

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

May 5, 2009

7:00 p.m.

Present were: Mayor Fred Costello, Commissioners Lori Gillooly, Troy Kent, Ed Kelley, and Bill Partington, City Manager Joyce Shanahan, Assistant City Manager Ted MacLeod, City Attorney Randal Hayes, and City Clerk Veronica Patterson.

A G E N D A

- 1) Meeting call to order by Mayor Costello.
- 2) Invocation by Father Bill Zamborsky, Prince of Peace Catholic Church.
- 3) Pledge of Allegiance.
- 4) **PRESENTATIONS:** Proclamation in honor of Army 1st Lieutenant and Ormond Beach Police Officer David LaBrie, Jr., returning from military duty in Afghanistan.
- 5) **AUDIENCE REMARKS:**
- 6) **APPROVAL OF THE MINUTES** of the April 21, 2009, meeting.
- 7) **CONSENT AGENDA:** The action proposed is stated for each item on the Consent Agenda. Unless a City Commissioner removes an item from the Consent Agenda, no discussion on individual items will occur and a single motion will approve all items.
 - A) Resolution No. 2009-45 accepting the bid of Metrotech Corporation regarding a leak detection system; authorizing the execution of an agreement and payment therefor; rejecting all other bids. (\$58,125) (Utilities Manager)
 - B) Resolution No. 2009-53 appointing William D. Masters as a member to serve on the Quality of Life Advisory Board; setting forth term and conditions of service.
 - C) Resolution No. 2009-54 appointing Brenda Cipullo as a member to serve as a Commissioner of the Ormond Beach Housing Authority; setting forth term and conditions of service.
 - D) Resolution No. 2009-55 authorizing the submittal of an on-line grant application to the U.S. Department of Homeland Security, Office of Domestic Preparedness, under the Assistance to Firefighters Grant Program for funding assistance to purchase fire equipment; authorizing the execution of all documents incidental thereto. (\$157,170 total project cost; \$141,453 grant funding; \$15,717 local match) (Grants Coordinator, Acting Fire Chief)
 - E) Resolution No. 2009-56 authorizing the submittal of an on-line grant application to the U.S. Department of Homeland Security, Office of Domestic Preparedness, under the Assistance to Firefighters Grant Program for funding assistance to purchase a Quint fire truck and associated equipment; authorizing the execution of all documents incidental thereto. (\$792,553.83 total project cost; \$713,298.45 grant funding; \$79,255.38 local match) (Grants Coordinator/Acting Fire Chief)
 - F) Resolution No. 2009-57 authorizing the execution of a release and satisfaction of Special Master Administrative Fine/Lien for violating the solicitation ordinance within the City of Ormond Beach, Volusia County, Florida. (\$100)
 - G) Proposal by the Motor Racing Heritage Association for a replica of the Ormond Garage to be placed at the Birthplace of Speed Park.
- DISPOSITION: Approve as recommended in City Manager memorandum dated April 30, 2009.
- 8) **PUBLIC HEARING:** Resolution No. 2009-58 of the City Commission, also acting as the Community Redevelopment Agency of the City of Ormond Beach, Florida, authorizing the execution of a Property Improvement Grant Agreement between the Agency and Miss Priss, LLC.
- 9) **SECOND READING OF ORDINANCE** No. 2009-12 amending the annual budget for Fiscal Year 2008-2009 by amending the General Fund; the Stormwater Fund; the Grant Fund; the Lease Financing Fund; the Fire Station #91 Debt Service Fund; the Water/Wastewater Fund; the Water Plant Construction Fund; the Water Expansion Construction Fund; and the Insurance Fund. (Finance Director)

10) **FIRST READING OF ORDINANCES:**

- A) Ordinance No. 2009-13 amending Chapter 1, General Administration, of Article III, Definitions, of Section 1-22, Definition of Terms and Words; by amending Chapter 1, General Administration, Article IV, Schedule of Development Review and Impact Fees, Section 1-26, by adding a fee for A-frame Signs; amending Chapter 3, Performance Standards, of Article IV, Sign Regulations, of Section 3-42, Prohibited Signs, by clarifying where an A-frame sign can be placed and what an A-frame sign is not defined as; amending Section 3-43, Non-conforming Signs, by deleting the reference to “Sandwich Board” signs as a non-conforming sign; and amending Section 3-45, Temporary Signs, by adding a new paragraph entitled, “A-frame Sign and Conditions Thereof,” of the Ormond Beach Land Development Code; repealing all inconsistent ordinances or parts thereof; providing for severability; setting forth a sunset date, and setting forth an effective date.
- B) Ordinance No. 2009-14 amending Chapter 1, General Administration, Article III, Definitions and Acronyms, Section 1-22, Definition of Terms and Words, Section 1-23, Reference to City Boards and Officials, and Section 1-24, Acronyms and Abbreviations, of the Land Development Code.
- C) Ordinance No. 2009-15 amending Chapter 2, District and General Regulations, Article IV, Conditional and Special Exception Regulations, Section 2-55, Application and Review Procedures, Section 2-56, General Conditional and Special Exception Review Criteria, and Section 2-57, Criteria for Review of Specific Conditional and Special Exception, of the Land Development Code.

11) **RESOLUTIONS:**

- A) Resolution No. 2009-59 of support regarding the authorization and commitment of the sum of \$150,000 as a grant for property located at 765 West Granada Boulevard for an affordable housing project to be developed and constructed in the City of Ormond Beach by Beneficial Communities, LLC; providing legislative findings, establishing terms and conditions.
- B) Aircraft Noise Abatement Task Force:
 - 1) Resolution No. 2009-60 establishing an Aircraft Noise Abatement Task Force; establishing purpose, function and duties; establishing terms and conditions for membership.
 - 2) Resolution No. 2009-61 appointing members to serve on the Aircraft Noise Abatement Task Force; appointing at-large members; setting forth terms and conditions of service.
- 12) **DISCUSSION ITEM:** Discussion by the City Commission, also acting as the Community Redevelopment Agency, regarding a Downtown Project Update for Vining Court Streetscape, Public Way Finding, and Public Art Projects.

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

14) **CLOSE THE MEETING.**

Item #1 – Meeting Call to Order

The meeting was called to order by Mayor Costello at 7:05 p.m.

Item #2 – Invocation

The invocation was given by Father Bill Zamborsky, Prince of Peace Church.

Item #3 – Pledge of Allegiance

Mayor Costello led the Pledge of Allegiance.

Item #4 – Proclamation to Honor Army 1st Lieutenant and Police Officer David LaBrie, Jr.

Chief Michael Longfellow, Chief of Police, stated the City was very blessed to have a group of men and women who serve Ormond Beach through the Police Department and the City was proud of each and every one of them. He stated the City was recognizing one who went beyond the City’s jurisdiction to serve twelve months in Afghanistan, Army First Lieutenant and Police Officer David LaBrie.

Mayor Costello read a proclamation extolling Officer LaBrie’s valiant accomplishments in service to his country.

When asked if he would like to say anything, Officer LaBrie expressed he was just happy to be back.

Item #5 – Audience Remarks

Glenn Jaspers, 100 Ocean Terrace, discussed his disenchantment with some of the Commission’s decisions.

Item #6 – Approval of the Minutes

Mayor Costello advised the minutes of the April 21, 2009, regular meeting had been sent to the Commission for review and, asked for any corrections, additions, or omissions.

Commissioner Gillooly asked for clarification regarding the survey results. She noted the minutes reported, “the results of the survey would be available sometime in June.”

City Manager Joyce Shanahan stated she had said that the plan for the survey should be ready in June and asked that the minutes be corrected.

Mayor Costello stated the minutes were accepted with the stated correction.

Item #7 – Consent Agenda

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

Mayor Costello stated Item #7A would be pulled indefinitely, and Item #7G would be pulled for discussion.

Commissioner Kelley moved, seconded by Commissioner Partington, for approval of the Consent Agenda minus Items #7A and #7G.

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

Item #7(G) – Proposal for an Ormond Garage Replica

Mayor Costello asked the three individuals who had requested the opportunity to speak if they were speaking in favor of the item; whereas, they replied in the positive. The Mayor asked the Commission members if there was any discussion against the item. There was none; therefore, the individuals in the audience elected not to speak, and Mayor Costello asked for a motion.

Commissioner Kelley moved, seconded by Commissioner Gillooly, for approval of Item #7G.

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

Mayor Costello explained the Motor Racing Heritage Association offered to plan, fund and construct a replica of the Ormond Garage to be built at the Birthplace of Speed Park to house the replica cars. The Mayor thanked the Motor Racing Heritage Association for the fabulous gift to the City.

Item #8 – Property Improvement Grant Agreement with Miss Priss, LLC

RESOLUTION NO. 2009-58
A RESOLUTION OF THE CITY COMMISSION, ALSO ACTING AS THE COMMUNITY REDEVELOPMENT AGENCY, OF THE CITY OF ORMOND BEACH, FLORIDA, AUTHORIZING THE EXECUTION OF A PROPERTY IMPROVEMENT GRANT AGREEMENT BETWEEN THE AGENCY AND MISS PRISS, LLC; AND SETTING FORTH AN EFFECTIVE DATE.

Mayor Costello recessed the City Commission meeting and convened the Community Redevelopment Agency.

Commissioner Kent moved, seconded by Commissioner Gillooly, to recommend the City Commission approve Resolution No. 2009-58.

Mayor Costello called for a voice vote which resulted in the unanimous approval for recommending Resolution No. 2009-58 to the City Commission for approval.

Mayor Costello adjourned the Community Redevelopment Agency and reconvened the City Commission meeting. The Mayor asked for the reading of Resolution No. 2009-58

RESOLUTION NO. 2009-58

A RESOLUTION OF THE CITY COMMISSION, ALSO ACTING AS THE COMMUNITY REDEVELOPMENT AGENCY, OF THE CITY OF ORMOND BEACH, FLORIDA, AUTHORIZING THE EXECUTION OF A PROPERTY IMPROVEMENT GRANT AGREEMENT BETWEEN THE AGENCY AND MISS PRISS, LLC; AND SETTING FORTH AN EFFECTIVE DATE.

Commissioner Kent moved, seconded by Commissioner Kelley, for the approval of Resolution No. 2009-58, as read by title only.

Mayor Costello pointed out approval of the resolution had been unanimously recommended by the Community Redevelopment Agency.

Call Vote:	Commissioner Kelley	Yes
	Commissioner Partington	Yes
	Commissioner Gillooly	Yes
	Commissioner Kent	Yes
Carried.	Mayor Costello	Yes

Mayor Costello stated that hearing no objection, the public hearing was closed.

Item #9 – Amending the Annual Budget for Fiscal Year 2008-2009

ORDINANCE NO. 2009-12

AN ORDINANCE AMENDING THE ANNUAL BUDGET FOR FISCAL YEAR 2008-2009 BY AMENDING THE GENERAL FUND; THE STORMWATER FUND; THE GRANT FUND; THE LEASE FINANCING FUND; THE FIRE STATION #91 DEBT SERVICE FUND; THE WATER/WASTEWATER FUND; THE WATER PLANT CONSTRUCTION FUND; THE WATER EXPANSION CONSTRUCTION FUND; AND THE INSURANCE FUND; AND SETTING FORTH AN EFFECTIVE DATE.

Commissioner Kelley moved, seconded by Commissioner Partington, for the approval of Ordinance No. 2009-12 on second reading, as read by title only.

Call Vote:	Commissioner Partington	Yes
	Commissioner Gillooly	Yes
	Commissioner Kent	Yes
	Commissioner Kelley	Yes
Carried.	Mayor Costello	Yes

Item #10(A) – Amending the Land Development Code Regarding Signs

ORDINANCE NO. 2009-13

AN ORDINANCE AMENDING CHAPTER 1, GENERAL ADMINISTRATION, OF ARTICLE III, DEFINITIONS, OF SECTION 1-22, DEFINITION OF TERMS AND WORDS BY AMENDING CHAPTER I, GENERAL ADMINISTRATION, ARTICLE IV, SCHEDULE OF DEVELOPMENT REVIEW AND IMPACT FEES, SECTION 1-26 BY ADDING A FEE FOR A-FRAME SIGNS; AMENDING CHAPTER 3, PERFORMANCE STANDARDS, OF ARTICLE IV, SIGN REGULATIONS, OF SECTION 3-42, PROHIBITED SIGNS, BY CLARIFYING WHERE AN A-FRAME SIGN CAN BE PLACED AND WHAT AN A-FRAME SIGN IS NOT DEFINED AS; AMENDING SECTION 3-43, NONCONFORMING SIGNS BY DELETING THE REFERENCE TO "SANDWICH BOARD" SIGNS AS A NONCONFORMING SIGN; AND AMENDING SECTION 3-45, TEMPORARY SIGNS BY ADDING A NEW PARAGRAPH ENTITLED "A-FRAME SIGN AND CONDITIONS THEREOF" OF THE ORMOND BEACH LAND DEVELOPMENT

CODE; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; PROVIDING FOR SEVERABILITY; SETTING FORTH A SUNSET DATE, AND SETTING FORTH AN EFFECTIVE DATE.

Commissioner Kelley moved, seconded by Commissioner Partington, for approval of Ordinance No. 2009-13, amending Section 3-45, H(2), to permit A-Frame Signs citywide, on first reading, as read by title only.

Commissioner Kent asked if the ordinance provided for an end of these signs after six months.

Planning Director Ric Goss stated the ordinance included a six month sunset provision whereby at the end of the six months, it would revert by to the code as it was unless the Commission extended it.

Mayor Costello pointed out that if the Commission extended the ordinance, the permit renewal fee would be \$15 rather than \$50.

Commissioner Gillooly moved to amend the fee to \$20 rather than \$50; the motion failed for lack of a second.

Commissioner Kelley stated for areas outside of downtown, he wanted to include not only A-Frame signs but also small signs like political signs less than six square feet.

The Planning Director stated the sign ordinance was put together exactly as the Commission had directed.

Commissioner Kelley stated he felt it was put together based upon the MainStreet recommendation but outside of downtown, the smaller signs would be easier to display and remove.

Commissioner Kelley moved to amend the ordinance to allow any sign as long as it was less than four square feet be acceptable in areas outside of downtown; the motion failed for lack of a second.

Mayor Costello stated he wanted to allow six months to determine how the changes would affect the community.

Call Vote:	Commissioner Gillooly	Yes
	Commissioner Kent	Yes
	Commissioner Kelley	Yes
	Commissioner Partington	Yes
Carried.	Mayor Costello	Yes

Item #10(B) – Definitions and Acronyms

ORDINANCE NO. 2009-14

AN ORDINANCE AMENDING CHAPTER 1, GENERAL ADMINISTRATION, ARTICLE III, DEFINITIONS AND ACRONYMS, SECTION 1-22, DEFINITION OF TERMS AND WORDS, SECTION 1-23, REFERENCE TO CITY BOARDS AND OFFICIALS, AND SECTION 1-24, ACRONYMS AND ABBREVIATIONS, OF THE LAND DEVELOPMENT CODE; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; PROVIDING FOR SEVERABILITY; AND SETTING FORTH AN EFFECTIVE DATE.

Mayor Costello stated the Planning Board had unanimously recommended the ordinance.

Commissioner Partington moved, seconded by Commissioner Kelley, for approval of Ordinance No. 2009-14, on first reading, as read by title only.

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

Item #10(C) – Conditional and Special Exception Regulations

ORDINANCE NO. 2009-15

AN ORDINANCE AMENDING CHAPTER 2, DISTRICT AND GENERAL REGULATIONS, ARTICLE IV, CONDITIONAL AND SPECIAL EXCEPTION REGULATIONS, SECTION 2-55, APPLICATION AND REVIEW PROCEDURES,

SECTION 2-56, GENERAL CONDITIONAL AND SPECIAL EXCEPTION REVIEW CRITERIA, AND SECTION 2-57, CRITERIA FOR REVIEW OF SPECIFIC CONDITIONAL AND SPECIAL EXCEPTION, OF THE LAND DEVELOPMENT CODE; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; PROVIDING FOR SEVERABILITY; AND SETTING FORTH AN EFFECTIVE DATE.

Mayor Costello stated the Planning Board had unanimously recommended the ordinance.

Commissioner Kelley moved, seconded by Commissioner Partington, for approval of Ordinance No. 2009-15, on first reading, as read by title only.

Commissioner Gillooly stated as the Commission's representative to MainStreet, she was aware that MainStreet was moving forward to establish a downtown farmer's market at the Casements, which was an R-1 zone, which does not permit a farmer's market. Commissioner Gillooly explained the permitted hours of operation for a farmer's market were limited to weekends and holidays; whereas, MainStreet was considering holding a farmer's market on a Thursday morning.

The Planning Director explained there were two ways to handle the situation; the criteria could be amending under this provision or treat the farmers' market as an outdoor event to be handled as a special exception.

Mayor Costello suggested the farmers' market standards be amended.

The Planning Director explained that was an option, or it could be treated as an outdoor event which was permitted in the R-1 zone as an accessory use, then handle the farmer's market as a special exception.

Mayor Costello stated he wanted to put it in the downtown overlay district so it would not be just for the B-4 zone, and he wanted to amend the farmer's market standards which would not limit it. The Mayor mentioned that it would still be required to follow the Site Plan Review process so the neighbors would have input. Mayor Costello asked the Planning Director which would be easier for staff to accomplish.

Mr. Goss stated it would be simpler to amend the code from B-4 to downtown overlay, which would allow the use, and change the hours to include weekdays.

Commissioner Kelley suggested amending the ordinance to adding the downtown overlay district but not eliminating the B-4 zone, in case someone in B-4 wanted to have farmer's market they wouldn't be excluded.

Mayor Costello and Commissioner Gillooly agreed that would be acceptable.

Commissioner Gillooly moved, seconded by Commissioner Partington, for amending Ordinance No. 2009-15 to allow the farmer's market use in the downtown overlay district or the B-4 zone and to amend the hours to allow weekends or weekdays.

With no further discussion requested, Mayor Costello called for a vote on the amendment.

Call Vote:	Commissioner Kelley	Yes
	Commissioner Partington	Yes
	Commissioner Gillooly	Yes
	Commissioner Kent	Yes
Carried.	Mayor Costello	Yes

Mayor Costello called for a vote on the main motion.

Call Vote:	Commissioner Partington	Yes
	Commissioner Gillooly	Yes
	Commissioner Kent	Yes
	Commissioner Kelley	Yes
Carried.	Mayor Costello	Yes

Item #11(A) – Authorization of \$150,000 Grant for Affordable Housing by Beneficial Communities, LLC

RESOLUTION NO. 2009-59

A RESOLUTION OF SUPPORT REGARDING THE AUTHORIZATION AND COMMITMENT OF THE SUM OF \$150,000.00 AS A GRANT FOR PROPERTY LOCATED AT 765 WEST GRANADA BOULEVARD FOR AN AFFORDABLE HOUSING PROJECT TO BE DEVELOPED AND CONSTRUCTED IN THE CITY OF ORMOND

BEACH BY BENEFICIAL COMMUNITIES, LLC; PROVIDING LEGISLATIVE FINDINGS;
EASTABLISHING TERMS AND CONDITIONS; AND SETTING FORTH AN EFFECTIVE
DATE.

Commissioner Gillooly moved, seconded by Commissioner Partington, for discussion of Resolution No. 2009-59, as read by title only.

Craig Taylor, 2206 Jo-An Drive, Sarasota, Florida, Beneficial Communities, stated the request was a requirement of the state as a condition of issuance of tax credits. Mr. Taylor stated the amount requested was determined by the Florida Housing Finance Corporation based on the size of the county, and the request was only paid, if approved. He stated the City would receive approximately three times the grant amount returned in fees and taxes from the construction of the project, as well as a long term revenue source for the City. He stated the money will go to somewhere in Florida; therefore, why not here to bring a prodigious amount of money to the City. He explained that Beneficial Communities was a professional organization that had a professional market study done, which concluded Ormond Beach needed 115 units of senior housing or up to 178 units of work force housing; and the occupancy rate of current senior and work force housing was at 100%. He stated this project was not competing with the market rate product but was targeting people below 60% of median income with 10% of the units for people below 35% of median income. Mr. Taylor stated the vacancy rate in Volusia County was about 6% which meant it was just about maxed out. He stated this project would not be ready for two years, and the project would be rent-limited, income-limited for 50 years. He explained when the housing market improved, the condos and houses that were available as rentals would be sold, forcing out renters; and the rents would rise, but these units would always be affordable for lower income families. He reminded this product was not subsidized by the government but by private funds for profit.

Greg Antonich, 153 Dawn Drive, a resident who owns rental property, some adjacent to this proposed development, stated he supported this project because this use was consistent with the City's long term plans and with the Comprehensive Plan. He stated this was called for as a demonstration of the City's support of affordable housing. He stated this project was a long term proposition that would not be influenced by the market fluctuations. He explained the project was income qualified housing that would not be distinguishable from market rate housing. He spoke of an announcement regarding a \$5 billion program whereby the Federal government was to give state housing agencies funds for grants to developers of qualified affordable housing developments to fill the low income housing tax credit gap, to increase the supply of affordable houses and to provide jobs.

Fred Share, 145 Heritage Circle, managing member of the corporate owner of the property, stated they already had a development order in place for 208 units named Gate House, which the City supported with \$150,000; unfortunately, that project did not make the "lottery" for state funding. He stated this may be the best year for funding; affordable housing was in the Comprehensive Plan; and there was always a need for income based, rent controlled housing. He stated this project was not competing with market rate housing and would provide a quality place for low income families to live for many years in the future. He stated the City would receive the \$150,000 back in revenue each three years, but if not, it was not a bad investment in the community. He stated there would be a project of some kind; and asked that the Commission honor the City's commitment to affordable housing.

Marvin Miller, 40 Riverside Drive, stated he found the situation difficult because new projects were wonderful, but everything was timing, and he would like to see the study that concluded more affordable housing was needed. He stated affordable housing existed without tax credits or other benefits, including nine pages of rentals in the Pennysaver, and Craig's List has another thirty. He stated he was losing a lot of tenants due to unemployment and people leaving town. He stated he was not against this project but felt the developer needed to take another look because he was experiencing 15% vacancies, even though they dropped the rental rates.

Nathan McDoneil, 63 River Drive, stated he was all for investing in developing the area but with private funds. He stated the market was a better determiner of rents; if affordable housing was not being built, perhaps there was a reason why; perhaps it was not economically viable. He stated government involvement using tax dollars to subsidize competition for market rate housing was not the best use of tax dollars.

Commissioner Gillooly asked for clarification from the developer regarding the income levels of potential renters.

Mr. Taylor stated it was a complicated process, but the median income in this area was around \$55,000 for a family of four which would translate to \$19,000 to \$30,000; therefore, the lowest income that could live at the property would be about \$14,000, and the highest income that could live at the property would be just under \$36,000. He explained the rents were calculated on a percentage of the median income, divided by twelve months, times 30%, which would result in a maximum rent of \$680 minus a utility allowance.

Commissioner Gillooly asked for confirmation that every unit was for low income families with a documentation process to prove eligibility.

Mr. Taylor confirmed that all the units were for low income renters with a portion set aside for extremely low income renters. He stated a management company who specialized in this area would be hired to perform the requirements for the qualification process and maintain the required documentation for this tax credit program, and the records would be audited annually.

Commissioner Gillooly stated she shared his passion for affordable housing but heard concerns from owners of rental properties. She stated, however, that the income qualification requirement set this project apart from others. She stated she feels it was an absolute requirement of the City to see that affordable housing existed. She stated the affordable housing workshops she attended stated that anytime a city could tap into the Florida Housing Finance Corporation dollars and the tax credit program, the cities should do their best to do so since it was not profitable for the private sector to develop this type of project. She stated this would allow a safe environment for families, as well as, being aesthetically attractive. She expressed her support because it was an income qualified project that would take better than two years to complete, which would allow time for the economy to improve for the other rental property owners' benefit while providing a lot of benefits for the community.

Commissioner Partington stated he agreed but had a question regarding what would happen if after it was built, it was not viable or did not fulfill the obligation of affordable housing.

Mr. Taylor stated when tax credits were awarded there was a requirement to record a deed restriction, a land use restrictive covenant on the property. He explained that by committing the project to affordable housing for fifty years, more points were scored toward making the project more competitive for funding. He clarified the project was not financed by HUD but private sector investors; therefore, if the project ran into trouble, the worse case would be foreclosure. He noted the investors have an \$11 million equity on an \$18 million project, which they would protect rather than repay the benefits the tax credits provided, as well as huge penalties to the IRS. He explained that after fifteen years when the tax credits were used up and the investors received no more benefit from the rent restricted property, the property would probably be recycled. He stated the payback to the City would be the permitting fees and the taxes, but the City would not receive reimbursement for the \$150,000 grant.

Mayor Costello pointed out that even if the property was sold after fifteen years when the tax credits were used up, the land use restrictive covenant would still require the property to be affordable housing.

Commissioner Kelley stated he respected the comments from the rental property owners, but income restricted housing was no competition for other rental properties because there were people who could qualify for this project that could not afford other rental properties. He stated this was the best definition of affordable work force housing, yet was not government subsidized. He stated it was good for the community if affordable housing was wanted, and hopefully, in two years when this project was completed, the market will be better for private rental property owners; therefore, he supported the project.

Commissioner Kent thanked Marvin Miller for the information he sent to the Commission members, and noted Mr. Miller's properties had a different draw. He stated he was in agreement with his fellow commissioners to approve the resolution.

Mayor Costello asked Marvin Miller if it was more competition to have an income qualified project.

Marvin Miller stated that after listening to all the information presented, he was in favor of the project. He stated he was in the same situation of work force housing but with no tax credits. He stated he hoped the project would take two years and would bring jobs into the community.

Call Vote:	Commissioner Gillooly	Yes
	Commissioner Kent	Yes
	Commissioner Kelley	Yes
	Commissioner Partington	Yes
Carried.	Mayor Costello	Yes

Item #11(B)(1) – Establishing the Aircraft Noise Abatement Task Force

RESOLUTION NO. 2009-60

A RESOLUTION ESTABLISHING AN AIRCRAFT NOISE ABATEMENT TASK FORCE; ESTABLISHING PURPOSE, FUNCTION AND DUTIES; ESTABLISHING TERMS AND CONDITIONS FOR MEMBERSHIP; AND SETTING FORTH AN EFFECTIVE DATE.

Commissioner Kelley moved, seconded by Commissioner Gillooly, for approval of Resolution No. 2009-60, as read by title only.

Vince Kinsler, 16 Jolynn Drive, stated he had seen a lot of change in 18 years and would appeal to the Commission to appoint him to the Aircraft Noise Abatement Task Force. He stated it was not only about noise abatement but also, safety. He expressed concerned about the increase in airport traffic. He stated he did not especially want to be on the task force but felt he had to be.

Kim Nichols, 36 Pebble Beach Drive, would like to be on Aircraft Noise Abatement Task Force to be part of the decisions. She stated she loved the community and did not like what was happening and, although, her husband was asked to be on the task force, he was very busy and she was willing to be on the task force.

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

Item #11(B) – Appointing Members to the Aircraft Noise Abatement Task Force

RESOLUTION NO. 2009-61
A RESOLUTION APPOINTING MEMBERS TO SERVE ON THE AIRCRAFT NOISE ABATEMENT TASK FORCE; APPOINTING AT-LARGE MEMBERS; SETTING FORTH TERMS AND CONDITIONS OF SERVICE; AND SETTING FORTH AN EFFECTIVE DATE.

Mayor Costello read a list of proposed names and asked for suggested additions.

Commissioner Gillooly suggested Herb Ford from Bear Creek.

Mayor Costello suggested Neil Tomlinson.

The City Manager advised that Neil Tomlinson was not available. She read the proposed members as Kim Nichols, Herb Ford, Ty Wilson, Vince Kinsler, Larry Volenec, Frank Ayers, Joe Wisniewski, Jeff LeFever or a senior representative from his organization, and Adrian Thompson or a senior representative from his organization.

Mayor Costello called for a voice vote on the suggested names, which resulted in unanimous approval.

Mayor Costello called for a roll call vote on the resolution.

Call Vote:	Commissioner Kelley	Yes
	Commissioner Partington	Yes
	Commissioner Gillooly	Yes
	Commissioner Kent	Yes
Carried.	Mayor Costello	Yes

Dave Nichols asked who would be the chairperson and how the task force was going to be organized.

The City Manager explained the details were in the resolution with the members choosing the chairperson, but she would get with him after the meeting.

Item #12 – Downtown Project Update

The Planning Director explained there were three specific projects from the development plan that was adopted in 2007; Vining Court, signage throughout the downtown, and collaboration with Susan Richardson, Ormond Memorial Museum, for a project tied into the veterans of the Korean and Vietnamese Wars.

Mayor Costello recessed the City Commission meeting and convened the Community Redevelopment Agency.

Mayor Costello asked if the Community Redevelopment Agency members had any questions regarding the Vining Court streetscaping project.

Commissioner Kelley moved, seconded by Commissioner Gillooly, to recommend approval to the City Commission of the Vining Court issue.

Call Vote:	Commissioner Partington	Yes
	Commissioner Gillooly	Yes
	Commissioner Kent	Yes
	Commissioner Kelley	Yes
Carried.	Mayor Costello	Yes

Commissioner Kelley stated the public way-finding signs should have the City's seal. He stated the Birthplace of Speed was a logo, but the seal was the City; therefore, he liked the signs on page 6.

Mayor Costello asked for discussion regarding the use of the seal rather than the Birthplace of Speed logo.

Commissioner Kent expressed his least favorite was the one MainStreet liked, with the man driving the car; he was fine with either the seal or the Birthplace of Speed logo.

Commissioner Gillooly stated MainStreet had a desire to be true to the Birthplace of Speed concept, but there was an example on page 9 that showed the vehicle and identified the City of Ormond Beach.

Commissioner Partington stated that on the beachside he liked the Leisure Services' Birthplace of Speed logo, but he was partial to the seal as well. He stated he favored the sign on page 9, PL-8.

The City Manager pointed out that PL-8 duplicated the Birthplace of Speed, which was not necessary. She suggested using PL-7, reversing the City of Ormond Beach and Birthplace of Speed wording.

After further discussion, Mayor Costello summarized the discussions as using PL-7 with "Birthplace of Speed" at the top and "City of Ormond Beach" at the bottom. Mayor Costello called for a voice vote, which resulted in a 4-1 vote with Commissioner Kelley dissenting. The Mayor stated the PL-7 with Birthplace of Speed at the top and the City of Ormond Beach at the bottom would be recommended to the City Commission.

Mayor Costello stated the proposed public art in association with the Ormond Memorial Art Museum was an outstanding project.

Commissioner Kent expressed the importance of this project to the citizens and suggested the World War II veterans' memorial plaque be returned to the front entrance of the museum.

Mayor Costello called for a voice vote, which resulted in a unanimous recommendation to the City Commission for approval of the proposed project.

Mayor Costello adjourned the Community Redevelopment Agency and reconvened the City Commission.

Mayor Costello stated the Community Redevelopment Agency recommended the approval of the Vining Court project.

Commissioner Partington moved, seconded by Commissioner Kelley, for approval of the Vining Court streetscaping project.

James Stowers, Co-Chair of the Design Committee for MainStreet, expressed thanks for the support of the Community Redevelopment Agency for the Vining Court project.

Mayor Costello called for a voice vote on the Vining Court project; resulting in unanimous approval.

Mayor Costello reported the Community Redevelopment Agency approved the signage project by a 4-1 vote.

Commissioner Kent moved, seconded by Commissioner Partington, for approval of the Public Way-Finding Signage project.

Mr. Stowers stated the project was for signage for the entire downtown area. He pointed out the design committee suggested PL-1, which used one large P rather than 2 Ps. He mentioned it was difficult when driving past a sign to discern the seal.

Mayor Costello asked the Commission their preference of one P or two Ps; resulting in a preference for one P. Mayor Costello called for a voice vote to approve PL7 with Birthplace of Speed at the top and the City of Ormond Beach at the bottom as was recommended by the Community Redevelopment Agency. The Mayor stated the vote was unanimous.

Commissioner Partington moved, seconded by Commissioner Kent, for approval of the Art in Public Places project.

Commissioner Gillooly stated that it was important for the public to recognize that as an action of the Community Redevelopment Agency, TIF funds were being used for these projects.

The Mayor called for a voice vote; resulting in unanimous approval.

Item #13 – Reports, Suggestions, Requests

Clyde Morris

Commissioner Kelley stated Clyde Morris was almost completed and looked really nice.

Public Way-Finding Signage

Mayor Costello expressed that the signage was fabulous.

Item #14 – Close the Meeting

The meeting was adjourned at 9:22 p.m.

APPROVED: May 19, 2009

BY: Fred Costello, Mayor

ATTEST:

Veronica Patterson, City Clerk