

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

January 4, 2005

7:00 p.m.

Present were: Mayor Fred Costello, Commissioners Jeff Boyle, Troy Kent, Scott Selis, and Bill Partington, City Manager Isaac Turner, Assistant City Manager Theodore MacLeod, City Attorney Randy Hayes, and City Clerk Veronica Patterson.

A G E N D A

- 1) Meeting call to order by Mayor Costello.
- 2) Invocation by Reverend Dr. Jesse W. Cotton, African Methodist Episcopal Church.
- 3) Pledge of Allegiance.
- 4) Approval of the Minutes of the December 21, 2004, meeting.
- 5) **PRESENTATION:** Employee-of-the-Year award to Marty Hayes.
- 6) **AUDIENCE REMARKS:**
- 7) **INTERGOVERNMENTAL BOARD REPORTS:**
 - A) Metropolitan Planning Organization
 - B) Volusia Council of Governments
 - C) Smart Growth Implementation Committee
 - D) Water Authority of Volusia
- 8) **RESOLUTIONS:**
 - A) Extension of Runway 17-35 at the Ormond Beach Municipal Airport.
 - B) Resolution No. 2004-208 approving Amendment No. 24 to the Professional Services Agreement between the City and Hoyle, Tanner & Associates, Inc., for an evaluation assessment regarding the Runway 17-35 Extension project at the Ormond Beach Municipal Airport; authorizing payment therefor. (\$31,825 FAA funding; \$625 FDOT funding; \$1,050 City funding) (Tabled from the 12/6/04 meeting)
 - C) Bon Terre Fuel Adjustments:
 - 1) Resolution No. 2004-212 approving and authorizing the payment of special compensation to Bon Terre Group, Inc., associated with the unusual cost of providing services under the right-of-way mowing services agreement. (\$3,463) (Tabled from the 12/21/04 meeting)
 - 2) Resolution No. 2004-213 approving and authorizing the payment of special compensation to Bon Terre Group, Inc., associated with the unusual cost of providing services under the grounds maintenance agreement. (\$8,476) (Tabled from the 12/21/04 meeting)
- 9) **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. 2005-01 accepting a proposal from Hawkins & Hall Architects, Inc., for architectural services regarding the Fire Station #91 Replacement project; rejecting all other proposals; authorizing the execution of a Work Authorization thereto. (Not-to-exceed \$108,500)
 - B) Resolution No. 2005-02 terminating a contract with Municipal Contracting Co., Inc., regarding rehabilitation of and improvements to Lift Stations 1P, 5P and BT1; authorizing the execution of an "Agreement to Tender Completion Contractor and Release" for the completion of the Lift Station projects.

- C) Resolution No. 2005-03 authorizing the execution of an agreement between the City of Ormond Beach and the St. Johns River Water Management District regarding the installation of baffle boxes along Hand Avenue as part of the City's Stormwater Management Plan. (\$140,000 in funding assistance)
- D) Resolution No. 2005-04 approving a rent adjustment paid by Isaac R. Leary to the City for the operation of the bait shop at Cassen Park.
- E) Approval of travel by City Manager Isaac Turner to attend the National Forum for Black Public Administrators National Conference in Richmond, Virginia, April 9-13, 2005.

DISPOSITION: Approve as recommended in City Manager memorandum dated December 30, 2004.

10) **PUBLIC HEARINGS:**

- A) Ordinance No. 2004-53 amending Subsection A, Zoning Map, of Section 2-03, Official Zoning Map and Zoning District, of Article I, Establishment of Zoning Districts and Official Zoning Map, of the Land Development Code, by amending the Official Zoning Map to rezone a 3.72 acre parcel of real property from B-10 (Suburban Boulevard) to PBD (Planned Business Development), said real property being located at 1185 West Granada Boulevard; establishing boundaries; authorizing revision of the official zoning map; approving the amended and restated Development Order for "Tuscany Shoppes Ormond" Planned Business Development. (Second Reading)
- B) Ordinance No. 2004-54 further amending Ordinance No. 87-60, as previously amended, by adding one property to the list of historic landmarks. (103 Lincoln Avenue)
- C) Ordinance No. 2004-55 of the City Commission of the City of Ormond Beach exempting itself from the provisions of Section 101.657, Florida Statutes, specifically related to early voting.

11) **DISCUSSION:** Board of Adjustment and Appeals Voting Requirements

- A) Reconsideration of Ordinance No. 2004-46.
- B) Ordinance No. 2004-46 amending Paragraph C.4, Voting, of Section 1-16, Board of Adjustment and Appeals of the *2004 Land Development Code* by requiring a concurring vote of 4 out of 5 board members on any voting matter.

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

13) Close the meeting.

Item #1 - Call to Order

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

Item #2 - Invocation

Reverend Dr. Jesse W. Cotton, African Methodist Episcopal Church, gave the invocation.

Item #3 - Pledge of Allegiance

Mayor Costello led the Pledge of Allegiance.

Item #4 - Approval of Minutes

Mayor Costello advised the minutes of the December 21, 2004, meeting had been sent to the Commissioners for review and asked if there were any corrections, additions, or omissions.

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

Item #5(A) - Employee-of-the-Year

Mr. Isaac Turner, City Manager, announced that Mr. Marty Hayes, Assistance Maintenance Foreman, in the Wastewater Collection Reuse Section of the Utilities Division, was selected as Employee-of-the-Year. He stated Mr. Hayes was responsible for the maintenance and operation of the City's West Ormond sewer and irrigation system at Breakaway Trails and Hunter's Ridge. Mr. Turner advised Mr. Hayes has received letters of commendation on his work ethic and positive attitude. He reported that besides assisting in the response and recovery effort after the recent hurricanes, Mr. Hayes managed to maintain the low pressure system for both Breakaway Trails and Hunter's Ridge. Mr. Turner stated Mr. Hayes also kept managers and emergency operators informed regarding the status of wastewater collection systems in West Ormond.

Mayor Costello congratulated Mr. Hayes and presented with him a plaque to be placed on display at City Hall honoring him as the Employee-of-the-Year and a gift certificate to Billy's Restaurant.

Item #5(B) – Proclamation Honoring Former Congresswoman Shirley Chisholm

Mayor Costello read a proclamation honoring former Congresswoman Shirley Chisholm who recently passed away. The proclamation stated that Shirley Chisholm was an outspoken advocate for women and minorities starting as an assemblywoman with the New York State Legislature. It noted Congresswoman Chisholm was the first black woman elected to congress serving seven terms in the House of Representatives and was cofounder of the National Organization for Women and that the 1972 Democratic National Convention was the first convention where any woman was considered for the presidential nomination. Mayor Costello further read that although she did not win the nomination, she served in the House of Representatives until 1982 receiving many honorary degrees and awards; and Congresswoman Chisholm resided in Ormond Beach and lead a life of accomplishment. Mayor Costello proclaimed January 4, 2005, as a day to remember Shirley Chisholm and acknowledge her many accomplishments and dedication to her profession.

Adjusting the Agenda

Mayor Costello asked if the Commission would prefer to continue with the audience remarks and governmental reports as listed on the agenda or move Items #8(A) and #8(B) up to this portion of the agenda. No Commission member expressed opposition to adjusting the agenda as noted.

Item #8(A) - Extension of Runway 17-35 at the Ormond Beach Municipal Airport

Commissioner Partington moved to adopt the staff recommendation to authorize the execution of documents necessary to execute the environmental assessment with Hoyle Tanner and Associates (HTA); authorize staff to submit grant applications in accordance with the FAA and FDOT schedules; direct staff to proceed to implement the balance of the eight actions subject to receipt of the Finding of No Significant Impact (FONSI) and the expenditure of no more than \$100,000 to match the FAA and FDOT grants; and determine which of the two retrofit options is recommended; and authorize staff to proceed with design and permitting of rehabilitation of the Airport Sports Complex for improvements associated with the runway extension project in conjunction with no more than \$685,000 for Option 1 or \$765,000 for Option 2.

Mayor Costello asked if Commissioner Partington needed to specify which option he favored.

Mr. Randall Hayes, City Attorney, stated the Commission could decide if he needed to select an option. He reported this was an all-encompassing motion, and he recommended the City Clerk read the title to the resolution relative to the environmental assessment study at this point.

Mayor Costello stated the environmental assessment study was Item 8(B).

Mr. Hayes stated it was part of Commissioner Partington's motion, and he recommended deleting that portion and treating that portion separately.

Mayor Costello asked if it was acceptable to Commissioner Partington to delete any reference to the environmental assessment study; whereby, Commissioner Partington replied that was acceptable. Commissioner Kent seconded the motion.

Mayor Costello stated the citizens would have the opportunity to express their views, but he asked them not to shout out, but to raise their hands when they agreed with a speaker.

Commissioner Selis moved to table this motion until after the discussion relative to the environmental assessment study in Item 8(B). The motion died for lack of a second.

Mayor Costello recommended taking a three-minute break when those who wished to speak for the motion would gather on one side and those opposed on the other side of the Commission chambers. He requested each side select approximately six people to speak, then if anyone wished to speak on an issue not already presented, they would have an opportunity to speak; however, he would not allow redundant speakers.

Commissioner Boyle stated this system may shut some people out and be chaotic. He recommended allowing speakers to speak with the request that they limit their arguments to three minutes without repeats and allow those who wish to formally present petitions to do so. Commissioner Boyle reported he was informed one member of the Commission would have to leave at 9:00 p.m.

Commissioner Selis clarified he had to leave *around* 9:00 p.m.

Commissioner Boyle suggested that the public debate be ended in 75 minutes; the Commission go to Commission comments; and a vote be taken before Commissioner Selis had to leave.

Mayor Costello explained his intent was to allow anyone representing a group to speak.

Commissioner Selis stated that based on an e-mail sent with a link to a first amendment website sent by an opponent of the runway extension, Mr. Jean Jenner, it was clear that the Chair could limit discussion to a number of speakers or to a time certain as Mayor Costello has indicated. He concurred with Commissioner Boyle that a time certain should be allocated, although he questioned if 75 minutes was needed for public debate. He recommended 30 minutes of public comment split evenly between the two sides of the issue before the Commission debate.

Mayor Costello instructed those speaking for the runway extension to line up on the left side of the auditorium and those opposed to line up on the right. He gave each a number, noting the speakers would alternate from side to side and the Commission would decide when to stop debate. Mayor Costello asked that those outside the chambers be made aware of this so they could line up to speak if they wished to do so. He stated since one candidate for the Zone 3 Commission seat was lined up to speak, he would allow all of the other candidates to speak.

Mr. Adrian Thompson, 6 Dorado Beach Court, reported he represented the League of Ormond Beach Voters and presented a list of 25 reasons not to extend the runway with the major reason being the citizens do not want the runway extension.

Mr. Terry Perkins, Ormond Beach, stated he was a businessman and pilot, and questioned how the Commission could not seriously consider accepting an offer to upgrade a City asset with 90% funding being provided. He assured the Commission that the airport would get bigger with more airplanes coming in, and a longer runway was always a safer runway. Mr. Perkins noted that with no change, the planes would fly over Bear Creek; but with the runway extension, the primary runway would then be runway 17-35, and the planes flying over Bear Creek would actually decrease.

Mr. Robert Behnke, 15 Malayan Sun Bear Path, stated the funding from the FAA grants comes from the same City taxpayers. He reported this runway extension would benefit only a limited cross section of the population and be funded by all taxpayers with limited benefit. Mr. Behnke pointed out that Daytona Beach International Airport was only seven miles away and could serve any aircraft.

Mr. Larry Stout, 677 North Beach Street, stated the time was now to make this decision because things were happening that made it worthwhile to pursue, specifically the existing and proposed industrial parks. He reported the control tower added safety and the capacity to handle different types of general aviation aircraft at the airport. Mr. Stout explained the Commission was elected to make the tough decisions based on fact, not fear, especially when the general population was being emotional or swayed by what may or may not be true facts.

Mr. John Smith, 25 Bear Tooth Path, expressed concern relative to the impact on the homeowners' quality of life. He pointed out the map clearly showed future noise levels would be 120 decibels and at least 400 feet closer to Bear Creek. Mr. Smith expressed concern relative to noise, increased traffic on Airport Road, lack of any direct financial benefits to Bear Creek

homeowners, higher taxes, and a decrease in the value of the homes. He noted petitions have been presented expressing these concerns.

Mr. Todd Phillips, 676 South Beach Street, stated as a member of the Aviation Advisory Board and Budget Advisory Board, he has had the opportunity to extensively study the proposed runway extension in meeting with many boards, the Commission, and with the citizens, hearing all of the arguments pro and con, and he saw no reason not to proceed with the extension of this runway. He pointed out the retrofit of the Airport Sports Complex would have to be done regardless of what decision was made relative to the runway extension.

Mr. Don Schultheis, 138 Bear Foot Path, representing the homeowners of Bear Creek, expressed concern as a retired firefighter relative to air pollution from the jets, adequacy of emergency management and air disaster training of the air traffic controllers in the tower, larger quantities of hazardous material such as jet fuel being trucked through a residential district, lack of Ormond Beach Fire Department pre-disaster plans for airport crashes or fires, and increased flights.

Mr. Larry Volenec, 77 Sycamore Creek, noted he could understand the residents' position considering all of the misinformation provided to them and the short-term increase in noise after the control tower went into service. He stated good, timely, and factual communication needs to take place on a regular basis with the neighbors around the airport. Mr. Volenec stated that for the homeowners the noise level must be at the same level as it was prior to September 2004; the airport must not be a tax burden on the citizens; it must add, not detract, from the quality of life; and safety must be insured. He stated jet noise levels that generate complaints are from older transient jet aircraft that can land at Ormond Beach at its current length and are not based at Ormond Beach. Mr. Volenec noted if nothing changed, there was a good chance Ormond Beach would only get these noisier jet aircrafts, excluding newer and quieter jets that require longer runways; therefore, not extending the runway would probably increase the noise levels. He stated the runway extension would make the airport more attractive to potential tenants to operate out of the airport, and corporate and executive jets are flown by professional pilots with heightened skills, increasing safety.

Mr. Arthur Connelly, 1 Dorado Beach Court, Vice-President of the Pine Trails Homeowners' Association, presented a petition by the Pine Trails homeowners opposing the extension of the runway.

Mr. Richard Theokus, 3800 Islamorada Drive, Chairman of the Flight Training Department for Embry Riddle Aeronautical University, stated the citizens and Commission have been inundated with expert and non-expert advice, and he urged the Commission to look at the future of jet aircraft. He reported everything indicated that very light jets were coming, and the runway extension would make that safer. Mr. Theokus reported the runway extension was consistent with the City's strategic plan; and if Volusia County and Ormond Beach wanted to stay abreast of the economic times, this need must be accommodated, and a runway extension was a small but important move in that direction. He stated qualified experts have validated the City's plan.

Mr. Wes Dunn, 34 Iroquois Trail, candidate for the Zone 3 Commission seat, stated he opposed the runway extension and the vote on the resolution for the environmental assessment. He reported reasons for this were already given such as traffic noise, airplane noise, safety, the negative impact on quality of life, the cost of moving the ball fields, noise-proofing lawsuits by homeowners, and many future expenses, but most of all because the people do not want it. He reported this project demonstrated a huge disconnect with the voters that could destroy the accountability and credibility necessary for the Commission to do its job. Mr. Dunn stated no executives looking to make a decision to move their business to Ormond Beach would base their opinion on a whether they would have to use the Daytona Beach or Ormond Beach airport. He reported they would be more interested in the quality of the schools, services, recreation facilities, and the quality of life in Ormond Beach.

Mr. Dane Hermansen, 4 Broadriver Road, stated that the interstate was expanded from two to four lanes increasing the noise from the highway and no one asked his opinion since the interstate existed before he built his house. He reported that in a discussion with a newly elected Flagler County Commissioner, he learned that Flagler was being aggressive in pursuing businesses, luring Embry Riddle to bring in new aircraft and also luring one of the largest corporate groups away from Ormond Beach. Mr. Hermansen stated a community must grow or regress; it cannot maintain stability, and he urged the Commission to choose progress.

Mr. Stan Driscoll, 10 Sandalwood Lane, thanked Mayor Costello and Commissioner Partington for answering each e-mail and addressing his issues. He stated three more lawsuits were filed today for the expansion of the Los Angeles Airport, and the airport always loses. Mr. Driscoll

pointed out the voters indicated their wishes not to expand the athletic fields in the bond referendum, but the literature indicated \$700,000 was allocated to expand or modify the athletic field and \$750,000 for the soccer fields. He urged the Commission to listen to the people.

Ms. Adrian Miles, 6 Tidewater Drive, stated the citizens do not want the runway extension, especially since the Daytona Beach International Airport was so near.

Mr. Bruce Teeters, 3 Broadriver Road, stated he worked in economic development. He noted few jets would utilize the runway extension, and not building the runway extension would not halt economic development in Ormond Beach. Mr. Teeters stated just because grant money was available was no reason to seek grants and build the runway because the taxpayers have to pay the taxes to pay for the grants. He urged that all associated costs be made known to the public.

Mayor Costello concurred all costs must be out in the open.

Ms. Lucille Bornmann, 6 Windsor Drive, stated the rules and policies that insure orderly conduct of a public meeting may be adopted by a public board, not one person; therefore, she was upset by Mayor Costello's recommendation, outlined in an e-mail, to have three people from each side speak and a show of hands to indicate support since it could not be determined who were residents and who were not Ormond Beach residents. She stated the Commission was elected to insure the public's will relative to their health, safety, and welfare. Ms. Bornmann urged this issue be delayed until the new Zone 3 Commissioner was seated.

Ms. Pat McCurry, 106 Grizzly Bear Path, stated she was formerly from New York City living across from JFK Airport, and she knew what it was like living under jets. She expressed concern relative to the jets taxiing until they could land, the above-ground fuel tankers, increased insurance premiums, added jet traffic, and lost tax revenue for Ormond Beach from people moving away from areas adjacent to the airport should the extension be approved. Ms. McCurry requested this issue be placed on the ballot for the voters to decide.

Mr. Charles Ganter, 58 Indianhead Drive, president Ormond Lakes Homeowners' Association, stated he presented a petition with 345 signatures opposed to the extension and asked if this petition was on record; whereby, the City Clerk indicated she had the petition.

Ms. Chrissie Brown, 1565 Airport Road, stated she planned to arrange for flying lessons for her son next year; thus, she was not opposed to flights; however, she expressed concern for the safety of the people since the planes would be coming in faster on the longer runway. She questioned who would benefit from this extension. Ms. Brown also expressed concern regarding the added traffic from all of the new development in the area.

Mr. Rick Lovell, 354 Applegate Landing, stated he was a candidate for Zone 3, an air traffic controller, and a pilot; therefore, he could see both sides of this issue. He urged each Commission member to place himself in the Zone 3 Commission seat and make his decision from the prospective of having this in their zone and having their constituents feel so strongly about the issue. Mr. Lovell reported that due to quality of life issues and other reasons, he would oppose the runway extension.

Mr. Paul McCauley, 110 Rio Pinar Drive, questioned why the Ormond Beach airport would be expanded with Daytona Beach only five miles away. He noted his position on this question was in campaign literature he used when he was a candidate for Zone 3 in 1999. Mr. McCauley stated he was again running for Zone 3, and he opposed the runway extension in 1999, and he did today as well.

Mr. Glenn Wren, 27 South St. Andrews, stated that the term "quality of life" was used extensively when debating a tax increase, but that term was no longer heard because this runway extension would diminish the quality of life. He explained there was a perception in the community that the airport extension had nothing to do with the runway, that the Commission has not been honest, and that four Commission members had made up their minds and would be voting the same way regardless of what the voters thought.

Mr. Ed Kelley, 53 River Ridge Trail and a candidate for Zone 3 Commissioner, stated he had studied this subject and supported economic development in order to relieve the tax burden of the residents, but he did not see this as the answer. He reported a "pie in the sky" wish of bringing in large corporations to increase employment and get better jobs would just not happen. Mr. Kelley noted if the corporations request the runway extension, then it could be considered.

Mr. Joseph Grimes, 62 Emerald Oaks Lane, expressed concern relative to pollution and safety, and he noted the runway extension was not necessary.

Mayor Costello asked who on the Commission wished to speak first.

Commissioner Boyle recommended the Commissioners who made and seconded the motion should begin; and as senior member, he would prefer speaking before Mayor Costello.

Commissioner Partington reported he continued to support the runway extension, noting he heard from the residents but has heard nothing new that would alter his position that this would be good for the residents of Ormond Beach. He noted he was surprised to hear such support for the runway extension in the community this evening, since he expected to hear only opposition. Commissioner Partington stated he had weighed the arguments of the residents and studied the reports from the experts and found, beyond and to the exclusion of a reasonable doubt, that a longer runway was a safer runway. He reported the cost was affordable, and now was the right time to move forward. Commissioner Partington pointed out he was sensitive to the noise issue, but he believed the noise would actually improve. He stated there were approximately 200 residents here tonight, mostly from Zone 3; but this City has 36,000 to 39,000 people in Ormond Beach. Commissioner Partington pointed out one Commissioner has opposed the runway extension, which would equal 20% of the Commission; and 20% of the population would be approximately 7,200 residents. He stated that when the hype and hysteria are eliminated and the facts are examined, the runway extension made sense. Commissioner Partington stated he would continue to support the runway extension unless something would become evident in the FONSI or the environmental assessment that would change his mind.

Commissioner Kent thanked the public for attending in such large numbers. He stated each Commission member had the task to make the absolute best decision for Ormond Beach. Commissioner Kent reported upon arriving tonight he thought he knew how he would vote, but that changed numerous times throughout the discussion, and he welcomed comments from his fellow Commission members. He noted he could definitely see the benefits of this project, and he heard and was empathetic with the residents' concerns; but he noted he had to consider the entire City and all 39,000 residents. Commissioner Kent assured everyone that his decision had come after long and thoughtful consideration.

Commissioner Selis thanked everyone on both sides of this issue for working so hard to have their voices heard. He reported some had asked him not to vote on this issue tonight, but he did not consider it to be his job not to vote, because the people elected him to make hard decisions and until now, he has been in step with his zone's wishes. Commissioner Selis stated his constituents have changed his opinion on issues when they have provided information. He pointed out he was not a pilot, had no plane, and did no business with Ormond Beach airport; however, he was responsible for his zone. Commissioner Selis explained that as a politician, the easiest thing to do would be to not vote to protect himself should he decide to run for office again in the future, postpone the vote for the next Commissioner, or vote against the runway extension. He stated he wanted to be responsible to his constituency.

Commissioner Selis stated he wanted to see the findings of this study. He noted staff caused a quandary in that they want the Commission to make a decision about a schedule for the runway extension if everything falls in line and every Commission votes in favor of this project in the future. Commissioner Selis reported he moved to table this discussion until after the environmental assessment was discussed because the environmental assessment was critical to the future development of the runway.

Commissioner Selis asked for a show of hands of those who thought this vote tonight would determine whether this runway extension would be built, or not built. He stated people believed that because of information they had been provided; but the fact was that the vote tonight would only be to take steps toward the runway extension, and any future Commission could stop the process with a majority vote. Commissioner Selis reported the main comments he heard tonight from residents in his zone were as follows: fear of noise, the cost analysis did not support the change, how it would affect the general quality of life, pollutants, and emergency procedures. He stated he shared these concerns. Commissioner Selis noted another issue mentioned was potential lawsuits; however, the only lawsuits involve the Los Angeles Airport, and there was a great difference between Los Angeles and Ormond Beach. He stated there was room for reasonable differences of opinion when all of the facts were in. Commissioner Selis pointed out fear was a great motivator, but these issues were exactly what the environmental assessment would address. He explained the environmental assessment would be conducted by independent professionals who would study what effect the noise would have based on the current jets landing and the jets that would be able to land due to the extension, whether it was

a compatible land use for the surrounding area, social impacts such as the recreational fields and the nearby school, socioeconomic impacts, air quality, water quality, and a total of approximately 20 items. Commissioner Selis pointed out that a study has already been done, and the study found the runway extension could continue; but the extension was not done because the leaders at that time believed the entire City was not ready for the runway extension at that time.

Commissioner Selis stated the organizers of the runway extension opposition effort indicated this was just dropped on the public; however, one of the 1999 candidates displayed a flyer discussing this issue. He noted there have been numerous meetings regarding this issue. Commissioner Selis questioned why the opposition organizers just now brought the public in. He stated the sheet listing the 25 reasons Mr. Thompson provided was a perfect example of the tactics being used by the opposition with misstatements and half-truths to mislead people into being afraid. Commissioner Selis reported he heard it stated that Daytona Beach International Airport was never considered; however, Daytona Beach was considered as a comparable airport, but it was decided that it was not a comparable airport because it catered to a different clientele. He pointed out that those who come to Ormond Beach would not consider Daytona Beach airport as an alternative. Commissioner Selis noted the list stated that Ormond Beach Business Park owners never requested a runway extension. He explained that while the Ormond Beach Business Park owners never formed a group to request a runway extension, some wanted the extension while others did not want the runway extension, making the statement misleading in that it suggested that they were all opposed to the runway extension. Commissioner Selis noted another item on the list indicated that no cost-benefit study was carried out, but that was what the environmental assessment was for. He questioned where the opponents arrived at the information in the item stating the annual cost of the runway extension was not \$78,000, but \$1 million, because the City's share was \$78,000. Commissioner Selis noted the remaining funds may be due to redesigning the Airport Sports Complex, but he pointed out that this would have to be done regardless of the runway extension issue. He stated the point where there was no City plan to mitigate reduction of property values suggested that property values would decrease, but he has seen no evidence that would occur. Commissioner Selis reported the item stating "no City plan for budget for reduced income from property tax" was not true because the more business the City could attract, the more businesses would pay taxes to Ormond Beach and the less the residents would have to pay. He pointed out the residents currently pay 70% of the tax base, and the way to reduce the tax burden on the residents was to bring in companies that would pay more in taxes.

Commissioner Selis reported the concerns voiced by the constituents were the same concerns he had, but they were based on fear with no basis in fact. He stated the residents' fears were well founded, but the bidding for the runway extension would not even occur until 2007, and the Commission in 2007 would have to approve or disapprove the contract. Commissioner Selis reported this was not an issue for now, but someone had made it an issue for now. He stated the same people who misled voters during the support of the candidate who ran against him, also helped to put out misleading flyers relative to the Green Voters group supporting that candidate.

Mayor Costello urged Commissioner Selis not to continue that line of discussion.

Commissioner Selis concluded that he has heard the people, but he had not seen facts. He stated the organizers of the opposition were relying strictly on fear and misleading statements as they have done in the past.

Commissioner Boyle stated this issue has been debated for over eight months, and he did not believe the facts support approving the runway extension because of the flawed economic study denying the existence of Daytona Beach International Airport; he did not believe a longer runway would lure corporations or be any safer; and he did not believe the City should extend the runway for an airport with no business plan, no marketing plan, and no plan for its future. He reported he did believe that bigger, faster, and noisier aircraft would hurt the quality of life, and the study would reflect national and urban standards as opposed to community standards. Commissioner Boyle pointed out that for the past ten years, everyone who ran for one of the Commission seats promised to preserve and protect the quality of life, but no candidate in any election mentioned a runway extension. He reported Ormond Beach was a City where the quality of life could be measured by strict wetland protection, building codes, height limits, great climate, great recreational resources, people who voted twice to tax themselves to preserve Tomoka River lands, beautiful homes, an ocean, and two scenic rivers. He stated that Commissioner Selis had pointed out that over the years citizens have come to the Commission again and again to tell the Commission they would be willing to pay for a quality of life and higher community standards; therefore, he questioned if the Commission now believed that they would be willing to trade that quality of life for the few dollars that might be saved. He

questioned what gave the Commission the right to impact the quiet enjoyment of the citizens' homes. Commissioner Boyle stated the residents' fears and emotions regarding this were entirely relevant because quality of life was a perception. He stated he did not believe the Commission should be telling the residents that a few loud airplanes should not affect the residents or that a runway extension was for the residents' own good. Commissioner Boyle reported he believed government should ask what was good for the public. He questioned if there was a "disconnect" between City government and its people. Commissioner Boyle reported he believed the runway extension was economically wrong, ethically wrong, and a total contradiction to the City's quality of life.

Mayor Costello stated he had never excluded anyone from speaking, and Ormond Beach was known for having its citizens involved. He reported he appreciated everyone for coming tonight.

Mayor Costello clarified that, as directed by the Commission, staff contacted all parties, including meeting with homeowners' associations and e-mailing aviation interests relative to tonight's meeting as they should have done; but he had nothing to do with that individually in contrast to what was stated on the radio. He commended the audience for following his request to raise their hands when they agreed with a speaker and explained that his goal for asking that was so the many people who attended would be able to play a part in the meeting whether they spoke or not. Mayor Costello asked that no one ascribe motives to anything any Commission member would do since they should be asking the Commission member. He reported the political ramifications of the Commission members' votes have been discussed. Mayor Costello stated he gathers information on issues that some would consider unpopular, but he was elected to do what was best for Ormond Beach whether it was popular or not. He suggested some of the people learn how to influence rather than intimidate because he was easily influenced by facts, but he may fight being intimidated.

Mayor Costello stated that some people had indicated they knew how he would vote, but he just decided at 4:00 p.m. how he would probably vote, leaving an open mind so he could change his decision if he was convinced otherwise. He read from an October e-mail that he had sent where he requested an opinion from certain Ormond Crossings individuals as to whether the runway extension was a critical component of Ormond Crossings, and if so, on what information that conclusion was based. Mayor Costello stated the e-mail asked Joe Mannarino, Ormond Beach Economic Development Director, and Rick Michaels, Volusia County Economic Development Director, to provide facts to justify the need from an economic development perspective when the Daytona Beach airport was only ten or so miles away. He reported the e-mail also asked Dennis McGee, Daytona Beach International Airport Manager, for input specifically related to the economic development benefits of a general aviation airport adjacent to a future 1,000-acre industrial corporate office park going to a 5,000-foot runway when it was within ten miles of a major airport. Mayor Costello stated he wanted all of the facts whether they supported the runway extension or not, knowing the real magnitude of the negative impacts, because he did not want to base his decision on emotional charges unsupported by facts. He noted the e-mail indicated that he continued to favor said extension, but if he did not remain convinced that it was a significant benefit to the long-range success of our airport and that it would have a positive impact on the economic development efforts in Ormond Beach, and specifically the Ormond Crossings project, he would reserve the right to change his mind. He reiterated this e-mail was sent in October and Ormond Crossings had since stated they did not favor or wish to have the runway extension.

Mayor Costello stated a November e-mail he had sent reported he had asked staff to investigate potential compromises to minimize community impact such as: 1) banning stage one and two corporate jets and/or limiting the aircraft being based at Ormond Beach airport, pointing out that the City probably could not limit what aircraft could land, but it may be able to limit what aircraft was based at the airport; 2) measuring and limiting the sound on both an average and a spike method; 3) limiting aircraft movements between 10 p.m. and 7 a.m.; 4) outlining specific landing and departure patterns so as to minimize noise issues to populated areas; 5) installing noise abatement measures along the runway's nearest populated areas; and 6) delineating what aircraft could use the facility and what new aircraft would be able to use it with the runway extension, outlining what impacts those aircraft would bring. He reported the e-mail indicated that if he was convinced that the City could not reasonably control and minimize the noise concerns, the safety benefits were not as he had been lead to believe, and/or the economic developments were not as significant as originally reported, that he would vote against the runway extension. Mayor Costello noted the e-mail stated that he certainly would not support an investment, no matter how minimal the amount of public funds, if he would believe there would be limited community benefit and an unacceptable diminution of the quality of life for the residents.

Mayor Costello read a December 9, 2004, e-mail from him to Tom Lipps, Support Services Director/Airport Manager, Isaac Turner, City Manager, and Joe Mannarino, Economic Development Director, asking if there was any specific factual support for safety of the runway extension that he had not seen yet or any additional economic development factual support for the runway extension that was not in Seth's report. He stated the e-mail stated that regardless of the outcome of the vote, he questioned when the City could start asking for voluntary lease amendments to the existing and future hangar owners requesting they not lease to Stage 1 and 2 jet owners in order to give existing hangar owners an opportunity to be good neighbors. Mayor Costello reported the e-mail stated he had been lobbied by only a few pilots and air traffic controllers for the extension's safety enhancements, and he had not heard much from the economic development community. He continued that absent those benefits being significant enough for them to speak up, he may vote for the environmental assessment and ask that the east/west runway be added, and he would vote against the north/south runway. He stated the e-mail went on to ask if there were reasons to favor the north/south runway extension, since he preferred the one that would best serve all parties. Mayor Costello noted the e-mail stated he had no doubt that the ½ of 1% increase in traffic would not be the negative quality of life issue that some people feared or that the noise would be significantly different; but if he voted against the runway extension, it would be because he did not think the case had been adequately made to fight the battle at this time. He stated he would be willing to go against popular opinion if there was valid reason; however, he would not go into that battle without adequate reasons for doing so.

Mayor Costello stated there were times for leadership by elected officials that would go against popular opinion when the leaders have facts to support the unpopular opinion, such as when the Commission had facts supporting the need for the tax increase. He pointed out that there were times for elected officials to follow popular opinion when they do not have adequate facts to override their opinion, such as when the request to rename Granada Boulevard to Birthplace of Speed Boulevard was made. Mayor Costello reported he was of the opinion that the runway extension would make the airport safer, would not cause an increase in noise, and would stimulate economic development; but he needed more facts to support these opinions, and he favored the extension of the east/west runway. He noted he favored the reconfiguration of the Airport Sports Complex independent of the runway extension. Mayor Costello reported he would vote for the environmental assessment, which he preferred would include the east/west runway, although he was aware it probably would not be included. He announced that he would vote against the runway extension tonight; however, this did not mean he did not think it was good for Ormond Beach or that he would not support it in the future. Mayor Costello noted the following seven things must happen before he could support the north/south runway extension: 1) he must be convinced that the east/west extension was not the best option; 2) the airport sports complex must be reconfigured, probably not until after the negotiations regarding the Ormond Crossings Development of Regional Impact (DRI) would determine what lands would be set aside for public use; 3) existing leases, as well as new leases, must be amended to include the provision that all Stage 1 or Stage 2 jets based at the Ormond Beach Airport would have the hush kits or mufflers installed. Mayor Costello pointed out that the City could not stop the noisy jets from landing since they land now, but the City could stop them from being based in Ormond Beach; 4) many general aviation airports, as opposed to commercial carrier airports, were working on noise issues with the older jets that could land on existing shorter runways, and the City must investigate and include all viable noise suppression abatement methods such as blast fences, hush houses, and jet aircraft run-up areas for daylight use only; 5) the flight patterns regulated by the new tower must include informing all aircraft to use noise abatement procedures for take offs. Mayor Costello noted airport management must institute an educational program to inform pilots and controllers as to the need for and procedures associated with noise abatement and good community relations between pilots, controllers, and residents. He indicated that controllers must develop procedures to keep aircraft at the highest altitude as long as possible when landing and to climb to the requested altitude as soon as possible using quiet climb power settings while maintaining 1,000 feet per minute maximum climb rate and air speed not to exceed 190 knots of indicated air speed until reaching 3,000 feet above field level. Mayor Costello stated that during landing, aircraft should use minimum reverse thrust consistent with safety for runway conditions and available length. He noted that longer runway lengths allow for less use of noisy reverse thrust. Mayor Costello continued with the seven requirements as follows: 6) per the airport facility director for the southeast United States, implement ways to limit or restrict access for operators, such as aircraft weight, seating capacity, noise footprint (stage), specific departure and arrival instructions, hours of operation, and all available best practices must be incorporated; 7) finally and primarily, the community at large must consider the real and documented benefit of the runway extension to outweigh the real or perceived negatives of the extension. Mayor Costello acknowledged that all would never agree; however, the facts must be so overwhelming to indicate that the runway extension would not diminish the quality of life that many of the community who previously opposed the runway extension would embrace the extension. He reiterated that before he could support a runway

extension, these seven issues would have to be addressed, and he indicated he believed that would eventually occur, but this was not the time. Mayor Costello reported he would support the study to obtain the information, but the case was not adequately made for the runway extension at this time.

Call Vote:	Commissioner Boyle	No
	Commissioner Kent	Yes
	Commissioner Selis	Yes
	Commissioner Partington	Yes
Carried.	Mayor Costello	No

Mayor Costello explained the Commission has started a scheduled process by this vote, but more votes would take place relative to the runway extension in the future. He requested staff allow the Commission a discussion time in the future to discuss the seven points he mentioned and any other points. Mayor Costello reported he still believed this could be done to the benefit of all.

Item #8(B) - Evaluation Assessment Regarding the Runway 17-35 Extension Project

RESOLUTION NO. 2004-208

A RESOLUTION APPROVING AMENDMENT NO. 24 TO THE PROFESSIONAL SERVICES AGREEMENT BETWEEN THE CITY AND HOYLE, TANNER & ASSOCIATES, INC., FOR AN EVALUATION ASSESSMENT REGARDING THE RUNWAY 17-35 EXTENSION PROJECT AT THE ORMOND BEACH MUNICIPAL AIRPORT; AUTHORIZING PAYMENT THEREFORE; AND SETTING FORTH AN EFFECTIVE DATE.

Commissioner Partington moved, seconded by Commissioner Selis, to approve Resolution No. 2004-208, as read by title only.

Commissioner Boyle stated this environmental assessment would not reflect decibels or methodology using local standards. He stated the prediction that the study would find no significant impact would probably be accurate.

Call Vote:	Commissioner Kent	yes
	Commissioner Selis	yes
	Commissioner Partington	yes
	Commissioner Boyle	no
Carried.	Mayor Costello	yes

Mayor Costello called for a short break at 9:13 p.m. and reconvened the meeting at 9:20 p.m.

Item #6 – Audience Remarks

Speaker System

Ms. Adrian Miles, 6 Tidewater Drive, reported the speakers outside were not working properly.

Mayor Costello authorized staff to purchase a first class speaker system. The Commission voiced no objection.

Item #7(A), #7(B) and #7(C) – Metropolitan Planning Organization, Volusia Council of Governments, and Smart Growth Implementation Committee

Mayor Costello reported the Metropolitan Planning Organization (MPO), Volusia Council of Governments (VCOG), and Smart Growth Implementation Committee had not met yet; therefore, he had no report.

Item #7(D) – Water Authority of Volusia

Commissioner Boyle stated the Water Authority of Volusia (WAV) had also not met, and he did not have a report to present.

Item #8(C)(1) – Bon Terre Group Right-of-way Mowing Services Agreement

RESOLUTION NO. 2004-212

A RESOLUTION APPROVING AND AUTHORIZING THE PAYMENT OF SPECIAL COMPENSATION TO BON TERRE

GROUP, INC., ASSOCIATED WITH THE UNUSUAL COST OF PROVIDING SERVICES UNDER THE RIGHT-OF-WAY MOWING SERVICES AGREEMENT; AND SETTING FORTH AN EFFECTIVE DATE.

Commissioner Boyle moved, seconded by Commissioner Partington, to approve Resolution No. 2004-212, as read by title only.

Commissioner Boyle stated this referenced a total of \$12,000 for unusual cost. He stated these contracts have had tight scopes; staff recommended approval; and they are justified. Commissioner Boyle pointed out the Consumer Price Index (CPI) and gasoline prices were on entirely different curves. He commended the track record and integrity of the Bon Terre Group and its Chief Executive Officer noting he had observed these employees on a daily basis and could attest they were hard working and loyal. Commissioner Boyle pointed out the City has enjoyed tremendous savings from this company over the years. He acknowledged that the grounds maintenance contracts were to be rebid next September, but he urged the Commission not to discourage this company or send the wrong message. Commissioner Boyle stated when the County raised the gas tax, there was no appeal and that affected the company's very thin margin. He noted that those opposing this request had not articulated exactly what facts or figures they had that would cause denial of this routine item. Commissioner Boyle reported he was fearful the City would lose this outstanding company with a great track record in Central Florida.

Mayor Costello reported he supported this because the waste management, pest control, and other bills had surcharges included. He noted Mr. Ted MacLeod, Assistant City Manager, explained that the bids are lower because of this provision; and if this were not included the bid, the bid would be higher because they would be trying to anticipate what the increase would be.

Commissioner Selis reported he would rather have the contracts certain rather than surprises every year. He pointed out there was a CPI clause in the contract allowing for annual increases without rebidding. Commissioner Selis noted fuel prices had been fairly consistent the last year.

Commissioner Partington reported he had no problem with Mr. Sharkey's integrity; however, the CPI makes an allowance for an increase, and it has not been proven to his satisfaction that the City had taken advantage of this contract. He pointed out that when entering into a contract, a plan must be made for contingencies. Commissioner Partington stated he required the comfort level for his constituents that this tax money was being spent wisely. He recommended referring this to the Budget Advisory Board for a recommendation.

Commissioner Kent reported he also spoke to Mr. Sharkey, and was not convinced that the contract wasn't already padded for this type of occurrence. He stated Mr. Sharkey indicated this was the only way he could get more money from the cities. Commissioner Kent pointed out that the City did not give a Christmas bonus, and this comment was not received well by Mr. Sharkey. He urged Mr. Sharkey to show him where the contract was not already padded, but Mr. Sharkey could not show him that.

Commissioner Partington moved, seconded by Commissioner Boyle, to send this issue to the Budget Advisory Board.

Mr. Hayes reported the motion to approve granting the increase was already on the table. He asked when this was to be brought back to the Commission.

Mr. Turner reported 30 days should be sufficient.

Mayor Costello recommended bringing it back at the last meeting in February.

Mr. Hayes recommended a motion be made to table pending referral of this item to the Budget Advisory Board for its recommendation, to the second meeting in February.

Commissioner Boyle stated there was no support to rebid the medians contract as early as last September. He reported that contract went from \$51,000 to \$117,000. Commissioner Boyle stated this was the first contract bid, and Mr. Sharkey was informed by staff that if the contract was bid over a certain amount, the City would keep their own employees, and it would not be bid out privately. He reported there was no padding with this company and never had been. Commissioner Boyle noted he would find it very upsetting if he were Mr. Sharkey with a Commission member questioning if his contract was padded. He expressed concern that the best company the City has had for these difficult private contracts would not bid on the next contract because of the way they were being treated tonight. Commissioner Boyle urged that

this not be tabled and the Commission rethink this issue. He stated the Commission went along with staff only when it served its purpose. Commissioner Boyle urged the Commission to go with staff on this issue absent any data to the contrary.

Mayor Costello stated the term “padding” had a negative connotation. He clarified the Commission was trying to determine if there was anything built into the contract to anticipate inflationary increases in gas prices beyond the CPI.

Commissioner Partington disagreed that the term “padding” sounded illicit. He stated businesses pad contracts for many valid reasons.

Commissioner Kent clarified that in his conversation with Mr. Sharkey, Mr. Sharkey had asked why he did not approve this increase and his reply had been that there could be some padding in the contract; however, if Mr. Sharkey could show him that there had not been any padding, he could change his mind. He stated to hear Mr. Sharkey respond that, “we have always done it this way,” was not an adequate answer.

Commissioner Kent questioned Commissioner Boyle’s statement that he had received no support relative to rebidding of the medians when he certainly had support; but Commissioner Boyle agreed to wait since the contracts were coming up, and this was not the right time.

Mayor Costello urged the Commission to focus on the issue at hand.

Commissioner Boyle stated the medians issue was stalled four months by staff, and he received no support initially.

Commissioner Kent reiterated Commissioner Boyle did receive support from the Commission.

Commissioner Boyle asked that Mr. Sharkey be permitted to speak.

Mayor Costello urged Mr. Sharkey to address the Budget Advisory Board, noting no purpose would be served by him speaking tonight.

Commissioner Boyle urged Mayor Costello to allow Mr. Sharkey to speak.

Mayor Costello reiterated he would allow Mr. Sharkey to address the Commission, but he did not see that it would serve a purpose.

Mr. Bill Sharkey, 200 North Beach Street, stated he was asking for the 2003 gas increase. He stated he did not want to stay, and at the end of the month and he would be gone at that time.

Mayor Costello thanked Mr. Sharkey for his years of service and noted if he would change his mind, he could address the Budget Advisory Board.

Commissioner Partington stated that, from his discussion with Mr. Sharkey, he believed this would have eventually occurred.

Mr. Sharkey stated he did not want to be treated this way after working nine years and would not be forced to grovel after he was treated rudely and lied to on the phone.

Commissioner Kent stated he never wanted anyone to grovel.

Commissioner Partington and Commissioner Boyle retracted their motion to send this to the Budget Advisory Board.

Call Vote on the Original Motion:	Commissioner Selis	no
	Commissioner Partington	no
	Commissioner Boyle	no
	Commissioner Kent	no
Failed.	Mayor Costello	yes

Item #8(B)(2) – Bon Terre Group Grounds Maintenance Agreement

RESOLUTION NO. 2004-213

A RESOLUTION APPROVING AND AUTHORIZING THE PAYMENT OF SPECIAL COMPENSATION TO BON TERRE GROUP, INC., ASSOCIATED WITH THE UNUSUAL COST OF PROVIDING SERVICES UNDER THE GROUNDS MAINTENANCE AGREEMENT; AND SETTING FORTH AN EFFECTIVE DATE.

Commissioner Kent moved, seconded by Commissioner Selis, to approve Resolution No. 2004-213, as read by title only.

Commissioner Boyle stated this was not the first time the Commission had treated a member of the business community badly. He reported he found it to be unacceptable for a first year Commission member to state that this contract was heading toward this, and that comments from staff that were un-sourced and un-attributed indicating that the contract was not good for the City. Commissioner Boyle urged, at a minimum, someone from the City to apologize to Mr. Sharkey. He clarified that he asked staff to look at a rebid, and staff did not place it on the agenda for months; and when it finally was on the agenda, staff indicated that they would rebid all three contracts, which was when he withdrew the request. He noted that early on he did not have the support he needed to place this on the agenda.

Commissioner Selis questioned Commissioner Boyle’s right to determine what was appropriate and not appropriate.

Commissioner Partington stated Mr. Sharkey had publicly announced he was gone, and at that point he determined it would be appropriate to let the public know, based on his discussions, what the impression he received from his phone conversation with Mr. Sharkey had been.

Mayor Costello stated everyone had the right to state their thoughts without others questioning them. He urged everyone to state what they think and move on.

Commissioner Kent stated that he had never lied to Mr. Sharkey as was alluded to earlier by Mr. Sharkey. He reiterated that Mr. Sharkey had told him that this was the “only way” he gets his money from the cities. Commissioner Kent stated that just because something had always been done a certain way, did not mean it was the right way.

Commissioner Partington stated he had taken the extra step to send this to the Budget Advisory Board, and he was sorry if Mr. Sharkey could not work with the City. Commissioner Partington pointed out the Commission represented people who demanded strict scrutiny of the budget.

Call Vote:	Commissioner Partington	no
	Commissioner Boyle	no
	Commissioner Kent	no
	Commissioner Selis	no
Carried.	Mayor Costello	yes

Item #9 - Consent Agenda

Commissioner Selis stated he would stay to see if anything would be removed from the Consent Agenda. He explained he had to be in Gainesville at 9:15 a.m. for a surgical consultation; therefore, he would need to drive to Gainesville tonight.

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

Commissioner Boyle requested Item #8(E) be removed for discussion.

Commissioner Partington moved, seconded by Commissioner Selis, for approval of the Consent Agenda, minus Item #9(E).

Call Vote:	Commissioner Boyle	yes
	Commissioner Kent	yes
	Commissioner Selis	yes
	Commissioner Partington	yes
Carried.	Mayor Costello	yes

Item #9(E) – Travel to the National Forum for Black Public Administrations National Conference

Commissioner Boyle stated that for the past two years the Commission had approved travel to this conference for Mr. Turner, and the cost last year was \$1,060. He questioned the purpose of this trip, the benefit to the City Manager, and the benefit to the City, and noted that reports were still not forthcoming. Commissioner Boyle reported that in the context of last summer’s tax increase, especially due to the focus on the travel, this conference could be cut.

Commissioner Selis stated he found it interesting that this was a conference for African Americans. He reported African Americans face unique challenges, and this City Manager has certainly faced unique challenges from the time he arrived, and to now suggest the Commission should not send him to a place with people of similar minds and circumstances could be considered a slap in Mr. Turner’s face and to the entire African American community as well.

Commissioner Kent stated Mr. Turner was not only a mentor, but also looked up to by many underprivileged children in this community. He reported he could see no reason not to approve this expenditure for the City Manager to sharpen his skills to better prepare the Commission for making better decisions.

Commissioner Boyle stated he considered Ormond Beach had a City Manager while others considered Ormond Beach to have a black City Manager. He reported if this society were ever to come to the point where they do not see the color only of the person, then he submitted that conferences with such a title were a step backwards.

Commissioner Selis suggested Commissioner Boyle stand in Mr. Turner’s shoes.

Commissioner Partington moved, seconded by Commissioner Selis, to approve the travel of City Manager to attend the National Forum for Black Public Administrations National Conference in Richmond, Virginia.

Call Vote:	Commissioner Kent	yes
	Commissioner Selis	yes
	Commissioner Partington	yes
	Commissioner Boyle	no
Carried.	Mayor Costello	yes

Mayor Costello stated Commissioner Boyle and Commissioner Selis both have valid points, but he agreed that, “until we walk a mile in their shoes, we can’t understand.”

At 9:48 p.m. Commissioner Selis stated he had to leave for Gainesville.

Item #10(A) – “Tuscanny Shoppes Ormond”

ORDINANCE NO. 2004-53
 AN ORDINANCE AMENDING SUBSECTION A, ZONING MAP, OF SECTION 2-03, OFFICIAL ZONING MAP AND ZONING DISTRICT, OF ARTICLE I, ESTABLISHMENT OF ZONING DISTRICTS AND OFFICIAL ZONING MAP, OF THE LAND DEVELOPMENT CODE, BY AMENDING THE OFFICIAL ZONING MAP TO REZONE A 3.72 ACRE PARCEL OF REAL PROPERTY FROM B-10 (SUBURBAN BOULEVARD) TO PBD (PLANNED BUSINESS DEVELOPMENT), SAID REAL PROPERTY BEING LOCATED AT 1185 WEST GRANADA BOULEVARD; ESTABLISHING BOUNDARIES; AUTHORIZING REVISION OF THE OFFICIAL ZONING MAP; APPROVING THE AMENDED AND RESTATED DEVELOPMENT ORDER FOR “TUSCANNY SHOPPES ORMOND” PLANNED BUSINESS DEVELOPMENT; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; AND SETTING FORTH AN EFFECTIVE DATE.

Commissioner Partington moved, seconded by Commissioner Kent, to approve Ordinance No. 2004-53, on second reading.

Call Vote:	Commissioner Partington	yes
	Commissioner Boyle	yes
	Commissioner Kent	yes
	Commissioner Selis	yes
Carried.	Mayor Costello	yes

Hearing no objection, Mayor Costello closed the public hearing on Item #10(A).

Item #10(B) - Adding to the List of Historic Landmarks

ORDINANCE NO. 2004-54
 AN ORDINANCE FURTHER AMENDING ORDINANCE NO. 87-60, AS PREVIOUSLY AMENDED, BY ADDING ONE PROPERTY TO THE LIST OF HISTORIC LANDMARKS; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; AND SETTING FORTH AN EFFECTIVE DATE.

Commissioner Partington moved, seconded by Commissioner Kent, to approve Ordinance No. 2004-54, on second reading.

Call Vote:	Commissioner Boyle	yes
	Commissioner Kent	yes
	Commissioner Selis	yes
	Commissioner Partington	yes
Carried.	Mayor Costello	yes

Hearing no objection, Mayor Costello closed the public hearing on Item #10(B).

Item #10(C) - Early Voting

ORDINANCE NO. 2004-55
 AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF ORMOND BEACH EXEMPTING ITSELF FROM THE PROVISIONS OF SECTION 101.657, FLORIDA STATUTES, SPECIFICALLY RELATED TO EARLY VOTING; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.

Commissioner Kent moved, seconded by Commissioner Partington, to approve Ordinance No. 2004-55, on second reading.

Mr. David Perry, 9 North Ravensfield Lane, asked for clarification of this ordinance.

Mayor Costello explained the City did not currently have the capability to have early voting, but would within the year, probably for the November election.

Ms. Veronica Patterson, City Clerk, stated that there would be early voting, at least in Daytona Beach, if not in Ormond Beach, for the November election.

Call Vote:	Commissioner Kent	yes
	Commissioner Selis	yes
	Commissioner Partington	yes
	Commissioner Boyle	yes
Carried.	Mayor Costello	yes

Hearing no objection, Mayor Costello closed the public hearing on Item #10(A).

Item #11(A) - Reconsideration of Ordinance No. 2004-46

Mayor Costello asked if anyone wished to reconsider Ordinance No. 2004-46.

Commissioner Boyle reported he did not understand Mr. Dougherty's letter.

Mr. Clay Ervin, Planning Director, explained the Board of Adjustment and Appeals requested that the methodology for approving a variance revert to the way it had been with the original Land Development Code approved in 1992, when a supermajority was required. He reported that with the rewrite of the Land Development Code, the supermajority was removed and

replaced with a simple majority. Mr. Ervin stated the Board of Adjustment and Appeals had five members; therefore, a three-to-two vote would grant a variance. He noted the board members were unaware of this change in the Land Development Code. Mr. Ervin stated staff did not have an opinion on this issue either way.

Mr. Hayes stated the philosophy behind a supermajority versus a simple majority was that if a variance was to be granted from the rigid code requirements, it should require an extraordinary vote to do so or a supermajority.

Commissioner Boyle stated the Board of Adjustment and Appeals indicated that if the issue should be taken to court, the City would have a better chance of prevailing with a supermajority since the Commission would not review the board's decision.

Mr. Hayes stated a simple majority or supermajority would have no standing should the issue go to court. He reported the court would review record created at the board level to determine whether or not the board complied with all of the essential requirements of law.

Mayor Costello noted there was no motion for reconsideration.

Item #11(B) - Board of Adjustment and Appeals Voting Requirement

Mayor Costello noted this item would not be discussed in that it would have only been considered if Item #11(A) were approved.

Item #12 - Reports, Suggestions, Requests

Coffee with the Commissioner

Commissioner Kent stated yesterday was the first "Coffee with the Commissioner" this year, and many issues were discussed with a fine group of Ormond Beach residents. He noted the next "Coffee with the Commissioner" would be held on Monday, February 7, at 4:00 p.m. at his home located at 130 Magnolia Drive.

Runway Extension

Commissioner Kent stated he was eager to see the findings of the environmental assessment and hear what the professionals have to say on this topic. He reported the runway extension vote was a difficult decision for him, and by no means was it over. Commissioner Kent pointed out there had been misleading information provided to the public, and certain people tried to sway the masses by fear.

New Year

Commissioner Kent and Commissioner Partington wished everyone a happy New Year.

Honoring Former Congresswoman Shirley Chisholm

Commissioner Partington stated he was pleased former Congresswoman Shirley Chisholm decided to reside in Ormond Beach in her later years. He noted Congresswoman Chisholm was a tremendous speaker, generous with her time, smart, and articulate. Commissioner Partington pointed out Congresswoman Chisholm was a leader in women's and black's rights.

Personal Attacks

Commissioner Boyle noted it was almost impossible for the Chair to head off impulsive personal attacks. He stated he had been accused of being distrustful, dishonest, having bias, and disrespectful to African Americans. Commissioner Boyle pointed out part of his education was at Bethune-Cookman College.

Runway Extension

Commissioner Boyle stated that he would have liked to see a show of hands of all of the proponents for the runway extension who were not directly involved with aviation, aviation companies, or aviation institutions. He urged these people to come forward in the continuing debate.

Commissioner Boyle reported that people in the community have been accused of being fear mongers; however, he respectfully disagreed that was the case. He noted it was stated that the easy thing was to tell the people what they want to hear, but he stated the Commission was elected to tell people what they want to hear if there was a majority, and do what they ask the Commission to do.

Firefighter Overtime

Commissioner Boyle stated if a Commission member believed that the firefighter overtime was caused by problems in the contract language, that Commission member needed to explain the contradiction and why he was the deciding vote to approve that very same contract language. He reported he would continue to ask this same question as long as he was on the Commission.

Honoring Former Congresswoman Shirley Chisholm

Mr. Turner extended his condolences to the family members and friends of former Congresswoman Shirley Chisholm. He reported she was a trail blazer, pioneer, a great American, a dynamic woman, and she left an excellent legacy from which many have benefited.

Chairing the Meeting

Mr. Turner commended Mayor Costello for the way he chaired this very difficult meeting tonight. He stated he was pleased so many people attended.

Goal-setting Meetings

Mr. Turner stated the meeting with the new facilitator would be held on January 20, and he asked the Commission to hold that date open.

National Forum for Black Public Administrators National Conference

Mr. Turner stated there were two national conferences he attended annually in order to visit with other professionals and elected officials, and the National Forum for Black Public Administrators National Conference was one of those two conferences. He reported the seminars were first rate and included topics related to management techniques, grants, dynamic changes in organizations, and how to allow commissions and councils to better work together in a more effective fashion. Mr. Turner explained the conference had predominantly black participants, and the presenters consist of a myriad of people. He noted this conference also played a role in his credentialing. Mr. Turner thanked the Commission for the overall consensus to attend, and he informed Commissioner Boyle he would work on preparing a report as requested.

Upcoming Meetings

Mr. Turner stated the breakfast on Thursday with the transportation secretary would be at 7:45 a.m.; the Volusia Legislative Delegation meeting would be at 9:00 a.m. held in this City Commission chambers; also at 9:00 a.m. at the Volusia County Council chambers in DeLand the installation of new officers would occur; and Ormond Beach would host a luncheon at noon at The Casements with a number of the legislative representatives and their staffs to present a single issue. He expressed appreciation to the Commission for allowing staff to set up times for Commission members to make presentations. Mr. Turner provided a copy of the packet of information that would be presented to the Volusia Legislative Delegation at the luncheon meeting relative to the I-95/US1 interchange. He noted a slide show with voice-overs and maps would also be presented. Mr. Turner reported Commissioner Boyle would present the legislative priorities. He noted Mayor Costello would be at the breakfast, lunch, and also try to attend the DeLand ceremony.

Mr. Tom Lipps, Support Services Director/Airport Manager, stated he would have Commissioner Boyle's script for him tomorrow to allow time to work on it together. He reported the program had two components: the local portion and the VCOG portion. Mr. Lipps noted VCOG had not met to prioritize the requests from the various cities; therefore, what was planned was to inform the delegation what was of interest and to clarify that the list was a portion of a County-wide concept that had not yet been finalized.

Mr. Ervin stated the information packet reflected key issues the City had been discussing regionally, such as traffic analysis and a regional master land use plan, that would secure economic security in this area. He reported that the planning effort was coming to a critical point where if no action was taken on public/private partnerships with Tomoka Holdings, the area could miss out on a great opportunity to improve the overall transportation network for the entire region. Mr. Ervin explained that this could be addressed with the help of an interchange modification report. He noted the presentation outlined why the interchange was needed and why the Legislative Delegation should support it. Mr. Ervin noted there was some technical support from the FDOT staff, County staff, and the MPO staff.

Mr. Turner asked that the pages of the report be numbered. He stated Ormond Beach was asking for a total of \$14.3 million from the State, and \$500,000 immediately to improve the interchange at US1 and I-95.

Chief Water Plant Operator Dave Cahill

Mr. Ted MacLeod, Assistant City Manager, announced that staff associated with former Chief Water Plant Operator Dave Cahill would have a brief memorial service at the Performing Arts Center on Friday at 10:00 a.m.

Mediation with Daytona Beach

Mr. Hayes reported mediation with Daytona Beach would resume on Friday, and the Commission would be kept informed of any progress made.

Billboards

Mr. Hayes stated the City received a summons and complaint today from the billboard companies for the lawsuit they filed against the City. He reported he was in the process of analyzing this document, and when this was completed, he would share that information. Mr. Hayes assumed this Commission would take a very aggressive response, and he would proceed accordingly.

Communication

Mayor Costello urged each Commission member to be tough-skinned. He stated it was wrong for anyone to ascribe motives or make personal attacks, should they be planned or not planned.

Mayor Costello noted the term “padded” meant something different to him than it did to Commissioner Partington. He asked that people be given the benefit of the doubt until proven differently. Mayor Costello stated this was done 90% of the time, and this Commission had set such a high level that when a slip occurred, it had an impact.

Commissioner Boyle stated he had to leave and left at 10:15 p.m.

Mediation with Daytona Beach

Mayor Costello stated he was excited to address and, hopefully, complete the Daytona Beach issues because he wanted to start cooperating with Daytona Beach. He reported he considered Daytona Beach to be the economic engine for the Halifax area. Mayor Costello pointed out that Daytona Beach bears the brunt of the special events, and Ormond Beach should consider what kind of assistance Ormond Beach could offer.

Candidate Forum

Mayor Costello stated Citizens for Ormond Beach would have a forum for the Zone 3 candidates in the Commission chambers.

Passion on the Commission

Mayor Costello stated while he favored passion on the Commission, it needed to be bridled, directed, and shared appropriately. He again urged that no one ascribe motives to another, which he regretted occurred tonight.

Legislative Delegation Meetings

Mayor Costello noted he was excited about Thursday. He stated he would attend the breakfast with the head of the State Department of Transportation, and he looked forward to discussing issues as Mayor of Ormond Beach and as Chairman of the MPO. Mayor Costello noted Ormond Beach had a great opportunity to have the legislative delegation in Ormond Beach. He stated he would attend the swearing in of Chairman Bruno and former Ormond Beach Mayor Carl Persis to build relationships with the County Council, and he would be back to attend the luncheon with the legislative delegation. Mayor Costello thanked staff for preparing the presentation for the meeting.

Item #13 – Close the Meeting

The meeting was adjourned at 10:18 p.m.

APPROVED: _____ January 18, 2004

BY: _____
Fred Costello, Mayor

ATTEST:

Veronica Patterson, City Clerk