

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

**December 21, 2004                      7:00 p.m.**

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

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

- 1) Meeting call to order by Mayor Costello.
- 2) Invocation by Rabbi Jerry Miller, Beth Judah Messianic Congregation.
- 3) Pledge of Allegiance.
- 4) Approval of the Minutes of the December 6, 2004, meeting.

5) **PRESENTATION:**

- A) Recognition of Bob Arnold, Streets Department employee, returning from military service in Iraq.
- B) Random Acts of Kindness project.

6) **AUDIENCE REMARKS:**

7) **INTERGOVERNMENTAL BOARD REPORTS:**

- A) Metropolitan Planning Organization
- B) Volusia Council of Governments
- C) Smart Growth Implementation Committee
- D) 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. 2004-211 authorizing the Mayor and City Manager to execute an agreement with Sunstate Meter & Supply, Inc., for the purchase and delivery of 5/8-inch water meters.
- B) Bon Terre Fuel Adjustments:
  - 1) Resolution No. 2004-212 approving and authorizing the payment of special compensation to Bon Terre Group, Inc., associated with the unusual cost of providing services under the right-of-way mowing services agreement. (\$3,463)
  - 2) Resolution No. 2004-213 approving and authorizing the payment of special compensation to Bon Terre Group, Inc., associated with the unusual cost of providing services under the grounds maintenance agreement. (\$8,476)
- C) Resolution No. 2004-214 accepting a proposal from Quentin L. Hampton & Associates, Inc., to provide engineering services to re-design the North Peninsula Reuse Water Storage Project; rejecting all other proposals; authorizing the execution of a Work Authorization thereto. (Not-to-exceed \$33,968)
- D) Resolution No. 2004-215 authorizing and directing the City Clerk to procure the necessary ballots and other forms, to arrange for the use of voting machines, and to make other required arrangements for the Special Primary Election to be held on January 25, 2005; authorizing the execution of an agreement for services and materials.
- E) Resolution No. 2004-216 appointing clerks, assistant clerks, Accu-vote inspectors, deputies, inspectors and alternate inspectors for the Special Primary Election to be conducted on Tuesday, January 25, 2005, in Zone Three of the City of Ormond Beach, Florida.
- F) Approval of the submittal of a request to the Volusia Forever Program for acquisition of 7.72 acres of property adjacent to Central Park III for the construction of trails.

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

9) **PUBLIC HEARINGS:**

- A) Ordinance No. 2004-52 amending Chapter 10, Garbage, Refuse, and Yard Waste, of the *Code of Ordinances* of the City of Ormond Beach, by changing the title of the chapter to "Solid Waste, Yard Waste and Recycling"; by amending Section 10-1, Definitions, Section 10-2, General Authority to Regulate, Section 10-4, "Who May Collect and Dispose, Section 10-5, Refuse and Garbage to be City Property, Section 10-7, Unauthorized Accumulations, Section 10-8, Accumulations subject to Scattering

by Elements, Section 10-9, Placements other than in Containers; Placing in Waters, Section 10-11, Frequency of Residential Collections, Section 10-12, Frequency of Commercial Collections, Section 10-13, Limitations on Quantity Collected by City, Section 10-14, Contagious Disease Refuse, Section 10-15, Flammable or Explosive Refuse, Section 10-16, Fees for Collection and Disposal Established, Section 10-17, Billing for Fees, Section 10-29, Separation of Garbage, Yard Waste and Ashes, Section 10-31, Scattering Prohibited Generally, Section 10-34, Preparation of Garden Trash, Section 10-35, Containers Required; Substandard Containers, Section 10-36, Construction of Garbage Container Cans, Section 10-37, Gross Weight of Garbage Container Cans, Section 10-38, Large Containers for Commercial Establishments, Section 10-40, Placement for Collection from Residences; Exceptions, Section 10-41, Placement of Commercial Containers, Section 10-42, Time for Placement, Section 10-56, Regulations Authorized, Section 10-57, Disposal by Producer or Property Owner Authorized; Permit Required; Fee, Section 10-58, Hauling over City Streets Authorized, Section 10-59, Permit Required for Premises from which Collected, Section 10-60, Permit Required for Collector or Disposer; Application, Section 10-61, Requirements for Vehicles, Section 10-62, Place of Disposal, Section 10-65, Construction Debris, and Section 10-66, Debris From Clearing of Vacant or Occupied Lots; by renaming Section 10-5, Refuse and Garbage to be City Property, Section 10-14, Contagious Disease Refuse, Section 10-15, Flammable or Explosive Refuse, Section 10-29, Separation of Garbage, Yard Waste and Ashes, Section 10-34, Preparation of Garden Trash, Section 10-36, Construction of Garbage Container Cans, Section 10-37, Gross Weight of Garbage Container Cans, and Section 10-44, Curbside Recycling; by adding Article IV, Sections 10-67 through 10-82, Construction and Demolition Debris Collection Franchises; establishing terms and conditions. (Second Reading)

- B) Ordinance No. 2004-53 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 a 3.72 acre parcel of real property from B-10 (Suburban Boulevard) to PBD (Planned Business Development), said real property being located at 1185 West Granada Boulevard; establishing boundaries; authorizing revision of the official zoning map; approving the amended and restated Development Order for "Tuscanny Shoppes Ormond" Planned Business Development. (First Reading)

**10) FIRST READING OF ORDINANCES:**

- A) Ordinance No. 2004-54 further amending Ordinance No. 87-60, as previously amended, by adding one property to the list of historic landmarks. (103 Lincoln Avenue)
- B) Ordinance No. 2004-55 of the City Commission of the City of Ormond Beach exempting itself from the provisions of Section 101.657, Florida Statutes, specifically related to early voting.

**11) RESOLUTIONS:**

- A) Resolution No. 2004-217 authorizing the execution of a Collective Bargaining Agreement between the City of Ormond Beach and the Ormond Beach General Employees Association, OPEIU (Local 115 AFL-CIO, CLC).
- B) Resolution No. 2002-218 amending the Pay and Classification Plan.

**12) DISCUSSION ITEMS:**

- A) Update on the status of consolidating dispatch service.
- B) Requests for agenda items by Commissioner Boyle.
  - 1) Citywide referendum on the decision to extend Runway 17-35.
  - 2) Potential conflict of interest by Hoyle Tanner & Associates regarding an Environmental Impact Study.
  - 3) Citywide referendum on a Charter amendment to limit building heights.

- 4) Procedure for handling City Manager public information summary sheets, correspondence and department memos.
- C) Briefing on Ormond Beach/Daytona Beach/Consolidated Tomoka issues.
- 13) **REPORTS, SUGGESTIONS, REQUESTS:** Mayor, City Commission, City Manager, City Attorney.
  - 14) Close the meeting.

Item #1 - Call to Order

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

Item #2 - Invocation

Rabbi Jerry Miller, Beth Judah Messianic Congregation 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 December 6, 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.**

Item #5(A) - Bob Arnold Returning from Military Service in Iraq

Mayor Costello asked the audience to stand and honor the uniform worn by Mr. Bob Arnold. He reported Mr. Arnold has been a Maintenance Worker for the Streets Division for the past four years and a Lieutenant Colonel in the Army Reserves who served all over Iraq and Kuwait from March 10, 2003, to November 3, 2004. Mayor Costello stated Mr. Arnold was Deputy Commander of a transportation group responsible for shipments of supplies and equipment to combat troops. He asked Mr. Arnold's wife, Linda, to come forward and be honored as well.

Mr. Arnold stated he took a great pride in being a citizen of Florida and an employee of Ormond Beach while on his tour in many hostile combat areas in Iraq and Kuwait. He presented a flag and certificate to the City Commission documenting the fact that the flag was flown in areas of hostility.

Item #5(B) - Random Acts of Kindness Project

Mr. Jason Farnsworth, instructor and president of Karate for Kids USA, stated that through participating in a nationwide contest entitled "Random Acts of Kindness" his students performed 2,350 random acts of kindness over the past few months, and in the three Volusia County locations, 5,350 random acts of kindness were performed. He recognized the winner of the contest, five-year old Nichole, who personally performed 190 random acts of kindness. Mr. Farnsworth extended an invitation to the City Commission to visit the Karate School.

Mayor Costello congratulated the students for their efforts. He reported when he heard about the "Random Acts of Kindness" program, he was unaware that his grandson was in this group.

Five-Year Pin Presentation to Mayor Costello

Mr. Turner reported December 7<sup>th</sup> was Mayor Costello's fifth anniversary with the City of Ormond Beach and he presented him with a five-year service pin.

Item #12(A) - Update on the Status of Consolidating Dispatch Service

Mayor Costello reported he was moving Item #12(A) to this portion of the agenda unless an objection from the Commission was voiced.

Assistant Police Chief Michael Longfellow explained that the salary reductions relative to the consolidated dispatch proposal were estimated at \$670,000 over a one-year period, and the reductions in overtime costs were estimated at \$60,785 for fiscal year 2004-05. He reported the technology improvements would include the purchase of a site license in lieu of the entire computer aided dispatch and records management system (CAD/RMS), which would cost approximately \$360,000. Assistant Chief Longfellow noted that this would provide immediate mobile reporting capabilities, allowing the officers to do their reports on laptop computers in their cars. He stated this would enable information sharing with other agencies such as the Sheriff's office, Daytona Beach, and Holly Hill. Assistant Chief Longfellow advised that the employees are a primary concern, and the Sheriff's Office & RCC have both agreed to hire current employees at their current level or above; however, they would not receive any specialty pay. He explained the specialty pay was a 5% increase when the employees were serving as a training officer; however, if these employees would be appointed as a training officer within the Sheriff's office, they would pay 5% annually, not only when they were actually doing the training. Assistant Chief Longfellow stated that these employees would additionally receive a 2½% raise because the employees currently contribute to the Ormond Beach pension fund, but the employees do not contribute to the Sheriff's office pension fund.

Assistant Chief Longfellow reported possible concerns would include perceptions of reduction in service levels (citizens would reach call takers at a central location versus in the City; and callers may not reach an Ormond Beach employee so call takers may not have same level of local knowledge) and staffing of the police station at nights. He noted Holly Hill had been planning to hire additional records clerks to staff their station 24-hours a day; but this did not occur, and they would be closing at 7:00 p.m.

Volusia County Sheriff Ben Johnson stated that many of the cities have been trying to start this type of consolidated service for years, and it was a goal when he came into office. He explained that he understood the City's concern for their employees, but he noted these employees are very important because it was very difficult to find good dedicated employees. Sheriff Johnson stated dispatch was one of the hardest and most stressful jobs in law enforcement. He pointed out that these employees would be hired to immediately become supervisors if they are eligible and a position was available. Sheriff Johnson guaranteed the pay would stay at or above what the employees currently earn; they would not contribute to the pension plan; and they would have no lapse in medical care. He explained that the retirement system was 30-years and out or retirement after ten years at age 60. Sheriff Johnson noted their technology was on the cutting edge. He reported police officers have praised the system, noting the needed information was being relayed immediately, which allowed quicker apprehension of suspects and could save an officer from being in peril. Sheriff Johnson stated that this would forge a relationship where the City and County would work together better. He noted some in other cities who fought this consolidation have discovered that they were treated with professionalism and are now content. Sheriff Johnson stated the contract indicated a 5% increase per year; however, the only cost would be true personnel cost; it would not include upgrades in software or facilities.

Mayor Costello noted that an e-mail went out from the General Employees union representative. He noted no decision would be made tonight, but he offered the opportunity for a representative to speak if they wished to do so.

Ms. Tara Kissling, 441 Nash Lane, Port Orange, stated she had been an emergency communications officer for the City of Ormond Beach for ten years. She reported people wanted to speak on this issue, but since the item was scheduled toward the end of the agenda, they were not currently present.

Mayor Costello reported he would allow those coming later to speak as well.

Ms. Kissling stated that hundreds of people were directly affected by this issue, such as every emergency responder, citizen, and business owner in Ormond Beach. She reported dispatchers have received e-mails from the Police Department staff relative to possible consolidation; meetings were attended with County staff; they have listened to assurances that many options were being researched; the technology work group created to research the possibility of purchasing software was disbanded; the hiring process for the two vacant dispatch positions was terminated; and staff has been limited to ordering only one uniform shirt all due to the possible consolidation. Ms. Kissling noted growing management issues have appeared to be delayed. She stated that the Volusia County Sheriff's Office (VCSO) brought insurance packets and forms to a mandatory informational meeting on December 9, yet the employees have been assured no decision has yet been made. Ms. Kissling explained a concern that the memo presented to the Commission stated a public information campaign would be necessary to properly inform the public and address their concerns when a change was made; however,

she contended that a public information campaign would be necessary to properly inform the public and address their concerns before a change was made. She stated the police officers union was interested in conducting its own poll. Ms. Kissling noted that while consolidation may be best, all parties affected should be involved in the decision. She requested a delay in any decision. Ms. Kissling noted the dispatchers remain committed to the public and to responding to safety.

Ms. Cindy Berglund, 286 Greenwood Avenue, stated she was a City resident and dispatcher for four years. She urged the Commission to delay the decision because service would not be the same since a rapport has been built between officers, firefighters, and dispatchers forming a team that worked well, and this consolidation would break up this team lessening the level of trust and confidence. Ms. Berglund expressed concern that the County was not ready to take on another City since they are currently struggling with "growing pains." She questioned the service noted in the proposal that stated there would be one dispatcher for Ormond Beach, and she understood there would be a district radio system where geographical areas would share the radio channel with one dispatcher, but there would not necessarily only be Ormond Beach units on that channel. Ms. Berglund stated citizens have come to rely on the station being open 24 hours a day seven days a week, and it would cut into the savings should the building be staffed. She pointed out the service has a price, and the cheapest way was not always the best way. Ms. Berglund stated the dispatchers just wanted to continue to serve.

Mr. Ray Back, 1475 San Jose Boulevard, Daytona Beach, GPA president, stated each Ormond Beach dispatcher was highly qualified and very loyal. He pointed out that Ormond Beach has entered into contracts with the County before with poor results. Mr. Back reported only the Sheriff's office would benefit from this consolidation because they would get Ormond Beach's qualified staff.

Mr. Turner stated the employees and union representatives have been kept informed throughout this process. He pointed out that at the beginning of this year, the City internalized the fire dispatch services. Mr. Turner noted the County previously had fire dispatch services, but because of dramatic cost increases, these services were taken in-house with Commission authorization. He noted this had been accomplished quite seamlessly. Mr. Turner stated that in the three to four years the County had fire dispatch, the City received good service, and the parties were able to work through any differences. He pointed out it was critical to have highly qualified trained individuals working in the communication systems. Mr. Turner stated the Sheriff's office recently inducted Daytona Beach's dispatch service, and he wanted Ormond Beach to be slightly behind Daytona Beach to make certain the system would work properly. He reported that even when the City took back the fire dispatch services, it was the goal of the City, as represented by the Commission, to look for opportunities to consolidate that service; and this has been part of that effort. Mr. Turner reiterated that employees were a very serious issue, but a myriad of issues were already addressed. He stated it was management's opinion that this offered an opportunity to provide better communications with the officers in the patrol cars, service to the public, and provide substantial cost savings.

Sheriff Johnson concurred with the speaker who stated the County would be the winner to have the caliber of employees working as Ormond Beach dispatchers, and he reiterated that employees were a concern. He stated there would be more people on the channel, which was the way consolidated dispatch worked and how costs could be reduced. Sheriff Johnson reported that more professionalism would be required, cutting down on the non-essential talk. He stated computers in the cars would be used to take calls and dispatch rather than using the radio. Sheriff Johnson pointed out that 911 calls show the address of the caller with maps. He stated the Sheriff's office was willing to take this on because it must be done somewhere, and this was the wave of the future. Sheriff Johnson noted that government today must be run like a business due to money constraints, but it must be a good customer-friendly operation. He pointed out that he had his reputation and career at stake in making this work well.

Commissioner Partington questioned how many Ormond Beach employees would be directly involved; whereby, Mr. Turner reported there were 13 dispatchers budgeted. Commissioner Partington asked if the Sheriff's Department was unionized. Sheriff Johnson reported the Sheriff's Department was not unionized. Commissioner Partington questioned how the City pension system would sequence into the State system.

Sheriff Johnson explained his office was under the State retirement system, which was a non-contributory system where the employee would be vested after six years of service. He stated retirement was after 30 years of service or after six years of service at age 62.

Commissioner Partington asked if the benefit was fixed or if it was based on stock market performance; whereby, Sheriff Johnson responded that it was set at 1.5% per year.

Commissioner Partington questioned if the employee would receive this benefit for the next three years.

Sheriff Johnson explained these employees would receive whatever the other employees would receive such as a cost of living increase. He noted if these employees would be making more than a starting dispatcher, they would receive their current rate of pay, but if they would not make as much with the City as a County dispatcher, they would receive the higher rate; therefore, most everyone hired would receive a pay increase. Sheriff Johnson pointed out the fact that the system was non-contributory would also increase the employee's income. He noted the retirement was based on a certain percentage per year for the highest five-year period, and overtime would be included in this calculation so an employee could build their retirement by working overtime.

Commissioner Partington requested a comparison sheet. He related a personal incident where he called in on a cell phone, and the County dispatcher had no idea where the incident was, and a child's safety was at issue. Commissioner Partington noted that with proper training these types of problems may be alleviated, but these were the types of difficulties about which he was concerned.

Sheriff Johnson noted the cell phone technology was being developed where the location would be visible for the dispatchers.

Commissioner Partington questioned what agencies the Sheriff's Department was dispatching for at this time.

Sheriff Johnson stated the Sheriff's Department was dispatching for Holly Hill, Daytona Beach, South Daytona, Daytona Beach Shores starting in January, Oak Hill, the Sheriff's office, Pierson, DeLand Police Department, Orange City Police Department, Lake Helen Police Department, Deltona and Debarry, beach services, and Daytona Beach Fire.

Commissioner Partington asked where these employees would be working; whereby, Sheriff Johnson answered the employees would work at the Indian Lake Road communications center.

Mr. Turner clarified the Commission was not voting on a contract tonight. He stated this was an update on what management was contemplating to do in the future and at what stage discussions had reached.

Commissioner Kent asked how the pay would be calculated for someone working for Ormond Beach for ten years; whereby, Sheriff Johnson reported the employee would come in at the same rate or above what they were currently earning, and the leave time would be calculated as if she were a ten-year Sheriff's office employee. Commissioner Kent asked how a ten-year City dispatcher's salary would compare to a ten-year Sheriff's office dispatcher.

Mr. Jerry Sanders with the Sheriff's office stated Daytona Beach's salaries were within a few cents difference, but he had not run Ormond Beach's salaries.

Mayor Costello noted all of this information would be provided in a report before a vote was required.

Mr. Charles Carter, 212 Arlington Way, stated there were two agendas for tonight's meeting. He reported this information was not on the City's website this morning. Mr. Carter stated this agenda was violated on two occasions: presenting Mayor Costello with his service pin and moving this item up on the agenda.

Mayor Costello reported the City Attorney had advised him that he had the right to adjust the agenda as he determined appropriate.

Commissioner Boyle asked if the people who had wanted to discuss this issue would still be coming since he would rather discuss it now; whereby, Ms. Kissling asked that the issue be discussed at that time.

Commissioner Boyle stated this had been moving fast, and he had many questions. He noted even if it were proven that money could be saved, there were many points in the report that were very vague and subjective, and he was not convinced the City would continue with the same level of service. Commissioner Boyle stated the issue should not be entirely about money savings. He pointed out that every agreement made with Volusia County has had a bad history, such as the agreement for fire stations causing Ormond Beach hardships and expense. He

noted there was also difficulty with County fire dispatch. Commissioner Boyle expressed appreciation for the County's viewpoint but stated he did not have a high level of confidence. He reported the County was short staffed with mandatory overtime, and consolidation would solve their employee problem but may cause more problems for Ormond Beach. Commissioner Boyle noted he and the citizens were happy with the level of service in Ormond Beach, and he would not consider trading service in this area for dollars. He stated he would need much more information before he could favor this process, and he pointed out that the public had yet to be heard.

Mayor Costello stated the Commission was apprised of this process in January. He stated he had been promoting unified dispatch for at least the five years he has been on the Commission, and he would support this. Mayor Costello stated technology would provide better service considering the 911 addresses on cell phones and computers in each officer's vehicle. He reiterated that there was no contract before the Commission at this time. He asked if there were any specific questions the Commission members wanted addressed when the contract would be brought to the Commission.

Commissioner Boyle questioned how he could possibly be convinced that entering into an agreement with another governmental agency who had failed the City on every agreement could be a good deal for Ormond Beach and that there would not be problems in three years when Sheriff Johnson was gone. He pointed out this would only be a three-year contract, and it was unknown what the County would charge at that point.

Mayor Costello noted he could not disagree with Commissioner Boyle; however, he did have a level of comfort because the agreement would stipulate that the only increase that could be charged would be employee costs, and it was a known fact that employee costs were rising.

Mr. Turner stated that there was no noticeable shift in service when the fire dispatch was pulled internally. He reported the Sheriff's office would purchase two of the City's dispatch consoles; therefore, if the City would ever need to go back into dispatching, some of the money would have been recouped. Mr. Turner concurred with Commissioner Boyle that the City should be prepared to go back to dispatching should anything happen necessitating internalizing that service. He noted staff was completing negotiations to have a contract for the Commission to consider.

Commissioner Partington reported he was not yet convinced, but he may be convinced in the future that this would be good for the City. He noted he had a higher level of comfort with Sheriff Johnson than he had with other County entities. Commissioner Partington pointed out that Sheriff Johnson ran a good department and could probably make this work; however, his concern was with the human component in that he was not convinced that the transfer worked dollar for dollar for the employees. He stated he wanted a high degree of control in the contract enabling the City to cancel the contract with a 90 or 180-day notice and the option to purchase the equipment back from the County. Commissioner Partington pointed out this would insure Ormond Beach citizens would have adequate service levels and it would provide a heavy incentive on the part of the County to make the contract work well.

Mayor Costello urged staff to provide the entire Commission with a copy of the information that was to be presented.

Mr. Ed Darcy, 595 Nova Road, representing the General Employees Association union, stated that before a contract could be considered, the union must enter into impact bargaining to discuss the retirement plans, health insurance, and other issues.

Mayor Costello asked when this would come before the Commission for a vote; whereby, Mr. Turner noted it would probably come before the Commission in the spring, possibly in April or May.

#### Item #6 – Audience Remarks

##### Water

Mr. Joe Bourassa, 801 Lewis Drive, Daytona Beach, stated the newspapers indicated that there was a severe water shortage, but through researched he discovered that there was no water shortage. He stated Ormond Beach was seeking bids for a reverse osmosis addition to the water plant, but this addition was not necessary. Mr. Bourassa provided the Commission with a copy of a chart he prepared indicating the growth rate of usage per year was .81% over the past six years, and Ormond Beach had grown at a rate of 1.17% population between 2000 and 2003. He pointed out the basis of the plant expansion was a growth of 1.44% per year, or 30% above population growth and 60% above the usage growth rate. Mr. Bourassa stated the population

rate was decreasing, not increasing, and the conservation efforts have, and would continue to have, an effect. He reported the study was conducted with dated numbers and did not account for the conservation efforts. Mr. Bourassa urged this project be delayed as need was predicated on future usage; but if the Commission decided to go forward, it should be in conjunction with the Water Authority of Volusia since regional water supply was the wave of the future.

Medians

Mr. Pete Ludwin, 709 Orchard Avenue, stated the medians on Granada Boulevard were subcontracted out yet he witnessed City employees working on these medians using City equipment.

Mayor Costello asked that this be researched and reported back to the Commission.

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

Mayor Costello reported the Metropolitan Planning Organization (MPO) and Volusia Council of Governments (VCOG) did not meet in December; therefore, he had no report.

Item #7(C) – Smart Growth Implementation Committee

Mayor Costello reported the work groups of the Smart Growth Implementation Committee have started meeting on the four specific areas; however, he did not have a report at this time.

Item #7(D) – Water Authority of Volusia

Commissioner Boyle thanked Mr. Joe Bourassa for attending every Water Authority of Volusia (WAV) meeting providing handouts and ideas. He stated there had been a slight concession that there may be some substance to some of Mr. Bourassa's ideas. Commissioner Boyle noted WAV met on December 15<sup>th</sup> where an excellent presentation was given by the master plan consultant. He reported there was discussion relative to a project with Deltona similar to the Ormond Beach project, with a glowing evaluation by Dr. Mowry.

Commissioner Boyle stated that last year he was not ready to universally embrace the concept of Ormond Beach selling water services outside the City's boundaries. He noted he had good reasons for his reluctance, but he wanted to allow the "Save the Loop" process to have the opportunity to run its course and to allow WAV to proceed; and now the Consolidated Tomoka Land Company (CTLC) issue seemed to be heading to a very positive mediation. Commissioner Boyle reported he considered it important at this time to publicly announce that he now would embrace the position of Ormond Beach selling water anywhere in its service area where it was requested.

Mayor Costello noted he celebrated the fact that Commissioner Boyle was now at the position that if an area was in the Ormond Beach service area there would be only one service provider. He noted it had cost the City millions of dollars not being able to have one service providee inside that area; but now that the City was ready, it could be stated that if anyone wanted service in the Ormond Beach service area, Ormond Beach would provide that service and the developer would develop to Ormond Beach standards because there would not be another service provider able to provide those services. Mayor Costello reported he was trying to work with VCOG and the Smart Growth Implementation Committee on this issue.

Item #8 - Consent Agenda

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

Commissioner Kent requested Item #8(A) be removed for discussion.

Commissioner Partington requested Item #8(B)(1) and #8(B)(2) be removed for discussion.

**Commissioner Boyle moved, seconded by Commissioner Kent, for approval of Items #8(C), #8(D), #8(E) and #8(F) of the Consent Agenda.**

Call Vote:	Commissioner Boyle	Yes
	Commissioner Kent	Yes
	Commissioner Partington	Yes
Carried.	Mayor Costello	Yes

Item #8(A) – Water Meters Purchase

RESOLUTION NO. 2004-211

A RESOLUTION AUTHORIZING THE MAYOR AND CITY MANAGER TO EXECUTE AN AGREEMENT WITH SUNSTATE METER & SUPPLY, INC., FOR THE PURCHASE AND DELIVERY OF 5/8-INCH WATER METERS; AND SETTING FORTH AN EFFECTIVE DATE.

**Commissioner Partington moved, seconded by Commissioner Boyle, to approve Resolution No. 2004-211, as read by title only.**

Commissioner Kent stated he was pleased that these meters would have a 25-year warranty. He stated the touch-read meters would increase the efficiency of meter reading as the meter reader would use a wand which would allow for more than twice the number of meters to be read compared to regular manual-read meters. Commissioner Kent noted that he learned how efficient staff members were, considering the small number of staff members that were reading meters; however, he questioned if half the number of employees would be needed since they could read twice the number of meters. He asked why the City was buying both manual and touch-read meters.

Ms. Jackie Carkhuff, Accounting Manager, stated the touch-read meters were being replaced in one subdivision and for new subdivisions; however, the older subdivision were being read by manual read-meters and would be replaced with normal visual-read meters if they would be needed. She reported the purpose of not combining visual and touch-read meters in a neighborhood related to the ease of reading the meter. Ms. Carkhuff explained that the touch-read meter has a special device on top of the box making it more difficult to lift the box top and visually read the meter, so the touch-read meters are kept in specific neighborhoods. She reported the City employed three meter readers, and the City did anticipate that over the next three years, as the City replaces the meters with touch-read meters, that possibly one or two meter readers would be reclassified. Ms. Carkhuff noted these three meter readers could read 400 visually and 800 touch-read. She advised that the City was using radio read meters in the commercial areas. Ms. Carkhuff noted for safety reasons, the radio-read meter were being used where the staff member would be walking the street with heavy traffic.

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

Item #8(B)(1) – Bon Terre Group Right-of-way Mowing Services Agreement

RESOLUTION NO. 2004-212

A RESOLUTION APPROVING AND AUTHORIZING THE PAYMENT OF SPECIAL COMPENSATION TO BON TERRE GROUP, INC., ASSOCIATED WITH THE UNUSUAL COST OF PROVIDING SERVICES UNDER THE RIGHT-OF-WAY MOWING SERVICES AGREEMENT; AND SETTING FORTH AN EFFECTIVE DATE.

**Commissioner Kent moved, seconded by Commissioner Boyle, to approve Resolution No. 2004-212, as read by title only.**

Commissioner Partington stated Bon Terre would be receiving the annual rate increase equal to 75% of the Consumer Price Index (CPI) each year, and he questioned why they would be receiving an additional 2.4%.

Mr. Ted MacLeod, Assistant City Manager, stated Bon Terre's contention was that this was a very fuel intensive contract, and the formula did not reflect the huge increase in gasoline and diesel prices. He reported while this was a portion of the CPI, because Bon Terre used so much gasoline, it was a disproportionate amount of their cost, so the contract included language indicating that if there were an unusual increase in some element of their cost, they could ask for an increase; however, the Commission could approve or deny that requested increase. Mr. MacLeod noted staff recommended approval because the increase was something that could not be anticipated at the time this contract was entered into. He reported the alternative to this provision in future contracts would be not to allow this provision, but then contractors

would anticipate increases that may or may not occur and include them in their proposals, causing the City to pay more.

Call Vote:	Commissioner Partington	no
	Commissioner Boyle	yes
	Commissioner Kent	no
	Mayor Costello	yes

Mayor Costello stated this would be brought back when all members of the Commission could be present.

Mr. Randall Hayes, City Attorney, clarified that the house rule was that all tie votes would result in an automatic continuance until all members of the Commission could be present unless the Commission wished to suspend the rule, and in that case, a tie vote would be a denial of the motion.

Mayor Costello stated the house rule was to bring the issue back. He reported this rule should not be changed until there were no such issues before the Commission.

Item #8(B)(2) – Bon Terre Group Grounds Maintenance Agreement

RESOLUTION NO. 2004-213

A RESOLUTION APPROVING AND AUTHORIZING THE PAYMENT OF SPECIAL COMPENSATION TO BON TERRE GROUP, INC., ASSOCIATED WITH THE UNUSUAL COST OF PROVIDING SERVICES UNDER THE GROUNDS MAINTENANCE AGREEMENT; AND SETTING FORTH AN EFFECTIVE DATE.

**Commissioner Boyle moved to approve Resolution No. 2004-213, as read by title only.**

Mayor Costello stated he did not believe it was appropriate to second a motion because that would mean there would be two for and two opposed.

Mr. Hayes noted, the motion would die for lack of a second.

**Commissioner Partington seconded the motion for discussion purposes.**

Commissioner Partington stated he would vote “no” on this for the same reasons as for the previous motion; but when it would come back, he may possibly have a better comfort level and could possibly approve it.

Commissioner Boyle stated he had been the most bitter opponent of this privatization contract; he opposed hiring this firm; and he had many questions as to how the contract was being administered. He explained, however, this company had performed beautifully for the City and had never made an unreasonable request. He stated if staff recommended approval, unless he had some direct understanding of all of the bills, he tended to rely on staff’s judgment and trusted staff. Commissioner Boyle pointed out that obtaining good contractors in this area was not easy as was reported in the Orlando Sentinel articles regarding other Florida cities that had problems with these kinds of contracts. He noted that staff considered the \$11,000 to be reasonable.

Mayor Costello stated Commissioner Boyle said it well, and he agreed with his assessment.

Call Vote:	Commissioner Boyle	yes
	Commissioner Kent	no
	Commissioner Partington	no
	Mayor Costello	yes

Mayor Costello reported both of these contracts would be brought back for consideration when the entire Commission was present.

Item #9(A) – Amending Garbage, Refuse, and Yard Waste

ORDINANCE NO. 2004-52

AN ORDINANCE AMENDING CHAPTER 10, GARBAGE, REFUSE, AND YARD WASTE, OF THE CODE OF

ORDINANCES OF THE CITY OF ORMOND BEACH, BY CHANGING THE TITLE OF THE CHAPTER TO "SOLID WASTE, YARD WASTE AND RECYCLING"; BY AMENDING SECTION 10-1, DEFINITIONS, SECTION 10-2, GENERAL AUTHORITY TO REGULATE, SECTION 10-4, "WHO MAY COLLECT AND DISPOSE, SECTION 10-5, REFUSE AND GARBAGE TO BE CITY PROPERTY, SECTION 10-7, UNAUTHORIZED ACCUMULATIONS, SECTION 10-8, ACCUMULATIONS SUBJECT TO SCATTERING BY ELEMENTS, SECTION 10-9, PLACEMENTS OTHER THAN IN CONTAINERS; PLACING IN WATERS, SECTION 10-11, FREQUENCY OF RESIDENTIAL COLLECTIONS, SECTION 10-12, FREQUENCY OF COMMERCIAL COLLECTIONS, SECTION 10-13, LIMITATIONS ON QUANTITY COLLECTED BY CITY, SECTION 10-14, CONTAGIOUS DISEASE REFUSE, SECTION 10-15, FLAMMABLE OR EXPLOSIVE REFUSE, SECTION 10-16, FEES FOR COLLECTION AND DISPOSAL ESTABLISHED, SECTION 10-17, BILLING FOR FEES, SECTION 10-29, SEPARATION OF GARBAGE, YARD WASTE AND ASHES, SECTION 10-31, SCATTERING PROHIBITED GENERALLY, SECTION 10-34, PREPARATION OF GARDEN TRASH, SECTION 10-35, CONTAINERS REQUIRED; SUBSTANDARD CONTAINERS, SECTION 10-36, CONSTRUCTION OF GARBAGE CONTAINER CANS, SECTION 10-37, GROSS WEIGHT OF GARBAGE CONTAINER CANS, SECTION 10-38, LARGE CONTAINERS FOR COMMERCIAL ESTABLISHMENTS, SECTION 10-40, PLACEMENT FOR COLLECTION FROM RESIDENCES; EXCEPTIONS, SECTION 10-41, PLACEMENT OF COMMERCIAL CONTAINERS, SECTION 10-42, TIME FOR PLACEMENT, SECTION 10-56, REGULATIONS AUTHORIZED, SECTION 10-57, DISPOSAL BY PRODUCER OR PROPERTY OWNER AUTHORIZED; PERMIT REQUIRED; FEE, SECTION 10-58, HAULING OVER CITY STREETS AUTHORIZED, SECTION 10-59, PERMIT REQUIRED FOR PREMISES FROM WHICH COLLECTED, SECTION 10-60, PERMIT REQUIRED FOR COLLECTOR OR DISPOSER; APPLICATION, SECTION 10-61, REQUIREMENTS FOR VEHICLES, SECTION 10-62, PLACE OF DISPOSAL, SECTION 10-65, CONSTRUCTION DEBRIS, AND SECTION 10-66, DEBRIS FROM CLEARING OF VACANT OR OCCUPIED LOTS; BY RENAMING SECTION 10-5, REFUSE AND GARBAGE TO BE CITY PROPERTY, SECTION 10-14, CONTAGIOUS DISEASE REFUSE, SECTION 10-15, FLAMMABLE OR EXPLOSIVE REFUSE, SECTION 10-29, SEPARATION OF GARBAGE, YARD WASTE AND ASHES, SECTION 10-34, PREPARATION OF GARDEN TRASH, SECTION 10-36, CONSTRUCTION OF GARBAGE CONTAINER CANS, SECTION 10-37, GROSS WEIGHT OF GARBAGE CONTAINER CANS, AND SECTION 10-44, CURBSIDE RECYCLING; BY ADDING ARTICLE IV, SECTIONS 10-67 THROUGH 10-82, CONSTRUCTION AND DEMOLITION DEBRIS COLLECTION FRANCHISES; BY ESTABLISHING TERMS AND CONDITIONS RELATIVE THERETO; AND SETTING FORTH AN EFFECTIVE DATE.

**Commissioner Partington moved, seconded by Commissioner Boyle, to approve Ordinance No. 2004-52, on second reading.**

Reverend Jesse Cotton, 528 Fred Gamble Way, stated he was replacing his roof due to hurricane damage. He questioned what category the solar screens that he would be leaving for pick up would fall under and how he could dispose of them.

Mr. MacLeod stated the solar screens would probably be classified as demolition debris, and the contractor would be responsible for the removal of the solar screens.

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

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

Item #9(B) - "Tuscanny Shoppes Ormond"

ORDINANCE NO. 2004-53

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 A 3.72 ACRE PARCEL OF REAL PROPERTY FROM B-10 (SUBURBAN BOULEVARD) TO PBD (PLANNED BUSINESS DEVELOPMENT), SAID REAL PROPERTY BEING LOCATED AT 1185 WEST GRANADA BOULEVARD; ESTABLISHING BOUNDARIES; AUTHORIZING REVISION OF THE OFFICIAL ZONING MAP; APPROVING THE AMENDED AND RESTATED DEVELOPMENT ORDER FOR "TUSCANNY SHOPPES ORMOND" PLANNED BUSINESS DEVELOPMENT; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; AND SETTING FORTH AN EFFECTIVE DATE.

**Commissioner Boyle moved, seconded by Commissioner Partington, to approve Ordinance No. 2004-53, on first reading.**

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

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

Item #10(A) - Adding to the List of Historic Landmarks

ORDINANCE NO. 2004-54

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 Boyle moved, seconded by Commissioner Kent, to approve Ordinance No. 2004-54, on first reading.**

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

Item #10(B) - Early Voting

ORDINANCE NO. 2004-55

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF ORMOND BEACH EXEMPTING ITSELF FROM THE PROVISIONS OF SECTION 101.657, FLORIDA STATUTES, SPECIFICALLY RELATED TO EARLY VOTING; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.

**Commissioner Partington moved, seconded by Commissioner Boyle, to approve Ordinance No. 2004-55, on first reading.**

Mayor Costello stated he would vote for this motion; however, he asked if there was any movement to determine a way for the cities to have early voting in the future.

Ms. Ronnie Patterson, City Clerk, advised that there definitely was an effort to have early voting in the vicinity, and it would most likely be available for the next City election in the Fall of 2005.

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

Item #11(A) - General Employees Association Collective Bargaining Agreement

RESOLUTION NO. 2004-217

A RESOLUTION AUTHORIZING THE EXECUTION OF A COLLECTIVE BARGAINING AGREEMENT BETWEEN THE CITY OF ORMOND BEACH AND THE ORMOND BEACH GENERAL EMPLOYEES ASSOCIATION, OPEIU (LOCAL 115 AFL-CIO, CLC); SETTING FORTH AN EFFECTIVE DATE.

**Commissioner Partington moved, seconded by Commissioner Boyle, to approve Resolution No. 2004-217, as read by title only.**

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

Mayor Costello noted he voted against this contract for the same reason he voted against the other contract in that he believed a 3.25% increase was more appropriate at this time.

Item #11(B) - Pay and Classification Plan

RESOLUTION NO. 2004-218

A RESOLUTION AMENDING THE PAY AND CLASSIFICATION PLAN; AND SETTING FORTH AN EFFECTIVE DATE.

**Commissioner Partington moved, seconded by Commissioner Boyle, to approve Resolution No. 2004-218, as read by title only.**

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

Item #12(A) - Update on the Status of Consolidating Dispatch Service

Mayor Costello asked Mr. Turner not to wait to provide the information requested for the packet when the City Commission would be voting on the contract. He noted he would appreciate the answers earlier if possible.

Item #12(B)(1) - Citywide Referendum on the Decision to Extend Runway 17-35

Commissioner Boyle noted there had been growing public discussion regarding the possibility of a Citywide referendum. He asked if he would receive any support from any Commission member for a Citywide referendum. Commissioner Boyle noted that hearing no interest in this issue, he would move on to the next item.

Item #12(B)(2) - Potential Conflict of Interest by Hoyle Tanner & Associates Regarding an Environmental Impact Study

Commissioner Boyle asked if he was the only Commission member who had a problem giving a contract to Hoyle Tanner for the environmental impact study when the result of that study would potentially be a Finding Of No Significant Impact (FONSI), which would then result in Hoyle Tanner being eligible for other contracts on the runway extension. He questioned why the City did not seek another company to do the environmental impact study, knowing that the City has always traditionally given the consultant and engineering contracts to Hoyle Tanner.

Mr. Tom Lipps, Support Services Director/Airport Manager, stated that this was an update of the previous environmental assessment performed in 1996 by Hoyle Tanner.

Commissioner Boyle questioned why the City went to Hoyle Tanner in 1996 and restated the question of using a company when the result could have an economic advantage to that company.

Mr. Lipps reported he assumed the City went to Hoyle Tanner in 1996 because they were the airport consultants, and it was a common practice within the City to initiate a project with a consultant and then complete it with that same company.

Commissioner Kent noted merely because things had been done a certain way in the past did not necessarily mean it should remain the same. He stated Commissioner Boyle brought up a good point, and he would urge further discussion of the issue.

Commissioner Partington stated he did not want to accuse Hoyle Tanner of any impropriety or defame them in any manner since there is nothing showing that they have done anything wrong. He pointed out Hoyle Tanner was respected in the aviation industry; but other companies may also be respected in the aviation industry, and staff may investigate that possibility. Commissioner Partington reported he would welcome a report indicating who would be available for this task and what they would charge.

Commissioner Boyle noted he also did not want to defame this good company who had performed well and with integrity for the City in the past; however, there was a great deal of public scrutiny, and he wished to protect the company.

Mayor Costello concurred with Commissioner Partington. He stated a company who served the City well would save the City money because they already knew the history; however, Commissioner Boyle noted there may be a perception that they may have a vested interest. Mayor Costello pointed out he had not considered that. He noted, however, a company could try to make their money with one project, while another company who had worked with the City for a number of years may work harder to keep the City's confidence and business. Mayor Costello noted while he considered checks and balances to exist, this may be a valid question.

Mr. MacLeod stated Hoyle Tanner was a very professional organization and when they were engaged to do a job, they were governed by a code of ethics and provide the very best service they are capable of providing. He pointed out that by obtaining a Finding of NSI, it would allow the City to go ahead with the project; however, if the Finding would find significant impacts, there would be more work to be done to overcome those impacts so the City could go ahead with the project. Mr. MacLeod noted that, ironically, a Finding of Significant Impact would involve more work for the engineer on the project. He explained the City went to Hoyle Tanner because they know the airport, making it the most expeditious and cost-effective method, and he pointed out that it was known that the City would receive good professional services; however, a request for proposal (RFP) could be done for someone else to do the job. Mr. MacLeod noted if the City would be doing the full \$150,000 noise study that some airports do, a different type of consultant would be recommended.

Commissioner Boyle stated if Hoyle Tanner would do the study and find significant impacts, this would be a second reason why a different company should do the study. He noted everyone on the dais knows this company was fine, and they have performed for ten years making over a million dollars on their contracts; but he questioned if the citizens know this as fact and noted that perception was important. Commissioner Boyle stated that by hiring another company to do the assessment, it would protect Hoyle Tanner or any other company.

Mayor Costello stated he had a higher level of comfort considering Mr. MacLeod's remarks. He asked if the Commission had any further direction to staff to do anything different than what they were currently doing.

Commissioner Boyle stated that at this point, merely discussing the issue was sufficient. He noted he had no further direction other than, in the future, that staff be more careful with the process.

#### Item #12(B)(3) - Citywide Referendum on a Charter Amendment to Limit Building Heights

Commissioner Boyle noted the genesis of this item was from what occurred in Holly Hill relative to building heights. He explained Ormond Beach has a fine code limiting building heights, but in order to insure there were no loopholes, a Citywide referendum on a charter amendment to limit building heights has been recommended. Commissioner Boyle stated if a government would want to amend this in the future, they would have to go back to the people to accomplish that

change. He noted there was a long overdue amendment relative to requiring three elected officials to be present for canvassing which causes a hardship; therefore, there would probably already be a charter amendment question in the fall election. Commissioner Boyle reported he wanted the Commission to begin considering this option. He pointed out that when the planning report justified high rises in Holly Hill because of the high rises in Daytona Beach, some were concerned that the high rise in Holly Hill could justify a high rise in Ormond Beach.

Mayor Costello stated he could not support this because one of the issues in keeping the hospital was building heights, and he believed concessions could be made. He also noted that with Ormond Crossings, building heights may become an issue; and in certain areas, he would not necessarily oppose a greater height limit. Mayor Costello stated he opposed hard numbers and would welcome this be crafted to eliminate a greater height on beachfront property. He noted Riverbend Church's new facility would be 12,000 feet off the road and over 1,000 feet from any other structure. Mayor Costello noted they could either make a square box-type building with a flat roof at 75 feet, or they could building something more architecturally enhanced that would be 80 feet, and he would prefer the later.

Commissioner Boyle concurred that he supported greater heights as part of the hospital deal, and he did not have a problem with seven or more story buildings with Ormond Crossings bordering the interstate, but loopholes must either be allowed or closed. He noted there has been a longstanding opinion of the citizens that 75 feet should be the height limit. Commissioner Boyle pointed out that Ormond Crossings and Riverbend Church had enough land to build where they would not need to exceed this limit, and they could conform to Ormond Beach rules.

Mayor Costello pointed out the rules currently allow a small degree of flexibility.

Ms. Lucille Bornmann, 6 Windsor Drive, expressed concern regarding this issue. She stated the citizens should decide these issues, especially since residents pay 70% of the budget while businesses pay 30% of the budget. Ms. Bornmann stated Ormond Beach has a high quality of life, but this has been slipping away; and once it is gone it cannot be recovered. She pointed out that Daytona Beach, Holly Hill, and Flagler have gone against what their citizens want, and she did not want that to occur in Ormond Beach. Ms. Bornmann stated Commissions have been approving high rises that block the ocean and river, which were the very qualities that drew people to those cities. She urged this not be allowed to occur and asked the Commission to reflect the will of the people because nothing less would be acceptable.

Commissioner Kent offered support to Commissioner Boyle to tighten up the loopholes because it would affect the quality of life. He noted his first concern was the hospital, but the hospital had no desire to stay in Ormond Beach since they were going to Daytona Beach.

Commissioner Partington reported he could not support the Commission handing off items for referendum because it was not the way the framers of the constitution set up the governmental system to work. He questioned if there was no problem, why try to fix it, and he contended Ormond Beach did not have a problem. Commissioner Partington noted the City boards make recommendations to the Commission, and the debate should occur at the City Commission meeting where a decision could be made. He stated that if there was a need for a referendum at that point, a process already existed for a citizen referendum. Commissioner Partington noted it was problematic when government agencies shirk their responsibilities and turn issues over to voters. He stated Ormond Beach's bond referendum was turned down and came back to the Commission to handle. Commissioner Partington noted urban growth boundaries have been a colossal mess the past year and a half since the County Council was not prepared to take a position.

Commissioner Boyle requested this issue be reopened in goal setting, and if a majority supports this concept, it could proceed, and if not, it would be dropped.

Mayor Costello reported his frustration was in writing a ballot question that everyone could fully comprehend. He stated the hospital wanted to stay in Ormond Beach, but they had a number of issues they needed to resolve and did not have confidence that the City would support them if they embarked on the process. Mayor Costello pointed out the hospital was considering moving to Clyde Morris Boulevard and Hand Avenue, but the residents did not want them there so they moved to Daytona Beach. He stated if a question could be written that would allow flexibility, he could support it.

Commissioner Kent agreed flexibility was necessary. He stated Ormond Beach was known for its tough standards. Commissioner Kent respectfully disagreed with Mayor Costello and noted he heard the hospital did not want to deal with Ormond Beach.

Commissioner Boyle stated urban growth boundaries were not a mess. He noted thousands of people sent a clear message to government, and that was healthy. Commissioner Boyle reported Save the Loop may not have accomplished anything of substance such as enacting a law, but it was worthwhile. He stated he was recommending placing what was currently embedded in the law in the Charter so this issue could not be politicized in the future.

Item #12(B)(4) - Procedure for Handling City Manager Public Information Summary Sheets, Correspondence and Department Memos

Commissioner Boyle expressed concern relative to how the City Manager's office handled correspondence. He acknowledged that 98% of the issues go smoothly, but information on anything the Commission would eventually vote on should be provided promptly. Commissioner Boyle reported there was a Tomoka Holdings correspondence dated November 12, received in the City Manager's office on November 16, and the Commission received the information on December 8. He noted after speaking to the City Manager, he was confident the needed adjustments would be made.

Commissioner Boyle stated the City sent out two information sheets, including the information on the tax increase, and the Commission did not have the opportunity to review, discuss, or debate the issues before they were sent out. Regarding the information on the runway extension, he stated the second bullet under the history section was eliminated in the final version, but there was never any lack of funding in the history of the project. Commissioner Boyle stated subjective information was listed in the projected benefits. He stated the information sheets reported that the public should contact Joe Radcliffe, Public Information Officer, to be informed when workshops, public hearings, and votes would take place; however, that could have been replaced with the simple notification that the issue would be discussed on January 4, 2005. Commissioner Boyle reported he was not pleased with the document that was distributed in the fall relative to the proposed tax increase, and he understood that sheet would be sent with the water bill rather than mailed separately.

Mayor Costello pointed out the problems that were encountered when trying to word the bond issues. He stated he understood this could have been sent out to each Commission member and each could have individually sent their comments back.

Mr. Hayes indicated that was not accurate.

Mr. Turner stated the first letter from Tomoka Holdings was a result of an e-mail Mayor Costello sent out to a number of people, and any responses that came back to staff were forwarded to Mayor Costello; but at that time the runway extension issue had not evolved to the point that it had later. He pointed out when any Commission member makes requests for information, a judgment call must be made, usually by him, whether to refer that information to only that Commission member or to the entire Commission. Mr. Turner reported that in this instance, since seven or eight people requested information, staff compiled that information and sent Mayor Costello the information because he requested the information. He noted it was not until the issue became more voluminous and more questions were asked that he sent it to the entire Commission. Mr. Turner reported that there was no fail-proof system unless staff would provide all copies of everything that staff could anticipate whether an item would become an issue that would warrant each Commission member wanting the document. He pointed out that this letter was very similar to a letter Commissioner Boyle initiated.

Commissioner Boyle stated copies do not take a great deal of time to make and are inexpensive; therefore, a simple rule would be that any subject on any document that the Commission had ever voted on or may ever vote on someday should be copied. He noted on October 27 Mayor Costello asked staff to send a letter to Tomoka Holdings to determine their position on the issue. Commissioner Boyle reported that when an e-mail goes out from Mayor Costello asking a question, it could be properly assumed that the Mayor was speaking for the entire Commission. He clarified that anything that had been discussed in a public forum or would be discussed in a public forum should be copied to the Commission immediately.

Mr. Turner stated no judgments would be made, and all information would be copied or emailed to the Commission. He pointed out the airport sheet was intended to be a staff information sheet used by staff when making presentations to homeowners associations; it was not created as a City Commission briefing sheet. Mr. Turner noted there were several iterations before the final form of the bond issue information, which was approved by the Commission. He reported the budget sheet was under the Mayor's signature which had some review. Mr. Turner questioned if the Commission wanted to vote on every staff product that may be handed out to the public. He stated Commissioner Boyle spoke to him relative to the bulleted item indicating

that the City eventually stopped work on the project due to lack of funding. Mr. Turner stated he felt that was an accurate statement; however, in deference to Commissioner Boyle, he removed the statement.

Mayor Costello questioned how the Commission could legally have input when each Commission member has no idea what his fellow Commission members had stated to a staff member. He concurred with Commissioner Boyle to remove the item relative to lack of funding because it was confusing. Mayor Costello stated every item could not possibly come before the Commission, but the Commission should be able to review the document, and if anyone would have a comment, they could speak to staff who could make adjustments if the recommendation was factually accurate.

Mr. Hayes stated any input must be done at a public meeting.

Commissioner Boyle concurred with Mr. Hayes. He stated this information could be provided in a workshop. Commissioner Boyle noted most of the Commission had no difficulty with the content of this information. He reported that regarding removing the item in deference to him, he clarified that he did not ever want Mr. Turner to do anything in deference to him. Commissioner Boyle pointed out that his issue with that item was that when the runway extension was last seriously considered, the City had \$5 or \$6 million, which was plenty of money to move the fields. He reiterated that anything going out should be reviewed by the Commission.

Mayor Costello stated that any time staff has information to distribute, they should send it to the Commission, and if anyone had any changes, at the next City Commission meeting or workshop the changes could be discussed. He noted staff could use the document until it was corrected, so the Commission would not be holding staff up, but future copies may need to be amended.

Mr. Turner reported staff makes a number of presentations and brochures to boards, civic clubs, and a myriad of groups. He noted this was micromanaging, and he questioned how many documents the Commission wanted to see for approval.

Commissioner Boyle replied he wanted to see all of them.

Mr. Turner pointed out that there were literally hundreds of documents generated without prior Commission approval.

Mayor Costello urged sending the Commission copies of informational brochures being distributed to the public; and if staff did not hear from the Commission at the next public meeting, it would automatically be approved.

Commissioner Boyle concurred with Mayor Costello.

Mayor Costello stated at the next meeting the Commission could make recommendations as to what kinds of items they want to see.

Commissioner Partington stated his philosophy was "if it's not broke, don't fix it," and he considered this micromanaging to a great degree. He reported this one issue was being blown out of proportion. Commissioner Partington noted there would be thousands of pages of documents that they really do not need to see. He stated the Commission gives general direction to staff, and they carry it out; and if a problem arises, it could be brought up at a meeting and the issue addressed.

Commissioner Kent concurred with Commissioner Partington. He stated the City Manager and department heads were paid handsomely because they are professionals and hired to do the job.

Commissioner Boyle questioned why the January 4<sup>th</sup> date was not on the document.

Mayor Costello stated this was an oversight, and it was appropriate the Commission point it out so staff could make the correction.

Commissioner Partington stated Mr. Radcliffe answers his mail and phone, which solves the problem.

Commissioner Boyle countered that this does not solve the problem.

Mayor Costello stated that it would be acceptable without the date; however, it would be better to add the date.

Mr. Turner concurred the date should be added; however, he reported that the date had been mentioned at the presentations. He noted he had no problem with making improvements as quickly as possible. Mr. Turner reported he listened to what the Commission stated and tried to be flexible.

Mayor Costello stated that at the next workshop the Commission would discuss how much information the Commission wanted to review that would go out to the public.

#### Item #12(C) - Briefing on Ormond Beach/Daytona Beach/Consolidated Tomoka Issues

Mr. Hayes stated Ormond Beach had mediation with Daytona Beach on December 10, and two options were now available to bring to the two Commissions for consideration. He reported the first option was to sell all of Ormond Beach's rights to provide water and sewer service within the jurisdictional limits of Daytona Beach, which would include the 3,000 acres. Mr. Hayes stated the second option was to wholesale water and sewer service to Daytona Beach under a wholesale agreement, allowing a modest return on the revenue. He advised that should the Commission be interested in either option, the two cities would jointly hire a consultant to place a value on the water rights, including investigating the outstanding issues such as claims relative to alleged encroachments. Mr. Hayes noted information could then be brought back for a formal decision. He advised he would not have a problem recommending investigating either option. Mr. Hayes stated a final decision was not needed tonight other than direction to staff as to whether staff should continue investigation of the two options. He pointed out staff would prefer investigating both options as opposed of one option over the other option. Mr. Hayes reported the next meeting was scheduled for January 7, 2005.

Mr. Turner stated he appreciated the staff members who participated in this mediation. He noted the meeting started out extremely challenging, and the mediator did an outstanding job. He noted a proviso was to have periodic meetings with the mediator.

Mayor Costello stated that hearing no comments from the Commission, the Commission was authorizing staff to investigate all options including Ormond Beach retaining the entire 3,000 acres in the service area if negotiations do not progress appropriately. He pointed out he would be willing to support Ormond Beach's service area, but he was also willing to listen to staff's input.

Mr. Hayes concurred that this had always been staff's position, and the Commission was the final decision-maker.

#### Item #13 - Reports, Suggestions, Requests

##### Lighting Detection

Commissioner Boyle requested an answer to the liability exposure question for the lighting detection system.

##### Use of Private Detectives

Commissioner Boyle stated a question was raised at the last meeting relative to the use of private detectives following employees. He asked to be provided a "yes" or "no" answer if that was occurring.

##### Replica Cars

Commissioner Boyle stated he thought the Commission was asking the Historic Landmark Preservation Board to make a recommendation that did not involve placing the cars back on the beach, but that was what they were recommending. He reported this has created problems with the local vendor who was willing to help with the maintenance of the cars.

##### Effluent Violation

Commissioner Boyle requested a report relative to the effluent violation. He stated staff did a good job on this issue, and it seemed the City did nothing wrong, but there was a fine of \$3,800 a few years ago and now there was a \$4,800 settlement.

##### Bear Creek Homeowners Association Meeting

Commissioner Boyle thanked staff for their assistance at the Bear Creek Homeowners Association meeting. He stated the Sunshine Law was followed. Commissioner Boyle noted it was useful for the residents to hear from two Commissioners.

#### Civility

Commissioner Boyle expressed concern that this Commission was not showing the civility it should be showing. He stated that at the last meeting the bounds of decorum were crossed, and he hoped each Commission member would work harder on that issue.

#### Firefighter Overtime

Commissioner Boyle thanked Fire Chief Barry Baker for the creative ideas to realize significant cost savings in the firefighter overtime. He stated in response to questions raised by a Commissioner at the last meeting, he asked for clarification on the contract language. Commissioner Boyle reported he received this information from the bargaining unit. He stated blame has been pointed at previous Commissions for approving contract language that allegedly created the overtime problem. He submitted that those approvals were at the recommendation of staff. Commissioner Boyle noted he found it a contradiction when the previous vote was questioned, and the same Commission members approved the contract that contained the identical language that he cited from a previous year. He asked that this contradiction be explained at some point.

#### Commissioner Participation

Commissioner Boyle stated that at the last meeting a departing Commission member asked to have all of his comments placed on the record on the remaining issues before leaving the meeting. He reported he had no criticism of the Commissioners who voted on the point of order he raised; however, he perceived that there was some disapproval of his making that point of order. Commissioner Boyle noted he believed that government was a dialogue between the Commission and the citizens, the Commission and staff, and between each other. He stated for those reasons, he had continuously voted against cell phone participation or by written letter.

#### Birthday and Holiday Wishes

Commissioner Boyle thanked everyone for their birthday wishes and wished everyone a happy holiday. He noted staff "gets it right 98 or 99%" of the time and thanked staff for their service from the manager down.

Commissioner Kent wished Commissioner Boyle a happy birthday.

#### Firefighter Contract

Commissioner Kent respectfully disagreed with Commissioner Boyle that the contract language was exactly the same as it was from the prior contract. He noted he was looking forward to reviewing the requested information.

#### Civility

Commissioner Kent urged the Commission to attack issues not people at meetings, but in press releases as well. He noted it was not healthy for one Commissioner to try to make another Commissioner look bad.

#### Hurricane Damage Repairs

Commissioner Kent expressed concerns where beachside businesses had received their insurance payment from the hurricane damages, yet they were not making the necessary repairs on their buildings. He stated most homeowners were beginning repairs while a number of businesses in Zone 2 were not making repairs.

#### Halifax Habitat for Humanity

Commissioner Kent noted he had the opportunity to represent the City at a Halifax Habitat for Humanity groundbreaking ceremony at 201 Live Oak. He stated with all of the negativity, it was refreshing to witness this woman realize the possibility of owning her own home in Ormond Beach. Commissioner Kent noted Ormond Beach was doing great things in partnering with Halifax Habitat for Humanity.

#### Christmas Wishes

Commissioner Kent wished everyone a merry Christmas.

#### Happy Birthday

Commissioner Partington wished Commissioner Boyle a happy birthday and stated he appreciated his service to the City.

#### Civility

Commissioner Partington stated the comments made to Commissioner Boyle at the last meeting were uncalled for, "yet we are all human." He noted he did not recall his tone when he voted to allow Commissioner Selis to make his comments, but he clarified that he was not directing anything at Commissioner Boyle by voting as he did.

Bob Renforth

Commissioner Partington thanked Mr. Robert Renforth who has resigned from the Neighborhood Improvement Advisory Board for health reasons. He stated Mr. Renforth had done a great job on the Neighborhood Improvement Advisory Board. Commissioner Partington stated Mr. Renforth would be receiving a well-deserved certificate thanking him for his service.

Grants

Commissioner Partington stated he received a letter from Mr. Donald O'Lone who would like to help the City in any way he can relative to grant applications. He noted Mr. O'Lone was well recognized by County officials.

Merry Christmas

Commissioner Partington wished everyone a wonderful Christmas season or whatever holiday any individual may be celebrating.

Dispatch Service

Mr. Turner stated staff would follow up with the Commission relative to the dispatch issue. He assured the Commission that staff took these types of issues very serious, and employee well being was a top priority.

Meetings

Mr. Turner stated the Commission had a City Commission meeting on January 4, and on January 6 the Volusia Legislative Delegation would have a lunch at The Casements where Mayor Costello would make comments. He noted Mr. Radcliffe was working on some materials to present to the delegation. Mr. Turner reported the County was holding its organizational meeting installing new County Council members on that same day. He noted as soon as the times could be confirmed, they would be provided to the Commission.

Commissioner Selis

Mayor Costello stated Commissioner Selis was on his way back into town and had questioned if he should try to attend this meeting; however, he explained that he has been advised it was not necessary at this late hour.

Civility

Mr. Turner stated staff was compiling information received from other city's policies in anticipation of a discussion item for an upcoming workshop with a facilitator relative to the issue of civility.

Budget Director

Mr. Turner reported a new Budget Director, Ms. Kelly McGuire, had just been hired, and she would be starting on January 24, 2005. He stated Ms. McGuire would provide fresh ideas and help manage and hopefully reduce the budget.

Happy Holidays

Mr. Turner wished everyone a happy holiday and New Year.

Happy Birthday and Holiday

Mr. MacLeod wished Commissioner Boyle a happy birthday and everyone a happy holiday.

Mr. Hayes wished everyone a happy holiday.

Budget Director

Mayor Costello congratulated Mr. Turner for hiring a budget director. He noted the résumé looked quite impressive.

Historic Landmark Preservation Board

Mayor Costello stated he understood the Commission's direction to the Historic Landmark Preservation Board was to provide a unified recommendation. He noted he continued to favor returning the cars to the Birthplace of Speed Park.

Civility

Mayor Costello stated there were lapses in civility, but he was proud of this Commission, especially compared to other elected bodies. He noted that over the years Ormond Beach had set such a high standard, that when a relapse occurred, it appeared to be catastrophic. Mayor Costello reported at the end of the last meeting, he tried to bring the Commission back together. He pointed out that there will be relapses, but as long as the Commission could then come back to focus on the issues, civility could be achieved.

Firefighter Contract Language

Mayor Costello stated the minutes when the contract was first considered verify that he had problems with four or five items relative to overtime.

Proactive Code Enforcement

Mayor Costello stated he was elated that Ms. Joanne Naumann, Neighborhood Improvement Manager, was working with the meter readers to work on code enforcement issues. He noted he wanted to allow adequate time to make hurricane damage repairs, but he approved of proactive code enforcement. Mayor Costello noted he looked forward to the report on the ruling relative to replacing billboards when they were destroyed as many were through the past hurricane season.

Legislative Delegation Meetings

Mayor Costello noted there was a breakfast at 7:30 a.m. on January 6 for the legislative delegation where the transportation secretary would be present. He reported he planned to attend the breakfast, the 9:00 a.m. meeting, the luncheon, and whatever else was necessary to help Ormond Beach. He urged that Ormond Beach issues be first on the agenda for the 9:00 a.m. meeting.

Mr. Turner stated a plan was devised. He noted his goal in mentioning this at the meeting was to inform the Commission that the day would be busy.

Mayor Costello encouraged anyone who could attend the meetings to do so.

Commissioner Boyle noted he would address the legislative delegation at the 9:00 a.m. meeting, and he would be a "team player."

Mr. Turner stated staff has taken liberties with the Commission asking certain Commission members to do certain things since this was such an important event.

Proclamation Requests

Mayor Costello reported he has asked for a proclamation or letter relative to Frank Bruno's accomplishments and former Ormond Beach Mayor Carl Persis being installed in the County Council.

Happy Holidays

Mayor Costello wished everyone a happy holiday, whichever holiday they celebrate at this time of year.

Item #14 – Close the Meeting

The meeting was adjourned at 9:39 p.m.

APPROVED: January 4, 2004

BY: Fred Costello, Mayor

ATTEST:

Veronica Patterson, City Clerk