

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

January 20, 2004

7:00 p.m.

Present were: Mayor Fred Costello, Commissioners Jeff Boyle, Troy Kent, Scott Selis, and Bill Partington, City Manager Isaac Turner, Assistant City Manager Theodore MacLeod, City Attorney Randy Hayes, and City Clerk Veronica Patterson.

A G E N D A

- 1) Meeting call to order by Mayor Costello.
- 2) Invocation by Dr. V. Benford Friar, II, Faith Cathedral Church.
- 3) Pledge of Allegiance.
- 4) Approval of the Minutes of the January 6, 2004, meeting.
- 5) **PRESENTATIONS:**
 - A) Recognizing Stefan Sibley and Roger "Bear" Schmidt as City of Ormond Beach Employees-of-the-Year.
 - B) Proclamation by Mayor Costello proclaiming November 20, 2004, as a day to honor the "HOMe for the HOLIDAYS" committee and volunteers; presentation of awards.
 - C) Presentation by Anna Ellingworth, representing Friendship Force International.
 - D) Proclamation by Mayor Costello proclaiming a "One Book, One Community" reading campaign for the year 2004 in the City of Ormond Beach.
- 6) **AUDIENCE REMARKS:**
- 7) **INTERGOVERNMENTAL BOARD 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. 2004-19 authorizing the execution of an Interlocal Agreement providing for the establishment of the East Volusia Local Government Fire-Rescue and Emergency Medical Services Automatic Aid and Closest Unit Response System between the cities of Ormond Beach, Daytona Beach, Edgewater, Holly Hill, New Smyrna Beach, Port Orange and South Daytona.
 - B) Resolution No. 2004-20 accepting a bid from D&W Paving, Inc., for the paving of an access road to serve Taxiway "D" at the Ormond Beach Municipal Airport under Bid No. 2004-10; authorizing the execution of a contract and payment therefor; rejecting all other bids. (\$171,568.75)
 - C) Resolution No. 2004-21 accepting a bid from Wiring Technologies, Inc., for the construction of a surface water irrigation pump station to be used for the surface water alternative irrigation supply at Breakaway Trails, under Bid No. 2004-06; authorizing the execution of a contract and payment therefor; rejecting all other bids. (Not-to-exceed \$335,000)
 - D) Resolution No. 2004-22 accepting a proposal from Wood & Partners, Inc., to provide consulting services regarding a Parks and Recreation Master Plan Study; rejecting all other proposals; authorizing the execution of a contract therefor. (\$75,000)
 - E) Resolution No. 2004-23 authorizing the approval of a requisition and payment therefor for the purchase of one Standard Commercial Slope mower under State of Florida Contract Number 515-630-03-1; declaring Vehicle #487 to be surplus property and authorizing the disposition thereof. (Kut-Kwick Corporation of Brunswick, Georgia - \$37,550)

- F) Resolution No. 2004-24 authorizing the approval of a requisition and payment therefor for the purchase of one International Dump Truck under State of Florida Contract Number 070-700-03-1; declaring Vehicle #259 to be surplus property and authorizing the disposition thereof. (International Truck and Engine Corporation - \$50,642)
- G) Resolution No. 2004-25 authorizing the execution of a Utility Work Agreement between the City and Florida Department of Transportation regarding the relocation of City utilities that are in conflict with the widening of State Road 40 between Cone Road and Tymber Creek Road. (\$107,100)
- H) Resolution No. 2004-26 authorizing the execution of a Quitclaim Deed in favor of James B. Walsh and Jennifer M. Walsh, releasing a portion of a 20-foot drainage easement located on Lot 18, Shadow Crossings, Unit 2, Phase 1, within the "Hunter's Ridge" Development of Regional Impact (6 Huntsman Look).
- I) Resolution No. 2004-27 authorizing the execution of a Quitclaim Deed in favor of David W. Ford and Sandra A. Ford, as trustees under the Ford Trust Agreement dated 3/3/98, releasing a 7 1/2' emergency access easement located on Lot 11, Broadwater subdivision (6 Broad Creek Circle); accepting an easement modification agreement from Richard Maugeri and Dina Maugeri granting an additional 7 1/2' south of the existing emergency access easement located on Lot 12, Broadwater subdivision (4 Broad Creek Circle).
- J) Resolution No. 2004-28 authorizing the submittal of a grant application to the State of Florida Department of Community Affairs, Division of Emergency Management, under the Emergency Management Competitive Grant Program for the purchase of emergency radios. (\$48,006 total grant - \$24,000 in matching City funds)
- K) Resolution No. 2004-29 authorizing the submittal of a grant application to the Ponce de Leon Inlet and Port District Joint Participation Program for funding relative to the Rockefeller Gardens Wetland Area Enhancement Project. (\$12,600 total grant - \$6,300 in matching City funds)
- L) Resolution No. 2004-30 officially declaring the effective date of the 2004 Land Development Code.
- M) Resolution No. 2004-31 authorizing the reduction of a lien; authorizing the execution of a satisfaction and release of lien.
- N) Policy for the acquisition of public art.

DISPOSITION: Accept policy as outlined in City Manager memorandum dated January 15, 2004.

- O) Approval of travel by City Manager Isaac Turner to attend the National Forum for Black Public Administrators national conference in Philadelphia, Pennsylvania.

DISPOSITION: Approve as recommended in City Manager memorandum dated January 15, 2004.

- P) Review of FY 2003-04 budget status.

DISPOSITION: Approve as recommended in City Manager memorandum dated January 15, 2004.

9) **PUBLIC HEARINGS:**

- A) Resolution No. 2004-32 approving and authorizing the removal of an historic tree located at 11 Manderley Lane in the Mallards Reach subdivision.
- B) Resolution No. 2004-33 authorizing the execution and issuance of a Conditional Use Permit to allow Stan Riva to redevelop the existing 916 North Highway US1 site for business and storage warehouses on a 1.94-acre parcel located at 916 North US1 within the B-5 (Service Commercial) zoning district; establishing conditions and expirations of approval.

- C) Resolution No. 2004-34 authorizing the execution and issuance of a Conditional Use Permit to allow Pastor David W. Transeau to operate a House of Worship in Unit 10(A) of the Palm Plaza located at 600 South Yonge Street; establishing conditions and expirations of approval. (Bethel Baptist Church)
- D) Resolution No. 2004-35 authorizing the execution and issuance of a Conditional Use Permit to allow MDSS, Inc., to construct a medical center consisting of two (2) principal buildings, for medical and professional office uses, totaling 48,500 square feet on a site located south of Hand Avenue and east of Clyde Morris Boulevard and within the B-10 (Suburban Boulevard) zoning district; establishing conditions and expirations of approval.
- E) Resolution No. 2004-36 authorizing the execution and issuance of a Development Order for "Capital Plaza" Planned Business Development to allow the redevelopment of an existing commercial site to allow business warehouses in the B-8 (Commercial) zoning district, to allow a waiver to eliminate required loading bay spaces, to allow a reduction of parking bay length for 24 of the 93 proposed parking spaces located at the northwest corner of Nova Road and Moreland Boulevard (1105 Moreland Boulevard); establishing conditions and expiration of approval.

10) FIRST READING OF ORDINANCE No. 2004-01 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 changing the board membership from seven to five members; providing criteria for the appointment of board members; providing terms and conditions. (Tabled from the 12/2/03 meeting)

11) RESOLUTIONS:

- A) Resolution No. 2004-37 endorsing a final draft of an interlocal agreement creating the Volusia County Metropolitan Planning Organization (MPO); authorizing and directing the city's appointed member of the Metropolitan Planning Organization to vote in favor of approving the final draft of that interlocal agreement; authorizing the City's representative to the MPO to execute the interlocal agreement.
- B) Resolution No. 2004-38 accepting the bid of Bean Construction, Inc., regarding construction services at the Nova Community Park Ballfield No. 3 under Bid No. 2004-02; rejecting all other bids; authorizing the execution of a contract and payment thereunder. (\$240,100)
- C) Resolution No. 2004-39 authorizing the execution of an Annexation and Development Agreement and Restrictive Covenants between the City of Ormond Beach and MHK of Volusia County, Inc.

12) DISCUSSION regarding impact fee reimbursement for provision of utility service to the Tuscany subdivision.

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

The invocation was given by Dr. V. Benford Friar, II, Faith Cathedral Church.

Item #3 - Pledge of Allegiance

Mayor Costello led the Pledge of Allegiance.

Item #4 – Approval of Minutes

Mayor Costello advised the minutes of the January 6, 2004, meeting had been sent to the Commissioners for review and asked if there were any corrections, additions, or omissions.

Mayor Costello asked if there was any objection to approving the minutes as submitted. Hearing none, he declared the minutes approved as submitted.

Item #5(A) – Employees-of-the-Year

Mr. Isaac Turner, City Manager, announced this year was unique in that two employees were selected as Employees-of-the-Year.

Mr. Turner announced Mr. Roger “Bear” Schmidt began his career with the City in 1994 as a Service Helper in the Parks and Recreation Department and was currently working as a Maintenance Worker III in the Environmental Systems Section of the Public Works Department. He advised that Mr. Schmidt operated the street sweeper, and it took someone very careful to handle a street sweeper since they are very high maintenance. Mr. Turner reported Mr. Schmidt saved the taxpayers a great deal of money because of his efforts. He stated Mr. Schmidt was very courteous and eager to help his fellow employees and citizens.

Mr. Turner announced Mr. Stefan Sibley, known as “the party guy” was a coordinator extraordinaire. He reported Mr. Sibley worked with citizen groups on special events. Mr. Turner noted he began his career with the City in March 1995 as a technician in the Leisure Services Division but was soon promoted to Special Events Coordinator where he was responsible for staging approximately 70 events per year such as fireworks on the Halifax, Art in the Park, Santa Land, HOme for the HOlidays parade, and the Memorial Day remembrance. Mr. Turner reported Mr. Sibley implemented such events as Party in the Park, Young at Art, and the Summer Sounds concert series. He stated Mr. Sibley volunteered his time as a tutor, coached special events basketball, and coordinated and counseled the team action group.

Mayor Costello presented Mr. Schmidt and Mr. Sibley with a plaque to be placed on display at City Hall honoring them as Employees-of the-Year, a second plaque they could keep, a gift certificate to Billy’s Tap Room, and eight (8) hours of personal leave.

Item #5(B) – “HOme for the HOlidays” Committee and Volunteers Proclamation

Mayor Costello read a proclamation honoring the extraordinary HOme for the HOlidays parade committee and volunteers for their efforts in making the HOme for the HOlidays parade a success. He noted this was the second nighttime holiday parade, and it focused on the men and women serving the Country.

Mr. Brian Daly expressed appreciation to the City Commission for allowing him to present the winners for this year’s parade. He advised the parade had over 88 entries and 2,500 participants, with more spectators than he had witnessed in nine years. Mr. Daly stated the committee was comprised mostly of community volunteers along with City staff members.

Mr. Daly announced the winners in each category. He stated in the “Vehicles” category, the winners were: first place - Pine Trail Elementary School, second place - Sugarfoot Family Cloggers, and third place - Ormond Beach Elementary School. Mr. Daly reported in the “Walkers” category, the winners were: first place - Tomoka Twirlers, second place - Pathways Elementary Cheerleaders, and third place - Tomoka Service Unit, Girl Scouts. He noted in the “Floats” category, the winners were: first place - Christ Presbyterian Church, second place - Brownie Troop #825, and third place - Congo River Golf. Mr. Daly advised the Good News Puppeteers from Calvary Christian Center was the winner of this year’s “President’s Cup,” which was sponsored by the Chamber of Commerce. He reported the “Best Overall” winner was the Chamber of Commerce.

Item #5(C) – Friendship Force International

Ms. Anna Ellingworth advised she visited New Zealand last summer representing the Friendship Force International where she met two mayors. She presented Mayor Costello with a letter and gift from each of them. She explained Friendship Force International ambassadors and hosts enjoy new experiences and believe that friendship could be a catalyst for improved world relations. Ms. Ellingworth reported hosts take ambassadors into their homes, providing activities that reflect community life and local culture. She noted ambassadors pay their own expenses, and hosts provide hospitality without reimbursement. Ms. Ellingworth thanked Mayor Costello for the letter and packet of information from the City of Ormond Beach that she delivered to these two New Zealand mayors.

Mayor Costello thanked the Friendship Force International and Ms. Ellingworth for helping to spread friendship around the globe.

Item #5(D) – “One Book, One Community” Reading Campaign

Mayor Costello read a proclamation regarding the “One Book, One Community” reading campaign which encouraged reading, sparking discussion, and building community. He stated “*The Mystery at Hotel Ormond*,” by local author Marian Strong Tomblin, was a means of presenting local history to the youth and encouraging conversation between the generations. Mayor Costello advised that he learned things about Ormond Beach in reading the book he was previously unaware of and encouraged everyone to read the book.

Historic Map

Mayor Costello advised a map located in the rear of the chambers was done in 1884 shortly after Ormond Beach was incorporated in 1880. He stated this map was a historical treasure and a work of art that was presented to the City of Ormond Beach by the Althouse family. He thanked the Althouse family for this generous contribution.

Interpretive Dance

Commissioner Partington advised members of the Commission, City staff, and the community attended a program at the South Ormond Neighborhood Center yesterday celebrating the life of Dr. Martin Luther King, Jr. He stated one of the presentations was an interpretive dance by a sixth grader from Ormond Beach Middle School, Ms. Abrianna Bell, and he asked her to perform the dance at tonight’s meeting. Ms. Bell performed the interpretive dance.

Commissioner Partington thanked Ms. Bell for the dance and reported Reverend Jesse Cotton personally met Dr. King. He noted Ms. Minnie Wade received the Lifetime Membership award in the NAACP.

Mayor Costello reported that if more of the youth, regardless of their faith and belief system, would contribute to their community as Ms. Bell had, Ormond Beach would be an even better place. He explained this was about celebrating diversity, accepting one another, giving back to the community, sharing with one another, and appreciating the gifts and talents of each other.

Item #6 - Audience Remarks

“The Mystery at Hotel Ormond”

Mr. Don Bostrom, 274 Cumberland Avenue, advised the book “The Mystery at Hotel Ormond” was available for purchase at the MacDonald House.

Ormond Heritage Weekend

Mr. Bostrom reported the Ormond Heritage weekend celebration of “Starry Starry Night” was a tremendous success with over 1,500 visitors showing a great interest in the history and culture of Ormond Beach at the three open houses located at The Casements, the MacDonald House, and the Art Museum. He stated there were two successful bus tours on Friday and Saturday and an open house at The Casements and at the Anderson-Price Museum. Mr. Bostrom thanked Mr. Michael Sanden, Cultural Center Coordinator, and City staff for planning the events for this great weekend.

Tree Trimming on Beach Street and Ridgewood Avenue

Mr. Bostrom expressed concern regarding the destruction caused by the Florida Power and Light (FP&L) workers on Beach Street and Ridgewood Avenue as they trim trees to allow clearance for power lines. He pointed out the City made it difficult for residents to remove a tree, but FP&L was “butchering” the beautiful oak trees without a problem from the City. Mr. Bostrom urged that the lines be placed underground.

Park Place Islands

Mr. Robert Jones, 319 Park Place, advised Park Place had two islands in the subdivision’s roadway. He stated if vehicles were parked near the islands, a fire truck could not pass. Mr. Jones explained the roads belonged to the City while the islands belonged to the residents. He asked the City to consider moving the islands and paving over the area, making room for large emergency vehicles and enhancing the appearance.

Signage

Mr. Jones thanked the City for the signs asking dog owners to remove their dog’s waste from public areas.

Mayor Costello advised the Commission would receive staff reports on the issues mentioned in this portion of the agenda.

River Grille Restaurant

Mr. Raymond Barshay, 165 Riverside Drive, representing the River Grille Restaurant, advised sound testing would be done in order to provide information to the Commission when the issue comes before them on February 3rd regarding a request to amend their existing development order. He invited the Commission and staff to attend. Mr. Barshay reported Police Chief Larry Mathieson would administer the test.

Item #7(A) – Metropolitan Planning Organization

Mayor Costello advised there was an item on tonight's agenda relative to expansion of the MPO service area to Flagler County, and the Metropolitan Planning Organization (MPO) had no choice but to accept Flagler County and include them in its representation since they were part of the transportation area.

Item #7(B) – Volusia Council of Governments

Mayor Costello reported the Volusia Council of Governments (VCOG) was still in the reorganization stage considering they have a new interim executive director awaiting the decision of the MPO to determine if they would allow VCOG to have the same executive director as the MPO. He advised he, as chairman, has asked each municipality to present items they would like VCOG to address. Mayor Costello noted Ormond Beach was one of only two municipalities that provided that information last year. He asked Mr. Turner to provide this information in the Friday letter, and if any Commission member would like to address other issues, they could be mentioned at the next meeting.

Item #7(C) – Water Authority of Volusia

Commissioner Boyle advised the letter and draft Flagler County service agreement was sent to the Water Authority of Volusia (WAV) and the master plan placed on file. He stated WAV would meet tomorrow morning to discuss funding sources.

Item #8 – Consent Agenda

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

Commissioner Boyle requested Item No. 8(A) be discussed separately.

Commissioner Partington requested Item Nos. 8(M) and 8(N) be discussed separately.

Commissioner Boyle moved, seconded by Commissioner Partington, for approval of the Consent Agenda, minus Items #8(A), #8(M) and #8(N).

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

Item #8(A) – Fire-Rescue and Emergency Medical Services Automatic Aid and Closest Unit Response System

RESOLUTION NO. 2004-19

A RESOLUTION AUTHORIZING THE EXECUTION OF AN INTERLOCAL AGREEMENT PROVIDING FOR THE ESTABLISHMENT OF THE EAST VOLUSIA LOCAL GOVERNMENT FIRE-RESCUE AND EMERGENCY MEDICAL SERVICES AUTOMATIC AID AND CLOSEST UNIT RESPONSE SYSTEM BETWEEN THE CITIES OF ORMOND BEACH, DAYTONA BEACH, EDGEWATER, HOLLY HILL, NEW SMYRNA BEACH, PORT ORANGE AND SOUTH DAYTONA; AND SETTING FORTH AN EFFECTIVE DATE.

Commissioner Boyle moved, seconded by Commissioner Partington, to approve Resolution No. 2004-19, as read by title only.

Commissioner Boyle advised this was a landmark agreement with seven cities having similar fire and EMS services with three-person companies, with one advanced life support or paramedic personnel. He reported this was supported by all of the fire chiefs, city managers, and union leaders.

Fire Chief Barry Baker reported this was the beginning of a process started two years ago, working with like entities that would strengthen each department individually. He stated the process would now be implemented fairly slowly to be certain it would work as it was designed, but it would be fully implemented by March 1st.

Commissioner Boyle stated Ormond Beach had a good agreement with Holly Hill, and this extended that agreement to the other cities.

Chief Baker reported Ormond Beach has had a Closest Unit Response agreement with Holly Hill for five years that has worked well for Ormond Beach and for Holly Hill.

Commissioner Boyle questioned if there would be a conflict with EVAC on the medical emergency portion of the contract.

Chief Baker stated this would have no effect on EVAC. He explained there was a two-tiered system in Volusia County where the fire department and EVAC both respond. Chief Baker reported the fire department would often arrive first, and they triage and prepare the person for transport while EVAC would transport the patient.

Commissioner Boyle asked if Daytona Beach Shores, Ponce Inlet, and Oak Hill would join in the agreement.

Chief Baker advised there was a possibility Daytona Beach Shores and Ponce Inlet would join eventually. He reported Ponce Inlet would very much like to join; however, they do not have the staff or a facility to accommodate the additional staff, but would join when they could meet the requirements. He stated Daytona Beach Shores had a public safety system where their police officers also act as firefighters and EMS. Chief Baker reported the Daytona Beach Shores police chief would probably be watching and, hopefully, eventually would want to become a part of this agreement.

Commissioner Boyle questioned why Volusia County did not sign onto this agreement.

Chief Baker explained the County did not have the same resources in its stations making it difficult to enter into understandings. He predicted that at some point it would occur since the County was slowly adding personnel making it easier to enter into understandings. Chief Baker explained the County was interested in entering into an understanding with Holly Hill for the Derbyshire station that was formally manned by Ormond Beach, and he stated this was the first time the County had even hinted at approving three-person staffing. He explained the understanding would be that Holly Hill would staff the station with three people one out of every three days, and Volusia County would staff the station with three people the other two days. Chief Baker noted this news was so encouraging that the city fire chiefs amended this agreement to allow Holly Hill to subcontract with Volusia County, recognizing that Volusia County was making an effort to be a part of the system.

Commissioner Boyle recommended sending a copy of the agreement to the editorial board of the *News-Journal* to make them aware of the sensitivity of the cities on this issue along with a cover letter or a press release.

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

Item #8(M) – Reduction and Execution of a Satisfaction and Release of Lien

RESOLUTION NO. 2004-31

A RESOLUTION AUTHORIZING THE REDUCTION OF A LIEN;
AUTHORIZING THE EXECUTION OF A SATISFACTION AND
RELEASE OF LIEN; AND SETTING FORTH AN EFFECTIVE
DATE.

Commissioner Selis moved, seconded by Commissioner Kent, to approve Resolution No. 2004-31, as read by title only.

Commissioner Partington stated that considering the fact that the previous Commission had agreed to reduce the lien to \$5,000, he questioned what would occur if this resolution were approved.

Mr. Randal Hayes, City Attorney, reported this resolution would merely crystallize the previous direction. He stated based on other activities with the property owners, it was decided to bring this back to the Commission for further action.

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

Item #8(N) – Acquisition of Public Art

Commissioner Partington asked if the makeup of the board to acquire the public art was known.

Mr. Hayes reported the makeup of the board was established in the Code of Ordinances. He stated this was placed on the consent agenda to give formal recognition of what was going to occur. Mr. Hayes offered to provide further information if requested.

Commissioner Partington asked if this board in question would be the Sculpture Garden Committee; whereby, Mr. Hayes advised it was.

Commissioner Partington questioned if citizens wanted to be involved in this process, who they would contact to offer input.

Mayor Costello asked the City Clerk to call the vote to approve this item as recommended in the City Manager memorandum dated January 15, 2004.

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

Item #9(A) - Removal of Historic Tree at 11 Manderley Lane

RESOLUTION NO. 2004-32
A RESOLUTION APPROVING AND AUTHORIZING THE REMOVAL OF AN HISTORIC TREE LOCATED AT 11 MANDERLEY LANE IN THE MALLARDS REACH SUBDIVISION; AND SETTING FORTH AN EFFECTIVE DATE.

Commissioner Kent moved, seconded by Commissioner Partington, to approve Resolution No. 2004-32, as read by title only.

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

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

Item #9(B) - Storage Warehouse on North US1

RESOLUTION NO. 2004-33
A RESOLUTION AUTHORIZING THE EXECUTION AND ISSUANCE OF A CONDITIONAL USE PERMIT TO ALLOW STAN RIVA TO REDEVELOP THE EXISTING 916 NORTH HIGHWAY US1 SITE FOR BUSINESS AND STORAGE WAREHOUSES ON A 1.94-ACRE PARCEL LOCATED AT 916 NORTH US1 WITHIN THE B-5 (SERVICE COMMERCIAL)

ZONING DISTRICT; ESTABLISHING CONDITIONS AND EXPIRATIONS OF APPROVAL; AND SETTING FORTH AN EFFECTIVE DATE.

Commissioner Partington moved, seconded by Commissioner Boyle, to approve Resolution No. 2004-33, as read by title only.

Mr. Clay Ervin, Planning Director, reported this was reviewed by the Development Review Board who recommended approval six to zero; however, the Development Review Board recommended that three of the four building sides be stucco, and the applicant has requested one particular side, the north side that was currently screened by landscaping, be allowed to remain concrete block and painted. He advised staff recommended approval of the applicant's request. Mr. Ervin advised the project basically complied with all of the requirements of the B-5 zoning, as well as landscaping, setback, and buffer requirements. He reported this was located in the Greenbelt Overlay District and the applicant had modified the front to comply with the City's generalized architectural standards.

Mr. Shawn Finley, P.E., of Finley Engineering Group, reported he was the engineer for this project. He thanked staff for their assistance. Mr. Finley advised this project would greatly enhance this stretch of US1 and requested the Commission approve the project as recommended by the Site Plan Review Committee and City staff allowing the wall on north side to be block and painted.

Commissioner Selis asked for clarification that if this resolution were to be approved, would it be with stucco or block; whereby, Mr. Ervin noted the development order was written subject to the Development Review Board's recommendation to have three of the four building sides stucco.

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

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

Item #9(C) - Operation of a House of Worship in Unit 10(A) of the Palm Plaza

RESOLUTION NO. 2004-34

A RESOLUTION AUTHORIZING THE EXECUTION AND ISSUANCE OF A CONDITIONAL USE PERMIT TO ALLOW PASTOR DAVID W. TRANSEAU TO OPERATE A HOUSE OF WORSHIP IN UNIT 10(A) OF THE PALM PLAZA LOCATED AT 600 SOUTH YONGE STREET; ESTABLISHING CONDITIONS AND EXPIRATIONS OF APPROVAL; AND SETTING FORTH AN EFFECTIVE DATE.

Commissioner Selis moved, seconded by Commissioner Boyle, to approve Resolution No. 2004-34, as read by title only.

Call Vote:	Commissioner Selis	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(C).

Item #9(D) - Construction of a Medical Center By MDSS, Inc.

RESOLUTION NO. 2004-35

A RESOLUTION AUTHORIZING THE EXECUTION AND ISSUANCE OF A CONDITIONAL USE PERMIT TO ALLOW MDSS, INC., TO CONSTRUCT A MEDICAL CENTER CONSISTING OF TWO (2) PRINCIPAL BUILDINGS, FOR MEDICAL AND PROFESSIONAL OFFICE USES, TOTALING 48,500 SQUARE FEET ON A SITE LOCATED SOUTH OF HAND AVENUE AND EAST OF CLYDE MORRIS BOULEVARD AND WITHIN THE B-10 (SUBURBAN BOULEVARD) ZONING

DISTRICT; ESTABLISHING CONDITIONS AND EXPIRATIONS OF APPROVAL; AND SETTING FORTH AN EFFECTIVE DATE.

Commissioner Partington moved, seconded by Commissioner Selis, to approve Resolution No. 2004-35, as read by title only.

Mr. Ervin reported this was Phase 2 of a medical center project where staff has recommended approval. He noted one issue discussed at the Development Review Board was a buffer wall on the southern property line. Mr. Ervin stated the land to the south of this project was currently vacant and designated SLDR on the Land Use Map and SR on the Zoning Map, and as such, the applicant would typically be required to erect a six-foot high masonry block wall. He explained the applicant has requested a waiver of this requirement for the wall, and staff supported that request. Mr. Ervin reported he had a meeting at 3:30 p.m. today with Volusia County who was currently working on the Clyde Morris Boulevard widening project, and a key point mentioned was that one of the sole access points along Clyde Morris Boulevard would be at this particular location, and as such, cross access would be vital. He advised staff identified to the applicant that if they construct the cross access easement at that time, it would satisfy the concern of the Development Review Board, and the wall requirement could be waived subject to providing adequate landscaping to meet the requirements for buffering as well as constructing the stub-out to their southern property line to allow for cross access.

Mr. Ervin advised the second issue pertained to the Daytona Beach/Ormond Beach issue in which the City was currently involved. He reported the property was split by the service line. Mr. Ervin stated the initial reviews indicate the building would be located in the Ormond Beach service area, and some of the parking would be located in the Daytona Beach service area. He clarified that Ormond Beach would not be providing services to those areas outside of the Ormond Beach service area without the approval of Daytona Beach and consistent with the City's agreements with them. Mr. Ervin advised staff would further review this issue to be certain the City would completely abide by this regulation.

Mayor Costello recommended an amendment requesting the cross easement and waiving the buffer wall; whereby, Mr. Ervin advised that would be staff's recommendation.

Commissioner Boyle moved, seconded by Commissioner Kent, to amend the resolution requesting the cross easement and waiving the buffer wall.

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

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

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

Item #9(E) - "Capital Plaza" Planned Business Development

RESOLUTION NO. 2004-36

A RESOLUTION AUTHORIZING THE EXECUTION AND ISSUANCE OF A DEVELOPMENT ORDER FOR "CAPITAL PLAZA" PLANNED BUSINESS DEVELOPMENT TO ALLOW THE REDEVELOPMENT OF AN EXISTING COMMERCIAL SITE TO ALLOW BUSINESS WAREHOUSES IN THE B-8 (COMMERCIAL) ZONING DISTRICT, TO ALLOW A WAIVER TO ELIMINATE ONE REQUIRED LOADING BAY SPACE, TO ALLOW A REDUCTION OF PARKING BAY LENGTH FOR 24 OF THE 93 PROPOSED PARKING SPACES LOCATED AT THE NORTHWEST CORNER OF NOVA ROAD AND MORELAND BOULEVARD (1105 MORELAND BOULEVARD); ESTABLISHING CONDITIONS AND EXPIRATION OF APPROVAL; AND SETTING FORTH AN EFFECTIVE DATE.

Commissioner Kent moved, seconded by Commissioner Boyle, to approve Resolution No. 2004-36, as read by title only.

Mr. Curtis Burkett, P.E., Senior Project Manager with Zev Cohen and Associates, stated he was in full agreement with the resolution and conditions associated with it and offered to answer any questions.

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

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

Item #10 - Aviation Advisory Board

ORDINANCE NO. 2004-01
 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 CHANGING THE BOARD MEMBERSHIP FROM SEVEN TO FIVE MEMBERS; PROVIDING CRITERIA FOR THE APPOINTMENT OF BOARD MEMBERS; PROVIDING TERMS AND CONDITIONS; AND SETTING FORTH AN EFFECTIVE DATE.

Mayor Costello reported if this ordinance were passed, the Aviation Advisory Board membership would be reduced from seven to five. He questioned the City Attorney whether this ordinance should be approved and staff directed to examine the conflict issues with other boards, or whether this should not be approved and staff directed to come back with something involving all of the boards and reducing the membership on the Aviation Advisory Board to five members.

Mr. Hayes reported the Commission could approve this ordinance as written if it desired to reduce the membership, but if the Commission desired to move the portion of the ordinance regarding conflicts of interest to the general administrative portion of the code, that section could be deleted from this ordinance. In that way, the reduction of membership would be approved on first reading at this meeting with a second reading of the ordinance at the next meeting. He advised that staff could present a draft ordinance for first reading at the next meeting consistent with the information provided in the packet to address conflicts of interest for all boards. He advised that it was inappropriate for members to serve on advisory boards where a contractual relationship with the City existed. Mr. Hayes advised that there was an Attorney General opinion that was directly on point with regard to the fixed based operations at airports. He noted at the last Commission meeting there was some concern that the regulations were overly restrictive, and staff was asked to look at a number of exemptions within the statutes; thus, the revised ordinance was presented. Since that time, he advised that his office was made aware of other boards where a similar conflict may exist, and it may be more appropriate to adopt general advisory board regulations that address conflicts of interest on all the boards.

Commissioner Boyle moved, seconded by Commissioner Selis, to approve that portion of Ordinance No. 2004-01 relating to the reduction of membership from seven to five, on first reading.

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

Item #11(A) - Interlocal Agreement Creating the Volusia County MPO

RESOLUTION NO. 2004-37
 A RESOLUTION ENDORSING A FINAL DRAFT OF AN INTERLOCAL AGREEMENT CREATING THE VOLUSIA COUNTY METROPOLITAN PLANNING ORGANIZATION; AUTHORIZING AND DIRECTING THE CITY'S APPOINTED MEMBER OF THE METROPOLITAN PLANNING

ORGANIZATION TO VOTE IN FAVOR OF APPROVING THE FINAL DRAFT OF THAT INTERLOCAL AGREEMENT; AUTHORIZING THE CITY'S REPRESENTATIVE TO THE METROPOLITAN PLANNING ORGANIZATION TO EXECUTE THE INTERLOCAL AGREEMENT; AND SETTING FORTH AN EFFECTIVE DATE.

Commissioner Selis moved, seconded by Commissioner Partington, to approve Resolution No. 2004-37, as read by title only.

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

Item #11(B) - Bid for Services at the Nova Community Park Ballfield No. 3

RESOLUTION NO. 2004-38

A RESOLUTION ACCEPTING THE BID OF BEAN CONSTRUCTION, INC., REGARDING CONSTRUCTION SERVICES AT THE NOVA COMMUNITY PARK BALLFIELD NO. 3 UNDER BID NO. 2004-02; REJECTING ALL OTHER BIDS; AUTHORIZING THE EXECUTION OF A CONTRACT AND PAYMENT THEREUNDER; BY REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; AND SETTING FORTH AN EFFECTIVE DATE.

Commissioner Partington moved, seconded by Commissioner Selis, to approve Resolution No. 2004-38, as read by title only.

Commissioner Boyle stated that this project needed to be done, but he expressed concern about the cost coming from the General Fund that had not been predicted. He noted at the recent goal-setting meeting it was discussed that it would not be necessary to have an increase in millage, and he hoped that had not changed. With that said, he stated he would favor Option No. 1, which was to appropriate an additional \$33,100 from the General Fund reserves to fund this construction as bid.

Mayor Costello advised he was also in favor of not increasing the millage, but he did not wish to connect this project to the millage rate.

Commissioner Selis requested a report outlining the pros and cons of allowing advertising at the ballfields.

Commissioner Boyle concurred with Commissioner Selis' request and recommended all advertisements be in green and white. He stated this would not have a negative impact.

Call Vote:	Commissioner Boyle	Yes
	Commissioner Kent	Yes
	Commissioner Selis	Yes
	Commissioner Partington	Yes
Carried.	Mayor Costello	Yes

Item #11(C) – Chelsea Place Annexation and Development Agreement

RESOLUTION NO. 2004-39

A RESOLUTION AUTHORIZING THE EXECUTION OF AN ANNEXATION AND DEVELOPMENT AGREEMENT AND RESTRICTIVE COVENANTS BETWEEN THE CITY OF ORMOND BEACH AND MHK OF VOLUSIA COUNTY, INC.; AND SETTING FORTH AN EFFECTIVE DATE.

Commissioner Kent moved, seconded by Commissioner Selis, to approve Resolution No. 2004-39, as read by title only.

Commissioner Boyle questioned whether the issue of the enclaves that would be created by this annexation had been addressed.

Mr. Ervin reported there were two properties; one lot was vacant and currently up for sale, and the other was a single-family residence immediately east of Lowe's. He stated staff was contacting the property owners to determine if they would be willing to annex. Mr. Ervin advised the pond depicted on the maps was owned by Volusia County. He explained the vacant lot had wetlands, and the single-family lot was surrounded by Office-Professional.

Commissioner Boyle clarified that staff had indicated it would be preferable to have the property annexed into the City before construction began because agreement of the various property owners to annex may be problematic after it was developed. He noted also that there were a lot of wetlands on the map, and Volusia County's wetland regulations were not as stringent as Ormond Beach, stressing the importance of developing under City regulations. He questioned approximately how much of the property was wetlands.

Mr. Ervin advised that approximately 40% of the site was wetlands. He advised that the amount of impact to the wetlands from this development would be fairly negligible, and the developer would provide a majority of the mitigation on site. He advised the development is in compliance with the City's standards regarding the flood plain and wetlands.

Commissioner Boyle explained for the City to provide water and sewer services to a property such as this, three conditions must be met: (1) there must be an agreement to annex into the City once the property becomes contiguous; (2) the property must be in the City's water service area; and (3) the development must be consistent with our land use policies and compatible with adjacent land uses regarding density and intensity. He questioned how compatible a development with 55' to 70' lots would be to the adjacent Spring Meadows subdivision, which has lots that are a minimum of 80 feet, unless the property was developed under a Planned Unit Development where trade-offs such as parks and community centers could be factored in. He noted that was not the case with this development. Commissioner Boyle advised he still had concerns about the impact to the wetlands, and he would be more comfortable if the lots were 80 feet. He questioned if the enclave issues could be resolved and the property annexed, whether the 80' lots could be required for the development.

Mr. Ervin reported that based on the annexation agreement, 80' lots could not be required. He explained the City would have to honor the development approvals already granted through the County, which allowed for reduced sized lots. He noted that in accordance with the goals and policies of the City's Future Land Use Map, the City does allow for reduced size lots. He stated the City must be consistent with the code, and he advised that applications for reduced lot sizes have been denied in the past based on discovery of fact by the City Commission where a development was felt not be consistent. He pointed out that there is a land buffer with sufficient vegetation between this property and Spring Meadows; therefore, there would be no impact from the change in lot size. He noted also that the River Oaks Residential Planned Unit Development has 70', 80' and 90' lots adjacent to 120' lots.

Commissioner Boyle stated Mr. Ervin's comments provided some degree of comfort. He advised that he had spoken with the City Attorney who advised that even though this project would reduce an existing enclave by 95%, under the law, because of the two small properties remaining, this property may not be annexed at this time. Commissioner Boyle stated the City had been trying to reach an agreement with Volusia County where the development standards of projects that are adjacent to the City would be required to develop under City standards, requiring the 80' lots; but these large developments adjacent to the City continue to be a problem for the City. He stated this is a recipe for urban sprawl that continues, and he would not be able to support this resolution.

Commissioner Selis noted there were only two exits, one on Granada Boulevard and one on Hand Avenue, which would not seem to be adequate for ingress and egress. He asked for clarification that if the Commission did not approve this, the project would be developed according to County standards; whereby, Mr. Ervin advised that would be correct, as the project has a valid County development order. Commissioner Selis questioned if there was some means by which an additional access to the development could be established on the far western portion adjacent to Hand Avenue. He noted he had concerns; however, the Commission's hands were tied.

Mr. Ervin advised the County contacted the City relative to the traffic issues. He advised the access on Granada would be for a right-turn in and right-turn out only, and the primary access would be a fully functional access intersection at Hand Avenue. He noted westbound traffic to Granada Boulevard would be more likely to use the Hand Avenue access.

Commissioner Selis stated he hoped that in the future, the County would work more closely with the City on these types of projects to address traffic concerns; however, he saw little choice but to approve the ordinance.

Commissioner Partington questioned that the City might never be able to annex this property because of the pockets that would result; whereby, Mr. Ervin explained that, considering the size of the properties, they could probably be annexed with the assistance of the legislature if the property owners would not agree to annex voluntarily. He noted that other cities have been successful in doing that.

Mr. Turner reported Ormond Beach, Holly Hill, and Volusia County were working on reducing enclaves through the legislature, and these properties could possibly be added to that package.

Mr. Ervin advised that one property owner had previously refused to annex; however, staff would inquire again.

Commissioner Partington expressed concern relative to the lot size, the traffic access on Granada Boulevard and the number of homes. He noted the developer did not work with the City as some of the previous developers had where they met with residents and City staff to resolve problems before coming before the Commission. Commissioner Partington advised he was very conflicted on this issue, but he felt the property should be in Ormond Beach.

Commissioner Kent concurred that he too was concerned relative to the lot size. He questioned if staff would be contacting the property owners of the two small properties again; whereby, Mr. Ervin reported letters would be sent outlining the benefits and requesting they meet with staff. He noted, however, the owners of the vacant parcel may be hesitant to annex into Ormond Beach due to the City's wetland regulations.

Commissioner Kent asked if the properties could annex into Daytona Beach; whereby, Mr. Hayes advised the properties were clearly in the Ormond Beach water and sewer service area. He stated if Ormond Beach denied service, they could petition Daytona Beach for annexation.

Mayor Costello advised that whether these properties develop in the City or the County, Ormond Beach would still get the impacts. He stated the question was if Ormond Beach wanted to receive the impact fees and the tax benefit from the project that would occur. Mayor Costello noted the enclaves created would be less than 10 acres, and the law relatively easily allows municipalities to square off their boundaries where properties of less than 10 acres occur. He questioned if the Commission decided to pass this resolution, could an amendment be included to indicate when lots would be sold each lot owner should have to sign an annexation agreement.

Mr. Hayes reported this was addressed by the resolution indicating a restrictive covenant would be placed on the face of each deed requiring that be done.

Mayor Costello reported that regardless of what would occur in this instance, there should be something in the code that would allow the City to extract impact fees if the City would provide water and sewer services to someone who was not currently annexed into the City.

Mr. Ervin reported that in the early discussions staff was trying to figure out a method of how to collect all the impact fees that would normally be collected for this project, such as parks and recreation, local roads, stormwater, and water and sewer impact fees. He stated staff was attempting to come to a balance of collecting the impact fees if the applicant was willing to do so with the City providing water and sewer services at in-City rates; however, the code did not allow for this, and staff did not continue to proceed. Mr. Ervin noted staff would research this, and if it would be beneficial, staff would present this to the Commission as a discussion item.

Mayor Costello pointed out the County recently increased its fire protection fee by 25%, affecting these enclaves. He reported the disparity between County and Ormond Beach taxes varied, and Ormond Beach may be less in some areas, making annexation more beneficial to some of the residents. He reported the landowners may not annex until the lots are sold; however, he found comfort that the deed would include leverage as Mr. Hayes had described and that the local legislature would probably clear up this annexation problem. Mayor Costello reiterated the City would have the impacts whether the property was developed inside or outside the City limits.

Mr. Mark Watts, 150 Magnolia Avenue, with the law firm of Cobb and Cole, stated there were many issues to work through, especially considering the property was in the middle of multi-

jurisdictional boundaries. He advised the developer had done his best to work with everyone involved and to address all the issues. Mr. Watts thanked Mr. Hayes, Ms. Sloane, Mr. Ervin, and the planning staff for all the time they spent working on this project in the past six months. He reported the Commission would probably have similar situations where enclaves wanted to annex in while other enclaves prevent the annexation, and he and City staff were working on a model that would make the issue easier the next time it would occur. Mr. Watts addressed the issues of the mechanics of the annexation. He stated the agreement itself would be recorded as a restrictive covenant affecting all of the property, and the agreement provided that individual deeds to properties would be placed on notice of their obligation to annex at the time that the enclave issues could be resolved. Mr. Watts reported the permitting issue could be very difficult relative to dealing with different jurisdictions; therefore, the agreement provided a mechanism that allowed the entity that issued the original permit to carry the project through to the end. He stated if the annexation would occur and permits were outstanding for subdivision improvements, the County would continue doing the inspections until those issues were resolved, at which time the remaining permitting would occur through the City. Mr. Watts advised he was sensitive to the Commissioner's concerns relative to the lot size. He noted he had preliminary plat approval and the approvals necessary to construct the subdivision under the County's zoning code, and while the City's process was different, he had worked through that process before. Mr. Watts reported had the property been able to annex, he would have worked through the City's process; however, that could not occur. He asked the Commission to approve this annexation agreement.

Commissioner Partington clarified that Mr. Watts indicated that whoever started the permitting process would remain even after an annexation occurred.

Mr. Watts concurred. He stated the County would be paid up front for permitting fees and should the project annex in the midst of the project, permitting would continue through the County, preventing the City from having to come out to do the final inspection without receiving any of those permitting fees. Mr. Watts reported it seemed a more cost effective method for handling the permitting process and would prevent logistical problems of switching permitting agencies in the midst of the process.

Commissioner Partington questioned what would give Volusia County the impetus to continue permitting other than that they had received a fee for something they may not have fully satisfied.

Mr. Ervin reported when he came to Ormond Beach in 1994, Ormond Towne Square was approved by the County and built on County permits, and as soon as it was annexed, the County stopped their inspections. He stated that caused massive confusion when the City stepped in. Mr. Ervin advised two types of construction would occur, horizontal for the utilities and vertical for the homes. He explained if the project would be installing pipes for stormwater, that permit would be allowed to close out, since Ormond Beach would be doing the inspections for the water and sewer in any event. Mr. Ervin stated if a home were being constructed, that permit would be closed out by the County, but any new permits would come through the City.

Commissioner Partington asked if the County had agreed to complete the process since they would normally stop as soon as the annexation agreement would be approved.

Mr. Watts reported this agreement would give clarity on that issue. He stated there was no documentation in the Ormond Towne Square situation; however, this was a clear agreement on who would provide the permitting. He noted this would place the burden on the developer to have the County fulfill its permitting obligations and to see the project through.

Commissioner Partington reported he was comfortable with this situation relative to the developer; however, he had less comfort relative to the County.

Mayor Costello stated that annexing the parcel would diminish the size of the enclave. He questioned what would occur if Ormond Beach annexed the parcel to diminish the enclave, and the County did not challenge the annexation.

Mr. Hayes stated anyone who qualified as an affected party had standing to challenge the annexation, and the County would definitely have standing. He reported enclaves are a problem, and the legislative intent was to clean them up; but it was difficult to prepare a seamless document to allow the annexation of everything without potential problems.

Mayor Costello questioned if it were possible to annex the land and agree to provide service to the two enclaves, and then send a letter to the County asking if they would consider not challenging the annexation.

Mr. Turner stated the actions taken on this item may cause the County some concern on other pending items. He reported if the Commission desired to take the action Mayor Costello recommended, he suggested talking to the County before the action was taken.

Mr. Ervin concurred with Mr. Turner.

Mayor Costello reported he would rely on Mr. Turner to use the correct wording to indicate that in a cooperative spirit, this would occur; and rather than forcing the County to permit an area that would not remain in the County, annexation could occur first, avoiding the confusion of who would do the inspections. He asked if the County would agree not to challenge the annexation, would there be any other problems in annexing the parcels.

Mr. Hayes reported the situation may work out without problems. He stated the incentive was for the annexation to occur because if it were in the County, the rates for water and sewer services would be higher than if it were in the City. Mr. Hayes clarified what was before the Commission this evening was consideration of approval of an agreement that would require the property to be annexed at some time in the future. He stated if the parties could work out an agreement that the annexation could be done sooner, then that could be done; but it was not the issue for tonight.

Mr. Watts advised he would continue to work with the City in that regard.

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

Item #12 – Utility Service to the Tuscany Subdivision

Mayor Costello reported staff requested this item be tabled.

Commissioner Selis moved, seconded by Commissioner Kent, to table Item #12 to the February 3rd City Commission meeting.

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

Item #13 - Reports, Suggestions, Requests

Zaxby's Restaurant

Commissioner Kent advised he received a call relative to camper parking at Zaxby's Restaurant. He requested a copy of all correspondence the City has had with the management or owners of Zaxby's along with Zaxby's responses.

Recreation in Ormond Beach

Commissioner Kent requested a report on how much had been spent in the last ten years on recreation in Ormond Beach by zone.

Expression of Thanks

Commissioner Kent advised at first meeting he thanked numerous people but forgot to thank his fellow Commissioners. He thanked his fellow Commissioners for their leadership, skills, and ability and noted it was a pleasure working with them.

Commissioner Kent thanked Mayor Costello for attending the Martin Luther King celebration considering the loss he recently suffered.

Condolences

Commissioner Selis offered condolences to Mayor Costello on the loss of his mother.

Working Together

Commissioner Selis commended the Commission for working together through the many issues on this agenda this evening as quickly as it did, as the meeting had the potential to last much longer.

Full Schedule of Events

Commissioner Partington reported he had attended many functions and met many people. He noted he attended the annual dinner of the Chamber of Commerce; the VCARD development review for newly elected officials seminar; the goal setting meeting; visited Roland Via for an interview and to co-host for WELE radio; met with Richard Jaffe to tour the Trails; the Arbor Day tree planting celebration at Central Park; the Starry Starry Night festivities touring the MacDonald House, the Ormond Art Museum, and The Casements; a tour of the airport field sports complex; the South Ormond Neighborhood Center Martin Luther King program; and a sales tax reform program at the Daytona Beach Chamber of Commerce.

Commissioner Partington urged staff to work on the T-ball fields at the airport field sports complex since that was the first impression parents with young children receive of City sports programs.

Commissioner Partington advised he attended the funeral of Professor Dan Stoudt of Daytona Beach Community College who had been his instructor. He reported Mr. Doug Sutton, a friend living in Zone 3, passed away at age 34 on January 8th. Commissioner Partington stated Mr. Sutton was a decorated military veteran serving in the Gulf War. He offered his condolences to the families of these two people who had an impact on his life.

Commissioner Partington reported that the many activities he described made it important to have the ambassador program Mayor Costello was trying to establish so the Commission would not need to attend every event.

Staff Commendation

Commissioner Partington reported one of the reasons this meeting went as well as it did was because staff prepared the needed information making it easy for the Commission to make their determinations.

Commissioner Boyle thanked the City Manager for the goal-setting meeting. He stated the presentations, particularly those by Ms. Sloane, were precise, on point, and prepared in a short period of time. Commissioner Boyle also thanked those staff members who gathered the information for Ms. Sloane and Mr. MacLeod to present.

Commission Commendation

Commissioner Boyle reported there was a great interview with Mayor Costello in *Ormond Magazine* relative to Ormond Crossings. He stated Mayor Costello was the ultimate ambassador for Ormond Beach. Commissioner Boyle thanked Mayor Costello for his leadership and for the appropriate remarks he made at the prayer breakfast celebrating Martin Luther King Day. He echoed Commissioner Kent's praise for Mayor Costello for attending the event, knowing it must have been difficult at this time of personal loss.

Commissioner Boyle thanked Commissioner Partington for the interview on WELE displaying his keen insights on City issues and a deft handling of tough callers, showing diplomacy and professional skills. He also thanked Commissioner Partington for his leadership by inviting the dancer to this meeting.

Commissioner Boyle reported Commissioner Kent showed great leadership at the goal setting meeting, noting he found comfort in knowing he was not bashful and would not accept misbehavior by any Commission member.

Board Expansions

Commissioner Boyle reported Mayor Costello recommended possible board expansions be considered at an earlier workshop. He requested an item be added to the next agenda to discuss expanding the Recreation Board, giving Pop Warner a permanent seat and possibly including Harry Wendelstedt. Commissioner Boyle advised he was aware Mr. Wendelstedt had a contract with the City, but Mr. Wendelstedt also raised the money to pay for the fields. He suggested giving permanent seats on the Historic Landmark Preservation Board for the Ormond Beach Historical Trust and the Casements Guild, allowing the organizations the right to select their representative; and in that way, a Commissioner would not have to give up an appointment in order to have those organizations represented.

Beach Access

Commissioner Boyle concurred with the Commission that the City should take a positive approach to the issue of beach access; however, it had been well reported that he has had radical ideas relative to this issue. He advised he created a document with a suggested set of strategies that the Commission may consider following. Commissioner Boyle advised he also

included a memo from last year. He offered this information to the Commission for a discussion item at the next meeting since the County Council would discuss this item at their second meeting in February. Commissioner Boyle reported the Commission could delete, expand, or amend his suggestions. He advised this may be an issue that should be communicated to the editorial board. Commissioner Boyle reported that if the City was willing to pay for the parking out of City funds, this goal would then decrease in priority for him behind some of the other goals articulated by his fellow Commission members.

Goal Setting Meeting

Commissioner Boyle reported he favored the point system used in setting goals at the goal setting meeting; however, the Mayor should be able to articulate a fifth goal since the four Commissioners were more parochial in their goal selection. He recommended this issue be discussed at a future date.

Mr. Turner thanked the Commission for an excellent goal setting session.

Full Agenda

Mr. Turner commended the Commission for working through an extremely long agenda so quickly and cautioned that the agenda for the first meeting of February would also be long.

Mr. Turner thanked staff for pulling the information together for this packet and for the work that was done for the goal-setting meeting on short notice.

Daytona Beach Conflict

Mr. Hayes reported that Ormond Beach staff met with the Daytona Beach staff relative to the conflict. He stated Daytona Beach initiated the conflict resolution process on December 3rd and Ormond Beach received formal notice on December 9th. Mr. Hayes advised upon receiving notice, the timeline was triggered for a joint staff meeting that had occurred and then for a joint Commission meeting to be held within 50 days of receiving the notice, or January 28th. He reported having just met with Daytona Beach staff and having issues that the two City's staffs were trying to work through, that deadline could not be met; therefore, that date needed to be extended. Mr. Hayes explained that at the meeting, Daytona Beach asserted Ormond Beach intentionally violated the service agreement. He noted Ormond Beach was expecting to receive specific information and details, but it was not forthcoming; therefore, issues were discussed in general terms. Mr. Hayes reported that at the end of the hour-long meeting, Ormond Beach asked Daytona Beach to provide detailed information to evaluate. He stated Ormond Beach staff would take that information to the Commission with a recommendation, and then contact Daytona Beach. Mr. Hayes advised this was important since it would need to be factored into the timeline in terms of when the joint session would need to be scheduled. He requested Commission permission to extend the joint Daytona Beach/Ormond Beach Commission meeting however long it took to receive the information and evaluate it. Mr. Hayes advised that the Daytona Beach attorney requested a 30-day extension; however, he sent a letter to the attorney, copied to the Commission, indicating that in the spirit of cooperation, the issues should not be rushed. He asked the Commission to grant him and the City Manager authority to enter into whatever time extensions were necessary to evaluate the information and bring it back to the City Commission.

Hearing no objections, Mayor Costello reported Mr. Hayes and Mr. Turner had the authority take the necessary time to evaluate the information and bring it before the Commission.

Corridor Standards

Mr. Turner stated one of last year's goals related to corridor standards with Volusia County. He advised that the County has subsequently developed design and architectural standards for thoroughfares. Mr. Turner described a letter he and other city managers received relative to the County's actions in implementing those standards at its January 22nd meeting, with a request for it to be tabled. He asked Mr. Ervin to provide further information on this issue.

Mr. Ervin reported the County hired a consultant to design their corridor standards. He stated during a discussion relative to the proposed US1 business park project, the County staff indicated their corridor standards would be amended to identify that if there was a city within a specific distance or within a service area of a municipality that had corridor standards for that road, those corridor standards would prevail and that applicant would need to receive approval from that municipality. Mr. Ervin advised that provision had been added to their standards. He stated the newer standards had points of contention that may limit the size of buildings and the number of buildings allowed. Mr. Ervin questioned if the Commission would prefer he attend the County Council meeting on January 22nd to identify the need to proceed and push forward the corridor standards that could easily be implemented or allow for this to be continued to work out

the issues. He expressed his main concern was that there were development applications in the County that would be coming up where it may be important to have the development standards apply in order to protect the City. Mr. Ervin reported the Harley Davidson dealership project had been reported in the newspaper where the site plan did not comply with the City's Greenbelt standards for US1 and I-95.

Mr. Turner requested permission to contact the other city managers to determine what their concerns may be.

Hearing no objection, Mayor Costello urged Mr. Ervin to fight for the corridor standards that the County Council and City Commission seemed to agree on unless the city managers offer a reason to the contrary.

Condolences

Mayor Costello expressed his gratitude for the cards and kind words of condolence at the loss of his mother.

Board Expansions

Mayor Costello concurred with Commissioner Boyle relative to the expansion of the Recreation Advisory Board and the Historic Landmark Preservation Board and urged it to be placed on the next agenda.

Closest Unit Response Agreement

Mayor Costello expressed his excitement relative to the closest unit response agreement between the seven cities and advised he looked forward to extending that agreement to the County. He stated he favored Ormond Beach being the leaders in working with everyone. Mayor Costello pointed out the County had shown good faith although they were not quite where the City would like them to be at this point, but they were proceeding in the right direction.

Goal Setting Meeting

Mayor Costello stated he appreciated the goal setting meeting and noted the Commission did well.

Mayor Costello thanked Commissioner Boyle for his recommendation relative to the mayor receiving extra points in the point system used in setting the goals. He advised the process worked well, and those items that he recommended as goals that were not adopted at the goal setting meeting could be addressed at budget and other times.

Concern Regarding Mayor Costello's E-mail

Mayor Costello requested Commissioner Boyle prepare a document regarding his concerns regarding his e-mail similar to that document he prepared regarding beach access and then present it at the next meeting for discussion or ask Mr. Hayes how this should best be addressed. He noted in that way, he could try to respond to those concerns.

Item #14 – Close the Meeting

The meeting was adjourned at 9:15 p.m.

APPROVED: _____ February 3, 2004

BY: _____
Fred Costello, Mayor

ATTEST:

Veronica Patterson, City Clerk