

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

July 6, 2004

7:00 p.m.

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

A G E N D A

- 1) Meeting call to order by Mayor Costello.
- 2) Invocation by Reverend Bud Murphy, Unitarian Universalist Society.
- 3) Pledge of Allegiance.

4) Approval of the Minutes of the June 15, 2004, meeting.

5) **PRESENTATIONS:**

A) Employee-of-the-Quarter award to Chris Beatty.

B) 2004 Florida Economic Development Council Promotional Materials Award.

6) **AUDIENCE REMARKS:**

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

A) Budget Advisory Board Presentation.

B) Metropolitan Planning Organization

C) Volusia Council of Governments

D) 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. 2004-106 expressing support for Volusia County to issue debt for transportation improvements to the Volusia County road network and to fund the bonds using the appropriate financial resources.

B) Resolution No. 2004-107 authorizing the execution of an impact fee reimbursement agreement between the City and MHK of Volusia, Inc., relative to a potable water main extension along State Road 40 near the "Chelsea Place" subdivision. (\$184,000)

C) Appointing a delegate to serve at the Florida League of Cities Annual Conference.

DISPOSITION: Approve as recommended in City Manager memorandum dated July 1, 2004.

9) **PUBLIC HEARINGS:**

A) Ordinance No. 2004-21 amending Chapter 2, Administration, Article VI, Boards, Commissions, Committees and Other Agencies, Division 2, Enumerated, of the Code of Ordinances, by adding a new section to be numbered and entitled Section 2-227, Goodwill Ambassador Program; by creating a Goodwill Ambassador program; establishing terms and conditions of membership; establishing powers and duties; and setting forth an effective date. (Second Reading)

B) Land Development Code amendments:

1) Ordinance No. 2004-22 amending Section 3-67, In General, of Article VI, Architectural Design Standards, of Chapter 3, Development Design and Construction Standards, of the *2004 Land Development Code*, providing architectural standards for development improvements. (Second Reading)

2) Ordinance No. 2004-23 amending Section 1-16, Lot Splits, of Article II, Subdivision, of Chapter 4, Site Plans, of the *2004 Land Development Code* by clarifying the criteria and requirements for a lot split. (Second Reading)

3) Ordinance No. 2004-24 amending Section 2-50, Accessory Uses, of Article III, General Regulations, of the *2004 Land Development Code* by amending regulations regarding existing non-conforming pool screen enclosures. (Second Reading)

4) Ordinance No. 2004-25 amending Section 1-26, Application Processing Fees, of Article IV, Schedule of Development Review and Impact Fees, of Chapter 1, General Administration, of the *2004 Land Development Code* by establishing fees for the extension of public hearings and for lot split applications. (Second Reading)

- 5) Ordinance No. 2004-26 amending Section 3-47, Business Premises Identification Signs, of Article IV, Sign Regulations, of Chapter 3, Performance Standards, of the *2004 Land Development Code* by deleting regulations regarding the B-1, B-9 and B-10 zoning districts. (Second Reading)
 - C) Ordinance No. 2004-27 amending Subsection A, Zoning Map, of Section 2-03, Official Zoning Map and Zoning District, of Article I, Establishment of Zoning Districts and Official Zoning Map, of the Land Development Code, by amending the Official Zoning Map to rezone a 164.5-acre parcel of real property from SR (Suburban Residential) to PRD (Planned Residential Development), said real property being located north of Airport Road, east of I-95, south of the City's business park and west of the Ormond Green subdivision; establishing boundaries; authorizing revision of official zoning map; approving the Pineland Planned Residential Development Order. (First Reading)
 - D) Ormond Crossings:
 - 1) Ormond Crossings Community Redevelopment Area.
 - 2) Resolution No. 2004-108 authorizing the execution of an Interlocal Service Agreement providing for municipal police, fire and emergency response services between the City of Ormond Beach and the County of Volusia.
 - 3) Ordinance No. 2004-28 annexing certain real property into the City of Ormond Beach, said property consisting of approximately 3,095± acres and being generally located along the west side of North US1 and along the north and south sides of Interstate 95; including part of Interstate Highway I-95 and service roads east and west of I-95, part of Gower Street, part of Flagler Road, and part of Hull Road lying between US1 and Florida East Coast Railway; setting forth zoning, privileges and obligations regarding the property; redefining the territorial boundaries of the City of Ormond Beach to include the property; re-designating the boundaries of Zone 3 of the City of Ormond Beach to include the property; authorizing the execution of an annexation agreement; providing for transmission; providing for severability; and setting forth an effective date. (First Reading)
- 10) **FIRST READING OF ORDINANCES:**
- A) Ordinance No. 2004-29 vacating that portion of the Old Tomoka Road right-of-way abutting the "Tuscany" Planned Residential Development.
 - B) Ordinance No. 2004-30 approving the preliminary and final plat for "Tuscany" Planned Residential Development; establishing conditions and expiration dates of approval; authorizing the placement of official traffic control devices.
 - C) Ordinance No. 2004-31 amending Section 12-36, Taxes Imposed, of Chapter 12, Article I, Licenses and Business Regulations, of the *Code of Ordinances* of the City of Ormond Beach; providing a five percent increase in occupational license taxes; providing for an effective date.
- 11) **RESOLUTIONS:**
- A) Resolution No. 2004-109 accepting a bid from Masci Corporation for drainage and utility improvements under Bid No. 2004-21 regarding the Dormont Drive, Ellicott Drive, Ormwood Drive, Ann Rustin Drive and North Halifax Drive project; authorizing the execution of a contract and payment therefore; rejecting all other bids. (\$2,193,337.35)
 - B) Resolution No. 2004-110 appointing Joyce High, Rick Fraser, Doris Katz, Bob Coleman and Rita Press to serve as ambassadors of the Goodwill Ambassador program; setting forth terms and conditions of service.
- 12) **DISCUSSIONS:**
- A) Volusia County growth boundaries.
 - B) Airport issues.
- 13) **REPORTS, SUGGESTIONS, REQUESTS:** Mayor, City Commission, City Manager, City Attorney.

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14) Close the meeting.

Item #1 - Call to Order

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

Item #2 - Invocation

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

Item #3 - Pledge of Allegiance

Mayor Costello led the Pledge of Allegiance.

Item #4 – Approval of Minutes

Mayor Costello advised the minutes of the June 15, 2004, regular 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) – Employee-of-the-Quarter

Mr. Isaac Turner, City Manager, announced Ms. Chris Beatty as Employee-of-the-Quarter. He stated that she began her career with the City in January 2001 and now served as an Office Assistant in the Police Department, assigned to work with the three Division Chiefs. Mr. Turner reported Ms. Beatty was a consummate professional paying attention to details and displayed a commitment to the organization. He reported that before employment with Ormond Beach, Ms. Beatty worked as a fire dispatcher with EVAC for ten years, was a certified EMT, and since 1998 she worked as volunteer firefighter/EMT with the Seville Fire Department.

Mayor Costello congratulated Ms. Beatty and presented her with two plaques to be placed on display at City Hall honoring her as the Employee-of-the-Quarter, along with a watch with the City seal on its face.

Item #5(B) – 2004 Florida Economic Development Council Promotional Materials Award

Mr. Turner recognized Mr. Joe Mannarino and Ms. Kay Kocher for the 2004 Promotional Materials Award, which was presented to the City. He stated Mr. Mannarino and Ms. Kocher played a key role in preparing a marketing package to recruit quality businesses to Ormond Beach. Mr. Turner reported this marketing package contained a great deal of material regarding Ormond Beach's statistics, demographics, and workforce in a very well organized and professional fashion.

Mr. Joe Mannarino, Economic Development Director, thanked Mr. Turner for his comments. He thanked his assistant, Ms. Kay Kocher, and he also thanked Mr. Mike Jiloty and Ms. Cindy Jenkins of Lord and Lasker for making a product the City could be proud of and would be effective in bringing businesses to Ormond Beach. He advised this package was currently being used for the business park and would be used for the new, larger industrial park in the future. Mr. Mannarino expressed appreciation that the Florida Economic Development Council had presented this prestigious award in the small cities category to the City of Ormond Beach.

Item #6 - Audience Remarks

Birthplace of Speed Designation

Mr. Donald Bostrom, 274 Cumberland Drive, reported there was recently a discussion relative to renaming Granada Boulevard to Birthplace of Speed Boulevard, renaming the Granada Bridge, or Commissioner Boyle's suggestion of naming the beach the "Birthplace of Speed Beach." He advised it was decided that the words "Birthplace of Speed" would be added to Ormond Beach signs. Mr. Bostrom reported this has yet to be done. He noted the Commission correctly denied the proposed \$67,000 welcome sign. He cautioned that Ormond Beach not allow the speedway to steal its identity, which has been occurring. Mr. Bostrom advised the cost of adding those words to City signs could not be greater than \$2,000, and he volunteered to raise the funds to pay for it if the City could not afford the cost. He reiterated Ormond Beach must protect its image as the Birthplace of Speed.

Mayor Costello asked Mr. Bostrom to meet with Mr. Turner to propose possible locations as to selecting which signs the words “Birthplace of Speed” might be added.

Sewer Connections on A1A

Mr. James Richards, Ormond-by-the-Sea, director and resident of the Ormond Condominium, advised that he represented 70 unit owners at the Ormond Condominium. He stated the City Commission would soon be discussing an issue affecting many people relative to sewer connections for two developments on A1A. Mr. Richards reported the Holub Development Group would be presenting a Residential Planned Unit Development (RPUD) for approval by the County Council on July 22 indicating the development would make a connection to the Ormond Beach sewer system. He advised his condominium association had been invited to join with Holub Development in the project at a cost of \$30,000 to \$50,000. Mr. Richards stated for the residents to make an informed judgment, information outlined in his letter was needed regarding whether the City would be processing permits, whether the City would permit such a connection, and whether the City would permit the Ormond to make such a connection with Holub Development. He advised the County Planning Board passed another application today for a larger development located next to the Regency Plaza Condominium with 140 units, and they would also probably wish to connect, if possible.

Mayor Costello advised Mr. Turner would contact Mr. Richards within two weeks to discuss this issue.

Breakaway Trails

Mr. Robert Evanoff approached the podium.

Mayor Costello asked Mr. Evanoff if he planned to speak relative to the information he provided in his letter to the Commission; whereby, Mr. Evanoff reported that he was. Mayor Costello read a portion of a letter dated July 2, 2004, to Mr. Evanoff from Deputy City Attorney Sandy Upchurch as follows: “Until such time as the City is presented with a resolution as outlined above, which resolution represents a majority vote of the members of the Breakaway Trails Homeowners' Association, the City will consider this matter closed.” He stated the Commission was not in the position to discuss matters involving the homeowners' association at this time; however, if Mr. Evanoff had anything else to discuss, Mayor Costello invited him to continue.

Mr. Robert Evanoff, 8 Oak Knoll Trail, stated the letter Ms. Upchurch sent was inaccurate.

Mayor Costello reported Breakaway Trails would not be discussed this evening in that he would follow the attorney's advice. He recommended Mr. Evanoff send a letter to the City Attorney indicating he was contesting the decision made on this issue.

Airport Issues

Mr. Adrian Thompson, 4 Pine Look Pass, asked if audience comments would be permitted on Discussion Item# 12(B).

Mayor Costello advised he would allow new information but he would not permit issues that had already been discussed to be repeated.

Mr. Thompson referenced a City memorandum from Mr. Turner to Mayor Costello and City Commissioners relative to the status of the FAA questions. He stated there was no complaint made by Adrian Thompson to the FAA relative to airport issues. Mr. Thompson reported the complaint was a corporate complaint filed by Ormond Beach Aviation, Inc.

Mr. Thompson advised he intentionally went into breach of covenant, but the City made no attempt to enforce his or any other breaches of covenant. He presented Mayor Costello with his checks making him current on his payments, stating, therefore, that Ormond Beach Aviation no longer had a breach of covenant and was in complete compliance.

Mr. Thompson stated that at the last Commission meeting Commissioner Selis made remarks about him that he found offensive and demeaning. He advised he had written to Mr. Turner asking that they be removed from the public record, and he had asked for a public apology from Commissioner Selis; however, neither has been forthcoming. Mr. Thompson stated if Commissioner Selis believed that a citizen and business reporting violations of codes and ordinances along with violations of FAA policy was considered a vendetta, Commissioner Selis should research the definition of the word. He explained the situation was not that he did not “like the answers” given to his question, but that the answers were incorrect. He reported it was

not that he did not trust City staff, but he stated he did not trust City staff's answers because he had consistently shown, with documented evidence, that their answers were incorrect.

Item #7(A) – Budget Advisory Board Presentation

Mayor Costello thanked the members of the Budget Advisory Board for their service and recognized Mr. Bill Olivari.

Mr. Bill Olivari, Budget Advisory Board Chairman, stated this was the first report provided by the Budget Advisory Board, which was created earlier this year to review the City's finances and tax structure, review the proposed budget for FY 2004-05, examine future trends, maintain at least a 12% general fund balance, and make recommendations to the Commission. He introduced the members of the board whom he reported were all City residents with diverse backgrounds and a desire to help and be involved in the community. Mr. Olivari reported the Committee met ten times and was provided access to senior City staff. He thanked Mr. Turner and City staff.

Mr. Olivari advised the following issues were identified by the board: growth in City population; the percentage of general fund to budget allocated to personnel costs; the use of fund balance to balance the budget for the past five years; the growth in the General Fund budget in the past several years; the lack of annual funding mechanisms to hold funds for major renewal and replacement projects; and the fact that the City had adopted the rolled-back rate seven of the last ten years, while the actual expenses in the General Fund increased 7% per year for the past five years. He reported it was clear to the board that to keep the City financially viable, to meet the City's commitments, and to ensure a suitable fund balance, a tax increase over the rolled-back rate was necessary for FY 2004-05 year.

Mr. Olivari displayed a graph depicting the estimate of the population of Ormond Beach to be 34,506 in 1997-98 and 38,000 in 2003-04. He pointed out the number of new residents per year was declining from 900 residents per year to 300 to 400 residents per year. Mr. Olivari explained previous projections assumed an annual growth of 1.8%, but the figures were adjusted to a 1% growth rate or 350 residents per year. He reported the next graph displayed the gross taxable value in the City increased 2.21% during 2003-04 from new construction while reassessment of existing properties increased 6.2%. Mr. Olivari advised that adopting a roll-back rate would increase ad valorem tax revenues by just 2.21%, while expenditures increased by 4.8%. He stated this clearly illustrated that the City's combined millage rate has decreased over the past ten years from 3.76 mills in 1997 to 3.338 mills in 2003-04. Mr. Olivari reported the City reduced the tax to the rolled-back rate seven of ten years and kept the millage levy the same for the past three years. He stated the City could not rely on a roll-back tax millage when that rate had not kept up with expenditures. Mr. Olivari advised the general fund expenditures consisted mainly of personnel costs, 73.2%, and scheduled to increase in 2003-04 and beyond. He reported the committee thoroughly examined the breakdown of this allocation. Mr. Olivari stated the City must control the rate of increase in these costs so they are in line with the increase of general gross revenues projected for the future.

Mr. Olivari pointed to the chart referencing the number of employees for the past seven years, which indicated that in 2002-03 the City had 10.6 positions per 1,000 population, and in 2003-04 there were 10.2 positions per 1,000 population. He explained the Board examined the City of Titusville Staffing Analysis which studied staffing of cities with populations of 36,000 and 46,000 during fiscal year 2002-03 where the median number of employees was 12.3 employees for 1,000 population with an average of 13.8; however, Ormond Beach had 10.3 employees per 1,000 population. Mr. Olivari concluded the number of full-time staff for a City of this size was not bloated, although each area of service should be continually reviewed. He advised the most troubling aspect of the personal costs was the pension cost which totaled \$483,611 in FY 2000-01 and increased to \$2,030,695 in FY 2004-05 equaling a four-fold increase during the past four years. Mr. Olivari reported total pension funding proposed would require .85 mills based on the newly assessed value, and a review of this commitment was overdue. He advised this review could result in reductions of services, programs, or outsourcing of labor requirements. Mr. Olivari stated many other states and municipalities were experiencing these same problems.

Mr. Olivari pointed out Ormond Beach currently had the second-lowest tax rate in Volusia County. He stated the City Commission resisted pressure to cut the millage levy to the rolled-back rate over the past two years; however, the board believed more was necessary. Mr. Olivari reported that over the past several years the City has added much needed firefighters, police officers, and code enforcement officers. He advised the pay scale for the firefighters and police officers was now competitive with other local municipalities. Mr. Olivari noted the City had invested aggressively in road construction and drainage improvements over the past several years, but the City must now address the much needed maintenance, renewals, and replacements at many City facilities. Mr. Olivari stated the Commission must

deal with current fiscal realities. He advised that because the City had kept the tax rate as low as possible, there are now options to address these needs.

Mr. Olivari displayed a chart with six viable options showing the impact of tax rates, their estimated percentage over roll back, and their percentage increase over the current millage levy. He pointed out that each option included funding for an average 3.25% salary increase and the annual debt service of Fire Station #91 in the amount of \$137,000. Mr. Olivari advised the first three options project possible appropriations funded from the fund balance. He reported the Budget Advisory Board recommended the City raise the millage level to at least the Option #5 level of 4.062 mills or less than 4 mills under the newly assessed values. Mr. Olivari stated this would maintain a 12% General Fund balance while providing \$300,000 to establish a dedicated fund to pay for facility renewal and replacement projects with another \$200,000 annually for matching grant opportunities, and he pointed out that any funds not used for grants could be diverted back to fund additional Capital Improvement Program projects. He advised the recommended 4.062 millage rate would continue to give the City one of the lowest tax rates in the County based on last year's rates, and he pointed out that it was not known what the rates would be for this current year in the other municipalities. Mr. Olivari explained that in utilizing Option #6 with a rate of 5.634 mills, the City could complete all of the projects proposed in the Capital Improvement Program at a cost of approximately \$4 million, and the rate would still make Ormond Beach the fourth highest in cities in Volusia County without regard to any increases the other municipalities may propose for FY 2004-05.

Mr. Olivari stated this financial situation was manageable if the City would adopt a more long-term vision. He stated Ormond Beach had a rare quality of life because of the leadership over the past 124 years. Mr. Olivari thanked the Commission for seeking to expand the role of citizens in the budget process through the appointment of this new Budget Advisory Board.

Mayor Costello recommended scheduling a workshop when the Budget Advisory Board could attend rather than holding discussions at this time.

Commissioner Selis reported the Commission already had a workshop scheduled for July 19th and 20th and recommended meeting with the Budget Advisory Board to discuss this on either one, or both, of those dates.

Commissioner Boyle concurred with Commissioner Selis.

Mr. Olivari reported the board would be available at the Commission's request.

Mr. Turner advised staff would make the Budget Advisory Board aware of the meeting dates; and if the full board could not attend, they could have representatives of the board in attendance.

Mayor Costello thanked the board for their courage in stating what many people believed needed to be said. He reported he did not like the result of the board's recommendation; however, he would also not like the result of what would occur in the future if conditions were not corrected now.

Mr. Olivari stated the board members were property owners as well as residents, and he also had a business in Ormond Beach; therefore, this recommendation would affect the board members financially. He reported that in the future the board planned to examine all of the facilities and properties owned by the City, pensions, and outsourcing possibilities.

Commissioner Boyle stated that while he may not agree with the product of the board's conclusions, he commended the process. He commended the board for the many hours of work and thoughtful analysis. Commissioner Boyle reported this was a tremendous help to the Commission.

Commissioner Kent thanked the board for their hard work, dedication, and courage for providing recommendations to keep the level of service the City currently enjoys. He commended staff for lending assistance and being open to this board. Commissioner Kent concurred that these recommendations were very helpful to the Commission. He thanked Mr. Charles Carter for helping him to encourage the creation of the Budget Advisory Board.

Mayor Costello thanked Mr. Carter as well.

Commissioner Selis thanked the members of the board whom he noted represent a cross-section of the community. He reported he had stated in the past that the City was bloated; however, this report convincingly indicated the City was not bloated, and Ormond Beach's tax

level was far below even the third lowest municipality in the area. Commissioner Selis advised Ormond Beach was frequently compared to Port Orange, and he suggested the millage rates of Port Orange and Ormond Beach be compared to better understand why Port Orange could make improvements while Ormond Beach could not. He thanked staff for the time, hard work, and energy they had invested, and stated he looked forward to finding a millage rate that was fair and equitable to all of the citizens.

Commissioner Partington expressed appreciation to the board for taking the time to study the budget, ask the hard questions, and make excellent recommendations to the Commission. He reported he looked forward to any direction the board could offer to bring the pension issue under control without lowering the quality of the pension or the benefits the employees receive. Commissioner Partington stated there would be a tremendous value to have the board examine each City-owned site. He also thanked Mr. Carter for initiating the process for the creation of this board.

Mr. Olivari thanked the board for their hard work and staff for being so open and helpful. He commended the City's senior staff.

Mayor Costello acknowledged Mr. John Leemkuil, a member of the Budget Advisory Board and the second city manager in Ormond Beach. He noted Mr. Leemkuil was finance director before becoming city manager. Mayor Costello challenged the Commission by stating that if the board had provided ways to cut the budget, it would make the Commission heroes, and the Commission would have gladly accepted those cuts; however, the board provided the Commission with the challenge to make tough decisions. He cautioned that no matter what decision the Commission would make it would not be accepted by all. He stated if the Commission members would accept the cuts, then they should accept the board's recommendation; but if they would not have accepted the cuts, then they should challenge the recommendation. Mayor Costello reported this was a quality board that had met ten times to reach these conclusions.

Mr. Turner thanked the committee, finance director Paul Lane, and board secretary Lois Towey. He asked Mr. Lane to make some comments about the increase in the assessed valuation.

Mr. Paul Lane, Finance Director, stated the tax base increased by 10.9% as compared to the prior year. He advised assuming the tax rate would remain, it would be an 11% tax increase as opposed to a 7.2% increase with a 7.7% increase in the tax base providing an additional \$218,000; however, the City would still be short \$248,000 of the 15% tax increase option that was currently built into the budget. Mr. Lane reported the new construction and annexation figures increased 25% from \$47 million to \$58 million, which would only generate an additional \$25,000 at the roll back tax rate.

Mayor Costello urged the Budget Advisory Board members to attend the July 19th workshop.

Item #7(B) - Metropolitan Planning Organization

Mayor Costello reported the Metropolitan Planning Organization (MPO) adopted the 2004-05 to 2008-09 Transportation Improvement Program and the 2025 Long Range Transportation Plan. He advised Ormond Beach was in as good a condition as any other community. Mayor Costello thanked the County Council for considering the Tymber Creek Road issue to be bonded, and he publicly challenged the County to bond the Tymber Creek Road project. He asked staff to inform him what he should do to work with DOT on bike paths along SR40. Mayor Costello stated the MPO favored this project because of the connectivity with other bike paths.

Item #7 (C) – Volusia Council of Governments

Mayor Costello reported the Volusia Council of Governments (VCOG), Volusia County Association for Responsible Development (VCARD), and Volusia County Council were all working on smart growth, and they believed there would be a ballot initiative relative to urban growth boundaries. He stated regardless of a ballot initiative, the County Council has decided to proceed with an urban growth boundary program to be a part of the Smart Growth Initiative. Mayor Costello explained there was a 19 member committee being formed, and VCOG was asked to appoint four members. He stated Mayor Don Smith of Edgewater, Mayor Ted Erwin from Orange City, Mayor Greg Northrup from Daytona Beach Shores, and he were selected to be on that committee. Mayor Costello advised he thought a part of the Smart Growth Initiative should be that the urban growth boundaries also should be the annexation line inside of which the County would support annexations, it should be the urban services providing line; and the level of service the municipality sets should impact the growth outside the urban growth boundary.

Item #7(D) – Water Authority of Volusia

Commissioner Boyle thanked Mayor Costello for his representation on the MPO and VCOG, noting that Mayor Costello not only represented Ormond Beach but the community at large.

Commissioner Boyle reported the Water Authority of Volusia (WAV) met on June 16th. He stated when St. Johns River Water Management District matched or subsidized WAV with \$500,000, WAV's share would be 25%. Commissioner Boyle reported there was an incorrect assumption that WAV's share was \$125,000 when it should actually be \$167,000.

Commissioner Boyle advised the executive board function, was discussed and it was characterized as an anomaly that would probably not recur. He noted the seven speakers supported his position in this matter, and no further action needed to be taken.

Commissioner Boyle stated the discussion at the meeting focused on funding options and projects. He noted it became clear that some members took the position that they could not decide on funding options until the projects were selected while other members took the position that they could not decide what projects to do until they were aware of the funding options. Commissioner Boyle advised these types of organizations have great value, but it would take time working hard to achieve its goals. He stated he remained optimistic.

Commissioner Boyle stated the next meeting would be held July 21st. He reported he possessed copies of projections of the demand for water compared to Consumptive Use Permit (CUP) allocations and projected water costs.

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 Kent moved, seconded by Commissioner Boyle, for approval of the Consent Agenda as submitted.

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

Item #9(A) – Goodwill Ambassador Program

ORDINANCE NO. 2004-21
 AN ORDINANCE AMENDING CHAPTER 2, ADMINISTRATION, ARTICLE VI, BOARDS, COMMISSIONS, COMMITTEES AND OTHER AGENCIES, DIVISION 2, ENUMERATED, OF THE CODE OF ORDINANCES, BY ADDING A NEW SECTION TO BE NUMBERED AND ENTITLED SECTION 2-227, GOODWILL AMBASSADOR PROGRAM; BY CREATING A GOODWILL AMBASSADOR PROGRAM; ESTABLISHING TERMS AND CONDITIONS OF MEMBERSHIP; ESTABLISHING POWERS AND DUTIES; AND SETTING FORTH AN EFFECTIVE DATE.

Commissioner Partington moved, seconded by Commissioner Boyle, to approve Ordinance No. 2004-21, on second reading, as read by title only.

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(A).

Item #9(B)(1) – Architectural Standards for Development Improvements

ORDINANCE NO. 2004-22

AN ORDINANCE AMENDING SECTION 3-67, IN GENERAL, OF ARTICLE VI, ARCHITECTURAL DESIGN STANDARDS, OF CHAPTER 3, DEVELOPMENT DESIGN AND CONSTRUCTION STANDARDS, OF THE 2004 LAND DEVELOPMENT CODE, BY PROVIDING ARCHITECTURAL STANDARDS FOR DEVELOPMENT IMPROVEMENTS; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; PROVIDING FOR SERVERABILITY; AND SETTING FORTH AN EFFECTIVE DATE.

Commissioner Partington moved, seconded by Commissioner Kent, to approve Ordinance No. 2004-22, on second reading, 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(B)(1).

Item #9(B)(2) – Criteria and Requirements for a Lot Split

ORDINANCE NO. 2004-23

AN ORDINANCE AMENDING SECTION 1-16, LOT SPLITS, OF ARTICLE II, SUBDIVISION, OF CHAPTER 4, SITE PLANS, OF THE 2004 LAND DEVELOPMENT CODE BY CLARIFYING THE CRITERIA AND REQUIREMENTS FOR A LOT SPLIT; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; PROVIDING FOR SERVERABILITY; AND SETTING FORTH AN EFFECTIVE DATE.

Commissioner Selis moved, seconded by Commissioner Boyle, to approve Ordinance No. 2004-23, on second reading, as read by title only.

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

Hearing no objection, Mayor Costello closed the public hearing on Item #9(B)(2).

Item #9(B)(3) – Non-Conforming Pool Screen Enclosures

ORDINANCE NO. 2004-24

AN ORDINANCE AMENDING SECTION 2-50, ACCESSORY USES, OF ARTICLE III, GENERAL REGULATIONS, OF THE 2004 LAND DEVELOPMENT CODE BY AMENDING REGULATIONS REGARDING EXISTING NON-CONFORMING POOL SCREEN ENCLOSURES; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; PROVIDING FOR SERVERABILITY; AND SETTING FORTH AN EFFECTIVE DATE.

Commissioner Kent moved, seconded by Commissioner Selis, to approve Ordinance No. 2004-24, on second reading, as read by title only.

Call Vote:	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(B)(3).

Item #9(B)(4) – Fees for the Extension of Public Hearings and for Lot Split Applications

ORDINANCE NO. 2004-25

AN ORDINANCE AMENDING SECTION 1-26, APPLICATION PROCESSING FEES, OF ARTICLE IV, SCHEDULE OF DEVELOPMENT REVIEW AND IMPACT FEES, OF CHAPTER 1, GENERAL ADMINISTRATION, OF THE 2004 LAND DEVELOPMENT CODE BY ESTABLISHING FEES FOR THE EXTENSION OF PUBLIC HEARINGS AND FOR LOT SPLIT APPLICATIONS; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; PROVIDING FOR SERVERABILITY; AND SETTING FORTH AN EFFECTIVE DATE.

Commissioner Partington moved, seconded by Commissioner Boyle, to approve Ordinance No. 2004-25, on second reading, as read by title only.

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)(4).

Item #9(B)(5) – Business Premises Identification Signs

ORDINANCE NO. 2004-26

AN ORDINANCE AMENDING SECTION 3-47, BUSINESS PREMISES IDENTIFICATION SIGNS, OF ARTICLE IV, SIGN REGULATIONS, OF CHAPTER 3, PERFORMANCE STANDARDS, OF THE 2004 LAND DEVELOPMENT CODE BY DELETING REGULATIONS REGARDING THE B-1, B-9 AND B-10 ZONING DISTRICTS; BY REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; PROVIDING FOR SERVERABILITY; AND SETTING FORTH AN EFFECTIVE DATE.

Commissioner Partington moved, seconded by Commissioner Boyle, to approve Ordinance No. 2004-26, on second reading, 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(B)(5).

Item #9(C) – Pineland Planned Residential Development Order

ORDINANCE NO. 2004-27

AN ORDINANCE AMENDING SUBSECTION A, ZONING MAP, OF SECTION 2-03, OFFICIAL ZONING MAP AND ZONING DISTRICT, OF ARTICLE I, ESTABLISHMENT OF ZONING DISTRICTS AND OFFICIAL ZONING MAP, OF THE LAND DEVELOPMENT CODE, BY AMENDING THE OFFICIAL ZONING MAP TO REZONE A 164.5-ACRE PARCEL OF REAL PROPERTY FROM SR (SUBURBAN RESIDENTIAL) TO PRD (PLANNED RESIDENTIAL DEVELOPMENT), SAID REAL PROPERTY BEING LOCATED NORTH OF AIRPORT ROAD, EAST OF I-95, SOUTH OF THE CITY'S BUSINESS PARK AND WEST OF THE ORMOND GREEN SUBDIVISION; ESTABLISHING BOUNDARIES; AUTHORIZING REVISION OF OFFICIAL ZONING MAP; APPROVING THE PINELAND PLANNED RESIDENTIAL DEVELOPMENT ORDER; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; AND SETTING FORTH AN EFFECTIVE DATE.

Commissioner Partington moved, seconded by Commissioner Boyle, to approve Ordinance No. 2004-27, on first reading, as read by title only.

Mr. Richard Wohlfarth, consulting engineer with CCL Consultants, displayed a PowerPoint presentation regarding the Pineland project. He stated the project included 164 acres with 162 units and a five-acre house of worship. Mr. Wohlfarth reported the gross density would be 1.11 units per acre, which would be lower than the densities of the surrounding subdivisions. He advised this item was before the Commission on August 19, 2003, and four issues were raised. Mr. Wohlfarth reported the issue that remained was traffic. He stated the other issues were water management, buffering along Pineland Trail, lot sizes, and the relocation of a sign; however, many of those issues had been resolved. Mr. Wohlfarth reported the proposed 60-foot lots were eliminated, and all lots would be a minimum of 80-feet. He advised a wall would run the majority of the length behind the lots along Pineland Trail, and this issue was addressed satisfactorily. Mr. Wohlfarth stated the Ormond Green sign would be moved as requested. He explained the road currently has a 90-degree turn, and it would be relocated.

Mr. Wohlfarth stated there were two water management issues raised. He advised the first issue was what effect the project would have on Ormond Green locally. Mr. Wohlfarth reported the area had been flooding, but the majority of the problems had been rectified; and when this project would be completed, the situation would improve to an even greater extent. He explained any developer must follow the St. Johns River Water Management District criteria in that the developer must prove the development would not reduce the ability of the water coming onto the site. Mr. Wohlfarth reported the developer must also retain the water, treat it, and the water leaving the site would have a higher quality than that leaving the site today. He advised all of the necessary studies had been done. Mr. Wohlfarth reported the wetland impacts consist of 10% of the site, and most are low quality impacts along the fringes, which was well below the City's allowable limits. He stated 25% of that figure was Pineland Trail that would be rebuilt. Mr. Wohlfarth advised this project had floodplain encroachments that were addressed because all floodplain encroachments must be mitigated and adequate compensatory storage be provided. He pointed out that this project would exceed compensatory storage minimums.

Mr. Wohlfarth reported the major concern centered on traffic on Airport Road and Tymber Creek Road, and more specifically, at the intersection of Airport Road and Tymber Creek Road.

Mr. David Mulholland, Senior Vice-President with G&B Engineers and Planners, advised the project was located north of Airport Road and east of I-95, but the problems arose from the Tymber Creek area and the Airport Road and Tymber Creek Road intersection. He stated the project methodology was established in close coordination with City and County staff using City guidelines and adhering to the County's criteria. Mr. Mulholland advised his firm prepared the traffic study conferring with City staff, County staff, and the City's third party consultant. He reported the only concurrency problem was at the Tymber Creek Road and Airport Road intersection. Mr. Mulholland advised a recommendation made was to place a northbound right-turn lane at the intersection since 50% of the traffic was making a right-turn movement, and this lane would relieve a great deal of congestion. He stated the County had planned a major improvement at this intersection as a portion of their widening effort of Tymber Creek Road that was being held up for a bond issue for 2005. Mr. Mulholland advised that if the bond would not go forward, the developer would propose to include the right-turn improvement that would satisfy the Florida Statutes and the concurrency requirements set forth by Ormond Beach.

Mr. Mulholland reported the current configuration at the intersection was a single lane approach at all movements, and the northbound approach had a single movement with over 700 vehicles. He advised the right-turn movement proposed would be an interim condition between what currently existed and the proposed Volusia County project. Mr. Mulholland explained the County proposed exclusive lanes for a left turn, through traffic, and right turn movements northbound and eastbound, and a dedicated left-turn on the westbound and southbound lanes. He noted the only issue at the intersection was a right-of-way issue directly associated with drainage as opposed to lane construction.

Mr. Mulholland reported there were approximately 110 vehicles in the cue today backing up over 2,500 feet with a level of service "F" and delays in excess of 700 seconds per vehicle when the standards for a road failure was approximately 60 seconds. He stated the interim improvement would improve the 110 vehicles to 15 vehicles, 375 feet, and level of service "D," which was the level of service that the developer would be required to maintain for concurrency. Mr. Mulholland explained that if the Volusia County improvement would occur, the level of service would be enhanced to level of service "B" with a delay of 13 seconds. He stated this project would follow the County's concurrency management criteria developing a plan to satisfy Florida Statute 163 and a mitigation plan to not add to the congestion, but to enhance the current condition.

Mr. Wohlfarth pointed out that even with an approval tonight and at the second reading, this project was still the beginning of the process since they would have to go through the platting and engineering process. He stated he would be back before the Commission in six to eight months, estimated conservatively, and it would take another six to eight months to construct those approvals; therefore, the houses would not be constructed for another 18 months to two years. Mr. Wohlfarth reported that in the event the County would not build the proposal as described previously, prior to receiving the first building permit, this developer committed to construct the right turn lane to alleviate the problem.

Mr. Kevin McCue, 4 Prairieview Lane, Ormond Green Homeowners' Association, advised the homeowners' association met with the applicant a number of times over the past year and were able to alleviate a great many concerns. He reported the major concern from the start was traffic. Mr. McCue stated reducing the level of service from "F" to "D" was not adequate to alleviate the homeowners' concerns. He stated the City should require the developer to reach an acceptable level of service at the intersection of Tymber Creek Road and Airport Road. Mr. McCue noted the fire station in this area should have easy access for the fire equipment. He advised there have been discussions indicating that this was approved in 1991 as Ormond Green Phase III, but in 1991 there were no other developments in that area. Mr. McCue advised he supported responsible development, but urged the intersection be corrected before any development be approved.

Mayor Costello asked if Ormond Green considered the drainage issues to be resolved.

Mr. McCue replied that there had not been a significant rain event to determine if the issues would be resolved or not.

Mayor Costello reported since the improvements have not yet been constructed, he was referencing the proposed improvements.

Mr. McCue advised that he did not have the expertise to know if the remedies would correct the problems so he would have to take the City staff and developer's suggestions at face value.

Mayor Costello reported he made a public statement that the Ormond Green Homeowners' Association would have to feel the drainage would be improved with the development before considering this project.

Mr. Roman Lys, 10 Bryan James Way, stated another developer, Mr. Vanacore, had proposed a project on the south side of Airport Road, and his project was delayed. He stated this was the same situation as Mr. Vanacore's project and should also be delayed until the intersection was corrected.

Mayor Costello advised he would consider approving this request with the proviso that there would be no Certificate of Occupancy granted to any home until the intersection would be completed to the "B" level of service. He reported he was optimistic the bond issue for the improvement through the County would pass, but it would not be fair to approve development under a "D" level of service.

Commissioner Selis stated this was a hard project for him to oppose because the developer had "gone above and beyond" in trying to accommodate the City's concerns; however, he could not reward that when it was uncertain what would happen with the intersection of Airport Road and Tymber Creek Road. He pointed out the impact was not merely at the intersection, but what would occur between Airport Road and Granada Boulevard on Tymber Creek Road. Commissioner Selis advised there had been at least two deaths on this road in the past year. He reported this road needed to be widened, the traffic light was needed, and roads must come before the development. Commissioner Selis pointed out that not only the intersection of Tymber Creek Road and Airport Road had an "F" level of service, but the intersection of Granada Boulevard and Tymber Creek Road had the same level of service; therefore, for him to consider approving this project, there would have to be a condition that Tymber Creek Road would be expanded to four lanes, the level of service at Granada Boulevard and Tymber Creek Road would operate at the "C" level of service, and the intersection of Airport Road and Tymber Creek Road would operate at a "B" level of service. He stated this would delay this developer for two to three years or even longer.

Mayor Costello advised each County Council member had individually made a commitment to him to improve this road; therefore, he was extremely optimistic Tymber Creek Road would be improved rapidly, which would mean a two to three year period.

Commissioner Selis reported he met with the developer and representative last week. He advised he received a number of voice mail and e-mail messages from residents who were overwhelmingly opposed to the project. Commissioner Selis thanked the developer for meeting with him and for the efforts they had made with this project. He advised this was a good development, but now was not the proper time.

Commissioner Boyle advised he met with the representative and developer last week. He reported he was pleased the issues of the drainage, buffers, lot size, wetland impacts, and compensatory storage were worked out satisfactorily. Commissioner Boyle stated this project was dissimilar to the Vanacore project in that this project met every Ormond Beach standard except for the traffic problem. He reported the roads were now failing and would continue to fail every school day. Commissioner Boyle advised this developer seemingly was attempting to vest future trips on Tymber Creek Road. Commissioner Boyle stated this Commission made a commitment to fund the traffic light if necessary at Tymber Creek Road. He advised this type of commitment would continue to be made by all government entities; therefore, he was convinced these traffic problems would be addressed in the next three years by the time this project would begin.

Commissioner Kent thanked the developer for trying to correct the problems. He reported each Commissioner was elected to represent not only his zone, but the City at large as well as the surrounding areas. Commissioner Kent advised he was confident Commissioner Selis knew what was best for his zone, and he concurred with Commissioner Selis' assessment.

Commissioner Partington disclosed that he met with the developer. He advised he would also rely heavily on Commissioner Selis' recommendation. Commissioner Partington questioned if the developer would prefer a conditional approval or a straight vote. He noted Mayor Costello's recommendation would ultimately accomplish Commissioner Selis' concerns in that no additional traffic would be generated unless the light was installed and the intersection was operating at a "B" level of service.

Mr. Randal Hayes, City Attorney, advised the adopted level of service was "D"; therefore, the Commission could not impose a condition beyond that level. He reported there were instances when an applicant would voluntarily consent to meet certain standards beyond adopted levels, but the Commission could not make the higher standards mandatory for approval.

Mr. Wohlfarth reported two improvements were being considered by Volusia County, the first of which was for the intersection improvements that have already been funded for construction in 2005. He stated that until the improvements were completed, he would not request a Certificate of Occupancy. Mr. Wohlfarth suggested that as a condition of approval for this project, the City could require the County's proposed improvements at Tymber Creek Road and Airport Road be completed prior to the issuance of the first Certificate of Occupancy for this project.

Commissioner Selis questioned if the developer would condition the level of service along Tymber Creek Road as well as the Tymber Creek Road and Granada Boulevard intersection.

Mr. Wohlfarth reported the developer was trying to work within the system. He stated this project would meet the City's level of service; and with the proposed County improvements, the road would improve dramatically. Mr. Wohlfarth advised this developer was willing to "go above and beyond" by making the improvements to the Airport Road/Tymber Creek Road intersection should the County not go through with its plan; however, to promise to go even further would be difficult.

Commissioner Selis clarified that the developer would not be comfortable making improvements to Tymber Creek Road and the Tymber Creek Road/Granada Boulevard intersection; whereby, Mr. Wohlfarth concurred Commissioner Selis' statement was a fair assessment.

Commissioner Boyle reported he would also defer to Commissioner Selis' opinion; however, this applicant was willing to work with the City and County making concessions, but a great deal of the responsibility for correcting the roads in this area lay with the City's ability to influence the County government. He advised he saw this as an opportunity for the City to make a commitment to improving those roads. Commissioner Boyle noted his support of this project was conditional of a pledge for the government to do something about this problem. He noted that even without this project, the roads must be improved.

Mayor Costello summarized the applicant offered to delay requesting a Certificate of Occupancy until the County improved the Tymber Creek Road and Airport Road intersection and the City would install a traffic signal at Tymber Run and River Chase Way and Tymber Creek Road. He pointed out this would add two improvements prior to any Certificate of Occupancy being

approved. Mayor Costello questioned if anyone in the audience would like to speak against this project if those improvements were completed. No opposition was heard. He disclosed that he was a resident of Breakaway Trails. Mayor Costello stated the major problem was traffic, and the Tymber Creek Road and Airport Road intersection improvements would correct that situation. He pointed out Pineland Trail needed to be rebuilt and redirected, and this developer would be rebuilding this road at a cost of \$550,000. Mayor Costello noted that when the development was completed, it would exceed the compensatory storage retaining more water on site than currently. He advised for these reasons he would support this project with the abovementioned conditions.

Commissioner Kent reported working at Pathways Elementary School, he traveled on this road every workday, and there was a major problem in this area; however, he was more comfortable with the recommended amendment. He pointed out that both deaths that occurred in this area were Ormond Beach residents.

Commissioner Partington stated the Commission could not force the applicant to attain a “B” level of service; however, the applicant could voluntarily attain that level if they chose to do so. He asked if a letter would be necessary indicating that condition.

Mr. Hayes advised the City could make that a written condition in the Development Order; however, it would indicate that the developer voluntarily agreed to that condition.

Mr. Clay Ervin, Planning Director, clarified that the recommendation would be that the intersection improvements, as designed by Volusia County, would be the issue rather than tying this to a specific level of service since it would be above the level of service listed in the City’s Comprehensive Plan. He noted it would be easier to defend a design than a level of service standard.

Mr. Rob Merrill, Cobb & Cole, 150 Magnolia Avenue, representing Mr. Vanacore, stated the Creekside project and the River Oaks project that was approved in Volusia County were the subject of a great deal of discussion by the Ormond Beach Commission, and the four year delay was voluntary due to the City’s traffic concerns. He advised he favored the Pineland project and noted that there was a great deal more information available relative to traffic for this project than there was for Mr. Vanacore’s project. Mr. Merrill reported Mr. Vanacore would be voluntarily annexing into Ormond Beach in the near future, and he would be asking the City to take into account shortening that four-year delay when deciding City zoning. He pointed out that both of Mr. Vanacore’s projects were taken into account by the traffic impact figures presented this evening.

Commissioner Boyle moved, seconded by Commissioner Partington, to amend the motion to include the voluntary condition accepted by the applicant to not receive a Certificate of Occupancy until the improvements as designed by Volusia County at Tymber Creek Road and Airport Road were completed.

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	no
	Commissioner Partington	yes
Carried.	Mayor Costello	yes

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

Mayor Costello reported this project would be a benefit to the neighbors, and he urged the developer to make certain the drainage improvements work properly. He disclosed he also spoke to the developer.

Item #9(D)(1) – Ormond Crossings Community Redevelopment Area

Mr. Ervin recommended discussing the three Ormond Crossings issues together.

Mr. Ervin advised staff needed to receive clarification from County staff. He stated the City wanted the Community Development District to assist with the funding for the infrastructure for

the spine road (the arterial roadway referred to as Crossings Boulevard). Mr. Ervin reported the resolution proposed did not address that issue; therefore, clarification from the administrative staff was needed.

Mr. Ervin reported the interlocal service agreement and annexation requests have been scrutinized by City staff, the applicant, and the County staff over the past several months. He noted the documents now reflect all of the parties' mutual interests and would provide the opportunity to begin the work of the Development of Regional Interest (DRI), Comprehensive Plan amendments, and a variety of other development applications. Mr. Ervin advised this work must be completed in the next three years so staff would be bringing a great deal to the Commission in a short time period.

Mr. Glenn Storch, Storch and Morris, stated it had been a number of years that the City had been working toward this vision, and many people were involved in the success. He estimated the DRI to be completed in a year and two months after the start but that the three-year estimate was just cautionary. Mr. Storch advised this was merely the beginning of this process.

Item #9(D)(2) – Municipal Police, Fire and Emergency Response Services

RESOLUTION NO. 2004-108

A RESOLUTION AUTHORIZING THE EXECUTION OF AN INTERLOCAL SERVICE AGREEMENT PROVIDING FOR MUNICIPAL POLICE, FIRE AND EMERGENCY RESPONSE SERVICES BETWEEN THE CITY OF ORMOND BEACH AND THE COUNTY OF VOLUSIA; AND SETTING FORTH AN EFFECTIVE DATE.

Commissioner Selis moved, seconded by Commissioner Partington, to approve Resolution No. 2004-108, as read by title only.

Commissioner Boyle asked if the resolution and agreement regarding the provision of services was specific to the two enclaves.

Mr. Turner advised staff worked to make the service specific to the two pocket areas, and it limited the services to road maintenance and police and fire service.

Mayor Costello clarified that this referenced the two reductions of the enclaves that already existed.

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

Item #9(D)(3) – Ormond Crossings Annexation

ORDINANCE NO. 2004-28

AN ORDINANCE ANNEXING CERTAIN REAL PROPERTY INTO THE CITY OF ORMOND BEACH, SAID PROPERTY CONSISTING OF APPROXIMATELY 3,095± ACRES AND BEING GENERALLY LOCATED ALONG THE WEST SIDE OF NORTH US1 AND ALONG THE NORTH AND SOUTH SIDES OF INTERSTATE 95; INCLUDING PART OF INTERSTATE HIGHWAY I-95 AND SERVICE ROADS EAST AND WEST OF I-95; PART OF GOWER STREET; PART OF FLAGLER ROAD, AND PART OF HULL ROAD LYING BETWEEN US HIGHWAY NO. 1 AND FLORIDA EAST COAST RAILWAY; SETTING FORTH ZONING, PRIVILEGES AND OBLIGATIONS REGARDING THE PROPERTY; REDEFINING THE TERRITORIAL BOUNDARIES OF THE CITY OF ORMOND BEACH TO INCLUDE THE PROPERTY; RE-DESIGNATING THE BOUNDARIES OF ZONE 3 OF THE CITY OF ORMOND BEACH TO INCLUDE THE PROPERTY; AUTHORIZING THE EXECUTION OF AN ANNEXATION AGREEMENT; PROVIDING FOR TRANSMISSION; PROVIDING FOR SEVERABILITY; AND SETTING FORTH AN EFFECTIVE DATE.

Commissioner Selis moved, seconded by Commissioner Boyle, to approve Ordinance No. 2004-28, on first reading, as read by title only.

Ms. Lucille Bornmann, 825 John Anderson Drive, reported she favored annexation and would prefer the entire northern portion of Ormond Beach to the Flagler County line be annexed into Ormond Beach since Ormond Beach residents would have the full impact of every development and would have to pay for the development. She stated Ormond Beach residents would pay for annexation. Ms. Bornmann reported she had observed that many on this Commission have given approval for a number of developments on the borders of Ormond Beach even though some had 55-foot lots while Ormond Beach required 80-foot lots and County environmental rules were less stringent than Ormond Beach's environmental rules. She advised these developments then ask Ormond Beach to provide water and sewer services, and they would soon be asking for fire and police services as well while Ormond Beach residents pay for these services without a voice in what was occurring. Ms. Bornmann stated that in order to accomplish this annexation, pockets would be created, which was not to be done. She reported the County was willing to disregard the fact the City would be creating pockets if the City would pay for free fire, police, rescue, and road maintenance in the pocket areas. Ms. Bornmann pointed out Ormond Beach residents pay the County to be certain they have adequate funds to provide fire and police services in the County, but they also pay Ormond Beach for fire and police service, and this would provide free services to those residents in these pockets outside of the City. She stated the Commission was considering a tax increase when people outside of Ormond Beach would be benefiting more than Ormond Beach residents.

Mr. Turner stated Ormond Beach had been working on this project for a number of years, and it was a good example of what "Smart Growth" was to be. He pointed out currently the entire 3,000 acre area was zoned residential; however, through the vision of this and the prior Commission, the City had been able to change the planning for that area to be one-third office/industrial, which would provide substantial resources for the community, and two-thirds residential. Mr. Turner advised there was a great opportunity to have the largest office/industrial area in the County. He reported what the City and County have committed to providing resources for was a spine road connecting the two sides. Mr. Turner explained the people in that area, both residential and business, would have a special tax, and the increase in the tax base from this area would pay for the cost of the road. He stated current taxpayers would not pay for this unless they move into that area. Mr. Turner advised the growth would pay for the infrastructure.

Mr. Turner concurred that he also had concerns relative to the pocket areas. He advised the cost was calculated at \$60,000 per year; however, comparing this \$60,000 cost to what Ormond Beach was asking for from Volusia County and considering the investment opportunities this project would provide to this community, the \$60,000 cost was minimal. Mr. Turner stated the Commission took an area that was not developed and had a strong voice in how it would be developed, adding industrial, which could be the foundation for this community in terms of jobs and tax base.

Commissioner Boyle echoed Mr. Turner's comments and noted that at one time he had the same questions Ms. Bornmann articulated, calling the \$60,000 a "deal-breaker" in that he was concerned about setting a precedent. He stated this huge annexation was important to keep the cost of taxes and impacts to the incumbent residents down. Commissioner Boyle reported that because this applicant was willing to add commercial offices that develop more slowly and light clean industrial uses, there would be less residential impact. He pointed out Florida Production Engineering was a company in the City's business park, and this one business pays the equivalent ad valorem revenue of 400 homes in utility franchise fees. Commissioner Boyle reported he would prefer that revenue come from one small light industrial location than destroying trees to build 400 homes with the impact of those homes on the roads and schools. He advised the integrity and quality of this applicant, the applicant's willingness to come into Ormond Beach with its standards, and the applicant's patience would more than mitigate this \$60,000 cost. Commissioner Boyle pointed out that Ormond Beach had the second lowest tax rate in Volusia County because of what has occurred at the City's existing business park. He stated this was one of the few instances where growth can pay for itself.

Mr. Storch stated this project had good planning and urged people to keep in mind what this area could have been. He thanked the City and County staff for their hard work in creating a new Ormond Beach. Mr. Storch reported that if the City did not take advantage of this opportunity now, it would be remiss for future generations.

Mr. Turner reported the Commission asked staff to determine if there were opportunities to do annexations on Hull Road. He noted staff was proceeding with this task, but this would help to reduce pocket areas. Mr. Turner stated the Commission also requested staff to meet with

residents south of Harmony Road relative to possible annexation to help reduce the pocket area.

Mayor Costello stated if the CRA aspect would not exist, the Commission may consider the investment in the diminished pocket differently; but the County has approved the CRA, which would more than offset this investment.

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(D).

Mayor Costello called for a break a 9:12 p.m. and reconvened the meeting at 9:16 p.m.

Item #10(A) – “Tuscany” Planned Residential Development Vacation

ORDINANCE NO. 2004-29

AN ORDINANCE VACATING THAT PORTION OF THE OLD TOMOKA ROAD RIGHT-OF-WAY ABUTTING THE “TUSCANY” PLANNED RESIDENTIAL DEVELOPMENT; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; AND SETTING FORTH AN EFFECTIVE DATE.

Commissioner Partington moved, seconded by Commissioner Boyle, to approve Ordinance No. 2004-29, on first reading, as read by title only.

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

Item #10(B) – Preliminary and Final Plat for “Tuscany” Planned Residential Development

ORDINANCE NO. 2004-30

AN ORDINANCE APPROVING THE PRELIMINARY AND FINAL PLAT FOR “TUSCANY” PLANNED RESIDENTIAL DEVELOPMENT; ESTABLISHING CONDITIONS AND EXPIRATION DATES OF APPROVAL; AUTHORIZING THE PLACEMENT OF OFFICIAL TRAFFIC CONTROL DEVICES; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; AND SETTING FORTH AN EFFECTIVE DATE.

Commissioner Selis moved, seconded by Commissioner Partington, to approve Ordinance No. 2004-30, on first reading, as read by title only.

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

Item #10(C) – Increase in Occupational License Taxes

ORDINANCE NO. 2004-31

AN ORDINANCE AMENDING SECTION 12-36, TAXES IMPOSED, OF CHAPTER 12, ARTICLE I, LICENSES AND BUSINESS REGULATIONS, OF THE *CODE OF ORDINANCES* OF THE CITY OF ORMOND BEACH; PROVIDING A FIVE PERCENT INCREASE IN OCCUPATIONAL LICENSE TAXES; PROVIDING FOR AN EFFECTIVE DATE; PROVIDING FOR SEVERABILITY; AND REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH.

Commissioner Selis moved, seconded by Commissioner Kent, to approve Ordinance No. 2004-31, on first reading, as read by title only.

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

Item #11(A) – Drainage and Utility Improvements Bid

RESOLUTION NO. 2004-109

A RESOLUTION ACCEPTING A BID FROM MASCI CORPORATION FOR DRAINAGE AND UTILITY IMPROVEMENTS UNDER BID NO. 2004-21 REGARDING THE DORMONT DRIVE, ELLICOTT DRIVE, ORMWOOD DRIVE, ANN RUSTIN DRIVE AND NORTH HALIFAX DRIVE PROJECT; AUTHORIZING THE EXECUTION OF A CONTRACT AND PAYMENT THEREFORE; REJECTING ALL OTHER BIDS; AND SETTING FORTH AN EFFECTIVE DATE.

Commissioner Selis moved, seconded by Commissioner Boyle, to approve Resolution No. 2004-109, as read by title only.

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

Item #11(B) – Goodwill Ambassador Program

RESOLUTION NO. 2004-110

A RESOLUTION APPOINTING JOYCE HIGH, RICK FRASER, DORIS KATZ, BOB COLEMAN AND RITA PRESS TO SERVE AS AMBASSADORS OF THE GOODWILL AMBASSADOR PROGRAM; SETTING FORTH TERMS AND CONDITIONS OF SERVICE; AND SETTING FORTH AN EFFECTIVE DATE.

Commissioner Boyle moved, seconded by Commissioner Kent, to approve Resolution No. 2004-110, as read by title only.

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

Item #12(A) – Volusia County Growth Boundaries

Mr. Ervin reported Volusia County would be transmitting a proposed amendment for Urban Growth Boundaries. He noted this issue was discussed with the former Commission on December 9th, and staff added this item to this agenda to determine if the Commission would still favor this proposed amendment to the County’s Comprehensive Plan and if there were any additional comments staff was to make as the County Council reviews this amendment. Mr. Ervin explained the urban growth boundaries issue was separate from the Smart Growth Initiative, in that it was a specific tool that could implement Smart Growth in the future. He advised the County was seeking voluntary joint planning agreements with the respective cities as the first line of process and potentially a charter amendment if the joint planning agreement process should fail.

Mr. Ervin explained the project the Commission just annexed into the City was the only City issue of growth boundaries since there were no other areas to the west or south of Ormond Beach. He stated the designation on the urban growth boundaries map depicted by the County was consistent with the City’s desires. Mr. Ervin reported staff deemed this to be a positive step forward overall.

Mayor Costello stated the criteria he referred to relative to Smart Growth would be addressed through the Smart Growth Initiative, which involved further defining the urban growth boundaries, because having only an urban growth boundary would imply that any growth would occur in the County under County jurisdiction rather than in the City, and it would do nothing for Smart Growth. He urged the Commission to support this with the County, but continue further with the clarification of Smart Growth in conjunction with an urban growth boundary that would include annexation lines, service lines, and level of service.

Commissioner Partington questioned the constitutionality of urban growth boundaries, asking if they had been tested.

Mr. Ervin stated that urban growth boundaries have been used for quite a while. He reported Portland was one of the largest cities identified utilizing urban growth boundaries, and other cities in Florida have them as well. Mr. Ervin advised there had been concern, however, as long as there was a reasonable application of rational standards to allow for orderly growth, urban growth boundaries could be identified. He stated tying urban growth boundaries to urban service areas and population growth trended to have been the key elements to be certain urban growth boundaries would not be used to take property rights away from people. Mr. Ervin advised that in Florida when these changes are made, if there would be a restriction of use, it would address the personal property rights of the individual.

Mr. Hayes concurred personal properties rights would need to be taken into account as well as finding the proper legal mechanism to effectively do so, such as through amendments to the Comprehensive Plans for the County and the various cities. He stated the areas of land use, zoning issues, and annexations are still unsettled in terms of what the Growth Management Act would imply could be done versus the state of existing law. Mr. Hayes noted more legal issues in this regard would probably come to the surface in years to come unless the legislature would bridge the gap.

Commissioner Partington questioned if Flagler, Lake, Seminole, and Brevard counties would have urban growth boundaries as well so Volusia County would not push development into those counties, destroying pristine areas in the process.

Mr. Ervin reported Volusia County did not have to deal with a great deal of external impacts with surrounding counties. He stated as part of the amendment process, the East Central Florida Regional Planning Council and the Volusia County Growth Management Commission would have to review the amendment. Mr. Ervin pointed out that each county must start with its own effort. He reported Volusia County used the population projections received from the Bureau of Economic and Business Research from the University of Florida to be certain the land uses would accommodate the population.

Commissioner Partington reported he generally supported the concept of urban growth boundaries, but found they were problematic. He noted if the County would continue to work through the issues as Mayor Costello outlined, he would favor them.

Item #12(B) – Airport Issues

Commissioner Selis expressed a concern relative to discussing airport issues at this point since the City was now a subject of an FAA complaint. He stated the Commission's discussion of this issue should not be done publicly, but should be done in consultation with the City's attorneys. Commissioner Selis reported he called Mr. Hayes today to determine whether this position was grounded; however, Mr. Hayes advised he did not know the answer to his question. He requested this item be tabled until the City Attorney had the opportunity to determine whether or not these types of discussions should be held in private.

Mayor Costello noted this may be wise counsel. He stated he had advised Mr. Thompson new issues could be discussed at this point on the agenda when Mr. Thompson asked under the Consent agenda section, but he questioned that this should, perhaps, be tabled.

Mr. Hayes stated this item was included on the agenda at the request of Commissioner Boyle. He reported a complaint had been filed; therefore, somewhat of an adversarial relationship had been established, but it was unknown what would occur relative to the complaint. Mr. Hayes noted the complaint may initiate an investigation, or more may be involved, but it was too early to determine at this point. He stated a "shade" meeting typically would apply to pending litigation, and he was uncertain if it would apply to this type of situation. Mr. Hayes reported the decision would actually be up to the Commission whether or not to discuss this issue since this was a public meeting, and at this point, it was uncertain what level of detail would be mentioned in the discussion or what level of Commission response would be warranted.

Commissioner Boyle stated he received a copy of the complaint from Mr. Turner with a cover letter stating that unless directed otherwise, a brief discussion would occur. He reported he understood Commissioner Selis' concern. Commissioner Boyle advised discussion of hiring an attorney and not being able to discuss this issue at this point was premature. He outlined his understanding of the process was that the FAA would receive the complaint, examine it, and present questions for the City to answer. He continued that, if necessary, the City would answer the questions, the FAA would determine whether or not the City was in compliance, and if the FAA determined the City was not in compliance, the City could respond. Commissioner Boyle reported the City would only need an attorney if it should get to the point where the City would disagree with the FAA regarding compliance. He stated trying to work these issues out could only be healthy.

Commissioner Boyle reported he met with the CEO of Sunrise Aviation last week who cleared up a number of issues. He stated any new information or clarification could only be helpful. Commissioner Boyle advised he did not consider the City in an adversarial position or in a position of jeopardy at this point.

Commissioner Partington expressed agreement with Commissioner Boyle in that discussion would be helpful. He disclosed he met with Mr. Thompson this week and had also met with the officials of Sunrise Aviation. Commissioner Partington stated both parties were reasonable, had valid concerns, and had issues that needed to be addressed without harming the City. He advised paying \$375 an hour for an attorney to fight allegations would harm the City. Commissioner Partington stated he would prefer to find a way to bridge the gap between the two parties without using the FAA as an intermediary. He advised there were hurt feelings and feelings of inequity on both sides of this issue, but working out the issue would be best for the City. Commissioner Partington stated he did not believe Commissioner Selis meant to hurt Mr. Thompson's feelings at the last meeting, but he had a perception, and there was evidence to support that perception, which may or may not be correct. He advised some of this perception may be due to Mr. Thompson's style. Commissioner Partington stated Mr. Thompson was very bright and working with him would improve the airport, and he noted that some improvements had already begun. He advised with better communications between the parties, a resolution may be reached avoiding any litigation.

Mayor Costello summarized that Commissioner Selis had urged that this not be discussed, but Commissioner Boyle and Commissioner Partington wanted it discussed and Mr. Hayes did not provide a position; therefore, he advised he would allow Mr. Thompson and Commissioner Boyle to speak.

Mr. Adrian Thompson, 4 Pine Look Pass, stated he received the memorandum from Mr. Turner and prepared by Fire Chief Barry Baker, Support Services Director Tom Lipps, and Deputy City Attorney Sandra Upchurch relative to the Sunrise Aviation fuel farm. He advised the report stated: "normally when codes conflict, we would apply the higher standard. In this case NFPA 409 was not a standard recognized by the State of Florida in 1990, the year that the Sunrise tank farm was approved. NFPA 409 was only introduced into Florida code in 2001." Mr. Thompson distributed a copy of a letter from the State Fire Marshal's Office regarding the NFPA 409 Standard on Aircraft Hangars and indicated that the latest he found for adoption was April 9, 1990, eleven years before Chief Baker indicated it was adopted.

Commissioner Boyle advised he had a few lingering questions although they were not substantive. He thanked Mr. Anthony Lombardo, president of Sunrise Aviation, for his timely letter and the 90-minute meeting he had where he explained many issues. Commissioner Boyle stated he was assured of Mr. Lombardo's sincerity and integrity as well as that of his company, and that he or his company never tried to gain any advantage from the City at the airport. He noted he understood Mr. Lombardo's sensitivity to the questions as they would tend to cast a cloud on his company, and he apologized for that perception. Commissioner Boyle stated Mr. Lombardo answered a question he had for over a year relative to the maintenance issue in that he stated there may be a plan to demolish those buildings. He reported that when Mr. Lombardo purchased an interest in the company seven years ago, the hangars were not in a great deal better condition than they were today, which Commissioner Boyle reported he found very believable. Commissioner Boyle stated the Commission must realize that there was some onus on the City, and staff was now correcting the situation, in that inspections were now being performed, they were setting base light standards, and they were obtaining new information on serious maintenance issues. He noted while he applauded these actions, he was disappointed the Commission could not obtain a subjective call last summer. Commissioner Boyle stated Mr. Thompson's complaint relative to the maintenance was valid. He advised he was hopeful all of the appointed City officials involved with the airport have a copy of the airport compliance manual at this time.

Commissioner Boyle stated he firmly believed that the City would never get to the point where it would be necessary to hire an attorney for this situation. He pointed out the Washington attorney specialized in airports; whereas, the Miami attorney specialized in pilot issues. Commissioner Boyle reported that even at the higher fee, he recommended the Washington attorney be hired if there were ever a need. He stated he believed the process would result in a positive outcome for the City, the airport, and the parties. Commissioner Boyle expressed appreciation for the good staff report noting the only issue he had that was not clear was that State officials have indicated those codes were applicable in 1990, the same year the fuel farm was built. He stated it would be helpful if the City could locate the records of the permitting process and Certificate of Occupancy. Commissioner Boyle reported the City should interpret any codes with the greatest conservatism and safety. He stated the leases require code compliance, noting no codes were grandfathered. Commissioner Boyle advised that he was not comfortable that a tank semi-trailer would meet the definition of aboveground storage as stated in Ordinance No. 93-50. He pointed out the previous legal staff interpreted Ordinance No. 93-50 to mean fuel storage and semi-tank trailers were not permitted; therefore, he requested the Legal Department verify that the interpretation provided to the Commission on June 15th was the final answer.

Mr. Hayes reported he expected to receive an inquiry or demand for information from the FAA and would probably have a short timeframe to reply; therefore, he requested authority to hire specialized assistance if the need became evident.

Mr. Turner reported that through prior experience while working in another City, he understood there was a detailed process that the FAA would take, and it would be important to strategize how the City should respond to the inquiries; therefore, it would be helpful to have someone not only familiar with the processes and procedures, but also familiar with the individuals that the City would be dealing with. He recommended that, unless the complaint was withdrawn, the Commission provide the City Attorney the flexibility to obtain additional assistance.

Commissioner Selis advised he completely concurred with Mr. Turner that if the City would be in the process, the City should have adequate legal representation. He reported the City Attorney's office had indicated they do not believe they have the expertise to handle this matter or the time to devote to this issue in light of all of the other duties they were being called upon to perform. Commissioner Selis concurred with Commissioner Boyle that the attorney from Washington D.C. would clearly handle airport related issues as opposed to labor issues. He advised he would be comfortable to allow Mr. Hayes to hire this attorney when and if he would deem it necessary.

Mayor Costello concurred with Commissioner Selis. He advised this attorney would not need to do research until the City would receive comments back from the FAA.

Mr. Hayes advised the Charter provided him with the authority to hire assistance; however, he was taking this step to be certain the Commission concurred with that decision.

Commissioner Kent advised he also recommended hiring the attorney from Washington D.C. if the need arose.

Commissioner Partington concurred with the recommendation relative to the Washington D.C. attorney and suggested staff contact Mr. Thompson to determine if there was a possibility the complaint could be withdrawn. He stated regardless of the code, from a common sense point of view, observing the fuel tank five feet from the hangar would not seem to be adequate when it should be 50 to 100 feet from the hangar. Commissioner Partington advised that rather than spending thousands of dollars to prove the City was technically correct with the five-foot buffer, he would be more comfortable spending those dollars to move the tank a safe distance. He urged a common sense approach be used rather than two individuals polarizing the Commission as to who was right and who was wrong.

Mr. Turner reported he heard the Commission's desire to resolve the issue and recommended a meeting between the two entities and staff members to attempt a resolution.

Mayor Costello concurred with Commissioner Partington that a better resolution should be sought even if there would need to be a public investment.

Item #13 - Reports, Suggestions, Requests

Fireworks

Commissioner Kent reported this year's fireworks display was beautiful; however, he was disheartened that it only lasted 13 minutes. He stated there was a 25% increase in cost from the last year for the fireworks. Commissioner Kent noted that since the show was shortened, there may be a possibility the City could have some money reimbursed.

Bait Shop Closure

Commissioner Kent stated Mr. Ike Leary lived in his zone and ran the bait shop at Cassen Park, which was also located in his zone. He reported that at 12:30 p.m. on July 4th, the Police Department prepared to close Beach Street between Tomoka Avenue and Granada Boulevard, and the police cars dissuaded consumers from patronizing the bait shop or using the ramps. Commissioner Kent advised Mr. Leary indicated this could have cost him \$1,000 in lost business. He urged Mr. Turner to contact Mr. Leary to discuss this issue.

T-Shirt and Hat

Commissioner Kent thanked staff for the 4th of July T-shirts and hats provided to the Commission.

Workshop

Commissioner Kent thanked Mayor Costello and the Commission for the work accomplished at Dr. Ritcey's workshop. He noted the timing was perfect in that there were wounds that were mended, and Dr. Ritcey helped the Commission focus on the many goals the Commission hoped to achieve.

Greetings to the Internet Audience

Commissioner Partington sent greetings to the Internet audience, noting this meeting was being broadcast over the Internet. He commended staff for enabling this broadcast to occur. Commissioner Partington advised residents could log on and listen to up to two meetings. He reported he would be interested to learn the number of people who logged on to the meeting.

Work Day

Commissioner Partington stated Ambassador Joyce High had great ideas for Ormond Beach. He stated September 11th was the possible next work day in Central Park. Commissioner Partington reported a picnic celebration may follow the work day as well as a September 11th remembrance.

Dedicated Millage for Grant Applications

Commissioner Partington stated he concurred with the Budget Advisory Board's recommendation relative to a dedicated millage for grant applications for approximately \$200,000. He reported this would be of great benefit to Central Park as well as other grant possibilities.

Western Central Park

Commissioner Partington reported Ambassador High also recommended a Western Central Park that would dedicate an area in the western portion of the City similar to that at Central Park, possibility in cooperation with Daytona Beach and Consolidated Tomoka Land Company. He noted this concept evidenced a great deal of vision.

Parking Garage

Commissioner Partington reported the Commission discussed their vision for the downtown at the Dr. Ritcey workshop meeting. He recommended a three or four story parking garage be considered in the future to be built over the area of the existing City Hall parking lot in cooperation with the School Board and Volusia County to accomplish some of the goals the Commission had for the riverfront. Commissioner Partington stated this would make more sense than the parking area in front of the elementary school, which may be effective only short term.

July 4th Celebration

Commissioner Partington echoed Commissioner Kent's comments relative to the July 4th fireworks celebration in that while the rain put somewhat of a damper on the festivities, they were great. He suggested extending the time of the event to possibly 2 p.m. to provide the vendors a longer period of time to recoup their investment in the event of a rainstorm in the late afternoon.

Airport Issues

Commissioner Partington reported he recently spent some time with Mr. Adrian Thompson. He noted Mr. Thompson had quite an investment in Ormond Beach. Commissioner Partington described Mr. Thompson's attitude to be at best abrasive or flip when he speaks to the Commission; however, he did not believe Mr. Thompson meant to portray that attitude. He noted on his visit to the airport, he saw a different side of Mr. Thompson, which would explain his recommendation to try to work these issues out, since it would definitely be better for the City if the problems could be resolved.

Ormond Crossings

Commissioner Partington expressed his excitement relative to the Ormond Crossings project. He thanked Ms. Bornmann for coming to every meeting and being a wise voice of caution. Commissioner Partington thanked her for bring up valid concerns.

Working Together

Commissioner Boyle stated many great ideas were heard at the workshop and at tonight's meeting. He stated he believed a reason this Commission was so effective was that there was a dynamic in that a Commission member may have a position, but through the discussion of each Commission member, the final position proved to be better.

Commissioner Boyle thanked former Commissioner High for continuing to help this Commission be better for the City. He stated her input was always welcomed and valued.

Commissioner Boyle described the goal-setting meeting with Dr. Ritcey as a tremendous meeting. He noted his wife cautioned him to refrain from referring to his senior status on the Commission. Commissioner Boyle urged the Commission to help him in that regard, asking that they also not reference this in the future since he concurred that each Commission member was equal.

Board Conflicts

Commissioner Boyle advised that there was no intent to make any presumptions, and he was not reopening the issue of potential conflicts of a board member; however, he requested the Legal Department consider if waivers were necessary. He provided a sheet of paper with possible conflicts, noting he would be satisfied with whatever determination was made by the Legal Department.

Dr. Ritcey Meeting

Mr. Turner thanked the Commission for the efforts put forth in the Dr. Ritcey meeting. He pointed out Dr. Ritcey was less involved in this meeting than he was in any previous meeting, leaving the Commission to resolve the issues on their own.

Ormond Crossings

Mr. Turner reported a significant step was accomplished toward the Ormond Crossings project tonight, and he thanked staff for their efforts. He advised staff would prepare a small celebration to honor this achievement prior to the July 20th City Commission meeting.

Mr. Turner advised that Mr. Ervin would be representing the City as Acting City Manager on Thursday since he would have to be out of town.

Mr. Turner reported he would prepare a letter acknowledging the role of the County staff in helping this come to fruition, unless the Mayor would prefer to prepare the letter.

Mayor Costello requested Mr. Turner prepare the letter. He noted he would try to attend the Volusia County meeting.

Mr. Turner recommended a letter under Mayor Costello and his signature thanking the County for its support.

Fireworks

Mr. Hayes noted he would be examining the fireworks contract to determine if improvements would be warranted for next year.

Aviation Advisory Board Conflict Issue

Mr. Hayes advised he would examine the conflict issues Commissioner Boyle requested.

Seminar

Mr. Hayes advised he and Sandra Upchurch, Deputy City Attorney, would be attending a seminar next week; however, they could be reached if a need should arise.

Ormond Crossings Celebration

Mayor Costello urged the County Council be invited to the Ormond Crossings celebration informing them that considering their time constraints, it was understood that they may not be able to attend. He noted if they would each wish to prepare a statement, it would be read at the celebration.

Live Web Streaming

Mayor Costello stated he was pleased the meetings were now available to the public through live streaming on the Internet. He urged each Commission member to speak into the microphones so they could be heard in the Chambers as well as on the Internet broadcast.

School Board Issues

Mayor Costello reported he was not certain where the Western Central Park was envisioned to be located. He noted he envisioned Ormond Beach, Daytona Beach, Holly Hill, and the School Board working together on land by the new middle school as a park and recreation area. Mayor Costello suggested the Osceola playground, Seabreeze High School in Ormond Beach, and a stadium be added to the agenda with the School Board.

Employee Name Tags

Mayor Costello requested the Commission members be provided nametags with photo identification.

Central Park Work Day

Mayor Costello advised if the Central Park work day was scheduled for September 11th, he would have to miss the activities in that he had a prior obligation, but he would attend if he were available.

Parking Garage

Mayor Costello reported he appreciated the suggestion of the parking garage and urged the Commission to continue to make these types of suggestions.

Homestead Tax Exemption

Mayor Costello advised Morgan Gilreath, Volusia County Property Appraiser, e-mailed information relative to the homestead tax exemption to the VCOG members, and he would forward the information to the Commission. He stated Mr. Gilreath indicated that a \$215,000 home would pay more with this homestead adjustment of an additional \$25,000 exemption and a home under \$215,000 would pay less; however, the School Board was capped at their millage for capital improvements, which would have a negative impact on the schools.

Item #14 – Close the Meeting

The meeting was adjourned at 10:16 p.m.

APPROVED: July 20, 2004

BY: Fred Costello, Mayor

ATTEST:

Veronica Patterson, City Clerk