

**ORMOND BEACH CITY COMMISSION MEETING
HELD AT CITY HALL COMMISSION CHAMBERS
May 4, 2010 7:00 p.m.**

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

A G E N D A

- 1) Meeting call to order by Mayor Costello.
- 2) Invocation by Reverend Neal J. Ganzel, Jr., Coquina Presbyterian Church in America.
- 3) Pledge of Allegiance.
- 4) **PRESENTATIONS:**
 - A) Presentation by Doug Thomas regarding the DARE and PAL programs.
 - B) Certificate of Appreciation to Detective Tom Elkins.
- 5) **AUDIENCE REMARKS:**
- 6) **APPROVAL OF THE MINUTES** of the April 20, 2010, 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. 2010-53 appointing a member to the Leisure Services Advisory Board; setting forth terms and conditions of service. (Paul Flint) (Leisure Services Director)

- B) Resolution No. 2010-54 accepting the proposal of Fireworks by Santore, Inc., regarding a fireworks display; accepting a certificate of general liability insurance; authorizing the execution of a contract. (Leisure Services Director)
- C) Closing of Riverside Drive for the United Cerebral Palsy Salsa Fiesta event. (Leisure Services Director)

DISPOSITION: Approve as recommended in City Manager memorandum dated April 29, 2010.

- 8) **SECOND READING OF ORDINANCE** No. 2010-28 relative to the office of Mayor and City Commissioner, providing for and calling a Regular Election of the registered electors of the City of Ormond Beach to be held on November 2, 2010; providing for qualifying and election procedures; establishing a date for taking office; designating the location of polling places. (City Clerk)
- 9) **FIRST READING OF ORDINANCES:**
 - A) Ordinance No. 2010-29 amending Section 12-36, Taxes Imposed, of Article I, In General, of Chapter 12, Business Regulations, of the City of Ormond Beach *Code of Ordinances*, by deleting the schedule of business taxes and creating a classification of business types to be consistent with permitted, conditional and special exception uses contained in the City's Land Development Code; repealing Article XV, Special Provisions for Incidental Seating within the Granada/Bovard Streetscape Overlay District, in its entirety and reserving said article for future use. (Planning Director)
 - B) Ordinance No. 2010-30 amending Chapter 3, Advertising, of the Code of Ordinances of the City of Ormond Beach, Florida, by establishing Section 3-5, Delivery of Unsolicited Papers and Materials to Residential, Commercial, or Public Real Property Prohibited after Notice of Objection; establishing Section 3-6, Delivery of Papers and Material Prohibited to Vacant Real Property; establishing Section 3-7, Enforcement Procedure, by prohibiting the unsolicited distribution of papers and other material to real property after notice by the owner or occupant thereof to stop such distribution; prohibiting the delivery of papers and other material to vacant real property; providing enforcement procedures. (Neighborhood Improvement Manager)
- 10) **DISCUSSION ITEMS:**
 - A) Beach access / beach parking.
 - B) Town Hall meetings.
- 11) **REPORTS, SUGGESTIONS, REQUESTS:** Mayor, City Commission, City Manager, City Attorney.
- 12) **CLOSE THE MEETING.**

Item #1 – Meeting Call to Order

The meeting was called to order by Mayor Costello at 7:00 p.m.

Item #2 – Invocation

The invocation was giving by Mayor Costello.

Item #3 – Pledge of Allegiance

The Pledge of Allegiance was led by Mayor Costello.

Item #4A – DARE and PAL Programs

Doug Thomas introduced Belinda Legut, PAL Recreation Leader, who explained awards were being presented to Officer Lloyd Cornelius, Crime Prevention Officer, and Officer Greg Stokes, DARE Officer, for their tremendous efforts with the DARE program and the PAL program. She stated Officer Cornelius worked with the schools on an anti-bullying program, and Officer Stokes taught DARE children responsibility and about how to avoid getting involved with drugs.

Mr. Thomas presented the officers with a framed article about their efforts and thanked the Commission for the City's funding to support the DARE and PAL programs.

Item #4B – Certificate of Appreciation

Acting Police Chief Andy Osterkamp introduced Detective Tom Elkins, a property crimes investigator, investigating over 160 cases, solving 69 cases, and achieving a recovery rate of 43%, which was well above the national average, equal to over \$50,000 worth of property that was returned to the owners. He presented Detective Elkins with the Crime Stopper's Certificate of Excellence award.

Item #5 – Audience Remarks

Cassen Park Boat Ramp

Gregory Avakian, 161 Heritage Circle, stated he appreciated the work done at Cassen Park boat ramp.

Neighborhood Problem

Ralph and Shelly Gerstner, 178 Laurelwood Lane, stated there was a drug problem on Oleander Place where they purchased a rental property, and asked the Commission to do something about the issue.

Mayor Costello stated Acting Police Chief Osterkamp would work with them to resolve the issue.

Volusia Day

Jim Cameron, Senior Vice President of Daytona Regional Chamber of Commerce, stated 200 people attended Volusia Day on March 24th in Tallahassee, and thanked the Commission for their support. He stated a request for next year's date was submitted for either March 16, 23 or 30, 2011.

Mayor Costello explained when a speaker said, "Volusia" the group would hold up cards that read, "jobs"; and when the speaker said, "jobs" the group would hold up cards that read, "Volusia." He stated this effort was very productive.

Item #6 – Approval of the Minutes

Mayor Costello advised the minutes of the April 20, 2010, regular meeting had been sent to the Commission for review and asked for any corrections, additions, or omissions. The Mayor stated the minutes were approved as printed without objection.

Item #7 – Consent Agenda

Mayor Costello advised 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.

Commissioner Kelley moved, seconded by Commissioner Kent, for approval of the Consent Agenda.

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

Item #8 – Regular Election

ORDINANCE NO. 2010-28

AN ORDINANCE RELATIVE TO THE OFFICE OF MAYOR AND CITY COMMISSIONER, PROVIDING FOR AND CALLING A REGULAR ELECTION OF THE REGISTERED ELECTORS OF THE CITY OF ORMOND BEACH TO BE HELD ON NOVEMBER 2, 2010; PROVIDING FOR QUALIFYING AND ELECTION PROCEDURES; ESTABLISHING A DATE FOR TAKING OFFICE; DESIGNATING THE LOCATION OF POLLING PLACES; PROVIDING FOR SEVERABILITY AND SETTING FORTH AN EFFECTIVE DATE.

Commissioner Gillooly moved, seconded by Commissioner Kent, to approve Ordinance No. 2010-28 on second 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 #9A – Schedule of Business Taxes/Classification of Business Types

ORDINANCE NO. 2010-29

AN ORDINANCE AMENDING SECTION 12-36, TAXES IMPOSED, OF ARTICLE I, IN GENERAL, OF CHAPTER 12, BUSINESS REGULATIONS, OF THE CITY OF ORMOND BEACH CODE OF ORDINANCES BY DELETING THE SCHEDULE OF BUSINESS TAXES AND CREATING A CLASSIFICATION OF BUSINESS TYPES TO BE CONSISTENT WITH PERMITTED, CONDITIONAL AND SPECIAL EXCEPTION USES CONTAINED IN THE CITY'S LAND DEVELOPMENT CODE; REPEALING ARTICLE XV, SPECIAL PROVISIONS FOR INCIDENTAL SEATING WITHIN GRANADA/BOVARD STREETSCAPE OVERLAY DISTRICT IN ITS ENTIRETY AND RESERVING SAID ARTICLE FOR FUTURE USE; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; AND SETTING FORTH AN EFFECTIVE DATE.

Commissioner Kelley moved, seconded by Commissioner Gillooly, to approve Ordinance No. 2010-29 on first reading, as read by title only.

Mayor Costello stated this item was an example of good government when an ordinance goes from 20 pages to 4 pages, without changing the fees or the intent.

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

Item #9B – Newspaper Distribution Ordinance

ORDINANCE NO. 2010-30

AN ORDINANCE AMENDING CHAPTER 3, ADVERTISING, OF THE CODE OF ORDINANCES OF THE CITY OF ORMOND BEACH, FLORIDA, BY ESTABLISHING SECTION 305, DELIVERY OF UNSOLICITED PAPERS AND MATERIALS TO RESIDENTIAL, COMMERCIAL, OR PUBLIC REAL PROPERTY PROHIBITED AFTER NOTICE OF OBJECTION; ESTABLISHING SECTION 306, DELIVERY OF PAPERS AND MATERIAL PROHIBITED TO VACANT REAL PROPERTY; ESTABLISHING SECTION 3-7, ENFORCEMENT PROCEDURE, BY PROHIBITING THE UNSOLICITED DISTRIBUTION OF PAPERS AND OTHER MATERIALS TO REAL PROPERTY AFTER NOTICE BY THE OWNER OR OCCUPANT THEREOF TO STOP SUCH DISTRIBUTION; PROHIBITING THE DELIVERY OF PAPERS AND OTHER MATERIAL TO VACANT REAL PROPERTY; PROVIDING ENFORCEMENT PROCEDURES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Commissioner Kelley moved, seconded by Commissioner Partington, to approve Ordinance No. 2010-30 on first reading, as read by title only.

Commissioner Kelley stated this ordinance stemmed from individuals delivering packets of sand or rocks, and complaints about unsolicited deliveries. He noted that by someone complaining about something wrong, something good resulted.

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

Item #10A – Beach Access/Beach Parking

Lori Weigel of Public Opinion Strategies, the public policy polling firm that conducted a telephone survey for the City, explained the firm's vast experience in the area of polling; and she explained the methodology used for the City's survey. She stated 300 voters throughout the City were polled on April 19 and 20. She reported the key finding was a solid majority expressed a willingness to increase property taxes in order to fund acquisition and creation of a new beachfront park in the City. She stated most were familiar with the site and supported the proposal to ensure safe, off-beach parking, public access to the beach, and preservation of the views and natural features of this land. She stated the resistance mostly focused on concerns for increased taxes. She reported after hearing more of the proposal, support increased to 70%. She stated 63% of the people polled stated they would vote "yes" if the election were held at that point, which was high enough to indicate support would continue; the reasons being off beach parking and safety.

Bob Guido, Senior Project Manager with the Trust for Public Land, stated the Trust was a national, non-profit land conservation organization to ensure that communities had insurable, livable communities since 1972, doing 4,600 projects in 47 states, Puerto Rico, the Virgin Islands, and Canada, involving 2.8 million acres with a value of over \$6 billion. He stated in Florida the Trust had done 400 projects, protecting 250,000 acres valued at \$600 million; in Volusia and Flagler County, he had done 17 projects since 1996, valued at over \$50 million. He expressed appreciation for the opportunity to work with the City on the acquisition of a beachfront park.

Dorian Burt, 203 Pine Cone Trail, and Jerry Kane, 78 Ivanhoe Drive, both stated they supported the acquisition of a beachfront park.

Andy Romano, 70 Ormond Shore Drive, stated the beach was in the worst condition he had ever seen in over 60 years; and he stated there was a desperate need for parking and beach access while the land was affordable. He strongly urged the Commission to purchase property on the east side of A1A.

Bill Thompson, 605 North Halifax Drive, asked the Commission and audience to imagine a weekend at a beachfront park with a multitude of activities, providing a safe place to play. He described a vision of families and visitors enjoying a day at the beach, while supporting local businesses on their way to and from the beach. As the Chairman of Can Do, he stated Can Do proudly supported acquisition of beachfront property for a park; complimenting the working group that brought this project to this point; and pledging Can Do to help make this dream a reality.

Pat Behnke, 15 Malayan Sun Bear Path, stated when she first came to the area 7 years ago she heard about the need for beachfront parking, and asked if the partnering funds were available.

Mayor Costello stated if the Commission agreed to move forward, it would be contingent on the funds being available from Volusia County.

Mrs. Behnke inquired if the \$20 expense to property owners mentioned was a flat fee or a cost per hundred thousand of value.

Mayor Costello clarified it was approximately \$14 per hundred thousand taxable value.

City Manager Joyce Shanahan stated the average home value was \$146,000 which would be a \$20 increase in taxes.

Mrs. Behnke stated she thought it was great and encouraged the Commission to move forward.

Eric Sommerlad, Vice President of IAFF Local 3499 of the Ormond Beach Fire Department, spoke to the issue of funding the park with the City's limited budget for the last four years, resulting in budget cuts, including staff cuts. He questioned if economic conditions had improved enough to afford the purchase the property.

Joe Lipscomb, 22 Shadow Creek Way, reminisced about the growth of the City and how little had been done to improve the access to the beach which had less parking now than since he built a house here in 1956. He stated this may be the last opportunity to acquire beach property and urged the Commission to move forward. He stated the beach was the greatest asset the community had for our children, but if you could not get there and park, it was no asset.

Gregory Avakian, 161 Heritage Circle, Chairman of Facts Political Action Committee (PAC), recapped the history of the City's efforts to acquire beachfront property. He stated he did not want the City to be accused of being like predator lenders by not disclosing all that was known about this transaction. He stated Facts PAC had always been in favor of acquiring beachfront lots for better access to our beaches, but he expressed the process towards that goal was flawed, if not completely flawed. He stated full and proper disclosure was being withheld or distorted. He stated it did not mean that citizens would not agree to the purchase of beach property if all was disclosed, but they needed to know the information. He stated during the height referendum, Facts PAC was on the side of transfer density, allowing potential developers to take legal density from one property and stack it on top of another property they owned as an incentive to give vacant lots to the City at no charge, avoiding a loss to the tax base. He stated the voters decided that it was not worth the price. He stated the majority of the Commission felt the huge cost of acquiring beachfront property required a straw poll or a survey of the citizens. He stated a citywide survey should have included all the citizens, not 300 out of 10s of 10,000s of registered voters and homeowners impacted. He stated he had not seen any firm commitment from the County, no written agreements. Mr. Avakian stated a couple of years ago, he had approached the Commission and reported there may be a willingness on the part of the landowners of this property to do a land lease for tax abatement, but the former City Manager was completely opposed to having a third party doing this type of approach. He stated a citywide opinion poll has never been done to determine if the citizenry even supported a \$5 million to \$10 million expenditure.

Mr. Avakian stated at the January 20, 2010, Commission goals setting workshop, Commissioner Gillooly's list did not include this item; and Commissioner Kent's list included this item as his top priority with the backdrop of the worst economic crisis since the Great Depression. He suggested that none of the Commissioners could produce a list of 500 citizens who had requested a beachfront park, although he assured everyone that they could produce a list of 500 residents who wanted lower taxes. He stated Commissioner Partington's goal setting list did not include a beachfront park, although it was second on the Mayor's list, and the Mayor was ready to vote without a referendum. He stated the Mayor stated it should be known before the process was started if a citizens' group was against this location because it was too far south, but Mr. Avakian did not know how that information could be obtained. He stated he had not been called, even though he had been very involved as the Chairman of Facts PAC, to be asked if he wanted it on the north side or the south side. He stated three months before the goal setting meeting in an email from Norman Lane, Can Do PAC, to the Mayor and Bob Guido, Mr. Lane expressed that if the citizens of Ormond Beach were paying for a beachfront park, it should be located more in the center of Ormond; but if funding was available through the County, maybe it wouldn't be such a bad thing and maybe Daytona would kick in. Mr. Avakian stated actions were taken toward purchasing beachfront property months before the goal setting meeting without asking the citizens if they wanted to spend \$5 million for the acquisition, development costs and annual maintenance. He suggested the lobbying budget played a role in the Trust being involved, and questioned how this issue received such high priority at the goal setting workshop. He stated on April 6, 2010, the Mayor brought up that there was a deal in process to acquire the property, but Mr. Avakian was not in attendance.

Mr. Avakian pointed out the agenda packet for the May 4 meeting contained estimates for development costs of the park that were approximately \$1.5 million, which was not part of the poll, and he suggested that the information was withheld from the people being polled. He stated under "opportunity costs," the cost of removing the vacant lot from the tax rolls was approximately \$13,000 in annual revenue or \$260,000 over 20 years in lost revenue to the City; and suggested that if the people polled had this information, 63% would not have been in favor of the acquisition. He stated there was lost revenue to all the taxing districts, and the total lost revenue would be closer to \$80,000 per year or \$1.6 million for 20 years. He stated when these additional costs were factored in, the taxing entities would go to a rollup or rollback rate, which meant the citizens paid the bill twice forever. He stated the City Manager put the lost revenue at \$21,000 per year; when he questioned the City Manager as to where she got the \$21,000 figure, she stated the Finance Director checked the books for the Days Inn property, which the City Manager felt was reasonable. He stated he did not think it was reasonable, and he compared the property to the Royal Floridian, which had an assessed value of \$24 million with an annual tax bill of \$500,000; \$100,000 for Ormond Beach or \$2 million every two, if everything stayed the same. Mr. Avakian stated these numbers were not used on the poll. He stated the \$30,000 to \$130,000 for maintenance was not part of the \$5 million for acquisition, or an average cost of \$80,000 per year or \$1.6 million in 20 years. Mr. Avakian stated he was doing this for the record and the citizens. He stated sole source procurement was used to give the contract for the poll to the Trust. He stated sole source procurement was to be used when no one else could do the work; in this case, there were multiple professional sources that could do the work. Mr. Avakian stated he had spoken to the City Attorney regarding this matter, and the City Attorney stated it was a sole source procurement due to the unique nature of the services

that were provided by the Trust in relations to the potential land acquisition by the City involving the Trust.

Mr. Avakian stated he did not understand the uniqueness in the sole source procurement. He stated a possible explanation was in an email from Will Abberger to the City Manager stating that sending a survey in a water bill would provide a highly bias result because the responders self-select; typically only those very interested in issue being polled, either very much for or very much against a beach park, would respond to a mail survey; and utility customers were not necessarily Ormond voters. He stated this was leading to the push poll, and asked who the survey was bias to, the citizens or the Trust; he did not have a problem with self-select. He discussed the poll selection by the Trust of Public Opinion Strategies, who accordingly to Source Watch, was a self-described Republican polling firm; and he stated their 2003-2004 list of volunteers included a significant number of republican pollsters, consultants, strategists, and public opinion research and campaign website designers, who had come under fire for unethical practices, as well as being charged in 2001 with violating Virginia's polling disclosure laws and accusations of creating push polls to influence elections. He stated that on the website for Public Opinion Strategies, it read, "Why Public Opinion Strategies? It's a good question . . . and we have some good answers. At Public Opinion Strategies we have developed a culture and approach to winning. For more than a decade, Public Opinion Strategies has been helping political candidates win tough campaigns, scoring hard-fought success in the public affairs areas for some of America's leading corporations and associations, and giving our clients an advantage in their proceedings. We go into the trenches with our clients to aggressively help them promote their interests. Our success is based on a hands-on model and our total commitment." He referenced, "a culture and approach to winning." He stated everyone wanted to play with winners, but when there were winners, there were losers; and who were the losers. He stated this was a non-partisan issue and wondered why a non-partisan pollster was not selected to do the poll. He stated there was science involved in polling; many factors that can be applied to achieve desired results, to build up a momentum, to achieve a goal, strategies for a winning formula. He stated that normally when doing a poll, a list from the election office was used that would contain a lot of the questions that were asked, such as name, address, phone number, age, race, political affiliation voting frequency, and polling stations they went to for identifying zones, and he questioned why they would waste questions when they had the answers.

Mayor Costello stated that it was clear Mr. Avakian did not like the poll or the pollster, and asked for Mr. Avakian's next point, as he had spoken for 30 minutes.

Mr. Avakian stated the poll should have been asked, "How often do you go to the beach; do you go fishing?"

Mayor Costello stated the poll was not going to be discussed further.

Mr. Avakian stated there were questions asked on the poll that were very important.

Mayor Costello stated that point had been made and Mr. Avakian should move to something else.

Mr. Avakian stated the poll stated there would be zero spent on administrative costs, and he heard the pollster say in their presentation, "almost no administrative costs." He stated Item #8 on the poll stated that City funds would be matched by funds from Volusia County.

Mayor Costello stated there was no argument regarding that and asked Mr. Avakian to proceed.

Mr. Avakian stated that statement was contradicted and then, he questioned if the ballot summary would state, "a new recreational opportunity, and seek County matching funds." He stated the Mayor made the statement that this poll was a mandate, based on the percentages. Mr. Avakian stated he could give mirrored results, and he was making his points as to where and how this was done to achieve the results.

Mayor Costello stated Mr. Avakian had stated his opinions and asked what else he wanted to discuss, any other points, new points.

Mr. Avakian stated the truth and nothing but the truth was his strategy; it was the peoples' right to have clarity, transparency with all, not some of the details; and this was one of the biggest issues with the process, calling it, "loading the deck." He stated his research of the seller, Mercantile Bank, indicated they were part of South Financial Group, Inc., whose stock prices in the last three years have declined 96%, from the high 20s, down to 85 cents on April 8, 2010, and now down to the 75 cent range. He stated Charles Wayne was the listing agent on this

property. He stated the Trust for Public Lands was a non-profit organization, as they said, that helped governments acquire and conserve park lands; but, effectively, they were a non-profit, extremely large, real estate organization with a client base second to none government, people with the deepest pockets, with a tax base of three hundred million taxpayers at their disposal, and if the taxpayer does not have the money, government will go borrow it on their behalf. He stated this did not mean they did not do good things, but their cost of doing business included a \$39 million payroll and executive salaries in the \$300,000 range on down for their top 14.

Mayor Costello stated Mr. Avakian had five more minutes to make his most important points.

Mr. Avakian stated the Trust, with their huge overhead costs, worked for a certain percentage, substantially higher than commercial brokers were charging these days; not a group of volunteers. He stated there was already a listing agent who had a binding contract with the seller, and the Trust did not like to split commissions, thereby inflating the price because it was front loaded several hundred thousand dollars.

Mayor Costello state Mr. Avakian had made his point and had three more minutes to go to his conclusions.

Mr. Avakian stated the Trust was the Defendant in two separate legal matters relative to property transactions and city park. He stated these matters included claims against the Trust seeking total damages of \$4.6 million, plus unspecified damages; and he wondered whether the Commission had any knowledge of that litigation. He stated beachfront property and off-beach parking would enhance the City, and he was not opposed to beachfront property, instead very much for it. He stated there were a lot of parks in the City, but a shortage of beachfront parking to access the beach. He stated it was unclear as to whether this was the best location, nor whether the citizens would prefer separate smaller locations at lower costs. He stated that, basically, the process should be started over, because we do not think the poll was a fair poll.

Mayor Costello thanked Mr. Avakian and stated he had done a great job of making his points.

Commissioner Kent stated Can Do had a lot of members, but he did not know about Mr. Avakian's group and inquired as to how many members Fact PAC had.

Mr. Avakian stated it was unpolled, and he represented the voters.

Norman Lane, 1314 Northside Drive, Chairman of Can Do, stated although some said it was not the right time to buy beachfront property, it was the perfect time to purchase beachfront property, which would improve the quality of life in the City.

Lee Dunkel, 94 Ormond Parkway, stated sometimes government just had to make a decision for the future of the City, and this was the time. She expressed appreciation for all the parks in the City and thanked the Commission.

Laura Jones, 59 Amsden Road, stated she lived here for 46 years and had been looking for a beach park in all that time, and it finally looked like it would happen. She thanked the Commission for their efforts toward a beachfront park.

Wil Landon, 175 South Ridgewood Avenue, stated he moved to the area 14 years ago because of the beach, which was a park. He stated beachfront property should not be removed from the tax rolls, and the City should not purchase beachfront property.

Terry Mercer, 31 Dix Avenue, stated the survey was appropriate, and it speaks for itself. She stated the citizens were willing to pay for a beach park, and the City needed a park on the beach, because it was difficult to get onto the beach due to the soft sand, and difficult to find a place to park. She requested bike racks be placed on the beach ramps. She expressed that one more storm would prevent driving on the beach. She stated a beachfront park was a wonderful legacy for the future.

Marianne DiFiore, 206 Cardinal Drive, stated she lived by the beach and walked to the beach, but there was no parking on the beach; therefore, she supported the purchase of beachfront property.

Dolores Brown, 164 Ormond Parkway, stated support for a beach park.

Clark Rohmer, 843 Marvin Road, expressed support for a beachfront property acquisition.

Lori Tolland, 5 Broadriver Road, stated she was sympathetic to the firefighters and other service personnel who are struggling, but as a resident for 21 years and a Leisure Services Advisory Board member for 7 years, beach parking and access was a priority. She strongly encouraged the Commission to go forward with the acquisition, as it would improve the quality of life today and for our children in the future.

Rita Press, 875 Wilmette Avenue, remarked that the magazine for where to retire in Florida, twice, reported Ormond Beach was a great place to retire, because of the outstanding quality of life here. She stated the majority of citizens, in the very scientific poll, were willing to tax themselves to have a beachfront park. She stated the City had been trying for years to get beach property, but governments can not negotiate and can not ask private citizens, such as Mr. Avakian to negotiate for them. She stated the City was so fortunate to have the Trust to work for the City, and thanked Bob Guido. She stated she hoped everyone counteracted the specious arguments that were made by the person before; this was not the place for smearing; and she did not get what the point was, because the beachfront park was important and asked the Commission to do it.

Sue Parkerson, 110 North Beach St, stated some things could not be measured in money. She stated the beachfront park was priceless, and asked the Commission to go for it.

Rick Boehm, 5 Springwood Trail, and Chairman of the Leisure Services Advisory Board (LSAB), stated he was appointed to the LSAB in 2003 and worked on a 10 year Parks and Recreation Master Plan. He reported in 2004, a survey of citizens asked what the greatest recreation need was, and 71% of citizens wanted beach access. He stated LSAB represented 1,000s of citizens, and for the last 3 years listed land acquisition as the most important priority, and it continued to be the most important priority currently. He read from the minutes of a joint meeting of the Planning Board, Quality of Life Board and LSAB in December, 2004, when Kyle Theodore from the polling firm, Wood Partners, Inc., stated “they would recommend the City of Ormond Beach pursue improvements to the two top areas for which Volusia County was responsible, improvements to their current beach access parks, including items such as adequate public parking, restrooms, picnic shelters, paved access, landscaping, irrigation, signage and lighting. The consultants questioned why there was no park similar to Tom Renick Park or the Sun Splash Park in Ormond Beach given that the City was contributing to Volusia County in a similar manner to other areas. They recommended the City continue to aggressively coordinate with the County to improve the situation for beach access.” He stated this was the same thing as the current survey. He stated this was a need that should be met, and the Commission should go forward with beach access and get the park for the people.

Sophia Kalapaca, 844 Marvin Road, expressed support for the beachfront property. She stated she had spoken to a lot of snowbirds who enjoyed the beach, and parking was a big problem. She stated she lived on Miami Beach in the late 1960s, and it was the most marvelous experience in her life. She stated the best use of property was what made people happy.

Philip Maroney, 117 Atwood Lane, stated his support for a beachfront park and parking, because it was a quality of life issue, although he would prefer the park to be further north. He stated he had two concerns with the poll; there were two items shown in the presentation regarding the poll which showed \$5 million, not \$6.5 million; and there was no distinction for property owners, who would be the ones to pay for the land acquisition. He expressed support for the staff recommendation for a referendum. He stated he adamantly recommended funding participation from a third party.

Mayor Costello summarized that 23 people spoke, with 4 people who did not enthusiastically support a park; of those four, one wanted a referendum where he would vote “yes”; one spoke against the process and the poll, not the park; one loved the beach but spoke against using beachfront property for parking; and one spoke against spending money. The Mayor stated, in response to Mr. Avakian’s comments regarding lack of disclosure, that nothing had been withheld from anyone, anytime, except the appraisal value of the property and the contract price, because the City needed two more appraisals before and the property could be purchased, and he did not want any influence on those two appraisers. He stated the Trust had handled 4,600 transactions that were purchased at an average of 86% of the appraised value. He stated the Trust had offered over the appraised price for the Surfside property; but the bank owner did not want to deal, and the Trust had stated this transaction was under the appraisal. The Mayor stated the survey sampling size for Volusia County, with a population of 500,000, would be 300 people; and the survey was conducted for the Trust to determine whether or not they wished to get involved in this transaction. Mayor Costello stated the County would not commit to any deal until the City was ready to act, but had indicated in the past they would be willing to partner with the City. The Mayor stated the poll question was regarding whether or not the responder would support a bond up to \$5 million, which would result in an estimated \$20

per year per average household for 20 years. He stated he was not willing to risk losing the opportunity to purchase beachfront property at current prices. The Mayor stated the park was for everyone, but Daytona Beach could not invest in something not within its city limits. He stated the sole source procurement was because no one else had the experience and expertise of Public Opinion Strategies; and there was science behind the methodology of the poll; it was not a push poll. He stated there had been full transparency regarding the entire issue. He stated New Smyrna Beach, Ponce Inlet, Daytona Beach Shores, Daytona Beach and Volusia County all had beachfront parks with off beach parking, but the City did not, yet the City paid taxes for Volusia Forever and Volusia Echo. He stated he would do everything he could to get Volusia County to partner with the City for not one but two parks, because it was now or never.

Commissioner Gillooly stated the City was bound by Sunshine Law, with any negotiating to be in view of the public, which would include the seller. She stated the involvement of the Trust was a blessing, because the Trust's results spoke for themselves; and the Trust worked, not for governments, but for the citizens. She stated she had always made decisions based on what her constituents told her they wanted. She stated a beachfront park was a want, not a need. She agreed that the people who spoke against the issue brought up some valid points; it was important to know the actual costs of the project. She stated the economic times were difficult, and the City Manger and staff had made sacrifices, but the City had to take advantage of the opportunity while it was available; therefore, it was a excellent time to place a referendum before the people to decide. She suggested area businesses, or possibly, a family trust, might partner with the City to sponsor a children's playground or some other portion of the development. She stated, since the poll, she had been engaged by many citizens who expressed support for the acquisition; therefore, it was the fiscally sound and fair way, with no downside, to call for a referendum.

Commissioner Kent stated this was a golden opportunity, and without the Trust's involvement, the issue would not be moving forward. He stated it was not always about the money, and this was an exciting opportunity. He stated he would accept a referendum, but he would vote for it tonight without a referendum, because the land was not going to get any cheaper.

Commissioner Kelley stated everyone had been very patient, and he thanked them. He stated it was important that the real costs be known. He pointed out that previously, the City had an opportunity to acquire a passive park from a developer, but staff had reported the City could not afford the maintenance. He stated the beach had changed over the years, and now beach access was necessary. He stated the acquisition needed to be subject to the County partnering on the transaction. He stated the citizens needed to receive all the information and then vote on a referendum.

Commissioner Partington expressed support for a referendum on the primary election ballot, because the vote of the people was the gold standard, and procedurally, it was the way to insure the issue moved forward. He stated with a referendum, it would be known what the people wanted and would protect the acquisition.

Commissioner Partington moved, seconded by Commissioner Gillooly, to direct staff to proceed with appraisals and a bond referendum on the use and pledge of ad valorem taxes for a beachfront park on the August 24, 2010, primary ballot.

Mayor Costello remarked if the appraisals came in higher, we already had a contract below the first appraisal; in other words, it might open the door to higher appraisals to vote and not accept the current contract. He stated his concern was a vote by the Commission to move forward now would lock in the price under the appraisal, and if the two additional appraisals were higher, it would not matter, but if they were less, it would allow the opportunity to decrease the price.

Commissioner Gillooly suggested there was a current contract under the current appraisal, and should the additional appraisal be lower, the Trust with the weight of the people's vote, could renegotiate the contract price; and should it be higher, it only confirmed the City was in a good position.

Mayor Costello stated that after a referendum, the price, by law, could not be more than the appraisals. He suggested the Commission would have more options regarding the price when acting before a referendum was held.

Call Vote:	Commissioner Gillooly	Yes
	Commissioner Kent	Yes
	Commissioner Kelley	Yes
	Commissioner Partington	Yes
Carried.	Mayor Costello	No

Mayor Costello explained his vote was because he supported the Commission moving forward, immediately, but he fully supported a referendum.

Item #10B – Town Hall Budget Meetings

Commissioner Gillooly expressed the hope that all who came out to the meeting would attend the Town Hall Budget Meetings, “Community Conversation on Sustainability.”

Item #11 - Reports, Suggestions, Requests

Leisure Services Advisory Board

Commissioner Gillooly thanked Mr. Flint for agreeing to serve on the Leisure Services Advisory Board, and she thanked the Commission for approving his nomination.

Economic Development

Commissioner Gillooly recognized Economic Development Director Joe Mannarino who was mentioned in an article in the Volusia/Flagler Business Report regarding the expansion of both Playtex and Hudson Technology with additional jobs. She thanked Mr. Mannarino for all he did.

Political Action Groups

Commissioner Kent stated he wanted to discuss with the City Attorney what was required to form a political action group.

Possible Threatening Situations

Commissioner Kent stated he wanted to speak with the City Manager about getting information to residents in potentially threatening situations. He related that he and his family were awakened by a helicopter with a spotlight; and suggested purchasing technology to notify the residents as to a potentially dangerous situation.

Park at the End of Ormond Parkway

Commissioner Kent reported on the improvements to a parcel of City property at the end of Ormond Parkway, and he suggested it be named, “Fred Costello Riverfront Park.”

Recreation

Commissioner Kelley stated over 9,000 players and spectators attended a joint event at the Nova Community Park, which was possible due to past and present Commissions who understood the importance of providing all types of recreational activities to the resident.

Computers

Commissioner Kelley reported a problem with freeze outs on is computer.

Mayor Costello expressed the same problem; whereby, City Manager Shanahan stated the computers were down for a period of time while maintenance was being performed to correct the issue, and staff was working hard to resolve any problems.

Volusia County Metropolitan Planning Organization Long Range Transportation Plan

Mayor Costello reported the link to the VCMPO survey was on the City’s website or at vcmpo2035.com; he recommended citizens participate in the survey.

Volusia Growth Management Commission

Mayor Costello stated Jerry Brandon had served as the City’s representative to the Volusia Growth Management Commission since August 1992, and had served as Chair four or five times, but his term was expiring. He suggested, although the term was for three years, reappointing him for a term that would end with this Commissions’ terms and then appointing the VGMC member to two year terms, which would be consistent with the Commission’s terms.

Item #12 – Close the Meeting

The meeting was adjourned at 10:17 p.m.

APPROVED: May 18, 2010

BY: Fred Costello, Mayor

ATTEST:

Veronica Patterson, City Clerk