

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

February 6, 2007 7:00 p.m.

Present were: Mayor Fred Costello, Lori Gillooly, Troy Kent, Ed Kelley, and Bill Partington, City Manager Isaac Turner, Assistant City Manager Ted MacLeod, City Attorney Randal Hayes, and City Clerk Veronica Patterson.

A G E N D A

- 1) Meeting call to order by Mayor Costello.
- 2) Invocation by Reverend Charles Melvin, Ormond Beach Union Church.
- 3) Pledge of Allegiance.
- 4) **AUDIENCE REMARKS:**
- 5) **APPROVAL OF THE MINUTES** of the January 16, 2007, meeting.
- 6) **PRESENTATION:** Volusia League of Cities awards:
 - Golden Eagle for Cities Coming Together
 - Silver Star Award for Employee of the Year – Clay Ervin
- 7) **INTERGOVERNMENTAL REPORTS:**
 - A) Metropolitan Planning Organization
 - B) Volusia Council of Governments
 - C) 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. 2007-05 authorizing the execution of a Contract for Services between the City and Halifax Humane Society, Inc.
 - B) Resolution No. 2007-06 approving an amendment to the property insurance agreement between the City and Brown & Brown Insurance for the limited purpose of acknowledging the correct identify of the entity providing insurance services under the agreement; acknowledging a name change from Brown & Brown Insurance Services, Inc., to Brown & Brown of Florida, Inc.; authorizing the execution of an amendment to the property insurance agreement consistent therewith.
 - C) Resolution No. 2007-07 approving an amendment to the Continuing Engineering Services Agreement between the City and Hawkins & Hall Architects, Inc.; for the limited purpose of acknowledging the correct identity of the entity providing architectural and related services under the agreement; acknowledging a name change from Hawkins & Hall Architects, Inc., to Hawkins, Hall & Ogle, Architects, Inc.; acknowledging their new corporate office address; authorizing the execution of an amendment to the Continuing Engineering Services Agreement consistent therewith.
 - D) Resolution No. 2007-08 authorizing the submittal of a request to the County of Volusia for amendments to the Community Development Block Grant Subrecipient Agreements for Fiscal Years 2003-2004, 2005-2006 and 2006-2007 between the City of Ormond Beach and the County of Volusia; authorizing the execution of amendments.
 - E) Resolution No. 2007-09 of the City Commission, also acting as the Community Redevelopment Agency of the City, authorizing the execution of a Property Improvement Grant Agreement between the City of Ormond Beach Community Redevelopment Agency and Frank R. Johnson. (170 E. Granada Boulevard - \$50,000)
 - F) Resolution No. 2007-10 accepting a bid from Hazen Construction, LLC, for construction services regarding the Ormond Beach Airport Business Park Tower Circle Extension Construction Project, under Bid No. 2007-01; authorizing the execution of a contract and payment therefor; rejecting all other bids. (\$683,421)

- G) Resolution No. 2007-11 authorizing the execution of a release and satisfaction of a Special Master administrative fine/lien for code violations on property located at 99 Central Avenue. (\$150)
- H) Resolution No. 2007-12 authorizing the execution of a release and satisfaction of a Special Master administrative fine/lien for code violations on property located at 6 Queen Ann Court. (\$250)
- I) Review of FY 2005-06 budget status.

DISPOSITION: Approve as recommended in City Manager memorandum dated February 1, 2007.

9) **PUBLIC HEARINGS:**

- A) Ordinance No. 2007-03 authorizing the execution and issuance of a First Amended Development Order for “1425 Hand Avenue Centre” Planned Business Development by authorizing a waiver of the fence requirement along 440 linear feet of the rear (north) property line; by allowing the natural vegetation buffer that exists; providing for restoration of the fence line if the natural vegetation buffer is ever decimated for any reason; ratifying and affirming the development order approved by Ordinance No. 2005-63; establishing conditions and expiration of approval. (First Reading)
- B) Ordinance No. 2007-04 amending Subsection A, Zoning Map and Zoning District, of Article I, Establishment of Zoning Districts and Official Zoning Map, of the *Land Development Code*, by amending the Official Zoning Map to rezone a 12.48-acre parcel of real property from B-8 (Commercial) to PBD (Planned Business Development), said real property being located on the west side of US1 and north of Nova Road (SR5A); establishing boundaries; authorizing revision of Official Zoning Map; approving a Development Order for “Root Commerce Park,” Planned Business Development; repealing all inconsistent ordinances or parts thereof. (First Reading)
- C) Ormond Crossings Comp Plan (to be continued to April 17, 2007, meeting).

10) **DISCUSSION ITEMS:**

- A) Affordable housing task force.
- B) Capital Improvement Program project status.
- C) City Manager evaluation.

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

12) **CLOSE THE MEETING.**

Item #1 - Call to Order

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

Item #2 - Invocation

Mayor Costello asked for a moment of silence for those who lost their lives in the recent storms.

Reverend Charles Melvin, Ormond Beach Union Church, gave the invocation.

Item #3 - Pledge of Allegiance

Mayor Costello led in the Pledge of Allegiance.

Item #4 - Audience Remarks

Ormond's Beach

Ms. Lucille Bornmann, 6 Windsor Drive, stated the beach had been protected for years, but compromises were made giving in to the developers. She urged stringent regulations be made

and followed without compromise. Ms. Bornmann stated the beach should be opened up to automobile traffic with frequent grading of the entire beach.

Charter Amendments

Mr. Glenn Jaspers, 160 Ocean Terrace, stated Mayor Costello recommended a forum of citizens to provide voters choices in the next election cycle to make the new Charter amendment clear to everyone. He urged this project be started now. Mr. Jaspers suggested placing the question of acquiring a beachfront park to the voters.

Mayor Costello reported the City Commission would be discussing the possibility of a referendum on the issues of the park and parking, and appraisals were currently being done on certain pieces of property.

Ormond's Beach

Ms. Linda Kane, 28 Ivanhoe Drive, reported residents and visitors have become fond of Ormond Beach's most precious resource, the beach. She stated visitors come because of the access on A1A and do not want to deal with crossovers, tunnels, traffic, or parking garages. Ms. Kane urged the City to work with the County to find beachfront property.

Mr. Jeff Boyle, 614 North Halifax Drive, stated the County government with \$125,000 in grant money will construct a \$600,000 parking facility on the north peninsula, which is another project going forward with no money having been spent in Ormond Beach for land acquisition or capital construction. He noted the cry for beachfront parking was loud and clear for over ten years, and it was a 2006 Commission goal. Mr. Boyle stated when and if the Commission has a discussion on off-beach parking, CAN DO would like the Commission to be aware that only a beachfront facility on the east side of A1A should be considered. He asked the Commission to work on putting funding in place now so when an opportunity presents itself capital would be available to match City funds with County dollars and grants from ECHO, the Race and Recreation Commission, and State and Federal granting agencies. Mr. Boyle advised a member of CAN DO has come forward with a new idea to gain a beachfront park and it will be presented at the February 22 CAN DO meeting, and if endorsed, it would be brought to the Commission at a subsequent meeting.

Mayor Costello stated he looked forward to hearing this idea and working together. He noted County Councilman Carl Persis, the County Manager, Mr. Turner, and he have discussed property on the ocean, and it was possible a referendum would come up within 90 days delineating particular pieces of property so the residents could decide what they wanted to do on this issue. He noted this would be discussed at the goal-setting meeting on February 19.

Noise

Mr. Chris Scali, 6 Navaho Trail, expressed appreciation for placing his issue regarding the noise generated by the model airplane club near The Trails on the City's February 20 meeting and noted he looked forward to the discussion.

Item #5 - Approval of Minutes

Mayor Costello advised the minutes of the January 16, 2006, meeting have been sent to the Commissioners for review and asked if there were any corrections, additions, or omissions.

Hearing none, Mayor Costello stated that the minutes were approved as submitted.

Item #6(A) Volusia League of Cities Golden Eagle Award for Cities Coming Together

Mayor Costello reported the City of Ormond Beach was presented the Volusia League of Cities Golden Eagle award for working cooperatively with the City of Daytona Beach to resolve a longstanding joint utility service disagreement. He stated receiving this award was largely due Mr. Turner and the entire staff's efforts. Mayor Costello presented the award to Mr. Turner.

Mr. Isaac Turner, City Manager, thanked Ms. Sloane, Mr. Ervin, Mr. Hayes, Mr. MacLeod, and all of the members of the management team. He noted this was a very divisive issue in the two communities, and he thanked the Commission for providing the opportunity to present alternative solutions.

Item #6(B) Volusia League of Cities Silver Star Award for Employee of the Year – Clay Ervin

Mayor Costello reported Mr. Clay Ervin, Planning Director, was presented the Silver Star Employee of the Year Distinguished Service Award from the Volusia League of Cities. He described Mr. Ervin as articulate, knowledgeable, conscientious, ethical, respected, caring,

considerate, a great family man, and a great representative of Ormond Beach. Mayor Costello stated when Mr. Ervin was the Technical Committee Chairman on the Metropolitan Planning Organization, it was obvious that Mr. Ervin was knowledgeable on concurrency issues and proportionate share issues and greatly respected not only in Ormond Beach, but in all of Volusia County.

New Recreation Manager

Mr. David Abee, Leisure Services Director, introduced Mr. Robert Carolin, the City’s new Recreation Manager, who had over 17 years of experience.

Mayor Costello welcomed Mr. Carolin to the team. He stated the Commission expected high standards from staff in that they are ambassadors representing the Commission and City itself. Mayor Costello reported staff routinely exceeds those expectations.

Item #7(A) - Metropolitan Planning Organization

Mayor Costello reported he forwarded a summary on the Metropolitan Planning Organization (MPO) to the Commission. He stated the Level of Service Coordinating Committee was working hard on level of service issues.

Item #7(B) - Volusia Council of Governments

Mayor Costello reported he forwarded a summary report on the Volusia Council of Governments (VCOG) to the Commission. He noted the most important issue discussed was the Smart Growth initiatives that would be presented at the Growth Summit in April.

Item #7(C) - Water Authority of Volusia

Commissioner Kelley stated there was nothing new to report on the Water Authority of Volusia (WAV).

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 Gillooly requested Item No. 8(E) be removed for discussion.

Commissioner Kent moved, seconded by Commissioner Kelley, for approval of the Consent Agenda, minus Item No. 8(E).

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

Item #8(E) - Property Improvement Grant Agreement with Frank R. Johnson

RESOLUTION NO. 2007-09
A RESOLUTION OF THE CITY COMMISSION, ALSO ACTING AS THE COMMUNITY REDEVELOPMENT AGENCY OF THE CITY, AUTHORIZING THE EXECUTION OF A PROPERTY IMPROVEMENT GRANT AGREEMENT BETWEEN THE CITY OF ORMOND BEACH COMMUNITY REDEVELOPMENT AGENCY AND FRANK R. JOHNSON; AND SETTING FORTH AN EFFECTIVE DATE.

Commissioner Kelley moved, seconded by Commissioner Kent, to approve Resolution No. 2007-09, as read by title only.

Commissioner Gillooly asked that Ormond Main Street become more involved in the property improvement grant process. She recommended the application packet include some type of endorsement or comment from the Main Street Board.

Mayor Costello asked if Commissioner Gillooly would like to have this on a future agenda to discuss a recommendation from the Ormond Main Street Board being included for any

expenditure of these funds; whereby, Commissioner Gillooly advised that she would. Mayor Costello asked Commissioner Gillooly to bring this up in the Commission comments portion of the agenda.

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

Item #9(A) - First Amended Development Order for "1425 Hand Avenue Centre"

ORDINANCE NO. 2007-03

AN ORDINANCE AUTHORIZING THE EXECUTION AND ISSUANCE OF A FIRST AMENDED DEVELOPMENT ORDER FOR "1425 HAND AVENUE CENTRE" PLANNED BUSINESS DEVELOPMENT BY AUTHORIZING A WAIVER OF THE FENCE REQUIREMENT ALONG 440 LINEAR FEET OF THE REAR (NORTH) PROPERTY LINE; BY ALLOWING THE NATURAL VEGETATION BUFFER THAT EXISTS; PROVIDING FOR RESTORATION OF THE FENCE LINE IF THE NATURAL VEGETATION BUFFER IS EVER DECIMATED FOR ANY REASON; RATIFYING AND AFFIRMING THE DEVELOPMENT ORDER APPROVED BY ORDINANCE NO. 2005-63; ESTABLISHING CONDITIONS AND EXPIRATION OF APPROVAL; AND SETTING FORTH AN EFFECTIVE DATE.

Mr. Clay Ervin, Planning Director, reported this was a request by Paul Holub to amend a Planned Business Development for the project at 1425 Hand Avenue. He stated Mr. Holub advised him today that he would not be able to attend this meeting. Mr. Ervin noted Mr. Holub indicated if there were any concerns from the public where the Commission would want to continue this item so he could respond, he would be amenable to that recommendation.

Ms. Connie Colby, 101 Misty Falls Drive, stated there was previously a waiver for this project on the fencing. She pointed out the Falls backs up to this property. Ms. Colby advised she would not oppose the waiver for a fence on the west end, but on the east end there were places that were open with clear visibility to the properties in the Falls. She requested shrubbery be required for a visual and sound buffer to replace the fence on the east.

Mayor Costello requested Ms. Colby meet with Mr. Paul Holub to try to come to an agreement before the next meeting and come back to the next meeting regardless of the vote this evening since a second reading was required for this ordinance.

Mr. Ervin pointed out the location on a map where Ms. Colby was requesting shrubbery be placed.

Mayor Costello stated the alternatives available to the Commission were to continue this to the next meeting; pass the ordinance with the expectation to pass it as it stands; amend the ordinance tonight; or pass the ordinance on first reading with the expectation to amend it at the next meeting.

Commissioner Kelley moved, seconded by Commissioner Gillooly, to approve Ordinance No. 2007-03, on first reading, as read by title only.

Mayor Costello clarified that if this Ordinance passed tonight, it could still be amended at the second reading. He noted if Mr. Holub would not agree to provide the requested shrubbery, he would probably not look favorably on the project in that this was a reasonable request; however, Ms. Colby and Mr. Holub should have the opportunity to work out the problem.

Commissioner Kelley stated due to the heavy vegetation that existed when the project was initially approved, a discussion ensued that to install a six-foot fence the existing vegetation would have to be destroyed. He recommended approving the ordinance tonight and discussing the issue further at the next meeting. Commissioner Kelley noted without the applicant being present, it would be unfair to amend the ordinance at this point when it could be amended at the next reading.

Commissioner Gillooly stated there were criminal activities and code enforcement concerns expressed during the Planning Board review that she did not see addressed in the staff report.

Mr. Ervin stated a recommendation was made that if there was any code enforcement or police activity that occurred in a period of one year, a fence would be required immediately. He noted a possible recommendation from staff could be to continue this item to meet with the property owner, Ms. Colby, and then come back to the Commission with a recommendation.

Mayor Costello stated the second reading would accomplish the same goal. He noted at the second reading the Commission would want to hear about the additional landscaping and the provision where if there were any code enforcement or police action, the fence would have to be added.

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

Hearing no objection, Mayor Costello closed the public hearing on Item #9(A).

Item #9(B) – “Root Commerce Park”

ORDINANCE NO. 2007-04
 AN ORDINANCE AMENDING SUBSECTION A, ZONING MAP, SECTION 2-03, OFFICIAL ZONING MAP AND ZONING DISTRICT, OF ARTICLE I, ESTABLISHMENT OF ZONING DISTRICTS AND OFFICIAL ZONING MAP, OF THE *LAND DEVELOPMENT CODE*, BY AMENDING THE OFFICIAL ZONING MAP TO REZONE A 12.48-ACRE PARCEL OF REAL PROPERTY FROM B-8 (COMMERCIAL) TO PBD (PLANNED BUSINESS DEVELOPMENT), SAID REAL PROPERTY BEING LOCATED ON THE WEST SIDE OF US1 AND NORTH OF NOVA ROAD AND EAST OF FLORIDA EAST COAST RAILROAD; ESTABLISHING BOUNDARIES; AUTHORIZING REVISION OF OFFICIAL ZONING MAP; APPROVING A DEVELOPMENT ORDER FOR “ROOT COMMERCE PARK,” PLANNED BUSINESS DEVELOPMENT; ESTABLISHING CONDITIONS; AUTHORIZING THE REMOVAL OF ONE HISTORIC TREE; AUTHORIZING A WAIVER FOR THE REQUIRED PLANTINGS AGAINST THE FENCE ALONG THE REAR OF THE PROPERTY; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; AND SETTING FORTH AN EFFECTIVE DATE.

Commissioner Partington moved, seconded by Commissioner Kelley, to approve Ordinance No. 2007-04, on first reading, as read by title only.

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

Hearing no objection, Mayor Costello closed the public hearing on Item #9(B).

Item #9(C) – Ormond Crossings Comp Plan

Mayor Costello advised staff recommended the Ormond Crossings Comp Plan item be continued to the April 17, 2007, meeting.

Commissioner Kent moved, seconded by Commissioner Kelley, to continue the Ormond Crossings Comp Plan item to the April 17, 2007, meeting.

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

Item #10(A) - Affordable Housing Task Force

Mr. Ervin stated the cover memo summarized the critical issues identified by the Commission regarding developing an attainable/affordable housing task force. He noted staff had five questions: 1) are the duties and powers identified, and if not, please identify them; 2) are there duties that need to be added, deleted, or modified; 3) what number of members are recommended; 4) are there concerns with the recommended membership; and 5) does the Commission want this to be permanent or temporary. He requested any names of members to be appointed to the board be articulated so a resolution could be in place at the next meeting that would create the board with the board members listed so the board could start meeting as quickly as possible.

Commissioner Gillooly stated she agreed with all of the memberships recommended in the report. She questioned if a “developer of affordable housing” was referring to a non profit group or an individual builder, because she believed both needed to be represented. Commissioner Gillooly recommended at least one representative of a funding source which could also be a for profit and non profit organization such as the Housing Financing Authority of Volusia County and a local banker. She also suggested an architect be involved. Commissioner Gillooly recommended adding to the purpose and duties a number five, which would be to identify a specific project to consider.

Commissioner Kelley noted this would bring the number of members to 12 members rather than the original seven members that were suggested.

Mayor Costello pointed out some members would have dual rolls. He noted he perceived this as a task force rather than a standing committee. Mayor Costello stated some of these people could be brought in without being actual members of the task force.

Commissioner Kelley noted the more members on the task force the more difficult it would be for them all to attend and commit.

Mayor Costello stated setting the membership aside for now, he questioned what other items should be discussed tonight. He recommended offering specific names.

Mayor Costello recommended Mr. Ty Wilson and Mr. Dwight Selby. He noted if the Commission could agree on certain names and if certain categories were missing, the entire Commission could seek someone to fill those categories.

Commissioner Gillooly recommended Mr. Bill Chapin to fill the architect category. She reported that Mr. Chapin has worked with Halifax Habitat for Humanity and lives in Zone 1. Commissioner Gillooly stated Mr. Wilson understood the development process and was chairman of the Housing Financing Authority of Volusia County, and Mr. Selby was in the real estate forum and served as president of Mid Florida Housing. Commissioner Gillooly stated she had other names, but would rather speak to them before mentioning them here tonight.

Commissioner Kent noted he was excited about this issue but was not prepared tonight to make appointments. He reported he also had a prospective member in mind, but would like to ask that person to serve before mentioning the name.

Mayor Costello stated his goal was to determine names that the Commission could agree on, and other names could be added at the next meeting. He cautioned there would be some people who will commend the Commission for these actions and others who would strenuously object to issues such as density bonus, lot size, and density; therefore, if the Commission was serious about creating attainable workforce housing, they must be prepared to accept that these issues will create problems for some. Mayor Costello reported if the Commission was not serious about what it would take to accomplish attainable housing, then the Commission should not instruct staff to take all of the necessary time to work on this for the Commission to consider this issue seriously. He urged everyone to vote on howshallwegrowmyregion.org as to how they wanted Ormond Beach to look in 50 years. Mayor Costello reported he had been committed to jobs and housing since 1999. He noted those serving in public service and private sector jobs should not be living somewhere else and driving into Ormond Beach. Mayor Costello noted it was possible increased density in the core area could reduce traffic rather than increase traffic.

Commissioner Gillooly expressed agreement with Mayor Costello; however, she noted the times were changing. She noted five years ago affordable housing was for the very low income person, but it now affects service personnel, police officers, nurses, and teachers, and people were beginning to take notice. Commissioner Gillooly stated this was not only about new

housing, but keeping housing. She reported it was incumbent on the Commission to educate people at City Commission meetings, workshops, and in one-on-one conversations. Commissioner Gillooly explained the Halifax Habitat for Humanity worked with people from 35% to 60% of median income or from \$17,000 to \$30,000. She noted other organizations work with families from 60% to 120% of median income which was over \$60,000 because those individuals were having a difficult time becoming first time home buyers. Commissioner Gillooly reported there were many opportunities for funding programs, and she believed the Commission must be courageous about this issue.

Mayor Costello recommended the Commission submit names to Mr. Turner and he would provide those names to the Commission, but he would not indicate which Commission member submitted which name. He suggested the members on this task force serve for the rest of this Commission’s term, and the next Commission could appoint members. Mayor Costello advised he would imagine the task force would continue for approximately three years.

Mr. Ervin summarized the Commission’s answers to his questions, as follows: the duties identified were acceptable to the Commission with the addition of adding a recommendation of a specific project to be completed in Ormond Beach; and the task force would have approximately 11 members. He questioned if staff should contact the Ormond Beach Chamber of Commerce and the Homebuilder’s Association for a recommendation of a specific member to be appointed to the Board.

Mayor Costello replied that was an excellent suggestion. He stated people were interested in doing something for affordable housing, but they do not know how to start and need guidelines.

Item #10(B) – Capital Improvement Program Project Status

Mr. John Noble, City Engineer, stated the Engineering Division has been providing the Commission an update of its capital projects under construction on a monthly basis in the Friday letter. He reported there was a request to provide information on all of the capital projects, not only those under construction. Mr. Noble explained staff came up with a new format for the report, but it was too voluminous to be included in the Friday letter. He advised staff decided, with the Commission’s permission, to place this information on the City’s website at a location entitled, “Capital Improvements,” with two links. He noted the first link would be the summary report, which was an abbreviated report of all of the capital program projects providing specific information for each project including what phase the project was in, estimated completion date, an updated completion date if the project was delayed for some reason, budget information, expenditures, unexpended money, and at the end of the project whether the project was over or under budget. Mr. Noble stated the second link would go to a detailed report including a map with hyperlinks to direct the viewer to a link detailing the project that described the project, including justification for the project, explaining delays, and a great deal more detailed information.

Mayor Costello described the concept as outstanding, and recommended color coding the roads, sewers, sidewalk, and building if possible.

Mr. Noble indicated staff could examine that possibility.

Commissioner Partington moved, seconded by Commissioner Kent, to approve the concept and placing the information on the City’s website, as described.

Commissioner Gillooly stated this would provide real hands-on information for the citizens to see where their tax dollars were being spent.

Mr. Turner thanked staff for their hard work on this project while other pressing projects took priority.

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

Item #10(C) - City Manager Evaluation

Mr. Turner thanked the Commission for the evaluation and their comments. He stated the only item not on the list that would probably be discussed in the goal-setting meeting was some sort of medium term assessment of the organizational structure.

Mayor Costello expressed a hope that the new organization structure would not involve new employees.

Mr. Turner stated generally no new employees were assumed; and if there were new employees, another position would be eliminated or changed. He reported the only time the City would have to take a substantial consideration for new employees would be when Ormond Crossings activities would start; however, he did not foresee that to occur for a while.

Commissioner Partington advised he could accept an increase of 4% with an additional 4.2% contribution for the retirement. He noted the historical increase Mr. Turner had received has not kept up with inflation. Commissioner Partington reported this would be a showing of good faith and support from the Commission to do the best it can in difficult economic times.

Commissioner Gillooly stated she and other Commission members have discussed having a more businesslike approach to how government and the management of the City should be handled. She advised Mr. Turner's performance meets expectations or slightly above, and there were issues that occurred this year, such as the water issue. Commissioner Gillooly reported she believed Mr. Turner reacted and responded to the situation correctly; but if the City were serious about becoming more businesslike, the Commission must consider equitable pay, salary, and benefits. She advised recently staff received a breakdown of their salary with the cost of all of the benefits, which was very telling. Commissioner Gillooly stated she believed Mr. Turner worked very hard and was extremely professional, but to expect an automatic increase at this level of executive management was not appropriate. She noted the salary was fair, and the benefits were extremely generous; therefore, she would not favor approving any salary increase.

Commissioner Kent reported he spoke to Mr. Turner about his evaluation. He noted Mr. Turner has one of the most difficult jobs with five bosses, and it shows good faith that the Commission wanted him here, without having to provide him with an increase. He reported he wanted Mr. Turner to stay with Ormond Beach. Commissioner Kent explained this was a difficult decision for him to make, but he concurred with Commissioner Gillooly that Mr. Turner's package was more than adequate at this point; and if the situation would improve and the financial situation improved next year, he may consider an increase. He stated four other managers in other cities were receiving a 0% increase as well.

Commissioner Kelley reported Ormond Beach must consider what it can afford to pay for the best people it can hire. He stated the Governor made \$3,000 a year less, although he does receive other benefits, and was 964th in line of State employees. Commissioner Kelley advised Mr. Turner had a very difficult job, but there was a need for some improvement in certain areas. He recommended holding the salary at this time.

Mayor Costello stated all other cities have higher than the 4% recommended by Commissioner Partington. He noted the retirement benefit increases are also greater than that recommendation by Commissioner Partington, and he considered Mr. Turner significantly low on the deferred compensation. Mayor Costello advised he would be more inclined to increase Mr. Turner's deferred compensation and let the salary lag behind. He pointed out that dollars count toward the feeling of self-worth on a job. Mayor Costello reported he could support Commissioner Partington's recommendation. He pointed out that, in the past, the Commission had not been overly generous. Mayor Costello explained his evaluation was probably unfair because his expectations were so high that Mr. Turner had cause to believe he could never exceed those expectations. He noted staff came in \$600,000 under budget, and revenues were \$900,000 over budget. Mayor Costello indicated there was the problem with the water; however, Mr. Turner responded well to this and other problem issues. He stated Mr. Turner has earned the Commission's respect and trust, and the Commission should let him know financially as well as verbally that they appreciate his efforts.

Commissioner Kelley reported he did not believe Mr. Turner was lagging behind. He stated he was the most ethical manager, and he does a great job, but the comps must be considered. Commissioner Kelley noted he believed Mr. Turner was being paid what the City can afford to pay him.

Commissioner Gillooly stated many citizens are hurting. She stated the charts do provide some information, but they do not show the entire picture. Commissioner Gillooly pointed out Mr. Turner has a layer of support that must be considered. She clarified her stance on this issue does not reflect on her feeling for Mr. Turner as being Ormond Beach's City Manager. Commissioner Gillooly stated she wanted to continue to work with Mr. Turner, and his reactions

show he has a desire to be proactive, which may come; but there had been too much reaction in the past.

Commissioner Kent reported he had the utmost respect for Mr. Turner, but he noted Mr. Turner has had nearly a \$30,000 increase in the five years of his tenure with the City. He explained the survey results were skewed because he did not understand how the Volusia County manager's position correlated with Mr. Turner's position in terms of the size of the jurisdiction and the number of employees. Commissioner Kent asked that Volusia County and Palm Coast not be included in future surveys because they skew the information, which would have made the average lower making Mr. Turner's salary even better.

Mr. Turner stated he appreciated the Commission's comments, and he hoped his responses show they were taken seriously. He reported he did not want the enormous amount of accomplishments staff was able to achieve, such as Ormond Crossings, to become lost in this discussion. Mr. Turner reported no one would join the City in the lawsuit against the Department of Community Affairs (DCA,) but because of staff's efforts, the project was kept on target. He noted staff has had a great number of goals this year, and they made a valiant effort to keep them on track. Mr. Turner reiterated there was no excuse for the water plant problem. He stated he agreed with the businesslike approach concept, but noted there was no profit sharing in government as there was in business when business was good. Mr. Turner pointed out that in the last three years his salary did not keep pace with inflation. He stated in an organization spending \$100 million with 400 employees serving 40,000 customers, there would be some problems. Mr. Turner stated the increases had no correlation to performance, which would not occur in the government sector unless the Commission would establish such a policy. He reported if the Commission would prefer to change that, he could arrange a meeting with Dr. Ritcey and Ms. Volker to discuss it. Mr. Turner urged a separate session to discuss what he needed to do to exceed expectations and if there was any way in the future that he could expect a certain salary increase. He stated he loved Ormond Beach and his job, but he had financial obligations, and he needed to know the Commission's expectations and possible compensation that he could expect. Mr. Turner advised there were gaps in his contract. He pointed out that he had been asking for consideration relative to deferred compensation for four to five years. Mr. Turner reported he appreciated the confidence the Commission expressed they had in him as a manager. He stated while compared to many salaries, his salary may seem large, but it was market for running a \$100 million corporation.

Mr. Turner urged the Commission to support the directors receiving the same increase as the other employees because "you will get what you pay for." He noted the Commission had high expectations of staff, and Ormond Beach had a very good staff. Mr. Turner urged the City to continue with the compromised merit system with half being CIP and half merit.

Mr. Turner agreed to take Volusia County and some of the larger cities out of the salary survey, but he pointed out the smaller cities should also be taken out. He stated these were the same cities compared with the other employees, with highs and lows that balance out.

Item #11 - Reports, Suggestions, Requests

Mr. Turner's Salary Decision

Commissioner Partington stated tonight's decision regarding Mr. Turner's salary sets a good tone for the upcoming union contract negotiations. He reported if the Commission was not giving the top of the organization a raise, the same line should be held with the remainder of the organization.

Birthplace of Speed Events

Commissioner Gillooly acknowledged the Birthplace of Speed events that occurred at the end of January. She commended the Leisure Services Department, particularly Siobhan Daly, for their efforts in these great events, as well as Dan Smith and the Racing Heritage Association volunteers.

New Logo

Regarding a discussion item for a new City logo, Commissioner Gillooly clarified that she was seeking a specific discussion to determine if there was an interest in identifying a specific logo to identify the City as the Birthplace of Speed, but not to change the City seal.

Recommendation from Ormond Main Street

Commissioner Gillooly asked for a discussion item regarding a recommendation from the Ormond Main Street Board to be included for any property improvement grant agreements. She noted she would prefer to have a portion of the application available for Ormond Main Street to provide comments or endorsements of the proposal.

Notification

Commissioner Gillooly requested a discussion item regarding public notification. She stated the City was required to notify the property owners, but the residents are not always being notified. Commissioner Gillooly noted it was not the responsibility of the City to identify every tenant on a property, but she requested a discussion item to discuss making it incumbent upon the property owner to notify their tenants. She reported this may not be legally possible, but she requested this be researched and discussed.

Coffee with the Commissioner

Commissioner Kent stated there was a nice turnout at his last “Coffee with the Commissioner.” He advised Mr. Turner attended which the residents appreciated. He reported he was excited that Mr. Turner decided to hold a monthly meeting for the residents. Commissioner Kent pointed out not many people may attend at the beginning, but this would allow the people to speak and help the Commission meetings to run more smoothly.

Fuel Farm

Commissioner Kent stated he sent an e-mail to Mr. Turner, and Mr. Turner forwarded it to Chief Baker where he questioned a citation a tenant at the airport received for their fuel farm. He stated the issue then went to a Special Master; the Special Master ruled in favor of the fixed base operator (FBO); the same citation came back to the same FBO with a different Special Master who then ruled for the City; an appeal was filed in court; and the judge sided with the FBO. Commissioner Kent questioned why the same situation was cited twice.

Fire Chief Barry Baker clarified that it was not the same citation. He explained an inspector found 47 violations at the airport, and all were corrected except for this one, which had to be taken to a Special Master. Chief Baker reported the City code indicated that a fuel farm must be above ground, and the Fire Code required it be underground or mounded over with earth. He explained the inspector, in an attempt to find a comparable level of safety as to what the code required, made certain recommendations providing alternatives. Chief Baker noted he took these recommendations to the Special Master who informed him he could not provide alternatives. He reported he contacted the State Fire Marshall to make a determination, and he agreed this was a violation, but a comparable could not be required. Chief Baker explained the person who had the violation filed against him could provide an engineered alternative that could be accepted by the City, but a code official could not require a comparable; therefore, in trying to do something good to minimize cost, the inspector did something he should not have done. Chief Baker clarified the first Special Master indicated a comparable could not be required, so he decided to take it to a second Special Master where he cited the direct fire code; and he indicated the City would accept an engineered comparable to review. He stated the second Special Master agreed it was a violation that must be corrected. Chief Baker reported that decision was appealed to the court, and the judge looked at it as though it was the same violation. He noted the City sees this as two separate violations. Chief Baker noted this placed him in an awkward position in that he still has a fire code violation that has not been corrected. He advised he can not correct it due to the judge’s ruling, but the State Fire Code requires him to correct it.

Mr. Turner stated he did not directly answer Commissioner Kent’s question because he assumed the Commission would prefer to speak directly to the director in charge of the situation. He stated should that not be the case, it could be changed. Mr. Turner reported Chief Baker kept him apprised of the situation, and he supported Chief Baker’s decisions and his efforts. Mr. Turner noted he hoped this would serve as an example that staff was trying to find cheaper methods where compliance could occur despite his personal opinion about an individual or company. He noted, technically, the City could not require this, but this was an opportunity to offer customer service. Mr. Turner reported he expected staff to work with customers to try to provide reasonable alternatives to achieve code compliance and the stated objectives.

Commissioner Kent thanked Chief Baker for the information. He stated he understood Mr. Turner had senior staff members available to help the Commission and the public. Commissioner Kent concurred this individual had not been very gracious, but any resident or business should get an answer to any question that makes sense.

Chief Baker stated if something were to occur with that violation, any reasonable court would determine the City tried to get the violation corrected, making the City’s liability somewhat lessened.

Mayor Costello stated he tried to get the Commission to authorize the City Manager to put up the Jersey barrier to correct the problem, and he would still vote to do that for safety reasons.

He explained when the fuel farm was built, it was built according to code, or the error was not caught by the inspector. He reported he was not certain if the codes improved or the interpretation of the codes improved; but when the State Fire Marshal indicated it was a violation, he believed it was incumbent upon the City to fix the problem to make the airport safer.

Commissioner Partington reported he would support Mayor Costello’s recommendation.

Commissioner Kent noted he concurred with Mayor Costello and Commissioner Partington.

Mayor Costello asked that this be placed on an agenda as a discussion item in that three Commission members have expressed a willingness to expend these funds. He noted to the best of his knowledge the involved individual has had less than good things to say about him on multiple occasions; therefore, he was not making this suggestion to please that individual, but because he believed it to be in the best interest of the City.

City Manager Evaluation

Mayor Costello stated if someone worked somewhere for five years and that employee received a certain salary, that person would expect that whatever parity level was established would continue and they would get raises commensurate with that amount and not be held back after a time because of something that may have happened in some other city.

Moving Along the Meeting

Mayor Costello stated he tried numerous times to move the meeting along tonight, and he would like to discuss that at the goal-setting meeting.

Logo

Mayor Costello stated he was paying to have the Birthplace of Speed logo digitized to place it on a jacket, and if anyone wanted to use it for that purpose, they could pay to have it stitched on their own jacket. He reported while he liked the logo, he may not be willing to go as far with it as others would be.

Public Notification

Mayor Costello asked staff to calculate the cost to place an ad every Thursday in the newspaper where residents could have a permanent place to look for information such as agendas or other issues of interest.

Monthly Manager’s Meeting

Mayor Costello reported he appreciated Mr. Turner’s new monthly meetings with the manager. He noted he had debated for approximately four years if he should have some sort of monthly meeting with the mayor, but he noted he was available to residents through the phone and e-mails, and was willing to meet with people to discuss issues. He stated that, most importantly, he did not have people asking for monthly meetings.

Item #12 - Close the Meeting

The meeting was adjourned at 8:48 p.m.

APPROVED: February 20, 2007

BY: Fred Costello, Mayor

ATTEST:

Veronica Patterson, City Clerk