

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

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

Present were: Mayor Fred Costello, Lori Gillooly, Troy Kent, Ed Kelley, and Bill Partington, City Manager Isaac Turner, Assistant City Manager 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 by Pastor Charles Melvin, Ormond Beach Union Church.
- 3) Pledge of Allegiance.
- 4) **PRESENTATIONS:**
  - A) Employee-of-the-Quarter award to Siobhan Daly, Cultural Center Coordinator.
  - B) Ann Moore, District Governing Board, and Nancy Christman, Intergovernmental Coordinator, St. Johns River Water Management District.
  - C) Presentation by Dan Smith, President, Motor Racing Heritage Association.
- 5) **AUDIENCE REMARKS:**
- 6) **INTERGOVERNMENTAL REPORTS:**
  - A) Metropolitan Planning Organization
  - B) Volusia Council of Governments
  - C) Water Authority of Volusia
- 7) **CONSENT AGENDA:** The action proposed is stated for each item on the Consent Agenda. Unless a City Commissioner removes an item from the Consent Agenda, no discussion on individual items will occur and a single motion will approve all items.
  - A) Resolution No. 2006-143 authorizing the execution of a Joint Participation Agreement with the Florida Department of Transportation regarding irrigation improvements at the intersection of I-95 and SR40. (\$100,000 FDOT funding; \$0 local match)
  - B) Resolution No. 2006-144 accepting a proposal from Consolidated Survey, Inc., to perform a boundary survey relative to the River Bend Golf Course lease premises and greenbelt buffer area; authorizing the execution of a work authorization thereto. (\$37,650)
  - C) Resolution No. 2006-145 accepting a proposal from Neel-Schaffer, Inc., to provide engineering services for the Runway Drive Collector Road Extension project; authorizing the execution of a work authorization thereto. (Not-to-exceed \$64,860)
  - D) Review of FY 2005-06 budget status.

DISPOSITION:            Approve as recommended in City Manager memorandum dated July 6, 2006.
- 8) **PUBLIC HEARINGS:**
  - A) Resolution No. 2006-146 authorizing the execution and issuance of a Development Order for the "Calvary Assembly of God" Special Exception on a site located at 1687 West Granada Boulevard, within the B-7 (Highway Tourist Commercial) zoning district to allow the construction of a new modular building containing 3,920 square feet of classroom space; ratifying and affirming the Development Order; establishing conditions and expirations of approval.

- B) The Enclave at North Pointe and Marshside at Groover’s Branch PRDs
- 1) 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)
  - 2) 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)
- 9) **FIRST READING OF ORDINANCE** No. 2006-10 amending Chapter 13, Municipal Elections, of the Code of Ordinance of the City of Ormond Beach, Florida, by amending Section 13-54, Ballots, of Article V, Election Administration; by amending Sections 13-60, Canvassing Board, and 13-61, Recounts, of Article VI, Canvassing, Protests and Contests; by amending Section 13-71, Signs, of Article VII, Election Code: Violations, Penalties; by amending the form of ballots, the composition of the canvassing board; references to primary elections, the time allowed for certification of an election, a reference to the Land Development Code relative to political signs.
- 10) **RESOLUTION** No. 2006-142 authorizing the execution of an amended service agreement between the City and Ormond Main Street, Inc.; authorizing payment (\$10,000)
- 11) **DISCUSSION ITEMS:**
- A) Police Department staffing.
  - B) Proposed Online Predator Profiling System.
  - 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.
- 12) **REPORTS, SUGGESTIONS, REQUESTS:** Mayor, City Commission, City Manager, City Attorney.
- 13) Close the meeting.

Item #1 - Call to Order

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

Mayor Costello extended his condolences to Commissioner Gillooly and her family for the loss of Commissioner Gillooly’s mother, and he congratulated Commissioner Kent on the birth of his son.

Item #2 – Invocation

Pastor Charles Melvin, Ormond Beach Union Church, gave the invocation.

Item #3 - Pledge of Allegiance

Mayor Costello led the Pledge of Allegiance.

Item #4(A) – Employee-of-the-Quarter Award

Mr. Isaac Turner, City Manager, announced that Siobhan Daly, was the Employee-of-the-Quarter and would be with the City five years in October. He stated she started as an Office Assistant in the Senior Center and became Senior Center Coordinator. Mr. Turner stated Ms. Daly was instrumental in earning the title of “Community for a Lifetime” for Ormond Beach and brought several new programs and events to the Senior Center. He reported Ms. Daly was a volunteer/instructor with the National Arthritis Foundation and received training with the Alzheimer’s Organization where she served as a support group leader. He stated in February Ms. Daly was assigned to supervise the Senior Center and the Casements. Mr. Turner reported Ms. Daly was named Cultural Center Coordinator at the Casements. He stated Ms. Daly displays an outstanding level of customer service making sure people’s experiences in Ormond Beach were the very best possible.

Mayor Costello congratulated Ms. Daly and presented her with two plaques to be placed on display at City Hall honoring her as the Employee-of-the-Quarter, along with a certificate and watch with the City seal on its face. He noted staff interacted directly with the public on a daily basis, and people such as Ms. Daly make the Commission look good.

Item #4(B) – St. Johns River Water Management District

Ms. Nancy Christman, Intergovernmental Coordinator, St. Johns River Water Management District (District), congratulated Ormond Beach for the City’s alternative water supply project to help protect the future water supplies. She thanked Ms. Judy Sloane, Public Works Director, and Mr. Tim Sheahan, Utilities Manager, the project managers. Ms. Christman reported the District passed an irrigation rule in March limiting water use to two days per week with reclaimed water as an exception leaving reclaimed water unregulated. She advised that after passing that rule, several local governments requested including reclaimed water as a use to be restricted. Ms. Christman reported in that local governments were not to have more restrictive regulations than the District, the District rule would need to be changed to allow local governments to have the opportunity to regulate reclaimed water. She pointed out other governments did not want reclaimed water regulated. Ms. Christman asked Ormond Beach to provide an opinion on this issue. She provided recreation guides showing 98% of District land was open for resource-based recreational public use.

Mayor Costello stated he learned a great deal from the recreation guide provided. He asked for an item on an agenda to discuss reclaimed water, noting it was refreshing having a “parent government” ask the City’s opinion. He questioned Ms. Christman’s statement that local governments were not to have more restrictive regulations than the District. Mayor Costello asked if this was strictly referring to reclaimed water or regulations in general; whereby, Ms. Christman advised she was referring to water use.

Ms. Ann Moore, a District governing board member, stated tax dollars have purchased 500,000 acres of land in preservation for flood control and water supply, and 98% of that land was open for public use. She noted she appreciated the long term vision the Commission had regarding its water supply. Ms. Moore advised the check she was presenting was for the low pressure reverse osmosis plant to produce four mgd of additional water. She noted she attended the City’s workshop on why the reverse osmosis plant was an important aspect of the City’s future, and she congratulated the Commission for its due diligence. Ms. Moore stated Mr. Sheahan and Ms. Sloane do an outstanding job for the City.

Mayor Costello clarified this check was for the two mgd, but the City was going to be asking for more assistance to increase the capacity to four mgd.

Ms. Moore presented a check for \$3,050,000.

Item #4(C) – Motor Racing Heritage Association Presentation

Ms. Suzanne Heddy, Motor Racing Heritage Association, thanked the City for its support of automotive historic events that have occurred since 2003 and provided copies of the *Stanley Museum Quarterly*, which was totally about Ormond Beach events. She pointed out the magazine thanked the Commission many times for its support. Ms. Heddy advised that the Motor Racing Heritage Association was contacted by a very prestigious car owners’ club interested in coming to Ormond Beach. She reported she recognized that they would not be

able to do an event on the beach due to the red sand and to protect the cars; therefore, there would be a reception at the Casements and a static car show.

Mayor Costello read from the January 26, 2006, proclamation indicating the public response to the efforts of the Stanley Museum, the Motor Heritage Racing Association, and the Ormond Beach Historical Trust as a shining example of how recreational and educational opportunities were alive and well in Ormond Beach thanks to the dedication of residents typified by Suzanne Heddy, Tim Sullivan, Hilly Rife, Tim Sullivan, Roland Via, and Dan Smith who coordinated a world class event.

#### Item #5 - Audience Remarks

##### Fluoridation

Mr. Jim Schultz, 117 Harvard Drive, stated he was not trying to indicate water fluoridation did not have a place, because it may have a place in a dental practice, but he did not believe water was a proper vehicle for fluoride. He reported topical use was more beneficial than drinking, and the maximum benefit would be from a dental sealant provided by the dentist. Mr. Schultz advised Mr. Hardy Limeback was the proponent of fluoride in Canada, but in 1999 he changed course. He noted Mr. Limeback stated children under three should never use fluoridated toothpaste or drink fluoridated water, and baby formula must never be made using Toronto tap water, which used a 1.0 level of fluoride. Mr. Schultz stated residents in fluoridated cities in Canada had twice as much fluoride in their bones, which leads to early hip fractures, bone breaks, and brittle teeth in the senior population. He noted Mr. Limeback indicated more money was spent repairing dental damage from fluoride than in treating cavities, but the United States refused to acknowledge there was any expense for dental fluorosis care. Mr. Schultz explained the report indicated there was no difference in cavities between fluoridated and non-fluoridated communities in children from age eight to 17.

Mayor Costello reported he read the material Mr. Schultz submitted, but he did not see any statistics relative to early hip fracture and broken bones. He noted the National Research Council Study Mr. Schultz mentioned specifically indicated that in naturally fluoridated water the threshold should be reduced from four to two, but he noted that Ormond Beach was at one.

##### Leadership

Mr. Thomas Blawn, 319 River Bluff Drive, expressed concern relative to comments made about the City Manager, the water treatment plant, CAN DO issues, and the Commission who were elected, winning by a significant margin. He pointed out this was the most distinguished Commission ever elected; but one month after the start of the term there was controversy with petitions, referendums, and “demonization” of the Commission. Mr. Blawn stated there was a leader voted out of office who was trying to influence Ormond Beach politically; but while he was in office, he fired and rehired the City Manager ten hours later, costing the City a great deal of money and embarrassment. He noted the Commission would have to stand for reelection in 14½ months, which was more than ample time to vote the Commission out of office before any building would begin on the beach; therefore, he could not understand why people were creating so much controversy. Mr. Blawn asked Mr. Boyle to declare if he would run for office and questioned the purity of his motivation behind tearing apart the City Commission and electorate over something that should remain a code of the City.

Mayor Costello stated approximately a year ago he tried to not allow people to speak about individual people, but the City Attorney informed him he could not stop that because people had the right to say most anything they wanted to say. He noted while he could not stop this, he requested that the ordinance discuss issues and not individuals.

##### CAN DO Petition

Mr. Jeff Boyle, 614 North Halifax Drive, stated the building height question was answered in the Comprehensive Plan on page six in Policy 1.1.18 which indicated: “maintain the building height restrictions to preserve the low rise character of the City,” and page 14, “zoning categories allow for the development of buildings of up to seven stories or 75 feet.” He stated that each member of the Commission took an oath to support, defend, and protect the laws of the City, including the Comprehensive Plan and associated land development codes; but all of the Commission, except Commissioner Kent, would abandon that oath to allow the Costello, Bray and Gillespie high rise proposal to promote a high rise City. Mr. Boyle stated page 14 of the Comprehensive Plan stated: “Parking facilities for beach users on the east side of A1A will be encouraged in the future,” while years later the City was still waiting for those parking facilities. He reported the County Council resolution creating the referendum for the Volusia ECHO Fund stated: “access to the Atlantic Ocean beach through establishment of oceanfront parks and provision of off-beach parking” was a promise and people were and promises from City and County governments to provide parking on the east side of A1A, but the Costello, Bray and Gillespie

plan did not provide oceanfront parking on the east side of A1A. Mr. Boyle pointed out there was no new functional beach access.

Mr. Boyle reported Mayor Costello's testimony was that he approached the developer with his proposal in a private meeting, offering transfer of development rights for high rise buildings that were not allowed by current land use code. He noted Mayor Costello met in a private meeting, without the knowledge and consent of the Commission, provided no report to the Commission, and had no disclosure of the meeting or its offer of a unilateral proposal of development rights not allowed in the code. Mr. Boyle read Section 305 from the Charter: "The Mayor shall have no administrative duties except as required to carry out the responsibilities to preside at City Commission meetings and as the ceremonial head of City government." He stated in an opinion of the City Attorney several years ago regarding one-on-one meetings, he advised private fact finding meetings were allowed, but negotiation or communications of a voting position was not allowed. Mr. Boyle questioned if the meeting was fact finding, why Mayor Costello did not disclose facts found to the Commission at a subsequent public meeting. He questioned what the difference between fact finding and negotiating was and if that discussion had an impact on subsequent land transactions or land values in Ormond Beach. Mr. Boyle urged the Mayor and Commission to examine the legal sufficiency of its own actions or inactions regarding the CAN DO petition that had already been validated by the elections supervisor. He stated that validation occurred three months ago, and an election date still had not been scheduled as required by Florida statutes.

Mayor Costello stated there were no negotiations. He explained there were no discussions where if Bray and Gillespie would take a certain action that he would take an action, which was negotiating. Mayor Costello reported there was a request for Bray and Gillespie to find a way to deed beachfront property to the City. Mayor Costello advised that was discussed at a Citizens for Ormond Beach workshop and a City Commission workshop, which were both publicly advertised to hear proposals of what could be done on the beach to gain beachfront property. He reported it had been publicly stated many times that it would take 12 to 18 month to change any provisions in the Comprehensive Plan to allow for a transfer of development rights, which the current Comprehensive Plan would not allow. Mayor Costello described the statements "Costello, Bray and Gillespie proposal" and "promoting a high rise community" as absurd and did not exist. He stated he was promoting a community with beachfront access, open space, and parks at no increase in density. Mayor Costello noted that when the facts were known, he expected to see environmental groups support this proposal to save open space. He explained this was one of the smartest growth activities that could occur with the same density, using less land. Mayor Costello advised, regarding parking on the east side of A1A that he preferred to reduce the concrete on the beach with open space on the beach as long as there would be safe access to the beach. He stated he was pleased Bray and Gillespie responded to his call for beach assess. Mayor Costello explained the election supervisor does not determine sufficiency; the election supervisory only determines if there are adequate signatures. He asked Mr. Hayes to explain why the City was not proceeding to schedule the petition being placed on the ballot and why sending it to the court was delayed.

Mr. Randall Hayes, City Attorney, reported this Commission did not engage in inaction because the Commission passed a resolution to instruct his office to seek judicial review. He noted there was a slight intervention to file the lawsuit, but it had now been filed and a response would be prepared shortly along with a counter claim. Mr. Hayes reported the delay was caused by the CAN DO organization, while the City was proceeding to file the necessary papers and have the issue heard by the court. He explained the chairman of CAN DO presented two additional petitions for the Commission to consider, and the proposal was that if either of the new petitions were deemed to be sufficient, CAN DO would consider to withdraw the first petition, assuming that could be done; and CAN DO would gather additional signatures with the hope the Commission would place either of the new petitions on the ballot in the Fall. Mr. Hayes noted the Commission never had an opportunity to discuss either petition because the first opportunity they would have had to discuss the issue would have been at the last meeting on July 11; but prior to that meeting, CAN DO filed a lawsuit against the City. He reported his goal now was to litigate against the first petition, making the other two petitions moot.

Mayor Costello stated for more information he encouraged people to e-mail him at Costello@ormondbeach.org.

Commissioner Kent reported Mayor Costello indicated he wanted less concrete on the east side of the beach and a seven-story building had less concrete than any other. He noted the developer could be a "hero," keeping his project to seven stories while deeding some property to the City.

#### False Statements

Mr. Lawrence Cook, 1529 North Beach Street, expressed his disappointment because lying to constituents was not acceptable. He noted because this Commission was not involved did not mean the truth was not important.

Mayor Costello explained that 16 years ago Mr. Cook had a difference of opinion with the City Attorney who was deceased, the City Manager who was no longer employed with the City, and the Mayor who no longer lives in the City.

#### Amendment to Land Development Code and Comprehensive Plan

Mr. Bob Coleman, 29 Iroquois Trail, stated if the CAN DO petition was approved, the Land Development Code and Comprehensive Plan would have to be changed. He noted if the petition was defeated, the City could move forward with a vision which would not violate the Commission's oath to defend the Comprehensive Plan; however, the Land Development Code and Comprehensive Plan would need to be changed in any eventually. Mr. Coleman stated a discussion was to occur at the last meeting where Commissioner Kelley would recommend the Commission go down two internal tracks with one assuming the petition would pass and another assuming it would fail. He reported he considered that trading height for space was a great idea. Mr. Coleman urged the Commission to continue down the parallel paths in that this action would not favor either side of the issue but would prepare the City for something that would take the City one and one-half to two years to accomplish.

#### Neighborhood Improvement Problem

Mr. Joseph DiBenedetto, 955 Marie Circle, stated he had a long history with his neighbor at 945 Marie Circle keeping up their yard. He reported he called Code Enforcement, and while they are aware of the problem, nothing was done for one to two months. Mr. DiBenedetto advised there were rats, mosquitoes, and garbage, causing the neighborhood to degenerate. He stated he had a good relationship with code enforcement, but the codes have "no teeth." Mr. DiBenedetto recommended examining the feasibility of imposing a more stringent penalty for repeat offenders.

Mayor Costello asked for a report in the Friday letter on this issue. He noted he would favor discussing having a tougher code for repeat offenders.

Mr. Hayes explained the code already addressed repeat offenders.

#### Retention Ditch

Ms. Cheryl Bryar, 721 Fleming Avenue, stated there was a retention ditch between her and her neighbor's lot, which had eroded her side yard for the last few years. She reported the erosion was growing wider. Ms. Bryar requested someone examine the problem and make suggestions.

Mayor Costello asked Ms. Bryar to contact Ms. Judy Sloane, Public Works Director.

#### CAN DO

Ms. Terri Campbell, 533 North Halifax, reported she was a member and officer of CAN DO. She questioned if the community center and parking would be a part of the dedication to the City in the Bray and Gillespie proposal.

Mayor Costello reported the community center and parking were to be dedicated to the City. He stated the proposal was on the City's website, and the public could contact the developer regarding any specific questions.

Ms. Campbell stated this issue had become personal, but CAN DO was not personally attacking the Commission. She advised most of the CAN DO board met prior to last year's election, and the chairman was not yet determined at that time. Ms. Campbell reported CAN DO members are concerned about the future of Ormond Beach, and there was a disagreement amongst people, but that was a democracy. She stated CAN DO had over 3,400 signatures that were verified, and only 2,800 were needed. Ms. Campbell acknowledged there may have been one or two of those people who were confused and one or two who signed that would not want height limits, but there were not over 600 people who were confused about what they were signing. She urged this to be placed on the ballot to let the people decide. Ms. Campbell reported this was not a simple issue, and it would determine the future of Ormond Beach. She urged the City to work together with CAN DO to get this on the November ballot.

Mayor Costello reported he wanted the City to vote as soon as possible, but only when it would not be considered "a dereliction of duty" to place it on the ballot. He noted Commissioner Kelley offered an example where if the City had a petition to legalize marijuana, they could not place it on the ballot. Mayor Costello explained there were private property rights, making it crucial how

a ballot was worded. He stated as soon as the court or the City Attorney would indicate it would be permissible, he would go forward.

#### Personal Attacks

Mr. Ron Richardson, 80 Rockefeller Drive, expressed concern that citizens were not being allowed to freely express their opinions, which were considered personal attacks, while Commissioner were allowed to make accusations.

Mayor Costello apologized for cutting him off or allowing Mr. Richardson's comments to be cut off.

#### Ormond's Beachfront

Ms. Peggy Farmer, 4 Allenwood Look, reported on August 21, 1997, she was a Planning Board member and came before the Commission reporting the Planning Board discussed closing beach ramps. She noted at that time that businesses were leaving the beachside and she was watching the beach die a slow death, and today not much had changed and had only gotten worse due to the 2004 hurricanes. Ms. Farmer pointed out a number of businesses were again going out of business. Ms. Farmer stated it was short-sighted to look at a petition signed by those 60 years of age and older who no longer want to go to the beach, while ignoring the 10,000 children in Ormond Beach who want to go to the beach. She noted flexibility had been missing over the years as proven by the lack of flexibility that lost the 3,000 acres to Daytona Beach and the tragedy of loosing the hospital.

Ms. Dorian Burt, 203 Pine Cone Trail, stated governments were formed by the people and enact rules to govern by, but all documents, including the constitution, have amendments because it was understood that circumstances change. She read a letter from her son, Colby Burt, which stated: *"The voice from young adults has been silent in the Bray and Gillespie proposal issue. I am 23 years old, living in Ormond Beach since age two, and have watched the beach change over the years as driving on the beach is fading away due to sea creatures and weather that claimed large portions of the beach. Ormond Beach is now being presented with a unique opportunity to reshape a portion of its beachfront and provide for it citizens, mostly future taxpayers and residents, access to the beach through a beachfront that was now privately owned. As a young person who planned to return to Ormond Beach after completing school, I believe the ability to review projects on their merits should not be taken away from the citizens who would be living and paying taxes in the future because of decisions being made today."* She stated the letter asked the Commission to remember the youth as they debate the issues and the access they may lose forever if the Commission shuts their eyes to the possibilities.

#### CAN DO Petition

Mr. John Adams, 17 River Ridge Trail, stated it was unclear whether the CAN DO petition was legal, and he favored the judicial review to determine if City would be illegally removing peoples' property rights, which would cause the City to be bogged down with lawsuits costing a great deal of money to be paid for by additional taxes. He advised it would be irresponsible to proceed without the judicial review.

#### CAN DO

Mr. Marvin Miller, 40 Riverside Drive, expressed concern regarding the animosity that was building in the City. He noted he appreciated the civility in Ms. Campbell's comments, but not Mr. Boyle's comments in quoting the codes and characterizing the proposal as the "Costello, Bray and Gillespie" proposal. Mr. Miller requested a few minutes to speak at Commissioner Kent's "Coffee with the Commissioner" because, while he agree with a great deal of Commissioner Kent's ideas, he disagreed with Commissioner Kent's position relative to the CAN DO issue. He reported he was solicited to sign the petition and told there would be heavy traffic; people would lose their water and sewer; and developers were making a lot of money and do not care about Ormond Beach. Mr. Miller noted they never mentioned, through a transfer of rights, that the proposal included receiving 850 feet of oceanfront property, walkovers, underground utilities, landscaping, and other benefits. He urged people to weigh the benefits and the cost for the future of Ormond Beach.

#### Ormond's Beachfront

Mr. Mike McQuarrie, 6 Pine Valley Circle, noted he had been a resident of Ormond Beach for 11 years and had witnessed the steady decline in the condition of the A1A corridor, that portion of the City seen most often by visiting friends and relatives from out of town. He applauded CAN DO for its efforts. Mr. McQuarrie advised he reviewed the Bray and Gillespie proposal and came to the conclusion that the proposal was thoughtful and creative and that it would be good for Ormond Beach. He stated he saw an opportunity rather than a problem that would direct the future of the beach in a way that would benefit the entire community. Mr. McQuarrie stated the proposal was an innovative and creative way to maximize the interests of the developer and the

community at large. He questioned why people should object to letting someone else beautify the beach, bringing an attractive and creative signature collection of structures that would enhance, not detract, from the City skyline. Mr. McQuarrie applauded the City Commission and Bray and Gillespie for thinking “out of the box,” which he considered to be the definition of a leader—one who was willing to take a chance when some would not understand. He stated Ormond Beach needed a park such as Tom Renick Park. Mr. McQuarrie noted a trade-off in height for more open space was more than fair considering there would be no additional densities. Mr. McQuarrie stated the Land Development Code allows for some flexibility.

Mayor Costello stated he appreciated all sides of an issue being presented.

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

Mayor Costello advised he provided his comments regarding the Metropolitan Planning Organization (MPO) and the Volusia Council of Governments (VCOG) last week.

Item #6(C) – Water Authority of Volusia

Commissioner Kelley stated there would be a Water Authority of Volusia (WAV) meeting tomorrow where they would attempt to amend the agreement, but a vote would not be taken until August.

Item #7 - Consent Agenda

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

**Commissioner Kelley moved, seconded by Commissioner Gillooly, for approval of the Consent Agenda as submitted.**

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

Item #8(A) – “Calvary Assembly of God” Special Exception

RESOLUTION NO. 2006-146

A RESOLUTION AUTHORIZING THE EXECUTION AND ISSUANCE OF A DEVELOPMENT ORDER FOR THE “CALVARY ASSEMBLY OF GOD” SPECIAL EXCEPTION ON A SITE LOCATED AT 1687 WEST GRANADA BOULEVARD, WITHIN THE B-7 (HIGHWAY TOURIST COMMERCIAL) ZONING DISTRICT TO ALLOW THE CONSTRUCTION OF A NEW MODULAR BUILDING CONTAINING 3,920 SQUARE FEET OF CLASSROOM SPACE; RATIFYING AND AFFIRMING THE DEVELOPMENT ORDER; ESTABLISHING CONDITIONS AND EXPIRATIONS OF APPROVAL; AND SETTING FORTH AN EFFECTIVE DATE.

**Commissioner Kelley moved, seconded by Commissioner Gillooly, to approve Resolution No. 2006-146, as read by title only.**

Commissioner Gillooly stated the Development Review Board had a condition that the project would not increase the student capacity and that it would be strictly for classroom use.

Mr. Mark Karet, Zev Cohen Associates, 55 Seton Trail, stated this project involved adding a modular classroom building to the site, but it would not increase the capacity of the school. He explained the school currently had a capacity of 350 students in kindergarten through twelfth grade and a child care center. Mr. Karet advised this project was to allow students to be moved from multi-grade classrooms into individual grade classrooms that were damaged during previous storms. He noted that space was now being used for administrative purposes and youth programs. Mr. Karet stated the school wanted to maintain its ability to compete with public sector schools that now have reduced classroom sizes.

Commissioner Gillooly stated the report indicated there were no outstanding conditions. She questioned if the Development Review Board conditions were addressed.

Mr. Clay Ervin, Planning Director, reported the recommendations from the Development Review Board had been incorporated into the Development Order. He explained this would maintain the total enrollment. Mr. Ervin reported the reason this needed to go through the special exception process was because staff made an interpretation that this was a modification to an existing special exception, but staff determined it would have no impact to the site.

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

**Hearing no objection, Mayor Costello closed the public hearing on Item #8(A).**

Item #8(B)(1) – “Enclave at North Pointe”

Mayor Costello opened the public hearing for both Item #8(B)(1) and Item #8(B)(2) and advised the Commission would then vote on each item separately should that be acceptable to the applicant.

Mr. Ervin advised that staff had provided updated information, and the applicant had made requests to modify the original ordinances.

Mr. Jim Morris, 420 South Nova Road, Daytona Beach, representing the applicant, stated that Mayor Costello’s recommendation for the procedure to follow would be acceptable. He stated that on behalf of his client, Mr. Speno, he wrote a letter to the Commission suggesting the Enclave project be allowed 35 units, the entire development, and that the Marshside development be placed on hold entirely. Mr. Morris explained the primary difference from what was considered at the first reading would be to allow five additional units, which were being requested to allow economy of scale in terms of developing one property as opposed to trying to split the development between two properties. He stated he hoped to come back in November to present additional information relating to the intersection improvements and traffic information as well as a plan to develop a plan for the park. Mr. Morris reported the promises made regarding sidewalks would remain unchanged and done with the Enclave project rather than the Marshside project. He noted the request for the delay was a blend of Commissioner Gillooly’s recommendation for a continuance of up to one year and Mr. Speno’s concern regarding financing and his ability to construct the homes.

Mr. Jim Reinman, 1825 Riverview Drive, Melbourne, Florida, stated he represented the record property owner of both of the parcels. He stated this would allow the developer to proceed with the Enclave project, not affect the number of units, and wait for the Marshside project until the road issues were resolved. Mr. Reinman stated the property owners have owned this property for 38 years, and it was now owned by the children who were interested in developing the property in accordance with the character of the neighborhood. He stated the property owners worked with City staff and Mr. Speno to insure the property was developed properly. Mr. Reinman stated the County and City were addressing the traffic issues. He noted his clients voluntarily conveyed a portion of the property to allow the intersection improvements at Airport Road. Mr. Reinman urged both ordinances be passed and the Enclave project be allowed to proceed, pointing out that it would have less impact on Tymber Creek Road than the larger subdivision on the corner of Tymber Creek Road and Airport Road. He noted there would be an agreement to hold any Certificate of Occupancy on the larger subdivision until such time as the traffic issues could be resolved to the satisfaction of the Commission.

Mr. Ed Murawski, 1505 West Stevens Avenue, DeLand, representing LPG Environmental, stated his firm tried to develop this project to be as environmentally friendly as possible, to meet Ormond Beach codes, and to not ask for any concessions such as wetland impacts. He stated a full review was conducted of the environmental and wildlife species consulting with the Florida Fish and Wildlife Conservation Commission, United States Fish and Wildlife Service, and Florida Naval Areas Inventory to assure that any listed species were addressed such as gopher tortoises, bald eagles, scrub jays, and the like.

Mr. Sans Lassiter, Lassiter Transportation Group, 123 Live Oak Avenue, Daytona Beach, stated a memorandum was provided to the Commission today which indicated that, due to the location of this project and the distribution of the traffic, a small percentage would travel north on Tymber Creek Road, and a larger percentage would travel east on Airport Road, and some would travel west on Airport Road; therefore, 51% of the traffic would not be impacting Tymber Creek Road

south of Airport Road. He noted this project would actually have less impact than the Marshside project would have. Mr. Lassiter advised he had a brief Power Point presentation.

Mayor Costello recommended the Commission discussion before the presentation.

Commissioner Gillooly expressed appreciation for the applicant coming back to the Commission with a creative solution. She noted it would be difficult to develop 15 units in the two subdivisions. Commissioner Gillooly reported she was also appreciative that Mr. Speno was still willing to do the sidewalk for the entire project in advance, and he was willing to work with the City on the park. She stated the staff reported the possibility of working with the developer to enhance the two parks that would already exist in the two developments. Commissioner Gillooly asked if Mr. Morris could clarify any preliminary ideas or design for the park.

Mr. Morris stated Mr. Speno was willing to work with the City on a park as was suggested at the last meeting; but at that time he was unsure exactly what was expected, and he was still not certain. He noted discussions were more schematic relating to development of a portion of the City's property that would lead to a park, and what would need to be done was to make the best choices regarding how to provide recreational land. Mr. Morris noted the difference between the choices was that the City's property was more accessible as opposed to being interior to a subdivision. He reported those choices would be further addressed at the Development Review Board. Mr. Morris advised the goal was to come back in November with a more specific plan where suggestions and changes could be made. He stated staff was very communicative in terms of the goals of the Commission. Mr. Morris advised while refinements would be made, specifics would not be known until the final plans would come in. He noted there would probably be more of a park than was first discussed to include more parking spaces, more active recreational spaces, and more passive recreational activity. Mr. Morris reported the area was large enough to afford an opportunity to facilitate the topography of the land.

Commissioner Kelley stated he recommended the park, and what seemed to be simple turned out to be more complicated. He noted Mr. Morris and Mr. Speno have been quick to respond to staff's requests, and they showed a willingness to work with Mr. David Abee, Leisure Services Director. Commissioner Kelley reported he considered it a wise decision to try to develop one area before beginning the second.

Commissioner Partington reported he liked the idea of the developer developing the park and being credited for doing so because a private developer could do the job smarter and more efficiently than a government entity. He noted this area of the City needed a park. Commissioner Partington commended the initiative and creativity that the developer and staff took to bring back a project that makes more sense.

**Commissioner Partington moved, seconded by Commissioner Kelley, to continue for first reading a revised Development Order that would meet the standards presented at the request of the applicant.**

Commissioner Kent thanked the developer for the idea and their willingness to follow through with the park, but he could not vote for this until the four laning was complete.

Commissioner Gillooly reported she voted against this the last time it was before the Commission because of the traffic issue and other issues that needed to be addressed. She stated considering the plans that were presented, the flexibility displayed by the developer, addressing the issue of taking it to the point with the least traffic impact, and addressing the school board's concerns with the sidewalk, she could now vote for this project.

Commissioner Partington clarified that his motion was to continue this tonight so there could be a first reading of a revised order consistent with what was presented; therefore, the Commission would not be voting on the actual project tonight in that there would be two additional readings.

Mayor Costello stated this could be considered the first reading and require a second reading on the amended motion.

Mr. Hayes advised in that the Commission would be granting what the applicant originally requested, this was not a substantive change, and it could be approved on second reading tonight. He requested incorporating the July 14 letter as an exhibit in both of the items. Mr. Hayes asked if the intention was to approve the Marshside project with the restriction that no Certificates of Occupancy would be issued until the four laning of Tymber Creek Road was completed. He pointed out that this issuance of a Certificate of Occupancy occurs after a house had been constructed; therefore, he questioned if it would be permissible to construct the

houses withholding the Certificate of Occupancy until the four laning was completed or to hold construction of the houses. Mr. Hayes explained if the latter was the case, there would be no need to approve the Marshside project tonight other than to continue it to the November meeting.

Mr. Morris explained the purpose of the request was to complete the approval process at this level and allow the Enclave project to begin development once the engineering plans were complete, and they would receive a Certificate of Occupancy when the homes were completed. He noted regarding the Marshside project, the intent was to allow the approval at this level, and allow commencement of the plat, but no occupancy of any part of the subdivision would occur until the four laning was completed. Mr. Morris explained in this manner the subdivision portion of the approval would be completed, construction of the Marshside subdivision could commence prior to completion of the four laning, but no Certificate of Occupancy would be given until the four laning was completed.

**Commissioner Kelley withdrew his second, and the motion died for lack of a second.**

ORDINANCE NO. 2006-08  
AN ORDINANCE 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); REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; AND SETTING FORTH AN EFFECTIVE DATE.

Mr. Morris reported he would not object to the letter being included in the motion as an appendage.

**Commissioner Kelley moved to approve Ordinance No. 2006-08, with the July 14 letter as an appendage.**

Commissioner Kent stated he would favor not allowing either project until the four laning was completed.

Commissioner Gillooly stated Mr. Morris referred to her suggestion at the last hearing where she recommended the project could be delayed for one year. She noted she believed the plan was to take the 15 units in each subdivision that the majority of the Commission already approved and pool them to the single development, setting aside any development of the second project until the completion of the four laning, which she could support.

Mayor Costello clarified this vote would be to give authority to construct Enclave, and Marshside would be discussed later.

Commissioner Gillooly expressed a concern that if the letter was included as an appendage that the Commission would be accepting the proposal.

Mr. Hayes stated if it were the desire of the Commission to approve the project as presented, a motion could be made to do so, and Marshside would be considered on its own merits.

Commissioner Gillooly noted the letter outlined the continuation of the sidewalk and the park project; whereby, Mr. Hayes advised the Commission could impose any reasonable conditions.

Commissioner Kelley stated the park would be constructed with Marshside, and it would come back in November with a firmer commitment and a request to re-evaluate the traffic study.

Commissioner Gillooly explained her hesitancy was to pair the letter with the Marshside project.

Mayor Costello clarified this would be to approve only the Enclave project with the sidewalk.

Commissioner Kent asked Mr. Morris if he would agree there was a traffic problem in this area; whereby, Mr. Morris stated that there were peak hour traffic issues. Commissioner Kent stated this proposal was for five additional units compared to the original June 20 proposal.

Mr. Morris explained this was for five additional units with an entirely different traffic distribution.

Mayor Costello stated the studies show that because the traffic was coming from the north as opposed to coming from Airport Road that the five additional units would have less impact in that it would be traveling in the opposite direction.

Commissioner Partington noted he supported staff's recommendation because the Commission made a compromise at the last hearing; they were now being presented with a new compromise; and they were being provided with a great deal of new information. He stated the people at the last hearing were not here tonight; therefore, he agreed with staff to have a first reading August 1 and notify people that it would be coming back. Commissioner Partington reported he wanted to provide the people with an opportunity to be heard; therefore, it would be better to proceed slowly and deliberately.

Mayor Costello stated this proposal would increase the units from 30 to 35; the traffic study determined traffic would be coming from the north impacting the intersection less. He noted had the Commission not approved any units previously, he would not be comfortable proceeding; but under the current circumstances, he had a higher level of comfort.

Commissioner Partington noted he only received the traffic study information at 4:00 p.m., and no one has had the opportunity to rebut it.

Mayor Costello asked if the Commission wanted to see the Power Point presentation.

Commissioner Gillooly requested to see the presentation.

Mr. Morris requested the Commission approve the first reading tonight on the Enclave project and grant the request to continue Marshside until the November meeting. He recommended deleting the reference to the letter and placing conditions in the motion. Mr. Morris pointed out this speaks to the issue of the traffic, the distribution, the sidewalk construction, the opportunity to answer the concerns at a later date, and keeps the movement of the park progressing.

Mr. Isaac Turner, City Manager, stated the project occurring at Airport Road and Tymber Creek Road was a widening project as opposed to a four laning project. He explained the four laning project was to occur further in the future. Mr. Turner warned that while the applicant was asking that no Certificate of Occupancy be issued for Marshside, buildings would be built, and homeowners could come to the Commission complaining their home had been built and the City would not provide them a Certificate of Occupancy. He reported the Commission would have the opportunity to allow for infrastructure to be added such as the roads and utilities without allowing the homes to be built. Mr. Turner reiterated that the project that would improve traffic was the widening of the intersection and not the four laning project.

Mayor Costello reported the intersection improvements would occur this year, and the widening completion date was unknown.

**Commissioner Kelley withdrew his motion.**

Mr. Hayes stated, procedurally, the Commission could vote on this issue as a second reading tonight, but additional readings could be added. He noted this could also be a first reading tonight, and the project could move to a second reading at the next meeting. Mr. Hayes explained before the Commission was essentially the Development Order as approved at the last meeting with certain conditions. He noted if the Commission desired to approve the application as presented, it would include deletion of the changes placed in the Development Order at the last meeting.

Commissioner Kelley stated he would prefer to complete one project, voting on the Enclave project, and then on Marshside even though the Commission was holding the public hearing for both projects.

Mayor Costello stated that was what was occurring.

Commissioner Kelley stated if he could not receive a second for the second reading, he would make a motion for the first reading, which would have to be revised since the City Clerk read the ordinance as the second reading.

Ms. Veronica Patterson, City Clerk, asked if the Commission would favor her reading the ordinance again as a first reading.

Mr. Hayes stated additional readings were required when substantive changes to an application as original presented were made. He pointed out that what was being requested tonight was the same thing that was requested in the original application, which was why an additional reading was not required.

Commissioner Gillooly explained she would prefer this be considered the first hearing because she considered there was a substantive change for what was originally requested.

Commissioner Partington stated people would like to be heard so he considered it was fair to have this as a first reading.

Commissioner Kelley stated this was for the Enclave only, which had not changed from the original request other than the five additional units. He urged this be completed because it did not make a great deal of sense to discuss this tonight and delay it to August to repeat it again.

Commissioner Partington stated he knew and cared about many people living in the area who would like an opportunity to be heard. He noted these people have not had an opportunity to review the change; therefore, he preferred this be the first reading and have a second reading after notification.

Mr. Hayes noted the Commission could continue this to the next meeting and treat that public hearing as the second reading of the ordinance.

**Commissioner Partington moved to approve staff's recommendation.**

Mr. Morris supported Commissioner Partington's motion. He noted he did not believe the neighbors would object to this outcome, but another public hearing may be the best outcome.

Mayor Costello stated there was a motion on the floor to continue the second reading to the next meeting.

Commissioner Partington stated he was recommending continuing the first reading to the next meeting; however, for the Enclave project, he was satisfied with one more meeting as long as the people were notified.

**Mayor Costello clarified Commissioner Partington's motion was to continue the second reading to the next meeting; whereby, Commissioner Partington concurred.**

**Commissioner Kelley seconded the motion.**

Ms. Patterson stated abutter notices were sent out prior to the first hearing. She noted the notices were not sent between the first and second hearings.

Mayor Costello requested the notices be sent again. He stated people needed to know that the developer was no longer requesting 15 units in each subdivision, but 35 in Enclave and holding the second request.

Mr. Hayes noted continued public hearings are re-advertised.

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

Item #8(B)(2) – "Marshside at Groover Branch"

ORDINANCE NO. 2006-09  
AN ORDINANCE 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); REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; AND SETTING FORTH AN EFFECTIVE DATE.

**Commissioner Partington moved, seconded by Commissioner Gillooly, to continue Ordinance No. 2006-09, to the November 21 meeting.**

Mayor Costello stated he favored creating a park that was not within the subdivision. He explained while he wanted amenities in the subdivision as planned, the goal was to begin to develop a park area for the community at large to use.

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

Mayor Costello called for a short break at 9:05 p.m., and reconvened the meeting at 9:12 p.m.

**Hearing no objection, Mayor Costello closed the public hearing on Items #8(B)(1) and #8(B)(2).**

Item #9 – Election Code

ORDINANCE NO. 2006-10  
 AN ORDINANCE AMENDING CHAPTER 13, MUNICIPAL ELECTIONS, OF THE CODE OF ORDINANCE OF THE CITY OF ORMOND BEACH, FLORIDA, BY AMENDING SECTION 13-54, BALLOTS, OF ARTICLE V, ELECTION ADMINISTRATION; BY AMENDING SECTIONS 13-60, CANVASSING BOARD, AND 13-61, RECOUNTS, OF ARTICLE VI, CANVASSING, PROTESTS AND CONTESTS; BY AMENDING SECTION 13-71, SIGNS, OF ARTICLE VII, ELECTION CODE: VIOLATIONS, PENALTIES; BY AMENDING THE FORM OF BALLOTS, THE COMPOSITION OF THE CANVASSING BOARD; REFERENCES TO PRIMARY ELECTIONS, THE TIME ALLOWED FOR CERTIFICATION OF AN ELECTION, A REFERENCE TO THE LAND DEVELOPMENT CODE RELATIVE TO POLITICAL SIGNS; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; AND SETTING FORTH AN EFFECTIVE DATE.

**Commissioner Kelley moved, seconded by Commissioner Kent, to approve Ordinance No. 2006-10, 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 #10 – Ormond Main Street, Inc. Service Agreement

RESOLUTION NO. 2006-142  
 A RESOLUTION AUTHORIZING THE EXECUTION OF AN AMENDED SERVICE AGREEMENT BETWEEN THE CITY AND ORMOND MAIN STREET, INC.; AUTHORIZING PAYMENT; AND SETTING FORTH AN EFFECTIVE DATE.

**Commissioner Kent moved, seconded by Commissioner Gillooly, to approve Resolution No. 2006-142, Option 2.**

Mr. Andy Cripps, 224 Rio Pinar Drive, requested the Commission approve this resolution to amend the service contract for Ormond Main Street. He noted there had been a tremendous transformation in the organization with the addition of Maggie Sacks, Executive Director, who brought a great deal of energy and focus to the organization. Mr. Cripps reported these funds would help Ormond Main Street move forward with confidence and stability to address its mission and to become more self-sufficient.

Commissioner Kent urged, as the Commission's designee to this organization, approval of Option 2. He agreed Ms. Maggie Sacks was a "breath of fresh air," and it was exciting to attend the meetings to hear the updates. Commissioner Kent noted it was so impressive to witness the committees being formed and having the people serving on these committees.

Commissioner Gillooly stated she had been a fan of the Ormond Main Street organization for a long time and looked forward to working with Ms. Sacks. She noted she would favor this; however, there was an opportunity for Ormond Main Street to become more self-sufficient. Commissioner Gillooly stated she hoped the renewed energy and interest by the community would provide that opportunity. She advised she was hopeful that in the future there would be an opportunity to show measurable challenges and goals. Commissioner Gillooly noted she would be looking, at the end of the next fiscal year, to see gains with membership and self-sustainability.

Commissioner Kent stated Item J, Subsection 2, indicated Ormond Main Street was to conduct four workshops on an annual basis on topics that would strengthen existing businesses. He noted he considered this to be fresh, exciting, and a great way for merchants to obtain a hands-on educational approach to issues.

Mr. Turner thanked Mr. Joe Mannarino, Economic Development Director, for doing a good job with Ormond Main Street.

Mayor Costello advised that if there were changes in regulations Main Street believed were necessary, Commissioner Kent was to bring them to the Commission for consideration.

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

Item #11(A) – Police Department Staffing

Mayor Costello apologized for not having the opportunity to discuss this issue at any length at the budget workshop last night or at a Commission meeting prior to the workshop.

Mr. Turner stated police staffing was a very serious issue and needed discussion. He advised staff had provided the Chief's perspective of his staffing needs. Mr. Turner explained the report had been through many reiterations over quite some time; and while the recommendation requested the hiring of three officers, staff would not make that request at this time. He advised the important concept was to obtain the Commission's thoughts regarding the approach and the direction Chief Longfellow was contemplating.

Police Chief Michael Longfellow stated in 2001 four officers were added, and in 2004 one officer was added with Federal Confiscation Funds. He explained this fiscal year one corporal was assigned to patrol from an administrative position; one sergeant in an administrative position was moved to a supervisory position in communications and record; and a corporal from communications and record was placed on patrol. Chief Longfellow stated last year a corporal and an officer from community outreach were moved to patrol. He reported additional personnel were transferred from this unit in previous years, and a corporal was reassigned from criminal investigations to patrol. Chief Longfellow reported a number of alternative shifts were considered. He advised he gave the officers an opportunity to provide any alternatives they wanted to recommend or research; however, the alternative could not involve new personnel, it could not involve built-in overtime, and it could not violate contractual agreements. Chief Longfellow reported while they offered several recommendations, all violated at least one of the exceptions. He stated the contractual agreement would be negotiated again next year. He reported police work with Neighborhood Improvement, particularly after hours and on weekends, and this system had been very successful. Chief Longfellow advised volunteers

were being trained to do some of the follow-up work to help relieve Neighborhood Improvement staff.

Commissioner Kent asked what hours and days were worked by senior staff.

Chief Longfellow stated senior staff worked primarily Monday through Friday, but he required senior staff, at an absolute minimum, to come in and discuss issues with other shifts on at least two occasions per a month.

Commissioner Kent asked how many personnel patrolled during the week and how much on weekends. He also asked how many staff worked in the station.

Chief Longfellow responded that day shift had three division chiefs and himself, an internal affairs professional standards sergeant, a training officer, and what was the accreditation special project sergeant who was now the communications records supervisor. He noted corporals and sergeants may be inside if they were assigned duties, but are not assigned inside. Chief Longfellow advised minimum staffing was five depending on the time of the day. He advised the beachside was comprised of two zones and staffed with two assigned permanent zones 12.5% of the time, being eight officers down. Chief Longfellow pointed out it took seven officers to staff a zone around the clock. He reported the Police Department was down eight officers—two through injury and one in Iraq, and although they had just hired five new officers, they were still down three officers.

Commissioner Kent reported his concern was the division chiefs who were working week days but not weekends.

Mr. Turner reported he communicated with Chief Longfellow the concerns of the Commission, and people were being assigned from administrative duties to patrol duty. He noted Chief Longfellow engaged his command staff, not only at the division chief level, but also at the sergeant level, to discuss what was needed to serve the other units in the department better. Mr. Turner reported he had allowed flexibility for his division chief to come in with the third shift and not come in the regular hours, and he applauded Chief Longfellow for this, as he had seen results.

Commissioner Kent recommended the division chiefs get out with the rank and file on a monthly basis.

Chief Longfellow stated he had already implemented a policy where this would occur a minimum of twice a month.

Commissioner Kelley stated 10 years ago an extensive study was done where it was discovered that scheduling was complicated.

Chief Longfellow reported the scheduling had been modified twice to adjust to conditions, but there were always unknown factors to consider.

Commissioner Kelley reported there would be opportunities under Chief Longfellow's leadership to make positive differences for the City.

Mr. Turner stated he heard comments about Chief Longfellow that he had been responsive in obtaining answers and been consistent on his responses and treatment of employees.

Mayor Costello noted he favored adding another zone and moving people out on patrol. He stated he believed another zone would be needed, and he did not want to increase staffing, which was why he approved an assistant to shift as much of the paper burden from the officers as possible. Mayor Costello requested a report outlining the hierarchy, ranks, responsibility, and names of individual officers.

Chief Longfellow offered to provide that information in the Friday letter.

Mr. Turner stated he and Chief Longfellow were trying to move more personnel out on patrol. He noted another issue was the future of communications; and considering what would occur, there may be an opportunity regarding salary dollar savings. Mr. Turner advised should this occur, he would recommend keeping that money in the Police Department and hiring additional officers.

Item #11(B) – Proposed Online Predator Profiling System

Mayor Costello stated he looked forward to a six or nine month response on the Offender Predator Profiling System (OPPS). He noted he hoped Ormond Beach could evaluate the use of this system by other communities.

Chief Longfellow explained this OPPS program records approximately 100 chat rooms on the internet. He reported if there was a missing juvenile and if their screen name and what chat room the juvenile had been in were known, information could be pulled to see to whom the juvenile had been communicating.

Mayor Costello stated this program was being provided at no cost to the City for the first year. He reported Mr. Marvin Miller paid for first year, and the City would evaluate continuing the service next year. Mayor Costello thanked Chief Longfellow for working on this and Mr. Miller for making this grant to the City.

Item #11(C)(1) – CAN DO Petitions

Commissioner Kent requested pulling this discussion item due to the lawsuit that had been filed by a CAN DO member.

Item #11(C)(2) – Proposed Amendments to Land Development Code and Comprehensive Plan

Commissioner Kelley stated if the Commission started tonight to approve a plan to revitalize the beach, it would take a great deal of legal and technical work to amend the Land Development Code and Comprehensive Plan. He advised it would take approximately a year to 14 months to allow a transfer of density if that was the determination of the Commission; however, if the CAN DO proposal was successful and deemed to be legally sufficient, it went through the process and was approved, it would also take a lengthy process to amend the Land Development Code. Commissioner Kelley recommended slowly beginning the process by developing a plan to determine what mechanism should be used to guarantee the 850 feet of beachside property. He noted the language must be open to anyone who would be willing to provide certain amenities for the Commission to allow certain concessions. Commissioner Kelley reported obtaining the appropriate language would take a great deal of time. He questioned if he would have support to place this item on an agenda to direct staff to start the process. Commissioner Kelley stated something must be done to revitalize the beach.

Mayor Costello clarified Commissioner Kelley recommended proceeding on a dual track for language for the transfer of development rights and, at the same time, language for adhering strictly to the 75-foot height limit.

Commissioner Gillooly stated the Planning Department had many projects, and she questioned if this suggestion was an effective use of their time. She recommended waiting to see the outcome of judicial review of the ballot language before beginning any action.

Mr. Ervin stated a Commission goal given to staff in January was for a redevelopment plan for the A1A corridor. He noted the reason this was stalled was because they were waiting for the results of the judicial review. Mr. Ervin stated the redevelopment plan that would be the basis of what would have to be done could be initiated, but there would probably be confusion at multiple levels. He explained staff already initiated a great deal of the analysis that would be needed. Mr. Ervin noted previous projects have already provided staff with the background, so some of the changes could be initiated to begin the paperwork. Mr. Ervin noted the critical demand on staff was when a project would go out for public hearings. He recommended this not be started at this point; however, staff could begin the paperwork, collecting data, and performing analysis. Mr. Ervin noted the issues were so polarized at this point that it would not be possible to obtain a consensus.

Mayor Costello stated he heard constituents recommend beginning this process in that it would take at least a year, but he indicated he would not support that because he did not want anyone to believe he was trying to force anything; however, proceeding with the dual track effort made sense. He pointed out the Land Development Code would need to be changed if the petition would pass or fail. Mayor Costello stated it was unknown when the court would rule; and if the petition should be deemed insufficient, CAN DO would probably come back with another version at some point. Therefore, he questioned how long the Commission should wait before taking action. He advised he was comfortable proceeding with the dual track process, which would enable the City to be prepared for any eventuality. Mayor Costello requested staff bring back any suggestions as to what would need to be placed in the Land Development Code before any public hearings would be considered.

Mr. Turner stated staff would bring information as to what steps would be necessary for the process.

Commissioner Kent stated he would favor the Land Development Code following the Comprehensive Plan more closely, particularly in Policy 1.1.18, which stated: “maintain the height restrictions to preserve the low rise character of the City.” He agreed no public hearings should be anticipated at this point.

Commissioner Kelley clarified he wanted staff to inform the Commission what would be involved and what could be done for each eventuality.

Mr. Ervin asked if there was a deadline involved.

Mr. Turner stated staff would first bring back the process of what would need to be done and when and then allow the Commission to comment before proceeding.

Mayor Costello advised he would prefer that when everything on the Land Development Code and Comprehensive Plan were consistent, people on each side of the issue examine it to determine what to present to the boards.

Mr. Turner thanked Commissioner Gillooly for considering staffing schedules.

Mayor Costello stated Mr. Ervin must have done an outstanding job of selecting staff in that other entities seemed to be wanting to hire them away.

#### Item #12 – Reports, Suggestions, Requests

##### Budget

Commissioner Partington stated the Commission needed to seriously consider funding positions to attract and maintain quality people in the Planning Department.

Commissioner Partington advised he could not support a 20% budget increase or any other double digit increase, but he could support an 8% increase. He noted the double digit increases have been outrageous, although they were justifiable and necessary. Commissioner Partington noted he believed the City could now tie the increase closer to the Consumer Price Index (CPI). He recommended taking all of the figures in the 2006-07 column that add to \$922,362, add the \$300,000 for beach parking, and spend down the fund balance to pay for that \$1.2 million worth of projects, which would leave the fund balance at 12%. Commissioner Partington reported he considered a 12% fund balance healthy, reasonable, and consistent with other cities. He explained by subtracting the 11.88% millage from the 19.99% there would be an 8.11% tax increase for this year, which he considered to be reasonable. Commissioner Partington pointed out this would take into consideration what he believed could be some positive variances occurring in the next year. He noted there had been a positive variance fairly consistently of \$700,000; there may be substantial personnel cost savings next year; and there could be possible savings from a partial transfer of dispatch. Commissioner Partington noted the City had some huge cost increases, but this would take that into consideration.

Mayor Costello asked when the next budget meeting was scheduled.

Mr. Turner stated the next scheduled budget meeting was July 31; however, another could be scheduled if the Commission would like to discuss this further.

Mayor Costello asked the Commission to respond if they believed another workshop was needed in their comments.

Commissioner Gillooly stated she did not agree to use fund balance for any recurring costs. She advised she would favor an additional workshop. Commissioner Gillooly reported the Commission had a good discussion about the budget last night, but she had additional thoughts she would like to discuss.

##### Employee-of-the-Quarter

Commissioner Gillooly congratulated Ms. Daly for receiving the Employee-of-the-Quarter award. She noted she worked with Ms. Daly as a volunteer a number of years ago and found her to be genuine, exemplifying the spirit and a sense of service. She congratulated Ms. Daly on her advancement in the Leisure Services Department.

##### Congratulations

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Commissioner Gillooly congratulated Commissioner Kent and his wife on the birth of their son.

#### Expressions of Appreciation

Commissioner Gillooly thanked Mr. Marvin Miller for his generosity in providing the City with the first year's charge for the Online Predator Profiling System.

Commissioner Gillooly thanked the Mayor, Commissioners, City Manager, staff, and friends in this community for their incredible kindness, remembrances, condolences, and respect to her mother's memory.

#### Online Commission Meeting

Commissioner Kent reported he had an opportunity to listen to the last meeting online, enabling him to keep up to date on the issues.

#### Ormond Main Street

Commissioner Kent apologized for not thanked Mr. Joe Mannarino, Economic Development Director, when he was praising the Ormond Main Street staff. He noted Mr. Mannarino had a great way of keeping the Ormond Main Street board on track. Commissioner Kent reported he appreciated Mr. Mannarino's dedication and professionalism.

#### Coffee with the Commissioner

Commissioner Kent stated the next "Coffee with the Commissioner" would be held at his home, 130 Magnolia Drive, on Monday, August 7, at 4 p.m.

#### Condolences

Commissioner Kent stated Commissioner Gillooly has been in his and his family's thoughts and prayers.

#### Wyatt Kent's Birth

Commissioner Kent thanked everyone for the congratulations, cards, flowers, and dinners at the birth of his son, Wyatt. He stated he was truly blessed and happy.

#### Welcome

Commissioner Kelley welcomed Commissioner Gillooly and Commissioner Kent back to the dais.

#### Responses

Commissioner Kelley thanked Mayor Costello and Commissioner Partington for their responses. He noted the Commission receives many letters, and responses are sent.

#### Focus Meeting

Commissioner Kelley stated the Commission missed the last scheduled focus meeting, and he requested scheduling another focus meeting as soon as possible.

#### Handling Input

Commissioner Kelley stated the "Tips for Handling Public Input" piece was very helpful, most particularly the following statement: "Speaking to the council at regular legislative body sessions was a privilege and not a right."

#### Fluoride

Commissioner Kelley stated he sent the Commission information he discovered after investigating the fluoride issue. He reported he sent a request asking about all of the people with dental fluorosis in Volusia County or Florida, and he had not received any responses to date. Commissioner Kelley pointed out the cases cited were from Canada and Glasgow, Scotland. He stated he was becoming tired of hearing about this every week, because he could obtain the information should he have a desire to do so on the internet. Commissioner Kelley reported he considered this a waste of time, but as long as people had the right to speak on any issue, the Commission was obliged to listen.

#### Oak Hill

Commissioner Kelley asked if anyone planned to attend the Oak Hill Volusia League of Cities dinner next Thursday.

#### Indebtedness Ordinance

Commissioner Kelley stated he assumed the entire Commission received a request asking the Commission to adopt a new resolution to save taxpayers money and the time of court officials, particularly judges. Commissioner Kelley reported the request was to pass an ordinance or

resolution stating: “Anyone that refuses to honor a debt, personal or business, held valid by a judge, shall remain in prison until the whole debt is paid.” He noted that could not be done.

#### Ormond’s Beachside

Commissioner Kelley stated the Commission had been accused of “selling out” the beach; however, with the current proposal he considered the City to be “buying the beach back with someone else’s money.”

#### The Budget

Commissioner Kelley reported more discussion was needed on the budget. He stated the \$300,000 the Commission would be dedicating to purchase off-beach parking would equal .35 mill and the public needed to know that this was the first Commission that actually proposed a dedicated millage for off-beach parking that some were advocating for a long time and they may support. Commissioner Kelley noted he disagreed with the \$300,000 figure.

#### Welcome

Mr. Turner welcomed Commissioner Gillooly and Commissioner Kent back.

#### Focus Meeting

Mr. Turner reported the next focus meeting was scheduled for 5:30 p.m. prior to the second City Commission meeting in August.

#### Budget

Mr. Turner reported staff would contact the Commission to check with their schedules, but he recommended scheduling another budget meeting for July 24. He noted on July 31 or no later than August 1 the millage must be set. Mr. Turner explained that the rate may not be raised after that, but it could be lowered.

Mayor Costello stated in that the budget was the only item on the agenda, the Commission could discuss the budget and set the millage on July 31.

Commissioner Kent recommended meeting earlier than usual on July 31.

Mr. Turner noted the recommendation was to set the meeting for 5:30 p.m.

Mayor Costello stated the meeting would be set for 5:30 p.m. on July 31.

Mr. Turner recommended setting the rate at the maximum the Commission would be comfortable with, keeping in mind that the rate could be lowered; however, it could not be raised.

#### Water Information

Mayor Costello thanked Mr. Jerry Valcik for the information he provided on water works issues. He read a quote from the information Mr. Valcik provided: “Water loss or unaccounted water in a distribution system is a given. Textbooks can quote perhaps 15% water loss, so for a six million gallon per day outlet from a treatment plant .9 million gallons per day or 15% of the six million gallons per day could be a normal loss with 5.1 million a day, six minus the .9 actually being used by consumers.” Mayor Costello noted reading this provided him some comfort. He requested a thank you letter be sent for this helpful information.

#### Attainable Housing Task Force

Mayor Costello requested a discussion item, not necessarily at the next meeting, for the Commission to discuss the Attainable Housing Task Force. He noted housing was a huge issue, and he would like to consider opportunities and options that this group could provide.

#### Budget

Mayor Costello reported he was pleased to discuss using some fund balance. He pointed out the current budget proposal was \$2.3 million more in the General Fund than last year or an 8.31% increase in the General Fund, and \$2 million was to come from property tax. Mayor Costello noted the County was increasing their General Fund budget 16%. He noted the frustration the Commission would have was how much would they be willing to raise revenues when the only place that could be done was through property taxes; and should they cut what Commissioner Partington recommended, the City would be taking in less additional revenue than the cost for staff. Mayor Costello explained staff would cost approximately \$1.2 million more next year than last year; and with the recommended cut, the City would be taking in less than that \$1.2 million the City would be putting out in addition to what was put out last year. He expressed his concern that the full amount of the recommended cut was that the City would then be in a situation where the Commission would have to take from other portions of the

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budget to fund the increase in staff cost, which was what placed the City in the position they were in several years ago. Mayor Costello reported he would support using some fund balance to decrease the increase in revenue on an ongoing basis, and the Commission could discuss this on July 31. He asked Ms. Kelly McGuire, Budget Director, to assimilate some information as to how the recommended cuts would affect the increase in the revenue as compared to staff costs.

Item #13 – Close the Meeting

The meeting was adjourned at 10:19 p.m.

APPROVED: \_\_\_\_\_ August 1, 2006

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

ATTEST:

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