

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

**October 19, 2004**

**7:00 p.m.**

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

**A G E N D A**

- 1) Meeting call to order by Mayor Costello.
- 2) Invocation by Reverend Dr. Jesse W. Cotton, African Methodist Episcopal Church.
- 3) Pledge of Allegiance.
- 4) Approval of the Minutes of the October 5, 2004, meeting.
- 5) **PRESENTATIONS:** Proclamation by Mayor Costello proclaiming November 2004 as the Month of the Family in the City of Ormond Beach.
- 6) **AUDIENCE REMARKS:**
- 7) **INTERGOVERNMENTAL BOARD REPORTS:**
  - A) Metropolitan Planning Organization
  - B) Volusia Council of Governments
  - C) Smart Growth Implementation Committee
  - D) Water Authority of Volusia
- 8) **CONSENT AGENDA:** The action proposed is stated for each item on the Consent Agenda. Unless a City Commissioner removes an item from the Consent Agenda, no discussion on individual items will occur and a single motion will approve all items.
  - A) Resolution No. 2004-175 authorizing the acceptance of a Warranty Deed from GCM Development Group, Inc., on property located at 136 North Orchard Street.
  - B) Resolution No. 2004-176 authorizing the execution of Change Order Number Three (3) to that contract awarded to Masci Corporation regarding the Standish Drive, Triton Road and Royal Palm Avenue Drainage Improvements Project, by increasing the contract price by \$24,690 and increasing the contract time by 13 days.
  - C) Resolution No. 2004-177 authorizing the execution of a Disaster Relief Funding Agreement with the Florida Department of Community Affairs; naming the Finance Director and the City Manager as applicant agents on behalf of the City. (\$3,150,000 reimbursement from FEMA; \$175,000 from the State; \$175,000 funded by the City – Hurricane Charley)
  - D) Resolution No. 2004-178 amending the dates and times for holding of regular meetings of the City Commission of the City of Ormond Beach, Florida, during the years of 2004 and 2005; providing for exceptions thereto. (Changing the 1st December meeting to Monday, December 6, 2004)
  - E) Resolution No. 2004-179 appointing Marvin Miller as a member to serve on the Budget Advisory Board; setting forth term and conditions of service.
- 9) **PUBLIC HEARINGS:**
  - A) Resolution No. 2004-180 approving and authorizing the removal of an historic tree on property located at 8 Jolynn Drive in the Ormond Lakes subdivision.
  - B) Resolution No. 2004-181 of the City Commission, also acting as the Community Redevelopment Agency of the City, readopting and amending the Granada Boulevard Master Streetscape Plan to include therein a Property Improvement Grant Program and side street Streetscape improvements to various streets located in the Central Business District; development of public parking at 37 Corbin Avenue and the Cassen Park Paving Project; making findings of fact.

10) **FIRST READING OF ORDINANCES:**

- A) Water and Sewer rate increase. (Tabled from the 10/05/04 meeting)
  - 1) Ordinance No. 2004-39 amending Sections 22-23, 24, and 22-71 of Chapter 22, Water and Sewers, of the Code of Ordinances, by increasing the minimum water and sewer rates; repealing all inconsistent ordinances or parts thereof. (7% increase)
  - 2) Ordinance No. 2004-39 amending Sections 22-23, 24, and 22-41 of Chapter 22, Water and Sewers, of the Code of Ordinances, by increasing the minimum water and sewer rates; repealing all inconsistent ordinances or parts thereof. (31/2% increase)
- B) Ordinance No. 2004-44 amending Chapter 2, District and General Regulations, by amending Paragraph C, Official Zoning Map, of Section 2-01, Establishment of Zoning Districts and Official Zoning Map, of the *2004 Land Development Code* by changing the format of the Official Zoning Map from the existing hand drawn version to an electronically generated version linked to the City's Geographic Information System (GIS).
- C) Ordinance No. 2004-45 amending the annual budget for the 2003-2004 fiscal year relative to the General Fund, Stormwater Fund, Economic Development Fund, Federal Law Enforcement Trust Fund, Equipment Replacement Fund, Water and Sewer Fund, and Solid Waste Fund.
- D) Ordinance No. 2004-46 amending Paragraph C.4, Voting, of Section 1-16, Board of Adjustment and Appeals of the *2004 Land Development Code* by requiring a concurring vote of 4 out of 5 board members on any voting matter.
- E) Ordinance No. 2004-47 amending Chapter 2, Administration, Article VI, Boards, Commissions, Committees and Other Agencies, Division 2, Enumerated, Section 2-220, Aviation Advisory Board, of the *Code of Ordinances* by amending Section 2-220(C) concerning the terms for and removal of members.
- F) Ordinance No. 2004-48 amending Chapter 2, Administration, Article VI, Boards, Commissions, Committees and Other Agencies, Division 2, Enumerated, Section 2-218, Neighborhood Improvement Advisory Board, of the *Code of Ordinances* by correcting a scrivener's error.
- G) Ordinance No. 2004-49 amending Chapter 2, Administration, Article VI, Boards, Commissions, Committees and Other Agencies, Division 2, Enumerated, Section 2-226, Budget Advisory Board, of the *Code of Ordinances* by amending Section 2-226(C) concerning removal of members.

11) **DISCUSSION ITEMS:**

- A) Conversion of overhead electric service to underground lines.
- B) Bermuda Estates emergency access easement.
- C) Modification to Chelsea Place site plan.
- D) Notice of Proposed Change for the National Gardens Development of Regional Impact.
- E) Construction manager process.
- F) Fire Station No. 91 status.

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

13) Close the meeting.

City Commission – October 19, 2004

Item #1 - Call to Order

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

Item #2 - Invocation

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

Item #3 - Pledge of Allegiance

Mayor Costello led the Pledge of Allegiance.

Item #4 – Approval of Minutes

Mayor Costello advised the minutes of the October 5, 2004, regular meeting had been sent to the Commissioners for review and asked if there were any corrections, additions, or omissions.

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

Item #5 - Month of the Family

Mayor Costello presented Ms. Janet Miller, representing the Church of Jesus Christ of Latter-day Saints, with a proclamation honoring the Month of the Family. He noted the City of Ormond Beach recognizes the role of supporting successful families and that enhancing and extending networks strengthen and enrich families. Mayor Costello proclaimed November 2004 as the Month of the Family in the City of Ormond Beach honoring the importance of families, celebrating their successes, and recognizing the community resources that support and strengthen families year-round.

Ms. Janet Miller thanked each Commission member for the time and effort they put into service in the community and for their support of this project. In appreciation, she distributed a framed plaque for each Commission member stating, "The most important work you will ever do, will be within the walls of your own home."

Item #6 – Audience Remarks

Central Park

Ms. Joyce High, 38 Oak Brook Drive, reported she has been working with Support Services Director Tom Lipps, Grants Coordinator Loretta Moisio, and Commissioner Partington, in preparing documentation to obtain Florida Recreation and Development Assistance Program (FRDAP) and Ecological Cultural Heritage and Outdoors (ECHO) grants for Central Park. She noted on Saturday, she joined other volunteers to help clear debris from Central Park; however, it was discovered that huge trees had fallen during the past hurricanes. Ms. High noted the task was too difficult for volunteers as it involved hauling away large trees. She stated this cleanup was important if the City hoped to obtain grants. Ms. High displayed pictures of debris at the trailhead and in the forested area. She urged the City to help in this cleanup effort.

Police Union Contract

Corporal Tate Dennis, Union Representative for the Ormond Beach Police Department bargaining unit, stated that there have been misrepresentations and misunderstandings relative to the current contract negotiations. He explained that the union realized the first proposal the union made, which would make up for years of disparity, was extreme. Corporal Dennis pointed out that the bargaining unit was willing to negotiate fairly, but an attempt was made to extort their ideas and show that they were unreasonable and unworthy of the Commission's support. He stated a booklet was posted on the police bulletin boards, in briefing rooms, e-mailed to each employee, and a copy was placed in each mailbox showing the firefighters received over 12% greater raises over the past eight years compared to the police officers. Corporal Dennis reported a comparison survey has been boasted to the Commission, residents, and media that the police officers have been paid at a comparable rate to others in the area; however, it failed to mention that the 500 series managers were overpaid at 12% higher, and the two main advocates of the survey are the most grossly overpaid according to their own survey. He pointed out that these differences were not a part of the proposals, and the police were not asking for compensation for these disparities since they understand the repercussions the Commission would face in trying to right these wrongs. Corporal Dennis asked only that comparisons used be based on the years of service as opposed to averages. He explained using averages skews the numbers since Ormond Beach has more senior people on the staff. Corporal Dennis also requested the City address the compression issue. He noted the union

proposal attempted to reduce the compression issue while the City's proposal enhances the problem.

Corporal Dennis reported another issue was the pension. He explained all of the police pension money was diversified from a company with a proven track record and was so successful that for the past five years, the City has not had to contribute to the plan, and it was projected that this pension plan would be self-sufficient, not requiring funds from the City or the members in the future. Corporal Dennis noted that there was a request for a general pension survey for the entire City, but the police pension was a high-risk pension program because of the dangerous stress and longevity of police officers. He explained the police pension plan was unlike other pension plans, and a survey already existed; therefore, he questioned why time, money, and efforts would be wasted to do a survey that was already completed. Corporal Dennis noted direct links were provided in the information sheets he distributed to the Commission, and he expressed confidence that comparing the City's pension plan with that of the State and those of other areas would show Ormond Beach's benefits were lacking, particularly when considering the amount of contributions the members make. He invited the Commission to attend the contract negotiations to be held on Thursday at 10:00 a.m. in the City Hall Training Room.

#### Mirror Lake Drive Paving Project

Mr. Frank Iocco, 5 Mirror Lake Drive, displayed photographs of the current alignment of Mirror Lake Drive and requested the alignment be corrected as much as possible when the road was repaved. He noted a pine tree was in the center of the right-of-way allowing only a single vehicle on the road.

Mayor Costello reported staff would investigate this situation and report back to the Commission.

Commissioner Partington explained he met with Mr. Iocco whose concern was that this road was slated to be paved with the current alignment. He reported staff was working on this and would have a response for the Commission.

#### Answers to Questions Raised During Audience Remarks

Mr. Glenn Jaspers, 160 Ocean Terrace, stated many questions have been asked during the audience remarks portion of the City Commission meetings and none are being answered. He asked numerous questions and made comments relative to the Birthplace of Speed Park, the runway extension, the antique cars, budget issues, why a City vehicle was in Ormond-by-the-Sea on a Sunday, and the previous bond referendum.

Mayor Costello requested Mr. Jaspers place all of his concerns in the form of a letter to staff with a copy to the Commission so answers could be prepared. He stated this was not the forum to ask a litany of questions.

#### Annual PAL Golf Tournament

Police Chief Larry Mathieson announced that the Annual Police Athletic League (PAL) Golf Tournament would be held on November 6<sup>th</sup> at 8:30 a.m. at the Tomoka Oaks Golf and Country Club, and he invited the Commission and the public to participate. He stated the tournament would benefit approximately 800 youths, ages five to 18, which would enhance their self-esteem and build self-confidence through athletic, recreational, and cultural programming. Chief Mathieson noted one of the best tools to prevent crime in the community was to never allow children to get into the system. He stated brochures were available at the rear of the chambers, and any questions could be directed to the Police Department.

#### Hiring a Budget Director

Mr. Charles Carter, 212 Arlington Way, questioned the action of the City administration in hiring a firm to search for a Budget Director costing the taxpayers \$15,000 after 100 applications were received. He questioned the criteria being used to fill this position.

#### Hurricane Debris

Mr. Carter reported that hurricane debris had still not been picked up, and he questioned what phase the cleanup was in since the newspapers gave phases for other cities, but not for Ormond Beach. He questioned what was in the debris collection contract, who was hired, and why the job was not completed. Mr. Carter stated that Florida Power and Light (FPL) had trimmed trees on properties running north and south and left the debris on the ground between the two properties causing a fire hazard.

#### Hiring a Budget Director

Commissioner Kent noted that he too questioned the \$14,900 being spent to find a Budget Director. He stated while he spoke briefly to Ted MacLeod, Assistant City Manager, regarding

this issue, he still had lingering doubts. Commissioner Kent noted Lorenda Volker, Human Resources Director, or Isaac Turner, City Manager, should be charged with finding the right person for this position rather than the City spending the \$15,000 for a consultant.

Commissioner Boyle advised that he also had the same level of discomfort regarding hiring a consultant.

#### Airport Issues

Mr. Tony Lombardo, Sunrise Aviation, noted that he was a resident and business owner in Ormond Beach for 30 years, and this was the first time he felt compelled to speak before the Commission. He reported a radio program has engaged in attacks on his business, which was a continuation of the attacks that have been made over the past six months. Mr. Lombardo stated that as part of a Capital Improvement package Sunrise presented to the City in June, they were planning to install a Jet A fuel farm, not for compliance purposes since the operation was in complete compliance, but because it made sense from an operational efficiency standpoint. He explained that on September 9<sup>th</sup> Sunrise met with the Site Plan Review Committee (SPRC) to discuss the location of a fuel farm, and subsequent to that date, Sunrise hired Hoyle Tanner to develop specifications for that fuel farm.

Mr. Lombardo reported that the term “fair and level playing field” has been used quite frequently relating to Sunrise Aviation, and never has the accusation been so unwarranted. He explained that in 1995, the owners of Sunrise decided to sell their business after spending hundreds of thousands of dollars with no return. Mr. Lombardo pointed out that the provisions in the lease today existed in 1995 with nothing new or hidden. He noted that aggressive advertising commenced, and any qualified person had the opportunity to buy that business; but no one came forward because of the risk or the commitment to the effort that would be needed for success. Mr. Lombardo stated Sunrise was now successful with a bright future. He noted he considered Sunrise a good-will ambassador of Ormond Beach as well as an asset.

Commissioner Selis questioned what percent of the aviation fuel Sunrise sells at the airport; whereby, Mr. Lombardo indicated that Sunrise sells 90% to 95% of the Jet A fuel. Commissioner Selis asked who else sells fuel at the airport, and Mr. Lombardo replied that Ormond Aviation also sells Jet A fuel. Commissioner Selis asked when Sunrise started the process for the Jet A fuel farm. Mr. Lombardo stated the initial meeting with the SPRC for the fuel farm was September 9<sup>th</sup>, and it was addressed in writing in June.

#### Hurricane Debris

Reverend Dr. Jesse W. Cotton, 528 Fred Gamble Way, reported that Ames Park was devastated by the recent storms, but has since been cleared. He noted Fred Gamble Way had power lines and trees down, but the trash was taken away quickly.

#### Financial Reports

Reverend Cotton recommended a weekly, monthly, or quarterly report be provided to the Commission and the public on exactly how much money comes into the City and how much was paid out, including a running balance.

#### Early Voting

Reverend Cotton reported Volusia County citizens have been afforded the opportunity to vote early at the Daytona Beach City Island Library. He noted this was especially convenient for senior citizens where they have the opportunity to avoid standing in long lines at the polls.

#### Financial Reports

Mayor Costello reported quarterly reports are available online, and he asked staff to have copies available in the library for those who do not have a computer.

#### Fuel Farm

Mr. Adrian Thompson, 6 Dorado Beach Court, stated Ordinance No. 93-50 outlined minimum standards for the operations at the airport and a section related to fueling operations. He stated the ordinance stipulated that fueling operations at the airport must be conducted strictly in compliance with NFPA 30 and NFPA 407; however, the operations are not conducted strictly in compliance, rather they are selectively, arbitrarily, and flexibly applied. Mr. Thompson noted the Fire Chief has some latitude in application to the fire code, but since the code used the term “strictly,” any flexibility he would have would be restricted. He asked the City Attorney if the City insurers would cover an environmental spill from a container containing 8,000 gallons of fuel with no environmental spill protection should that container leak. Mr. Thompson noted the cost could reach \$15 million, and the company could not likely pay; therefore, in that the City owns the property, the City may have to pay for that clean up.

Commissioner Selis reported that Mr. Thompson was the sole shareholder of Ormond Aviation, which was the principal competitor for Jet A fuel sales. He asked if the principal distribution method for Mr. Thompson’s fuel was self or full service; whereby, Mr. Thompson stated Jet A was available on self-service and full-service, and his Av Gas was available on self-service. Commissioner Selis pointed out that the questions Mr. Thompson raised regarding spillage would apply equally to his own company’s self-service fuel distribution; whereby, Mr. Thompson disagreed.

Item #7(A) – Metropolitan Planning Organization

Mayor Costello reported the Metropolitan Planning Organization (MPO) discussed that FDOT was planning to work with the legislature to change the way money was allocated, which would negatively impact Volusia County because Volusia County was not on the Strategic Intermodal System (SIS). He noted the next meeting would be on October 26<sup>th</sup>.

Item #7(B) – Volusia Council of Governments

Mayor Costello reported the executive committee of the Volusia Council of Governments (VCOG) discussed the agenda for the next VCOG meeting on October 25<sup>th</sup>. He noted topics would include a post-hurricane discussion; Frank Bruno would give his vision; and whether VCOG should have a position on urban growth boundaries would be discussed.

Item #7(C) – Smart Growth Implementation Committee

Mayor Costello reported the Smart Growth Implementation Committee would meet on October 25<sup>th</sup> where the discussion on urban growth boundaries would continue and the implementation committee would try to formulate recommendations to the County Council for their implementation. He stated the implementation committee would try to create super majority recommendations.

Item #7(D) – Water Authority of Volusia

Commissioner Boyle advised the Water Authority of Volusia (WAV) would meet tomorrow morning where the agenda would include minor amendments to the budget, interlocal agreements, a municipal benefit taxing unit, and a County-wide ad valorem tax. He reported Dr. Mowry discovered a minor flaw in the formula for the raw water sales price calculation; therefore, fine-tuning would be done on that rate.

Item #8 - Consent Agenda

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

Commissioner Boyle asked that Item No. 8(B) be discussed separately.

**Commissioner Kent moved, seconded by Commissioner Partington, for approval of the Consent Agenda, minus Item No. 8(B).**

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

Item #8(B) – Standish Drive, Triton Road and Royal Palm Avenue Drainage Improvements

RESOLUTION NO. 2004-176  
 A RESOLUTION AUTHORIZING THE EXECUTION OF CHANGE ORDER NUMBER THREE (3) TO THAT CONTRACT AWARDED TO MASCI CORPORATION REGARDING THE STANDISH DRIVE, TRITON ROAD AND ROYAL PALM AVENUE DRAINAGE IMPROVEMENTS PROJECT, BY INCREASING THE CONTRACT PRICE BY \$24,690 AND INCREASING THE CONTRACT TIME BY 13 DAYS; AND SETTING FORTH AN EFFECTIVE DATE.

**Commissioner Selis moved, seconded by Commissioner Partington, to approve Resolution No. 2004-176, as read by title only.**

Commissioner Boyle questioned if the reason for the change order was the hidden infrastructure.

Ms. Judy Sloane, Public Works Director/City Engineer, explained the lines do not follow a straight line. She noted this change order also included relocation of some citrus trees.

Commissioner Boyle urged that a completion date be set since he was receiving calls relative to access to streets. He inquired that the reuse lines were placed within the last ten years but were not where the City expected them to be located.

Ms. Sloane stated the City attempted to place most of the reuse lines outside of the road, but that did not always occur; and it did not follow the path of the as-built. She apologized for not knowing the completion time on this project but stated she could provide that information tomorrow.

Mayor Costello advised the Commission chose not to invest in a mapping system for the entire community and to accept the fact that the lines may not be where they were supposed to be. He noted the City was still ahead by using this method rather than mapping the entire system.

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

Item #9(A) – Historic Tree at 8 Jolynn Drive

RESOLUTION NO. 2004-180  
A RESOLUTION APPROVING AND AUTHORIZING THE  
REMOVAL OF AN HISTORIC TREE ON PROPERTY LOCATED  
AT 8 JOLYNN DRIVE IN THE ORMOND LAKES SUBDIVISION;  
AND SETTING FORTH AN EFFECTIVE DATE.

**Commissioner Selis moved, seconded by Commissioner Boyle, to approve Resolution No. 2004-180, 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 #9(A).**

Item #9(B) – Granada Boulevard Master Streetscape Plan

RESOLUTION NO. 2004-181  
A RESOLUTION OF THE CITY COMMISSION, ALSO ACTING  
AS THE COMMUNITY REDEVELOPMENT AGENCY OF THE  
CITY, READOPTING AND AMENDING THE GRANADA  
BOULEVARD MASTER STREETScape PLAN TO INCLUDE  
THEREIN A PROPERTY IMPROVEMENT GRANT PROGRAM  
AND SIDE STREET STREETScape IMPROVEMENTS TO  
VARIOUS STREETS LOCATED IN THE CENTRAL BUSINESS  
DISTRICT; DEVELOPMENT OF PUBLIC PARKING AT 37  
CORBIN AVENUE AND THE CASSEN PARK PAVING  
PROJECT; MAKING FINDINGS OF FACT; AND SETTING  
FORTH AN EFFECTIVE DATE.

**Commissioner Partington moved, seconded by Commissioner Boyle, to approve Resolution No. 2004-181, as read by title only.**

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

Mayor Costello asked what the maximum grant would be for this project. He advised this information could be provided at a later date.

Item #10(A) - Water and Sewer Rates

ORDINANCE NO. 2004-39  
AN ORDINANCE AMENDING SECTIONS 22-23, 24, AND 22-71  
OF CHAPTER 22, WATER AND SEWERS, OF THE CODE OF  
ORDINANCES, BY INCREASING THE MINIMUM WATER AND  
SEWER RATES; REPEALING ALL INCONSISTENT  
ORDINANCES OR PARTS THEREOF; AND SETTING FORTH  
AN EFFECTIVE DATE.

**Commissioner Selis moved to approve Ordinance No. 2004-39, Option #1, on first reading. The motion died for lack of a second.**

Mayor Costello stated if no motion was passed, the water rate would remain as it currently existed, and the water budget would have to be cut \$770,000.

Mr. Paul Lane, Finance Director, stated the impact would be \$700,000, since there was a \$70,000 savings realized. He reported that at the workshop, the Commission had decreased staff's recommended 7% increase to 3½% and decreased the amount transferred for overhead as an interfund transfer from the Water and Sewer Fund into the General Fund. Mr. Lane noted this would not affect the reserve level in the General Fund but would affect the level in the Water and Sewer Fund.

Mayor Costello reiterated that without an increase the Water and Sewer Department would have to cut their budget \$700,000, but the four Commission members at the workshop concurred that the water and sewer plants were running efficiently.

Mr. Ted MacLeod, Assistant City Manager, stated if the budget had to be cut \$700,000, the only realistic place to cut it would be in the payment to the Renewal and Replacement Fund, which funds the continuing upgrade and replacement of all of the equipment and painting the facilities to avoid corrosion. He noted this would merely defer the upgrades to a future year.

Commissioner Boyle pointed out that there was another possibility. He stated that if, as the year progressed and budget savings could be found, that it would be possible that less could be appropriated, if not this year, then next year, impacting the fund to a lesser degree.

Mayor Costello indicated that no action would be taken by the Commission on this issue, and he urged staff to come back with their recommended plan of action until the cuts could be found.

Commissioner Selis reported he would be comfortable with the 7% increase since Ormond Beach would still be at or near the lowest rate. He stated the Commission took the tour and saw the condition City facilities were in and saw that important maintenance items were needed. Commissioner Selis explained the reason he did not favor Option #2 was because it would further reduce the General Fund reserve level.

Mr. MacLeod cautioned the Commission that next year the Commission would be considering an even higher need for transfer to the Renewal and Replacement Fund, along with the funding of the new water treatment plant. He pointed out that every time a needed rate increase was deferred, the need would escalate similar to what had occurred in the General Fund budget. Mr. MacLeod reported one project tied into other projects affecting many projects. He noted the Capital Improvement Program included the different funds with a timetable to complete the projects in an orderly and economical fashion.

Mr. Lane noted the only other options that were open were reductions in manpower or in the operating expenses, which consisted primarily of chemicals and electricity.

Mayor Costello pointed out that it was mentioned at the workshop that there may be significant increases next year for the Renewal and Replacement Fund; and if some funds were not deferred this year, that cost would need to be added next year.

Item #10(B) – Official Zoning Map

ORDINANCE NO. 2004-44

AN ORDINANCE AMENDING CHAPTER 2, DISTRICT AND GENERAL REGULATIONS, BY AMENDING PARAGRAPH C, OFFICIAL ZONING MAP, OF SECTION 2-01, ESTABLISHMENT OF ZONING DISTRICTS AND OFFICIAL ZONING MAP, OF THE 2004 LAND DEVELOPMENT CODE BY CHANGING THE FORMAT OF THE OFFICIAL ZONING MAP FROM THE EXISTING HAND DRAWN VERSION TO AN ELECTRONICALLY GENERATED VERSION LINKED TO THE CITY'S GEOGRAPHIC INFORMATION SYSTEM (GIS); REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; PROVIDING FOR SEVERABILITY; AND SETTING FORTH AN EFFECTIVE DATE.

**Commissioner Partington moved, seconded by Commissioner Selis, to approve Ordinance No. 2004-44, on first reading.**

Mr. Clay Ervin, Planning Director, clarified that this was not for the official GIS system; it was an application of the GIS program that exists in the Planning Department.

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

Item #10(C) – Amending the Annual Budget

ORDINANCE NO. 2004-45

AN ORDINANCE AMENDING THE ANNUAL BUDGET FOR THE 2003-2004 FISCAL YEAR RELATIVE TO THE GENERAL FUND, STORMWATER FUND, ECONOMIC DEVELOPMENT FUND, FEDERAL LAW ENFORCEMENT TRUST FUND, EQUIPMENT REPLACEMENT FUND, WATER AND SEWER FUND, AND SOLID WASTE FUND; AND SETTING FORTH AN EFFECTIVE DATE.

**Commissioner Selis moved, seconded by Commissioner Boyle, to approve Ordinance No. 2004-45, on first reading.**

Mayor Costello asked if he was correct in assuming that due to the hurricanes, there was no General Fund balance reduction.

Mr. Lane explained there was no need to appropriate additional fund balance.

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

Item #10(D) – Board of Adjustment and Appeals Voting

ORDINANCE NO. 2004-46

AN ORDINANCE AMENDING PARAGRAPH C.4, VOTING, OF SECTION 1-16, BOARD OF ADJUSTMENT AND APPEALS OF THE 2004 LAND DEVELOPMENT CODE BY REQUIRING A CONCURRING VOTE OF 4 OUT OF 5 BOARD MEMBERS ON ANY VOTING MATTER; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; PROVIDING FOR SEVERABILITY; AND SETTING FORTH AN EFFECTIVE DATE.

No motion was made. Mayor Costello noted that absent a motion, the Board of Adjustment and Appeals would require a majority of three out of five board members on any vote.

Item #10(E) – Terms For and Removal of Members of the Aviation Advisory Board

ORDINANCE NO. 2004-47  
 AN ORDINANCE AMENDING CHAPTER 2, ADMINISTRATION, ARTICLE VI, BOARDS, COMMISSIONS, COMMITTEES AND OTHER AGENCIES, DIVISION 2, ENUMERATED, SECTION 2-220, AVIATION ADVISORY BOARD, OF THE *CODE OF ORDINANCES* BY AMENDING SECTION 2-220(C) CONCERNING THE TERMS FOR AND REMOVAL OF MEMBERS; AND SETTING FORTH AN EFFECTIVE DATE.

**Commissioner Selis moved, seconded by Commissioner Partington, to approve Ordinance No. 2004-47, on first reading.**

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

Item #10(F) – Scrivener’s Error – Neighborhood Improvement Advisory Board

ORDINANCE NO. 2004-48  
 AN ORDINANCE AMENDING CHAPTER 2, ADMINISTRATION, ARTICLE VI, BOARDS, COMMISSIONS, COMMITTEES AND OTHER AGENCIES, DIVISION 2, ENUMERATED, SECTION 2-218, NEIGHBORHOOD IMPROVEMENT ADVISORY BOARD, OF THE *CODE OF ORDINANCES* BY CORRECTING A SCRIVENER’S ERROR; AND SETTING FORTH AN EFFECTIVE DATE.

**Commissioner Kent moved, seconded by Commissioner Partington, to approve Ordinance No. 2004-48, on first reading.**

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

Item #10(G) – Removal of Members of the Budget Advisory Board

ORDINANCE NO. 2004-49  
 AN ORDINANCE AMENDING CHAPTER 2, ADMINISTRATION, ARTICLE VI, BOARDS, COMMISSIONS, COMMITTEES AND OTHER AGENCIES, DIVISION 2, ENUMERATED, SECTION 2-226, BUDGET ADVISORY BOARD, OF THE *CODE OF ORDINANCES* BY AMENDING SECTION 2-226(C) CONCERNING REMOVAL OF MEMBERS; AND SETTING FORTH AN EFFECTIVE DATE.

**Commissioner Partington moved, seconded by Commissioner Kent, to approve Ordinance No. 2004-49, on first reading.**

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

Item #11(A) – Conversion of Overhead Electric Service to Underground Lines

Mr. Bob Coleman, 28 Iroquois Trail, Florida Power and Light Regional Manager, stated that through the past three storms, the underground facilities performed quite well with minimal damage. He noted much of the underground was fed from overhead lines; and if the overhead lines would go out, the underground lines would be out as well. Mr. Coleman noted that an obvious advantage to underground lines, in addition to storms, were that they were more aesthetically pleasing. He explained 37% of existing customer lines were underground, and

80% of the new subdivision lines were underground. He stated the overhead lines were bare, operating at 13,000 volts phase-to-phase or 23,000 volts, and the underground cables were insulated, needing a large cable. Mr. Coleman explained the problems with overhead lines were trees and debris. He displayed photographs where a tree was trimmed; but even though it had adequate clearing for the trees, there was a great deal of damage due to the tree falling down.

Mr. Coleman noted that underground lines were subject to flooding, and while fresh water was not a problem, salt water caused saltwater intrusion, which was a conductor of electricity. He noted that should the cable fail, outages would be extensive because it would not be possible to splice the cable under water. Mr. Coleman explained that if a shovel would nick the line, it may fail five to six months later, and finding the problem may be difficult. He noted underground outages were one and one-half to twice as long because of the difficulty in finding the problem; but the underground was more aesthetically pleasing, and it was more reliable.

Mr. Coleman advised that there were no transmission line outages through all three storms. He stated the feeder lines on Clyde Morris Boulevard had a pine tree resting on the line, and when the tree was trimmed, the line was in good condition. Mr. Coleman reported that the smaller wires, neighborhood distribution lines, would drop if a tree or tree limb would hit them. He stated coming from an overhead pole to underground, the cost was \$455 per lot, \$201 per lot for new subdivisions with everything underground, and \$359 per lot for underground services in an area with existing overhead lines. Mr. Coleman explained that in new developments the developer pays the difference between the overhead and underground. He reported that a whole community was never done before leaving little empirical data, but the cost would be between \$100,000 and \$1 million per mile, depending upon the trench conditions, the number of sidewalks, landscaping, sprinklers, and other conditions. Mr. Coleman explained large boxes are needed costing \$20,000 to switch a great deal of electricity in a close environment. He noted the main feeders are kept above ground with the residential distribution lines underground.

Mr. Coleman explained that the Public Service Commission regulated FPL's rates, setting criteria where those who benefit would pay. He pointed out there were new technologies that would help reduce the cost. Mr. Coleman stated that through the "Mechanism for Government Recovery of Underground Fees," the Commission could decide if the entire City, a certain zone, or certain portion of the City would be converted. He explained FPL would add a fee to a maximum of \$30 on the electric bill; the City would bond money; FPL would turn the money over to the City; the City would decide where to underground; and the City would pay FPL to do the undergrounding. Mr. Coleman explained that the City would have to have enforcement power to force everyone to pay for the services. He noted that those who have already paid the \$201 to have their lines underground may object to paying more for the rest of the City to have their lines underground.

Mr. Coleman pointed out that the cost of the first storm and half of the second storm to FPL was \$345 million; therefore, the estimated cost of the three storms could be \$600 million. He noted two studies that were done, which took into consideration storms and hazards in 1989 and 1991, indicated it would not be cost effective to underground everything; however, in 1999 a similar study considering the increase of the property values showed it may be cost effective. Mr. Coleman reported a pilot study was being done in Tampa replacing the overhead with underground cables.

Mayor Costello recommended finding a way to partner with FPL to do something innovative that would benefit everyone. He noted the first area he would consider was Beach Street and Old Dixie Highway in the area of The Loop. Mayor Costello stated he believed the residents would be happy to pay their share to have that area underground so the trees would not need to be trimmed. He asked that if the Commission would decide to underground the cable in that area, if FPL could provide a non-binding estimate and how accurate the estimate would be. Mayor Costello stated FPL just lost \$600 million; therefore, the utility industry should come up with a 25% discount for projects in at-risk or high-risk areas where the community would bear the remainder of the cost. He questioned if Ocean Design or other similar companies could create some type of technology relative to the saltwater intrusion issue.

Mr. Coleman stated Ocean Design handled small wires, not 1,000 amps at 13,000 volts. He noted the cable, when installed in PVC pipes, would last forever, and the technology was progressing. Mr. Coleman noted trenchless or directional boring was helping technology in existing neighborhoods. He stated the City could pay a binding figure; and if the project was completed, the cost would be deleted. Mr. Coleman reported that relative to the partnering issue, FPL was regulated by the Public Service Commission, and only if the legislature would change the regulations would a partnership be permitted.

Commissioner Partington asked if a specific neighborhood would want this service, could it be provided for that neighborhood.

Mr. Coleman stated that the City could draw the boundaries and define the area.

Commissioner Partington noted that not everyone would be interested, but it would definitely improve the aesthetics of the City if it could be offered to certain homeowners' associations. He pointed out that if property values would increase, it may convince others to commit.

Mayor Costello noted that a special assessment district could be established. He asked if the Commission could impose an assessment district or the residents of the district would vote on it.

Mr. Randal Hayes, City Attorney, reported he would have to study the specifics of the proposal, but the general rule was that the City did not have a great deal of latitude to regulate in this area. He stated the provisions would have to be consistent with what the law would allow.

Mayor Costello asked if any other Commission member would support asking Mr. Hayes to determine what the City's options would be for a special assessment district.

Commissioner Partington reported he would support investigating the possibilities. He recommended the City advertise that this would be available should the homeowners' associations want to approve such a project, and information and cost estimates could be provided.

Mayor Costello questioned if a homeowners' association board were to approve the program, would each individual homeowner need to approve the program.

Commissioner Selis noted he suggested this a long time ago and was pleased it was being explained.

Commissioner Boyle cautioned that if the cost of under grounding on Beach Street were spread throughout the City, at a minimum, a public referendum would be needed.

Mayor Costello clarified that he was recommending a special assessment district for the specific residents affected to pay the cost; however, he would be willing for the City to pay something to preserve the area and concurred it may need to go to a vote.

Commissioner Boyle noted that there would not be unanimous support on Beach Street from all of the homeowners.

Commissioner Partington stated that while there would not be unanimous support, it may gain significant support considering the "Save the Loop" movement when considering the saving of the trees.

Commissioner Kent questioned why there was such a large cost range per mile from \$100,000 to \$1 million.

Mr. Coleman explained that the cost depended upon the congestion, driveways, lot size, concrete, and trenching conditions. He noted that if trenching could be done easily, the cost would be lower.

Commissioner Boyle asked if Beach Street would be a problematic area; whereby, Mr. Coleman stated the lots were fairly wide with a great deal of trees, which would make the cost somewhere in the mid-range.

Mr. Coleman stated that if the City opted to place the conduit, they would receive a credit for the work done; and if a road were opened for other reasons, a PVC could be added, further reducing the cost of adding it at a later date.

Mayor Costello reported that many years ago, as a Planning Board member, he suggested adding blank conduit whenever a road was opened for any reason. He noted the State "Save the Loop" group may be interested in partnering as well.

#### Item #11(B) – Bermuda Estates Emergency Access Easement

Mr. Ervin reported that Bermuda Estates was a project that was proposed to be developed north of the existing Wal-Mart Supercenter at I-95 and SR40. He explained that a condition in the

Development Order was that Bermuda Estates needed to secure an emergency access easement from Wal-Mart prior to obtaining their final site plan approval and issuance of a building permit. Mr. Ervin noted that the only issue remaining before a building permit may be issued or site plan approval could be obtained was to have the emergency access easement. He reported that the Bermuda Estates attorney requested the City provide a letter of support to forward to Wal-Mart. Mr. Ervin explained the staff perspective was that they would not waive the requirement for that easement or utilize eminent domain for securing the private easement. He stated staff recommended a letter be drafted indicating this was a project that the Commission encouraged and to request Wal-Mart's assistance in expediting the project.

Mayor Costello asked if the Wal-Mart Development Order mandated access to this land; whereas, Mr. Ervin replied Wal-Mart would provide the easement, but the question was the timeliness of the easement.

Commissioner Boyle pointed out that the City has had numerous amendment issues with Wal-Mart over the years and has approved most requests. He stated if a letter was sent, he recommended the letter remind Wal-Mart that Ormond Beach helped them when they needed it, and now the City needed their help.

Mr. Glenn Storch, Storch and Morris, representing Bermuda Estates, stated that a single access was granted to this parcel when Wal-Mart was developed, but it did not provide any further access; therefore, it was necessary to obtain emergency access from Wal-Mart. He noted the problem was a matter of personnel and priorities at Wal-Mart. Mr. Storch stated assurances were given that this would be forthcoming; but since that time, the contact person was transferred, and one, and then another employee became the contact person. He reported that the current contact person assured him that the emergency access easement was being drafted, and the issue would be resolved. Mr. Storch requested a letter from the City thanking them for their cooperation and requesting this be expedited as soon as possible.

**Commissioner Partington moved, seconded by Commissioner Selis, to send the letter following the suggested parameters and staff recommendations.**

**The motion was approved by general consent.**

Item #11(C) – Modification to Chelsea Place Site Plan

Mr. Ervin reported that the Chelsea Place project was being developed in Volusia County, and they have entered into an annexation agreement with the City to obtain water and sewer services.

Mayor Costello asked if any Commission member opposed the recommended modifications.

Commissioner Selis reported he was not opposed to the modifications, but asked why the alignment was off where Old Tomoka meets Granada Boulevard and the exit from Chelsea Place.

Mr. Ervin replied that on the north side of I-40, there were property ownership issues that would prevent the T-intersection.

**Commissioner Partington moved, seconded to Commissioner Kent, to approve the proposed modification.**

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

Item #11(D) – Notice of Proposed Change for the National Gardens Development of Regional Impact

**Mayor Costello reported the Commission supported the proposed change for the National Gardens DRI by general consent.**

Item #11(E) – Construction Manager Process

Mayor Costello stated the report outlined the issues very well.

Commissioner Selis stated the report answered most of his questions, although he was not convinced that this was the best way to do business; but he could not quantify or explain why he considered this to be the case. He noted it seemed that there was a possibility for abuse.

Mayor Costello suggested the possibility of having sealed bids, and using the construction manager method to open the bids.

Commissioner Partington stated that this process did not follow the normal open bid process as most other governments follow with the strict criteria and set procedures. He noted this process may allow for advantages in some situations.

Ms. Sloane reported that the City went through a public process to hire a construction manager. She noted the report outlined the benefits to the City by using this system. Ms. Sloane pointed out that all of the subcontractors were selected through open bids. She explained that this person would act as a construction manager and general contractor at a negotiated fee, which would make this a much more open process in that the City would see all of the bids the construction manager would receive for each of the elements.

Commissioner Selis pointed out that this contract has been in effect since September 23, 1999, with no further competitive bidding occurring since that time.

Ms. Sloane concurred that the City has not asked for a second construction manager. She noted this was a two-part contract: Part A was continuing services and preconstruction services, and Part B was the specific construction contract for each of the projects.

Commissioner Selis noted that where there was no competition, there was nothing to drive the prices down. He stated that this process should be more competitive where a selection of a construction manager should be made perhaps annually, semiannually, or biannually.

Ms. Sloane reiterated that the only thing negotiated was the actual construction manager fee. She noted all of the subcontracts are competitively bid out.

Commissioner Kent reported that he would support a construction manager be selected annually. He stated when an amount of money was allocated for a project, every penny would be spent, and the company would come back with change orders for more money.

Ms. Sloane reported that the City has never done an additive change order for a Hall contract with the exception of the Senior Center where partitions were added. She stated the City has realized savings for every other Hall contract.

Commissioner Kent noted that he was informed that Hall handles some projects that in-house personnel could handle, which would save the fee.

Commissioner Boyle reported that Hall Construction has done a great deal of work for the City and never finished a job below expectations; however, this company also bids for construction projects with the City.

Ms. Sloane explained that the City negotiated a construction manager fee with Hall for the project, and they also act as a general contractor.

Commissioner Boyle stated despite the explanation, he shared the Commissioners' concerns in that he sees a potential for a long-term conflict.

Mr. Hayes noted the Commission could still use the bidding process if they would decide they did not want to continue this practice.

Mayor Costello summarized that the Commission was not necessarily opposed to the process of a construction manager, but were opposed to the same construction manager without the option of another company being able to underbid these services for five years.

Commissioner Selis stated that he understood a general contractor would receive a fee for services.

Ms. Sloane noted the City could add additional construction manager, but the City would still select a construction manager during the design phase. She noted that fee would always be negotiated since a fee was specific to each project depending on the type and complexity of the project.

Mayor Costello reported that he has been very comfortable with Hall's performance.

Commissioner Selis noted that Ms. Sloane had an excellent suggestion recommending having multiple construction managers, and the work could rotate between the construction managers or be bid out on a job-by-job basis to the selected construction manager for each project. He recommended asking staff to consider the options and bring them back for a later discussion; whereby, Commissioner Boyle concurred with Commissioner Selis.

Mayor Costello stated he would give additional weight to a company that has served the City well, and another company would have to bid significantly lower and have a good record in the area before he would want to make any changes.

Commissioner Partington concurred that this was a consideration, and another consideration was to possibly hire someone in-house if this could save money.

Ms. Sloane noted that she assumed the direction from the Commission was to continue with the fire station as planned; whereby, receiving a consensus, Mayor Costello reported this was an accurate assumption.

#### Item #11(F) – Fire Station No. 91 Status

Mayor Costello asked if staff was requesting authorization for the two appraisals and to amend the original appraisal to reflect the fact that the land was rezoned to commercial.

Ms. Sloane noted the additional appraisals were authorized and were due on Friday. She stated the purpose of this was to provide a status report in response to the questions mentioned at the last City Commission meeting.

#### Item #13 - Reports, Suggestions, Requests

##### Budget

Commissioner Boyle stated that he made a budget inquiry and distributed a copy of the budget fund reserve. He noted there was \$938,000 in the airport reserve account with \$13 million worth of airport projects slated for the next five years, and the City's matching share equaled \$712,000, leaving \$226,000 not designated within the fund. Commissioner Boyle stated that these funds were a contingency fund, and he urged the Commission to place these funds back into the General Fund balance; and if the money was needed in the future, it could be added on a case-by-case basis. He noted if the Commission was not comfortable making a decision regarding this issue at this time, it could be discussed at the next meeting.

Mayor Costello stated he would be more comfortable having the opportunity to study this issue and discuss it at the next meeting. He reported he would like Paul Lane, Finance Director, and Tom Lipps, Support Services Director, to provide their opinion on this issue as well; however, at this point, the suggestion seemed like a great idea.

Commissioner Boyle concurred that this should be postponed for the next meeting to allow the Commission to study the issue and Mr. Lane and Mr. Lipps to provide reports.

Mr. MacLeod urged this be delayed to the second meeting in November, which would be on November 16<sup>th</sup>.

Commissioner Boyle noted November 16<sup>th</sup> would be satisfactory.

##### Lightning Detection System

Commissioner Boyle reported the Commission received a copy of an e-mail relative to a lightning detection system, which had already been approved; however, he urged the Commission to be provided with a copy of the Thor Guard literature so they could better explain the system to constituents. He pointed out that this must be an experimental program since it was not being placed on all of the fields.

##### Medians Contract

Commissioner Boyle requested a discussion on a future agenda relative to the medians contract from Nova Road to I-95. He noted an opportunity recently presented itself that the contract could be rebid.

Mayor Costello recommended this issue also be discussed at the November 16<sup>th</sup> or an even later City Commission meeting.

Commissioner Boyle noted that would be satisfactory in that the holiday season was quickly approaching.

#### Budget Advisory Board

Commissioner Boyle thanked Mr. Rick Lovell for his great service and leadership on the Budget Advisory Board and for providing him with information. He noted the Commission has been well informed relative to budget issues during this budget cycle due to the efforts of the Budget Advisory Board. Commissioner Boyle reiterated his thanks to Mr. Lovell as well as to the entire Budget Advisory Board.

#### Fuel Spillage

Commissioner Boyle asked the City Attorney to ask the City's newly hired insurance consultant relative to the fuel leak scenario Mr. Thompson mentioned.

#### Assisting Constituents

Commissioner Boyle stated that last month a Zone 2 constituent came to him with a problem during the business day. He questioned the protocol that should be used in this type of situation such as handling the matter himself, providing an evening phone number for Commissioner Kent, or transferring the constituent to City Hall.

Commissioner Kent stated that this may be an issue the Commission would want to discuss at a future meeting, but he would not have any problem with another Commissioner assisting Zone 2 residents, and he would be glad to assist residents from any zone within the City since it was really a Citywide effort.

#### Thanking Mr. Lovell

Commissioner Kent also thanked Mr. Lovell, who was his appointee to the Budget Advisory Board, for preparing the document on the water rate issue.

#### Audience Remarks

Commissioner Kent noted Mr. Carter rarely stayed to the end of the meeting; therefore, he stated he felt the need to reply to his comment during the audience remarks section of the agenda. He advocated responses be made because the person posing the question may not check the minutes for a reply, and they should hear from the Commission directly.

#### Budget Director Search

Commissioner Kent noted while he had no desire to micromanage, he considered spending \$15,000 to hire a consultant to find a Budget Director to be unacceptable. He noted with 100 applicants, surely someone would be appropriate to fill the position.

#### Coffee with the Commissioner

Commissioner Kent announced that everyone was invited to the first "Coffee with the Commissioner," which would be held at his home, 130 Magnolia Drive, on Monday, November 1<sup>st</sup> at 3:30 p.m., where Zone 2 issues would be discussed.

#### Water Rates

Commissioner Kent assured Mr. MacLeod that he heard his reasoning relative to the water rate issue; however, he respectfully disagreed with his view.

#### Budget Director Search

Commissioner Selis noted he shared Commissioner Kent's concern relative to the Budget Director search. He noted Mr. Lane and his staff has done an outstanding job. Commissioner Selis recommended hiring two people at \$20,000 to \$30,000 to help with the time consuming base work rather than one employee at \$60,000.

#### Voting

Commissioner Selis urged everyone to vote in the upcoming election, and he commended Reverend Cotton for voting early.

#### Resignation Announcement

Commissioner Selis reported he recently had a head ache that lead to a hospital admission, and he thanked the many people who came to visit him. He reported that due to serious health issues that must be addressed immediately, he would have to miss a number of meetings; therefore, he would be officially resigning on February 28<sup>th</sup>. Commissioner Selis stated he would be available by telephone. He stated a special election would need to be held because there was not enough time to be included in the November 2<sup>nd</sup> election.

Mayor Costello stated he had heard “through the grapevine” that Commissioner Selis would be resigning, and he stated that Commissioner Selis must do what was best for his health and his family. He expressed his sorrow for the need for Commissioner Selis to resign, but commended him for making the right decision for himself and his family. Mayor Costello thanked Commissioner Selis for his service. He noted this job could be stressful, which could exacerbate Commissioner Selis’ health problems. Mayor Costello noted he looked forward to dining with Commissioner Selis and his wife after March 1<sup>st</sup> noting that while this would be permitted under the Sunshine Law, it did not occur because of the perception it may generate. He noted that under the circumstances, he would allow each Commission member to make a quick comment, and then continue on to Commissioner Partington’s final comments.

Commissioner Boyle echoed Mayor Costello’s comments. He stated he was shocked by this announcement and informed Commissioner Selis that he was a great Commissioner. Commissioner Boyle stated he would miss the interaction between Commissioner Selis and himself.

Commissioner Kent expressed shock as well. He noted he was saddened by this announcement, but urged Commissioner Selis to take care of himself and his family, which was most important.

Commissioner Partington stated he was also shocked and thanked Commissioner Selis for his leadership and courage in making this difficult decision.

#### Tomoka Holdings Meeting

Mr. MacLeod reported a meeting was being scheduled in Tallahassee with Tomoka Holdings lobbyists within the next two to three weeks relative to the Ormond Crossings project where an overnight stay may be necessary for the City Manager.

Mayor Costello noted no objection was heard to approve an overnight stay for Mr. Turner, if necessary.

#### Storm Manhole Failure

Mr. MacLeod reported a storm manhole at the corner of Ormond Shores Drive and Pinewood Drive failed due to a sinkhole. He requested permission to use the emergency procurement code to fix the problem. Mr. MacLeod noted the cost would be in excess of \$30,000, but reimbursable by FEMA. No objection was heard.

#### Commissioner Selis Resignation

Mr. MacLeod and Mr. Hayes wished Commissioner Selis well.

#### FEMA Reimbursement for Central Park Trees

Mayor Costello asked if the City has submitted a request for FEMA Reimbursement for Central Park trees.

Mr. MacLeod reported the process was ongoing. He noted FEMA would reimburse the City for the removal of trees obstructing paths, but not all tree removal was eligible for reimbursement. Mr. MacLeod explained that the City could also apply to FEMA for mitigation for leaning trees.

#### Resigning Board Members

Mayor Costello thanked Mr. Gordon Kipp on the Environmental Advisory Board and Mr. Bill Olivari and Mr. Pete Klironomos on the Budget Advisory Board for the service they had provided to the City. He requested Mr. Hayes to determine if the person taking Commissioner Selis’ place on the Commission should appoint members to replace these board members when they come on the Commission. Mayor Costello recommended, as a courtesy to the new Commissioner to appoint people to fill these vacancies up to February 28<sup>th</sup> so the new Commissioner could decide who they would chose to appoint.

Commissioner Selis noted he had notified the City Clerk of an appointee to the Budget Advisory Board, although he did not mention it would be a limited appointment. However, he advised he would have no objection to making the term of the new board member to February 28, concurrent with his leaving office.

#### Election

Mr. Hayes noted he had to check the charter to determine if an election could be held in March.

Mayor Costello asked for an outline of the dates as soon as possible.

#### Fire Station #91 Appraisals

Mayor Costello noted Mr. Charles Lichtigman was contemplating making an offer for Fire Station #91. He stated that this offer was received at a late date, but the issue should be discussed as a collective body.

#### Dr. Larry Ritcey

Mayor Costello stated he was sorry to hear Dr. Ritcey was not doing well. He noted Dr. Ritcey would not be at the planned dates for the City Commission retreat. He reported since the Smart Growth Implementation meeting was scheduled for November 8<sup>th</sup>, he would prefer the retreat be scheduled November 9<sup>th</sup> if only one day was necessary, but he would attend if both days were necessary.

#### Polygraph

Mayor Costello reported he received an e-mail with a request for a polygraph, and he offered the Commission an opportunity to comment on that issue in the future.

#### Audience Remarks

Mayor Costello reported he was not comfortable with the manner that he was handling audience remarks. He suggested the possibility of having Commission comments at the beginning of the meeting and at the end of the meeting. Mayor Costello noted the Mirror Lake Drive alignment issue would be better served if the Commission had staff comments. He pointed out that the Commission has a published agenda, and it would not be fair to discuss items not on the agenda while principals wait to have their agenda item heard. Mayor Costello noted the Commission could easily have spent one and one-half to two hours discussing the items mentioned in the audience remarks tonight. He noted the dilemma was that it was also difficult to have questions and not be able to respond to them. Mayor Costello stated he did not want anyone to believe their questions or comments “fell on deaf ears,” but the Commission could not answer a litany of questions in this forum. He reported he wanted to hear differing opinions. Mayor Costello stated he would prefer having the questions presented before a meeting to the staff with a copy to the Commission so the Commission could be held accountable to obtain the answers.

#### Budget Director Search

Mayor Costello reported he may be the only Commission member to support the Budget Director search firm. He stated many people want to come to Florida to retire, but he wanted to find the best person for the job. Mayor Costello noted he could understand how an employer could receive 100 applicants and not the applicant that would best fit the job. He pointed out that he was not “married to” the search firm concept, but he commended Ms. Volker or Mr. Turner for deciding the applicants who applied were not the best fit for the job. Mayor Costello noted concern for those taking over the duties of the budget manager until the right applicant could be found.

#### Storm Debris

Mayor Costello stated the goal was to have all the storm debris picked up by the end of October. He noted not providing a cut off date was more of a customer service than other cities are providing by giving a date for the last pass.

Mr. MacLeod reported that Ormond Beach staff would keep working until the job was completely done. He noted there was still a great deal of debris not yet brought out to the curb because the people did not have the resources to do so.

Mayor Costello suggested taking out an advertisement that would inform people what to do. He requested a report on where the problem areas are located. Mayor Costello complimented staff, but he stated he would like responses to the incidents mentioned. He noted people would find more comfort if they had an approximate date when they could expect the debris cleanup would be completed.

#### Quarterly Reports

Mayor Costello urged that quarterly reports be distributed consistently and copies are available for the public in the library.

#### Fuel Storage at the Ormond Beach Municipal Airport

Mayor Costello reported he was frustrated regarding the discussions of the fuel storage at the Ormond Beach Municipal Airport. He stated the Commission had already had a legal opinion and the Fire Chief’s opinion on this issue. Mayor Costello noted he wanted to assure that the City was safe, in compliance, and had done its due diligence. He stated that he was comfortable that the City had done its due diligence; but since it has been brought up again, he

asked staff to again search the codes as well as find an answer relative to the insurance questions Mr. Thompson asked.

Mr. Hayes stated he could provide an answer now or in memo form; whereby, Commissioner Boyle requested a memo.

Mayor Costello urged Mr. Hayes to provide his reply in a memo format.

#### Legislative List Addition for FPL Incentive

Mayor Costello asked if anyone else supported the 25% incentive partnership to underground FPL power lines be added to the lobbyist list to take to the legislature. He noted the majority offered support; therefore, he asked for an item on an agenda to discuss if the Commission wished to add the FPL partnership to the lobbyist list.

#### Budget Savings

Mayor Costello thanked Commissioner Boyle for his recommendation for a possible saving of \$226,000.

#### Coffee with the Commissioner

Mayor Costello stated he would like to join Commissioner Kent with his “Coffee with the Commissioner,” but due to the Sunshine Law, he would not be able to do so. He noted when he first became Mayor he made a suggestion to advertise a quarterly meeting in each zone so the Commissioners could discuss issues. He commended Commissioner Kent for the idea.

#### Water Rates

Mayor Costello stated that what occurred tonight relative to the water rate would exacerbate the problems next year. He urged staff not to wait on this issue. Mayor Costello noted the Commission needed the information on the defense of the overhead transfer and renewal and replacement needs with a great deal of lead time.

#### Audience Remarks

Mayor Costello expressed concern that the tone and flow of the audience remarks section of the agenda needed to be improved. He noted while he did not want to stop a speaker and wanted the participants to have a voice, he did not want them to determine the flow, direction, and time of the meeting. Mayor Costello pointed out the Commission has this time set aside to accomplish the business of the City, and the audience remarks were primarily to bring issues for the Commission to consider at a later date. He noted most of what was mentioned tonight should have been presented in written form to staff with copies to the City Commission. Mayor Costello expressed concern when the public would only hear the accusations made and not the response to the accusations.

Commissioner Boyle noted he considered the audience remarks section the most important part of the meeting because it validates the fact that these are public meetings for the public. He stated he had no concern as to how Mayor Costello was running the meetings. Commissioner Boyle noted Mayor Costello holds the speakers to five minutes and encourages three minutes. He suggested that rather than asking people wishing to speak to raise their hand, that Mayor Costello ask them to come forward and fill in the front seats, and in that way he could learn the number of speakers who wished to be heard. Commissioner Boyle stated that this would save time. He noted that when a member of the public asked a specific question on the record, it would be inappropriate to thank them and ask them to leave the podium. Commissioner Boyle reported that when Dave Hood was mayor, as soon as the citizen asked the question Mayor Hood asked the staff member to stand and answer the question if it could be done concisely; and if it could not be answered concisely, they would meet with the person to discuss the issue at the rear of the chamber and the Commission would move on, or the answer would be given at the next meeting or on a future agenda if this issue was more complex and a staff report was needed. He noted all of this action was accomplished within 60 to 90 seconds after the question was asked.

#### Budget Director Search

Commissioner Boyle pointed out that Mr. Turner hired the Planning Director, which took ten months, and the Economic Development Director, which took eight months, and both were the best in the business. He noted it has taken approximately seven months to search for a budget director, and he could be patient; however, he opposed hiring a consultant, especially this particular consultant. Commissioner Boyle reported this was an issue that should be discussed with Mr. Turner upon his return; it should not be discussed at this meeting.

Audience Remarks

Commissioner Partington stated his opinion was that the audience comments portion of the meeting was going well.

Mayor Costello noted his concern was that if each question was to be answered properly, it would take a great deal of time. He stated he would try to have the people who could answer the question placed together with the questioner; however, his concern was that the people in the audience would be left wondering.

Commissioner Partington noted Mayor Costello has also recommended placing the answers in the Friday letter; and since the Friday letters were now on-line, the citizens could access this information via computer as well.

Item #14 – Close the Meeting

The meeting was adjourned at 9:52 p.m.

APPROVED: November 3, 2004

BY: Fred Costello, Mayor

ATTEST:

Veronica Patterson, City Clerk