

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

**August 17, 2004**

**7:00 p.m.**

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

***A G E N D A***

- 1) Meeting call to order by Mayor Costello.
- 2) Invocation by Reverend Charles Melvin, Ormond Beach Union Church.
- 3) Pledge of Allegiance.
- 4) Approval of the Minutes of the August 2, 2004, Special Meeting and the August 3, 2004, Regular Meeting.

5) **PRESENTATION:**

- A) Report on electrical power service by Robert Coleman, Regional Manager, Florida Power & Light Company.
- B) Post Hurricane Report.
- C) Proclamation by Mayor Costello proclaiming August 21, 2004, as Carl Persis Day in the City of Ormond Beach.
- D) Proclamation by Mayor Costello proclaiming the week of August 24 through August 30, 2004, as Ormond Beach Firefighters Appreciation Week for the efforts of the firefighters on behalf of the Muscular Dystrophy Association.

6) **AUDIENCE REMARKS:**

7) **INTERGOVERNMENTAL BOARD 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. 2004-123 accepting a bid from West Florida Maintenance, Inc., for painting services at the Water Treatment Plant and Wastewater Treatment Plant, under Bid No. 2004-24; authorizing the execution of a contract and payment therefor; rejecting all other bids. (\$105,836.50)
- B) Resolution No. 2004-124 accepting the proposal of Odyssey Manufacturing Co. regarding engineering, design, permitting assistance, construction, temporary disinfection and de-chlorination equipment setup, startup services, training and the supply of sodium hypochlorite and sodium bisulfite for the conversion of the City's Wastewater Treatment Plant; authorizing the execution of an agreement and payment therefor; rejecting all other proposals. (Not-to-exceed \$79,500)
- C) Byrne Grant – Purchase of Police Department Computers
  - 1) Resolution No. 2004-125 authorizing the acceptance of a subgrant from the Florida Department of Law Enforcement for the purchase of in-car laptop computers; authorizing the expenditure of \$13,493 from the Federal Confiscation Fund as the City's local match. (\$40,480 Edward Byrne grant funds; \$13,493 matching funds)
  - 2) Resolution No. 2004-126 authorizing the execution of a contract between the City and Gateway Computers for the purchase and delivery of 28 in-car laptop computers under State of Florida Contract Number 250-000-03-01. (\$40,292)
- D) Resolution No. 2004-127 authorizing the execution of an Impact Fee Reimbursement Agreement between the City and Southern Pines Development, LLC, relative to a potable water main trunk line extension and a sanitary sewer lift station at and near the "Southern Pines" Subdivision, Unit II. (\$152,164.44)
- E) Resolution No. 2004-128 authorizing the execution of an Impact Fee Reimbursement and Joint Participation Agreement between the City and The Tuscan, LLC, relative to sanitary sewer service extension along State Road 40 near "The Tuscan" subdivision. (\$463,500 total project; \$155,500 maximum reimbursement.)
- F) Transfer of excess Community Development Block Grant funds.

**DISPOSITION:** Approve as recommended in City Manager memorandum dated August 12, 2004.

- G) Letter of Support for the County of Volusia Universal Tag program.

**DISPOSITION:** Approve as recommended in City Manager memorandum dated August 12, 2004.

9) **FIRST READING OF ORDINANCES:**

- A) Ordinance No. 2004-35 amending Section 8-3, Schedule of Permit Fees, of Article I, Chapter 8, Buildings and Construction Regulations, of the City of Ormond Beach Code of Ordinances.
- B) Ordinance No. 2004-36 amending the annual budget for the 2003-2004 fiscal year relative to the Water System Impact Fee Fund. (\$463,500 increase for The Tuscan, LLC, Utility Service Joint Participation Agreement)
- C) Ordinance No. 2004-37 enacting temporary emergency administrative procedures to provide for the expeditious and coordinated management of building permit applications and fees; waiving specific permits and fees issued for the removal of certain trees; establishing a method of enforcement of the Florida Building Code such that on-site permits may be issued by appropriate City staff for repair of damage caused by Hurricane Charley.

10) **RESOLUTIONS:**

- A) Resolution No. 2004-129 authorizing execution of an agreement between the City and Hall Construction Company, Inc., regarding construction services for renovations to Fire Station No. 91. (Not-to-exceed \$95,591)
- B) Resolution No. 2004-130 authorizing the execution of an emergency contract between the City and Waste Management of Florida, Inc., for the removal of debris resulting from Hurricane Charley under County Purchase Order Number EMC1001.

11) **DISCUSSION ITEMS:**

- A) Update on Fire Station No. 91. (Continued from 8/3/04 Meeting)
- B) Conflict of interest/requirement for waiver for the Aviation Advisory Board.
- C) Economic impact of the extension of Airport Runway 17-35.
- D) Use of the "Birthplace of Speed" trademark.
- E) Ball field advertising.

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

13) Close the meeting.

Item #1 - Call to Order

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

Mayor Costello reported that he and other Commission members did not have electrical power, as many residents of Ormond Beach did not have power, but the City was very fortunate that there were no deaths resulting from Hurricane Charley's arrival on Friday night.

Item #2 - Invocation

Before Reverend Charles Melvin, Ormond Beach Union Church, gave the invocation. He also explained that he was grateful to be alive after Hurricane Charley, because he lost his home and possessions to the storm. He stated these types of emergencies underscore to what degree people depend on one other.

Item #3 - Pledge of Allegiance

Mayor Costello led the Pledge of Allegiance.

Item #4 – Approval of Minutes

Mayor Costello advised the minutes of the of the August 2, 2004, Special Meeting and the August 3, 2004, Regular Meeting had been sent to the Commissioners for review and asked if there were any corrections, additions, or omissions.

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

Item #5(A) - Report on Electrical Power Service

Mayor Costello stated Mr. Robert Coleman, Regional Manager, Florida Power & Light Company, would present a report relative to the restoration of electrical power service in Ormond Beach.

Commissioner Boyle advised that the Chamber of Commerce had named Mr. and Mrs. Coleman Citizens-of-the-Year.

Mayor Costello advised that Mr. Coleman was also an ambassador for Ormond Beach.

Mr. Robert Coleman, Regional Manager, Florida Power & Light Company (FP&L), reported that while he realized it was very difficult to live without electrical power in August, FP&L had been working diligently to restore as much service to the greatest number of people as quickly as possible. He stated prior to the storm, FP&L had pre-defined mutual aid agreements with other utilities, and a pre-negotiated method of feeding, housing, and transporting the army of people who would be assisting with the restoration. Mr. Coleman advised power must first be restored to the substation and transmission lines before the community could be restored. He noted the next priority was police stations, hospitals, then the greatest number of people, and then the lesser number of people. Mr. Coleman reported FP&L brought in 1,800 line construction crew members and 1,200 tree crew members to take the trees off the power lines. He advised most areas would have power restored by midnight tomorrow night.

Ms. Rachael Scott from the FP&L Nuclear Division distributed a sheet with the summary of the progress in the restoration beginning at 10:00 p.m. on August 14, which ranged from 135,000 customers who were out of power, to 65,000 customers who were out of power today. She advised safety was FP&L's top priority and offered to assist in educating citizens as to how to protect themselves.

Mayor Costello reported he was impressed with the fact that workers came from as far away as Alabama, and that they left their homes on Thursday so they would be available immediately after the storm to begin the restoration process. He commended FP&L's proactive attitude.

Item #5(B) - Post Hurricane Report

Mr. Isaac Turner, City Manager, reported that emergency staff members met to coordinate staffing levels, positioning of equipment, pumping of retention ponds, clearing ditches and storm drains, securing City facilities, and fueling City vehicles. He stated the emergency staff members had a number of meetings while tracking Hurricane Charley's progress. Mr. Turner reported when Volusia County called for a mandatory evacuation order for manufactured and mobile homes, the Police Department went door-to-door in those areas informing residents of the evacuation. He advised the non-mandatory employees were released at 3:00 p.m. Mr. Turner reported a designated staff member reported to the County's Emergency Operations Center (EOC) and the Police, Fire, and Public Works staff were placed on emergency 12-hour schedules with leave days cancelled. He advised Ormond Beach received two resident fire calls before the storm struck, experiencing high winds. Mr. Turner stated the highest sustained wind speed reached 59 miles per hour (mph) with gusts of 88 mph at which time the City virtually lost all of its electrical power.

Mr. Turner advised that shortly after midnight, a preliminary inspection of major roadways was conducted; public works crews were dispatched to start clearing major intersections to insure emergency response personnel access; emergency personnel were assigned to all areas of the City conducting inspections and assisting residents; Fire Department personnel checked on local hospitals and assisted living facilities; the Public Works personnel began assessing the damage to the water and wastewater systems to ensure the generators were functioning; and the Police Department discouraged looters.

Mr. Turner reported no structure flooding was reported, although there were two areas where flooding had occurred. He advised several structures sustained heavy damage; some hotels lost portions of their roofs, and trees were uprooted, blocking streets. Mr. Turner reported that the generators for the police station, City Hall, water and wastewater treatment plants, and several fire stations operated as they were designed enabling these facilities to be operated. He stated loss of power to well pumps, pump stations, and sewer lift stations occurred which limited the City's ability to produce and treat water and wastewater reducing the capacity to 13%. Mr. Turner advised that by Saturday morning the airport reopened, and FP&L utilized a

helicopter business to fly over Volusia County to assess the damage. He stated virtually all of the major roadways and thoroughfares were made passable on Saturday; manual traffic direction was established at the busiest intersections, and efforts were underway to assure there would be no major disruption of water and sewer service. Mr. Turner advised that several press releases were sent to the media, and direct contact was made to several radio stations. He reported water was conserved 30%, and this was critical in the effort to bring the pump stations and treatment facilities on line. Mr. Turner stated non-emergency personnel were called in for duty from Planning, Leisure Services, Support Services, Management Information Services, Engineering, and Building Services. He stated currently 90% of Ormond Beach customers have power, and all but six streets have been cleared of fallen trees. Mr. Turner reported normal household garbage collection resumed on Monday, and yard debris pick up was started on Monday; however, the complete effort would take six to eight weeks to complete. He stated virtually all traffic signals have been reactivated; the water system was at 100% capacity; the wastewater system was at 90% capacity; and the reuse service would be restored in approximately one week.

Mr. Turner commended City employees' efforts noting that these efforts were well coordinated. He reported a debriefing would occur on Wednesday to discuss what went well and to discuss opportunities to make improvements. Mr. Turner reported two emergency items were added to the agenda tonight, and at least one other item was anticipated for a future agenda relative to acquiring additional generators. He stated he called each Commission member several times, but the telephone and cell phones were not working.

Mayor Costello advised Mr. Turner was at his door at 7:15 a.m. on Saturday because phones were not working.

Mayor Costello read a proclamation in honor of the City employees' efforts during Hurricane Charley was the worst hurricane to hit this area in 44 years, virtually rendering the entire City in a state of emergency with many downed power lines, fallen trees, flooding, and loss of electrical service to most of the City. He stated staff tracked Charley's path providing continual updates; staff coordinated staffing and equipment positioning; and they pumped off retention ponds. Mayor Costello reported that employees continue to clean up the City, working to restore services, clear roadways, reassure concerned citizens, and provide information whenever possible. He stated the City of Ormond Beach recognized the outstanding demonstration of professional commitment to the mission of protecting lives and property by the City employees. Mayor Costello also recognized the successes of the public works, fire/rescue, and law enforcement personnel which were competently supported by many dedicated City employees as well as all other City departments. He noted that the excellent coordination of the emergency response was made possible by a comprehensive team effort. Mr. Turner expressed a heartfelt thank you and appreciation of the outstanding service to the community from the City employees for a job well done.

#### Item #5(C) - Carl Persis Day

Mayor Costello advised this item would be postponed until later in the meeting.

#### Item #5(D) - Firefighters Appreciation Week

Mayor Costello presented a proclamation honoring firefighters for their selfless work in raising funds for the Muscular Dystrophy Association (MDA) fighting neuromuscular diseases. He noted Florida firefighters collected a record-breaking \$1,400,000 in their "Fill the Boot Campaign for MDA," again making them the MDA's largest source of funding. Mayor Costello reported that in honor of the efforts of the Ormond Beach firefighters, MDA supported Ormond Beach Firefighters' Appreciation Week, August 24 through August 30.

Fire Chief Barry Baker accepted the proclamation on behalf of the men and women in the Ormond Beach Fire Department. He reported some of the firefighters were scheduled to accept this honor, but due to Hurricane Charley, Fire Department personnel were working overtime, and some are helping those who were less fortunate than Ormond Beach residents.

#### Item #6 – Audience Remarks

##### Carl Persis Proclamation

Ms. Laura Jones, 59 Amsden Road, reported that while she considered Carl Persis a personal friend, presenting this honor to him at this time would be perceived as the Ormond Beach City Commission as endorsing Mr. Persis' candidacy for County Council. She reported that if he was to be honored, it should have taken place directly after his retirement from Ormond Beach rather than ten days prior to the election.

Mayor Costello advised that presenting this proclamation was his personal decision. He advised he did not and would not endorse any candidate, noting this was not about politics; however, when any resident receives an honor such as “Principal of the Year for Volusia County,” he would honor that person at the next City Commission meeting whenever possible. Mayor Costello reported he decided it would not be proper to preclude Mr. Persis from receiving this honor merely because it was the political season.

#### Hurricane Charley

Mr. Glenn Jaspers, 160 Ocean Terrace, thanked those employees who left their homes to work for the City during Hurricane Charley.

#### Budget

Mr. Jaspers advised the replica cars were originally designed for children to play on. He noted the City paid \$48,000 for the replica cars. Mr. Jaspers indicated that the vendor stated vandalism took place costing the City \$3,000 for repairs. He stated the vendor would not honor the contract due to damage caused by vandalism unless the cars were protected. Mr. Jaspers noted the City spent \$250,000 for the Birthplace of Speed Park, which was no more used than the prior park was, making the money spent there wasted.

Mr. Jaspers stated the City did not need an airport manager or the runway extension. He reported that it would cost \$1.5 million to move the ballpark to make room for the runway extension.

Mr. Jaspers stated he received a five-page double-sided survey from the City. He stated he was uncertain who paid for the survey, but it would come back to the City with concrete justification for the City to spend money. Mr. Jaspers stated the survey was entirely slanted. He noted Commissioner Boyle’s fact sheet reported parks and leisure services were “eating us alive.” He stated the Commission had approved many things that were not needed.

#### People Helping Those Less Fortunate

Mr. Charles Carter, 212 Arlington Way, reported that a February 25, 2000, memorandum was sent from former City Manager Eugene Miller to former Mayor Carl Persis relative to 4349 White Street. Mr. Carter stated there was a secret conspiracy to demolish George Anderson’s home when he left his White Street address. He noted former Mayor Carl Persis stated something should be done for Mr. Anderson, but he did not bring the full weight of the City to help Mr. Anderson. Mr. Carter stated the presentation to Mr. Persis was pure politics.

#### Flooding Problems

Ms. Jean Langston, 97 Cordova Avenue, presented photographs of flooding that occurred on August 8. She reported the City put in a berm that helped the flooding slightly, and her neighbor had the City come back to cut out a section of the berm to irrigate his lawn, at which time her property was flooded again. Ms. Langston stated that the City was allowing the runoff from Ridge Avenue to come down Plaza Grande onto her property. She noted she was told a study would be done in 2004.

Mayor Costello requested staff investigate this issue and report to Ms. Langston and the City Commission. He asked Ms. Langston to come back to the Commission in six weeks if she did not receive that information.

#### Downed Tree on Cables

Ms. Langston reported Hurricane Charley dropped a large tree that was being held up by a cable, and were that cable to fall, the tree would land on her home.

Mayor Costello recommended Ms. Langston speak to Ms. Judy Sloane, Public Works Director/City Engineer, to have someone deal with that situation.

#### Hurricane Charley

Ms. Rita Press, 875 Wilmette Avenue, thanked the City Manager for his report on Hurricane Charley, which provided a greater understanding of what was involved and why the City was able to recover as quickly as it did.

#### Candidates’ Forum

Ms. Press reported the proposed Candidates’ Forum would proceed as scheduled tomorrow night. She invited the public to attend this forum where the candidates for Supervisor of Elections, District 4 County Council, and County Council Chairman would be present.

#### Universal Tag Program

Dr. Judith Milcarsky reported she was a veterinarian hubbed in Ormond Beach providing a house call practice from the Flagler County line to Ponce Inlet. She stated last week she faxed the Commission a four-page memo relative to the Universal Tag Program.

Mayor Costello asked if Dr. Milcarsky was requesting an item be pulled from the Consent Agenda; whereby, Dr. Milcarsky stated that she was making that request. Mayor Costello reported he would invite Dr. Milcarsky to the podium at speak when Item #8(G) was discussed.

#### Compensation of Employees

Mr. Emmett R. Crump, 1 Tomoka Oaks Boulevard, stated the most important asset Ormond Beach had was its people, and City employees should be compensated in a way in which the citizens could be proud.

#### Universal Tag Program

Mr. Chris Jessup, 139 Fairway Drive, requested to speak on the Universal Tag Program.

Mayor Costello reported Item #8(G) had already been pulled for discussion. He stated he would permit Mr. Jessup to speak when the Universal Tag Program was being discussed.

#### Proposed Property Tax Increase

Mr. Chuck Wadro, 24 Brook Court Way, stated that after living in four other south Florida cities, Ormond Beach was the best. He commended everyone who worked in Ormond Beach and served the public. Mr. Wadro recommended increasing the residential development impact fees rather than raising the property taxes, which would be the fairest method of obtaining funds. Mr. Wadro advised he supported paying increases for City personnel, and he understood the merit of recreational services for Ormond Beach youth.

Mayor Costello reported the Commission has instructed staff to examine impact fees and indicated that he favored the former 11 impact fees be restored, making the fees as high as could be reasonably justified; however, this would have no impact on the tax increase because impact fees could not cover current expenses. He reported impact fees were to be used for expansion.

#### Item #7(A) – Metropolitan Planning Organization

Mayor Costello reported the executive committee of the Metropolitan Planning Organization (MPO) met to review the DOT proposed changes that would have a negative impact on the MPO regarding the funds spent on roads. He stated the MPO would write a letter requesting the changes, at the very least, be delayed for a year as well as to reevaluate the changes. Mayor Costello reported Volusia County did not have necessary Strategic Intermodal System (SIS) roads where if 75% of the funding were set aside for the SIS, the local roads would not be upgraded.

#### Item #7(B) – Volusia Council of Governments

Mayor Costello reported the executive committee of the Volusia Council of Governments (VCOG) met and decided not to recommend the entire VCOG board take up the fair share study of low income housing, not to do an extensive survey of salary and benefits of employees, and opted for a survey being done of existing information to distribute. He advised the VCOG board would meet later this month.

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

Commissioner Boyle reported Ormond Beach was to host the Water Authority of Volusia (WAV) meeting this morning; however, this meeting was cancelled and would be held at the regular time and place, which was September 22 at the VOTRAN meeting room. He requested staff give a short presentation regarding the water plant expansion opportunities and answer any questions.

#### 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 advised Item No. 8(G) would be pulled for discussion.

Commissioner Boyle requested Item No. 8(A) be discussed separately.

**Commissioner Boyle moved, seconded by Commissioner Kent, for approval of the Consent Agenda, minus Item Nos. 8(A) and 8(G).**

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

Item #8(A) – Painting Services at the Water and Wastewater Treatment Plants

RESOLUTION NO. 2004-123

A RESOLUTION ACCEPTING A BID FROM WEST FLORIDA MAINTENANCE, INC., FOR PAINTING SERVICES AT THE WATER TREATMENT PLANT AND WASTEWATER TREATMENT PLANT, UNDER BID NO. 2004-24; AUTHORIZING THE EXECUTION OF A CONTRACT AND PAYMENT THEREFOR; REJECTING ALL OTHER BIDS; AND SETTING FORTH AN EFFECTIVE DATE.

**Commissioner Selis moved, seconded by Commissioner Kent, to approve Resolution No. 2004-123, as read by title only.**

Commissioner Boyle stated the services in this bid were obviously needed; however, the bids list ranged from \$96,215 to \$322,462 minus the 15% for materials and labor. He expressed concern in the large disparity from the winning bid to the highest bid. Commissioner Boyle questioned if West Florida Maintenance, Inc., understood the scope of services and would be able to perform the contract as scoped.

Mr. Tim Sheahan, Utilities Manager, explained that staff shared Commissioner Boyle' concern so all of West Florida's references were checked and company representatives were interviewed. He stated all of the references were satisfied with West Florida's work and provided additional work to the company. Mr. Sheahan reported staff spoke at length relative to the project and the scope of the work and was satisfied that West Florida did have a full understanding of the scope of the work.

Commissioner Boyle stated that if staff was satisfied, he would not object.

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

Item #8(G) – Universal Tag Program

Dr. Judith Milcarsky affirmed everything she included in the fax transmission she sent to the Commission and offered to ask any question.

Mayor Costello stated Dr. Milcarsky presented an incredibly thorough report.

Mr. Chris Jessup, 139 Fairway Drive, stated he recently received a letter from his veterinarian relative to the Universal Tag Program, which indicated that this program would merely add more taxes and fees to something that was already being paid. He noted people on a fixed income may not have the extra money this fee would impose.

Ms. Judy Boitt, 117 Colina Place, spoke against the Universal Tag Program, noting that responsible pet owners already tag their pets. She reported Orange County no longer had a license law since they discovered it was too costly and not effective. Ms. Boitt stated that the Universal Tag Program was not directed toward people at the poverty level, it was directed toward the feral cats, and she suggested grants could be a solution. She stated the Florida Medical Association just received approval for a license plate where the profits would go to spay/neuter programs. Ms. Boitt questioned the County's ability to administer the program and stated thousands of residents and 26 veterinarians opposed this program.

Ms. Alice Jaeger, 447 Triton Road, distributed a letter attesting to her support for the Universal Tag Program. She stated for every responsibility in government, there always seemed to be

some type of license of fee that must be paid, and being a pet owner entailed responsibility and requirements. She explained the citizens should be aware that the cost of euthanizing animals keeps increasing, and she urged this program be tried since the current system was not working.

Ms. Diane Voigt, 4037 Acoma Drive, stated the original intent of this program was to ask the governments in Volusia County to purchase two spay/neuter mobile vans, but the veterinarians objected because it would take away their business so the plan was changed to obtaining a County-wide aggressive, affordable, accessible spay/neuter program to be funded by the uncollected funds from the already existing license programs in Volusia County and all cities except Daytona Beach Shores. She pointed out that this license fee was something that all responsible pet owners were already supposed to be paying. Ms. Voigt noted that since August 2000 there have been an additional 60,000 animals killed because there were not enough homes for these pets, and this number was growing every year. Ms. Voigt reported this community was paying close to \$800,000 per year to impound and kill animals, and by 2006 the estimated cost was close to \$1 million per year. She stated this program would be conducted through the coordination of an already existing law that required animals to be licensed with the already existing law requiring animals to be vaccinated annually and the already existing law that required veterinarians to submit copies of every rabies certificate they issue to an animal control agency.

Mr. Mel Stack, 1331 Oak Forest Drive, Halifax Humane Society president, urged the Commission to support the Universal Tag Program. He stated Ormond Beach was a progressive City always at the forefront in Volusia County, and by supporting this program, Ormond Beach would be part of the solution. Mr. Stack noted he did not hear an alternative to this program mentioned, and every day animals are being euthanized at the Halifax Humane Society. Mr. Stack pointed out that the only way to make the benefits of the program available to those who may not have the means, was through this program. He stated a “yes” vote would be a vote to stop the slaughter of animals.

Commissioner Boyle noted staff recommended the Commission send this letter of support for the Universal Tag Program; however, he shared Ms. Boitt’s lack of confidence in the County’s ability to administer the program. He pointed out that the County stopped picking up rabies certificates long ago, and rabies was a serious problem in Volusia County. Commissioner Boyle stated a local veterinarian conducted a survey last May of 65 veterinarians with an 80% response rate, and of the 52 out of 65 veterinarians who responded, 29 opposed, 17 favored, and 6 took no position. He noted tags on collars do not work for cats and are becoming obsolete for dogs as well. Commissioner Boyle stated this program would result in a huge unfunded liability for Ormond Beach. He stated the responsible pet owners would have to pay for the pet owners who were not responsible, and the tax would deter the marginally responsible pet owners from taking their pets to veterinarians for rabies shots and care resulting in more abandoned animals rather than less. Commissioner Boyle indicated there would be problems with veterinarians dealing with Flagler County pet owners, since they would not be adopting this program. He stated these programs do not work, noting that it failed in Orange County; and even if 90% were spayed/neutered, the remaining 10% would still expand the unwanted pet population. Commissioner Boyle pointed out that only 400 pets were currently registered in Ormond Beach; however, there were probably closer to 30,000 pets in Ormond Beach. He questioned how the program would be enforced and who would enforce it. Commissioner Boyle strongly urged the Commission not to send this letter or go into a program it knows nothing about and veterinarians oppose.

Mayor Costello stated he favored proceeding with sending the letter. He encouraged the County and those supporting this ordinance to work in a way to keep the veterinarians and the rabies vaccinations out of the program. Mayor Costello noted he did not see a better alternative. He stated he favored impact and user fees.

**Commissioner Selis moved, seconded by Commissioner Partington, to send the letter supporting the Universal Tag Program to Volusia County.**

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

Item #5(C) - Carl Persis Day

Mayor Costello suggested that any time someone in the community received a significant award, he wanted to honor them. He stated that he made a decision to not avoid honoring someone simply because of the politics of the current election. Mayor Costello reiterated he had not endorsed Mr. Persis or any of the four candidates in this election.

Mayor Costello read the proclamation stating that the School District of Volusia County named Carl Persis, principal of Ormond Beach Middle School, as the "2004 Principal of the Year." He reported Mr. Persis was nominated by the parents, faculty, and staff of Tomoka Elementary School, where he was principal for 13 years. Mayor Costello stated the *Principal of the Year* award was co-sponsored by Volusia County Schools, FUTURES Foundation and the Civic League, and the purpose of the award was to honor outstanding leadership and service by school level administrators. He noted Mr. Persis was a former City of Ormond Beach Mayor and City Commissioner, serving on the City Commission for seven years. Mayor Costello proclaimed August 21, 2004, as Carl Persis Day in the City of Ormond Beach.

Former Mayor Carl Persis thanked the City for this honor. He stated he was extremely proud to be a principal, which he has been for 21 years, and was honored by this award. He accepted the proclamation on behalf of the 70 principals in Volusia County who were doing a super job supporting teachers, parents, and the community.

Item #9(A) – Schedule of Permit Fees

ORDINANCE NO. 2004-35  
AN ORDINANCE AMENDING SECTION 8-3, SCHEDULE OF PERMIT FEES, OF ARTICLE I, CHAPTER 8, BUILDINGS AND CONSTRUCTION REGULATIONS, OF THE CITY OF ORMOND BEACH CODE OF ORDINANCES; PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR SEVERABILITY; AND SETTING FORTH AN EFFECTIVE DATE.

**Commissioner Partington moved, seconded by Commissioner Kent, to approve Ordinance No. 2004-35, on first reading, as read by title only.**

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

Item #9(B) – Water System Impact Fee Fund

ORDINANCE NO. 2004-36  
AN ORDINANCE AMENDING THE ANNUAL BUDGET FOR THE 2003-2004 FISCAL YEAR RELATIVE TO THE WATER SYSTEM IMPACT FEE FUND; AND SETTING FORTH AN EFFECTIVE DATE.

**Commissioner Partington moved, seconded by Commissioner Selis, to approve Ordinance No. 2004-36, on first reading.**

Commissioner Boyle stated this item was discussed at length earlier where the City had the opportunity to partner on improved infrastructure; and while costs had escalated, the benefits exceeded the costs.

Mr. Paul Lane, Finance Director, advised the prior agreement the Commission approved on the Consent Agenda required that this money be appropriated.

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

Item #9(C) – Enacting Temporary Emergency Administrative Procedures

ORDINANCE NO. 2004-37

AN ORDINANCE ENACTING TEMPORARY EMERGENCY ADMINISTRATIVE PROCEDURES TO PROVIDE FOR THE EXPEDITIOUS AND COORDINATED MANAGEMENT OF BUILDING PERMIT APPLICATIONS AND FEES; WAIVING SPECIFIC PERMITS AND FEES ISSUED FOR THE REMOVAL OF CERTAIN TREES; ESTABLISHING A METHOD OF ENFORCEMENT OF THE FLORIDA BUILDING CODE SUCH THAT ON-SITE PERMITS MAY BE ISSUED BY APPROPRIATE CITY STAFF FOR REPAIR OF DAMAGE CAUSED BY HURRICANE CHARLEY; PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR SEVERABILITY; AND SETTING FORTH AN EFFECTIVE DATE.

**Commissioner Kent moved, seconded by Commissioner Boyle, to approve Ordinance No. 2004-37, on first reading.**

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

Item #10(A) – Fire Station No. 91 Construction Agreement

RESOLUTION NO. 2004-129

A RESOLUTION AUTHORIZING EXECUTION OF AN AGREEMENT BETWEEN THE CITY AND HALL CONSTRUCTION COMPANY, INC., REGARDING CONSTRUCTION SERVICES FOR RENOVATIONS TO FIRE STATION NO. 91; AND SETTING FORTH AN EFFECTIVE DATE.

**Commissioner Kent moved, seconded by Commissioner Boyle, to approve Resolution No. 2004-129, as read by title only.**

Commissioner Selis asked why this project was not bid out.

Ms. Judy Sloane, Public Works Director/City Engineer, explained that the City had a continuing contract with Hall Construction for design service as a general contractor. She stated Hall Construction would bid out the individual elements.

Commissioner Selis questioned why the City did not bid out the project to determine if it could be done for less money.

Ms. Sloane stated the construction manager would value engineer the project, and their input has been valuable in the previous projects. She reported she presented these plans to Mr. Hudson in the negotiations for the land swap, and he showed the plans to contractors who indicated that they could not do the job for less money.

Commissioner Selis asked what percentage of the total cost Hall Construction would be paid for this service.

Mr. Turner advised that for Alternate #1, the fee would be 11% or over \$9,000.

Ms. Sloane reported the fee would vary on the size of the project.

Commissioner Selis asked how many projects were done each year where Hall Construction would be the only contractor participating in the process.

Ms. Sloane stated the City would use the construction management contract for approximately one or two projects per year. She reported Hall Construction did the control tower at the airport, and they were under contract for Fire Station #92, noting they have been in every meeting relative to this fire station.

Commissioner Selis advised that he could not support this because he believed Ormond Beach was wasting money by using consulting services of a contractor when the City could bid the project itself and pay less.

Ms. Sloane reported a general contractor would generally charge 15%, which was what the City was asking Hall Construction to do for this project. She advised any project needed a general contractor where that general contractor hired subcontractors to do the work, and they would charge a percentage. Ms. Sloane explained the City had a negotiated contract with Hall Construction that was formally bid.

Mr. Turner reported that whatever the outcome of this item, it may be important for staff to thoroughly explain this process. He explained the City pre-qualified some contractors and engineers in advance to shorten the process.

Mayor Costello noted Mr. Turner's suggestion was appropriate, but he was pleased Commissioner Selis was questioning the cost efficiency of projects. He explained he had become convinced that this was value engineering, but he wanted the entire Commission to become convinced as well, which was why he would welcome a report showing the history where other general contractors were invited to bid on this process. Mayor Costello stated that there were actually two bidding processes involved.

Commissioner Partington asked if the \$107,341 figure included Hall Construction's percentage; whereby, Ms. Sloane advised Hall Construction's percentage was included in that figure as well as the historic preservation architect's costs which was well under the \$120,000 anticipated.

Commissioner Kent asked that the report include when Hall Construction's term was to end. He stated that this contract was approved under a prior Commission, and while he would support this because the project was vital to complete, he also had similar concerns.

Ms. Sloane stated that staff researched the method that was being used quite thoroughly, but the process would be fully explained in the report.

Commissioner Boyle thanked Commissioner Selis for his insight noting the questions he asked were on point; however, an alternative process could conceivably be more costly. He stated Hall Construction was familiar with the City's processes and buildings, and they were a known quantity. Commissioner Boyle pointed out that the consultant would receive approximately \$9,000 for this project, but there was a consultant at the airport where over in a period of ten years the company had earned \$996,000 and Commissioner Selis' questions would apply in that case as well.

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

Item #10(B) – Emergency Contract for Removal of Debris Resulting from Hurricane Charley

RESOLUTION NO. 2004-130

A RESOLUTION AUTHORIZING THE EXECUTION OF AN EMERGENCY CONTRACT BETWEEN THE CITY AND WASTE MANAGEMENT OF FLORIDA, INC., FOR THE REMOVAL OF DEBRIS RESULTING FROM HURRICANE CHARLEY UNDER COUNTY PURCHASE ORDER NUMBER EMC1001; AND SETTING FORTH AN EFFECTIVE DATE.

**Commissioner Partington moved, seconded by Commissioner Selis, to approve Resolution No. 2004-130, as read by title only.**

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

Item #11(A) – Update on Fire Station No. 91

Mr. Turner advised that this item was on the agenda at this point due to a letter he received from Mr. Fred Hudson who indicated he wanted the City to come to a decision this week such that if no decision was made, he would place the property up for sale. He advised staff's recommendation was to acquire the property if at all possible in that a new fire station in that location would be extremely beneficial.

Mayor Costello suggested the Commission first discuss whether a new site was needed for a new fire station; secondly, decide if the proposed site was the site the Commission would support for the new station; and thirdly, decide whether the Commission would prefer purchasing the site or trading for the site. He asked if any member of the Commission believed the City should have a site for a future new site fire station.

Commissioners Boyle, Kent, and Partington, and Mayor Costello indicated they would recommend a new site, and Commissioner Selis reported he would go with the majority on this issue.

Mayor Costello next asked how many believed the site in question was the best site for the new fire station.

Commissioner Selis advised that with the current information, one would have to conclude this was the best site; however, his concern was that the Commission was being rushed into a decision. He stated that this project was years out and was brought to the forefront only recently; therefore, he was not prepared to support it at this time.

Commissioner Partington noted he appreciated the Fire Department staff's indication that they could stay where they were located, but that a new site was obviously needed. He stated that there were other sites available, and he was struggling with supporting this expenditure in such a tight budget year because of the size and cost of the site. Commissioner Partington reported he met with Mr. Turner, Ms. Dorian Burt, Fire Chief Barry Baker, and he talked with Mr. Hudson. He indicated that he would accept staff's recommendation that this was the only available beachside site that would be large enough, but he did not understand why the Rockefeller site would not do an adequate job. Commissioner Partington pointed out that the property appraiser listed the Rockefeller site as a .7-acre site, and staff reported it as a .5-acre site. He stated he was aware of government situations where a building was outgrown before it was built, and he wanted to avoid that; therefore, he would trust Chief Baker's determinations, and despite his trepidations, he would concur that this was the best site.

Commissioner Kent advised he was also concerned relative to the budget situation; however, he placed resident safety as a top priority. He stated while the fire station may be adequate, he had concerns that the trucks could get stuck in the narrow bays. Commissioner Kent noted he wished to speak to Chief Baker regarding his decision to not store the 100-foot ladder truck on the beachside because he could not understand where else the truck would be needed since the 50-foot trucks should be adequate for the remainder of Ormond Beach. He pointed out the property values on the beachside had increased substantially in the last few months, and he was ready to support this project at the proposed location because if action was not taken now, the City would pay a great deal more in the future.

Commissioner Boyle concurred that projects should not be abruptly placed at the top of the priority list; however, there were exceptions. He explained he considered this a one-time opportunity, and action had to be taken immediately since for private businessmen "time is money." Commissioner Boyle urged the Commission to view this that if the City were to start the process of moving the fire station from the present inadequate location and were looking for an adequate beachside location that the cost would be at least \$500,000 to \$1 million more than what was being offered in this proposal. He stated the Rockefeller site was only one-third the size of the proposed site; two owners were involved, and Chief Baker had identified this location as the prime site. Commissioner Boyle pointed out that if the City were to acquire a site for a playground which this proposal would include, the land for the playground would cost several hundred thousand dollars. He stated that had the City requested an appraisal of the land at the proposed new site and at the current site at this point, the Commission may find more comfort in this proposition. Commissioner Boyle estimated the value of the new parcel to be closer to \$900,000 or \$1 million today, even though it was acquired for \$680,000 just months ago. He explained the City would also retain the historic and aesthetic integrity of the current fire station. Commissioner Boyle pointed out that this building would go back on the tax rolls in the Tax Increment Financing (TIF) district. He stated there had been two successful referendums in the past five years for fire stations indicating that people were willing to tax themselves for fire stations for fire protection and for advanced life support as well.

Mayor Costello asked Chief Baker how long a new beachside site has been wanted by the Fire Department.

Fire Chief Barry Baker replied that he had been with the City for seven years, and a new beachside site had been discussed for all seven years of his tenure; but staff only requested funding for a beachside fire station for the past three years.

Mayor Costello stated a new beachside site did not just materialize recently, and indicated that an opportunity recently arose that fit into a plan the City was already working toward but was not yet ready to act on.

Chief Baker stated that he could not report that the .7 acre site would not be adequate, but he could report that the proposed site was optimal for the City's needs. He explained that the .7 acre site would probably require a two-story structure, and two-story structures were typically more expensive since an elevator, stairwells, and corridors would have to be provided. Chief Baker reported most architects have indicated that a minimum of one acre would be optimal for a fire station.

Mayor Costello stated that he tried to arrive at various remedies to expand the existing fire station including purchasing adjacent land, but he decided the new site was preferable. He expressed a concern relative to the close proximity of the playground to the fire station and challenged staff to find an alternate use for the remaining portion of the site and purchase additional land elsewhere for a playground; however, should another site not be located, he could support the playground located at the fire station. Mayor Costello summarized that four Commission members had indicated that they were in favor of acquiring the proposed site for a fire station with Commissioner Selis opposed.

Commissioner Selis stated that he wanted safety and a fire station as well, but there may be other sites. He pointed out that had this opportunity not presented itself, the City would not be considering a new fire station at this time.

Mayor Costello concurred that the City would probably not be considering a new fire station without this opportunity; however, the opportunity did present itself, and four Commission members believed this was the time to proceed with this proposal. He recommended the Commission discuss the option of trading or purchasing the property.

Commissioner Partington stated that he did not have enough information to make a determination whether he would prefer a trade or purchase and stated that a critical element that was missing in this debate was public input as to the value of the building. He pointed out that the current site was not on the National Register of Historic Places but was designated a local historical landmark. Commissioner Partington urged input from the Quality of Life Advisory Board or the Historical Trust to provide that input. He requested a discussion for a future agenda relative to creating a policy where any issue would be sent to the proper board for input prior to the City Commission discussing the issue. Commissioner Partington stated that while this issue had been under consideration for two years, it was only presented to the Commission in April with a need for quick action. He pointed out that staff indicated that this had already worked its way partially through the Planning Board and was changed from encouraging it in the Land Development Code to be maintained as a public building to allowing it to be used for commercial uses. Commissioner Partington stated that the current site had a better response time since it was more centrally located; therefore, safety was not a big issue. He noted he heard that a second story would be cheaper to build, yet Chief Baker indicated a second story would be more expensive; therefore, he requested this be investigated and reported back to the Commission.

Commissioner Partington reported that the material provided by staff indicated that the current value of the A1A property was \$685,000 and sold for \$680,000 at the end of July, while the City property was appraised at \$492,000 including \$120,000 worth of improvements that the Commission just learned would actually cost \$107,000. He stated the \$492,000, plus the cash to make the swap of \$405,000, would equal \$897,000. Commissioner Partington recommended comparing that figure to the cost of the A1A property, which would leave a \$217,000 difference. He stated that even with a \$60,000 rental for the next two years to lease the current site while the new station was being constructed, it left a gap of \$97,000 from where he could support this proposition. He stated he understood the comments relative to sky-rocketing real estate prices, but using professional appraisals would be the best method to justify the cost.

Mr. Randal Hayes, City Attorney, clarified that the Commission would not be voting on anything this evening, it would merely giving staff direction. He stated that if the Commission was

inclined to move forward with this project, staff would need to prepare the documents for formal consideration.

Mr. Turner advised that he made a decision not to take this item to the advisory boards until the Commission made a determination that they wished to pursue the proposal; but it then seemed to be fast-tracked so he instructed the Planning staff to take the item to the Planning Board since that process would take the most time. He reported that his intent was to bring the item to the Commission in a final format where the Commission could then supercede the terms in developing a contract, at which time the item would then go to the Quality of Life Advisory Board and the Historic Landmark Preservation Board so the Commission would have their input before the final vote on the contract. Mr. Turner stated the message relative to involving the boards sooner was clearly understood. He reported staff would provide information relative to second story costs, but it was his experience that the cost of constructing a second story was substantially more expensive than a single story. Mr. Turner indicated staff could request the appraiser to provide the current value on that land if that would be helpful to the Commission, noting that values were escalating tremendously on a monthly basis.

Commissioner Selis stated that to the extent the Commission decided to obtain this site, it should be purchased outright rather than swap. He explained that the City would have to pay the property owner \$5,000 per month rent for a two-year period or \$120,000 over two years.

Mr. Turner advised that according to Mr. Hudson's letter, the monthly lease amounts were included in the \$405,000 for the swap for a two year period; however, if the two years would need to be extended, the cost would be \$4,000 or \$5,000 per month for anything after the initial two years.

Commissioner Boyle referred to the two referendums on fire stations in response to the lack of public input mentioned. He noted Mr. Hudson pledged to place this building on the National Registry of Historic Places. Commissioner Boyle noted he was certain the Historic Trust or Quality of Life Advisory Board could find a use for this building, but the City would have to pay a great deal of money for such a use. He pointed out that this was an old, sick building; and with this swap, Mr. Hudson would maintain the historic integrity of the building, pay for future rehab costs, and pay taxes to help the downtown. Commissioner Boyle stated these facts may help Commissioner Partington find that \$97,000 he alluded to that he needed to reconcile the cost. He noted he would have welcomed a cost/benefit chart on this issue in order to clarify the potential cost and benefit to the City. Commissioner Boyle stated that relative to safety, fire trucks squeezing out into Granada Boulevard traffic at the current site may not be as quick; but he had never seen EVAC beat the fire truck to a call in the past 25 years. He noted if he thought this would lengthen the response times, he would oppose this move. Commissioner Boyle pointed out that Mr. Hudson indicated in his letter that the City could take advantage of this proposal, or if the City decided it was not good for the City he could make more money from the land if he sold it to someone else; but he needed an answer by August 17. He stated that in the business that Mr. Hudson was in, his professional reputation relied on his integrity, and if there were any hesitation on the part of this Commission or even a single Commissioner, he would walk away from the deal because he wanted what was best for the City. Commissioner Boyle noted that while this government's system was that projects were approved by a three to two vote, this landowner indicated he wanted a unanimous approval since he believed he was offering the City a great opportunity.

Commissioner Kent stated he hoped the landowner would reconsider his need for unanimous approval. He assured Chief Baker that he believed the Ormond Beach Fire Department was currently properly caring for the beachside, but the location was not ideal. Commissioner Kent expressed concern for the safety of the residents, but he was also concerned about the safety of the personnel housed in the current building, noting the building was in a "sick" condition. Commissioner Kent echoed Commissioner Boyle's concern that the property being in a TIF district would bring the taxes back to that district; the building would be placed on the National Registry of Historic Places; and maintenance would no longer be the City's responsibility.

Mayor Costello stated some people believed the City should keep this building, and some believed it should be sold; however, he had not received any suggestions as to how the City should use the building without it costing the City money. He pointed out that while the Historical Trust would like to have the building, they would not even have enough to maintain the building. Mayor Costello recommended clear indication be made on any documentation that: the \$405,000 would include a two-year rental from the time the contract would be signed; the City would pay the \$95,000 improvements to the current building; the City would have the first right of refusal to buy the building back if Mr. Hudson should decide to sell the building; and a stipulation could be included in the deed that the building must be maintained on the National Registry of Historic Places. He reported he did not receive an overwhelming community

response to keep the building and use it for a specific purpose. Mayor Costello stated it would not be possible to lease enough space for the Historical Trust in the building.

Ms. Dorian Burt, 203 Pine Cone Trail, advised that as a realtor for 25 years, she could attest that an appraisal always comes out of the contract price; and it was not a real fair market value because Mr. Hudson could probably now sell this property for \$975,000. Ms. Burt stated that this seemed to be a win/win situation, and Mr. Hudson could afford to maintain this building properly. She pointed out that in March 2001, this Commission was presented with repairs for that building for \$195,000, but they were not done; and three years later, the Commission was presented with repairs for \$120,000, but they were also not done. Ms. Burt stated that she worked in this building and enjoyed a wonderful camaraderie there, but she urged the Commission to go upstairs and witness the disgraceful conditions in which the fire personnel had to work. Ms. Burt stated the Commission did not have to act on this opportunity, but they must be aware when an opportunity was being presented. She noted that three and one-half years ago, the property directly to the west of the fire station, which was more than half an acre, was for sale for \$300,000; and she had informed staff at that time of the opportunity to purchase the land and expand the fire station, but that opportunity was not acted on. Ms. Burt cautioned that there are times when opportunities arise for a short time; but if no action is taken, the opportunity would be lost.

Mayor Costello advised that he understood why Mr. Hudson loved this building and stated that if he had needed a new office, he would like to use that building for an office.

Mayor Costello called for a short break at 9:32 p.m. and reconvened at 9:37 p.m.

Commissioner Boyle stated the Commission was discussing separating the acquisition of the site from Mr. Hudson obtaining the current fire station; however, if a swap was not made, the price of the site would probably increase to \$975,000, and he may not even sell it to the City.

Commissioner Partington stated in a conversation with Mr. Hudson this afternoon, Mr. Hudson indicated that after he did some research, and if there would be no detriment, the current site would be placed on the National Registry of Historic Places; however, that was a huge distinction, which was why he wanted to clarify some of these issues. He cautioned against referring to this building as “old” and “sick” since the City’s property insurance carriers were not aware of this and there was no proof to support this allegation, which could result in tremendous liability to the City, and he did not believe that was the case. Commissioner Partington stated as with other City structures, this building has not been maintained over the years, and it would probably not cost any more than any other building in the City to maintain. He noted that this site would lengthen the response times to the north. Commissioner Partington questioned how the building would be valued if the City were offered the right of first refusal to buy the building back from Mr. Hudson.

Mayor Costello explained that his vision was that if Mr. Hudson should get a contract from a buyer should he decide to sell the building, the City would have the right to exercise that contract.

Commissioner Partington stated Mr. Hudson only wanted to do what was best for the City of Ormond Beach; and if an outright purchase was best for the City, he believed Mr. Hudson would agree. He noted a solution may be to purchase the site and lease the building to Mr. Hudson, but Mr. Hudson appeared to be open to other options as well. Commissioner Partington stated protecting the City’s interest fiscally and historically and at the same time honoring Mr. Hudson and allowing him to be a part of this process would be a “win/win” situation.

Commissioner Boyle reiterated that based on what he understood, Mr. Hudson wanted to own the building, and any other suggestion was not an option.

Mayor Costello summarized that Commissioner Boyle and Commissioner Kent indicated they preferred a trade; Commissioner Partington indicated he wanted to purchase the land outright.

Commissioner Partington clarified that he would favor a trade if he could have a comfort level that the numbers added up, and for that reason and the lack of public input, he preferred the outright purchase.

Commissioner Selis advised he had no strong preference either way.

Mayor Costello gleaned from Commissioner Selis’ comments that four Commission members were interested in making the trade. He summarized the contract would specify a cost of \$405,000 that would include a two-year lease from the time the contract would be signed; the

building would be placed on the National Registry of Historic Places; or if this could not be done, with the exterior façade remaining unchanged; and the City would have first right of refusal if Mr. Hudson should decide to sell the building.

Mr. Hayes stated covenants, deed restrictions, and reverter clauses could be included to insure the building be placed on the National Registry of Historic Places, but that may be a breaking points in approving the deal.

Mr. Turner requested staff be permitted to investigate the placement on the National Registry of Historic Places and the right of first refusal issues further and report back.

Mr. Hayes advised the Commission provided adequate direction and noted the Commission may wish to debate the components of the documents when presented.

Item #11(B) – Conflict of Interest/Requirement for Waiver on the Aviation Advisory Board

Mayor Costello commended staff for a great report.

Commissioner Boyle thanked the City Attorney for the exhaustive research and stated he understood that this was a complicated issue. He noted he was confused that seven items had been investigated when he had only questioned five items. Commissioner Boyle stated he indicated in advance that he would accept the City Attorney's opinion. He explained that Mr. Hayes indicated that resolutions were not needed, and he accepted that assessment. Commissioner Boyle stated these recommendations apply to all of the boards, not only the Aviation Advisory Board. He noted that he did not believe this Commission made decisions such as runway extension based on what the Aviation Advisory Board members would advise; therefore, he was never irritated as to a board member's opinion on that subject, although this board could have been helpful relative to the complaint filed by Ormond Aviation. Commissioner Boyle stated that he was at a Planning Board meeting where the board was struggling with making a determination as to a recommendation for an overlay district for the airport, and not one member of the Aviation Advisory Board was present to answer their questions. He stated as a result of that, the item had to be continued.

Item #11(C) – Economic Impact of the Extension of Airport Runway 17-35

Commissioner Boyle stated that during budget research he received different answers from different staff members to his questions regarding costs for the extension of the runway. He stated he questioned when the \$79,000 would be needed, but that question was subsequently answered. Commissioner Boyle noted he had questions regarding the relocation of the recreation fields and when that funding would be required, but some insight was provided in the report on those issues. He stated that Mayor Costello hesitated mentioning the football stadium since he knew it may become a part of the equations. Commissioner Boyle explained that numerous landowners attended the Planning Board meeting relative to the runway overlay district, and the runway extension had not been factored in at that point. He stated that the landowners were totally opposed to the runway extension. Commissioner Boyle pointed out that this would place bigger and faster airplanes closer to children, even with the relocation of the sports complex. He stated staff provided flawed economic impact studies from 2000, estimating 200,000 operations as the baseline, while the FAA 2001 study estimated 118,000 operations, and the actual count was probably closer to 70,000. He pointed out that all of the data was flawed because the baseline used was incorrect. Commissioner Boyle stated that this project was buried five years out by a number of Commissions for a good reason. He pointed out that it had been noted that the airport was operational years before Bear Creek or Tomoka Oaks residents purchased their homes, but a runway extension would add a new dynamic because the residents did not know the runway would be extended allowing bigger and louder aircraft.

Mayor Costello urged the discussion be kept on issue noting the stadium had nothing to do with the runway extension. He stated that if the City should ever build a stadium, the School Board and impact fees would be involved, and it would not be funded through the General Fund. Mayor Costello expressed support for acquiring the triangle and redesigning a portion of the sports complex whether the runway was or was not extended; therefore, a runway extension may accelerate a redesign, but it would not require a redesign. Mayor Costello clarified that he was not using the runway extension as a method to have the sports complex redesigned since he had supported the runway extension and the redesign of the sports complex for a long time.

Commissioner Boyle reiterated that he was shocked that staff presented the Commission with reports containing flawed methodology.

Mayor Costello stated the reports presented were the only reports staff had available.

Mr. Adrian Thompson, 4 Pine Look Pass, stated the runway extension would benefit his business; however, he opposed the runway extension as a taxpayer since he did not believe it was supportable. He noted he was on the Aviation Advisory Board until 2003 and assured the Commission that this project was “dead in the water” and was only kept on the master plan so the City would not have to repay the grant money that had already been expended on the project. Mr. Thompson recommended a proper economic study be done, especially with the new economic data from the proposed Ormond Crossings project, which was the biggest motivator for resurrecting this project. He stated in real terms, the movements were closer to 60,000 or 70,000, and the City would have to pay \$100,000 to \$130,000 to man the control tower because of this low count. Mr. Thompson pointed out that Embry Riddle University no longer used the airport, and operations have reduced due to 9/11. He urged the Commission to obtain and study the proper information. Mr. Thompson recommended the Commission not underestimate the potential litigation because when the overlay district was placed over the properties, citizens who own the properties in that noise sensitive area would be obligated to advise a prospective purchaser that by their covenants they live in an area affected by airport noise, significantly reducing the value of the property, thus reducing the City’s tax base. He assured the Commission that it was not a 60 decibel zone on the edge. Mr. Thompson stated the overlay district had no citizen support at the Planning Board meeting and no Aviation Advisory Board member was present.

Commissioner Partington stated it appeared to be ethically improper for the City to place a project in the fifth year of the Capital Improvement Program merely to avoid repaying grant money; it would be more ethical to either use the funds as outlined or repay the funds.

Mayor Costello stated he would favor the City proceeding with the plans to improve the sports complex, although he was not rushing the process. He explained that he simply wanted to insure that if there were an eventual runway extension, that it would not negatively impact the master plan for the sports complex. Mayor Costello stated he recommended someone other than Hoyle Tanner perform an economic impact study. He explained he was informed that Ormond Crossings would benefit from a runway extension, but he needed to know if this was not the case since it was weighing in his calculations of the benefit/risk ratio. Mayor Costello noted he was not certain the count would invalidate the entire study, and if it would, he recommended a new study; but if it would only require adjusting a number, he may not want the study. He stated he was convinced the runway extension would benefit Ormond Beach, but he was willing to listen to opposing views.

Commissioner Boyle reported he asked Mr. Joe Mannarino, Economic Development Director, if a runway extension would help Ormond Crossings, and he had replied that the model indicated that the extended runway would benefit that project, but the model did not take into account an international all-weather operations airport ten minutes away.

Mayor Costello stated he would still rather see a study since he was informed that a general aviation airport would be of benefit over a commercial airport nearby.

Mr. Turner offered to bring information back to the Commission. He stated Hoyle Tanner was an engineering firm, and he doubted they did an economic impact study. He advised that it was important to retain a firm who specialized in airports for such a study so they would be aware of the special regulations pertaining to airports and to retain a firm whose name the federal government would know and respect.

Mr. Tom Lipps, Support Services Director, explained that Hoyle Tanner did an earlier study, and the 2000 study was done by a faculty member at Embry Riddle.

Commissioner Boyle questioned why it was not pointed out that the 200,000 count in the study was flawed.

Mr. Lipps noted that was his mistake. He pointed out in the staff report that there were two kinds of revenue opportunities, one of which was direct revenue, and any economic development multiplier model was revenue to the community and every economic development cost analysis would contain a multiplier concept. He pointed out each Commission member must decide how to weight that multiplier.

Commissioner Partington asked of the \$1 million paid to Hoyle Tanner, how much was federal, state, and City match.

Mr. Lipps reported the amount paid would depend on the particular project.

Commissioner Partington clarified that the money over the next three years for the extension was \$79,100 for the City's share.

Mr. Lipps advised he used the figure of \$100,000 for the local share for the runway extension component, but there were costs associated with the sports complex as well. He explained the first year would require an environmental assessment, and noise was an environmental component; therefore, next year the local share would be \$650. He explained that in the second year land acquisition would occur with construction in the third year where the larger money would factor into the equation.

Commissioner Partington asked if the Recreation Advisory Board indicated the recreation improvements needed to be done irrespective of what should occur with the runway; whereby, Alan Burton, Director of Leisure Services concurred that was correct.

Mr. Lipps explained that several years ago, recreation groups went through an analysis of the needs of that complex and came up with a long-term master plan.

Mayor Costello encouraged staff to provide as much information as possible including a full environmental sound impact study with public participation, current accurate counts, assurances that what he was told was true relative to the runway extension being beneficial to Ormond Crossings, affirmation of the validity of the information he received that the new planes would go up faster so the residents would be impacted less, and the tower would direct the aircraft where the residential impact would be minimized.

#### Item #11(D) – Use of the “Birthplace of Speed” Trademark

Mr. Alan Burton, Director of Leisure Services, advised the memo shared four modest ideas at a modest cost relative to the use of the Birthplace of Speed trademark.

Commissioner Boyle urged that the Granada Bridge not be renamed for the same reason Granada Boulevard was not renamed. He also urged that money be spent to place a device on the top of the bridge to indicate stacked vehicles when they cannot be seen. He stated he was not convinced that the term Birthplace of Speed always provided a positive image for Ormond Beach. Commissioner Boyle recommended purchasing small temporary stop signs that were needed in this past emergency rather than the 88 banners for \$7,000 that was recommended. He noted he could support the \$90 for add-on signs as outlined in Item # 3 in the memo, and relative to Item # 4, he recommended merely welcoming people to Ormond Beach, pointing out Ormond Beach was known for many things other than being the Birthplace of Speed, such as its community spirit and the heroic efforts demonstrated 100 years ago at the shipwreck off the coast. Commissioner Boyle stated Ormond Beach needed to preserve history, not create it. He recommended the proper place to use the trademark would be creating a museum to the Birthplace of Speed.

Commissioner Kent and Commissioner Selis stated they could not support the renaming of the Granada Bridge, but could support the other recommendations.

Mayor Costello advised three Commission members noted opposition to Item #1; therefore, it would not be considered further.

Commissioner Partington asked Holly Hill Commissioner Roland Via to speak in that he was extremely involved with the speed-related City activities and was aware of where the City's legal staff could protect the City's trademark on the Birthplace of Speed. He advised he could support Items 2, 3, and 4.

Holly Hill Commissioner Roland Via, 1712 Center Avenue, Holly Hill, stated he has been a member of the Birthplace of Speed Committee for years, and this was of historical significance that no other cities shared. He concurred renaming the Granada Bridge on a permanent basis may not be best; however, he recommended the Commission approve the entrance signs and the banners. Commissioner Via noted Ormond Beach was losing part of its identity to Daytona Beach, and urged the City to take back this unique identity that was rightfully theirs. He pointed out Ormond Beach has trademark rights to the name Birthplace of Speed. Commissioner Via stated people come from all over the United States bringing very expensive automobiles for events in Ormond Beach and also come to vacation in Ormond Beach.

Mayor Costello summarized that the Commission determined to proceed with Items 2, 3, and 4. He stated he would personally favor, if the Commission agreed, that the Granada Bridge also be known as the “Bridge to the Birthplace of Speed.”

Item #11(E) – Ball Field Advertising

No questions or comments were made relative to ball field advertising.

Item #12 - Reports, Suggestions, Requests

Hurricane Charley

Commissioner Boyle thanked staff for their performance during Hurricane Charley. He acknowledged the strength of the people of this community through the thousands of good deeds done during the fires of 1998 and in Hurricane Charley's aftermath.

Commissioner Boyle stated Mr. Turner advised that there was flooding in two locations, and one was at Halifax Drive and Amsden Road, which was where he lived. He amended Mr. Turner's report where he indicated that staff took care of the flooding problem at that location on Saturday afternoon, and he clarified that he and his wife were out with rakes at 6:00 a.m. clearing the four drains, and then later another storm came where City staff cleared the drains of a lesser amount debris.

American Government Classes

Commissioner Boyle congratulated Mr. Turner for agreeing to teach the American Government class at the Daytona Beach Community College during his lunch break two days a week. He offered to volunteer to fill in for Mr. Turner should he ever need a substitute.

Marketing the Tax Increase

Commissioner Boyle noted that at the workshop, Ms. Rita Press stated the City was not marketing the proposed tax increase very well; a recommendation was made to ask Jiloty and Associates to help the City; Mr. Turner advised staff would try to do that job in-house first, and someone recommended the Budget Advisory Board and citizens become involved. He questioned if the City has hired Mr. Jiloty to help with this, and if an information sheet was to be sent to the taxpayers relative to the proposed tax increase.

Mr. Turner responded that staff prepared a draft information sheet, and Mr. Jiloty volunteered to examine the draft. He advised ten citizens also examined the document, and they were asked to make comments. Mr. Turner stated a document was scheduled to go out tomorrow, but because of the hurricane and issues with the News-Journal, it would be delayed and go out by the end of this week. He noted the documents included a letter from Mayor Costello and facts relative to the issue.

American Government Classes

Commissioner Kent stated he was pleased Mr. Turner would be teaching the American Government class at the Daytona Beach Community College, and he could attest that the college would be very well served to have Commissioner Boyle substitute for Mr. Turner should the need ever arise because Commissioner Boyle was his teacher years ago.

Hurricane Charley

Commissioner Kent expressed thanks that his fellow Commission members arrived tonight safely and that Ormond Beach residents were safe from the effects of Hurricane Charley.

Commissioner Kent expressed concern that it took him so long to contact Mr. Turner after the storm.

Commissioner Kent stated he would like to know where the looting occurred in Ormond Beach during the storm.

Technical Problems

Commissioner Kent advised that there was a problem with his monitor cutting in and out during meetings.

Hurricane Charley

Commissioner Selis thanked staff for the hard work they did this past weekend. He noted he also had difficulty reaching Mr. Turner, but it was not due to the lack of effort on Mr. Turner's part. He stated Cingular lost three of its five towers. Commissioner Selis indicated he did not believe a new system should be put into place since this type of situation had not occurred in 44 years and was, hopefully, not likely to occur again any time soon. He stated that even though he was displaced from his home and his office still did not have electricity, he was grateful for the gifts he still had, especially after hearing from Reverend Melvin.

#### Honoring Carl Persis

Commissioner Selis stated Mayor Costello had nothing to apologize for in honoring Carl Persis since the only people who opposed this proclamation were supporters of Mr. Persis' opponents. He pointed out that Mr. Persis worked hard as a principal, and anyone who knew Mayor Costello would know that he did not think in political terms, only in what was the right thing to do. Commissioner Selis stated Mr. Persis gave excellent service to the City of Ormond Beach and deserved a proclamation.

#### Hall Construction

Commissioner Selis requested a report outlining all of the jobs done by Hall Construction in the past five years including the cost of the projects and Hall's service fees.

#### Hurricane Charley

Commissioner Partington echoed the comments made relative to Hurricane Charley noting it was gratifying to see people working together in the various neighborhoods. He stated staff did an excellent job. Commissioner Partington stated he was pleased staff was keeping track of storm-related expenses to present to FEMA since the City would be eligible for reimbursement.

#### Universal Tag Program

Commissioner Partington stated he got his dog from Mr. Jessup and his veterinarian, Dr. Cooper, implanted a chip in the dog's ear so he could be identified if he was ever lost. He noted that he found a great deal of comfort voting for the Universal Tag Program knowing that the City could always back out of it if it was not working. Commissioner Partington pointed out that no other plan was offered so he was willing to give the Universal Tag Program a try. He stated this may impact the responsible pet owner, but it was always the responsible people who handled issues anyway.

#### Honoring Carl Persis

Commissioner Partington thanked Ms. Jones for her remarks relative to honoring Carl Persis; however, he stated he supported Mayor Costello on this matter and was assured that Mayor Costello had no political intentions behind this proclamation. He noted he had a great deal of confidence in Mayor Costello and in the way he has handled issues by doing what he thought to be the right thing whether people may agree with him or not. Commissioner Partington stated he also respected Ms. Jones for her dedication to Ormond Beach. He noted if a proclamation was appropriate for a situation, one would be created.

#### Airport Manager

Commissioner Partington concurred with Mr. Jaspers that it may be best to hire someone with aviation knowledge as a part-time airport manager.

#### Homeless Resident

Commissioner Partington expressed appreciation to Mr. Carter relative to the homeless gentleman he mentioned, and he noted that he would be willing to help the man if he could.

#### Communications

Mr. Turner stated staff would take the Commission's comments to the debriefing meeting in an effort to improve communications. He reiterated that there were attempts to call each Commission member after the hurricane. He explained that Mayor Costello was visited because he was unsuccessful in contacting him to inform him that the EOC meeting in DeLand had been cancelled. Mr. Turner stated his phone and Commission members' phones were not working, leaving him unable to contact them. He reported he would have sent the police out to locate either Mayor Costello or Deputy Mayor Boyle if he would have needed them since there was one point where there was a possibility of declaring a local disaster.

Commissioner Boyle stated he never lost his land-line phone service during the storm and recommended each Commission member have a land line and not depend on cell phone coverage.

Mr. Turner stated when he called Commissioner Boyle, he was unable to leave a message, and he not only called from his cell phone, he also called from the police station a few times at both Commissioner Boyle's home and at his work.

#### Airport Issues Resolution

Mr. Turner reported the Commission requested that he meet with the parties and try to resolve some of the airport issues Mr. Thompson addressed. He explained that he met with Mr. Thompson of Ormond Beach Aviation and Mr. Lombardo of Sunrise Aviation individually. Mr. Turner stated he also met with Mr. Thompson and Mr. Lombardo jointly along with the Chairman of the Aviation Advisory Board Mr. Larry Stout, Fire Chief Barry Baker, and Airport

Manager Tom Lipps. He noted a verbatim transcription of a meeting and a synopsis was provided. Mr. Turner summarized that there was agreement that the issues could not be resolved at the table. He stated a positive suggestion was to have quarterly meetings of the fixed base operators (FBO), although the meetings may actually be only three times per year, but this suggestion may aid in better communications. Mr. Turner reported that the only way some of the issues could be resolved was if land leases would not be with the entities that currently held the leases; however, these were contractual issues, and Mr. Lombardo did not want his contracts to be released. He noted the FAA process would probably resolve these issues.

#### Mosquito Problem

Mr. Ted MacLeod, Assistant City Manager, reported there was a problem regarding mosquito control, and he recommended citizens go to the website, Volusia.org, which would connect them to Mosquito Control where a form was posted that could be filled out and submitted. He stated Mosquito Control was being very responsive to citizen requests.

#### Hurricane Charley

Mr. MacLeod congratulated the Commission for their wisdom in acquiring the mobile command trailer, noting it was very useful in staff's effort during the emergency.

#### City Attorney's Office

Mr. Hayes explained that there was no electrical power at the City Attorney's office, and he had been working out of City Hall.

#### Hurricane Charley

Mr. Hayes commended Mr. Ned Huhta, MIS Manager, for his efforts during the storm and indicated the City was fortunate to have hired him.

#### Flag Burning Incident

Mayor Costello urged Police Chief Larry Mathieson to aggressively investigate the flag burning incident, and he requested a report at the next meeting.

#### Environmental Advisory Board Vision

Mayor Costello requested a discussion relative to the Commission's vision for the Environmental Advisory Board. He explained he was disappointed to receive Gordon Kipp's resignation outlining his opinion that the board served no purpose.

#### Reuse Storage Tanks

Mayor Costello reported that in examining the photograph of the reuse storage tank, he did not see a problem. He requested a definition of proper screening since he wanted to live up to the City's obligations.

#### Notification and Public Information Efforts

Mayor Costello reported he was comfortable with the efforts that were made to notify him after Hurricane Charley, noting all the City Manager could have done was call, which he did numerous times. He stated he heard citizens complain that the City did not inform the residents as they should, yet the City put out 28 or 29 press releases. Mayor Costello advised the radio stations had the information, but there were 16 or 17 other municipalities that had to be reported on. He noted he was proud of all the efforts staff made; however, those efforts would not be good enough in future emergency situations, because improvements should be made.

#### Congressman Mica

Mayor Costello commended Congressman Mica for calling on Friday before the storm, and he noted that on Saturday morning, Congressman Mica was one of the first people who got through on the phone to offer assistance. He reported Ormond Beach was very blessed with its leaders.

#### Next Meeting

Mayor Costello stated the next meeting was the Holly Hill/Daytona Beach discussion item relative to annexation and the next regular meeting was September 7 when the budget would be approved.

Mr. Turner advised the Holly Hill meeting attendance was not mandatory, but the Commission could attend if they chose to do so.

#### Item #13 – Close the Meeting

The meeting was adjourned at 10:51 p.m.

City Commission – August 17, 2004

APPROVED: September 7, 2004

BY: Fred Costello, Mayor

ATTEST:

Veronica Patterson, City Clerk

Commissioner Selis