

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

May 6, 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 Pastor Bud Murphy, Unitarian Universalist Society.
- 3) Pledge of Allegiance.
- 4) **PRESENTATIONS:**
 - A) Proclamation in honor of the Ormond Beach PAL Boys 14 and Under basketball team for winning the State Championship.
 - B) Proclamation in honor of Pop Warner team Scholastic All American Achievement.
 - C) "Has Bin" proposal by David C. Hinson Middle School 7th grade students.
 - D) Proclamation in honor of National Public Works Week.
 - E) Proclamation in honor of Emergency Medical Services Week.
 - F) Proclamation in honor of Employee Appreciation Week.
- 5) **AUDIENCE REMARKS:**
- 6) **APPROVAL OF THE MINUTES** of the April 15, 2008, meeting.
- 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. 2008-98 authorizing the execution of a lease agreement between the City and the Casements Guild, Inc. (Operation of the gift shop at The Casements)
 - B) Resolution No. 2008-99 of the City of Ormond Beach to pursue measures to become a "Green Local Government" through improved environmental performance, using criteria and standards developed by the Florida Green Building Coalition and encouraging the Legislature and Governor to support the Green Local Government program.
 - C) Resolution No. 2008-100 accepting a proposal from Barnes, Ferland & Associates, Inc., to provide engineering services regarding construction of three new raw water production wells (#54, #55, #56); authorizing the execution of a Work Authorization and payment therefor. (Rima Ridge Wellfield - Not to exceed \$124,990)
 - D) Resolution No. 2008-101 accepting a bid from Professional Piping Services, Inc., for the professional services regarding force main cleaning in Hunter's Ridge and Breakaway Trails under Bid No. 2008-19; authorizing the execution of a contract and payment therefor; rejecting all other bids. (\$45,248)
 - E) FY 2008-09 budget process update.

DISPOSITION: Approve as recommended in City Manager memorandum dated May 1, 2008.

9) **PUBLIC HEARINGS:**

- A) Resolution No. 2008-102 authorizing the execution and issuance of a Development Order for a Special Exception regarding “Tomoka Christian Church,” on a site located at 1450 Hand Avenue, being situated within the SR (Suburban Residential) zoning district, to allow for a house of worship with a principal structure of over 10,000 square feet, a seating capacity of 801 seats, and approving a rear yard masonry wall waiver; establishing conditions and expiration date of approval.
- B) Ordinance No. 2008-21 authorizing the execution and issuance of a Third Amended Development Order for the “Capital Plaza” Planned Business Development located at 298 and 300 South Nova Road, approving a Development Order for a Planned Business Development to be known as “Dunkin Donuts at Capital Plaza,” establishing conditions and expiration of approval. (Second Reading)
- C) Ordinance No. 2008-22 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 ±2.53 acres located at 1287 West Granada Boulevard from “Suburban Low Density Residential” to “Office/Professional.” (To be Continued)
- D) Ordinance No. 2008-23 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 ±0.32 acres located at 500 West Granada Boulevard from “Medium Density Residential” to “Office/Professional.” (First and Only Reading)

10) **RESOLUTION** No. 2008-103 accepting the proposal of Gary Heatwole regarding professional services to manage and operate the Ormond Beach Tennis Center; authorizing the execution of an agreement and payment therefor.

11) **DISCUSSION ITEMS:**

- A) Redirection of excess CDBG funds.
- B) Proposed increase in development fees.
- C) Request by Mayor Costello to discuss beach management issues.

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

13) **CLOSE THE MEETING.**

Item #1 - Call to Order

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

Mayor Costello introduced those on the dais and Fire Chief Barry Baker, who was greeting citizens coming into the meeting this evening.

Item #2 - Invocation

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

Item #3 - Pledge of Allegiance

Mayor Costello led in the Pledge of Allegiance.

Item #9(C) – 1287 West Granada Boulevard

Mayor Costello reported staff has requested Item #9(C) be continued to July 15, 2008.

Item #4(A) – PAL 14 & Under Boys Basketball Team

Coach Avery Randolph announced that Ormond Beach PAL’s 14 & Under Boys Basketball Team won the State of Florida PAL Basketball Championship.

Mayor Costello reported the Ormond Beach PAL's 14 & Under Boys Basketball Team won the State of Florida Police Athletic League (PAL) Basketball Championship with Cameron "Squirt" Hadley, Jordan "J-Wash" Washington, Caleb Roberts, Trenton Norvell, Jalen Coy, Justin Sampson, Roy Campbell, and K'Journ Simmons, Jonathan Dukes, and Tori Sampson. Mayor Costello stated many hours of encouragement, reassurance, and direction was given to these young players by their coaches, James "Pepper" Johnson, Eugene Postell, Police Officer Gregory Stokes, and Avery Randolph, as they trained to achieve this accomplishment. He noted the teams' enthusiasm, sportsmanship, dedication, and long hard practice sessions made them the winners they are today. Mayor Costello proclaimed May 6, 2008, as Ormond Beach Police Athletic League 14 & Under Boys Basketball Team Day to pay tribute to the Ormond Beach PAL 14 & Under Boys Basketball Team as outstanding representatives of the youth of the City of Ormond Beach.

Mayor Costello advised the Ormond Beach PAL 10 & Under Boy's Basketball players lost their first two games and were eliminated from the tournament, but are recognized as one of the finest 10 & under boy's basketball players in Volusia County. He stated Stacey Beckton, Jr., received the first place honors in the 10 & Under Boys Hot Shot Contest.

Item #4(B) - Pop Warner Scholastic All American Awards

Mr. Mike Michner recognized student athletes from Ormond Beach, which included 44 Scholastic All Americans with four 1st Team Scholastic All Americans and three from the 8th grade, with only 35 children being selected nationally at that level. He reported this was the third time Jacob Beck, a 7th grader, was a 1st Team Scholastic All American. Mr. Michner thanked the City of Ormond Beach for the partnership that was created with Pop Warner.

Mayor Costello stated Pop Warner was the nation's largest youth football and cheerleading organization with nearly 400,000 participants from every state in the United States. He noted Pop Warner promotes integrity, leadership, excellence, and academics as it requires participants to maintain academic standards in order to participate. Mayor Costello stated Pop Warner selected 35 young men and 35 young women from each of the 5th through 8th grades to be 1st Team Scholastic All Americans, and the four Ormond Beach Pop Warner participants were: (8th grade) Chris Banks, Perry Kostidakis, Bryan Wittenberg, and (7th grade) Jacob Beck.

Mayor Costello reported Pop Warner selected 250 young men and 250 young women from each of the 5th through the 8th grades to be 2nd Team Scholastic All American, and 36 of the Ormond Beach Pop Warner participants were: (8th grade) Alexander Dann, Shane Grayson, Taylor Lloyd, Kyle Mangan, Trenton Norvell, Danielle Andrade, Kalyn Blair, Ashley Chambers, Hannah Dean, Jacquelyn Garcia, Abby Marsh, Erin McKernan, Haley Rice, and Katherine Wilson; (7th grade) John Fanning, Matthew Karr, Alexander Kagle, Andrew Nivar, Logan Somma, and Alexis Hamm; (6th grade) Joey Cornelison, Raul Dorian Gonzalez, Scott Harris, Brenden McKernan, Connor Mitchener, Robert Ogden, and Rebekka McGrath; (5th grade) Bradford Balash, Zachary Barton, Trevor Dent, James Durant, Dexter Gooding, Nathaniel Karr, Alex Lloyd, Jake Rice, and Kristine Wilson.

Mayor Costello stated Monique Molette, Kassandra Zatarain, Stephen Brown, Logan Brownell, Chandler Bultemeier, Benjamin Dunn, Matthew Greco, William King, John Mulvaney, Nicholas Muscatello, and Marcus Peoples were awarded Honorable Mention All American.

Mayor Costello advised Ormond Beach Pop Warner 1st and 2nd Team Scholastic All American awards represent one of the highest totals in the State of Florida. He proclaimed May 6, 2008, as a day to recognize Pop Warner 1st Team Scholastic All American, 2nd Team Scholastic All American, and Honorable Mention All American; and urged all residents to acknowledge the accomplishments of these young people as they continue their commitment to future accomplishments and the community.

Item #4(C) – "Has Bin"

Seventh grade students from David C. Hinson Middle School made a presentation regarding recycling. Mr. Michael Maholias reported their goal was to change Ormond Beach's current policy relative to recycling. He noted after surveying citizens and photographing the recycling bins, they concluded that people do not recycle as they should, although 91% of Ormond Beach residents recycle. Mr. Maholias stated his mother asked Waste Management for a second recycle bin, and they indicated the cost was \$75, which the class believed was too high for people to afford.

Mr. Jake Beck reported his school researched how other areas handle recycling, and he gave a brief synopsis of those practices by various other cities.

Ms. Blaire Neitzke recommended changing the 18 gallon bins to 64 or 96 gallon bins with dividers, covers, and wheels, and a list of what items could and could not be recycled. Ms. Neitzke suggested recycling become mandatory, but without a large penalty if people would not recycle. She stated a higher recycling rate would bring in more money to the City within three years of the distribution of the bins.

Ms. Morgan Kelly reported the plan of action was to inform the residents of the new policy by an ad in the News-Journal and contacting the recycling plant to inform them of the increase in recyclables. She thanked the Commission for the opportunity to present this policy.

Mr. Isaac Turner, City Manager, advised there was not a \$75 charge for a recycling bin, and he would make certain Ms. Maholias would be provided with a bin.

Mayor Costello thanked the students for their thoughtful presentation and the teacher, Ms. Marsha Shapiro, for her guidance.

Commissioner Kent stated the student's presentation was perfect in that they had a visual aide, were dressed appropriately, spoke clearly and gave an incredible presentation.

Item #4(D) – National Public Works Week “The Future is Now”

Mayor Costello stated public works services were an integral part of the citizens' everyday lives, and the support of an understanding and informed citizenry was vital. He noted the health, safety, and comfort of the community greatly depends on the efficient operation of public works systems and programs such as water, sewers, streets and highways, public buildings, and solid waste collection, and the qualified and dedicated personnel who staff public works departments. Mayor Costello proclaimed May 18 to 24, 2008, as National Public Works Week and urged the citizens and civic organizations to acquaint themselves with the issues involved in providing public works and to recognize the contributions which public works officials make every day to the health, safety, comfort, and quality of life.

Item #4(E) – Emergency Medical Services Week

Mayor Costello stated the Ormond Beach Fire Department is ready to provide lifesaving care to those in need 24 hours a day, seven days a week. He noted the Ormond Beach Fire Department engages in thousands of hours of specialized training and continuing education to enhance their lifesaving skills. He proclaimed May 18 to May 24, 2008, as Emergency Medical Services Week to recognize the Ormond Beach Fire Department for their outstanding emergency medical care to the citizens of the community.

Item #4(F) – Employee Appreciation Week

Mayor Costello advised the employees are the City's "ambassadors" who provide important community services on a daily basis during both routine and emergency situations, and the City Commission desires to recognize and honor all City employees, not only for their invaluable work performed on a daily basis, but also for their important contributions. He proclaimed the week of Monday, May 19 through Friday, May 23, 2008, as City Of Ormond Beach Employee Appreciation Week in honor of the outstanding achievements of the City employees and urged all citizens to thank them for their efforts over the past year.

Item #5 - Audience Remarks

Code Enforcement Issue

Mr. Lawrence Cook, 1529 North Beach Street, presented the Commission with two letters. He stated the letter was dated March 26, 1992, indicated a copy had been sent to Eugene Miller as City Manager.

Mayor Costello explained he could not resolve Mr. Cook's concerns regarding an issue that occurred in 1990 or 1992.

St. Jude's Children's Hospital

Mr. Marvin Miller, Riverside Drive, thanked the City for their support with the St. Jude's Children Hospital fundraiser where \$40,000 was raised. He noted 800 bikers were in the fund raising parade, including Fire Chief Barry Baker and Police Chief Michael Longfellow, led by an Ormond Beach fire engine. He stated that he and Mayor Costello road in the only vehicle. Mr. Miller presented T-shirts and a magazine containing the Mayor's picture to the Commission. He reported in this weak economy, Bray and Gillespie presented them with a check for \$10,000.

Discussion Item

Ms. Pat Behnke advised she wished to speak on a discussion item so she would hold her comments at this time.

Item #6 - Approval of Minutes

Mayor Costello advised the minutes of the April 1, 2008, meeting had been sent to the Commissioners for review and asked if there were any corrections, additions, or omissions.

Hearing none, Mayor Costello stated that the minutes were approved as submitted.

Item #7(A) – Metropolitan Planning Organization

Mayor Costello reported the Metropolitan Planning Organization (MPO) unanimously approved the adjustments recommended relative to the signage and safety issues on the US1 bike lane. He noted he was confident FDOT would approve these recommendations.

Item #7(B) – Volusia Council of Governments

Mayor Costello reported Ms. Ann McFall, Supervisor of Elections, discussed election scheduling at the Volusia Council of Governments (VCOG) meeting. He stated VCOG wanted to make no changes, but with more time between the elections, adjustments needed to be made. Mayor Costello reported some communities have opted to take office the next day or the next meeting after the election. Mayor Costello advised the City would not be able to have October and November elections due to the audits and early voting. He noted Ms. McFall was pushing hard to have the cities adopt even year elections, which Ormond Beach and other communities decided they did not want. Mayor Costello advised some adjustment was needed, but the Commission has the authority to adjust election dates and lengths of terms so the Charters can come into compliance. He reported a Charter amendment was not necessary to change the date, based on new criteria directed from the State. Mayor Costello noted the Smart Growth initiative was moving forward and the County was working with the cities. He reported they were working on voluntary transfer of development rights for cities.

Item #7(C) - Water Authority of Volusia

Commissioner Kelley advised he met with the Interim Executive Director of the Water Authority of Volusia (WAV), the liaison for Volusia County schools for kindergarten through twelve for art, and the individual working with Volusia County on the calendars. He noted 12 pieces of art have been selected depicting water conservation. Commissioner Kelley advised rather than using billboards, there would be over 60,000 calendars distributed in the school system. He stated there was an executive core meeting tomorrow, and another meeting after the Commission’s next meeting.

Mayor Costello asked Mr. Turner to work with Waste Management using the student’s recommendations to enhance conservation and recycling.

Item #8 - Consent Agenda

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

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

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

Item #9(A) – “Tomoka Christian Church”

RESOLUTION NO. 2008-102
A RESOLUTION AUTHORIZING THE EXECUTION AND
ISSUANCE OF A DEVELOPMENT ORDER FOR A SPECIAL
EXCEPTION REGARDING “TOMOKA CHRISTIAN CHURCH,”

ON A SITE LOCATED AT 1450 HAND AVENUE, BEING SITUATED WITHIN THE SR (SUBURBAN RESIDENTIAL) ZONING DISTRICT, TO ALLOW FOR A HOUSE OF WORSHIP WITH A PRINCIPAL STRUCTURE OF OVER 10,000 SQUARE FEET, A SEATING CAPACITY OF 801 SEATS, AND APPROVING A REAR YARD MASONRY WALL WAIVER; ESTABLISHING CONDITIONS AND EXPIRATION DATE OF APPROVAL; AND SETTING FORTH AN EFFECTIVE DATE.

Mayor Costello advised this was approved unanimously by the Development Review Board on March 27, 2008.

Commissioner Kelley moved, seconded by Commissioner Gillooly, to approve Resolution No. 2008-102, 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).

Mayor Costello congratulated Tomoka Christian Church and stated he looked forward to celebrating the dedication of the new church.

Item #9(B) – Dunkin Donuts

ORDINANCE NO. 2008-21

AN ORDINANCE AUTHORIZING THE EXECUTION AND ISSUANCE OF A THIRD AMENDED DEVELOPMENT ORDER FOR THE "CAPITAL PLAZA" PLANNED BUSINESS DEVELOPMENT LOCATED AT 298 AND 300 SOUTH NOVA ROAD, APPROVING A DEVELOPMENT ORDER FOR A PLANNED BUSINESS DEVELOPMENT TO BE KNOWN AS "DUNKIN DONUTS AT CAPITAL PLAZA," ESTABLISHING CONDITIONS THEREFORE; RATIFYING AND AFFIRMING THE DEVELOPMENT ORDERS; ESTABLISHING CONDITIONS AND EXPIRATION OF APPROVAL; AND SETTING FORTH AN EFFECTIVE DATE.

Mayor Costello stated this includes the stipulations from the previous meeting: "6) The Planning Department, in conjunction with the City landscape architect, shall oversee the installation of enhanced landscape plantings and maintenance that would create and ensure a vegetative buffer on Moreland Boulevard around the rear of the building"; and "7) The traffic intersection analysis of Nova Road and Moreland Boulevard/Fernery Trail intersection shall be forwarded to the FDOT for the consideration of a traffic light or a bi-directional median. At a minimum, a bi-directional median shall be installed at the intersection of Nova Road and Moreland Boulevard at the sole expense of the developer. The developer shall be entitled to participate in the Fair Share Program as set forth in Chapter 1, Article V, Section 1-32(E)(12), of the Land Development Code for mitigation of the installation cost with the surrounding properties impacted by the intersection of Nova Road and Moreland Boulevard/Fernery Trail. The traffic light or a bi-directional median shall be installed prior to the issuance of Certificate of Occupancy for the Dunkin Donuts establishment." He advised these additions would be a portion of what would be voted on tonight.

Ms. Patti Ann Welter, 303 Forest Hills Boulevard, stated she was still opposed to the drive-through and any facility being open 24-hours at this location. She reported the traffic system was failing at this time, and the left turn would help the present situation; but the Dunkin Donuts would add another traffic problem. Ms. Welter stated there would be no buffer. She noted she was advised the sound levels could not be set any higher than 70 decibels in the daytime, but she questioned how much it would be lowered at night. She advised she expected the landscape plan would have been available for review tonight. Ms. Welter stated the amendment was unclear regarding how far behind the building the landscaping would extend.

Mayor Costello stated this was the strongest landscaping language he had ever seen where staff could evaluate the landscaping and require more be added, if necessary.

Ms. Welter noted some of the new landscaping in the dry retention pond was dying; whereby, Mayor Costello advised her that any landscaping that dies must be replaced.

Ms. Welter reported the landscaping stays long enough to be approved, but it could take two years to be replaced.

Mayor Costello recommended citizens call Code Enforcement if there was an issue because the landscaping would have to be replaced. He noted he was not aware that any landscaping was required in a dry retention pond.

Ms. Welter stated she believed a wall, buffer, or combination was needed so the residents would not see or hear the cars waiting in line.

Mr. Andy Thomas, 298 South Nova Road, property owner, stated he would replace any landscaping that would not survive. He advised staff would do a good job making them provide a proper buffer.

Mr. Ric Goss, Planning Director, stated whether any development was approved or not, the intersection would continue to get worse as the traffic builds. He reported the entire intersection was not failing, but there were approaches that were failing. Mr. Goss advised that with this development and improvement to the intersection and approach, the level of service at the intersection would be better, meeting the level of service in the Comprehensive Plan and the Land Development Code. Mr. Goss explained there would be more traffic, but less congestion, making it safer. He stated the sound system at four feet was 70 decibels, and each time the distance doubles, the decibels drop approximately six decibels; therefore, at 64 feet there would be normal standard decibels for residential. He stated this property was 450 feet away, making it difficult to believe anything could be heard in the daytime. Mr. Goss reported before the Certificate of Occupancy would be issued, staff would check the decibels in daytime and make adjustment for nighttime. He advised the plan currently meets City code requirements for landscaping. Mr. Goss stated it was better to go out into the field to determine where there were landscaping gaps as opposed to using only a two-dimensional plan. He offered to include Ms. Welter when staff does their inspection.

Commissioner Kelley stated he took pictures on the site, and the current landscaping was phenomenal. He advised he was opposed to requiring additional landscaping, which would create the need for more water when water should be conserved. Commissioner Kelley recommended using drought resistant plants. He stated Moreland Boulevard was heavily landscaped, but it has not yet grown and would provide a buffer when it grew. Commissioner Kelley urged the Commission to be considerate of the use of the water. He stated the proposed bi-directional turn was necessary, but there was almost no traffic last night between 6:30 p.m. and 7:00 p.m.

Mayor Costello stated the developer was only being required to come up to code at this point, but staff will make the judgment call when it was being built, giving consideration that the vegetation will need time to grow.

Commissioner Partington stated he would vote for the amended Development Order. He noted the landscape buffer was not only about the visual aspect, but also the sound buffering. Commissioner Partington reported Ms. Welter had done a great deal of work, kept on the issue, and her passion has made this a better project. He noted he appreciated the work that went into this project and staff's responsiveness to the citizen's concerns. Commissioner Partington advised he understood the residents' and the developer's concerns, and he and the Commission tried to balance these concerns to make a good project.

Commissioner Gillooly commended Ms. Welter and the other residents for bringing up important issues. She stated Commissioner Kelley's point was very well taken, noting conservation was important; and she urged staff to recommend using water-wise plantings. Commissioner Gillooly stated she believed this would be a beautiful development, and Dunkin Donuts would be a good neighbor to the community.

Mayor Costello urged the developer to "go the extra mile" in the landscaping to make the neighbors happy.

Commissioner Kent moved, seconded by Commissioner Kelley, to approve Ordinance No. 2008-21, 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(B).

Item #9(C) – 1287 West Granada Boulevard

Mayor Costello advised that staff has asked that this item be continued to July 15, 2008. He noted the attorney to the applicant has agreed to this continuance.

Commissioner Kelley moved, seconded by Commissioner Partington, to continue Ordinance No. 2008-22 to July 15, 2008.

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) – 500 West Granada Boulevard

ORDINANCE NO. 2008-23
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 ±0.32 ACRES LOCATED AT 500 WEST GRANADA BOULEVARD FROM “MEDIUM DENSITY RESIDENTIAL” TO “OFFICE/PROFESSIONAL;” REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; AND SETTING FORTH AN EFFECTIVE DATE.

Mayor Costello reported this item receive unanimous approval from the Planning Board on March 10.

Commissioner Partington moved, seconded by Commissioner Kelley, to approve Ordinance No. 2008-23, on the first and only 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 #10 – Ormond Beach Tennis Center

RESOLUTION NO. 2008-103
A RESOLUTION ACCEPTING A BID FROM GARY HEATWOLE REGARDING PROFESSIONAL SERVICES TO MANAGE AND OPERATE THE ORMOND BEACH TENNIS CENTER; AUTHORIZING THE EXECUTION OF AN AGREEMENT AND PAYMENT THEREFOR; AND SETTING FORTH AN EFFECTIVE DATE.

Commissioner Kent moved, seconded by Commissioner Gillooly, to approve Resolution No. 2008-103, as read by title only.

Commissioner Gillooly stated she believed these request for proposals (RFP) needed to be sent out, and it was interesting that this presented an opportunity for someone extremely well versed in the tennis center program. She stated she expressed concern to staff relative to the amount of money proposed for the electricity, and she was informed the City planned to install a separate meter for allocating the cost of electricity for the lights and irrigation pump, which

would be paid by the new operator. Commissioner Gillooly reported she was not clear if the City would be required to pay for all of the electricity inside the MacDonald House.

Mr. David Abee, Leisure Services Director, stated the City currently had staff offices in the south end, a hallway and two restrooms open to the general public, and a partnership with the Ormond Beach Historical Trust MacDonald House; therefore, staff believed it would be very difficult to allocate the entire cost to Mr. Heatwole. He explained the new meter would track all of the costs on the outside, but it would be difficult to allocate the cost of the air conditioning per square foot in the building.

Commissioner Gillooly stated the City would still be paying the entire electric bill. She reported she believed that it was possible to determine a cost by contacting a rental agent. Commissioner Gillooly advised she considered this to be a funding issue, and the City must be careful not to give away something that has not been calculated correctly; whereby, Mr. Abee replied staff would look into the issue.

Mayor Costello stated he would vote for this tonight because saving over \$110,000 annually was great, but he encouraged staff to send out another RFP because he believed the City should close the tennis center and find some other commercial use for this site. He reported he could support offering Mr. Heatwole six months notice if a proposal would come for redevelopment. Mayor Costello noted there were fewer than 300 tennis center members.

Mr. Abee clarified there were 108 members, and 90 were Ormond Beach residents.

Mayor Costello reiterated he could support this now, but it was his responsibility to consider using the land for something other than a tennis center for only 90 residents. He pointed out the agreement stipulated in 90 days either party could terminate the agreement; but to be fair, if the City would terminate the agreement for something other than a tennis center, he would recommend providing a notice of at least six months.

Commissioner Kelley stated he was more inclined to shut the tennis center down and have the land produce revenue to better serve the downtown; therefore, he could not support this proposal. He noted with a 90-day termination clause by either party, the City would have no assurance.

Commissioner Kent noted he would be interested in finding another use for this property. He advised this would be a great deal for Mr. Heatwole to go into a business that was already established. Commissioner Kent noted the fees increased for three years, and he expressed disappointment that the City did not consider charging these rates. He expressed agreement that this was not the best use of this property.

Mayor Costello stated he was pleased to hear a Commissioner representing the beachside that was against keeping the tennis center. He explained he did not push for this in the past because he was accused by a Commission member, at one time, of wanting to do away with recreation on the beachside. Mayor Costello advised he wanted everyone to enjoy the amenities Ormond Beach had to offer, but he could not justify the cost for only 90 residents. He stated he believed it was important to subsidize team sports, but not individual sports.

Commissioner Kent stated he would oppose this contract because he wanted staff to immediately start look for other options.

Mayor Costello noted he was not certain it would be to Mr. Heatwole's benefit to approve this knowing the City was actively looking for other options.

Commissioner Gillooly asked if Mr. Heatwole, during his tenure, ever shared with his superiors his belief that the program could or should increase the fees to the degree he has outlined in this proposition. She stated while it was great to save \$100,000, she questioned why the City had not raised the fees in the past, bringing in greater revenue. Commissioner Gillooly advised she agreed that there may be another viable option for the site. She noted it may be unfair to Mr. Heatwole to have him leave his job and open this business to find that in 90 days the City may be going in another direction.

Mayor Costello noted it was possible the City would not be able to obtain any proposals for a number of years, considering the state of the economy. He stated for this reason he recommended approving this agreement with a six month notice that could be given at any time while the City seeks viable proposals; whereby, Commissioner Gillooly agreed Mayor Costello made a good point.

Commissioner Partington recommended studying this issue further. He noted there were other excellent tennis facilities in the area.

Commissioner Kelley stated he favored shutting the tennis center down to save money; but if the City was going to maintain the tennis center, he recommended immediately instituting the recommended fee schedule in the proposal.

Commissioner Partington stated he supported Commissioner Kelley's recommendation. He pointed out he has heard no comments on this issue from the residents.

Commissioner Gillooly questioned how shutting the tennis center would impact the downtown since the tournaments bring in people to the area.

Mr. Abee advised Mr. Heatwole could not be present tonight due to a family issue.

Mayor Costello reported he continued to support this with the six-month notice; however, an advantage to shutting the tennis center down may be that it would stimulate a developer to make a proposal. Mayor Costello advised there was currently a motion on the floor to approve this resolution, and the Commission could vote it up, down, or amend the motion. He noted he believed it would be cleaner to vote rather than withdraw the motion and second. Mayor Costello stated the Commission could then give staff direction, such as implementing the new fees.

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

Mayor Costello summarized the Commission wanted to implement the increased fees and let it be known that the Commission was serious about closing the facility and was actively considering an alternative use for the site.

Commissioner Kent reported he agreed with Mayor Costello's assessment and would support the fee implementation sooner rather than later.

Commissioner Gillooly recommended implementing the fee schedule as soon as the next cycle would occur.

Commissioner Kelley and Commissioner Partington also supported the recommendation.

Mr. Turner stated staff would discuss with the Commission all of the Leisure Services fees on June 4. He noted the fees in this recommendation were different from those in the Commission packet, but they could be changed. He asked for clarification that the Commission intended for the tennis center to close on October 1.

Mayor Costello clarified the Commission indicated the City should implement the fees and start looking for other options, but there was no consensus to close the tennis center on October 1.

Mr. Turner reported the savings would come from increasing the fees and removing the employees from the City's payroll. He noted he was not certain the City could continue to afford to have a tennis center.

Commissioner Kent stated before making a decision about closing the tennis center in October, he recommended a discussion item at the next Commission meeting.

Mr. Turner advised he would add a discussion item to the next meeting, and he reported that position reductions would also be provided at that meeting.

Mayor Costello clarified that Mr. Turner has indicated that absent approving this proposal, the City would be placing a great deal of money into the tennis center.

Item #11(A) – Redirection of Excess CDBG Funds

Commissioner Gillooly clarified this proposal was an additional \$50,000 on top of the \$40,000 already approved for a total of \$90,000 for the rehabilitation of the Ormond Beach Housing Authority's property, which was not City owned. She pointed out she supported the \$40,000

expenditure, but had concerns regarding an additional \$50,000 when there were other issues in that zone that should be considered.

Mayor Costello stated he had the same concern at first; however, he has learned to consider that the least common denominator defines Ormond Beach, and if this needed input, he was comfortable using Community Development Block Grant (CDBG) funds for this use.

Mr. Turner stated Ms. Elwillie Daniels, Neighborhood Improvement Advisory Board chairman, was in the audience. He advised this does not set a precedent, and it was not an ongoing obligation.

Commissioner Gillooly noted these funds could be redirected again; and she would recommend the City be very tight in spending, so if another project would be identified, the funds could be provided for that project.

Commissioner Partington questioned why CDBG money would not be used for improvements in the actual CDBG area and why the money was not being used for parks. He noted the proposal was for security lighting and landscaping, with no detail.

Mr. Turner stated staff was working with the Commission's board, which was bringing back recommendations. He noted if the Commission wanted to set policies on how the money was to be spent, they could do so. Mr. Turner advised some communities spend the funds on infrastructure. He noted staff would provide more detailed information in the future.

Mayor Costello recommended bringing possible options for policies to the Commission and then sending it back to the Neighborhood Improvement Advisory Board.

Commissioner Gillooly stated there was a perception from some of the board members that their suggestions have not been explored to the extent they believe prudent and that staff pushes some projects more strongly than the board members feel they should. She noted the board was limited by the information provided to them by staff. Commissioner Gillooly pointed out the board hoped to consider infrastructure improvement on Selden Avenue, but they were told there was not enough right-of-way. She stated this issue could have been researched further.

Mr. Turner stated he would discuss this issue with Ms. Daniels. He asked Commissioner Gillooly to provide him with specific information and the specific board members so he could research the issue.

Commissioner Gillooly clarified her comments were not directed only to a conversation she had with Ms. Daniels, but to her own observations.

Ms. Loretta Moisio, Grants Coordinator, stated Ormond Beach had a very strong Neighborhood Improvement Advisory Board. She noted when the Selden Avenue project was recommended, she checked with the Engineering Department, who indicated there was not adequate right-of-way to redo the street to build a cul-de-sac. Ms. Moisio stated the Housing Authority was working with the Police Department and Florida Power and Light Company, and they have installed the security lighting at Flormond Avenue. She noted they were also working on the lighting at South Washington Street and Ramsey Terrace. Ms. Moisio advised the Board had recommended the Housing Authority properties because it was on the list of possible eligible projects. She pointed out there was not a great deal of park land within the two CDBG areas and in other parts of the City, the only use appropriate for CDBG funds was for handicap accessibility issues. Ms. Moisio advised that the board was very adamant in their recommendation because the Housing Authority structures were over 25 years old, they were becoming dilapidated, their funding was decreasing, and they can not meet all of the needs. She noted only 11 out of 41 units have air conditioning. Ms. Moisio reported the estimates on the windows with the new requirements for hurricane resistant glass were as much as \$70,000. She stated she would contact the engineers to determine if there was another way to accomplish the goals on Selden Avenue. With regard to the Housing Authority property, Ms. Moisio advised landscaping cannot be a stand-alone project, but would need to be included with rehabilitation of a building. She noted the \$40,000 would only cover a portion of the needs.

Mayor Costello advised he did not believe the Commission had enough information tonight to make a decision. He stated the Commission wanted other options, particularly on the Selden Avenue project. Mayor Costello requested researching how many property owners would be willing to donate right-of-way to do the infrastructure improvements. He questioned if there was property for sale that the City may want to purchase over the next few years using the CDBG money to create a new park in the district.

Ms. Moisio advised an environmental assessment would be required due to the proximity of the railroad track regarding the Selden Avenue project.

Mayor Costello stated if the Commission did not find a project they could recommend, he would suggest using the City's share as a match for the Housing Authority.

Commissioner Gillooly agreed with Mayor Costello to place a challenge to the Housing Authority.

Ms. Moisio stated some federal grants cannot be matched with CDBG money, but she would determine their grant situation.

Commissioner Gillooly noted this was an opportunity and she would feel more comfortable moving forward with it if there was a responsibility and action on the part of the Housing Authority.

Mayor Costello recommended a two-to-one match that was not currently budgeted.

Commissioner Kelley questioned how much was being charged per window if the project would cost \$70,000 for windows.

Ms. Moisio advised she did not have the breakdown at this time, but she could find that information for Commissioner Kelley.

Commissioner Kent noted the Neighborhood Improvement Advisory Board has worked hard, but he believed that money should stay in the designated area.

Item #11(B) – Proposed Increase in Development Fees

Mayor Costello stated he supported the downtown overlay, annexation, and historic landmark preservation designation fees be unchanged and approving all of the remaining staff recommendations.

Mayor Costello called for a short break at 9:08 p.m. He reconvened the meeting at 9:11 p.m.

Commissioner Gillooly stated she appreciated the work being done by the Planning Director and the Planning Department. She expressed agreement with Mayor Costello regarding the downtown and historic district. Commissioner Gillooly advised there may be an opportunity to recover the difference in the fees in the reduced cost charged in the downtown overlay district from the Tax Increment Financing (TIF) funds. She recommended this possibility be reviewed. Commissioner Gillooly stated the City cannot be losing money due to advertising costs and should recapture some staff time involved; however, she expressed concern that this may not be the time. Commissioner Gillooly reported the development and construction activity was the driving force of this economy, and it may be shortsighted, at this time, to try to recapture these costs. She recommended a review, perhaps, in six months.

Commissioner Kelley recommended treading lightly, particularly in the use of TIF funds for recapturing funds, and noted he was not certain that could be done. He agreed this was the wrong time to increase the fees, noting they possibly should have already been increased. Commissioner Kelley advised he did not believe there would be many applications coming in within the next six months. He stated had the church that was approved tonight had the increased fees, there would be a \$13,000 to \$14,000 difference. Commissioner Kelley pointed out this was not impact fees or engineering costs, only fees to get permission to build.

Mayor Costello pointed out the church was a \$14 million project. He noted he agreed this was not the time, other than for continuing to try to streamline the system. Mayor Costello advised he did not want to inadvertently appear to stimulate growth by having artificially low fees because he did not wish to stimulate growth, but to let growth occur with guidance to be certain it was good quality growth that would pay for itself.

Commissioner Kent reported he understood the Commission's points. He noted he could hold off for a maximum of six months, but he was not certain it would be doing any favors to the residents if some changes were not made. Commissioner Kent advised the increases were one way to help put the fees on track for developments to pay for themselves.

Commissioner Partington agreed, with the exception of annexation, downtown overlay, and historic landmark, he was comfortable with the other increases; and he considered now was as good a time as any.

Mr. Goss stated one of the principal tenants in this development fee schedule was to incorporate an incentive for good quality plans and disincentive for bad quality plans. He explained staff must review plans multiple times because of the quality of the plans received. Mr. Goss reported the incentive was to raise the fees to capture the cost, and if the plans can be completed with two reviews, there would be a rebate of up to 25%; however, the disincentive was when three and four reviews would be needed because the charges would be higher. He noted that, over time, the quality of the plans would improve, using less staff time. Mr. Goss advised that now was the time to start working with this system when there were only 53 developments rather than when the economy improves. He urged starting to work with the system as soon as possible so when the economy turns around, the City would be in a position to operate with less people, because the behavior would already be modified and better plans would be submitted. Mr. Goss assured the Commission these increases in development fees would not stop development from occurring in that the fees were not exorbitant. He pointed out the revenues were less than the expenditures in the Building Department, and the advertising cost was at least 90% of the application fee. Mr. Goss stated in some cases advertising costs were 200% of the application fee.

Mr. Turner reminded the Commission that the City was restructuring the entire development process.

Commissioner Kelley advised that Mr. Goss had convinced him that now was the time to increase the fees.

Commissioner Gillooly noted she understood Mr. Goss's point and urged educating everyone that this was an incentive plan with an ultimate goal of streamlining the process and that this may be the proper time to put the system in place. She advised she also agreed with Mayor Costello regarding excluding annexation.

Mr. Goss stated this would be taken to Volusia County Association for Responsible Development (VCARD) and the building association before coming back to the Commission with an ordinance.

Item #11(C) – Beach Management Issues

Commissioner Kent stated he considered the position paper Mayor Costello offered to be a perfect starting point. He reported he showed the paper to various residents, and nearly everyone agreed with the paper. Commissioner Kent stated the main focus was to get the tolls off the beach.

Commissioner Gillooly, Commissioner Partington, and Commissioner Kelley agreed with Commissioner Kent's assessment.

Mayor Costello requested Mr. Turner send the position paper to the County and noted the City may wish to amend, modify, or change it in the future. He stated he believed the timing was good, and it may help facilitate getting something done.

Item #12 – Reports, Suggestions, Requests

Basketball Tournament

Commissioner Kent stated there were 108 teams at the South Ormond Neighborhood Center on Saturday competing in a youth basketball tournament that was using the Center, Nova Recreation Center, Ormond Middle School, and Mainland High School. Commissioner Kent reported there were a great many dollars being generated with so many people coming to this community to compete in this basketball tournament.

Upgrade LED Lighting

Commissioner Kelley asked that the Commission waive the Thompson Rule to discuss expending \$40,000 from the Reserve Fund to complete the LED lighting at all the intersections that were not previously included. He noted the entire cost could be recovered in 18 months.

Mayor Costello advised waiving the Thompson Rule would take four votes.

Commissioner Kent moved, seconded by Commissioner Partington, to waive the Thompson Rule to discuss LED lighting at all intersections.

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

Commissioner Kelley moved to expend the \$40,000 from the Reserve Fund to complete the LED lighting at the remaining intersections not previously included.

Commissioner Kent asked if the \$40,000 would be adequate when the report indicated the amount was estimated.

Mr. Ted MacLeod, Assistant City Manager, stated the County traffic division does all of the lighting work and would do the job for their cost. He noted Ormond Beach would be placed on the top of their list, so it should be done quickly. Mr. MacLeod stated if the cost was greater than \$40,000, the City could cover any additional cost with discretionary funds.

Commissioner Kent seconded the motion.

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

Commissioner Kelley requested an update on the LED lighting issue, specifically regarding the city in Michigan that has converted to LED. He stated LED lighting would be a tremendous way to save money; however, the legislature would have to enact something to allow the City to determine the billing from the electric company to justify the use of seven watts versus 40 watts. Commissioner Kelley recommended a test, possibly at the business park, with LED lighting to curb energy use.

Election Schedule

Commissioner Kelley stated if all the other governments selected even year elections, he would consider it for Ormond Beach. He noted he could see good and bad either with either schedule.

Mayor Costello recommended asking Ms. McFall to give a presentation to the Commission at a future meeting.

Commissioner Kelley stated if Ormond Beach was the only entity not willing to change, he would consider changing.

Mayor Costello noted he did not believe Ormond Beach was the only entity not willing to change, but one of very few.

Commission Terms

Commissioner Kelley recommended a reconsideration of the staggered four-year Commission terms with two years for the Mayor.

Mayor Costello stated he originally made that recommendation and still recommended it in that there were many advantages to four year staggered terms for the Commission and a two year term for the Mayor so that every two years the community would vote for three people. He noted in this way the community can totally change the majority of the Commission. Mayor Costello reported the reason that did not get on the ballot earlier was that a former Commissioner orchestrated four year terms for everyone, which even he did not support because two Commission members would have to resign to run for Mayor. He advised he believed this would improve the quality of the Commission because it was hard to accomplish everything in two years.

Commissioner Gillooly, Commissioner Kent, and Commissioner Partington agreed to reconsider four-year staggered terms for the Commission and two-year terms for the Mayor.

Mayor Costello asked for this to be placed on a future agenda soon enough that it could be on next election. He noted if there were any other Charter issues, they need to be discussed quickly. Mayor Costello suggested the Commission decide when the newly elected Commission members would take office, noting that some cities take office the day after being elected.

Four-Day Work Week

Commissioner Kelley recommended a discussion, possibly at a workshop, regarding determining savings by the City offices going to a four-day work week.

Joe and Elwillie Daniels

Commissioner Partington expressed appreciation to Joe and Elwillie Daniels for all they do for the City. He stated the Neighborhood Improvement Advisory Board does a great job.

Commission Agenda

Commissioner Partington stated having the presentations at the beginning of the meeting was uplifting and was working very well. He suggested people wanting to speak on discussion items fill out a card and be heard during the Consent Agenda portion of the meeting.

Mayor Costello apologized that Ms. Pat Behnke had asked to speak on Item 11(C), and he did not call for her to speak. He asked Ms. Patterson to contact Ms. Behnke and apologize for him for not letting her speak.

Election Schedule

Commissioner Partington advised he was leaning toward even year elections because he favored increasing the voter turnout, but he wanted to hear Ms. McFall's presentation. He stated the dates must be adjusted in some fashion.

Staff Response

Commissioner Partington thanked staff for responding to various issues very quickly leaving the community with a good impression.

Election Schedule

Commissioner Gillooly advised she agreed to re-examine the election schedule issue and urged hearing from Ms. McFall, but she also recommended hearing from the City Clerk, who was very well respected in Volusia County elections.

LED Lighting

Commissioner Gillooly thanked Commissioner Kelley for his leadership in bringing the LED lighting issue to the Commission.

Agenda Schedule

Commissioner Gillooly stated the presentations at the beginning of the meeting set the tone for the entire meeting. She reported the children are being honored for being student athletes, but she also applauded the parents, teachers, and coaches.

Zone 1

Commissioner Gillooly stated Ormond Beach Presbyterian Church took the challenge of raising \$80,000 for a full house sponsorship with Halifax Habitat for Humanity, and in eight weeks, raised more than the \$80,000. Considering the economic situation, she applauded this church and the people in Zone 1 for their commitment to the community.

Staff Responsiveness

Commissioner Gillooly stated regarding a sound test that was scheduled as a follow-up to a prior Commission item, it is clear that Ormond Beach staff considers the residents' concerns and needs and tries to find a solution. Commissioner Gillooly noted she was proud of the discussion relative to the Dunkin Donuts project.

Height Limit Disclosure Issue

Commissioner Gillooly stated the Area Association of Realtors spoke a few months ago regarding the height limit disclosure issue, and she questions when this issue would come to the Commission; whereby, the City Attorney that the issue was scheduled for the next meeting.

Recycling

Commissioner Gillooly urged the City to follow up with the recycling recommendations the students suggested in their presentation.

Ormond Main Street Board

Commissioner Gillooly stated Mr. Bill Partington, Sr., was the Chamber of Commerce Citizen of the Year. She reported she worked with Mr. Partington a number of years ago in her position as Ormond Main Street Director, and he worked very hard for the City. She reported she attended the Ormond Main Street board meeting yesterday and witnessed a great opportunity for everyone to discuss procedure and policy to make the board better. She expressed great pride

in the participants bringing different talents, interests, and a desire to make things better in the downtown, and she applauded everyone serving on the Main Street board.

Staff

Mr. Turner thanked the Commission for their comments regarding staff. He noted Ormond Beach staff has responsiveness and customer friendliness as a major priority.

Budget Meeting

Mr. Turner noted the Friday letter indicated a request for a meeting to discuss budget items on June 4 at 6:00 p.m. in the training room. He requested the Commission respond to Ms. Burke.

Budget Items

Mr. Turner stated staff sent the Commission an e-mail reporting what would not have been considered a tax increase in that the same revenue collected this year would be budgeted next year; however, the State legislature would now be calling this a tax increase. He pointed out the City would be providing another tiered system with levels of cuts.

Mr. Paul Lane, Finance Director, stated the State legislature approved Senate Bill 1588, which defined what the maximum millage rate was that could be approved by a majority vote. He stated this maximum millage rate was the traditional rollback rate adjusted for the exemptions approved in January as a result of Amendment 1A. Mr. Lane explained when the City receives the DR420 with the gross taxable values from the property appraiser, the City will have to gross up those values by the exemptions before calculating the roll back rate; and that would reduce the roll back rate. He advised there was a provision for cities to recover the lost revenue by going over that rate by 110% and calculate the roll back rate traditionally with a two-thirds vote, while the maximum majority rate could be approved by a majority vote of the City Commission. Mr. Lane stated the question was if that must be advertised as a tax increase. He reported he called the Department of Revenue today to clarify the issue, but was unable to speak to anyone. Mr. Lane advised he would clarify this issue tomorrow and provide it to the Commission in a Friday letter; however, he noted he believed this would have to be called a tax increase.

Mayor Costello stated the State raised the required local effort for school taxes again. He advised he was one of few who favored Amendment 1 because it dealt with exemption, but he never saw an exemption that decreased the revenue of a community in that it always shifted the revenue of the community. Mayor Costello noted he supported the senior exemption knowing it would shift the revenue. He noted the State was being disingenuous and going too far to state, after the fact, that what increased exemptions, decreased revenue when it was not advertised as such. Mayor Costello explained what was advertised was that the exemptions would increase, and the cap would be 5% on non-homesteaded property. He reported he supported Amendment 1 the way it was advertised; and for the State to change it after the fact would make them open to a lawsuit. Mayor Costello recommended the City send a letter stating that when the rate would decrease, but it was more revenue than last year, it was called a tax increase; and now, if the City increases the rate with a revenue decrease, it would be called a tax increase, which was ludicrous. He urged a letter be sent outlining the history of people who supported Amendment 1, how the rate was previously calculated; and now when the City was revenue neutral it would be called a tax increase. Mayor Costello advised that he needed to be shown in the Senate Bill language that was passed where it stipulated that revenue neutral would be considered a tax increase, or he would not call it a tax increase. He advised if this language existed in the bill, the Florida League of Cities should challenge that language. Mayor Costello advised he wanted the residents to know this Commission has been committed to not increasing revenue, and it is not a tax increase when revenue was not being increased.

Commissioner Partington stated he did not support the senior exemption because it raised taxes and/or fees from the majority of seniors in his zone who this was designed to help. He noted City-wide the senior exemption hurt more seniors than it helped.

Clyde Morris Boulevard

Mayor Costello stated Clyde Morris Boulevard, in front of The Falls, north to Granada Boulevard, was shabby. He urged FDOT to finish that section of the road; whereby, Mr. MacLeod advised staff was looking into the situation.

Seabreeze High School

Mayor Costello asked when the position statement regarding the Seabreeze High School situation would be available; whereby, Mr. Turner advised he was working on the position paper, and it could be available early next week.

Mayor Costello reported the Commission unanimously wanted to work something out; but since the School Board spends millions of dollars on other schools and chose not to spend it for

Seabreeze High School, they needed to provide capital improvements. He stated there was a reason the School Board needed to pay what they considered a different rate than other users, which was because of capital improvements, scheduling issues, and field maintenance. Mayor Costello pointed out the City constructed the Pop Warner field at Ormond Middle School, and \$15,000 was charged per year to maintain the field. He suggested that figure be considered for the eight City fields the School Board uses.

Mr. Turner advised he understood Seabreeze High School was looking elsewhere for facilities, but he assured the superintendant that if opportunities arise in the future to work on other issues, the City would gladly agree to work with them.

Item #13 - Close the Meeting

The meeting was adjourned at 10:20 p.m.

APPROVED: May 21, 2008

BY: Fred Costello, Mayor

ATTEST:

Veronica Patterson, City Clerk