

ORMOND BEACH CITY COMMISSION MEETING
HELD AT CITY HALL COMMISSION CHAMBERS

December 5, 2006

7:00 p.m.

Present were: Mayor Fred Costello, Lori Gillooly, Troy Kent, Ed Kelley, and Bill Partington, Assistant City Manager Ted MacLeod, City Manager Isaac Turner, City Attorney Randal Hayes, and City Clerk Veronica Patterson.

A G E N D A

- 1) Meeting call to order by Mayor Costello.
- 2) Invocation.
- 3) Pledge of Allegiance.
- 4) **AUDIENCE REMARKS:**
- 5) **APPROVAL OF THE MINUTES** of the November 7, 2006, and November 14, 2006, meetings.
- 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. 2006-252 authorizing the submittal of a grant application to the County of Volusia under the ECHO Grants-In-Aid-Program for funding assistance relative to restoration of the Casements and Rockefeller Gardens; authorizing the execution of all documents incidental thereto, including any contract necessary for the City to accept the grant award. (\$500,000 ECHO funding; \$500,102 City/TIF funding)
 - B) Resolution No. 2006-253 accepting a bid from Censtate Contractors, Inc., for construction services regarding the Leeway Trail Storage Tank Modifications project, under Bid No. 200-33; authorizing the execution of a contract and payment therefor; rejecting all other bids. (\$273,000)
 - C) Resolution No. 2006-254 authorizing the execution of a Work Authorization between the City of Ormond Beach and McKim & Creed Engineers, P.A., regarding the Wastewater Treatment Plant facility supplemental mixing zone analysis and permitting services. (Not-to-exceed \$74,430)
 - D) Resolution No. 2006-255 authorizing the execution of a Work Authorization between the City of Ormond Beach and Quentin L. Hampton Associates, Inc., regarding the lime softening facility upgrades at the Water Treatment Plant. (\$98,220)
 - E) Resolution No. 2006-256 authorizing the execution of Change Order Number One (1) to that contract awarded to Masci Corporation regarding the North US1 Force Main Extension project, by increasing the contract price by \$18,941.74; increasing the contract time by 30 days. (\$1,116,241.74 total project cost; 210 project days)

- F) Resolution No. 2006-257 accepting a bid from Motta Painting Company regarding painting services for the Public Works Facility Painting project, under Bid No. 2006-32; authorizing the execution of a contract and payment therefor. (\$37,500)
- G) Resolution No. 2006-258 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 Tomoka Christian Church, Inc., to be known as “Tomoka Beachside Church.” (221 Vining Court - \$41,600)
- H) Resolution No. 2006-259 approving the preliminary plat for the “Tomoka Golf Village” Planned Residential Development, to replat a portion of the Sam Snead Golf & Country Club subdivision located at the Tomoka Oaks Country Club on the northeast side of Nova Road, southwest of US1 and the railroad; establishing conditions and expiration date of approval.
- I) Review of FY 2005-06 budget status.

DISPOSITION: Approve as recommended in City Manager memorandum dated November 30, 2006.

8) **PUBLIC HEARINGS:**

- A) Resolution No. 2006-260 authorizing the execution and issuance of a Development Order for “Ivanhoe Beach Resort” Special Exception on a site located at 205 South Atlantic Avenue, within the B-6 (Oceanfront Tourist Commercial) zoning district, permitting the use of three (3) temporary storage containers for a seven (7) month period; establishing conditions and expirations of approval.
- B) Resolution No. 2006-261 authorizing the execution and issuance of a Third Amended Development Order for “Coquina Presbyterian Church” Special Exception on a site located at 2085 West Granada Boulevard, within the R-3 (Single Family Medium Density) zoning district, to allow the construction of a new modular building containing 1,728 square feet of classroom space; ratifying and affirming the Development Order; establishing conditions and expirations of approval.
- C) Resolution No. 2006-262 authorizing the execution and issuance of a Development Order for a Special Exception to allow the operation of a nightclub and sports bar in two connecting units within the Ellinor Village Shopping Center, located at 642 South Atlantic Avenue, within the B-7 (Highway Tourist Commercial) zoning district; establishing conditions and expirations of approval. (“Beaches”)
- D) Ordinance No. 2006-26 relative to transient lodging, amending Chapter 1, Article III, Definitions, Section 1-22 and Chapter 2, Article II, District Regulations, Sections 2-09 through 2-20 and 2-21 of the Land Development Code by amending regulations regarding the use of residential dwelling units for transient lodging. (First Reading)

9) **FIRST READING OF ORDINANCES:**

- A) Ordinance No. 2006-27 amending Chapter 2, District and General Regulations, Article III, General Regulations, Section 2-50, Accessory Uses, of the Land Development Code by creating regulations to ensure proper placement and operation of donation bins used by charitable, non-profit organizations as accessory uses.
- B) Ordinance No. 2006-28 granting an economic development ad valorem tax exception to Hudson Tool & Die Company, Inc.; requiring annual filings; repealing all inconsistent ordinances or parts thereof.

10) **DISCUSSION ITEM:** Change Order procedures.

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.

Item #2 - Invocation

Mr. Isaac Turner, City Manager, announced that Daytona Beach Mayor Yvonne Scarlett-Golden passed away this evening. He asked that her family and the Daytona Beach community be kept in the peoples' thoughts and prayers as they deal with this loss and celebrate her life and her commitment to the community.

Mr. Turner gave the invocation.

Item #3 - Pledge of Allegiance

Mayor Costello led the Pledge of Allegiance.

Item #4 - Audience Remarks

Building Height Limit

Mr. Jeff Boyle, 614 North Halifax Drive, representing CAN DO, stated the building height limit question was decisively answered by over 16,000 voters on November 7; however, at the November 14 meeting the Commission failed to provide the leadership necessary to reach out and bring this community together. He stated that the Commission was not listening to the people and still challenging the will of the people. Mr. Boyle provided a copy of the judges' ruling and the ruling from the second DCA to the City Clerk. He urged the Commission to drop the appeal.

Flea Market

Mr. Boyd F. Linville, 43 Twin Rivers Drive, representing Tomoka United Methodist Church, reported the church would like to rent a small portion of their land to vendors to sell their products as part of a flea market. He reported a bank was next door to the church so if the property needed to be rezoned to commercial to have a flea market approved, he asked permission to have that done.

Mayor Costello asked Mr. Ervin to provide a report regarding the ramifications of the proposal.

Building Height Decorum

Ms. Caj Piñero, 176 Seminole Avenue, stated people on both sides of the building height issue have been treating people in a shameful manner, and that must stop. She asked that the Commission not lower their standards when people bicker and complain.

Mayor Costello reported the Commission would do a better job.

Building Height Limit

Mr. Glenn Jaspers, 160 Ocean Terrace, displayed an overhead of a letter by the City Attorney regarding the wording of the Charter Amendment being in the form of a question. He noted the City's Land Development Code clarified the difference between structures and buildings. Mr. Jaspers displayed a document from Flagler Beach where their petition was in the form of a question and the City of Flagler Beach corrected the wording to a statement to place into their Charter with no lawsuit or difficulty responding to the spirit and intent of the voters.

Mayor Costello stated he would defer to the City Attorney because no one would favor "structures" to be different than "buildings" more than he would. He asked Mr. Hayes to provide the information so he could refer it to Mr. Jaspers.

Mr. Randal Hayes, City Attorney, reported he would be out of town the remainder of the week; therefore, this would have to await his return.

Oceanside, California, Commission Meetings

Ms. Magi Sharifi, 210 Valencia Drive, stated she attended a Commission meeting in Oceanside, California, where the Commission members attended the meeting prepared; they went through the agenda items in a timely and professional manner; they listened to the people without chastising them or making disparaging comments; and they commended the speakers for their commitment to making Oceanside a better place to live. She noted their Commission respected the people's opinions, working with the residents in groups and through neighborhood meetings coming to a consensus acceptable to all. Ms. Sharifi stated the citizens of Ormond Beach needed the same caring and commitment from the Commission as that of Oceanside.

Building Height Limit Appeal

Mr. Worley Pruett, 129 Seminole Avenue, requested the Commission stop the appeal and stop spending money on the height issue.

Commission Comments

Ms. Lucille Eaton, 4 Wild Creek Way, expressed concern regarding Mayor Costello's comments at the last meeting that he did not feel his daughter should be subjected to comments made about him while waiting in line at a movie. She stated she did not like her grandchildren hearing comments made by Commissioner Kelley and Commissioner Partington regarding the CAN DO proponents being uneducated, not capable of making their own decisions, and that they were members of a mob. Ms. Eaton requested an apology and stated appropriate standards should be set.

Mayor Costello stated he appreciated the admonishment, and the Commission would do better.

Building Height Limit Vote

Ms. Lucille Bornmann, 6 Windsor Drive, stated residents do not want Ormond Beach changed the way some developers want it to change for them to make money. Ms. Bornmann urged the Commission do away with the appeal.

Mayor Scarlett-Golden

Mr. Jim Schultz, 117 Harvard Drive, advised he had an opportunity to speak to Mayor Scarlett-Golden where she was speaking at a health fair doing her duty this very week.

Fluoridation

Mr. Schultz reported the Mayor Costello informed him that the American Dental Association (ADA) of Florida made an announcement that they were in concurrence with the National American Dental Association regarding their announcement of November 9 that fluoridated water was to be avoided with infants 12 months and under in mixing formula in order to avoid a substantial risk of dental fluorosis or defective enamel. He provided copies of guidelines which he asked to be used for a notification process.

Mayor Costello advised he submitted the Florida Dental Association paper to staff and requested the City determine how to notify people. He reported he would prefer to substitute "potential risk" with "significant risk" for people who use only the baby formula. Mayor Costello noted occasional use was not a problem. He stated the issue was concentration, noting, for instance, too much chlorine would be harmful and not enough chlorine would also be harmful.

The Future of the Beachside

Mr. Don Miller, 1305 Parkside Drive, stated he hoped the Commission learned from the vote that the people must be included as soon as possible in any action they plan to take. He advised what happens now was more important than what had occurred in the past and would afford a great opportunity to work together. Mr. Miller recommended appointing a Beach Advisory Board to offer the Commission input from the people.

Mayor Costello recommended Mr. Miller work with Mr. Boyle and other leaders to bring the Commission some ideas on what type of citizens groups were wanted. He noted the Commission thought public input was being sought by having several workshops and the April 17 forum, but it was obvious the Commission did not do enough.

Item #5 - Approval of Minutes

Mayor Costello advised the minutes of the November 7, 2006, and November 14, 2006, meetings had been sent to the Commissioners for review and asked if there were any corrections, additions, or omissions.

Commissioner Gillooly stated on page 15587 under the heading "Florida League of Cities" her comment was that Halifax Habitat for Humanity would pay for one workshop and the City would pay for the second and so on, but the minutes indicated that Halifax Habitat for Humanity would pay for all of the workshops.

Mayor Costello stated that the minutes were approved as amended.

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

Mayor Costello reported he forwarded information regarding the Metropolitan Planning Organization (MPO) and the Volusia Council of Governments (VCOG) to the Commission. He

stated the major objective for the year for VCOG was to enact reciprocal charter amendments that had recently been voted down because they were not reciprocal but would give the County complete oversight. Mayor Costello noted the goal was for the County to continue to have oversight into lands annexed into a community, and the cities to have oversight into lands that are around the cities.

Item #6(C) - Water Authority of Volusia

Commissioner Kelley stated Water Authority of Volusia (WAV) would meet next Wednesday and another meeting was scheduled in December that would set the tone of what would occur in February. He noted the members would probably vote to be a planning authority which was less than what it was when it was the Volusia Water Alliance. Commissioner Kelley advised that at that time Ormond Beach must make a decision if it wanted to be involved, in that involvement would be totally voluntary.

Mr. Turner stated the recommendation from the managers would probably be for WAV to become a planning group with some provisions to build facilities under the current provisions.

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.

Mayor Costello stated he had requests to pull Item Nos. 7(G) and 7(I) for discussion.

Commissioner Kelley moved, seconded by Commissioner Partington, for approval of the Consent Agenda, minus Item Nos. 7(G) and 7(I).

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

Item #7(G) - Property Improvement Grant Agreement with the "Tomoka Beachside Church"

Mr. Randal Hayes, City Attorney, stated Article I, Section 3, of the Florida Constitution prohibits the use of public money to benefit any church or religious group; therefore, the Commission cannot consider or approve this item.

Mr. Scott Tepper, attorney representing Tomoka Beachside Church, provided copies of Article I, Section 3. He requested an opinion, in writing, from the Commission to determine if there were any possible exceptions to this provision. Mr. Tepper explained this was not asking for a benefit to the church, but for a beautification to the City, which was what the property improvement grant was all about. He requested additional time to research the issue and to satisfy the landscaping obligations allowing the church to open without waiting for all of the cosmetic work to be completed.

Pastor Robbie O'Brian, Tomoka Beachside Church, 221 Vining Court, requested additional time. He noted the church's reputation with the City was more valuable than the \$40,000 in question.

Mr. Boyle questioned how this issue advanced to this point. He noted other than Article I, Section 3, there were additional federal constraints under the Tax Reform Act of 1986. Mr. Boyle advised that in rare instances public funds were applied to a historic church. He pointed out the building and the land were already off the tax rolls; therefore, he questioned how the City could give public funds to an entity that would not generate any public funds. Mr. Boyle stated even if the grant was legal, there would be negligible positive impact on the assessed value of the nearby properties.

Mayor Costello stated the reason he wanted the speakers to be heard was because it bothered him that a Community Redevelopment Grant could be given to a bar or any other building but could not be given to a church. He stated he did not believe anything additional should be given to a church that could not be given to anyone else, but he objected to denying the grant to bring a building up to a standard that would benefit the community because it was a church. Mayor Costello noted he did not see any way around this provision, but he wanted to give the people the opportunity to speak.

Commissioner Partington stated that as in the case of Mr. Linville, it was difficult to change the rules without setting a precedent. He noted he had some ideas as to how this could be done legally and urged Mr. Tepper or Pastor O'Brian to contact him.

Commissioner Kelley stated the grant would not apply to any church or other non-profit organization because the purpose was to increase the value of the property.

Mayor Costello stated if no non-profit could receive this grant, he would agree; but if a different non-profit could have received it, he would have a problem with it.

Commissioner Kelley stated Holly Hill checked into this same issue and discovered no non-profit could receive this grant.

Mr. Hayes noted this item had been administratively withdrawn.

Item #7(l) - Review of FY 2005-06 Budget Status

Mr. Adrian Thompson, 6 Dorado Beach Court, commended the City Manager, Budget Manager, Finance Director, and staff for their fiscal responsibility, sound judgment, excellent decision making, and efficiency that they demonstrated in the last year by bringing a windfall of cash with a positive variance in the budget. He stated other staff had been less than responsible in what he characterized as the "airport golf course debacle" where errors in judgment cost taxpayers \$300,000. Mr. Thompson noted the Aviation Advisory Board recommended the cost of mitigation for the golf course issue should be taken from the General Fund, but that recommendation was ignored by the Commission removing the \$300,000 from the Airport Development Fund to cover the cost. He pointed out the Commission specifically taxed the citizens to provide an Airport Development Fund for safety improvements and development of the airport, and he asked that the \$300,000 be reinstated to the Airport Development Fund.

Commissioner Kent stated it was exciting the City found this money. He asked Ms. McGuire about the status of the up-front money the City was asked to produce to indicate their seriousness to the County in obtaining off-beach parking.

Ms. Kelly McGuire, Budget Director, stated this year's budget included \$300,000 out of fund balance for the off-beach parking should the City go forward with a proposal. She explained the 17% reserve was after the \$300,000 was deducted.

Commissioner Kent stated Mayor Costello stated he favored the transfer of development rights to gain as much open space as possible, but he also favored a partnership with the County with \$300,000 and possibly even more. He noted all of the Commission members at one time supported the purchase of beachfront properties for public uses although they had different ideas as to how the purchase would be funded. Commissioner Kent proposed using some of this windfall to add to the \$300,000 to let the County know how serious Ormond Beach was on this issue. He stated this would create less of a burden next year.

Commissioner Kent moved to waive the Thompson Rule to propose a motion to take \$200,000 out of these funds to use toward off-beach parking. The motion died for lack of a second.

Mayor Costello noted there was no second to that motion because in the focus meeting just held, the Commission discussed allowing the people to vote on whether the people wanted to fund the purchase of off-beach parking or not.

Commissioner Kent made a motion to waive the Thompson Rule to place the \$300,000 into the Airport Fund. The motion died for lack of a second.

Mayor Costello stated the City may not have a positive variance next year. He stated \$600,000 of this variance was because staff positions were vacant for a period of time. Mayor Costello noted rather than funding 100% of employee costs, the City funded only 99%, cutting some of the potential positive variance on an annual basis.

Commissioner Kent commended staff for doing an excellent job.

Commissioner Partington requested that staff make recommendations as to how this money should be handled. He noted he would prefer to return to the people their share of the money or place it into a fund that would reduce the taxes for next year rather than spend it.

Commissioner Gillooly advised that in the Consent Agenda just passed there was a resolution for engineering services and additional costs for the City's water treatment facility. She noted this was from a separate fund; however, it alerted her to the fact that there were expenses that may arise that were not anticipated, and she would prefer to have the funds available for such unexpected expenses and help avoid another tax increase next year. Commissioner Gillooly reported the Commission just had a lengthy discussion regarding the purchase of beachfront property with the County and noted it was not realistic to believe the City could purchase a parcel of land for only \$300,000. She explained this was a probable estimate of what would be required on a yearly basis with a bond issue. Commissioner Gillooly advised that until more was learned, she would not be comfortable encumbering the citizens with a \$6 million cost until she was certain the citizens would want to spend that money for that purpose.

Mayor Costello summarized Commissioner Gillooly was advocating a vote as to what they want to do regarding beachfront property. He also commended staff for doing an outstanding job. Mayor Costello stated a 15% fund balance would be acceptable; 20% fund balance would be better; and the City had a 17% fund balance. Mayor Costello stated a fund balance was a good thing in that it allowed for a better bond rating and enabled the City to borrow money at a better rate. He pointed out that Ormond Beach was self-insured and funded certain items other communities did not fund; therefore, he did not believe the City had too much fund balance.

Commissioner Gillooly moved, seconded by Commissioner Kelley, to approve the FY 2005-06 budget status report.

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

Item #8(A) - "Ivanhoe Beach Resort" Special Exception

RESOLUTION NO. 2006-260

A RESOLUTION AUTHORIZING THE EXECUTION AND ISSUANCE OF A DEVELOPMENT ORDER FOR "IVANHOE BEACH RESORT" SPECIAL EXCEPTION ON A SITE LOCATED AT 205 SOUTH ATLANTIC AVENUE, WITHIN THE B-6 (OCEANFRONT TOURIST COMMERCIAL) ZONING DISTRICT, PERMITTING THE USE OF THREE (3) TEMPORARY STORAGE CONTAINERS FOR A SEVEN (7) MONTH PERIOD; ESTABLISHING CONDITIONS AND EXPIRATIONS OF APPROVAL; AND SETTING FORTH AN EFFECTIVE DATE.

Commissioner Kelley moved, seconded by Commissioner Partington, to approve Resolution No. 2006-260, as read by title only.

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

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

Item #8(B) - "Coquina Presbyterian Church" Special Exception

RESOLUTION NO. 2006-261

A RESOLUTION AUTHORIZING THE EXECUTION AND ISSUANCE OF A THIRD AMENDED DEVELOPMENT ORDER FOR "COQUINA PRESBYTERIAN CHURCH" SPECIAL EXCEPTION ON A SITE LOCATED AT 2085 WEST GRANADA BOULEVARD, WITHIN THE R-3 (SINGLE FAMILY MEDIUM DENSITY) ZONING DISTRICT, TO ALLOW THE CONSTRUCTION OF A NEW MODULAR BUILDING CONTAINING 1,728 SQUARE FEET OF CLASSROOM SPACE; RATIFYING AND AFFIRMING THE DEVELOPMENT ORDER; ESTABLISHING CONDITIONS AND EXPIRATIONS OF APPROVAL; AND SETTING FORTH AN EFFECTIVE DATE.

Commissioner Kent moved, seconded by Commissioner Kelley, to approve Resolution No. 2006-261, as read by title only.

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

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

Item #8(C) - "Beaches" Development Order

RESOLUTION NO. 2006-262

A RESOLUTION AUTHORIZING THE EXECUTION AND ISSUANCE OF A DEVELOPMENT ORDER FOR A SPECIAL EXCEPTION TO ALLOW THE OPERATION OF A NIGHTCLUB AND SPORTS BAR IN TWO CONNECTING UNITS WITHIN THE ELLINOR VILLAGE SHOPPING CENTER, LOCATED AT 642 SOUTH ATLANTIC AVENUE, WITHIN THE B-7 (HIGHWAY TOURIST COMMERCIAL) ZONING DISTRICT; ESTABLISHING CONDITIONS AND EXPIRATIONS OF APPROVAL; AND SETTING FORTH AN EFFECTIVE DATE.

Mr. Clay Ervin, Planning Director, stated this was an application for a special exception to allow a bar/nightclub/lounge on a subject property zoned B-7. He noted that according to the Land Development Code regulations, there were specific restrictions regarding these types of operations, and the majority of the criteria pertain to location such as they can not be within 1,000 feet of a church, school, or park. Mr. Ervin advised the subject property was in a commercial shopping center on South Atlantic Boulevard. He stated the parcel was previously approved for this type of use known as "The Other Place" remaining in operation until the mid 1990s when it went vacant, and in 1999 an application to revise the use was received. Mr. Ervin advised the code at that time had basically the same standards as now existed. He reported this application restated what was approved in 1999. Mr. Ervin noted the use continued until last year when it was officially abandoned. He explained according to the code, a special exception can not be restated if it had been abandoned, and it must comply with the code, to the maximum extent practical. Mr. Ervin noted the property owner wanted the same approval that was granted in 1999 with the same conditions. He advised staff investigated to determine if there were any changes to the code or criteria and found none; therefore, staff had to recommend approval of the project to the Development Review Board. Mr. Ervin reported the Development Review Board recommended denial due to the impacts of the residential properties, such as the hours of operation, noise, and inebriated customers impacting the neighborhood. He reiterated that staff had to consider what was previously approved and determine if any criteria changed to enable them to recommend denial; however, that was not the case, and the project meets the criteria.

Mr. Thomas Corso, 1391 Aleut Lane, representing Weecki Wachee Trust, stated that from a landlord standpoint he had a tenant that was willing to make modifications in the lease agreement that would accommodate the residents. He asked to hear the residents' opposition and make comments to those oppositions after they speak.

Ms. Audrey Durrue, 180A Cardinal Drive, stated the City regulations require a bar not be located 1,000 feet from a house or worship, a public park, or public recreation area, and this facility would be less than 500 feet from the beach, which was the largest recreation area. She stated Pirate's Cove was not a public facility, but a large private facility with children and families frequenting the facility. Ms. Durrue stated should the Bray and Gillespie proposal come to fruition, the public park and community center would be less than 1,000 feet from the proposed bar. She explained what was once an office was now a home and in close proximity to the back of the bar. Ms. Durrue advised over the past nine months a police report indicated there were eight persons drunk, seven persons disorderly, six medical, five assault and batteries, four petty larcenies, three disturbances, one burglary, and one rape in the area. She reported there were over 60 calls to the Police Department in the past nine months. Ms. Durrue noted Ocean Village had residents from toddlers to seniors, and a bar would adversely change the residents' lifestyle.

Ms. Jan Reece, 11 Chippingwood Lane, representing the 93 homeowners in the Gardens of New Britain, advised the residents in the Gardens of New Britain believe this establishment would not fit in their neighborhood. She noted this would impact 343 homeowners in the

Gardens of New Britain and Ocean Villas. Ms. Reece stated Ormond Beach had very little family entertainment; however, Pirates Cove Golf Course, located across the street from this establishment, was usually filled with families. She urged the Commission not to permit this special exception.

Ms. Pat Behnke, 15 Malyan Sunbear Path, stated merely because a bar existed in that area in the past was not adequate reason to allow one in this location now. She noted this was an opportunity to keep the area a clean and safe neighborhood. Ms. Behnke pointed out there was space available in Granada Plaza at the far west end that she believed was 1,000 feet away from the park and could possibly be used for this purpose.

Ms. Linda Kane, Ivanhoe Drive, stated the reason for this exemption request was because a business owner had a liquor license compliance problem. She reported staff's recommendation was that the location the Beaches wanted to move into had an expired exemption, and the owners would comply with all of the previous requirements, leaving no new issues; however, she urged the Commission to consider what was the best Ormond Beach could be. Ms. Kane stated because an exemption was once granted did not mean a new one could correct a bad situation. She urged the Commission to examine the impact during the last owners' occupancy, the number of complaints, and the general nuisance the neighborhood endured. She advised the quality of life was negatively affected, but the neighborhood improved a great deal when the building was vacated. Ms. Kane asked the Commission to help a neighborhood preserve its lifestyle and identity by denying this exemption.

Ms. Teri Kowalski, 64B Cardinal Drive, expressed opposition to Beaches coming into their neighborhood and indicated what the neighborhood was years ago was not what it was now. She reported bars attract robberies, rapes, prostitutes, and drugs. Ms. Kowalski pointed out there was no parking; therefore, the parking would occur in the neighborhoods.

Ms. Marianne DiFiore, 206 Cardinal Drive, stated she also owned 213B Cardinal Drive located within 300 feet of the proposed nightclub. She noted in 1990 the shopping plaza contained small family businesses, and the bar was the start of many noise and nuisance problems including loud music until 2 a.m., patrons parking illegally in residential areas, and dealing with the horrible behavior of the bar patrons. Ms. DiFiore reported these problems led to The Other Place being closed, leaving the neighborhood quiet and safe. She stated the closest home was located 30 feet from this bar, and it would disturb the quality of life for all of the neighbors. Ms. DiFiore reported nightclubs are known to attract drugs and crime, and the impact would be detrimental to residents and tourists alike. She pointed out a great deal of discussion was occurring lately regarding the redevelopment of A1A to include luxury condominiums, shops, restaurants, parks, and a community center. Ms. DiFiore noted developers purchased property on the east and west side of A1A, and this did not seem conducive to the image Ormond Beach would like to promote. She reported she visited the current Beaches location and found the doors wide open with loud music, and while she did not oppose nightclubs in general, they do not belong in residential areas. Ms. DiFiore urged denial of this exception.

Mr. Jim Lupko, 206 Cardinal Drive, stated he also owned 213A Cardinal Drive where an older woman resided. He cautioned approval would cause the resident to be subject to loud noise until 2 a.m.

Mr. Patrick Kelley, 777 A Flamingo Drive, expressed objection to this bar because of the threat of noise, congestion, drugs, parking problems, late night traffic, drunks, fights, and trash. He noted he objected to the Planning Department's mindset that because a bar was previously operated on the site, it should, without question, do so again. Mr. Kelley stated a family-oriented business catering to small children was located across the street, and it would not mix well with an adult business.

Mr. Ray Cavallo, 26B Oriole Circle, stated prior to 1999, Ocean Village was quite different than it was now in that it was a borderline blighted area but was now a family-oriented community.

Ms. Loita Ross, 620B Robin Road, stated she also owned 188B Cardinal Drive. She expressed agreement to all of the objections previously voiced.

Mr. Jonathan Murbach, 596A Robin Road, questioned why this was before the Commission tonight and the October 19, 2006, report was flawed. He advised this was a separate entity from what was previously in this location. Mr. Murbach reported the world changed drastically since 1998, and this should have been treated as a new application. He noted the report indicated there would be no impact on the neighborhood, which was totally false. Mr. Murbach stated Section 20-4 of the Volusia County Beach Code stated: "The County Council finds that

the Atlantic Ocean Beach is and should be managed as an enormous public park,” and Ormond Beach’s code, Section 256, required bars be: “1,000 feet from any park.”

Mr. Thomas Corso, representing the property owner, stated he understood there was opposition but he was trying to get tenants to occupy the space since empty space deteriorates properties, creating elements no one would want in their neighborhood. He noted while he understood the citizens’ concerns, in 1998 he addressed the residents’ concern and was willing to do so again if this could be revisited in 30 days, allowing him an opportunity to speak to the homeowners’ association and anyone else interested. Mr. Corso advised if this were not approved, he did not see any redevelopment in this location for at least the next three to five years.

Commissioner Gillooly asked if Mr. Corso represented the landlord or the business.

Mr. Corso explained he represented Weecki Wachee Trust and the tenant. He stated he handled the lease negotiations, and he could implement in the lease agreement any type of concerns the citizens may have, so he could enforce the stipulations from a landlord’s standpoint.

Commissioner Gillooly asked if that space was usable for anything else; and if not, why not.

Mr. Corso replied it was not usable for anything else due to its configuration, the interior improvements, and the feasibility behind renovations; however, he acknowledged anything could be done.

Commissioner Gillooly stated the business was originally a restaurant with a 4-COP liquor license, and when the State passed the “no smoking” law in restaurants, the owner requested it be turned into a lounge to allow smoking. She explained City staff advised that could not be done because he would be violating the 1,000 feet from the public park statute, and he chose to proceed anyway. She noted, therefore, the business owner brought this problem on himself by making a conscious decision to have this become a problem. Commissioner Gillooly noted the applicant could go back to operating this as a restaurant with a liquor license and be in compliance with codes; therefore, there was another option available.

Mayor Costello asked if any Commission member wanted to speak in favor of this request. No one spoke in favor of the request.

Commissioner Kent noted the residents did a great job with their comments and preparation. He advised there had been a huge transformation in this area as witnessed by the well manicured lawns. Commissioner Kent concurred with Commissioner Gillooly to either change the request to a restaurant or find another location for a bar.

Mayor Costello noted a motion to approve was necessary before the Commission could approve or deny the request.

Commissioner Kelley moved, seconded by Commissioner Gillooly, to approve Resolution No. 2006-262, as read by title only.

Commissioner Kelley stated he believed The Other Place was in this location in the 1970s.

Mr. Corso stated The Other Place closed in 1992 or 1993 and reopened five years later after extensive renovations were completed.

Mayor Costello noted the Police Department call information was quite compelling. He stated while he believed the City needed some recreation and sports bars, the City did not need anyone coming into this location without an unblemished track record. Mayor Costello reported he could not support this request; however, he wanted to clarify that he was not opposed to anything being located on A1A because of its proximity to the beach. He noted he wanted to be able to approve an upscale type sports bar in a more appropriate area on A1A. Mayor Costello asked staff to investigate that issue.

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

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

Item #8(D) – Residential Dwelling Units For Transient Lodging Regulations

ORDINANCE NO. 2006-26

AN ORDINANCE RELATIVE TO TRANSIENT LODGING, AMENDING CHAPTER 1, ARTICLE III, DEFINITIONS, SECTION 1-22 AND CHAPTER 2, ARTICLE II, DISTRICT REGULATIONS, SECTIONS 2-09 THROUGH 2-20 AND 2-21 OF THE LAND DEVELOPMENT CODE BY AMENDING REGULATIONS REGARDING THE USE OF RESIDENTIAL DWELLING UNITS FOR TRANSIENT LODGING; REPEALING ALL INCONSISTENT ORDINANCES AND PARTS THEREOF; PROVIDING FOR SEVERABILITY; AND SETTING FORTH AN EFFECTIVE DATE.

Commissioner Kelley moved, seconded by Commissioner Partington, to approve Ordinance No. 2006-26, on first reading, as read by title only.

Commissioner Gillooly stated that in addition to this discussion at hand, one of the most consistent issues of concern in her zone was the issue of a single-family home in a residential area being rented out to a number of possibly college students with ten cars and no parking. She noted Daytona Beach and DeLand defined a family for rental purposes as two unrelated individuals. Commissioner Gillooly advised Mr. Hayes offered to research this situation if the Commission would desire him to do so. Commissioner Gillooly urged support in this request in that with a more restrictive definition, some of the problems that plague residential neighborhoods could be addressed. She clarified that this was not what was being voted on in this item; however, she requested this be considered as a future discussion item.

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(D).

Item #9(A) - Donation Bins

ORDINANCE NO. 2006-27

AN ORDINANCE AMENDING CHAPTER 2, DISTRICT AND GENERAL REGULATIONS, ARTICLE III, GENERAL REGULATIONS, SECTION 2-50, ACCESSORY USES, OF THE LAND DEVELOPMENT CODE BY CREATING REGULATIONS TO ENSURE PROPER PLACEMENT AND OPERATION OF DONATION BINS USED BY CHARITABLE, NON-PROFIT ORGANIZATIONS AS ACCESSORY USES; REPEALING ALL INCONSISTENT ORDINANCES AND PARTS THEREOF; PROVIDING FOR SEVERABILITY; AND SETTING FORTH AN EFFECTIVE DATE.

Commissioner Kelley moved, seconded by Commissioner Partington, to approve Ordinance No. 2006-27, on first reading, as read by title only.

Ms. Rita Press, 875 Wilmette Avenue, stated one and one-half to two years ago there was a proliferation of collection bins throughout Florida which turned out to be from a foreign for-profit company. She noted this company tried to infer they were a charity. Ms. Press reported last year the Planning Board voted unanimously to not allow the bins. She requested should the Commission approve this ordinance that it be approved only by permit, strictly for true non-profits, and require the applicant to come before the City annually to renew the permit.

Commissioner Kelley noted the criteria stated it should be non-profit.

Mr. Ervin clarified a criterion that was identified stated: "Sponsoring agencies shall register with the Building Department and provide proof of authorization by the property owner as well as proof of being a not profit, charitable organization registered as a 501C3." He pointed out this language did not include verbiage regarding an annual permit, and it would need to be added if the Commission so desired.

Commissioner Gillooly reported she favored adding the verbiage regarding an annual permit at the staff level. She noted this would provide secondary oversight.

Commissioner Gillooly moved to amend, seconded by Commissioner Partington, to include an additional criterion to require annual evaluation by staff.

Call Vote on the Amendment:	Commissioner Kelley	yes
	Commissioner Partington	yes
	Commissioner Gillooly	yes
	Commissioner Kent	yes
Carried.	Mayor Costello	yes
Call Vote on the Underlying Motion:	Commissioner Partington	yes
	Commissioner Gillooly	yes
	Commissioner Kent	yes
	Commissioner Kelley	yes
Carried.	Mayor Costello	yes

Mayor Costello asked staff to let the Commission know if there were any problems that may develop due to this action.

Item #9(B) - Economic Development Tax Exception to Hudson Tool & Die Company, Inc.

ORDINANCE NO. 2006-28
 AN ORDINANCE GRANTING AN ECONOMIC DEVELOPMENT
 AD VALOREM TAX EXCEPTION TO HUDSON TOOL & DIE
 COMPANY, INC.; REQUIRING ANNUAL FILINGS; REPEALING
 ALL INCONSISTENT ORDINANCES OR PARTS THEREOF;
 AND SETTING FORTH AN EFFECTIVE DATE.

Commissioner Partington moved, seconded by Commissioner Kelley, to approve Ordinance No. 2006-28, on first reading, as read by title only.

Commissioner Gillooly commended Mr. Joe Mannarino, Economic Development Director, and Hudson Tool & Die. She pointed out Hudson Tool & Die could have asked for this abatement with the creation of only ten new jobs, but the proposal was for 104 new jobs.

Commissioner Kent noted upon reading this he originally was uneasy; however, upon reading about the number of jobs he was very comfortable approving this abatement.

Mayor Costello stated he was excited at this prospect in that the total abatement over six years was \$36,000; Hudson Tool & Die would pay \$75,000 annually, and would be going from 260 jobs to 304 jobs. He reported the pay for the jobs would range from \$12 to \$24 per hour with 90% of the employees historically living in Volusia County for two years.

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

Item #10 – Change Order Procedures

Ms. Judy Sloane, Public Works Director, stated a report of the procedures, a summary of the past year's change orders, and a report on the industry standards were provided. She advised the typical type of work where change orders were being requested was on renovations and underground utilities where until the project was started it would be difficult to determine what problems would need to be faced. Ms. Sloane reported staff surveyed adjacent communities to determine what process they follow, and it was her belief that Ormond Beach was following both the industry standards and the practices of the neighboring communities.

Mr. Turner reported two concerns were expressed by the Commission which were the number of added change orders and a concern regarding the process issue of things being approved in the field before they come to the Commission for approval. He noted staff also had some questions regarding that process. Mr. Turner offered to bring back suggestions on how to improve the overall process.

Commissioner Kent thanked staff for the information provided. He stated due to the fact that all of the municipalities follow a similar procedure and the contractors are aware of that when they place their bid, he was concerned the contractors may be padding the bid to allow for

contingencies. Commissioner Kent reported some of the change orders were additive, some deductive, and some are not seen by the Commission; but he questioned if the contracts were too general, which allowed the contractor to come back and ask for more money. He reported when work was done on his home and he received a price quote for the service, that was the amount of money he paid; and if problems arose, the contractor would have to pay the additional cost above what was agreed upon. He pointed out he did not oppose all change orders, but he did have a concern that some are not necessary.

Mayor Costello explained if the contractors all allowed for problems that did not materialize, their bids would be higher; and if Ormond Beach were the only municipality that had a different system that did not allow change orders, Ormond Beach would consistently receive higher bids to provide for the contingency for the contractors to cover the possible extra costs. He reported several years ago the City had the opportunity to do some charting of the underground utilities at a cost of over \$1 million. Mayor Costello noted the Commission elected not to invest those funds, realizing that change orders would occur because the location of the pipes was not known. He pointed out there are contracts without change orders, and he would prefer bids to come in as low as possible.

Commissioner Kelley noted he completely agreed with Mayor Costello's assessment. He pointed out most of the deductive change orders were normally local contractors with whom the City deals frequently. He stated the total deductive and additive change orders balance out to a great extent. Commissioner Kelley reported the location of the pipes was not known, and it would cost a fortune to determine their location. He considered the current system was a fairly good system. Commissioner Kelley recommended when there was a single bidder, that contract should be flagged to determine if they were coming back for abnormal additive change orders.

Ms. Sloane reported for contracts with a single bidder at the pre-bid conference, consultants and staff may send out additional notices or make phone calls to solicit additional bids.

Commissioner Gillooly stated she appreciated the report. She noted she questioned the system where change orders were approved by staff before coming to the Commission, and she asked why the Commission should be involved if they had no power to oppose the change order. Commissioner Gillooly concurred she did not wish to hold up a project to await Commission approval for a change order. She asked if something could be built into contracts that when a change order was required, it would need to come back to the Commission and the City would not be penalized by the contractor due to the time differential. Commissioner Gillooly recommended a threshold of what could be authorized in the field by the director. She pointed out this system placed the director authorizing the change order in a precarious position where that person would not know if the Commission would approve the change order. Commissioner Gillooly questioned what would occur to the contract and the director's credibility if the Commission would not approve what had already been authorized by staff in the field.

Mr. Turner stated staff was uncomfortable with approving change orders in the field and then having to come back for Commission approval. He noted awaiting Commission approval could stall jobs, making it inconvenient for the contractor and the neighborhood where the work was occurring. Mr. Turner stated Ms. Sloane and her staff work hard to make certain the City gets there money's worth and even more. He explained many problems are fixed where the City does not get charged because of Ms. Sloane's diligence.

Commissioner Gillooly stated she would be comfortable with a dollar threshold or percentage for staff to work with, but the Commission would need to vote for anything over that dollar amount. She suggested the contract include language explaining that if a change order would exceed that set amount, the change order would have to be approved by the Commission, and the City could not be penalized due to any time issues.

Mayor Costello asked if Commissioner Gillooly would be comfortable if staff would be permitted to spend up to \$25,000 or 2% of the project, whichever was higher, without coming back to the Commission. He noted if that were approved, staff would still need to inform the Commission, and should an unwanted trend occur, that policy could be amended.

Commissioner Gillooly noted she would be more comfortable with a dollar amount.

Mr. Turner stated staff could bring back a proposal for the Commission to consider.

Mayor Costello concurred that, up to a certain threshold, he would want staff to take care of change orders in the field, but he would want to know about them so adjustments could be made, if necessary.

Commissioner Kelley pointed out there were seven additive changes and only three of those would apply to the \$25,000 threshold with one at \$26,000, leaving only two above the threshold. He recommended tying the percentage into the equation because the project could be a \$50,000 project and staff should not be able to approve \$25,000 in change orders for a \$50,000 project.

Commissioner Gillooly concurred the percentage may be the answer.

Commissioner Partington recommended leaving the system unchanged because no staff member would want to make the call and have his job in jeopardy, which had occurred in some cities. He noted by coming back to the Commission it would provide additional bargaining authority for the staff in dealing with the contractor in that the contractor would know the Commission could approve or deny the request.

Commissioner Kent agreed with Commissioner Partington that the system should not be changed. He noted using this method would allow more eyes that would be examining the change orders.

Commissioner Kelley concurred with Commissioner Kent and Commissioner Partington.

Mayor Costello noted Commissioner Partington made a great point that the City may have more leverage in negotiation of the contract with the current system.

Ms. Sloane stated staff certainly uses that point in negotiations of change orders, explaining they were approving the work to be done but not the payment of work.

Commissioner Gillooly asked if there was ever an instance where a change order was approved in the field and the Commission would not approve payment.

Ms. Sloane reported she believed there was one instance where payment was denied, but it was reconsidered and paid for at a subsequent meeting.

Mr. Hayes explained that contractors are entitled to request additional money for certain circumstances that are not foreseen at the time the bid was submitted; however, the law also recognizes that they must get approval first. He noted if the contractor could not work out the differences with the City, the contractor would sue the City claiming entitlement, and a settlement would probably occur. Mr. Hayes reported while the current process was cumbersome, it worked fairly well, and staff did an admirable job keeping tabs on the process.

Commissioner Gillooly stated she would review the documents, but staff was on the line with the current process as well. She noted she would certainly not want to pursue litigation.

Mr. Hayes noted the current process would make the contractor think very hard about what additional work was needed and would make staff think hard as to what they could feel comfortable authorizing.

Commissioner Gillooly reported the difference in the deductive orders to the additive orders was only \$20,000 over seven projects, which was minimal. She noted she was not questioning the need for the change orders, only the process, but she could appreciate all of the points mentioned.

Mr. Turner stated this was an uncomfortable process, and he was not certain of a perfect solution. He advised staff was highly cognizant of the scrutiny they need to apply when working with contractors.

Mayor Costello stated he was permitted to call an emergency meeting with 24 hours notice. He stated when a change order would involve inconveniencing the residents where a contractor would wait to proceed with a project until they could get approval, the Commission could call an emergency meeting rather than hold up the project to the next scheduled meeting.

Item #11 - Reports, Suggestions, Requests

Birthplace of Speed Park

Commissioner Kent stated he pulled the Birthplace of Speed Park item off the agenda because he doubted he had adequate support. He advised he still did not see the park being used to any great extent.

Coffee with the Commissioner

Commissioner Kent stated many people from various zones have been attending his “Coffee with the Commissioner” meetings where he has been receiving positive feedback. He noted these meetings were similar to his own private town hall meetings. Commissioner Kent advised that the next one would be held on Monday, New Years Day, January 1, 2007, at 5 p.m.

Luncheon with Chief Longfellow

Commissioner Kent stated his daughter, Gabby, returned a purse she found at Ormond Beach Middle School. He reported she received an invitation from Councilman and Principal Carl Persis for Gabby to ride on the Ormond Beach Police Athletic League (PAL) bus to go to a luncheon with Police Chief Michael Longfellow at the Ormond Beach Police Department. Commissioner Kent advised this was an awesome program, and he thanked Chief Longfellow and Mr. Turner for this program. He noted this will leave a lasting positive impression on his daughter.

Volusia League of Cities Dinner

Commissioner Kelley thanked staff for their work to make the Volusia League of Cities dinner fantastic.

Commissioner Partington stated the five Commission members sat at different tables with different elected officials, and it was a delight to hear other cities’ elected officials compliment Ormond Beach on its beauty. He reported each official was given a dime from the Casements as a memento to highlight the significance of Ormond Beach’s history. Commissioner Partington stated it was a great night, and all went smoothly.

Mayor Scarlett-Golden

Commissioner Partington sent condolences to Daytona Beach and Mayor Scarlett-Golden’s family.

Tomoka United Methodist Church

Commissioner Partington reported he met with Mr. Boyd Linville at Tomoka Christian Church, and he was open to any thoughts and ideas that could be done to help Mr. Linville without changing the rules.

ACT Corporation

Commissioner Gillooly stated the ACT Corporation had requested assistance from the cities. She noted she understood if the cities pooled together and raised \$200,000, the County would match that amount; however, she received new information that the County was matching donations from cities dollar for dollar as each city donates the money. Commissioner Gillooly reported Ormond Beach’s resolution for \$12,500 was contingent upon the other cities pulling together the \$200,000. She stated she was not certain if this could be addressed now or on a subsequent agenda, but she asked that vote be reconsidered to provide ACT with at least the \$12,500 without the contingency. Commissioner Gillooly reported ACT was making a concerted effort, and this was a tremendous program.

Mayor Costello asked if a motion to reconsider was appropriate.

Commissioner Kent noted he could not support this expenditure in that a certain amount of money was allotted and that amount had already been allocated.

Mr. Hayes stated a motion to waive the Thompson Rule was necessary before a motion for reconsideration could be considered.

After a discussion of the proper procedure it was determined that since Commissioner Gillooly was on the prevailing side of the vote she could request that this be placed on a future agenda for reconsideration.

Birthplace of Speed Park

Commissioner Gillooly thanked the Ormond Beach Historical Trust for their action and concern regarding the Birthplace of Speed Park. She advised she asked for a discussion item on a January agenda to address the heritage as the Birthplace of Speed issue.

Volusia League of Cities Dinner

Commissioner Gillooly thanked staff for the incredible job they did on the Volusia League of Cities dinner. She reported many people worked very hard to make it a success. Commissioner Gillooly noted she sat with the Holly Hill contingency, and they were very supportive. She advised this dinner afforded a great opportunity to speak with other city officials, and it was very well done.

Halifax Habitat for Humanity Ground Breaking

Commissioner Gillooly thanked Mayor Costello for speaking at the Halifax Habitat for Humanity ground breaking on Lincoln Avenue.

Mayor Scarlett-Golden

Commissioner Gillooly noted she was saddened by the passing of Mayor Scarlett-Golden. She stated she worked with Mayor Scarlett-Golden for a number of years when her husband was a Commission member and through her duties with Halifax Habitat for Humanity.

2006

Commissioner Gillooly stated 2006 had many happy and many sad moments.

City Clerk

Commissioner Gillooly congratulated Veronica Patterson, City Clerk, at the birth of her new grandson, Daniel. She expressed best wishes to Ms. Patterson, her daughter, Heather, and the family.

Water Plant Inspection

Mr. Turner congratulated Ms. Sloane for her leadership that resulted in a positive re-inspection from the Department of Health at the water plant. He thanked the Commission for providing the resources to get this issue resolved. Mr. Turner noted many improvements have been made, and there was a great deal more to do.

Volusia League of Cities Dinner

Mr. Turner thanked the Chamber of Commerce, the Casements Guild, and other community groups for their work on the dinner.

Mayor Scarlett-Golden

Mr. Turner reported he appreciated the opportunity of working with Mayor Scarlett-Golden. He explained Mayor Scarlett-Golden and Mayor Costello were instrumental in resolutions of the dispute between Ormond Beach and Daytona Beach through their leadership and willingness to pull together and work through various issues.

Attorney-Commission Executive Session

Mr. Hayes publicly announced the Commission would hold an attorney-Commission executive session with Mr. Pelham regarding the Charter litigation on December 18.

Birthplace of Speed Park

Mayor Costello thanked Commissioner Kent for the way he handled the Birthplace of Speed Park issue.

ACT Corporation

Mayor Costello stated he looked forward to the discussion regarding the ACT Corporation. He pointed out that the homeless and mental health issues were not Daytona Beach or Volusia County issues, but effect Ormond Beach as well. Mayor Costello stated it was far less costly for Ormond Beach to work with other agencies they try to handle the issues alone.

Transient Lodging

Mayor Costello reported regarding the transient lodging issue he would not object to three people living in a three-bedroom house if they were able to park their cars in the driveway. He noted he wanted Ormond Beach to be a community that allowed people to live in the City without negatively impacting their neighbors.

Volusia League of Cities Dinner

Mayor Costello stated the Chamber of Commerce did a great job hosting the Volusia League of Cities portion of the dinner at The Casements. He reported he heard many comments commending Ormond Beach for the simple decorations that look spectacular.

Tree Lighting Ceremony and Holiday Parade

Mayor Costello stated the City Singers would be at the City Hall Plaza at 4 p.m., the Baptist Church Choir at 5:30 p.m., the tree lighting would be at 6:00 p.m., and the parade would start at 6:30 p.m. on Saturday, December 9.

Mayor Scarlett-Golden

Mayor Costello noted the longer a Commission member serves, the greater the opportunity there was to make people upset with them. He noted at 80 years old Mayor Scarlett-Golden did not have to serve her City. Mayor Costello stated she did so because she cared enough about

City Commission – December 5, 2006

Daytona Beach to allow people to talk about her on the radio. He urged people to show their love for each other now because no one knows when they will be gone.

Item #12 - Close the Meeting

The meeting was adjourned at 9:40 p.m.

APPROVED: December 19, 2006

BY: Fred Costello, Mayor

ATTEST:

Veronica Patterson, City Clerk