace Hardware building would be renovated into a nightclub, and the Menu Realty building needed all the parking possible. Mr. Selby reported that counting these parking spaces, the total was 36 not 84, as noted in the consultant's report. He stated he was initially in favor of parking agreements, but later realized that he could not commit parking spaces for the life of his business because he would eventually develop the lot and there would be driveways eliminating spaces on Coquina Drive and Vining Court. Mr. Selby pointed out that he favored redevelopment, but the challenge was that the City had not provided public off-street parking in this area. He urged the Commission to deny this request because it was too much in too small a space.

Mr. Paul Heller, Zahn Engineering, 244 Palmetto Avenue, Daytona Beach, reported he accompanied Ormond Beach Senior Planner Steve Spraker to measure parking spaces. He stated the first study was done as a "realistic" study. Mr. Heller reported Coquina Drive was 32 feet wide, and 10 feet was required per parking space on each side of the street per code and 24 feet was required for the lanes; therefore, per code only one side of the street could be counted for parking. He noted the first report was calculated utilizing both sides of the street because, realistically, people park on both sides of the street. Mr. Heller stated that he understood that he needed to show how many parking spaces were available per code. He explained that 79 spaces were required per the Land Development Code, and the parking provided around the site was 19 on Coquina Drive and Bovard Avenue, and within 500 feet on only one side of the street, 48 spaces were available, leaving them short 12 spaces per code. Mr. Heller reported the 71 spaces indicated in the report were realistic since it included both sides of the street. He explained the difference between the 86 from the first report to the 71 in the second was eliminating parking on Lucky Drive because the end of Lucky Drive was a residential area.

Ms. Dorian Burt, Director of Ormond Beach Main Street, stated the Main Street board voted to support this project. She provided two packets showing those in the immediate area who also supported this project. Ms. Burt reported Bob Adams and the dry cleaner offered 12 parking spaces each after 5 o'clock. She noted businesses would hesitate to prepare formal shared parking agreements due to liability issues. Ms. Burt pointed out that currently only four to six cars parked in the area. She noted there was a spirit of cooperation among the businesses. She stated the project was within the guidelines of the Land Development Code and pointed out that the Development Review Board approved this project, as this was a blighted area. Ms. Burt reported the Land Development Code was written to encourage development with the ability to waive requirements in the downtown. She stated no one had applied for any permit for the former Ace Hardware location. Ms. Burt urged the Commission to decide this issue on the merits of the experts, City staff, and the Development Review Board.

Mr. Pandi Tolko, 188 East Granada Boulevard, stated Billy's does a good business with people parking on Granada Boulevard and Halifax Drive. He stated parking on both sides of the street would be safer.

Mayor Costello pointed out that the Development Review Board approved this project on a four-to-three vote.

Commissioner Kent asked if Mr. Defilippo had investigated acquiring the Ace Hardware site.

Mr. Ron Defilippo, 90 Seton Trail, stated parking in front of Ace Hardware was used by CVS who controlled 14 to 15 parking spaces not tied to the Ace Hardware building. He pointed out streetscaping was required for those spaces. Mr. Defilippo reported the parking requirements were based on a full capacity at all hours that the business was open, which was extremely

difficult to attain in the restaurant business. He noted he tried to purchase the Ace property, and when the City releases the controls for the satellite parking spaces for CVS, Ace indicated a willingness to sell to him.

Commissioner Kent stated there was a definite need for this type of restaurant. He stated he would agree no parking should be permitted on the residential Lucky Drive. Commissioner Kent advised he supported this project, considering what currently existed, and noted the proposed mixed use would be a great idea in this blighted area. He stated he shared some parking concerns, but this type of project was needed in that area.

Mr. Marvin Miller, Riverside Drive, pointed out that many people would walk to this restaurant. He concurred that this restaurant was good for the area in that it would add to the tax base and would be a major improvement for Ormond Beach as well as for Volusia County. Mr. Miller stated Mr. Defilippo was offering this improvement to the area now as opposed to other projects that may occur in the future, and the Commission should accommodate him.

Ms. Sandra Hogue, 66 and 66½ Lucky Drive, reported she resided in the closest home to the proposed project. She expressed concern about noise in that the restaurant would be open until 2 a.m. Ms. Hogue also noted concerns regarding parking.

Commissioner Boyle stated the Commission was being asked to waive 95% of the required parking. He pointed out the restaurant would have 218 seats, along with the full complement of staff, and two upstairs apartments. Commissioner Boyle reported he supported downtown redevelopment but without compromising standards to this degree, and by approving this, the City would be clearly allowing marginal development. He urged the Commission to consider the precedent the City would be setting. Commissioner Boyle pointed out that this triangle had always been problematic. He noted people going to the restaurant would park in the CVS lot and everywhere else because it would be more convenient. Commissioner Boyle stated there were safety issues to consider. He clarified that Mr. Selby's point was that as future development would occur, the curbside parking would disappear to make allowance for driveways for the new development. Commissioner Boyle questioned how this could be approved knowing that a great deal of the parking would eventually disappear. He stated the restaurant had permission for parking at various businesses, but they were spread out and not centrally located to the site. Commissioner Boyle reported this would cause towing of unauthorized cars, creating a revenue stream for the property owner and the wrecker business, but it would be negative for the community. He stated this would inhibit the tax base of the entire area and the redevelopment of the Ace Hardware, which was desperately needed. Commissioner Boyle stated he encouraged flexibility, not madness, and he urged the Commission not to approve this request.

Commissioner Partington stated this was a close call, but the Development Review Board and Ormond Beach Main Street favored the project; therefore, he would approve the project, but he would not allow the City to make the determination whether or not valet parking would be required. He reported he would support the staff recommendation along with the first condition approved by the Development Review Board relative to the hours of operation.

Commissioner Kelley stated this triangle had been a problem and solution there to four times. He reported he favored redevelopment, and this was a good development, but it was in too small a space. Commissioner Kelley reported this project did not compare to Billy's in that there were approximately 200 parking spaces for Billy's. He recommended coordination of efforts and developing a master plan, with a group of people developing the entire area to make it a vital part of the City rather than piecemeal development that would lead to more problems in the future. Commissioner Kelley stated waiving 95% of the parking was too excessive.

Mayor Costello stated he would support this development. He stated "smart growth" dictated that the urban core would be redeveloped, and there would be situations where mass transit and walking would be more involved. Mayor Costello noted he had supported less funding for façade grants because he wanted to purchase more parking, and he urged the City to purchase more parking whenever it becomes available. He stated if there was not enough parking, people would not go to the restaurant; therefore, it would be up to the owner to assure there was adequate parking. Mayor Costello reported that if the Commission was serious about redevelopment, it must start somewhere. He stated he understood that 79 parking spaces were required by code and the developer had 67 using one side of the street, using Coquina Drive and Bovard Avenue, and with agreements with neighboring property owners. Mayor Costello explained that he favored stimulating, encouraging, and approving redevelopment in the downtown area, and the Commission must work toward shared parking.

Commissioner Partington moved, seconded by Commissioner Kent, to approve the Special Exception application to permit the redevelopment of the gas station into a two-use mixed use structure with the following design flexibility of a 0.66 foot waiver of the required front yard setback of ten feet, a parking waiver of the required parking based on the provision of on-street public parking, eliminating a requirement for valet parking, and limiting the outdoor hours of operation to 11:00 pm., Sunday through Thursday, and to midnight on Friday and Saturday nights.

Mr. Randall Hayes, City Attorney, stated that the motion as stated would suffice; however, to simplify the motion it could be changed to indicate that paragraph A6 would be deleted from the development order.

Commissioner Partington reworded his motion, seconded by Commissioner Kent, to delete paragraph A6 from the development order.

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

Call Vote on the Underlying Motion:	Commissioner Kent	yes
	Commissioner Kelley	no
	Commissioner Partington	yes
	Commissioner Boyle	no
Carried.	Mayor Costello	yes

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

Item #10 – Ormond Grande Property Rezoning on US1

ORDINANCE NO. 2005-06
AN ORDINANCE AMENDING PARAGRAPH C, OFFICIAL ZONING MAP, OF SECTION 2-01, ESTABLISHMENT OF ZONING DISTRICTS AND OFFICIAL ZONING MAP, OF ARTICLE I, ESTABLISHMENT OF ZONING DISTRICTS AND OFFICIAL ZONING MAP, OF THE LAND DEVELOPMENT CODE, BY AMENDING THE OFFICIAL ZONING MAP TO REZONE CERTAIN REAL PROPERTY FROM I-1 (LIGHT INDUSTRIAL) TO R-5 (MULTI-FAMILY MEDIUM DENSITY) AND SE (SPECIAL ENVIRONMENTAL), AUTHORIZING REVISION OF THE OFFICIAL ZONING MAP; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; AND SETTING FORTH AN EFFECTIVE DATE.

Commissioner Kelley moved, seconded by Commissioner Partington, to approve Ordinance No. 2005-06, on first reading, as read by title only.

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

Hearing no objection, Mayor Costello closed the public hearing on Item #10.

Item #11(A) – Status of the River Bend Golf Course Lease Reassignment

Commissioner Kent stated Mr. Ray Eddy indicated the rent abatement would probably be for approximately eight months.

Mr. Tom Lipps, Support Services Director/Airport Manager, stated the rent abatement would probably be from zero to four months.

Commissioner Kent indicated he would object to any rent abatement. He stated he did not believe the City should be forced to lose this revenue.

Commissioner Partington echoed Commissioner Kent's concern. He stated he concurred with Item No. 1 in the City Manager memorandum, but he did not agree with Item No. 2 because it would detract from the amount of revenue the City would obtain from the golf course.

Mr. Lipps clarified that the park land was excluded from the calculations of the rent; therefore, taking the park land out would not reduce the rent, it would transfer the maintenance of the park over to the City.

Commissioner Boyle asked if the golf course paid rent for the park.

Mr. Lipps clarified that the golf course did not pay rent for the park, but they did maintain the park and were liable for the park.

Commissioner Partington stated that additional liability and maintenance cost would have to be assumed by the City. He expressed concern over Item No. 3 regarding the rental "holiday" that would cost approximately \$28,000 to \$30,000 in lost revenue. Commissioner Partington indicated he would also have concerns relative to what the golf course paid for the land versus what they would pay in any other circumstance. He noted he would have no objection to moving the bridge as outlined in Item No. 4. Commissioner Partington stated relative to Item No. 5 that he favored the City's golf lessons for youth continue to be required on the course. He advised he would like to find a way to make this work and urged staff and Mr. Eddy to work together to provide the Commission with a greater comfort level that this project would not harm the City financially.

Commissioner Boyle reported he favored Item Nos. 2, 3, 4, 5, and 6. He noted the best scenario would have been to tie the rent to the revenue so the golf course could truly be the City's partner. Commissioner Boyle stated it was unfair to lay the burden on the renter when the area sustained three hurricanes, with 600 trees down, and water ran off the paved surfaces of the airport onto the golf course, rendering two holes unplayable, and by extension, the entire course unplayable. He noted he was shocked the golf course was responsible for maintaining a public park. Commissioner Boyle reported a conservative estimate of the cost to bring the golf course back in order would be over \$500,000. He pointed out that some of the trees in the natural barrier that had served as a demarcation for the holes came down during the hurricanes and were removed at the renter's expense. Commissioner Boyle noted the golf course was shut down, yet the City was still collecting rent.

Commissioner Boyle pointed out the City was trying to develop a partnership with the Tomoka Oaks golf course for the use of effluent reuse water. He stated the City would be giving the Tomoka Oaks entity the water, but the City could not get the effluent across the river to the River Bend golf course where it was desperately needed, placing River Bend at a competitive disadvantage. Commissioner Boyle noted that an unintended consequence may be that Ormond Beach may own a golf course that is not in great condition. He stated the golf course market had changed and was now highly competitive. Commissioner Boyle explained one reason the course may not be in pristine condition may be due to the enormous rent Ormond Beach had been collecting, prohibited them from rehabilitating the course. He recommended agreeing to the listed six items minus the one item the Commission could agree on which was Item No. 1. Commissioner Boyle described River Bend as a neglected partner and indicated that the time had come to be a fair business partner before the City had no tenant at the golf course.

Commissioner Kelley stated the City was very fortunate to have someone willing to invest with the City. He reported the City required the Eddy Corporation to place \$125,000 worth of improvements in a public park that was a disgrace to the City. Commissioner Kelley urged the City to take the responsibility of maintaining the park, noting the park could be a jewel. He questioned how much income River Bend lost during the hurricanes and pointed out a \$28,000 cost to make a \$500,000 investment was a small price to pay. Commissioner Kelley noted no objection to Item Nos. 4, 5, and 6.

Mayor Costello summarized that the consensus of the majority of Commission members was for the City to keep the reappraisal every ten year and approve Item Nos. 2, 3, 4, 5, and 6. He was elated the City would not need to own a golf course, but it was incumbent upon the City to take over the park maintenance, making the park an asset to the community.

Commissioner Kent reported he would follow the lead on this issue. He pointed out that many businesses lost money due to the hurricanes, but the City could not possibly offer remedies for all such businesses, especially considering the current fiscal condition of the City. Commissioner Kent reiterated that he believed this deal should have been worked out before it came to the Commission.

Mayor Costello concurred with Commissioner Kent; however, he advised he did not consider this as having anything to do with the hurricanes, rather he considered it similar to a facade grant where an owner wanted to fix up a facility that would benefit the community, and the City would be stimulating the economy of that facility by providing the opportunity to have a rent abatement in the downtown.

Commissioner Partington reported all Commission members seemed to be in favor of Item Nos. 1 and 4, but he did not see the substantiation for the abatement in Item No. 3. He noted he was unaware the developer would have to invest \$500,000 in the project until the comment was made this evening. Commissioner Partington noted he saw no plan for those funds. He questioned if FEMA or the Small Business Administration was involved to recoup the hurricane losses. Commissioner Partington stated if the City decided to approve a rent "holiday" for the golf course located on FAA property, the City may need to offer the same rent "holiday" to every FBO and the recreation facilities to be totally fair. He expressed concern relative to setting a precedent.

Mr. Hayes stated no vote would be taken in that this was only on the agenda to provide staff direction. He explained that staff was in the infancy stages of the drafting portion of this lease reassignment, and the City Manager deemed it important to bring some of the concepts to the Commission in order to obtain feedback. Mr. Hayes stated staff would bring back a proposal in a form in which the Commission may be more comfortable.

Mr. Turner clarified that the rent abatement was associated with the renovation of the course, not the hurricanes. He stated more specificity would be provided in terms of what investment would be made for the abatement.

Mr. Harold Layman, 96 North St. Andrews Drive, the potential owner, stated that many questions were raised that needed deeper discussion and a better understanding. He concurred that the rent abatement had nothing to do with the hurricanes, but it was related to getting the golf course in condition. Mr. Layman pointed out he had no interest in having the course shut down any longer than absolutely necessary and pointed out that he would lose over \$100,000 per month not having the course open, leaving no rationale for him to extend the time merely to obtain rent abatements. He stated he wanted to have the best public golf course, bringing revenue to him as the owner and to the City. Mr. Layman explained the abatement was a business request that made sense for a short period of time.

Mr. Lipps stated the final draft would include the time frame for the closure of the golf course; and if there would be a need for the rent abatement, it would only track with the time of closure. He noted the City would also be working with the new owner on some transitional construction issues related to the southeast quad construction.

Commissioner Boyle urged staff to investigate the possibility of tying the rent to the revenue stream for a more successful partnership. He noted FEMA would not cover this type of hurricane damage. Commissioner Boyle pointed out that FBO abatements have no relevance to this issue, even though it was located on airport property.

Commissioner Kelley explained his point was that the FBO did not come to the City asking for anything for being shut down. He noted should an FBO be destroyed by a tornado or hurricane, they would most assuredly ask the City for considerations, and they would probably be deserving of some considerations.

Commissioner Kent asked if the airport was breaking even.

Mr. Turner reported the airport was close to breaking even.

Commissioner Kent stated \$100,000 a month was a lot of money, but he wanted to do the right thing for everyone.

Mayor Costello stated it was incumbent upon the new property owner and staff to provide background information on this issue so when the Commission was asked to vote they would have all applicable information.

Mayor Costello called for a break at 9:05 p.m. and reconvened the meeting at 9:13 p.m.

Item #11(B) – Hurricane Activities and Assistance

Mr. Turner stated the staff report was extremely lengthy and included many issues. He thanked Assistant Police Chief Michael Longfellow for providing the slide show. Mr. Turner explained the difficulty in tracking where the hurricanes would go, causing the City to provide varying levels of responses, and he did not see this changing appreciably in the future. He pointed to page five and the staff recommendations. Mr. Turner advised that if the Commission should approve the recommendations, staff would incorporate them into the City's emergency management plan. He stated the first item related to creating a bank of employee donated leave time for hurricane preparation activities, allowing employees to donate personal leave time into a bank so when there was hurricane activity, employees who needed to use that time to secure their homes would be able to draw from that bank. Mr. Turner noted staff was asking the City to match the time employees put into this bank.

Commissioner Kent noted that while he was not indicating opposition, he felt it was very generous of the City to pay into this bank.

Mr. Turner noted agreement with Commissioner Kent; however, he deemed it important to allow employees to have the time to prepare their residences and families.

Mayor Costello stated people were fired in other jurisdictions, and this was a creative way to meet this need.

Commissioner Boyle stated the City did a good job with sandbags; but possibly due to the protracted run up of Hurricane Francis, the City ran out of sandbags, causing confusion since they were available at the County fire station on Southland but not at the City's US1 fire station. He commended the effort to set up an objective situation for the boarding up of homes.

Mr. Turner stated Ormond Beach's service level was higher than others in that Ormond Beach filled the sandbags for the residents. He noted people were coming from the surrounding area such as Ormond-by-the-Sea for sandbags; and because of the great volume, the City was unable to keep up with the demand. Mr. Turner reported that by the third hurricane staff was learning how to handle the situation better and required identification in order to receive the sandbags.

Commissioner Kelley pointed out that it was great to have the sandbags filled for the citizens, stating he had to go to South Daytona to help his daughter where he had to fill the sandbags, and it required considerable effort.

Mr. Turner continued by stating the next item referred to employees using unscheduled leave to secure their homes and families. He explained that in those situations, the employee could work overtime, but were not getting paid overtime because they were using unscheduled leave. Mr. Turner reported this proposal was that when an employee used unscheduled leave in association with a hurricane or emergency event, the unscheduled leave would not be used against the employee in terms of the overtime calculations for that event.

Mayor Costello noted the absence of comments from the Commission would signify approval of this recommendation.

Mr. Turner reported the final item was to make inquiries with local businesses to arrange for possible discounts for municipal employees, such as encouraging employees to obtain hurricane shutters, shortening the preparation time and bringing the employee back to work more quickly.

Commissioner Kelley stated that whatever could be done for those who must be on duty 24 hours a day, seven days a week during emergency situations should be done. He offered his assistance in these situations if he did not need to evacuate.

Mr. Turner requested a formal vote of approval. He expressed great pride in the Ormond Beach employees for what they did during these events.

Commissioner Kent recommended opening this up for audience comments.

Commissioner Partington requested the actual resolution be provided before taking a vote. Commissioner Boyle and Commissioner Kent concurred with Commissioner Partington.

Mayor Costello asked staff to bring back a resolution.

Item #11(C) – Code Enforcement Procedures

Ms. Joanne Naumann, Neighborhood Improvement Manager, reported she had provided a lengthy report and flow chart of the code enforcement process and asked if the Commission had any questions.

Commissioner Kelley expressed concern regarding the length of time it took to stop code enforcement violations. He noted if a person had an occupational license in Holly Hill and he violated that license, the City of Holly Hill would shut him down; but if a person had an occupational license operating illegally in a residence in Ormond Beach, Ormond Beach was unable to shut him down for six months or longer. Commissioner Kelley stated operating a business in Ormond Beach without a license was also not appropriate.

Ms. Naumann stated the City Commission had the ability to revoke a license for noncompliance. She noted that generally what had been done in the past for any violation of the code was to go through the code enforcement process. She explained part of the delay may be proceeding from step one, which was issuing the notice of violation, to step two. Ms. Naumann noted in the case to which Commissioner Kelley was probably referring, the problem was that if the citation was issued just after a Special Master meeting, the case could go two months later to the next Special Master; however, that time was necessary for staff to properly serve notice of hearing.

Commissioner Kelley explained citizens were being disturbed by construction trucks, cherry pickers, and employees conducting business at a residence that should not even have a license. He stated this person had violated the license, which was first documented last December. Commissioner Kelley asked if there was anything the City could do to stop this illegal conduct.

Ms. Naumann stated the City Commission had the ability to revoke a license. She noted that most businesses in violation would voluntarily comply, or by the time the case would get to the Special Master, the violator would comply. Ms. Naumann noted there were rare cases, such as that which Commissioner Kelley was experiencing, where the violator refused to comply, requiring the staff to move forward.

Mayor Costello stated if a commercial enterprise was located in a residential neighborhood, he wanted Ms. Naumann to bring the issue to the Commission at the first meeting after being made aware of the problem, and the Commission could pass a resolution indicating that if the commercial truck would remain, the City would tow the vehicle. He stated if a person had a license and they were violating the requirements, Ms. Naumann was to bring that to the Commission, and the Commission would revoke the license. Mayor Costello reported if the Commission “got tough” with violators, it would make potential violators hesitate before violating the rules. He objected to waiting four to five months to accomplish anything. Mayor Costello reported the day a violation was observed, a citation should be given as opposed to 30 days later as was done now, so the City could have the presumption of service within ten days after the violation was first noted. He stated should the violator comply, the only loss would be spending slightly more for certified letters. Mayor Costello questioned why the Special Master would need up to 60 days. He stated a notice of seven days, properly noticed prior to the Special Master hearing, should be sufficient for the Special Master to levy the fines at the first hearing rather than waiting for the second hearing. Mayor Costello urged that the procedure be simplified to avoid the Code Enforcement Officers spending 50% of their time on paper work. He questioned why the City was not evaluating substandard housing, unsafe abatements in residential areas, and unsafe abatements in commercial areas.

Mr. Hayes stated the Code Enforcement process was dictated by what the State law would allow, and the City must comply with State regulations. He noted code enforcement was about seeking compliance as opposed to punitive. Mr. Hayes advised the City was required to give notice and the opportunity to cure. He stated that typically the cure period was determined by the code enforcement officer in the field depending on the circumstances, but there are procedural and substantive due process requirements with which the City must comply. Mr. Hayes reported some of the problem was an enforcement issue based on limited staff resources. He noted that for aggravated circumstances, the City could go to circuit court to obtain injunctive relief; however, courts do not want to get involved in code enforcement issues. Mr. Hayes stated the Commission must consider that for this alternative there would be a court filing fee, a service fee, a hearing time must be obtained, and there were due process requirements to be followed. He noted in situations where there was a public safety issue involved, more immediate relief could be obtained without notice. Mr. Hayes advised the City could not merely schedule an item on a City Commission agenda to revoke a license in that the law recognizes property interest in occupational licenses; therefore, even if there was a violation, the City must go through a public hearing process and support the basis for the

revocation. He pointed out that there was no “quick fix” to this problem. Mr. Hayes reported staff could try to streamline some measures, but the requirements must be met.

Mayor Costello requested some answers to his recommendations within a week or two.

Commissioner Boyle objected to trying to reinvent code enforcement “on the fly.” He stated he would not favor adding any more resources or personnel for this problem. Commissioner Boyle reported that the explanation the City Attorney just provided told him why the hurricane damaged billboards on US1 would never be removed.

Mayor Costello reported the City Attorney had previously advised the Commission that the billboard issue was in the courts.

Commissioner Boyle questioned how the City could enforce codes in residential areas when residents witness the billboards remaining on US1. He urged the Commission to bring their most serious code enforcement problems directly to Ms. Naumann each week. Commissioner Boyle noted where the City caused a problem was when the Commission directed Code Enforcement to go out into the neighborhood and be proactive rather than only acting on complaint. He stated as a result of this directive, there was so much code enforcement that the department could not act on the complaints in an efficient manner. Commissioner Boyle stated a commercial trailer had been parked on 180 North Halifax Drive for five years. He pointed out that seven different constituents have lodged complaints; the owner moves the vehicle, but it returns the following week. Commissioner Boyle stated this incident did not even make Ms. Naumann’s status report. He expressed a desire for better enforcement of the complaints and suspending the proactive enforcement in residential neighborhoods, focusing only on complaints.

Commissioner Kelley agreed with Commissioner Boyle.

Commissioner Kent noted all complaints needed to be presented to the City Manager rather than directly to Ms. Naumann. He noted he concurred with Commissioner Boyle and Commissioner Kelley not to add any additional resources into this problem. Commissioner Kent reported that Zone 1 and Zone 2 as well as a large portion of Zone 4 needed more code enforcement, since these areas did not have the gated communities where standard must be enforced by the homeowners' associations. He stated residents have offered to form a “Citizens on Patrol” type situation where residents would drive around weekly and inform the staff of what they find. Commissioner Kent reported these citizens would be using their own vehicles, gas, and time. He recommended discussing this possibility with the Commission.

Mayor Costello noted there was nothing stopping citizens from contacting their Commission with this type of information right now.

Commissioner Kelley urged Ms. Naumann not to become frustrated because she was not to blame. He noted the Commission was merely trying to find a solution.

Commissioner Partington stated he favored anything to streamline the system within the bounds of the law. He urged trying to reduce the paperwork. Commissioner Partington noted a complaint-driven system was probably all that the staff could handle. He stated the system could be improved.

Mr. Turner stated it was clear there was dissatisfaction with the results. He commended Ms. Naumann for her diligence in pursuing issues and working within the system in a customer-friendly manner. Mr. Turner noted he spoke to Ms. Naumann relative to applying more enforcement in safety-related incidents. He stated he heard the Commission indicate they do not want any additional resources; however, the division was looking at technological opportunities. Mr. Turner pointed out Ormond Beach had one of the lowest number of staff members covering a larger area. He stated the officers should take pictures, document incidents, and write reports to present to the Special Master. Mr. Turner noted a suggestion was made to hire an office person to assist with the secretarial work, allowing the inspectors more time in the field doing the inspections. He stated staff would investigate opportunities to streamline the process. Mr. Turner pointed out that Ms. Naumann also does inspections to assist her staff. Regarding the substandard housing issue, Mr. Turner stated this would require setting up an entirely new division as it was another major function with a high degree of possibility not to be successful. He reported that as staff becomes more diligent in terms of the volume or in terms of being more stringent in their enforcement activities, people of the other side of the issue would come to the meetings to be heard; therefore, he urged the Commission to be prepared to back staff up when this would occur.

Mayor Costello stated that the pro-activity was originally 50%, and it had dropped to 20%. He requested a hierarchy of the type of complaints received so the Commission could give Ms. Naumann direction on what the Commission would like her to be proactive about. Mayor Costello noted he did not mind staff being proactive if they see some violations, but some were more important than others, which was why he urged the Commission to dictate what type of violations on which staff should use their 20% pro-activity.

Commissioner Kelley reported that for a bad situation such as was outlined, he would prefer going back every day, twice a day, or whatever it would take, giving multiple citations rather than looking for other problems in the neighborhood.

Ms. Naumann clarified that in the instance where the business was being run in the home in violation of the conditions of the home occupation license, the owner was well aware of the problem, and staff had the incident well documented. She noted staff made repeat trips, and in such cases where the person refuses to comply, she had no option but to pursue the process. Ms. Naumann pointed out that her staff showed due diligence for all of the complaints that come in and are handled as a priority. She noted as complaints increased, pro-activity decreased in order to provide a response. Ms. Naumann reported her staff worked after hours and on weekends to try to catch reoccurring violators.

Commissioner Partington reported he would like to ride along on a proactive run to obtain a better understanding of the situation.

Ms. Naumann invited the Commission to go along on a proactive run at any time.

Mr. Hayes stated first time offenders were treated differently than repeat offenders. He noted there was no requirement on a repeat offence to be given additional notice. Mr. Hayes reported the fine doubled for repeat offenders, and the City may want to get injunctive relief for perpetual repeat offenders. He noted each instance would have to be handled on a case-by-case basis. Mr. Hayes reported another option was to try to get more Special Masters and have hearings more often.

Mayor Costello noted he did not believe obtaining more Special Masters was necessary. He requested more information be provided with case law showing why certain actions would be necessary.

Item #11(D) – Consideration of a Salary Increase for the City Attorney

Commissioner Partington stated Resolution 2004-161 indicated the Commission would consider salary adjustments at the time of the annual performance evaluations for the City Manager and the City Attorney. He reported this was done for the City Manager but not for the City Attorney. He proposed a 3.25% raise for the City Attorney.

Commissioner Boyle noted he though this had already been done.

Mayor Costello noted Mr. Hayes declined the increase at that time.

Commissioner Boyle stated his understanding was that Mr. Hayes declined the automatic 6% increase and accepted the idea of the Commission delineating any raise. He supported this increase and supported making the increase retroactive to October 1.

Commissioner Kent agreed with Commissioner Partington and Commissioner Boyle. He commended Mr. Hayes for denying the 6% increase when it was being considered.

Commissioner Boyle moved, seconded to Commissioner Partington, to waive the Thompson Rule.

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

Commissioner Partington moved, seconded by Commissioner Boyle, to approve a 3.25% increase retroactive to Oct 1, 2004, for Mr. Hayes.

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

Item #12 - Reports, Suggestions, Requests

School Board Meeting

Commissioner Kelley thanked everyone who set up the School Board meeting, the City Manager, and Mayor Costello for the great meeting. He noted it was a good start in an uncharted direction, and relationships were beginning to form that would go a long way in improving the overall activities within the City. He commended Commissioner Partington for his gesture at the end of the meeting.

Keys to the City

Commissioner Kelley stated ten years ago he helped develop a small key to the City that would be given to people on special occasions. He recommended reestablishing such a program.

Mayor Costello reported he gives keys to the City every quarter as part of the teacher recognition program. He reported he would welcome ideas offered by the Commission as to whom the keys should be given. Mayor Costello stated the Commission probably should give keys to the City whenever the City held a joint meeting with another entity such as the School Board as well as to the clergy who provide the City with the invocations.

Commissioner Kelley noted he was unaware the City still had the keys.

Activities

Commissioner Partington stated last Wednesday the Commission met at the airport for a breakfast meeting sponsored by the Chamber of Commerce; lunch was celebrating the 25th anniversary of The Casements Guild; and dinner was prior to the airport workshop. He noted the Commission accomplished a great deal for the City on that busy day. Commissioner Partington stated on Thursday morning he attended the Rose Bay celebration and noted a large number of Mainland High School students were in attendance, and many were from Ormond Beach. He reported some of the ideas may be carried over to Central Park. Commissioner Partington noted that his attendance showed the County and Port Orange officials that Ormond Beach was interested in supporting other cities' activities. He stated it was an absolute pleasure to play in the Mayor's Golf Tournament at Riverbend Golf Course, which was a well-attended fundraiser for the Chamber of Commerce. Commissioner Partington concluded by mentioning the School Board workshop held last evening. He stated the Commission had a number of extra meetings lately, but this hard work made for a better product for Ormond Beach citizens.

Audience Remarks

Commissioner Boyle thanked the five citizens for remaining at the meeting tonight and noted the lateness of the hour was not due to audience remarks.

Code Enforcement

Commissioner Boyle stated the problem with code enforcement pro-activity was that if there were no "army" of code enforcement personnel, pro-activity would equal selectivity, where the employees would be selectively enforcing the rules.

Tasers

Commissioner Boyle thanked staff for providing the information on the tasers, but stated the Commission should have had that information on April 5. He stated that while he trusted Chief Mathieson's judgment on this issue, the Commission did not receive a balanced report because they were not made aware of some of the controversy with the tasers.

Beach Access

Commissioner Boyle stated the Granada beach approach had been closed over 30 days in a row, and he questioned if it would ever reopen. He noted there was a new problem at Seabreeze High School where the students have taken over the Harvard approach, possibly because they do not have the \$20 parking fee for the campus parking lot or because the school did not have adequate parking for all of the students who drove to school. Commissioner Boyle

requested staff contact Kevin Sweet to determine what Ormond Beach could do to allow access to the beach.

School Board Meeting

Commissioner Boyle praised the Commission and staff for the joint Commission and School Board meeting as it went far beyond expectations. He noted the preparation by staff and the Commission helped to create an atmosphere such that the first step could be taken on a number of important issues. Commissioner Boyle reported this was the second landmark historic meeting where Commissioner Partington continued a new Ormond Beach tradition of giving coins, a tradition started by John D. Rockefeller.

Sandberg Claim

Commissioner Boyle expressed appreciation for the report by the City Attorney relative to the Sandberg claim for damages, which was well documented. He noted he was aware the City had legal immunity on these matters, but in that two separate incidents occurred at this home, he considered this a unique situation. Commissioner Boyle reported on the first incident after Hurricane Charley, the City was able to come to the home and alleviate the problem before it became a problem, and staff indicated the problem could recur; however, at the time of the second incident, the homeowners and staff were evacuated when the problem occurred. He pointed out that the homeowner called the City, and had the City gotten there sooner, the problem may have been averted. Commissioner Boyle stated very shortly after this incident, the Commission, with the recommendation of staff, approved an appropriation of \$300,000 to purchase emergency generators for the lift stations, which indicated the City was aware of at least some level of culpability.

Commissioner Boyle asked if anyone on the Commission wanted to review this matter, but if not, he would not bring it up again.

Mayor Costello recommended placing the item on an agenda as a discussion item and the Commission could express their opinion at that time.

Commissioner Boyle requested this be placed on the next City Commission agenda.

Card Show

Commissioner Boyle reported the baseball card show this Saturday would be the 27th, and by the second week in October, there would be four more card shows for a total of 31 shows with an average net of \$300 for The Casements. He expressed appreciation to the community for their support of these events.

School Board

Commissioner Kent reported the School Board meeting was a great meeting where the Commission and staff displayed a great deal of professionalism. He noted the School Board was please the City provided a dinner and atmosphere, which enabled personal relationships to be formed.

Central Park

Commissioner Kent stated he had a wonderful experience canoeing around Central Park, and he expressed appreciation of all the park had to offer.

Activities

Commissioner Kent noted he was not able to attend all the activities to which Commissioner Partington referred, and he thanked him for representing the City at these events.

Plaque Honoring Officer Grim

Commissioner Kent stated a visitor noted the location of the plaque at the Police Department, which honored Officer Grim. He noted the plaque was located adjacent to pictures of sex offenders, and he suggested it be moved to a more appropriate location to honor Officer Grim's memory.

History

Commissioner Kent recommended the City solicit private donations to purchase a plaque containing the names and terms of service of every Commission member.

Attending City Commission Meetings

Commissioner Kent thanked the residents and Ms. Eileen Zaffiro representing the News-Journal for attending the City Commission meetings time and time again.

Volusia Literacy Council

Commissioner Kent stated he had the opportunity to be a judge at the Volusia Literacy Council, which was a great fundraiser, and he reported the News-Journal won.

Summer Attire

Commissioner Kent noted he was impressed with the unity in the Commission and staff's summer attire tonight.

Fire Chief of the Year for Volusia County/ Officer of the Year

Commissioner Kent stated he was proud Fire Chief Barry Baker was selected as Fire Chief of the Year for Volusia County. He recommended something be done for Chief Baker and suggested Mr. Turner take over Chief Baker's duties for a day.

Commissioner Kent also expressed pride in Officer Lisa Rosenthal for being selected as Officer of the Year.

Expressions of Appreciation

Mr. Turner expressed appreciation to the staff for all they had done the past several weeks and the Commission for their work in the many meetings. He thanked the Commission for the support they had given staff.

Mr. Hayes thanked the Commission for their support.

Out of Town

Mr. Hayes stated he would be out of town tomorrow through next Monday, but Ms. Upchurch would be available if there were any questions.

School Board Meeting

Mayor Costello thanked staff for the great School Board meeting. He asked Commissioner Partington to alert the Commission if he would like a budget for the next time the Commission has a joint meeting and thanked him for his thoughtfulness in offering the coins.

Robert F. Grim Scholarship Fund

Mayor Costello recommended the City contribute to the Robert F. Grim Scholarship Fund. He asked if there was \$1,000 available in the donation fund to make this donation.

Commissioner Kent recommended placing this on an agenda for a discussion item so the Commission could decide how much the City would recommend donating every year.

Mayor Costello suggested a decision be made tonight, but the Commission would have to waive the Thompson Rule to discuss the issue.

Commissioner Boyle recommended that a donation of \$1,000 for this year would be appropriate, and then opening the issue up for discussion next year to decide an amount for the donation.

Commissioner Partington reported he thought the City had already made a \$1,000 donation.

Commissioner Partington moved, seconded by Commissioner Boyle, to waive the Thompson Rule.

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

Commissioner Partington moved, seconded by Commissioner Boyle, to donate \$1,000 to the Robert F. Grim Scholarship Fund.

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

Keys to the City

Mayor Costello commended Commissioner Kelley for his suggestion to use the keys to the City to a greater degree.

Seabreeze High School Parking

Mayor Costello requested staff research the Seabreeze High School parking situation. He questioned if this information should be included in the letter that would be sent to the County Council relative to beach access and request for permits for Ormond Beach residents, or if it should be in a separate letter. Mayor Costello stated if the students were using limited off-beach parking, the City may consider asking the School Board to provide more parking at Seabreeze High School in a letter written in a very positive manner.

Activities

Mayor Costello reported other activities were the Crimestoppers Banquet, where Officer Lisa Rosenthal was presented the award as Volusia Police Officer of the Year, the Visually Impaired Banquet immediately following the Mayor's Golf Tournament, the MPO meeting, and the VCOG meeting. He noted there were many activities the Commission attended.

Item #14 – Close the Meeting

The meeting was adjourned at 10:24 p.m.

APPROVED: _____ May 3, 2005

BY: _____
Fred Costello, Mayor

ATTEST:

Veronica Patterson, City Clerk