

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

December 6, 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 10, 2005, special meeting and the November 15, 2005, regular meeting.
- 5) **PRESENTATION:** Proclamation by Mayor Costello in support of the Pop Warner Junior Midget and Midget Cheer Teams.
- 6) **AUDIENCE REMARKS:**
- 7) **INTERGOVERNMENTAL REPORTS:**
 - A) Metropolitan Planning Organization
 - B) Volusia Council of Governments
 - C) Water Authority of Volusia
- 8) **CONSENT AGENDA:** The action proposed is stated for each item on the Consent Agenda. Unless a City Commissioner removes an item from the Consent Agenda, no discussion on individual items will occur and a single motion will approve all items.
 - A) Resolution No. 2005-247 authorizing the execution of a Contract for Services between the City and Halifax Humane Society, Inc.
 - B) Resolution No. 2005-248 authorizing the execution of a license agreement between the City and Caledonia TV, Inc.

- C) Resolution No. 2005-249 authorizing the execution of an access agreement between the City and the Breakaway Trails Homeowners Association, Inc.
 - D) Resolution No. 2005-250 authorizing renovation and upgrading activities to the Maude Lawrence Rigby School; authorizing the execution of all documents incidental thereto.
 - E) Resolution No. 2005-251 of the City Commission, also acting as the Community Redevelopment Agency of the City, authorizing the execution of a Property Improvement Grant Agreement between the City of Ormond Beach Community Redevelopment Agency and RAD Adventures, Inc. (42-54 East Granada Boulevard - \$50,000)
 - F) Resolution No. 2005-252 accepting the bid of Young's Communications Co., Inc., regarding construction services for the Utility Improvements, Water and Force Mains, project under Bid No. 2005-35; rejecting all other bids; authorizing the execution of a contract between the City and Young's Communications Co., Inc., and payment thereunder. (\$846,705.70)
 - G) Resolution No. 2005-253 authorizing the execution of Change Order Number Four (4) to that contract awarded to Masci Corporation regarding the Dormont Drive Drainage Improvement project, by increasing the contract price by \$28,580 and increasing the contract time by ten (10) days.
 - H) Resolution No. 2005-254 accepting a proposal from McKim and Creed to provide engineering services regarding the John Anderson Drive Collector Road Upgrade/Corridor Enhancement Study; authorizing the execution of a work authorization thereto. (Not-to-exceed \$119,990)
 - I) Resolution No. 2005-255 authorizing the execution of a Local Agency Program Agreement between the City and the Florida Department of Transportation regarding the construction of turn lanes and traffic signals on SR40 and Orchard Street.
 - J) Resolution No. 2005-256 accepting funding assistance from the U.S. Department of Homeland Security for the purchase of firefighting equipment; providing for a matching contribution by the City. (\$284,800 grant funds; \$28,480 local match)
 - K) Resolution No. 2005-257 approving a cost-of-living increase in the rate paid by the City to Services Rendered, Inc., for janitorial services. (1.875% for FY 2004-05 and 2.475% for FY 2005-06)
 - L) Resolution No. 2005-258 approving a cost-of-living increase in the rate paid by the City to Economic Electric Company, Inc., for electrical services. (1.875%)
 - M) Resolution No. 2005-259 authorizing the execution of a contract between the City and Utility Sealing Services, Inc., for inflow abatement services regarding the City's sanitary sewer system, under City of Punta Gorda Bid Number F04040-WC-INFLOWSV/0304. (Not-to-exceed \$110,000)
 - N) Resolution No. 2005-260 authorizing the execution of an easement deed in favor of Florida Power & Light Company granting a ten-foot wide easement located at 189 South Nova Road (Fire Station No. 92 property).
- 9) **PUBLIC HEARINGS:**
- A) Resolution No. 2005-261 approving and authorizing the removal of an historic tree on a City right-of-way located at 400 West Granada Boulevard.
 - B) Resolution No. 2005-262 approving and authorizing the removal of two historic trees on property located at 66 Emerald Oaks Drive (Ormond Lakes Subdivision).
 - C) Resolution No. 2005-263 authorizing the execution and issuance of a Development Order for "The Ultra/Chop House" Special Exception on a site located at 38-48 West Granada Boulevard and 37 Corbin Avenue, within the B-4 (Central Business) zoning district to allow the redevelopment plan in the City's Downtown Overlay District to permit four (4) restaurants; approving a waiver of the parking requirements; establishing conditions and expirations of approval.

- D) 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; authorizing the development of an additional seventeen (17) single-family lots within the development; ratifying and affirming the Development Order; establishing conditions and expiration of approval. (Second Reading)
- E) Ordinance No. 2005-57 amending the Future Land Use Element of the Comprehensive Plan by amending the Future Land Use Map to change the designation of one (1) parcel of real property totaling 3.54 acres located at 1425 Hand Avenue, from “Suburban Low Density Residential” (SLDR) to “Office/Professional Density Residential” (O/P). (First Reading)

10) **FIRST READING OF ORDINANCES:**

- A) Ordinance No. 2005-58 approving the preliminary/final plat for “Kelly’s” Subdivision; establishing conditions and expiration dates of approval.
- B) Advisory board nominations:
 - 1) Ordinance No. 2005-59 amending Section 1-15, Planning Board, of Article II, Administration and Enforcement, of Chapter 1, General Administration, of the *Land Development Code*, by revising criteria for the nomination and appointment of board members.
 - 2) Ordinance No. 2005-60 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 revising criteria for the nomination and appointment of board members.
 - 3) Ordinance No. 2005-61 Section 1-17, Development Review Board, of Article II, Administration and Enforcement, of Chapter 1, General Administration, of the *Land Development Code*, by revising criteria for the nomination and appointment of board members.

11) **RESOLUTIONS:**

- A) Resolution No. 2005-264 authorizing the execution of a contract between the City of Ormond Beach and Hall Construction Company, Inc., regarding the construction of a buffer wall at the Ormond Beach Municipal Airport. (Not-to-exceed \$255,300)
- B) Resolution No. 2005-265 authorizing the execution of Change Order No. One (1) to that contract awarded to D&W Paving, Inc., regarding construction services at the Ormond Beach Municipal Airport, by increasing the contract price by \$36,884 and increasing the contract time by 113 days (River Bend/Southeast Quad)
- C) Resolution No. 2005-266 appointing a delegate to serve on the Water Authority of Volusia; establishing term and conditions of service.

12) **DISCUSSION ITEMS:**

- A) Update on a Sports Authority – Ormond Beach Sports Complex.
- B) Legislative requests.

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

14) 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 November 10, 2005, special meeting and the November 15, 2005, regular meeting have 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 – Pop Warner Junior Midget and Midget Cheer Teams

Mayor Costello introduced Mr. Rick Boehm, Chairman of the Ormond Beach Youth Football and Cheerleader Association, Inc., and the Association's representative to the Ormond Beach Recreation Advisory Board.

Mr. Rick Boehm, 5 Springwood Trail, stated he had been the chairman for the Ormond Beach Pop Warner organization for the past three years. He reported Pop Warner was the largest football and cheer program in the United States and that all participants must turn in their report cards and maintain a 2.0 grade point average. Mr. Boehm stated the local Pop Warner Association provided an after school program to encourage study and completion of homework before practice. He explained that there was a registration fee scholarship system to insure that every child in Ormond Beach may participate. Mr. Boehm noted that during the past year, Ormond Beach had 26 football players and 16 cheer members receiving scholarships. Mr. Boehm reported that in 2005, one team had a team average of 86, and the 11 other teams had averages of between 91 and 96.

Mr. Boehm reported Pop Warner had a Scholastic All-American Program that selects 350 young men and 350 young women in fifth through eighth grade for "Second Team All-American" status and 30 young men and 30 young women for "First Team All-American" status. He stated applicants were considered based on their grades, community service, and involvement outside of Pop Warner. Mr. Boehm reported in 2005, of the 268 participants, Ormond Beach had 29 football players and 30 cheer team members eligible for All-American consideration. He stated 15 football players and 16 cheer members have straight A's or 4.0 grade point averages. Mr. Boehm noted in 2005, Ormond Beach had 39 All-American participants.

Ms. Barbara Willett, Cheer Coordinator, stated girls cheer on six squads from kindergarten to eighth grade. She noted the Junior Midgets squad was composed of seventh grade girls, and the Midget squad was composed of eighth grade girls. Ms. Willett reported the girls went to the Mid-Florida Cheer Competition on November 6, and both squads moved to the next level as they both received second place in the "Large Novice" division. She stated the girls competed in Jacksonville on Thanksgiving weekend for the regional competitions where the Junior Midget squad received first place, and the Midget received second place. Ms. Willett reported that the girls from both squads would go to Disney on Thursday to compete for the National competition.

Mayor Costello read a proclamation honoring the Pop Warner Junior Midget and Midget Cheer Teams for being the two Ormond Beach Pop Warner teams reaching the National Championship. He proclaimed December 8, 2005, as Ormond Beach Pop Warner Junior Midget and Midget Cheer Teams Day in the City of Ormond Beach.

Ms. Willett introduced the coaching staff for the squads and the two girls' cheer teams, who each performed a cheer for the audience.

Item #6 – Audience Remarks

Honoring Commissioner Boyle

Ms. Lucille Bornmann, 6 Windsor Drive, honored Commissioner Jeff Boyle's ten years of service to the City. She stated he was a person who opened his place of business for the public to ask questions or state concerns; who voted for the public good; who knew that the people were the government and the politicians were elected to represent the people; who was always serious and honest with integrity and purpose; who voted for fiscal responsibility voting against dollars being spent at the airport while other needs were neglected; who was against excessive tax increases; who did not vote for salary increases for the Commission, the City Manager, and staff

while the taxes were being increased 24%; who was against high rises; and who was for neighborhood improvement, recreation, and local businesses.

Mayor Costello stated that he asked for a time specified on the agenda, maybe at the end of the December 20 meeting, where words of appreciation for Commissioner Boyle could be expressed.

Mr. Rick Ferritto, 1380 Aleut Lane, thanked Commissioner Boyle for his service.

Pop Warner

Mr. Ferritto pointed out that tonight highlighted the success of the Pop Warner program. He expressed appreciation to the Commission for helping these children.

Seabreeze High School

Mr. Ferritto reported 80% of the children who attend Seabreeze High School live in Ormond Beach. He urged the City to annex Seabreeze High School into Ormond Beach and provide them with baseball and football fields.

Mayor Costello noted that everything could not possibly be done at the same time, but the City was working on the aforementioned issues.

Parking Problem

Mr. Charles Carter, 212 Arlington Way, stated three weeks ago there was a parking problem in Zone 2 which was resolved with a new parking pattern, but he stated this new parking pattern was never presented to the people.

Fire Hydrants

Mr. Carter thanked Fire Chief Barry Baker for having the fire hydrants painted bright yellow which would benefit the community.

Parking

Mr. Carter stated the new water tight connections to the businesses on A1A were causing parking problems. He reported these connections have no aesthetic value, and no attempt had been made to obscure them or to improve their appearance in any way. Mr. Carter explained many problems existed, mostly in older neighborhoods, because of the varying widths of rights-of-way causing people to park on the grass in some areas and on the road in other areas. He stated the new activity that was occurring would rob the people of even more parking spaces. Mr. Carter explained that in the Bellsouth system, after the connection was completed, another parking space was lost. He urged uniformity be implemented. Mr. Carter noted toilets mar the landscape. He reported landscaping company vehicles and their trailers park in the road causing a further hazard. Mr. Carter noted when police officers stop traffic offenders, the vehicles pulling over also cause a hazard.

Item Nos. 10(B) (1) and (2)

Mr. Carter expressed a desire to discuss Item Nos. 10(B) (1) and (2).

Police Issue

Ms. Kelly Grim, 100 Greenbriar Avenue, thanked Mayor Costello and Mr. Turner for meeting with her providing answers to some questions she and her family had.

Honoring Commissioner Boyle

Ms. Grim thanked Commissioner Boyle and his wife for his service to the City of urging issues to be brought to the people who should be making the decision.

Fluoridation

Mr. Jim Schultz, 117 Harbor Drive, requested a complete moratorium on fluoridation of the water supply or at least examining the data he would provide outlining the risk factors. He asked for a notification to all water users of the risk factors. Mr. Schultz also requested to be provided with a list of the exact components of hydrofluosilicic acid or sodium silica fluoride.

Mayor Costello stated the City would make the data requested available. He reported the City followed the Environmental Protection Agency and Center for Disease Control guidelines. Mayor Costello stated the disclosure Mr. Schultz requested may not be forthcoming, but the data would be provided.

Item #7(A) Metropolitan Planning Organization

Mayor Costello stated that at a Metropolitan Planning Organization (MPO) meeting he learned there was no money available, and the City may lose the Ormond Crossings interchange.

Item #7(B) Volusia Council of Governments

Mayor Costello reported there was nothing new to report from the Volusia Council of Governments (VCOG) meeting. He stated he attended the tri-city summit where intergovernmental coordination was being worked on through the Smart Growth Committee.

Item #7(C) – Water Authority of Volusia

Commissioner Boyle stated the regular Water Authority of Volusia (WAV) meeting was held on November 16 where the consultant made a presentation on the Master Facility Plan. He noted a special meeting would be held tomorrow at 3:30 p.m. at the WAV offices on Beville Road and the regular meeting was being moved to December 14 at 8:30 a.m. in the VOTRAN building.

Item #8 - Consent Agenda

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

Commissioner Kelley requested Item 8(H) be discussed separately.

Commissioner Kent moved, seconded by Commissioner Boyle, 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) –John Anderson Drive Collector Road Upgrade/Corridor Enhancement Study

RESOLUTION NO. 2005-254

A RESOLUTION ACCEPTING A PROPOSAL FROM MCKIM AND CREED TO PROVIDE ENGINEERING SERVICES REGARDING THE JOHN ANDERSON DRIVE COLLECTOR ROAD UPGRADE/CORRIDOR ENHANCEMENT STUDY; AUTHORIZING THE EXECUTION OF A WORK AUTHORIZATION THERETO; AND SETTING FORTH AN EFFECTIVE DATE.

Commissioner Kent moved, seconded by Commissioner Partington, to approve Resolution No. 2005-254, as read by title only.

Commissioner Kelley stated this \$120,000 study would provide an existing facilities inventory, review of traffic and accident data, review of cultural and natural existing features, pedestrian needs, sidewalks and bike paths, utility analysis, drainage analysis, corridor conceptual design, alternatives, recommended improvements, and estimated project costs. He questioned what could be achieved with the design in that there was no money to make the improvements. Commissioner Kelley pointed out that the property owners did not want the sidewalk or the road made faster.

Ms. Judy Sloane, Public Works Director/City Engineer, stated the primary goal was drainage improvements. She reported some residents requested sidewalks while other residents did not want a sidewalk.

Mayor Costello clarified the \$28,020 for the sidewalk study was included in this proposal.

Commissioner Kelley noted those primarily on the east side of John Anderson Drive did not want the sidewalk, but those on the west side might want the sidewalk.

Ms. Sloane stated the sidewalk would be designed to be on the east side of John Anderson Drive. She noted the study would evaluate the available right-of-way and the major trees to

provide a more detailed project design. Ms. Sloane reported the study included forums for public input.

Commissioner Kelley stated the City had an in-house engineering staff twice as large as it had been ten years ago. He questioned why the City could not do the study in-house.

Ms. Sloane stated staff would provide data to the consultant. She pointed out that there was the same number of engineers now as there was when she was first employed 13 years ago, but there was seven to eight times the amount of capital improvements being done. Ms. Sloane reported there was limited staff to do in-house projects and manage consultant projects. She stated much of the funds in this project would be directed toward the survey, and the City did not have a licensed surveyor in-house. Ms. Sloane reported staff consistently did about 15% of the capital projects in-house. She noted the remainder of the time was spent on development review, drainage complaints, roadway extensions, roadway improvements, resurfacing, minor stormwater projects, and dealing with a variety of other issues. Ms. Sloane reported this was a large, time-consuming study; and she would prefer a consultant handle this while staff handle the smaller projects not requiring as much time.

Commissioner Kelley asked if anything could be accomplished with the results of this study.

Ms. Sloane stated this would supply 30% of what would be needed for a design.

Mayor Costello noted the construction for John Anderson Drive improvements was budgeted for this year.

Ms. Sloane stated construction would not be accomplished this year. She pointed out that there was a delay in the procurement of an engineer. Ms. Sloane reported with this study, staff would provide residents with plans showing what improvements could be accomplished in the available right-of-way, and the cost would be better understood. She pointed out that additional funds would have to be committed for the construction in FY 2006-2007.

Commissioner Boyle thanked Commissioner Kelley for pulling this item and noted he shared his concerns. He stated Mr. Ted MacLeod, Assistant City Manager, answered many of his questions today. Commissioner Boyle read a quote from the staff report referring to a standard design for a collector roadway; however, not all roadways were the same. He noted this road had a very narrow right-of-way. He indicated that the residents had favored drainage improvements from Neptune south and not sidewalks.

Commissioner Kent stated he also spoke with Mr. MacLeod; however, after that discussion, he was satisfied that this project would take too much staff time to accomplish in-house. He noted this study would provide meetings to obtain public input.

Mayor Costello stated he supported basing the decision on accurate information. He concurred that this was a special road. Mayor Costello reported he would prefer John Anderson Drive become a one-way road south from the intersection of Halifax to Granada Boulevard. He reported the information provided in this study was needed to fix the drainage and to allow the residents to comment on a proposed plan.

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 at 400 West Granada Boulevard

RESOLUTION NO. 2005-261

A RESOLUTION APPROVING AND AUTHORIZING THE REMOVAL OF AN HISTORIC TREE ON A CITY RIGHT-OF-WAY LOCATED AT 400 WEST GRANADA BOULEVARD; AND SETTING FORTH AN EFFECTIVE DATE.

Commissioner Kelley moved, seconded by Commissioner Partington, to approve Resolution No. 2005-261, 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 Two Historic Trees at 66 Emerald Oaks Drive

RESOLUTION NO. 2005-262

A RESOLUTION APPROVING AND AUTHORIZING THE REMOVAL OF TWO HISTORIC TREES ON PROPERTY LOCATED AT 66 EMERALD OAKS DRIVE; AND SETTING FORTH AN EFFECTIVE DATE.

Commissioner Partington moved, seconded by Commissioner Kelley, to approve Resolution No. 2005-262, as read by title only.

Commissioner Kelley stated regarding the 37-inch tree, that the City Manager Memorandum reads: "...the vascular system could no longer transport vital water and nutrients to its secondary leaders. The remaining canopy is very sparse due to secondary limb dieback and storm damage." He noted relative to the 48-inch tree, the report reads: "...a limb measuring over 12 inches in diameter is attached to the main trunk. This decaying branch measures six feet from the trunk flare. Since this branch was never removed, the internal decay extends into the heartwood of the trunk. This decay will limit the expected life of this tree, causing the central leader to weaken and fail." Commissioner Kelley stated Mr. Hayes had been working with the County to eliminate the necessity of bringing these hazardous trees to the Commission.

Commissioner Kent stated professional arborists inspected the trees before making a recommendation relative to removing the trees.

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 "The Ultra/Chop House"

RESOLUTION NO. 2005-263

A RESOLUTION AUTHORIZING THE EXECUTION AND ISSUANCE OF A DEVELOPMENT ORDER FOR "THE ULTRA/CHOP HOUSE" SPECIAL EXCEPTION ON A SITE LOCATED AT 38-48 WEST GRANADA BOULEVARD AND 37 CORBIN AVENUE, WITHIN THE B-4 (CENTRAL BUSINESS) ZONING DISTRICT TO ALLOW THE REDEVELOPMENT PLAN IN THE CITY'S DOWNTOWN OVERLAY DISTRICT TO PERMIT FOUR (4) RESTAURANTS; APPROVING A WAIVER OF THE PARKING REQUIREMENTS; ESTABLISHING CONDITIONS AND EXPIRATIONS OF APPROVAL; AND SETTING FORTH AN EFFECTIVE DATE.

Ms. Lucille Bornmann, 6 Windsor Drive, stated she welcomed new restaurants, but businesses should be required to follow the rules without asking for exemptions. She reported her concern was that in her many trips to City Hall during the daytime, there were not many vacant parking spaces. Ms. Bornmann noted two of the restaurants would open at 7:00 a.m. She reported that on City Commission meeting nights there were times parking was difficult to find when controversial issues were being discussed. Ms. Bornmann urged that the concerns of the City Hall and library patrons preempt the concerns of these new restaurants. She noted the report did not delineate parking for employees. Ms. Bornmann questioned if the City would retain control over the parking, or upon approval of this item, give control to the restaurant owners. She recommended a review of the parking situation to address any problems that might arise due to the lack of parking.

Mayor Costello stated the Development Review Board approved this with a six to zero vote, and this was within the guidelines of what the Commission was trying to accomplish with the downtown development. He reported a new parking lot would be available for parking in front of the Ormond Elementary School.

Ms. Susan Johnson, 59 Tomoka Avenue, stated she was impressed by two of the Commissioners for standing their ground at the Planning Board meeting. She reported eight handicapped parking spaces were required, but the owners could not specify where they would place the handicap parking, employee parking, or delivery vehicle access. Ms. Johnson noted there would be 500 seats available in the two restaurants, and only 236 spaces were in the City Hall parking lot. She stated City vehicles take up additional spaces which could cause great parking problems. Ms. Johnson reported a parking garage was suggested at the Planning Board meeting. She stated that she favored this type of business; but the parking requirements should not be waived, and the business owner should be responsible for providing adequate parking.

Mayor Costello stated businesses would find solutions to such problems, because they would not want to lose their patrons.

Commissioner Kelley moved, seconded by Commissioner Partington, to approve Resolution No. 2005-263, as read by title only.

Commissioner Kelley stated parking could be a problem, because he believed these businesses would be successful. He stated this needed to be addressed to protect the citizens coming to City Hall and the library.

Mr. Clay Ervin, Planning Director, stated previous Development Orders for similar businesses required valet parking, which could be required on nights when the City Commission or the public were to meet in the chambers. He noted another option was to include a provision that parking demand could be analyzed any time within six months of the issuance of the Certificate of Occupancy, and valet parking required at that time. Mr. Ervin reported the School Board would be constructing 62 parking spaces at Ridgewood Avenue and Granada Boulevard, and the opening of the restaurant would probably not occur until the new spaces became available. He noted retail sales would be allowed in this zoning district without private parking. Mr. Ervin agreed the intensity of a restaurant was higher compared to retail sales. He stated for this reason parking demand was analyzed against the hours of operation using City standards. Mr. Ervin advised 180 spaces were required for this total project, and there were approximately 339 spaces within a 500-foot radius. He noted the number of spaces was less of a concern than who would occupy those spaces; therefore, he recommended adding the provisions of requiring valet parking and reviewing the issue six months after the Certificate of Occupancy was approved, which he stated would address most of the concerns mentioned.

Commissioner Kent stated he favored the concept of these restaurants but shared the concerns voiced. He noted he would prefer people living above these restaurants. Commissioner Kent stated he would support the valet parking concept on all nights as opposed to City Commission meeting nights only. He concurred that this concept would become quite successful, and he wanted to encourage growth; but he questioned at what cost this growth would occur. Commissioner Kent noted he was more concerned with the restaurants opening at 5:00 p.m.

Commissioner Boyle stated he had a business in close proximity and had a different view. He stated the concern addressed tonight would be adequately addressed with the new parking lot. He noted the landowner tried unsuccessfully to purchase additional property for parking. Commissioner Boyle expressed more concerned with the coffee shop than the restaurants. He noted the Commission approved a similar restaurant on Bovard. Commissioner Boyle stated he believed these problems would be resolved, but he would recommend the City vehicles be parked elsewhere. He stated this 100% waiver was needed to re-energize the downtown, and he assured the Commission they could have faith in this landowner if a parking problem occurred in the future.

Commissioner Partington noted he would rely on the Development Review Board and the Planning Director's recommendation regarding the valet parking on meeting nights and the review six months after the Certificate of Occupancy was issued.

Mayor Costello recommended valet parking anytime it would be needed and not to limit it to Commission nights; but he considered that it was not necessary to add this requirement, because the owner would not wish to lose business due to inadequate parking.

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Mr. Chobee Ebbets, 18 Lost Creek, attorney for Highlander and Mr. Bill Jones, advised his client would accommodate the valet parking amendment for any night.

Commissioner Kent moved to amend to add valet service any night the restaurant was opened for business.

Mayor Costello asked if the amendment should include language to exclude this requirement should the landowner be able to purchase additional land for parking, or if the applicant could come back to the Commission to waive this requirement should this occur.

Mr. Randall Hayes, City Attorney, stated the Development Order was for a waiver of 100% of the parking requirements and did not allocate public parking spaces. He questioned the percentage of the parking the valet service should be required to provide.

Mayor Costello noted the valet service should be available only when it was needed.

Mr. Hayes stated more definition for clarity purposes would be needed for the Development Order.

Commissioner Kent noted he was not advocating 100% valet parking, but merely to provide adequate parking for people who use the City facilities.

Mr. Ervin recommended adding the following on page 3, Item No. 3: "subject to the provision of valet parking by the applicant and to the approval of a Parking Management Plan by City staff." He noted this was previously required in a Development Order, and the situation was monitored for three years.

Commissioner Kent revised his motion, seconded by Commissioner Partington, to include Mr. Ervin's recommendation.

Commissioner Kelley stated this problem may not occur for three or four years and would occur mostly on City Commission meeting nights, but the school parking should eliminate the problem at night. He noted that should a problem arise in the future, he wanted some provision included to enable the Commission to revisit the issue.

Mayor Costello recommended adding a provision that the applicant would be required to pay for a police officer to direct traffic should the need arise.

Mr. Ervin reported this could be included in the Parking Management Plan.

Mr. Hayes noted this could be approved relative to the Parking Management Plan for a certain period of time whereupon it would come back for additional review.

Mr. Isaac Turner, City Manager, recommended a five-year period of monitoring.

Commissioner Boyle recommended allowing the landowner to solve any parking problem before trying to legislate a valet or timetable.

Commissioner Kent noted he concurred with most of what Commissioner Boyle stated, but the Commission could not be assured Mr. Jones would not sell the business; and for this reason, he stated he would feel safer having these provisions in writing.

Mr. Ervin recommended revising the motion as follows on page 3 of the Development Order, Item No. 3: "a waiver of 100% of the required on-site parking requirements was hereby approved subject to the provision of valet parking and by the development of a Parking Management Plan to be reviewed and approved by the City staff. The waiver shall sunset within five years and shall be subject to re-evaluation by the City Commission within that five-year period."

Commissioner Kent revised the motion to include Mr. Ervin's recommendation.

Mr. Hayes recommended amending the words "City staff" to "Site Plan Review Committee," "Planning Director," or "Planning staff."

Mr. Ervin recommended the Site Plan Review Committee review the project.

Mayor Costello noted Commissioner Kent, as the maker of the motion, and Commissioner Partington, as the Commissioner who seconded the motion, both

concurred with Mr. Ervin’s recommendation substituting “Site Plan Review Committee” for “City staff.”

Commissioner Kelley stated he did not see the need to legislate valet parking because the owner would provide it if the need should arise. He explained his only concern was that the parking spaces the patrons would be using could place an imposition on those using City facilities.

Mayor Costello noted the Parking Management Plan would address this issue.

Mr. Ervin explained the plan would require the more remote spaces be filled on the southwest corner of the parking lot by restaurant patrons. He noted the applicant, City Police Department, and Fire Department would insure this would not inconvenience citizens who would come to City Hall.

Commissioner Kelley advised he also did not want to impose an added burden on the applicant that was not essential to the project.

Mayor Costello challenged the Site Plan Review Committee to be certain the applicant would have to pay for an officer to direct traffic on special nights should the need arise.

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	yes
Carried.	Mayor Costello	yes

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

Item #9(D) – “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; AUTHORIZING THE DEVELOPMENT OF AN ADDITIONAL SEVENTEEN (17) SINGLE-FAMILY LOTS WITHIN THE DEVELOPMENT; RATIFYING AND AFFIRMING THE DEVELOPMENT ORDER; ESTABLISHING CONDITIONS AND EXPIRATION OF APPROVAL; AND SETTING FORTH AN EFFECTIVE DATE.

Commissioner Kelley moved, seconded by Commissioner Boyle, to approve Ordinance No. 2005-56, 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 #9(D).

Item #9(E) – Future Land Use Map Change

ORDINANCE NO. 2005-57
 AN ORDINANCE AMENDING THE FUTURE LAND USE ELEMENT OF THE COMPREHENSIVE PLAN BY AMENDING THE FUTURE LAND USE MAP TO CHANGE THE DESIGNATION OF ONE (1) PARCEL OF REAL PROPERTY

TOTALING 3.54 ACRES LOCATED AT 1425 HAND AVENUE, FROM “SUBURBAN LOW DENSITY RESIDENTIAL” (SLDR) TO “OFFICE/PROFESSIONAL” (O/P); REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; AND SETTING FORTH AN EFFECTIVE DATE.

Commissioner Kent moved, seconded by Commissioner Kelley, to approve Ordinance No. 2005-57, on first reading, as read by title only.

Commissioner Kent reported he informed Mr. Holub that he appreciated seeing projects such as this.

Mayor Costello stated that Mr. Holub already set the standard with his Tuscan Shoppes project, and Ormond Beach would not expect anything with a lesser standard.

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(E).

Item #10(A) – Preliminary/Final Plat for “Kelly’s” Subdivision

ORDINANCE NO. 2005-58
AN ORDINANCE APPROVING THE PRELIMINARY/FINAL PLAT FOR “KELLY’S” SUBDIVISION; ESTABLISHING CONDITIONS AND EXPIRATION DATES OF APPROVAL; AND SETTING FORTH AN EFFECTIVE DATE.

Commissioner Kent moved, seconded by Commissioner Boyle, to approve Ordinance No. 2005-58, on first reading, as read by title only.

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

Mayor Costello noted the project design was able to preserve an historic tree.

Item #10(B) (1) – Revising Criteria for the Nomination and Appointment of Planning Board Members

ORDINANCE NO. 2005-59
AN ORDINANCE AMENDING SECTION 1-15, PLANNING BOARD, OF ARTICLE II, ADMINISTRATION AND ENFORCEMENT, OF CHAPTER 1, GENERAL ADMINISTRATION, OF THE *LAND DEVELOPMENT CODE*, BY REVISING CRITERIA FOR THE NOMINATION AND APPOINTMENT OF BOARD MEMBERS; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; PROVIDING FOR SEVERABILITY; AND SETTING FORTH AN EFFECTIVE DATE.

Commissioner Kelley moved, seconded by Commissioner Partington, to approve Ordinance No. 2005-59, on first reading, as read by title only.

Mr. Ervin stated the Planning Board had concerns as identified in the City Manager memorandum. He explained the Board supported the amendment relative to the citizenship requirement, removal of the board members, and replacement of nominations; but they wanted to exclude the zone residency requirement, the Commission approval of nominations, the felony conviction, and background verification standards. Mr. Ervin explained the last two were excluded mainly because of cost and additional administrative requirements. He noted the minutes from that meeting were included in the packet to further outline the Board’s concerns.

Mr. Hayes stated these three ordinances were the same as the previous ordinance changes that came before the Commission at the last meeting. He noted Mr. Ervin was pointing out

concerns the Planning Board expressed during their meeting. Mr. Hayes reported these three ordinances lagged behind because they had to go through the board review process before coming to the Commission.

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

Item #10(B) (2) – Revising Criteria for the Nomination and Appointment of Board of Adjustment and Appeals Members

ORDINANCE NO. 2005-60
 AN ORDINANCE 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 REVISING CRITERIA FOR THE NOMINATION AND APPOINTMENT OF BOARD MEMBERS; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; PROVIDING FOR SEVERABILITY; AND SETTING FORTH AN EFFECTIVE DATE.

Commissioner Kelley moved, seconded by Commissioner Partington, to approve Ordinance No. 2005-60, on first reading, as read by title only

Commissioner Kelley recommended the Commission keep in mind when making their appointments the language that indicated to the greatest extent possible, the Board of Adjustment and Appeals should be composed of members; "...with expertise in building, construction, and fire safety standards." He stated this ordinance indicated that members of the Board of Adjustment and Appeals; "...shall serve two-year terms that shall coincide with the terms of office of the Commission, and board members may be reappointed for successive two-year terms." Commissioner Kelley suggested the word "re-nominated" should replace the word "reappointed" for clarification purposes.

Mr. Hayes reported this language was the same as the language in all of the other ordinances, and this could be brought back with Commissioner Kelley's recommended amendment for all of the boards should the Commission request this to be done. He stated his interpretation was that the City sets forth a nominating and approval process where the Commission member may nominate whoever they choose, but it would have to be approved by a majority of the Commission. Mr. Hayes explained that when the initial two-year term expired, any member could be reappointed, but to be reappointed, they would have to be re-nominated and approved by a majority of the Commission.

Commissioner Kelley noted he would defer to the remaining Commission members.

Commissioner Kent reported he was comfortable with the way it was currently written because of the words "may be."

Mayor Costello stated the process would start with the nomination by a Commission member and then an appointment by the entire Commission.

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

Item #10(B) (3) – Revising Criteria for the Nomination and Appointment of Development Review Board Members

ORDINANCE NO. 2005-61
 AN ORDINANCE SECTION 1-17, DEVELOPMENT REVIEW BOARD, OF ARTICLE II, ADMINISTRATION AND ENFORCEMENT, OF CHAPTER 1, GENERAL ADMINISTRATION, OF THE *LAND DEVELOPMENT CODE*, BY REVISING CRITERIA FOR THE NOMINATION AND APPOINTMENT OF BOARD MEMBERS; 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. 2005-61, on first reading, as read by title only.

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

Item #11(A) – Construction of a Buffer Wall at the Ormond Beach Municipal Airport

RESOLUTION NO. 2005-264

A RESOLUTION AUTHORIZING THE EXECUTION OF A CONTRACT BETWEEN THE CITY OF ORMOND BEACH AND HALL CONSTRUCTION COMPANY, INC., REGARDING THE CONSTRUCTION OF A BUFFER WALL AT THE ORMOND BEACH MUNICIPAL AIRPORT; AND SETTING FORTH AN EFFECTIVE DATE.

Commissioner Partington moved, seconded by Commissioner Kent, to approve Resolution No. 2005-264, as read by title only.

Mr. Charles Carter, 212 Arlington Way, stated there was only \$24,000 remaining of the estimated spending limit of airport funds, and the cost of a fence and other contingencies were not included. He noted he understood that this must be approved by Mr. Layman after the City Commission's approval. Mr. Carter stated this contract had been problematic from the beginning. He stated the contract was liable for \$45,000 of liquidated damages. Mr. Carter reported staff did not protect the taxpayers. He noted this would cost an additional \$15,000, because the project would require additional time to complete. He stated there was no indication that any inspection would be conducted other than by staff, which was an additional cost to the City. Mr. Carter pointed out that no administrative or legal costs are included in this figure. He reported the Aviation Advisory Board unanimously opposed using airport funds to complete this project. Mr. Carter stated that at this time the Commission had no legal status to continue with this project.

Mr. Hayes stated the Commission was authorized to approve this contract. He explained there were various other components to this project that staff was still working on.

Mr. Carter clarified that until this was approved by the Commission, work should not be started.

Mr. Hayes advised no work under this contract should begin without Commission approval, but there may be other projects at the airport that could be done.

Mr. Carter stated work was being done on the golf course property today without Commission approval. He questioned who approved this work. Mr. Carter pointed out that the contract was with Hall Construction Company, but they would probably subcontract the job out. He stated the City was giving Mr. Layman a 100-year lease on the golf course property, and the rent would be calculated through an audit by a qualified person; but any construction on that site would not be included in the calculations. Mr. Carter questioned who would own the property at the end of the 100-year time period.

Mr. Hayes stated he could not answer Mr. Carter's questions, because he did not have the document available tonight.

Mr. Carter stated in the inspectors' reports from May to August, one report threatened a City employee with termination if he did not do his job, and another report stated the project inspector was making a deal with the contractor to haul 50 loads of dirt to the ball field in an attempt to lower the cost. He questioned why inspectors were making deals.

Mr. Turner reported Mr. Layman had been involved and approved of this plan. He stated it made sense to pile the dirt where the berm would be located rather than move it off-site and then move it back. Mr. Turner assured the Commission nothing inappropriate was done. Mr. Turner stated he normally inspects the site once or twice a week.

Ms. Sloane stated the contactor had worked with the golf course to do extensive cart path work at the golf course's expense, and this was unrelated to the City construction project. She reported the contractor was willing to donate the dirt to the ball field at Nova Recreation.

Mr. Adrian Thompson, 6 Dorado Beach Court, stated the City had substantially intimidated and harassed him. He stated the cost of the votes favoring this project would be over \$1 million. Mr. Thompson reported staff failed to inform the Commission of the facts and collateral damage in an attempt to minimize the magnitude of their error. He noted those Commissioners in favor of this failed the taxpayers by not properly satisfying themselves that they had all of the facts relating to this project and were in dereliction of duty, and staff was guilty of gross mismanagement and negligence, yet no one had been sanctioned. Mr. Thompson questioned why dirt from this project was dumped in South Daytona at the Volusia County Water Authority project.

Commissioner Kelley noted this was answered previously.

Commissioner Boyle noted he urged the Commission not do approve the grant application on March 15 in that he did not believe the Commission had adequate information, but staff informed the Commission there was a deadline in three days for the grant. He stated he was pleased the packet included a diagram and map indicating the juxtaposition of the golf course and the airport. Commissioner Boyle reported completion was set for June 2006, and the Memorandum of Understanding with Mr. Layman included rent abatement to the completion of the project, which would be for 14 months costing approximately \$100,000. He stated the Commission never took this figure into consideration when approving the rent abatement.

Commissioner Boyle explained that under Item No. 4(H) of the Memorandum of Understanding, the Commission agreed to the construction of a lodge and caretaker home fronting the Tomoka River pending compliance with all regulatory processes. He stated some people believe this section was not agreeing to construction, but was merely to allow the applicant to apply. Commissioner Boyle considered this to be a very vague concept and would bring great resistance in the community. He stated he opposed this concept.

Commissioner Boyle noted considering the lost rent, the lift station, and other costs, this cost was now over \$600,000; and the claim of the former lease holder was yet unknown. He shared Mr. Carter's concern regarding the Commission appropriating money from the airport's project fund that was already approved by previous Commissions and diverting it to this project due to an error made by staff and the Commission. Commissioner Boyle noted it was not honest to tell the public these funds were not from the taxpayers when the Commission approved these expenditures from the taxpayers for another purpose. He questioned how money would be replaced for the approved airport projects. Commissioner Boyle stated he supported this new leaseholder, who has worked with the City, but he could not support this remedy without knowing all of the costs and having his questions answered.

Commissioner Kelley asked if any additional funds over the \$350,000 would be paid by Mr. Layman.

Mr. Turner stated Item No. 4(C) stipulated the cost to the City shall not exceed \$350,000 and staff had not considered a scope of work beyond that amount.

Commissioner Kelley stated he understood that as soon as the golf course was operable, the rent would resume, and that the rent abatement would not continue to the completion of the project.

Mr. Turner stated his understanding was that the rent abatement would continue until the project was completed, but the original request was from May until the lease was transferred.

Commissioner Boyle stated negotiations were not completed when the rent abatement was approved.

Mr. Turner stated these negotiations were very complicated. He reported that through negotiations, the issues were separated with the Eddys and Mr. Layman. Mr. Turner pointed out that the Commission included a \$350,000 cap. He reported the rent abatement was continuing, but all other costs were included in this contract.

Commissioner Kelley stated that the concerns Mr. Carter mentioned were addressed.

Mr. Turner reported Item No. 4(H) indicated the City would support Mr. Layman's right to ask for the improvement, but it also indicated the City could not grant contractual approval of those improvements. He clarified this would not bind the Commission to a vote to approve any project

even if all of the regulations were met; whereby, Mr. Hayes concurred with Mr. Turner's assessment.

Commissioner Boyle stated the Memorandum of Understanding committed the Commission to support the concept, but did not bind it contractually. He stated the clarification did provide him with some comfort. Commissioner Boyle stated the Commission placed a \$350,000 limit on the remedy, but the rent abatement was not discussed by the Commission and while the Commission may have approved it, the decision was made for them which was the type of decision-making process that originally created the problem. He noted disagreement with Mr. Turner that the only error was not receiving written approve by the Eddys. Commissioner Boyle stated the City should have gone through the complete process including board review.

Mr. Turner stated if the City received a written approval of the project as the Eddy's had done verbally, the City would not be constructing these remedies.

Commissioner Boyle stated this could have been avoided if this would have been examined in a committee or public hearing, because someone would have questioned it.

Mayor Costello noted the lease with Sunrise Aviation was signed in 1994, the initial contract also called for the Eddys to do a survey, and the City released them from this obligation. He stated there were many additional issues that contributed to this error. Mayor Costello stated the City Manager agreed staff made a mistake, and the Commission members made a mistake; but he was proud of the solution.

Commissioner Kelley noted he would not take any responsibility for this because he made a conscious vote on the understanding that the project would be completed, and the Commission would review the project before work was done.

Mayor Costello stated he should have asked for a survey and would take the responsibility. He reported staff did not believe they needed to provide the survey; because they had the verbal approval of the adjacent landowner, and he understood how this could occur.

Mr. Turner accepted full responsibility.

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

Item #11(B) – Change Order No. One for Services at the River Bend/Southeast Quad

RESOLUTION NO. 2005-265

A RESOLUTION AUTHORIZING THE EXECUTION OF CHANGE ORDER NO. ONE (1) TO THAT CONTRACT AWARDED TO D&W PAVING, INC., REGARDING CONSTRUCTION SERVICES AT THE ORMOND BEACH MUNICIPAL AIRPORT, BY INCREASING THE CONTRACT PRICE BY \$36,884 AND INCREASING THE CONTRACT TIME BY 113 DAYS; AND SETTING FORTH AN EFFECTIVE DATE.

Commissioner Partington moved, seconded by Commissioner Kent, to approve Resolution No. 2005-265, as read by title only.

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

Item #11(C) – Appointing a Delegate to Serve on the Water Authority of Volusia

RESOLUTION NO. 2005-266
A RESOLUTION APPOINTING A DELEGATE TO SERVE ON THE WATER AUTHORITY OF VOLUSIA; ESTABLISHING TERM AND CONDITIONS OF SERVICE; AND SETTING FORTH AN EFFECTIVE DATE.

Commissioner Partington moved, seconded by Commissioner Kent, to approve Resolution No. 2005-266, as read by title only, appointing Commissioner Kelley as the voting delegate to the Water Authority of Volusia.

Commissioner Kelley expressed concern regarding attending the meeting tomorrow morning.

Mayor Costello stated Commissioner Kelley’s experience with the alliance in the past, his knowledge of water as demonstrated in the workshop prior to this meeting, his desire to cut costs, and his working for cooperation with the neighboring communities would make him a prefect WAV delegate.

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

Item #12(A) – Update on a Sports Authority – Ormond Beach Sports Complex

Mayor Costello noted he was excited regarding the e-mails he had received relative to getting the public involved in this process.

Mr. Turner commended Mr. Boehm, other Recreation Advisory Board members, Sports Authority members, and City staff. He stated that while this concept would not work like New Smyrna Beach’s Authority, there were great opportunities to enhance the City’s facilities.

Commissioner Kelley stated that staff made the conclusion that this would not work, but he stated he was not of that the same opinion. He noted private enterprise could do the job 40% to 50% cheaper and more efficiently because of the constraints the City was under. Commissioner Kelley questioned why this could not be pursued.

Mr. Turner stated that the purchasing requirement for the Authority had been reviewed, and the City must abide by certain statutes and processes. He reported the Sports Authority could compete in the bid process. Mr. Turner noted there were other elements such as donations and management issues to consider.

Mr. Hayes stated he was not aware of what process New Smyrna Beach followed, but his opinion was based on the concept as presented to him. He explained what was proposed was that the City would transfer money to a private, non-profit corporation and allow that entity to build a public facility on public land with public money without complying with the public bidding and bonding requirements. Mr. Hayes advised what was proposed would not work due to legal constraints, but there may be variations that might work. He noted Mr. Turner and Mr. Boehm were continuing to work on this.

Commissioner Kelley stated he was seeking the best value and product for the money spent.

Mayor Costello noted he, Mr. Turner, and Mr. Hayes lunched with Mr. Rick Boehm and the person in charge of the Sports Authority in New Smyrna Beach. He stated there was nothing precluding the Sports Authority from organizing a bid at a cost no other entity could beat. Mayor Costello yielded to Mr. Hayes’ and Mr. Turner’s experience and continued to challenge Mr. Turner to build a relationship with Mr. Boehm, who was working for Ormond Beach youth.

Item #12(B) – Legislative Requests

Commissioner Partington stated there was a slight possibility people living in mobile home communities could have their property sold and only be given a few thousand dollars and a short time to make other housing arrangements. He reported the president of The Falls homeowners' association recommended requiring a notation in the statute that compensation paid would be at a fair market value. Commissioner Kelley questioned if the Commission wanted to add this to the legislative priority list. He noted he spoke to Mr. Sam Bell, who

explained he had previously represented the Manufactured Home Association statewide and was very familiar with the issue.

Commissioner Kent urged this be added to the legislative priority list.

Mayor Costello stated hearing no objection he would request staff add this to the legislative priority list.

Mayor Costello stated he concurred with Commissioner Kelley's comment at the workshop relative to the regulations requiring the expansion of the water plant when the 75% peak water use figure was exceeded. He noted it was too late to add this now, but it should be considered in the future.

Commissioner Kelley reported this was controlled by the Florida Department of Health and administered by the local County Department of Health. He noted a representative stated the Department of Health had latitude in working with this issue.

Mayor Costello recommended an ordinance or resolution be sent to the Department of Health requesting some latitude under certain conditions be provided on this issue. He requested this be discussed in the future.

Item #13 - Reports, Suggestions, Requests

Commission Comments

Commissioner Kent stated when he was a Commissioner-Elect, he and Commissioner-Elect Partington had an opportunity to come forward during the "Reports, Suggestions, Requests" section of the agenda. He asked if Mayor Costello would offer Commissioner-Elect Gillooly this same opportunity.

Parking

Commissioner Kent thanked Bill Jones for helping with the possible parking problem in the Main Street downtown area.

Water

Commissioner Kent thanked Mr. Tim Sheahan, Utilities Manager, for the extensive preparation he did for the water workshop. He expressed appreciation to Commissioner Kelley for bringing the Commission together at the workshop by displaying his good leadership skills.

Grant Newsletter

Commissioner Kelley thanked Ms. Loretta Moisiso, Grants Coordinator, for the great report and phenomenal job she was doing in obtaining grants for the City.

Mayor Costello asked Mr. Turner to send a copy of the grant report to former Commissioner Joyce High.

Commissioner Partington concurred with Commissioner Kelley and stated that he was pleased to see the report outlining the grants. He recommended this be placed in the newsletter or on the City's website for the public to view.

WAV Nomination

Commissioner Partington thanked Commissioner Kelley for his service on the previous water board and his willingness for serving on WAV.

Christmas Parade

Commissioner Partington noted he was looking forward to the Christmas parade this Saturday night.

WAV Nomination

Commissioner Boyle thanked Commissioner Kelley for his willingness to serve on the WAV board. He stated he would answer any questions Commissioner Kelley may have.

Holiday Concert

Commissioner Boyle stated the holiday concert at the Performing Arts Center was a great event for the holiday season.

Truck Parked in Right-of-way

Commissioner Boyle stated that a commercial truck parked in the right-of-way on Melrose Avenue continued to be a problem. He noted Ms. Joanne Naumann, Neighborhood Improvement Manager, indicated she was not certain the truck was commercial.

Aesthetic Maintenance of the Downtown Area

Commissioner Boyle noted he would present a letter he received from a constituent to the City Manager regarding the deterioration of the aesthetic maintenance of the downtown area that cited many different problems in the area.

Mayor Costello

Commissioner Boyle expressed appreciation to Mayor Costello for extending the courtesy of honoring him at the next meeting.

Citizens for Ormond Beach Forum

Mr. Turner thanked staff and the Citizens for Ormond Beach for their efforts at the emergency preparedness forum.

Holiday Activities

Mr. Turner stated the Christmas Walk had a wonderful family atmosphere. He noted he was looking forward to the tree lighting ceremony and the parade on Saturday.

Charter Review Committee Meeting

Mr. Turner stated there would be a Charter Review Committee meeting on December 12 at 5:30 p.m. in DeLand. He reported he would speak on Smart Growth initiatives, Ormond Crossings as an example of a Smart Growth project, and consolidation of services. Mr. Turner stated consolidating services would afford the opportunity to improve service and improve costs; however, the implementation of how that would be achieved and insuring that service levels were not compromised needed a great deal of debate, because equity in the service was not evident at this time. He reported Mayor Costello would represent Ormond Beach with the legislative delegation on December 15 at 1:00 p.m. at the Daytona Beach Community College.

Water Workshop

Mr. Ted MacLeod, Assistant City Manager, thanked the Commission for their questions at the water workshop.

Bostrom Lane

Mayor Costello requested an update on the renaming of Bostrom Lane.

Property Improvement Grant

Mayor Costello reported while he voted for the property improvement grant program in the Tax Increment Financing district, he would recommend the Commission have a discussion on this issue; because he was not comfortable approving the two \$50,000 grants for the Scotty's buildings. He suggested a matching grant up to \$20,000 to \$25,000 or a grant for 25% of the value of the project.

Swearing In Ceremony

Mayor Costello noted he attended the Daytona Beach and Holly Hill swearing in ceremonies to show Ormond Beach's support to its sister communities. He urged all of the Commission members to invite their families and supporters to the January 3 ceremony where he would allow each of them to introduce their families and supporters.

Tuscany Shoppes

Mayor Costello urged the *Land Development Code* to include the strictest and best codes with an easy process to follow. He questioned why the City should approve anything less than the quality of the Tuscany Shoppes.

Holiday Events

Mayor Costello expressed excitement about the upcoming holiday parade and the tree lighting ceremony.

Water Workshop

Mayor Costello commended Commissioner Kelley for vigorously questioning the 17% increase until it was clear that the City would have to expect sanctions by the Health Department if the water plant was not expanded at which time he supported the increase, because it needed to be done. He noted this displayed the kind of leadership Ormond Beach needed.

Disaster Preparedness Workshop

Mayor Costello thanked the Citizens for Ormond Beach for the disaster preparedness workshop. He reported he would be attending an all-day Mayor's Disaster Preparedness seminar on January 17 at the Embry-Riddle Aeronautical University.

City Commission – December 6, 2005

Item #14 – Close the Meeting

The meeting was adjourned at 9:55 p.m.

APPROVED: December 20, 2005

BY: Fred Costello, Mayor

ATTEST:

Veronica Patterson, City Clerk