

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

**July 11, 2006            7:00 p.m.**

Present were: Mayor Fred Costello, Ed Kelley, and Bill Partington, City Manager Isaac Turner, Assistant City Manager Theodore MacLeod, City Attorney Randy Hayes, and City Clerk Veronica Patterson.

***A G E N D A***

- 1) Meeting call to order by Mayor Costello.
- 2) Invocation.
- 3) Pledge of Allegiance.
- 4) Approval of the Minutes of the June 7, 2006, June 13, 2006 and June 20, 2006, meetings.
- 5) ***PRESENTATIONS:***
  - A) Proclamation by Mayor Costello honoring Rear Admiral William D. Masters, Jr.
  - B) Proclamation honoring the Ormond Beach Police Athletic League 12-and-Under Boys Basketball Team.
  - C) Presentation by Dan Smith, President, Motor Racing Heritage Association.
  - D) Presentation by Hardy Smith, Chairman, Volusia County Association for Responsible Development (VCARD) and Ron Nowviskie, Chairman, VCARD Local Government Committee.
- 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) Resolution No. 2006-136 of the City Commission, also acting as the Community Redevelopment Agency of the City, authorizing the execution of a Property Improvement Grant Agreement between the City of Ormond Beach Community Redevelopment Agency and Trands, Inc. (Lulu's - 30 South Atlantic Avenue - \$50,000)
- B) Resolution No. 2006-137 of the City Commission, also acting as the Community Redevelopment Agency of the City, authorizing the execution of a Property Improvement Grant Agreement between the City of Ormond Beach Community Redevelopment Agency and The Highlander Corporation. (Granada Crossings – 136 West Granada Boulevard - \$46,618)
- C) Resolution No. 2006-138 of the City Commission, also acting as the Community Redevelopment Agency of the City, authorizing the execution of a Property Improvement Grant Agreement between the City of Ormond Beach Community Redevelopment Agency and Dorjim, LLC. (115 East Granada Boulevard - \$3,320)
- D) Resolution No. 2006-139 authorizing the execution of a contract between the City and Standby Systems, Inc., for the purchase and delivery of trailer mounted generators under Orange County Bid Number Y5-631-GH; authorizing payment therefor. (\$270,334)
- E) Resolution No. 2006-140 authorizing the execution of a Highway Maintenance Memorandum of Agreement between the City of Ormond Beach and the Florida Department of Transportation.

9) **PUBLIC HEARINGS:**

- A) Resolution No. 2006-141 approving and authorizing the removal of an historic tree located at 77 Greenwood Avenue.
- B) Ordinance No. 2006-08 amending Subsection A, Zoning Map, of Chapter 1, Article II, of Section 2-03, Official Zoning Map and Zoning District, of Article I, Establishment of Zoning Districts and Official Zoning Map, of the Land Development Code, by amending the Official Zoning Map to rezone a 25.13-acre parcel of real property from SR (Suburban Residential) to PRD (Planned Residential Development), said real property being located approximately one mile north of Airport Road on the east side of Tymber Creek Road, north of the Southern Pines subdivision; establishing boundaries; authorizing revision of the official zoning map; approving a Development Order for "Enclave at North Pointe" Planned Residential Development (PRD). (Second Reading) **(To be continued to July 18, 2006, meeting)**
- C) Ordinance No. 2006-09 amending Subsection A, Zoning Map, of Section 2-03, Official Zoning Map and Zoning District, of Chapter 1, Article I, Establishment of Zoning Districts and Official Zoning Map, of the Land Development Code, by amending the Official Zoning Map to rezone a 46.24-acre parcel of real property from SR (Suburban Residential) to PRD (Planned Residential Development), said real property being located at the northwest corner of Airport Road and Tymber Creek Road; establishing boundaries; authorizing revision of the official zoning map; approving a Development Order for "Marshside at Groover Branch" Planned Residential Development (PRD). (Second Reading) **(To be continued to July 18, 2006, meeting)**

10) **DISCUSSION ITEMS:**

- A) Police Department staffing.
- B) Donation to the Police Athletic League's 12-and-under Boy's Basketball Team.
- C) CAN DO Charter petitions:
  - 1) Request by Commissioner Kent to discuss the proposed CAN DO petitions.

- 2) Request by Commissioner Kelley to discuss proposed amendments to the Land Development Code and Comprehensive Plan.
- 11) **REPORTS, SUGGESTIONS, REQUESTS:** Mayor, City Commission, City Manager, City Attorney.
- 12) Close the meeting.

Item #1 - Call to Order

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

Mayor Costello offered condolences to the Gillooly family. He reported Commissioner Gillooly's mother passed away July 5, and the funeral was today. He stated also that Commissioner Gillooly was taken to the hospital this morning, but was now out of the hospital and able to travel with her family to New Jersey for the burial.

Mayor Costello advised Mrs. and Commissioner Kent are the proud parents of a new son, Wyatt, who was born today at 12:58 p.m.

Item #2 – Invocation

Mayor Costello gave the invocation.

Item #3 - Pledge of Allegiance

Mayor Costello led the Pledge of Allegiance.

Mayor Costello stated Item Nos. 10(A), 10(C)(1) and 10(C)(2) would be delayed until the July 18 meeting. He reported there had been a request to table Item Nos. 9(B) and 9(C), but they would have to be tabled by a motion and vote of the Commission.

Item #4 – Approval of Minutes

Mayor Costello advised the minutes of the June 7, 2006, June 13, 2006, and June 20, 2006, meetings had been sent to the Commissioners for review and asked if there were any corrections, additions, or omissions.

**Mayor Costello stated that hearing none, the minutes are approved as submitted.**

Item #5(A) – Proclamation Honoring Rear Admiral William D. Masters, Jr.

Mayor Costello read a proclamation honoring Rear Admiral William D. Masters, Jr., who recently retired from the U.S. Navy after serving his country for 42 years, the longest term of service of any Admiral in the Navy. He proclaimed July 11, 2006, as a day to celebrate Rear Admiral William D. Masters, Jr. honoring him for his service and dedication to his country and for a job well done!

RDML Masters thanked the Commission and the people of Ormond Beach for the honor.

Item #5(B) – Proclamation Honoring the PAL 12-and-Under Boys Basketball Team

Mayor Costello read a proclamation honoring the Ormond Beach Police Athletic League (PAL) 12-and-Under Boys Basketball Team. He stated the PAL coaches Avery Randolph, James "Pepper" Johnson, Eugene Postell, and Clay Walden took the Bruins 12-and-Under Boys team to Miami to compete in the United States Specialty Sports Association (USSSA) Florida State Basketball Tournament. Mayor Costello reported the team (Jontey Byrd, Trip Campbell, Johnathan Dukes, Michael Frazier, Cameron Hadley, Ramone Hollins, Waymon Johnson, Kaelyn Jones, Brian Kilgore, Caleb Roberts, Omar Saleh, Justin Sampson, Tori Sampson, and Kailik Williams) won the state championship in their division showing great enthusiasm and exhibiting exceptional team effort and sportsmanship. He advised the state champs are now working to raise \$10,000 so they can compete in the National Championship Tournament in Forty Wayne, Indiana, July 24 to 28. Mayor Costello expressed pride in the Bruins team's accomplishments and stated he was grateful to the parents and community supporters for their contributions to the PAL basketball program. He proclaimed July 14, 2006, as Bruins 12-And-Under Boys Basketball Team Day, paying tribute to the team as outstanding representatives of the youth of the City of Ormond Beach.

Mayor Costello reported the 14-And-Under team came in third.

Mayor Costello asked if anyone had any objection to addressing a possible donation to the Bruins 12-And-Under Boys Basketball Team, Item #10(B), at this point in the agenda. No objection was heard.

Item #10(B) – Donation to the PAL 12-and-under Boy’s Basketball Team

**Commissioner Partington moved, seconded by Commissioner Kelley, to approve a donation of \$1,000 for the PAL 12-and-under Boy’s Basketball Team to assist in their efforts to compete in the National Championship Tournament in Forty Wayne, Indiana, on July 24 to 28.**

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

Item #5(C) – Presentation by Dan Smith, President, Motor Racing Heritage Association

Mayor Costello advised that this item had been delayed.

Item #5(D) – VCARD Local Government Committee Presentation

Mr. Ron Nowviskie, 1320 Oak Forest Drive, representing Volusia County Association for Responsible Development (VCARD), stated VCARD was a nonprofit association of professionals working in all aspects of land development in east central Florida with 180 member firms and individuals. He explained VCARD was comprised of engineers, attorneys, land use planners, environmental consultants, real estate brokers, bankers, developers, home builders, property owners, architects, surveyors, appraisers, contractors, and public utilities. Mr. Nowviskie stated members also include the Volusia County School system, Daytona Beach Community College, and Embry Riddle Aeronautical University. He explained the goal was to promote responsible development in Volusia and Flagler Counties by making the expertise, education, experience, and talents of its members available to local governments.

Mr. Nowviskie advised that each year VCARD recognized people in the community who made significant efforts to promote responsible development and improve the quality of life. He recognized Mayor Costello as a VCARD Citizen of the Year. Mr. Nowviskie stated Mayor Costello was a person who exemplified responsible leadership and promoted quality growth that would improve the City’s economy and the prosperity of its citizens keeping in mind the aesthetics, environmental, and cultural characteristics of Ormond Beach. He reported under Mayor Costello’s leadership Ormond Beach was a prime example of intergovernmental cooperation through his work on the MPO, WAV, VCOG, responsibly expanding the City limits, and steering plans for the premier mixed used development known as Ormond Crossings. Mr. Nowviskie stated Ormond Beach was fortunate to have Mayor Costello as a leader who understood the importance of balancing the City’s heritage and vast potential for revitalizing its core neighborhoods and business districts. He reported Mayor Costello was instrumental in Volusia County’s Smart Growth Implementation Committee.

Mayor Costello stated he was very proud and honored to receive this award. He noted he had worked very hard for smart growth. Mayor Costello thanked VCARD for providing the original forum for the smart growth meetings.

Item #6 - Audience Remarks

Mayor Costello stated the sign-in cards presented to the City Clerk have been numbered, and he would call each speaker in the order they were presented to the City Clerk. He advised the timer was now available and would be utilized tonight.

Mayor Costello asked the City Attorney to update the Commission and the public on the CAN DO amendments before beginning the Audience Remarks portion of the agenda.

Mr. Randall Hayes, City Attorney, stated shortly after the Commission authorized him to file an action for declaratory relief regarding the Charter petitions, he was presented with two new petitions to review with the suggestion that if either one was deemed to be sufficient, there was a possibility that the CAN DO organization would be inclined to withdraw the original petition he determined to be legally flawed, and CAN DO may substitute one of the other petitions. He reported the first opportunity the Commission would have had to discuss the petitions was at

this meeting. Mr. Hayes pointed out that, as an attorney, he was bound to bring any proposal to the Commission that may compromise a potential litigious situation. He noted the decision he was faced with was whether to file suit before this was accomplished or allow discussion before filing suit depending on the outcome of the discussion. Mr. Hayes explained the decision he made was to wait for this meeting for the Commission to discuss the issue; however, in the interim, the CAN DO organization filed their own lawsuit against the City. He noted that simplified the issue, because the City would not now have to consider the two additional petitions since they would litigate over the original petition. Mr. Hayes reported he would not wait the 20 days to file the response to pleadings, but would file a written response to the suit that had been filed and file a counterclaim on the City's behalf as previously discussed.

Mayor Costello asked if he had ever given Mr. Hayes any indication that he wanted the City to do anything other than have the vote as quickly as possible.

Mr. Hayes agreed Mayor Costello did not give any such indication. He clarified the lawsuit asserted the allegation that the City was trying to delay the vote. Mr. Hayes expressed surprise at the lawsuit in that it had appeared the CAN DO organization was willing to work with the Commission to some extent to avoid litigation. He noted had this allegation been known, he would have filed the lawsuit immediately.

Mayor Costello reiterated that not only did he not try to delay the vote, but he tried to expedite it as quickly as possible; whereby, Mr. Hayes reported the message from the Commission as a whole was clearly to expedite the situation as quickly as possible.

#### Building Heights

Mr. Thomas Blawn, 319 River Bluff Drive, stated when he first learned about the developer purchasing oceanfront property and the possibility of tall buildings, his reaction was quite negative to the proposal; but he considered all of the mistakes Ormond Beach made in the past due to knee-jerk reactions, and he decided to study the issue more carefully. He noted some of the mistakes were the loss of 3,000 acres to Daytona Beach, getting involved in lawsuits and firing and rehiring of the City Manager, all of which cost the City money. Mr. Blawn urged the Commission and citizens to study this issue thoroughly and decide exactly what it wanted to accomplish. He noted he learned this proposal would develop a quarter mile of beachfront property for a park and refurbish the south end of the beach. Mr. Blawn reported the drove down A1A and discovered the north side was blocked where people could not see the ocean; people could not access the beach; and people could not park near the beach, while on the south side there were squatty motels; there was some access; and there were some limited views of the ocean. He stated this proposal would provide land, access, off-beach parking, and many other amenities; therefore, he had altered his position. Mr. Blawn urged everyone to seriously consider this proposal and not politicize an issue of such great importance. He noted the decisions made on this issue would have a tremendous impact for many years, and he hoped the decision would be made with a vision for the future.

#### Beach Approaches

Mr. Worley Pruett, 129 Seminole Avenue, stated he was on the County's Beach Advisory Board and noticed the City's budget for landscaping was approximately \$900,000. He advised the County was willing to beautify the beach approaches if the cities would promise to maintain them. Mr. Pruett urged Ormond Beach to take advantage of this offer by a vote now or by placing it on an agenda for consideration.

Mayor Costello requested this be placed on an agenda, and he advised that he would support the proposal.

#### False Statements

Mr. Lawrence Cook, 1529 North Beach Street, stated he originally came to speak to former Mayor Dave Hood to address a complaint when false statements were made by several supervisory people. He stated former City Manager Eugene Miller ignored his complaint, and former Mayor Dave Hood refused to hear his complaints and had him escorted off the premises.

#### CAN DO Petition

Mr. Jeff Boyle, 614 North Halifax Drive, stated he and the CAN DO organization joined in the condolences to the Gillooly family and in congratulations to the Kent family. He noted Ormond Beach residents were part of a community, a circle, and a family and would remain so long after the issues that temporarily divide them are resolved.

Mr. Boyle stated the two draft petitions that were submitted on June 19 were submitted only to determine legal sufficiency. He noted 22 days later they did not have that answer. Mr. Boyle pointed out CAN DO believed they had a contract with 4,000 citizens who signed the petition,

and at no time did they ever suggest that he or anyone else would have the power to withdraw that petition. He noted the City was the first to mention court proceedings, and one of the petition signers responded. Mr. Boyle clarified there was never an idea of withdrawing the petition that was legally validated and certified. He agreed with Mr. Blawn that there were different opinions on this issue, and a public debate was needed as well as a vote.

#### Fluoridation

Mr. Jim Schultz, 117 Harvard Drive, stated he mentioned dental fluorosis two different times, and Mayor Costello indicated this was especially associated with natural fluoridation, which was a misnomer because while it was associated with natural fluoridation at the higher levels as indicated by the study by the Center for Disease Control (CDC) and the National Academy of Science. He stated that was not the study he referenced. Mr. Schultz stated at the last meeting Mayor Costello assured people that this type of dental fluorosis could not occur because the CDC, Environmental Protection Agency (EPA), and the Health Department had very strict controls, keeping the water at a safe level. He clarified that moderate to severe dental fluorosis could occur as outlined in the 2005 CDC study weekly report that indicated 3% to 4% black, 5% Mexican, and 1½% to 2% of the white children could have moderate to severe dental fluorosis at the levels in the City water. Mr. Schultz reported the tooth issue was not the major issue and explained the major issue was cancer, ADD, cue deficits, thyroid problems, hip fractures, skeletal fluorosis, arthritis and the dental fluorosis.

Mayor Costello explained he did not mean this could never occur, and he thought he stated that, typically, dental fluorosis was seen in higher than four parts per million. He stated he would read the studies Mr. Schultz provided.

#### Fireworks

Ms. Patti Barker, 1105 Overbrook Drive, congratulated the Commission and staff for the wonderful Fourth of July celebration with an outstanding fireworks display.

#### Speaking on Concerns

Ms. Barker objected to a response from Mr. Turner regarding her June 13 comments where Mayor Costello accused her of speaking inaccuracies and directed Mr. Turner to point them out in writing. She stated Mr. Turner did not find any inaccuracies. Ms. Barker noted Mayor Costello invited constituents to attend meetings and speak on their concerns, but when they did so, they were subjected to personal attacks from the dais.

Ms. Barker stated in February Mayor Costello and Mr. Turner signed a consent agreement with the health department assessing taxpayers \$8,500 in fines for violations at the water plant identified in a December 2003 inspection, which had not been corrected as of October 2005. She reported on May 3 the health department surveyed the water treatment facility again and discovered 33 deficiencies, six of which required immediate attention. Ms. Barker advised that at the May 29 emergency meeting Mayor Costello made a statement and the minutes of that meeting read: "He stated he was unaware that there was a 2003 letter indicating certain improvements were needed and they were not yet done." She questioned how Mayor Costello could sign the consent order on February 23 admitting to serious maintenance issues and violations at the water treatment plant and not be aware of the 2003 report on which the fine was based. Ms. Barker asked why the Commission was shocked by the health department's report when the violations noted in the 2003 report were not corrected in a timely manner. She noted rather than relying on responsible on-site supervision, the City contracted with a highly paid consulting firm who suggested water plant employees "paint everything that does not have to be repaired first, remove spider webs, roll up hoses, and remove all dead birds immediately." Ms. Barker stated the City showed no oversight, no responsibility, and no accountability until after a crisis. She questioned what Mr. Turner knew about the conditions at the water plant, and when and why the Commission was blind sighted by the 2006 Health Department's report. Ms. Barker stated what was needed were answers to difficult questions, better oversight of critical government services, and effective communication with the elected and appointed officials.

Mayor Costello pointed out that regarding the 2003 and 2006 inspections, as was noted several times previously, the City was planning to obtain interconnects with Daytona Beach to replace rather than repair much of the deficient equipment, but the City was unable to accomplish those interconnects; therefore, the City was bringing in shunts to take some of the equipment off line so it could be replaced. He advised that regarding the accountability issue, one employee had been removed, another asked to resign, another censored, and another shifted, with the job description adjusted. Mayor Costello reported he was not certain this was now fully addressed, as this was the job of the City Manager. He reported he was pleased staff was fully aware that a different culture must exist, and the Commission has funded the dollars necessary to change

the culture. Mayor Costello noted Mr. Turner did not try to deflect the blame and stated this was management's responsibility, which he accepted.

#### Sediment in Lagoon

Mr. Don Cunningham, 19 Yonge Street, Lot 5, stated the sediment in the lagoon does not work its way out to the ocean. He reported the entire County needed to be reshaped because there was so much sediment, explaining the lack of fish; but he suggested a bulldozer could slope it, dislodging the sediment to reshape the bottom. Mr. Cunningham note he spoke to the Volusia County Council on this issue.

#### CAN DO Amendment

Mr. Phillip Maroney, 117 Atwood Lane, stated he appreciated the Commission's actions to seek judicial review rather than listening to a vocal special interest group. He expressed concern regarding the tremendous economic cost to the City if this should be passed as it currently existed due to the issue of the elimination of property rights. Mr. Maroney noted the City would definitely have lawsuits filed against it. He noted he believed the backers of the flawed amendment had placed the City in a difficult position, and they now realized that fact. Mr. Maroney noted Mr. Boyle indicated he offered the two alternates to determine if they would be sufficient, and he questioned why this would be done if they had confidence in the original petition. He reported he believed the petition was flawed, but the question of the alternatives was now moot because a CAN DO supporter had filed suit against the City, which would probably require high legal costs. Mr. Maroney stated the CAN DO amendment would severely limit access to the beach for future generations and tie the hands of the Commission to negotiate to require open space, which he considered shortsighted. He encouraged the Commission to continue on its course and not allow disparaging talk to discourage them because the majority of rational, fair-minded citizens think what they were doing was right.

#### CAN DO Litigation

Mr. Marvin Miller, 40 Riverside Drive, advised the percentage of growth on the beachside has not increased greatly in the past 35 years. He stated he favored debate, but opposed litigation, which caused animosity toward the City and Mayor Costello individually. Mr. Miller appealed to the CAN DO supporters to investigate the entire issue and not focus on just building heights. He pointed out the density would not change. Mr. Miller stated using transfer of rights the developer would allow the City to gain 850 feet of oceanfront property, walkovers, and other amenities. He urged the people to consider the benefits to the City from this proposal and not take away the future of the City.

Mayor Costello agreed with Mr. Miller that issues should be discussed, not people.

#### Item #7(A) Metropolitan Planning Organization

Mayor Costello stated at the Metropolitan Planning Organization (MPO) meeting he thanked the DOT for taking the initiative to design the I-4/I-95 interchange and thanked Congressman Mica for continuing to work on the I-4 bypass. He reported he favored the I-4 bypass with no interchanges, which could be accomplished with environmental zoning on both sides, and in doing so, would not stimulate growth. Mayor Costello advised he reiterated the need for the MPO to investigate how they could be involved in mediation for level of service disputes among municipalities. He stated he asked if someone could calculate the decrease in the percentage of funding for local roads due to the Strategic Intermodal System (SYS) funding. Mayor Costello pointed out as the cost of construction increased, the amount of funds received from the State were decreasing. He noted he asked about the parameters for sound walls on I-95; however, Ormond Beach did not qualify. Mayor Costello reported he recommended SR40 be four laned all the way to I-75. He noted some have concerns about this, but the road already existed, so the animals already have to cross the road. Mayor Costello stated more animal corridors may be needed, but I-95 was often clogged, and there was a need for a way to go west for an evacuation route.

#### Item #7(B) Volusia Council of Governments

Mayor Costello provided a copy of the Volusia Council of Governments (VCOG) generated *Salary and Benefit Study, June 2006*, for anyone's perusal and thanked staff for their contribution to the publication. He noted DeLand instituted a pension plan option of defined contribution versus defined benefit, which was more portable for new employees. Mayor Costello complimented Mary Swiderski, VCOG Executive Director, for working on this salary survey as well as with the Charter Review Committee. He expressed concern that some of the issues coming from the Charter Review Committee were pro-County rather than neutral. Mayor Costello reported the goal for the Smart Growth Implementation Committee was to focus on land use not annexation using the strictest requirements, be it the City or the County. He

stated binding mediation should be implemented. Mayor Costello reported the mediation body should consist of three representatives from the City, three from the County, and one from the School Board. He advised he did not believe any of these would be adopted because the County would have authority over everything. He noted he believed Ormond Beach could work with the County so they would allow the City to have a higher standard; however, it was ludicrous that the County would have that type of control. Mayor Costello reported this would diminish the potential success of the Carter Review amendments because there would not be universal support from cities. He noted he would have much preferred a bilateral mechanism to work with smart growth.

Item #7(C) – Water Authority of Volusia

Commissioner Kelley stated there would be a Water Authority of Volusia (WAV) meeting next Wednesday. He noted one of the proposed amendments to the Charter would be to give control of the water to the County. Commissioner Kelley reported it would depend on the cities’ relationship with the County Council as to what the cities would receive in that the County would determine where the wells would go and how much water could be drawn. He stated the people would have to be educated before all City rights would be given to the County based on what type of relationship they would have with the County. Commissioner Kelley urged the citizens to review the proposed amendments, since they have not yet been approved by the County; but he stated he had no doubt that they would be approved. He stated the County was the largest increased water user because they had the most growth. Commissioner Kelley noted Ormond Beach, Port Orange, New Smyrna Beach, Edgewater, and Holly Hill were self-sufficient.

Mayor Costello stated Ormond Beach had an outstanding relationship with the County, but he did not believe Ormond Beach’s interlocal agreements and ability to work with the County should be based on respect and courtesy and should rather be based on legislation.

Item #8 - Consent Agenda

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

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

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

Item #9(A) – Historic Tree Located at 77 Greenwood Avenue

RESOLUTION NO. 2006-141  
 A RESOLUTION APPROVING AND AUTHORIZING THE  
 REMOVAL OF AN HISTORIC TREE LOCATED AT 77  
 GREENWOOD AVENUE; AND SETTING FORTH AN  
 EFFECTIVE DATE.

**Commissioner Kelley moved, seconded by Commissioner Partington, to approve Resolution No. 2006-141, as read by title only.**

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

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

Item #9(B) – Enclave at North Pointe Development Order

Mayor Costello explained the applicant has requested this item be tabled to the next meeting.

**Commissioner Kelley moved, seconded by Commissioner Partington, to table Item #9(B) to the June 18 meeting.**

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

Item #9(C) – Marshside at Groover Branch Development Order

Mayor Costello explained the applicant has requested this item be tabled to the next meeting.

**Commissioner Kelley moved, seconded by Commissioner Partington, to table Item #9(C) to the June 18 meeting.**

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

Item #11 – Reports, Suggestions, Requests

Michael Boucher, Chief Planner

Mayor Costello stated Mr. Michael Boucher, Chief Planner, has done an outstanding job as Chief Planner, and he was moving back to Canada. He wished him well and thanked him for his service.

Condolences and Congratulations

Commissioner Kelley expressed condolences to the Gillooly family at the loss of Commissioner Gillooly's mother, wished Commissioner Gillooly a speedy recovery from her health issues, and congratulated Commissioner Kent at the birth of his son Wyatt.

Fourth of July Celebration

Commissioner Kelley stated the Fourth of July celebration was outstanding. He particularly commended Mr. David Abee, Leisure Services Director, and his staff for the children's activities. Commissioner Kelley pointed out there were many volunteers who did a lot of hard work to make this event a success.

Proposed Budget

Mr. Turner presented the proposed budget for FY 2006-07 to the Commission. He reported the tax rate was slightly reduced. Mr. Turner noted staff attempted to provide some funding to assist the County with off-beach parking. He noted the new County Manager, James Dinneen, has been very aggressive in pursuing off-beach parking possibilities; and while he could not commit to funding, he was trying to make funding available for off-beach parking in Ormond Beach. Mr. Turner pointed out there was a request for five new positions and a deletion of one position, funding to replace computer equipment, and funding for landscaping. He noted the budget was overall fairly flat. Mr. Turner noted he would discuss the budget with each Commission member individually and then schedule budget meetings.

Condolences and Congratulations

Mr. Turner expressed condolences to the Gillooly family and congratulations to the Kent family. He pointed out Ormond Beach was a community, and there were times when people needed to embrace and support each other and other times to discuss important issues.

Michael Boucher, Chief Planner

Mr. Turner thanked Mr. Michael Boucher, Chief Planner, for the work he had done in the Planning Department.

Fourth of July Celebration

Mr. Turner agreed the Fourth of July celebration was terrific. He urged people who enjoyed this celebration to share it with their neighbors and encourage more people to attend the event next year.

CAN DO

Mr. Hayes reported he would stand by the recollection of the discussion he had with Mr. Boyle, and the reason for submitting two new petitions should be equally clear.

Ms. Barker's Comments

Mr. Turner reported the response to Ms. Barker's comments was in the Friday letter. He noted the Commission previously authorized two former police chiefs to do an assessment of the Police Department, but the assessment was delayed because of a citizen-filed protest to the Department of Agriculture. Mr. Turner advised the issue was finally cleared with the Department of Agriculture, but the City would not engage the two former police chiefs and elected to utilize those resources to have Dr. Ritcey work with Chief Longfellow and every member of the Police Department who wanted to participate to enhance the department and

communications. He noted the City was not looking back, but looking ahead with Chief Longfellow leading that process.

Mr. Turner's Selections of Top Positions

Mayor Costello stated one of Mr. Turner's legacies would be the people he selected as department heads and directors. He noted people from all sides complimented Mr. Turner for his decision to promote Mike Longfellow to Police Chief. Mayor Costello noted the Fourth of July celebration made Mr. Turner look good in selecting Mr. David Abee to become Leisure Services Director. He reported the celebration was a tremendous staff/community effort, but he was impressed by the many good things he has heard about Mr. Abee's performance.

Condolences and Congratulations

Mayor Costello again offered prayers for the Gillooly and Kent families.

Fourth of July Celebration

Mayor Costello reported he had almost as many compliments for the Fourth of July celebration from Port Orange residents as he had from Ormond Beach residents.

CAN DO Lawsuit

Mayor Costello stated, regarding Mr. Carter's lawsuit, that he hoped the court would allow a vote because he wanted the debate to be about whether the residents wanted open space or not; but when the City Attorney cautioned the Commission that it would be a dereliction of duty to place a flawed amendment on the ballot, he could not vote for the amendment to be placed on the ballot. He noted he wanted to discuss the merits of the proposal.

Ormond Crossings

Mayor Costello stated Ormond Crossings was the ultimate in smart growth and asked staff to keep the Commission posted. He reported he would talk to Senator Jim King. Mayor Costello advised Congressman John Mica was very excited about this project and wanted to help. He stated it was imperative this project go forward.

Beach Issues

Mayor Costello requested a discussion item for the Commission to commit to support the maintenance of beach approaches if the County would beautify them.

Affordable Housing

Mayor Costello requested a discussion item on a future agenda for the Commission to consider the benefits of appointing an ad hoc task force for attainable, work force affordable housing. He noted he did not want this issue to become lost in bureaucracy since this was an important issue many communities would be facing. Mayor Costello reported he spoke to realtors and would speak to bankers in an attempt to find out who would be interested in working to find out the best practices. He pointed out this would involve smaller lots and other issues that may not be popular, and the Commission needed be ready to do what was necessary to make it affordable to allow people to own their own homes. Mayor Costello advised he was advocating a committee with a limited duration as opposed to a board that would continue. He questioned if the Commission should appoint people or decide the board should consist of seven members including of realtors, bankers, a United Way representative, or other interest groups.

Item #12 – Close the Meeting

The meeting was adjourned at 8:25 p.m.

APPROVED: August 1, 2006

BY: Fred Costello, Mayor

ATTEST:

Veronica Patterson, City Clerk