

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

December 1, 2011

7:00 p.m.

Present were: Mayor Ed Kelley, Commissioners James Stowers, Troy Kent, Rick Boehm and Bill Partington, City Manager Joyce Shanahan, Assistant City Manager Ted MacLeod, City Attorney Randy Hayes, and City Clerk Joshua Fruecht.

A G E N D A

1. CALL TO ORDER
2. INVOCATION - Pastor Willie Branch, New Bethel AME Church
3. PLEDGE OF ALLEGIANCE
4. PROCLAMATIONS AND PRESENTATIONS
 - A. Proclamation for World War II Veterans
 - B. Employee of the Year - Loretta Moisio
5. AUDIENCE REMARKS - Regarding items not on the agenda.
6. APPROVAL OF MINUTES
 - A. Minutes from the City Commission meeting - November 15, 2011
7. COMMUNITY REDEVELOPMENT AGENCY
 - A. Resolution No. 2011-187 - A resolution of the City Commission, also acting as the Community Redevelopment agency, of the City of Ormond Beach, Florida, authorizing the execution of Change Order number one (1) to that contract awarded to Tomoka Construction Services, Inc., regarding the Downtown Parking Improvements Project, by increasing the contract price by \$16,938.40; and setting forth an effective date.
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. 2011-182 - A resolution authorizing the execution of a first amendment to lease agreement between the City and Sunrise Aviation, Inc.; and setting forth an effective date. (*Economic Development Director*)
 - B. Resolution No. 2011-183 - A resolution authorizing the execution of a Sovereignty Submerged Lands Easement renewal for public utility purposes between the City of Ormond Beach and the Board of Trustees of the Internal Improvement Trust Fund of the State of Florida; providing for recordation; and setting forth an effective date. (City Engineer)
 - C. Resolution No. 2011-184 - A resolution accepting a proposal from Barnes, Ferland & Associates, Inc., for environmental engineering services regarding the biennial groundwater monitoring report for the Nova Road Landfill; authorizing the execution of a work authorization and payment therefor; and setting forth an effective date. (City Engineer)
 - D. Resolution No. 2011-185 - A resolution authorizing the execution of a fifth amendment to the Labor Counsel Agreement between the City and Allen, Norton & Blue, P.A., to increase fees; and setting forth an effective date. (City Attorney)
 - E. Specification for Enterprise Resource System - Request for Proposals, Bid No. 2012-08 (*Finance Director*)

DISPOSITION: Approve as recommended in City Manager memorandum dated November 22, 2011.
 - F. Replacement of Vehicle # 326: Vac-Tron Trailer Mounted Vector Unit (*Utilities*)

Manager)

DISPOSITION: Approve as recommended in City Manager memorandum dated November 22, 2011.

G. Auto Renew Contract - R&M Service Solutions, LLC (*Finance Director*)

DISPOSITION: Approve as recommended in City Manager memorandum dated November 22, 2011.

H. Riverside Drive Closure Request for Friday, December 23, 2011 (*Leisure Services Director*)

DISPOSITION: Approve as recommended in City Manager memorandum dated November 22, 2011.

9. FIRST READING OF ORDINANCES

A. Ordinance No. 2011-57 - An ordinance amending Section 3.3-25, Nuisance Aircraft, of Article III, Aircraft Ground Operations, of Chapter 3.3, Aircraft and Airport; amending Section 3.3-54, Non-Airworthy Aircraft, of Article IV, Commercial Operations, of Chapter 3.3, Aircraft and Airport; of the Code of Ordinances of the City of Ormond Beach, Florida; repealing all inconsistent ordinances or parts thereof; providing severability; and setting forth an effective date. (Economic Development Director)

10. RESOLUTIONS

A. Resolution No. 2011-186 - A resolution establishing a Charter Review Committee; establishing a purpose, duties and powers; establishing conditions for membership; establishing a duration; and setting forth an effective date. (City Attorney)

B. Resolution No. 2011-187 - A resolution of the City Commission, also acting as the Community Redevelopment agency, of the City of Ormond Beach, Florida, authorizing the execution of Change Order number one (1) to that contract awarded to Tomoka Construction Services, Inc., regarding the Downtown Parking Improvements Project, by increasing the contract price by \$16,938.40; and setting forth an effective date. (City Engineer)

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

12. ADJOURNMENT

Item #1 - Meeting Call to Order

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

Item #2 - Invocation

Reverend Willie Branch gave the invocation.

Item #3 - Pledge of Allegiance

Mayor Kelley led the Pledge of Allegiance.

Item #4A - Proclamation for World War II Veterans

Mayor Kelley stated that it was a great honor for the Commission to recognize the World War II Veterans living in Ormond. He read a proclamation in honor of our World War II Veterans and declared December 7 as a day to celebrate World War II Veterans Recognition Day in the City of Ormond Beach. He then individually recognized the following veterans for their contributions:

- | | |
|---------------------|-----------------------------|
| 1. Donald Acer, Jr. | 11. Nelson Arthur May |
| 2. Rocco Acquaro | 12. James McGinnis |
| 3. Harry L. Albee | 13. James M. McMillian, Jr. |
| 4. Beatrice Avery | 14. Harry A. McRae |
| 5. Robert R. Baigas | 15. John F. Miseyko |
| 6. George Baldwin | 16. Allan Nye |
| 7. Jennings B. Beck | 17. Rolland Olin |
| 8. Sidney A. Blair | 18. Lawrence A. Peacock |
| 9. Lorenz Bockelman | 19. Alfred Pelote |

- | | |
|----------------------------|---------------------------|
| 10. David Butterfield | 20. Ritchey Porter |
| 21. Albert Cheraskin | 46. John W. Poucher |
| 22. Fleet Collins | 47. Samuel F. Puckett |
| 23. Richard T. Crytser | 48. Phillip J. Remington |
| 24. Milton Cunningham | 49. Andrew F. Romano |
| 25. Ralph D. Delucia | 50. Joseph N. Scott |
| 26. Herbert L. Dodge | 51. Crawford C. Shearer |
| 27. Dolly A. Dwyer | 52. John Sheldon |
| 28. Harry S. Entwisle, Jr. | 53. Gerard Otto Steiner |
| 29. Alfred J. Ferrari | 54. Alphee E. Tanguay |
| 30. Edward Flanagan | 55. George Timm |
| 31. Vernon T. Glasscock | 56. Robert Traetta |
| 32. Jerome S. Golden | 57. James Turner |
| 33. Bertrand Goudreau | 58. John Visneski |
| 34. W. James Hall | 59. Charles Von Nostitz |
| 35. Wilbur K Harmon | 60. John M. Wallace |
| 36. John Harrington | 61. Donald Walton |
| 37. Herbert Hendry | 62. Thomas C. Warner, Jr. |
| 38. Roy S. Holbrooks | 63. Donald Warren |
| 39. Robert E. Huggard | 64. William Wells |
| 40. Leonard R. Janicki | 65. John F. Welsh |
| 41. Donald Kornreich | 66. Kenneth M. Wentworth |
| 42. Clifford H. Lamprey | 67. Michael Wind |
| 43. Walter Landkammer | 68. Jack Young |
| 44. William D. Little | 69. Frank Zona |
| 45. Eugene Masica | |

Mayor Kelley stated that Commissioner Partington had commented several months ago that he would like the Commission to find some way to honor our veterans. He stated that tonight's proclamation and two large plaques engraved with their names would hang in the City Hall Atrium. In addition, a group photograph was taken of the veterans and Commission. The Commission meeting recessed at 7:15 p.m. while the veterans were receiving their proclamations and exiting the City Commission Chambers, and reconvened at 7:24 p.m.

Mayor Kelley recognized Ms. Sue Bower from Congressman John Mica office. He stated that Ms. Bower was instrumental in the honor air flights for World War II Veterans in May and October.

Item #4B - Employee of the Year Award

Ms. Joyce Shanahan, City Manager, stated that Ms. Loretta Moasio was the 2010-11 Employee of the Year. She stated Ms. Moasio began her career in 1988 in the General Services Division. She stated that Ms. Moasio had served as Executive Secretary to the City Manager, Support Services Director, and currently serves as Grants Coordinator and Public Information Officer. She stated that she had helped the City obtain millions of dollars in grant funding which allowed an improved quality of life for our citizens through grants such as the Central Park boardwalk and trails, ball field renovations at the Nova Community Center, recent renovations to The Casements, and South Ormond Neighborhood Center field lighting. She stated that Ms. Moasio had also enhanced the quality of life through community service efforts such as Helping Hands, Make A Difference Day, and City Santas, which were employee sponsored programs that raised funds for folks in the community. She stated that Ms. Moasio was described by her colleagues as an exceptional individual who fostered positive team spirit. She stated that the city was fortunate to have Ms. Moasio both working and living within our city and was honored to name her as Employee of the Year.

Mayor Kelley presented Ms. Moasio with a plaque and gift certificate as Employee-of-the-Year.

Item #5 - Audience Remarks

There were no requests to speak during Audience Remarks.

Item #6 - Approval of the Minutes

Mayor Kelley advised the minutes of the November 15, 2011, regular meeting had been sent to the Commission for review, and were on the City's website for public review. He asked for any corrections, additions, or omissions. He stated that hearing no corrections, the minutes would

stand approved as presented.

Item #7A - Community Redevelopment Agency

Mayor Kelley explained the City Commission served as the Community Redevelopment Agency (CRA) for the Downtown Redevelopment Area, and as such, must review these items and make a recommendation as the CRA prior to the City Commission public hearing; therefore, the City Commission meeting would be recessed, and a meeting of the Community Redevelopment Agency convened. He explained that once the recommendation was made, the CRA meeting would be adjourned and the City Commission meeting reconvened.

Mayor Kelley stated the City Commission meeting was recessed, and he called the meeting of the Community Redevelopment Agency to order at 7:29 p.m. for discussion of Resolution No. 2011-187 relative to the contract awarded to Tomoka Construction Services, Inc., regarding the Downtown Parking Improvements Project.

City Clerk Joshua Fruecht read by title only:

RESOLUTION NO. 2011-187

A RESOLUTION OF THE CITY COMMISSION, ALSO ACTING AS THE COMMUNITY REDEVELOPMENT AGENCY, OF THE CITY OF ORMOND BEACH, FLORIDA, AUTHORIZING THE EXECUTION OF CHANGE ORDER NUMBER ONE (1) TO THAT CONTRACT AWARDED TO TOMOKA CONSTRUCTION SERVICES, INC., REGARDING THE DOWNTOWN PARKING IMPROVEMENTS PROJECT, BY INCREASING THE CONTRACT PRICE BY \$16,938.40; AND SETTING FORTH AN EFFECTIVE DATE.

Commissioner Kent moved, seconded by Commissioner Stowers, to recommend approval of a Change Order No. 1 to the contract awarded to Tomoka Construction Services, Inc., regarding the Downtown Parking Improvements Project. The motion carried by voice vote.

Mayor Kelley adjourned the CRA meeting and reconvened the City Commission meeting at 7:30 p.m.

Item #8 - Consent Agenda

Mayor Kelley advised 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 item separately.

Commissioner Boehm moved, seconded by Commissioner Partington, for approval of the Consent Agenda.

Call Vote:	Commissioner Boehm	Yes
	Commissioner Partington	Yes
	Commissioner Stowers	Yes
	Commissioner Kent	Yes
Carried.	Mayor Kelley	Yes

Item #9A - Nuisance Aircraft

Ms. Shanahan stated that the Commission had been provided with a revised ordinance on Section 3.3-25(c) which had been clarified to say, "...in accordance with the process set forth in Chapter 2, Article VII, Sections 2-254 and 2-257..." which referred to the repeal process for this particular ordinance.

City Clerk Joshua Fruecht read by title only:

ORDINANCE NO. 2011-57

AN ORDINANCE AMENDING SECTION 3.3-25, NUISANCE AIRCRAFT, OF ARTICLE III, AIRCRAFT GROUND OPERATIONS, OF CHAPTER 3.3, AIRCRAFT AND AIRPORT; AMENDING SECTION 3.3-54, NON-AIRWORTHY AIRCRAFT, OF ARTICLE IV, COMMERCIAL OPERATIONS, OF CHAPTER 3.3, AIRCRAFT AND AIRPORT; OF THE Code of Ordinances OF THE CITY OF ORMOND BEACH, FLORIDA; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; PROVIDING SEVERABILITY; AND SETTING FORTH AN EFFECTIVE DATE.

Commissioner Boehm moved, seconded by Commissioner Stowers, for approval of Ordinance No. 2011-57, on first reading, as read by title only.

Call Vote:	Commissioner Partington	Yes
	Commissioner Stowers	Yes
	Commissioner Kent	Yes
	Commissioner Boehm	Yes
Carried.	Mayor Kelley	Yes

Item #10A - Charter Review Committee

City Clerk Joshua Fruecht read by title only:

RESOLUTION NO. 2011-186

A resolution establishing a Charter Review COMMITTEE; ESTABLISHING A PURPOSE, DUTIES AND POWERS; ESTABLISHING CONDITIONS FOR membership; establishing a duration; and SETTING FORTH AN EFFECTIVE DATE.

Commissioner Kent moved, seconded by Commissioner Partington, for approval of Resolution No. 2011-186, as read by title only.

Mayor Kelley stated that a charter review had not been done since 1996 and most cities had a ten-year review in conjunction with the census. He stated the Commission wished to appoint a board for 90 days to review the charter.

Call Vote:	Commissioner Stowers	Yes
	Commissioner Kent	Yes
	Commissioner Boehm	Yes
	Commissioner Partington	Yes
Carried.	Mayor Kelley	Yes

Item #10B - CRA Tomoka Construction Change Order

City Clerk Joshua Fruecht read by title only:

RESOLUTION NO. 2011-187

A RESOLUTION OF THE CITY COMMISSION, ALSO ACTING AS THE COMMUNITY REDEVELOPMENT AGENCY, OF THE CITY OF ORMOND BEACH, FLORIDA, AUTHORIZING THE EXECUTION OF CHANGE ORDER NUMBER ONE (1) TO THAT CONTRACT AWARDED TO TOMOKA CONSTRUCTION SERVICES, INC., REGARDING THE DOWNTOWN PARKING IMPROVEMENTS PROJECT, BY INCREASING THE CONTRACT PRICE BY \$16,938.40; AND SETTING FORTH AN EFFECTIVE DATE.

Commissioner Boehm moved, seconded by Commissioner Partington, for approval of Resolution No. 2011-187, as read by title only.

Call Vote:	Commissioner Kent	Yes
	Commissioner Boehm	Yes
	Commissioner Partington	Yes
	Commissioner Stowers	Yes
Carried.	Mayor Kelley	Yes

Mayor Kelley stated this item received a unanimous recommendation for approval from the CRA.

Item #11 - Reports, Suggestions, Requests

Upcoming meetings

Ms. Joyce Shanahan, City Manager, stated that the next regular City Commission meeting was on Tuesday, December 13, and there were no workshops in December. She stated that on January 3, 2012, a Strategic Planning Workshop was scheduled at 5:00 p.m. to 7:30 p.m. followed at 8:00 p.m. by the regularly scheduled City Commission meeting.

Corridor One Joint Boundary Agreement

Ms. Shanahan stated that Mayor Kelley and she had met with County Manager Jim Dineen and County Council Chair Frank Bruno to discuss the Corridor One Joint Boundary Agreement in an effort to reach some sort of agreement. She stated it would take several weeks for their review. She stated staff drafted the agreement so it favored Ormond Beach, which changes by the County could be expected.

Holiday Parade

Ms. Shanahan stated that the Commission was provided with candy in the vehicle at the Home for the Holidays parade; whereby, Mayor Kelley stated he was concerned with the children running out into the parade traffic and he favored a way to give out the candy without endangering the children.

Ms. Shanahan stated that they would put the candy in the vehicles for the Commissioners and then they could make a decision whether to give it out or not.

Casements Gala

Ms. Shanahan stated that The Casements Gala was scheduled for December 2; therefore the Movies on the Halifax would be held on Friday, December 9.

Eagle Scout Proclamation

Commissioner Kent stated he had the opportunity to present an Eagle Scout proclamation at Mayor Kelley's church. He stated he was proud to assist in this special ceremony.

Interim Fire Chief

Commissioner Kent expressed his appreciation to Mr. Bob Mandarino for stepping up as interim Fire Chief.

Veterans

Commissioner Kent expressed his appreciation to staff for honoring the veterans tonight.

New Flags in Chambers

Commissioner Kent expressed his appreciation to City Clerk Joshua Fruecht for the new larger, higher flags in the Commission Chambers. He stated he noticed that the United States flag was higher than the State of Florida flag, as well.

New Lights in Front of City Hall

Commissioner Kent stated the new lights in front of City Hall looked great and he appreciated the finishing touches to City landscaping.

Pop Warner Football Teams

Commissioner Boehm stated the Pop Warner PeeWee football team had advanced to the regional semi-finals, where they got to the third round of the regional playoffs before they lost. He stated the Ormond Beach Pride Varsity team also finished third in their region.

District Maps

Commissioner Boehm stated that the State Senate released the new maps of their recommendations for redistricting. He noted that that the district was dominated by Duval County with only a small piece of Ormond Beach included. He stated he favored the Commission sending a letter to the State Senate requesting that Ormond Beach as a whole be in one senatorial district. He stated he felt we should have the opportunity to have our voice heard in the State Senate as it has been in the past.

Ms. Shanahan stated that staff could draft a letter which included all their signatures and forward it to the appropriate state body.

Mayor Kelley stated that he, too, favor representation from a senator that lived in Ormond Beach and he favor sending a letter, as well.

Mayor Kelley expressed his appreciation to Commissioner Partington for his idea of recognizing the Veterans.

Ms. Shanahan expressed her gratitude to the Leisure Services staff and Support Services for preparing the plaques and proclamations for the Veterans.

Item #12 - Adjournment

The meeting was adjourned at 7:43 p.m.

APPROVED:

December 13, 2011

BY:

Ed Kelley, Mayor

ATTEST:

Joshua Fruecht, City Clerk