

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

June 2, 2009

7:00 p.m.

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

- 1) Meeting call to order by Mayor Costello.
- 2) Invocation by Cantor Zev Sonnenstein, Temple Beth-El.
- 3) Pledge of Allegiance.
- 4) **AUDIENCE REMARKS:**
- 5) **APPROVAL OF THE MINUTES** of the May 19, 2009, meeting.
- 6) **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. 2009-72 amending the dates and times for the holding of regular meetings of the City Commission of the City of Ormond Beach, Florida, for the month of September 2009; providing for exceptions thereto. (Tuesday, September 8, 2009, and Monday, September 14, 2009) (City Clerk)
 - B) Resolution No. 2009-73 authorizing the execution of a release and satisfaction of Special Master administrative fine/lien for code violations on property located at 11 Birchwood Trail (Parcel ID 4217-07-00-0370), Ormond Beach, Volusia County, Florida. (\$100 fine) (Neighborhood Improvement Manager)
 - C) Resolution No. 2009-74 authorizing the submittal of an on-line grant application in the amount of \$166,800 to the U.S. Department of Energy under the American Recovery and Reinvestment Act of 2009; authorizing the execution of all documents incidental thereto, including any contract necessary for the City to accept the grant award. (Technical support to develop Florida Green Building Coalition registration) (Planning Director / Grants Coordinator)
 - D) Resolution No. 2009-75 approving the Community Development Block Grant Annual Plan for the 2009-10 Fiscal Year. (\$107,250) (Grants Coordinator)
 - E) Resolution No. 2009-76 accepting the bid of R.J. Landscape Contractors, Inc., regarding the I-95 & SR40 Bridge Landscaping and Irrigation project; authorizing the execution of an agreement and payment therefor; rejecting all other bids. (\$347,870) (Acting City Engineer)
 - F) Resolution No. 2009-78 authorizing the execution of a First Amendment to Lease Agreement between the City and Betr Industrial Development Corporation. (Economic Development Director)

7) **PUBLIC HEARINGS:**

- A) Resolution No. 2009-79 of the City Commission, also acting as the Community Redevelopment Agency, of the City of Ormond Beach, Florida, authorizing the execution of a Property Improvement Grant Agreement between the Agency and Bart A. Beninati. (73 W. Granada - \$3,175) (Planning Director)
- B) Ordinance No. 2009-17 authorizing the execution and issuance of a Development Order for "The Courtyards at Ormond" Planned Business Development (PBD) and Planned Residential Development (PRD) allowing 21,014 square feet of retail and 16 residential units located at 135 North Yonge Street (US1); establishing conditions and expiration of approval. (Second Reading) (Planning Director)
- C) Ordinance No. 2009-20 adopting certain amendments to the Conservation Element, Coastal Management Element, Cultural Affairs Element, Recreation and Open Space Element, and Intergovernmental Coordination Element of the City of Ormond Beach Comprehensive Plan; providing when such amendments shall take effect. (1st Cycle 2009) (First Reading) (Planning Director)
- D) Ordinance No. 2009-21 enacting temporary emergency administrative procedures to provide for the expeditious and coordinated management of building permit applications and fees; waiving permit fees; reestablishing the commitment of the City to mitigate the illegal performance of services by unlicensed contractors related to flood damage occurring during the week of May 17, 2009. (1st and Only Reading) (Planning Director)

8) **SECOND READING OF ORDINANCES:**

- A) Ordinance No. 2009-18 of the City Commission of the City of Ormond Beach, Florida, amending Section 5-84 of the Code of Ordinances, by amending the title from "Violations" to "Mandatory Spay and Neuter," and by establishing terms and conditions thereof for mandatory spay and neutering of dogs and cats harbored within the City; providing for unaltered permits; providing for exceptions; creating Section 5-85, "Enforcement Procedure." (Police Chief)
 - B) Ordinance No. 2009-19 amending Chapter 2, District and General Regulations, Article III, General Regulations, Section 2-50, Accessory Uses, of the Land Development Code by amending accessory structure regulations and to add certain uses. (Planning Director)
- 9) **RESOLUTION** No. 2009-80 appointing an alternate representative of the City of Ormond Beach to serve as member of the Volusia Council of Governments; establishing term and conditions of service. (City Clerk)
- 10) **DISCUSSION ITEM:** Proposed public art project. (Leisure Services Director)
- 11) **REPORTS, SUGGESTIONS, REQUESTS:** Mayor, City Commission, City Manager, City Attorney.
- 12) **CLOSE THE MEETING.**

Item #1 – Meeting Call to Order

The meeting was called to order by Mayor Costello at 7:01 p.m.

Item #2 – Invocation

The invocation was given by Cantor Zev Sonnenstein, Temple Beth-El.

Item #3 – Pledge of Allegiance

Mayor Costello led the Pledge of Allegiance.

Item #4 – Audience Remarks

Dress Code for Public Works Employees

Laura Jones, 59 Amsden Road, expressed concern about a dress code for Public Works employees after seeing someone she assumed was a City employee working outside without a shirt. She stated the City should not be liable if the individual developed skin cancer. She stated she also saw someone walking barefoot in a recently dug ditch.

Crime Report

Ms. Jones requested a crime report from Chief Longfellow for gang related crimes, home invasions, home break-ins, and car break-ins in the City.

Mayor Costello explained there was such a report and asked City Manager Joyce Shanahan to explain how to access the report.

251 Atlantic Avenue, Surfside Inn

Worley Pruett, 129 Seminole Avenue, thanked the Commission for supporting the Beach Advisory Board in their attempt to remove beach tolls. He expressed concern regarding the eyesore at 251 Atlantic Ave at the end of his street, and stated his attorney said the City could fine the property owner. He questioned why the property owner was not being fined.

Mayor Costello stated he would have the City Attorney explain the situation to Mr. Pruett's attorney, but the City was working on resolving the situation, although it would take some time.

Town Hall Budget Meeting

Nathan McDonell, 63 River Drive, stated he attended the town hall budget meeting for Zone 2, which culminated in options to either pay the same taxes or more, or everything could be cut across the board. He stated that all City expenses should be cut.

Mayor Costello explained that the presentation gave options that if the tax rate stayed the same, the City would collect about \$2.7 million less than collected in 2008, or the tax rate could be increased, which would result in the same taxes collected in 2008, not an increase in revenue for the City.

Doug Thomas, 132 Riverbluff Drive, stated he attended the Zone 3 budget meeting, and everyone in attendance wanted to keep the services without further cuts and increase the tax rate to provide the services the citizens wanted.

Appreciation for the City

Mr. Thomas praised the Public Works and Leisure Services departments, City Manager Joyce Shanahan, Assistant City Manager Ted MacLeod, and Environmental Systems Manager Kevin Gray for a great job done during the flooding. He stated that he heard many praises for the City's efforts and was personally very happy with the way the City handled things. He humbly thanked the City for the event which recognized his contributions to the City, particularly his involvement in the City's development of sports activities. Mr. Thomas stated that in all the years he had been involved with the City, he had never worked with a more cohesive, dedicated group than this group of Commissioners; it had been an absolute pleasure working with five people at one time who had no personal agendas other than for the citizens of this fine city.

Town Hall Budget Meeting

Mayor Costello stated at the first town hall budget meeting, of those attending, the ratio of those wishing to raise the tax rate to keep the revenue the same was 11 to 3; at the second meeting it was 7 to 0 to raise the rate to keep the revenue the same; and at the third meeting it was 10 to 2 to raise the rate to keep the revenue the same. The Mayor stated that was what the residents wanted, but that did not mean that was necessarily what the Commission would do. Mayor Costello stated that with the decrease in sales tax revenue and a decrease in franchise fee revenue, the City started out \$1 million behind last year; and with an increase in costs, the decision was to be down \$2.7 million, keeping the same tax rate, or to be down \$1 million with a tax rate increase.

Recap of Special Meeting Regarding Flooding

Mayor Costello stated the Commission was extremely pleased with staff. He stated that the City was the only location that loaded sandbags, although, next time, there would not be a limit of 10 sandbags. He stated in three months, the City would have a response from staff for options to minimize potential flooding in the future. He stated the City would expedite the Hand Avenue and the Riverside Drive projects. The Mayor stated the ombudsman program was enacted, and Attorney Sean Daly had volunteered to provide free legal services for victims of the flooding. Mayor Costello stated the Commission and staff were doing everything they knew to do to help the citizens.

Item #5 – Approval of the Minutes

Mayor Costello advised the minutes of the May 19, 2009, regular meeting had been sent to the Commission for review and asked for any corrections, additions, or omissions. Hearing none, the Mayor stated the minutes were approved as printed.

Item #6 – 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 item separately.

Mayor Costello stated he had received a request to pull Item #6(F).

Commissioner Gillooly requested Item #6(E) be pulled for discussion.

Commissioner Kelley moved, seconded by Commissioner Partington, for approval of the Consent Agenda, absent Items #6(E) and #6(F).

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

Item #6(E) – I-95 and SR40 Bridge Landscaping and Irrigation Project

RESOLUTION NO. 2009-76

A RESOLUTION ACCEPTING THE BID OF R.J. LANDSCAPE CONTRACTORS, INC. REGARDING THE I-95 & SR40 BRIDGE LANDSCAPING AND IRRIGATION PROJECT; AUTHORIZING THE EXECUTION OF AN AGREEMENT AND PAYMENT THEREFORE; REJECTING ALL OTHER BIDS; AND SETTING FORTH AN EFFECTIVE DATE.

Commissioner Kelley moved, seconded by Commissioner Partington, for approval of Resolution No. 2009-76, as read by title only.

Commissioner Gillooly stated she had spoken to the City Attorney and understood the legalities of why the contract was awarded to a bidder who was not the lowest priced bidder, but she suggested the price could have been negotiated with the bidder receiving the award of bid. She stated there could be modifications to the City’s process to allow for renegotiating price that should be considered.

Mayor Costello stated he had spoken with staff about the disqualification of the three lowest bidders and understood the information not supplied, which was more than just a technicality, was significant enough to proclaim the bidders as non-responsive bidders.

Commissioner Kelley suggested using a reverse bid process, which could be used online.

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

Item #6(F) – Lease with Betnr Industrial Development Corporation

RESOLUTION NO. 2009-78

A RESOLUTION AUTHORIZING THE EXECUTION OF A FIST AMENDMENT TO LEASE AGREEMENT BETWEEN THE CITY AND BETNR INDUSTRIAL DEVELOPMENT CORPORATION; SETTING FORTH AN EFFECTIVE DATE.

Commissioner Kelley moved, seconded by Commissioner Partington, for approval of Resolution No. 2009-78, as read by title only.

Louis Lumaghi, 1 Cliffside Drive, stated the lease would allow Betnr more time to explore the development of five to six box hangers to be operated by Advanced Composite Solutions Company. He stated the Commission had made a number of rather questionable arrangements at the airport concerning rents, fees, trees, and noise. He stated extending Betnr’s lease raised more unpleasant questions, such as whether there would be new jobs; whether we need more traffic at the airport; noise or plane crashes; and what would happen to the value of property. He asked the Commission to vote “no.”

Economic Development Joe Mannarino stated this was an extension of a lease; a 30 year lease with two-10 year extensions was already in place. He explained that Betnr was planning to build hangers on

the site, but there was an opportunity for a manufacturing concern, which would create 40 to 50 jobs. He stated the request was for an extension of time on the site plan review process because there was another user for the site; but if the manufacturing company did not happen, Betnr would complete the site plan process to build hangers.

Mayor Costello stated these were the cheapest economic development dollars the City would ever spend, and he would happily take 40 to 50 jobs any time.

Commissioner Gillooly stated she was excited about the project, although concerned about the noise, as are her constituents. She stated the main concern was touch and go maneuvers practiced by flight schools, but this was not the case with this lease. She stated the City was working to resolve the noise issue, noting the establishment of the Aircraft Noise Abatement Task Force. She expressed appreciation for an economic development possibility for the creation of jobs which were so desperately needed.

Mayor Costello asked for a report to be published on line which would include the number of flights at the airport in the last ten years.

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

Item #6(B) - Satisfaction of Lien

Mayor Costello stated Item #6(B) was regarding a \$100 fine. He suggested if the City was going to spend the time and cost to pursue a fine, that the fine should be enough to have an affect; therefore, the Commission should look at the fine schedule.

Item #7(A) – 73 W. Granada Property Improvement Grant

RESOLUTION NO. 2009-79
 A RESOLUTION OF THE CITY COMMISSION, ALSO ACTING AS THE COMMUNITY REDEVELOPMENT AGENCY, OF THE CITY OF ORMOND BEACH, FLORIDA, AUTHORIZING THE EXECUTION OF A PROPERTY IMPROVEMENT GRANT AGREEMENT BETWEEN THE AGENCY AND BART A. BENINATI; AND SETTING FORTH AN EFFECTIVE DATE.

Mayor Costello explained the applicant had asked to amend the application, which required re-advertised; therefore, a motion was needed to continue the item to the June 16, 2009, meeting.

Commissioner Kent moved, seconded by Commissioner Partington, for continuance of Resolution No. 2009-79 to the June 16, 2009, City Commission meeting.

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

Item #7(B) – Authorizing the Development Order for “The Courtyards at Ormond”

ORDINANCE NO. 2009-17
 AN ORDINANCE AUTHORIZING THE EXECUTION AND ISSUANCE OF A DEVELOPMENT ORDER FOR “THE COURTYARDS AT ORMOND” PLANNED BUSINESS DEVELOPMENT (PBD) AND PLANNED RESIDENTIAL DEVELOPMENT (PRD) ALLOWING 21,014 SQUARE FEET OF RETAIL AND 16 RESIDENTIAL UNITS LOCATED AT 135 NORTH YONGE (US1); ESTABLISHING CONDITIONS AND EXPIRATION OF APPROVAL; AND SETTING FORTH AN EFFECTIVE DATE.

Mayor Costello pointed out that this was the second reading of the ordinance, and the Planning Board voted 4 to 0 to unanimously recommend approval.

Commissioner Kelley moved, seconded by Commissioner Partington, for approval of Ordinance No. 2009-17, on second reading, as read by title only.

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

Mayor Costello stated that without objection, the public hearing was closed.

Item #7(C) – Amendments to the Comprehensive Plan

ORDINANCE NO. 2009-20

AN ORDINANCE ADOPTING CERTAIN AMENDMENTS TO THE CONSERVATION ELEMENT, COASTAL MANAGEMENT ELEMENT, CULTURAL AFFAIRS ELEMENT, RECREATION AND OPEN SPACE ELEMENT, AND INTERGOVERNMENTAL COORDINATION ELEMENT, OF THE CITY OF ORMOND BEACH COMPREHENSIVE PLAN; PROVIDING WHEN SUCH AMENDMENTS SHALL TAKE EFFECT; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; AND SETTING FORTH AN EFFECTIVE DATE.

Mayor Costello stated that the Environmental Advisory Board and the Planning Board had recommended approval unanimously.

Commissioner Kelley moved, seconded by Commissioner Gillooly, for approval of Ordinance No. 2009-20, on first reading, as read by title only.

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

Item #7(D) – Enacting Temporary Emergency Administrative Procedures

ORDINANCE NO. 2009-21

AN ORDINANCE ENACTING TEMPORARY EMERGENCY ADMINISTRATIVE PROCEDURES TO PROVIDE FOR THE EXPEDITIOUS AND COORDINATED MANAGEMENT OF BUILDING PERMIT APPLICATIONS AND FEES; WAIVING PERMIT FEES; REESTABLISHING THE COMMITMENT OF THE CITY TO MITIGATE THE ILLEGAL PERFORMANCE OF SERVICES BY UNLICENSED CONTRACTORS RELATED TO FLOOD DAMAGE OCCURRING DURING THE WEEK OF MAY 17, 2009; PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT HERewith; PROVIDING FOR SEVERABILITY; PROVIDING AN EXPIRATION DATE; AND SETTING FORTH AN EFFECTIVE DATE.

Commissioner Kelley moved, seconded by Commissioner Gillooly, for approval of Ordinance No. 2009-21, on first and only reading, as read by title only.

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

Item #8(A) – Mandatory Spay and Neutering of Dogs and Cats

ORDINANCE NO. 2009-18

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF ORMOND BEACH, FLORIDA AMENDING SECTION 5-84 OF THE CODE OF ORDINANCES, BY AMENDING THE TITLE FROM "VIOLATIONS" TO "MANDATORY SPAY AND NEUTER", AND BY ESTABLISHING TERMS AND CONDITIONS THEREOF FOR MANDATORY SPAY AND NEUTERING OF DOGS AND CATS HARBORED WITHIN THE CITY; PROVIDING FOR UNALTERED PERMITS; PROVIDING FOR EXCEPTIONS; CREATING SECTION 5-85, "ENFORCEMENT PROCEDURE"; PROVIDING FOR ENFORCEMENT; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTING ORDINANCES; AND PROVIDING FOR AN EFFECTIVE DATE.

Commissioner Kelley moved, seconded by Commissioner Gillooly, for approval of Ordinance No. 2009-18, on second reading, as read by title only.

Mayor Costello confirmed that Pat Mihalic, Concerned Citizens for Animal Welfare, agreed to speak only if it seemed the motion would not pass.

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

Item #8(B) – Accessory Structure Regulations

ORDINANCE NO. 2009-19
 AN ORDINANCE AMENDING CHAPTER 2, DISTRICT AND GENERAL REGULATIONS, ARTICLE III, GENERAL REGULATIONS, SECTION 2-50, ACCESSORY USES, OF THE LAND DEVELOPMENT CODE BY AMENDING ACCESSORY STRUCTURE REGULATIONS AND TO ADD CERTAIN USES; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; PROVIDING FOR SEVERABILITY; AND SETTING FORTH AN EFFECTIVE DATE.

Commissioner Kelley moved, seconded by Commissioner Gillooly, for approval of Ordinance No. 2009-19, on second 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 #9 – Alternate Representative - Volusia Council of Governments

RESOLUTION NO. 2009-80
 A RESOLUTION APPOINTING AN ALTERNATE REPRESENTATIVE OF THE CITY OF ORMOND BEACH TO SERVE AS A MEMBER OF THE VOLUSIA COUNCIL OF GOVERNMENTS; ESTABLISHING TERM AND CONDITIONS OF SERVICE; SETTING FORTH AN EFFECTIVE DATE.

Mayor Costello asked for a volunteer from the Commission.

Commissioner Gillooly and Commissioner Kelley both volunteered.

Commissioner Partington stated that Commissioner Kent had not had the intergovernmental experience; therefore, he suggested Commissioner Kent.

Commissioner Kent stated he had not volunteered due to other commitments, his students.

Mayor Costello explained he attended two meetings because he was on the Executive Commission, as well as the council.

Commissioner Kelley stated he would withdraw if Commissioner Gillooly could make the meetings.

Commissioner Partington moved and Commissioner Kelley seconded approval of Resolution No. 2009-80, with Commissioner Gillooly as the alternate representative.

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

Item #10 – Proposed Public Art Project

Vida Khadem, 1275 Ocean Shore Boulevard, thanked the Commission for the opportunity to present the proposal she has been working on for 14 months; something to highlight Ormond Beach and the history of racing. She explained the pictures shown and that a monument with a model of the Mercedes Simplex would be built as a two story building on a raised mound with the structure upon it. She stated the purpose of the project was to educate visitors about the history of the combustible engine and to possibly inspire “the dream engine of the future,” which was efficient, environmentally friendly, cost

effective and profitable and would run on an alternative source of energy. She stated there would be a wishing pool inside the structure, with the money from the pool being used as an award for the individual who invented the “dream engine of the future.”

Mayor Costello summarized that Ms. Khadem’s proposal did not require the City to allocate funds, but required the City’s blessing and the use of City-owned land at a location accessible to the public that could be used for the project.

Ms. Khadem stated she needed the Commission support and land that could be used, such as a park setting; she was an artist and facilitator, who could be the point person to make the project happen.

Commissioner Kelley stated Ms. Khadem was a talented and creative artist with a great idea, but the timing was not right. He stated that the City did not have any land appropriate for the project, and there was no connect or value for the City if the City had to invest staff time or funds, particularly when the project was turned over to the City to maintain.

Commissioner Partington stated he loved the idea and the art but agreed with Commissioner Kelley; therefore, he could not support the project at this time. He explained the project needed to go before several City boards for their input and recommendation before the Commission could approve the project. He stated he would be willing to look at the project after the Historic Society and the Birthplace of Speed reviewed the project.

Commissioner Gillooly explained she had met with Ms. Khadem, but did not know of any City-owned land that would be appropriate for this project. She expressed she was taken by Ms. Khadem’s talent, energy and time invested in the proposal, but this was such an enormous project, and even though the Commission could not approve any funding, they could facilitate the project by putting Ms. Khadem in touch with the people involved in the historic and racing interests in the area to possibly create a public/private partnership, rather than attempting to develop the project as a private citizen. Commissioner Gillooly stated she thought the Commission should help her.

Commissioner Kent stated that he, too, had met with Ms. Khadem and was impressed that she wanted to share her talent with the City. He agreed with Commissioner Partington that the proposal should go to the appropriate boards for review, as long as it would not cost the City any money.

Mayor Costello stated he would not support the project on public land or any responsibility for the City. He stated he was not interested in encouraging tourism in Ormond Beach. He stated he was intrigued by Ms. Khadem and her idea and does not want to discourage her, but he was interested in how the members of the appropriate boards felt about the project.

Ms. Khadem asked what kind of time was involved in board review and what the process was.

Mayor Costello stated the City Manager could help her with process and would get together with her to provide assistance.

Commissioner Kelley stated that had Ms. Khadem come to the Commission with a benefactor and approval from Mercedes, he would be more interested, but staff had no time available to work on the project.

Ms. Khadem explained that Mercedes’ legal department had approved her use of the likeness of the Mercedes Simplex for public use, and if she received the City’s approval, she could bring the people together to make it happen.

Commissioner Kelley stated he does not believe the City should put time or effort into the project at this point before the project was more solidified.

Ms. Khadem stated that she had the rights from Mercedes to use the likeness of the Simplex and needed approval of the idea from the City. She explained that when that was accomplished, a company would be formed to create and manage the project. She stated this was something she had done in the past, and if the Commission would give her a vote of confidence, she would make it happen, and it would be something wonderful.

Commissioner Kelley stated that he was not trying to discourage her, but he believed that the City should not be involved due to the limited amount of information she had at this time.

Ms. Khadem stated she needed to know the budget of the project, but could not determine the costs until the location of the project was determined; a developer could not tell her what the costs would be because the design would be dependent on the location.

Mayor Costello explained that the Leisure Services Advisory Board and the Quality of Life Board would have to review the idea, but Ms. Khadem needed to determine the location before boards could consider the project.

The City Manager pointed out that staff could not find any City property appropriate for a location for this project but would be willing to work with Ms. Khadem to determine an appropriate location.

Commissioner Gillooly suggested Ms. Khadem speak with the Historic Society, the Ormond Museum and the Birthplace of Speed groups for assistance and volunteered to assist Ms. Khadem with arranging a meeting.

Item #11 – Reports, Suggestions, Requests

Beachfront Property

Commissioner Kent stated that at the Capital Improvement Plan workshop, he did not address the Mayor during discussions regarding spending money on stormwater improvement projects and beachfront parks, but he wanted the Mayor to know he supported the Mayor, mainly because in 2004 a study was done that revealed the residents' number one priority was beachfront property that could be used for access, parking and/or a park. Commissioner Kent asked the City Manager if the Commission could be provided a copy of the study for review.

City Support of D.A.R.E.

Commissioner Kent stated that the City was one of last cities funding the D.A.R.E. program in elementary schools, which was taught at the fifth grade level. He stated it was a wonderful program, and Office Greg Stokes does an incredible job. He stated the program taught children facts that parents did not know and the skills to handle situations with which they would be faced.

Grant to Homeless Center

Commissioner Gillooly expressed appreciation that the Community Development Block Grant annual plan included a \$15,000 grant to the homeless center and stated it was good use of the money.

Reuse Water Refund

Commissioner Gillooly stated that she received calls from residents on John Anderson who were upset because the road was still closed, portions of the road were destroyed, and they had no reuse water even though they were being charged.

Mr. MacLeod explained the storm overwhelmed the reuse system, and the appropriate quality of reuse water was unavailable; although some reuse water was available in the storage tank, it was used quickly. He stated the system should be rebuilt by June 7, 2009.

Commissioner Gillooly asked if a credit was possible for the time the reuse was not functioning, possibly for the entire month.

Mr. MacLeod explained that had been done once before when maintenance required the reuse system to be down for a week, but this was considered an act of God and there are expenses for the repairs.

Commissioner Gillooly stated she got the impression that not giving a refund would be the final straw, considering the roadblocks and other stressful matters that would push these residents over the edge; she asked if the matter of a refund could be revisited.

Mr. MacLeod stated a credit for the whole month would cost about \$20,000, although the actual cost of the water was very small. He suggested staff present a proposed policy at the next Commission meeting for their consideration. He stated that most people have been understanding when they receive the explanation that the flood waters overwhelmed the system and the ensuing ramifications, but he would be happy to discuss the situation with the residents who were dissatisfied.

Commissioner Gillooly asked if there was a possibility of receiving FEMA funds to cover the costs associated with the problem.

Mr. MacLeod advised there was not.

Ms. Shanahan stated it was a good discussion for the Commission to have and suggested a discussion item on a future agenda to establish a policy on when and how to apply credits.

River Bend Golf Club

City Attorney Randy Hayes reported he had a meeting with the River Bend representatives and it was a productive meeting. He stated there was more research to be done, but he was optimistic there would be something for the Commission to consider soon.

John Anderson Drive

Mayor Costello stated he was elated that everyone was on the same page regarding Hand Avenue and John Anderson Drive. He explained the discussion was to make John Anderson one-way from Halifax Avenue to Riverside Drive with a bike path and underground utilities. He reminded that 25% of the underground utilities would be paid for by FP&L. He stated he envisioned a community development type district where the residents would pay 25% and the City would get credit for the 50% to redo the road; therefore, it would not cost the City anything to get the stormwater drainage, the bike trail, the scenic drive and underground utilities. He stated he has not spoken to any John Anderson residents who were not in favor of the idea.

Mr. MacLeod clarified there would be a two way portion for access to the Heritage condominiums and Fortunato Park.

State of the City

Mayor Costello asked Commission members to speak about their zones at the State of the City meeting in October, as well as one staff member to speak on the flooding issues.

Item #12 – Close the Meeting

The meeting was adjourned at 8:36 p.m.

APPROVED: June 16, 2009

BY: Fred Costello, Mayor

ATTEST:

Veronica Patterson, City Clerk