

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

**January 15, 2008 7:00 p.m.**

Present were: Mayor Fred Costello, Lori Gillooly, Troy Kent, Ed Kelley, and Bill Partington, City Manager Isaac Turner, 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 Rabbi Pinchas Ezagui, Chabad Lubavitch of Greater Daytona.
- 3) Pledge of Allegiance.
- 4) ***PRESENTATIONS:***
  - A) Recognition of Fire Department team.
  - B) Presentation of plaque to Doris Katz for service on the Cultural and Civic Affairs Advisory Board and the Quality of Life Advisory Board.
  - C) Proclamation honoring Gregory Berry, State Police Athletic League "Boy of the Year."
  - D) Presentation of "HOMe for the HOLIDAYS" awards.
- 5) ***AUDIENCE REMARKS:***
- 6) ***APPROVAL OF THE MINUTES*** of the December 18, 2007, and January 8, 2008, meetings.

7) **INTERGOVERNMENTAL 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. 2008-24 authorizing the execution of a Quitclaim Deed in favor of Rachelle Kramer releasing a portion of a ten-foot drainage and utility easement located along the rear of Lot 36, Hickory Village Subdivision (3 Trina Street).
- B) Resolution No. 2008-25 authorizing the execution of a Quitclaim Deed in favor of Michael S. Becker and Rebecca M. Becker releasing a portion of a five-foot utility easement located on Lot 10, Mez Subdivision (57 Nicholas Court).
- C) Resolution No. 2008-26 authorizing the execution of a release and satisfaction of Special Master administrative fine/lien for code violations on property located at 241 North US1.
- D) Resolution No. 2008-27 authorizing the execution of a release and satisfaction of Special Master administrative fine/lien for code violations on property located at 19 Nottingham Drive.
- E) Resolution No. 2008-28 accepting a public sidewalk easement deed from Lesbeth H. Cartledge, as trustee of the Lesbeth H. Cartledge Revocable Trust of 2000, satisfying a condition in Arby's restaurant Special Exception Development Order for property located along South Orchard Street.
- F) Resolution No. 2008-29 accepting a public utility and access easement deed from Lesbeth H. Cartledge, as trustee of the Lesbeth H. Cartledge Revocable Trust of 2000, for property located at the intersection of State Road 40 and South Orchard Street.
- G) Resolution No. 2008-30 authorizing the execution of a contract for the sale and purchase of Lots 3 and 4, Tower Circle Extension, Phase II, Airport Business Park. (\$741,000 – Ormond Airport Industrial LLC, affiliate of NAI Realvest, Inc.)
- H) Resolution No. 2008-31 authorizing the execution of Change Order Number One (1) to that contract awarded to McMahan Construction Co., Inc., regarding the Water Treatment Plant Softening Area Modifications project, by increasing the contract price by \$36,786. (\$2,727,786 total contract price)
- I) Resolution No. 2008-32 authorizing the execution of Change Order Number Two (2) to that contract awarded to Halifax Paving, Inc., regarding the construction services for the Ormond Beach Sports Complex Phase I Improvements project, by increasing the contract price by \$12,050. (\$1,777,234.50 total contract price)
- J) Resolution No. 2008-33 accepting a bid from Masci Corporation for construction services regarding the Nova Road and US1 Potable Water Booster Pump Station project under Bid No. 2008-04; authorizing the execution of a contract and payment therefore; rejecting all other bids. (Not-to-exceed \$175,500)
- K) Resolution No. 2008-34 accepting a bid from Ashberry Acquisition Company, d/b/a Ashberry Water Conditioning, for the provision of solar salt to be used at the Water Plant under Bid No. 2008-03; authorizing the execution of a contract and payment therefore; rejecting all other bids. (\$55,424.25)
- L) Resolution No. 2008-35 authorizing the sole source procurement of water meters from Sunstate Meter & Supply, Inc.; authorizing the execution of an agreement with Sunstate Meter & Supply, Inc.
- M) Resolution No. 2008-36 authorizing the approval and execution of a purchase authorization (Requisition 0000004474) for the purchase of two (2) passenger

minivans under Florida Sheriff's Association Bid Number 07/15/0827; declaring certain vehicles to be surplus property and authorizing the disposition thereof. (\$16,394 each)

- N) Resolution No. 2008-37 accepting the proposed Major Issues List that will serve as the basis for the Letter of Understanding between the City and the Florida Department of Community Affairs for the preparation of the City's Evaluation and Appraisal Report; authorizing transmittal to the State land planning agency.
- O) Resolution No. 2008-38 authorizing the execution of a Collective Bargaining Agreement between the City and the Ormond Beach Firefighters Association (Local 3499, IAFF, AFL-CIO, CLC).
- P) Approval of travel by the City Commission and City Manager to attend conferences.

DISPOSITION: Approve as recommended in City Manager memorandum dated January 10, 2008.

- Q) FY 2007-08 budget results for the General Fund and the Water/Wastewater Fund.

DISPOSITION: Approve as recommended in City Manager memorandum dated January 10, 2008.

9) **PUBLIC HEARINGS:**

- A) Ordinance No. 2008-01 amending the Comprehensive Plan of the City of Ormond Beach by adding a Public School Facilities Element; amending the Intergovernmental Coordination and Capital Improvement Elements. (First Reading)
- B) Ordinance No. 2008-02 amending the Future Land Use Element of the Comprehensive Plan by amending the Future Land Use Map to change the designation of one (1) parcel of real property totaling 6.24 acres located at 1614 North US Highway 1 from Volusia County "Commercial" to Ormond Beach "Commercial." (Best Value Inn) (First and Only Reading)
- C) Ordinance No. 2007-41 amending the zoning map of the City of Ormond Beach by rezoning a 2.73-acre parcel of real property located at 298 & 300 South Nova Road from B-8 (Commercial) with a Planned Business Development Overlay to PBD (Planned Business Development); approving a Development Order for a Planned Business Development to be known as "Capital Plaza" and establishing conditions therefore. (Second Reading)
- D) Ordinance No. 2007-42 relative to Planned Industrial Development (PID) zoning districts, Chapter 2, District and General Regulations, Article II, District Regulations, Section 2-37, Planned Industrial Development (PID), Subsection C, Dimensional Requirements, of the *Land Development Code* by amending regulations regarding minimum number of business/industrial uses. (Second Reading)
- E) Ordinance No. 2007-43 relative to district and general regulations, Article I, Establishment of Zoning Districts and Official Zoning Map, and Article II, District Regulations, Sections 2-02 and 2-38, of the *Land Development Code* by amending regulations to establish a consistency between the Comprehensive Plan and the list of official zoning districts and by creating a new section to be numbered 2-38, creating and establishing minimum standards and procedures for a Planned Mixed Use Development (PMUD) zoning classification. (Second Reading)
- F) Ordinance No. 2007-44 relative to definitions, Chapter 1, General Administration, Article III, Definitions and Acronyms, Section 1-22, Definition of Terms and Words, of the *Land Development Code* by amending regulations to clarify that submerged land cannot be used to calculate minimum lot area or dimensional requirements established in Chapter 2, Article II, of the *Land Development Code* by adding the terms "Land, Submerged" and "Lot, Area." (Second Reading)
- G) Ordinance No. 2007-40 amending the official zoning map of the City of Ormond Beach to rezone a 10-acre parcel of real property located to the rear of the existing church at 1687 W. Granada Boulevard (SR40) from Urban Multi-Family Residential (R-6) to Highway Tourist Commercial (B-7). (Calvary Assembly of God Church) (Second Reading)

H) Calvary Assembly of God of Ormond Beach, Inc., Special Exception:

- 1) Resolution No. 2008-39 authorizing the execution and issuance of a Development Order for a Special Exception to allow a house of worship on property located at 1687 West Granada Boulevard, said property being within the B-7 (Highway Tourist Commercial) zoning district; establishing conditions and expiration date of approval. (Calvary Assembly of God Church)
- 2) Resolution No. 2008-40 authorizing the execution of a Water, Sewer and Annexation Agreement between the City of Ormond Beach and Calvary Assembly of God of Ormond Beach, Florida; providing for recordation.
- 3) Resolution No. 2008-41 authorizing the execution of a Parking Improvement Agreement between the City of Ormond Beach and Calvary Assembly of God of Ormond Beach, Florida, Inc., providing for recordation.

I) Resolution No. 2008-42 authorizing the execution and issuance of a Development Order for a Special Exception to allow a 20,823 square feet private school, known as the "Daytona College" on property located at 425/427 South Nova Road, within the B-8 (Commercial) zoning district; establishing conditions and expiration date of approval.

J) Resolution No. 2008-43 approving and authorizing the removal of an historic tree located at 370 Hand Avenue.

10) **DISCUSSION ITEMS:**

- A) Woodlands Boulevard proposed sidewalk.
- B) City logo.
- C) Redirection of CDBG funds.

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

12) **CLOSE THE MEETING.**

Item #1 - Call to Order

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

Item #2 - Invocation

Rabbi Pinchas Ezagui, Chabad Lubavitch of Greater Daytona, gave the invocation.

Item #3 - Pledge of Allegiance

Mayor Costello led in the Pledge of Allegiance.

Item #8(O) – Collective Bargaining Agreement with the Ormond Beach Firefighters Association

Mayor Costello reported he would move Item #8(O) to forward on the agenda for discussion after Item #4(A).

Item #4(A) – Recognition of Fire Department Team

Fire Chief Barry Baker stated on October 29, 2007, Captain Joe King, Driver Engineer Ron Chamberlain, and Paramedic Carrie Hanrahan were called to a motor vehicle accident and were directed into Volusia County where one passenger was entrapped in the vehicle and the other vehicle was on fire. He advised that a retired South Carolina training captain was on the scene and has written a letter describing the crew as: "a top of the line crew," "extraordinarily professional," and "some of the best he had ever witnessed." Chief Baker reported that the operations chief for EVAC commended Paramedic Carrie Hanrahan. He noted citizens on the scene also commended these employees, stated their actions saved the victim, and provided a high quality of life and an opportunity for the victim to live a normal life. Chief Baker stated a new program has been implemented to provide merit bars, and these employees would receive

merit bars with a gold star. He explained the bars come with one, two, and three gold stars and he looked forward to being able to present this crew with their second or even third gold star.

Item #8(O) – Collective Bargaining Agreement with the Ormond Beach Firefighters Association

RESOLUTION NO. 2008-38

A RESOLUTION AUTHORIZING THE EXECUTION OF A COLLECTIVE BARGAINING AGREEMENT BETWEEN THE CITY AND THE ORMOND BEACH INTERNATIONAL ASSOCIATION OF FIREFIGHTERS (I.A.F.F.) LOCAL 3499; SETTING FORTH AN EFFECTIVE DATE.

**Commissioner Kelley moved, seconded by Commissioner Gillooly, to approve Resolution No. 2008-38, as read by title only.**

Mr. Isaac Turner, City Manager, stated Chief Baker and Captain Jim Shaw, President of the International Firefighters Association, led the negotiating teams, and Human Resources Director Ms. Lorenda Volker was a key participant in the negotiations. He advised the Commission set financial conditions upon the City relative to bargaining, and this union accepted the offer of \$500 per employee to try to help the City’s financial situation. Mr. Turner stated they also found a number of items that would help the operation of the department as well as save taxpayer dollars. Mr. Turner pointed out this was a one year agreement. He thanked Chief Baker and the union for their teamwork to help the City get through this difficult time.

Chief Baker thanked the union, Human Resources Director Lorenda Volker, Assistant Fire Chief Skip Erby, and Captain Shaw’s negotiating team. He reported the teams have been negotiating since July, and the relationship was cordial.

Mayor Costello stated he was excited and appreciative that all were willing to make sacrifices.

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

Item #4(B) – Presentation of Plaque to Doris Katz

Mayor Costello presented a plaque to Ms. Doris Katz for service on the Cultural and Civic Affairs Advisory Board from 1978 to 1986 and 1992 to 1995 and the Quality of Life Advisory Board from 1995 to 2008. He stated Ms. Katz was one of the people how helped make Ormond Beach very special.

Ms. Katz stated it was an honor to have the opportunity to live in and serve Ormond Beach.

Item #4(C) – Proclamation Honoring State Police Athletic League “Boy of the Year”

Mayor Costello presented a proclamation honoring Gregory Berry, State Police Athletic League “Boy of the Year.” He stated Gregory Berry was an honor role student in his junior year, and he had been a PAL participant since he was five years old. Mayor Costello stated his leadership skills lead to a nomination on the State PAL Youth Director’s Council (YDC) Youth Advisory Committee where he assisted with the creation, organization, and implementation of the State of Florida PAL Youth Director’s Annual Conference. He proclaimed January 15 Gregory Berry Day in tribute of his State PAL “Boy of the Year” award and his service to the community.

Item #4(D) – Presentation of “HOMe for the HOLIDAYS” Awards

Mayor Costello congratulated Mr. Brian Daly who has been on the board of the HOME for the HOLIDAYS parade for 14 years.

Mr. Brian Daly reported this was the 17<sup>th</sup> HOME for the HOLIDAYS parade which had 94 entries with well over 2,000 participants. He thanked the sponsors: Bright House Networks, Florida Power and Light, the Preferred Business Group, Mower Depot, A&B Putty, Daytona Toyota, and Gary Yeomans Ford. Mr. Daly also thanked Ormond Main Street Director Maggie Sacks; Halifax Baptist Ministries; the City’s Streets Department; CERT Fire Volunteers; Police Explorers and Police Athletic League; the Police Department; the Fire Department; the City advisors Leisure Services Director David Abee, Kathleen Flynn, Mike Demchak, Siobhan Daly, and Mark Walker, and the committee volunteers.

Mr. Daly reported in the “Walkers Division” Ormond Beach Dancers and Twirlers took first place, Cub Scout 404 took second place, and Unified Tae Kwon Do took third place. He stated in the “Vehicles Division” Volusia County Sheriff took first place, Party World took second place and Mary & Rodger Fain took third place. Mr. Daly noted in the “Floats Division” Holly Hill PTA took first place, Friends of the Dog Park took second place, and Christ Presbyterian Church took third place. He stated Rick’s Auto Outfitters won “Best Overall,” and the Sunshine State Bank took the “President’s Cup.”

Item #5 - Audience Remarks

Daytona Beach Dream Cruise

Mr. Rick D’Louhy, 108 Rio Pinar Drive, representing the Daytona Beach Area Convention and Visitors Bureau, stated a new event, Daytona Beach Dream Cruise, was planned for the fourth week in October. He advised this event would have significant economic and entertainment benefits for the area. Mr. D’Louhy reported the first year’s focus for the event was to utilize Atlantic Avenue from south of Granada Boulevard in Ormond Beach to Daytona Beach Shores where people would drive at a low speed to show their collector cars. He estimated the first year would have 800 vehicles; however, they would be dispersed over an eight mile course so there should not be any congestion.

Mayor Costello stated as long as Mr. D’Louhy was working with Police Chief Michael Longfellow he had no objections.

Commissioner Kent asked where the turnaround was to be located.

Mr. D’Louhy reported the suggested turn-around for the cars on the north end was to turn left onto Vining Court, turn left on Florence Street, turn left on Bosarvy, and then turn right onto Atlantic Avenue to resume southbound.

Commissioner Gillooly asked if Mr. D’Louhy spoke to Ormond Main Street.

Mr. D’Louhy stated the focal point this year was Atlantic Avenue, but in subsequent years it would be more disbursed.

Commissioner Gillooly pointed out Vining Court was part of the downtown, and the businesses should be made aware of this to, possibly, capitalize on the event.

Mayor Costello asked Mr. D’Louhy to explain his affiliations.

Mr. D’Louhy stated he collected “odd” vehicles and was co-writing a book on automobiles. He noted he was involved in the Turkey Run, the spring show at the speedway, and was a member of the Volusia Region AACA.

Service Dogs

Mr. Jeff Benson, 1,000 South Nova Road, Daytona Beach, stated in September 2006 he was ordered to leave the Grocery Box on Yonge Street. He reported he called the Police Department at that time. Mr. Benson advised he recently experience a similar situation at Burger King at 112 North Ridgewood Avenue, where the situation got out of control when the manager ordered him out stating only guide dogs were allowed in restaurants in Florida. He urged businesses be provided education regarding the use of guide and service dogs.

Mayor Costello asked Mr. Benson to discuss this issue with Mr. Tom Lipps, Support Services Director. He agreed people do needed to be more fully educated regarding service dogs.

Property Tax Amendment

Ms. Maritza Patterson, 4 Robin Court, read a letter from the Ms. Sandra Horikami, President, League of Woman Voters of Volusia County, that stated a press release was issued on December 1, 2007, voicing its opposition to SJR2D which was the proposed constitutional amendment to be placed on the election ballot on January 29, 2008. She reported the amendment would add limitations and exemptions regarding revenue sources without regard of the ability of the homeowners to pay, extend the inequities created through “Save Our Homes,” worsen Florida’s current infrastructure deficit, and cause a decline in the level of State services and in the quality of life. Ms. Patterson advised tax sources and revenues should not be specified, limited, exempted, or prohibited in the State constitution, and local governments should have a variety of options for generating revenues to meet local needs. She stated the League believed property taxes should be levied based on ability to pay, and tax relief should be provided to all low income persons who own or rent property regardless of age; but SJR2D

runs contrary to this principal. Ms. Patterson reported “Save Our Homes” was not based on ability to pay and has introduced a bias against more recent homebuyers and non-homestead property owners. She noted Florida has an infrastructure deficit, a deficit in State service level, and the quality of life was declining, which would result in revenue losses of \$12.4 billion in the next five years in addition to the already mandated revenue cap. Ms. Patterson advised the League of Woman Voters recommended a “no” vote on Amendment 1.

Mayor Costello stated he appreciated the League of Woman Voters for researching this issue and taking a position.

#### Water Fluoridation

Mr. Jim Schultz, 117 Harvard Drive, stated a new study came out showing a very distinct and strong association with fluoracilic chlorimine use and increased lead being leached from brass fittings and solder in the joints.

Mayor Costello stated the Commission position was that it would defer to the scientists for guidance.

#### Tax Forum

Ms. Pat Behnke, 15 Malayan Sun Bear Path, thanked the Citizens for Ormond Beach for the tax forum. She expressed frustration between the lack of synchronization between the radio and the City’s speaker system. Ms. Behnke pointed out the City speaker system works great, and it should have been synchronized before the meeting. She noted between this sound problem and interruptions for the weather and advertisements, she found it disconcerting. Ms. Behnke urged more preparation be done prior to forums in the future.

#### Harvard Beach Approach Issue

Ms. Behnke stated at the “Meeting with the City Manager” there was a discussion regarding the Harvard Beach approach parking problem, and a recommendation was made to encourage more citizen involvement with the County. She advised a County Council member was on Big John’s radio show so she called about the Harvard Beach approach issue. Ms. Behnke stated the County Council member seemed surprised there was a problem and promised to investigate the issue.

#### Tax Forum

Mayor Costello agreed the Citizens for Ormond Beach should be commended for the forum. He noted the City had forums without being broadcast and with them being broadcast in the past. Mayor Costello assured Ms. Behnke for future forums there would be a request to determine the number of microphones that would be needed. He reported he was informed the microphones were tested, but the entire panel was not seated at that time, and all of the microphones were not tested. Mayor Costello noted it may be necessary to move the venue to the Performing Arts Center, which has a more sophisticated system. He stated he wanted to make Ormond Beach facilities available for community events that benefit the community.

#### Item #6 - Approval of Minutes

Mayor Costello advised the minutes of the December 18, 2007, and January 8, 2008, meetings had been sent to the Commissioners for review and asked if there were any corrections, additions, or omissions.

Mayor Costello stated that the minutes were approved as submitted.

#### Item #7(A) - Metropolitan Planning Organizations and Item #7(B) - Volusia Council of Governments

Mayor Costello advised there was nothing new regarding the Metropolitan Planning Organization (MPO) and Volusia Council of Governments (VCOG). He stated reports would be provided after the meetings.

#### Item #7(C) - Water Authority of Volusia

Commissioner Kelley reported Water Authority of Volusia (WAV) would meet tomorrow. He noted he attended the Magnolia Garden Club last week where he explained WAV was becoming very active in pursuing conservation and educating the people. Commissioner Kelley noted WAV hoped to partner with Volusia County Schools regarding their annual calendar where the drawings from the contest would be posted along with information for each month, such as watering tips.

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 Kelley requested removing Item Nos. 8(H), 8(L), and 8(M) for discussion.

**Commissioner Kelley moved, seconded by Commissioner Partington, for approval of the Consent Agenda, minus Item Nos. 8(H), 8(L), 8(M), and 8(O).**

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

Item #8(H) – Water Treatment Plant Softening Area Modifications Project

RESOLUTION NO. 2008-31

A RESOLUTION AUTHORIZING THE EXECUTION OF CHANGE ORDER NUMBER ONE (1) TO THAT CONTRACT AWARDED TO MCMAHAN CONSTRUCTION CO., INC., REGARDING THE WATER TREATMENT PLANT SOFTENING AREA MODIFICATIONS PROJECT, BY INCREASING THE CONTRACT PRICE BY \$36,786; AND SETTING FORTH AN EFFECTIVE DATE.

**Commissioner Partington moved, seconded by Commissioner Kent, to approve Resolution No. 2008-31, as read by title only.**

Commissioner Kelley expressed concern regarding this change order because the structural engineer's advice was that the stabilizers were not essential, while staff engineers indicated they were essential. He questioned who should be trusted: a firm with a continuing contract or staff.

Mayor Costello noted the original designing firm indicated they were needed.

Ms. Judy Sloane, Public Works Director, explained the structural engineer was hired as a result of some of the evaluations from the Heath Department. She noted the structural engineer recommended removal of the braces because, at the time, he did not believe they were of any use to support the structures. Ms. Sloane advised they were removed and vibrations were experienced. She stated the structural engineer made recommendations of possible causes for the vibrations, and those changes were made, but the vibrations continued. Ms. Sloane explained staff considered this an additional safety factor they believed to be necessary. She reported the structural engineer noted his recommendations were followed, and the vibrations continued; therefore, he agreed these braces should be added.

Commissioner Kelley stated this makes him question a structural engineer when the City depends on them to know these types of issues. He pointed out the contractor questioned the fact that they were not in the original bid.

Ms. Sloane stated this firm was the only one the City had on a continuing contract, but the City did use other structural engineers through other engineering firms and would probably use the other firms in the future.

Mayor Costello stated his concern was why any structural engineer would recommend removal of any structural support on something they did not design.

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



Item #8(L) – Water Meters

RESOLUTION NO. 2008-35

A RESOLUTION AUTHORIZING THE SOLE SOURCE PROCUREMENT OF WATER METERS FROM SUNSTATE METER & SUPPLY, INC.; AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH SUNSTATE METER & SUPPLY, INC.; AND SETTING FORTH AN EFFECTIVE DATE.

**Commissioner Partington moved, seconded by Commissioner Kent, to approve Resolution No. 2008-35, as read by title only.**

Commissioner Kelley questioned the reason for purchasing these meters. He expressed doubt staff could verify the City would be increasing revenues by four to five percent by changing out the existing meters. Commissioner Kelley stated these meters have not saved the staff time that it was proposed to save in that the original staff was being maintained. He noted while he was not convinced it would save revenue, he would depend on staff's recommendation.

Mr. Isaac Turner, City Manager, stated this replacement program was started a number of years ago. He explained over a 10 to 15 year period the meters start to slow down and do not accurately register the water going through the meter. Mr. Turner reported the first to be examined were the industrial meters because of the volume of water being used. He stated replacing meters would provide a more accurate meter and a touch read meter, which would make reading meters more efficient. Mr. Turner pointed out the touch read was adaptable with the radio read meters. He advised hiring more meter readers has been avoided because the meters could be read faster; and hopefully, when the radio read become more economical, the City may be able to use the radio read. Mr. Turner pointed out staff examined what was occurring with the accounts where the meters were replaced, and the revenues have increased.

Commissioner Kelley asked if this was for the \$12,000 per year being budgeted to spend or the \$307,000.

Ms. Sloane stated \$307,000 was budgeted, which included new meters and meter replacement. She explained the \$12,000 was the increase in the price of the meters being purchased this year.

Mr. Turner clarified the \$307,000 included the new and replacement meters.

Ms. Sloane reported the City purchases the meters for new customers and installs them, and the customer reimburses the City for the expenditure.

Ms. Kelly McGuire, Budget Director, stated \$252,000 was the meter replacement portion of the expenditure.

Commissioner Kelley asked if this expenditure was absolutely necessary at this time since the industrial meters were already replaced. He noted this was probably in the Capital Improvements Project that the Commission approved, but considering it as a single project caused him concern, particularly due to the fact he did not believe revenues would be increased.

Commissioner Kent expresses concern that having new technology is supposed to make staff more efficient, but the same number of employees has been kept.

Mr. Turner reported more information could be provided on these issues. He stated it was important to maintain accurate meters. Mr. Turner advised meters do not normally just stop working, but slow down so meters should be changed out within a period of time. He agreed staff was not cut, but pointed out new accounts have been added.

Commissioner Gillooly stated it would be difficult to determine how much of revenue was saved by the new meters and how much was due to a change in the peoples' habits; however, people do not change their habits drastically in a month. She asked if an increase was noticed the month after the meter has been changed out.

Mr. Turner stated staff compared the usage from year to year in the specific meters that were changed out. He advised he was fairly comfortable the increase was due to the more accurate reading.

Commissioner Gillooly asked if a comparison could be made for perhaps 25 accounts to determine the difference.

Mr. Turner advised that could certainly be done. He noted it would be fairly easy to examine hundreds of accounts over a period of time.

Commissioner Kent stated water was a definite revenue stream, and he would want to be certain people were paying for what they consume. He advised he would be interested to see how much water was being produced on a particular day compared to how much was being billed on that day. Commissioner Kent stated a better way to save money would be to take that \$307,000 to replace the pipes.

Commissioner Kelley challenged staff to randomly test a replaced meter to verify that they were slow. He clarified he recommended running 100 gallons through the old meter and the new meter to see the difference.

Mr. Turner agreed replacing the galvanized pipes was necessary. He pointed out a portion of the \$307,000 was for new meters that would be reimbursed. Mr. Turner stated the meters help to insure that people who use the product are billed for what they use because if some are and some are not replaced, those with new meters would disproportionately pay for more of the cost of the system. He noted staff had information on actual accounts, which could be provided, and staff could bring in meter experts to more fully explain meters.

Commissioner Kelley stated annual consumption was not a good comparison. He advised he was asking staff to test those meters taken out and compare them to new ones.

Mayor Costello stated this was to authorize procurement under a different price. He reported the Commission could approve this and then ask staff to stop any meter replacement until the Commission was provided with all of the information requested.

Ms. McGuire agreed this price change needed to be approved.

Mayor Costello expressed agreement with Commissioner Kent in that if staff can not show significant savings, the Commission may want to move the money to help replace the pipes. He encouraged the Commission to approve this tonight and then ask staff to gather further information. Mayor Costello noted he would also like the report to include the time it would take an employee to change out the meter.

Mr. Turner stated the City would have to continue to purchase meters for new developments and some replacement of broken meters, but the meter replacement program could be suspended until after bringing this issue back to the Commission.

Call Vote:	Commissioner Partington	no
	Commissioner Gillooly	yes
	Commissioner Kent	yes
	Commissioner Kelley	no
Carried.	Mayor Costello	yes

Mayor Costello clarified this vote was for the increase in the price, and staff was given clear direction not to proactively replace any more meters until the Commission receives more information.

Commissioner Kelley noted since his meter was replaced his usage increased because his son moved home and his daughter was living at home; therefore, his should not be used as a comparison.

Mayor Costello advised it was possible someone else's son may have moved away after a meter was replaced.

Mr. Turner stated, statistically with a large enough group, those anomalies should be accommodated for, but staff would look at the pool of meters, testing some individual meters.

Commissioner Partington requested the report include the age of the meter that would be considered the break even point to replace the meter.

Item #8(M) – Purchase of Two Passenger Minivans

RESOLUTION NO. 2008-36

A RESOLUTION AUTHORIZING THE APPROVAL AND EXECUTION OF A PURCHASE AUTHORIZATION (REQUISITION 0000004474) FOR THE PURCHASE OF TWO (2) PASSENGER MINIVANS UNDER FLORIDA SHERIFF'S ASSOCIATION BID NUMBER 07/15/0827; DECLARING CERTAIN VEHICLES TO BE SURPLUS PROPERTY AND AUTHORIZING THE DISPOSITION THEREOF; AND SETTING FORTH AN EFFECTIVE DATE.

**Commissioner Partington moved, seconded by Commissioner Kent, to approve Resolution No. 2008-36, as read by title only.**

Commissioner Kelley stated this was replacing a 1999 van with 33,000 miles for two vans, requiring a second driver. He reported spending \$2,200 for the extended warranty did not make sense when General Motors has a five year 100,000-mile warranty. Commissioner Kelley advised he did not want anyone hurt, but the website he was directed to was produced by two personal injury attorneys, and 99% of the accidents are driver error or tire failure. He stated while driving safely and under 45 miles per hour in the current vehicle, there was just as much likelihood to have an accident driving a smaller vehicle under 45 miles per hour. Commissioner Kelley noted with two vehicles there would need to be another driver, and it would use twice the gas.

Mayor Costello recommended taking out the back seat of the 15-passenger van, making it a 12-passenger van, and allowing only ten people plus the driver, which would take care of the liability issue; whereas, the two new seven-passenger vans would haul 12 people plus the two drivers accounting for all but one person.

Mr. Tom Mulligan, Fleet Operations Manager, stated this discussion started years ago. He reported an accident two years ago where people were killed in another city focused staff's attention on this issue. Mr. Mulligan advised staff was transporting people over interstates at high rates of speed, and these vans have a problem with a high center of gravity where making a sudden turn with a large number of people caused the van to have a tendency to roll over. Mr. Mulligan stated there was a decision to make a change; the City's current van should bring a good return; and the residual value would help to obtain the seven passenger vans. He agreed the driver was important and training was essential. Mr. Mulligan advised 20 people operate these vehicles, and some were part-time employees.

Mr. Turner stated training has been instituted for drivers, the number of people in the vehicles has been limited, and the vehicles have been taken off the interstates to handle the problem. He advised he strongly recommended this purchase due to safety concerns as well as liability, for the most experienced driver may have to swerve and could have an accident.

Commissioner Kelley asked how many 15-passenger vans the City had.

Mr. Mulligan stated there were one 15-passenger van and two 12-passenger vans.

Commissioner Kelley asked if the two 12-passenger vans would need to be replaced.

Mr. Mulligan agreed they would eventually have to be replaced. He explained the mindset was to start here and err on the side of safety. Mr. Mulligan stated the work load and the future of the activities and events would force staff to make choices.

Mr. Turner clarified staff was trying to determine if the two vans would be sufficient.

Commissioner Kent asked that no one drive these vans without training and that they obtain the specific class of license needed to drive the van. He questioned if companies were still making these large vans.

Mr. Mulligan stated companies were still making these vans, but the companies believe them to be safe. He reported modifications were discussed. Mr. Mulligan advised he believed General Motors should have some commitment to the City in making this a safer unit, but they have refused.

Commissioner Kent stated he considered this a miniature school bus, and it frightened him to think untrained people were driving these vehicles. He agreed taking out the back seat may be an option, but he stressed the importance of proper training.

Mr. Turner stated he believed the drivers were trained, but that information would be provided. He stressed that staff believed this to be a major safety issue.

Commissioner Kent stated if this was a major safety issue, staff should bring all three vans to the Commission for replacement and not just one. He reported he agreed it was a major safety issue, but staff should not bring this to the Commission one at a time.

Mr. Turner stated staff was trying to keep the fiscal issue in mind. He advised he was not convinced the City would need six vans, and he would prefer to see how the two vans would work out.

Mayor Costello stated he would support this purchase; but he also recommended taking the back seat out of the van. He noted there had been issues about the 15-passenger vans for years.

Commissioner Gillooly questioned if the risk was when ten or more people ride in 12 to 15-passenger vans or was the risk the same with any amount of passengers.

Mr. Mulligan stated there was more risk of rolling over with more weight due to the higher sense of gravity. He noted studies were conducted taking seats out, and it was determined the space was then filled with cargo that was heavier than passengers, causing the same problems.

Commissioner Gillooly stated this could be controlled by the City allowing no more than nine passengers in the two 12-passenger vans.

Mr. Mulligan stated there was a restrictive policy in place now.

Mr. Ted MacLeod, Assistant City Manager, stated all drivers have been instructed in the proper loading of the vans, what can and cannot be done, and the speed limits that must be maintained. He reported the safety problem was solved at this point because the City was renting seven-passenger vans to go on the interstate. Mr. MacLeod stated these two vans would primarily be used to go out of town on the interstate, and the bigger vans could be used locally using the established guidelines.

Commissioner Gillooly asked if it would be more feasible to continue to rent for out of town trips.

Mr. MacLeod stated trips to Orlando are fairly frequent.

Mr. Mulligan reported the Police Athletic League annually spends \$8,000 to rent vans, and this did not include Leisure Services or any other department.

Commissioner Kent questioned how he could have missed that the City was renting vehicles in the budget.

Mr. MacLeod stated the figure would be included in the operating costs.

Commissioner Gillooly stated she was glad the City was renting; however, she questioned if it would be more cost effective to continue that practice.

Mr. Mulligan reported the issue was also the availability of seven-passenger vans. He noted the vans must be picked up and dropped off at the Daytona Beach Airport. Mr. Mulligan pointed out in two years the \$8,000 paid to Avis could be recovered from the requested vans.

Commissioner Gillooly stated this was possibly the worst time of the year to purchase a car.

Commissioner Kelley stated the price of the vehicles was good. He stated 81% of all fatalities in 15-passenger van crashes occur in single vehicle rollovers from a tire or driver error. Commissioner Kelley noted these vans are no longer being used on the trips, and smaller vans are being rented; therefore, a half of a vehicle could have been paid last year had the Commission known they were not being used.

Commissioner Kent stated after hearing Mr. MacLeod he understood why the City wanted to purchase the smaller vehicles and phase out the larger ones.

Mayor Costello stated he was comfortable getting rid of a 15-passenger vehicle because he has driven one in the past.

Commissioner Gillooly requested more information regarding the insurance cost. She asked how often the City would be going to Orlando or on a major highway. Commissioner Gillooly noted if the trips were infrequent, the City may need to consider continuing to rent to eliminate the insurance issue along with the maintenance on the vehicle.

Commissioner Kelley noted vans can not always be obtained when they are needed from rental companies.

Ms. Lorenda Volker, Human Resources Director, advised that the City was self-insured. She stated staff has restricted driving these vehicles to in-City, and PAL leaves the area at least once a week. Ms. Volker reported it was not known if the other vans would need to be replaced depending on usage.

Commissioner Kelley asked why the City should have 12-person vans with only 6 people using them using more fuel.

Ms. Volker noted that would be part of the analysis.

Commissioner Kelley stated he wanted the children to be safe. He reiterated his opposition to the additional warranty. Commissioner Kelley again questioned why the City has two 12-person vans with only 6 people using them.

Mr. Turner reiterated staff was trying to be as prudent as possible, but instituting a safety program.

Mayor Costello stated tonight the issue was selling a 15-passanger van and purchasing two seven-passenger vans, and not what to do with the 12-passenger vans.

Commissioner Kelley stated 15-passanger van crashes overturn more than half of the time in single vehicle crashes compared to 33% for other vehicles. He noted these were extreme measures to make the children safe when the issue comes back to driver error.

Ms. Volker stated the drivers are trained, and staff has done all it can do to be safe. She reported staff uses the National Highway Traffic Safety Administration information that may not be as alarmist as the website Commissioner Kelley was reading; however, the personal injury attorneys would be the ones filing the lawsuit should anything occur.

Commissioner Kelley stated the manufacturer could have placed dual wheels on the vehicles to reduce the turnover for \$350, but opted not to do so.

Commissioner Gillooly reported she was ready to vote, but would like to know if the rollover was a non issue if less people were in the van. She advised this vehicle may be the answer to the problem if the City moves forward with the use of the Tomoka Correctional Inmate Program in that it could be used locally and could be safe for that purpose. Commissioner Gillooly reported it may be shortsighted to sell the vehicle if it could be used in the City.

Mayor Costello noted Commissioner Gillooly made a good point, noting the problems were on the highways at the higher speeds.

Commissioner Kent asked Commissioner Gillooly's opinion regarding the extended warranty issue.

Mr. Mulligan explained some vehicles should have extended warranties and some should not, and he would recommend the warranty in this instance. He advised he believed the \$1,100 cost would come back several times. Mr. Mulligan noted the General Motors plan gives automatic extended warranties to \$100,000 miles on the drive train, but it was limited. He stated the additional coverage would cover any problems with the air bag or directional signals. He pointed out this was a full-coverage warranty. Mr. Mulligan stated the new vans were expected to accumulate many miles due to frequent use. He advised the Fleet Department completed 90% of the requirements to be approved to do General Motors warranty work; and this work could be done in house, and the City would be reimbursed for that service.

Call Vote:	Commissioner Gillooly	yes
	Commissioner Kent	yes
	Commissioner Kelley	no

Carried.	Commissioner Partington	yes
	Mayor Costello	yes

Mayor Costello called for short break at 9:04 p.m. He reconvened the meeting at 9:08 p.m.

Item #9(A) – Public School Facilities Element

ORDINANCE NO. 2008-01  
AN ORDINANCE AMENDING THE COMPREHENSIVE PLAN OF THE CITY OF ORMOND BEACH BY ADDING A PUBLIC SCHOOL FACILITIES ELEMENT; AMENDING THE INTERGOVERNMENTAL COORDINATION AND CAPITAL IMPROVEMENT ELEMENTS; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; AND SETTING FORTH AN EFFECTIVE DATE.

Mayor Costello reported this Comprehensive Plan Amendment was approved unanimously by the Planning Board.

Mr. Tom Harowski, 97 North St. Andrews Drive, stated he has been working with the School Board on this Public School Facilities Element. He reported the School District supported the plan that was before the Commission tonight. Mr. Harowski expressed appreciation for the time City staff has put into this element, and he thanked Commissioner Kent for serving on the Stakeholder’s Committee.

**Commissioner Kelley moved, seconded by Commissioner Kent, to approve Ordinance No. 2008-01, 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

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

Item #9(B) – Best Value Inn

ORDINANCE NO. 2008-02  
AN ORDINANCE AMENDING THE FUTURE LAND USE ELEMENT OF THE COMPREHENSIVE PLAN BY AMENDING THE FUTURE LAND USE MAP TO CHANGE THE DESIGNATION OF ONE (1) PARCEL OF REAL PROPERTY TOTALING 6.24 ACRES LOCATED AT 1614 NORTH US HIGHWAY 1 FROM VOLUSIA COUNTY “COMMERCIAL” TO ORMOND BEACH “COMMERCIAL;” REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; AND SETTING FORTH AN EFFECTIVE DATE.

**Commissioner Kelley moved, seconded by Commissioner Gillooly, to approve Ordinance No. 2008-02, on first and only reading, as read by title only.**

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

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

Item #9(C) – “Capital Plaza” Rezoning

ORDINANCE NO. 2007-41  
AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF ORMOND BEACH BY REZONING A 2.73-ACRE PARCEL OF REAL PROPERTY LOCATED AT 298 & 300 SOUTH NOVA ROAD FROM B-8 (COMMERCIAL) WITH A PLANNED BUSINESS DEVELOPMENT OVERLAY TO PBD (PLANNED

BUSINESS DEVELOPMENT); APPROVING A DEVELOPMENT ORDER FOR A PLANNED BUSINESS DEVELOPMENT TO BE KNOWN AS “CAPITAL PLAZA” AND ESTABLISHING CONDITIONS THEREFORE; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; AND SETTING FORTH AN EFFECTIVE DATE.

Mayor Costello reported the development order has been amended as per the last meeting to adjust the location of the dumpster.

**Commissioner Kent moved, seconded by Commissioner Kelley, to approve Ordinance No. 2007-41, 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

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

Item #9(D) – Planned Industrial Development Zoning Districts

ORDINANCE NO. 2007-42  
AN ORDINANCE RELATIVE TO PLANNED INDUSTRIAL DEVELOPMENT (PID) ZONING DISTRICTS, CHAPTER 2, DISTRICT AND GENERAL REGULATIONS, ARTICLE II, DISTRICT REGULATIONS, SECTION 2-37, PLANNED INDUSTRIAL DEVELOPMENT (PID), SUBSECTION C, DIMENSIONAL REQUIREMENTS, OF THE *LAND DEVELOPMENT CODE* BY AMENDING REGULATIONS REGARDING MINIMUM NUMBER OF BUSINESS/INDUSTRIAL USES; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; PROVIDING FOR SEVERABILITY; AND SETTING FORTH AN EFFECTIVE DATE.

Mayor Costello reported this was approved by the Planning Board unanimously.

**Commissioner Kelley moved, seconded by Commissioner Gillooly, to approve Ordinance No. 2007-42, on second reading, as read by title only.**

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

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

Item #9(E) – Consistency Between the Comprehensive Plan and the List of Official Zoning Districts

ORDINANCE NO. 2007-43  
AN ORDINANCE RELATIVE TO DISTRICT AND GENERAL REGULATIONS, ARTICLE I, ESTABLISHING OF ZONING DISTRICTS AND OFFICIAL ZONING MAP, AND ARTICLE II, DISTRICT REGULATIONS, SECTIONS 2-02 AND 2-07, OF THE *LAND DEVELOPMENT CODE* BY AMENDING REGULATIONS TO ESTABLISH A CONSISTENCY BETWEEN THE COMPREHENSIVE PLAN AND THE LIST OF OFFICIAL ZONING DISTRICTS AND BY CREATING A NEW SECTION TO BE NUMBERED 2-38, CREATING AND ESTABLISHING MINIMUM STANDARDS AND PROCEDURES FOR A PLANNED MIXED USE DEVELOPMENT (PMUD) ZONING CLASSIFICATION; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; PROVIDING FOR SEVERABILITY; AND SETTING FORTH AN EFFECTIVE DATE.

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Mayor Costello reported this was approved by the Planning Board unanimously.

**Commissioner Gillooly moved, seconded by Commissioner Partington, to approve Ordinance No. 2007-43, 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

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

Item #9(F) – Submerged Land

ORDINANCE NO. 2007-44

AN ORDINANCE RELATIVE TO DEFINITIONS, CHAPTER 1, GENERAL ADMINISTRATION, ARTICLE III, DEFINITIONS AND ACRONYMS, SECTION 1-22, DEFINITION OF TERMS AND WORDS, OF THE *LAND DEVELOPMENT CODE* BY AMENDING REGULATIONS TO CLARIFY THAT SUBMERGED LAND CANNOT BE USED TO CALCULATE MINIMUM LOT AREA OR DIMENSIONAL REQUIREMENTS ESTABLISHED IN CHAPTER 2, ARTICLE II, OF THE *LAND DEVELOPMENT CODE* BY ADDING THE TERMS "LAND, SUBMERGED" AND "LOT, AREA;" REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; PROVIDING FOR SEVERABILITY; AND SETTING FORTH AN EFFECTIVE DATE.

Mayor Costello reported this was approved by the Planning Board unanimously.

**Commissioner Kelley moved, seconded by Commissioner Gillooly, to approve Ordinance No. 2007-44, on second reading, as read by title only.**

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

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

Item #9(G) – Calvary Church Rezoning

ORDINANCE NO. 2007-44

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF ORMOND BEACH TO REZONE A 10-ACRE PARCEL OF REAL PROPERTY LOCATED TO THE REAR OF THE EXISTING CHURCH AT 1687 W. GRANADA BOULEVARD (SR40) FROM URBAN MULTI-FAMILY RESIDENTIAL (R-6) TO HIGHWAY TOURIST COMMERCIAL (B-7); REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; AND SETTING FORTH AN EFFECTIVE DATE.

Mayor Costello advised that Mr. Rob Merrell, 150 Magnolia Avenue, Daytona Beach, offered to answer any questions.

**Commissioner Kelley moved, seconded by Commissioner Partington, to approve Ordinance No. 2007-44, on second reading, as read by title only.**

Commissioner Gillooly thanked Mr. Ric Goss, Planning Director. She noted it was unfortunate it was necessary to have to go through this rezoning due to the height issue, and Mr. Goss advised he was investigating mechanisms to allow this to occur in the future under the right circumstances.

Call Vote:	Commissioner Partington	yes
	Commissioner Gillooly	yes
	Commissioner Kent	yes



Carried.	Commissioner Kelley	yes
	Mayor Costello	yes

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

Item #9(H)(1) – Development Order for a Special Exception for Calvary Church

RESOLUTION NO. 2008-39

A RESOLUTION AUTHORIZING THE EXECUTION AND ISSUANCE OF A DEVELOPMENT ORDER FOR A SPECIAL EXCEPTION TO ALLOW A HOUSE OF WORSHIP ON PROPERTY LOCATED AT 1687 WEST GRANADA BOUELVARD, SAID PROPERTY BEING WITHIN THE B-7 (HIGHWAY TOURIST COMMERCIAL) ZONING DISTRICT; ESTABLISHING CONDITIONS AND EXPIRATION DATE OF APPROVAL; AND SETTING FORTH AN EFFECTIVE DATE.

Mayor Costello advised he had a card from Mr. Rob Merrell offering to answer any questions.

**Commissioner Kelley moved, seconded by Commissioner Partington, to approve Resolution No. 2008-39, as read by title only.**

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

Hearing no objection, Mayor Costello closed the public hearing on Item #9(H)(1).

Item #9(H)(2) – Water, Sewer and Annexation Agreement with Calvary Church

RESOLUTION NO. 2008-40

A RESOLUTION AUTHORIZING THE EXECUTION OF A WATER, SEWER AND ANNEXATION AGREEMENT BETWEEN THE CITY OF ORMOND BEACH AND CALVARY ASSEMBLY OF GOD OF ORMOND BEACH, FLORIDA; PROVIDING FOR RECORDATION; AND SETTING FORTH AN EFFECTIVE DATE.

Mayor Costello advised he had a card from Mr. Rob Merrell offering to answer any questions.

**Commissioner Kelley moved, seconded by Commissioner Partington, to approve Resolution No. 2008-40, as read by title only.**

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

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

Item #9(H)(3) – Parking Improvement Agreement with Calvary Church

RESOLUTION NO. 2008-41

A RESOLUTION AUTHORIZING THE EXECUTION OF A PARKING IMPROVEMENT AGREEMENT BETWEEN THE CITY OF ORMOND BEACH AND CALVARY ASSEMBLY OF GOD OF ORMOND BEACH, FLORIDA, INC., PROVIDING FOR RECORDATION; AND SETTING FORTH AN EFFECTIVE DATE.

Mayor Costello advised he had a card from Mr. Rob Merrell offering to answer any questions.

**Commissioner Kelley moved, seconded by Commissioner Gillooly, to approve Resolution No. 2008-41, as read by title only.**

Call Vote:	Commissioner Kelley	yes
	Commissioner Partington	yes

	Commissioner Gillooly	yes
	Commissioner Kent	yes
Carried.	Mayor Costello	yes

Hearing no objection, Mayor Costello closed the public hearing on Item #9(H)(3).

Item #9(I) – Development Order for “Daytona College”

RESOLUTION NO. 2008-42

A RESOLUTION AUTHORIZING THE EXECUTION AND ISSUANCE OF A DEVELOPMENT ORDER FOR A SPECIAL EXCEPTION TO ALLOW A 20,823 SQUARE FEET PRIVATE SCHOOL, KNOWN AS THE “DAYTONA COLLEGE” ON PROPERTY LOCATED AT 425/427 SOUTH NOVA ROAD, WITHIN THE B-8 (COMMERCIAL) ZONING DISTRICT; ESTABLISHING CONDITIONS AND EXPIRATION DATE OF APPROVAL; AND SETTING FORTH AN EFFECTIVE DATE.

Mr. Alex Kennedy, 1 Fox Hollow Drive, stated his property was adjacent to this expansion and he had concerns regarding trespassing, noise, lights, trash, and overall property value.

Mr. Joseph Stock, 6 Fox Hollow Drive, advised he was a member of the homeowners' association board where this issue was discussed. He stated the concerns of the homeowners were the increase in crime due where students come over the fence. Mr. Stock noted other concerns were noise, lighting, and trash. He reported people periodically come across the fence for a short cut, and with an increased population, the residents were concerned this would increase and have a negative effect on the value of the homes.

Mr. Ric Goss, Planning Director, stated this expansion would accommodate 247 students attending over the course of the day as opposed to at the same time; therefore, the trips would be staggered. He noted the natural buffer has been kept in its natural state and was enhanced by the current standards. Mr. Goss advised the lighting standards indicate lights may not shadow over the property line more than .05 candlelight, and that would not occur based upon the landscaping and buffers. He stated the lights in the parking lots have reflective shields.

Mayor Costello asked if students were currently jumping over the fence.

Mr. Stock stated he could not say the students were currently jumping the fence, but he was concerned with the increase in students.

Mayor Costello stated he did not believe the increased students would be a concern regarding jumping the fence, and the lighting would be controlled; but he was sensitive to the resident's concerns.

Mr. Stock asked what hours the facility would be open.

Commissioner Kelley noted the report stated classes would be held until 10:00 p.m.

Mr. Kennedy stated most of the concerns had been addressed; however, his concern was the noise and potential trespassing. He reported he had two daughters who go to their screened in pool area, and the students could hear the girls and jump the fence.

Mayor Costello stated should this occur, the Police Department should be called.

Commissioner Gillooly stated this project was a tremendous asset to enhance the property, and if the residents would see anything of concern, they could call the Police Department.

**Commissioner Kelley moved, seconded by Commissioner Kent, to approve Resolution No. 2008-42, as read by title only.**

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

Commissioner Gillooly clarified the developer had one year to build, but this was just extended to two years.

Mr. Goss stated the Commission approval was for two years, and it could be extended one additional year if they meet the criteria for the extension.

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

Item #9(J) – Removal of an Historic Tree Located at 370 Hand Avenue

RESOLUTION NO. 2008-43  
A RESOLUTION APPROVING AND AUTHORIZING THE  
REMOVAL OF AN HISTORIC TREE LOCATED AT 370 HAND  
AVENUE; AND SETTING FORTH AN EFFECTIVE DATE.

**Commissioner Kelley moved, seconded by Commissioner Partington, to approve Resolution No. 2008-43, as read by title only.**

Commissioner Kelley directed the audience’s attention to the photograph showing the historic tree. He questioned the City Attorney when the City would be getting a response from Volusia County regarding historic tree removals.

Mr. Randal Hayes, City Attorney, stated staff never received a response. He explained his final letter sent 18 months to two years ago advised the County that a historic tree that was a public safety issue would not be brought before the City Commission, and if they had an objection they were to state that objection; but no response was received. Mr. Hayes reported this tree was not determined to be an imminent public safety issue and was brought to the Commission. He noted the window to avoid items coming to the Commission was narrow.

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

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

Item #10(A) – Woodlands Boulevard Proposed Sidewalk

Mayor Costello stated the Woodlands Boulevard sidewalk gained ten points in the scoring system because the neighborhood asked for the sidewalk, but the neighborhood now did not want it; therefore, would this still be a high priority.

Ms. Sloane stated one of the criteria established was a neighborhood request for a sidewalk, and the City received a petition requesting this sidewalk. She advised the City now received another petition asking the sidewalk not be constructed.

Mayor Costello advised he wanted sidewalks, but this sidewalk would have no connectivity, no parks, and no schools.

Ms. Sloane reported this would probably not have been recommended without the original petition from the neighborhood requesting the sidewalk.

Commissioner Gillooly agreed with Mayor Costello as to the value of sidewalks as a community asset. She asked if the same people petitioning against the sidewalk now were the same people who were petitioning for the sidewalk earlier. Commissioner Gillooly reported the information staff provided was very thorough, but she questioned if the second petition had been fairly distributed throughout the community and evaluated. She pointed out there were no residents in attendance tonight from the neighborhood to discuss the sidewalk; therefore, she would advocate re-evaluating the sidewalk based on points.

Mayor Costello stated he was ready to remove the sidewalk construction at this point and send a note to the community indicating the City Commission decided not to build the sidewalk unless there was an overriding petition in favor of the sidewalk.

Item #10(B) – City Logo

Commissioner Kelley stated the time has come to eliminate the mariner’s logo and use the City seal or the Birthplace of Speed logo. He reported he liked the Positively Ormond Sign, but would prefer the City seal.

Commissioner Partington and Commissioner Kent concurred with Commissioner Kelley.

Commissioner Gillooly concurred the logo should be eliminated, but she recommended using whatever letterhead that was available; and when it was time to reorder, it may be possible the City could then order letterhead with a Birthplace of Speed logo along with the City seal.

Mayor Costello noted he did not find the same objection; but four Commission members wanted the compass rose logo eliminated, so he would support that decision.

**Commissioner Kelley moved, seconded by Commissioner Partington, to eliminate the compass rose logo.**

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

Item #10(C) – Redirection of CDBG Funds

Mayor Costello stated \$80,539 was recommended to go for the rehabilitation of the Ormond Beach Housing Authority public properties and air conditioning and \$10,000 for the Volusia/Flagler Coalition for the Homeless.

After some concern that the audience would not be able to speak on the issue, Mayor Costello noted he was criticized for not allowing residents to speak on discussion items, but he was following Commission policy. He stated if the Commissioners were changing their opinion on the issue, he should be informed.

Commissioner Kelley advised he had not changed his opinion.

Commissioner Gillooly noted she may be starting to change her opinion since people stay for the end of a long meeting and are unable to speak.

Commissioner Kelley stated this was the only time the Commission may discuss these items. He noted should the Commission vote on an issue, public input would be permitted. Commissioner Kelley pointed out the Commission receives input on many issues that they would not vote on; and if a citizen wanted to contact a Commission member, they could do so prior to meetings.

Mayor Costello stated until the Commission gives him other direction, he would continue to adhere to the Commission ruling.

Commissioner Gillooly stated the \$80,539 was available because the Commission asked staff not to precede with the ADA restrooms at the Senior Center because the general consensus was the cost was exorbitant. She had recommended a single unisex bathroom to meet all of the criteria, but the Senior Center situation was still to be addressed. Commissioner Gillooly expressed her reluctance to reallocate the money at this time. She reported the housing authority property was not owned by the City; and while Mayor Costello appoints member to the Housing Authority, their authority does not come from the City Commission but from the Department of Housing and Urban Development (HUD).

Mr. Hayes stated the Housing Authority had its own board and was regulated by State statute.

Commissioner Gillooly expressed a concern to allocate this amount of money for such an agency although a portion of the funds could be used to enhance the project. She stated she agreed \$10,000 of the \$11,700 from the reimbursement of the lien dollars should be awarded to the Volusia/Flagler Coalition for the Homeless. Commissioner Gillooly reported the homeless situation was not defined by a city's boundaries and was an issue everyone must address. She stated Daytona Beach had agreed to be the host city.

Mayor Costello summarized Commissioner Gillooly would support the \$10,000, but not make a definitive decision regarding the \$80,000.

Commissioner Kent noted agreement with Commissioner Gillooly.

Commissioner Partington stated he would prefer the entire amount be used for parks, enhancements, streetscaping, lighting, or other items in the CDBG defined area; however, he could support \$10,000 from the General Fund for the City's share for the Volusia/Flagler Coalition for the Homeless. He advised he advocated the Senior Center bathroom improvements be done.

Commissioner Kelley agreed the homeless have no boundaries. He reported he was not ready to commit the \$80,000 at this point. Commissioner Kelley stated he believed there were adequate handicap facilities at the Senior Center, and the cost was for additional restrooms or enhanced restrooms.

Mayor Costello summarized that the Commission was ready to use the \$10,000 for the homeless and discuss the next donation with funds possibly coming from the General Fund or recovery funds, but no decision would be made tonight regarding the \$80,000.

Mr. MacLeod stated the Senior Center project included making two restrooms wheelchair accessible, automatic door openers on the other restrooms for those using walkers, and making the two exterior doors automatically opening doors.

Commissioner Gillooly stated that was not clear when the project was discussed; and if all of what Mr. MacLeod stated was included in the restroom, this should be reexamined.

Mr. MacLeod stated the costs were not clearly spelled out in the breakdown in the packet. He noted there was an estimate from the contractor on all of the items included. Mr. MacLeod advised there was \$31,000 in the report for the automatic door openers on all of the doors. He reported residents spoke at the "Meeting with the Manager" regarding this project.

Ms. Pat Behnke, 15 Malayan Sun Bear Path, commended Mr. Turner for giving the citizens time on a monthly basis to attend these meetings, and she appreciated the opportunity to learn. She stated she did not realize the Senior Center did not have automatic doors or that it was part of the proposed package. Ms. Behnke advised a wheelchair cannot get through the doors, and a person with a walker would have difficulty. She noted many people visit the Senior Center in wheelchairs, walkers, and canes because it is a Senior Center. Ms. Behnke asked this proposal be reconsidered. She stated \$80,000 for a bathroom was exorbitant, but not for all that was included, and it should be reconsidered.

Ms. Elwillie Daniels, 56 Fairview, Chairman of the Neighborhood Improvement Advisory Board, stated the parks and lighting that Commissioner Partington recommended had already been done, and she pointed to some recent projects. She advised she was not indicating any other streetscape, lighting, or parks may not need to be done, but the west side and east side were now included in the target area. Ms. Daniels reported Ms. Loretta Moio, Grants Coordinator, has thoroughly investigated what can and cannot be done with the money. Ms. Daniels stated if the Commission reconsiders what to do with the funds she recommended considering the apartments in that the funds were to be for the low-income areas. She noted if the bathrooms were reconsidered, she urged \$80,000 not be used.

Commissioner Gillooly clarified Ms. Daniels was advocating the use of some of the funds to enhance what the State would pay for in the Housing Authority units. She asked if the Neighborhood Improvement Advisory Board would support maximizing the use of the funds for the two projects. Commissioner Gillooly pointed out CDBG money has previously helped with other ADA compliant projects.

Ms. Daniels reported she believed the board would agree to that scenario because the board had approved the use of the funds for the bathroom. She explained the board sent over 250 letters inviting citizens on A1A to meetings, changing the venue for their convenience, and only three citizens attended last year.

Commissioner Kent stated the CDBG area had been on the west side for quite some time, and incredible enhancements were accomplished; but it has shifted from the last census. He concurred with Commissioner Partington that the funds should be used in the CDBG area as it had been used on the west side. Commissioner Kent stated he believed the funds should be used in the Lucky Drive and Wye Drive area.

Mayor Costello stated he did not hear a consensus tonight regarding the \$80,000. He asked staff for more information regarding the restrooms.

Commissioner Kent clarified he did not want to spend CDBG money for the Senior Center.

Mayor Costello reported he believed the funds should be used for something other than the Senior Center, and the City pay for the Senior Center enhancements. He noted he favored Commissioner Gillooly's recommendation about a single restroom, but the electronic doors should be installed. Mayor Costello advised he was proud Ormond Beach participated in funding the Volusia/Flagler Coalition for the Homeless two years ago; he was unaware the City did not participate last year; and he would support the \$10,000 this year.

**Commissioner Gillooly moved that the \$10,000 from the CDBG money be designated to support the Volusia/Flagler Coalition for the Homeless.**

**The motion died for lack of a second.**

Item #11 – Reports, Suggestions, Requests

Tax Forum

Commissioner Partington thanked the Citizens for Ormond Beach, Rita and Marty Press, Brian Daly, and Mark Bernier for the tax forum, which was well attended, and many people listened to it on the radio. He advised the technical difficulties were frustrating, but this was not a City function, and the Chambers was not a studio. Commissioner Partington pointed out technical difficulties seem to occur in all situations. He stated everyone involved did the best they could, and it was not too great a problem.

Commissioner Gillooly reported she planned to attend the forum, but a family matter prevented her from attending. She stated she listened to the entire broadcast, and there were challenges, but everyone responded very quickly; and after the problem was fixed, the broadcast was clear. Commissioner Gillooly noted some people were disturbed by the commercials, but there has to be commercials. She agreed with Commissioner Partington that the broadcast greatly expanded the audience. Commissioner Gillooly commended Rita and Marty Press for all of their work and staff for their participation.

Congratulations

Commissioner Gillooly stated Mr. Phil Maroney called just prior to the last meeting leaving a message that he was unable to attend but asked her to extend his congratulations to the Commission and that he was thrilled the entire Commission was back, and continuity on the Commission would remain.

SCADA Pole

Commissioner Gillooly reported a resident of Oak Forest Drive questioning the pole installed there, which she discovered was a SCADA pole. She requested the Commission be provided more information regarding these types of issues so they could answer questions from constituents.

Mayor Costello noted he had understood that cell phone towers and the like needed to be camouflaged, particularly in residential neighborhoods.

Ms. Sloane stated this was part of the SCADA system upgrade, and the radio transmission must have a line of sight to the water tower. She explained this upgrade required the City to install 40 and 50-foot concrete poles in some areas. Ms. Sloane noted all are now installed except for two, with one near the lift station on Main Trail, and she did not recall where the other was located. She reported a 50-foot pole would be installed at the entrance to Breakaway Trails, which was to be painted. Ms. Sloane explained this was required for the lift stations for the remote sites to be able to operate.

Commissioner Gillooly asked if there was any way to camouflage the poles.

Ms. Sloane reported the only camouflage would be to paint them.

Commissioner Kent asked why the Breakaway Trails pole was being painted, and the others were not.

Ms. Sloane stated the Breakaway Trails pole was not part of this contract. She noted that pole was required as part of the interconnect between the potable water and the raw water for fire protection. Ms. Sloane noted since the pole was at the entrance, painting was suggested. She advised she was not certain painting the poles that were not near trees would be a benefit, but the Breakaway Trails pole would be directly against the tree line. Ms. Sloane noted most poles are at lift stations and cleared areas.

Commissioner Kent stated this was at the entrance of two people's homes, and they were just as important as anyone else. He questioned why only one would be painted.

Ms. Sloane stated each of these sites had a concrete pole, and these were replacing existing poles that were not tall enough. She explained all of these poles were not new sites, but the Breakaway Trails site was a new site.

Commissioner Kent agreed with Mayor Costello that this was unacceptable.

Ms. Sloane reported the poles must be able to transmit. She pointed out the company did a radio survey on each site to determine what height was necessary to transmit properly.

Mayor Costello stated he understood the need for the poles, but he did not envision this in residential areas. He noted he recalled the Commission discussed passing an ordinance requiring camouflaging towers.

Mr. Goss reported the Commission discussed an ordinance regarding camouflaging towers, and it would be coming to the Commission in February.

Mayor Costello noted if this would be approved under the new regulations, the regulations needed to be reworded.

Mr. Goss explained this was part of the SCADA system, it was not a telecommunication system; therefore, it would not fall under that ordinance.

Mayor Costello stated he was not interested in what kind of tower was involved because the intent of the ordinance was to make certain this did not occur.

Commissioner Partington asked staff to see if the pole could be camouflaged in any way.

Mayor Costello recommended using the cell phone tower for the SCADA tower.

Ms. Sloane stated these towers can not be placed far from the device they were operating, and a line of site was necessary.

Mayor Costello recommended a relay from the device 100 feet to the cell phone tower.

Ms. Sloane clarified a line of sight was necessary, and no repeaters could be used.

Mayor Costello stated if the City needed telecommunication for City use, it should be able to use existing towers since the City provided the company with the permit to place the tower.

Ms. Sloane advised staff did evaluate alternative ways to operate the interconnect at Breakaway Trails, and there was no way to know when there was a fire and when it would be remotely operated. She noted interconnects do no good if they cannot be remotely operated for fire protection.

Mr. Turner stated he understood the issue of the tower, but these transmissions must be reliable. He noted this system would be using fewer personnel, using the system to remotely control the system reliably.

Ms. Sloane stated this contractor replaced 55 poles with this contract.

Mayor Costello stated he would be very unhappy if he would later discover a ten foot pole could be used at Breakaway Trails that would relay to the cell tower.

Ms. Sloane reiterated she asked the contractor to evaluate any alternative to the 50-foot pole at the Breakaway Trails site.

Commissioner Gillooly requested an e-mail be sent to her explaining why the pole on Oak Forest Drive was a benefit to the citizens so that she could relay the information.

Mayor Costello asked the size of previous pole compared to the existing pole.

Commissioner Gillooly agreed that information would be helpful.

Planning Efficiencies

City Commission – January 15, 2008

Commissioner Gillooly reported there was an article in the Florida League of Cities *Quality Cities* magazine regarding planning efficiencies in municipalities. She noted Mr. Turner has been trying to conserve costs, save dollars, while not sacrificing quality and being friendly to businesses because businesses will help the tax base. Commissioner Gillooly commended the Planning Department and the City Manager for already doing most of the recommendations listed in the article.

#### Skate Park

Commissioner Kent stated he was pleased Mr. Abee and Mr. Turner were planning a skate park meeting.

#### Volusia/Flagler Coalition for the Homeless

Commissioner Kent reported he agreed with Commissioner Partington regarding using the \$10,000 from the General Fund for the Volusia/Flagler Coalition for the Homeless.

#### Repaving Division Avenue

Commissioner Kent advised he agreed with Commissioner Partington that he would also support repaving Division Avenue from the river to Ridgewood Avenue in that is was the worst street in Ormond Beach.

#### Elected Official Award

Commissioner Kent stated he hoped Mayor Costello would win the “Elected Official” award on January 24.

#### Tax Forum

Commissioner Kelley thanked Citizens for Ormond Beach for the great community effort.

#### Airport Hangar

Commissioner Kelley noted he received a copy of a letter from Mr. Gary Yeomans to Mac Charter commending them for the job they did on the hangar at the Ormond Beach Municipal Airport.

#### Fish City Grill in The Trails

Commissioner Kelley stated an operating partner of the Fish City Grill in The Trails indicated that he experienced unbelievable cooperation in working with the City to open the restaurant.

#### Election

Commissioner Kelley urged people to vote after receiving all of the information on the ballot amendment question.

#### Opening Business

Commissioner Kelley advised he had sent the Commission a letter from a constituent trying to open a business, and he awaited staff’s response.

#### Tax Forum

Mr. Turner thanked the Citizens for Ormond Beach and staff who planned the tax forum. He reported everyone was concerned about the “glitch” that occurred. Mr. Turner stated Citizens for Ormond Beach was a wonderful organization that brings forth issues as a citizen group, and the City wanted to support them and make whatever resources the City has available. He stated he appreciate the opportunity working with Citizens for Ormond Beach.

#### Fire Contract

Mr. Turner thanked the fire union, Chief Baker, and Ms. Volker for reaching an agreement. He noted it would be difficult to negotiate a contract next year, but he appreciated the union’s willingness to understand the City’s current circumstances.

#### Commission Questions

Mr. Turner thanked the Commission for sharing their questions. He stated the reports must be solid, but he appreciated the Commission asking questions if something was omitted. Mr. Turner reported staff wanted to provide the best information so the Commission can make the best decision, and the Commission must be assured they could trust staff.

#### Volusia/Flagler Coalition for the Homeless

Mayor Costello asked that the \$10,000 for the Volusia/Flagler Coalition for the Homeless issue be placed on an agenda in the near future.

#### City Santa Program

Mayor Costello commended staff for the City Santa program.



Marvin Miller Proclamation

Mayor Costello stated Marvin Miller, after seeing an officer in a vest with flashing LED lights, wrote a check for \$1,880 for all of the officers to have a similar vest. He recommended a proclamation honoring Mr. Miller, or he would consider any other ideas to honor Mr. Miller.

Pulled Consent Agenda Items

Mayor Costello asked the Commission to consider discussing pulled consent agenda items at the end of the meeting. He noted some communities handle the pulled consent agenda items in this manner, and Ormond Beach may want to consider it, although he noted he was not certain at this point if he would support it or not.

Joe Forte Letter

Mayor Costello stated Mr. Joe Forte, Holly Hill City Manager, was instrumental in working with the City regarding interconnects with Holly Hill. He noted Mr. Forte has been an “intergovernmental friend,” and he suggested a congratulatory letter be sent.

Amendment 1

Mayor Costello reported at the Citizens for Ormond Beach forum he stated he favored Amendment 1 as long as there was a “McKay-type” Tax Budget Reform Commission. He advised Governor Crist would be in Edgewater tomorrow, and he would recommend this amendment with the 40% reduction in property taxes by substituting a penny sales tax increase and elimination of some exemptions and inclusion of some services. Mayor Costello stated this would provide tax reform that would benefit everyone. He clarified he would verbalize his position as his own and not as Mayor of Ormond Beach.

Item #14 - Close the Meeting

The meeting was adjourned at 10:44 p.m.

APPROVED: \_\_\_\_\_ February 5, 2008

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

ATTEST:

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