

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

July 19, 2005 7:00 p.m.

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

A G E N D A

- 1) Meeting call to order by Mayor Costello.
- 2) Invocation.
- 3) Pledge of Allegiance.
- 4) **AUDIENCE REMARKS:**
- 5) **INTERGOVERNMENTAL BOARD REPORTS:**
 - A) Metropolitan Planning Organization
 - B) Volusia Council of Governments
 - C) Smart Growth Implementation Committee
 - D) Water Authority of Volusia
- 6) **CONSENT AGENDA:** The action proposed is stated for each item on the Consent Agenda. Unless a City Commissioner removes an item from the Consent Agenda, no discussion on individual items will occur and a single motion will approve all items.
 - A) Resolution No. 2005-144 authorizing the execution of a Joint Participation Agreement, Supplemental Amendment Number 1 between the City and the State of Florida Department of Transportation. (Median Landscaping, Nova Road, Arroyo Parkway to Wilmette Avenue. (\$100,000 additional funding; \$0 City funding)
 - B) Resolution No. 2005-145 authorizing a donation to Florida's Missing Children's Day; authorizing expenditure from the City of Ormond Beach State Law Enforcement Trust Fund; authorizing the execution of all documents necessary thereto. (\$1,000)

- C) Approval of travel by City Manager Isaac Turner to the International City Managers Association Annual Conference in Minneapolis, Minnesota, September 25-28, 2005.

DISPOSITION: Approve as recommended in City Manager memorandum dated July 14, 2005.

7) **PUBLIC HEARINGS:**

- A) Resolution No. 2005-142 appointing Adrian Thompson to serve as a member of the Budget Advisory Board; establishing term and conditions of office.
- B) Ordinance No. 2005-14 annexing certain real property into the City of Ormond Beach generally located south of Airport Road and east of Interstate 95; setting forth zoning, privileges, and obligations of said property; providing for transmission. (River Oaks Planned Residential Development - 58.28 acres) (First Reading) (Tabled from 6/14/05 meeting)
- C) Ordinance No. 2005-15 amending Paragraph C, Zoning Map, of Section 2-01, Establishment of Zoning Districts and Official Zoning Map, of Article I, Establishment of Zoning Districts and Official Zoning Map, of the Land Development Code, by amending the Official Zoning Map to rezone certain real property from Volusia County RPUD (Residential Planned Unit Development) to City of Ormond Beach PRD (Planned Residential Development). (River Oaks property) (Tabled from the 6/14/05 meeting; to be tabled to the 8/2/05 meeting.)
- D) Ordinance No. 2005-16 adopting certain amendments to the Future Land Use Element, Transportation Element, and Conservation Element of the City of Ormond Beach Comprehensive Plan. (First Cycle 2005 Comp Plan Amendments) (First Reading) (Tabled from the 6/14/05 meeting; to be tabled to the 8/2/05 meeting.)
- River Oaks: Amending the Future Land Use Element (Map), relative to property to be annexed into the City of Ormond Beach, said property being located south of Airport Road, east of I-95, west of the Broadwater subdivision and north of the Tomoka River.
 - Fire Station #91: Amending the Cultural Affairs Element (Text), by clarifying that use and maintenance of the “Old Coquina Firehouse” may be through private or public ownership.
 - Citywide: Amending the Future Land Use Map, by amending the format of the Future Land Use Map from the original hand-drawn version to a version generated from the City’s Geographic Information System (GIS).
- E) Ordinance No. 2005-20 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 parcel of real property from B-8 (Commercial) to PBD (Planned Business Development), said real property being located along Granada Boulevard, between Ormond Towne Square shopping center and the Lowe’s Home Improvement Store; establishing boundaries; authorizing revision of the official zoning map; approving the Ormond Town Commercial Center, Phase II, Development Order to allow a self-storage facility. (First Reading) (To be tabled to August 2, 2005)
- F) Ordinance No. 2005-21 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 35.76-acre parcel of real property from B-8 (Commercial) to PBD (Planned Business Development), known as “Ormond Towne Square,” located on the south side of West Granada Boulevard (SR40) east of Williamson Boulevard; establishing boundaries; authorizing revision of official zoning map; approving a Fourth Amended and Restated Development Order for “Ormond Towne Square” shopping center Planned Business Development. (Beall’s Department Store) (First Reading)
- G) Ordinance No. 2005-22 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 24.029-acre parcel of real property from B-8 (Commercial) to PBD (Planned Business Development), known as “Wal-Mart SuperCenter,” located at 1521

West Granada Boulevard; establishing boundaries; authorizing revision of the official zoning map; approving a Fourth Amended and Restated Development Order for “Wal-Mart SuperCenter” Planned Business Development. (First Reading)

- H) Ordinance No. 2005-23 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 12-acre parcel of real property from B-8 (Commercial) to PBD (Planned Business Development), said real property being located along North Highway US1, just north of the Tomoka River and immediately south of the Bull Run/Strasser complex; establishing boundaries; authorizing revision of the official zoning map; approving a Development Order for “Grande Paintball” Planned Business Development. (First Reading)

8) **FIRST READING OF ORDINANCES:**

- A) Ordinance No. 2005-24 relative to the office of Mayor and City Commissioner, providing for and calling a Primary Election of the registered electors of the City of Ormond Beach to be held, if necessary, on October 11, 2005; further providing for and calling a Regular Election of the registered electors residing in the City of Ormond Beach to be held on November 8, 2005; providing for qualifying and election procedures; establishing a date for taking office; designating the location of polling places.
- B) Ordinance No. 2005-25 amending Chapter 3, Performance Criteria, Article IV, Sign Regulations, Section 3-45, Temporary Signs, of the *Land Development Code* by amending the time limit for political signs.

- 9) **RESOLUTION** No. 2005-146 authorizing the execution of an Interlocal Agreement between the cities of Ormond Beach, Daytona Beach, DeLand, Holly Hill, New Smyrna Beach, Orange City, Port Orange, the County of Volusia and the Water Authority of Volusia regarding finished water interconnects. (\$314,000 City estimated total project costs; \$157,000 estimated State and Tribal Assistance Grant funding)

10) **DISCUSSION ITEMS:**

- A) Status of airport projects.
- B) Downtown Work Plan – Downtown Master Plan update/revitalization strategy.
- C) Outside product display.

- 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

Prior to Mayor Costello giving the invocation, he read an article defining an American as a people of all nationalities, cultures, and beliefs and the embodiment of the human spirit of freedom.

Item #3 - Pledge of Allegiance

Mayor Costello led the Pledge of Allegiance.

Item #4 – Audience Remarks

Budget Advisory Board Report

Mr. Richard Lovell, 354 Applegate Landing, Budget Advisory Board chairman, stated the Budget Advisory Board discussed the consolidation of dispatch services but did not make a recommendation because the financial impact was only a portion of the proposal and the

savings to the budget were clearly stated. He noted the board did discuss the length of the initial contract and the unknown cost of the services after the initial two-year period. Mr. Lovell requested that, while the Commission had voted against the proposal, the Commission continue to monitor the progress and efficiency of the consolidated dispatch services, and should this service prove to be a viable option in the future, the consolidation of dispatch services be reconsidered.

Mr. Lovell reported that upon creation of the Budget Advisory Board, the Commission provided the board with seven areas of review to provide recommendations to the Commission. He stated the board completed these duties identifying several other issues that required further research. Mr. Lovell noted upon completion of this task, the board provided recommendations to the Commission on April 28, 2005. He requested new guidance on items the Commission would prefer the board to undertake and recommended setting aside time during the August focus meeting to discuss this request.

Beach Access

Mr. Craig Olson reported he owned a beach concession at the Seminole approach. He informed the Commission that the City has lost beach access due to hurricanes, soft sand, and red sand. Mr. Olson noted there were less than 50 spaces available on some of the approaches for parking, and he urged the City to work with the upland property owners and business owners to come to an agreement relative to parking, possibly to share parking lots.

Mayor Costello stated the Chamber of Commerce has already begun working on this issue.

Ms. Peggy Farmer, Executive Director, Ormond Beach Chamber of Commerce, reported that in speaking with County Councilwoman Joie Alexander she learned that the County was prepared to join the team to try a pilot project to approach businesses near beach approaches to provide a greater degree of safety for beachgoers to park on the west side of A1A and cross the street to the beach. She noted the County was prepared to help with providing signage, striping, trash cans, and coverage for liability. Ms. Farmer asked for guidance as to whom to speak to regarding starting this pilot project with Volusia County. She noted the issue not covered at this point was enforcement.

Differentiating Between Personal and Public Documentation

Mr. Gregory Avakian, 161 Heritage Circle, stated since last Tuesday when Commissioner Boyle mentioned the personnel file documents, his curiosity was piqued and he was trying to obtain a copy of the documents; however, he was unable to do so until Commissioner Boyle provided him with a copy of the documents today. He asked the City Attorney what was and was not considered public information, specifically relative to e-mail received by City employees.

Commissioner Partington stated that he learned at seminars he attended that public officials may cull out personal e-mails and provide only City business e-mail upon request.

Mr. Randall Hayes, City Attorney, concurred with Commissioner Partington that personal items were not available to the general public, even if they were to come through City e-mail.

Mr. Avakian asked who would make the determination if the document was public or personal.

Mr. Hayes advised the person who had custody of the document would make the initial decision as to what was public and what was private.

Ormond 2020 Visioning

Mr. Avakian stated the Ormond 2020 visioning session relative to A1A was well done, but he believed that visuals were lacking. He reported it was stated that 12% of the beachfront could be developed, but he questioned where the potential sites were located. Mr. Avakian noted the design concepts the developer tried to present at last week's City Commission meeting would have been beneficial in order to visualize what could be placed on this 12% of real estate.

Intersection at North Yonge Street and Melrose Avenue

Mr. Robert Edwin Seibert, 376 North Yonge Street, reported he witnessed many accidents in this residential area in front of his home at the intersection of Melrose Avenue and North Yonge Street. He advised that he and his neighbors were requesting a four-way stop sign be installed at this intersection.

Mr. Seibert stated he was informed a sidewalk would be constructed, and it seemed that the sidewalk would be placed within 20 feet of his home. He asked if he could arrange to have the sidewalk not be placed so close to his home.

Mayor Costello asked Mr. Seibert to speak with Ms. Judy Sloane, Public Works Director/City Engineer regarding the sidewalk and with Police Chief Larry Mathieson to request the four-way stop sign.

Respect and Confidence in Public Officials

Mr. Tom Burk, 212 Lynhurst, stated he had the highest respect for the entire Commission, the City Manager, and the City Attorney. He reported while he may differ with many of Commissioner Boyle's positions, he believed Commissioner Boyle to be a fine man. Mr. Burk noted it was a criminal act to put out derogatory information about Commissioner Boyle anonymously, and he pointed out that the people of Ormond Beach did not like "dirty politics."

Mr. Burk reported he had a great deal of confidence that Mr. Turner could handle the current police matters. He stated for weeks he has witnessed the Commission being manipulated by a very small group of people who do not represent the majority of the residents in Ormond Beach. Mr. Burk noted that if Mr. Turner had factual documentation that Ormond Beach should assume the cost of having an investigation, he cautioned proceeding with great care. He stated Chief Mathieson deserved the same respect and had the same rights as anyone else did. Mr. Burk pointed out that the Commission did not have the right to allow slanderous remarks and character attacks made on Chief Mathieson on a weekly basis because to allow these attacks would make the Commission responsible for these attacks. He commended Mayor Costello for his comment last week that any further allegations toward any employee had to be placed in writing. Mr. Burk stated it was not the responsibility of the Commission to oversee the Police Chief, and Mr. Turner needed to be able to do his job without people coming to the podium attacking the Chief. He reported Chief Mathieson was honest and capable of doing his job, while the officer creating the problems had a thick file of problems dating back 20 years.

Ormond Beach 2020

Mr. Brian Daly, 156 Magnolia Drive, representing the Citizens for Ormond Beach (CFOB), stated that last Wednesday's visioning session was a great success. He stated tomorrow's session would be on Ormond Crossings, and it would start at 6:30 p.m. with light refreshments in the atrium and 7:00 p.m. in the chambers for the session.

Mayor Costello urged everyone to attend these valuable visioning sessions.

Beach Access

Ms. Lucile Bornmann, 6 Windsor Drive, stated the County took the City's beach away, and only Commissioner Boyle had vigorously searched for a solution to the problem. She reported the County did not want to and did not intend to help Ormond Beach with beach access. Ms. Bornmann stated Ormond Beach taxpayers have paid millions of dollars to care for Ormond Beach's beach, and the County has not fulfilled its responsibility. She questioned why Ormond Beach allowed this to continue suggesting it may be because the developers were ready to take over the beach. Ms. Bornmann noted the buildings would be on the east side of US1, and the parks would be on the west side of A1A. She stated Ormond Beach was being forced to file a lawsuit for taking millions of dollars without representation, leaving the beach inaccessible.

Mayor Costello stated the City was working hard on the beach access issues.

Code Violations

Mr. Chas Folcik stated he came before the Commission on April 5 and informed the Commission of City staff violating City code, but he heard nothing from the Commission to date. He reported he met with the City Attorney, but it did not result in the enforcement of the City codes. Mr. Folcik noted he contacted Ms. Joanne Naumann, Neighborhood Improvement Manager, who advised him that she could not help him. He reported there have been over 25,000 violations of City codes.

Risk Management Incident Committee

Mr. Folcik reported the Risk Management Incident Committee was charged with reviewing all Workers Compensation, general liability, and automobile claims, but they had not met or reviewed any claims in three years.

Mayor Costello asked Mr. Turner and Mr. Hayes to have a report in the Friday letter relative to this issue.

Mr. Hayes reported he informed Mr. Folcik that he must provide certain documentation before he could address his concern. He reported a number of people have spent time evaluating Mr. Folcik's claim. Mr. Hayes explained Mr. Folcik was unhappy with the process the City

follows, and nothing would satisfy him. He noted he did not intend to waste any more time on this issue.

Mayor Costello stated Mr. Folcik could write a letter to the Commission, but he needed to provide the necessary information to the City Attorney.

Item #5(A) and (B) – Metropolitan Planning Organization and Volusia Council of Governments

Mayor Costello reported there was no July meeting of the Metropolitan Planning Organization (MPO) and the Volusia Council of Governments (VCOG). He stated he provided the trip program to the Commission by e-mail, and he was hopeful to obtain the interchange. Mayor Costello noted he just learned the projects needed to be projects that were already designed. He reported he asked Mr. Turner and Mr. Ervin to determine if there was a way to have the project presented to the MPO in that while the designs were not available, the matching funds were ready.

Item #5(C) – Smart Growth Implementation Committee

Mayor Costello reported the Smart Growth Implementation Committee was heading for a significant recommendation where three members of VCOC, three members of the County Council, and one member of the School Board would become a binding arbitrator to resolve issues between cities and issues between cities and the County rather than the current Growth Management Commission. He noted this committee could resolve service area disputes and annexation disputes.

Item #5(D) Water Authority of Volusia

Commissioner Boyle stated the Water Authority of Volusia (WAV) would meet at 8:30 a.m. tomorrow, and the primary item on the agenda would be the Daytona Beach concern relative to long-term funding and unitary rates.

Mayor Costello stated Ms. Ann Moore was enthusiastically supportive of the job Commissioner Boyle was doing on WAV.

Item #6 - Consent Agenda

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

Commissioner Partington moved, seconded by Commissioner Kent, for approval of the Consent Agenda.

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

Item #7(A) - Appointing a Member of the Budget Advisory Board

RESOLUTION NO. 2005-142
A RESOLUTION APPOINTING ADRIAN THOMPSON AS A
MEMBER TO SERVE ON THE BUDGET ADVISORY BOARD;
SETTING FORTH TERMS AND CONDITIONS OF SERVICE;
AND SETTING FORTH AN EFFECTIVE DATE.

Commissioner Boyle moved to approve Resolution No. 2005-142, as read by title only.

Mayor Costello noted the motion died for lack of a second. He asked Mr. Hayes to explain the options available to the Commission.

Mr. Hayes stated the City's legal options were to comply with the obligations of the ordinance or not to comply with the ordinance. He reported the Commission could approve the appointment, approve the appointment with protest, or approve with two members dissenting to comply with the code, or they could not appoint Mr. Thompson, which would not comply with the code.

Commissioner Kelley seconded the motion for discussion purposes.

Mayor Costello explained this was a public hearing regarding the appointment of an individual to an advisory board that may have a conflict of interest. He noted the individual may still be appointed to the board provided that the Commissioner making the appointment discloses the nature of conflict and makes the determination to waive the conflict.

Commissioner Boyle stated that as with Mr. Larry Stout and Harry Wendelstedt on other City boards, Mr. Thompson had a contract with the City through his leases and required a waiver be granted to serve on an advisory board. He reported he would grant that waiver.

Mr. Jack Arrants, 311 John Anderson Drive, asked if an individual was required to be a citizen to become a member of a board.

Mayor Costello stated the City Attorney opinion was that a person needed to be a resident of the City, and he explained the word "resident" implied the citizenry at large.

Mr. Arrants stated the appointee would need to have certain fiduciary responsibilities.

Mayor Costello noted fiduciary responsibilities were not a criteria, but it was a result.

Commissioner Kelley stated the information citing case law indicated an appointment of a citizen.

Mr. Hayes clarified the ordinance requirement was that members of boards and committees only need to be residents and not citizens. He noted the case law cited for the principal that a writ of mandamus may issue in situations where the obligation on part of a city official was clear based on existing law, but this case was not related to the appointment procedure. Mr. Hayes noted the case law implies that the Commission had a perfunctory duty to do certain actions, and if those actions are not done, a writ of mandamus may lie to compel the performance of that duty. He advised Section 2-206 dealt with the general residency requirements indicating that, "no person shall be selected unless that person was a resident of the City." Mr. Hayes reported Section 2-226 dealt with the Budget Advisory Board and stipulated, "the Mayor and each Commissioner shall appoint one member to the board from the citizenry at large." He explained that stipulation meant the appointed should come from the pool of residents within the applicable zone. Mr. Hayes noted that considering these two sections, appointments must be residents of the City. He stated the appointment process was set up to de-politicize the appointment process allowing each Commission member to make an appointment, and in order for those appointments to have validity, they must be ratified by a majority of the Commission as a ministerial duty.

Commissioner Kelley questioned why the process to appoint a member to the Budget Advisory Board was not the same as appointments to all other board. He stated that this section dictates this and other future Commissioner how they must vote, and he did not believe it was right to be told how to vote for an appointment to a very important board. Commissioner Kelley reported he would challenge the legality of that requirement in court. He pointed out the case law Mr. Hayes cited was not referencing a board appointment, because there were other references in zoning issues where the Commission was required by law to make an affirmative vote. Commissioner Kelley reported he objected to the necessity of voting in the affirmative, especially to the Budget Advisory Board, for a person who he did not believe should be serving on that board.

Mr. Hayes clarified his issue was not who was appointed, but to follow the process. He used as an example the appointments to the Housing Authority that are set by statute where the Mayor makes the appointments to be ratified by the Commission; therefore, it was not uncommon for this type of procedure to be used. Mr. Hayes reported the procedure could be changed by amending the ordinance.

Commissioner Partington expressed agreement with Commissioner Kelley in that he did not want to be told how to vote, but he also had a fundamental disagreement with the statutory interpretation by the City Attorney. He reported he had seen no evidence the appointee was a citizen of the United States, and he believed the word "citizen" or "citizenry" implied a United States or at least a citizen of the City of Ormond Beach. Commissioner Partington explained Section 12, Part 2, of the Code of Ordinances, Chapter 1, General Provisions, indicated that all words and phrases used in the code "shall be construed and understood according to the common and approve usage of the language or the dictionary definition." He reported Section 2-206 referenced a minimum requirement for the boards was to be a resident of the City, and Section 2-226 used the more specific term "appointed from the citizenry," which had a clear and simple meaning. Commissioner Partington stated the meaning of "citizen" was a

person owing loyalty to and entitled by birth or naturalization to the protection of a state or nation and a resident of a city or town especially one entitled to vote and enjoy other privileges. He noted in the Black's Law dictionary a citizen was "one who, under the constitution and laws of the United States or a particular state, was a member of the political community owing allegiance and being entitled to the enjoyment of full civil rights as in all persons born or naturalized in the United States and subject to the jurisdiction thereof." Commissioner Partington reported the code required citizenship because it specifically stated citizenship was required using the common term. He noted surprise the City did not have a loyalty oath for board members to protect and uphold the City similar to that of the Commission members.

Commissioner Kent stated he agreed with Commissioner Kelley and Commissioner Partington regarding citizenry, but he had other issues with this appointment as well. He noted this resident has made unfounded complaints to the FAA, tried to make staff "run in circles" with requests, indicated he would not pay his lease payment for his business and then recanted paying it at a City Commission meeting, videoed the City Manager and his children, and sent belittling and demeaning e-mails week after week. Commissioner Kent asked Mr. Turner for an estimate of the number of hours of staff time spent on this single individual. He noted he could not possibly approve this appointment.

Commissioner Boyle stated that Mr. Thompson served on the Aviation Advisory Board for years, and no one questioned his citizenry at that time. He reported he would still be serving on that board had the Legal Department and other board members not decided no one on the board should have any conflict with airport issues; but as soon as Mr. Thompson resigned, the Commission created the waiver process so others conflicts could continue to serve. Commissioner Boyle noted the question of citizenry should have been answered when he was on the Aviation Advisory Board.

Commissioner Boyle reported the Commission has tried to de-politicize the process. He noted clearly Commission members appoint people to boards who tend to agree with them, but once on the board, the board member should be free to render judgments independently. Commissioner Boyle stated in an attempt to de-politicize the project, a Commission member could not arbitrarily remove or replace an appointee without showing cause, and this was also extended to the appointment process. He pointed out that last June he wanted to remove his appointment from the Aviation Advisory Board because he learned that the facts represented to him in order to obtain that appointment were not true, but this Commission pointed out that even though his reason to remove the member was based on something that occurred before the member took his seat and not based on any decision that member was making that he had to show cause, his assertion of misrepresentation was not sufficient cause, and he had to let the appointment remain. Commissioner Boyle noted that based on this and the City Attorney opinion, the members of the Commission must show cause. He stated the Commission was indicating it was permissible for citizens to live and work in the community, pay taxes, and earn hundreds of thousands of dollars for the City, but it would disqualify him from a board appointment. Commissioner Boyle reported in January 2004 he discovered the board members did not need to provide a home address, and the appointing Commissioner and appointee only had to assert that the appointee lived in the City.

Commissioner Boyle noted that disqualifying Mr. Thompson because he had been critical of the way the City does business, makes its decisions, what decisions are made, or because he issued a complaint to the FAA was not sufficient because he believed had staff listened to those issues Mr. Thompson brought to the Commission last year, the City would not have to make the \$387,000 correction necessary. He noted he did not make this appointment to create a controversy or cause discomfort to his colleagues, but because he believed Mr. Thompson's knowledge was valuable. Commissioner Boyle stated an Ormond Beach tradition was that the person not winning an election was offered a board appointment by the winner of the election to remain a part of the City and of the decision-making process. He reported his intent was to get Mr. Thompson "on the team," making his recommendations through the system on an advisory board. Commissioner Boyle stated he was not certain he heard cause that would avoid a writ of mandamus.

Commissioner Kelley stated this would be a complete turnover in the Budget Advisory Board that was in existence for one year, other than the chairman. He reported each person appointed to this board must go through a learning curve. Commissioner Kelley pointed out that the chairman mentioned tonight that there were seven charges provided, and each had been met. He stated that rather the City facing legal action, he recommended shutting the board down and possibly bringing it back in a different form. Commissioner Kelley reported if this action was necessary to avoid requiring this Commission or future Commissions to vote a

certain way, then it should shut down and the rules be changed, because he could not believe this was ever the intent.

Commissioner Partington stated he would consider this action if the City were facing legal action. He stated he was not on the Commission when Mr. Thompson was appointed to the Aviation Advisory Board, and his response was that “two wrongs, don’t make a right.”

Commissioner Kent stated he had proposed the formation of the Budget Advisory Board, and he did not favor dismantling the board. He noted he would not state he would not support stopping the board for a time to avoid a lawsuit wasting more time and City funds, but he could not make that decision tonight. Commissioner Kent stated he believed Commissioner Boyle actually believed that he wanted to bring Mr. Thompson “on the team,” but the only way to judge a person was by their past actions, and by reading Mr. Thompson’s e-mail sent to Mayor Costello today, he had proven that this was not about being a part of the team. He reiterated his biggest concern was the citizenry issue.

Commissioner Boyle stated he does not get the e-mails, but he was aware Mr. Thompson e-mailed the Mayor frequently, and he receives the e-mails several days later through the City Clerk. He reported he considered disagreement to be healthy. Commissioner Boyle noted, by Mayor Costello’s responses, he did not believe the Mayor felt the exchange was unhealthy. He stated it speaks volumes that the Commission was suggesting that if they could not legally keep Mr. Thompson off the board, the board should be abolished or the rules changed. Commissioner Boyle noted the assertion that Mr. Thompson’s participation on the Aviation Advisory Board was a mistake was never asserted by anyone else. He reported he would stand by this appointment, and he did not believe there had been any lack of integrity on his participation in this government.

Mayor Costello stated he would vote “no” on this appointment. He noted he has enjoyed his interaction with Mr. Thompson and considered him a bright man, but his concern was that the Commission was being told how to vote. He recommended changing how the board nominations were made so that each person nominated someone to the board, and the Commission may ratify or not ratify that appointment, making the person a Commission appointment rather than an individual appointment. Mayor Costello pointed out that when the Commission voted on Commissioner Kelley’s appointment to the Budget Advisory Board, Commissioner Boyle voted against Mr. Kelley without providing any explanation as to why he was doing so; therefore, he had set the precedent. He stated it was ludicrous that it was permissible for Commissioner Boyle to vote against a board appointment, but it was not permissible for three Commission members to vote against a board appointment. Mayor Costello noted Commissioner Boyle could make any comments during the “Commissioner Comments” portion of the meeting because every Commissioner had been given the opportunity to speak twice.

Commissioner Boyle challenged Mayor Costello’s ruling because Mayor Costello mentioned his name and his vote.

Mayor Costello asked if anyone wished to overrule this ruling; whereby, no opposition to the ruling was heard.

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

Hearing no objection, Mayor Costello closed the public hearing on Item #7(A).

Item #7(B) - River Oaks Planned Residential Development Annexation

ORDINANCE NO. 2005-14
AN ORDINANCE ANNEXING CERTAIN REAL PROPERTY INTO
THE CITY OF ORMOND BEACH GENERALLY LOCATED
SOUTH OF AIRPORT ROAD AND EAST OF INTERSTATE 95;
SETTING FORTH ZONING, PRIVILEGES, AND OBLIGATIONS
OF SAID PROPERTY; PROVIDING FOR TRANSMISSION; AND
SETTING FORTH AN EFFECTIVE DATE.

Commissioner Partington moved, seconded by Commissioner Kent, to approve Ordinance No. 2005-14, on first reading, as read by title only.

Mr. Rob Merrill, Cobb & Cole, 150 Magnolia Avenue, representing the applicant, noted he was speaking on Item Nos. 7(B), 7(C), 7(D), and 7(E) in that on Nos. 7(C), 7(D), and 7(E) he was in agreement with the recommendation for a continuance. He stated relative to Item No. 7(B), he wished to highlight that this property was to be developed in accordance with PUD development agreement approved in 2003 by the County and reviewed by the City. Mr. Merrill pointed out that this would come before the Commission in the next month or two. He stated this local developer was very gracious when it came before the Commission to delay the project in 2003 for four years from the date it was approved by the County.

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

Hearing no objection, Mayor Costello closed the public hearing on Item #7(B).

Item #7(C) - River Oaks Property

Commissioner Boyle moved, seconded by Commissioner Kelley, to table Item #7(C) to August 16, 2005.

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

Item #7(D) - First Cycle 2005 Comp Plan Amendments

Commissioner Kelley moved, seconded by Commissioner Kent, to table Item #7(D) to August 16, 2005.

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

Item #7(E) – Ormond Town Commercial Center, Phase II

Commissioner Boyle moved, seconded by Commissioner Kelley, to table Item #7(E) to August 2, 2005.

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

Item #7(F) - Beall's Department Store

ORDINANCE NO. 2005-21

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 35.76-ACRE PARCEL OF REAL PROPERTY FROM B-8 (COMMERCIAL) TO PBD (PLANNED BUSINESS DEVELOPMENT), KNOWN AS "ORMOND TOWNE SQUARE," LOCATED ON THE SOUTH SIDE OF WEST GRANADA BOULEVARD (SR40) EAST OF WILLIAMSON BOULEVARD; ESTABLISHING BOUNDARIES; AUTHORIZING REVISION OF OFFICIAL ZONING MAP; APPROVING A FOURTH AMENDED AND RESTATED DEVELOPMENT ORDER

FOR "ORMOND TOWNE SQUARE" SHOPPING CENTER
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. 2005-21, on first reading, as read by title only.

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

Hearing no objection, Mayor Costello closed the public hearing on Item #7(F).

Item #7(G) - "Wal-Mart SuperCenter" Planned Business Development

ORDINANCE NO. 2005-22

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 24.029-ACRE PARCEL OF REAL PROPERTY FROM B-8 (COMMERCIAL) TO PBD (PLANNED BUSINESS DEVELOPMENT), KNOWN AS "WAL-MART SUPERCENTER," LOCATED AT 1521 WEST GRANADA BOULEVARD; ESTABLISHING BOUNDARIES; AUTHORIZING REVISION OF THE OFFICIAL ZONING MAP; APPROVING A FOURTH AMENDED AND RESTATED DEVELOPMENT ORDER FOR THE "WAL-MART SUPERCENTER" PLANNED BUSINESS DEVELOPMENT; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; AND SETTING FORTH AN EFFECTIVE DATE.

Mayor Costello stated the motion would include using the existing code of a \$500 per day maximum fine, the proposed fenced in area would be enclosed as building area, and the additional plantings would be required.

Commissioner Partington moved, seconded by Commissioner Kelley, to approve Ordinance No. 2005-14, on first reading, as read by title only.

Mr. Clay Ervin, Planning Director, stated the proposed amendment to the Planned Business Development has been approved by staff and the Planning Board. He explained there were three critical issues. Mr. Ervin noted the Planning Board suggested using an itemized list of the items displayed outside for the fine while staff recommended a straight fine of \$500 per day. He stated the second item regarded whether the expansion was to be enclosed as a building or if black wrought iron fencing with black mesh could be used. Mr. Ervin explained the third issue was enhancing the landscaping. He noted the applicant had agreed to use the black wrought iron fencing and not enclose the area as a building, and requested this be acceptable in lieu of the Planning Board recommendation. Mr. Ervin pointed out that any changes the Commission wished to make would need to be stipulated in that the ordinance had been drafted per the Planning Board's recommendation.

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

Hearing no objection, Mayor Costello closed the public hearing on Item #7(G).

Item #7(H) - "Grande Paintball" Planned Business Development

ORDINANCE NO. 2005-23

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 12-ACRE PARCEL OF REAL PROPERTY FROM B-8 (COMMERCIAL) TO PBD (PLANNED BUSINESS DEVELOPMENT), SAID REAL PROPERTY BEING LOCATED ALONG NORTH HIGHWAY US1, JUST NORTH OF THE TOMOKA RIVER AND IMMEDIATELY SOUTH OF THE BULL RUN/STRASSER COMPLEX; ESTABLISHING BOUNDARIES; AUTHORIZING REVISION OF THE OFFICIAL ZONING MAP; APPROVING A DEVELOPMENT ORDER FOR "GRANDE PAINTBALL" PLANNED BUSINESS DEVELOPMENT; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; AND SETTING FORTH AN EFFECTIVE DATE.

Commissioner Partington moved to approve Ordinance No. 2005-23, on first reading, as read by title only.

Mayor Costello ruled this motion died for lack of a second.

Mr. Ervin clarified that this was a rezoning to PBD for a 12-acre tract to allow for a temporary use of an outdoor recreational facility, more specifically a paintball facility. He pointed out that by lack of a second to the motion the Commission was indicating that this did not meet the criteria established for the PBD; therefore, it would be considered a denial of the request.

Mayor Costello asked Mr. Hayes if he needed to open the item up for public comment considering the motion died for a lack of a second.

Mr. Hayes advised it would be up to the discretion of Mayor Costello whether to open the item for discussion in that it was not actually on the floor since the motion did not receive a second. He clarified that for purposes of discussion, there needed to be a motion and a second on the floor.

Hearing no objection, Mayor Costello closed the public hearing on Item #7(H).

Item #8(A) - Calling a Primary Election

ORDINANCE NO. 2005-24

AN ORDINANCE RELATIVE TO THE OFFICE OF MAYOR AND CITY COMMISSIONER, PROVIDING FOR AND CALLING A PRIMARY ELECTION OF THE REGISTERED ELECTORS OF THE CITY OF ORMOND BEACH TO BE HELD, IF NECESSARY, ON OCTOBER 11, 2005; FURTHER PROVIDING FOR AND CALLING A REGULAR ELECTION OF THE REGISTERED ELECTORS RESIDING IN THE CITY OF ORMOND BEACH TO BE HELD ON NOVEMBER 8, 2005; PROVIDING FOR QUALIFYING AND ELECTION PROCEDURES; ESTABLISHING A DATE FOR TAKING OFFICE; DESIGNATING THE LOCATION OF POLLING PLACES; PROVIDING FOR SEVERABILITY; AND SETTING FORTH AN EFFECTIVE DATE.

Commissioner Partington moved, seconded by Commissioner Kent, to approve Ordinance No. 2005-24, on first reading, as read by title only.

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

Item #8(B) - Amending the Time Limit for Political Signs

ORDINANCE NO. 2005-25

AN ORDINANCE AMENDING CHAPTER 3, PERFORMANCE CRITERIA, ARTICLE IV, SIGN REGULATIONS, SECTION 3-45, TEMPORARY SIGNS, OF THE *LAND DEVELOPMENT CODE* BY AMENDING THE TIME LIMIT FOR POLITICAL SIGNS; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS

THEREOF; PROVIDING FOR SEVERABILITY; AND SETTING FORTH AN EFFECTIVE DATE.

Commissioner Kelley moved, seconded by Commissioner Partington, to approve Ordinance No. 2005-25, on first reading, as read by title only.

Mayor Costello clarified that this ordinance was written per the staff recommendation that once an individual became a candidate, they would be able to post election signs. He stated he preferred the 30-day limitation with the \$150 bond.

Mr. Ervin reported the bond amount had not been changed. He clarified that this proposal was reverting to the old standard where as soon as the candidate became qualified, they could post signs. Mr. Ervin noted what was changed was the current \$50 bond would be changed to maintaining a \$150 bond.

Mayor Costello noted if any other Commission member would concur with his preference of a 30-day limitation with the \$150 bond, he would entertain a motion to amend.

Mr. Hayes stated this issue was not the amount of the bond, but a constitutional issue. He reported that what was currently before the Commission had been determined to be a content-based restriction of free speech rights. Mr. Hayes stated if it were changed, it may be challenged.

Mayor Costello noted that when challenged, the Commission could consider changing it back should the Commission agree with him. He questioned if the City could have a qualifying period that would become effective on a date 30 days prior to an election.

Mr. Hayes reported the courts have already addressed this issue and it would not pass constitutional muster.

Mayor Costello noted hearing no motion to amend, the vote would be called where as soon as and individual would become a candidate, they could post signs.

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

Item #9 – Interlocal Agreement with the Water Authority of Volusia

RESOLUTION NO. 2005-146

A RESOLUTION AUTHORIZING THE EXECUTION OF AN INTERLOCAL AGREEMENT BETWEEN THE CITIES OF ORMOND BEACH, DAYTONA BEACH, DELAND, HOLLY HILL, NEW SMYRNA BEACH, ORANGE CITY, PORT ORANGE, THE COUNTY OF VOLUSIA AND THE WATER AUTHORITY OF VOLUSIA REGARDING FINISHED WATER INTERCONNECTS; AND SETTING FORTH AN EFFECTIVE DATE.

Commissioner Partington moved, seconded by Commissioner Kent, to approve Resolution No. 2005-146, as read by title only.

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

Item #10(A) - Status of Airport Projects

Mr. Tom Lipps, Support Services Director/Airport Manager, reported he provided an overview of the projects that could be expected to come before the Commission within the next year grouped according to those projects that were related to the southeast quad, maintenance, design, the potential for a noise abatement berm, and helicopter and beacon replacement projects. He stated two projects would be completed involving electrical work and fencing and one process-related project was to develop a leasing concept for the southwest area. Mr. Lipps

noted the last portion was also leasing related in that it would award a potential tenant the lots in the southeast quad and amend Sunrise Aviation's lease.

Commissioner Kelley asked whether the two leases for the southeast quad would come to the Commission within the next month.

Mr. Lipps reported the plan was to take the FBO Area #1 project to the Commission as quickly as possible, but the FBO Area #2 may take slightly longer.

Commissioner Kelley expressed appreciation for all of the information provided. He stated the City had a tremendous economic jewel in the southwest quad's 40 acres. Commissioner Kelley urged moving very cautiously trying to attract the right type of businesses into that piece of property.

Mayor Costello stated this was a great report; and in spite of the Commission's concerns at the airport, Mr. Lipps has worked very hard, and he appreciated his efforts.

Item #10(B) - Downtown Work Plan – Downtown Master Plan Update/Revitalization Strategy

Mayor Costello noted staff provided a great report.

Item #10(C) - Outside Product Display

Commissioner Kent stated while he was empathetic for small business owners, such as Ace Hardware, this report made him visualize how the sidewalks could look. He reported he has received complaints from some Main Street merchants relative to signage.

Commissioner Partington concurred with Commissioner Kent. He stated the code allowed for temporary sales, but if the Chamber of Commerce or the Main Street organization could form a committee of business people with needs in order to review the current codes and offer ideas as to what would improve the situation, it may be beneficial, and he would consider the recommendations.

Commissioner Boyle concurred that input was needed because the past interpretation of the code and enforcement had left a very clear perception that there was a difference between larger corporations and the smaller businesses. He stated public and pedestrian walkways should always be safe, but not all outdoor displays had a negative impact on the community.

Mayor Costello stated Lowe's was approved in the County and grandfathered into the City with some rights that other stores do not have, making the situation seem unfair, especially when the Ace Hardware store was in a strip center and had to follow the zoning rules in a different location. He concurred that this was not a "level playing field," but that was no one's fault; it was merely fact. Mayor Costello encouraged the Chamber of Commerce and Main Street to research these issues, take recommendations to the Planning Board, and then bring them to the Commission to allow the merchants to be successful, allowing special displays that are safe, appropriate, and do not inhibit access. He reported Ace Hardware would be moving to a zoning district that would allow them to do what the other stores are permitted, thereby solving some of the issue.

Commissioner Kelley stated it could not be a level playing field when one business had five or six feet for display and another had from 30 feet to 200 feet. He noted regulations must be made very cautiously. Commissioner Kelley pointed out that the Commission wanted the merchants to be a successful part of the community.

Mr. Isaac Turner, City Manager, stated Wal-Mart had paid up to \$40,000 in fines, but Neighborhood Improvement has been monitoring everyone to the extent that recourses would allow.

Item #11 - Reports, Suggestions, Requests

Mr. Thompson's Public Hearing

Commissioner Boyle reported he appreciated and respected the ruling of the Chair when he halted his comment at the end of the Thompson public hearing, but he wished to clarify his vote on Commissioner Kelley's appointment as a member to the Budget Advisory Board. He stated that due to the current regulations, up to two people could make a protest vote without having to provide cause as long as the appointee would receive the appointment by a majority vote. Commissioner Boyle pointed out that he would not have been the deciding vote against that appointment. He stated the reason he voted "no" was not precedent setting for what was

discussed tonight. Commissioner Boyle noted he had information about an ongoing investigation that may still be ongoing, and he could not, by law, reference that investigation.

Birthplace of Speed Park

Commissioner Boyle provided a copy of a letter from Ms. Rose Lang relative to a problem at the Birthplace of Speed Park with a hedge growing over her property. He reported there were also steps at the north end of the park with no handrails, and he urged hand rails be installed.

Press Release

Commissioner Boyle stated that last year after the budget process he sent out a press release analyzing what he believed was how this Commission came to its decision, which included value judgments he made of Commissioner Kent's voting decisions. He apologized to Commissioner Kent for making those value judgments.

Support from Citizens

Commissioner Boyle thanked the many citizens and supporters for the unqualified support he received last week.

Public Apology

Commissioner Kent thanked Commissioner Boyle for his public apology relative to the press release.

2020 Visioning

Commissioner Kent stated while it was great to have opinions expressed and discussions relative to the A1A beachside vision, he was now concerned to an even greater degree.

Budget Advisory Board

Commissioner Kent thanked Mr. Lovell for serving on the Budget Advisory Board and for being the only original board member still serving.

Coffee with the Commission

Commissioner Kent invited everyone to attend next month's "Coffee with the Commissioner" at his home on Monday, August 1, 4:00 p.m., at 130 Magnolia Drive.

2020 Visioning

Commissioner Kelley thanked the Citizens for Ormond Beach for their 2020 visioning presentation. He urged the recommended sketches, ideas, and conceptions be presented at another meeting. Commissioner Kelley noted he looked forward to tomorrow night's meeting.

Commissioner Kelley's Mother

Commissioner Kelley reported his mother had a heart attack last Friday morning. He thanked the Fire Department and EVAC for arriving at her home within approximately four minutes.

Mayor Costello and Mr. Turner stated their thoughts and prayers were with the Kelley family.

Assessment of the Police Department and Tree Clearing Incidents

Mr. Turner reported he had begun the process of assessing the Police Department and tree clearing at the airport incidents, and they should be completed by the end of next week. He stated relative to the airport issues, there would be a reassignment of certain duties, and he expressed appreciation to the Commission for their agreement to appoint an Airport Manager. Mr. Turner pointed out that he was also assessing the approval process for City projects, and it should be provided to the Commission in late August or early September. He reported he was evaluating the project management system as to the responsibilities and functions.

Mr. Turner stated that within the Police Department, he was working on developing a management improvement program between Chief Mathieson and himself, and this should be completed shortly. He reported he would be coordinating with the accreditation team and assessing policies and procedures. Mr. Turner noted he was also investigating and reviewing an external assessment at the Mayor's suggestion. He advised that he spoke to Chief William Liquori and was about to assess the scope of services in the areas of the application of the policies and procedures in terms of their appropriateness and uniformity. Mr. Turner reported he was also considering asking a team of citizens to work with him and the outside assessor to review the assessment. He noted he would utilize members from two or three boards rather than from a single board.

Mr. Thompson Letter

Mr. Hayes read a letter into the record presented to him by Mr. Adrian Thompson, which indicated that he would instruct his attorneys tomorrow to file suit in the board appointment

matter. He continued by reading the post script which indicated that Mr. Hayes should advise the Mayor and Commission of the above so they could shut down the Budget Advisory Board and save the taxpayers money. Mr. Hayes provided the document to the City Clerk to keep with the record.

2020 Visioning Forum

Mayor Costello thanked the Citizens for Ormond Beach for the outstanding forum Wednesday night and urged the citizens to attend tomorrow night and the next week for this informative series. He commended the members of Citizens for Ormond Beach.

Mayor Costello stated he had a number of discussions with Mr. Clay Henderson who was one of the most widely known attorneys involved in growth management and environmental issues. He reported the new growth management bill from the State mandated a community to have a visioning process. Mayor Costello noted if there was an adopted vision through the boards and Commission included in the Comprehensive Plan and there was an urban growth boundary, the City would not have to go through the Department of Community Affairs (DCA) for changes that would occur in that urban growth boundary. He urged the standards be set high.

Wal-Mart

Mayor Costello stated he had opposed the chain link fence at Wal-Mart for years. He urged the City to work with DOT and do whatever possible to remove the fence in that there was a wall, and both should not be necessary.

Process Issue

Mayor Costello requested direction from the Commission as to the process they would prefer he follow when a motion would not receive a second in a public hearing. He asked if he should allow people to speak on the issue. Mayor Costello noted he set a precedent tonight by not allowing discussion, and without comment from the Commission he would continue not to allow discussion under these circumstances. No comment was made on this issue other than Commissioner Kelley encouraging Mayor Costello to make the decision.

Resolution Regarding Board Appointments

Mayor Costello requested a resolution be prepared before November that would change the way the Commission would appoint board members. He reported he would prefer each Commission member nominate people, and the Commission as a whole would appoint people if they would receive majority approval.

Mr. Turner recommended this issue be discussed at the focus meeting; whereby, Mayor Costello reported that was an excellent idea.

Item #12 – Close the Meeting

The meeting was adjourned at 8:55 p.m.

APPROVED: August 2, 2005

BY: Fred Costello, Mayor

ATTEST:

Veronica Patterson, City Clerk