

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

**February 1, 2005**

**7:00 p.m.**

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

**A G E N D A**

- 1) Meeting call to order by Mayor Costello.
- 2) Invocation.
- 3) Pledge of Allegiance.
- 4) Approval of the Minutes of the January 18, 2005, regular meeting and the January 26, 2005, special meeting.
- 5) **PRESENTATION:** Sue Davis, Executive Director of the Stanley Museum.
- 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) **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. 2005-16 authorizing the sole source procurement of light poles and fixtures from SESCO Lighting regarding the Granada Boulevard Streetscape project; authorizing the approval of a requisition and payment therefor. (\$52,144)
  - B) Resolution No. 2005-17 authorizing the execution of a lease agreement between the City and Halifax Urban Ministries, Inc., for the "Old Housing Authority Building" located at 164 West Granada Boulevard.
  - C) Resolution No. 2005-18 authorizing the acceptance of a public utility easement deed from Hunter's Ridge Homeowners' Association of East Florida, Inc., a Florida Non-profit Corporation on property located in Shadow Crossings, Unit 4, of the Hunter's Ridge Subdivision, Phase I.
  - D) Resolution No. 2005-19 authorizing the issuance of its \$2,100,000 in Principal Amount Capital Improvement Revenue Note, Series 2005, for the purpose of financing all or a portion of the costs of the project (as defined herein) and to pay the costs of issuance of such note; providing that said note and interest thereon shall not constitute a general debt, liability or obligation of the City or of the State of Florida or any agency or political subdivision thereof, but rather shall be secured by a covenant of the City to budget and appropriate amounts sufficient to pay the principal of and interest of said note from non-ad valorem revenues of the City, subject to the limitations set forth herein; providing for the award and sale of the note to Bank of America, N.A.; determining certain terms and provisions of the note, including the form, date, rate of interest, maturity date and the terms of prepayment thereof; ratifying the actions of the financial advisor in soliciting bids for the purchase of the note; appointing a paying agent and a note registrar; designating the note as a "qualified tax-exempt obligation" for purposes of Section 265(b)(3) of the Internal Revenue Code of 1986; making certain findings, covenants and agreements in connection with the note; authorizing incidental action; and providing an effective date.
  - E) Resolution No. 2005-20 appointing P.T. "Bud" Fleuchaus as a member to serve on the Budget Advisory Board; setting forth term and conditions of service.

- F) Resolution No. 2005-21 accepting a bid from EXLSI, d/b/a Cues, for supplying a complete TV video and inspection unit retrofit into an existing City panel van, under Bid No. 2004-27; authorizing the execution of a contract and payment therefor; rejecting all other bids. (\$98,680)
- G) Resolution No. 2005-22 authorizing and directing the City Clerk to procure the necessary ballots and other forms, to arrange for the use of voting machines, and to make other required arrangements for the Special Election to be held on February 22, 2005; authorizing the execution of an agreement for services and materials.
- H) Resolution No. 2005-23 appointing clerks, assistant clerks, Accu-vote inspectors, deputies, inspectors and alternate inspectors for the Special Election to be conducted on Tuesday, February 22, 2005, in Zone Three of the City of Ormond Beach, Florida.
- I) Resolution No. 2005-24 authorizing the execution of a Water, Sewer and Annexation Agreement between the City and Broken Spoke Saloon, Inc; providing for recordation.
- J) Approval of travel by Commissioner Kent, Commissioner Partington and City Manager Isaac Turner to attend the National League of Cities 2005 Congressional City Conference in Washington, D.C. on March 11-15, 2005.

DISPOSITION: Approve as recommended in City Manager memorandum dated January 13, 2005.

9) **RESOLUTIONS:**

- A) Resolution No. 2005-25 authorizing the execution of an agreement between the City and the St. Johns River Water Management District for the provision of \$500,000 in grant funds to be used for the North Peninsula Septic Replacement and Re-use Augmentation Project, Phase I.
- B) Resolution No. 2005-26 authorizing the execution of Change Order Number One (1) to that contract awarded to Masci Corporation regarding the Dormont Drive Drainage Improvement Project, by increasing the contract price by \$129,958 and increasing the contract time by 20 days.

10) **DISCUSSION ITEMS:**

- A) Designation of a representative on The Loop Community Advisory Group.
- B) Placement of the Birthplace of Speed replica cars.

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

12) Close the meeting.

Item #1 - Call to Order

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

Item #2 - Invocation

Reverend Jeff Beebe, Christ United Presbyterian 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 January 18, 2005, regular meeting and the January 26, 2005, special meeting had been sent to the Commissioners for review and asked if there were any corrections, additions, or omissions.

Commissioner Kent requested the following amendments be made on page 14644: “Commissioner ~~Kent~~ Partington reported he attended the Republican Club Luncheon at the Little Tomoka Yacht Club where the four Zone 3 candidates spoke...” He also asked the following change be made on the same page: “Commissioner Kent pointed out that if the study would indicate the runway extension would have a significant impact, he would change his vote ~~runway extension evaluate his decision~~ even though he believed the runway extension would be the best thing for the greater Ormond Beach area.”

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

#### Item #5 - Stanley Museum

Mr. Dan Smith, 9 Sunset Boulevard, representing the Stanley Museum, stated the 2006 centennial celebration would probably be the largest event in that it would commemorate a great moment in Ormond Beach history and it would be the ultimate event in Stanley Steamer history. He presented the Commission with a book entitled, “The Ultimate Steamer,” which was being released now in preparation for the centennial. Mr. Smith pointed out that the front cover depicted the Ormond Garage. He noted Ormond Beach may find its way into the Guinness World Book of Records with the greatest assemblage of steam cars at the 2006 event.

Mayor Costello stated it was wonderful to attend the Birthplace of Speed celebration this weekend and to witness the people being excited about heritage. He requested Mr. Smith provide the City with the number of steamers necessary to beat the world record, and he challenged the Ormond Beach Historical Trust, the Chamber of Commerce, the racing associations, the City Commission, and Leisure Services staff to help in any way possible to achieve this goal.

#### Volusia-Flagler Coalition for the Homeless

Mr. Turner presented a plaque to the Commission which was provided by the Volusia-Flagler Coalition for the Homeless in appreciation for the \$1,000 grant Ormond Beach provided through the Community Development Block Grant (CDBG) program.

#### Cooperstown All-Star Tournament

Mr. Turner presented the Commission with a commemorative bat presented by the Golden Spikes baseball team in appreciation for the donation to help send the team to the Cooperstown All-Star Tournament for twelve and under. He stated the team placed 16<sup>th</sup> out of 64 teams, and a member of the team placed second in the Home Run Derby.

#### Introduction of New Employees

Mr. Turner introduced Mr. Mike Garrett, Chief Building Official/Fire Marshall. He noted Mr. Garrett was previously employed with the City from 1989 to 2004. Mr. Turner expressed appreciation to the Planning Department and the Fire Department for coordinating this joint position.

Mr. Turner introduced the City’s new Budget Director, Ms. Kelly McGuire. He reported Ms. McGuire served as Finance Director in Madison Heights, Michigan.

#### Item #6 – Audience Remarks

##### Sewage Infiltration

Ms. Pat Folcik, 402 Oceanshore Boulevard, stated that a sewage spill occurred in her home on September 13, and when she reported the spill to the City, she was met with extreme rudeness. She reported the City received a letter from the Florida Department of Environmental Protection (FDEP) dated December 21, 2004, indicating the City was in violation of reporting and cleaning up the sewage spill; therefore, the clean up should have been done 141 days earlier. Ms. Folcik noted the claim they filed with the City had been denied because the City wanted them to file a claim with their insurance company, but she stated this was the City’s responsibility as outlined by the FDEP. She reported that mold had since formed beneath the ceiling, and her understanding was that she was to hire a contractor, investigate the type of mold, correct the situation, submit a bill to the City, and then the City may or may not pay the bill. Ms. Folcik requested a resolution without further delay. She asked the Commission to allow Commissioner Boyle to explain the conditions he found in her home upon his visit on January 20.

Mr. Charles Folcik, 402 Oceanshore Boulevard, stated a similar situation had occurred five times in the past five years in other places Ormond Beach. He questioned how this would be

handled if it had happened to the City Manager's home. Mr. Folcik urged the City to form a policy where employees would handle issues as if it were happening to them.

Mayor Costello asked what was delaying this.

Mr. Randall Hayes, City Attorney, explained that the City had a formal claims process, and the Folcik's have filed a formal claim. He advised he would be happy to process the claim as soon as he could receive the proper supporting documentation to do so, but until this information was received, the claim could not be processed. Mr. Hayes stated he sent three to four letters requesting the information. He explained that every claim was analyzed based on liability, whether negligence existed, and what damages had occurred with supporting documentation. Mr. Hayes reported that after a claim was filed, an investigation was performed through the Risk Management Division, and then liability and damages were considered. Mr. Hayes noted if no liability existed, damages were not considered. He noted liability was not clear in this instance; but assuming the City would accept liability, appropriate documentation would be necessary to process the claim.

Mayor Costello stated he wanted a staff member acting as an ombudsman to assist Mr. Folcik in providing the proper documentation.

Mr. Hayes reported what was needed would be outlined in any of the letters he sent, but he or the Risk Manager would gladly explain exactly what was needed if Mr. Folcik should call. He explained his duty was to evaluate claims based on evidence.

Mayor Costello requested a report from the City Attorney at the next City Commission meeting regarding the status of this situation. He stated everyone wanted this problem solved; however, one problem was setting a precedent. Mayor Costello noted if the City should act out of protocol in this situation, it could cause a precedent problem later.

Mr. Hayes stated that the claims process under Florida law was confidential and privileged; therefore, it was not appropriate to debate these issues in public. He noted he would provide a report to the best of his ability explaining what had transpired, but the purpose of having the claims process was to avoid claims from becoming politicized.

Commissioner Boyle stated Mr. Folcik asked the City to restore his house, and the City had no mechanism to do so with City or contracted resources. He noted that in most cases the homeowner would call their insurance company who would solve the problem and the City would settle the bills later; however, in this case, the Folcik's did not contact their insurer or hire a contractor, probably because none were available after the hurricanes. Commissioner Boyle stated the Folcik's remedied their problem as best they could; they submitted a bill to the City for the remedy, which had since been denied. He pointed out there was now a new problem of mold. Commissioner Boyle noted that after his visit, he asked Mr. Ted MacLeod, Assistant City Manager, if the City could send someone out or hire someone to assess the problem, but he was told this could not be done. He stated that the photos and money claim represented some evidence. Commissioner Boyle stated the City had a process problem. He reported other documented incidents similar to this had occurred on the peninsula, and he questioned how many other incidents occurred that were not reported. Commissioner Boyle stated the current process placed the burden on the homeowner to correct the problem, and then they are asked to submit a claim, which may be denied.

Mr. Hayes stated there were many causes for sewer claims in general, and unless the City would do something to cause or contribute to the problem, the City would not be liable. He noted if the Commission wanted to create a policy to assist homeowners with cleanup where the City caused the incident, that could be done; but the City did not have an obligation to clean homes where they did not create the problem, and he cautioned the Commission regarding such a policy.

Commissioner Boyle stated there was a crew on this street blowing the sewer lines, which was different from a claim of sewage backing up into a house. He noted logic would dictate that the City caused this problem.

Mr. Hayes reiterated that proper information was mandatory in order to process the claim.

Mayor Costello asked Mr. and Mrs. Folcik to meet with the City Attorney and bring the proper documentation. He reiterated the Commission and staff wanted to solve this problem.

#### Oak Park Circle Drainage

Mr. Greg Gronning, 428 Oak Park Circle, stated that at the January 18 meeting Ms. Sloane indicated that the Oak Park Circle area was not identified in the City Stormwater Master Plan as having a drainage problem; therefore, it was not included in the plan. He reported his neighbor, Mr. Mike Erthal, had flooding problems for 18 years, and he questioned how this area was omitted. Mr. Gronning noted repairs were originally estimated at \$40,000 to \$50,000, and the January 29 estimate was for \$87,398 or an addition \$10,000 per month. He stated Ms. Sloane indicated that the repairs would not be done until April.

Mayor Costello stated the City was working on the problem. He asked when information would be provided to the Commission regarding this area.

Ms. Judy Sloane, Public Works Director/City Engineer, stated the plans were being developed, and the project would probably be started in April. She explained the master plan was prepared on documentation received over a ten year period. Ms. Sloane stated all of the drainage complaint files were included as well as areas staff had personally witnessed, but there were no recorded complaints in this area in that ten year period of time.

Mayor Costello asked if it were possible to go back further to determine if any other areas were missed.

Ms. Sloane reported this was year six or seven of a 12 year master plan. She stated the City would be updating the master plan to include anything that surfaced since the original master plan had been developed. Ms. Sloane reported the bid would be sent out to contractors in February, responses received in March, and work would start in April.

Mayor Costello asked for a report of the expected results upon completion of the project.

Ms. Kimberly Gronning, 428 Oak Park Circle, asked why the City was hiring a contractor rather than doing the work in-house.

Ms. Sloane stated a contractor would be hired to replace the inlet and the piping, but the plans would be done in-house.

Ms. Gronning stated the City did not have the \$26,000 to fix the problem originally, but \$14,000 was spent to determine what needed to be done to temporarily fix the problem; and now the City was to spend many more thousands of dollars to fix the problem. She questioned where the money would come from.

Mayor Costello stated he supported studies being done before repairs are made.

Ms. Gronning distributed copies of the estimate provided by the contractor and pictures of the house.

Ms. Sloane pointed out that the \$14,000 included design plans for the Laurel Creak pump station generator. She noted the \$26,000 was not budgeted, but the Commission approved borrowing that money from the Solid Waste Fund.

#### Billboards

Ms. Pat Behnke, 15 Malayan Sun Bear Path, stated the substructures of the billboards on the southbound side of US1 between Airport Road and Wilmette Avenue have blown down in the hurricanes and are unsightly.

Mayor Costello reported the City was currently in litigation regarding this matter. He stated the billboards were being condemned and may cause a lawsuit to be filed.

Mr. Hayes advised a lawsuit had already been filed.

#### Definition of Resident

Mr. Adrian Thompson, 6 Dorado Beach Court, asked the definition of being a "resident" in Ormond Beach as it would relate to a person's right to vote or to hold office in a certain zone, specifically if a person would have to sleep in the home a specific number of nights.

#### Chamber of Commerce Dinner

Mr. Thompson stated the entire Commission and some staff along with their spouses attended the Chamber of Commerce dinner. He questioned who attended this affair, who paid, and how much the event cost.

Mayor Costello asked Mr. Turner to prepare a report with the requested information. He asked that the report for both Mr. Thompson's questions be included in the Friday letter.

Item #7(A) – Metropolitan Planning Organization

Mayor Costello reported the Metropolitan Planning Organization (MPO) discussed funding the Strategic Intermodal System (SYS). He noted the MPO discussed many factors related to the possibility of the "Beeline" having a name change to the "Beach-Line."

Item #7(B) – Volusia Council of Governments

Mayor Costello reported the new Volusia Council of Governments (VCOG) Chairman, Dwight Lewis, led a discussion on goals. He stated a decision was made to hire a part-time executive director to build a relationship with the various cities and Volusia County so the issues addressed by VCOG would be multi-jurisdictional.

Item #7(C) – Smart Growth Implementation Committee

Mayor Costello reported he was unable to attend the Smart Growth Implementation Committee meeting as he was in Tallahassee at the time of the meeting. He noted he would forward the minutes to the Commission when he received his copy.

Item #7(D) – Water Authority of Volusia

Commissioner Boyle advised the Water Authority of Volusia (WAV) met on January 19 where a compensation package increase was approved for Dr. Bruce Mowry, Executive Director, of approximately 10%; however, the money was not in salary but in retirement benefits, increase in a car allowance, and health insurance for Dr. Mowry's spouse.

Commissioner Boyle stated discussion centered on the process for amending the interlocal agreement, should it occur. He noted that board members could approve amendments, but Daytona Beach questioned why those amendments would not go back to the respective governments. Commissioner Boyle explained that this could entail a seven to eight month process. He stated should this Commission decide that the current practice needed to be amended, he would carry that decision back to the board. Commissioner Boyle noted WAV would meet tomorrow in a special meeting at 3:30 p.m. where additional Facilities Master Plan presentations would be given.

Mayor Costello stated that with Commissioner Boyle continuing to inform the Commission on the issues and upcoming WAV votes, if there were an issue the Commission determined they wanted to be heard on, they could address it at that time.

Item #8 - Consent Agenda

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

Commissioner Boyle asked that Item Nos. 8(I) and (J) be discussed separately.

**Commissioner Partington moved, seconded by Commissioner Kent, for approval of the Consent Agenda, minus Item Nos. 8(I) and 8(J).**

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

Item #8(I) – Broken Spoke Saloon, Inc. Annexation Agreement

RESOLUTION NO. 2005-24  
A RESOLUTION AUTHORIZING THE EXECUTION OF A WATER, SEWER AND ANNEXATION AGREEMENT BETWEEN THE CITY AND BROKEN SPOKE SALOON, INC; PROVIDING FOR RECORDATION; AND SETTING FORTH AN EFFECTIVE DATE.

**Commissioner Partington moved, seconded by Commissioner Kent, to approve Resolution No. 2005-24, as read by title only.**

Commissioner Boyle reported this resolution would provide water and sewer service to the Broken Spoke Saloon. He asked if the development would occur under Ormond Beach rules even though it was in the County.

Mr. Michael Boucher, Chief Planner, stated the development was a legal conforming use in the County. He noted that when the property would annex into the City, it would be placed in a land use category as similar as possible to the County land use, and the use would continue. Mr. Boucher stated what was not specifically a land use would be the associated activities such as itinerant vending.

Commissioner Boyle stated some agreements have been made with the County regarding that corridor, and there was some movement closer to Ormond Beach rules. He asked if this would be processed under County or City rules.

Mr. Boucher stated the amendment would add restroom facilities rather than adding a new development. He pointed out the restroom facilities would meet City architectural standards.

Commissioner Boyle expressed concern relative to the clause stating that in the event the City was unable to annex, the developer may petition for amendment to the City’s water rate code for a rate reduction. He clarified that this would merely allow the developer to ask the Commission for a rate reduction.

Mr. Hayes stated this clause was a carryover from the annexation agreement with the Crown Apartments on Williamson Boulevard. He noted the Commission could amend this clause out, and the developer could still come before the Commission should they desire to do so.

Commissioner Boyle stated that any applicant had that right; however, he expressed concern that a future Commission may be petitioned for such a rate reduction, and the applicant would argue that since it was included in the agreement there was an assumption that the request would be granted.

**Commissioner Boyle moved, seconded by Commissioner Kent, to delete the clause stating that in the event the City was unable to annex, the developer may petition for amendment to the City’s water rate code for a rate reduction in this and all future contracts.**

Call Vote on the Amendment:	Commissioner Kent	yes
	Commissioner Partington	no
	Commissioner Boyle	yes
Carried.	Mayor Costello	yes

Ms. Lucille Bornmann, 7 Windsor Drive, stated the State growth management bill did not intend for governments to sacrifice the environment, create overcrowding, overload infrastructure, or place a financial burden on the taxpayers in one entity to provide services for another entity. She reported water and sewer service rights should not be for sale when a paper stated that development would annex into the City at a future time. Ms. Bornmann reported developments should have to annex before the taxpayers were obligated to provide services. She noted the Commission should do everything possible to benefit the taxpayers of Ormond Beach, not the developer. Ms. Bornmann pointed out that the County would receive impact fees, permit fees, and taxes while the City would receive the impact with only water and sewer fees. She noted other surrounding cities were not operating in this manner. Ms. Bornmann stated Ormond Beach should demand to have the developer annex into the City before receiving services.

Mayor Costello stated the development would annex into the City when it would become legally possible, but it could not legally annex into the City at this time because it was not contiguous. He reported he wanted to be assured the gateway corridor standard would go as far as possible to assure that no new uses would be permitted similar to this development. Mayor Costello explained this was an existing use and was grandfathered in; therefore, the City could not stop the development. He noted that he repeatedly requested every parcel on US1 not allow expansion of a similar type use. Mayor Costello stated if the agreement did not address this and itinerant vendor issues, the Commission should lobby the County to address these issues. He reported the County adopted Ormond Beach codes in this corridor.

Mr. Boucher stated this development was circulated by County staff and met Ormond Beach greenbelt, signage, and architectural standards.

Mayor Costello stated he was not referring to this project in particular.

Mr. Boucher clarified that any redevelopment or new development occurring in the corridor would have to adhere to Ormond Beach standards.

Mayor Costello clarified he did not want to have any parcel in this corridor have the ability to build a performing stage or a line of shelters to be used by itinerant vendors. He requested the City do everything possible to minimize this type of use.

Commissioner Boyle noted agreement with everything Mayor Costello articulated. He stated there was a great deal of concern in the community that North US1 would become the new destination for all of the motorcycle businesses, and the City had a responsibility to protect the partnership with Ormond Lakes and the future partnership with Ormond Crossings. Commissioner Boyle noted all of the cities would agree with urban growth boundaries if they could be assured that the County would not permit dense development on cities' borders. He pointed out the County permits the temporary campgrounds automatically, but they do not help the local economy, restaurants, or hotels and caused a "Woodstock" effect. Commissioner Boyle urged this issue again be raised with the County.

Ms. Pat Behnke, 15 Malayan Sun Bear Path, asked if the City would be asking the County to comply with noise standards in this area.

Mayor Costello stated he was not certain Ormond Beach could change what currently existed, but would seek compliance for future uses. He asked staff to research this issue.

Call Vote on the Underlying Motion:	Commissioner Partington	yes
	Commissioner Boyle	yes
	Commissioner Kent	yes
Carried.	Mayor Costello	yes

#### Item #8(J) – National League of Cities Conference

Commissioner Boyle requested information from the contingent attending the National League of Cities 2005 Congressional City Conference in Washington, D.C., relative to the use of eminent domain. He noted the National League of Cities recently filed an amicus brief with the Supreme Court upholding the rights of governments to use eminent domain to take private property to give to another private property owner. He stated he had concerns regarding this use of eminent domain. Commissioner Boyle asked the City's representatives attending the conference to research why the National League of Cities filed this brief so the Commission could discuss the issue and determine its position on the matter.

Mayor Costello stated he was uncertain this was the most appropriate place to obtain this information, but he encouraged Mr. Turner to obtain as much information on this issue as possible. He noted he could not support a hard and fast rule because there may be a structure in the middle of Ormond Crossings.

Commissioner Boyle recommended discussing the issue in a workshop.

Mayor Costello concurred with Commissioner Boyle. He noted he did not prefer to take private property; but if the point were pushed to the extreme, the City could be causing major problems.

Mr. Adrian Thompson, 6 Dorado Beach Court, stated that there was an understanding from the millage hearings that travel would be limited, and he found it excessive that three City representative would be attending this conference when one could attend and bring the information back to the others. He noted he had previously asked for reports explaining the benefit to the taxpayer for Commission and/or staff attending the past conferences yet they have not been forthcoming. Mr. Thompson reported he received an e-mail from Mr. Turner indicating information was available from the City Clerk regarding a conference he attended, but he did not go to obtain this information because it was available on the internet. He clarified that he was more concerned with the specifics of the conference such as the cost to attend and the benefit derived rather than the agenda items at the conference. Mr. Thompson requested reports from the attendees on how they could better save money for the taxpayers' investment upon their return.

Mayor Costello stated reports were appropriate; however, they may or may not relate to money saved. He noted he would have also gone to the conference if he could have taken the time off

from work. Mayor Costello stated attending these conferences help the Commission learn to govern better, and they are exposed to ideas that could make Ormond Beach a better City.

Mr. John Bornmann, 6 Windsor Drive, stated that after the Commission raised the taxes, the citizens asked that travel be curtailed, and he questioned when this effort would begin. He reported he did not object to the two new Commissioners attending, but Mr. Turner went last year and Commissioner Boyle expressed objection to Mr. Turner going to the same conference every year.

Mayor Costello explained that many events occur simultaneously; therefore, the three Ormond Beach representatives would probably not attend many of the same events. He noted he looked forward to receiving the reports; however, he would not to pressure the participants to provide lengthy dissertations of the events.

**Mayor Costello asked the City Clerk to call the vote to approve the travel to the National League of Cities 2005 Congressional City Conference in Washington, D.C.**

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

Item #9(A) – North Peninsula Septic Replacement and Re-use Augmentation Project, Phase I

RESOLUTION NO. 2005-25

A RESOLUTION AUTHORIZING THE EXECUTION OF AN AGREEMENT BETWEEN THE CITY AND THE ST. JOHNS RIVER WATER MANAGEMENT DISTRICT FOR THE PROVISION OF \$500,000 IN GRANT FUNDS TO BE USED FOR THE NORTH PENINSULA SEPTIC REPLACEMENT AND RE-USE AUGMENTATION PROJECT, PHASE I; AND SETTING FORTH AN EFFECTIVE DATE.

**Commissioner Partington moved, seconded by Commissioner Boyle, to approve Resolution No. 2005-25, as read by title only.**

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

Item #9(B) – Dormont Drive Drainage Improvement Project

RESOLUTION NO. 2005-26

A RESOLUTION AUTHORIZING THE EXECUTION OF CHANGE ORDER NUMBER ONE (1) TO THAT CONTRACT AWARDED TO MASCI CORPORATION REGARDING THE DORMONT DRIVE DRAINAGE IMPROVEMENT PROJECT, BY INCREASING THE CONTRACT PRICE BY \$129,958 AND INCREASING THE CONTRACT TIME BY 20 DAYS; AND SETTING FORTH AN EFFECTIVE DATE.

**Commissioner Partington moved, seconded by Commissioner Kent, to approve Resolution No. 2005-26, as read by title only.**

Commissioner Boyle asked if the same company that did the Standish Drive improvements would be making the Dormont Drive improvements.

Ms. Sloane confirmed the same company would be doing both projects.

Commissioner Boyle stated that there were serious problems with the Standish Drive project where residents were unable to access their driveways. He asked if the Masci Corporation would remedy this situation and who would pay for the remedy.

Ms. Sloane stated the staff was working with the contractor trying to remedy these situations, and she would provide a report in the Friday letter on the status.

Commissioner Boyle noted he was satisfied with Ms. Sloane's explanation.

Mayor Costello stated he could support the City paying slightly more to go further up the driveway or sidewalks to obtain a better slope. He noted everything done should benefit the City rather than create further problems. Mayor Costello pointed out that change orders may be requested to accomplish this goal.

Commissioner Boyle concurred with Mayor Costello.

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

Item #10(A) – Designation of a Representative on The Loop Community Advisory Group

**Commissioner Partington moved to nominate Dr. John Akers as a representative on The Loop Community Advisory Group. Commissioner Boyle seconded the nomination.**

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

Item #10(B) – Placement of the Birthplace of Speed Replica Cars

Mr. Alan Burton, Leisure Services Director, requested the Commission defer the decision on the placement of the replica cars for possibly four to eight weeks. He reported that during the Birthplace of Speed celebration this past weekend, Mr. Jim Schmidt, President of the National Parks Depot, expressed concerns about the replica cars being placed at the Birthplace of Speed Park as outlined in the staff report. He stated Mr. Schmidt recommended a long-term solution by offering a private donation of \$30,000 for a set of bronze replica cars to be placed at the Birthplace of Speed Park. Mr. Burton reported Mr. Schmidt indicated he knew of an artisan who built life-sized bronze replicas with acclaimed success. He stated Mr. Schmidt also offered assistance to determine the cost of the replicas, which would be significant; however, he offered to assist in securing additional donors for the project. Mr. Burton noted it would take a month or two to determine the parameters of the project, and staff would need to provide technical assistance for the car dimensions, pictures, and images for both vehicles and drivers. He pointed out that the bronze replicas would answer some of the questions raised regarding maintenance and vandalism of the current replicas. Mr. Burton stated other options could be determined at a future date as there was no immediate need to make this decision tonight since they were currently being safely stored. He requested Commission authority to provide an alternative option to be presented within four to six weeks.

Mayor Costello asked if staff could gather all of the necessary information in only four to six weeks.

Mr. Burton noted he should be able to provide clearer parameters in four to six weeks.

Mr. Turner requested eight weeks.

Mayor Costello recommended 90 days unless the information would be available earlier.

Commissioner Boyle asked when staff became aware of this proposal; whereby, Mr. Burton replied he was made aware of this proposal on Friday night. Commissioner Boyle noted Friday night would be after the packet was delivered.

**Commissioner Partington moved, seconded by Commissioner Kent, to defer the decision on the placement of the replica cars for 90 days.**

Mr. Donald Bostrom stated it would take time to make a decision, and an additional two years to obtain the completed replica cars. He pointed out that the park was built for the cars to be the centerpiece; therefore, they should be displayed in the park. Mr. Bostrom noted much misinformation had been stated relative to the replica cars, such as that the cars would rust. He contended that as long as the cars were properly maintained, they would not rust. Mr. Bostrom reported other misinformation was that the manufacturer was never told that the cars would be placed on the beach; but this was not true since he was personally aware that the manufacturer

was told the cars would be on the beach, and the manufacturer was told to make them as rust-proof as possible. He pointed out the wheels and tires were made from polyurethane, and the cars have five coats of epoxy on them. Mr. Bostrom reported that Mr. Dan Smith had volunteered to maintain the cars. He noted other misinformation was that the cars rusted after being placed on the beach; but the problem was not rust, the problem was vandalism, which would be a problem anywhere the cars were placed. Mr. Bostrom distributed renderings of a possible solution to the vandalism problem that he suggested would not cost a great deal of money. He noted the rendering depicted the cars enclosed in a gazebo-type roofed structure with heavy-gauge cyclone fence surrounding the cars. Mr. Bostrom reported a quote from the Riva Fence Company assigned a cost of \$1,800 for the fence; Olsen Electric quoted \$1,200 for security lighting; and while he had no quote for the gazebo, it would not cost an exorbitant amount of money. He pointed out that next year there would be a tremendous event with Stanley Steamers coming to Ormond Beach. Mr. Bostrom stated many people were disappointed this weekend when they realized the cars could not be viewed. He urged the Commission not to allow the cars to be stored in a garage and recommended they be displayed proudly in the Birthplace of Speed Park, even if the bronze cars would be commissioned.

Mayor Costello stated that if this motion should be passed, he urged the Historical Trust try to raise the \$1,800 and \$1,200 to help defray the cost to the City in that this may influence the vote. He offered to make a personal contribution.

Mr. Boston replied he would try to raise the money and thought he would be successful.

Ms. Susan Parkerson, 110 North Beach Street, noted she wrote the Commission a letter outlining her opinion relative to the cars. She stated she would concur with Mr. Randy Crabtree who restored the cars from the rust damage they incurred, and he indicated they would rust again no matter how well they were maintained if they were located on the beach. Ms. Parkerson reported she made several suggestions such as placing the cars in front of City Hall and placing the bronze cars in the Birthplace of Speed Park. She recommended the City retrieve the Stanley Steamer loaned to Daytona USA.

Call Vote:	Commissioner Kent	Yes
	Commissioner Partington	Yes
	Commissioner Boyle	Yes
Carried.	Mayor Costello	Yes

Commissioner Boyle concurred with Ms. Parkerson’s recommendations. He stated he opposed the fencing for aesthetic reasons. He reported Mr. Burton indicated a cost of \$21,000 in the staff report, and the August report indicated a cost of \$55,000 plus maintenance.

Item #11 - Reports, Suggestions, Requests

Chamber of Commerce Banquet

Commissioner Boyle stated four Commission members followed Mayor Costello’s lead and did a great deal of important work at the Chamber of Commerce banquet.

Goals Workshop

Commissioner Boyle noted he had already suggested adjustments to the City Manager for future workshops. He stated while he was disappointed in a portion of the meeting, some positives came out of the meeting. Commissioner Boyle pointed out that one positive that was obvious was that he and Mayor Costello had a great deal of respect for one another. He reported he wished to dispel a rumor referenced at the workshop by stating that he never wanted to be the mayor of Ormond Beach and did not intend to become a candidate for mayor.

Commissioner Boyle stated the subject of trust was discussed at the workshop. He noted it was clearly demonstrated at the last meeting that the Commission needed to trust the validity of each other’s votes and that the decisions were arrived at after careful study of facts and sometimes “gut instinct.” Commissioner Boyle submitted that that trust must also be extended to votes taken by past Commissions.

Ribbon Cutting

Commissioner Boyle stated there would be a ribbon-cutting ceremony on Thursday for Polymer Fabrication, Inc., and Congressman Mica would be in attendance to welcome this company to Ormond Beach. He reported he planned to attend and urged other City representatives also to be in attendance.

City Commission – February 1, 2005

Rigby School Tour

Commissioner Kent reported he toured the Rigby School with Mr. Ted MacLeod, Assistant City Manager, and found it very interesting.

Coffee with Commissioner Kent

Commissioner Kent reported “Coffee with Commissioner Kent” must be a success in that a couple came a week early. He noted he was happy to meet them and noted that “Coffee with Commissioner Kent” would be held next Monday, the first Monday of every month, February 7 at 4 p.m. at 130 Magnolia Drive.

Chamber of Commerce Banquet

Commissioner Kent noted it was a pleasure to meet Lieutenant Governor Toni Jennings at the Chamber of Commerce banquet.

Quick Response to Questions

Commissioner Kent thanked Mr. MacLeod for his quick responses to a number of questions that he posed during the past few weeks.

Attendance at Various Activities by Commissioner Partington

Commissioner Partington stated that on Friday, January 21, he went to the Daytona Beach Community College Photography Museum and welcomed Clearwire to the area. He explained that Clearwire was an exciting new technology that was now available in Ormond Beach. Commissioner Partington urged anyone interested to go to their website to learn more about this new wave of technology.

Commissioner Partington reported later that same day he met Ambassador Joyce High at Central Park to celebrate Arbor Day along with members of the Leisure Services staff, members from the State Parks and Forestry Division, the Garden Club, the Indigenous Plant Society, and numerous children from the Police Athletic League (PAL) program. He noted trees were planted and the importance of parks to the City was discussed.

Commissioner Partington noted that on the same evening he attended the Ormond Yacht Club fundraising dinner to restore the historic Ormond Yacht Club building, preserve Ormond Beach’s history, and create a historical museum on one floor as well as a usable meeting area for local groups.

Commissioner Partington stated that on Saturday morning he met with the ECHO Explorers in Central Park taking part in clean-up work caused by the hurricanes. He pointed out that Mr. David Abee, Recreation Manager, spoke of the future plans for Central Park.

Commissioner Partington reported he attended the PAL Songburst program at the Performing Arts Center on Sunday afternoon that spotlighted nine performers. He noted there was a great deal of talent in Ormond Beach, and this event was well attended.

Commissioner Partington stated he met with Ms. Kelly McGuire, the City’s new Budget Director, at her welcoming reception on Monday afternoon.

Commissioner Partington noted he met with Mr. MacLeod on Tuesday regarding a citizen complaint at Nova Road and Granada Boulevard where they walked the area in question with representatives from the Florida Department of Transportation (FDOT), and he learned a great deal about highway construction. He stated the FDOT project manager had been relentless in his attempts to have the job completed.

Commissioner Partington reported he attended the Chamber of Commerce dinner on Wednesday night.

Commissioner Partington stated that on Thursday night he attended the Volusia League of Cities meeting which included a tour of the International Speedway infield improvements. He pointed out that the speedway was a huge economic draw benefiting Ormond Beach in many ways. Commissioner Partington noted he met with the Volusia County Council and other member cities’ representatives where important issues were discussed.

Commissioner Partington noted the Birthplace of Speed events occurred this past weekend.

Commissioner Partington stated the Ormond Beach Yacht Club representatives were in Tallahassee on Friday morning where Mr. Robert Thames made a presentation to the National Register Board to request the facility be included on the list of National Historic Places. He reported the application was subsequently unanimously approved. Commissioner Partington

reported the request would now proceed to the National Board in Washington D.C. He pointed out that a part of the reason he wished to go on the trip was to take advantage of some synergy and appear before this National Board to support the case of why the Yacht Club should be included on the list.

Commissioner Partington reported that he toured the water and sewer video truck today with Mr. MacLeod who provided him with a list of benefits of retrofitting the truck with a new sewer video system.

#### Focus Workshop

Mr. Turner expressed appreciation to the Commission for their willingness to attend the workshop with Dr. Ritcey-Donahue. He stated this was a very difficult meeting and not one where a definitive conclusion could be drawn. Mr. Turner reported follow-up would proceed with the newly elected Commissioner. He recommended at least three or possibly four such sessions be held per year.

#### Chamber of Commerce Banquet

Mr. Turner reported the Chamber of Commerce banquet was outstanding due to the food, camaraderie, communication, and spirit of community. He commended Ms. Farmer and the Chamber of Commerce for this event and for becoming more inclusive every year.

#### Interchange Modifications at I-95 and US1

Mr. Turner stated that on January 25, he, Planning Director Clay Ervin and Economic Development Director Joe Mannarino met with several legislators in Tallahassee to introduce to some and promote to others interchange modifications at I-95 and US1. He reported the City requested \$500,000 for an interchange modification study. Mr. Turner noted that on that single day, the Ormond Beach contingent met with 14 senators and representatives in separate meetings and four staff members in separate meetings. He stated the meetings involved key members of the Transportation and Appropriations Committee, some Volusia County delegates, and staff members of the House and the Senate. Mr. Turner expressed gratitude to Sam and Doug Bell for arranging and coordinating those meetings. He reported Mr. Ervin met with Charles Gauthier from the Department of Community Affairs (DCA) regarding the Comprehensive Plan Amendment associated with Ormond Crossings. Mr. Turner stated a delegation, led by Mayor Costello, met yesterday with the Governor's Chief of Staff, Denver Stutler, and the Deputy Chief of Staff Deirdre Finn. He thanked Ms. Sloane for assisting in arranging the meeting with the Governor's Chief of Staff where the City's view for Ormond Crossings and the interchange modification was discussed. Mr. Turner noted Governor Jeb Bush dropped in for a few moments as well. He reported that he and Mr. Mannarino also chatted with the Assistant Secretary for Intermodal Systems Development, Ysela Llort. Mr. Turner stated a meeting would be held with District 5 Secretary George Gilhooley this week relative to the same issue. He reported that, in general, those with whom the contingent spoke were supportive of the concept, but there were some concerns relative to the inability of the project to be included with the MPO and the long range transportation list. He noted he was very hopeful some funding could be achieved; however, there was also a likelihood funding would not be achieved.

#### Responsiveness

Mr. Ted MacLeod, Assistant City Manager, thanked Commissioner Kent for his kind words and stated the reason he was able to answer Commissioner Kent and the other Commission members' questions so quickly was because the department heads and division managers have the answers at their fingertips, affording him the ability to relay the answers back quickly.

#### The Loop Community Advisory Group

Mayor Costello thanked Dr. John Akers for his willingness to serve on The Loop Community Advisory Group representing Ormond Beach.

#### Birthplace of Speed Park

Mayor Costello urged everyone to "get excited" about what would be occurring next year at the Birthplace of Speed Park. He stated he attended the banquet where people from all over the country come to Ormond Beach showing pictures of their antique cars. Mayor Costello pointed out that this was part of Ormond Beach's heritage.

#### Chamber of Commerce Banquet

Mayor Costello stated Lieutenant Governor Toni Jennings attended the Chamber of Commerce banquet and she referred to Ormond Crossings by name. He noted the Governor's Chief of Staff was aware of the name of the project and that the reason Ormond Beach was lobbying them was not to go around MPO or FDOT, but because it was a multi-jurisdictional project. Mayor Costello explained the project was for a feasibility study that was not located in Ormond

Beach's jurisdiction, but the project would impact the development within Ormond Beach's jurisdiction.

Coalition for the Homeless

Mayor Costello encouraged the Commission to begin speaking to constituents and officials from other jurisdictions relative to the Coalition for the Homeless. He stated he believed that this issue would come before the Commission in the future and that this was a Halifax Area/Volusia County issue as opposed to a Daytona Beach issue.

Trust

Mayor Costello commended Commissioner Boyle for his words on trust and the validity of previous votes. He noted he hoped he never was perceived to be questioning votes; however, he may have questioned that the outcome may not have been what was expected, predicted, or desired.

Ribbon Cutting

Mayor Costello stated he would have to miss Congressman Mica welcoming the Polymer Fabrication, Inc., at the ribbon cutting ceremony at the Ormond Beach airport since he had a previous commitment to be at the speedway. He thanked Commissioner Boyle for offering to attend.

Focus Workshop

Mayor Costello encouraged a 5:30 p.m. workshop once every quarter with an open agenda to discuss any pressing issues. He noted he was very displeased with the Powerpoint presentation at last week's workshop. Mayor Costello reported that while he liked Mr. Ritcey-Donahue, he believed his direction on focus was unnecessary, and the Commission tried to tell him so gently; but he was so focused on his agenda that he did not focus on the Commission's agenda. He stated he did not believe Mr. Ritcey-Donahue understood the Commission's needs. Mayor Costello reported he supported inviting the public to such workshops to listen, but he felt he was being attacked by the public without being afforded an opportunity to respond since it was scheduled for the end of the meeting. He recommended restructuring the scheduling. Mayor Costello suggested that before another such workshop was scheduled, a publicly advertised meeting should be scheduled where the Commission could discuss a myriad of subjects without a facilitator. He offered the Commission to make comments relative to this suggestion at the next meeting.

Item #12 – Close the Meeting

The meeting was adjourned at 8:44 p.m.

APPROVED: \_\_\_\_\_ February 15, 2005

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

ATTEST:

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