

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

September 3, 2008

7:00 p.m.

Present were: Mayor Fred Costello, Lori Gillooly, Troy Kent, Ed Kelley, and Bill Partington, Acting 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.
- 3) Pledge of Allegiance.
- 4) ***FIRST PUBLIC HEARING - FY 2008-2009 PROPOSED MILLAGE RATES AND BUDGET:***
 - A) Resolution No. 2008-152 adopting proposed millage rates for the 2008-2009 fiscal year; establishing a date, time and place for a public hearing to adopt final millage rates and final budget. (3.38884 operating millage rate; debt service millage rates of 0.38550 and 0.03534)
 - B) First Reading of Ordinance No. 2008-38 adopting the Annual Budget for the 2008-2009 Fiscal Year beginning October 1, 2008, and ending September 30, 2009; repealing all inconsistent ordinances or parts thereof. (\$117,142,301)
- 5) ***AUDIENCE REMARKS:***
- 6) ***INTERGOVERNMENTAL REPORTS:***
 - A) Metropolitan Planning Organization
 - B) Volusia Council of Governments
 - C) Water Authority of Volusia
- 7) ***CONSENT AGENDA:*** The action proposed is stated for each item on the Consent Agenda. Unless a City Commissioner removes an item from the Consent Agenda, no discussion on individual items will occur and a single motion will approve all items.
 - A) Resolution No. 2008-153 reappointing Ken Artin and Amanda Hayes to serve as trustees of the City of Ormond Beach Municipal Police Officers' Pension Trust Fund; setting forth terms and conditions of service.

- B) Resolution No. 2008-154 authorizing a cost of living increase based on the Consumer Price Index pursuant to the Solid Waste, Yard Waste, Recycling and Roll-off Collection and Disposal Services Agreement between the City of Ormond Beach and Waste Management of Florida, Inc. (\$241,000)
- C) Electrical rehabilitation work at the Ormond Beach municipal airport.
 - 1) Resolution No. 2008-155 authorizing the execution of a Joint Participation Agreement with the Florida Department of Transportation regarding design services for the installation of taxiway “E” lighting and replacement of the rotating beacon at the Ormond Beach Municipal Airport. (\$2,480 FDOT funding)
 - 2) Resolution No. 2008-156 approving Amendment No. 29 to the Professional Services Agreement between the City and Hoyle, Tanner & Associates, Inc., regarding design services for the installation of Taxiway “E” lighting and replacement of the rotating beacon at the Ormond Beach Municipal Airport; authorizing payment therefor. (\$99,210 total project; 95% FAA funding; 2.5% FDOT funding; 2.5% City funding)
- D) Emergency procurement from Professional Piping Services, Inc., for specialized cleaning services for the A1A force main system. (\$24,960)

DISPOSITION: Approve as recommended in City Manager memorandum dated August 28, 2008.

- E) Capital Improvements for Fiscal Year 2008-2009 to Fiscal Year 2012-2013.

DISPOSITION: Approve as recommended in City Manager memorandum dated August 28, 2008.

- F) Letter of Objection to Aqua Utilities Application to Extend Service.

DISPOSITION: Approve as recommended in City Manager memorandum dated August 28, 2008.

- 8) **PUBLIC HEARING:** Ordinance No. 2008-39 annexing certain real property into the City of Ormond Beach located at 1360, 1362, 1364, 1366, 1368, and 1370 North Highway US1; setting forth zoning, privileges, and obligations of said property; providing for transmission; and setting forth an effective date. (Amaral Plaza Property) (First Reading)
- 9) **SECOND READING OF ORDINANCE** No. 2008-37 amending Chapter 5, Animals and Fowl, of the City of Ormond Beach, Florida, *Code of Ordinances*, specifically as to Section 5-25 (Notice of Impounding); the title of Article III (Dogs and Cats), Section 5-62 (Licenses Annual; Fee), Section 5-69 (Running at Large Prohibited), Section 5-70 (Impounding of Violators), Section 5-71 (Notice of Impounding), Section 5-72 (Reclaiming After Impoundment), Section 5-73 (Duty to Keep After Impoundment, Authority to Destroy in Certain Cases), Section 5-80 (Investigation and Determination of Dangerous Dog), and Section 5-81 (Action to be Taken by Owners/Keepers of Dangerous Dogs).

10) **FIRST READING OF ORDINANCES:**

- A) Ordinance No. 2008-40 amending Sections 22-23, 22-24, and 22-71 of Chapter 22, Water and Sewers, of the Code of Ordinances, by increasing the minimum water and sewer rates.
- B) Ordinance No. 2008-41 relative to stormwater management; amending Section 22-158, Utility Fee Established, of Article V, Stormwater Drainage Utility, of Chapter 22, Water and Sewers, of the Code of Ordinances, by extending the sunset provision of the stormwater utility fee for a time certain.
- C) Ordinance No. 2008-42 amending Chapter 10, Garbage Refuse and Yard Waste, Section 10-16, Fees for Collection and Disposal Established, of the Code of Ordinances, by increasing fees for the collection and disposal of solid waste.
- D) Ordinance No. 2008-43 amending Chapter 8, Buildings and Construction Regulations, Article I, In General, Section 8-3, Local Amendments to Building Code, Subsection (b), Schedule of Permit Fees, of the Code of Ordinances, amending permit fees.

11) **RESOLUTIONS:**

- A) Resolution No. 2008-157 of the City of Ormond Beach, Florida, opposing Niagara Bottling, LLC's Consumptive Use Permit application submitted to the St. John's River Water Management District; registering an objection to the issuance of a Consumptive Use Permit to Niagara Bottling, LLC; directing the City Manager to provide a certified copy of this resolution upon approval to St. John's River Water Management District.
- B) Resolution No. 2008-158 appointing an at-large member of the Planning Board; setting forth terms and conditions of service.
- C) Resolution No. 2008-159 accepting the bid of Danella Construction Corporation of Florida, Inc., regarding installation of fiber optic network infrastructure under Bid No. 2008-25, rejecting all other bids; authorizing the execution of a contract between the City and Danella Construction Corporation of Florida, Inc., and payment thereunder. (\$188,481.06)
- D) Employee health insurance coverage:
 - 1) Resolution No. 2008-160 accepting a proposal for the provision of employee health/medical benefits services; authorizing the execution of a contract and payment therefor.
 - 2) Resolution No. 2008-161 accepting a proposal for the provision of employee dental benefits services; authorizing the execution of a contract and payment therefor.
 - 3) Resolution No. 2008-162 accepting a proposal for the provision of employee vision benefits services; authorizing the execution of a contract and payment therefor.
 - 4) Resolution No. 2008-163 accepting a proposal for the provision of employee life insurance benefits services; authorizing the execution of a contract and payment therefor.
 - 5) Resolution No. 2008-164 accepting a proposal for the provision of employee long term disability insurance benefits services; authorizing the execution of a contract and payment therefor.

12) **DISCUSSION ITEM:** Streamline of development review.

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

14) **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 Tom Lipps, Support Services Director, who was greeting citizens coming into the meeting.

Item #2 - Invocation

Deputy Mayor Kelley gave the invocation.

Item #3 - Pledge of Allegiance

Mayor Costello led in the Pledge of Allegiance.

Item #4(A) – Adopting Proposed Millage Rates

Mayor Costello stated that the proposed millage rate for the City of Ormond Beach necessary to fund the FY 2008-2009 budget was 3.38884 mills. He noted this was a 0.0% tax increase from the rolled back tax rate of 3.38884. Mayor Costello advised the proposed debt service

millage rates are 0.38550 for the 2002 General Obligation Bond Sinking Fund and 0.03534 for the 2003 General Obligation Bond Sinking Fund.

Mayor Costello displayed a chart of the proposed property tax rates pointing out that Ormond Beach was the third lowest. He noted he asked that a comparison be done between the County, selecting Halifax Plantation, on a home assessed at \$200,000; and the tax on the home in Halifax Plantation was \$3,388.43, and a home of like value in Ormond Beach was \$3,227, or slightly over \$150 less. Mayor Costello explained in a three year comparison in 2006-07 property tax revenue was \$13,287,000; in 2007-08 it was down to \$12,464,000, and the proposed budget for next year was \$12,444,000. He advised the entire General Fund in 2006-07 was \$28,817,000; in 2007-08 it dropped to \$28,501,000; and the proposed for next year dropped to \$26,628,000.

Mr. Gregory Avakian, 161 Heritage Circle, referenced e-mails he sent to Mayor Costello regarding a tax increase. He stated last year there was an actual decrease in taxes because people wrote smaller checks, but the government called it a tax increase. Mr. Avakian reported the rollup rate has been embedded for quite a while as a failsafe mechanism. He stated the term "tax shift" indicated the cities would get their money one way or the other. Mr. Avakian advised the blame was laid on Amendment One; but the intent of the vote was for the government to run on less, not shift taxes to commercial properties and non-homesteaded properties. He reported his commercial property taxes increased 12%. Mr. Avakian reported the Commission voted on the millage rate, and that millage rate gave him the 12% increase. He stated this Commission can do more with less. Mr. Avakian advised there was \$300,000 in savings found tonight with the health care proposal that probably would not have occurred if it were not for this Commission. He noted Ormond Crossings was a big project, and the ones who are being penalized the most are the businesses, and economic development was important in Ormond Beach. Mr. Avakian stated businesses are the first to be imposed with more taxes, impact fees, and franchise fees. He stated a resident will pay for this tax increase through the businesses cutting jobs and passing the cost on to the customers. Mr. Avakian asked the Commission to come in with a lower millage rate without affecting the Community.

Ms. Donna Lemnoui, 300 Oak Drive, advised her real estate taxes have doubled. She reported her taxes last year were \$6,930.29 and the proposed taxes for this year with the proposed changes would be \$11,766.02; and if no budget changes were made the taxes would be \$12,081.12. Ms. Lemnoui stated the market value of the property last year was \$663,000, and this year it was \$621,000 while the assessed value doubled.

Mayor Costello stated Ormond Beach has a 0% tax increase this year in that Ormond Beach was actually taking in \$20,000 less in property tax dollars than last year. Regarding Ms. Lemnoui's comments, he advised that if the assessed value doubled and the homeowner was not homesteaded, the taxes would skyrocket just as a commercial property would. He stated, however, if the property is homesteaded, the value can only go up 3%. Mayor Costello reported the voters in Florida passed an additional exemption for homesteaded property owners. He expressed disagreement with Mr. Avakian relative to the intent of the vote because those he spoke to had the intent for the people who were homesteaded to receive as much of an exemption as possible, knowing all exemptions are cost shifts where the people who do not have the exemption would pay more than those who do have the exemption. Mayor Costello reported some people disagreed with him when the Commission did not enact the senior homestead exemption, which he supported, and their valid reason was, "Why should other people have to make up for some seniors who could well afford the tax." He advised exemptions have not ever lowered the amount of money an entity would take in, but shifted it so other people would pay more. Mayor Costello noted part of Ms. Lemnoui's problem was the home was probably not homesteaded, which was her choice. He reiterated Ormond Beach took in no more that it did last year. Mayor Costello explained that the property appraiser assesses the value of properties, and the property tax was based on the value of the property and the tax rate. He noted some taxes went up and some went down, but the City had no control over that.

Commissioner Kelley stated Ms. Lemnoui purchased the property in 2007. He advised that she would probably be eligible for portability from her previous home; therefore, he recommended she call the tax assessor before September 15 to apply for portability to have the tax reduced.

RESOLUTION NO. 2008-152

A RESOLUTION ADOPTING PROPOSED MILLAGE RATES FOR THE 2008-2009 FISCAL YEAR; ESTABLISHING A DATE, TIME AND PLACE FOR A PUBLIC HEARING TO ADOPT FINAL MILLAGE RATES AND FINAL BUDGET; AND SETTING FORTH AN EFFECTIVE DATE.

Commissioner Kelley moved, seconded by Commissioner Gillooly, to approve Resolution No. 2008-152, as read by title only.

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

Mayor Costello advised the proposed operating millage of 3.38884 mills was 0.0% less than the rolled back millage rate.

Item #4(B) – Adopting the Annual Budget

Mayor Costello asked the Clerk to read Ordinance No. 2008-38 to adopt a budget of \$117,142,301.

ORDINANCE NO. 2008-38
 AN ORDINANCE ADOPTING THE ANNUAL BUDGET FOR THE
 2008-2009 FISCAL YEAR BEGINNING OCTOBER 1, 2008, AND
 ENDING SEPTEMBER 30, 2009; REPEALING ALL
 INCONSISTENT ORDINANCES OR PARTS THEREOF; AND
 SETTING FORTH AN EFFECTIVE DATE.

Commissioner Kelley moved, seconded by Commissioner Gillooly, to approve Ordinance No. 2008-38, on first reading, as read by title only.

Mayor Costello stated because the City has been using some fund balance, amendments could be made later after the exact figure that resulted from the savings found at the workshop was determined. He advised the Commission received an e-mail from Ormond Memorial Art Museum, and he recommended changing the category in that they should not be considered a contribution but rather a contract. Mayor Costello noted he thought the Commission agreed to give the Coalition for the Homeless \$10,000, and it was recorded as \$8,000. He noted if the other Commission members remembered \$8,000 he would leave it alone; but if they remembered \$10,000, he suggested changing it to \$10,000 and reducing the \$75,000 set aside for the beach for a potential partnership to eliminate the tolls to \$73,000.

Commissioner Gillooly stated she thought the consensus was for \$10,000.

Commissioner Kent and Commissioner Partington noted they thought it was for \$8,000.

Mayor Costello advised this issue could be addressed later.

Commissioner Gillooly stated, in response to Mr. Avakian’s comments, that between the Budget Advisory Board, the staff, and the Commission, many very serious cuts were made. She stated she believed Ms. Lemnoui’s issue was that the new selling price when she purchased her home changed the assessment, and she urged Ms. Lemnoui to follow through with Commissioner Kelley’s suggestion.

Mayor Costello stated property tax was only one of the City’s revenue sources. He noted there were also revenue sharing funds, franchise fees, and utility fees. Mayor Costello stated the City had \$1,400,000 less income from other sources. He advised the City has cut the budget, noting it has eliminated 14 full-time positions, and six part-time positions; Leisure Service alternate delivery has saved \$193,000; and reductions in Capital Improvements Project funding saved another \$225,000.

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 #4. He noted the Commission cannot meet at its normal Tuesday meeting because the School Board would be meeting; therefore, the Commission would meet on Wednesday, September 17 for the second reading of the approval of the budget.

Item #5 Audience Remarks

Rockefeller Drive Beach Approach

Ms. Pat Behnke, 15 Malayan Sun Bear Path, advised the Rockefeller Drive beach approach was open for traffic whenever it was safe to drive on the beach.

Commission Decisions

Ms. Behnke expressed concern that the stewards of the City would take time to make decisions and be more concerned with “getting it right” rather than “getting it fast.”

Mayor Costello requested Ms. Behnke discuss that issue with him later, because he agreed about getting things done right but was not certain to what she was referring.

Beach Access and Trails System

Mr. Alan Burton, 915 Ocean Shore Boulevard, stated a recent proposed change to the Recreation Open Space Element would eliminate references to beach access and a trails system. He noted three years ago the Park and Recreation Master Plan was accepted by the City Commission, and part of the plan referred to the trails system and beach access. Mr. Burton urged the Commission to include visionary policy statements that include a community trails system and beach access, as well as an improved Comprehensive Plan amendment policy that not only updates the park and recreation policies, but also an Ormond Beach trails system and beach access. He asked the Commission to consider the appropriate policy additions with the submissions of the Evaluation and Appraisal Report (EAR) to the Department of Community Affairs (DCA). Mr. Burton reported such needs are seen in the Loop; the bike trail through the Trails; the bike lane on Granada Boulevard; the trails system through Central Park; and the County, state, and national trails systems. He stated by identifying a comprehensive trail system policy and plan, Ormond Beach could be in line for funding from recreation impact fees, various organizations and agencies, and private developers.

Mayor Costello stated if there were any trails that could be improved, any way to obtain more trails, any way to connect the trails, any way to improve beach access, or any way to enhance beach access, those recommendations should be brought to the Commission to get it done.

David Abee

Mr. Burton congratulated Mr. Dave Abee on his retirement and stated it was an honor working with him for 10 years.

Taxes

Mr. Avakian advised he was not implying the Commission did not make an effort to cut costs, and he was speaking of governments in general. He noted the City cut \$1.4 million; but the budget was \$117 million, which made it a 1.2% cut which he considered inconsequential.

Mayor Costello stated the gross budget was \$117 million, but there were funds not property tax supported but supported by user fees. He explained the General Fund, where the property tax would go, has gone down from \$28.8 million in 2006-07 to \$28.5 million 2007-08, and \$26.6 million this year; therefore, he was proud of that reduction. Mayor Costello noted the City was spending \$24 million for wastewater, which inflates the overall budget for that one time expense; but the General Fund went from \$28.8 million to \$26.6 million.

Item #6(A) – Metropolitan Planning Organization and Item #6(B) – Volusia Council of Governments

Mayor Costello reported he gave the Metropolitan Planning Organization (MPO) and Volusia Council of Governments (VCOG) reports at the last meeting.

Item #6(C) – Water Authority of Volusia

Commissioner Kelley displayed a Water Authority of Volusia (WAV) project, in cooperation with the schools, which was a calendar with the children’s art work and messages regarding conservation. He reported Ormond Beach participated with WAV for local interconnects, and on August 28, the City received an \$11,507 check as a refund because the bid came in for less. Commissioner Kelley noted conservation was only one element of what needs to be done to protect the water supply. He stated he was happy to serve on WAV, representing Ormond Beach, and noted more will be coming in the next six to eight months.

Item #7 – Consent Agenda

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

Commissioner Kelley requested removing Item No. 7(E) for discussion.

Mayor Costello stated in Item No. 7(F) the Letter of Objection included the date September 2, which should be changed to September 3.

Commissioner Kent moved, seconded by Commissioner Partington, for approval of the Consent Agenda, minus Item No. 7(E).

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

Item #7(E) – Capital Improvements for Fiscal Year 2008-2009 to Fiscal Year 2012-2013

Commissioner Kelley stated a meeting was held on June 3, and he understood there would be follow-up meetings on the Capital Improvements Project expenditures, particularly regarding vehicle replacement; however, no other meetings were held. He noted before the City expends any additional funds on capital improvements the Commission needed further discussion.

Mayor Costello asked if this should be done in a workshop or as an agenda item.

Mr. Ted MacLeod, Acting City Manager, stated no money was being spent on vehicles until staff can come back to the Commission with some results. He explained at this time staff was in the process of inspecting all of the vehicles; and when the results were in, staff would come back to the Commission at that time.

Commissioner Kelley stated there were other expenditures he wanted to discuss; therefore, he recommended a workshop prior to October 1.

Commissioner Gillooly stated there was a recommendation in the capital improvements discussion regarding fiber optic networks, but there was an item on tonight’s agenda for fiber optics. She questioned how the report could show a \$0 figure.

Commissioner Kelley explained that expenditure would come out of the 2007-08 budget.

Ms. Kelly McGuire, Budget Director, stated staff was not asking for approval of any appropriations, simply to approve the plan, so if the City would apply for a Florida Recreation & Development Assistance Program (FRDAP) grant, they could receive additional points. She noted the appropriations would come per the budget, and the majority of the items in the CIP have to come back to the Commission individually. Ms. McGuire stated the City can amend the budget downward and not upward.

Mr. MacLeod stated this was a great idea because the City did not want to be in a position similar to the incident with the Central Park Master Plan, where staff came to the Commission with a plan that the Commission did not approve. He urged the Commission to reexamine the CIP so everyone could be assured that what was in the plan was what the Commission wanted to go forward. Mr. MacLeod noted in that there was no workshop scheduled before the next City Commission meeting, this issue could be discussed at that time.

Commissioner Kelley recommended meeting at 5:30 p.m. on Wednesday, September 17. He urged his fellow Commission members to reexamine the CIP because everyone previously noted concerns.

Commissioner Kent requested sending another copy of the CIP. He stated he was going to report to the Commission regarding Osceola; but since there were no dollars this year, he would hold off.

Commissioner Kent moved, seconded by Commissioner Gillooly, to approve the plan.

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

Carried.	Commissioner Kelley	yes
	Mayor Costello	yes

Commissioner Kent stated Mr. John McGrath of Waste Management was in the audience. He thanked Waste Management on behalf of the City, and personally, for the incredible work they do in Ormond Beach. Commissioner Kent pointed out that throughout Tropical Storm Fay, Waste Management kept to their schedule, even though the tonnage was double or triple the normal debris. He advised when a problem does arise, Waste Management addresses it immediately.

Item #8 – Amaral Plaza Property

ORDINANCE NO. 2008-39
AN ORDINANCE ANNEXING CERTAIN REAL PROPERTY INTO THE CITY OF ORMOND BEACH LOCATED AT 1360, 1362, 1364, 1366, 1368, AND 1370 NORTH HIGHWAY US1; SETTING FORTH ZONING, PRIVILEGES, AND OBLIGATIONS OF SAID PROPERTY; PROVIDING FOR TRANSMISSION; AND SETTING FORTH AN EFFECTIVE DATE.

Mr. Gregory Avakian, 161 Heritage Circle, stated by annexing property, the City was adopting stormwater issues; and the City should carefully determine whether the County or the City would be responsible should stormwater issues arise in the future.

Mayor Costello stated the property must be kept up to the level for which it was designed.

Commissioner Kent moved, seconded by Commissioner Partington, to approve Ordinance No. 2008-39, on first 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 #8.

Item #9 – Dangerous Dogs

ORDINANCE NO. 2008-37
AN ORDINANCE AMENDING CHAPTER 5, ANIMALS AND FOWL, OF THE CITY OF ORMOND BEACH, FLORIDA, *CODE OF ORDINANCES*, SPECIFICALLY AS TO SECTION 5-25 (NOTICE OF IMPOUNDING); THE TITLE OF ARTICLE III (DOGS AND CATS), SECTION 5-62 (LICENSES ANNUAL; FEE), SECTION 5-69 (RUNNING AT LARGE PROHIBITED), SECTION 5-70 (IMPOUNDING OF VIOLATORS), SECTION 5-71 (NOTICE OF IMPOUNDING), SECTION 5-72 (RECLAIMING AFTER IMPOUNDMENT), SECTION 5-73 (DUTY TO KEEP AFTER IMPOUNDMENT, AUTHORITY TO DESTROY IN CERTAIN CASES), SECTION 5-80 (INVESTIGATION AND DETERMINATION OF DANGEROUS DOG), AND SECTION 5-81 (ACTION TO BE TAKEN BY OWNERS/KEEPERS OF DANGEROUS DOGS); REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; PROVIDING FOR SEVERABILITY, AND SETTING FORTH AN EFFECTIVE DATE.

Commissioner Kelley moved, seconded by Commissioner Kent, to approve Ordinance No. 2008-37, on second reading, as read by title only.

Commissioner Gillooly stated, regarding the fees, the City would honor the people who took care of the spay and neuter issue, making this a method of control, but she understood this was not the time to pursue that. She reported there would be an agenda item at the September 17, meeting, and it was incumbent upon the Commission to weigh in on this County-wide discussion.

Call Vote:	Commissioner Kent	yes
	Commissioner Kelley	yes

	Commissioner Partington	yes
	Commissioner Gillooly	yes
Carried.	Mayor Costello	yes

Item #10(A) - Increasing Minimum Water and Sewer Rates

ORDINANCE NO. 2008-40
 AN ORDINANCE AMENDING SECTIONS 22-23, 22-24, AND 22-71 OF CHAPTER 22, WATER AND SEWERS, OF THE CODE OF ORDINANCES, BY INCREASING THE MINIMUM WATER AND SEWER RATES; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; AND SETTING FORTH AN EFFECTIVE DATE.

Commissioner Kelley moved, seconded by Commissioner Kent, to approve Ordinance No. 2008-40, on first reading, as read by title only.

Mayor Costello displayed a chart indicating monthly rates, with Daytona Beach at the \$100 mark, and Port Orange, Daytona Beach Shores, Holly Hill, New Smyrna Beach, and South Daytona at the \$80 mark.

Mr. Bob Evanoff, 8 Oak Knoll Way, stated the ordinance as printed on the agenda does not indicate to what rate the fee was being increased.

Mayor Costello stated the increase was 6% across the board.

Mr. Evanoff requested an explanation of what was meant by extending the sunset provision of the stormwater utility fee.

Mayor Costello noted that was not related to this item.

Mr. Evanoff noted there was an 8.35% increase in the water fees in January 2006, and 5.75% in 2008. He reported the taxpayers own all the infrastructure in Ormond Beach, such as the water plant, and the City gets the water free; but the rates are being increased.

Mayor Costello stated it cost a great deal of money to provide the water.

Mr. Evanoff stated if the City was going to use water rates as a way to generate revenue because taxes are being cut, that would be unfair to the senior citizens, and it would be affecting all those people on a fixed income and families in the lower income bracket. He questioned how a resident would know what the fee would be raised to if the ordinance does not indicate it.

Mayor Costello reported the ordinance defines what the increase would be, but the summary on the agenda does not. He noted it was available on the internet within the ordinance itself. Mr. Evanoff questioned what the proposed water rate increase represented if it were an increase as a percent of a property tax.

Mayor Costello stated there was no relationship to a property tax in that this was a user fee.

Mr. Evanoff reiterated increasing the water fees affects all of the citizens, especially those on a fixed income. He pointed out the Commission vetoed the senior exemption.

Mayor Costello stated the senior exemption would have transferred more cost to everyone not a senior.

Commissioner Kent stated he and Mayor Costello voted for the senior exemption. He noted he was proud of Ormond Beach, comparing Ormond Beach with Daytona Beach rates for the same product as depicted on the bar graph, where Daytona Beach would be \$100.70 and Ormond Beach's proposed rate would be \$68.41, with the new state-of-the-art water plant. Commissioner Kent reported there have been many years where there was no increase. He stated he was looking forward to the future where the Commission could make a tangible plan to replace the old pipes to bring the premium product through premium pipes to the customers.

Mayor Costello stated the estimate was \$16 to \$20 million to replace some pipes that have been in the ground for 80 to 100 years that are starting to decay, but he stated for the record he wanted to take care of the City for the foreseeable future, so there will come a time when another increase in the utility rates to pay for replacements of the pipes and infrastructure involved would cost probably \$1 million per year for 16 to 20 years.

Mr. Paul Lane, Finance Director, reported the increase was approximately \$150,000 for each percent.

Mayor Costello noted that would calculate to an approximate 8% increase in a special fund for pipes.

Commissioner Gillooly clarified that the City does own the infrastructure, and the Commission has been very careful to reinvest in the infrastructure, such as the new water plant. She noted for many years the infrastructure had not been taken care of in a timely fashion for whatever reason, but it was now being addressed. Commissioner Gillooly noted the Commission discussed lowering the minimum charge, and she hoped to examine that issue; however, there was a certain cost to have the water available for the consumer.

Commissioner Kelley advised these water funds are not commingled with the property tax or the General Fund money. He pointed out there was a significant difference from 5,000 to 8,000 gallons of usage per month. Commissioner Kelley noted Ormond Beach was one of the first cities to go with conservation pricing; and as a result, the City's per capita use was probably one of the lowest in the County.

Commissioner Partington advised he would support this tonight, although no one likes increases, because he understood the need for it. He stated relative to the senior exemption issue, he voted against it because it would hurt seniors on a fixed income.

Mayor Costello requested Commissioner Partington explain his statement further regarding the senior exemption issue to him at a future time.

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

Mayor Costello stated the City does not co-mingle or shift funds, but he wanted to be as transparent as possible. He explained there was a franchise-type fee applied to water and an overhead reimbursement for the cost of running the facility, which was included in the cost of the production of the water.

Item #10(B) - Extending the Sunset Provision of the Stormwater Utility Fee

ORDINANCE NO. 2008-41
AN ORDINANCE RELATIVE TO STORMWATER MANAGEMENT; AMENDING SECTION 22-158, UTILITY FEE ESTABLISHED, OF ARTICLE V, STORMWATER DRAINAGE UTILITY, OF CHAPTER 22, WATER AND SEWERS, OF THE CODE OF ORDINANCES, BY EXTENDING THE SUNSET PROVISION OF THE STORMWATER UTILITY FEE FOR A TIME CERTAIN; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; AND SETTING FORTH AN EFFECTIVE DATE.

Mayor Costello stated if this was not re-authorized there would be no new projects until 2012.

Mr. Gregory Avakian, 161 Heritage Circle, stated this was one tax increase or fee that he agreed with because stormwater was a vital issue, particularly environmentally. He noted he agreed with Mayor Costello that it should even be a couple of dollars higher if it would make such a tremendous improvement to the system. Mr. Avakian noted his only concern with this was how the money was being spent, so the City could get the maximum "bang for the buck." He advised he concurred with Commissioner Gillooly that the last several months his consumption was zero, since he was out of town, but his bill remained the same; therefore, he favored a formula where he would pay less for low or no consumption.

Commissioner Partington moved, seconded by Commissioner Gillooly, to approve Ordinance No. 2008-41, on first reading, as read by title only.

Mayor Costello stated the motion was to maintain the rate. He reported if the City maintains the rate, there would be no new projects until 2012 and there would not be any pipe replacement or rehabilitation. Mayor Costello clarified he was making it known that he could support increasing

the rate to \$8, because he believed there were stormwater issues the City needed to address; but this was for \$6.

Commissioner Gillooly stated she agreed there were projects that could be done, but that could wait in that there were other increases this year.

Mayor Costello noted he disliked having to argue to increase rates, but he would rather take the blame for raising the rates than having stormwater problems that were not being addressed due to lack of funds.

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

Mayor Costello requested that billings include a water availability fee rather than a minimum water fee be discussed in the future. He pointed out that it cost the City money to have access to water.

Item #10(C) - Increasing Fees for the Collection and Disposal Of Solid Waste

ORDINANCE NO. 2008-42
 AN ORDINANCE AMENDING CHAPTER 10, GARBAGE REFUSE AND YARD WASTE, SECTION 10-16, FEES FOR COLLECTION AND DISPOSAL ESTABLISHED, OF THE CODE OF ORDINANCES, BY INCREASING FEES FOR THE COLLECTION AND DISPOSAL OF SOLID WASTE; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; AND SETTING FORTH AN EFFECTIVE DATE.

Commissioner Kelley moved, seconded by Commissioner Partington, to approve Ordinance No. 2008-42, on first reading, as read by title only.

Ms. Barbara Pinney, 29 Sherrington Drive, Ormond Lakes, stated the people in Ormond Lakes do not need as much collection as they were getting; and the City could save money, eliminating the need for the increased fee, if there were only one collection per week. She stated Waste Management was a wonderful company.

Mayor Costello stated this increase was for two years. He reported one collection per week had been considered, but it was determined it would not save a great deal after purchasing the larger containers. Mayor Costello noted he was not indicating that it could not be considered again, but the savings were disappointing. He noted some people indicated they would not be able to carry or roll the larger containers. Mayor Costello asked Mr. MacLeod to include an explanation in the Friday letter of some of the reasons provided.

Commissioner Gillooly stated the Budget Advisory Board also made the recommendation to limit collection to once a week. She pointed out this fee was separate from the taxes. Commissioner Gillooly explained in 1988 the rate was \$10.25; and this proposed increase would bring the cost to \$12.40, which proved there has been due diligence and cooperation with the company in order to keep the fee this low. She advised she believed this was a warranted increase for the services that were received. Commissioner Gillooly stated she concurred that she would like to reconsider one pick up per week for cost savings.

Commissioner Kelley stated if the City had not contracted this service out, the rates would probably have been \$17 or \$18. He stated a \$2.15 increase in 20 years was phenomenal and a great bargain. Commissioner Kelley pointed out he and others could not do with one pick up per week; therefore, while it may work for some people, it may not for others.

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

Item #10(D) - Amending Permit Fees

ORDINANCE NO. 2008-43

AN ORDINANCE AMENDING CHAPTER 8, BUILDINGS AND CONSTRUCTION REGULATIONS, ARTICLE I, IN GENERAL, SECTION 8-3, LOCAL AMENDMENTS TO BUILDING CODE, SUBSECTION (B), SCHEDULE OF PERMIT FEES, OF THE CODE OF ORDINANCES, AMENDING PERMIT FEES; REPEALING ALL INCONSISTENT CODE SECTION REFERENCES OR PARTS THEREOF; AND SETTING FORTH AN EFFECTIVE DATE.

Commissioner Partington moved, seconded by Commissioner Kelley, to approve Ordinance No. 2008-43, on first reading, as read by title only.

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

Item #11(A) - Opposing a Consumptive Use Permit to Niagara Bottling, LLC

RESOLUTION NO. 2008-157

A RESOLUTION OF THE CITY OF ORMOND BEACH, FLORIDA, OPPOSING NIAGARA BOTTLING, LLC'S CONSUMPTIVE USE PERMIT APPLICATION SUBMITTED TO THE ST. JOHN'S RIVER WATER MANAGEMENT DISTRICT; REGISTERING AN OBJECTION TO THE ISSUANCE OF A CONSUMPTIVE USE PERMIT TO NIAGARA BOTTLING, LLC; DIRECTING THE CITY MANAGER TO PROVIDE A CERTIFIED COPY OF THIS RESOLUTION UPON APPROVAL TO ST. JOHN'S RIVER WATER MANAGEMENT DISTRICT; AND SETTING FORTH AN EFFECTIVE DATE.

Commissioner Kelley moved, seconded by Commissioner Partington, to approve Resolution No. 2008-157, as read by title only.

Mayor Costello stated he was proud of WAV for unanimously passing this resolution. He reported he would personally favor something added that if St. Johns River Water Management District chooses to allow any production and sale of water for commercial gain, that it would have to come from a desalinization-type plant. Mayor Costello noted if all jurisdictions would pass something similar, there may not be any more companies trying to obtain bottled water plants, even if this should be approved.

Commissioner Kelley stated these companies do not have to go through all of the regulations and expense to maintain a Consumptive Use Permit that the City does.

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

Item #11(B) - Appointing an At-large Member of the Planning Board

RESOLUTION NO. 2008-158

A RESOLUTION APPOINTING AN AT-LARGE MEMBER OF THE PLANNING BOARD; SETTING FORTH TERMS AND CONDITIONS OF SERVICE; AND SETTING FORTH AN EFFECTIVE DATE.

Commissioner Kelley moved, seconded by Commissioner Gillooly, to approve Resolution No. 2008-158, appointing Mr. John Adams as an at-large member of the Planning Board.

Call Vote:	Commissioner Partington	yes
	Commissioner Gillooly	yes

	Commissioner Kent	yes
	Commissioner Kelley	yes
Carried.	Mayor Costello	yes

Item #11(C) – Installation of Fiber Optic Network Infrastructure

RESOLUTION NO. 2008-159

A RESOLUTION ACCEPTING THE BID OF DANELLA CONSTRUCTION CORPORATION OF FLORIDA, INC., REGARDING INSTALLATION OF FIBER OPTIC NETWORK INFRASTRUCTURE UNDER BID NO. 2008-25, REJECTING ALL OTHER BIDS; AUTHORIZING THE EXECUTION OF A CONTRACT BETWEEN THE CITY AND DANELLA CONSTRUCTION CORPORATION OF FLORIDA, INC., AND PAYMENT THEREUNDER; AND SETTING FORTH AN EFFECTIVE DATE.

Commissioner Partington moved, seconded by Commissioner Kent, to approve Resolution No. 2008-159, as read by title only.

Mr. Gregory Avakian, 161 Heritage Circle, stated this sounded more like a “want” than a “need.” He asked why this was necessary, especially since AT&T was soon going to provide fiber optic in the City.

Mr. Ned Huhta, Information Technology Director, stated there are now nine remote locations that this fiber optic network would serve that have employees who are currently not able to work at full speed because of the slowness of the link. He explained these locations have one megabyte, which was slower than most of the home internet connections; and the fiber optics would give 1,000 or 10,000 megabytes, depending upon what electronics would be purchased. Mr. Huhta advised there was a mapping program used at City Hall, which takes one minute to load; and at the Public Works Department, it takes 12 to 15 minutes for the program to load. He reported this infrastructure should have been installed 10 years ago, and staff has tried to work around its limitations. Mr. Huhta explained this infrastructure would be owned by the City, and there would be no reliance on any other company, with little or no ongoing costs. He advised the SCADA system for the water plant, wells, and lift station was located at the water and wastewater plant. Mr. Huhta reported the City now has a 56K line, similar to a phone line, that the City was leasing between the two facilities for \$200 each month. He noted the City would not be able to upgrade the SCADA acquisition and monitoring until the City has some type of high speed communication system between the two plants. Mr. Huhta explained an abandoned pipe was located running between the two plants that would be used as a sleeve where the fiber optic cable would be placed to further enhance its security. He noted there was a SCADA system, the billing system, the work order systems, and e-mail system; and when five employees open a large e-mail, it would choke the line, delaying those trying to access work orders. Mr. Huhta reported there was a future project to place a hardened data system center at the wastewater plant, and the fiber network was crucial to achieve that goal. He stated the servers could be consolidated and moved so all of the employees could work at peak speed and efficiency.

Mayor Costello noted he considered the key statement was that this should have been done ten years ago.

Mr. Huhta explained this was a private fiber network going point to point from City buildings and not intended to be rented, sold, or leased to any other facility.

Commissioner Gillooly stated she and her appointment to the Budget Advisory Board had questions considering this being a “want” rather than a “need,” but Mr. Huhta has succeeded in convincing her there was a need. She noted the City was relying more and more on the movement of data and technology. Commissioner Gillooly stated the City was working with less staff, and that staff needed to have the right tools to be more efficient. She advised she trusted Mr. Huhta’s information and believed it was money well spent.

Commissioner Kelley reported it was amazing how far the United States was behind other countries in transferring information.

Mr. Huhta stated the fiber investment would probably be good for 50 to 100 years.

Call Vote:	Commissioner Gillooly	yes
	Commissioner Kent	yes

	Commissioner Kelley	yes
	Commissioner Partington	yes
Carried.	Mayor Costello	yes

Item #11(D)(1) - Employee Health/Medical Benefits Services

Mayor Costello stated the Commission had a workshop earlier this evening. He requested the Brown and Brown summary become part of the record. Mayor Costello advised Resolution No. 2008-160 would reference Florida Health Care Classic with the employee rate for the Health Maintenance Organization (HMO) at \$385.09 and the Point of Service (POS) for \$427.40.

RESOLUTION NO. 2008-160

A RESOLUTION ACCEPTING A PROPOSAL FOR THE PROVISION OF EMPLOYEE HEALTH/MEDICAL BENEFITS SERVICES; AUTHORIZING THE EXECUTION OF A CONTRACT AND PAYMENT THEREFOR; AND SETTING FORTH AN EFFECTIVE DATE.

Commissioner Gillooly moved, seconded by Commissioner Kelley, to approve Resolution No. 2008-160, as read by title only.

Mayor Costello clarified the motion and the second was for the Florida Health Care Classic with the employee rate for the Health Maintenance Organization (HMO) at \$385.09 and the Point of Service (POS) for \$427.40.

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

Mayor Costello reported the City owed a tremendous appreciation to Brown & Brown for all of the work they did, to Florida Health Care for responding to the request of the Commission, and to staff for the outstanding job they did on the spreadsheets and providing information. He stated the City has an outstanding plan for the employees, saving a great deal of money. Mayor Costello pointed out Brown & Brown volunteered their services at no cost to the City.

Item #11(D)(2) - Employee Dental Benefits Services

Mayor Costello stated this was to adopt the Standard Insurance Company plan for employee dental benefit services.

RESOLUTION NO. 2008-161

A RESOLUTION ACCEPTING A PROPOSAL FROM STANDARD INSURANCE COMPANY FOR THE PROVISION OF EMPLOYEE DENTAL BENEFITS SERVICES; AUTHORIZING THE EXECUTION OF A CONTRACT AND PAYMENT THEREFOR; AND SETTING FORTH AN EFFECTIVE DATE.

Commissioner Kelley moved, seconded by Commissioner Gillooly, to approve Resolution No. 2008-161, as read by title only.

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

Item #11(D)(3) - Employee Vision Benefits Services

Mayor Costello advised this would adopt Comp Benefits for employee vision benefits services.

RESOLUTION NO. 2008-162

A RESOLUTION ACCEPTING A PROPOSAL FROM COMP BENEFITS FOR THE PROVISION OF EMPLOYEE VISION BENEFITS SERVICES; AUTHORIZING THE EXECUTION OF A CONTRACT AND PAYMENT THEREFOR; AND SETTING FORTH AN EFFECTIVE DATE.

Commissioner Kent moved, seconded by Commissioner Kelley, to approve Resolution No. 2008-162, as read by title only.

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

Item #11(D)(4) - Employee Life Insurance Benefits Services

Mayor Costello advised this would adopt Standard Insurance for life insurance benefits services.

RESOLUTION NO. 2008-163
 A RESOLUTION ACCEPTING A PROPOSAL FROM STANDARD INSURANCE FOR THE PROVISION OF EMPLOYEE LIFE INSURANCE BENEFITS SERVICES; AUTHORIZING THE EXECUTION OF A CONTRACT AND PAYMENT THEREFOR; AND SETTING FORTH AN EFFECTIVE DATE.

Commissioner Kelley moved, seconded by Commissioner Kent, to approve Resolution No. 2008-163, as read by title only.

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

Item #11(D)(5) - Employee Long Term Disability Insurance Benefits Services

Mayor Costello advised this would adopt Standard Insurance for long term disability insurance benefits services.

RESOLUTION NO. 2008-164
 A RESOLUTION ACCEPTING A PROPOSAL FROM STANDARD INSURANCE COMPANY FOR THE PROVISION OF EMPLOYEE LONG TERM DISABILITY INSURANCE BENEFITS SERVICES; AUTHORIZING THE EXECUTION OF A CONTRACT AND PAYMENT THEREFOR; AND SETTING FORTH AN EFFECTIVE DATE.

Commissioner Gillooly moved, seconded by Commissioner Kelley, to approve Resolution No. 2008-164, as read by title only.

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

Commissioner Gillooly stated in the process there were a number of issues brought to the attention of the Commission by staff. She noted the Commission had concerns regarding processes the City was following. Commissioner Gillooly stated staff reminded the Commission to be aware of the requirements based on the union contracts. She explained the general employees were eligible for their health benefits the first of the month following 30 days of employment, while the fire and police were eligible, based on the terms of their contracts, for health care benefits to begin on the 60th day of employment. Commissioner Gillooly reported upon questioning staff she was told the City has begun the health insurance benefit for all employees on the first day of the month following 30 days of employment for at least the last 20 years. She advised the City should be following the contracts, which have been hard fought with a great deal of deliberation; and she questioned why staff had not seen this discrepancy in all of those years.

Ms. Lorenda Volker, Human Resources Director, stated this was done because it was found that in selecting either starting date, the insurance would begin at the same time either way. She reported as an example, if an employee started today, and the insurance would start the first day of the month after 30 days of employment, that employee would start their insurance on

November 1. Ms. Volker explained if 60 days were used, it would start on the same day. Ms. Volker noted if an employee started September 1 the insurance would start October 1 if after the first 30 days of employment. She stated if it was after 60 days, it would start on October 30; but the billing would force payment for the entire month rather than starting on the 30th of any month, which was why the decision was made that it made no difference whether it was effective the first day after 30 days or 60 days since the City would still be paying for the same period for the employee.

Mayor Costello recommended using this as an added benefit to the employees.

Commissioner Gillooly stated she believed this needed to be negotiated in the terms of a contract.

Commissioner Kelley agreed this could be discussed while negotiating a contract.

Mayor Costello clarified that this could be put on the table as something the City could offer in the negotiations for discussion; however, he agreed the City should do as the contract indicates.

Ms. Volker advised when negotiating a contract, she asks the directors what the issues were with the contracts; and this has never been brought up as an issue of concern. She explained no matter what date was selected, the City would pay for the entire month; however, staff should have caught it for standardization purposes.

Commissioner Gillooly stated the language in the contracts should have been changed a long time ago.

Mayor Costello called for a short break at 8:48 p.m. He reconvened the meeting at 8:52 p.m.

Item #12 - Streamline of Development Review

Mr. Ric Goss, Planning Director, advised that upon his arrival at the City, he was asked to examine internal procedures regarding development review and streamlining of the development code. He reported there were 26 recommendations regarding the internal procedures presented to the Commission in November, and 24 have been implemented to date. Mr. Goss noted there were 30 areas where improvements could be made to the code, and they were condensed to basically eight areas. He reported one of the issues was the cap regarding the 10,000 square foot tripping a special exception. Mr. Goss explained for anything under 10,000 square feet, the site plan was typically approved by staff; and it would have to meet code; but anything over 10,000 square feet would have to meet code, and it would also have to go through two public hearings before the Planning Board and the City Commission. He pointed out if a variation in the standard was being sought, the applicant could go through a Planned Business Development (PBD) with the same process. Mr. Goss stated an applicant could either go through a Special Exception meeting all of the standards, or have variation flexibility in the standards with a PBD; and most would prefer the PBD to reduce the standard or gain flexibility in the standard, which was why not many people develop under the zoning district in which they are located. He stated he believed the incentive for people to meet the standard would be to cut back on the board review. Mr. Goss explained if the cap were eliminated for special exceptions of 10,000 square feet, more people would be willing to develop under B-8 as opposed to going through a PBD, seeking a variation in the standard and going through public hearings, which would save approximately three months in the approval process. He reported when plans are submitted, staff attempts to have enough detailed information to go before a board, because without that detail, there are a great deal of questions at the public meetings. Mr. Goss advised Daytona College came before the Commission where 4,000 square feet was improved to 20,000 square feet; but there were no issues of concern, and that could have been approved administratively had there not been a 10,000 square feet cap. He stated the Tomoka Christian Church also had no issues other than the fill in the floodplain, and staff handled that issue. Mr. Goss reported the Rubin and Cohen medical office was 20,000 square feet and needed a special exception; but he then requested a variance to the exception to place solar panels on the roof, which affected the Mediterranean style roof. He advised it was processed as a PBD, and the project took almost seven months. Mr. Goss noted had there not been a special exception cap, and had they had incentives for green development, which staff was currently working on, the project could have been approved in three months. He urged either raising or eliminating the cap on the special exception, because it already must meet the standards. He advised the one that would achieve the higher standard was the development that meets all of the standards in the code today as opposed to the flexibility of approving variations.

Mayor Costello explained the Commission was discussing issues to make certain it was comfortable with Mr. Goss taking these issues to the Planning Board before going through the process and bringing it back to the Commission, but it was not making any final decisions tonight. He clarified Mr. Goss would not go to the boards if the Commission did not want to consider the recommendations.

Commissioner Gillooly stated while she appreciated the discussion, she was not ready to support the recommendations.

Commissioner Kelley stated part of the problem was that everything had to be said four times to get through a process for projects the person had the right to do to start with.

Commissioner Gillooly stated many projects have had issues, and she noted she believed there were issues with the Daytona College where the concerns were addressed. She noted she wanted this to go through the boards, but she appreciated the progress Mr. Goss has achieved to this point. Commissioner Gillooly explained what she was hearing from business people was the problem was through staff in the Planning Department, but Mr. Goss has already corrected much of those problems. She reported she did not hear concerns regarding delays from board review, but with the initial process with staff or staff not telling the applicants everything they needed to know.

Mayor Costello stated he understood Mr. Goss to say the key was that having the process as it now exists was that it encourages people to go through the PBD because they have to go through the hearings anyway; and if the hearings could be eliminated, there may be more going through the process following the code without asking for adjustments.

Mr. Goss stated in many cases the problems could have been resolved up front had they had neighborhood meetings in the project area. He noted the issue at Old Tomoka Road and SR40 was so minor that it could easily have been resolved at a neighborhood meeting. Mr. Goss advised there were benefits to neighborhood meetings in that it would be held in the area of the project, and the people would have the opportunity to see the development and talk to the developer on a one-to-one basis rather than in a public hearing where they have to talk to the Mayor, with no discussion between the two parties. He stated he favored site plans being approved by administrative staff rather than discretionary boards, with neighborhood meetings to have the negotiation process up front. Mr. Goss advised his second proposal was to lay out a neighborhood meeting process where the criteria would be clarified. He noted this would bring in the people up front rather than after the plan was submitted. Mr. Goss pointed out it was a waste of money to have detailed plans only to have costly changes when it could have been resolved up front.

Commissioner Gillooly advised she agreed this would be the ideal method, but she urged the City be mindful that as a professional planner, issues may seem very minor; but to the residents the issues may not be minor. She noted there have been many residents and resident groups who have been frightened about what they perceived would happen without any opportunity for input. Commissioner Gillooly reported she was confident in Mr. Goss' leadership in the Planning Department, but the Commission has comforted people in the community not to worry because these types of issues would go to the Planning Board and the Commission, and they would have opportunities to be heard.

Mr. Goss stated he certainly agreed; however, considering the issues that were contentious typically became a PBD or a Planned Residential Development (PRD), and the issues were extremely minor or no issues existed. He advised neighborhood meetings would not work if the City continues to use public hearings, because some people will not come to neighborhood meetings and would wait for the Commission meeting. Mr. Goss clarified the neighborhood meeting would work from a staff administrative approval, but not if public hearings continue.

Mayor Costello urged the City to build in the ability to have an applicant present a concept plan to the Commission for conditional approval before spending a great deal of money.

Mr. Goss stated the criteria could be changed for those cases that would come before the Commission and would be called General Development Plans.

Mayor Costello read an e-mail from Ms. Janine Rogers-Harris, Community Relations Manager with the Communities for a Lifetime, Department of Elder Affairs, regarding the Smart Growth Leadership Institute. He reported she stated the institute has worked with Orange County, Florida, which indicated that despite a number of smart growth initiatives, the existing Comprehensive Plan policy, zoning code, and development standards reinforce traditional low density suburban development patterns, which do little to promote infill, mixed use, higher

intensity/density developments; and the County's plans, codes, and development standards are at times in conflict with each. Mayor Costello advised the e-mail noted the County was anxious to revise existing policies, zoning codes, and development standards to reflect smart growth principles and practices. He stated some of the codes force the developer to be less creative, in that they are not certain they would be able to have a mixed use development; and he wanted the Commission to have the courage to create a plan to be able to offer incentives for what type of developments they want. Mayor Costello advised after the City comes up with the standards, the neighborhood meetings would work. He urged allowing creativity in the code that would go through the neighborhood meetings and would not come to the Commission unless there were problems.

Mayor Costello stated Mr. Goss' seventh recommendation was to allow the right for the Planning Director to be able to increase or reduce the standards if it was determined a project would have less or more impact on adjacent property.

Mr. Goss noted this would keep the developer honest and insure the negotiation process would remain true between the residents and the developer. He advised if there were real impacts that had to be addressed, he would take the project to the Commission. Mr. Goss explained every suggestion he has made has been implemented somewhere in the State of Florida, and some cities have implemented all of the recommendations.

Mayor Costello reported Mr. Goss was not asking to reduce standards, only to make them simpler to accomplish.

Mr. Goss stated although he has not spoken to all of the board members regarding this issue yet as he had planned to do before discussing it, he would like to address the issue of board consolidation. He explained when the growth management laws first came out in 1985, they wanted the Planning Board to concentrate on planning, the Development Review Board was to handle all of the development, and the Board of Adjustment and Appeals would do the variances. Mr. Goss pointed out Ormond Beach was no longer a growing community in that it has no open space to expand other than at the Ormond Crossings Development of Regional Impact. He noted Ormond Beach's new opportunities were commercial redevelopment on the corridors, the downtown, and in neighborhood conservation; however, the City does not have codes to accomplish that. Mr. Goss recommended consolidating the functions of the Development Review Board and Board of Adjustment and Appeals into the Planning Board, which they could accomplish if the special exception cap were removed. He clarified the standards would not change, but there would be a difference in processing developments. Mr. Goss advised he had two more planners when he came to Ormond Beach than he has today, and they support three boards; however, he could do the same, probably better, with one board. He pointed out the City was growing at 1.2% per year. Mr. Goss reported the purpose of a special exception was to allow development in a zoning district, but certain types of impacts must be addressed; therefore, the development would be treated slightly differently, requiring board approval because it has a public interest. He submitted there were a number of uses in zoning districts that should not be special exceptions and should be considered conditional uses.

Commissioner Kelley urged Mr. Goss to go through the process and bring some of the suggestions back to the Commission.

Commissioner Gillooly stated she appreciated the staff report and exercise, but she urged the Commission to be mindful of the concept of public participation. She reported she agreed neighborhood meetings at the beginning were the most optimum method, but the culture must first be changed. Commissioner Gillooly noted development was happening in the infill and in citizen's neighborhoods, so public input was vitally important.

Mayor Costello pointed out the Planning Director would have the option to force items to a board for review, if necessary, so the developer would realize that if they do not satisfy the neighbors, it would have to go before the board.

Mr. Goss stated when developers recognize they need to negotiate with the residents or they would be bumped into a board review, they change their strategy and negotiate the impacts. He reported he has a 20-year background in performance zoning, and this was the only place he has worked with Euclidian zoning. Mr. Goss explained there has to be a reason for a standard; and if the standard does not address the intent, it does not work. He stated performance zoning allows the use of a different standard as long as it meets the intent. Mr. Goss reported Euclidian zoning has prescriptive standards that may not address the intent.

Mayor Costello asked how the City could change to performance zoning.

Mr. Goss stated if he was asking for more responsibility, he was also becoming more accountable, and he would specify what he has done by development in a report. He advised if the Commission did not approve of his decisions, they could remove the power, or he probably would not be the City's Planning Director for long. Mr. Goss reported a Planning Director needs to interpret the code, allowing for a different standard as long as the intent was met.

Mayor Costello stated someone would be upset that they did not have the opportunity to address the board, but most would be pleased with a better development.

Mr. Goss advised it was not possible to apply suburban codes to redevelopment and infill, so there was a need for either a new code or to massage the code to provide administrative discretion to a responsible individual who would have accountability to the City Commission. He pointed out the City needed to change its standards towards infill and redevelopment.

Mayor Costello urged the Commission to examine the Orange County report from the Smart Growth Leadership Institute. He advised it was not popular to discuss increased density, but the entire Commission has indicated the City needed increased density and mixed use to create a vibrant downtown. Mayor Costello reported there was a consensus to continue the process; however, there was not a consensus that everything that has been recommended was being endorsed.

Mr. Goss offered to meet with any Commission member individually regarding these recommendations.

Mayor Costello stated the Commission was willing to consider anything to facilitate making the community better in harmony with the vision the Commission set.

Item #13 – Reports, Suggestions, Requests

WAV Calendar

Commissioner Partington stated, as a parent, having all of the pertinent school dates on the WAV calendar was fantastic. He noted it was interesting to see the artwork and have a better understanding of how the children think. Commissioner Partington stated this was smart government, and a very useful item.

Insurance

Commissioner Partington stated he thought the Commission had already cancelled all of the agent of record contracts, but he was told the Vincent Group was still the City's agent of record.

Mayor Costello and Commissioner Kelley expressed agreement that the Commission voted to cancel all agent of record contracts.

Ms. Volker stated the Commission did cancel all agent of record contracts. She explained the contract would end September 30, 2008, in that the agreement required either a 60 or 90 day notice. Ms. Volker advised Mr. Vincent was also administering the pre-tax medical spending, which would be covered through the end of the fiscal year. She reported letters were sent within a week of the Commission making the vote.

Mr. Hayes advised the vote was contingent upon complying with any contractual obligations.

Spending Limit

Commissioner Partington asked for information relative to the \$25,000 spending limit figure where the administration was required to come to the Commission if the cost was over that amount, but had the discretion to spend if it was under that amount. He reported there has been administrative spending for \$24,992 which gave him pause.

Mayor Costello asked Mr. MacLeod to give a history of this in the Friday letter.

Mr. MacLeod advised this issue was fairly complicated for the Friday letter.

Mayor Costello asked if he would prefer a discussion item on the next agenda.

Mr. MacLeod advised he could prepare the information for either the next or the following agenda.

Commissioner Gillooly recommended a workshop with the Budget Advisory Board at a less busy time to discuss this and related issues.

WAV

Commissioner Gillooly commended Commissioner Kelley for his leadership on WAV. She stated she was pleased Daytona Beach may be rethinking their decision to drop out of WAV because the area was stronger working together. Commissioner Gillooly commended WAV for hiring Ms. Lindsey Roberts.

Early Retirement

Commissioner Gillooly reported a number of employees were taking early retirement, and the Commission wished each one well; however, she acknowledged Ms. Jo-Anne Anderson who sits at the dais with the Commission and will be retiring soon. She noted this was her last meeting with the Commission. Commissioner Gillooly thanked Ms. Anderson for providing the Commission with cold water, hot beverages, and candy and presented a gift basket.

Senior Exemption

Commissioner Kent thanked Commissioner Partington for his comment regarding the senior exemption.

Early Retirement

Commissioner Kent stated Ms. Anderson, Mr. Abee, and Support Services Director Tom Lipps where three employees who were retiring, and he thanked each for their service.

Tropical Storm Fay

Commissioner Kent reported Tropical Storm Fay did great things for the beach driving conditioned in Ormond Beach by removing a great deal of the red sand.

WAV Calendars

Commissioner Kent commended WAV for the calendars and working with the School District. He noted he considered the calendars much more effective than a billboard.

Homeless at the Birthplace of Speed Park

Commissioner Kent reported he received a call regarding an increase in the number of homeless individuals at the Birthplace of Speed Park. He advised he provided the information to the City Attorney who would contact Police Chief Michael Longfellow. Commissioner Kent noted there were under aged girls and alcohol involved, and he would call Chief Longfellow tomorrow to discuss this issue. He asked staff to call the individual making this report.

Surfside Inn

Commissioner Kent stated he provided a letter that the City generated indicating a City of Ormond Beach building inspector condemned the Surfside Inn five years ago; and it still remained, with a fence that was falling down. He noted he was told the fence doors were open, and it was being used for training exercises by various police groups. Commissioner Kent advised he has seen tour buses park on the site. He requested further information regarding this building.

Appointments

Mr. MacLeod requested the Commission's consent to appoint Mr. Robert Carolin as the Interim Leisure Services Director, effective Tuesday, September 9, due to Mr. Abee's retirement.

Mayor Costello and Commissioner Kent advised Mr. MacLeod made an excellent choice.

Mr. MacLeod stated Mr. Tom Lipps, Support Services Director, would be retiring at the end of the months; and he would not replace his position. He noted Ms. Veronica Patterson, City Clerk, would directly report to the City Manager, taking on some additional duties; Ms. Loretta Moasio, Grants Coordinator, would take the Public Information Officer duties; and he hoped to hire a part-time Airport Manager at \$40 per hour for 15 to 25 hours per week.

Commissioner Gillooly recommended starting at 20 hours to see how effective that person could be within that allotted time.

Mr. MacLeod reported staff would attempt to keep the hours at the minimum. He stated his goal was to have the hours as flexible as possible, averaging 20 hours a week; but adjustments may be needed.

Commissioner Kelley stated the employee may not necessarily need an office in City Hall.

Mr. MacLeod noted agreement that this employee may not need an office in City Hall, but staff would work out the details.

Mayor Costello noted this sounded like a great plan.

Acting City Manager

Mr. MacLeod reported he would be taking time off September 12 through the 16 for his 30th wedding anniversary, and he would ask Fire Chief Barry Baker to assume command. He advised he would return on Tuesday, September 16.

Item #14 - Close the Meeting

The meeting was adjourned at 9:44 p.m.

APPROVED: _____ September 17, 2008

BY: _____
Fred Costello, Mayor

ATTEST:

Veronica Patterson, City Clerk