

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

**May 16, 2006                      7:00 p.m.**

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

**A G E N D A**

- 1) Meeting call to order by Mayor Costello.
- 2) Invocation by Reverend Charles Melvin, Ormond Beach Union Church.
- 3) Pledge of Allegiance.
- 4) Approval of the Minutes of the May 2, 2006, meeting.
- 5) **PRESENTATION:** Proclamation by Mayor Costello proclaiming May 26, 2006, as Employee Appreciation Day in the City of Ormond Beach.
- 6) **AUDIENCE REMARKS:**
- 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. 2006-110 amending the dates and times for the holding of regular meetings of the City Commission of the City of Ormond Beach, Florida, for the months of June, July, and September 2006; providing for exceptions thereto.
  - B) Resolution No. 2006-111 supporting the designation of portions of State Road A1A, Highbridge Road, Walter Boardman Lane, Old Dixie Highway, North Beach Street, State Road 40 and John Anderson Drive as a Florida Scenic Highway and National Scenic Byway; designating a City representative; authorizing transmittal.
  - C) Resolution No. 2006-112 authorizing the execution of a Joint Participation Agreement with the Florida Department of Transportation regarding landscaping improvements at the intersection of SR9, I-95, and SR40. (\$250,000 total funding)
  - D) Resolution No. 2006-113 authorizing the sole source procurement of mobile and portable communications equipment from Communications International, Inc.; authorizing the execution of a contract and payment therefore. (\$111,883.75 total cost; \$100,695.39 Department of Homeland Security funding; \$11,188.36 City funding)
  - E) Resolution No. 2006-114 accepting a bid from Sterling Enterprises, LLC, for installation of security fencing along the remaining southern and the entire western property line of the Nova Road landfill under Bid No. 2006-15; authorizing the execution of a contract and payment therefor; rejecting all other bids. (\$31,200)
  - F) Resolution No. 2006-115 accepting a proposal to provide engineering services necessary to update the City's Water and Wastewater Master Plans; rejecting all other proposals; authorizing the execution of a Professional Services Agreement between the City of Ormond Beach, Florida, and Quentin L. Hampton Associates, Inc. (Not-to-exceed \$144,000)

- G) Resolution No. 2006-116 accepting a proposal to provide engineering services necessary to update the City's Stormwater Management Master Plan; rejecting all other proposals; authorizing the execution of an agreement between the City of Ormond Beach, Florida, and Camp, Dresser & McKee, Inc. (Not-to-exceed \$96,910)
- H) Approval of travel by City Attorney Randy Hayes to attend the Annual Florida Municipal Attorneys Seminar July 20-22, 2006, in Bonita Springs, Florida.

DISPOSITION: Approve as recommended in City Attorney memorandum dated May 11, 2006.

- I) Review of FY 2005-06 budget status.

DISPOSITION: Approve as recommended in City Manager memorandum dated May 11, 2006.

9) **DISCUSSION ITEMS:**

- A) Height limitation referendum.

- 1) Legal analysis.
- 2) Policy issues.

- B) City Manager evaluation.

- C) Windstorm Insurance.

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

- 11) Close the meeting.

Item #1 - Call to Order

Mayor Costello called the meeting to order at 7:12 p.m.

Item #2 – Invocation

Reverend Charles Melvin, Ormond Beach Union 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 May 2, 2006, regular meeting minutes had been sent to the Commissioners for review and asked if there were any corrections, additions, or omissions.

Commissioner Gillooly requested the fourth paragraph on page 15282 be amended as follow: Commissioner Gillooly stated that responding by the Mayor was customer-friendly, but if the City Commissioners individually respond, it could lead to a long debate, thus defeating the purpose. She noted if the speaker does not stay to the end to hear the response, they could be directed to the public record.

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

Introduction of New Airport Manager

Mr. Isaac Turner, City Manager, introduced the new Airport Manager, Mr. Robert Hernandez.

Mr. Robert Hernandez stated he was looking forward to being a part of Ormond Beach. He explained he was a Florida native and was pleased to be moving back. Mr. Hernandez reported there was an incident just north of the airport today, and he was pleased to see the police and fire response.

Mayor Costello explained that an airplane came down today, but the pilot walked away unhurt.

Item #5(A) – Employee Appreciation Day Proclamation

Mayor Costello read a proclamation recognizing and honoring all City employees as “ambassadors” who provide important community service on a daily basis. He stated Ormond Beach employees are the City’s most valuable assets and proclaimed Friday, May 26, 2006, as City Of Ormond Beach Employee Appreciation Day. Mayor Costello advised that City Hall, non-emergency facilities, would be closed at 12:00 noon, Friday, May 26, 2006, in honor of Employee Appreciation Day.

Item #6 – Audience Remarks

Mayor Costello asked those who wished to speak to fill out the cards provided in the rear of the chambers.

Code Enforcement Issue

Mr. Lawrence Cook, 1529 North Beach Street, stated he offered Mayor Costello records regarding a letter he had provided earlier.

Mayor Costello pointed out the letter was dated 1992, and Mr. Cook claimed that the letter proved Mr. Miller was hired in 1990; therefore, he saw no relevance.

Mr. Cook stated the letter referred to the records, and the records did not necessarily represent what was in the letter since a great deal of the work was not properly dated. He clarified he did not take the letter when he first went to Code Enforcement because the letter did not exist for two years after he first went to Code Enforcement. Mr. Cook asserted that former Mayor Dave Hood misinformed the Commission and ignored his most important obligation which was to give people the benefit of the doubt.

Employee Appreciation

Mr. Joe Lipscomb, 22 Shadow Creek Way, reported the sewer pump in Breakaway Trails went out yesterday, and he called Public Works at 1:00 p.m. He stated a truck arrived before 2:00 p.m., and by 3:00 p.m., the problem was fixed. Mr. Lipscomb expressed his appreciation to Mr. Marty Hayes, Mr. Mark Hunter, and Mr. Eric Riley for their friendliness and efficiency. He noted such employees are a credit to the City.

Code Enforcement

Ms. Susan Kraeft, 740 Buena Vista Avenue, stated the Neighborhood Improvement Division targets certain neighborhoods and zones unfairly. She reported through the daily logs from January through March of 2006, the following statistics were noted: Mr. Garcia logged 966 violations, of which 168 were citizen observed (17%); 47 were self-observed (5%); and 751 were re-inspections (78%.) Ms. Kraeft noted Mr. Garcia’s inspections in Zone 1 were 399; in Zone 2 there were 234; in Zone 3 there were 40; and in Zone 4 there were 103.

Ms. Kraeft stated Ms. Joanne Naumann, Neighborhood Improvement Manager, inspected a total of 104 violations as follows: in Zone 1 there was zero; in Zone 2 there were 88; in Zone 3 there were 5; and in Zone 4 there were 36.

Ms. Kraeft reported the budget for the Neighborhood Improvement Division was \$324,709; Ms. Naumann’s salary was \$62,805; Mr. Garcia’s salary was between \$29,499 and \$35,754; but a police officer earns \$27,000 to \$42,000. She noted Neighborhood Improvement was under the jurisdiction of the police chief. Ms. Kraeft stipulated the budget figures also included funds for janitorial, postage, office supplies, tuition, education and training, and grants and community projects. She stated the \$324,709 could be better spent for Halifax Habitat for Humanity, contributions to the homeless, more funding for shelters, or more police.

Mayor Costello stated the code enforcement process in Ormond Beach was mainly reactive. He explained that because of the law, the City must re-inspect multiple times.

Impact Fees

Ms. Lucille Bornmann, 6 Windsor Drive, expressed concern regarding impact fees. She pointed out many cities were increasing impact fees because growth does not pay for itself. Ms. Bornmann stated underground utilities on Granada Boulevard would be cost prohibitive, but she suggested running the lines behind the buildings. Ms. Bornmann recommended impact fees be used for pumping the water out of the Casements and addressing many other long awaited needs in Ormond Beach.

Mayor Costello stated the City's impact fee studies would be completed next month. He noted he had indicated many times that he favored any and all impact fees that were justified, realistic, and provable. Mayor Costello reported he was proud of what the Commission had done in the past three to four years in an effort to repair and restore some of the projects that have gone undone in the past.

#### Ormond Crossings

Mr. John Bornmann, 6 Windsor Drive, stated there was a legal ad in yesterday's newspaper regarding the Ormond Crossings redevelopment agency and 13 parcels of land. He noted it had been stated that the City could not contact the property owners of these 13 parcels.

Mayor Costello reported there were 49 parcels, and some of those property owners could not be contacted.

Mr. Bornmann reported these 13 parcels totally 3.148 acres. He noted some of the property owners listed in the ad should not be difficult to contact, such as the County of Volusia Tax Collector and the trustees of the Internal Improvement Fund of the State of Florida. Mr. Bornmann asked what the response was from these two bodies.

Mayor Costello explained some of the properties were to clear the title where taxes were not paid.

Mr. Randall Hayes, City Attorney, stated this was probably a legal publication which was a portion of the eminent domain action.

Mr. Bornmann asked if the City could contact those landowners; whereby, Mayor Costello stated the City could contact the property owners.

#### New "Audience Remarks" Format

Mayor Costello explained that individuals who had filled out cards to speak on specific agenda items could do so at the time the Commission addressed the item on the agenda.

Ms. Veronica Patterson, City Clerk, explained there were some members of the audience who were confused about whether they could speak during a "Discussion" item.

Mayor Costello asked the Commission how this should be handled. He noted he would prefer the public speak during the discussion item prior to the Commission's discussion.

Commissioner Kent stated he understood no audience members would speak during a discussion item unless a vote was to be taken.

Commissioner Gillooly stated the importance of the item should dictate whether the person would speak during "Audience Remarks" or at the time of the discussion.

Commissioner Kelley stated Mayor Costello was the chair and could run the meeting as he wished, but the Commission discussed this issue and decided that the "Discussion Items" portion of the meeting was only for the Commission to discuss issues unless the Commission would be voting.

Mayor Costello stated if a person wanted to speak on a "Discussion Item," he would allow them to speak at the time the issue was before the Commission, and after all citizen comments were completed, the Commission would then discuss the item. He noted the meeting would be handled in this manner for this meeting but that may be changed in the future.

#### Item #7(A) Metropolitan Planning Organization and Item #7(B) Volusia Council of Governments

Mayor Costello stated the Metropolitan Planning Organization (MPO) and Volusia Council of Governments (VCOG) would meet later this month.

#### Item #7(C) – Water Authority of Volusia

Commissioner Kelley stated there would be a very important Water Authority of Volusia (WAV) meeting tomorrow morning. He explained a letter was received from the attorney representing the City of South Daytona who was corresponding with the Chairman of the County Charter Review Commission regarding Article 1313, which would make the County the sole purveyor of water for Volusia County.

Mayor Costello noted if Commissioner Kelley wanted Commission input, he should make a recommendation to the Commission for a discussion item.

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.

Mayor Costello noted he had a request from the audience to pull Item #8(A) for discussion.

Commissioner Kent asked that Item #8(E) be pulled for discussion.

**Commissioner Kelley moved, seconded by Commissioner Partington, for approval of the Consent Agenda minus Item Nos. 8(A) and 8(E).**

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

Item #8(A) – Amending Dates and Times for Holding Regular City Commission Meetings

RESOLUTION NO. 2006-110  
A RESOLUTION AMENDING THE DATES AND TIMES FOR THE HOLDING OF REGULAR MEETINGS OF THE CITY COMMISSION OF THE CITY OF ORMOND BEACH, FLORIDA, FOR THE MONTHS OF JUNE, JULY, AND SEPTEMBER 2006; PROVIDING FOR EXCEPTIONS THERETO; SETTING FORTH AN EFFECTIVE DATE.

**Commissioner Kelley moved, seconded by Commissioner Kent, to approve Resolution No. 2006-106, as read by title only.**

Mr. John Bornmann, 6 Windsor Drive, stated when the Commission ran for office they knew when the meetings were scheduled, and citizens knew when to expect meetings to be held. He stated for some reason, the Commission had decided to change that schedule. Mr. Bornmann noted that unless three Commission members were to be absent at the same time, he saw no reason to change the meeting dates.

Commissioner Kelley noted the Commission adopted a meeting schedule in January after the election. He advised the Charter stipulated the Commission must meet twice a month, but it does not specify when the meetings must be held. Commissioner Kelley reported that with adequate notice, there should be no problem to change the schedule.

Commissioner Partington stated last year the schedule was changed, and he came on the original dates to be certain people were not coming on the wrong date. He advised that no one came. Commissioner Partington reported staff did a good job in making certain adequate notice was provided.

Mayor Costello noted he was excited that the City had a Commission who cared enough to want to attend all of the meetings.

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

Item #8(E) – Fencing at the Nova Road Landfill

RESOLUTION NO. 2006-114  
A RESOLUTION ACCEPTING A BID FROM STERLING ENTERPRISES, LLC, FOR INSTALLATION OF SECURITY FENCING ALONG THE REMAINING SOUTHERN AND THE ENTIRE WESTERN PROPERTY LINE OF THE NOVA ROAD

LANDFILL UNDER BID NO. 2006-15; AUTHORIZING THE EXECUTION OF A CONTRACT AND PAYMENT THEREFOR; REJECTING ALL OTHER BIDS; AND SETTING FORTH AN EFFECTIVE DATE.

**Commissioner Kelley moved, seconded by Commissioner Gillooly, to approve Resolution No. 2006-108, as read by title only.**

Commissioner Kent asked if the price was adjusted for the difference between the 1,670 feet at \$19 per linear foot fence, and the 968 feet or \$32 per linear foot fence.

Ms. Judy Sloane, Public Works Director/City Engineer, stated there would still be a 1,670 linear feet of fence installed. She explained the City would replace the wooden fence along the 968 foot portion of the western edge of landfill, and rather than the additional 702 feet on the south side of the landfill, the chain link fence would be placed on the eastern boundary. Ms. Sloane reported the fencing on the east side was to be a future project, but it was included in this bid in order to keep the unit price low.

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

Item #9(A)(1) – Height Limitation Referendum Legal Analysis

Ms. Margaret Sharifi, 210 Valencia Drive, thanked staff for developing the reports for these meetings. She noted that the Land Development Code indicated height limits may exceed that allowed by district regulations by a maximum of 15 feet with no adverse impact on adjoining properties. Ms. Sharifi stated this would translate to 90 feet or eight and one-half stories. She asked if the City could now exceed that 90-foot limit without a change in the Charter.

Mayor Costello stated that regulation was in the Land Development Code, not in the Charter. He reported it would take a nine to 15 month process to change the Land Development Code. Mayor Costello clarified that the Land Development Code could be changed by the Commission, but only through a long public process.

Ms. Sharifi noted she felt the City was in a “bait and switch” situation, because the debate was for 18 or 19 stories versus seven stories.

Mayor Costello stated what was being debated was whether or not to place a height limit in the Charter and whether the Commission should have the option to accept a proposal. He noted the discussion for tonight was the referendum for the height limit. Mayor Costello stated he found it unfair to refer to a “bait and switch” when he was trying to be as reasonable as possible. He explained this was a simple issue where the City either wanted open space and was willing to trade height for the open space, or they did not; and the people would have the opportunity to make that decision.

Mr. Otis W. Pruett, Jr., 129 Seminole Avenue, stated he was a long-time resident and he favored a 75-foot or even lower height limit. He pointed out the people voted a long time ago to limit the height. Mr. Pruett questioned if the City’s infrastructure could handle the increased height. Mr. Pruett expressed concern regarding fire protection and the increased density.

Mayor Costello explained no one had indicated there would be any increased density, and there would actually be less density because the 600 hotel rooms allowed would be decreased to 300 in a single hotel. He noted there would be plenty of opportunities over the next few months to discuss the issue.

Mr. Pruett stated the hotels would be turned into condominiums, and then the residents would be permanent.

Mr. Phil Maroney, 117 Atwood Lane, reported he reviewed Mr. Hayes’ comments and memo regarding the referendum and related topics, and it was a very good and informative memo. Mr. Maroney stated there were many questions remaining regarding the legal sufficiency of the referendum as it was currently worded. He specifically questioned the electorate’s ability to restrict action of a governing body and repealing existing ordinances when the Charter did not give that specific authority. Mr. Maroney stated the idea of a Commission-sponsored referendum to allow exceptions and specify conditions was good in that it would add flexibility,

and he believed people should have alternatives. He reported the public has not had adequate information to date to consider all of the nuances, and the referendum was very specific.

Mr. Maroney noted it was important to educate people regarding the impact of existing structures destroyed by natural disasters, because if there was mechanical equipment on a roof above 75-feet, there may not be an opportunity to replace that equipment other than where the electorate would vote to approve the replacement, which made no sense. He stated this process would delay people living in the building to have air conditioning and other necessary equipment. Mr. Maroney encouraged any referendum be placed on the November election process for economic reasons and because it would provide additional time for the electorate to gain additional knowledge of the issues and the many nuances.

Mr. Gregory Avakian, 161 Heritage Circle, Chairman, FACTS PAC, stated in Mr. Jeff Boyle's letter to the editor he referenced that this was not an issue of the public's lack of trust in City officials or the Commission's lack of trust in the public; but he stated he believed that was exactly what this was about—a lack of trust. He pointed out the letter indicated the City would abandon or sell its 75-foot building height limit, which directly correlated to trust. Mr. Avakian noted the letter urged people to "preserve the profile of Ormond Beach as it exists today"; however, he stated he did not consider the current profile "likeable," and he wanted improvements to be made. He reported the letter indicated more tall buildings may follow; but he questioned where they could be built since Ormond Beach would have 850 linear feet of land deeded to the City for parks, and the remaining would be used. Mr. Avakian noted this entire issue centered on who the electorate voted into office and a matter of trust in those elected officials. He stated democracy was not to be used at the convenience of defeated commissioners, because the people spoke by electing those officials on the dais tonight.

Mr. Avakian stated during the debate between Mr. Boyle and Mayor Costello on the Marc Bernier radio show he overheard Ms. Adrian Miles, a CAN DO advocate, discussing the petition. He pointed out to her that the petition had legal deficiencies, but she told him that a couple of attorneys inspected the language and did not find it deficient. He questioned who these attorneys were.

Mr. Avakian stated vested rights was an important issue and he used the Ormond Heritage as an example. He stated individuals had said he had been using fear tactics; however, after conferring with Mr. Clay Ervin, Planning Director, he explained that should the Ormond Heritage sustain damages over 50%, under the new referendum stipulations, the Ormond Heritage would not be able to rebuild. Mr. Avakian stated that Mr. Hayes indicated it could be rebuilt if it had developmental rights. He pointed out only two properties were identified as having developmental rights, and there were approximately 10 structures over 75-feet. Mr. Avakian noted he was told those structures did not have vested rights and could not be rebuilt.

Mr. Avakian stated the *News-Journal* ran a letter that indicated if the proposed amendment would pass, the voters could go back and vote on a particular project; however, this was a much more complex issue than indicated, and he asked Mr. Hayes to clarify that process. He urged the Commission to allow the courts to interpret the actions taken as outlined in Option 3.

Mr. Hayes advised voters can not legally approve or deny specific projects. He reported if there was an approved development order, they would be entitled to a vesting of rights to rebuild in accordance with that development order. Mr. Hayes noted if there was no approved development order, the regulations in place at the time of the rebuilding would apply unless there were some other legal basis on which they could assert vested rights.

Mayor Costello asked how many of those buildings over 75-feet had development orders with vested rights and how many did not.

Mr. Clay Ervin, Planning Director, stated the Ormond Heritage was approved through a Conditional Use Permit process and vested under the zoning in place at that time, but he could not make a determination as to whether it was vested or not vested. He noted the concern was primarily with older structures built in the 1960s or 1970s where the City does not have complete records as to whether or not there was a development order. Mr. Ervin stated staff would search the files and try to determine if the other buildings have development orders within the next few months.

Mayor Costello clarified that if a building was built under existing codes without asking for a special exception or a variance, they did not get a development order, and those would be the ones that could not be rebuilt if the building were destroyed within 51% of the value.

Commissioner Kelley stated this proposal could usurp the power of home rule the Commission was granted by being elected in that it would take the powers away from the Commission to effectively make changes in the Land Development Code. He questioned if State law would allow this to occur, because State Law does not allow denying home rule by a Commission. Commissioner Kelley reported this proposal would also be taking away certain property in that it would be changing what could be done under the current Land Development Code, such as changing the maximum of the Planned Business District, and defining the place where the building height would start. He questioned if this Commission could take away the power of a future Commission.

Mr. Hayes stated the general answer was that this Commission could not take away the power of a future Commission, but it would depend on the context in which a measure was introduced, such as contracts the Commission may enter into.

Commissioner Kelley stated he did not believe land development issues belonged in the Charter. He questioned where the ballot question and the ballot summary were reversed on the petition. Commissioner Kelley noted the full text of the proposed amendment asked a question, "Shall the City Charter be amended," and the ballot title stated "all buildings within....," therefore, an attorney indicated to him that an interpretation could be made that the City Commission could decide this was a question and the Commission could make the determination. He questioned the Commission's ministerial duty to place anything that gained adequate signatures on a ballot if it would violate State law.

Mr. Hayes stated anything the Commission can legislate on, a petition can legislate on by referendum; however, there were issues the Commission should be prohibited from legislating on, and a petition would also not be able to legislate on those issues. He advised there was a ministerial duty, but only assuming the procedural prerequisites had been met, there were no conflicts with the Constitution or the State law, and excluding any areas preempted from local regulations by State law.

Commissioner Kelley stated this has not been tested by the Supreme Court. He pointed out the Charter amendments in Flagler Beach and Cocoa Beach contained exceptions, and one referred back to the Land Development Code; therefore, this question was not comparable. Commissioner Kelley stated he had many questions on the legality of this question. He explained he took an oath to uphold the constitution of the State of Florida and the laws of the City of Ormond Beach, and it would be irresponsible for this Commission to knowingly approve a decision that could be challenged legally. Commissioner Kelley expressed grave concerns over the legal issues.

Commissioner Partington stated he would like this on the ballot by the November general election if it could be called; however, he concurred with Commissioner Kelley that there were a number of problems with the petition. Commissioner Partington expressed support for Option 3 to seek judicial clarification of the issues. He noted courts would probably advance these types of issues on their calendar, so it could be available for the November election if it could survive the legal challenge. Commissioner Partington stated this judicial review would address the legal sufficiency issue and determine if the City could propose a concurrent Charter amendment. He reported he was chastised for questioning the legality of the CAN DO petition, but he would prefer doing things right the first time, and a court could help the City achieve that goal. Commissioner Partington cautioned if that were not done, it could be struck down at a later date for reasons of unconstitutionality. He requested a copy of the case law mentioned in the report and the declaratory action before it was filed.

Commissioner Gillooly stated the Commission had two responsibilities. She explained the first responsibility was to respond to the citizens who have signed the petition, and she agreed the general election would be the most fiscally responsible time and would also provide a greater opportunity for a greater number of people to vote. Commissioner Gillooly reported the second responsibility, which was equally important, was to protect the City as a whole; and the legal issues could create challenges. She pointed out this was a multi-dimensional issue. Commissioner Gillooly advised it was incumbent upon the Commission to insure that as this moved forward, it would move forward in the correct legal language, because it would be irresponsible to allow it to move forward and place the City in a position where it could be subject to legal challenges. She pointed out this proposal would not only affect the beachside, and she urged everyone to remember that this Charter amendment would affect the entire City. Commissioner Gillooly stated she did not favor this proposal because she was convinced it was not a Charter amendment issue and was rather a Land Development Code issue. Commissioner Gillooly reported that when an issue was important to the citizens, the people have the power to make their opinion known before any votes are taken. She noted that she was opposed to a Charter amendment, and she also opposed a second alternative referendum,

but she would be interested to learn more about that possibility. Commissioner Gillooly concurred it was the Commission's responsibility and duty to choose "Option 3," asking for a judicial review.

Commissioner Kent stated he believed the issue should be placed in the Charter because everyone favored security, safety, and assurance that certain things would remain unchanged. He reported this was a simple issue. Commissioner Kent agreed that the people trust the Commission, and he was speaking for his constituents who do not want high rises. He noted he considered it irresponsible not to listen to the 3,400 people who signed the petition. Commissioner Kent stated he supported the message sent by those 3,400 residents, and he favored Option 1.

Mayor Costello reported Commissioner Gillooly and Commissioner Partington favored Option 3, and Commissioner Kelley did not specifically articulate what he favored. He proposed reversing the ballot language and the summary, placing it on the ballot for November 7, and asking the courts to review it, noting it could always be pulled if the courts find a non-curable flaw. Mayor Costello stated in that CAN DO obtained the signatures required, it should be placed on the ballot; and if flaws on the amendment make people not vote for it, that would be acceptable. He noted if there were curable flaws the CAN DO people would approve and the courts recommended it be changed, he would favor the change be made. Mayor Costello stated the CAN DO advocates worked to have this initiative on the ballot; and he wanted it on the ballot, but he would also work strongly against it passing because he did not believe it was good for Ormond Beach.

Mr. Hayes stated he reviewed the language in the petition, and his reading indicated the language was out of place; however, that interpretation would require him to anticipate the intentions of the petition. He pointed out that the burden was on the City to prepare a proper ballot summary; therefore, the switch suggested by the Mayor would probably be defensible.

Mayor Costello asked if he had any support to reverse the language and send it to the courts, requesting it be expedited for the November election.

Commissioner Partington reported he could not support Mayor Costello's recommendation because the petition was a movement by a portion of the Ormond Beach citizenry, and it would not be appropriate for the Commission to change what the people had signed. He noted changing the question was dangerous in that it would be attempting to assume intent.

Commissioner Gillooly noted she had the same instincts as Commissioner Partington. She expressed concern that any change by the Commission would be misconstrued and that the Commission was changing what the people signed. She stated she would prefer judicial clarification.

Commissioner Kelley stated Mayor Costello's correction would correct only one of five problems he considered were in the petition. He noted people have compared this with Flagler Beach, but Flagler Beach's ballot question said, "Should the Charter of the City of Flagler Beach be amended to include the following: "buildings within the City of Flagler Beach shall be limited to a maximum height of 35 feet as described within the Land Development regulations." Commissioner Kelley stated their Land Development Code had a page filled with exceptions. He reported it was not the Commission's responsibility to make changes.

Mayor Costello asked if Commissioner Kelley would support judicial review; whereby, Commissioner Kelley stated he favored judicial review. Mayor Costello reported the consensus supported judicial review; and that if it could be completed in time, it should be placed on the November ballot. He asked Mr. Hayes if the judicial review would provide curative language, if the court would merely deem it acceptable or unacceptable and make the CAN DO people make the changes or if the CAN DO people would be required to start over.

Mr. Hayes stated it would depend on many factors such as if it would conflict with law or if it could be cured. He noted in some instances, a court could sever an infirmed portion of a question and allow the remaining portion to be placed on the ballot, but it would depend on many factors.

Mayor Costello requested a report from Mr. Hayes as soon as he could determine when this could be placed on the court calendar.

Mr. Hayes stated the Commission provided direction but did not take formal action, and should action be needed, he would bring any formal action back at the next meeting. He reported he would prepare pleadings for a lawsuit that would be filed with the court, which would take some

time. Mr. Hayes explained the lawsuit would have to be served on the defendant, and they would have time to respond to the pleading; therefore, there would be a time lag.

Mayor Costello requested Mr. Hayes prepare a report within the next week or so to inform the Commission as to his best estimate of a time line. He stated he favored this being placed on the ballot with curative language obtained from the judicial review, but he was opposed to the question for several reasons, such as the vested rights issue and taking away existing rights to exceed 75 feet for air conditioning and elevator shaft. Mayor Costello explained people erroneously believe they could vote on specific projects, but this would not be possible should this proposal be passed. He stated people could not support both the Bray and Gillespie project and this referendum because they were mutually exclusive. He noted the issue was down to a simple question: either the people favor a transfer of development rights with no increase in density, or they would not.

Item #9(A)(2) – Height Limitation Referendum Policy Analysis

Mayor Costello noted the Commission needed to discuss three issues: does the Commission want to take a position on the CAN DO petition; does the Commission want to allocate funds to educate the community on the pros and cons of the amendment and of a possible companion amendment; and does the Commission wish to support a companion amendment to be placed on the ballot with the CAN DO amendment.

Commissioner Gillooly stressed the importance of educating the electorate. She expressed concerns regarding how people were approached to sign the petition. Commissioner Gillooly noted she was approached to sign the petition, and the issues were not made clear. She reported the person who presented the petition only indicated that she surely would not want skyscrapers on the beach; and faced with only that information, most people would sign the petition. Commissioner Gillooly stated the people have spoken that they want to vote on this issue, but there has not yet been a vote taken on whether the height limit should be in the Charter. She advised it was legal, proper, and the Commission's responsibility to make certain everyone was educated about this issue. Commissioner Gillooly reported it had been stated many times that if this should pass, there would be no problem to consider another project through another election; however, that could not happen, and a special election would cost \$30,000 to \$35,000. She urged the Commission to be fiscally cognizant of that fact. Commissioner Gillooly noted the people have every opportunity to get involved in a Commission decision. She stated she supported the concept that the City needed a plan, but she was reluctant to give that responsibility to staff when the Commission should work with staff on a plan.

Mayor Costello clarified his intent was for staff to present a plan for the Commission to work with, not to have staff develop a plan without Commission input.

Commissioner Gillooly reiterated an educational campaign was of the utmost importance because this would affect every opportunity the City would have for redevelopment in all portions of the City, not just on A1A.

Commissioner Kent stated he definitely wanted the public to be educated about this issue, but he questioned spending taxpayer money for the effort. He noted the developers would spend money to assert their position, and the people spearheading the grass roots effort should go door to door to express their view. Commissioner Kent questioned how Mr. Turner would be able to deliver the message in a neutral manner when four of his "bosses" were on one side of the issue, and one was on the other side.

Mayor Costello stated he indicated on the public record that he would favor a minority opinion be included with the information. He noted he very strongly believed the Commission should take a position.

Commissioner Kent questioned what form this educational campaign would take. He noted he did not want the large majority of the document to provide reasons not to approve the referendum with a small portion explaining his reasons for approving the referendum. Commissioner Kent urged it be split with half for and half against.

Mayor Costello stated he could not support it being split in half, but he would provide Commissioner Kent the opportunity to include his views. He noted it would take a great deal of pictures and verbiage to fully explain the issues. Mayor Costello pointed out Mr. Pruett, who spoke earlier, did not understand there would be no increased density.

Commissioner Kent questioned how there could possibly be no increase in density if buildings would be permitted to go beyond seven and even 14 stories.

Mayor Costello stated depending on how much property was deeded to the City, there would be no increased density; and the Commission would be able to decide these issues if the referendum failed.

Commissioner Kelley advised he would support providing as much information as possible because many people who signed the petition were misled. He noted he talked to a number of people who signed the petitions for reasons other than because they wanted the height limit in the City Charter. Commissioner Kelley stated 3,400 people may have signed the petition, but there were 25,000 who did not see the petition or who chose not to sign it. He reported he favored educating the people to let them know what they would be giving up, which was an opportunity for this community to set aside 1,000 feet of beach for open space and parks for the children. Commissioner Kelley urged people to consider what Ormond Beach would be in 30 years, with low rises and no open space or the advantages of the high rises. He reported there would be no increase in density, and the City would probably have less density, traffic, and impact on infrastructures. Commissioner Kelley stated this community would be evaluated for this decision in 25 to 30 years, and he hoped the community would not miss this opportunity to leave a legacy for the community.

Commissioner Partington noted he was also in favor of providing public information.

Mayor Costello stated the consensus was that the Commission was willing to invest dollars to be certain that all of the information was provided, including information from both sides of the issue. He questioned if the Commission wished to make a stand on the CAN DO amendment as it currently existed. Mayor Costello reported he individually could not support the amendment.

Commissioner Kelley stated he was against the proposal because he did not believe it belonged in the Charter.

Commissioner Partington and Commissioner Gillooly reported they do not support the CAN DO amendment, and Commissioner Kent indicated he did support the CAN DO amendment.

Mayor Costello reported his vision of a companion amendment would be that if the CAN DO Charter amendment passed, a companion amendment would simply state, "If a height limit is placed in the Charter, do you favor including exceptions that the City Commission could make for transfer of development rights on A1A, hospitals, churches, and structures within one mile of I-95?" He noted the City Attorney would have to establish the appropriate verbiage, but that language would provide the public the right to decide exactly what they wanted. Mayor Costello stated he could see no reason why anyone would object to including both amendments on the ballot to allow the citizens the right to decide.

Commissioner Partington stated that he was not comfortable supporting the second amendment until the results of judicial review were provided, but he would consider it depending on the results.

Commissioner Gillooly reiterated that she was philosophically opposed to the second amendment because it was a Land Development Code issue, but she would be willing to discuss the amendment.

Commissioner Kelley reported he would consider the second amendment if the CAN DO amendment was accepted by the courts, but doubted that would occur.

Mayor Costello stated that, with three Commission members opposed, the Commission would not authorize creation of the companion amendment at this time. He noted the reason he would support the companion amendment was because there were people who wanted both options; and if they are not provided the opportunity to vote on the companion amendment, they would approve the CAN DO amendment. Mayor Costello reported this A1A development opportunity would probably never present itself again because of the hurricanes and a single developer owning 3,000 feet of beachfront land.

#### Item #9(B) – City Manager Evaluation

Mayor Costello congratulated Mr. Turner on the excellent evaluation.

Mr. Turner stated it was a privilege to serve this community. He reported staff had done an outstanding job and was working incredibly hard. Mr. Turner expressed appreciation for the Commission's ability to work together and provide staff with direction. He thanked the Commission for filling out the forms and providing comments. Mr. Turner advised he would visit each Commission member regarding their comments and bring back an assessment outlining improvements.

Mayor Costello asked if Mr. Turner's expectation was for the Commission to make a determination as to what raise he would receive tonight.

Mr. Turner requested the Commission make that determination, and he requested it be retroactive to October, which was when the other employees' raises went into effect. He noted he put off this evaluation in an effort to accomplish other goals.

Commissioner Kent recommended proceeding with Mr. Turner's compensation tonight. He noted his comments indicated how he perceived Mr. Turner's progress this year. Commissioner Kent reported he and Mr. Turner reviewed issues of concern, and he was comfortable with Mr. Turner's plan. He stated staff received a 6% increase, and Mr. Turner received 3% last year; therefore, he would consider a 4% retroactive increase this year.

Commissioner Partington requested Mr. Turner's total compensation package.

Mr. Turner noted he did not have that specific information at this time but could provide it tomorrow. He stated there was a deferred compensation package, since he was not part of City's retirement plan, and he also received approximately \$5,400 for an auto allowance, dental, and vision coverage. He noted the retirement amount was 10.8% of the salary, which he would match. Mr. Turner advised the same amount was in his predecessor's contract.

Commissioner Partington asked if the increase would be applied to retirement and the car allowance or be strictly for salary.

Mr. Turner stated the increase would be for salary. He explained the retirement was calculated upon salary, and the auto allowance would remain unchanged.

Commissioner Partington recommended a 3.5% increase, but stated he would listen to his fellow Commission members.

Commissioner Kelley concurred with the 3.5% increase.

Commissioner Gillooly asked if Mr. Turner received the overall increase with the other employees.

Mr. Turner advised he did not receive any other increase.

Commissioner Gillooly stated she would favor the 3.5% increase as well.

Commissioner Kent reiterated he still supported a 4% increase.

Mayor Costello noted he could support a 4% increase, but the consensus was for a 3.5% increase. He explained he gave Mr. Turner the lowest total score, but he was one of Mr. Turner's "biggest fans." Mayor Costello noted he was on the Commission when Mr. Turner was hired, and his expectations had been extremely high from the beginning. He noted Mr. Turner was hired because of his integrity, experience, and because his goal was to accomplish the goals of the Commission with no personal agenda. Mayor Costello stated he enthusiastically supported Mr. Turner and noted Mr. Turner has always exceeded the expectations he set. He reported he supported the 3.25% increase last year because that was what Mr. Turner recommended for staff.

**Commissioner Gillooly stated in light of the fact Mr. Turner received an overall rating that exceeded expectations for his services to the City, she moved, seconded by Commissioner Partington, to approve a 3.5% salary increase retroactive to October 1, 2005.**

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

Commissioner Kent questioned when the Commission would be considering an increase for Mr. Hayes.

Mr. Hayes stated his package could be discussed as soon as he received the evaluation forms back from the Commission.

Mayor Costello requested Mr. Hayes send a personal note to anyone who did not send in Mr. Hayes' evaluation form and urged Mr. Hayes to remind the Commission if he does not hear from them in a reasonable time.

Item #9(C) – Windstorm Insurance

Mayor Costello reported he was responsible for adding this item to the agenda because he believed there was a need to discuss windstorm insurance, and a decision as to whether any action should be taken could be made later tonight. He apologized for requesting this item far past what should be a reasonable deadline; therefore, no staff report accompanied the item on the agenda.

Former Senator Locke Burt reported that Mayor Costello contacted him on Saturday and asked him to provide some background information on the wind pool issue. He stated the wind pool started about 1971, originally as a way to provide windstorm insurance for people who could not obtain it. Senator Burt provided Mayor Costello with a packet of information including a map depicting the geographical description of the wind pool in Florida, which was approximately 1,000 feet from the ocean and east of A1A. He explained, however, that the cities of Ormond Beach, Daytona Beach, South Daytona, Sarasota and a few other cities were placed in the bill as "the City" encompassing the entire city. He noted the Ormond Beach wind pool has expanded, and after Hurricane Andrew, Dade, Broward, and Palm Beach County were added to the wind pool. Senator Burt advised Territory 15 and Territory 16 make up Ormond Beach. He explained the pertinent question was whether the people would pay less if the wind pool boundary was moved, and the answer was that they would pay less.

Commissioner Kent questioned where Territory 14 was located; whereby, Senator Burt advised Territory 14 was the barrier island.

Senator Burt explained that in 2002, the wind pool was placed in the Residential Property and Casualty Joint Underwriting Association (RPCJUA) and was called "Citizens Property Insurance Company" (Citizens), so the wind pool does not really exist anymore. He stated there are three accounts in Citizens: the High Risk Account (HRA) that was the old wind pool, the Personal Lines Account (PLA) which was the all risk account that applies everywhere outside the wind pool, and the commercial account. Senator Burt reported Citizens was a billion eight dollars in the hole. He explained if a person was in the wind pool, they would get a wind policy from the Citizens HRA account, and then they could buy other coverage from somebody else or they could buy from Citizens. He noted the disadvantage from the consumer point of view was that they would have two policies covering their house with possibly two separate adjusters.

Senator Burt pointed out there are companies who are providing full coverage in Ormond Beach, and he provided three examples of the cost: Universal Insurance Company of North America at \$828, American Strategic at \$1,034, and Royal Palm at \$1,135. He stated if in the wind pool, depending on where the home was located in Territory 15, the cost would be \$1,395; and in Territory 16, the cost would be \$1,398 for a five year old \$150,000 masonry house in Ormond Beach on the mainland with a 2% hurricane deductible. Senator Burt noted a lot of times older homes pay more, but this was a standard rating example. He reported Governor Bush signed a property insurance bill this morning which was going to significantly increase rates in Citizens and make those policies assessable, so the rates for Citizens were going to increase a great deal.

Mayor Costello summarized that for anybody that was in the pool that stayed in the pool after the line was moved, there would be no negative or positive, for instance those on the barrier island. He reported if a person was in the pool now and got out of the pool, there was no negative, only a potential positive in a savings of dollars. Mayor Costello clarified that wherever the line was drawn, there would be no negative to the people east of the line, and there was a potential benefit to the people west of the line.

Senator Burt explained that when the wind pool was created, the reason why it was probably a good idea to have it apply to the whole City was because it guaranteed hurricane coverage if a private company would not provide coverage. He stated in 1992 after Hurricane Andrew, the RPCJUA was created, which became Citizens, to provide hurricane coverage all over the State

for people who could not get coverage, and it has become the biggest insurance company in the State of Florida. Senator Burt pointed out that if the boundary was moved to the Halifax River and the person could not get insurance in the private market, they could still go to Citizens and would pay \$260 less because it was under the same company with the same coverage; but because of its two different accounts, it was a couple hundred dollars cheaper. He stated he could not figure out why a person would not do this because there were no disadvantages.

Senator Burt reported he was not certain the boundaries could be changed. He stated if the City wanted to change the boundary, he recommended a three-pronged strategy: first, petition the Office of Insurance Regulation (OIR) and have them indicate they do not change boundaries, although they could possibly change their mind and oblige; second, go to Citizens and have the board adopt it as a change in the plan of operation and change the boundaries of the HRA and send that to the OIR for approval (because their underwriting territories are in their plan of operation, and their plan of operation was approved by the OIR); and third, go to the legislature. He reported the problem with changing the law was that there would be resistance from insurance companies because big companies do not want to shrink the boundaries of the wind pool. Senator Burt noted the largest company, State Farm, wanted to expand the boundaries of the wind pool statewide because it would shift the risk from their policy holders to the citizens of the State of Florida. He explained that changing the boundaries would have a great deal of resistance even though the legislature reconfirmed in the property bill that was signed today that it was their intent to shrink the boundaries over time.

Mayor Costello reported that when former Senator Locke Burt was in the legislature, he tried unsuccessfully to shrink the boundary. He explained Mr. Larry Davis informed him that he could help save Ormond Beach residents hundreds of dollars if the line were changed.

Mr. Larry Davis advised he was not representing State Farm, but speaking as a citizen in that this would affect him and 5,500 State Farm policy holders in the 32174 area code. He noted Sarasota, Pensacola, Daytona Beach, South Daytona, and Ormond Beach were the only cities around the State where the full city was in the wind pool. Mr. Davis stated people 11 miles out in the City of Ormond Beach are asked to pay higher premiums, which was not fair. He reported people should not be forced to have their basic homeowners insurance with State Farm and then their wind insurance with another company and pay a higher premium. Mr. Davis explained the premium on his home for wind coverage with his company was \$425, but when it comes up for renewal, it will cost \$952. He stated the Commission had 5,500 constituents that would be charged this increase, while neighbors in the County in the same area code do not get this rate increase. Mr. Davis stated something must be done now, and with the Mayor and the Commission's leadership, something could be done.

Mr. Barry Justice, 44 Spring Meadow, reported he went to a meeting on Friday in Orlando at the Professional Insurance Agents of Florida for an update on the provisions of the new law that just came through. He noted he has always been a big proponent of moving the line back, but he was changing his opinion as a result of that meeting with the legislative liaisons. Mr. Justice explained the problem was that it would be difficult to move this line at this point in time, although moving it to a consistent radius of one or two miles around the State was actually proposed this year. He stated it did not get through and would be tried again next year. He stated if the line were moved back, companies may leave Florida because they fear the coastal exposure.

Mayor Costello noted he understood Mr. Justice's concern; but Senator Burt indicated that even if that happened and residents could not get private insurance, Citizens insurance would cost less if Ormond Beach were not within the boundary line.

Mr. Justice agreed Citizens insurance would cost less, but he questioned who would write the primary insurance. He stated that people should not rely on Citizens.

Mayor Costello reported his goal for tonight was to present information, turn it over to staff, and allow staff to make a recommendation to the Commission. He pointed out that staff has not had a chance to do a report or gather background information on this to date.

Mr. Turner noted Paul Lane, Finance Director, would make some calls to the State to get a full picture. He thanked Senator Burt for the information presented tonight and for his comments. He expressed concern that if this would relieve the companies from the obligation to write the other parts of insurance, people may be dropped, or they may not be able to obtain insurance. Mr. Turner stated this was a very complicated issue, and the City should work to make sure that it gets this call right; therefore, he would appreciate an opportunity to visit with some people and study the issue.

Mr. Justice stated it would be a wonderful thing if the line could be moved and have capacity with other carriers; however, he feared that the main carriers would decide that they did not want any coastal exposure, which would limit Ormond Beach citizens.

Mayor Costello noted Ormond Beach's immediate next door neighbor, Holly Hill, was not in the wind pool, and Ormond Beach residents basically want the same people to insure them that insure in Holly Hill.

Mr. Justice reported the only thing good he could report out of the whole meeting was that the guarantee fund for homeowner's insurance has gone from \$300,000 per home to \$500,000.

Senator Burt stated that if a big insurance company sells a homeowner's policy and an automobile policy, the odds are much greater that person would stay their customer since companies wanted to sell people multiple policies. He noted by having a giant wind pool in Ormond Beach or anywhere else, they have a sense of "getting a free ride" because they put the wind exposure wherever there was a wind pool. Senator Burt noted in the State pool, everyone pays for coverage, so they just write the X-wind coverage along with the auto and the life; but when the wind pool shrinks, there will be some companies that would have to write full coverage. He stated that in the property bill that was signed today, the State legislature indicated they wanted to shrink the exposure in the wind pool. Senator Burt noted they argued about the line because by 2007, the exposure had to go down 50%, and they were not going to make that date, so they extended the deadline to 2010. He reported starting in March next year, non-homestead property like condos, apartments, or vacation homes, would not be eligible for Citizens because that would be considered a luxury. Senator Burt stated homes worth over \$1 million would also not be eligible for Citizens because those homeowners do not need Citizens' help.

Mayor Costello stated he was grateful the City had Senator Burt, Mr. Justice, and Mr. Davis to help staff.

Mr. Davis stated Senator Burt was absolutely correct in his description of the big companies. He noted companies would continue to issue policies in Port Orange, Holly Hill, Flagler County, Palm Coast, and all around Ormond Beach to include the wind coverage. Mr. Davis urged the City to do what it could with help from Senator Burt.

Mayor Costello stated he was not aware until the last day or two that this was not a matter of the City petitioning and the bureaucrats having the ability to change the line; and had he known that it might take a legislative resolution, there would not have been the urgency to place this on the agenda. He reported they are trying to shrink the pool, and they would probably start by looking at Ormond Beach.

#### Item #10 – Reports, Suggestions, Requests

##### Windstorm Insurance

Commissioner Partington urged Senator Burt and staff to work to make an improvement for the citizens of Ormond Beach regarding windstorm coverage. He stated the Commission did not have enough background materials to make any decisions tonight; but maybe by the next meeting or by the June 20 meeting, a decision could be made.

##### Thanking Citizens

Commissioner Gillooly thanked the citizens for coming out tonight and staying for the entire meeting.

##### The Loop

Commissioner Gillooly stated one of the Consent Agenda items supported the designation of the Loop as a Florida Scenic Highway and National Scenic Byway. She noted last week the Loop advocacy group held their 5k race, which she was unable to attend, but she heard it was a success.

##### Thanking Staff

Commissioner Gillooly thanked staff for their indulgence and help in answering all of her questions regarding the issues on the agenda.

##### City Manager Evaluation

Commissioner Gillooly congratulated Mr. Turner for his good evaluation and thanked him for all he does for the City and for his leadership.

BlackBerry

Commissioner Kent stated he hoped his fellow Commission members have found their BlackBerry as useful and effective as he has.

Tonight's Workshop

Commissioner Kent stated material for the workshop tonight was presented beautifully, but he questioned why the meeting began at 6:00 p.m. He urged Commission meetings not start late in the future to honor those people who come to the Commission meetings on time. Commissioner Kent recommended workshop meetings be stopped if they are not completed in enough time to allow the Commission meeting to begin on time.

Mayor Costello advised that if more than three people had raised their hands, he would have stopped the meeting.

Sign-in Sheet

Commissioner Kent noted the sign-in sheets worked fairly well tonight, but the discussion item issue should be clarified.

Coffee with the Commissioner

Commissioner Kent stated the next Coffee with the Commissioner would be held at his home, 130 Magnolia Drive, on Monday, June 5, at 4:00 p.m.

Airport Manager

Commissioner Kent welcomed Mr. Robert Hernandez to the City.

Community Sign

Commissioner Kent applauded Mr. Davis for updating his sign weekly, letting people know what was occurring in the community.

Wind Insurance

Commissioner Kelley thanked Senator Burt, Mr. Davis, and Mr. Justice for coming tonight and waiting for the last item on the agenda.

BlackBerry

Commissioner Kelley expressed appreciation to Commissioner Kent for recommending the Commission obtain BlackBerries. He stated the BlackBerry has saved a great deal of time.

Commissioner Kent stated his personal time with his family has increased at least an hour since receiving his BlackBerry. He stated the BlackBerry has made him more efficient and effective.

Mr. Turner stated he was glad the Commission was pleased with their BlackBerries, and hoped that would continue.

Evaluation Process

Mr. Turner thanked the Commission for working on his evaluation and advised he would speak to the Commission about making improvements. He thanked staff for their improvement, which reflected on him.

Meeting Schedule

Mr. Turner expressed appreciation for the additional time between meetings.

Employee Appreciation Day

Mr. Turner stated Employee Appreciation Day would be on Friday and urged the Commission to attend some portion of the luncheon; but if they could not attend, they could send him e-mails, and he would relay them to the employees.

Budget Meeting

Mr. Turner stated the City was in the budget process and explained he would not take Commission calls during budget meetings to allow the departments adequate time to make their budget presentations.

Charter Amendment Issue

Mr. Hayes asked if the direction given staff regarding the Charter amendment should be done in house or from outside.

Mayor Costello stated he would prefer whatever method would be the fairest, most impartial, and in the most expeditious manner.

City Commission – May 16, 2006

“How Shall We Grow” Meeting

Mayor Costello stated the group at Myregion.org would present information on May 17 and May 22 entitled “How Shall We Grow.” He noted he would have to miss the May 17 meeting but would make the May 22 meeting.

Budget Meetings

Mayor Costello stated the Nova Road ponds were in the unfunded Capital Improvements Projects and asked that they be discussed at a budget meeting. He requested also discussing extending the utility lines at the Airport Sports Complex so if private donations would come in for restrooms and concessions, the utilities would be available.

Discussion Items

Mayor Costello asked the Commission how they wanted to handle discussion items.

Commissioner Kent, Commissioner Kelley, and Commissioner Partington requested the people be allowed to speak on discussion items at the beginning of meeting under “Audience Remarks.”

Mayor Costello reported the consensus was to speak on discussion items at the beginning of the meeting.

Representing Mayor Costello in His Absence

Mayor Costello reported he would be leaving tomorrow and returning late Saturday and asked Deputy Mayor Kelley to represent the City in his absence.

Item #11 – Close the Meeting

The meeting was adjourned at 9:53 p.m.

APPROVED: \_\_\_\_\_ June 13, 2006

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

\_\_\_\_\_  
ATTEST:

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