

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

September 21, 2004 7:00 p.m.

Present were: Deputy Mayor Boyle, Commissioner Scott Selis, Commissioner Bill Partington, City Manager Isaac Turner, Assistant City Manager Theodore MacLeod, City Attorney Randy Hayes, and City Clerk Veronica Patterson. Commissioner Troy Kent was present after 7:52 p.m.

A G E N D A

- 1) Meeting call to order by Deputy Mayor Boyle.
- 2) Invocation by Father Comforted Keen, Church of the Holy Child Episcopal Church.
- 3) Pledge of Allegiance.
- 4) Approval of the Minutes of the September 7, 2004, meeting.
- 5) ***PRESENTATIONS:***
- 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. 2004-147 authorizing the execution of a service contract between the City and the Ormond Beach Chamber of Commerce. (\$29,000)
 - B) Resolution No. 2004-148 authorizing the execution of a service agreement between the City and Ormond Main Street, Inc. (\$24,000)
 - C) Resolution No. 2004-149 authorizing the execution of an agreement between the City and the Volusia County Metropolitan Planning Organization in support of planning and funding of Volusia County transportation system projects; authorizing the expenditure of funding. (\$3,833)
 - D) Resolution No. 2004-150 authorizing the execution of a Cooperative Business Development Agreement between the City and Daytona Beach/Halifax Area Chamber of Commerce. (\$18,150)
 - E) Resolution No. 2004-151 authorizing the execution of an Easement Agreement for Vehicular Ingress and Egress and Egress Access and Parking Facilities between the City of Ormond Beach and Nova Shoppes, LLC.
 - F) Resolution No. 2004-152 authorizing the execution of Change Order Number Two (2) to that contract awarded to Masci Corporation regarding the Standish Drive, Triton Road and Royal Palm Avenue Drainage Improvements Project, by increasing the contract price by \$25,000, and increasing the contract time by nine (9) days.
 - G) Resolution No. 2004-153 authorizing the execution of a Memorandum of Understanding between the cities of Ormond Beach, Daytona Beach, DeLand, Holly Hill, the County of Volusia and the Water Authority of Volusia regarding finished water interconnects. (\$23,180)
 - H) Resolution No. 2004-154 authorizing the purchase of various chemicals for the City's water and wastewater treatment plants under a cooperative bid solicited by several local cities; authorizing payment therefore.
 - I) Resolution No. 2004-155 authorizing the execution of a Regional Aquifer Management Program Agreement between the City and the St. Johns River Water Management District. (\$1,276,000 total project cost; \$638,000 in funding assistance)
 - J) Resolution No. 2004-156 authorizing the submittal of a grant application to the County of Volusia under the ECHO Grants-In-Aid Program for funding assistance relative to Central Park improvements-Phase IV; authorizing the execution of all documents incidental thereto. (\$205,000 in grant funding)
 - K) Resolution No. 2004-157 accepting the bid of H.L. Pruitt Corporation regarding electrical improvements at the Ormond Beach Municipal Airport; rejecting all other bids; authorizing the execution of a contract between the City and H.L. Pruitt Corporation and payment thereunder. (\$369,515.50)
 - L) Resolution No. 2004-158 authorizing the execution of Change Order Number One (1) to that contract awarded to D&W Paving, Inc., regarding the Taxiway "D" Access Road Project; by increasing the contract price by \$23,397.75, and increasing the contract time by fifty-three (53) days.
 - M) Resolution No. 2004-159 authorizing the execution of a Collective Bargaining Agreement between the City and the Ormond Beach Firefighters Association (Local 3499, IAFF, AFL-CIO, CLC).
 - N) Resolution No. 2004-160 amending the Pay and Classification Plan.
 - O) Resolution No. 2004-161 increasing the pay ranges and steps for non-bargaining unit classified and unclassified employees and officials by 2.75%; authorizing the implementation and granting of a one-step pay increase for all non-bargaining unit employees covered by a step plan; authorizing the implementation and granting of a

6% general wage increase to all other non-bargaining unit employees and officials not covered by a step plan.

P) Resolution No. 2004-162 authorizing the execution of an Amendment to Agreement between the City and the State of Florida, Office of the Attorney General, regarding the City's Victim's Advocate Program. (\$44,698 total project; \$8,940 matching City funds)

Q) Approval of travel by City Manager Isaac Turner to participate as a member of the Florida League of Cities Retirement, Personnel and Collective Bargaining Policy Committee, September 17, 2004, in Tampa, Florida, October 15, 2004, in Orlando, Florida, and November 18, 2004 in Orlando, Florida.

DISPOSITION: Approve as recommended in City Manager memorandum dated September 16, 2004.

R) Closing of Riverside Drive for various special events during 2005.

DISPOSITION: Approve as recommended in City Manager memorandum dated September 16, 2004.

9) **PUBLIC HEARING** on Ordinance No. 2004-40 relative to schedule of development review and impact fees; amending Article IV of the *2004 Land Development Code* by amending fees relating to development activities; repealing all inconsistent ordinances or parts thereof. (Second Reading)

10) **FIRST READING OF ORDINANCES:**

A) Ordinance No. 2004-39 amending Sections 22-23, 22-24, and 22-71 of Chapter 22, Water and Sewers, the *Code of Ordinances*, by increasing the minimum water and sewer rates; repealing all inconsistent ordinances or parts thereof.

B) Ordinance No. 2004-42 approving the final plat of "Southern Pines," Unit III, Planned Residential Development; establishing conditions and expiration dates of approval; authorizing the placement of official traffic control devices.

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

12) Close the meeting.

Item #1 - Call to Order

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

Item #2 - Invocation

Father Comforted Keen, Church of the Holy Child Episcopal Church, gave the invocation.

Item #3 - Pledge of Allegiance

Deputy Mayor Boyle led the Pledge of Allegiance.

Item #4 - Approval of Minutes

Deputy Mayor Boyle advised the minutes of the September 7, 2004, meeting had been sent to the Commissioners for review and asked if there were any corrections, additions, or omissions.

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

Item #5 - Honoring Reverend Jesse Cotton

Police Chief Larry Mathieson honored Reverend Jesse Cotton for his service to the Police Department for the past two years as chaplain and for working with the Victim Advocate which entailed being called out at all times day and night to provide counsel to victims of crime and those who lost loved ones in traffic accidents. He stated Reverend Cotton would be retiring from that post, and he thanked him for his service to the citizens of Ormond Beach.

Reverend Jesse Cotton thanked Chief Mathieson and the City Commission for this honor and advised he would still assist the Police Department, but no longer in the middle of the night.

Deputy Mayor Boyle thanked Reverend Cotton for his service as chaplain, his citizenship, his participation in many City Commission meetings, his wise counsel assisting the City Commission in making decisions, and for his assistance with Reverend Jesse Jackson many years ago on Operation Breadbasket.

Item #6 - Audience Remarks

Emergency Evacuation Center

Mr. Donald J. O'Lone, 2800 Oceanshore Boulevard, recognized the Emory L. Bennett Memorial Veterans Nursing Facility for becoming a shelter to over 650 evacuees during Hurricane Frances including 90 evacuees from another nursing home that lost its electrical power. He stated this was not the first time this home opened its doors, heart, and shelter to Volusia County residents. Mr. O'Lone offered emergency shelter at the nursing home for anyone in need, especially the elderly, in any future emergency.

Tax Increase

Reverend Jesse Cotton, 528 Fred Gamble Way, asked how many readings were required for ordinances to become law.

Mr. Randal Hayes, City Attorney, explained that normally two readings were required; however, emergency ordinances only require a single reading.

Reverend Cotton asked if the budget had been passed; and if it was passed, what the rate of the tax increase had been.

Mr. Isaac Turner, City Manager, reported the budget's first reading was on September 7th, and it was passed on second reading at the September 16th public hearing with a 33.67% tax increase.

Commissioner Boyle reported the 33.67% was over rollback.

Reverend Cotton requested the Commission announce that an ordinance has become law after it passed the required number of readings; whereby, Mr. Hayes reported Mayor Costello could make this a policy if he wished to do so.

Deputy Mayor Boyle reported that at the September 7th public hearing, the Commission deferred a 10% property tax increase that would occur next year.

Oceanside Recycled Water Tanks

Mr. Carl Tutera, 3570 Oceanshore Boulevard, stated he and his neighbors were surprised to discover development was to take place as referenced in Item #8(I).

Deputy Mayor Boyle advised Item #8(I) would be pulled; and if it were not tabled, Mr. Tutera and his neighbors would be permitted to speak on the item.

Budget/Water Rates

Mr. John Bornmann, 6 Windsor Drive, stated the items in this agenda with any dollar amount attached to them equaled \$1,163,016.25, excluding employee raises, Central Park, travel, or chemicals for water and wastewater. He questioned how much of these costs were not budgeted. Mr. Bornmann reported that above this spending, the City proposed to increase the water rates. He requested Items #8(K) and #8(L) be pulled for discussion.

Hurricane Recovery Efforts

Mr. Charles Carter, 212 Arlington Way, lodged a complaint that he went eight days without electricity and had a neatly piled stack of debris for pickup, but a worker selected certain branches to take, leaving the remainder askew, requiring them to be restacked.

News-Journal Deadline

Mr. Carter complained about a comment he attributed to a News-Journal reporter regarding the length of audience comments and a missed deadline.

Deputy Mayor Boyle assured Mr. Carter that the News-Journal reported was not attempting to limit the public's free speech but was merely lamenting her missed deadline.

Pulling Items for Discussion

Mr. Carter requested every item on the Consent Agenda be pulled for discussion except Items #8(E), #8(H), and #8(R).

Remarks by the Public Information Officer

Mr. Adrian Thompson, 6 Dorado Beach Court, asked when he would be provided an apology that the Public Information Officer had called him a liar.

Deputy Mayor Boyle questioned Mr. Turner if this issue would be addressed; whereby, Mr. Turner replied it would not be addressed.

Information Request

Mr. Thompson stated he had requested a copy of the profit and loss accounts and description of revenue sources for the Ormond Beach airport, and they have not been forthcoming.

Mr. Paul Lane, Finance Director, advised the information was mailed to Mr. Thompson earlier this week.

Firefighter Overtime

Mr. Thompson stated the budget for firefighter overtime was \$170,000; however, the actual amount expended was \$800,000. He questioned if the City Manager would be investigated for not noticing this large discrepancy early in the budget year.

Tax Increase

Mr. Thompson stated the Commission and City Manager should be ashamed for raising the taxes 34%, especially in light of the hardships people were suffering caused by the recent storms.

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

Deputy Mayor Boyle reported Mayor Costello would provide a report on the Metropolitan Planning Organization (MPO) and Volusia Council of Governments (VCOG) at the next meeting.

Item #7(C) – Water Authority of Volusia

Deputy Mayor Boyle reported the Water Authority of Volusia (WAV) met on September 16th, and the City of Ormond Beach staff made a fine presentation on the water plant expansion plans with the assistance of a consultant. He stated that as a result, while there was still no partnership, the other board members were “warming up” to a possible partnership with Ormond Beach.

Deputy Mayor Boyle stated WAV had approved a downsized master plan. He reported he voted for the more costly option recommended by Dr. Bruce Mowry, WAV’s Executive Director. He advised Ormond Beach’s total assessment, including the master plan, was \$68,000 for FY 2004-05.

Item #8 - Consent Agenda

Deputy Mayor Boyle advised that the action proposed for each item on the Consent Agenda was so stated on the agenda. He advised that all the items except Items #8(E), #8(H), and #8(R) would be discussed. Deputy Mayor Boyle asked if any member of the Commission had questions or wished to discuss any of these items separately.

Commissioner Partington moved, seconded by Commissioner Selis, for approval of Consent Agenda Items #8(E), #8(H), and #8(R).

Call Vote:	Commissioner Selis	yes
	Commissioner Partington	yes
Carried.	Deputy Mayor Boyle	yes

Item #8(A) – Chamber of Commerce Contract

Mr. Charles Carter, 212 Arlington Way, reported this resolution was a \$29,000 gift, donation, or need to the Chamber of Commerce when the City had its own Economic Develop Director. He questioned how much economic development assistance the Chamber of Commerce actually provided for Ormond Beach.

Deputy Mayor Boyle stated the Chamber of Commerce provided at least \$29,000 worth of services to Ormond Beach.

RESOLUTION NO. 2004-147

A RESOLUTION AUTHORIZING THE EXECUTION OF A SERVICE CONTRACT BETWEEN THE CITY AND THE ORMOND BEACH CHAMBER OF COMMERCE; SETTING FORTH AN EFFECTIVE DATE.

Commissioner Selis moved, seconded by Commissioner Partington, to approve Resolution No. 2004-147, as read by title only.

Call Vote:	Commissioner Selis	yes
	Commissioner Partington	yes
Carried.	Deputy Mayor Boyle	yes

Item #8(B) – Ormond Main Street Contract

RESOLUTION NO. 2004-148

A RESOLUTION AUTHORIZING THE EXECUTION OF A SERVICE AGREEMENT BETWEEN THE CITY AND ORMOND MAIN STREET, INC; SETTING FORTH AN EFFECTIVE DATE.

Commissioner Partington moved, seconded by Commissioner Selis, to approve Resolution No. 2004-148, as read by title only.

Mr. Carter stated there were items in the budget that could have been cut. He noted the \$24,000 given to Ormond Main Street was to pay for the salary of the director; however, since Main Street operated under the Tax Increment Financing (TIF) program, the director's salary should come from the TIF money rather than the General Fund.

Deputy Mayor Boyle reported that, as of this year, the salary would come from TIF money. He stated that through membership dues and their annual dinner, Main Street raises almost an equal amount as the City allocates.

Call Vote:	Commissioner Partington	yes
	Commissioner Selis	yes
Carried.	Deputy Mayor Boyle	yes

Item #8(C) – Volusia County Metropolitan Planning Organization Agreement

RESOLUTION NO. 2004-149

A RESOLUTION AUTHORIZING THE EXECUTION OF AN AGREEMENT BETWEEN THE CITY AND THE VOLUSIA COUNTY METROPOLITAN PLANNING ORGANIZATION IN SUPPORT OF PLANNING AND FUNDING OF VOLUSIA COUNTY TRANSPORTATION SYSTEM PROJECTS; AUTHORIZING THE EXPENDITURE OF FUNDING; AND SETTING FORTH AN EFFECTIVE DATE.

Commissioner Partington moved, seconded by Commissioner Selis, to approve Resolution No. 2004-149, as read by title only.

Mr. Carter stated that most of the organizations the City belongs to set a rate that the City must pay; the City never made contributions. He urged the Commission to consider the amount of money being donated to these organizations, especially considering the budget difficulties the City was experiencing.

Call Vote:	Commissioner Selis	yes
	Commissioner Partington	yes
Carried.	Deputy Mayor Boyle	yes

Item #8(D) – Agreement with Daytona Beach/Halifax Area Chamber of Commerce

RESOLUTION NO. 2004-150

A RESOLUTION AUTHORIZING THE EXECUTION OF A COOPERATIVE BUSINESS DEVELOPMENT AGREEMENT BETWEEN THE CITY AND DAYTONA BEACH/HALIFAX AREA CHAMBER OF COMMERCE, INC.; SETTING FORTH AN EFFECTIVE DATE.

Commissioner Selis moved, seconded by Commissioner Partington, to approve Resolution No. 2004-150, as read by title only.

Mr. Carter asked what the Daytona Beach/Halifax Area Chamber of Commerce was doing for Ormond Beach.

Deputy Mayor Boyle stated the \$18,150 was a prorated 50¢ per capita for the City population based on the 2000 census. He requested Mr. Joe Mannarino, Economic Development Director, call Mr. Carter to explain what the City was receiving for their contribution to this organization.

Call Vote:	Commissioner Partington	Yes
	Commissioner Selis	Yes
Carried.	Deputy Mayor Boyle	Yes

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

RESOLUTION NO. 2004-152

A RESOLUTION AUTHORIZING THE EXECUTION OF CHANGE ORDER NUMBER TWO (2) TO THAT CONTRACT AWARDED TO MASCI CORPORATION REGARDING THE STANDISH DRIVE, TRITON ROAD AND ROYAL PALM AVENUE DRAINAGE IMPROVEMENTS PROJECT, BY INCREASING THE CONTRACT PRICE BY \$25,000, AND INCREASING THE CONTRACT TIME BY NINE (9) DAYS; AND SETTING FORTH AN EFFECTIVE DATE.

Commissioner Partington moved, seconded by Commissioner Selis, to approve Resolution No. 2004-152, as read by title only.

Mr. Carter stated jobs were bid out and when any problems arose, it always cost the City additional money. He noted through the year thousands of dollars had been added to projects, and this trend should be investigated.

Commissioner Boyle stated many projects had been plagued by the fact that the mapping of the infrastructure was inaccurate, triggering extra costs. He explained staff had asked the Commission to fund a one-time remapping a number of years ago, but the Commission decided to “pay as they go.”

Call Vote:	Commissioner Selis	Yes
	Commissioner Partington	Yes
Carried.	Deputy Mayor Boyle	Yes

Item #8(G) – Finished Water Interconnects Memorandum of Understanding

RESOLUTION NO. 2004-153

A RESOLUTION AUTHORIZING THE EXECUTION OF A MEMORANDUM OF UNDERSTANDING BETWEEN THE CITIES OF ORMOND BEACH, DAYTONA BEACH, DELAND, HOLLY HILL, THE COUNTY OF VOLUSIA AND THE WATER AUTHORITY OF VOLUSIA REGARDING FINISHED WATER INTERCONNECTS; AND SETTING FORTH AN EFFECTIVE DATE.

Commissioner Partington moved, seconded by Commissioner Selis, to approve Resolution No. 2004-153, as read by title only.

Mr. Carter stated an agreement with Ormond Beach’s neighboring cities was a good idea; however, he questioned if the agreement outlined who would operate what, how it would be operated, and what would occur if Ormond Beach would have to operate in a neighboring city.

Ms. Judy Sloane, Public Works Director/City Engineer, reported the cost and exact protocol on opening the interconnects were outlined in the agreement.

Call Vote:	Commissioner Partington	Yes
	Commissioner Selis	Yes
Carried.	Deputy Mayor Boyle	Yes

Item #8(I) – Regional Aquifer Management Program Agreement

RESOLUTION NO. 2004-155

A RESOLUTION AUTHORIZING THE EXECUTION OF A REGIONAL AQUIFER MANAGEMENT PROGRAM AGREEMENT BETWEEN THE CITY AND THE ST. JOHNS RIVER WATER MANAGEMENT DISTRICT; AND SETTING FORTH AN EFFECTIVE DATE.

Ms. Sloane requested this item be tabled to the October 5th City Commission meeting.

Deputy Mayor Boyle stated the Oceanside Country Club was currently meeting relive to this issue and requested an opportunity to come back to a public meeting at a later date. He noted this was also on the Development Review Board agenda for discussion.

Ms. Sloane reported this delay would not affect receipt of the grant.

Commissioner Partington moved, seconded by Commissioner Selis, to table Item #8(I) to the October 5th City Commission meeting.

Call Vote:	Commissioner Selis	yes
	Commissioner Partington	yes
Carried.	Deputy Mayor Boyle	yes

Item #8(J) – Central Park Improvements - Phase IV

RESOLUTION NO. 2004-156

A RESOLUTION AUTHORIZING THE SUBMITTAL OF A GRANT APPLICATION TO THE COUNTY OF VOLUSIA UNDER THE ECHO GRANTS-IN-AID PROGRAM FOR FUNDING ASSISTANCE RELATIVE TO CENTRAL PARK IMPROVEMENTS-PHASE IV; AUTHORIZING THE EXECUTION OF ALL DOCUMENTS INCIDENTAL THERETO; AND SETTING FORTH AN EFFECTIVE DATE.

Commissioner Partington moved, seconded by Commissioner Selis, to approve Resolution No. 2004-156, as read by title only.

Mr. Carter questioned if the City was ready to proceed if it should receive this grant. He asked if there would be any local costs involved.

Mr. Tom Lipps, Support Services Director, stated the City Commission had already committed Recreation Impact Fees towards this project and had received a Land and Water Conservation grant. He pointed out that this would provide the opportunity to match another State grant with a local grant and use money already appropriated. Mr. Lipps explained that the City would proceed with the design and construction of the project if the grant would be approved.

Call Vote:	Commissioner Partington	yes
	Commissioner Selis	yes
Carried.	Deputy Mayor Boyle	yes

Item #8(K) – Electrical Improvements at the Ormond Beach Municipal Airport

RESOLUTION NO. 2004-157

A RESOLUTION ACCEPTING THE BID OF H.L. PRUITT CORPORATION REGARDING ELECTRICAL IMPROVEMENTS AT THE ORMOND BEACH MUNICIPAL AIRPORT; REJECTING ALL OTHER BIDS; AUTHORIZING THE EXECUTION OF A CONTRACT BETWEEN THE CITY AND H.L. PRUITT CORPORATION AND PAYMENT THEREUNDER; AND SETTING FORTH AN EFFECTIVE DATE.

Commissioner Partington moved, seconded by Commissioner Selis, to approve Resolution No. 2004-157, as read by title only.

Mr. Bornmann questioned spending this money at the airport when basements were flooding and roofs were leaking on City facilities. He asked, on a percentage basis, how many people in

Ormond Beach would benefit from the money being spent at the airport. Mr. Bornmann reported it was more important to maintain and repair City facilities than invest in the airport.

Call Vote:	Commissioner Selis	yes
	Commissioner Partington	yes
Carried.	Deputy Mayor Boyle	yes

Item #8(L) – Taxiway “D” Access Road Project

RESOLUTION NO. 2004-158

A RESOLUTION AUTHORIZING THE EXECUTION OF CHANGE ORDER NUMBER ONE (1) TO THAT CONTRACT AWARDED TO D&W PAVING, INC., REGARDING THE TAXIWAY “D” ACCESS ROAD PROJECT; BY INCREASING THE CONTRACT PRICE BY \$23,397.75, AND INCREASING THE CONTRACT TIME BY FIFTY-THREE (53) DAYS; AND SETTING FORTH AN EFFECTIVE DATE.

Commissioner Partington moved, seconded by Commissioner Selis, to approve Resolution No. 2004-158, as read by title only.

Deputy Mayor Boyle noted he assumed that Mr. Bornmann had the same objections to this item that he noted under Item 8(K); whereby, Mr. Bornmann concurred that was correct..

Call Vote:	Commissioner Partington	yes
	Commissioner Selis	yes
Carried.	Deputy Mayor Boyle	yes

Item #8(M) – Ormond Beach Firefighters Association Collective Bargaining Agreement

RESOLUTION NO. 2004-159

A RESOLUTION AUTHORIZING THE EXECUTION OF A COLLECTIVE BARGAINING AGREEMENT BETWEEN THE CITY AND THE ORMOND BEACH FIREFIGHTERS ASSOCIATION (LOCAL 3499, IAFF, AFL-CIO, CLC); SETTING FORTH AN EFFECTIVE DATE.

Commissioner Selis moved, seconded by Commissioner Partington, to approve Resolution No. 2004-159, as read by title only.

Deputy Mayor Boyle advised he was not comfortable discussing this item with Commissioner Kent and Mayor Costello not in attendance, and he noted there was a glitch in the contract that may or may not be critical. He asked if Commissioner Selis and Commissioner Partington were prepared to vote tonight.

Commissioner Selis and Commissioner Partington reported they were prepared to vote.

Commissioner Selis stated the City management and firefighters union have worked closely together to arrive at a fair agreement. He noted he presented the City Manager with the questions he had, and the questions had been answered to his satisfaction. Commissioner Selis reported he had no more concerns relative to the agreement; however, he hoped the overtime would be better managed.

Commissioner Partington questioned page 26, Article 13.5 (Internal Investigations) in that it seemed to be slightly “over broad.”

Ms. Lorenda Volker, Human Resources Director, reported this provision insured that if an employee chose to bring representation or to appeal, that management would not take retaliatory action against the employee. She pointed out that this was not a change and had been in place in the contract for quite some time. Ms. Volker stated it could be considered during the next negotiation.

Deputy Mayor Boyle pointed out the next negotiation would be in three years.

Mr. Carter stated Mayor Costello and Commissioner Selis spent over a half hour complaining about this contract at the last meeting, and no changes had been made since that time. He reported that if a Commission member supported an item, they should support it and not question each item.

Commissioner Selis stated relative to the comments he and Mayor Costello made at the meeting last week, he would limit his comments to what he stated. He reported that a number of members of the public were complaining about the amount of salary realized by the City, and he would look favorably upon the amount of raise originally proposed by management. Commissioner Selis noted he also indicated he would agree with Deputy Mayor Boyle's proposal to change the anniversary dates in order to save substantial money and to limit firefighter overtime. He explained that he later learned that the overtime issue had been resolved, and there was no Commission support on the other proposals. Commissioner Selis stated that since the Commission had indicated their support for this, he would support the Commission and the firefighters.

Ms. Lucille Bornmann, 6 Windsor Drive, asked if the City Manager would receive a 6% raise if the line employees would receive a 6% raise.

Deputy Mayor Boyle reported that issue would be discussed under Item #8(O).

Ms. Bornmann asked if there was anything in the City Manager's contract indicating he would automatically receive the same increase.

Deputy Mayor Boyle reported he had concerns relative to Article 28.1 where the wage increases would become effective to all members of the bargaining unit on October 1st of 2004, 2005, and 2006. He stated there was a lack of equity from employee to employee and the anniversary of hire date should be used. Deputy Mayor Boyle passed the gavel to the senior member remaining on the Commission, Commissioner Selis, in order to propose an amendment noting that this contract had to be ratified as it currently existed, or it could not be ratified.

Commissioner Boyle move to amend Article 28.1 to substitute the employee anniversary date for the October 1st date.

The motion died for lack of a second.

Commissioner Selis returned the gavel to Deputy Mayor Boyle.

Commissioner Partington moved to table Item #8(M) to October 5th. Deputy Mayor Boyle passed the gavel to Commissioner Selis in order to second the motion.

Call Vote:	Commissioner Boyle	yes
	Commissioner Partington	yes
Carried.	Commissioner Selis	yes

Commissioner Selis returned the gavel to Deputy Mayor Boyle.

Item #8(N) – Amending the Pay and Classification Plan

RESOLUTION NO. 2004-160
A RESOLUTION AMENDING THE PAY AND CLASSIFICATION
PLAN; AND SETTING FORTH AN EFFECTIVE DATE.

Commissioner Partington moved, seconded by Commissioner Selis, to approve Resolution No. 2004-160, as read by title only.

Mr. Carter stated that increasing the employees pay increases the residents' taxes. He urged the pay and classifications be set and not readjusted so frequently.

Commissioner Kent arrived at 7:52 p.m.

Call Vote:	Commissioner Partington	no
	Commissioner Selis	yes
	Commissioner Kent	yes
Failed.	Deputy Mayor Boyle	no

Deputy Mayor Boyle explained that this vote would be considered a defeat under Roberts Rules; however, by custom, when a two to two vote would occur, it was automatically tabled for a full Commission vote.

Item #8(O) – Increasing the Pay Ranges and Steps

RESOLUTION NO. 2004-161

A RESOLUTION INCREASING THE PAY RANGES AND STEPS FOR NON-BARGAINING UNIT CLASSIFIED AND UNCLASSIFIED EMPLOYEES AND OFFICIALS BY 2.75%; AUTHORIZING THE IMPLEMENTATION AND GRANTING OF A ONE-STEP PAY INCREASE FOR ALL NON-BARGAINING UNIT EMPLOYEES COVERED BY A STEP PLAN; AUTHORIZING THE IMPLEMENTATION AND GRANTING OF A 6% GENERAL WAGE INCREASE TO ALL OTHER NON-BARGAINING UNIT EMPLOYEES AND OFFICIALS NOT COVERED BY A STEP PLAN; AND SETTING FORTH AN EFFECTIVE DATE.

Commissioner Selis moved, seconded by Commissioner Kent, to approve Resolution No. 2004-161, as read by title only.

Commissioner Selis moved, seconded by Commissioner Partington, to table Item #8(O) to the October 5th City Commission meeting in light of the vote that had just taken place.

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

Item #8(P) – Victim’s Advocate Program

RESOLUTION NO. 2004-162

A RESOLUTION AUTHORIZING THE EXECUTION OF AN AMENDMENT TO AGREEMENT BETWEEN THE CITY AND THE STATE OF FLORIDA, OFFICE OF THE ATTORNEY GENERAL, REGARDING THE CITY’S VICTIM’S ADVOCATE PROGRAM; AND SETTING FORTH AN EFFECTIVE DATE.

Commissioner Partington moved, seconded by Commissioner Kent, to approve Resolution No. 2004-162, as read by title only.

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

Item #8(Q) – City Manager Travel

Commissioner Selis moved, seconded by Commissioner Partington, to approve the City Manager’s recommendation.

Mr. Carter stated this would approve travel for September 17th and today was September 21st; therefore, he assumed the travel had been completed, and the Commission was now to pay for travel that had already occurred.

Deputy Mayor Boyle reported he received a note that the City Manager did not attend the aforementioned meeting.

Mr. Carter stated he was unaware of this, which demonstrated a lack of communication. He expressed his opinion that Mr. Turner’s travel since he was hired has been excessive. Mr. Carter stated that when the City needed management recently, Mr. Turner was in Miami. He noted his objection to Mr. Turner attending the League of Cities meetings.

Mr. Turner reported he had not been to Miami for approximately four to five years. He clarified that the City was a member of the League of Cities; the City Manager was not. Mr. Turner stated there was a committee assignment that provided an opportunity to learn more about the collective bargaining process and other personnel issues, and he sought the Commission’s support in his membership of this. He reported he would do his best to keep expenses to a minimum relative to travel.

Mr. Adrian Thompson asked if staff members travel in order to maintain their professional qualifications to serve the City.

Mr. Turner reported some trips were for accreditation, and some were not.

Mr. Thompson asked if the Commission received reports from those attending the conferences paid by taxpayers. He questioned what financial benefit was derived from these trips; whereby, Mr. Turner stated staff would provide feedback to their division managers, department directors, and sometimes to him. He explained staff would learn about grant opportunities, what other cities were doing, ways to save money, and have the opportunity to establish contacts. Mr. Turner noted he would sometimes provide a post-report to the Commission in a Friday letter.

Mr. Thompson requested being provided with a copy of a selection of the aforementioned reports to determine how the City staff was learning to save money.

Mr. Turner stated reports would be provided; however, the reports were not designated as to how to specifically save money, but an accounting of what was gleaned from the trips.

Mr. Thompson stated the Commission should consider restricting travel by City staff to conferences and necessary certification to maintain their professional position within the City. He noted his experience with conferences was that they were too often only parties where nothing was learned.

Deputy Mayor Boyle stated the total travel budget was \$147,000, but two Commission members had expressed a desire to have a goal of reducing spending in that area. He asked if staff could impose a voluntary goal to reduce that figure.

Mr. Turner stated staff would comply with Commission directives. He recommended making the cuts desired, but the remaining expenditures should be funded appropriately since more would be expected from those people, and the Commission would want a well-trained staff doing more with less. Mr. Turner stated conferences could be scrutinized, but he urged the Commission not to cut training or the exposure personnel receive from these conferences because it keeps them fresh. He advised staff would be sensitive to the Commission's requests.

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

Item #9 – Development Review and Impact Fees

ORDINANCE NO. 2004-40
 AN ORDINANCE RELATIVE TO SCHEDULE OF
 DEVELOPMENT REVIEW AND IMPACT FEES; AMENDING
 ARTICLE IV OF THE 2004 LAND DEVELOPMENT CODE BY
 AMENDING FEES RELATING TO DEVELOPMENT ACTIVITIES;
 REPEALING ALL INCONSISTENT ORDINANCES OR PARTS
 THEREOF; PROVIDING FOR SEVERABILITY; AND SETTING
 FORTH AN EFFECTIVE DATE.

Commissioner Kent moved, seconded by Commissioner Partington, to approve Ordinance No. 2004-40, on second reading.

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

Hearing no objection, Deputy Mayor Boyle closed the public hearing on Item #9.

Item #10(A) –Increasing the Minimum Water and Sewer Rates

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

Commissioner Partington moved, seconded by Commissioner Selis, to approve Ordinance No. 2004-39, on first reading.

Commissioner Selis moved to table Ordinance No. 2004-39, as this item should have a full Commission for discussion.

Mr. Ted MacLeod, Assistant City Manager, reported that staff would like to schedule this item for a workshop prior to the next City Commission meeting in that there was a great deal of information presented to the Budget Advisory Board of which the Commission should also be made aware. He recommended the workshop to discuss this issue be held at 5:30 p.m. on October 5th.

Deputy Mayor Boyle recommended inviting the Budget Advisory Board to this meeting. Hearing no objection to the 5:30 p.m. time slot, he advised the meeting would be scheduled for that time unless Mayor Costello would have a problem attending the meeting.

Commissioner Kent seconded the motion to table.

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

Mr. MacLeod questioned if the workshop were to be a joint workshop with the Budget Advisory Board or if the Budget Advisory Board would simply be invited to attend.

Mr. Turner explained if this were a joint meeting, the Budget Advisory Board and City Commission would sit at the table; the Budget Advisory Board would open the meeting; the City Commission would open the meeting, and both groups would have the opportunity to vote on a recommendation. He recommended having a City Commission workshop with the Budget Advisory Board in attendance.

Deputy Mayor Boyle offered a third option to have the Budget Advisory Board sit at the table, but only the City Commission vote in that only the City Commission could vote for a water rate increase.

Mr. MacLeod stated it would be a City Commission workshop with the Budget Advisory Board sitting at the table.

Mr. Hayes advised this scenario would be appropriate as long as the notice would indicate a joint meeting. He explained the meeting must be advertised in this manner to legally allow the Budget Advisory Board to dialogue amongst themselves.

Item #10(B) – “Southern Pines,” Unit III, Planned Residential Development

ORDINANCE NO. 2004-42
 AN ORDINANCE APPROVING THE FINAL PLAT OF
 “SOUTHERN PINES,” UNIT III, PLANNED RESIDENTIAL
 DEVELOPMENT; ESTABLISHING CONDITIONS AND
 EXPIRATION DATES OF APPROVAL; AUTHORIZING THE
 PLACEMENT OF OFFICIAL TRAFFIC CONTROL DEVICES
 REPEALING ALL INCONSISTENT ORDINANCES AND
 RESOLUTIONS OR PARTS THEREOF; AND SETTING FORTH
 AN EFFECTIVE DATE.

Commissioner Partington moved, seconded by Commissioner Kent, to approve Ordinance No. 2004-42, on first reading.

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

Item #11 - Reports, Suggestions, Requests

Delay in Attending Tonight’s Meeting

Commissioner Kent explained he was not able to attend the beginning of this meeting because he had to attend his school's open house that was rescheduled due to Hurricane Frances.

Florida League of Cities Conference

Commissioner Kent reported he recently attended his first Florida League of Cities conference in Hollywood, Florida. He stated that the workshop he favored most was entitled “Managing Conflict While Managing Growth.” Commissioner Kent noted the presenters were incredible and presented a very realistic mock City Commission meeting that demonstrated very useful information.

Jewish New Year

Commissioner Selis wished all of his Jewish friends a very happy and healthy New Year, a reflective period of atonement, and an easy fast on Yom Kippur. He took this opportunity to publicly apologize to anyone whom he may have offended in the past.

Hurricane Victims

Commissioner Selis expressed hope that everyone who suffered due to the past two hurricanes would have an easy recovery. He stated Orlando and some other cities were offering its residents relief to some limited extent. Commissioner Selis noted he was unsure what Ormond Beach could afford to offer from its reserve fund, but he requested staff investigate what could be cut from this year’s budget and how much the City could afford to take from reserve to help offset uninsured losses to property due to Hurricane Charley and Hurricane Frances. He requested this investigation be completed within the next 30 days.

Leadership

Commissioner Partington thanked Deputy Mayor Boyle for his leadership.

Florida League of Cities Conference

Commissioner Partington reported he also had a great experience attending the Florida League of Cities conference. He stated he learned a great deal and brought back information which he offered to share with the rest of the Commission.

Olympic Gold Medalist Celebration

Commissioner Partington reported he attended the “welcome home” celebration in Port Orange for Mr. Brian Lochte, the Olympic gold medalist in swimming. He stated there was quite a community turnout and celebration for Mr. Lochte. Commissioner Partington noted the Port Orange Commission was appreciative that Ormond Beach sent a representative to this function.

Pop Warner Football and Cheerleading

Commissioner Partington reported he and Commissioner Kent had an opportunity to stand in for Mayor Costello at the Pop Warner Football and Cheerleading event on Friday evening to present a proclamation. He noted many Ormond Beach residents were involved in Pop Warner. He stated Ormond Beach was fortunate to have Pop Warner to step in to fill the void left by the school system when it took middle school sports away from the children. Commissioner Partington noted Ormond Beach partners with Pop Warner in a small way financially to make it a success.

Inaccurate Statements

Mr. Turner noted some statements that were made were inaccurate, such as the statement that he was recently in Miami. He stated Mr. Thompson requested an apology because he stated he was called a liar. Mr. Turner explained Mr. Joe Radcliffe, Public Information Officer, indicated a statement that was voiced was inaccurate, but he did not believe Mr. Radcliffe would call Mr. Thompson a liar. He pointed out that Mr. Thompson has voiced opinions relative to him that he believed to be inaccurate; and while Mr. Thompson had the freedom of speech to make statements, staff would try to correct inaccuracies. He stated, however, he did not wish to disparage any Ormond Beach citizen. Mr. Turner apologized if Mr. Thompson believed he was being aggrieved.

Chairing the Meeting

Deputy Mayor Boyle thanked Ms. Ronnie Patterson, City Clerk, and the others of the dais for their assistance and patience in chairing tonight’s meeting in Mayor Costello’s absence. He noted chairing the meeting was not as easy as Mayor Costello made it appear.

Hoyle Tanner Correspondence Request

Deputy Mayor Boyle requested Mr. Lipps provide a copy of the correspondence between the City and Hoyle Tanner to the City Commission and the Aviation Advisory Board relative to the idea advanced by Mr. Thompson relative to acquiring extra runway space for takeoffs.

Firefighter Overtime

Deputy Mayor Boyle requested an agenda item be included on the agenda of the October 5th City Commission meeting with a report and spreadsheet from staff that would help explain what triggered the firefighter overtime, who received overtime, what management decisions were made, and what contract decisions triggered the overtime. He requested the bargaining unit also provide a report that could be included in the packet relative to firefighter overtime. Deputy Mayor Boyle stated a cut from \$724,000 to \$537,000 was an approximate \$200,000 decrease, but he felt the City had to do better than cutting only \$200,000 this year.

Ponce DeLeon Drive

Deputy Mayor Boyle stated in the vicinity of Ponce DeLeon Drive near Halifax Drive the road was closed; storm debris was not picked up by staff; someone moved the debris necessitating it be moved back; and the fire hydrant was turned on causing extensive flooding. He requested staff contact Mr. McGloin to determine if any of these problems continue to exist.

Apology

Deputy Mayor Boyle joined Commissioner Selis in apologizing for any unintended offense he may have shown in the past.

Property Tax Hearing

Deputy Mayor Boyle stated Mayor Costello sent an e-mail on Friday to the media, and he planned to respond to that e-mail tonight to the media and to the community tomorrow. He stated members of the community expressed high praise for Commissioner Partington because he had tried to build a consensus on the Commission. He reported he would have voted for a 22% increase, which was only 12% from the final decision. Deputy Mayor Boyle stated Commissioner Partington was the only member of the Commission who had not pointed a finger at the other Commission members, and he was a model during the arduous and difficult budget hearing process.

Item #12 – Close the Meeting

The meeting was adjourned at 8:25 p.m.

APPROVED: _____ October 5, 2004

BY: _____
Fred Costello, Mayor

ATTEST:

Veronica Patterson, City Clerk