

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

**November 15, 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.
- 3) Pledge of Allegiance.
- 4) Approval of the Minutes of the November 1, 2005, meeting.
- 5) **AUDIENCE REMARKS:**
- 6) **INTERGOVERNMENTAL BOARD REPORTS:**
  - A) Metropolitan Planning Organization
  - B) Volusia Council of Governments
  - C) Water Authority of Volusia
- 7) **CONSENT AGENDA:** The action proposed is stated for each item on the Consent Agenda. Unless a City Commissioner removes an item from the Consent Agenda, no discussion on individual items will occur and a single motion will approve all items.
  - A) Resolution No. 2005-233 authorizing the execution of an Urban and Community Forestry Grant Memorandum of Agreement between the City and the State of Florida, Department of Agriculture and Consumer Services. (\$18,900 total project; \$14,175 grant funds; \$4,725 local funds)
  - B) Resolution No. 2005-236 authorizing the purchase of dewatering polymer chemicals for the City's water and wastewater treatment plants under a cooperative bid solicited by several local cities; authorizing the execution of a contract; authorizing payment therefor. (Polydyne, Inc. - \$ .88 per pound or \$2,024 per 275 Gallons, whichever is less)
  - C) Resolution No. 2005-237 authorizing the sole-source procurement of a lime slaking unit from Water Treatment & Controls Co. to replace an existing unit at the wastewater treatment plant; authorizing the execution of a contract and payment therefore. (Not-to-exceed \$68,016)
  - D) Resolution No. 2005-238 authorizing the execution of a contract between the City and ELAB, Inc., for laboratory services regarding sample collection and analysis for the City's water and wastewater plants, under County of Volusia Bid Number 04-B-71 BB. (Not-to-exceed \$94,997)

- E) Resolution No. 2005-239 authorizing the execution of a Joint Participation Agreement, Supplemental Amendment Number 1, between the City and the State of Florida Department of Transportation. (Maintenance of the Nova Road stormwater ponds - \$37,500 FDOT funding)
- F) Resolution No. 2005-240 accepting a Public Purpose Quitclaim Deed from the State of Florida Department of Transportation for property located along SR5A (Nova Road); authorizing the execution of a letter agreement.
- G) Resolution No. 2005-241 authorizing the execution of a Satisfaction and Release of Lien.
- H) Resolution No. 2005-242 authorizing the execution of an interlocal agreement between the City and the State Attorney of the Seventh Judicial Circuit.
- I) Review of FY 2004-05 budget status.

DISPOSITION: Approve as recommended in City Manager memorandum dated November 10, 2005.

8) **PUBLIC HEARINGS:**

- A) Ordinance No. 2005-56 authorizing the execution and issuance of a First Amended and Restated Development Order regarding the “Pineland” Planned Residential Development, authorizing the extension of the expiration date for which a plat must be approved; ratifying and affirming the Development Order; establishing conditions and expiration of approval. (Second Reading)
- B) Ordinance No. 2005-38 relative to Accessory Uses, amending Section 2-50 of Article III, General Regulations, of the Land Development Code by amending regulations regarding accessory uses and structures. (Second Reading)
- C) Ordinance No. 2005-39 amending Chapter 3, Performance Criteria, Article III, Off-street Parking and Circulation, Section 3-26, Off-street Parking Requirements, of the Land Development Code by clarifying the location and minimum distance for residential driveways. (Second Reading)
- D) Ordinance No. 2005-40 amending Section 1-16, Board of Adjustment and Appeals, of Article II, Administration and Enforcement, of Chapter 1, General Administration, of the Land Development Code, by clarifying the power and duties, processing procedure and award of variances by the board members; by amending subparagraph P, Variance Request, of Section 1-26, Application Processing Fees. (Second Reading)
- E) Ordinance No. 2005-41 amending the annual budget for the 2005-2006 fiscal year relative to the Stormwater Utility Fund; Airport Fund; Economic Development Fund; Grants Fund; General Improvement Fund; Vehicle Replacement Fund; Transportation Improvement Fund; Recreational Impact Fee Fund; Local Roads Impact Fee Fund; Stormwater Drainage Impact Fee Fund; Fire Station #92 Construction Fund; Fire Station #91 Construction Fund; Water & Wastewater Utility Fund; Water & Wastewater Vehicle Replacement Fund; Water & Wastewater Renewal & Replacement Fund; West Ormond Reuse Impact Fee Fund; Water System Impact Fee Fund; Wastewater System Impact Fee Fund. (Second Reading)
- F) Advisory Board nominations:
  - 1) Ordinance No. 2005-42 amending Section 2-206, Residency Requirements, of Article VI, Boards, Commissions, Committees and Other Agencies, of Chapter 2, Administration, of the *Code of Ordinances*, by revising the criteria for the appointment of board members. (Second Reading)
  - 2) Ordinance No. 2005-43 amending Section 2-214, Human Resources Board, of Article VI, Boards, Commissions, Committees and Other Agencies, of Chapter 2, Administration, of the *Code of Ordinances*, by revising the criteria for the appointment of board members. (Second Reading)
  - 3) Ordinance No. 2005-44 amending Section 2-227, Goodwill Ambassador Program, of Article VI, Boards, Commissions, Committees and Other Agencies, of Chapter 2,

Administration, of the *Code of Ordinances*, by revising the criteria for the appointment of ambassadors. (Second Reading)

- 4) Ordinance No. 2005-45 amending Section 2-217, Historic Landmark Preservation Board, of Article VI, Boards, Commissions, Committees and Other Agencies, of Chapter 2, Administration, of the *Code of Ordinances*, by revising the criteria for the appointment of board members. (Second Reading)
  - 5) Ordinance No. 2005-46 amending Section 2-218, Neighborhood Improvement Advisory Board, of Article VI, Boards, Commissions, Committees and Other Agencies, of Chapter 2, Administration, of the *Code of Ordinances*, by revising the criteria for the appointment of board members. (Second Reading)
  - 6) Ordinance No. 2005-47 amending Section 2-220, Aviation Advisory Board, of Article VI, Boards, Commissions, Committees and Other Agencies, of Chapter 2, Administration, of the *Code of Ordinances*, by revising the criteria for the appointment of board members. (Second Reading)
  - 7) Ordinance No. 2005-48 amending Section 2-221, Recreation Advisory Board, of Article VI, Boards, Commissions, Committees and Other Agencies, of Chapter 2, Administration, of the *Code of Ordinances*, by revising the criteria for the appointment of board members. (Second Reading)
  - 8) Ordinance No. 2005-49 amending Section 2-223, Citizens' Law Enforcement Advisory Board, of Article VI, Boards, Commissions, Committees and Other Agencies, of Chapter 2, Administration, of the *Code of Ordinances*, by revising the criteria for the appointment of board members. (Second Reading)
  - 9) Ordinance No. 2005-50 amending Section 2-224, Quality of Life Advisory Board, of Article VI, Boards, Commissions, Committees and Other Agencies, of Chapter 2, Administration, of the *Code of Ordinances*, by revising the criteria for the appointment of board members. (Second Reading)
  - 10) Ordinance No. 2005-51 amending Section 2-225, Environmental Advisory Board, of Article VI, Boards, Commissions, Committees and Other Agencies, of Chapter 2, Administration, of the *Code of Ordinances*, by revising the criteria for the appointment of board members. (Second Reading)
  - 11) Ordinance No. 2005-52 amending Section 2-226, Budget Advisory Board, of Article VI, Boards, Commissions, Committees and Other Agencies, of Chapter 2, Administration, of the *Code of Ordinances*, by revising the criteria for the appointment of board members. (Second Reading)
  - 12) Ordinance No. 2005-53 amending Section 16-3, Board of Trustees, of Article I, In General, of Chapter 16, Pensions and Retirement, of the *Code of Ordinances*, by revising the criteria for the appointment of trustees. (Second Reading)
  - 13) Ordinance No. 2005-54 amending Section 16-42, Board of Trustees, of Article III, Firefighters' Pension Trust Fund, of Chapter 16, Pensions and Retirement, of the *Code of Ordinances*, by revising the criteria for the appointment of trustees. (Second Reading)
  - 14) Ordinance No. 2005-55 amending Section 16-73, Board of Trustees, of Article IV, Police Officers' Pension Trust Fund, of Chapter 16, Pensions and Retirement, of the *Code of Ordinances*, by revising the criteria for the appointment of trustees. (Second Reading)
- 9) **RESOLUTIONS:**
- A) Resolution No. 2005-243 authorizing the submittal of a grant application to the County of Volusia under the ECHO Grants-In-Aid Program for funding assistance relative to construction of a boardwalk in Central Park; authorizing the execution of all documents incidental thereto. (\$300,000 in grant funding; \$300,000 matching funds)
  - B) Resolution No. 2005-244 authorizing the execution of a contract between the City of Ormond Beach and Hall Construction Company, Inc., regarding the Osceola Elementary School Racquetball Court Replacement project. (Not-to-exceed \$132,198)

C) Bon Terre Fuel Adjustments:

- 1) Resolution No. 2005-245 approving and authorizing the payment of special compensation to Bon Terre Group, Inc., associated with the unusual cost of providing services under the right-of-way mowing services agreement. (\$6,482)
- 2) Resolution No. 2005-246 approving and authorizing the payment of special compensation to Bon Terre Group, Inc., associated with the unusual cost of providing services under the grounds maintenance agreement. (\$15,860)

10) **DISCUSSION ITEMS:**

- A) Fiscal impact analysis – Ormond Crossings.
- B) Use of US1 enhancement funds.
- C) Airport fund transfers.

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

12) Close the meeting.

Item #1 - Call to Order

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

Item #2 – Invocation

Mayor Costello gave the invocation.

Item #3 - Pledge of Allegiance

Mayor Costello led the Pledge of Allegiance.

Item #4 - Approval of Minutes

Mayor Costello advised the minutes of the November 1, 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 – Audience Remarks

Honors for Commissioner Jeff Boyle and Commissioner-Elect Lori Gillooly

Mayor Costello advised that there would be a specific place on the December 20 agenda to honor Commissioner Jeff Boyle and on the January 3 agenda for Commissioner-elect Lori Gillooly.

Mr. Don Bostrom, Bishop's Glen, Holly Hill, thanked Commissioner Boyle for a job well done in his 10 years of service to the City of Ormond Beach. He noted Commissioner Boyle's door was always open to everyone.

Honoring John Andrew Bostrom

Mr. Don Bostrom stated his grandfather, John Andrew Bostrom, was the founder and first settler in Ormond Beach, and he served as mayor of Ormond Beach for 15 years. He reported there was an access lane to a single home at 167 Riverside Drive, and the owners of the home indicated that they would be greatly honored if that lane would be renamed John Andrew Bostrom Lane. Mr. Bostrom noted this was the northern boundary of where John Andrew Bostrom had built his home. He pointed out that this name change would cost the City only one sign. Mr. Bostrom requested the dedication be held on February 14, 2006, because in 1995 former Mayor Dave Hood proclaimed February 14 as Founders Day in honor of John Andrew Bostrom.

Mayor Costello asked Mr. Turner to include this issue in the Friday letter.

Water Issue

Mr. Joe Bourassa, Daytona Beach, stated the primary reason for a possible water rate increase was the expansion of the water plant. He distributed copies of a report which he stated indicated there were record levels of rainfall for a five-year period; Florida had no water problem at this time; and that would continue for another 30 years. Mr. Bourassa stated there were seven years of no growth in water usage, negating the need for Water Authority of Volusia (WAV) water. He noted it would make no economic sense to add two million gallon capacity to the water plant and recommended adding to the lime softening process if the City believed the capacity was actually needed. Mr. Bourassa stated operating costs would go from \$558,000 to \$967,000 in 2009 to produce 4.4% more water, and may require additional personnel. He noted this expansion was a big mistake financially in that there were other options such as purchasing water from Daytona Beach for much less cost.

Honoring Commissioner Boyle

Mr. Lawrence Cook, 1529 North Beach Street, thanked Commissioner Boyle for his service to the City.

Code Enforcement Issue

Mr. Lawrence Cook requested Mayor Costello set aside some time to meet with him to allow him to let a truth be known that was denied by a former mayor.

Mayor Costello stated he would meet with him Mr. Cook if he had new information, but he had previously met with Mr. Cook giving him all the time he requested to make his point. He reported he would meet and listen to Mr. Cook again, but that would end the issue.

Disaster Preparedness Forum

Mr. Brian Daly, 156 Magnolia Drive, representing Citizens for Ormond Beach, stated that on November 29, Citizens for Ormond Beach, in cooperation with the City of Ormond Beach, would host a disaster preparedness forum beginning in the atrium with light refreshments and exhibits and then moving into the City Commission Chambers with City and County staff to share their plans in case a disaster should strike Ormond Beach. The forum would then be open to questions from the citizens. Mr. Daly invited everyone to come to the forum.

Police Department Issues

Ms. Kelly Grim, 100 Greenbriar Avenue, expressed concern regarding a memorandum which indicated departmental guidelines for requests for information regarding the Grim investigation must be routed to the Police Chief or Sergeant Hayes for processing and must be in writing, after which a response would be in writing after consultation with the Legal Department. She noted the memo went on to ask that the chain of command be advised if there were any requests for interviews so the response could be likewise handled. Ms. Grim noted numerous safety issues had been brought up by a former police sergeant but were not addressed. She questioned recent events that had occurred at the Police Department. Ms. Grim expressed concern that Grim family members needed to go through a chain of command and the Legal Department for the Grim family to talk to Ormond Beach personnel.

Corridor Advocacy Group Meeting

Mr. Joe Jaynes, Chair of the Scenic Loop Corridor Advocacy Group (the CAG), stated the CAG was seeking the Florida Department of Transportation's (FDOT) Florida Scenic Highway designation for the Ormond Beach scenic loop. He noted this designation would help preserve, protect, and enhance the unique, historic, scenic, recreational, and cultural resources that characterize the loop. Mr. Jaynes reported the CAG would be hosting a kick-off meeting for the contracting firm of GAI on Wednesday, November 30, at 5:30 p.m. at the Ormond Beach Public Library auditorium. He stated GAI would work with the CAG to complete the necessary paperwork required by FDOT for the eligibility and designation phases of the scenic highway designation. Mr. Jaynes encouraged all to attend this meeting to provide input on managing the roadways under consideration for the scenic highway designation.

Spay/Neuter Program

Mr. Glen Wren, 5 Maplewood Trail, stated most of the cats born are never spayed or neutered and will have kittens. He urged the City to set the example for Volusia County by having a spay/neuter ordinance requiring all cats domestically owned be spayed or neutered.

Mayor Costello requested Mr. Wren provide any samples of ordinances or other information to staff so they could provide it to the Commission.

Item #6(A) Metropolitan Planning Organization and Item #7(B) Volusia Council of Governments

Mayor Costello stated he provided the Commission with the bullet points of the Metropolitan Planning Organization (MPO) and the Volusia Council of Governments (VCOG) meetings and would answer any questions at the next meeting in this regard.

Item #6(C) – Water Authority of Volusia

Commissioner Boyle stated the Water Authority of Volusia (WAV) would meet tomorrow at 8:30 a.m. He pointed out that the long-term cycles of wet and dry seasons in Florida do not account for the progressive saltwater intrusion and phosphate contamination of the aquifer; therefore, those factors must be considered as new water sources are sought.

Commissioner Boyle reported the City of Daytona Beach initiated the mediation process, and the first step would be for a special meeting with the WAV executive committee to be held this Friday. He advised he would not be able to attend tomorrow's meeting and urged the Commission to act quickly to appoint a sitting Commissioner to replace him in time for next month's meeting.

Mayor Costello gave Commissioner Boyle a heartfelt thank you for his service on the WAV board.

Item #7 - Consent Agenda

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

Mayor Costello pulled Item 7(I) to discuss separately.

Commissioner Kelley requested Item 7(A) be discussed separately.

Commissioner Kent requested Item 7(D) be discussed separately.

**Commissioner Kelley moved, seconded by Commissioner Partington, for approval of the Consent Agenda, minus Item Nos. 7(A), 7(D), and 7(I).**

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

Item #7(A) – Urban and Community Forestry Grant Memorandum of Agreement

RESOLUTION NO. 2005-233

A RESOLUTION AUTHORIZING THE EXECUTION OF AN URBAN AND COMMUNITY FORESTRY GRANT MEMORANDUM OF AGREEMENT BETWEEN THE CITY AND THE STATE OF FLORIDA, DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES; AND SETTING FORTH AN EFFECTIVE DATE.

**Commissioner Kelley moved, seconded by Commissioner Kent, to approve Resolution No. 2005-233, as read by title only.**

Commissioner Kelley questioned if tying up trees was the best use for this \$14,000 grant.

Ms. Judy Sloane, Public Works Director/City Engineer, stated that at the time this grant application was available, this was the best use to protect the trees the City already had rather than purchasing new trees. She pointed out that this was an estimate, and if all of the money was not needed, it would not be spent.

Commissioner Kelley recommended spending some of the money to replant trees that were destroyed.

Ms. Sloane explained she would need to read the grant language to determine if there was any flexibility in what the funds could be used for since the City applied to restake the trees.

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

Item #7(D) – Collection and Analysis for the City’s Water and Wastewater Plants

RESOLUTION NO. 2005-238

A RESOLUTION AUTHORIZING THE EXECUTION OF A CONTRACT BETWEEN THE CITY AND ELAB, INC., FOR LABORATORY SERVICES REGARDING SAMPLE COLLECTION AND ANALYSIS FOR THE CITY’S WATER AND WASTEWATER PLANTS, UNDER COUNTY OF VOLUSIA BID NUMBER 04-B-71 BB; AND SETTING FORTH AN EFFECTIVE DATE.

**Commissioner Partington moved, seconded by Commissioner Kelley, to approve Resolution No. 2005-238, as read by title only.**

Commissioner Kent reported he was pleased that this business would be kept in Ormond Beach.

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

Item #7(I) – Review of FY 2004-05 Budget Status

Mayor Costello congratulated staff for an outstanding job, particularly the \$1,800,000 positive variance. He noted the City was 2% over in the revenue projection and 4.6% under projected spending. Mayor Costello stated the firefighter overtime was \$375,000 while \$450,000 was budgeted, with the peak last year near \$800,000. He commended staff for doing an outstanding job.

Commissioner Kent stated licenses and permits were expected to be over budget by \$145,000. He noted he had a rash of complaints regarding the number of occupation licenses permitted in residential neighborhoods and those license holders breaking the law but able to renew their occupation licenses. Commissioner Kent reported that while this was not the appropriate time to discuss that issue, it was a concern, and he requested it be discussed in the near future.

Commissioner Boyle questioned when the positive variance was confirmed.

Mr. Paul Lane, Finance Director, stated staff was working on this during the week prior to last week.

Commissioner Boyle questioned if the City had this information in July, if Mr. Lane would have recommended a different millage.

Mr. Lane stated he probably would not have recommended a different millage, because this was a one-time revenue source. He noted he would have recommended this money be applied against capital improvements in renewal and replacement because the City would be back in the position of appropriating out of the fund balance in order to balance the General Fund.

Mr. Isaac Turner, City Manager, stated that if extra money was found in the future, the Commission should consider funding a project from the unfunded list.

Commissioner Boyle stated in 2004 staff at one point had recommended a 44% millage increase, and the Commission approved a 34% increase. He noted he indicated at that time that every year there was a \$500,000 to \$1 million positive variance, but Mr. Lane assured him this would not be the case in that budget cycle. Commissioner Boyle noted \$700,000 or \$800,000 did appear eight months later, which included the undesignated airport funds of \$226,000. He pointed out that for ten consecutive years there had been positive variances. Commissioner Boyle acknowledged the City could not budget for positive variances, but there

should be some point where the Commission could set millage on actual shortfalls rather than projected shortfalls.

Mr. Lane stated Ormond Beach had six consecutive years of deficit spending from the fund balance prior to this year. He reported the projects were 2% heavy on revenue and 1.4% under on expenses from the July estimate. Mr. Lane explained 1% would equal approximately \$270,000; therefore, it would not take much off the estimate to produce a large positive variance. He noted the Commission would have to consider budgeting expenses at less than 100% to address Commissioner Boyle's concerns. Mr. Lane explained that when the economy was strong, more turnover could be expected in the labor force. He reported staff made a concerted effort this year to try to hold positions open longer before being filled, and there was more turnover than normal because of the stronger economy.

Commissioner Boyle stated the positive variances from unfilled positions were certainly one factor, but he understood Mr. Lane to be stating that because of six years of budget deficits from the General Fund, the positive variances were acceptable.

Mr. Lane clarified that to have positive variances for the past six years, the City would not be spending everything they projected to spend out of the fund balance.

Commissioner Kent stated the City was a huge business with a great deal of money involved in the budget, and he would be concerned if the budget came out exactly as projected. He noted he was pleased the variance was slightly over and thanked staff for their efforts.

Mr. Turner reminded the Commission and the citizens that the administration strongly urged staff to save money at every opportunity, and it would continue on budget reduction strategies. He noted the Commission could discuss the possibility of not funding 100% of the services, but if that were the decision of the Commission, he recommended increasing the fund balance substantially.

Commissioner Kelley thanked staff and noted that he would much prefer a positive variance than a negative variance and noted it could not possibly be exactly even. He credited Chief Baker for doing a great job with the overtime after hearing the Commission's concerns. Commissioner Kelley noted not being forced to use the fund balance was good because the City can not continue to use these funds for recurring expenses. He reported building this fund back up would only place the City in a better financial condition.

Commissioner Partington stated the report was awesome with a 16.8% reserve. He reported he appreciated the fact that in a \$28 million budget, there was a 2% positive variance. Commissioner Partington noted this reserve would be available to protect the City in the event of natural disaster or tough economic years. He stated the City was on good financial footing, and he thanked staff for their professionalism.

Mayor Costello stated the Commission always appreciated budget reduction strategies.

**Commissioner Kent moved, seconded by Commissioner Partington, to accept the FY 2004-05 Budget Status report.**

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

Item #8(A) – "Pineland" Planned Residential Development

ORDINANCE NO. 2005-56

AN ORDINANCE AUTHORIZING THE EXECUTION AND ISSUANCE OF A FIRST AMENDED AND RESTATED DEVELOPMENT ORDER REGARDING THE "PINELAND" PLANNED RESIDENTIAL DEVELOPMENT, AUTHORIZING THE EXTENSION OF THE EXPIRATION DATE FOR WHICH A PLAT MUST BE APPROVED; RATIFYING AND AFFIRMING THE DEVELOPMENT ORDER; ESTABLISHING CONDITIONS AND EXPIRATION OF APPROVAL; AND SETTING FORTH AN EFFECTIVE DATE.



Mr. Pete Zahn, Zahn Engineering, 240 South Palmetto, Daytona Beach, reported he discussed the historic drainage situation with Mr. Bailey and offered to walk the site with Mr. Bailey to address his concerns. He pointed to the areas in question and the proposed drainage plan on a rendering. Mr. Zahn explained rain currently stages up and can not bleed off, but the proposed plan would accommodate the rainfall. He reported Scott Vanacore who controls the adjacent site indicated he would assist in constructing a ditch that would help to address the drainage. Mr. Zahn stated the site must first be surveyed; a controlled gradient would be provided; permits would be sought; easements would be prepared; maintenance requirements with Mr. Vanacore would be reviewed; and then the plan would be implemented. He pointed out there were buffers around the projects. Mr. Zahn reported he would need to modify the exhibits to permit construction of a swale in the buffer area, and he distributed copies of the exhibits.

Mayor Costello questioned why this was being brought to the Commission other than requesting the modification of the exhibit to construct the swale.

Mr. Zahn reported he was requesting the 17 lots be added back into the project because there were offsite drainage issues that had been addressed, and this was not presented at the previous meeting.

Mr. Clay Ervin, Planning Director, stated that adding a stormwater facility in the buffer would be permitted in the code and would not alter the plan significantly; therefore, it could be addressed during the subdivision approval process.

Mr. Fred Share, 145 Heritage Circle, stated he was the owner of the property and would provide some history on the land. He explained this was originally Phase III of Ormond Green in 1991 for 208 single family homes with 80 foot by 110 foot lots, a holding capacity of 210, and a density of 1.8 units per acre, but it was never developed and the development order lapsed. Mr. Share stated in 1999 the Planning Director recommended to the new owners that they use specific site data with calculations of the holding capacity at 349.2 units or a density of 2.15. He reported that in March of 2003 the Land Development Code encouraged clustering, and the owner decided on 63 60-foot lots, 135 traditional lots, and an adult living facility with a density of 1.61 units per acre for 198 lots, and the holding capacity was 284 units. He stated the neighbors objected. Mr. Share explained in July 2004 a Development Order was issued for 182 lots, with a lot size of 80 feet by 120 feet, and the clustering was removed, but further engineering was necessary. He pointed out that it was cleared with staff that if the engineering warranted it, they could ask for the additional lots. Mr. Share stated the density was 1.11 for 182 80-foot by 120-foot lots. He explained he purchased the property in June 2005, and the density would be 1.21 for 199 lots and a holding capacity of 284 for 80-foot by 120-foot lots. Mr. Share pointed out there are many costs involved in this project due to the drainage problems that currently exist where other projects drain onto this project, the necessity to pave two lanes, and to remove and replant the exiting Pineland Trail. He stated these 17 lots would bring slightly more tax relief to the City, and it would have a negligible impact on traffic and drainage. Mr. Share reported the requested 199 lots were well below the 284 holding capacity, and the density of 1.21 was under the requirement. He stated this project meets and exceeds all of the Land Development Code requirements. Mr. Share pointed out that all 17 lots were infill with no new roads. He stated this had been approved for 182 lots, and he asked the Commission to approve the 17 additional lots.

Mr. Frank Bailey, 355 Airport Road, stated that initially it was unknown how much work would be involved addressing the drainage problems from offsite. He noted he was now convinced that Mr. Zahn had a system that could control the water, but it was costing the developer a great deal of extra money; therefore, he urged the Commission to approve the extra lots.

Ms. Pat Behnke, 15 Malayan Sun Bear Path, stated her concern was traffic on Airport Road. She noted she did not consider 170 extra trips insignificant considering what was currently built and what was already approved.

**Commissioner Kelley moved, seconded by Commissioner Partington, to approve Ordinance No. 2005-56, on second reading, as read by title only.**

Mayor Costello stated should a Commission member wish to make a motion to approve the 17 additional lots, this would become a first reading; but should that motion not be made or not pass, this would be the second reading of the 182 lots.

Commissioner Boyle stated he originally voted against this project because of the history of this project. He noted he believed the traffic issues would be addressed by the time the project was built out. Commissioner Boyle stated that based on the fact that this was a local developer with an excellent reputation in the community and the new evidence presented tonight, he

considered that it was now clear that this project would improve and address long-term drainage issues; therefore, he would approve the 17 extra units.

**Commissioner Boyle moved, seconded by Commissioner Kelley, to amend the motion to approve the additional 17 lots.**

Commissioner Kent asked where the water was being piped.

Mr. Ervin explained there would be two discharges. He stated where Pineland Road would make a 90 degree bend heading north there was a connection that would take the water back through a culvert under Airport Road feeding it into Broadwater. Mr. Ervin reported there had been problems because the culvert was not maintained. He noted when Pineland Road was paved, the road bed remained and new asphalt was laid trapping the water which traditionally flowed to the northeast corner of Airport Road and I-95, through Broadwater, and into the Tomoka River.

Commissioner Kent clarified that before development, drainage followed this path into the Tomoka River. He noted he would be concerned about Twin Rivers if it would not flow into the Tomoka River. Commissioner Kent stated the traffic may be negligible for this development, but it may be a problem with the next project and the following projects.

Mr. Ervin explained that this was clarified by State law to be a “diminimous” impact which was 10% of the level of service “C” volumes or a relatively small amount of traffic.

Commissioner Kent noted he was confident the traffic issue would be addressed before this project was completed.

Commissioner Kelley stated this would clear up flawed designs from Pine Trails, Ormond Green, and maybe even Creekside. He reported that if this project would eliminate these problems, it would not only help this project but the entire area as well. Commissioner Kelley noted this developer was going above and beyond what most developers would do; therefore, he could approve the additional 17 lots, but it must be conditional upon completing the plans as outlined. He pointed out this project could not receive a Certificate of Occupancy without the intersection being addressed. Commissioner Kelley stated he understood there were plans for Airport Road and Tymber Creek Road both to be widened by 2011, but Mr. Ervin indicated there was no such plan.

Mr. Ervin explained the County identified the widening of Airport Road as a study, but did not currently have funds identified for the acquisition of right-of-way and widening for all of Airport Road. He stated the only improvement the City could use for the traffic analysis was the intersection improvements at Airport Road and Tymber Creek Road and the widening of Tymber Creek Road south of Airport Road to SR40 to a four-lane section. Mr. Ervin reported these were the only projects within the County’s first three years of the five-year work program that could be used to determine concurrency.

Commissioner Kelley stated the improvements from Airport Road and Tymber Creek Road to US1 were in the 20-year plan, and this project should not be built out until 2010.

Mr. Ervin reported the traffic study used a very aggressive absorption ratio with a build out of five years on the project.

Mayor Costello clarified this vote was only on the amendment to add the 17 lots and the next vote would be for the motion as amended.

Call Vote on the Motion to Amend:	Commissioner Boyle	yes
	Commissioner Kent	yes
	Commissioner Kelley	yes
	Commissioner Partington	yes
Carried.	Mayor Costello	yes

Mayor Costello stated this would be the first reading on the amended ordinance to include the 17 lots and all the other issues would be resolved according to the presentation.

Call Vote on the Underlying Motion:	Commissioner Kent	yes
	Commissioner Kelley	yes
	Commissioner Partington	yes
	Commissioner Boyle	yes
Carried.	Mayor Costello	yes

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

Item #8(B) – Accessory Uses

ORDINANCE NO. 2005-38  
AN ORDINANCE RELATIVE TO ACCESSORY USES, AMENDING SECTION 2-50 OF ARTICLE III, GENERAL REGULATIONS, OF THE LAND DEVELOPMENT CODE BY AMENDING REGULATIONS REGARDING ACCESSORY USES AND STRUCTURES; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; PROVIDING FOR SEVERABILITY; AND SETTING FORTH AN EFFECTIVE DATE.

**Commissioner Kent moved, seconded by Commissioner Partington, to approve Ordinance No. 2005-38, on second 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 #8(B).**

Item #8(C) – Location and Minimum Distance for Residential Driveways

ORDINANCE NO. 2005-39  
AN ORDINANCE AMENDING CHAPTER 3, PERFORMANCE CRITERIA, ARTICLE III, OFF-STREET PARKING AND CIRCULATION, SECTION 3-26, OFF-STREET PARKING REQUIREMENTS, OF THE LAND DEVELOPMENT CODE BY CLARIFYING THE LOCATION AND MINIMUM DISTANCE FOR RESIDENTIAL DRIVEWAYS; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; PROVIDING FOR SEVERABILITY; AND SETTING FORTH AN EFFECTIVE DATE.

**Commissioner Partington moved, seconded by Commissioner Kelley, to approve Ordinance No. 2005-39, on second reading, as read by title only.**

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 #8(C).**

Item #8(D) –Board of Adjustment Processes

ORDINANCE NO. 2005-40  
AN ORDINANCE AMENDING SECTION 1-16, BOARD OF ADJUSTMENT AND APPEALS, OF ARTICLE II, ADMINISTRATION AND ENFORCEMENT, OF CHAPTER 1, GENERAL ADMINISTRATION, OF THE LAND DEVELOPMENT CODE, BY CLARIFYING THE POWER AND DUTIES, PROCESSING PROCEDURE AND AWARD OF VARIANCES BY THE BOARD MEMBERS; BY AMENDING SUBPARAGRAPH P, VARIANCE REQUEST, OF SECTION 1-26, APPLICATION PROCESSING FEES; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; PROVIDING FOR SEVERABILITY; AND SETTING FORTH AN EFFECTIVE DATE.

Ms. Rita Press, 875 Wilmette Avenue, asked if the Commission received the Planning Board minutes in that this just came before the Planning Board on Thursday.

Mr. Ervin advised this was not the item Ms. Press was referring to and reported this was not pertaining to membership, rather it was pertaining to duties and responsibilities. He clarified

that it would eliminate the building code aspect from the Board of Adjustment and Appeals. Mr. Ervin advised this was reviewed by the Planning Board in July.

**Commissioner Kelley moved, seconded by Commissioner Kent, to approve Ordinance No. 2005-40, on second reading, as read by title only.**

Commissioner Kelley asked why the figure of \$450 was selected rather than rounding the figure off to \$500.

Mr. Ervin explained there was an effort to balance the fee so the residential and non-residential variance costs were the same; therefore, rather than lowering the non-residential fee, the residential fee was increased to match the non-residential.

Commissioner Kelley stated considering the time necessary for staff to prepare the information, he did not believe the additional \$50 cost would stop people from coming to the board.

Mr. Ervin stated the goal was not to be punitive or prevent people from applying, but to recoup the City's cost. He noted at this point variances are either a zero sum gain, or the City would actually lose some money for some of the residential advertisements. Mr. Ervin reported the previous goal was not to discourage people who would request variances. He stated the \$450 should cover the expenses based on the Planning Department's analysis.

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

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

Item #8(E) – Amending the Annual Budget

ORDINANCE NO. 2005-41  
AN ORDINANCE AMENDING THE ANNUAL BUDGET FOR THE 2005-2006 FISCAL YEAR RELATIVE TO THE STORMWATER UTILITY FUND; AIRPORT FUND; ECONOMIC DEVELOPMENT FUND; GRANTS FUND; GENERAL IMPROVEMENT FUND; VEHICLE REPLACEMENT FUND; TRANSPORTATION IMPROVEMENT FUND; RECREATIONAL IMPACT FEE FUND; LOCAL ROADS IMPACT FEE FUND; STORMWATER DRAINAGE IMPACT FEE FUND; FIRE STATION #92 CONSTRUCTION FUND; FIRE STATION #91 CONSTRUCTION FUND; WATER & WASTEWATER UTILITY FUND; WATER & WASTEWATER VEHICLE REPLACEMENT FUND; WATER & WASTEWATER RENEWAL & REPLACEMENT FUND; WEST ORMOND REUSE IMPACT FEE FUND; WATER SYSTEM IMPACT FEE FUND; WASTEWATER SYSTEM IMPACT FEE FUND; AND SETTING FORTH AN EFFECTIVE DATE.

**Commissioner Partington moved, seconded by Commissioner Kent, to approve Ordinance No. 2005-41, on second reading, as read by title only.**

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

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

Item #8(F)(1) – Residency Requirements of Board Members

Mayor Costello stated he would open the public hearing to the audience on all 14 ordinances under Item #8(F) and allow comment on any item and then the Commission would address them individually and call for a vote on the each item.

ORDINANCE NO. 2005-42

AN ORDINANCE AMENDING SECTION 2-206, RESIDENCY REQUIREMENTS, OF ARTICLE VI, BOARDS, COMMISSIONS, COMMITTEES AND OTHER AGENCIES, OF CHAPTER 2, ADMINISTRATION, OF THE *CODE OF ORDINANCES*, BY REVISING THE CRITERIA FOR THE APPOINTMENT OF BOARD MEMBERS; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; AND SETTING FORTH AN EFFECTIVE DATE.

**Commissioner Kelley moved, seconded by Commissioner Partington, to approve Ordinance No. 2005-42, on second reading, as read by title only.**

Commissioner Boyle stated he was opposed to all of the items for all the reasons he related at the last meeting. He noted he was unconvinced a problem was articulated, and the process was working well without any amendments. Commissioner Boyle pointed out that the only item with a different set of rules was Item #8(F)(13).

Mr. Randall Hayes, City Attorney, advised Items #8(F)(13) and #8(F)(14) would be slightly different.

Commissioner Kelley noted that until the Commission received the draft, he had a different interpretation of what a felony and a “nolo contendere” or “no contest” were. He recommended removing the felony conviction portion from the board appointment process; therefore, he suggested removing Item #6 from the residency affidavit.

Mr. Hayes stated the Commission would not be voting on the residency affidavit tonight, but it would be drafted based on the ordinance the Commission would approve. He noted the portion of the ordinance Commissioner Kelley referred to was sub part “E.” Mr. Hayes stated that when an individual was convicted of a felony they would automatically lose their civil rights. He reported three of those civil rights were the right to vote, holding public office, and serving on a jury. Mr. Hayes advised that when the individual was released from incarceration, the individual could go through a process to restore their civil rights. He explained there was a provision included that would require board appointments to be registered voters; and if an individual was eligible to vote, they would have to have their civil rights. Mr. Hayes reported this would act as a safety net, and the felony portion could be removed.

**Commissioner Kelley moved, seconded by Commissioner Boyle, to remove Item 6 in the residency affidavit.**

Commissioner Partington questioned why anyone would want someone convicted of a felony to serve on a board. He noted anyone could attend board meetings and be heard. Commissioner Partington recommended section “E” be amended by stating the individual had never been convicted of a felony unless their civil rights had been restored, which may address Commissioner Kelley’s concern. He noted the most important purpose this would serve would be to prevent a problem before it would exist, prevent embarrassment to the City, and prevent the sitting Commission from embarrassment. Commissioner Partington stated the City should be aware of the situation.

Mayor Costello stated if the individual was a voter, they would have had their civil rights restored.

Mr. Hayes stated Commissioner Kelley’s concern was that if a person’s civil rights had been restored, they should be eligible to serve on a board. He noted another position was that if convicted of a felony, regardless of whether or not the civil rights were restored, that individual should not be board eligible.

Mayor Costello stated he would prefer allowing the person to serve if they had their civil rights restored, because if a person could vote, they should be able to serve on a board.

Commissioner Partington questioned how the Commission could be assured the person’s rights had been restored.

Commissioner Kelley stated that if the individual would show a voters’ registration card, the Commission could be assured their rights had been restored. He noted if a person would make a mistake at age 18 or 19 and was charged with a third degree felony, they should not be barred from serving on a board forever. Commissioner Kelley advised he would support removing the

felony conviction portion so as not to penalize someone who could become a viable, contributing citizen.

Mr. Turner stated there was also the question of whether the Commission would want to be aware that the individual had a felony conviction. He noted there was a question on City applications asking whether the individual was convicted, and this would allow the Commission to be aware of the situation and determine whether they wished to appoint the person or not.

Mayor Costello recommended the affidavit be included as a discussion item on a future agenda in that this issue was not before the Commission tonight.

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

Call Vote as Amended:	Commissioner Partington	yes
	Commissioner Boyle	no
	Commissioner Kent	yes
	Commissioner Kelley	yes
Carried.	Mayor Costello	yes

**Hearing no objection, Mayor Costello closed the public hearing on Item #8(F)(1).**

Item #8(F)(2) – Criteria for the Appointment of Human Resources Board Members

ORDINANCE NO. 2005-43  
AN ORDINANCE AMENDING SECTION 2-214, HUMAN RESOURCES BOARD, OF ARTICLE VI, BOARDS, COMMISSIONS, COMMITTEES AND OTHER AGENCIES, OF CHAPTER 2, ADMINISTRATION, OF THE CODE OF ORDINANCES, BY REVISING THE CRITERIA FOR THE APPOINTMENT OF BOARD MEMBERS; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; AND SETTING FORTH AN EFFECTIVE DATE.

**Commissioner Partington moved, seconded by Commissioner Kent, to approve Ordinance No. 2005-43, on second reading, as read by title only.**

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

**Hearing no objection, Mayor Costello closed the public hearing on Item #8(F)(2).**

Item #8(F)(3) – Criteria for Appointment of Goodwill Ambassador Program Members

ORDINANCE NO. 2005-44  
AN ORDINANCE AMENDING SECTION 2-227, GOODWILL AMBASSADOR PROGRAM, OF ARTICLE VI, BOARDS, COMMISSIONS, COMMITTEES AND OTHER AGENCIES, OF CHAPTER 2, ADMINISTRATION, OF THE CODE OF ORDINANCES, BY REVISING THE CRITERIA FOR THE APPOINTMENT OF AMBASSADORS; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; AND SETTING FORTH AN EFFECTIVE DATE.

**Commissioner Kent moved, seconded by Commissioner Kelley, to approve Ordinance No. 2005-44, on second reading, as read by title only.**

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

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

Item #8(F)(4) – Criteria for Appointment of Historic Landmark Preservation Board Members

ORDINANCE NO. 2005-45  
AN ORDINANCE AMENDING SECTION 2-217, HISTORIC LANDMARK PRESERVATION BOARD, OF ARTICLE VI, BOARDS, COMMISSIONS, COMMITTEES AND OTHER AGENCIES, OF CHAPTER 2, ADMINISTRATION, OF THE CODE OF ORDINANCES, BY REVISING THE CRITERIA FOR THE APPOINTMENT OF BOARD MEMBERS; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; AND SETTING FORTH AN EFFECTIVE DATE.

**Commissioner Kelley moved, seconded by Commissioner Partington, to approve Ordinance No. 2005-45, on second reading, as read by title only.**

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

**Hearing no objection, Mayor Costello closed the public hearing on Item #8(F)(4).**

Item #8(F)(5) – Criteria for Appointment of Neighborhood Improvement Advisory Board Members

ORDINANCE NO. 2005-46  
AN ORDINANCE AMENDING SECTION 2-218, NEIGHBORHOOD IMPROVEMENT ADVISORY BOARD, OF ARTICLE VI, BOARDS, COMMISSIONS, COMMITTEES AND OTHER AGENCIES, OF CHAPTER 2, ADMINISTRATION, OF THE CODE OF ORDINANCES, BY REVISING THE CRITERIA FOR THE APPOINTMENT OF BOARD MEMBERS; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; AND SETTING FORTH AN EFFECTIVE DATE.

**Commissioner Kent moved, seconded by Commissioner Partington, to approve Ordinance No. 2005-46, on second reading, as read by title only.**

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

**Hearing no objection, Mayor Costello closed the public hearing on Item #8(F)(5).**

Item #8(F)(6) – Criteria for Appointment of Aviation Advisory Board Members

ORDINANCE NO. 2005-47  
AN ORDINANCE AMENDING SECTION 2-220, AVIATION ADVISORY BOARD, OF ARTICLE VI, BOARDS, COMMISSIONS, COMMITTEES AND OTHER AGENCIES, OF CHAPTER 2, ADMINISTRATION, OF THE CODE OF ORDINANCES, BY REVISING THE CRITERIA FOR THE APPOINTMENT OF BOARD MEMBERS; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; AND SETTING FORTH AN EFFECTIVE DATE.

**Commissioner Partington moved, seconded by Commissioner Kelley, to approve Ordinance No. 2005-47, on second reading, as read by title only.**

Mayor Costello stated an amendment would be needed to delete the reference in the current ordinance to six members and add three because of the size reduction of this board from 13

members to five members. He recommended the last sentence of Section (e)(1) read: “Special meetings may be called by the chairperson or by any ~~six (6)~~ three (3) members of the board.”

**Commissioner Kelley moved, seconded by Commissioner Kent, to amend the motion to make the last sentence of Section (e)(1) read: “Special meetings may be called by the chairperson or by any ~~six (6)~~ three (3) members of the board.”**

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

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

**Hearing no objection, Mayor Costello closed the public hearing on Item #8(F)(6).**

Item #8(F)(7) – Criteria for Appointment of Recreation Advisory Board Members

ORDINANCE NO. 2005-48  
AN ORDINANCE AMENDING SECTION 2-221, RECREATION ADVISORY BOARD, OF ARTICLE VI, BOARDS, COMMISSIONS, COMMITTEES AND OTHER AGENCIES, OF CHAPTER 2, ADMINISTRATION, OF THE *CODE OF ORDINANCES*, BY REVISING THE CRITERIA FOR THE APPOINTMENT OF BOARD MEMBERS; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; AND SETTING FORTH AN EFFECTIVE DATE.

**Commissioner Kelley moved, seconded by Commissioner Partington, to approve Ordinance No. 2005-48, on second reading, as read by title only.**

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

**Hearing no objection, Mayor Costello closed the public hearing on Item #8(F)(7).**

Item #8(F)(8) – Criteria for Appointment of Citizens’ Law Enforcement Advisory Board Members

ORDINANCE NO. 2005-49  
AN ORDINANCE AMENDING SECTION 2-223, CITIZENS’ LAW ENFORCEMENT ADVISORY BOARD, OF ARTICLE VI, BOARDS, COMMISSIONS, COMMITTEES AND OTHER AGENCIES, OF CHAPTER 2, ADMINISTRATION, OF THE *CODE OF ORDINANCES*, BY REVISING THE CRITERIA FOR THE APPOINTMENT OF BOARD MEMBERS; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; AND SETTING FORTH AN EFFECTIVE DATE.

**Commissioner Partington moved, seconded by Commissioner Kent, to approve Ordinance No. 2005-49, on second reading, as read by title only.**

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

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

Item #8(F)(9) – Criteria for Appointment of Qualify of Life Advisory Board Members



ORDINANCE NO. 2005-50

AN ORDINANCE AMENDING SECTION 2-224, QUALIFY OF LIFE ADVISORY BOARD, OF ARTICLE VI, BOARDS, COMMISSIONS, COMMITTEES AND OTHER AGENCIES, OF CHAPTER 2, ADMINISTRATION, OF THE CODE OF ORDINANCES, BY REVISING THE CRITERIA FOR THE APPOINTMENT OF BOARD MEMBERS; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; AND SETTING FORTH AN EFFECTIVE DATE.

**Commissioner Partington moved, seconded by Commissioner Kent, to approve Ordinance No. 2005-50, on second reading, as read by title only.**

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

**Hearing no objection, Mayor Costello closed the public hearing on Item #8(F)(9).**

Item #8(F)(10) – Criteria for Appointment of Environmental Advisory Board Members

ORDINANCE NO. 2005-51

AN ORDINANCE AMENDING SECTION 2-225, ENVIRONMENTAL ADVISORY BOARD, OF ARTICLE VI, BOARDS, COMMISSIONS, COMMITTEES AND OTHER AGENCIES, OF CHAPTER 2, ADMINISTRATION, OF THE CODE OF ORDINANCES, BY REVISING THE CRITERIA FOR THE APPOINTMENT OF BOARD MEMBERS; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; AND SETTING FORTH AN EFFECTIVE DATE.

**Commissioner Kent moved, seconded by Commissioner Partington, to approve Ordinance No. 2005-51, on second reading, as read by title only.**

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

**Hearing no objection, Mayor Costello closed the public hearing on Item #8(F)(10).**

Item #8(F)(11) – Criteria for Appointment of Budget Advisory Board Members

ORDINANCE NO. 2005-52

AN ORDINANCE AMENDING SECTION 2-226, BUDGET ADVISORY BOARD, OF ARTICLE VI, BOARDS, COMMISSIONS, COMMITTEES AND OTHER AGENCIES, OF CHAPTER 2, ADMINISTRATION, OF THE CODE OF ORDINANCES, BY REVISING THE CRITERIA FOR THE APPOINTMENT OF BOARD MEMBERS; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; AND SETTING FORTH AN EFFECTIVE DATE.

**Commissioner Kent moved, seconded by Commissioner Partington, to approve Ordinance No. 2005-52, on second reading, as read by title only.**

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

**Hearing no objection, Mayor Costello closed the public hearing on Item #8(F)(11).**

Item #8(F)(12) – Revising the Criteria for the Appointment of Trustees

ORDINANCE NO. 2005-53  
AN ORDINANCE AMENDING SECTION 16-3, BOARD OF TRUSTEES, OF ARTICLE I, IN GENERAL, OF CHAPTER 16, PENSIONS AND RETIREMENT, OF THE *CODE OF ORDINANCES*, BY REVISING THE CRITERIA FOR THE APPOINTMENT OF TRUSTEES; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; AND SETTING FORTH AN EFFECTIVE DATE.

**Commissioner Kent moved, seconded by Commissioner Partington, to approve Ordinance No. 2005-53, on second reading, as read by title only.**

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

**Hearing no objection, Mayor Costello closed the public hearing on Item #8(F)(12).**

Item #8(F)(13) – Criteria for Appointment of Firefighters' Pension Trust Fund Trustees

ORDINANCE NO. 2005-54  
AN ORDINANCE AMENDING SECTION 16-42, BOARD OF TRUSTEES, OF ARTICLE III, FIREFIGHTERS' PENSION TRUST FUND, OF CHAPTER 16, PENSIONS AND RETIREMENT, OF THE *CODE OF ORDINANCES*, BY REVISING THE CRITERIA FOR THE APPOINTMENT OF TRUSTEES; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; AND SETTING FORTH AN EFFECTIVE DATE.

**Commissioner Kent moved, seconded by Commissioner Partington, to approve Ordinance No. 2005-54, on second reading, as read by title only.**

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

Mayor Costello questioned what would occur if he voted "no."

Mr. Hayes replied the ordinance would be kept in its current form, which would not be acceptable. He noted the underlined portion would be deleted, and the struck through portion would remain.

Mayor Costello stated that while he agreed with those who voted "no" on this, he was forced to vote "yes."

**Hearing no objection, Mayor Costello closed the public hearing on Item #8(F)(13).**

Item #8(F)(14) – Criteria for Appointment of Police Officers' Pension Trust Fund Trustees

ORDINANCE NO. 2005-55  
AN ORDINANCE AMENDING SECTION 16-73, BOARD OF TRUSTEES, OF ARTICLE VI, POLICE OFFICERS' PENSION TRUST FUND, OF CHAPTER 16, PENSIONS AND RETIREMENT, OF THE *CODE OF ORDINANCES*, BY REVISING THE CRITERIA FOR THE APPOINTMENT OF TRUSTEES; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; AND SETTING FORTH AN EFFECTIVE DATE.

**Commissioner Kent moved, seconded by Commissioner Partington, to approve Ordinance No. 2005-55, on second reading, as read by title only.**

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

**Hearing no objection, Mayor Costello closed the public hearing on Item #8(F)(14).**

Mayor Costello called for a break at 8:56 p.m., and he reconvened the meeting at 9:02 p.m.

Item #9(A) – Construction of a Boardwalk in Central Park

RESOLUTION NO. 2005-243

A RESOLUTION AUTHORIZING THE SUBMITTAL OF A GRANT APPLICATION TO THE COUNTY OF VOLUSIA UNDER THE ECHO GRANTS-IN-AID PROGRAM FOR FUNDING ASSISTANCE RELATIVE TO CONSTRUCTION OF A BOARDWALK IN CENTRAL PARK; AUTHORIZING THE EXECUTION OF ALL DOCUMENTS INCIDENTAL THERETO; AND SETTING FORTH AN EFFECTIVE DATE.

**Commissioner Kent moved, seconded by Commissioner Partington, to approve Resolution No. 2005-243, as read by title only.**

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

Item #9(B) – Osceola Elementary School Racquetball Court Replacement Project

RESOLUTION NO. 2005-244

A RESOLUTION AUTHORIZING THE EXECUTION OF A CONTRACT BETWEEN THE CITY OF ORMOND BEACH AND HALL CONSTRUCTION COMPANY, INC., REGARDING THE OSCEOLA ELEMENTARY SCHOOL RACQUETBALL COURT REPLACEMENT PROJECT; AND SETTING FORTH AN EFFECTIVE DATE.

**Commissioner Partington moved, seconded by Commissioner Kent, to approve Resolution No. 2005-244, as read by title only.**

Commissioner Kent stated the cost of four small racquetball courts at \$250,000 was extremely high.

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

Item #9(C)(1) – Right-of-Way Mowing Services Agreement

RESOLUTION NO. 2005-245

A RESOLUTION APPROVING AND AUTHORIZING THE PAYMENT OF SPECIAL COMPENSATION TO BON TERRE GROUP, INC., ASSOCIATED WITH THE UNUSUAL COST OF PROVIDING SERVICES UNDER THE RIGHT-OF-WAY MOWING SERVICES AGREEMENT; AND SETTING FORTH AN EFFECTIVE DATE.

**Commissioner Partington moved, seconded by Commissioner Boyle, to approve Resolution No. 2005-245, as read by title only.**

Call Vote:	Commissioner Boyle	yes
	Commissioner Kent	no
	Commissioner Kelley	yes

Carried.	Commissioner Partington	yes
	Mayor Costello	yes

Item #9(C)(2) – Grounds Maintenance Agreement

RESOLUTION NO. 2005-246

A RESOLUTION APPROVING AND AUTHORIZING THE PAYMENT OF SPECIAL COMPENSATION TO BON TERRE GROUP, INC., ASSOCIATED WITH THE UNUSUAL COST OF PROVIDING SERVICES UNDER THE GROUNDS MAINTENANCE AGREEMENT; AND SETTING FORTH AN EFFECTIVE DATE.

**Commissioner Boyle moved, seconded by Commissioner Kelley, to approve Resolution No. 2005-246, as read by title only.**

Commissioner Kelley pointed out that this was the last resolution of this kind the Commission would ever have to consider.

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

Item #10(A) - Fiscal Impact Analysis – Ormond Crossings

Mayor Costello highlighted the following statistics of the Fiscal Impact Analysis for Ormond Crossings: 3,600 residential units; 5.25 million square feet of office, industrial, and retail; residential build-out by 2020; non-residential build-out by 2026; 54% residential to 46% non-residential, whereas the City was currently 74% residential to 26% non-residential; \$64.4 million over 20 years plus the \$32.7 million in impact fees; and the project would pay for itself.

Mr. Joe Mannarino, Economic Development Director, stated this study answered the questions raised several months ago regarding whether Ormond Crossings would pay for itself relative to required services. He noted what was examined was the local and County taxes paying for infrastructure improvements, specifically for Crossings Boulevard, which was the main arterial road that would intersect I-95 and US1. Mr. Mannarino reported this study attempted to find an approach that would be realistic and take into consideration some of the specifics of Ormond Crossings. He stated the approach to take the City’s current situation relative to its breakdown of residential compared to other types of uses and various staffing levels did not work because of the differentiation between the amount of residential the City would have and how much the City currently had; therefore, specific service levels regarding staffing were considered. Mr. Mannarino stated the fire station would be the biggest draw on the tax revenue, but cumulatively each year there would be positive revenue. He noted the major revenue would not be from ad valorem taxes, but from franchise fees and utility taxes. Mr. Mannarino explained this would offset the money being diverted to the road construction. He reported shortfalls would be a requirement of the property owner.

Item #10(B) - Use of US1 Enhancement Funds

Ms. Sloane stated several options were provided, but staff recommended the Hand Avenue mast arm because the funds would cover the entire project and help with the radius problems that exist at that intersection in that it was very difficult to turn onto Hand Avenue from US1 traveling westbound. She noted this would provide mast arms on all of US1. Ms. Sloane reported improvements were limited and all could not be done. She stated the City could only do a portion of the bike path and a small area of the piping of the ditches. Ms. Sloane reported the area staff would recommend was in the County, but the City had responsibility for the area. She noted under grounding of the utility lines could only be done for a short distance.

**Commissioner Partington moved, seconded by Commissioner Boyle, to use the funding to install the mast arms on Hand Avenue and US1.**

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

Item #10(C) – Airport Fund Transfers

Commissioner Boyle asked if there was a breakdown of the \$57,000 operating deficit.

Ms. Kelly McGuire, Budget Director, stated the deficit was a result of the addition of the Airport Manager. She clarified this was before any transfers were made from the General Fund to the Airport Fund.

Commissioner Boyle stated this was an excellent report. He noted he was hopeful this would be a short term operational deficit. Commissioner Boyle reported this seemed to include a great deal of taxpayer subsidy. He explained the FAA indicated the airport should be as close to self-sustaining as possible, but the City had taken a great deal of money from the General Fund over the past several years.

Mayor Costello stated his goal was to be certain the Commission knew how much money was being transferred from the General Fund, but that when the opportunity would arise, with the assistance of the new airport manager, the fund would pay the General Fund back. He noted the City would consider these funds loans.

Item #11 - Reports, Suggestions, Requests

Thanksgiving

Commissioner Boyle and Commissioner Kent wished everyone a happy Thanksgiving.

Neighborhood Watch

Commissioner Kent reported that he attended a neighborhood watch meeting of the Lucky Drive/Bosarvy Circle area at the Osceola Elementary School. He thanked Officer Doggett and Ms. Joanne Naumann, Neighborhood Improvement Manager, for doing an outstanding job of educating the public on what the public could do, what the City should be doing, how to contact the proper person for problems, what was acceptable, what was not acceptable, and what type of timeframe could be expected for problems to be resolved. Commissioner Kent reported Ms. Naumann had pamphlets on issues regarding lawn issues, watering, garbage, and contact phone numbers. He urged Mr. Turner to distribute these informative pamphlets to people in the City.

Code Enforcement

Commissioner Kent noted there have been major code enforcement sweeps in Zone 2 recently, and 26 code violations were discovered at 20 homes in one block. He thanked Ms. Naumann for her time and effort.

Traffic Problem

Commissioner Kent stated there was a major traffic problem at Clyde Morris Boulevard and Granada Boulevard. He recommended this intersection have a double left turn lane similar to the one at the intersection of North Halifax and Granada Boulevard.

Relocation of the Beach Poles

Commissioner Kelley stated the poles on the beach were approved to be moved. He stated he and several people would like to be present when this occurred.

Mr. Ted MacLeod, Assistant City Manager, reported he was informed that the poles would probably be moved early next week.

Commissioner Kelley recommended that after the poles are moved, something be done to make the sand able to have cars parked in the area.

Mr. MacLeod stated there was an inlet to the beach north of the poles, and he believed the sand would build back up naturally after the poles were moved.

Bear Creek

Commissioner Kelley stated last Wednesday he, Mayor Costello, and Mr. Turner attended the proclamation being presented to Bear Creek residents. He thanked Commissioner Kent for suggesting this deserved proclamation.

Thanksgiving

Commissioner Partington wished everyone a happy Thanksgiving.

Traffic Problem

Commissioner Kelley commended Commissioner Kent for his suggestion relative to the traffic problem at Clyde Morris Boulevard and Granada Boulevard.

Citizens for Ormond Beach Forum

Commissioner Partington stated a Citizens for Ormond Beach forum would be held on November 29 beginning at 6:30 p.m. relative to disaster preparedness, which was an important issue. He expressed appreciation for staff's help in making the arrangements for this forum. Commissioner Partington stated this forum would allow citizens to ask questions and express ideas to make Ormond Beach more responsive and better prepared.

Board Appointment Process

Mr. Turner stated a board appointment workshop would be held on January 6. He noted the Commission would shortly be provided with a set of worksheets for each board including their indication as to whether or not the board members would be willing to continue serving on their assigned board and spaces for board nominations. Mr. Turner requested the worksheets be brought to the workshop on December 6. He noted the Commission could discuss the appointments at the workshop, and actual appointments would be made at the first regular City Commission meeting in January. Mr. Turner stated this meeting would be ceremonial, as was the tradition in Ormond Beach.

Traffic Issues

Mayor Costello commended Commissioner Kent for the great idea to remedy the Clyde Morris Boulevard/Granada Boulevard traffic problem. He stated he had recommended a double turn lane at the US1/Nova Road intersection as well. Mayor Costello noted he also suggested remedies for the traffic problems at Airport Road and US1 during the special events.

Upcoming Activities

Mayor Costello reiterated that the December 20 meeting would be a special night to honor Commissioner Boyle; January 3 would be a special night to welcome Commissioner-elect Lori Gillooly; November 29 would be the Citizens for Ormond Beach disaster preparedness forum; November 30 was the Scenic Loop Corridor Advocacy Group kick-off meeting; and the Holiday Parade would soon be using the Mainland route.

Bostrom Lane

Mayor Costello noted he could not perceive any problems in honoring Mr. Bostrom's request.

Commissioner Partington noted should the Commission wish to discuss this tonight, he would move to waive the Thompson Rule.

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

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

Mr. Ervin advised there already was a Bostrom Lane in the City, and two roads can not be named the same.

Commissioner Kent stated this would be using the complete name. He clarified this would actually be named "John Andrew Bostrom Lane" as opposed to the other road named "Bostrom Lane."

Mayor Costello noted while he fully supported the name change, he was not ready to vote on this tonight until staff could determine if the differentiation in the names was appropriate.

Commissioner Kelley concurred with Mayor Costello.

Mayor Costello requested this be an item to consider after the above-requested information was provided.

Winter Dress Code

Mayor Costello reminded the Commission that the winter dress code would be in effect starting at the next meeting.

FY 2004-05 Budget

Mayor Costello reported he was elated the City came 5% under budget and urged it be repeated and that staff try to achieve an even greater percentage if possible.

Beach Improvements

Mayor Costello reported he would meet with Deputy Chief Mike Hensler at the beach on November 21 to see what could be done to improve the beach.

Item #12 – Close the Meeting

The meeting was adjourned at 9:29 p.m.

APPROVED: \_\_\_\_\_ December 6, 2005 \_\_\_\_\_

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

ATTEST:

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