

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

**June 1, 2004                      7:00 p.m.**

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

**A G E N D A**

- 1) Meeting call to order by Mayor Costello.
- 2) Invocation by Reverend Deborah Henning, Ormond Beach Presbyterian Church.
- 3) Pledge of Allegiance.
- 4) Approval of the Minutes of the May 18, 2004, meeting.
- 5) **AUDIENCE REMARKS:**
- 6) **INTERGOVERNMENTAL BOARD REPORTS:**
  - A) Metropolitan Planning Organization
  - B) Volusia Council of Governments
  - C) Water Authority of Volusia
- 7) **CONSENT AGENDA:** The action proposed is stated for each item on the Consent Agenda. Unless a City Commissioner removes an item from the Consent Agenda, no discussion on individual items will occur and a single motion will approve all items.
  - A) Resolution No. 2004-93 appointing Doug Thomas as a member to serve on the Planning Board; setting forth term and conditions of service.
  - B) Resolution No. 2004-94 authorizing the execution of an agreement between the City of Ormond Beach and the County of Volusia, Ponce De Leon Port Authority, for the provision of \$6,300 in grant funds relative to the Casements Shoreline Restoration Project. (\$12,600 Port Authority - \$6,300 local match)
  - C) Approval of travel by City Manager Isaac Turner to the International City Managers Association Annual Conference in San Diego, California, October 17-20, 2004.

**DISPOSITION:** Approve as recommended in City Manager memorandum dated May 27, 2004.
- 8) **PUBLIC HEARINGS:**
  - A) Resolution No. 2004-95 authorizing the execution and issuance of a Third Amended Conditional Use Permit for Tomoka Christian Church to allow the existing sanctuary to be increased by 3,739 square feet, thereby increasing the seating capacity from 392 to 592 seats in the existing sanctuary; allowing the single-family house to be used as a meeting/youth worship area and for storage of food; and to allow the expansion of the existing fellowship hall/atrium; establishing conditions and expirations of approval.
  - B) Ordinance No. 2004-17 of the City of Ormond Beach, Florida, relative to the General Employees' Pension Plan, amending Article I, In General, of Chapter 16, Pensions and Retirement, of the Code of Ordinances; amending Section 16-4, Finances and Fund Management; deleting Section 16-21.3, Credit for Prior Service; amending Section 16-21.6, Military Service Prior to Employment; amending Section 16-21.7, Prior Government Service; providing for severability of provisions.
  - C) Amendments to the Firefighters' and Police Officers' Pension Plans:
    - 1) Ordinance No. 2004-18 of the City of Ormond Beach, Florida, amending Article III, Firefighters' Pension Trust Fund, of Chapter 16, Pensions and Retirement, of the Code of Ordinances; amending Section 16-43, Finances and Fund Management.

- 2) Ordinance No. 2004-19 of the City of Ormond Beach, Florida, amending Article IV, Police Officers' Pension Trust fund, of Chapter 16, Pensions and Retirement, of the Code of Ordinances; amending Section 16-74, Finances and Fund Management.
- D) Ordinance No. 2004-20 approving the final plat of "Daprile's Subdivision"; establishing conditions and expiration dates of approval.
- 9) **FIRST READING OF ORDINANCE** No. 2004-21 amending Chapter 2, Administration, Article VI, Boards, Commissions, Committees and Other Agencies, Division 2, Enumerated, of the Code of Ordinances, by adding a new section to be numbered and entitled Section 2-227, Goodwill Ambassador Program; by creating a Goodwill Ambassador program; establishing terms and conditions of membership; establishing powers and duties; and setting forth an effective date.
- 10) **DISCUSSION ITEMS:**
  - A) Process for the provision of property insurance.
  - B) Byrne grant application for Police Department laptop computers.
  - C) Update on a traffic light on Tymber Creek Road.
- 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.

Mr. Isaac Turner, City Manager, introduced Mr. Ned Huhta, the City's new Management Information Systems manager. He reported Mr. Huhta was an Ormond Beach resident and came to the City from the private sector.

Item #2 - Invocation

Commissioner Selis 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 May 18, 2004, regular meeting had been sent to the Commissioners for review and asked if there were any corrections, additions, or omissions.

Mayor Costello stated the word "lighting" should be changed to "lightning" relative to safety at the City ball fields on page 14275.

**Commissioner Partington moved, seconded by Commissioner Boyle, to approve the minutes as amended. The motion was approved by general consent.**

Item #5 - Audience Remarks

Matching Grant Funds

Mr. Sean Daly advised that, as a member of the Planning Board and Development Review Board, he has become aware of the fact that when endangered or historically sensitive lands come under pressure of development, the City has no mechanism to provide matching funds or to be involved in the acquisition of those properties even though the Commission has historically favored the preservation of the lands. He reported what was done in the past was to ask the owner of the property to hold the sale, and the City then would seek a bond issue before getting involved in the acquisition. Mr. Daly stated at one point Ormond Beach had a mechanism through a Conservation and Endangered Lands Impact Fee for a minimal amount of money. He advised the City could justify reinstating such an impact fee in any natural area that was cleared of its natural vegetation based upon the impact to the local environment from that land

clearing. Mr. Daly noted a small portion of such a fee exists in terms of wetlands mitigation where land could be purchased off-site to mitigate for wetland destruction. He reported that in the very near future, there would be three to four parcels within the City where there would be pressure on the Commission to develop on historically or environmentally sensitive land. Mr. Daly advised that matching funds are needed for State or County grant funding, but the City has no money set aside for that purpose. He recommended an impact fee be imposed, but alternatively, he suggested a bond issue, and to set parameters to use these funds solely for the purpose of buying and protecting lands. Mr. Daly urged the Commission to use more foresight to have those funds available for when they would be needed.

Mayor Costello requested staff to provide options for the Commission to consider related to Mr. Daly's recommendations. He recognized Mr. Daly for serving on the Planning Board for the past 15 years.

#### Where to Retire Publication

Ms. Peggy Farmer, Executive Director, Ormond Beach Chamber of Commerce, reported Ormond Beach was listed as one of the eight communities covered in the newest publication of *Where to Retire*. She provided the Commission a copy and the City Manager the original. Ms. Farmer advised the Chamber of Commerce has been receiving calls from around the nation relative to this article. She reported Rita and Marty Press were interviewed in the article.

#### Airport Issues

Mr. Adrian Thompson, 4 Pine Look Pass, stated he received a letter from Paul Lane, Finance Director, dated March 13, 2004, and was notified by the City Fire Department that the fuel farm operated by his business did not comply with City ordinance and NFPA codes. He advised this fuel farm was new in 1996, installed by the leading contractor in the field in Florida, approved by the City Fire Department, and issued a Certificate of Occupancy by the Building Department; therefore, he questioned how this installation could not be in compliance. Mr. Thompson reported he was informed the fuel and operations of MAC Charter d/b/a Sunrise Aviation are in complete compliance with City and NFPA fire code requirements. He advised this was not correct since NFPA codes require fuel storage tanks to be at least 50 feet from any building or public right-of-way and a single aircraft hangar must be at least 50 feet from any building that contains flammable liquids. Mr. Thompson advised the fuel farm in question was approximately eight feet from all of the above. He reported he had an appointment with the Fire Chief tomorrow and hoped this matter could be resolved at that time.

Mr. Thompson stated a rumor by City staff was that "Thompson owes the City money, and maybe he cannot pay." He provided a copy of a cashier's check for \$13,549.21 payable to the City, which was the total amount owed by his company to the City under all agreements, excluding the fuel flow fee due for May 2004 as this had not yet been processed, but would be within the next week. Mr. Thompson advised that since Ormond Beach did not fairly and equitably enforce the minimum standards, allowed selective breaches of covenant by certain tenants, failed to negotiate airport leases in accordance with fair and acceptable practices, acted in an anti-competitive manner and in creation of a monopoly favoring one tenant to the detriment of others, and generally operating the airport in breach of the FAA Airport Compliance Manual, he requested his attorney to hold these monies due by his company to the City in escrow. He stated that when the City had demonstrated to the satisfaction of his counsel that it had corrected all of the above, then payment would be promptly discharged; however, in the meantime, payments due to the City would be placed in escrow. Mr. Thompson advised all that was necessary was to operate the airport as a "level playing field," which was in the public interest and required by the FAA. He expressed regret at taking this action and realized it would place him in breach of covenant, but he stated this was something the City historically accepted, condoned, and supported for certain tenants.

Mr. Thompson advised that at the May 25<sup>th</sup> Aviation Advisory Board meeting he asked the staff representative to advise the board on the City's obligations under the FAA Airport Compliance Manual. He noted the Chair, Mr. Larry Stout, stated this was unreasonable without having advised the staff representative previously. Mr. Thompson reported he asked if the staff representative had a copy of the FAA Airport Compliance Manual. He advised that any airport that was the recipient of federal grant money under any federal program for airport improvement and contract control tower service was required to be in complete compliance with all aspects of this manual, which included prevention of anti-competitive practices by the airport owner, enforcement of airport minimum standards on a universal, not selective basis, regular inspections of all structures, applying fair and equitable rental premiums and lease terms to all tenants, allocating space on the basis of demonstrated need to prevent creation of monopolies, and prevention of excessive rights to any airport tenant. Mr. Thompson expressed concern that the staff representative was unable to confirm the City's obligations required by the FAA and apparently did not have a copy of the manual. He stated any failure of compliance with the FAA

meant that the airport owner was not eligible to receive federal grants; and as the City was currently the recipient of literally millions of dollars of federal grants, this was a serious matter.

Mr. Thompson stated Commissioners are responsible to ensure compliance with the law in all regards. He requested the written assurance of the Commission, within 14 days, that the airport was and has been in complete compliance with the requirements of the FAA Airport Compliance Manual from the date of first receipt of any federal grant or any other applicable requirement time that may apply. He recommended the City obtain at least four copies of the FAA Airport Compliance Manual for the City Manager, City Attorney, Deputy City Attorney, and staff officer responsible for the airport.

Mr. Thompson offered his assistance since his investigations have discovered a significant number of serious non-compliance issues, which could exclude the City from any further federal grants and may require the re-payment of federal grant money already received.

Mayor Costello reported lack of response would not indicate acceptance of any of the terms Mr. Thompson had indicated. He encouraged Mr. Thompson and his attorney to contact the City Attorney relative to the escrow account that could put his business in jeopardy.

#### Item #6(A) – Metropolitan Planning Organization

Mayor Costello advised the Metropolitan Planning Organization (MPO) passed a motion to make SR40 a scenic highway from the Ormond Beach/Daytona Beach line to Ocala. He stated the MPO discussed the Federal Functional Classification System, and workshops would be held on this issue. Mayor Costello advised the significance of this to Ormond Beach was that the MPO was trying to decide to include the western area of I-95 at north US1. He reported he mentioned the potential for the future interchange in this area.

#### Item #6(B) – Volusia Council of Governments

Mayor Costello reported the Volusia Council of Governments (VCOG) asked Morgan Gilreath, Volusia County Property Appraiser to explain the impact of the additional \$25,000 homestead exemption, if it should pass, relative to the tax rates of the municipalities. He stated VCOG expected a presentation on the Comprehensive Plan amendment process referendum.

#### Item #6(C) – Water Authority of Volusia

Commissioner Boyle advised the Water Authority of Volusia (WAV) board meeting was held on May 19<sup>th</sup> and WAV rejected the proposed partnership with Ormond Beach; therefore, the Commission's decision to approve the extra capacity for the water plant for a future time was prudent. He stated the executive committee had already decided ahead of time that they would not approve the proposal. Commissioner Boyle reported the Master Plan was delayed, and again the executive committee trumped the recommendation of the executive director. He advised the executive director also recommended a short-term funding option asking the County Council to approve one-tenth of a mill to fund WAV for the next two years; however, the executive committee rejected this concept as well. Commissioner Boyle reported he was prompted to point out at the meeting that the executive committee had just set the agenda. He noted he learned the executive committee had a three or four hour meeting, as they referenced that meeting throughout the regular board meeting. Commissioner Boyle reported at the next board meeting, WAV would discuss whether or not WAV still needed an executive committee. He expressed his fear that there were currently two rankings of members on WAV where five executive committee members had a great deal of influence, who could meet separately and then come to the regular meeting and vote in a block. Commissioner Boyle advised he advocated each WAV member have equal influence.

Commissioner Boyle stated he was leaving town early tomorrow morning and asked Commissioner Kent to attend the workshop tomorrow at 3:30 p.m. at the VCOG office; whereby, Commissioner Kent advised he would attend.

#### Item #7 – Consent Agenda

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

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

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

Item #10(A) – Process for the Provision of Property Insurance

Mayor Costello moved Item #10(A) up on the agenda because he was informed Mr. Waters, the Risk Management Consultant, would have to leave early.

Ms. Lorenda Volker, Human Resources Director, advised that the Commission gave staff direction to provide a cost analysis of what could be provided for the coverage of property insurance, and staff had asked Mr. Waters to assist the City in this process. She noted Mr. Waters' reputation was well known throughout the State of Florida.

Mr. Al Waters, Waters Risk Management, advised his firm specialized in Florida government insurance and employee benefit consulting. He noted he started his business in 1978 and had worked for 149 Florida public entities. Mr. Waters advised his firm offered independence, objectivity, and professional expertise because he does not sell insurance, broker insurance, or have ties with insurance companies or agents. He noted he does Requests for Proposals (RFP) for property casualty and employee benefits. Mr. Waters reported he has proposed to take the submissions received and add "tweaking" to obtain more information relative to the remuneration the agents were requesting and the insurance markets they wish to approach, and then evaluate the responses, spreadsheet the responses, meet with the City, and then select those agents that would go to market. He advised that since September 11<sup>th</sup> and with the potential storms in Florida, there were not many insurance companies willing to write Florida property insurance. Mr. Waters stated his firm would ask the companies to choose the markets they wish to go to, evaluate the firms based on their experience and work with public entities, and then reach an independent objective opinion as to how many agents should go to market. He noted that following this, he would prepare an RFP for the property insurance for not only the building and contents, but also for crime insurance and boiler and machinery insurance. Mr. Waters reported that in conjunction with this process, he would evaluate the current property insurance schedule focusing on the amounts the buildings were insured for and work with staff on specifying the limits of coverage, coverage options, and deductible options. He noted as a result of the RFP, the selected agents would go to the markets they had been assigned bringing back the proposals to be placed on a spreadsheet, they would be verified or clarified if necessary, reviewed with staff, and a decision made collectively as to which proposal would be best to bring back to the Commission.

Commissioner Partington noted that in no other bid process was a consultant hired to review the bids. He stated the City normally accepts the lowest bid based on the City's specifications. Commissioner Partington asked why Mr. Waters' services were necessary.

Mr. Waters stated the reason was the complexity of insurance. He noted while Ormond Beach had good staff, they would only go to market every four to five years, while he goes to the market a dozen times every year for his clients. Mr. Waters advised his firm was aware of changes in the marketplace for insurers; they would bring clarification to the process; they would offer expertise to their clients; and they would offer independence and objectivity. He reported while there were many insurance agents, few have experience with public entities and fewer have experience with an account the size of Ormond Beach.

Commissioner Selis asked why Mr. Waters felt the competing brokers would not give staff a fair presentation.

Mr. Waters noted there were many differences in the proposals, and his firm could more easily point out those differences. He advised that each agent was trying to sell something, and his firm could find the exclusions that may not be obvious.

Commissioner Selis concluded that it seemed Mr. Waters did not consider the natural competitive process sufficient to educate City staff.

Mr. Waters stated this was not a matter of educating staff, but to ask the proper questions to begin with, to obtain complete information, and to evaluate the proposals for what they actually contain.

Commissioner Selis advised he understood Mr. Waters' involvement was to aid in the selection for the provision of services in addition to identifying the questions. He stated he concurred that

it would be helpful for staff to know what questions to ask, but staff could arrive at their own recommendations.

Mr. Waters pointed out he had already recommended questions that were not asked by the City.

Commissioner Selis reported that when all of the questions had been asked, he asked if Mr. Waters would agree that staff, the Commission, and possibly a citizen committee should then make the decision, rather than the consultant making the decision.

Mr. Waters replied he would not make the decision since staff would reach that decision; however, if asked, he would provide his opinion. He noted his position was to conduct the interview process to ask the correct questions to help staff determine who the best selection would be. Mr. Waters advised if local insurance agents were on a citizen committee, they would have a bias as to who was being interviewed; and if the committee did not consist of insurance experts, they would have difficulty in deciphering what was being considered.

Commissioner Boyle concurred this may possibly be too complicated for a citizen committee. He asked whether Mr. Waters would be checking the qualifications of the insurance bidders.

Mr. Waters replied the qualifications would be investigated, and he advised that some of the questions he has already submitted to staff related to the number of years the company was in business and which agent would serve the City since a company may be in business a number of years, but the agent may be new.

Commissioner Boyle expressed concern relative to the qualification of the bidders and whether all of the bidders were properly licensed.

Mayor Costello asked if any consideration would be given for a local bidder.

Mr. Waters reported he would prefer local bidders be given an edge, but this would be determined by the staff who would review the bids; however, this edge should only be given if all other components were equal. He advised an incumbent would normally have a small edge because they had previously served the City, as long as they have served the City well, but all factors must be considered.

Commissioner Partington asked if Mr. Waters had any examples of prior work where his service had, in effect, paid for itself.

Mr. Waters noted there were plenty of instances where this had occurred. He reported he was in a consulting society where they were not to promote themselves based on savings. Mr. Waters advised that currently there was a more favorable market where better quotes could be obtained with or without his services, but his job would be to guide the City through the process to be certain the correct questions would be asked. He stated trying to spreadsheet information on an equal basis with narrative information as was required in the RFP the City recently sent out would be more difficult than if specific questions were asked making the process much smoother.

Commissioner Partington stated if he could inform his constituents that there was strong potential to save the City money or that this service would pay for itself, it would provide a greater degree of comfort.

Mr. Waters reported he recently worked with the City of Palm Beach, and they realized an enormous savings by making a change, but this may or may not occur in Ormond Beach.

Mayor Costello asked if Mr. Waters agreed with the agent of record concept and asked for how long a city should keep the same agent of record.

Mr. Waters advised that generally he preferred that Florida public entities not have an agent of record; however, there were times that may be desirable.

Commissioner Boyle reported that while he would hesitate spending \$9,000 of unanticipated funds at this time, he could tell his constituents that even if no money was gained, it would be worthwhile to fine tune the coverage, making sure the City's coverage was adequate. He stated this would provide an opportunity to depoliticize the agent of record process. Commissioner Boyle advised he was willing to favor this expenditure as he considered it an investment for the City.

Commissioner Selis advised he would favor this expenditure with two caveats: 1) the citizens committee would remain in place; and 2) the consultant would not provide a specific recommendation as to which agent to use. He stated he was comfortable the consultant could assist the City in asking the best questions, helping the City through the process, and finding the appropriate coverage; but the Commission and staff should make the decision.

Commissioner Boyle advised he concurred with both of Commissioner Selis' caveats.

Mr. Turner advised the citizen committee could certainly be used for this purpose because staff appreciated citizen input. He pointed out there was no "briefing" category on City Commission agendas where staff could update the Commission and solicit feedback on items; and while staff had the authority to approve this expenditure, because of the concern noted relative to this issue, staff decided to bring this before the Commission for discussion. He noted unless the Commission had strenuous objections, staff would proceed with this proposal. Mr. Turner pointed out that with nearly all the consultants with whom the City works, staff receives recommendations. He pointed out, however, that these are merely recommendations. He advised that the City would be shortchanging itself if the opinion of the consultant were not known. He stated staff would make the recommendation to the Commission as in other instances. Mr. Turner pointed out that sometimes staff recommendations agree with the consultant and at other times they do not. He advised staff opinion may and may not agree with the citizen committee as well, but all opinions would be outlined in the reports to the Commission.

Mayor Costello advised that without objection from the Commission, he would encourage staff to proceed with hiring the consultant and enlisting the assistance of the citizens' committee, but the consultant would not provide an opinion as to his recommendation.

Commissioner Selis expressed skepticism about the consultant's total independence, and he wanted to assure that City staff would make a recommendation independent of the politics that may occur between the consultant and those competing for this City's business.

Mayor Costello reported he would prefer the consultant provide an opinion, but he heard two Commissioners indicating they did not want an opinion.

Commissioner Selis reported he had a strong preference to have staff, the citizen committee, and the Commission independently arrive at a decision.

Commissioner Boyle clarified that Mr. Waters indicated he did not need to make a recommendation, and in most cases he did not make a recommendation. He advised that if Mr. Waters would perform his job as described, the committee, Commission, and staff would have a clear idea of his recommendation by looking at the facts.

Mayor Costello and Mr. Turner stated staff would not solicit a recommendation from the consultant.

Item #8(A) – Tomoka Christian Church CUP

RESOLUTION NO. 2004-95

A RESOLUTION AUTHORIZING THE EXECUTION AND ISSUANCE OF A THIRD AMENDED CONDITIONAL USE PERMIT FOR TOMOKA CHRISTIAN CHURCH TO ALLOW THE EXISTING SANCTUARY TO BE INCREASED BY 3,739 SQUARE FEET, THEREBY INCREASING THE SEATING CAPACITY FROM 392 TO 592 SEATS IN THE EXISTING SANCTUARY; ALLOWING THE SINGLE-FAMILY HOUSE TO BE USED AS A MEETING/YOUTH WORSHIP AREA AND FOR STORAGE OF FOOD; AND TO ALLOWING THE EXPANSION OF THE EXISTING FELLOWSHIP HALL/ATRIUM; ESTABLISHING CONDITIONS AND EXPIRATIONS OF APPROVAL; AND SETTING FORTH AN EFFECTIVE DATE.

**Commissioner Partington moved, seconded by Commissioner Selis, to approve Resolution No. 2004-95, as read by title only.**

Mr. Clay Ervin, Planning Director, reported staff received a letter dated May 20, 2004, from Ms. Claire Gardinier expressing her concerns with the project and asked to make certain it was incorporated into the public record.

Mayor Costello advised the Commission received a copy of the aforementioned letter. He pointed out this project received a unanimous Planning Board vote for approval.

Commissioner Boyle attested that the great contributions this church had made to the community weigh on the Commission; however, he had to consider Ms. Gardinier's letter as well. He advised what troubled him was that now the church would be able to count the overflow parking toward the size of their structure. Commissioner Boyle stated he welcomed the deal with Holub Development, which would serve both entities, but he expressed concern relative to additional parking across Granada Boulevard and the use of a shuttle. He reported there was already a great deal crowded onto this property and parking problems already existed.

Mayor Costello advised he considered this a model for development and praised the parking agreement with Holub Development. He commended the provision where if the Holub agreement would be lost, the church would have to replace that parking with more shuttle parking. Mayor Costello reported he was highly in favor of this proposal.

Commissioner Kent stated it was great to see a church family grow as this church was growing, and he was pleased to discover the church was partnering with a local business for parking. He noted he also appreciated the backup plan with the shuttles.

Commissioner Selis noted he would vote in favor of this proposal; however, his immediate impression was to vote against the proposal. He reported as a resident in Hidden Hills, he dealt with the traffic on Sunday mornings and has witnessed the parking in the swale area. Commissioner Selis reported that with Holub Development providing 90 parking spaces, it gave him a great deal of comfort. He noted another factor in his decision to approve the proposal was the unanimous recommendation from the Development Review Board.

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

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

Item #8(B) – General Employees' Pension Plan Amendments

ORDINANCE NO. 2004-17

AN ORDINANCE OF THE CITY OF ORMOND BEACH, FLORIDA, RELATIVE TO THE GENERAL EMPLOYEES' PENSION PLAN, AMENDING ARTICLE I, IN GENERAL, OF CHAPTER 16, PENSIONS AND RETIREMENT, OF THE CODE OF ORDINANCES; AMENDING SECTION 16-4, FINANCES AND FUND MANAGEMENT; DELETING SECTION 16-21.3, CREDIT FOR PRIOR SERVICE; AMENDING SECTION 16-21.6, MILITARY SERVICE PRIOR TO EMPLOYMENT; AMENDING SECTION 16-21.7, PRIOR GOVERNMENT SERVICE; PROVIDING FOR SEVERABILITY OF PROVISIONS; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING AN EFFECTIVE DATE.

**Commissioner Selis moved, seconded by Commissioner Boyle, to approve Ordinance No. 2004-17, on second reading, as read by title only.**

Call Vote:	Commissioner Selis	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 #8(B).**

Item #8(C)(1) - Firefighters' Pension Trust Fund Amendments

ORDINANCE NO. 2004-18

AN ORDINANCE OF THE CITY OF ORMOND BEACH, FLORIDA, AMENDING ARTICLE III, FIREFIGHTERS' PENSION



TRUST FUND, OF CHAPTER 16, PENSIONS AND RETIREMENT, OF THE CODE OF ORDINANCES; AMENDING SECTION 16-43, FINANCES AND FUND MANAGEMENT; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING AN EFFECTIVE DATE.

**Commissioner Kent moved, seconded by Commissioner Boyle, to approve Ordinance No. 2004-18, on second reading, as read by title only.**

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

**Hearing no objection, Mayor Costello closed the public hearing on Item #8(C)(1).**

Item #8(C)(2) – Police Officers’ Pension Trust Fund Amendments

ORDINANCE NO. 2004-19

AN ORDINANCE OF THE CITY OF ORMOND BEACH, FLORIDA, AMENDING ARTICLE IV, POLICE OFFICERS’ PENSION TRUST FUND, OF CHAPTER 16, PENSIONS AND RETIREMENT, OF THE CODE OF ORDINANCES; AMENDING SECTION 16-74, FINANCES AND FUND MANAGEMENT; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING AN EFFECTIVE DATE.

**Commissioner Partington moved, seconded by Commissioner Boyle, to approve Ordinance No. 2004-19, on second reading, as read by title only.**

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

**Hearing no objection, Mayor Costello closed the public hearing on Item #8(C)(2).**

Item #8(D) – Daprile’s Subdivision

ORDINANCE NO. 2004-20

AN ORDINANCE APPROVING THE FINAL PLAT OF “DAPRILE’S SUBDIVISION”; ESTABLISHING CONDITIONS AND EXPIRATION DATES OF APPROVAL; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; AND SETTING FORTH AN EFFECTIVE DATE.

**Commissioner Partington moved, seconded by Commissioner Boyle, to approve Ordinance No. 2004-20, on first reading, as read by title only.**

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

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

Item #9 – Goodwill Ambassador Program

ORDINANCE NO. 2004-21

AN ORDINANCE AMENDING CHAPTER 2, ADMINISTRATION, ARTICLE VI, BOARDS, COMMISSIONS, COMMITTEES AND OTHER AGENCIES, DIVISION 2, ENUMERATED, OF THE CODE OF ORDINANCES, BY ADDING A NEW SECTION TO BE NUMBERED AND ENTITLED SECTION 2-227, GOODWILL AMBASSADOR PROGRAM; BY CREATING A GOODWILL

AMBASSADOR PROGRAM; ESTABLISHING TERMS AND CONDITIONS OF MEMBERSHIP; ESTABLISHING POWERS AND DUTIES; AND SETTING FORTH AN EFFECTIVE DATE.

**Commissioner Kent moved, seconded by Commissioner Selis, to approve Ordinance No. 2004-21, on first reading, as read by title only.**

Mayor Costello stated Section 2-227(c) indicated a two-year term to be served at the pleasure of the respective City Commission member that made the appointment. He noted these two provisions seemed to be in conflict with each other.

Mr. Randal Hayes, City Attorney, explained the appointee could serve for a two-year term; however, if at any time during that two-year period the Commission member wished to make a change, this could be accomplished without cause.

Mayor Costello clarified that the appointee would serve at the pleasure of the sitting Commissioner.

Commissioner Boyle proposed an amendment to Section 2-227(b). He advised that it was unfortunate that when this program was publicized, some of the public got the erroneous impression Mayor Costello needed ambassadors to go places for him when Mayor Costello was the hardest working mayor Ormond Beach has had in attending every event. Commissioner Boyle stated the only time there was a problem was when Mayor Costello was asked to attend two events at the same time. He reported that while this program was very worthwhile, it should be at the Mayor's discretion as to how many ambassadors to appoint. Commissioner Boyle noted he did not wish to make an appointment for an ambassador.

**Commissioner Boyle moved to amend Section 2-227(b) and any other reference to eliminate the specific number of ambassadors and that the Mayor should have the privilege of appointing an ambassador or ambassadors.**

Commissioner Selis asked if Commissioner Boyle's intent was to amend Section 2-227(b) to read: "The goodwill ambassador program shall consist of up to five (5) members. The Mayor and City Commissioners shall may each appoint one (1) member...."

Commissioner Boyle noted the first portion was correct; however, only the Mayor would appoint one or more ambassadors.

**Commissioner Selis seconded the motion to amend.**

Mayor Costello advised he had envisioned appointing multiple ambassadors, but that he would not be the only one eligible to appoint the ambassadors. He reported if this amendment should pass, he recommended a Commissioner could then offer a name during the discussion portion of the meeting for the Mayor to appoint.

Commissioner Boyle reported if a Commissioner had a possible appointee as an ambassador, that suggestion could be made at a public meeting.

Mayor Costello reported he could accept that proposition. He noted he would like to eliminate the limit of five ambassadors since at different times various numbers may be appropriate.

**Commissioner Boyle asked that his motion be amended to eliminate the number of ambassadors. Commissioner Selis accepted the amendment as the second.**

Mayor Costello summarized that the Mayor would appoint the ambassadors with no limit as to the number of ambassadors and any Commissioner could recommend an appointment during the discussion portion of a City Commission meeting.

Mr. Hayes asked for clarification that the Mayor's appointments would be approved by the Commission; whereby, Mayor Costello concurred.

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

Mayor Costello recommended eliminating Section 2-227(d)(6): “Provide a copy to the City Clerk of all written notes, papers, and other documents regarding the meeting, event, function, or social occasion.” He stated he felt the ambassador should not have to be involved in “paperwork,” since they would not be casting any votes.

Mr. Hayes advised this would not require the ambassador to generate any documents; it merely indicated that if they had taken any notes, they would be obligated, by law, to provide copies.

Mayor Costello recommended the following amendment: “Provide a copy to the City Clerk of all written notes, papers, and other documents, if any, regarding the meeting, event, function, or social occasion.”

Mayor Costello also recommended eliminating Section 2-227(e)(4) since the City should not have a prohibition of the ambassadors talking to each other since they would not be casting any votes of any kind. He noted if this section was added to avoid communication between Commission members via the ambassador, it would not be needed because no person would be allowed to act as a conduit from one Commission member to another.

Mr. Hayes reported this was a totally new program, and the Commission may form it as it wished; however, he would always take the most conservative view relative to Sunshine Law and Public Records Act regulations. He noted he concurred that private individuals can not act as conduits; however, this was merely added to clarify this problem area and eliminate the window of risk for this potential to occur.

Commissioner Boyle reported Section 2-227(f) that required ambassadors to fully comply with all requirements of the Sunshine Law would adequately cover this issue.

Mayor Costello concurred with Commissioner Boyle and asked that Section 2-227(e)(4) be eliminated.

Mr. Hayes recommended bringing this back for first reading after the amendments were made since substantive changes were being made.

**Commissioner Boyle moved to amend Section 2-227(d)(6) as follows: “Provide a copy to the City Clerk of all written notes, papers, and other documents, if any, regarding the meeting, event, function, or social occasion;” and to eliminate Section 2-227 (e)(4). Commissioner Selis seconded the motion.**

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

Item #10(B) – Byrne Grant Application for Police Department Laptop Computers

Police Chief Larry Mathieson advised that at the last City Commission meeting, a request was made to bring back a report outlining the circumstances relative to the potential offer to obtain residual Byrne Grant funds from FY 2000. He stated this report was provided, and he offered to answer any questions.

Commissioner Boyle commended Chief Mathieson on the very thorough report. He noted he hoped this would clarify the problems he had with the process at the last City Commission meeting.

**Commissioner Selis moved, seconded by Commissioner Boyle, to approve applying for and funding the Byrne Grant.**

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

Item #10(C) – Update on a Traffic Light on Tymber Creek Road

Mayor Costello advised that at the workshop, several Commission members indicated they would prefer the traffic light on Tymber Creek Road be a multi-partnership project. He asked if staff needed further direction.

Commissioner Selis reported he would prefer the City fund this since much of the impact was public; however, if the majority favors a three-way partnership, he would not object. He noted, however, that if the three-way partnership should fail, he would ask the City to fund this project in the upcoming fiscal year.

Commissioner Boyle concurred that the impacts were publicly caused. He advised he favored trying to work out a partnership; but if a partnership should fail, the City should be ready to make a commitment to obtain this traffic light because it was a serious problem.

Mayor Costello advised this would seemingly relieve the developer of any responsibility. He recommended a new study be done and the developers asked to pay for all or a portion of the light. Mayor Costello reported this would seemingly relieve the homeowners' associations of any responsibility as well.

Commissioner Partington suggested a five-way partnership with the homeowners, developer, County, City, and School Board since the schools are a major reason for the problem.

Mayor Costello reported the County would not join in a partnership since elsewhere the County had consistently refused to pay for a signal when private roads were involved.

Commissioner Boyle advised it was unlikely that the School Board would join a partnership.

Commissioner Kent reported he would support a three-way or, even better, a five-way partnership. He stated that when considering this signal was to save lives, installing this signal would be the right thing to do, which was a concept he tried to instill in his students on a daily basis. Commissioner Kent advised that this may not set the best precedent and should not be repeated elsewhere, but it was very necessary in this instance.

Commissioner Boyle stated he was on the Commission when Tymber Creek was annexed into the City. He pointed out Tymber Creek was developed by the County; and had Ormond Beach developed Tymber Creek, the City would have made the construction of the driveway include the right turn and would probably have sought a warrant for the light sooner. Commissioner Boyle reported that when the City acquired the subdivision, it also acquired some responsibility.

Mr. Hayes stated the Commission could only use public funds for public purposes, and this issue could be argued both for public use and for private use. He noted his intent was to urge the Commission to give some thought to that process because the Commission would need to establish, in the record, the public purpose for the expenditure of these funds.

Mr. Turner reported staff could certainly contact the homeowners' associations again to determine if they would be willing to participate, but he asked for clear direction as to whether the Commission was directing staff to do so or to provide an opportunity to discuss how to fund the project in a Capital Improvement Program meeting through the budget process.

Mayor Costello entertained a motion to delay action until after the next Capital Improvement Program meeting in two weeks and urged staff to contact whoever could be contacted to form a partnership. He noted staff should then explain what type of support could be expected, and they could provide funding recommendations.

Mr. Turner advised the homeowners' associations normally meet monthly; therefore, they may not have adequate time to make any comments on this matter. He stated he had informally broached this issue with homeowners' association members and interested citizen who support a signal, but they hesitated to offer funding. Mr. Turner advised an estimated cost was \$45 to \$50 per unit. He disclosed that he lived in the area in question.

Mayor Costello reported Mr. Turner lived in Tymber Creek, and he lived in Breakaway Trails.

**Commissioner Selis moved to have the City fund a traffic signal on Tymber Creek Road subject to one additional attempt to obtain contributions from the homeowners' associations involved.**

Mr. Hayes reported the final measure would need to come back before the Commission; therefore, the motion actually indicated that the City was willing to pay the cost of the traffic signal.

Mr. Turner reported this would not be prepared in a two week time period; therefore, the Commission would have time, through the budget discussions, to decide how this should be funded.

**Commissioner Kent seconded the motion.**

Mayor Costello advised he would oppose this motion since he would prefer the developer and homeowners' association to pay for the light. He reported Tymber Creek should pay for a right turn lane before installing a traffic signal. Mayor Costello stated Tymber Creek Road would be widened in the future. He advised he opposed any wire span signals and favored mast arms, but he did not want to delay the project because he highly favored a traffic signal at this location.

Commissioner Kent reported he completely concurred with Mayor Costello, and he also did not want to delay the project because of the human safety element.

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

Mayor Costello explained his vote was because the developer and homeowners' associations should be paying for the light, but he was pleased there would be a signal.

Item #11 - Reports, Suggestions, Requests

Thompson Rule

Commissioner Partington advised he appreciated Commissioner Boyle's education on the Thompson Rule issue at the last City Commission meeting.

Commission Focus

Commissioner Partington stated Commissioner Boyle reported at the last meeting that the Commission was losing focus. He noted that because he valued Commissioner Boyle's judgment and opinions, he urged Commissioner Boyle to further explain that statement during his comments.

Chamber of Commerce

Commissioner Partington advised he attended the Ormond Beach Chamber of Commerce meeting on Thursday to meet with their executive board. He noted the Chamber of Commerce achieves many accomplishments of which the Commission never becomes aware.

Memorial Day Celebration

Commissioner Partington reported he attended the Memorial Day celebration, which was a fantastic event with a fly over, a great speaker, and it was a very moving event. He congratulated staff on this wonderful celebration.

Impact Fees

Commissioner Partington described Mr. Sean Daly as a powerful environmental advocate and commended his idea relative to the impact fee. He noted he did not believe the bond issue failed because people did not want to protect environmentally sensitive areas, it merely reflected the temperament of the electorate at that particular time.

Commissioner Boyle echoed Mr. Daly's suggestion relative to impact fees.

Thompson Rule

Commissioner Boyle advised that when he recommended the Thompson Rule be invoked at the last meeting, he pointed out that four votes could overrule the Thompson Rule.

Commission Focus

Commissioner Boyle advised he would respond at the next meeting after examining the minutes relative to the Commission losing focus comment he made.

### Memorial Day Celebration

Commissioner Boyle noted the Memorial Day observance improved every year. He stated many staff members worked hard to make that event perfect. Commissioner Boyle commended the idea of each member of the audience coming forward to contribute to the laying of the wreath. He noted the best part of the observance was Mayor Costello's remarks where his style, substance, and appropriateness captured the reason for the observance.

### Senior Center Incident

Commissioner Boyle reported he learned of an incident at the Senior Center where the City lost a six-year, part-time employee who was terminated, but had no recourse of a hearing before the Human Resources Board after an incident where he raised his arms, pushing a charging citizen. He stated he was not questioning the review of the decision. Commissioner Boyle advised he mentioned this not only to lament the loss of the services of a wonderful person, but to let the employees know that the Commission understood they were in a difficult position when a member of the public attacks. He urged that staff be reminded they are very vulnerable in this type of situation.

### Grants

Commissioner Boyle stated that a comment was made at the last meeting indicating that every problem the Commission experienced at that meeting revolved around grants. He reported that every member of the staff provided a great effort for the City. Commissioner Boyle advised that if the records were searched, it would be discovered that the dollars generated by the City's Grants Coordinator compared with any other city in the Country per capita. He noted that at times this Commission had initiated policies indicating staff should not seek grants requiring matches the City would not have money to fund. Commissioner Boyle reported this Commission had no constraints in that if they had the desire, they could log onto the internet to search for grants without finger pointing at staff members.

### New Positions

Commissioner Boyle advised a comment was also made at the last meeting relative to new positions such as an additional Grants Coordinator and an Airport Manager. He submitted that the way to address problems was with clear direction to the City Manager and employees under the City Manager without micromanaging. He stated City employees are dedicated and highly effective, particularly when they are given clear direction. Commissioner Boyle recommended first attempting the abovementioned avenues to solve problems before criticizing staff, and when criticism was warranted, those criticisms should be specific and not general.

### Airport Issues

Commissioner Boyle stated he was pleased the Fire Department inspected the airport, but questioned why there were no inspections previously. He questioned how a facility could be built eight years ago under the City's direction and guidance, only to discover that it may now be out of compliance. Commissioner Boyle noted he heard at the Aviation Advisory Board meeting that what the City had planned to do would put that fuel farm out of compliance. He advised he still questioned if the fueling operations at both sites were in or out of compliance. Commissioner Boyle stated he did not believe the inspection of the T-hangars had ever been done for the structure or to determine if they had been properly maintained under the lease. He advised he met the vice-president of the company leasing the T-hangars last week and asked if they were properly maintained, and his reply was that it was being addressed; therefore, he did not deny there might be maintenance problems. Commissioner Boyle stated an FAA Airport Compliance Manual could be obtained from the Internet, and he urged staff to do so as recommended by Mr. Thompson. He suggested a meeting be held at the airport with the Airport Manager, Fire Chief, Police Chief, and Finance Director to meet with representatives of Sunrise Aviation and Mr. Thompson. Commissioner Boyle recommended taking a tour to note what both parties were contending, then meeting in a conference room to discuss what was contained in the FAA Airport Compliance Manual in an effort to try to resolve some of the issues. He advised Mr. Thompson understood he could not actually withhold his check long-term. Commissioner Boyle advised Mr. Thompson had raised serious questions.

Commissioner Boyle noted that at the Aviation Advisory Board meeting, Mr. Thompson made three suggestions that were positively received by the board and by City staff: 1) to add an extra 500 feet on the runway extension to be used for the takeoff, but this could not be counted for the landing; 2) to obtain the FAA Airport Compliance Manual since grants are tied to following the manual, and staff apparently did not have a copy; and 3) airport noise print suggestions that would protect the liability of the City in the future.

Commissioner Boyle expressed concern that the jets that would be landing on the newly extended runway would require an instrument landing system costing \$1.5 to \$2 million with personnel on the ground; therefore, when the City commits to a runway extension for jets, the

Commission must be mindful there would be other expenses that the City might have to commit to in the future.

Commissioner Boyle stated the City must be in compliance with every provision in the FAA Airport Compliance Manual for all grants sought by the City. He noted the manual notes the FAA did not inspect airports unless a problem should arise. Commissioner Boyle supported Mr. Thompson's role in pointing out these deficiencies as a constructive part of the process to help the City protect itself and the airport.

#### Commissioners Changing Positions

Commissioner Kent stated at a recent meeting he felt that he and three other Commission members were being "scolded" because they changed their opinion relative to a possible deal with Daytona Beach and Consolidated Tomoka Land Company (CTLIC). He advised people do tend to change their minds, noting a very un-ceremonial firing and rehiring of the City Manager. Commissioner Kent stated he was very pleased that that particular Commission had changed its mind and brought that City Manager back because Ormond Beach was better for it. He pointed out that sometimes a change of mind is for the best.

#### Memorial Day Celebration

Commissioner Kent stated the Memorial Day celebration was a great event where a great deal of learning was occurring. He urged parents to bring their children to these celebrations.

#### Beach Driving

Commissioner Kent asked for any information available relative to beach driving. He questioned to whom he would bring a recommendation where County residents would not be charged to drive on the beach.

#### Halifax Habitat for Humanity Home

Commissioner Kent advised he was privileged to present a proclamation to the Williams family who recently received a home through the help of many individuals and companies through the Halifax Habitat for Humanity. He stated it was an uplifting feeling to watch this family walk into their new home.

#### American Legion Breakfast

Commissioner Selis advised he attended the American Legion breakfast held on Memorial Day. He stated it was a thrill to listen to the veterans of foreign wars who spoke of the losses sustained and the great risk and sacrifices these soldiers took for all Americans.

#### Memorial Day Celebration

Commissioner Selis echoed the sentiments of his fellow Commissioners that the Memorial Day service was one of the most moving services he had attended. He concurred with Commissioner Boyle relative to the audience sharing in the laying of the wreath ceremony and agreed the children need to attend this service to remind them of what Memorial Day commemorates.

#### Welcome Signs

Commissioner Selis commended a suggestion that was made at the Capital Improvement Program workshop to ask Ormond Beach's neighboring communities to share in the cost of the City welcome signs since the other municipality could welcome people to their city on the other side of the sign. He stated this would save Ormond Beach money and would benefit not only Ormond Beach, but the neighboring cities.

#### No Wake Zone Enforcement

Commissioner Selis advised there was an area on the Tomoka River near his home that was a "no wake" zone, but it was not being enforced. He asked the appropriate entity be notified that boats in this area were ignoring the "no wake zone" signs.

#### Airport Issues

Commissioner Selis thanked Mr. Thompson for bringing these issues at the airport to the attention of the City Commission. He stated these were serious allegations being made, particularly as they relate to the lack of fair competition at the airport. Commissioner Selis noted he had considered the Commission appointing a temporary investigatory committee to investigate these allegations because of the importance of showing that the Commission was exercising due diligence to these allegations to insure that if violations existed, they would be corrected.

Beach Access

Commissioner Selis stated the Granada approach seems to be closed most of the time due to either high tide or soft sand. He questioned if the County kept records of how often they have to close Ormond Beach's ramps due to either high tide or soft sand. Commissioner Selis asked the City to obtain these records, if the records exist; and if they did not exist, he recommended the City start keeping these records to document how inaccessible the beach truly is to the residents.

Employee Appreciation Day

Mr. Turner thanked the Commission for supporting Employee Appreciation Day. He noted it was very well received and appreciated by the employees.

Memorial Day Celebration

Mr. Turner concurred with the Commission that the Memorial Day celebration was very moving and well done. He stated the Leisure Services staff has a "heart of a servant," making certain the events are successful. Mr. Turner expressed appreciation to staff and to Mr. and Mrs. Jones for their efforts.

Personnel Actions

Mr. Turner clarified that employees may defend themselves. He noted he had an opportunity to visit the issue of the termination of the employee at the Senior Center, and it appeared that alternative actions could have been taken in this instance. Mr. Turner reported employees and citizens should be treated with respect and dignity.

Airport Issues

Mr. Turner stated he appreciated the opportunity to have a discussion regarding the airport issues. He noted staff would try to prepare a discussion item for the next meeting. Mr. Turner advised there were a myriad of issues occurring at the airport. He stated he hoped an up-front discussion could preclude the need for a lengthy discussion on these issues. Mr. Turner advised that while Ormond Beach had a good airport, improvements could always be made. He noted that there are some conflicts at the airport, and the City's goal was to resolve those conflicts as quickly as possible.

Daytona Beach/Ormond Beach Conflict Negotiations

Mr. Hayes advised he would be meeting on June 8<sup>th</sup> with Attorney Pelham, attorneys for Consolidated Tomoka Land Company, and attorneys for Daytona Beach regarding the Daytona Beach/Ormond Beach conflict negotiations. He reported he would keep the Commission advised on the progress being made at these meetings.

City Attorney Absence from City Commission Meeting

Mr. Hayes advised he would not be attending the June 15<sup>th</sup> City Commission meeting since he would be taking a short vacation, but Sandra Upchurch, Deputy City Attorney, would be available. He noted while Ms. Upchurch could most likely handle any issues that may arise, he would be accessible if necessary.

Memorial Day Celebration

Mayor Costello commended Bob and Octavia Jones for their efforts with the Memorial Day celebration. He concurred with the description of those who worked to make this celebration a success as having a "heart of a servant." Mayor Costello thanked everyone for this incredibly moving commemoration.

Citizen of the Year

Mayor Costello reported John Leemkuil was honored at the Citizens for Ormond Beach luncheon as the "Citizen of the Year." He stated the new president of Citizens for Ormond Beach was Rita Press.

Airport Issues

Mayor Costello reported he appreciated Mr. Thompson's efforts to bring the airport issues forward. He urged anyone to bring issues forward, but not to allow issues to become personal. Mayor Costello advised suggestions have been made relative to a staff meeting or an investigative committee, and he would welcome Mr. Thompson's recommendation at the next meeting. He stated everyone wanted equity at the airport, but he noted certain leases were signed at different times and different rules applied, which must be considered. Mayor Costello asked Mr. Thompson to allow the City to make responses to the existing questions and issues before any new questions and issues were put forth. He recommended Mr. Thompson keep notes of any new issue, hold it, and present it to the City after the current issues are resolved.

New Grants



Mayor Costello reported he appreciated the fact that staff brought the opportunity for the new grant with a short application time to the attention of the City Commission. He expressed concern that after what occurred at the last meeting, staff may have consternation about bringing such issues before the Commission in the future. Mayor Costello stated while he welcomed this opportunity, some Commissioners noted they did not want these new grant opportunities to come to the Commission in this manner; therefore, he requested a discussion item to enable staff to have clear direction in that regard.

#### Impact Fees

Mayor Costello stated staff would study all impact fees next year. He advised he had indicated on many occasions that growth should pay for itself; therefore, he favored Ormond Beach imposing impact fees every time it would be legitimate and defensible so growth could pay for itself.

#### Maintenance and Capital Improvement

Mayor Costello reported that at the workshop prior to this meeting, the Commission gave staff direction to bring information to the Commission relative to possible funding sources for needed maintenance and capital improvements. He stated Ormond Beach was a first class City and the Commission must find a way to maintain all of its assets.

#### Beach Access

Mayor Costello stated he had advocated free beach access to County residents for many years. He noted if this was impossible, the County should then reduce the tax bill for Volusia County residents since residents were already paying for the beach.

#### Commission Functioning as a Team

Mayor Costello commended the Commission for functioning so well as a team. He again asked each Commissioner to allow his fellow Commission member to become passionate about issues without getting personal.

#### Decision Reversal

Commissioner Boyle asked to respond to a comment relative to reversing decisions; whereby, Mayor Costello allowed Commissioner Boyle to proceed.

Commissioner Boyle stated there was nothing a Commissioner could do that would require more courage than to reverse a decision. He explained his issue was not that four Commission members reversed their decision. Commissioner Boyle stated that with experience, it would be understood that one should not compare something one does with something they perceive someone else did two and one-half years ago. He explained that had that meeting been completed and had the Commission gone on to the items on the agenda that were not covered, specifically to appoint an interim City Manager and then figure out how to replace the City Manager, he would have recommended replacing what he perceived to be an un-empowered City Manager with someone who was empowered. Commissioner Boyle stated the City Manager was then empowered and has been empowered ever since that night.

Commissioner Boyle stated it takes great courage to reverse a decision since it would indicate that the Commissioner did not do the right thing the first time or that enough research had not been done. He explained that on the night in question, the Commission had just concluded five hours of an intense public meeting. Commissioner Boyle advised that his decision to ask the City Manager to come back was made in the context of a public meeting. He stated anyone could reverse a decision as long as it was done in a public meeting.

Commissioner Kent agreed 100% with Commissioner Boyle; however, he noted his point was that he felt he and his fellow Commission members were being "scolded" for changing their mind when that was exactly what happened two and one-half years ago, costing the City a great deal of money. He stated the City has moved on, and the City and Commission were better and stronger because of it.

Commissioner Kent stated some people attack other people, which keeps them from the issue, and he would not pursue that route. He advised he would stick with the issues; however, when a comment is directed to him or others, and he feels the need to clear the air, he would do so.

Mayor Costello stated Commissioners do not have to agree, but they do have to respect each other. He asked Commissioner Boyle to not comment negatively on how or why any Commission member should change his mind since this was not his domain. He stated Commissioner Kent should not try to relate one issue to another that occurred years ago. Mayor Costello noted Commissioner Boyle could have expressed his opinion that he was unhappy about the four to one decision, and the personal reasons need not have been

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mentioned. He advised this Commission had been doing so well on their relationship with one another.

Mayor Costello advised that once the Commission has made a decision, that decision would then become the position of all five Commission members, had they originally supported that decision or not. He cautioned Commissioners to not give people information supporting the previous decision that was not supported by the majority. Mayor Costello used the US1 parking issue as an example in that he favored the medians with the parking taken off US1; however, the Commission position was to keep the parking, so he has since become an advocate of keeping the parking on US1.

Item #12 – Close the Meeting

The meeting was adjourned at 9:01 p.m.

APPROVED: June 15, 2004

BY: Fred Costello, Mayor

ATTEST:

Veronica Patterson, City Clerk