

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

**August 3, 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.
- 3) Pledge of Allegiance.
- 4) Approval of the Minutes of the July 20, 2004, meeting.
- 5) ***AUDIENCE REMARKS:***

6) **INTERGOVERNMENTAL BOARD REPORTS:**

- A) Metropolitan Planning Organization
- B) Volusia Council of Governments
- C) Water Authority of Volusia

7) **CONSENT AGENDA:** The action proposed is stated for each item on the Consent Agenda. Unless a City Commissioner removes an item from the Consent Agenda, no discussion on individual items will occur and a single motion will approve all items.

- A) Resolution No. 2004-119 accepting the bid of Halifax Paving, Inc., regarding the provision of construction services to stabilize, pave and repair nine dirt roads under Bid No. 2004-25, said roads being Andalusia Avenue, Bennett Lane, Holly Street, Mary Street, Railroad Street, Arrowhead Drive, Grandview Avenue, Inglesa Avenue, Mirror Lake Drive; rejecting all other bids; authorizing the execution of a contract between the City and Halifax Paving, Inc., and payment thereunder. (\$471,405.70)
- B) Resolution No. 2004-120 authorizing the execution of a Quitclaim Deed in favor of Joseph O. Juliano and Virginia R. Juliano, releasing a portion of a twenty-foot drainage easement located on Lot 31, Ormond Lakes, Unit II-A, within the “National Gardens” Development of Regional Impact (20 Stoney Ridge Lane).

8) **PUBLIC HEARINGS:**

A) Nova Shoppes Planned Business Development:

- 1) Resolution No. 2004-121 authorizing the execution and issuance of a Development Order for the “Nova Shoppes” Planned Business Development to allow a 22,050-square foot mixed use complex in the Planned Business Development Zoning District, to allow a waiver to eliminate one (1) required loading bay space, to allow a waiver to permit parking in front of the building, and to allow flexibility with the business premise identification sign for the project located at 175 South Nova Road, establishing conditions and expirations of approval.
- 2) Ordinance No. 2004-32 amending Subsection A, Zoning Map, of Section 2-03, Official Zoning Map and Zoning District, of Article I, Establishment of Zoning Districts and Official Zoning Map, of the Land Development Code, by amending the Official Zoning Map to rezone certain real property from B-8 (Commercial) to PBD (Planned Business Development), authorizing revision of the official zoning map. (Nova Shoppes Planned Business Development, 175 South Nova Road) (Second Reading)
- B) Ordinance No. 2004-33 further amending Ordinance No. 87-60, as previously amended, by adding one property to the list of historic landmarks. (Ormond Beach Yacht Club – 63 North Beach Street) (Second Reading)
- C) Ordinance No. 2004-34 amending Chapter, 10, Garbage Refuse and Yard Waste, Section 10-16, Fees for Collection and Disposal Established, of the *Code of Ordinances*, by increasing fees for the collection and disposal of solid waste. (Second Reading)

9) **DISCUSSION ITEMS:**

- A) Update on Fire Station No. 91.
- B) Replica car location.
- C) City Commission procedural issues and travel policy.
- D) Universal Tag program.
- E) Florida League of Cities Annual Conference.

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- 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 7:00 p.m.

Item #2 - Invocation

Mayor Costello gave the invocation.

Item #3 - Pledge of Allegiance

Mayor Costello led the Pledge of Allegiance.

Item #4 – Approval of Minutes

Mayor Costello advised the minutes of the July 20, 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 – Audience Remarks

Proposed Tax Increase

Mr. Donald Bostrom, 274 Cumberland Avenue, praised the Commission for making a difficult decision relative to a proposed tax increase. He advised the Commission has received a great deal of unjust criticism for making this decision. Mr. Bostrom reported the 44% increase advertised was very misleading and tended to frighten people; but at this proposed rate, there would only be a \$160 to \$170 increase per year for the average resident. He thanked the Commission for assuring the citizens that the City would be able to maintain the current high quality of life in Ormond Beach.

Ms. Doris Katz, 395 South Atlantic Avenue, expressed pride in the Commission for making their decision relative to increasing the taxes. She noted she had been to many meetings over many years where the Commission has been reluctant and fearful to face the reality that more money was needed to operate the City properly. Ms. Katz noted she was assured the Commission would not overspend and would budget the City's money very carefully. She thanked the Commission for its courage and leadership.

Airport Issues

Mr. Adrian Thompson, 4 Pine Look Pass, reported the City Manager had attempted to set up meetings with him but had failed to meet with him as instructed by the Commission. He stated Mr. Turner met with the president of Sunrise Aviation for a lunch, and he questioned if Mr. Turner reported what had occurred at that meeting to the Commission. Mr. Thompson stated that the City has asked for a 30-day extension from the FAA to answer questions his company had raised, and his company has objected to this delay. He stated that Mr. Joe Radcliffe, Public Information Officer, called him a "liar" during a meeting with a citizen, and he had a written statement confirming that allegation. Mr. Thompson stated he made a number of public information requests and all have been deficient or suspicious in content. He reported he was expected to believe that financial records do not exist and that records have been eaten by rats or damaged by water.

Mayor Costello explained that the Secretary for the Florida State Department of Transportation was in Ormond Beach regarding the Nova Road project, and he requested the City Manager be present at the meeting, unaware of the meeting Mr. Turner had scheduled with Mr. Thompson.

Mr. Isaac Turner, City Manager, reported that staff has been very efficient in trying to set up meetings with Mr. Thompson. He advised he did meet with the president of Sunrise Aviation and planned to meet Mr. Thompson the day following that meeting until he discovered the meeting with the Secretary for the Florida State Department of Transportation was being held and that he was requested to attend that meeting by the State Senator. Mr. Turner reported the meeting would occur as soon as possible, noting he was willing to go to Mr. Thompson's place

of business if he wished, since he did not think Mr. Thompson would be comfortable meeting in a luncheon situation with him.

Item #6(A) – Metropolitan Planning Organization

Mayor Costello reported the Metropolitan Planning Organization (MPO) did not meet in July; therefore, he did not have a report to present.

Item #6 (B) – Volusia Council of Governments

Mayor Costello reported the Volusia Council of Governments (VCOG) did not meet in July; therefore, he did not have a report to present.

Item #6(C) – Water Authority of Volusia

Commissioner Boyle reported the Water Authority of Volusia (WAV) met and discussed funding options and projects. He stated the next meeting was moved back to August 17, and City staff arranged for the meeting to be held at the Ormond Beach Performing Arts Center ballroom at 8:30 a.m. on August 17. Commissioner Boyle reported he and Dr. Bruce Mowry, Executive Director, asked staff to give a short presentation relative to the water plant opportunity.

Item #7 - Consent Agenda

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

**Commissioner Kent moved, seconded by Commissioner Partington, for approval of the Consent Agenda as submitted.**

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

Item #8(A)(1) – Nova Shoppes Planned Business Development Order

RESOLUTION NO. 2004-121

A RESOLUTION AUTHORIZING THE EXECUTION AND ISSUANCE OF A DEVELOPMENT ORDER FOR THE “NOVA SHOPPES” PLANNED BUSINESS DEVELOPMENT TO ALLOW A 22,050-SQUARE FOOT MIXED USE COMPLEX IN THE PLANNED BUSINESS DEVELOPMENT ZONING DISTRICT, TO ALLOW A WAIVER TO ELIMINATE ONE (1) REQUIRED LOADING BAY SPACE, TO ALLOW A WAIVER TO PERMIT PARKING IN FRONT OF THE BUILDING, AND TO ALLOW FLEXIBILITY WITH THE BUSINESS PREMISE IDENTIFICATION SIGN FOR THE PROJECT LOCATED AT 175 SOUTH NOVA ROAD, ESTABLISHING CONDITIONS AND EXPIRATIONS OF APPROVAL; AND SETTING FORTH AN EFFECTIVE DATE.

**Commissioner Boyle moved, seconded by Commissioner Kent, to approve Resolution No. 2004-121, as read by title only.**

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

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

Item #8(A)(2) – Nova Shoppes Planned Business Development Rezoning

ORDINANCE NO. 2004-32

AN ORDINANCE AMENDING SUBSECTION A, ZONING MAP, OF SECTION 2-03, OFFICIAL ZONING MAP AND ZONING

DISTRICT, OF ARTICLE I, ESTABLISHMENT OF ZONING DISTRICTS AND OFFICIAL ZONING MAP, OF THE LAND DEVELOPMENT CODE, BY AMENDING THE OFFICIAL ZONING MAP TO REZONE CERTAIN REAL PROPERTY FROM B-8 (COMMERCIAL) TO PBD (PLANNED BUSINESS DEVELOPMENT), AUTHORIZING REVISION OF THE OFFICIAL ZONING MAP; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; AND SETTING FORTH AN EFFECTIVE DATE.

**Commissioner Boyle moved, seconded by Commissioner Selis, to approve Ordinance No. 2004-32, on second reading, as read by title only.**

Commissioner Partington thanked Planning Director Clay Ervin and Chief Planner Mike Boucher as well as Mr. Paul Holub for meeting with the Reflections Village residents to address their concerns. He noted Mr. Holub had made a great deal of concessions and worked with the neighborhood to the point that they could accept this project.

Commissioner Boyle also thanked Mr. Holub for all he was doing to make this project fit into the residential neighborhood.

Commissioner Kent stated not only did Mr. Holub take time to make the resident more comfortable with the project, but Mr. Ervin also worked with the residents.

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

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

Item #8(B) – Ormond Beach Yacht Club

ORDINANCE NO. 2004-33

AN ORDINANCE FURTHER AMENDING ORDINANCE NO. 87-60, AS PREVIOUSLY AMENDED, BY ADDING ONE PROPERTY TO THE LIST OF HISTORIC LANDMARKS; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; AND SETTING FORTH AN EFFECTIVE DATE.

**Commissioner Selis moved, seconded by Commissioner Boyle, to approve Ordinance No. 2004-33, on second reading, as read by title only.**

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

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

Item #8(C) – Garbage, Refuse, and Yard Waste

ORDINANCE NO. 2004-34

AN ORDINANCE AMENDING CHAPTER, 10, GARBAGE REFUSE AND YARD WASTE, SECTION 10-16, FEES FOR COLLECTION AND DISPOSAL ESTABLISHED, OF THE CODE OF ORDINANCES, BY INCREASING FEES FOR THE COLLECTION AND DISPOSAL OF SOLID WASTE; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; SETTING FORTH AN EFFECTIVE DATE.

**Commissioner Selis moved, seconded by Commissioner Kent, to approve Ordinance No. 2004-34 with October 1<sup>st</sup> as the effective date, on second reading.**

Call Vote:	Commissioner Boyle	yes
	Commissioner Kent	yes

	Commissioner Selis	yes
	Commissioner Partington	yes
Carried.	Mayor Costello	yes

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

Item #9(A) – Update on Fire Station No. 91

Ms. Judy Sloane, Public Works Director/City Engineer, reported that the Commission had asked for this item to be tabled to tonight’s meeting. She stated additional information was provided, and the staff recommendation was to go forward with the land swap. Ms. Sloane advised staff examined other sites, and the information was included in the report on the only other site that would be appropriate. She stated Mr. Hudson expected the improvements be done to the current site, and the fire station would be leased back to the City for a two-year period.

Commissioner Boyle stated the two parties were close on this deal from the outset. He advised that it was the City’s responsibility to make the corrections to the building before the swap would occur. Commissioner Boyle reported considering the land value on the peninsula, the City has an opportunity to save a great deal of money for a project that must be done anyway.

Commissioner Kent concurred with Commissioner Boyle that this was a necessity that needed to be done, and the landowner was willing to work with the City.

Commissioner Selis reported he was not convinced the City had done everything possible to be assured there was no other property available or that the current site could not be improved to accommodate the fire station. He stated there was a \$138,000 debt service line item on this year’s budget for debt service on this fire station. Commissioner Selis thanked Mr. Hudson for being generous and sincere in trying to work out this situation.

Commissioner Partington advised he had done some research on this issue, and he was also not convinced, at this point, that this would be the best deal for the City. He stated the City would have to pay \$400,000 for the swap; \$120,000 to fix the building; the value of the building was between \$350,000 and \$400,000; and the City would have to lease the building back for \$120,000 at a total of \$1.4 million, plus the \$1.2 million to construct the new fire station or \$2.6 million. Commissioner Partington recommended purchasing the .7 acre site on Rockefeller and A1A for \$590,000 with a \$1.2 million fire station totaling \$1.8 million saving the City \$800,000. He stated he wished to support Commissioner Kent in that a new fire station was needed since the current facility was not appropriate for a fire engine. Commissioner Partington suggested keeping the building, making the repairs, and using it for fire administration and training.

Commissioner Partington expressed concern as to what the current fire station building would be used for since Mr. Hudson’s letter of July 26 indicated he wanted to erect a sign one year before the lease would be up stating, “We are considering this building for various uses.” He questioned to whom the “we” referred and to what potential “various uses” Mr. Hudson alluded in the sign. Commissioner Partington requested to examine all of the contracts involved with this situation. He stated he believed the City has been paying \$3,500 per month, which was Mr. Hudson’s option on the property. Commissioner Partington advised the public record indicated that a 354 A1A LLC was listed as the owner of the property, paying \$220,000 in December 2002. He explained he wanted to examine the contracts to determine if they were assignable. Commissioner Partington noted he would have preferred to have this information provided by staff rather than having to research the matter himself.

Commissioner Partington stated the Rockefeller property was only 100 to 200 yards south of the Hudson property, and there was another vacant lot off A1A behind the Dollar Store further south that would cost \$300,000, saving the City \$1.1 million. He stated the City should have had a realtor research the possibilities for land purchases.

Mr. Turner stated staff attempted to do a thorough job to provide information to the Commission. He reported the contracts were attached in the City Commission packet, and the City was not currently paying anything for the property. Mr. Turner explained Mr. Hudson was asking for the \$405,000 for the difference in the assessment between the value of the City’s property and the property he would provide, and there would be no lease payments involved for two years; but the City would be responsible for making the \$100,000 improvements to waterproof the building, which would equal closer to \$520,000 plus the cost of the fire station construction. He advised another consideration was having enough area for a mini-park in that various members of the Commission have requested this.

Mayor Costello reported he supported this swap, noting he had spoken to the City Manager and Chief Baker relative to alternate sites. He stated he had asked the City Manager what use the site would have if the City should purchase Mr. Hudson's property and not make the trade, keeping the property on Granada Boulevard in City control. Mayor Costello advised the City Manager's reply had been that he knew of no use for that site at this time since he did not want to decentralize services. He added that he could probably find a use for the building, but he did not believe that was the right thing to do. Mayor Costello commended Mr. Turner for not wanting to grow government. He advised he then asked Chief Baker if there was a better site or if the fire station could remain where it was since the ladder truck would not be located on the site because it needed to be placed on the mainland due to the five mile radius for the ISO rating. Mayor Costello reported Chief Baker stated the City needed a second apparatus on the beachside, and there would be no room to exit onto Granada Boulevard. He asked what impact the possibility of the North Peninsula coming into Ormond Beach in the future would have on fire services on the beachside; and Chief Baker advised him that the County had a fire station the City would probably take over, but Ormond Beach would not want to go too far south with Fire Station #91. Mayor Costello stated an advantage to the swap would be that the City would gain the park, which numerous Zone 2 Commissioners had been wanting for years. He advised he was unaware of the property behind the Dollar Store that Commissioner Partington mentioned. Mayor Costello reported he favored public emergency services being first class in Ormond Beach.

Fire Chief Barry Baker stated he had tried to include money in the capital budget for the past two years for land on the beachside because the land value has increased astronomically. He reported staff first looked at land around the current station to no avail and then expanded to seek other vacant parcels. Chief Baker noted location was essential due to response time, which was a key element in the station's effectiveness. He stated access was essential since the fire trucks would have to access the busy thoroughfares rather than traveling through neighborhoods. Chief Baker explained another issue was working with the other cities and the County as to where fire stations would be located. He reported he had been examining alternate parcels as late as last Friday, and the minimum acreage needed was one acre unless it would be a multi-story building, which would be costly. Chief Baker noted another safety issue was a drive-through station, which would allow the trucks to pull straight through and eliminate the need for fire apparatus to back into the bays. He noted the Hudson site would allow a drive-through station, but the other site was questionable since there was no rear access.

Commissioner Boyle expressed surprise that at this late date that this was being questioned since the testimony given by Chief Baker tonight was essentially the same that was given months ago. He stated this was the best piece of land on the peninsula for this purpose, especially since the southern parcel was too far south without a superior access, and the Rockefeller property was not being recommended for a number of reasons. Commissioner Boyle advised the research and examining of contracts should have been done early in the process. He stated Mr. Hudson's integrity was an intangible that should be considered, which tended to eliminate a number of questions he would have regarding the deal. Commissioner Boyle reported that if the City would not take Mr. Hudson up on this opportunity now, the fire station would not be done for a few years; and by that time, there would be no vacant land, and the cost to select a site, buy out the business, tear down the building, and build a fire station would be enormous. He stated the testimony was clear that the building was not an asset for the City and not suitable for a fire station. Commissioner Boyle reported that with this deal, the building would remain on the historic register; and he was unconcerned what the building would be used for, pointing out that it would then generate taxes. He questioned how many commercial operations would find this building suitable for a use. Commissioner Boyle concurred with Mr. Turner that he had been desperately seeking a park on the beachside, and it would not have to be located in Zone 1. He cautioned that this building was a "maintenance albatross," and the City would be better off if it were not in the City's hands.

Commissioner Partington stated that last night he was accused of "shooting from the hip" and "rushing things through" relative to an airport manager, but it had been discussed for four to five months. He stated that this project was not given to the Commission until April; therefore, claiming this was a late date to investigate was not an accurate statement. He reported he would investigate issues until just before casting a vote as it was his job to represent his constituents. Commissioner Partington advised his questions were not raised until he saw the letter of July 26 that was received only a few days ago. He stated he wanted what was best for the Ormond Beach taxpayers and not to rush into anything. Commissioner Partington advised the reason Zones 1 and 2 did not have many parks was because most of the people go to the beach for recreation, but he would support his fellow Commissioners in seeking land for a park on the peninsula. He stated the City Manager told Mayor Costello he wanted to keep everything centralized; however, when the Commission was considering the construction of the fire station on Nova Road, the City Manager was trying to put fire administration in that building because

they wanted fire administration amongst the firefighters. He reported the City has a million dollar piece of fire apparatus coming to have one located on both sides of the river, and this cost must also be added to the \$2.6 million bringing the cost to \$3.6 million. Commissioner Partington stated the Quality of Life Advisory Board had indicated this building was an asset, and they recommended keeping the building. He stated that with the Fire Department's ability to control lights, the Rockefeller Drive and Dollar Store sites should not adversely affect the response time and access more than perhaps five seconds.

Mayor Costello asked Commissioner Partington to not ascribe motives to Commissioner Boyle. He urged Commissioner Partington to research any issue at any time and commended him for his efforts. Mayor Costello clarified that he may not have been clear in describing that Mr. Turner stated he would prefer having fire administration with the firefighters, but not in a separate building away from the firefighters.

Mr. Turner explained that since there were three fire stations on the mainland, he did not want fire administration on the beachside, especially in a separate building isolating them further from the firefighters. He stated that in last year or two years, vacant land was examined utilizing a realtor; and an assessment was made relative to fire station sites as well as off-beach parking. Mr. Turner noted every vacant lot brought to staff's attention was examined for site appropriateness. He stated the current building has value; but rather than artificially placing a City service in the building, it would have more value in the private sector.

Mr. Fred Hudson, 90 Raintree Lane, stated the façade of the building would be kept the same. He advised it would be used for his corporate office as well as a café or restaurant. Mr. Hudson reported that if this deal was not good for both parties, and if it was not unanimously agreed upon, he would rather not complete the deal. He explained his motivation was because he wanted to preserve the building, and he would like the building as a corporate headquarters, although that was not necessary, since he had his corporate headquarters in Sanford. Mr. Hudson advised he considered the deal more than fair to the City. He clarified the "we" in the sign Commissioner Partington alluded to meant he and whoever would occupy the other portion of the building, such as a restaurant.

Mayor Costello reported Mr. Hudson's response was one reason why he respected him so much. He asked if Mr. Hudson had an alternate interest in the site other than a trade with the City.

Mr. Hudson stated he would keep the land, but had no other plan for the land at this time.

Mayor Costello reported Mr. Hudson purchased the land for \$680,000 and asked if he would consider selling the land to the City for \$800,000. He questioned if the City could take 30 days to consider this.

Mr. Hudson replied he would want time to consider that proposition, but would probably consent.

Ms. Dorian Burt, 203 Pine Cone Trail, advised she was the Ormond Main Street Coordinator as well as Mr. Hudson's realtor. She explained Mr. Hudson purchased the property solely for this land swap deal. Ms. Burt assured the Commission that this transaction was closed on July 27<sup>th</sup> for \$680,000, but it was not yet on the public records because the County was slow in updating its records. She advised the prior owner tried to stop this closing because he found another prospective buyer who would pay more for the land. Ms. Burt assured the Commission the property was valuable according to her experience as a realtor.

Mr. Donald Bostrom, 274 Cumberland Avenue, recommended moving the museum and welcome center from the MacDonald House to the fire station.

Mayor Costello stated the problem with that suggestion would be paying for the upkeep.

Ms. Doris Katz, 395 South Atlantic Avenue, stated Mr. Hudson had made a very generous offer to the City. She reported as Chairman of the Quality of Life Advisory Board, she advised that the board had a strong belief that this building belonged to the City and should remain under Ormond Beach control. Ms. Katz advised that new information was provided after the Quality of Life Advisory Board had met. She reported she was unaware that the City would be receiving a second piece of equipment that would not fit on the current site, but she was aware it needed to be renovated due to health concerns. Ms. Katz concurred that the Commission was rushing into a decision, noting that until this deal was offered, it was not a high priority item. She urged the Commission to take its time to answer some of the questions raised, and she was assured that Mr. Hudson was civic-minded enough to wait until this could be thoroughly examined.



Ms. Katz stated a firm commitment must be made that it would remain a historic building and not be changed. She reported that this issue did not come to the Quality of Life Advisory Board until the last meeting, it did not reach the Historic Trust at all, and it did not have enough citizen input at this time.

Mr. Charles Carter, 212 Arlington Way, stated that at the last City Commission meeting, he requested a copy of the Quality of Life Advisory Board minutes and was told the minutes were not available. He reported he received a copy of an undated letter from the Quality of Life Advisory Board. Mr. Carter advised the Chairman of the Quality of Life Advisory Board persuaded people to change their mind without the full support of the board. He stated that when a board makes a decision, it should be the decision of the board, not a decision of the chairperson.

Mr. Randal Hayes, City Attorney, advised the Commission was not being asked for a vote tonight, it was merely being asked to give staff direction. He stated if the Commission was inclined to move this project forward, he would have to prepare the necessary paperwork which would take time, thus delaying the final decision.

Commissioner Boyle agreed with Mr. Hudson that this deal should not be done without unanimous approval by the Commission. He stated when a Commissioner had a question, they could call staff for clarification. Commissioner Boyle reported Commissioner Partington introduced a totally unrelated issue that was discussed last evening. He stated this had a study and a staff recommendation. Commissioner Boyle advised if someone could provide a playground on the beach operated by the County, he would support it. He stated he has yet to hear what this building could be used for other than Mr. Bostrom's suggestion. Commissioner Boyle reported that in 1998 and last year people voted to tax themselves for a fire station. He stated there has been adequate research on this issue.

Mayor Costello summarized that this item would come back to the Commission for the first meeting in October, and he urged Mr. Hudson to speak with Commissioner Selis and Commissioner Partington.

Mr. Turner questioned if City staff was to generate any particular information when this item comes back to the Commission.

Mayor Costello stated he did not need any further information. He noted the delay was to give Commissioner Selis and Commissioner Partington the opportunity to decide if they would be interested in the deal after they have had the opportunity to speak to Quality of Life Advisory Board members, Historic Trust members, firefighters, and anyone else. Mayor Costello advised that if the Commission did not unanimously approve this deal, he would personally like to ask staff to determine if Mr. Hudson would be willing to sell the property if the City would keep the current site. He reported he was convinced that this location was the best place for the fire station, and it would afford the City the park that the Commission has been requesting. Mayor Costello asked Mr. Hudson if a 60-day delay would be satisfactory; whereby, Mr. Hudson advised a 60-day delay would be satisfactory.

Mr. Turner stated regarding the question as to whether this should come before the Quality of Life Advisory Board and the Historic Landmark Preservation Board, the decision was that until staff was given direction to proceed with the deal, it should not go before the boards.

Chief Baker explained that he had no intention of placing a second unit on the beachside at this time even if a station was to be built. He stated the issue was if there would be adequate facilities to house a second vehicle. Chief Baker clarified that this would be for the future, not the present. He explained if the City would increase the service delivery area, such as if Ormond-by-the-Sea were to annex into the City, an extra piece of apparatus would be required. Chief Baker stated another situation was that there was a strong possibility that the City's transport service, EVAC, would soon be stationed within fire stations. He reported that when building facilities, he would make reasonable accommodations for what would be foreseeable in the future.

Mr. Mike Boucher, Chief Planner, advised this matter would be brought back before the Commission in six to eight weeks as it was scheduled for an August 12 Planning Board hearing as a portion of the Comprehensive Plan amendments. Mr. Boucher advised this would not effect the decision to be made by the Commission; it would simply redesignate it to be used for something other than a public purpose.

Item #9(B) – Replica Car Location

Mr. Alan Burton, Director of Leisure Services, advised staff was seeking Commission direction as to what should be done with the replica cars. He noted staff provided various options: use of a mobile stage for display and transportation; storing the cars at public works and then transporting them to various sites; replacing the cars at the original location with a fence around the cars and maintain the models by washing and waxing them weekly; and replacing the cars at the Birthplace of Speed Park in an enclosure.

Mr. Turner reported an e-mail was sent by Mr. Bill Jones who planned on doing some renovations in the downtown area where he wished to utilize the cars as a part a restaurant he was planning or in the park behind City Hall. He advised that Mr. Jones would provide the maintenance for the cars.

Commissioner Selis recommended selling the cars. He stated the cars were a waste of money from the very beginning and had a myriad of problems, and now the Commission was being asked to construct a mobile stage for \$65,000, build a platform for \$5,000 plus \$24,000 annually for transporting the cars, \$5,000 for a fenced area plus \$5,200 annually for maintenance, or provide a protective enclosure for \$55,000. Commissioner Selis advised someone must be interested in purchasing these cars; therefore, he suggested adopting none of the staff's recommendations.

Commissioner Partington stated the e-mail from Mr. Jones was dated today, and he suggested further exploration of this option. He noted it may be advisable to refer this item to the Historical Trust or the Quality of Life Advisory Board for input.

Mayor Costello commended Commissioner Selis for his suggestion. He stated the best answer may be to add the base that would allow the cars to be moved, have the cars stored, and then moved for special events; however, he would also like Mr. Jones' proposition to be further investigated.

Commissioner Boyle concurred that he did not support any of the four options staff recommended. He noted he was intrigued by Mr. Jones' offer as a public/private partnership, and failing this, he may favor selling the cars; however, he was not hopeful that the City could recoup much money on the cars if they would be sold.

Commissioner Kent stated he was also not comfortable with the staff options. He commended Commissioner Selis for his suggestion to sell the cars because of the maintenance costs.

Commissioner Selis reported he was comfortable sending this item to the respective boards and bringing it back for further direction.

Mayor Costello requested Mr. Turner send this to the boards and include the option to sell the cars as well as the cars being stored in a private facility such as a restaurant with or without them having the ability to be moved to special events. He suggested the possibility of the Ormond Beach Historical Trust purchase the cars to place in front of the Anderson Price Museum.

Mr. Hayes stated governments must declare their property as surplus and sell it at a public auction. He noted that the City would typically not receive top dollar for the sale.

Mayor Costello stated he would prefer the cars be kept in the community, but would be willing to consider selling them.

Item #9(C) – City Commission Procedural Issues and Travel Policy

Commissioner Selis reported he asked for various procedural issues to be discussed. He stated the first item related to creating a policy for Commissioners requesting items to be placed on an agenda. Commissioner Selis advised he read the minutes from prior meetings where prior Commissions had discussed this. He stated the concept of any Commissioner being able to place any item on an agenda was a noble idea; however, it could be easily abused, and some form of checks and balances was needed. Commissioner Selis reported this year many Commissioners have asked that items be placed on agendas, and frequently they are for political motives. He recommended a requirement that one other Commissioner concur in order for an item to be considered. Commissioner Selis pointed out the Supreme Court of the United States would not hear a case unless four of the justices would concur, and this Commission should work together to eliminate any political motivation.

Mayor Costello asked his fellow Commission members to indicate whether they would prefer one member having the ability to place items on the agenda or whether two or more members' approval should be required.

Commissioner Kent advised that there have been times he believed items had been put on agendas for political motives; however, everyone should not have to pay because of that. He noted that each zone was so different that he could not support asking more than one Commission member to place an item on an agenda. Commissioner Kent stated it was important that a Commissioner have the right to add items on an agenda that they deem important.

Commissioner Boyle advised the specific problems Commissioner Selis alluded to were not identified, and he welcomed a list of the times this right had been abused. He pointed out this was the fourth time this issue has been brought up. Commissioner Boyle reported the former mayor proposed tighter restrictions, but his motivation was because of items being repeated, such as the ballot language and the Truth in Millage issues that were coming back numerous times. He explained that recommendation was rejected, and the Commission decided to rely on reciprocal professional trust. He reported whatever the decision of this Commission should be, this power should never be taken away from the mayor as he represents the entire City. Commissioner Boyle stated if the mayor would have this power and the Commissioners would not, there may be a legal problem. He advised this would disenfranchise constituents since under the current system, constituents could ask a Commissioner to add items on agendas. Commissioner Boyle stated one Commissioner may not know the value of an item that another Commissioner may be aware of until after it was discussed. He reported this proposition would actually be gagging the Commissioner's basic first amendment right. Commissioner Boyle noted the Commission may not even have the power to restrict Commissioners in this way since the Commission may then be open to a lawsuit from members of the public and members of this Commission. He advised the City Manager, someone who was not elected, has the unilateral right to place items on an agenda, and there has never been a problem. Commissioner Boyle pointed out that to have an item placed on an agenda, there would then have to be a discussion by the Commission before placing it on an agenda in order to obtain that second Commissioner's support, thereby lengthening the business of the City. He pointed out that this unilateral right has been in place 120 years.

Commissioner Boyle stated he believed the political motivation assertion was being ascribed to him, and he submitted that everything a Commission would do, could be defined as political. He stated that this Commission would do a better job if they were not concerned as to the motivation of their fellow Commissioners. Commissioner Boyle reported the Commission could always ignore or reject an idea when it was brought up for discussion. He pointed out that political motivation could also be used to deny items from being discussed as an agenda item.

Commissioner Partington supported a Commissioner being able to unilaterally place an item on an agenda.

Mayor Costello stated he disagreed with Commissioner Boyle in that he hoped the Commission would strive for a state where nothing a Commission member would do, could be considered political, but that they would be trying to do what would be best for the community. He advised he has always had the opinion that if anyone wished to discuss any item, he would support that discussion; but if no other Commission member wished to discuss an item after it had been placed on an agenda, then it need not be discussed. Mayor Costello requested items not be placed on a specific agenda rather to allow staff to schedule the item.

Commissioner Selis reported the second issue related to time limitations for Commissioner closing comments. He advised he favored a time limit of some kind whatever that time limit should be, although he would prefer a five-minute time limit. Commissioner Selis pointed out a trend was forming that the Commission would conclude the business portion of the meeting, but the comments would take up an inordinate amount of time. He stated this Commission should always try to improve on its current level of performance.

Commissioner Kent reported he could support a five-minute time limitation.

Commissioner Boyle stated he did not believe comments could be limited.

Mayor Costello advised that if a majority would decide comments should be limited, it could be done.

Commissioner Boyle reported the Mayor as chair could make that decision. He noted the residents were limited to five minutes for comments. Commissioner Boyle distributed copies of

time sheets he kept last year, noting the comments took from 35 to 41 minutes, and he advised that this Commission was doing even better. He noted Mayor Costello would need more time than the Commissioners because he attended a great deal of functions on which he needed to report. He stated Commissioner Partington also attended many functions. Commissioner Boyle stated Commissioner Selis was correct about this issue, and the Commission should try to strive for the five-minute time limit, but he would hesitate making it a hard rule. He recommended if a Commissioner had a question for staff, they should ask staff their questions away from the meeting.

Commissioner Partington concurred that no time limit should be placed on Commission members in that it was a Commissioner privilege and tool to better represent their constituents. He noted the meetings have not been unreasonably long, although he appreciated Commissioner Selis' attempt to make improvements. Commissioner Partington advised he would not oppose a general rule that could be waived, but could not support a hard rule. He concurred that the length of the comments was controlled by the Chair and the Commission member could ask for permission to extend the Commission's remarks.

Commissioner Selis advised that without a consensus, he would not be comfortable going forward with this time limit suggestion.

Commissioner Boyle noted the Commission would make an attempt to improve in this area.

Mayor Costello stated that the comments portion of a meeting was the only time the Commission members may legally communicate with each other. He asked each Commission member to be sensitive and not pontificate after the point had been made.

Commissioner Selis reported the third issue referenced Commission members asking staff for investigations. He advised staff has been extremely busy working on important issues such as Ormond Crossings, the Daytona Beach dispute, and other large projects. Commissioner Selis stated it was appropriate for Commission members to ask staff questions that affect their ability to perform their jobs; however, "political witch hunts" should not be something for which staff should be used. He specified he was referring to the suggestion that Mr. Todd Phillips had a conflict of interest to prevent him from serving on the Aviation Advisory Board. Commissioner Selis stated that he did not believe there was a conflict of interest, but he would ask the Commission to give Mr. Phillips a waiver if there was a conflict. He explained the alleged conflict of interest was that Mr. Phillips was trying to sell insurance to people he was meeting; but this was certainly not unusual, and he was not using his position to gain business. Commissioner Selis pointed out that a Commission member saw a newspaper article that a Todd Phillips moved to Ormond Lakes, which was out of Ormond Beach; however, that article referred to a different Todd Phillips. He stated that when that action failed, that same Commissioner brought forth this allegation of a possible conflict of interest. Commissioner Selis explained this type of action was precisely what he was referring to when he stated staff was being used for political purposes. He advised that Mr. Phillips had been a strong proponent for the runway extension, and this Commissioner has routinely spoken out forcefully on that issue. Commissioner Selis stated that since Mr. Phillip's efforts were finally becoming fruitful, this Commissioner was now seeking to have him removed. He advised this same type of behavior had occurred when he was a member of the Planning Board and forcefully argued against an issue that the Commissioner was for, and that the same Commissioner sought to have him removed from the Planning Board. Commissioner Selis stated these types of attacks on the City volunteers must stop, and staff resources should not be wasted for the realization of these purposes. He explained that this was an attack on a personal friend who had a great deal of integrity. Commissioner Selis advised that if there were a conflict of interest, Mr. Phillips would step down; and if he believed there was a conflict of interest, he would not allow Mr. Phillips to continue to serve should he not willingly step down. He advised this should not even be an issue before this Commission.

Commissioner Partington stated the decision should be left to the City Manager, and if he could not make a decision, or if the motive even appeared to be political, it could be brought to the Commission for a decision.

Commissioner Kent concurred that this should not even have to be discussed. He reported Commissioner Selis brought up a good point, and the political motive had been explained. Commissioner Kent stated when this would occur, it would create an unfortunate situation for the City's volunteers, the residents of Ormond Beach, and for the City. Commissioner Kent advised that while he would prefer to support Commissioner Selis, he could not because it may harm other Commissioners who need staff to assist them. He reported giving the City Manager the opportunity to judge may cause difficulties for him.

Mayor Costello stated no Commission member has the authority to ask the City Manager to do anything; the Commission as a body had that right. He advised that if any Commission member asked the City Manager to do something that was simple, he would do so; but if the task involved a great deal of staff time, he could bring the request to the Commission under the comments section explaining the situation, and the Commission would rule as to whether action should be taken or not.

Commissioner Boyle stated anyone has the authority to ask the City Attorney or the City Manager to perform actions; but if the City Attorney or the City Manager did not feel it appropriate, they could indicate they would perform the action requested after two other Commission members concurred it should be done. He advised the Commission can only ask the City Attorney or the City Manager to perform action, but they could ask employees for information.

Commissioner Boyle reported he understood Commissioner Selis' friendship with Mr. Phillips, and he also counted Mr. Phillips as a friend. He explained that he did not read that Mr. Phillips was no longer an Ormond Beach resident, and clarified that three constituents asked him if this was the same Todd Phillips, so he made an innocent inquiry. Commissioner Boyle agreed that there was a loophole in the system that had to be dealt with at some time, which was that there was a code requirement that only Ormond Beach residents may serve on boards, but there was no requirement where they must assert that fact. He advised he was unaware of any complaint made to any question he had ever asked. Commissioner Boyle reported that when he asked Mr. Hayes regarding potential waivers for two Aviation Advisory Board members, he recommended that if it was necessary, the issue could be placed on an agenda at the City Attorney's convenience to provide the waivers. He stated legal matters should not go through the City Manager; they should go through the City Attorney. Commissioner Boyle advised he had never tried to relieve board members for political purposes. He explained that his earlier reference to the word "political" meant that each Commission member works with the people and perception has always been a factor. Commissioner Boyle stated that a recommendation was made to ask the Aviation Advisory Board for its opinion on hiring an airport manager; however, he questioned if three members of that board would have to recuse themselves on that question. He apologized to this Commission on any misperceptions they may have relative to his motives.

Mr. Adrian Thompson, 4 Pine Look Pass, advised he was on the Aviation Advisory Board for a number of years, but never solicited an appointment on that board. He stated the Deputy City Attorney advised certain members had to recuse themselves, and later he was informed that he could no longer serve on the board due to his interest at the airport. Mr. Thompson reported that he subsequently learned that others with similar or the same conflicts were given waivers and were able to remain on the board. He stated the entire waiver policy needed to be clarified.

Mayor Costello stated Mr. Thompson's comments were totally unrelated to the issue at hand and asked that he step away from the podium.

Mr. Turner reported he or the staff was not in the position to question the motives of Commissioners making inquiries of information. He advised the Commission would be surprised at the amount of time it took to answer some inquiries that the Commission member would deem as simple. Mr. Turner advised a certain amount of latitude was acceptable such as a Commissioner would ask a department head for information, and often that question would be answered before he would become aware that there was a question, which was acceptable as long as he would be made aware of the incident. He stated he was uncomfortable being the Commission's filtering device, and the Commission would have to police itself since he was not in the position to do so.

Commissioner Selis advised he hoped the Commission would police itself, and that a request could be made for a City purpose, and not for a personal purpose.

Mayor Costello reported the last issue related to the City's travel policy. He noted he was elated that Commissioner Partington was able to attend the meetings he had attended, and he encouraged those who have not gone to those meetings to try to attend.

Mr. Turner explained this item referred to trips that are incorporated in the budget document that involve overnight stays for Commissioners, the City Manager, or the City Attorney. He questioned if these needed to be brought to the Commission for pre-approval.

Mayor Costello stated the preplanned trips should be pre-approved, and the Commission could be informed after the trip had occurred.

Mr. Turner explained that staff could provide the destination of the trips and the dates involved during the budget process.

Mayor Costello advised meetings not listed in the budget would be brought to the Commission for approval.

Commissioner Boyle stated that there was a rule that if anyone went out of State to be reimbursed by the City they would have to be approved by the Commission; and last year members of the community expressed a concern that travel was becoming excessive, so the Commission added any overnight accommodations in that rule since some travel was within the State but involved a great deal of expense. He reported this was a fiscal issue. Commissioner Boyle recommended an agenda item because the code would need to be changed. He reported this was not a good time to relax travel restrictions considering the budget difficulties. Commissioner Boyle pointed out this has been placed on the Consent Agenda and had always been approved without question. He stated he had never gone on a trip for the City but noted that was not because he did not believe the trips were not important. Commissioner Boyle advised that when the employee would leave for the trip, that employee would not be productive in the City. He recommended a brief report be provided to the Commission upon the return from these trips.

Commissioner Partington concurred with Commissioner Boyle that the current method of handling this situation was appropriate, but he would give the City Manager approval to attend meetings in emergency situations. He stated in the case of such an emergency, the City Manager would not be able to pole the Commission individually due to Sunshine Law restrictions, and there may not be adequate time to wait for a City Commission meeting to gain the Commission's approval. Commissioner Partington recommended offering approval under these limited conditions and that Commission approval be provided after the fact in such cases.

Commissioner Partington advised he attended the beginning and advanced seminars of Elected Municipal Officials (EMO) as well as the Leadership Florida program, noting he attended some prior to taking office. He stated he attended these seminars to set an example to the employees in that he was committed to continuing education and in sharing with the greater community. Commissioner Partington urged Commissioner Kent and Commissioner Boyle to attend these meetings if at all possible as they bring a tremendous amount of resources to bear.

Commissioner Partington thanked Commissioner Boyle for requesting the travel expenditures, and he requested the Commission receive this information quarterly. He advised that it may be appropriate to impose a limit such as \$2,500 or \$1,500, but noted the program registration fees account for much of the money spent on these trips.

Commissioner Kent reported he concurred the policy should stay unchanged.

Mayor Costello summarized that the policy would not be amended.

Item #9(D) – Universal Tag Program

Mayor Costello asked the new Commissioners if they were adequately informed relative to the Universal Tag Program and if they had an opinion on the issue. Both Commissioner Kent and Commissioner Partington related they were adequately informed and did have an opinion.

Mayor Costello advised that Commissioner Kent and Commissioner Partington expressed support for the Universal Tag Program.

Mayor Costello requested the County be notified of Ormond Beach's support for the Universal Tag Program and urged their adoption of this program even if their self-imposed 90% threshold had not been met.

Mr. Hayes reported that a letter could be sent notifying the County signed by either the Mayor or the City Manager.

**Commissioner Selis moved, seconded by Commissioner Kent, to have a letter prepared to offer the City's support of the Universal Tag Program.**

Call Vote:	Commissioner Kent	Yes
	Commissioner Selis	Yes
	Commissioner Partington	Yes
	Commissioner Boyle	No
Carried.	Mayor Costello	Yes

Item #9(E) – Florida League of Cities Annual Conference

Mayor Costello advised that Mr. Turner was previously chosen as the City's designated delegate for the Florida League of Cities annual conference, and two Commissioners were now willing to attend. He noted the Florida League of Cities had extended their deadline to allow one of these Commissioners to become the voting delegate.

**Commissioner Kent moved, seconded by Commissioner Selis, to appoint Commissioner Partington to become the City's voting delegate at the Florida League of Cities conference. The motion passed by general consent.**

Item #10 - Reports, Suggestions, Requests

Nova Shoppes

Commissioner Partington thanked staff for their assistance at Reflections Village relative to the Nova Shoppes project. He stated Mr. Boucher and Mr. Ervin were present along with approximately 30 to 40 residents. Commissioner Partington advised staff did an excellent job in explaining the impacts of the project and the impacts of the Burt Harris Act relative to property rights. He reported Mr. Holub made a great deal of improvements at great cost that he was not required to make.

Florida League of Cities

Commissioner Partington reported the Florida League of Cities has a service where specialists would come in free of charge to examine the phone bill, electric bill, and insurance programs to try to find savings. He stated the service would take a percentage of the savings but pass the majority of the savings onto the City. Commissioner Partington advised he would supply this information to Mr. Turner for him to decide if he would care to pursue this service.

Universal Tag Program

Commissioner Partington advised he was excited relative to the Universal Tag Program. He noted that the opportunity to prevent the killing of 30,000 innocent animals was an exciting prospect.

Political Motivation

Commissioner Partington stated he was not certain what to call political motivation other than a person's personal preference. He noted making a decision a political motive would distance the item one step from that person, but each Commission member takes actions based on what they believe to be right for the City. Commissioner Partington stated the exchange of ideas was what produced the best result.

Convention Attendance

Commissioner Boyle advised he appreciated the invitation to attend conventions; however, he explained he would not be attending any conventions for personal reasons, but he was not objecting to other Commissioners' attendance these meetings. He reported he did make a travel inquiry to determine the impact on the budget, but it was not intended toward anyone in particular. Commissioner Boyle advised he was focusing on four to five people who were not elected officials.

Mayor Costello Commendations

Commissioner Boyle thanked Mayor Costello for the great job he did chairing tonight's meeting, for his efforts at the DOT meetings, and for obtaining assistance from Senator Evelyn Lynn and the DOT officials. He noted he tried to explain to Mr. Thompson the importance of Mr. Turner's attending that meeting; but unfortunately, he failed in that endeavor.

Card Show

Commissioner Boyle advised the past card show was the most successful one to date with the assistance of Mr. Joe Radcliffe, Public Information Officer; however, a bank of lights were not operational which was critical to the show. He reported he was informed the lights went out the prior week, which left plenty of time to fix them. Commissioner Boyle urged a process be developed with staff that when an electrical problem should occur in a venue booked over a year in advance that the problem would be corrected prior to the event.

Extension to the FAA Complaint

Commissioner Boyle noted the City was seeking an extension to the FAA complaint, and he was unsure why an additional 30 days was needed other than the fact that staff was overworked.

#### Protocol

Commissioner Boyle reported that it was healthy for the Commission to examine its protocol. He stated that Commissioner Partington mentioned in a goal setting meeting that issues should not “fester,” and it was better to discuss them when they perceive a problem. He urged each Commission member to not make quick judgments relative to perception. Commissioner Boyle advised he welcomed corrections anytime anyone perceived an error or misconduct on his part, and he would not take them personally. He stated that he had one concern, which was that the Commission should only focus on the issue at hand. Commissioner Boyle advised it was counterproductive and wrong to introduce a totally different subject. He reported he needed to hear his fellow Commission members’ ideas on the issues being discussed, and his ideas on another subject should not be relevant to the discussion. Commissioner Boyle noted some staff and citizens informed him they were impressed at how the Commission functioned at last night’s meeting, and he considered it a very healthy exercise for the City.

Commissioner Kent concurred with Commissioner Boyle that people leaving the meeting last night left with a positive feeling. He advised he appreciated Commissioner Boyle’s humor to lighten the situation.

#### Universal Tag Program

Commissioner Kent thanked the proponents of the Universal Tag Program for providing him with valuable information, and he stated this program would do good things for Ormond Beach and would benefit many people and animals.

#### Alternate Parcels for a Fire Station

Commissioner Kent thanked Fire Chief Barry Baker for his information on the fire station. He stated he spent time with Chief Baker and Mr. Burton examining various parcels, and he appreciated the explanation as to why they could or could not be used as alternative sites for a fire station on the peninsula.

#### Coastal Communities Meeting

Commissioner Kent reported a meeting was held last week through the Chamber of Commerce relative to helping all of the businesses in the coastal communities. He advised the topic of conversation was the minimal beach access in Ormond Beach. Commissioner Kent reported he spoke to Volusia County Council representative Joie Alexander about beach issues, one of which was regarding a shower at an approach, and the very next day the County fixed the shower. He noted Ms. Alexander was an advocate for Ormond Beach.

#### Halifax Habitat for Humanity

Commissioner Kent advised that it was a joy to witness Ms. Sandy Norris receiving a home from the Halifax Habitat for Humanity.

#### Protocol

Commissioner Selis thanked Commissioner Boyle for his gracious response and humorous comments. He noted he felt strongly about the subject, and he needed to express himself.

#### Veto Power

Commissioner Selis stated that while he respected Mr. Hudson’s offer to the Commission that he would not wish to proceed without a unanimous decision, he or Commissioner Partington may be the lone “no” vote, and that veto power would give too much power to a single Commissioner. He reported if three or four Commission members vote that Mr. Hudson’s deal would be the best thing for the City, he hoped Mr. Hudson would respect the wisdom of the majority of this Commission and follow through on the deal.

#### Universal Tag Program

Commissioner Selis stated there have been many long meetings on the Universal Tag issues, and the proponents for the Universal Tag Program were in attendance tonight and have been through each meeting. He congratulated them for fervently supporting a cause about which they felt deeply.

#### TRIM

Commissioner Selis stated the Truth in Millage Act (TRIM) was the most deceptive law implemented by State government against local municipalities and counties. He advised that under this law, the City was adopting a tax increase of almost 44% because it was compared to a tax rate that did not even exist. Commissioner Selis clarified that the City was actually raising taxes 23.9%. He explained that on a \$100,000 home, this increase would be \$1.75 per week more, but when a resident sees a 44% increase in the newspaper, they become understandably upset. Commissioner Selis stated that as a trial lawyer, it was his job to take complicated issues and state them simply; however, it cannot be done with TRIM. He requested an agenda



item relative to this issue and urged those attending the Florida League of Cities to lobby the delegates on this issue. Commissioner Selis advised he lobbied last year with many positive responses, and this year he noted the delegates would receive even more favorable responses because the State and Federal governments had taken away the funds that used to be given to the cities. He explained that this year if the City did not raise its millage rate at all, the City would be accused of imposing a 10.9% increase because the property appraiser increased the value of the homes. Commissioner Selis advised he would follow the example of the Universal Tag Program proponents and continue to fight this injustice.

#### Dennis O'Donnell

Mr. Turner expressed condolences to the Dennis O'Donnell family. He reported that Dennis O'Donnell was a long-term police officer who recently retired due to illness and passed away last week.

#### Informational Educational Flyer

Mr. Turner advised staff was working on the informational educational flyer explaining the tax increase requested by the Commission last night. He stated ten citizens and a professional agency would examine what would be developed.

#### FAA Complaint

Mr. Hayes stated staff has been busy trying to collect data from many years relative to the FAA complaint. He reported the archive system the City formerly operated under was very archaic, requiring an inordinate amount of time to locate documents. Mr. Hayes advised these records must then be thoroughly examined. He advised he had a conference call with Attorney Rich Leidl, who would be out of town for a couple of weeks; therefore, Mr. Leidel contacted an FAA official requesting a two week time extension, and the FAA offered a 30-day extension. Mr. Hayes reported Mr. Leidl requested the City's Airport Manager formally make that request.

#### Smoking Ordinance

Mr. Hayes advised he was continuing to work on the smoking ordinance. He stated when this draft ordinance was completed, the Commission would want to make changes; therefore, he asked if this should be done in a workshop setting or as a discussion item on an agenda.

Mayor Costello urged this be a discussion item, and if the discussion would become too lengthy, a workshop could then be set.

#### TRIM

Mayor Costello reported that at a Florida League of Cities meeting he learned that the property appraisers have more influence in the State legislature than local officials, and the property appraisers originated the TRIM law. He stated property appraisers measure increased value. Mayor Costello noted they do their jobs well and should not be faulted; however, if a resident complains about the value of their home, they need only be asked if they would sell the home for that value. Mayor Costello advised he shared Commissioner Selis' concern relative to the TRIM law and reported he had lobbied on the Intergovernmental Relations Committee. He reported if the homestead exemption had been raised \$25,000 and taxes increased 16% to cover that exemption, it would not have been considered a tax increase because it would have been the roll up rate even though taxes would have actually increased.

#### Congratulations

Mayor Costello congratulated Assistance Chief Mike Longfellow and Shannon Hitt on their engagement.

#### Commendations

Mayor Costello thanked Paul Holub for working with the residents on the Nova Shoppes Planned Business Development, Bill Jones for volunteering something that may help his business succeed in the downtown, and Fred Hudson for the offer of the land swap for the fire station. He concurred with Commissioner Selis that no single Commission member should have veto power, but Mr. Hudson was conveying that if the entire Commission did not consider this deal to be of benefit to the City, it should not be done. Mayor Costello advised the Commission may vote its conscience, and Mr. Hudson may accept or not accept the contract.

#### Nova Road Tour

Mayor Costello stated Senator Evelyn Lynn was a phenomenal advocate not accepting any bureaucratic answers for the problems on Nova Road. He stated DOT did not want to grant extensions for rock, lack of cement, or rain days; however the Dispute Review Board granted the extensions. Mayor Costello reported it has been ruled that this contractor would never work in the State of Florida again, which was the best DOT could do. He stated if this contractor

were told to leave the project, it would take even longer to finish the project; therefore, he agreed with DOT that the contractor should be allowed to finish the job, and if any changes need to be made, they could be considered later.

Water Authority of Volusia

Mayor Costello stated he would like the Water Authority of Volusia (WAV) to avail itself of the extra two mgd water plant, but the cost must be shared equally; it should not be allowed to only pay for the increment from two mgd to four mgd water plant. He reported this may need to be discussed by the Commission to determine if his fellow Commission members agree with his assessment.

Re-hearing Items

Mayor Costello stated even if a Commission member was not on the prevailing side of an issue, that Commission member could bring an item up again when a new Commission was seated. He stated he erred in not bringing up the Universal Tag Program because he was on the losing side of the issue and did not realize he could not bring it up; however, since this was a new Commission, he could have brought it up. Mayor Costello advised that if anyone wishes to bring anything up in the future that was ruled on by a prior Commission, he would determine if any other Commission member wanted to discuss the issue, and if so, it would be reheard.

Expressing Positions

Mayor Costello urged the Commission to make their point on the subject being discussed, not bring up issues on unrelated matters in the future.

Local Officials Leadership Florida

Mayor Costello advised he had erred by personally paying to attend the Local Officials Leadership Florida program because this set a poor example for those who could not afford to pay for such a program. He stated he felt it was important to attend the program, but now he believed he should have brought it to the Commission and asked the entire Commission to decide. He advised this was a very beneficial program and encouraged everyone to attend.

Item #11 – Close the Meeting

The meeting was adjourned at 9:43 p.m.

APPROVED: August 17, 2004

BY: Fred Costello, Mayor

ATTEST:

Veronica Patterson, City Clerk