

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

**July 20, 2004            7:00 p.m.**

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

**A G E N D A**

- 1) Meeting call to order by Mayor Costello.
- 2) Invocation.
- 3) Pledge of Allegiance.
- 4) Approval of the Minutes of the July 6, 2004, meeting.
- 5) **PRESENTATIONS:**
  - A) Proclamation by Mayor Costello proclaiming July 24, as Ruth Horan Day in the City of Ormond Beach.
  - B) Presentation by Marilyn Crotty, UCF Conflict Resolution Consortium, regarding funding for the Smart Growth Initiative.
- 6) **AUDIENCE REMARKS:**
- 7) **INTERGOVERNMENTAL BOARD REPORTS:**
  - A) Metropolitan Planning Organization
  - B) Volusia Council of Governments
  - C) Water Authority of Volusia
- 8) **CONSENT AGENDA:** The action proposed is stated for each item on the Consent Agenda. Unless a City Commissioner removes an item from the Consent Agenda, no discussion on individual items will occur and a single motion will approve all items.
  - A) Resolution No. 2004-111 authorizing the acceptance of a landscape easement deed from First Coast Energy, L.L.P., on property located at 3 North Yonge Street. (Shell Gas Station Streetscape Improvements)
  - B) Resolution No. 2004-112 authorizing the execution of the first amendment to the interlocal agreement providing for the establishment of the East Volusia Government Fire-Rescue and Emergency Medical Services Automatic Aid and Closest Unit Response System between the cities of Ormond Beach, Daytona Beach, Edgewater, Holly Hill, New Smyrna Beach, Port Orange, and South Daytona by adding the City of Daytona Beach Shores thereto.
- 9) **PUBLIC HEARINGS:**
  - A) Resolution No. 2004-113 approving and authorizing the removal of two historic trees on property located at 203 South Orchard Street at the Thousand Oaks Condominium Association.
  - B) Resolution No. 2004-114 approving and authorizing the removal of an historic tree located at 2 Rocky Bluff Drive in the Ormond Lakes subdivision.
  - C) Resolution No. 2004-115 approving and authorizing the removal of an historic tree on property located at 19 Jolynn Drive in the Ormond Lakes subdivision.
  - D) Resolution No. 2004-116 approving and authorizing the removal of an historic tree located at 2 Indianhead Drive in the Ormond Lakes subdivision.
  - E) Resolution No. 2004-117 approving and authorizing the removal of an historic tree on property located at 1299 Vanderbilt Drive in the Forest Hills subdivision.
  - F) 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. (Second Reading)

- G) 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. (Second Reading)
  - H) Ordinance No. 2004-29 vacating that portion of the Old Tomoka Road right-of-way abutting the “Tuscany” Planned Residential Development. (Second Reading)
  - I) 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. (Second Reading)
  - J) 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. (Second Reading)
  - K) Ordinance No. 2004-32 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 certain real property from B-8 (Commercial) to PBD (Planned Business Development), authorizing revision of the official zoning map. (Nova Shoppes Planned Business Development, 175 South Nova Road) (First Reading)
- 10) **FIRST READING OF ORDINANCES:**
- A) Ordinance No. 2004-33 further amending Ordinance No. 87-60, as previously amended, by adding one property to the list of historic landmarks. (Ormond Beach Yacht Club – 63 North Beach Street)
  - B) Ordinance No. 2004-34 amending Chapter, 10, Garbage Refuse and Yard Waste, Section 10-16, Fees for Collection and Disposal Established, of the *Code of Ordinances*, by increasing fees for the collection and disposal of solid waste.
- 11) **RESOLUTION** No. 2004-118 accepting a proposal to provide solid waste, yard waste, recycling and roll-off collection and disposal services from Waste Management, Inc., of Florida; rejecting all other proposals; authorizing the execution of all documents relative thereto; authorizing the execution of a transfer station lease agreement with Waste Management, Inc., of Florida.
- 12) **DISCUSSION ITEMS:**
- A) Proposed meeting with the Volusia County School Board.
  - B) Update on Fire Station No. 91.
  - C) Tax Increment Financing fund short and long-term strategies.
  - D) Citywide traffic analysis.
  - E) Future St. Johns Water Management District grant applications.
- 13) **REPORTS, SUGGESTIONS, REQUESTS:** Mayor, City Commission, City Manager, City Attorney.
- 14) Close the meeting.

City Commission – July 20, 2004

Item #1 - Call to Order

Mayor Costello called the meeting to order at 7:05 p.m.

Item #2 - Invocation

Mayor Costello gave the invocation.

Item #3 - Pledge of Allegiance

Mayor Costello led the Pledge of Allegiance.

Item #4 – Approval of Minutes

Mayor Costello advised the minutes of the July 6, 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) – Ruth Horan Day

Mayor Costello read a proclamation honoring Ms. Ruth Horan. Ms. Horan was the director of Judo classes at the Central Branch of the YWCA at 53<sup>rd</sup> and Lexington in New York City and at St. John's University for over 20 years; and she taught Judo at Columbia University, St. Peter's University, and Wheaton College in Connecticut, teaching over 1,000 students per week. Mayor Costello reported Ms. Horan was presented the *Living Legends* award in 1983 by the International Black Belt Association; she served on Ormond Beach's Recreation Advisory Board from 1974 through 1991; she was the founder of the *Friends of Recreation* and the *Friends of the Performing Arts Center*; she has been president of Theatre Workshop since 1995; and she received an honorary *Shining Star* in February 2003 for her devotion to the Theatrical Arts for Ormond Beach. He continued that she recently received a Lifetime Achievement Award from the International Biographical Center in Cambridge, England, and still teaches Judo and self-defense to hundreds of men and women at the Senior Center. He noted she has been an important part of the City's Leisure Services Department. Mayor Costello proclaimed July 24, 2004, as Ruth Horan Day, paying tribute to Ruth Horan and thanking her for her service to the community and for a job well done.

Item #5(B) – Smart Growth Initiative

Ms. Marilyn Crotty, University of Central Florida Conflict Resolution Consortium, updated the Commission on the progress of the Smart Growth Initiative and explained she would seek the City's support. She explained that during the past year, a number of Smart Growth summits occurred in Volusia County, initially proposed by Volusia County Association for Responsible Development (VCARD), and the effort quickly became the product of a diverse group of interests in the community. Ormond Beach was a leading group participating in these summits. Ms. Crotty reported other groups participating were in the private sector, the development community, the school system, counties, cities, and interested citizens. She stated the goal was to better understand and define Smart Growth, particularly in Volusia County and in Volusia County's municipalities. Ms. Crotty advised these summits brought together 150 to 200 people in each of five public meetings where experts were invited to offer information on Smart Growth in other parts of the country, and where many citizens met in small groups to form a consensus on what Smart Growth would mean for Volusia County. She stated the report generated from these meetings could be found on the County's website, but this group wanted something more substantial to be gained from the meetings than preparing a report where the recommendations would never be implemented.

Ms. Crotty stated for the past few months a group of local governments, citizens, development interest, and the School Board met as a transition group, planning for an implementation strategy to take the ideas agreed upon to a higher level. She reported the County Council agreed to participate by funding one-third of the cost of the implementation. Ms. Crotty advised Volusia Council of Government (VCOG) has appointed four representatives to serve on the implementation committee who would guide this process, and Mayor Costello has been designated a municipal appointee; therefore, Ormond Beach would be represented. She reported the private sector has been approached for financial support as well as appointed to the implementation committee. Ms. Crotty explained the implementation committee would consist of 19 members, 13 of whom have been designated, and the six additional appointments were awaited. She stated the County would have four appointments representing a variety of interests, and four mayors were appointed representing the Volusia County cities. Ms. Crotty

reported the School Board, the Council on Aging, the Farm Bureau, the League of Women Voters, the United Way of Volusia/Flagler Counties, and the Volusia Homebuilders' Association would each have a representative. She advised she was awaiting an appointment from the Chamber Alliance, VCARD, and the Volusia/Flagler Environmental Alliance. Ms. Crotty stated the goal was to have the appointments made in the next couple of weeks so the committee could meet in early August.

Ms. Crotty advised that the University of Central Florida Institute of Government and the Florida Conflict Resolution Consortium had been asked to facilitate this process. She stated the key to the success of the implementation strategy was the formation of working groups. Ms. Crotty advised that she envisioned four to five working committees to do research with the assistance of faculty and graduate students to offer recommendations of tools and techniques to be made available to local governments and to the private sector. She stated that through this collaborative effort, ways of maintaining a high quality of life that would be environmentally and economically secure for the entire County could be established.

Ms. Crotty asked the Commission to pledge financial support. She reiterated the County would provide one-third of the funding, and she was hoping that the cities would provide one-third of the funding, and the private sector would also provide one-third of the funding. Ms. Crotty reported financial commitments had been made by the County, DeLand, Orange City, and Port Orange. She stated tomorrow she would be speaking to Ponce Inlet seeking their support. Ms. Crotty reported Edgewater may have already discussed this issue, but New Smyrna Beach, Daytona Beach Shores, and South Daytona would be considering the issue in the near future. She advised it was uncertain if each city would give a financial contribution. Ms. Crotty requested a contribution of \$4,000 to \$6,000 from each city.

Mayor Costello asked Mr. Isaac Turner, City Manager, if he could find \$5,000 in the budget if the Commission decided to support this Smart Growth implementation strategy; whereby, Mr. Turner advised he could. Mayor Costello stated Ormond Beach was a leader in Smart Growth, and this could be an opportunity to make a difference.

Commissioner Partington stated he wanted to support Mayor Costello's work on the County level on the Smart Growth initiative and as a leader of Ormond Beach. He reported it was important for Ormond Beach to be a community partner and carry its fair share. Commissioner Partington thanked Ms. Crotty for her efforts in this process.

**Commissioner Partington moved to support the Smart Growth initiative with a donation of \$5,000. Commissioner Boyle seconded the motion, waiving the Thompson Rule.**

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

Mayor Costello explained the Thompson Rule indicated the Commission could not spend unplanned money without four Commission members approval of the request. He thanked Deputy Mayor Boyle for reminding him of the Thompson Rule.

Ms. Crotty advised that there would be opportunities for the citizens, staff, other elected officials to be actively engaged in these working groups.

Mayor Costello asked that Item #9(G) be heard at this point on the agenda.

Item #9(G) – 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 Partington moved, seconded by Commissioner Kent, to approve Ordinance No. 2004-28, on second reading, as read by title only.**

Mr. Glenn Storch, Storch and Morris, congratulated the City Commission, staff, the former City Commission, and the County Council for creating a single-minded vision for what the area around US1 and I-95 should become and in pursuing this vision despite many setbacks and hurdles. He stated to have the City, County, community, and property owner working together was unprecedented. Mr. Storch advised this was what Smart Growth was—working together, determining the vision for the future, master planning the growth, solving the problems, and proceeding onward. He stated this was only the first step, and the hard work of turning the vision into a reality was yet to be done; therefore, he would be seeing the Commission many times in the future as this vision progresses into a reality.

Volusia County Councilman Joe Jaynes reported this event should be celebrated as a prime example of where one government entity was not pitted against another; rather it was a situation where a partnership was formed, and he commended Ormond Beach for achieving this partnership. He stated this was a wonderful opportunity for doing something great, and he concurred with Mr. Storch that this was a prime example of Smart Growth. Councilman Jaynes stated that this would open up opportunities from a business, commercial, and quality of life standpoint. He advised he was pleased to represent Ormond Beach's interests at the County Council.

Mr. James W. Dejarnette, 107½ Edwards Street, Daytona Beach, asked if this annexation was north or south of Harmony Avenue.

Mr. Clay Ervin, Planning Director, stated the annexation would include approximately 3,000 acres north of Harmony Avenue. He reported there was a pocket of unincorporated County area that would remain south of Harmony Avenue on the east side of Pineland Trail with a series of vacant and developed lots. Mr. Ervin advised there was also a small pocket on the west side of I-95.

Mayor Costello requested Mr. Ervin show Mr. Dejarnette the area being annexed on a map.

Mayor Costello stated this annexation represented 5 million square feet of industrial office space, 900,000 square feet of retail, 2,000 acres of conservation and recreation area, 3,500 residential units, and 11,000 new, living wage jobs at build out which would be in approximately 20 years. He stated the taxable value would be approximately \$500,000 now and would increase to \$2 billion, providing the City with \$6 million in property taxes at build out. Mayor Costello advised this exciting project would change I-95 and US1.

Commissioner Boyle expressed appreciation to the landowners for their vision, flexibility, and willingness to be a partner with the City, Glen Storch who has worked on this for a long time and for his integrity, and Mr. Turner and his staff who visited the News-Journal editorial board that had the mistaken notion that this was urban sprawl and not smart growth. He stated this certainly was Smart Growth in that there would be 50% less residential than there could have been.

Mayor Costello wholeheartedly agreed with Commissioner Boyle regarding the reactivity of Ormond Beach staff in going to the News-Journal.

Commissioner Kent stated that as an educator he was aware that Volusia County's best export was educated children, since they must leave the area for decent paying jobs; therefore, he was excited about the 11,000 new, good-paying jobs to keep the children in Volusia County. He reported he was pleased he would be able to see the great economic accomplishments that would come to fruition for Ormond Beach because of this project.

Commissioner Selis advised he could not add anything since it had already been stated so well by his fellow Commission members.

Commissioner Partington stated he was pleased to see the City and County working so well together along with working well with the landowner. He noted he was looking forward to having jobs available for his three daughters in the future and concurred with Commissioner Kent that many people in his generation had to look for jobs outside of the area. Commissioner Partington stated this was Smart Growth in many ways, and it would create an economic engine for the City.

|            |                         |     |
|------------|-------------------------|-----|
| 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(G).**

Item #6 - Audience Remarks

Aviation Advisory Board

Mr. Charles Carter, 212 Arlington Way, thanked the Commission for his appointment to the Aviation Advisory Board and expressed a need for a City airport manager.

Scrub Palm Tree

Mr. Carter thanked the City employees for removing the top of a scrub palm tree so Florida Power and Light and Southern Bell could do needed repair work.

Proposed Tax Increases

Mr. Carter stated the City was proposing a new debt of \$5 million that was not recommended by the Budget Advisory Board. He advised the increase in water fees and internal borrowing was declined by the board.

Advisory Boards

Mr. Carter stated asked that participation be allowed at advisory board meetings.

Minutes Request

Mr. Carter requested a copy of the July 1<sup>st</sup> Quality of Life Advisory Board minutes relative to the statement reported in the News-Journal regarding the board's support.

Recycled Water Program

Glenn Jaspers, 160 Ocean Terrace, spoke against a new rate increase to support a new reuse system on the south side of Granada Boulevard.

Aviation Advisory Board Member Removal

Mr. Jaspers expressed that a member of a board who was asked to step down by a Commissioner who appointed him should do so.

Airport Issues

Mr. Jaspers advised the complaints Mr. Thompson submitted to the FAA were startling, and his experience with the blimp project years ago left him with no doubt that Mr. Thompson's complaint was accurate.

Budget Issues

Mr. Jaspers stated that fire department costs should be isolated so they may better be identified to the public as a source of budget increases, and that concept would be beneficial in all areas of the budget, starting with the last five years of airport expenditures along with a five-year projection. He requested a detailed accounting of City expenditures on the two antique car replicas that were placed in the Birthplace of Speed Park. Mr. Jaspers commented on the Budget Advisory Board's presentation at the previous meeting and disagreed with its findings. He asked that the City spend each tax dollar wisely.

Airport Issues

Mr. Adrian Thompson, 4 Pine Look Pass, expressed opposition to the extension of an airport runway. He stated the cost of the extension was closer to \$2 million considering the relocation of the sports complex; there was no possibility the City would recoup funds for this project; and no study had shown the economic benefit.

Mr. Thompson reported that a meeting between staff and airport operators that was requested by the Commission had not occurred. He stated the Commission had asked staff to make final determinations regarding compliance with the City codes and ordinances applicable to the

airport, but no such determination has been forthcoming. Mr. Thompson stated the FAA has made an evaluation of the complaint filed by his company. He complained about staff's handling of his issues, and suggested the FAA evaluation indicated the issues raised were justifiable and valid.

Item #7(A) – Metropolitan Planning Organization

Mayor Costello reported the Metropolitan Planning Organization (MPO) did not meet in July; therefore, he did not have a report to present.

Item #7 (B) – Volusia Council of Governments

Mayor Costello reported the Volusia Council of Governments (VCOG) did not meet in July; therefore, he did not have a report to present.

Item #7(C) – Water Authority of Volusia

Commissioner Boyle reported the Water Authority of Volusia (WAV) would meet tomorrow and would be discussing a contract with the St. Johns River Water Management District regarding assistance in funding WAV's master plan. He reported WAV would also be discussing possible special projects and funding.

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 Partington moved, seconded by Commissioner Selis, for approval of the Consent Agenda as submitted.**

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

Item #9(A) – Historic Trees at 203 South Orchard Street

RESOLUTION NO. 2004-113

A RESOLUTION APPROVING AND AUTHORIZING THE REMOVAL OF TWO HISTORIC TREES ON PROPERTY LOCATED AT 203 SOUTH ORCHARD STREET AT THE THOUSAND OAKS CONDOMINIUM ASSOCIATION; AND SETTING FORTH AN EFFECTIVE DATE.

**Commissioner Kent moved, seconded by Commissioner Partington, to approve Resolution No. 2004-113, 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(A).**

Item #9(B) – Historic Trees at 2 Rocky Bluff Drive

RESOLUTION NO. 2004-114

A RESOLUTION APPROVING AND AUTHORIZING THE REMOVAL OF AN HISTORIC TREE LOCATED AT 2 ROCKY BLUFF DRIVE; AND SETTING FORTH AN EFFECTIVE DATE.

**Commissioner Selis moved, seconded by Commissioner Partington, to approve Resolution No. 2004-114, 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).**

Item #9(C) – Historic Trees at 203 South Orchard Street

RESOLUTION NO. 2004-115  
 A RESOLUTION APPROVING AND AUTHORIZING THE  
 REMOVAL OF AN HISTORIC TREE ON PROPERTY LOCATED  
 AT 19 JOLYNN DRIVE IN THE ORMOND LAKES SUBDIVISION;  
 AND SETTING FORTH AN EFFECTIVE DATE.

**Commissioner Kent moved, seconded by Commissioner Partington, to approve Resolution No. 2004-115, 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(C).**

Item #9(D) – Historic Trees at 2 Indianhead Drive

RESOLUTION NO. 2004-116  
 A RESOLUTION; APPROVING AND AUTHORIZING THE  
 REMOVAL OF AN HISTORIC TREE LOCATED AT 2  
 INDIANHEAD DRIVE; AND SETTING FORTH AN EFFECTIVE  
 DATE.

**Commissioner Partington moved, seconded by Commissioner Selis, to approve Resolution No. 2004-116, 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(D).**

Item #9(E) – Historic Trees at 1299 Vanderbilt Drive

RESOLUTION NO. 2004-117  
 A RESOLUTION APPROVING AND AUTHORIZING THE  
 REMOVAL OF AN HISTORIC TREE ON PROPERTY LOCATED  
 AT 1299 VANDERBILT DRIVE; AND SETTING FORTH AN  
 EFFECTIVE DATE.

**Commissioner Partington moved, seconded by Commissioner Selis, to approve Resolution No. 2004-117, as read by title only.**

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

Commissioner Boyle reported the decision to approve the last five items involving six historic trees was not done easily. He stated in every case the tree was either dying, dead, or in the center of a developable lot. Commissioner Boyle advised that with new science, the

Commission was hopeful historic trees may be able to be saved, and the historic tree at Office Depot was an example of utilizing this type of science.

Mayor Costello reported the Commission had in the past rejected requests to remove trees in the center of buildable lots and required the builder to reconfigure the house when the trees were in good condition, unlike the condition of these trees.

Commissioner Partington thanked Commissioner Boyle for providing that explanation. He noted City staff examined each tree and provided a professional recommendation, including pictures of the severe rot of the trees, causing the trees to impose a risk to life and property.

Mayor Costello stated the public may think these items and second readings were approved quickly without consideration; however, he explained that the staff continually provides outstanding staff reports, and some items had been thoroughly discussed at previous meetings.

|            |                         |     |
|------------|-------------------------|-----|
| 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(E).**

Item #9(F) – 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 Selis, to approve Ordinance No. 2004-27, on second reading, as read by title only.**

Mr. Frank Bailey, 355 Airport Road, stated this property catches offsite water from the Pine Trails development, and the outfall of the canal from the industrial park. He reported he favored this project if it would include handling this excess water. Mr. Bailey advised a retention pond would not resolve the problems in this area since it would only handle two or three inches of rain, but not a tropical storm.

Mayor Costello reported there could be no guarantees there would never be flooding, but the engineers have provided assurances that the water issues have been resolved.

Mr. Bailey asked if St. Johns River Water Management District was aware of the off-site water situation; whereby, Mayor Costello advised that St. Johns River Water Management District had to approve the plan, and City standards were even tougher than St. Johns River Water Management District's standards. He asked Mr. Bailey to write to St. Johns River Water Management District to make them aware of the off-site water situation.

Mr. Bailey advised he addressed a letter to the City relative to this issue, and Mayor Costello reported staff would be certain St. Johns River Water Management District would have that information.

|            |                         |     |
|------------|-------------------------|-----|
| Call Vote: | 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(F).**

Item #9(H) – “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 Boyle moved, seconded by Commissioner Selis, to approve Ordinance No. 2004-29, 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(H).**

Item #9(I) – 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 Boyle moved, seconded by Commissioner Kent, to approve Ordinance No. 2004-30, 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(I).**

Item #9(J) – 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 Partington moved, seconded by Commissioner Boyle, to approve Ordinance No. 2004-31, 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(J).**

Item #9(K) – Nova Shoppes Planned Business Development

ORDINANCE NO. 2004-33

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 CERTAIN REAL PROPERTY FROM B-8 (COMMERCIAL) TO PBD (PLANNED BUSINESS DEVELOPMENT), AUTHORIZING REVISION OF THE OFFICIAL ZONING MAP; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; AND SETTING FORTH AN EFFECTIVE DATE.

**Commissioner Boyle moved, seconded by Commissioner Kent, to approve Ordinance No. 2004-33, on first reading, as read by title only.**

Mayor Costello reported the Development Order would be discussed on this project at the next meeting.

Ms. Audrey Montgomery, 29 Old Macon Drive, provided photographs of the rear of her and her neighbor's properties and expressed concern regarding the loss of the trees that currently exist. She questioned if the trees would be removed and replaced with a retention pond and if a retention pond would breed mosquitoes. Ms. Montgomery expressed concern about the noise.

Mr. Clay Ervin, Planning Director, advised the stormwater pond would be located on the east side of the property. He stated this was an existing vacant site zoned B8, which allowed for commercial retail uses. Mr. Ervin advised the proposed uses were allowed by right, and the reason this issue was before the Commission was because there were certain waivers involved. He stated additional trees would be planted along the property line adjacent to Reflections Village and adjacent to the building to provide a double layer of screening, with replanting of some of the removed trees. Mr. Ervin advised whatever trees could be preserved would be preserved. He stated the ponds would be dry so the water would quickly filter through the soil and dissipate. Mr. Ervin noted there may be standing water, but it would have an attenuation of 72 hours, which means that within three to four days, the water would be dissipated. He reported the building would be screened with a wall and landscaping. Mr. Ervin advised the plan generally complied with all of the City's tree preservation, replacement, and buffering standards.

Mayor Costello asked what size trees would be planted; whereby, Mr. Ervin explained the standard would be a ten-foot tree with a four-foot spread and a two-inch caliper measured one foot above grade.

Commissioner Kent stated the photographs Ms. Montgomery provided showed trees on the fence line. He asked if these trees would be removed.

Mr. Ervin reported there would be some tree removal, but basically the applicant indicated he would try to preserve as many trees as possible. He cautioned that when equipment would be brought in, it may tear at the route system, and trees may have to come down due to having adequate room for spacing. Mr. Ervin advised a penalty would be imposed when taking down a tree; therefore, Mr. Holub would want to keep as many as possible.

Commissioner Kent asked where Ms. Montgomery's house was located in relation to this project; whereby, Mr. Ervin pointed to her property on the map.

Mayor Costello pointed out Mr. Ervin advised there was a penalty to remove trees; therefore, Mr. Holub would work hard not to remove the trees, but some would have to be removed.

Ms. Montgomery advised she did not understand why the trees could not remain since the trees being replanted would take 20 years to grow.

Mr. Paul Holub, applicant for Nova Shoppes, stated there was a flat shelf at the top of the retention pond and he would do everything to save existing trees, noting it would be a cost savings to him. He reported he has previously constructed similar centers where they abut residential developments, such as Seminole Center and Blockbuster Center, and he worked diligently with the neighbors on those projects. Mr. Holub noted that at the start of both projects there was a great deal of controversy; but when the projects were completed, everyone was

pleased. He stated he would plant the trees where it would benefit the adjoining neighbors, not where it would benefit him; and he offered to plant the trees on the neighbors' side of the wall if permitted by the City should the resident prefer this be done. Mr. Holub advised he could increase the size of the trees by the existing six-foot wall along the back parameter from the 2½-inch caliper to a 3½-inch caliper tree, increasing the tree to 14-feet high with a six to eight-foot spread. He stated the site was designed with no access to the back other than pedestrian access for fire safety. Mr. Holub noted there would be no rear vehicular access, and employees would probably utilize the front doors. He reported deliveries would also be through the front doors. Mr. Holub advised the lights would be screened at the rear of the building, but some light was needed for safety purposes. He stated this property has been zoned commercial for quite some time. Mr. Holub reported he has worked with the fire station relative to access and created an access plan for ingress and egress for the southbound traffic with an access point at the center of the project. He advised he was working with Auto Zone for a cross access easement to their parking lot. Mr. Holub noted these type of uses would typically open at 9 a.m. or 10 a.m. and close at 9 p.m. or 10 p.m. He reported a bar or nightclub was not anticipated, and the restaurants would be typical sit-down type restaurants as opposed to fast-food type restaurants. Mr. Holub advised every effort was being made to keep all the commercial impacts to the front of the building.

Commissioner Partington asked the distance between the back of the fence to the retention area.

Mr. Holub advised there was probably a ten-foot shelf.

Commissioner Partington questioned if there was a reason the current vegetation could not be left in tact since it was at the rear of the project.

Mr. Holub reported he could not leave the vegetation in the banks or slopes of the pond since it would have to be built free of root and trees, and the pond would have to be maintained; however, if there were any trees on the top shelf, they could be preserved. He stated the trees on the other side of the pond would probably be lost due to the fill requirements since the property sloped from the front to the back quite dramatically. Mr. Holub advised some of the trees being removed from the building could possibly be relocated against the wall although he was not certain of the value of those trees. He explained the rear of the building would have a single entry door with a canvass overhang awning with the gutters built in the interior of the building, leaving little to screen. Mr. Holub stated the air conditioners would be on the roof but would not be visible.

Ms. Jennifer Casey, 32 Pebble Beach Drive, questioned how a sit-down restaurant could receive deliveries from the front entrance, pointing out that trash could not be taken out and large deliveries could not be brought in through the front when people were dining.

Mr. Holub stated deliveries would be through the front. He noted typically restaurants schedule deliveries in the morning before they open. Mr. Holub used Boston Market as an example where most deliveries came into the front because it was the most convenient location. He explained the dumpsters were located at the front of the property, but were well screened. Mr. Holub noted service oriented businesses receive minimal deliveries.

Ms. Montgomery stated that at the last meeting, it was indicated a sports bar would be located on the site, and a sports bar would not close at 9 p.m.

Mr. Ervin reported the uses allowed by right in this zoning district would prohibit bars, nightclubs, and lounges; however, an establishment such as Houligan's would be considered a restaurant.

Mr. John Liberto, 37 Old Macon Drive, stated he lived at the southeast corner abutting the proposed development. He reported when a commercial use abuts a residential use, a six-foot wall was required. Mr. Liberto advised there was a wall, but it was not six feet tall.

Mr. Ervin concurred that a six-foot wall was required when a commercial use abuts residential use; and if there were sections that was not six-feet high, staff would need to investigate the situation since a minimum six-foot wall was required. He reported in some situations, due to elevation changes, it was possible the fence could be lower than six feet in some sections and higher than six feet in other sections.

Mr. Liberto advised the water and sewer was to tie into the fire department, which flowed into Reflections Village. He stated the intersection of Oak Village Drive and Old Macon Drive has been repaired several times. Mr. Liberto noted the road had sunk where the tie-in comes from

the fire station into the development, and this project would increase the usage, which caused concern.

Ms. Judy Sloane, Public Works Director/City Engineer, reported this was the first she was aware of a problem in this area. She advised staff would investigate the situation and have it repaired.

Mr. Randal Hayes, City Attorney, advised that the item being addressed tonight was for the rezoning, not for discussion of the specifics of the Development Order.

Mayor Costello reported he was providing more latitude in this situation than he normally would to answer residents' concerns.

Mr. Charlie Ball, 21 Old Macon Drive, reported he lived at the far northern portion of the project and questioned if there was enough easement at this portion to access construction equipment from Reflections Village.

Mayor Costello advised that the applicant indicated the equipment would not access the property at that location.

Mr. Ball asked how long a restaurant in this zoning district could remain open for business.

Mr. Ervin stated there were no specific limitations relative to closing times; however, restaurants are restricted to stop serving alcohol at 2 a.m. He noted restaurants typically close at 11 p.m. He advised if there was a concern regarding the hours of operation, the Commission may place such a limitation.

Mayor Costello questioned if this should be done tonight or at the next meeting; whereby, Mr. Ervin recommended this be done at the next meeting.

Mr. Thom Giordano, 882 Village Drive, stated Mr. Holub mentioned a tentative agreement with the Fire Department to utilize their access road. He asked Mr. Holub to expound on this.

Mr. Holub stated he was working with the Fire Department to use a full access median for southbound traffic to enter the property so U-turns could be avoided. He reported he would add an exit lane for the fire station and contribute to the reconstruction of an entrance to the fire station. Mr. Holub advised he would also be adding designated parking spaces on his site for fire station use that would provide overflow parking for peak hours. He reported FDOT supported this plan. Mr. Holub advised that a signalized stop sign was proposed at the egress point of this development's parking lot to the fire station. He noted that this stop sign would turn red to allow the Fire Department vehicles to exit for emergency calls. Mr. Holub advised the Fire Department has the unilateral ability to cancel this proposed easement agreement if they found there was a problem. He stated a great deal of work and research was completed and this plan would help avoid U-turns on Nova Road.

Mayor Costello stated this would progress from a B8 zoning to a Planned Business Development (PBD), which would provide the City more ability to make certain requirements. He advised there would be another meeting when the specific development components would be considered.

Mr. Giordano advised Village Drive was located in the Village Subdivision south of the fire station. He summarized that people could drive into the fire station parking lot and access this development, Auto Zone, and Walgreen's, hence those customers would be able to access those other businesses.

Mr. Holub reported that at this time he did not have a cross access agreement with Auto Zone, although it had been requested.

Mr. Giordano stated that a traffic light would be a great plus with this type of development.

Mayor Costello advised there was no possibility a traffic light would be approved because it would be too close to an existing light.

Mr. Ervin stated it would be very difficult to have a signal approved based on the distance to the Granada Boulevard signal; however, the proposed emergency signal could be approved.

Commissioner Partington reported he was comfortable with approving the rezoning; however, he may not approve the Development Order at the next meeting. He stated he was confident Mr. Holub could meet with the residents to satisfy their concerns since he had worked well with

residents in other projects. Commissioner Partington reported staff had been working with the FDOT to determine the best location for a light between Division Avenue and Granada Boulevard on Nova Road. He noted agreement with Mr. Giordano that this would be an important issue.

Mayor Costello advised he considered this a great place for a signal; however, he had doubts that it would occur. He requested staff to prepare some type of amendment regarding the 3½-inch caliper trees Mr. Holub offered to plant. Mayor Costello stated moving the trees further from the building to the fence line would be prudent.

Commissioner Partington offered to meet with Mr. Holub and the residents to walk the tree line to consider various options.

|            |                         |     |
|------------|-------------------------|-----|
| 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(K).**

Item #10(A) – Ormond Beach Yacht Club

ORDINANCE NO. 2004-33  
 AN ORDINANCE FURTHER AMENDING ORDINANCE NO. 87-60, AS PREVIOUSLY AMENDED, BY ADDING ONE PROPERTY TO THE LIST OF HISTORIC LANDMARKS; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; AND SETTING FORTH AN EFFECTIVE DATE.

**Commissioner Selis moved, seconded by Commissioner Kent, to approve Ordinance No. 2004-33, on first reading, as read by title only.**

Commissioner Partington disclosed that he was a member of the Ormond Beach Yacht Club. He advised the legal staff informed him that he may vote on this issue in that there was no conflict. Commissioner Partington stated he was helping the Yacht Club proceed through this process at no cost. He advised that with this historic landmark designation, the Yacht Club would realize an ad valorem tax exemption on any future improvements. Commissioner Partington reported the pilings must be shored up and the first floor redone so it could be occupied.

Mayor Costello stated he may also be a member of the Yacht Club.

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

Item #10(B) – Garbage, Refuse, and Yard Waste

ORDINANCE NO. 2004-34  
 AN ORDINANCE AMENDING CHAPTER, 10, GARBAGE REFUSE AND YARD WASTE, SECTION 10-16, FEES FOR COLLECTION AND DISPOSAL ESTABLISHED, OF THE CODE OF ORDINANCES, BY INCREASING FEES FOR THE COLLECTION AND DISPOSAL OF SOLID WASTE; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; SETTING FORTH AN EFFECTIVE DATE.

Mayor Costello asked for a motion and section to reflect that this ordinance would be effective October 1<sup>st</sup>. He noted this was not printed in the material provided, but it would be included in the second reading.

**Commissioner Selis moved, seconded by Commissioner Partington, to approve Ordinance No. 2004-34 with October 1<sup>st</sup> as the effective date, on first reading.**

Mr. Paul Lane, Finance Director, advised the last rate increase was actually in October 1991, not 1988 as previously stated. He stated another correction was the percentage increase on the residential rate was approximately 14% and the overall increase for residential and recycling was approximately 17%. Mr. Lane advised the total increase on the solid waste collection was approximately \$1.50 per month and the recycling was \$.60 per month for a total of \$2.10 per month. He stated a two-yard commercial container would increase by \$22.10, a four-yard commercial container would increase by \$44.20, and other commercial containers would increase incrementally depending on the size of the container. Mr. Lane explained the principal reason for the rate increase was the new contract on the solid waste. He stated this new contract was adding approximately \$461,000 to next year's budget. Mr. Lane reported the City had a deficit for the 2003-04 year in that a shortfall of \$163,000 was projected. He advised staff expected a shortfall of \$84,000 on the revenue side, and fund balance was appropriated. Mr. Lane stated in 2002-03 the deficit was \$138,953. He indicated revenue estimates were slightly over-aggressive. Mr. Lane stated \$695,000 was needed to pay this additional contract plus cure the deficits so the difference was being made up by slightly more interest income being estimated next year.

Mayor Costello stated there should have been a rate increase two years ago if the City lost over \$100,000 for two consecutive years.

Mr. Charles Carter, 212 Arlington Way, stated that in the past, because there was a \$3 million balance in this account, raises were absorbed, but now they would not be absorbed when there was still \$3.1 million in the fund. He asked if the City would continually take money from this fund and charge the City taxpayers when the City uses the money for operation of the General Fund.

Mr. Lane stated this fund served as an internal loan source for the master plans for transportation and stormwater; therefore, there was a necessity to maintain revenue and expense neutrality so the City would not be taking fund balance so enough could be maintained to make these internal loans. He reported a franchise payment has been made to the General Fund since the services have been contracted out, and this was expected to continue in the new contract.

Mayor Costello stated the City must preserve this fund to make certain enough funding would be available should the Commission ever decide not to contract this service out.

Commissioner Partington questioned if the Commission decided to use the money for interfund transfers when the City sold the garbage trucks and privatized this service in 1994.

Mr. Lane stated the decision may not have been made at that time. He noted it was more likely made when the master plans for stormwater and transportation were approved.

Commissioner Partington clarified that these loans were made knowing they would be repaid so the money would be available if the City ever decided to go back into the waste management business.

Mr. Lane concurred this was correct and pointed out that the loans would be paid back with interest.

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

Item #11 –Transfer Station Lease Agreement with Waste Management

RESOLUTION NO. 2004-118

A RESOLUTION ACCEPTING A PROPOSAL TO PROVIDE SOLID WASTE, YARD WASTE, RECYCLING AND ROLL-OFF COLLECTION AND DISPOSAL SERVICES FROM WASTE MANAGEMENT, INC., OF FLORIDA; REJECTING ALL OTHER PROPOSALS; AUTHORIZING THE EXECUTION OF ALL DOCUMENTS RELATIVE THERETO; AUTHORIZING THE EXECUTION OF A TRANSFER STATION LEASE AGREEMENT WITH WASTE MANAGEMENT, INC., OF FLORIDA; SETTING FORTH AN EFFECTIVE DATE.

**Commissioner Partington moved, seconded by Commissioner Kent, to approve Resolution No. 2004-118, as read by title only.**

Mayor Costello advised he received a letter from Waste Management, Inc., indicating they would be willing to be in a competitive situation relative to the hauling of construction and demolition debris as they felt they could be competitive on the open market. He reported this was the portion of the contract in which the City was approached over the past few months. Mayor Costello noted Waste Management has done a good job and has been responsive to his questions; therefore, he would not want to diminish the relationship the City enjoys with Waste Management. Mayor Costello asked if a motion were made to make that portion of the contract non-exclusive, if it would harm the City in any way or diminish the contract.

Mr. Ted MacLeod, Assistant City Manager, reported Waste Management provided for a non-exclusive construction and demolition recycling contract, and staff was in the process of working on a procedure and program to provide for additional competition.

Mayor Costello questioned if the Commission were to make this exclusive, if there would be any benefit to the City; whereby, Mr. MacLeod reported staff believed it could manage this program so there would be no disadvantage to the City.

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

Item #12(A) – Proposed Meeting with the Volusia County School Board

Mr. Isaac Turner, City Manager, reported staff prepared suggested topics for a joint City Commission/School Board meeting. He stated Mayor Costello spoke to the School Board chair, and he met with the School Board superintendent, Mr. Smith, and both were looking forward to this opportunity. Mr. Turner reported the School Board would also present topics for conversation; therefore, he asked these issue be prioritized since he did not believe all of the issues could be discussed at a single meeting.

Mayor Costello reported he would rather know what topics the School Board would like to discuss before prioritizing this list; however, if anyone wished to take an item off the list, it should be discussed now.

Commissioner Kent requested adding the Central Park Education Center to the list. He noted Volusia County students would not utilize the education center exclusively, but it would be integral to many students.

Mayor Costello requested the Central Park Education Center be added to the list.

Commissioner Boyle recommended deleting item number four, which related to annexing Seabreeze High School into Ormond Beach. He explained the school straddled Daytona Beach and Ormond Beach. Commissioner Boyle reported the community was not asking for this to occur, and he did not understand the advantage of this annexation.

Mayor Costello reported numerous people have discussed this annexation for many years. He stated the school often was confused as to which Police Department to call. Mayor Costello advised that since over 75% of the students were Ormond Beach residents, it should have an Ormond Beach address. He stated another issue was that Seabreeze did not have a stadium, and many people believe the School Board should provide land for a stadium as they have done elsewhere, but there was no available land in the vicinity. Mayor Costello advised that if the school were in Ormond Beach, it may receive more public support from the private sector to partner with the School Board and the City for a Seabreeze stadium whether at the Airport Sports Complex or elsewhere.

Commissioner Boyle advised there was a sheriff's deputy assigned to the Seabreeze campus, and the school principals have had no problems in emergencies calling both venues.

Mayor Costello reported the principal's office expressed to him the benefit of having the school in one jurisdiction.

Commissioner Boyle stated the City would have to deal with two jurisdictions on this issue—Volusia County and Daytona Beach.

Mayor Costello concurred that Daytona Beach may not be interested in this annexation, but the question for tonight was whether Ormond Beach saw any benefit. He stated in that there was no tax consequence, it would not take tax revenue away from Daytona Beach.

Commissioner Boyle advised he would also delete the development of a football stadium for the City and Seabreeze use as outlined in item number five. He stated the question was not as much constructing the stadium as it was maintaining the stadium after it was built at an annual cost of \$75,000 to \$100,000. Commissioner Boyle reported many people consider this a redundancy with the municipal stadium all the high schools use.

Mayor Costello reported he did not disagree with Commissioner Boyle other than if this was planned, the maintenance would have to be factored in before it was built. He noted there has been the issue that Seabreeze has not been able to have access to fields when they needed them, and they would like to have access to a facility.

Commissioner Boyle stated the school pays a fee for police officers at the stadium and rental of the stadium at this time. He reported there was a presumption that the school board funds for the rental and police could automatically be transferred to a stadium for Ormond Beach, but this would not occur.

Mayor Costello advised this was another issue that would need to be addressed, but he asked if the Commission wanted to even consider this item.

Commissioner Boyle urged that this item be withdrawn.

Commissioner Selis reported he did not foresee any harm in keeping the items on the list. He stated if the School Board wanted to discuss them, they could be discussed; and if the School Board did not wish to discuss them, they would not be discussed. Commissioner Selis supported Commissioner Kent's recommendation for the Central Park Education Center to be added to the list.

Mayor Costello summarized that there was not adequate support to take any item off the list and one item was to be added.

Mr. Turner suggested this list be forwarded to the School Board, and then he would set up a meeting with Mayor Costello, the School Board chair, himself, and the School Board superintendent where the School Board list would be disclosed. He stated he would then bring the School Board list back to the Commission.

Mayor Costello concurred with Mr. Turner's recommendation.

#### Item #12(B) – Update on Fire Station No. 91

Mr. Turner stated a memo was placed on the dais outlining a discussion he had with Mr. Fred Hudson, the person interested in acquiring Fire Station 91, who was unavailable to attend this meeting. He reported Mr. Hudson expressed concern relative to Option #2 in the City Commission information packet where the land exchange would be done, but the City would not lease the property at the current fire station site while it was under Mr. Hudson's ownership, and a temporary fire station would be housed on the new site. Mr. Turner advised Mr. Hudson indicated the waterproofing improvements were necessary for this arrangement to come to fruition. He stated Mr. Hudson also reported he would need a lease for at least one year. Mr. Turner noted the Commission provided him with authorization to offer \$200,000 to \$300,000; however, Mr. Hudson's request exceeded that range. He stated for this reason, staff provided options two and three. Mr. Turner pointed out the Commission also requested a goal of having additional park facilities on the southern portion of the beachside. He advised this parcel could potentially provide space for a small park facility.

Mayor Costello reported he told Mr. Hudson today that he was uncomfortable with \$375,000 for the swap, plus \$95,000 for the waterproofing, plus \$75,000 for the two-year lease totaling \$545,000. He advised that when the Quality of Life Advisory Board recommended the City not spend the money, but rather the City add to the current facility, he indicated he would not make a trade above the appraised value. Mayor Costello stated he supported keeping the building on the historic registry, and Mr. Hudson would keep it on the registry; he supported a new fire station where the ladder truck could be stored on the peninsula; and he supported the concept of a mini-park. He explained he wanted this deal to work, but was not comfortable with the deal as presented, and he asked if Mr. Hudson could do anything to make this work. Mayor Costello reported Mr. Hudson gave a verbal response that he could accept \$405,000 plus the

waterproofing for a total of \$500,000 including the two-year lease. He noted there would be no rental for two years, and then the City would pay on a month-to-month basis for longer than two years.

Commissioner Selis recommended tabling this issue. He stated City staff tabled Option #2, but he understood it was now not a viable option; therefore, he urged the Commission to not discuss speculative issues.

Mayor Costello agreed with Commissioner Selis' assessment.

Commissioner Boyle concurred regarding tabling this issue. He stated he applauded whatever Mayor Costello could do in furthering negotiations because this piece of property was now worth closer to \$800,000 or \$900,000 in the short time this item was being discussed. Commissioner Boyle noted this was the last piece of property of size on a main artery on the peninsula. He stated if the City would now start trying to acquire a piece of property, there would probably be at least a \$500,000 cost for demolishing an existing building. Commissioner Boyle concurred that this should be tabled to obtain a new option that both the landowner and staff could agree to. He advised he once voted to rehab this building as a fire station; however, if the City should place a building in the rear to house the engines, it would no longer have access to Granada Boulevard, and fire responses may be weakened.

**Commissioner Selis moved, seconded by Commissioner Boyle, to table this item to the next regular City Commission meeting.**

Commissioner Partington stated that while this was tabled, he urged staff to examine any alternate properties that may be available. He advised the City was coming to the point cost-wise where the City could keep and protect the current building while purchasing another property for the fire station.

Mayor Costello concurred with Commissioner Partington. He stated he was advised that this was the only suitable piece of property, but he also urged staff to investigate this issue.

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

Mayor Costello advised he did not wish to assist staff in any negotiations. He noted Mr. Hudson had been a personal friend for many years, and as such, he called Mr. Hudson to inform him he was not comfortable with the current deal. Mayor Costello stated he had no intention of negotiating without the Commission's knowledge. He reported that after staff had done the best they could in their negotiations, if he was still not comfortable with the situation, he may contact Mr. Hudson again, but he would disclose the conversation to the Commission.

Item #12(C) – Tax Increment Financing Fund Short and Long-Term Strategies

Mr. Ervin reported the memo presented summarized some of the issues staff was facing with the Central Business District Tax Increment Financing (TIF) District. He advised that in the future, a re-evaluation of the program for the downtown was needed and more viable projects should be selected to utilize the revenue stream of \$650,000. Mr. Ervin reported currently \$50,000 was allocated toward streetscape maintenance leaving \$600,000 per year to reinvest into the downtown. He advised three projects were identified for next year, and a fund balance of \$300,000 would be transferred to next year's budget leaving \$900,000 for next year. Mr. Ervin identified immediate projects consistent with the original blight study in the original recommendations, but advised that staff would need to modify the plan to determine if these funds could be utilized for those purposed. He stated the projects were taken to the Ormond Beach Chamber of Commerce and Ormond Main Street as well as to the Planning Board. Mr. Ervin advised the Planning Board urged longer term joint participation between the City and private enterprise. He stated suggestions were made to focus less on just streetscaping and more on landscaping. Mr. Ervin requested the Commission identify two specific policy directions: short-term strategies to utilize a façade site signage grant, streetscape improvements of side street, the Highlander Corporation parking lot, the Cassen Park paving, and the answers to the three questions on page 3 of the City Manager memorandum to identify long-term strategies. He advised that when this direction was provided, staff would come back with short-term revisions to the master plan and ultimately an updated master plan to better allocate the funds being received by this CRA.

Mayor Costello questioned if the Commission supported the staff recommended short-term policies.

Commissioner Partington questioned why the façade signage grants were cut at \$15,000.

Mr. Ervin reported staff was utilizing that which had occurred in the past. He noted typically smaller businesses needed quick assistance without going through a lengthy process, and \$15,000 seemed to address the majority of the costs for painting, stucco finishing, and the like. Mr. Ervin reported the larger grants for full refurbishing of buildings exceed that amount.

Commissioner Partington reported he would be more comfortable with a \$25,000 figure.

Mayor Costello asked Holly Hill's Vice Mayor Roland Via, who was in the audience, if Holly Hill had a \$5,000 cap. He reported these funds act as an incentive to start the project; they were not necessarily meant to fund the entire project.

Mr. Roland Via, Holly Hill's Vice Mayor, 1712 Center Avenue, Holly Hill, reported two grants were available: the façade grant was a matching grant for \$5,000 with 50% participation and a \$5,000 landscaping grant with 75% participation on the city's part. He explained Holly Hill's CRA fund was approaching Ormond Beach's numbers, but their fund was established in 1996.

Commissioner Partington asked how many businesses had taken advantage of this program.

Vice Mayor Via advised participation was very good. He noted Holly Hill hired a direct coordinator for the CRA program who initiated contacts with the businesses to make the grants available and to assist them with the paper work involved.

Commissioner Partington questioned if there was an appeal process should an applicant be denied their grant application.

Vice Mayor Via reported they did not have appeals since the applications were always granted.

Mr. Ervin advised the final language had not been drafted, and staff could include an appeals process.

Mayor Costello noted the consensus was to support the staff recommendations for the short-term strategies. He asked the Commission to focus on the long-term strategies. Mayor Costello advised he would favor a parking structure.

Commissioner Partington recommended a parking garage be constructed where the City Hall parking lot currently exists. He reported parking garages could be done in an attractive manner, fitting into the surrounding area. Commissioner Partington recommended building this garage with School Board, County, and City cooperation. He stated the parking lot planned for the playground area in front of Ormond Elementary School would be better used for a commercial use. Commissioner Partington advised that the School Board could sell this property at a higher value than the cost of constructing a parking lot on the site. He reported along with the parking garage, he recommended a walkover to cross Granada Boulevard in that crossing Granada Boulevard was a dangerous proposition. Commissioner Partington stated a pedestrian bridge on each side of the Granada Bridge would be a great boon for the businesses.

Mayor Costello stated that previous Commissions in goal-setting sessions have discussed several walkovers connecting to the second floors with commercial or professional on the first floor and residential on the second floor, using the wrought iron look. He reported he would favor the parking garage along with "something to look at." Mayor Costello advised he was not certain this would be an appropriate use for these funds. Hearing nothing further, parking would be included in the first question, and he asked if anyone had any comment on the second question.

Commissioner Boyle reported the second question stated: "Should park improvements, such as eligible improvements to Rockefeller Gardens and Riverwalk, be funded through TIF funds? Matching funds may be available for certain park related projects, such as Riverwalk". He stated he could not support this in that until the past year or two, the City placed all of the TIF funds in beautification and parks. Commissioner Boyle reported he could not substantiate that any of the projects previously supported by TIF money resulted in the goal of the TIF concept, which was to increase the appraised or assessed value of the property. He stated the models that have worked all over the country were when cities acquire properties, they convert the properties into small municipal parking lots, then the adjacent properties become more attractive to developers.

Mayor Costello stated he favored improving Rockefeller Gardens and Riverwalk, but did not favor this be funded through TIF funds. He urged TIF funds be used for parking or anything to enhance the downtown business area such as the façade grants and acquiring property.

Commissioner Selis reported he had no strong feelings either for or against the second issue.

Commissioner Partington urged the second item be assigned a lower priority, and Commissioner Kent concurred with Commissioner Partington.

Mayor Costello asked Mr. Ervin to keep the second item with a lower priority. He asked for the Commission's opinion relative to the third issue.

Commissioner Boyle asked this also be deleted since it was limited to infrastructure only, such as underground utilities and beautification. He noted the City was already strong on beautification.

Mayor Costello asked if this would be supported if the word "solely" were deleted.

Commissioner Boyle and Commissioner Partington advised they could support the item with "solely" being deleted. Mayor Costello requested staff delete the word "solely."

Mr. Ervin summarized the long-range policy was that staff was to explore acquisition of properties and then package them through request for proposals to private developers; make certain there was an opportunity for public acquisition for pocket parking; Rockefeller Gardens and Riverwalk improvements are to be kept, but at a lower priority; and the term "solely" would be eliminated on the third item so if funds would be needed for public infrastructure or a specific beautification plan, it could be done. He stated staff would work on an amendment to the master plan to take care of the short-term projects, and over the next several years work on an update to the master plan.

Commissioner Partington asked for a definition of "pocket parking"; whereby, Mr. Ervin explained that if there was land that could be acquired between two businesses where a parking lot could be constructed benefiting both of the properties, the City could acquire that land.

#### Item #12(D) – Citywide Traffic Analysis

Mr. Ervin reported most of the information relative to the Citywide traffic analysis was reviewed through two prior workshops. He stated the information provided was a summary of what was previously presented.

Mayor Costello reported Mr. Ervin summarized the situation well.

#### Item #12(E) – Future St. Johns Water Management District Grant Applications

No comment was made on this issue.

#### Item #13 - Reports, Suggestions, Requests

##### Commendations

Commissioner Selis commended staff for preparing thorough staff reports and Mr. Turner and Mr. MacLeod for their hard work. He thanked Finance Director Mr. Paul Lane, Public Works Director/City Engineer Ms. Judy Sloane, and everyone else involved in the budget for their efforts. Commissioner Selis also commended Mayor Costello for his handling of the budget meetings.

##### Airport Issues

Commissioner Selis thanked Mr. Carter for his comments relative to the need for an Airport Manager. He advised the airport was growing, and it had major problems that needed to be addressed, and an Airport Manager would be helpful in this regard.

Commissioner Selis advised that over the past several meetings, it had become apparent that he had offend Mr. Thompson, although he did not recall what caused this offense. He stated that in keeping with his religious beliefs, he would never seek to offend anyone; therefore, whether he felt it was deserved or undeserved, he would apologize for that offense. Commissioner Selis advised Mr. Thompson that he sincerely apologized for any offense on his part.

#### Selection of Employee Benefits Agent of Record

Commissioner Selis stated that relative to Mr. Turner's July 16, 2004, memorandum regarding the selection of employee benefits agent of record, the scoring on customer service past performance experience with similar work stood out to him. He advised the selection criterion was listed, but he questioned what the underlying data was for the scores given in that it seemed to be a very subjective item. Commissioner Selis reported there was a minor variance between the five competing agencies in the compensation schedule, and he requested the supporting data for those scores as well. He also asked for the supporting data for benefit advisory experience.

#### Placing Items on an Agenda

Commissioner Selis requested a discussion item at the next or the following meeting to discuss what the policy should be to place items on the agenda. He noted he rarely asked that items be placed on an agenda and indicated that privilege could very easily be abused. Commissioner Selis suggested the possibility of considering asking two Commissioners if they wished to discuss an item.

#### Limiting Closing Comments

Commissioner Selis reported the closing comments portion of the meeting was growing longer. He advised that the United States and Florida House and Senate had time limitations. Commissioner Selis stated the Commission imposed time limitations on speakers, and the Commission had many opportunities to speak throughout the meeting. He urged a time limit be imposed, but the length of that time limit could be discussed.

#### Appropriate Use of Staff Resources

Commissioner Selis requested a discussion item as to what was the appropriate use of staff resources for investigatory purposes. He reported there have recently been several requests, not the last of which was to investigate alleged potential conflicts of interest with three members for the City's Aviation Advisory Board, one of which the Commission had already discussed, another already had a waiver, and the third was his appointee, Mr. Todd Phillips, who had taken positions highly adverse to the Commissioner who requested this investigation. Commissioner Selis stated this same Commissioner previously inquired relative to Mr. Phillips' ability to stay on the Aviation Advisory Board alleging he lived outside the City of Ormond Beach. He reported there was another person with the same name living outside the City, but his appointee lived in Ormond Beach. Commissioner Selis advised Mr. Phillips was a close personal friend; and if he were to move out of the City, he was aware of the rules well enough to inform Mr. Phillips that he could no longer serve. He stated he was offended another Commissioner called the City Clerk asking if Mr. Phillips could serve since he no longer lived in Ormond Beach.

#### Central Park Education Center

Commissioner Partington thanked Commissioner Kent for including the Central Park Educational Center in the list of discussion items for the Volusia County School Board. He noted he was recently at "The Little Red School House" in Chicago and would make a presentation at the joint meeting using this as a vision for Central Park.

#### Airport Manager

Commissioner Partington reported he originally suggested hiring an airport manager and was frustrated it was not acted upon. He advised he still supported the idea. Commissioner Partington reported last year the City paid Hoyle Tanner \$170,000 for airport advice. Commissioner Partington stated the City appointed a staff member the title "Airport Manager," and whenever a question would arise, Hoyle Tanner was called and the City was billed. He recommended paying an airport manager \$60,000 to \$70,000 to do this job. Commissioner Partington thanked Mr. Carter for his suggestion and noted he appreciated his fellow Commissioners' support in this matter.

#### Ormond Beach Yacht Club

Commissioner Partington explained the Ormond Beach Yacht Club was a dilapidated historic structure that acted as a community center in the early 1900's where no drinking or gambling was permitted, and it was closely associated with the Union Church. He stated the members care about the history of the community and want to see the building restored for historical purposes. Commissioner Partington reported this project was the Yacht Club's primary focus at this time; and when that was accomplished, they would probably turn to civic and charitable goals.

#### Limiting Time on Closing Comment

Commissioner Boyle reported in February 2003 he kept a timer and strongly recommended the closing comments be limited to five minutes. He stated he stopped using the timer because the

meetings had been going so well. Commissioner Boyle noted aiming for five minutes was a good goal, and the Commission had been achieving that goal.

#### Placing Items on an Agenda

Commissioner Boyle stated placing items on an agenda had always been a right of a Commissioner, and there was no way for another Commission member to determine if that item would or would not be suitable for an agenda. He advised he considered this a right, not a privilege, and the Commission would disenfranchise Commissioners if they would be required to obtain permission from other Commission members, which may raise the question of Sunshine Law violations. Commissioner Boyle pointed out the current process was working well and was not being abused. He noted any Commissioner who would object to an item could object when it was on the agenda and the item was being discussed.

#### Mr. Phillip's Residency Issue

Commissioner Boyle reported he made the inquiry on behalf of three citizens relative to the possibility that Mr. Phillips no longer lived in Ormond Beach. He stated all that had to be done in Ormond Beach was for a board member and his appointing Commissioner to assert that he was a citizen, and no questions would be asked. He reported he could accept this unless the Commission decided to change that policy. Commissioner Boyle stated he explained that to Mr. Phillips and invited him to discuss this matter, but he received no reply.

#### Replica Cars

Commissioner Boyle stated the replica cars were being shipped back to Ormond Beach. He requested a memo from staff since he recalled the Commission was very specific that the material not be metal or wood due to serious maintenance issues. Commissioner Boyle questioned how this was not included in the specifications.

#### Mayor's Leadership

Commissioner Boyle also thanked Mayor Costello for his leadership during the budget process. He stated these were very fair public hearings, and each Commission member had the opportunity to express themselves fully.

#### Supporting Commission Decisions

Commissioner Boyle stated that a comment was made at last night's hearing that when the Commission had made a decision on an item, the dissenter should accept and support the decision. He stated this would apply when a final vote was taken; however, until the final vote was taken, he considered it entirely fair for the dissenter to bring ideas and information to the Commission in hopes of a reversal of the position.

#### Airport Manager

Commissioner Kent thanked Mr. Charles Carter for his insight relative to hiring an airport manager. He advised he concurred with that recommendation.

#### Code Enforcement

Commissioner Kent stated that in the code enforcement reports the Commission received, he noted 251 South Halifax Drive. He reported this yard had been in bad condition since he was a child; and when he was elected to the Commission, he showed Mr. Turner the condition of that yard. Commissioner Kent stated there were many issues involved, but finally something was about to occur relative to fines being imposed. He thanked Mr. Turner, Mr. MacLeod, and Neighborhood Improvement Manager Joanne Naumann for taking action.

#### Leadership

Commissioner Kent thanked Mayor Costello for his leadership. He stated prior to the workshop the Mayor had stated that positive people make him better, and that statement left an impression on him because positive people make him better as well. Commissioner Kent reported he gleaned a great deal of information from listening to his fellow Commission members.

#### Parking Garage

Commissioner Kent commended Commissioner Partington for his great suggestion of a parking garage. He stated having the various entities involved in this project made good common sense, and he urged every issue be considered on the basis of good common sense.

#### Ormond Crossings

Mr. Turner congratulated the Commission and staff for their efforts relative to Ormond Crossings.

#### Budget Process

Mr. Turner complimented the Commission for how they handled a very difficult budget process and staff for being so responsive.

#### Airport Issues

Mr. Turner advised staff would provide options relative to hiring an airport manager and share the impact of this hire on the engineering costs.

Mr. Turner stated resolving issues at the airport was complex. He advised his plan was to first meet separately with representatives from both of the entities involved in the majority of the issues, meet with the Aviation Advisory Board chairperson separately, and then bring all of the parties together to determine solutions. Mr. Turner explained that staff had been busy over the past several weeks, but he hoped to meet with the individuals in late July and with the group in early August. He advised the FAA inquires were not the tantamount issue, noting there were deeper-seated issues involved.

Mr. Turner reported a statement was made indicating that the FAA validated the concerns and complaints as being actual and factual; however, that was not the case of the FAA's inquiry. He advised the FAA asked staff to provide additional information.

Mr. Randal Hayes, City Attorney, advised after the last meeting he spoke to Mr. Thompson who provided documents he believed were relevant. He stated staff subsequently received the letter on July 19<sup>th</sup> from the FAA dated July 15<sup>th</sup> indicating that out of the eight allegations based on the review of the information Mr. Thompson provided, they would inquire further into six allegations. Mr. Hayes reported the City had 30-days to respond to that letter. He noted he had one non-billable telephone conference with Attorney Rich Leidl to obtain direction as to how to proceed. Mr. Hayes stated everyone was hoping for an informal, amiable resolution to this problem; however, even if the complaints were withdrawn, due to the fact that the FAA had made inquires, they would continue to move forward with some type of investigation. He advised staff would do as much internally as possible starting with gathering as much data as possible, reviewing the data, and providing some explanation to the FAA which could probably be done in house. Mr. Hayes reported the summary and the data collected would be sent to Mr. Leidl for his review and a more formal review would be provided, if necessary. He stated staff would provide the FAA response and a copy of the documentation to the Commission to address all of the questions that were raised.

#### Riviera Arches

Mayor Costello asked staff to inform the Commission as to what part Ormond Beach could play with Holly Hill and Volusia County relative to the Riviera Arches. He stated Ormond Beach should lend its assistance to preserve the arches.

#### Chief Baker's Interpretation of the Fire Codes

Mayor Costello commended Fire Chief Barry Baker for his interpretation of the fire codes that were recently supported. He stated that the Commission trusted staff; however, when their views were questioned, the Commission must wonder who was correct. Mayor Costello stated the issue was not that Chief Baker was correct on this particular issue, but that there was no intent on his or anyone's part to provide incorrect information. He clarified that the airport issues were extremely complicated.

#### Police Commendations

Mayor Costello commended Police Chief Larry Mathieson who was now the Second Vice President of the Florida Chief's Association and Officer John Passalacqua who was first in the class of the Basic Law Enforcement Certification Program.

#### Nonsmoker Protection Ordinance

Mayor Costello requested an update in perhaps a month on the status of the nonsmoker protection ordinance.

Mr. Hayes reported an update would soon be provided.

#### Breakaway Trails

Mayor Costello read a portion of a letter from the Breakaway Trails Homeowners' Association indicating the board would not initiate a vote to request a municipal audit of the finances. He reported this concept was mentioned in an audience comments portion of a City Commission meeting, and he asked the Homeowners' Association to go on record to protect the City from being considered negligent for not investigating.

#### Thank You Note

Mayor Costello reported Chris Beatty, who received the Employee-of-the-Quarter Award, sent the Commission a lovely thank you note. He stated Ms. Beatty had the “heart of a servant.”

Nova Road Widening Project

Mayor Costello read Senator Evelyn Lynn’s letter to FDOT relative to the Nova Road widening project into the record. He stated this was one of the finest letters he had seen. Mayor Costello reported the letter explained the impossible situation on Nova Road where the Volusia County residents have had to deal with the dangerous and destructive traffic situation for an inordinate amount of time. The letter advised that FDOT claimed that when contract time expires, appropriate action would be taken; however, the contract time had expired and damages have been imposed, and questioned why this was allowed to drag on to this degree. Mayor Costello continued that the letter stated cement was available although it was more expensive, which was another excuse to further extend the completion date. He stated the letter stated it was not unique to discover poor work and workmanship on the contractor’s part, but Senator Lynn stated this was a totally unacceptable statement for a government agency to make considering letting a contract should depend on positive past performance and careful scrutiny in the contract negotiation. Mayor Costello advised the letter stated that verified damages to a vehicle would be reimbursed; however, Senator Lynn was not certain how anyone could prove to FDOT’s satisfaction the cause and effect on a vehicle noting the complaints from residents and businesses were endless. He advised the letter reported that improper coning of the lanes and a lack of attention to relocation of the cones as work was completed caused extremely dangerous conditions, and no one was working in areas being blocked off. Mayor Costello reported Senator Lynn asked for a personal visit to examine this project and that work be done to get the job completed.

Budget

Mayor Costello stated the second City Commission meeting in September was September 21<sup>st</sup> when a vote on the budget was scheduled. He advised he recently learned he would be traveling to Europe and not available on that date; therefore, while he was not asking that the meeting be rescheduled since Deputy Mayor Boyle could certainly officiate, he requested any vote on the budget be rescheduled, if possible.

Mayor Costello asked staff to calculate the millage should the Commission decide to consider the employee increases, the \$250,000 to re-establish the fund balance, \$3,000 for the Ormond Beach Historical Trust, \$4,000 for Ormond Main Street, and the ramifications of hiring an Airport Manager. He stated not one Commission member was excited about the budget whether they ultimately voted for or against it; however, something needed to be done to stop placing the City in the situation where the City would no longer be using fund balance for recurring expenses and where one fund would pay for things being done today and have to be paid back in the future. Mayor Costello stated the Commission was willing to make a hard decision that Ormond Beach would be financially sound for years to come. He stated the Commission was responsible for the financial condition, security, and long-range planning for Ormond Beach. He pointed out Ormond Beach would still have the second lowest taxes, but there would be a significant adjustment; and the people he has spoken to have complimented the entire Commission on their willingness to address these issues even though no one liked the outcome.

Item #14 – Close the Meeting

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

APPROVED: \_\_\_\_\_ August 3, 2004

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

ATTEST:

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