

LEISURE SERVICES ADVISORY BOARD

September 14, 2016

8:30 am

CALL TO ORDER

Steve Miller called the meeting to order at 8:30 am.

DEVOTION

Dwayne Murray

PLEDGE OF ALLEGIANCE

All

ROLL CALL

MEMBERS PRESENT

Zone 2 - Steve Miller – Chair

Zone 3 – Vacant

Zone 4 - Carol Killian

Zone 5 - Ashley Thomas

At Large - Dwayne Murray

MEMBERS ABSENT

Zone 1 - Amanda Glugover

Zone 6 - John Huger

OTHERS PRESENT

Percy Williamson, Director Leisure Services

Lubna H. Nisa, Secretary

APPROVAL OF MINUTES

Steve Miller made a motion to approve August minutes, seconded by Carol Killian, approval was unanimous.

PRESENTATIONS

Steven Miller said that we are very fortunate to have guest speakers in today's meeting. He introduced the first speaker, Mr. Bob Jagger, The City Attorney. Percy said that this group requested Mr. Jagger to give us an orientation about Sunshine law. He also informed that Mr. Jagger has recently been appointed as the City Attorney, although he is a long time City employee. Jagger thank everybody and added that he was looking forward to go through on Sunshine Law. He thank again for their services. He said Leisure Service, Athletics, Parks and Recreations are very dear to him because he have two daughters, one is in University of Florida, but she came through Spruce Creek track program. The younger daughter is also in Spruce Creek High School. He was also the Vice President of Tennis Foundation, Florida and involved in charity work, helping underserved communities and they provide funds and scholarships for them. Percy said that the Tennis program Jagger is talking about is our program at Derbyshire. He work very closely with Marry McCoy who runs the Derbyshire tennis Program. This Organization is very generous in giving donations. Jagger said that Derbyshire program is a fantastic program and Marry did a tremendous job, they give them annual grant. We also provide grants to youths at Embry Riddle for summer Tennis youth program. Steve thanks

Jagger for his valuable services. Jagger said he have been the Deputy Attorney for six years prior to that he had a private practice for about eight years doing real estate law. Prior to that he was Assistant County Attorney for Madison County for fourteen years.

SUNSHINE LAW PRESENTATION

Jagger said that the Sunshine law basically provide a right of access to governmental proceedings. It applies to any gathering of two or more members of the same board discussing a matter which will foreseeably come before that board for action. The requirements are: It must be open to the public, reasonable notice must be given, and written minutes must be taken. Dwayne asked that is there any procedure for opening to the public? Jagger said yes there is a fairly new procedure and the requirement is essentially the public must have the right to speak up before you go down. So you can do it by having an agenda where let everyone speak in the beginning on matters in agenda or you can take the vote but before you take the vote you can ask the member of the public who like to speak on this issue. Only minutes don't require to have public comments. If you go to the City Commission meeting, generally they have public comments on the matters of consent. Carol asked how it applies to a subcommittee. Jagger replied the subcommittees required to follow the same Sunshine Law, means they to post it and they cannot talk about outside in a public setting and you have to allow public comments. Jagger also replied Dwayne's question that it is very difficult to public notice and to allow public access to those bus tour type of meetings. It's not that it's impossible but it very difficult. You everybody on bus and that ride is a meeting. It's very awkward and you are obligated to take the minutes. That's very difficult according to the logistic point of view. We never recommend these bus tours. You can go individually and tour and set up a meeting somewhere. Your meeting can be anywhere you want. But the idea of meeting going from this place to that place through bus and preserve the right of public to speak and avoid the Sunshine issues. Even if you all are sitting in a room together silent and that's not publically announced, it can create a perception, and we cannot guarantee the silence and every matter that come in discussion will violate the Sunshine law. It sounds very technical and arcade but reality is very serious. The violations of Sunshine law are very serious, there are criminal penalties, civil penalties and it put us on risk. So it's a very serious matter.

Ashley asked that we have skype, we have facetime, and we have thousand ways to broadcast what you are doing. Is there any way to incorporate technology in to the meeting? For instance if we record this meeting every step of the way and open up for the public comments and stat again when we go to the other facility and then we restart the meeting. Jagger said it's a good point that we can incorporate the public participation through technology but because our statues are revised and they required a physical meeting open to the public and we have to allow the public comments at the meeting. You can add on like we televise our commission meetings, you can skype the comments but you still have to have public comments on the site and it has to be open to the public.

Ashley asked that if we would like to visit four sites and want to meet site A at 11 site B at 11:30, so we can say if you are interested you can meet us at 11 o'clock at site A and we can reconvene at 11 just like you have it at Commission Council all day long. Jagger replied that there should be some practical considerations, there will be enough time for public to get there and still you have to advertise the meeting. Ashley said that it seems like under Sunshine law it is way too much, we have to advertise each place and time and we drive separate cars and

there will be no conversation until our Chair said close the meeting or we will reconvene in an hour etc. Jagger agreed and said it's possible in this way. And he added you have to give Percy to make sure everything is properly noted. Also, if you have lot of speakers, Chair with the approval of board can adopt the rules and policies to maintain orderly conduct or proper decorum. If somebody is out of line than Chair can modest them and maintain respect to the board.

Jagger said if two or more members of the same board meet privately to discuss some matter which will foreseeably come before that board will consider as a violation. But for example in a birthday party, if two members meet discuss something which will not going to come in front of the board, it's no problem. You can't discuss the board matters though back and forth emails or you can't tell Percy to tell something to the Chair. You cannot send the email in a group because if somebody respond it will be a violation. Technically, if the communication is one way it's not a violation but it's not advisable because it provides the opportunity of response and it will become a violation. Carol said we sent information to Betty that we would like the board to have. Jagger said that's fine if you send it to Betty and she send it to everybody. Any member can contact Betty and Betty can reply. Dwayne said we discuss in meetings, if somebody wants to give comment it will be done in meeting. Percy said that this board has asked for moving this meeting to City Hall, they voted for it to me and we took that information as a liaison to the City Manager, he refused that. Jagger said this how the work should be done. Taking minutes with secretary is an appropriate procedure. Jagger said you can discuss some matter with the member of other board even if that matter will come before a board, it's not the violation. Regarding the consequences, one will face criminal penalties, second degree misdemeanor, up to 60 days imprisonment and/or \$500 fine, removal from the office, Attorney's fees, civil action (injunctive or declaratory relief), and validity of the action taken will be called into question and may be overturned.

Public records is everything that is related to the transection of official business, it applies to emails, text, voicemails, computers, any kind of written or recorded communications will consider to be the public record. The public records require that whoever have the possession should permit to be copied or re-reported or do whatever they are asked to. We have a retention requirement depending up on the type of record. If you have certain type of record you are concern for, the Clerk has a list of types of records. In general, it's the best practice, any record mention in a public meeting, give it to your secretary she will included in the official record. Jagger asked how you handle your records. Do you work with Clerk in that regard? We go to clerk and maintain the records for us according to potential laws. Percy said we give the copies of our agenda, minutes and handouts to the clerk. The record request could be a formal letter, note or even verbal. You cannot delay those that's why we give them to the clerk, she know in what period of time we have to provide, why they need them, or any other type of condition. The safest way is to give it Percy, he will give it to the clerk and she will route it.

Jagger said that the code of ethics is a very tricky area which involve a lot of ethics or opinions. If there is any ethical question come up, call my office bore doing anything. There is an ethics hotline as well, you can have access and it's a state program, they have lawyers on duty, they will answer your questions.

Also, you are not supposed to accept any gifts. Sometimes people come to the meetings and let's say y they are selling foot balls and they give it to you to keep it. In order to avoid any kind

of issue you should not accept any gift from any kind of vendor. In addition, members are not allowed to run any business within the board. For example any member is a realtor, want to sell a property to the City but we cannot do business within our own board. That is prohibited under the law. You have beyond the board a repeating conflict can come up. If anything come before that has special private gain or loss that includes not only yourself but any relative or business partners. This come up time to time, you be voting on a matter and your interest come up. It happened in the commission occasionally that a commissioner owns a property and you are voting on that matter. When that conflict come up you need to fallout the form and make an announcement. I generally have forms for my meetings but you don't have to file that form at the meeting, you can file it within 10 days. If you don't have forms available, it doesn't matter but you do have to announce that you have conflict of interest. In terms of the parliamentary procedures, it's not the requirement, and it's the guideline. The basic rules are you make a motion and majority of the people present will agree. If you have four present, three are the majority. You generally have one motion at a time and the motion should be in the positive so that there will be no double negative.

Jagger said, Finally, I just included what your purposes are because sometimes it happened that we have to remind ourselves that what we are voting on, which region, so just remember to get the purposes from the City Manager. So you need to make recommendations for Leisure Services for the recreation programs requirements, such as site location and that's the end of the presentation.

Steve asked Ashley that if she has any question and she asked can you explain more how this purpose is adopted. Jagger replied that it adopted by resolution of City Commission by public vote and these are the guidelines. I don't know who drafted that but it came out from the Percy's department. Steve said that I sent a proposal to the commission and it came back totally different. And we had knowledge about the changes made by the staff. Jagger said, the only way changes can be made is that send back to your commission and demand a change and you can either do it as vote, it has to come through another resolution. That's the only way to make changes. Ashley said when we created our request to be televised, the changes should be included at that time, but it was not addressed. We submitted the request to the City Manager that we would like to have more in that purpose but it was nit acknowledged. Carol agreed with Ashley. Jagger advised, you should come up to the commission meetings, you have two and a half minutes in the beginning of every meeting to speak your mind. If you are unhappy with the given purpose that's your proper forum.

Dwayne said that he and Carol were in Golf Advisory Board than they shifted to the Park and Recreation Board. Jagger said that he is familiar with those moves although not in detail. Carol said that we discussed with our commissioner and commissioner even have open meeting and three commissioners were agreed that it needed tube pursuit to change. Jagger said Percy's department function is unrelated to the City's structure. You have your functions by resolution, Percy is a liaison but you are not restricted to what you do to what Percy's can do. Percy's functions are limited in a different way than your functions are. So, Percy's duty is to do whatever the direction you gave him and take it to where it need to be to make it happen. Sometimes Percy has the responsibility to direct you but he has to go to another department or to the City Manager to get that authority. So just to be clear, what Percy does is unrelated to

what you do. Because Percy's duties may change. Carol said what we ask in this Board is not just limited to Percy and I want this to be on record word by word because this is exactly what we have been asking for. We want that whatever we advise should have a wider umbrella than Percy is. Jagger said it is wider than what Percy's duties involved. But it's limited by the resolution adapting your function. Carol said each of our member have a copy of resolution. Jagger said this is what you can do. Percy is the best person to be your liaison, Carol said sure. Jagger said it could be any person who can be your liaison. Percy's job is to serve you as liaison which is unrelated to his function as a department director. Am I stated fairly Percy? Percy said to further your point, board has made a request that Helen Riger attend our meeting, and we invite her today. She is not in the meeting today, I know she is in New York today, but she is supposed to designate someone, I don't know what happened there. But this board requested that the Cultural Services representative is in our meeting, because these things overlap a lot and they can request the information. We have also requested that both golf course and Tennis representatives should be there too. But that request was denied. Jagger said lot of those things cross over, Helen handles all facility use permit and all other permitting, so all programs falls under Helen in terms of permitting. Percy said only permitting but the actual programs run by him and Jagger agreed with him. He said, there is an overlap so that's why Percy is the right person to answer your questions although it may not fall directly in his department. Carol said still it is very confusing for us we all are appointed to this board to do specific list of things but ended up in changing them before even first meeting. We are really confused because we don't understand, we would like to have a wider say so and Leisure services or Recreational Programs or whatever because that's what it says and that's why we were all thought we were doing. Jagger explained I am not representing as your Attorney but I am suggesting that you can draft your own resolution. Carol said we have something like that. It's not resolution but its Leisure Services Advisory Board mission statement and mission statement exactly says what we feel like we can do. Jagger added that take the resolution that has already been adopted and do the redline marking on that and create your own language and submit as a proposal either through Percy or directly to the commission as what you think your duty should be and start that conversation. The mission statement is good but ultimately the City Commission need to adopt an alternative. So if you have that alternative for those to consider than process become easier. Carol said that's perfect. Steve said the City Manager won't put before the City Commission? Jagger said, The City Manager answers the City Commission not the other way around. You go to Commission and you tell the Commission that you have a proposal. Here it is this is our draft resolution and in a public meeting Commission will direct the City Manager to include it in next Agenda. That's how the system works. Carol asked that we can write our suggestions for our Commissioners and they can put them in Agenda? Jagger said yes, they will request the Manager to do that. You have the benefit of interpreting the language as well so you can interpret the resolution in the way you decide so resolution said analyze the recreational needs and you are the board and you can decide what the recreational needs are. They may not listen but I can't promise that they will respond or not. Dwayne said that, that's the problem, if we see something we need the information. Jagger said it's the public information. Dwayne replied if we make some recommendations they will go in the garbage, that's what happened in golf course and Tennis they just ignored. Jagger these are the real problems and I suggest that give them in writing. Make sure all the commissioners and the Manager will get the copy. The Commissioner may ignore or Manager may ignore but you put in public domain and served as Leisure Service Advisory Board.

Steve said thank you so much for coming, you really enlightened the Board and congratulations on your appointment. You truly deserve that.

Steve and Percy introduced the representative of Planning Solution Corp. for the second presentation. Percy said introduce Jacquelyn Pannell who came to attend the meeting as Helen's representative, Cultural Services. You can ask any questions, she should be able to take care for you.

PLANNING SOLUTIONS PRESENTATION

Bradley Griese introduced himself, and said that he is the Collaborative Manager of Planning Solutions, Corp. and Kelli McGee, Vice President, she is distributing the handouts. He said the Planning Solution is involved in a lot of different projects, we really love making great places. We understand that the Cities and communities are judged by the quality of places and spaces. As a team we really invested in making Daytona greater area world class to live as well as to visit. Over twenty months we secure \$10 million for various different projects and some of them are Leisure projects like trail walkways and pathways. Some of them are the infra structures like water, waste water or storm water projects, which is not as shiny as others but it's important. On average of our projects we are managing we are securing 72 % of the funds. Its extra ordinary outstanding and we are very proud of that. We try to look at the projects and strategized make sure that we are not asking for small pieces of projects. We ask for whole projects or combine multiple projects to get the bigger picture moving. That's one thing that differentiate us. We ask them you need the funding for project A, Can we connect project A with B and C?

This is industrial underpass, we widen the sidewalk we put the sunshade. By the library we put the nice bike trail. The sidewalk connecting parks and green spaces, actually run 3000 miles from Main to Key West. After project identification we look for funding. Sometimes we have multiple partners from multiple resources than there is an application process and the do it process. In do it process we tell them how we are going to spend their money. And assure them we are spending their money properly. And then we finish the project and say thank you very much. And they come and check it out, so that's how it work. Initial stages are the important things.

Ashley asked as you said there are many funding sources available for many things so we have learned that there are places for which this board is advising that they can use some improvements so can we use your services at all? We don't have any funding. Bradley said that the short answer is yes but the long answer is not directly. So you can contact Percy and Percy knows how to get information, we let the City Manager know. We let the City tells us what the City priorities are in terms of looking at the funding sources. We do have ongoing contract with the City. We are available as a resource to the City as a holistic level. But you have to go through the proper channel so that we get the green light to move forward. It depends on the size of the project. The City Manager decide up to \$25000, more than that you have to go to Commission. Percy said Board question is that who set the priority so answer is that Manager sets the priority. Jagger said I still say that Commission set the priority. Carol asked do you also

have contracts with outside companies. Bradley said we have contracts with other Municipalities and other private Enterprises.

Kelli McGee introduced herself that she is the Vice President of Planning Solutions, worked in the Volusia County for fourteen years. Over these years I presented many Boards over the years but I must say that it's really impressive that how positive and aggressive your Board is, many boards are not. You guys have mission, which is very fantastic. I can give you advice from the staff perspective but it all depends on the Beth Lemke, our president and she is the founder. Her Company is around since 14 years, she has a weekly meeting with the City Manager. She reminds him about all the projects we are working on so we can add the voice because he get information from all over, from City Commission, from the department, from his staff and from all these different sources. Beth can make it happen, she might connect the neighboring park with yours and us the federal money. So in addition to going just after the typical local grant, echo grants we also go after the state or federal grant. It has to be in the City's capital approval plan. So when you guys are budgeting or Helen is budgeting, it has to be important from you guys what the needs are because following year they can put in their budget. That's how another way to get elevated to the City Commission and some of them are requirements for grants capital improvement plan to get the funding. The local government has to be the applicant. In some cases doesn't have to be the local government, you have like friend of the Derbyshire Park or a friend of nonprofit that is another way to get money that doesn't have to go through the governmental process. For example, In Ponce Inlet, Marine Science Center it's affiliated with Volusia County but the friends of the Marine Science Center is completely separate, nonprofit, it's a local board, and they can go after funding. They can get corporate donations, those foundations can get tax write offs and can donate to the government and allocated in the budget. It can go directly to those facilities. You have neighborhood groups. You can invite neighborhood groups and think big like you can include Tennis group, Golf group. You can priorities and say we can talk about Tennis this week. You can invite them as a guest speaker. They can hear you're directly, more point you have on the board as a unified board the better. They see you guys as a fast effective board than your responsibilities will grow, so from staff perspective, typically the Board send out the wish list and what you get back are the priorities of some other group, some leadership comes back to you. So they are sending the message to you these are the key things, so if you can knock those items out and give concrete advise and have your different facilities see you as you get their back and you try to help them. You are here to give them advice than your effectiveness improves and we can help, because we can help connect with some other groups out there that you might not know, might be familiar with.

Bradley said that we can connect your desire with the leadership desires somewhere. We were talking about some of our projects what they are? What we are doing? First project is in the Down Town it's going to tie into Sunshine Trail, the project I was talking about underpass and under ISB. This will go and become the part of the Jason Plaza to the trail and passageway under the bridge. This is also the example of larger project that is the part of four or five projects. We are in the process of designing the Day Docks and provide new boating access to the many destination of Downtown Daytona. Carol asked you have someone come and say what our need are? Bradley replied that these projects especially the downtown development where we have Day Docks, Pedestrian paths are the wonderful assets here at Daytona at water front We always think how we make a great downtown So these are the projects we are trying

to realize that goal. Steve said I really want you guys to come back because I really love what you guys are doing but we made an agreement that we will finish the meeting in an hour. I will really want you guys to come back. This is probably the most informative meeting, I am impressed. Percy asked we submit the request for Campbell pool improvement to put heater and to renovate that building. Carol said we want to look at some other Centers that need work. Bradley said that as mentioned earlier, you have to make it visible to the Commission, elevated the visibility to general public. And if you are effective in making it visible in that meeting in front of the City Commission, it will play out. It may not play out this Fiscal year but it becomes the priority. Percy said Board want to have workshop. Carol said that will be wonderful because there are so many matters we want to discuss with you. Steve agreed with her. Bradley said if you have any questions, email Percy, we work through him.

OLD BUSINESS

Steve said we have to move item number seven, Old Business. I want to talk about the pool and went by there and seems like it has some issues. There are some issues that has been resolved by the public works. Pool had been shut down over a year ago. The mechanical of the pool is 15 years old so we quickly realize that it need to be replaced which cost money. So we did our system analysis for everything associated with pool, the pump, the filters, and the valves everything. The contractor is giving us estimates for that. So when the time comes to us to open we are not going to have issues. Now we have the opportunity to do the entire complex. Soon we are going to involve Planning Solution. We are going to tie Dickerson center into the Pool. The Dickerson Center Parking will continue to the Pool. So Public Works is putting together a master plant to connect Campbell Pool to Dickerson Center to increase Parking space between the two facilities. And the building in front that use to be the Head Start will be the part of the Pool so have more showers more locker rooms. Now Campbell will have same programs and amenities as Cypress Pool. Ashley said that we were talking about putting Volusia County lifeguards. Percy said I intended to send you three weeks ago affront page story in News Journal pool, where they highlighted about Cypress Aquatic Center, and the emergence of African American in Olympics and Aquatics. They came to see if we have spike in African Americans are utilizing the pool. The African Americans won the Olympic Gold Medal and we have a spike and we have to talk about how we have our mission. We know that our 70% of our African American do not swim and it is a serious health issue and establish programs particularly our Summer Camps. Everybody coming in our summer camp automatically enrolled in our swimming lessons. Because parents and grandparents don't know how to swim that's why kids don't know how to swim. We are tie with Bethune Cookman and the County lifeguards. They have now only two or three African American lifeguards in Entire County lifeguards system. It has been very difficult to attract them. We will do it as a team. I will send you the article, so that you can see.

Steve said that because of the limited time we have to move to the board comments. Carol said to the Jacqueline that since you are here you wants to make some comments?

JACQUELYN PANNELL

Jacquelyn said that I work for Cultural Services as a Manager. The NAIA game stand for the National Association of Intercollegiate Athletics will be posting their Championship Football game at Municipal Stadium at December 17, we are determining right now if it is at 6 or 7 pm. The game will be broadcast on ESPN3. Those who are not familiar that's not the ESPN live

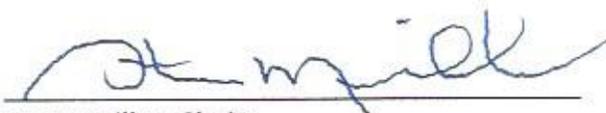
television, that's a streaming line. We as a City prefer streaming over live because we like to bring people to the City. So having the game on a Saturday night versus the Friday night bring the people who are working. It also allow the people who want to travel in stay the Friday night eat in the restaurants and shopping and got to the game and left. We have some of our sponsors from last year like Halifax Hospital coming in and doing our Champions of Characters Awards Luncheon and Scholarships. It is the program started by NAIA but house here in Daytona Beach. We reach out to all of the Volusia County High Schools student Athletes and each Principal and Athletic Director determine who has the best grades and performing well on field, whatever their field is. They will get the Scholarship from NAIA directly with Halifax Health support. It will be acknowledge at the Hilton on the Wednesday before the Saturday game. The day before they see the scholarship four different buses will travel out to the Atlantic High School, Turie T Elementary, and Halifax Health and Seabreeze High School. Those four different buses take students to the schools and Halifax Health. They talk to the students and kids at hospital and encouraging them. I personally went last year to Turie T, it's like they are the heroes. They did a very good job in Champions of Characters program, it ties in the external program to our local community. Steve said I was looking at the Bethune Cookman University football game, it was the great publicity and wonderful. The rain came down so we did not look that much but City did a good Job in it. Steve and Carol thanks Jacquelyn. Carol said you were not in agenda but you still came and speak, thanks. Ashley also thanks City Attorney, Planning Solutions and Jaquelyn and said I am glad you came out today. Dwayne also thanks everyone, and we should include in our next agenda that how will go to the locations, come up with strategy how we can do that and we will see at least what we are advising on. Steve said he have no comments.

ADJOURNMENT

There being no further business, motion was made by Steve Miller to adjourn. Meeting was adjourned at 10:05 AM.

Steve Miller, Chair
Leisure Services Advisory Board

Reviewed by: _____



Steve Miller, Chair

Transcribed by: Lubna H. Nisa, Board Secretary