

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

**April 18, 2006                      7:00 p.m.**

Present were: Mayor Fred Costello, Commissioners Lori M. Gillooly, Troy Kent, Ed Kelley, and Bill Partington, City Manager Isaac Turner, Assistant City Manager Theodore MacLeod, Deputy City Attorney Sandy Upchurch, and City Clerk Veronica Patterson.

**A G E N D A**

- 1) Meeting call to order by Mayor Costello.
- 2) Invocation by Rabbi Jerry Miller, Beth Judah Messianic Congregation.
- 3) Pledge of Allegiance.
- 4) Approval of the Minutes of the April 4, 2006, special meeting and regular meeting.
- 5) **PRESENTATIONS:**
  - A) Proclamation by Mayor Costello in honor of Neil Tomlinson.
  - B) Proclamation by Mayor Costello in honor of the Florida Hospital Auxiliary, Ormond Memorial, 40<sup>th</sup> Anniversary.
- 6) **AUDIENCE REMARKS:**
- 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) MBA Business Center Annexation Agreements:
    - 1) Resolution No. 2006-77 authorizing the execution of a Water, Sewer and Annexation Agreement between the City and Lore L. Bledsoe, individually and as trustee of the Lore L. Bledsoe Revocable Trust UT/A dated January 14, 1994; providing for recordation. (MBA Business Center)
    - 2) Resolution No. 2006-105 authorizing the execution of a Water, Sewer and Annexation Agreement between the City and Silver Creek Development, Inc.; providing for recordation. (MBA Business Center)
  - B) Resolution No. 2006-85 authorizing the execution of a lease agreement between the City and The Casements Guild, Inc.
  - C) Resolution No. 2006-86 authorizing the execution of an interlocal agreement between the cities of Daytona Beach, Port Orange and Ormond Beach, providing for the reciprocal use of certain recreational facilities of the respective cities, including a jointly-sponsored summer therapeutic recreation program for special needs children with disabilities; authorizing the expenditure of funds for the City of Ormond Beach's share of program costs; providing for a payment schedule; establishing administration and personnel staffing arrangements; adopting a resident fee schedule.
  - D) Resolution No. 2006-87 expressing support for certain bicycle and pedestrian projects to be placed on the Transportation Improvement Program Project Priority List for Surface Transportation Program Funding in Fiscal Year 2011-2012; authorizing the City's representative and alternate representative to the Volusia County Metropolitan Planning Organization to take action consistent herewith; authorizing transmittal.
  - E) Resolution No. 2006-88 approving the Community Development Block Grant Annual Plan for the 2006-2007 fiscal year. (\$105,211/Yr.)

- F) Resolution No. 2006-89 authorizing the submittal of a grant application to the State of Florida Department of Transportation under the Highway Safety Grant Program for the purchase of in-car video systems; authorizing the acceptance of a grant award. (\$39,000 grant funds; no matching local funds)
- G) Resolution No. 2006-90 authorizing the execution of an Interlocal Agreement for Fire and/or Rescue Service Mutual Aid within Volusia County, Florida.
- H) Resolution No. 2006-91 authorizing the acceptance of a Public Utility and Access Easement Deed from Saddlers Run Subdivision Homeowners' Association, Inc., a Florida non-profit corporation, located in the common area of Saddlers Run Subdivision.
- I) Resolution No. 2006-92 authorizing the acceptance of a drainage and access easement deed from Autumn Wood II of the Trails Homeowners' Association, Inc., a Florida non-profit corporation on property located in Autumn Wood II, Unit 2, of the Trails Subdivision.
- J) Resolution No. 2006-93 authorizing the execution of a quitclaim deed between the City and the Oceanside Golf & Country Club, Inc.
- K) Resolution No. 2006-94 authorizing the execution of a contract between the City of Ormond Beach and Hall Construction Company, Inc., regarding the Nova Community Park Restroom/Concession Stand Replacement project. (Not-to-exceed \$117,855)
- L) Resolution No. 2006-95 authorizing the execution of Change Order No. 5 to that contract awarded to Masci Corporation regarding the Dormont Drive Drainage Improvement project, by increasing the contract price by \$8,802.35. (Total project - \$2,401,722.70)
- M) Resolution No. 2006-96 accepting a bid from Paul's Electrical Contracting, Inc., for installation of light poles and fixtures for the Granada Boulevard Streetscape project under Bid No. 2006-14; authorizing the execution of a contract and payment therefore; rejecting all other bids. (Ford Street, Jefferson Street, Laws Lane, Lincoln Avenue, Oleander Place and Tomoka Avenue) (Total project - \$145,000; \$75,000 CDBG funds; \$70,000 TIF funds)
- N) Resolution No. 2006-97 accepting the bid of Censtate Contractor's, Inc., regarding the provision of construction services for the Pump Station 2P and 3P Rehabilitation and Improvements project under Bid No. 2006-12; rejecting all other bids; authorizing the execution of a contract between the City and Censtate Contractor's, Inc., and payment thereunder. (\$381,860)
- O) Resolution No. 2006-98 accepting a proposal from Quentin L. Hampton Associates, Inc., to provide engineering services regarding the Water Treatment Plant Filter Structure Replacement Design-Build proposal; authorizing the execution of a work authorization thereto. (Not-to-exceed \$55,580)
- P) Resolution No. 2006-99 authorizing the execution of a Fireworks Display Contract with Fireworks by Santore, Inc. (\$36,500)
- 9) **PUBLIC HEARING** on Ordinance No. 2006-03 vacating a portion of West Street, a platted public right-of-way lying west of 351 Cumberland Avenue. (Second Reading)
- 10) **SECOND READING OF ORDINANCE** No. 2006-04 amending the annual budget for the 2005-2006 fiscal year relative to the General Fund; Downtown Redevelopment Fund; Airport Fund; Economic Development Fund; Federal Law Enforcement Trust Fund; Grants Fund; Facilities Renewal and Replacement Fund; North US1 Property Acquisition Fund; General Capital Improvements Fund; Transportation Improvement Fund; Water & Wastewater Utility Fund; Water & Wastewater Renewal & Replacement Fund; Wastewater System Impact Fee Fund; Water Treatment Plant Construction Fund.
- 11) **FIRST READING OF ORDINANCES** relative to amendments to the General Employee, Firefighter and Police Officer pension plans:
  - A) Ordinance No. 2006-05 of the City of Ormond Beach, Florida, relative to the General Employees' Pension Plan, amending Article I, In General, of Chapter 16, Pensions and Retirement, of the *Code of Ordinances*; amending Section 16-1, Definitions, by

amending the definition of “credited service”; amending Section 16-3, Board of Trustees; amending Section 16-10, Optional Forms of Benefits; amending Section 16-15, Maximum Pension; amending Section 16-21.4, Direct Transfers of Eligible Rollover Distributions; amending Section 16-21.8, Deferred Retirement Option Plan; providing for severability of provisions; repealing all ordinances in conflict herewith and providing an effective date.

- B) Ordinance No. 2006-06 of the City of Ormond Beach, Florida, amending Article III, Firefighters’ Pension Trust Fund, of Chapter 16, Pensions and Retirement, of the *Code of Ordinances*, amending Section 16-40, Definitions, by amending the definition of “credited service”; amending Section 16-49, Optional Forms of Benefits; amending Section 16-55, Distribution of Benefits; amending Section 16-64, Direct Transfers of Eligible Rollover Distributions; amending Section 16-67, Deferred Retirement Option Plan; providing for severability of provisions; repealing all ordinances in conflict herewith and providing an effective date.
- C) Ordinance No. 2006-07 of the City of Ormond Beach, Florida, amending Article IV, Police Officers’ Pension Trust Fund, of Chapter 16, Pensions and Retirement, of the *Code of Ordinances*, amending Section 16-71, Definitions, by amending the definition of “credited service”; amending Section 16-80, Optional Forms of Benefits; amending Section 16-86, Distribution of Benefits; amending Section 16-96, Direct Transfers of Eligible Rollover Distributions; amending Section 16-98, Deferred Retirement Option Plan; providing for severability of provisions; repealing all ordinances in conflict herewith and providing an effective date.

12) **RESOLUTIONS:**

- A) Resolution No. 2006-100 authorizing the expenditure of \$9,012 from the Federal Law Enforcement Confiscation Fund for the purchase of 40 Glock pistols and related equipment.
- B) Resolution No. 2006-101 authorizing the submittal of a request to the County of Volusia for amendments to the Community Development Block Grant Subrecipient Agreements for Fiscal Years 2003-2004 and 2005-2006 between the City of Ormond Beach and the County of Volusia; authorizing the execution of amendments.
- C) Resolution No. 2006-102 accepting the bid of Meadors Construction Company, Inc., regarding construction services for the Water Treatment Expansion project under Bid No. 2006-09; rejecting all other bids; authorizing the execution of a contract between the City and Meadors Construction Company, Inc., and payment thereunder. (\$11,460,000)
- D) Resolution No. 2006-103 accepting a proposal from Camp Dresser & McKee, Inc., to provide engineering construction administration and inspection services regarding the Water Treatment Plant Expansion project; authorizing the execution of a work authorization thereto. (Not-to-exceed \$483,832)

13) **DISCUSSION ITEMS:**

- A) Surplus property.
- B) Undeveloped City right-of-way.
- C) Proposed use of TIF funds.
- D) Code enforcement process.
- E) Bike Week update.
- F) Town hall meetings.
- G) City Commission meeting schedule.

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

15) Close the meeting.

Item #1 - Call to Order

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

Item #2 – Invocation

Rabbi Jerry Miller, Beth Judah Messianic Congregation gave the invocation.

Item #3 - Pledge of Allegiance

Mayor Costello led the Pledge of Allegiance.

Item #4 – Approval of Minutes

Mayor Costello advised the April 4, 2006, special meeting and regular meeting minutes had been sent to the Commissioners for review and asked if there were any corrections, additions, or omissions.

**Mayor Costello asked if there was any objection to approving the minutes as submitted. Hearing none, he declared the minutes approved as submitted.**

Item #5(A) – Neil Tomlinson Proclamation

Assistant Fire Chief Skip Irby recognized Neil Tomlinson, Tomlinson Aviation, and Chief Don Shinnamon, Holly Hill Public Safety Director, for establishing a public/private partnership program where the City would now be able to partner a firefighter with Mr. Tomlinson's pilot employee to assist the commander on ground operations from the air during wildfires. He recognized Mr. Tomlinson for his efforts and vision and recognized Chief Shinnamon's efforts in establishing the program.

Chief Don Shinnamon, Holly Hill Public Safety Director, recognized three pilots from Tomlinson Aviation, who would receive Certificates of Training, and certificates to six Ormond Beach firefighters who underwent a relatively extensive training program to qualify to participate in this Airborne Tactical Fire Observer Program: Assistant Fire Chief Skip Irby, Captain John Carey, Lieutenants John Cavanaugh and Ed Flud, Engineer Gil Aspinwall, Engineer Keith Crockett. He reported this program was developed in cooperation with the Division of Forestry to help extinguish fires before they get out of control by providing the incident commanders on the ground with up-to-date accurate information. Chief Shinnamon reported the Florida Fire Chiefs' Association has adopted this program, and he thanked Mr. Tomlinson for donating his equipment and personnel.

Mayor Costello read a proclamation thanking Tomlinson Aviation for providing helicopter services to Central Florida since 1990, for recognizing the importance of having aircraft in the air for observing and assisting in directing wildfire incidents, and for offering the use of his aircraft as a resource to help firefighters combat wildfires. He proclaimed April 18, 2006, as a day to recognize Mr. Neil Tomlinson.

Item #5(B) – Florida Hospital Auxiliary, Ormond Memorial, 40<sup>th</sup> Anniversary Proclamation

Mayor Costello proclaimed April 17, 2006, as a day to celebrate the 40<sup>th</sup> anniversary of Florida Hospital Auxiliary, Ormond Memorial, which provides services to the hospital and the patients, representing the hospital to the public, and for fundraising for the hospital. He stated this year the Auxiliary expected to exceed two million volunteer hours, accumulated over the past 40 years, and would generate funds in excess of \$3.5 million.

Mr. Richard Knies, president of the auxiliary, thanked Mayor Costello and the Commission for their consideration on behalf of the auxiliary.

Item #6 – Audience Remarks

Mayor Costello stated tonight the audience remarks portion of the agenda would be handled in the same manner it had been done in the past for this meeting, but in the future, a sign-up sheet would be provided where speakers would be able to provide their name and contact information if they chose to do so to enable staff to respond to questions.

Visibility on the Corner of Harvard Drive and Oleander Place

Mr. Jim Schultz, 117 Harbor Drive, stated he had previously asked a question relative to a visibility problem on the corner of Harvard Drive and Oleander Place. He reported he spoke to the planner, three school representatives, and an engineer, but did not receive a response.

Fluoridation

Mr. Schultz stated a report showed there was no statistical benefit in the use of fluoride on cavities, and another study in Arizona showed increased levels of fluoride in the water actually increased cavities. He noted another report found that with better nutrition, there were fewer cavities. Mr. Schultz reported the Nobel Institute and Pasteur Institute came out strongly against water fluoridation. He stated the World Health Organization indicated there was no difference as related to cavities between the countries who used fluoridation and those that did not use fluoridation.

Truth

Mr. Lawrence Cook, 1529 North Beach Street, stated he tried to explain his issue to the Commission many times. He reported former Mayor Dave Hood stated former City Manager Eugene Miller was not a City employee at the time to which Mr. Cook referred, but that was not true.

Mayor Costello asked the City Clerk to provide the Commission with copies of the letters Mr. Cook provided.

Setting an Election Date

Mr. Jeff Boyle, 614 North Halifax Drive, provided the Commission with a written request to set a referendum date for the ballot question. He noted thousands of taxpayers have won the right to a Charter amendment referendum on building heights, and if the City was planning on producing a public information document in opposition to the amendment, it would become a reasonable taxpayer request that such a document provide an equal opportunity for information in support of the Charter amendment.

Building Height Limitation

Mr. Boyle reported Mayor Costello insisted the only way to obtain access to the beach was to allow taller buildings, blocking the sun, shadowing single-family homes, and altering the appearance and character of the community. He stated the proposal to a private developer signaled release of the County government from its obligation to provide millions of dollars in promised beach access, and the lease of a church parking lot did not equal the land acquisition and parking lot construction that occurred in every other coastal cities. Mr. Boyle noted beachfront landowners who were willing to sell their property have now withdrawn their parcels to wait for higher bids from the developer. He reported while beach access was always a Commission goal, it was never a priority. Mr. Boyle stated the Commission trusted the Mayor and City Manager to negotiate promised beach access with the County government, but the City did not have any capital land investment from the County, and no money had been set aside by the City for that purpose.

Mr. Boyle stated the Harvard approach's 51 spaces are occupied each school day by Seabreeze High School students. He noted Mayor Costello publicly accepted the County's bogus figures, which included the commercial area south of Granada Boulevard where parking spaces are occupied by lifeguards, beach patrol employees, and guests of hotels on the beach approaches. Mr. Boyle stated this was all explained in Mr. Andy Romono's report and action plan provided to the Commission years ago, but nothing was done to implement the plan. He provided the Commission another copy of the Romono report. Mr. Boyle stated the off-beach parking problems were created over ten years ago when voters were asked to amend the County Charter, leaving Ormond Beach citizens victims of a fraud committed by two levels of government. He reported Ormond Beach could no longer afford private negotiations by the mayor away from public witness and government sunshine. Mr. Boyle stated the Commission must negotiate with the County Council on the public record; and if those negotiations fail, Ormond Beach should send the County a bill for its share of the off-beach parking, which was approximately \$3 million. He reported if that bill was not paid, a lawsuit should follow. Mr. Boyle recommended these options should be considered long before considering proposals to sell Ormond Beach's community standards.

Ms. Lee Dunkel, 94 Ormond Parkway, asked what the City would do to help the residents in the residential areas located behind the new recreation center and four-story parking garage. She noted Ormond Parkway would be severely impacted, and help would be needed to retain the quality and residential character of the neighborhood. Ms. Dunkel noted that even if the building height limits were not increased, it appeared the concept of the parking garages would become a reality.

Informing the Public

Mr. Glenn Jaspers, 160 Ocean Terrace, stated citizens are not being kept informed. He reported the CANDO petition was successful because people want to have assurance the 75-foot height limit would remain. Mr. Jaspers stated he wanted some consistency with the information being provided regarding what the City was doing with the recycled water situation. He questioned what the City was planning regarding hurricane evacuation, preparation, and the City's response capability. Mr. Jaspers reported meetings were held regarding hurricane preparation, but the public was unaware of the outcome of those meetings.

Hurricane Preparation

Ms. Lucille Bornmann, 6 Windsor Drive, expressed concern regarding evacuations when a hurricane approaches, with traffic making a dangerous situation. She requested information regarding the City's hurricane evacuation plans, especially beachside plans for safe houses for residents and if they would be properly supplied, plans for recovery after the storm passes, and plans regarding the hospitals and nursing homes. Ms. Bornmann questioned if the City was being responsible when more and more people were living on the peninsula with jammed roads and closed bridges. She asked if Ormond Beach needed money so badly it had to sacrifice public safety for dollars.

Building Height Limitation

Ms. Margaret Sharifi, 210 Valencia Drive, reported she appreciated the format and time given to each speaker at the building height meeting. She thanked Mr. Ervin for his explanation of the differences between the Comprehensive Plan and the Land Development Code. Ms. Sharifi stated seven-story buildings could be as beautiful as 19-story buildings. She questioned why the City was not following its own rules and regulations, and there were many questions to be answered and studies to be completed before the City should consider any developer's proposal. Ms. Sharifi noted the people need the Commission to provide unbiased facts and answers to all questions and to pursue the County for the money that should be allotted to Ormond Beach; and if no solution could come from the County, the State should be pursued. She urged impact studies be done for any development.

Mr. Gregory Avakian, 161 Heritage Circle, reported there were many details missing from last night's forum, and he hoped another meeting would be scheduled quickly to provide more information. He noted Mr. Boyle indicated approximately \$3 million was owed to Ormond Beach by Volusia County; and while he questioned how the figure was calculated, he would accept it as accurate, but at \$50,000 a linear foot of oceanfront property that \$3 million was insignificant because it would only purchase 60 linear feet or two parking spaces on either side of a parking structure. Mr. Avakian noted Commissioner Kent stated Mayor Costello's price tag of \$40 to \$50 million to sell out the City was hit, but knowing Mayor Costello he could affirm Mayor Costello did not have a price tag. He pointed out a question had been asked about who would use the parks, the residents or the condo dwellers, and he contended that the condo dwellers would also be citizens; and everyone would be enjoying the parks no matter where they lived in Ormond Beach. Mr. Avakian noted the proposed amenities would enhance the entire neighborhood making this a win/win situation because the developer would be able to get more money for a beautiful and desirable area. He pointed out people indicated they were not concerned about visitors, but this was an important issue for business people.

Mayor Costello stated rather than addressing citizen questions during the audience remarks portion of the agenda, staff would address them in the Friday letter which could be accessed on line or through a copy at City Hall.

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

Mayor Costello stated he reported on the Metropolitan Planning Organization (MPO) and Volusia Council of Governments (VCOG) at the last meeting, and no other meeting has been held in the interim.

Item #7(C) – Water Authority of Volusia

Commissioner Kelley stated he provided a synopsis after the Water Authority of Volusia (WAV) meeting and gave assurances that WAV was still active. He noted WAV had a great deal of opportunities, but it also had obstacles that had to be overcome. Commissioner Kelley noted Daytona Beach was still pulling out of WAV. He noted WAV would provide a good standing with St. Johns River Water Management District, which would work with WAV to make water as economical as possible. Commissioner Kelley reported he informed the board that each member had to seek what was good for the security, safety, and future water supply for all rather than for each individual entity.

Mayor Costello stated the City was well served with Commissioner Kelley serving on the WAV board.

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 Gillooly asked that Item #8(A) be pulled for discussion.

Commissioner Kelley asked that Item #8(P) be pulled for discussion.

**Commissioner Kent moved, seconded by Commissioner Kelley, for approval of the Consent Agenda minus Item Nos. 8(A) and 8(P).**

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

Item #8(A)(1) – Water, Sewer, and Annexation Agreement with Lore L. Bledsoe

RESOLUTION NO. 2006-77

A RESOLUTION AUTHORIZING A WATER, SEWER AND ANNEXATION AGREEMENT BETWEEN THE CITY AND LORE L. BLEDSOE, INDIVIDUALLY AND AS TRUSTEE OF THE LORE L. BLEDSOE REVOCABLE TRUST UT/A DATED JANUARY 14, 1994 AND MBA BUSINESS CENTER CONDOMINIUM ASSOCIATION, INC.; PROVIDING FOR RECORDATION; AND SETTING FORTH AN EFFECTIVE DATE.

**Commissioner Kelley moved, seconded by Commissioner Kent, to approve Resolution No. 2006-77, as read by title only.**

Commissioner Gillooly clarified that this project had come before the County Council while the corridor plan on US1 was in place; however, the permitting occurred prior to adoption of the plan. She noted this project would comply with the City’s landscape requirements, but setbacks were fixed because it was approved in the County rather than the City.

Mr. Michael Boucher, Chief Planner, stated the proposal for the MBA Business Center was approved after the ordinance was in place, but the application and vesting of the ordinance in the County occurred before this. He noted Ormond Beach staff did provide input on the site plan and influenced it regarding the landscaping, signage, and architecture; however, the project did not have to comply with those provisions. Mr. Boucher clarified the plan did not meet the City’s landscape, signage, or architectural standards. He pointed out that all of the applications that came in after this were required to comply with the City’s landscape, signage, or architectural standards.

Commissioner Gillooly asked if there were a legal opportunity for the City to ask for compliance since the Bledsoe’s were applying for annexation and water and sewer use.

Mr. Boucher stated he did not believe the City could legally ask for compliance since the developer had vested rights and a valid Development Order.

Commissioner Gillooly noted while the City may not be able to require compliance, she was hoping for an opportunity to discuss the request with the owner.

Commissioner Kelley reported this project received its Development Order in September 2004. He noted if the City tried to make any changes, the owner would have to resubmit an altered plan to the County.

Mayor Costello stated he considered this to be an opportunity to work with a developer to bring an existing development into Ormond Beach and for the City to receive the tax benefits, since the City would have the impacts if it were in the County or in the City. He reported this

annexation would make other areas contiguous so they could annex into Ormond Beach, and Ormond Beach would have control over the Development Orders for these other areas.

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

Item #8(A)(2) – Water, Sewer and Annexation Agreement with Silver Creek Development, Inc.

RESOLUTION NO. 2006-105

A RESOLUTION AUTHORIZING THE EXECUTION OF A WATER, SEWER AND ANNEXATION AGREEMENT BETWEEN THE CITY AND SILVER CREEK DEVELOPMENT, INC.; PROVIDING FOR RECORDATION; AND SETTING FORTH AN EFFECTIVE DATE.

**Commissioner Kelley moved, seconded by Commissioner Partington, to approve Resolution No. 2006-105, as read by title only.**

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

Item #8(P) – Fireworks Display Contract

RESOLUTION NO. 2006-99

A RESOLUTION AUTHORIZING THE EXECUTION OF A FIREWORKS DISPLAY CONTRACT WITH FIREWORKS BY SANTORE, INC; AND SETTING FORTH AN EFFECTIVE DATE.

**Commissioner Kelley moved, seconded by Commissioner Kent, to approve Resolution No. 2006-99, as read by title only.**

Commissioner Kelley questioned if the location of the fireworks could be changed for next year.

Mr. Dave Abee, Leisure Services Director, explained the fireworks were shot from the south side because of visibility, as more people could meet on the south side than on the north side. He reported there were also considerations relative to the wind and the currents. Mr. Abee stated a prime location was to the south of Rockefeller Gardens. He reported the marine patrol and fire personnel can be more easily accessible since they can better navigate in the wider area through the deeper channel. Mr. Abee stated this location was also easier to control the boats around the barge.

Commissioner Kelley thanked Mr. Abee for this explanation and stated he could now inform his constituents who recommended a different location that it could not be changed due to safety and security concerns.

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

Item #9 – 351 Cumberland Avenue Vacation

ORDINANCE NO. 2006-03

AN ORDINANCE VACATING A PORTION OF WEST STREET, A PLATTED PUBLIC RIGHT-OF-WAY LYING WEST OF 351 CUMBERLAND AVENUE; REPEALING ALL INCONSISTENT ORDINANCES OR PART THEREOF; AND SETTING FORTH AN EFFECTIVE DATE.

**Commissioner Partington moved, seconded by Commissioner Gillooly, to approve Ordinance No. 2006-03, on second reading, as read by title only.**



Commissioner Kent advised he had a conversation with the applicant this week. He asked if this were approved, if it would set a precedent for other rights-of-way; whereby, Mr. Isaac Turner, City Manager, replied it would not.

Commissioner Gillooly stated she visited the area and met with Mr. and Mrs. Anderson. She expressed appreciation for the report from the Planning and Legal Departments. Commissioner Gillooly reported she believed there was no other answer but to grant this request, and noted the home was an asset to the community. She stated she appreciated the Anderson's citizenship, the process they went through, and their willingness to answer her questions.

Commissioner Partington disclosed that he met with the Andersons and their counsel, and he thanked staff for the follow-up information, which answered his questions. He explained the reason the City could not charge for the easement was because the City did not own the property. Commissioner Partington quoted the 1978 Attorney General opinion Number 309. He reported the language of the deeded plat that conveyed the right-of-way was for public streets, and when there would no longer be a public street, it must be given back to the successors and heirs or to those who originally deeded the property.

Commissioner Kent reported the issue he was concerned about related to any right-of-way property located next to a waterway where the City could place a bench for public use where it would not intrude on the adjacent property owner's property. He noted due to the odd shape of this parcel, the legal information provided, and assurance that it would not set a precedent, he would approve this ordinance.

Commissioner Kelley stated a key issue was that this has been maintained as a dock since 1973; and had the dock not been destroyed by a hurricane, this would not be an issue. He expressed appreciation to the Board of Adjustment and Appeals for their efforts.

Ms. Sandy Upchurch, Deputy City Attorney, recognized Mary Peine-Lamay for her efforts in researching the plats.

Mayor Costello disclosed he also spoke to the Anderson's attorney.

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.**

Item #10 – Amending the Annual Budget

ORDINANCE NO. 2006-04  
 AN ORDINANCE AMENDING THE ANNUAL BUDGET FOR THE 2005-2006 FISCAL YEAR RELATIVE TO THE GENERAL FUND; DOWNTOWN REDEVELOPMENT FUND; AIRPORT FUND; ECONOMIC DEVELOPMENT FUND; FEDERAL LAW ENFORCEMENT TRUST FUND; GRANTS FUND; FACILITIES RENEWAL AND REPLACEMENT FUND; NORTH US1 PROPERTY ACQUISITION FUND; GENERAL CAPITAL IMPROVEMENTS FUND; TRANSPORTATION IMPROVEMENT FUND; WATER & WASTEWATER UTILITY FUND; WATER & WASTEWATER RENEWAL & REPLACEMENT FUND; WASTEWATER SYSTEM IMPACT FEE FUND; WATER TREATMENT PLANT CONSTRUCTION FUND; AND SETTING FORTH AN EFFECTIVE DATE.

**Commissioner Kelley moved, seconded by Commissioner Partington, to approve Ordinance No. 2006-04, on second reading, as read by title only.**

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

Item #11(A) – General Employees’ Pension Plan Amendments

ORDINANCE NO. 2006-05

AN ORDINANCE OF THE CITY OF ORMOND BEACH, FLORIDA, RELATIVE TO THE GENERAL EMPLOYEES’ PENSION PLAN, AMENDING ARTICLE I, IN GENERAL, OF CHAPTER 16, PENSIONS AND RETIREMENT, OF THE *CODE OF ORDINANCES*; AMENDING SECTION 16-1, DEFINITIONS, BY AMENDING THE DEFINITION OF “CREDITED SERVICE”; AMENDING SECTION 16-3, BOARD OF TRUSTEES; AMENDING SECTION 16-10, OPTIONAL FORMS OF BENEFITS; AMENDING SECTION 16-15, MAXIMUM PENSION; AMENDING SECTION 16-21.4, DIRECT TRANSFERS OF ELIGIBLE ROLLOVER DISTRIBUTIONS; AMENDING SECTION 16-21.8, DEFERRED RETIREMENT OPTION PLAN; PROVIDING FOR SEVERABILITY OF PROVISIONS; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH AND PROVIDING AN EFFECTIVE DATE.

**Commissioner Kent moved, seconded by Commissioner Kelley, to approve Ordinance No. 2006-05, on first reading, 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(B) – Firefighters’ Pension Trust Fund Amendments

ORDINANCE NO. 2006-06

AN ORDINANCE OF THE CITY OF ORMOND BEACH, FLORIDA, AMENDING ARTICLE III, FIREFIGHTERS’ PENSION TRUST FUND, OF CHAPTER 16, PENSIONS AND RETIREMENT, OF THE *CODE OF ORDINANCES*, AMENDING SECTION 16-40, DEFINITIONS, BY AMENDING THE DEFINITION OF “CREDITED SERVICE”; AMENDING SECTION 16-49, OPTIONAL FORMS OF BENEFITS; AMENDING SECTION 16-55, DISTRIBUTION OF BENEFITS; AMENDING SECTION 16-64, DIRECT TRANSFERS OF ELIGIBLE ROLLOVER DISTRIBUTIONS; AMENDING SECTION 16-67, DEFERRED RETIREMENT OPTION PLAN; PROVIDING FOR SEVERABILITY OF PROVISIONS; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH AND PROVIDING AN EFFECTIVE DATE.

**Commissioner Gillooly moved, seconded by Commissioner Partington, to approve Ordinance No. 2006-06, on first reading, as read by title only.**

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

Item #11(C) – Police Officers’ Pension Trust Fund Amendments

ORDINANCE NO. 2006-07

AN ORDINANCE OF THE CITY OF ORMOND BEACH, FLORIDA, AMENDING ARTICLE IV, POLICE OFFICERS’ PENSION TRUST FUND, OF CHAPTER 16, PENSIONS AND RETIREMENT, OF THE *CODE OF ORDINANCES*, AMENDING SECTION 16-71, DEFINITIONS, BY AMENDING THE DEFINITION OF “CREDITED SERVICE”; AMENDING SECTION 16-80, OPTIONAL FORMS OF BENEFITS; AMENDING SECTION 16-86, DISTRIBUTION OF BENEFITS; AMENDING SECTION 16-96, DIRECT TRANSFERS OF ELIGIBLE

ROLLOVER DISTRIBUTIONS; AMENDING SECTION 16-98, DEFERRED RETIREMENT OPTION PLAN; PROVIDING FOR SEVERABILITY OF PROVISIONS; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH AND PROVIDING AN EFFECTIVE DATE.

**Commissioner Kelley moved, seconded by Commissioner Gillooly, to approve Ordinance No. 2006-05, 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

Item #12(A) - Purchase of 40 Glock 9MM Pistols and Related Equipment

RESOLUTION NO. 2006-100

A RESOLUTION AUTHORIZING THE EXPENDITURE OF \$9,012 FROM THE FEDERAL LAW ENFORCEMENT CONFISCATION FUND FOR THE PURCHASE OF 40 GLOCK 9MM PISTOLS AND RELATED EQUIPMENT; AND SETTING FORTH AN EFFECTIVE DATE.

**Commissioner Partington moved, seconded by Commissioner Kelley, to approve Resolution No. 2006-100, as read by title only.**

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

Item #12(B) - Community Development Block Grant Subrecipient Agreements Amendments

RESOLUTION NO. 2006-101

A RESOLUTION AUTHORIZING THE SUBMITTAL OF A REQUEST TO THE COUNTY OF VOLUSIA FOR AMENDMENTS TO THE COMMUNITY DEVELOPMENT BLOCK GRANT SUBRECIPIENT AGREEMENTS FOR FISCAL YEARS 2003-2004 AND 2005-2006 BETWEEN THE CITY OF ORMOND BEACH AND THE COUNTY OF VOLUSIA; AUTHORIZING THE EXECUTION OF AMENDMENTS; AND SETTING FORTH AN EFFECTIVE DATE.

**Commissioner Kent moved, seconded by Commissioner Kelley, to approve Resolution No. 2006-101, as read by title only.**

Commissioner Gillooly disclosed that she was Executive Director of Halifax Habitat for Humanity, and this resolution dealt with the movement of funds from a lot acquisition fund to another project. She asked the Deputy City Attorney if she could vote on this item or if she should abstain.

Ms. Sandy Upchurch, Deputy City Attorney, stated that if the item would inure to the benefit of the Halifax Habitat for Humanity and Commissioner Gillooly was a paid employee of Habitat, then she should probably abstain. She noted in this case there was an exchange of funds; therefore, she should abstain.

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

Item #12(C) - Water Treatment Expansion Project - Meadors Construction Company, Inc.

RESOLUTION NO. 2006-102

A RESOLUTION ACCEPTING THE BID OF MEADORS CONSTRUCTION COMPANY, INC., REGARDING CONSTRUCTION SERVICES FOR THE WATER TREATMENT EXPANSION PROJECT UNDER BID NO. 2006-09; REJECTING ALL OTHER BIDS; AUTHORIZING THE EXECUTION OF A CONTRACT BETWEEN THE CITY AND MEADORS CONSTRUCTION COMPANY, INC., AND PAYMENT THEREUNDER; AND SETTING FORTH AN EFFECTIVE DATE.

**Commissioner Partington moved, seconded by Commissioner Kelley, to approve Resolution No. 2006-102, as read by title only.**

Commissioner Kelley stated this cost has increased a great deal in two years, and it was unfortunate it was not done two years ago.

Mayor Costello pointed out the cost would probably increase even greater in the next two years if this was not done at this time.

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

Item #12(D) - Water Treatment Expansion Project - Camp Dresser & McKee, Inc.

RESOLUTION NO. 2006-103

A RESOLUTION ACCEPTING A PROPOSAL FROM CAMP DRESSER & MCKEE, INC., TO PROVIDE ENGINEERING CONSTRUCTION ADMINISTRATION AND INSPECTION SERVICES REGARDING THE WATER TREATMENT PLANT EXPANSION PROJECT; AUTHORIZING THE EXECUTION OF A WORK AUTHORIZATION THERETO; AND SETTING FORTH AN EFFECTIVE DATE.

**Commissioner Kelley moved, seconded by Commissioner Gillooly, to approve Resolution No. 2006-103, as read by title only.**

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

Item #13(A) – Surplus Property

Mr. Turner stated this assignment was very challenging in that researching issues was necessary. He noted staff tried to distinguish between the different types of rights the City had with different types of property. Mr. Turner expressed appreciation to the Planning and Legal staff for their efforts and Commissioner Partington for his synopsis.

Mr. Boucher noted the report provided a summary of the process followed to arrive at the list of properties that were recommended to be considered surplus. He requested the Commission concur with the list provided after adding or deleting any properties from the list. Mr. Boucher stated the list included four properties staff deemed appropriate to consider surplus: the North Peninsula water tank site, approximately 1.3 acres, located in Ormond-by-the-sea with a potential use as a single-family residence and valued by the appraiser at \$140,000; the 2.9 acre South Peninsula reuse tank site located on Riverside Drive between Cardinal Drive and Pleasant Drive with a potential use of three to four single-family homes and an appraised value of \$80,000; the 5,000 square feet on Tomoka Avenue and US1, which would not be a parcel on its own, but would have to be aggregated with abutting properties to make it more viable, possibly to provide parking to a commercial property, with a value slightly less than \$7,000; and 2.2 acres on North Halifax Drive where a portion would be needed for utilities, but the remaining portion fronting on the Halifax River could be sold for a single-family home site with a value on

the entire parcel appraised at \$342,000, which may need to be adjusted in that the entire parcel would not be sold.

Commissioner Kelley stated the values were the appraised values, but not the values that the City would be able to get.

Mr. Boucher agreed the City would have to obtain appraisals since the values provided were the assessed values.

Commissioner Gillooly agreed the City would need to ascertain the real market value.

Commissioner Kent stated the report indicated the South Peninsula reuse tank was 2.9 acres, but the map showed a different acreage.

Mr. Boucher confirmed the south peninsula parcel was 2.9 acres.

Ms. Judy Sloane, Public Works Director/City Engineer, stated there were actually two parcels, but the total was close to three acres.

Commissioner Kent reported this was in an area where the residents have wanted more recreation, and he urged it not be sold. He recommended Mr. Abee be creative and establish a passive park. Commissioner Kent noted the study indicated the City already had too many passive parks, but he suggested those parks could be located in the wrong areas.

Commissioner Partington concurred a real estate appraisal should be obtained to place a true value on the property, and then they should be offered for sale to place them back on the tax rolls. He stated it did not make sense to have the property remain in City control with no purpose. Commissioner Partington pointed out mini-parks were ranked 21 out of 26 in priority in the Recreation Master Plan, and they did not serve a meaningful park function. He reported the plan urged the City not to build new mini-parks and to eliminate some existing mini-parks.

Commissioner Kent did not object to obtaining an actual price for the parcels, but he stated he hoped the Commission would walk or drive that section of Ormond Beach. He stated it was true mini-parks were not a top priority, but the Commission should consider which residents were given and actually returned the surveys.

Mayor Costello asked Commissioner Kent if he was comfortable about obtaining an appraisal; whereby, Commissioner Kent reported he would not object to an appraisal. Mayor Costello requested staff to obtain appraisals on all four properties.

#### Item #13(B) – Undeveloped City Right-of-way

Mr. Boucher stated any decision made on one of these undeveloped rights-of-way would not set a precedent for another because each was unique. He reported in the review process staff determined how each parcel came into the City's position and how it would be distributed amongst the neighboring property owners or whether it would be deeded back to the original owner who granted it to the City. Mr. Boucher noted the Recreation Master Plan indicated the City was replete with mini-parks, and some mini-parks in the past did not possess much in the line of park functions. He urged examining each right-of-way carefully. Mr. Boucher concurred the general intent was to not build any new mini-parks and to consider relinquishing some existing mini-park. He noted this did not mean if a mini-park was more appropriate in one particular area of the City that the Commission could not build a park, but it should form a meaningful park purpose. Mr. Boucher urged the Commission to be cognizant of the impacts parks could have on a property such as the Cumberland Avenue site. He noted if the Commission decided to place a park on this site without restrooms, parking facilities, and other amenities, it would probably impact the neighborhood. Mr. Boucher reported fishing piers are used at all hours, which would also impact the neighborhood. He pointed out Sanchez Park was less than 150 feet off the rear property line. Mr. Boucher urged each site be considered individually. Mr. Boucher requested direction from the Commission regarding notification requirements and selecting those that staff should examine more carefully for park purposes.

Commissioner Partington agreed with a requirement for a sign for notification similar to the sign required for the Board of Adjustment and Appeals and Planning Board public hearings. He noted he favored Commissioner Gillooly's recommendation for obtaining larger signs. Commissioner Partington reported he did not see the need for more mini-parks based on the Recreation Master Plan, considering the problems and cost associated with mini-parks; but he wanted to set a policy decision and examine all of the City's rights-of-way. He stated it did not make sense to have small pieces of property throughout the City where the City was not using

or collecting tax revenue. Commissioner Partington urged staff to study each right-of-way and make a recommendation. Commissioner Partington noted Fluhart did not set a precedent, but the Commission did not have sufficient background information when they voted on that issue. He stated he had empathy for the Andersons relative to the 351 Cumberland Avenue discussion, since they were most impacted by the right-of-way, and he also had empathy for the residents of Fluhart; therefore, he requested a careful reconsideration of the Fluhart issue. Commissioner Partington noted he was making this request because he was not certain the City could charge for this property or use it for a mini-park, especially since the City's own study indicated Ormond Beach did not need any more mini-parks.

Commissioner Gillooly stated her first reaction was to agree with Commissioner Kent's recommendation to keep any property, particularly on a waterway. She noted what must also be considered were the maintenance, law enforcement, and safety issues. Commissioner Gillooly concurred the City should have an overall policy. She expressed appreciation for the report with the photographs.

Commissioner Kent concurred the pictures were great. He explained he had a history as a child playing on the mulberry tree pictured in the Ormond Parkway photograph, and others may share memories of this and other passive parks. Commissioner Kent noted he did have empathy for abutting property owners, but if the Commission had an opportunity to create an area where a bench could be added for the public's enjoyment, he did not consider the cost of a bench and periodic mowing to be too high compared to the benefit. He reported the abutting property owners could plant hedges or place fences on their property line so they would not have to deal with the people using the bench. Commissioner Kent stated the working man who did not live on the river or the ocean deserved to have a place to throw out a fishing line and a park bench to enjoy the river. He recommended keeping the rights-of-way on Ormond Parkway, Fluhart Drive, Rockefeller Drive, Melrose Avenue, Bosarvey Drive, and Central Avenue. Commissioner Kent suggesting not keeping the rights-of-way on Reynolds Avenue, Lariland Place, and Mound Avenue. He noted he concurred with the comments made earlier regarding Cumberland Avenue and Sanchez Avenue. Commissioner Kent reported any right-of-way near the water should be considered. He stated while Ormond Beach may have too many passive parks, it did not have too many passive parks on waterways. Commissioner Kent urged the Commission to make these areas more accessible to the public.

Mr. Boucher stated the City could probably have a bench on some rights-of-way, but not call them parks.

Commissioner Kelley agreed with Commissioner Partington to consider all of them and have staff make a recommendation showing the exact layout of the property. He pointed out the City owned four corners of riverfront land that were taken off the tax rolls. Commissioner Kelley stated there were many places people could fish in existing passive parks. He reported the pictures were deceptive relative to the amount of property that could be conveyed. Commissioner Kelley noted it may be a great deal less desirable if the Commission saw only what the City could have, and he recommended an overlay of the property lines be included to better delineate the area in question. He stated he could appreciate Commissioner Kent's memories, but memories remain and different people have different fond memories, but things do not stay the same. Commissioner Kelley questioned if the Commission was doing the right thing for all of the citizens maintaining all of these areas. He noted Ormond Beach provided many passive parks.

Commissioner Gillooly agreed the majority of the properties were very small, but she hoped to identify a few rights-of-way for punctuated open space, which could actually enhance the property. She reported she questioned the impact of keeping these properties from a law enforcement and liability standpoint. Commissioner Gillooly noted liability today was very different than it was years ago. She urged staff to clarify exactly what was meant by a passive park. Commissioner Gillooly stated she may not favor restrooms and amenities, but may favor a park bench and keeping open space where warranted. She urged examining a few parcels, but stated most of the smaller parcels should be placed back on the tax rolls.

Mayor Costello stated he would support adding a bench to make any waterfront area that has not been appropriated in any fashion to make it usable for the neighborhood; but before any improvements were made, he would favor making certain there would be no legal problems with the neighbors. He noted before placing any of the properties on the market, he would want to be certain it was not an area where a bench could be added. Mayor Costello agreed with Commissioner Gillooly to investigate the liability issue before any action was taken.

Mr. Boucher stated the evaluation criteria was included in the report. He noted staff would probably recommend disposal of almost all of the parcels. Mr. Boucher noted there may not be

convenient access to Ormond Parkway, but staff would carefully examine those Commissioner Kent recommended. He pointed out that many may be rights-of-way that are not able to be sold.

Mayor Costello urged staff to obtain the Legal Department's counsel. He noted "sold" may not be the most accurate term, and "disposed of" may be a more accurate description.

Commissioner Kent noted he totally disagreed with Commissioner Kelley's assessment, and he would fight for the Zone 2 people. He stated Ormond Beach had the four corners and Central Park, but some people can not get to the four corners or Central Park, and they could get to Ormond Parkway or some of these other small areas that may be closer to their homes. Commissioner Kent stated if the parcel was too small for a viable use, he would favor disposing of it; but if a bench could fit and a resident could access a waterway, the City should provide everything possible to allow this to occur.

Commissioner Kelley clarified he merely wanted staff to come back with recommendations and provide the layout indicating exactly what land was affected to determine a realistic course of action. He noted maintenance must be considered, but he could not make a determination until provided with the aforementioned information.

Commissioner Partington requested the maps provided in this packet be included when it comes back to the Commission for further consideration.

Mr. Turner summarized the Commission requested items such as maps with outlined property boundaries and a legal analysis. He reported Mr. Boucher was explaining that staff would compare the property to the criteria outlined in number four and then bring back that information to the Commission.

Mayor Costello urged staff to examine all of the properties with an emphasis of those mentioned by Commissioner Kent.

Ms. Upchurch recommended super-imposing the boundaries on the current photographs.

Mr. Turner noted staff would probably need to do an aerial map in order to do that.

Ms. Upchurch stated when a right-of-way was dedicated, it was dedicated for a specific purpose such as a street, so the rights-of-way would be mostly 40 or 50 foot. She noted some times there may be abutting areas that tend to make the parcel appear more attractive.

#### Item #13(C) – Proposed Use of TIF Funds

Mr. Turner noted all of the projects listed had been previously discussed except the Granada bridge landscaping replacement. He pointed out this was one area where resources were available from Tax Increment Financing (TIF) funds which would afford the City to pursue opportunities.

Commissioner Gillooly asked if this item could wait for the downtown visioning report so the recommendations could be incorporated into the considerations for TIF funding. She noted she was still in favor of these goals, but the downtown visioning report may affect the budget planning process.

Mr. Turner stated unless the downtown visioning group would make a recommendation for something terribly expensive, it could probably be incorporated; and/or if the budget was completed before the report was completed, the Commission could make adjustments to the budget.

Mr. Boucher stated the master plan process contemplated these projects when the Commission set their goals in the early part of the year. He noted the visioning sessions would produce a list of TIF project that should be considered; however, they would probably be more geared to next year or the following years.

Mr. Turner explained the budget process included these items as items for which the Commission had already set direction; but if other suggestions were made that were not extremely expensive, they could probably be incorporated into the fund since there were substantial dollars coming into this fund.

Commissioner Gillooly asked if there were any specific objections to any of these goals in the visioning sessions.

Mr. Boucher noted there was a concern by citizens relative to the timing of the parking garage. He reported most favored the splash park, improvements to Rockefeller Gardens, and reprogramming of parks to improve the activities.

Mr. Turner concurred there were concerns expressed relative to the parking garage; but he explained the process for the parking garage, should the Commission agree, was to hire a consultant to plan for the garage and assess the need for the garage by speaking to the business owners before a decision would be made to build the garage.

Commissioner Kelley noted he did not envision the splash park being located at Fortunato Park. He stated he would prefer it be in an area where young people could easily access the splash park.

Mr. Turner explained staff was considering the possibility of two splash parks with one at Fortunato Park and another at the South Ormond Neighborhood Center. He stated the Commission discussed the possibility of a splash park at the South Ormond Neighborhood Center and at one of the four corners parks. Mr. Turner reported funding for one of the four corners parks would be more readily available.

Commissioner Kelley stated a problem he saw with TIF districts was that a huge amount of money was generated, and then people try to find ways to spend that money. He urged spending this money wisely, and he stated he did not believe the residents of the Ormond Heritage would be excited about using the park. Commissioner Kelley reported he envisioned a splash park at Nova Recreation and another at the South Ormond Neighborhood Center.

Commissioner Partington asked where in Fortunato Park the splash park would be located. He noted Commissioner Kelley had valid points. Commissioner Partington reported he would definitely support a splash park at South Ormond Neighborhood Center, Nova Recreation, or possibly Central Park.

Commissioner Kent stated he considered Fortunato Park to be an excellent location, and people may be surprised that Ormond Heritage residents may enjoy the splash park. He reported he looked forward to a splash park at the South Ormond Neighborhood Center.

Mayor Costello advised he did not favor a splash park at Fortunato Park but would support one at South Ormond Neighborhood Center, Nova Recreation, Central Park, and the Airport Sports Complex. He stated that after one or two splash parks were constructed and the people requested one at Fortunato Park, one could then be considered.

Commissioner Partington stated he could not support a splash park at Fortunato Park at this time because he could not envision where it would be located.

Mayor Costello recommended setting the splash park concept aside for now. He recommended Commissioner Partington meet with Mr. Abee to discuss the proposal and it be brought back at a later date.

Commissioner Gillooly stated this was the reason she requested these proposals be incorporated in with the visioning report. She noted she attended a visioning meeting where they discussed a greater use of the river, and there may be a better idea mentioned in the report.

Mayor Costello noted he would favor something like a splash park when Ormond has a Riverwalk, parking for Riverwalk, an ice cream shop, or a hot dog stand in the area, but there were other needs for the downtown now. He reported he believed a message needed to be sent that the Commission was committed to helping the downtown, but this proposal may not accomplish that goal.

Commissioner Kent recommended the small park area behind City Hall could be used for a splash park, which would be in the TIF district.

Commissioner Gillooly noted a splash park would be an enhancement to the downtown.

Mayor Costello questioned if this would be an enhancement to the downtown and reiterated he would prefer spending the funds from the appropriate source for a splash park at the South Ormond Neighborhood Center.



Mr. Turner summarized that staff would bring the Commission a proposal for a splash park at South Ormond Neighborhood Center; Mr. Abee would show Commissioner Partington the recommended location for a splash park at Fortunato Park; and staff would consider Commissioner Kent's recommendation for a splash park behind City Hall.

Mayor Costello directed the Commission to the second item regarding an electronic message board.

Commissioner Kelley advised he did not see how an electronic message board would enhance City Hall. He stated Holly Hill's sign may be informative, but it was not what he envisioned for Ormond Beach, particularly in the streetscape area.

Commissioner Partington reported he did not particularly favor the effect of Holly Hill's sign, but he noted it does inform the public. He stated Port Orange and Deltona have electronic message boards that were toned down. Commissioner Partington requested input from the Quality of Life Advisory Board. He suggested City Hall may not be the proper location for the sign. Commissioner Partington noted if this proposal would fail, there may be a possibility to work with BrightHouse to scroll City information on a 24/7 basis for citizens to find City information as well as information regarding non-profit organizations such as Halifax Habitat for Humanity, Citizens for Ormond Beach, schools, garden clubs, and the Plein Aire painters.

Commissioner Kent agreed with Commissioner Partington that he did not favor electronic message boards, and he also wanted to hear from the Quality of Life Advisory Board.

Commissioner Gillooly concurred with what had been stated.

Mayor Costello reported he did not want the electronic message board at City Hall but favored informational signs because they provide an opportunity to learn what was occurring in the City. He stated Mr. Turner, Information Technology Manager Ned Huhta, and the BrightHouse representative were working on the BrightHouse concept, but he considered this to be a separate issue. Mayor Costello reported he believed the issue was location, and his suggestion was not listed in the report. He stated he considered the best use of the TIF funds was to purchase land in the best location that would make a positive difference in the downtown. Mayor Costello reported he favored buying the Shell Gas Station because the mobile home park was just purchased, and the entire area would soon be redeveloped. He noted he considered this the place for the sign because it could be a park-like entry into the downtown area. Mayor Costello stated depending on the project the new buyers of the mobile home park were considering, they may want to buy the corner from the City. He reported he considered the TIF funds purpose was to enhance the downtown, and he could think of nothing more important than removing the gas station and mobile home park and redeveloping it into something that would add to the community. Mayor Costello summarized there was not Commission support at this time to purchase the sign for City Hall, and an alternate location did not receive support.

Commissioner Kent stated Mayor Costello's statement appeared to be that he did not want the low socio-economic housing of the mobile home park at the gateway to the City. He pointed out that Commissioner Gillooly spoke on affordable housing. Commissioner Kent noted not everyone can afford to live in a half million dollar home.

Mayor Costello reported that at one time he advocated the City purchase the entire corner as well as the southwest corner to be used for affordable housing. He stated condominiums do not have to cost \$500,000 or higher, and some 1,000 square-foot condos could be affordable housing. Mayor Costello favored acquiring land for the Halifax Habitat for Humanity or affordable housing. He explained the mobile home park was in the process of being converted for many years and was recently sold to people who were committed to changing the area. Mayor Costello advised this was not a decision he or the Commission was making, but he supported working with them. He stated the Commission was blessed to have Commissioner Gillooly with her relationship with the Halifax Habitat for Humanity on the Commission, and he urged her to challenge the Commission to help with the affordable housing issue; but he did not want to lose an opportunity to work with development that would occur on the City's gateway.

Mr. Turner expressed concern regarding environmental issues relative to purchasing any gas station; however, if the Commission wanted staff to investigate the possibility, they would do so.

Mayor Costello noted Mr. Turner gave wise counsel, but he could think of no more significant addition to the downtown area than to have that area converted into something that would add to the downtown. He summarized there was not adequate Commission support for the splash park or the electronic message board at this time, and he asked the Commission to now move on to Item #3 which was the Rockefeller Gardens improvements. Mayor Costello stated he was

prepared to commit to the Rockefeller Gardens improvements. He reported at the focus meeting tonight the Commission decided it would be best for him to speak last; and while he was trying to remember that, he apologized for forgetting and giving his opinion on the Rockefeller Gardens improvements first.

Commissioner Gillooly stated she was in favor of the Rockefeller Gardens improvements and would support moving forward on the cost to correct the drainage issues.

Mayor Costello questioned if Commissioner Gillooly supported the \$600,000 or the \$70,000 expenditures.

Mr. Turner clarified the \$70,000 expenditure would only be in place if they could not do the \$600,000 item. He reported \$600,000 would cover the drainage and walkways.

Commissioner Gillooly reported if this project was to be done, it must be done right, and it has been discussed for a long time. She again asked to wait for the downtown visioning report because there may be some suggestions that would impact how the City should move forward on this issue.

Mr. Boucher advised that the Commission could proceed to approve the drainage and other physical improvements without impacting anything that may come out of the visioning sessions.

Mayor Costello reported he saw unanimous agreement from the Commission to approve the \$600,000 expenditure to make the Rockefeller Gardens usable all year round. He directed discussion to Item #4 regarding the Granada bridge landscaping replacement. Mayor Costello stated he saw unanimous approval for the Granada bridge landscaping replacement project. He pointed out this would come from the TIF fund; but when the Commission instituted the \$500,000 for maintenance, upkeep, renewal, and replacement, this type of expenditure was what was envisioned. Mayor Costello directed the discussion to Item #5 regarding the parking garage.

Commissioner Partington reported he would prefer to continue to consider structured parking with an office space element. He stated he wished to dispel rumors he heard of the City using eminent domain to buy businesses for access to the parking garage. Commissioner Partington explained this had never been proposed, and such rumors were out of control and aimed at misleading people. He noted this may not be the time to build a parking garage, but he would welcome the information and would consider the possibility.

Commissioner Gillooly agreed with Commissioner Partington to continue on the goal to determine the feasibility of a parking garage because parking has been a consistent issue in Ormond Beach. She stated Ormond Beach must be proactive.

Commissioner Kelley asked if it would be a possibility for some of the downtown business owners who have parking issues to make some sort of an exchange to develop a parking garage with retail and a cluster of businesses on one level that could then free up space on the Granada Boulevard entrance. He noted a function of the Commission was to help to develop the area. Commissioner Kelley suggested recruiting businesses for the lower level and adding the parking on top. He noted since 1990 a major issue has been parking, and he urged the City to generate revitalization of a pass-through downtown. Commissioner Kelley reported a garage could not be expected to be the answer to fulfilling the businesses. He stated he favored a concept generated by an urban planner to help create new businesses and provide parking.

Commissioner Kent stated he would consider Commissioner Kelley's recommendation, but before he could make any commitments, he would need more information.

Mr. Turner stated it may be helpful to obtain an update of the current businesses in the downtown and those that were proposed for the downtown. He noted some of the proposed businesses were progressing incredibly slowly. Mr. Turner advised that previous Commissions discussed a vision of this issue, and from that discussion there has been some revitalization that has not cost the City anything other than time and nominal resources. He noted it was known that Mr. Jones purchased a substantial amount of property and had plans; and as those come to fruition, this would generate a destination point for restaurants and other activities. Mr. Turner recommended the possibility of scheduling another visioning discussion on this issue, either as a discussion item on an agenda or a separate workshop, prior to sending out a request for proposal (RFP) for a parking garage study because the scope has broadened substantially from this discussion.

Mayor Costello reported he did not favor a parking garage at this time. He noted a new Main Street Director would be installed soon and the Main Street Board would provide recommendations. Mayor Costello stated he was pleased the issue was being considered, but he was not prepared to move forward. He urged the TIF funds be used for timely projects, such as parcel assembly. Mayor Costello recommended informing the businesses the City was willing to consider a parking garage if they create the need. He suggested making the codes reflect that the City may be willing to build in the downtown area without adequate parking because it wanted to encourage successful businesses and would consider public/private partnerships. Mayor Costello noted businesses that do not have adequate parking could pay into a fund to help the City pay for parking.

Mr. Turner stated parking has been an issue for his entire tenure in Ormond Beach. He stated staff has presented parking assessments of where the existing parking was located, reported the number of spaces that were possible, examined the possibility of combining parcels particularly on the south side of New Britain, and discussions ensued with property owners regarding enhancing their parking to create more parking spaces. Mr. Turner gave his assurance that there was a parking problem now and has been for years.

Mayor Costello stated he concurred with Mr. Turner; however, this parking garage would not help that situation.

Mr. Turner stated it may and may not help the situation, but the consultant would examine both sides of Granada Boulevard along with the New Britain area. He noted a parking garage may not be the answer, but this would assess the parking problem. Mr. Turner stated this was the only area in which the City had some resources, and he wanted to avoid a situation where the City would be forced to use the funds or risk losing them. He noted this was the only investment, other than streetscaping and façade grants, the City would place in revitalization of the downtown at this point unless the Commission would make a decision to purchase property. Mr. Turner urged the Commission to help this ongoing and existing problem in that it has the opportunity and resources to do so.

Mayor Costello pointed out this problem would be addressed by the parking lot on Ridgewood and Granada Boulevard working with the school. He reiterated his desire was to purchase property on the south side of Granada Boulevard when something would come on the market that could open up to New Britain to allow the people to access and see parking. Mayor Costello noted even if drive-through access were not possible, he would favor a park-like opening for people to view the businesses in the back area. He stated he was hoping the downtown visioning and Main Street groups would get creative in asking the Commission for a parking garage or land.

Mr. Turner noted he may have given staff inappropriate instructions because he understood a parking garage was a Commission goal; therefore, he instructed the downtown group the parking garage was a Commission goal that could be added to, but it could not be deleted. He stated to be certain the parking garage was the answer to the problems, the plan was to have the consultant make an assessment of the parking needs. Mr. Turner noted opinions may be available, but he was hoping this RFP would provide quantitative facts to the need for parking spaces, how many spaces were needed, and how best to provide those spaces.

Commissioner Gillooly confirmed the Commission had set this as a priority goal, and she concurred that other options should also be examined. She asked Mayor Costello if he would oppose exploring the feasibility, through an expert, of obtaining a parking garage.

Mayor Costello stated he was not opposed to exploring the feasibility of a parking garage, but he wanted feedback. He explained he did not oppose a parking garage, but was concerned about timing, trying to do the best thing possible in the shortest amount of time; and should these groups indicate this was what was needed, he would listen. Mayor Costello noted if the goal was to open the downtown to Tomoka and New Britain, the Commission must determine the best way to open that funnel to expand into that area.

Commissioner Gillooly noted the problem may be semantics, and the term “parking garage” should be changed to “parking issues and finding a solution to parking problems.”

Mayor Costello noted he could accept that recommendation.

Mr. Turner stated staff structured the RFP to be open, but he did not give the visioning group the veto power for the parking garage. He expressed doubt the group would make any recommendation the City could not financially accommodate for their vision.

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Mayor Costello urged that the group be able to recommend vetoing the parking garage but not have veto power because that would be a Commission power.

Commissioner Kelley stated he had some disagreement with hiring a consultant that would tell the City it had a parking problem in that it was obvious.

Mayor Costello stated the assessment would explain how many spaces were needed, where they would be needed, and provide a solution.

Commissioner Kelley asked what the assessment would cost; whereby, Mr. Turner noted the assessment would be brought back to the Commission for approval.

Commissioner Kelley questioned if a location was recommended; whereby, Commissioner Gillooly replied the Commission discussed using the City Hall parking lot as the location. Commissioner Kelley stated he understood the vision to utilize the City Hall parking lot included a parking facility on the current City property and not affecting other people.

Mr. Turner stated Commissioner Kelley's assessment was correct. He noted this was discussed in the Commission's goal setting meetings.

Commissioner Kelley expressed confusion that this was what was being discussed, reconciling Mayor Costello's desire to open New Britain to Tomoka.

Mayor Costello stated the only parking garage under discussion was at City Hall, and he was not indicating he opposed the parking garage but was explaining that his priority for TIF funds was to acquire land that would open the vista or concept that the downtown could expand. He reported he was not ready to fund a parking garage, but was ready to fund a study for parking.

Commissioner Gillooly clarified she was in total agreement that there was a parking problem and believed that was unanimous. She stated the original goal was to consider the feasibility of a parking garage at City Hall, but Mayor Costello seemed to be indicating that this process may take several years to occur, and he was recommending some more immediate ways to obtain the parking. Commissioner Gillooly noted if other opportunities should arise, staff would report to the Commission.

Commissioner Kelley stated the City should already be using TIF funds to acquire property, but he did not believe acquiring the Shell Gas Station was an ideal solution. He noted the City already owned too much valuable property. Commissioner Kelley reported unless the Shell Gas Station would be purchased with the purpose of developing it, he could not support the acquisition. He noted he heard that the gas station owner was planning on acquiring several nearby properties with a plan for some sort of redevelopment.

Mayor Costello noted he was unaware of this, but he welcomed it; and he stated the City needed to seek out opportunities. He urged informing people in the downtown that if there were areas that were or could be for sale to augment the City's parking or to help in the downtown vision, that the City would be willing buyers. Mayor Costello explained he was not trying to take property off the tax rolls; but if a seller was willing to sell property the City considered an asset to the downtown, the City should purchase the land, put out an RFP, and sell the land to make certain the development was in harmony with the City's vision.

Commissioner Kelley urged staff to find out who was purchasing the mobile home park and what the plans for redevelopment were.

#### Item #13(D) – Code Enforcement Process

Mayor Costello reported this item would be delayed to the May 2 meeting.

#### Item #13(E) – Bike Week Update

Mr. Turner reported the issue of Bike Week would become more intense in years to come.

Mayor Costello called for a short break at 10:01 p.m. and reconvened the meeting at 10:05 p.m.

Interim Police Chief Michael Longfellow stated a narrative report had been provided. He displayed aerial photographs of various areas during 2005 Biketoberfest and 2006 Bike Week and noted the goal was to continue this activity to study the changes through the years. Chief Longfellow stated a major problem was the turn lane southbound on US1 and SR40 where problems arise on a typical rush hour and during Bike Week, and it became untenable. He

reported the Police Department went into “hurricane staffing,” which was 12 hours on and 12 hours off with days off, cancelled during Bike Week to have enough officers on the street; and it was very effective. Chief Longfellow noted traffic overall flowed fairly well. He reported staff would ask DOT to revisit the intersection of the turn lane southbound US1 and SR40.

Chief Longfellow noted another problem was trailer parking on the beachside. He reported there were some miscommunications. Chief Longfellow stated personnel from the Police Department, Planning Department, and the Neighborhood Improvement Department would canvass all of the businesses on the beachside to inform them of the procedures so they would have no questions for the upcoming events. He pointed out the hotels must deal with three vehicles for every Bike Week visitor, creating a parking problem. He stated while heavy traffic was anticipated on US1 and SR40, the heavy traffic experiences on I-95 were not anticipated. Chief Longfellow reported Nova Road did not get the traffic they hoped for, and traffic in the future would be diverted to Nova Road to alleviate some issues on US1.

Chief Longfellow stated a virtual message board was requested through a grant to direct traffic southbound traffic to Nova Road as an alternate route. He stated there was not the same level of pedestrian traffic on Airport Road and US1 as was experienced in the past because of the attraction to Destination Daytona. Chief Longfellow noted there was a great deal of construction occurring in the Destination Daytona area, and bikes were parked all along the road. He noted the traffic pattern established worked relatively well. Chief Longfellow noted the turn lane from the interstate created a slight problem trying to merge with those on North US1.

Chief Longfellow reported the officers were instructed to work on the issues that would create injury crashes and were successful in that the number of injuries was reduced with no motorcycle fatalities or serious injuries in Ormond Beach. He stated there was one pedestrian fatality, but it was not Bike Week related. Chief Longfellow explained this would be the goal for the upcoming event. He explained a difficulty was that motor officers could not get through the traffic to access the people creating noise problems.

Commissioner Gillooly stated the response time for the Police Department was quicker than average due to the additional personnel, but the non-emergency fire response time was double the normal response time. She asked if there were any reported consequences or observations.

Chief Longfellow stated there was not an issue for emergency calls. He noted the intersections were staffed along SR40 during the heaviest peak times. Chief Longfellow noted communications would call those officers, and the response vehicles would be allowed to pass. He stated the unmanned traffic lights have the capability to turn the traffic lights green upon the emergency vehicle’s approach to the intersection.

Mr. Turner stated Destination Daytona was not in full swing, and it would become more challenging in the future; but staff was trying to work on the situation. He noted staff would come back to the Commission with challenges and thoughts for next year.

Commissioner Kelley asked if additional traffic was created on I-95 south due to Destination Daytona.

Assistant Chief Longfellow stated Destination Daytona did create additional traffic on I-95, but a report would be provided in a few weeks with the actual traffic counts. He reported there were several crashes on I-95 that tied up traffic. Chief Longfellow stated the Florida Highway Patrol used a theory that for every minute the traffic was disrupted on the interstate; it would take 18 minutes to get it back to normal. He noted there was more and more traffic along Beach Street and Old Dixie Highway, and as a result there were more patrols and “Smart Trailers” placed in these areas.

Mayor Costello reported he looked forward to the counts on US1 and I-95, primarily for the Ormond Crossings interchange area.

#### Item #13(F) – Town Hall Meetings

Mr. Tom Lipps, Support Services Director/Airport Manager, asked if the recommendations were acceptable, and he requested feedback on scheduling options.

Commissioner Gillooly noted she did not anticipate this occurring in early May. She reported she would favor enough time for the residents in Zone 1 to be aware of the meeting. Commissioner Gillooly stated her vision was for the meeting to occur in late summer when school was back in session, but prior to budget approval.

Mayor Costello advised he had envisioned rotating the meetings with January for Zone 1, April for Zone 2, July for Zone 3, and October for Zone 4, and the following year having Zone 2 in January with one advertised meeting per quarter. He noted the zone Commissioner should be in charge of the meeting to be held in their zone and open for the entire Commission to listen to the issues. Mayor Costello noted the meetings would be open to the entire City, but primarily for that zone and their particular concerns. He recommended the meetings be held in a church or school in that particular zone.

Commissioner Kent reported he had not heard a request for a town hall meeting from the citizens, and this may be because of the meetings he holds in his home; but he was willing to try it. He noted he could accept any of the recommended options for timing.

Commissioner Kelley reported he would oppose all of the meetings being held on the same night. He noted the meetings could be quarterly with each Commissioner setting the time and place for their meeting. Commissioner Kelley pointed out it would take a great deal of staff time to prepare for these meetings, and he had not heard an outcry from the community for these meetings. He questioned how many people would attend. Commissioner Kelley stated a better time where more could be accomplished would be at budget time. He suggested Commissioner Gillooly conduct the first meeting, since she was the Zone 1 representative. Commissioner Kelley noted the cost of informing the citizens by mail would not be cost-effective. He recommended conducting one meeting and then evaluating the usefulness to make a determination if they should continue. Commissioner Kelley requested staff inform the Commission of what would be involved in arranging a meeting, and he questioned if advertising would be necessary or a mailing sent.

Commissioner Partington noted he anticipated seeing how this type of meeting would work. He pointed out that by August or September it would not be practical to add anything in the budget. Commissioner Partington reported his vision of this recommendation was to take an actual fully advertised City Commission meeting to a different venue in each zone on a quarterly basis.

Mr. Lipps cautioned that unless the site was selected carefully, the City would lose the web-casting capability.

Mr. Turner stated many options were available. He noted each zone did not have to conduct a town hall meeting. Mr. Turner noted it was possible only one or two zones would be interested in such a meeting. He noted if the Commission decided to have meetings by zone, they should be held close together because residents not in that zone may perceive a disadvantage if too much time would elapse before their zone's meeting. Mr. Turner reported should an issue be the budget, by August or September the budget items were locked in to a great extent. He noted meetings could be held in remote locations; however, it would present logistical challenges to the staff. Mr. Turner stated while a regular Commission meeting could probably be moved, it may be more advisable to move a workshop.

Commissioner Gillooly explained her presumption for this type of meeting was issue oriented. She noted while she favored either a City Commission meeting or workshop in each zone, because of the timeframe, it may be best to do a City-wide meeting first explaining the concept that it was a Commission goal that in the next fiscal year a meeting would be held in each zone. Commissioner Gillooly noted this would provide more time for planning.

Mayor Costello stated he favored the issue oriented meetings, and the height issue was clearly an important issue. He urged the Commission to hold workshops rather than Commission meetings. Mayor Costello recommended a workshop/forum in each of the four zones in June, July, or August.

Commissioner Kent stated he believed it important for the entire Commission to attend these meetings. He reiterated not one person had asked him for a town hall meeting in the four zones, and that may be because of his "Coffee with the Commissioner" meetings. Commissioner Kent urged the Commission to determine if there was a need before committing staff to do a great deal of work making this happen. He noted he would not oppose meetings regarding important community issues, but questioned having a meeting with no purpose.

Commissioner Kelley also questioned the need and stated the Commission had enough meetings with what was already scheduled. He noted he could support additional public workshops or forums on relevant issues; therefore, he recommended adjusting this goal and revisiting it again in November.

Commissioner Gillooly agreed this would require a great deal of staff time to prepare the information and logistically difficult to move the recording equipment. She noted the A1A redevelopment meeting last night was actually the first town hall meeting, and more of those types of forums were needed in that they are very effective.

Mayor Costello asked for a discussion item in the next or the following meeting to discuss what type of town hall forum the Commission wanted to plan relative to the height amendment issue. He noted this may possibly be accomplished in various locations.

Commissioner Gillooly noted a downtown forum may also be advisable.

Mayor Costello recommended keeping the topic at a single issue, but he would support a separate forum discussing downtown issues.

Mr. Turner noted Citizens for Ormond Beach normally conducts forums. He reported there has been some comment in the public regarding the objectivity of a Citizens for Ormond Beach forum on the height limit issue. Mr. Turner pointed out the only reason last night's meeting was not a Citizens for Ormond Beach forum was because of the risk of perception. He stated Ormond Beach was fortunate to have an active community and responsible citizens. Mr. Turner noted the City may wish to consider working with groups such as Citizens for Ormond Beach that are already established, especially on issues other than the height issue. He stated staff could assist Commission members in contacting their constituents. Mr. Turner noted there was a group studying the downtown, and they may wish to host a forum with the help of the City or the Citizens for Ormond Beach.

Mayor Costello noted the Commission reached no consensus on this issue.

Commissioner Gillooly expressed agreement with Mr. Turner's suggestion. She noted Ormond Main Street, the downtown visioning group, Citizens for Ormond Beach, and the Chamber of Commerce may assist in a joint forum which would take some of the burden off staff.

Commissioner Kent agreed with Commissioner Kelley in that he did not want to hold a meeting for no practical purpose. He stated last night's meeting was an appropriate use of everyone's time, energy, and money. Commissioner Kent urged the town hall meeting issue be tabled and revisited later; but if an issue should arise, it would be appropriate to schedule a special workshop/town hall meeting. The Commission agreed unanimously.

#### Item #13(G) – City Commission Meeting Schedule

Commissioner Kelley recommended the July 5 meeting be rescheduled to July 11.

Commissioner Kent recommended the July meetings be on July 11 and 18. He noted his baby was due at the end of July, but the date could not be accurately predicted. Commissioner Kent noted while he has never missed a meeting, should the baby be born on a meeting day or the day before a scheduled meeting, he would merely have to miss that meeting.

Commissioner Gillooly questioned how two meetings back-to-back would impact staff's ability to prepare the agenda.

Mr. Turner stated one of the meetings would be fairly light and the other fairly large.

Mayor Costello noted he was scheduled to be out of town, but could probably reschedule. He noted the Commission unanimously agreed to move the July 5 meeting to July 11.

Mr. Turner suggested moving the September 5 meeting, which would fall immediately after Labor Day.

Commissioner Kelley noted the September 5 meeting would be the first budget meeting setting the Truth in Millage (TRIM) number.

Mr. Turner reported he would meet with Ms. Kelly McGuire, Budget Director, and determine if that date could be changed.

Mayor Costello stated with adequate notice he did not believe an item needed to be on an agenda to change Commission meeting dates, although it should not be done indiscriminately. He noted Mr. Turner would inform the Commission on this issue at the next meeting.

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Commissioner Partington noted there was some concern last year that people would not be informed of the date change and arrive on the wrong date, but he came to City Hall and no one came on the original date because staff did a good job informing people of the change.

#### Item #14 – Reports, Suggestions, Requests

##### Copies of Maps

Commissioner Kent requested a copy of the maps in Item No. 13(A).

Mayor Costello suggested Commissioner Kent take those copies in his information packet.

##### Trailer at the Seminole Approach

Commissioner Kent reported he noticed a trailer housing motorcycles parked at the Seminole approach.

##### Downtown Businesses in Disrepair

Commissioner Kent requested information be provided in the Friday letter relative to the building across from City Hall. He noted two residents questioned how long the wood would be in place over the windows. Commissioner Kent asked how long the prior Volusia Office Supply building would be held up with support beams.

##### TIF Funds

Commissioner Kent stated Mr. Turner mentioned if the TIF funds were not used, they would be lost; but he did not want to spend money without a valid purpose. He noted Mayor Costello indicated he wanted to see several splash parks in the community. Commissioner Kent challenged the Commission if they decided not to place a splash park in the TIF district, that it come up with another great idea for those funds rather than see them lost.

##### Coffee with the Commissioner

Commissioner Kent stated “Coffee with the Commissioner” would be held Monday, May 1 at his home at 130 Magnolia Drive at 4:00 p.m.

##### Beach Issues

Commissioner Kelley reported previous Commissions and individual Commission members have tried to work with the County over the years, unsuccessfully, to gain beach property, beach access, and beach parking. He stated a number of years ago there was an opportunity to purchase 260 feet of property at the Neptune approach for \$2.2 million, but the City turned it down. Commissioner Kelley noted the County was willing to consider the purchase; therefore, the City could not always blame the County when the City was not willing to help. He pointed out the Oceanside situation failed. Commissioner Kelley advised there were opportunities in 1995 and 1996 to acquire property to be leased to the County for one dollar, but this was rejected. He reported while the beach should be opened, there was a problem with red sand; and should another hurricane come to Ormond Beach, it may not be able to be opened because it was federally controlled; therefore, the City should try to find the best way possible to work for beach access. Commissioner Kelley stated filing a lawsuit would be frivolous. He pointed out the County has encouraged Ormond Beach to bring them information regarding available beachfront land; they would work with Ormond Beach; and staff and the Commission were doing their best. He noted everyone wanted beach access, but it was not an easy situation. Commissioner Kelley reported an alternative was presented last night, but it was unknown if it could work at this point.

##### BlackBerry

Commissioner Kelley noted he was still waiting for his BlackBerry.

##### A1A Workshop

Commissioner Kelley reported that at the workshop last night concepts were provided, but not the finished products. He urged people to wait for further details.

##### Ballot Question

Commissioner Kelley stated it was not incumbent on the Commission to support putting a question on the ballot for a vote if it was not a legal question. He reported Commission members are sworn to support the constitution of the State of Florida and the United States, and if the City was required to place this on a ballot without checking to make certain it meets all standards, any citizen group could collect signatures on any frivolous issue and the City would have to be place it on a ballot. Commissioner Kelley stated it would be prudent and incumbent on the Commission to verify the question was legal. He pointed out no one has approved the ballot language or the language that would go into the Charter. Commissioner Kelley urged caution because there were some who questioned the legality of placing this on the ballot.



Dock at Central Park

Commissioner Partington advised there was a new dock at Central Park between Hand Avenue and Division Avenue, and people were enjoying it.

Sex Offender Ordinance

Commissioner Partington reported there was a loophole in Winter Park sex offender ordinance that would allow out-of-state offenders to live next to the locations they require in-state offenders to be 2,500 feet away from, and Ormond Beach had the same language. He stated Ormond Beach could either change the ordinance or support the changes occurring in the legislature that make the 2,500 feet stipulation statewide. Commissioner Partington requested a resolution for the next agenda that would address this issue adopting support for the legislative change applying to nationwide offenders rather than Florida offenders alone.

Mayor Costello received a consensus to prepare the resolution.

Commissioner Partington requested Commissioner Kelley take the resolution to Tallahassee with him since he was planning on going to Tallahassee tomorrow.

A1A Forum

Commissioner Gillooly applauded staff for last night's forum, which she stated was a great experience. She noted a number of her neighbors sought her out, informing her they came to the meeting with grave concerns about any increase in height but were excited today about the opportunities being presented for Ormond Beach. Commissioner Gillooly reported there was great representation from all portions of Ormond Beach, many ideas, and many opinions.

Applaud Staff for Special Needs Program

Commissioner Gillooly applauded staff regarding Consent Agenda Item 8(C) relative to the interlocal agreement with Daytona Beach, Port Orange, and Ormond Beach for the reciprocal use of recreational facilities for the therapeutic recreation program for special needs children. She applauded Ormond Beach's Leisure Services Department for the interlocal agreement, sharing of resources and talents, and providing these programs so every segment of the population could use these facilities.

Commissioner Gillooly applauded the Engineering Department and Planning Department for their response to Saddlers Run, which was a great example of how citizens came to a City Commission meeting and expressed a concern; Mayor Costello and the Commission listened to the problem and asked staff to follow through; and the problem was addressed.

Mobile Home Park

Commissioner Gillooly reported she was aware that the owner of the mobile home park behind the Shell Gas Station was interested in selling the property for some time. She noted while this was affordable housing, the problem was that when the property becomes more valuable, the rent increases and eventually may be sold for another purpose. Commissioner Gillooly stated with Halifax Habitat for Humanity there as such a desire to create a stable home for people to build equity in, and they eventually have the opportunity to reap the benefit of the increases in property value. She noted there were great opportunities through Habitat for low-income people. Commissioner Gillooly noted those in the mobile homes have the opportunity to go elsewhere to rent, but a main concern was that the mobile home had been there for so long that they may have deteriorated to the point where they could not be moved. She noted some of these residents would be excellent candidates for a Habitat home.

A1A Forum

Mr. Turner thanked the Commission for allowing him to be absent last night. He thanked staff for their efforts in planning and executing the meeting and expressed appreciation to Mr. Ervin and Mr. MacLeod for the commendable effort. He pointed out this was a team effort.

Earth Day

Mr. Turner stated Earth Day would be celebrated on April 20 from noon to 4:00 p.m. on the City Hall plaza.

Volusia Days

Mr. Turner stated a packet of information would be provided to the Commission members who would be attending Volusia Days.

Beachfront Parks

Mayor Costello stated he was excited about the opportunities Ormond Beach had for revitalizing its beach for beachfront parks and beach access.

Scheduling Public Workshops/Forums

Mayor Costello requested a discussion item regarding the Charter amendment in approximately one month or six weeks. He suggested holding in a Citizens for Ormond Beach forum or another meeting similar to last night's meeting in approximately three months when the developer could produce their traffic and shadow studies.

Motorcycle/Trailer Parking

Mayor Costello asked if special parking variances for motorcycle towing trailers were required each year. He requested an agenda item on an upcoming meeting to consider making those permits be annually renewable unless there was a problem identified.

Item #15 – Close the Meeting

The meeting was adjourned at 11:15 p.m.

APPROVED: May 2, 2006

BY: Fred Costello, Mayor

ATTEST:

Veronica Patterson, City Clerk