

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

**March 6, 2012**

**7:00 PM**

**Commission Chambers**

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**

**INVOCATION**

**3. PLEDGE OF ALLEGIANCE**

**4. PRESENTATIONS**

- A. Proclamation for Pop Warner Academic All American
- B. Proclamation for Audrey Parente

**5. AUDIENCE REMARKS - Regarding items not on the agenda.**

**6. APPROVAL OF MINUTES**

- A. Minutes from the City Commission meeting - February 21, 2012

**7. CONSENT AGENDA**

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

- A. Resolution No. 2012-21 :** A RESOLUTION AUTHORIZING THE EXECUTION OF A LEASE AGREEMENT BETWEEN THE CITY AND ISAAC R. LEARY FOR THE OPERATION OF THE CASSEN PARK BAIT SHOP; SETTING FORTH AN EFFECTIVE DATE.

*Staff Contact: Randal Hayes, City Attorney (386-676-3217)*

- B. Resolution No. 2012-22 :** A RESOLUTION ACCEPTING A PROPOSAL FROM ZEV COHEN & ASSOCIATES, INC., FOR DESIGN SERVICES REGARDING THE MAINLAND WATER MAIN REPLACEMENT PROJECT; AUTHORIZING THE EXECUTION OF A WORK AUTHORIZATION AND PAYMENT THEREFOR; AND SETTING FORTH AN EFFECTIVE DATE.

*Staff Contact: John Noble, City Engineer (386-676-3302)*

- C. Resolution No. 2012-23 :** A RESOLUTION ACCEPTING A PROPOSAL FROM MCKIM & CREED, P.A., FOR DESIGN SERVICES REGARDING THE NORTH PENINSULA WATER MAIN REPLACEMENT PROJECT; AUTHORIZING THE EXECUTION OF A WORK AUTHORIZATION AND PAYMENT THEREFOR; AND SETTING FORTH AN EFFECTIVE DATE.

*Staff Contact: John Noble, City Engineer (386-676-3302)*

- D. Resolution No. 2012-24 :** A RESOLUTION ACCEPTING A PROPOSAL FROM QUENTIN L. HAMPTON ASSOCIATES, INC., FOR DESIGN SERVICES REGARDING THE SOUTH PENINSULA WATER MAIN REPLACEMENT PROJECT; AUTHORIZING THE EXECUTION OF A WORK AUTHORIZATION AND PAYMENT THEREFOR; AND SETTING FORTH AN EFFECTIVE DATE.

*Staff Contact: John Noble, City Engineer (386-676-3302)*

- E. Resolution No. 2012-25 :** A RESOLUTION AUTHORIZING THE APPROVAL AND EXECUTION OF A PURCHASE AUTHORIZATION (REQUISITION #0000008837) FOR THE PURCHASE OF ONE 2012 FORD F-450 DUMP TRUCK, UNDER FLORIDA SHERIFFS ASSOCIATION BID NO. 11-19-0907; AND SETTING FORTH AN EFFECTIVE DATE.

*Staff Contact: Theodore MacLeod, Assistant City Manager / Public Works Director (386-676-3200)*

- F. Resolution No. 2012-26 :** A RESOLUTION AUTHORIZING THE EXECUTION OF CHANGE ORDER NUMBER ONE (1) TO THAT CONTRACT AWARDED TO TRAFFIC CONTROL DEVICES, INC., REGARDING THE FIBER OPTIC INTERCONNECTION ON GRANADA BOULEVARD, BY INCREASING THE CONTRACT PRICE BY \$10,197.70; AND SETTING FORTH AN EFFECTIVE DATE.

*Staff Contact: John Noble, City Engineer (386-676-3302)*

- G. Resolution No. 2012-27 :** A RESOLUTION AUTHORIZING THE EXECUTION OF A RELEASE A SPECIAL MASTER ADMINISTRATIVE FINE/LIENS FOR CODE VIOLATIONS ON PROPERTY LOCATED AT 289 WASHINGTON PLACE, ORMOND BEACH, VOLUSIA COUNTY, FLORIDA (PARCEL ID NO. 4241-08-01-0010); AND SETTING FORTH AN EFFECTIVE DATE.

*Staff Contact: Joanne Naumann, Neighborhood Improvement Manager (386-615-7069)*

- H. Resolution No. 2012-28 :** A RESOLUTION AUTHORIZING THE EXECUTION OF A RELEASE OF A SPECIAL MASTER ADMINISTRATIVE FINE/LIEN FOR A CODE VIOLATION ON PROPERTY LOCATED AT 12 GREENVALE DRIVE, ORMOND BEACH, VOLUSIA COUNTY, FLORIDA (PARCEL ID NO. 4124-06-00-0320); AND SETTING FORTH AN EFFECTIVE DATE.

*Staff Contact: Joanne Naumann, Neighborhood Improvement Manager (386-615-7069)*

- I. Resolution No. 2012-29 :** A RESOLUTION AUTHORIZING THE EXECUTION OF A RELEASE OF A SPECIAL MASTER ADMINISTRATIVE FINE/LIEN FOR A CODE VIOLATION ON PROPERTY LOCATED AT 120 FIESTA DRIVE, ORMOND BEACH, VOLUSIA COUNTY, FLORIDA (PARCEL ID NO. 4220-01-00-0120); AND SETTING FORTH AN EFFECTIVE DATE.

*Staff Contact: Joanne Naumann, Neighborhood Improvement Manager (386-615-7069)*

- J. Resolution No. 2012-30 :** A RESOLUTION PURSUANT TO SECTION 14-98, LIENS, OF THE CITY OF ORMOND BEACH CODE OF ORDINANCES AUTHORIZING THE IMPOSITION OF A LIEN AGAINST THE REAL PROPERTY OWNED BY JOHN WILLIAM BERGSTROM AND JOAN M. THATE LOCATED AT 503 LAKEBRIDGE DRIVE, ORMOND BEACH, VOLUSIA COUNTY, FLORIDA (PARCEL ID NO. 4216-04-00-0010) FOR COSTS INCURRED BY THE CITY TO TERMINATE OR ABATE A SITE MAINTENANCE VIOLATION; AND SETTING FORTH AN EFFECTIVE DATE.

*Staff Contact: Joanne Naumann, Neighborhood Improvement Manager (386-615-7069)*

- K. Resolution No. 2012-31 :** A RESOLUTION AUTHORIZING THE EXECUTION OF A RELEASE A SPECIAL MASTER ADMINISTRATIVE FINE/LIENS FOR CODE VIOLATIONS ON PROPERTY LOCATED AT 96 SOUTH YONGE STREET, ORMOND BEACH, VOLUSIA COUNTY, FLORIDA (PARCEL ID NO. 4241-08-01-0010); AND SETTING FORTH AN EFFECTIVE DATE.

*Staff Contact: Joanne Naumann, Neighborhood Improvement Manager (386-615-7069)*

- L. Bid Specifications for 2012 Roadway Resurfacing Project**

*Staff Contact: John Noble, City Engineer (386-676-3302)*

DISPOSITION: Approve as recommended in City Manager memorandum dated March 6, 2012.

- M. Bid Specifications for Andy Romano Beachfront Park, Bid No. 2012-18**

*Staff Contact: John Noble, City Engineer (386-676-3302)*

DISPOSITION: Approve as recommended in City Manager memorandum dated March 6, 2012.

- N. Bid Specifications for Arbitrage Calculation Services**

*Staff Contact: Kelly McGuire, Finance Director (386-676-3226)*

DISPOSITION: Approve as recommended in City Manager memorandum dated March 6, 2012.

- O. Bid Specifications for Auditing Services**

*Staff Contact: Kelly McGuire, Finance Director (386-676-3226)*

DISPOSITION: Approve as recommended in City Manager memorandum dated March 6, 2012.

- P. Bid Specifications for Investment Advisory Services**

*Staff Contact: Kelly McGuire, Finance Director (386-676-3226)*

DISPOSITION: Approve as recommended in City Manager memorandum dated March 6, 2012.

- Q. Partial Billing Credit for Reuse Water Customers**

*Staff Contact: Kelly McGuire, Finance Director (386-676-3226)*

DISPOSITION: Approve as recommended in City Manager memorandum dated March 6, 2012.

## **8. FIRST READING OF ORDINANCES**

- A. FIRST READING OF ORDINANCE NO. 2012-10 :** AN ORDINANCE OF THE CITY OF ORMOND BEACH, FLORIDA, AMENDING ARTICLE III, FIREFIGHTERS' PENSION TRUST FUND, OF CHAPTER 16, PENSIONS AND RETIREMENT, OF THE CODE OF ORDINANCES; AMENDING SECTION 16-45, BENEFIT AMOUNTS AND ELIGIBILITY BY ADJUSTING THE PENSION MULTIPLIER; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH AND PROVIDING AN EFFECTIVE DATE

*Staff Contact: Kelly McGuire, Finance Director (386-676-3226)*

- 9. REPORTS, SUGGESTIONS, REQUESTS** (City Manager, Assistant City Manager, City Attorney, City Commissioners, Mayor)

## **10. ADJOURNMENT**

Item #1 - Meeting Call to Order

Mayor Kelley called the meeting to order at 7:02 p.m.

Item #2 - Invocation

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

Item #3 - Pledge of Allegiance

Mayor Kelley led the Pledge of Allegiance.

Item #4A - Proclamation for Pop Warner Academic All American

Mr. Aaron Phillips, Ormond Beach Pop Warner President, thanked the Commission on behalf of all the children, parents, and board members for their continued support of the Pop Warner Program. He stated that since the establishment of their league in 2000, 19 past participants had gone on to participate in collegiate sports. He stated that through the first 12 seasons, the program had won multiple cheerleading and football championships. He stated that while the on the field accomplishments were important, they were most proud of their continued successes off of the field. He stated that Ormond Beach Pop Warner was recognized nationally as a leading organization when it came to academic accomplishments and that their main goal had always been to create productive citizens and future leaders. He stated that they here to recognize 62 kids from the 2011 season who had been selected as East Coast Conference (ECC) All Conference Scholar Athletes. He stated that all of the kids either participated in cheerleading or football activities, were involved in their local community, and maintained a 96% grade point average in all of their core classes. He also stated that Amberlynn Foote, Abigail Montplaisir, Jamie Alexander, Sarah Beck, Brittany Gaston, Ashley Lloyd, Amanda Ogden, Jake Godbee and Steven Sevigny were also selected to the ECC Southeast Region First Team All Regional Scholars for 2012. He explained that the region included the states of Florida, Georgia, Alabama and Mississippi. He stated that out of the 12 associations in the ECC their organization had by far the most academic scholars.

Mayor Kelley congratulated the students for their achievements and read the proclamation for the Pop Warner Academic All Americans and each student received a certificate of achievement.

Mr. Phillips presented each member of the Commission with an Ormond Beach Pop Warner t-shirt.

Item #4B - Proclamation for Audrey Parente

Mayor Kelley presented Ms. Audrey Parente, retired Daytona Beach News-Journal (News-Journal) reporter, with roses and a proclamation. He stated that Ms. Parente was an award winning staff writer for the News-Journal and that she wrote the front page story for the paper's Volusia Review. He stated that she wrote human interest and general assignment stories for all sections as well as covering the military. He stated that she had covered the City Commission meetings for the past several years. He stated she had won awards including the Second Place Florida Award of Excellence in 2008 for a story of a local man who deserted the Army to be with his wife and their newborn child in Canada. He stated she also had received the Florida Press Club's First Place Award for Serious Feature Writing in a state competition that covered work published from July 2007 to June 2008 and had also received the Florida Society of Professional Journalist Awards for Excellence First Place Award for Investigative Reporting in 2006 for a piece about the issues surrounding the government's use of depleted uranium in military armor and weapons. He stated that Ms. Parente had decided to move to South Florida to be near her sons, Peter and David. He proclaimed March 6, 2012, as a day to honor Ms. Parente in the City of Ormond Beach for her service and dedication to her profession and extended his admiration and appreciation for a job well done.

Item #5 - Audience Remarks

Ms. Joyce Ebbets, 38 Oak Brook Drive, former City Commissioner, stated that she had worked as a feature writer before she was a Commissioner and later had had the honor through the Commission of doing some writing. She stated that the city was so blessed to have Ms. Parente, a woman whose talent was expressed in everything she did. She stated that Ms. Parente had tenacity, curiosity, flexibility with people, and a love of

history. She stated that was evidenced in her recent article on the Three Chimneys. She stated that Ms. Parente incorporated the new, the youth, and the elderly and did it beautifully, especially with the military. She stated that she wanted to thank Mayor Kelley and the Commissioners for recognizing Ms. Parente's talents and honoring her that evening. She stated that Ms. Parente raised two sons to brilliant careers while she herself carried on one that helped pay the rent. She stated that she took care of her mother as well. She stated that Ms. Parente's sons, Peter and David, had been with Julio Iglesias, Gloria Estefan and others internationally in music, and anyone would be proud to claim them as members of their family. She stated that you could almost identify Ms. Parente's work just by reading a story and noticing how thorough it was. She thanked the Commission again for taking the time to recognize a great writer and a great citizen of Ormond Beach.

Mr. Jim Schultz, 117 Harvard Drive, stated he had read that CVS had made a mistake and had given out tamoxifen, which was a cancer drug, accidentally in place of fluoride pills. He stated this had occurred at a CVS in New Jersey. He stated that the American Dental Association (ADA) had an interesting article recently and had admitted that they had yet to do a sophisticated study that actually showed how much fluoride you needed to protect your teeth. He stated this meant to him that they had never done real science or the kind of science that was considered to be the gold standard. He stated that the ADA had claimed they knew fluoridation worked because they believed it did. He opined that that seemed like the cart before the horse especially given that fluoridation had been the policy for 60+ years. He stated that prior to fluoridation being implemented the ADA had been strongly against it, as were virtually all dentists, because they knew fluoride was a toxic poison that damaged teeth. He stated that it took some incentive to get them to change their minds but it happened. He stated there had been a strong lobbyist group that created data over an 8-year period when Mr. Andrew Mellon was the head of the health department who he felt assisted in creating or influencing the data. He stated that anything could be made to happen if you put enough money into it. He stated that the reality was that water fluoridation was a flawed policy and even the CDC and ADA now admitted that infants should not have fluoridated water. He felt it was reprehensible that cities were not making a good due diligence effort to at least give people the chance to have informed consent. He explained that if an adult wished to drink fluoridated water, he would be fine with it. He stated that he was not satisfied that a child or their parent who had no knowledge that they were putting their child at risk would be drinking the fluoridated water. He stated that a notice, as a bare minimum, placed in the city's water bills, was not too much to ask. He stated that New Hampshire was now leaning in that direction.

Item #6 - Approval of the Minutes

Mayor Kelley advised that the minutes of the February 21, 2012, regular meeting had been sent to the Commission for review, and were on the city's website for public viewing. He asked for any corrections, additions, or omissions. He stated that hearing no corrections, the minutes would stand approved as presented.

Item #7 - Consent Agenda

Mayor Kelley advised that the actions proposed for the items on the Consent Agenda were so stated on the agenda. He asked if any member of the Commission had questions or wished to discuss any items separately.

Commissioner Boehm stated that he wished to pull item 7A and item 7M.

**Commissioner Partington moved, seconded by Commissioner Kent, for approval of the Consent Agenda absent items 7A and 7M.**

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

Item #7A - Bait House Lease Agreement with Isaac Leary

City Clerk Joshua Fruecht read by title only:

RESOLUTION NO. 2012-21

A RESOLUTION AUTHORIZING THE EXECUTION OF A LEASE AGREEMENT BETWEEN THE CITY AND ISAAC R. LEARY FOR THE OPERATION OF THE CASSEN PARK BAIT SHOP; SETTING FORTH AN EFFECTIVE DATE.

**Commissioner Boehm moved, seconded by Commissioner Partington, for approval of Resolution No. 2012-21, as read by title only.**

Commissioner Boehm stated that the only reason he pulled the item was that he had wanted to comment and felt that commenting at the end of the meeting would not work.

Mayor Kelley stated that he was going to ask that if anyone wanted to comment on the item that they do so at the end of the meeting, after they finished the consent agenda, as he felt that most of them would want to comment.

Commissioner Boehm stated he wanted to make the point that he felt that it had been a very unfair contract initially and they had asked Mr. Randy Hayes, City Attorney, to negotiate with Mr. Isaac Leary and he wanted to give kudos to Mr. Hayes for negotiating what he believed to be a fair contract. He stated that Mr. Leary was present and he wanted to point out that the staff memorandum stated that Mr. Leary had expressed a desire to keep the bait house open for business 12 hours a day, 7 days a week. He stated that Mr. Hayes had added language to give Mr. Leary discretion to determine the actual number of hours and days to be open. He stated that Mr. Leary literally had asked to be made to work more than the city would have otherwise thought was reasonable. He stated that Mr. Leary was a remarkable man and he did not know anyone who loved their business more than him. He stated that he wanted to take the opportunity to tell him that while he was present at the meeting and that was why he had pulled the item.

Commissioner Stowers stated he had spoken with Mr. Hayes earlier and brought to his attention that under section 3 on the fifth line down, it read "at least 90 prior to the lease term" and there was no reference as to what the 90 days referred to. He stated he would just add that in any motion he would move it be amended to read "at 90 days".

Mayor Kelley asked whether they would need a motion to correct a scrivener's error.

Mr. Hayes stated the change would be incorporated within the motion and second.

Commissioner Kent stated that he was excited for Mr. Leary and the residents to utilize the kayaks around the river. He stated that he would recommend anyone wanting to catch a local fish to go see Mr. Leary so he could get them set up to do so. He stated that if anyone was also looking for a good blue crab dinner, he did not know of any prices in that area that could beat Mr. Leary's.

Commissioner Partington stated that people loved Mr. Leary and that was proven at the last meeting and that Mr. Leary did a great job. He stated that Commissioner Kent had brought up a great point and that if there was something someone wanted to catch or someone just wanted to go fishing and did not know what to catch, Mr. Leary would be able to assist them and tell them what would be running and where, not just in Ormond Beach, but up and down the Volusia County coast. He stated that he was excited about the contract and even though they had hit bumps along the way, they remained on track and got it completed. He stated that the bait house was good for residents and tourists of Ormond Beach and he thanked Mr. Leary for his service to the community.

Mayor Kelley stated that the previous week he had a person comment to him on the information about the bait house and what Mr. Leary had to go through. He stated that he felt there was now a good conclusion and everyone was happy. He stated that he wanted to let Mr. Leary know that the community was still out there behind him. He stated that Mr. Leary loved what he did and it showed.

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

Item #7M - Bid Specifications for Andy Romano Beachfront Park

City Clerk Joshua Fruecht read by title only:

Bid Specifications for Andy Romano Beachfront Park, Bid No. 2012-18

Commissioner Boehm stated that once again he had requested the item be pulled in order to make a comment and not because he had a problem with the item. He stated that he wanted to say for the benefit of anyone listening that the bid specifications for the Andy Romano Beachfront Park were going to go out and that the information on the park had covered pages 282 through 900 of the agenda packet that they had to read before the meeting. He stated that was evidence of the amount of work that had been done both by Zev Cohen & Associates and city staff. He stated that the bid specifications were remarkably detailed and it had been proven to him that both parties were really behind making Ormond Beach's Andy Romano Beachfront Park the premier beachfront park in Volusia County and hopefully the east coast of Central Florida. He stated he was looking forward to seeing the bids come in and moving forward with the project.

**Commissioner Boehm moved, seconded by Commissioner Stowers, for approval of item 7M, as read by title only.**

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

Item #8A - Firefighters' Pension Amendment

City Clerk Joshua Fruecht read by title only:

ORDINANCE NO. 2012-10

AN ORDINANCE OF THE CITY OF ORMOND BEACH, FLORIDA, AMENDING ARTICLE III, FIREFIGHTERS' PENSION TRUST FUND, OF CHAPTER 16, PENSIONS AND RETIREMENT, OF THE CODE OF ORDINANCES; AMENDING SECTION 16-45, BENEFIT AMOUNTS AND ELIGIBILITY BY ADJUSTING THE PENSION MULTIPLIER; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH AND PROVIDING AN EFFECTIVE DATE.

**Commissioner Partington moved, seconded by Commissioner Stowers, for approval of Ordinance No. 2012-10, on first reading, as read by title only.**

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

Item #9- Reports, Suggestions, Requests

Upcoming Workshops

Ms. Joyce Shanahan, City Manager, stated that the March 15, 2012, Commission meeting was moved from its regular day and would be on a Thursday. She stated that there would be a Financial Trends Workshop with the Budget Advisory Board prior to that meeting at 5:30 p.m. She stated that on April 3, 2012, would be the Land Development Code Amendments Workshop and that their quarterly Ideas Workshop would be on April 17, 2012. She stated that on May 1, 2012 was the Cross Connection Control Program Workshop. She stated that if there was anything that could be combined, they would try and do so, but otherwise that was the current schedule.

Summer Schedules

Ms. Shanahan stated that the Commission had inquired about summer schedules and she asked the Commission whether they had their calendars and schedules available for discussion. She asked if they had any recommendations as to what they would like to see changed. She stated staff had no particular recommendation and they would have to come back with a resolution for any changes

Mayor Kelley stated that he was open and was going to make his schedule based around if anyone needed specific time.

Ms. Shanahan stated that if they had specific dates, they could email her by the end of the week and she would attempt to draft something up for the April 3, 2012 meeting.

Commissioner Kent asked if they were going to look at July's schedule since the July 3 was a Tuesday; whereby, Mayor Kelley stated that was a concern to him as well.

Ms. Shanahan stated they could not cancel that meeting but could move it, possibly to the next week.

Commissioner Kent stated he had hoped they could talk about that. He stated that he liked to be in town for July 4 to attend the Ormond Beach festivities.

Ms. Shanahan asked whether they would like to move the meeting to the following Tuesday.

Commissioner Kent stated that that date would be July 10, 2012 and also noted that there were actually five Tuesdays in July.

Mayor Kelley inquired whether the meetings would be on the July 10 and 24 or July 10 and 17.

Ms. Shanahan stated that the second July meeting was currently scheduled for the July 17 and that they wanted to bring to the Commission the tentative millage at that meeting.

Commissioner Kent stated that he would be comfortable with the July 10 and 17; whereby, Mayor Kelley stated he agreed with those dates.

Ms. Shanahan stated that the only problem they had with that schedule was that it did not give them enough time to advertise items that required it between meetings. She stated they could discuss it from a staff perspective and possibly change the meetings to the July 10 and 24. She asked if the Commission preferred the meetings be scheduled on July 10 and 17.

Mayor Kelley stated he would like to not have July 24 meeting date.

Ms. Shanahan stated they would try to schedule for the meetings for July 10 and 17.

Commissioner Boehm asked whether anyone would be out of town for July 3, as he felt they had all most likely planned to attend the Ormond Beach festivities of July 4.

Mayor Kelley and Commissioner Kent stated that they would not be out of town.

Ms. Shanahan asked whether it would be acceptable to the Commission to leave the meeting date as July 3, 2012.

Mayor Kelley stated that they would all be in town for the July 4 celebration and he was not sure why he was thinking earlier that the date should have been moved.

Commissioner Kent stated that they had always moved it in the past and that they have had family members in town that week.

Ms. Shanahan asked whether they wanted to start the meeting on the July 3 a little earlier.

Commissioner Kent stated that if it was to be kept on the July 3, then he would rather keep everything the same.

Mayor Kelley stated that they would leave the July meeting dates as they were, July 3, 2012 and July 17, 2012.

Ms. Shanahan asked if they had any other dates that they wished to discuss.

Commissioner Kent stated that he did have one in June and would email her when it was confirmed.

Mayor Kelley stated that he may look at some dates in August but he knew that they would then run into timeline issues with the budget around that time.



Ms. Shanahan stated that they should be alright in August.

Mayor Kelley stated that he thought there was something with the budget they had to review that involved a 30-day deadline; whereby, Ms. Shanahan stated that was the tentative millage and that it was currently scheduled for the July 17, 2012, meeting.

#### Volusia County

Ms. Shanahan stated that there were still two ongoing issues between the city and the county. She stated that the interlocal agreement for the US1 Corridor was still being worked on. She stated that Mr. Hayes and Mr. Ric Goss, Planning Director, had met with the County Attorney and someone from the County Planning Staff and were closer to finalizing the agreement. She stated that at the last County Council meeting, they had voted to not end the trolley service on A1A and would be going back to the Halifax Advertising Authority Board to ask them to reconsider contributing \$40,000 to help that program.

#### Police Department Property and Evidence Room Audit

Ms. Shanahan stated that she asked Police Chief Andy Osterkamp to be present based on some of the articles that had been in the newspaper about the Ormond Beach Police Department's property and evidence room audit. She stated that she did not feel like the Commission had received the full story and full timeline. She stated that she knew they all received the report and looked over it but she wanted Chief Osterkamp to walk them through the timeline and update them on where they were with the Florida Department of Law Enforcement (FDLE) investigation.

Police Chief Andy Osterkamp gave a timeline of events in the matter. He stated that there was no formal property and evidence room within the police department prior to 1988. He explained that the design and construction of the old police station did not have an evidence room in it. He stated that a portion of the old jail section was cornered off and that became the first official property and evidence room in 1988. He stated that at that time Mr. Michael Haller was appointed as the department's first property and evidence technician. He explained that up until 2002 there had never been a single audit or inventory of any kind performed on any items that went in or out of the room. He stated that time period included the department's transfer into their current new building in 2000. He stated that the new property and evidence room was about three times larger than it was in the old building.

Chief Osterkamp explained that in 2002, to coincide with the new accreditation process, the Chief at that time initiated a random audit and inventory of the property and evidence room on a quarterly basis. He stated that audit amounted to the internal affairs sergeant going into the property and evidence room and taking about 25 sheets from the stacks of property sheets that were there on file and asking the custodian to either go find those items on the shelves or to locate the disposition sheet if they had been disposed of or returned to their owner. He stated that the internal affairs sergeant would also go into the evidence vault itself, take 25 items off the shelf and have the custodian produce the paperwork. He stated that in his opinion the problem with that process was the human element involved and if there was any intent on anyone else's part to hide something, they could either take the item off the shelf or destroy the disposition sheet. He stated that the evidence technician had total control of that audit process. He stated that the department did not have any reason to believe at that time that anything improper was going on. He stated that at all of those quarterly audits the evidence technician was either able to find the piece of property or disposition sheet as requested. He stated that another problem he saw with that process was that, other than Mr. Haller, he was the only member of the police department who had ever been to a formal training school on managing a property and evidence room. He stated that he attended the training back in 1988 with Mr. Haller and they had sat side-by-side in the same class. He stated that when he returned he had made recommendations to the Chief of Police at the time which included doing annual audits and inventories and for whatever reason those suggestions were ignored. He stated that in 1998 when he went to the Southern Police Institute, he did his staff study report on the property and evidence room. He stated he again recommended that audits be conducted and again none of the Police Chiefs through the years deemed it necessary to do so.

Chief Osterkamp stated that with the retirement of Police Chief Michael Longfellow he became Acting Chief in early 2010, and he made the decision that it was time to do an audit and inventory of the property and evidence room. He stated he wanted to perform a comprehensive audit from the floor to the ceiling, where a team would actually go in and place their hands on every single item and property sheet and reconcile with one another to see what the status of the unit was. He stated that because 22 years had past without that ever having been done, he knew they were going to run into some

issues, which unfortunately proved to be the case and the extent of the issues went far beyond what had been imagined. He stated that the audit began in late February 2010 and immediately uncovered problems with the way things were being maintained. He stated that everything they uncovered in the beginning was strictly administrative in nature: records that were not kept correctly and things that were stored in places they should not have been. He explained that the room was a mess and was loaded from floor to ceiling with too many items. He stated that they found items from the late 1980s that should have been purged or destroyed. He stated that they found a firearm from the late 1990s that should have been returned to an owner as well as some other items from the 2000s that should have been returned to their owners. He stated that they discovered found property, drugs, and narcotics from prior to those time periods that should have been disposed of or destroyed and were just sitting on a shelf.

Chief Osterkamp stated that they initiated some disciplinary processes against the evidence technician, Mr. Haller, on an administrative level for not following policies and procedures. He stated that Mr. Haller had received one disciplinary action and was facing another one. He stated that on Friday, August 6, 2010, Mr. Haller came into his office and said he "could not do this anymore" and quit effective that day. He stated that Mr. Haller had a disciplinary hearing scheduled for that afternoon and he refused to participate in it. He stated that Mr. Haller picked up his belongings and left the building at that time. He stated that the next day the property custodian found a large box that contained a bunch of loose coins and some cash in evidence envelopes in Mr. Haller's office. He explained that Mr. Haller had also left a note claiming that he found those items in the desk in the vault and that it was left there by a volunteer, and he did not know how to tell them that he had found it, and he had been hiding it from them. He stated that at that time, they had nothing to indicate where the loose change came from. He stated that it amounted to several hundred dollars and they began to attempt to determine where it came from and what to do with it.

Chief Osterkamp stated that on August 20, 2010, a maintenance technician came in and said he needed to get in the ceiling for some air-conditioning work. He stated that when the technician moved panels in the ceiling of Mr. Haller's former office he discovered a hidden envelope that contained several other envelopes which all contained cash. He stated that the cash totaled almost \$700. He stated that was the first indication that there was possibly criminal activity involved and he made the decision to contact the FDLE. He stated he called the resident field agent in charge, Mr. Wayne Ivey, and met with him to explain the circumstances. He explained that if there was any criminal activity involved he did not want to conduct the investigation in-house and so he had asked FDLE to perform it. He stated that on October 21, 2010, the assigned FDLE agent met with him and they went through the entire process, and he gave him access to the room.

Chief Osterkamp stated that following Mr. Haller's departure they immediately started the process of hiring a new evidence technician. He stated that they had a nationwide advertisement and received quite a bit of interest and had ultimately hired someone in November 2010, who came all the way from Indiana. He stated that they re-assigned the property custodian as well during the investigation who she decided to stay where she had been reassigned. He explained that she was replaced with another applicant from the original posting for Mr. Haller's job and that occurred in March 2011. He stated that between April and June 2011, they wrapped up their inventory process. He stated that it took over a year to go through everything in the property and evidence room, purge those items that were no longer needed, develop a new tracking system and purchase new equipment necessary to adequately document and inventory the property and evidence items. He stated that the draft report was written and shared with the City Manager and that the final report was shared on August 3, 2011. He explained that FDLE was still doing their investigation, and he had been in contact with them throughout and had spoken with them last week. He stated that they thought the report would be concluded soon and when it was it would be shared with the Commission.

Commissioner Boehm asked if not receiving the accreditation last year was predicated on the events just detailed and he questioned how that could be, if they had been taken care of and completed by August 3, 2011; Chief Osterkamp said that he was correct that they had been taken care of by that date.

Commissioner Boehm stated that the impression in the article was that this problem was ongoing and had not been taken care of.

Chief Osterkamp agreed and stated that the process was initiated back in 2010 and he thought it was prudent and necessary that the audit, inventory, and stabilization of the property and evidence room occur.

Commissioner Partington stated that it did not make sense to him that accreditation had been received when the evidence room was a mess. He stated he did not understand why, now that problem was found by Chief Osterkamp and fixed, they were somehow denied accreditation. He stated it made the whole accreditation process seem quite suspect.

Chief Osterkamp stated that the issue was that part of that reaccreditation cycle included 2009, 2010 and 2011. He stated that the way the accreditation board viewed it was that during that time, and since 2002, they were actually not in compliance with the standards because of the condition of the evidence room. He stated that the board acknowledged it was corrected, but FDLE deemed that it had been too large of an issue to overcome.

Commissioner Partington asked whether the accreditation meant anything if it could be received with the evidence room being in such disarray. He asked if anything had been done with the procedures for conducting audits so that they improved and removed the human element.

Chief Osterkamp stated that in 2002 when they were accredited, the standards did not require a full annual audit and inventory, as that requirement started in 2010. He stated that was one of the reasons they performed a full audit and inventory, as a standard for the accreditation process to show them that they were in compliance.

Mayor Kelley asked if they had been conducting annual audits previously; Chief Osterkamp stated that they had done quarterly random audits, which was sufficient for the prior accreditation standards.

Mayor Kelley asked if they would have received accreditation if the department had not done the full audit when the standards changed in 2010; whereby, Chief Osterkamp stated that now every year they did a complete annual audit from the floor to ceiling, accounting for every item, in order to comply with the accreditation standards.

Mayor Kelley stated that it did not make sense to him that we did not receive accreditation and he expressed his concern that the public's impression was incorrect. He stated that the Commission had confidence in Chief Osterkamp and the department.

Commissioner Kent stated that he wanted to tell Chief Osterkamp publicly that what he did was what a man of honor would do. He stated that from one man to another he was proud of him because he easily could have taken the path of his predecessors. He stated that hearing there were items in the room from the 1970s, he had to believe that the Chiefs before him looked at the room, listened to his wise counsel and decided not to touch it with a ten-foot pole. He stated that it took a lot of guts and integrity for him to do the right thing. He stated that Chief Osterkamp had to know that they were going to find something after not having audited the room for 22 years. He stated that he personally wanted to thank him for taking that step. He stated that he assumed that there were now safeguards in place which would provide for this type of thing to never happen again. He also stated this made him think about the scenario of a subordinate going to the Chief and making a suggestion and that if the Chief did not listen that that would be the end of it. He wondered if possibly there could be a plan in place that if someone were to have attended training and were to tell the Chief what they had learned there and felt should be implemented, that it could also be heard by the City Manager. He felt that there should at least be someone else that heard about such ideas. He again thanked Chief Osterkamp for doing the thing that an honorable man does and standing up and taking on something that would be negative and uncomfortable. He stated it proved that Ms. Shanahan did the right thing by selecting him as Chief.

Chief Osterkamp thanked Commissioner Kent and told him he appreciated his comments.

Ms. Shanahan thanked the Chief and his department and stated that they had taken on a very difficult task. She stated that it was something he knew was the right thing to do. She explained that they were still waiting on FDLE and had implemented all the corrective actions. She stated there were now security cameras, new procedures and new staff in the property and evidence room. She stated that one of the new procedures ensured that one person would never have both the property and the evidence sheet at one time. She stated that they still believed in the accreditation process and it helped show to the community and the officers that they believed in a higher standard. She stated that even the accreditation team had stated that they met the standards and they had already reapplied. She stated that she was confident and hopeful that they would

receive reaccreditation.

#### Landscape Maintenance

Mr. Ted MacLeod, Assistant City Manager and Public Works Director, stated that the landscape maintenance contract would be advertised on Sunday, March 11, 2012, and bids received on April 25, 2012.

#### Business Cards

Commissioner Kent thanked whoever put the Commissioner's business cards up on the dais and stated it was a nice touch.

#### Movies on the Halifax Schedule

Commissioner Kent stated that the past Friday evening he had the pleasure of bringing his family down to watch *Nancy McPhee* at Movies on the Halifax with over 300 other Ormond Beach residents and he had seen Commissioner Partington there with his family as well. He stated that it was an excellent showing. He stated that he knew things arose in scheduling but felt it was important to keep a constant schedule. He stated that the next showing would be on a Thursday evening but he did not hear why. He stated he would prefer to always have it on a Friday. He stated that he thought about it like dinnertime at his home, which was always at a specific time, and one of the rules was that they would not answer the phone because it would interrupt dinner time. He stated that both he and the residents were used to the movie at a specific day and time and he wanted to keep it consistent. He stated he also understood things sometimes came up.

Ms. Shanahan stated that the original date for the next showing fell on Good Friday and that was a city holiday.

Commissioner Kent stated that would be a good day to watch a movie.

Ms. Shanahan stated that it would be Passover as well. She stated that his suggestion was noted.

#### Granada Road Improvements

Commissioner Kent stated that he knew some major improvements were happening on the westside of Granada Boulevard and he had received some complaints about how horrible the pavement looked on the base of the bridge. He stated that there was a three to four inch gap in some of those places. He wondered how many people had hit it and received a flat tire.

Ms. Shanahan stated that it was the responsibility of FDOT and she notify them about it.

#### PAL Program

Commissioner Boehm stated that whenever he had the opportunity to praise the Ormond Beach Police Athletic League (PAL) program he always took it. He stated that he noticed in the *Weekly Review* that the 14 and under PAL boys won their region and were going to state once again. He stated that they had PAL kids that planned the state conferences, attended them, and won state awards, and he thought that it was one of the finest PAL programs in the state. He stated that was another tribute to the police department for supporting that program.

#### Way Finding Signs

Commissioner Boehm stated that when he was turning in to come to the meeting he saw one of the way finding signs and that he had seen them everywhere. He stated that he really believed they represented Ormond Beach well and as Commissioner Kent had said, they really were an excellent design and well executed. He stated he was proud when he saw them.

#### Charlie Ebbets

Commissioner Boehm stated that there was a terrific article about Mr. Charlie Ebbets in the newspaper that day. He stated that the picture they showed of the men sitting eating lunch on a girder was a picture that he had seen many times in his life and he never knew who took it. He stated that he did not know what kind of photographer climbed up 30 stories to stand on a girder to take pictures of men sitting on one. He stated that it was an insane job to build sky scrapers and be standing up there with no safety belts or nets. He stated it was even more remarkable a photographer would go up there to capture a photograph of that. He stated that Ms. Ebbets's husband was a remarkable man and that she was a remarkable woman.

Community Recognition

Ms. Shanahan stated that she wanted to thank the Commission for one of the things they did so well that they did not get credit for, which was recognizing people in the community such as the young people that night with Pop Warner, Joyce Ebbets, and Audrey Parente. She stated that they recognized the people that made a difference in their community and she thanked them for that. She stated that their appreciation touched those citizen's hearts and she thought that might be the only time some of those young people would be recognized publicly for anything that they did and they would remember it for the rest of their lives.

Mayor Kelley stated that one thing that made Ormond Beach so special were the volunteers and the support that they had from the community. He stated that when people asked about the quality of life in Ormond Beach and why people lived here, that was one of the indefinable qualities that made it a great place to be.

Item #10 - Adjournment

The meeting was adjourned at 8:01 p.m.

APPROVED: March 15, 2012

BY: Ed Kelley, Mayor

ATTEST:

Joshua Fruecht, City Clerk