

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

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**April 3, 2012**

**7:00 PM**

**Commission Chambers**

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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**

A. Rev. Bill Owens, First United Methodist Church of Ormond Beach

**3. PLEDGE OF ALLEGIANCE**

**4. PRESENTATIONS AND PROCLAMATIONS**

A. Employee of the Quarter - Jason McKinney

**5. AUDIENCE REMARKS - REGARDING ITEMS NOT ON THE AGENDA**

**6. APPROVAL OF MINUTES**

A. Minutes from City Commission meeting – March 6, 2012

B. Minutes from City Commission meeting – March 15, 2012

**7. CONSENT AGENDA**

**A. RESOLUTION NO. 2012-39 :** A RESOLUTION AUTHORIZING THE EXECUTION OF A QUITCLAIM DEED IN FAVOR OF GEORGE E. CALDWELL AND ANGELA CALDWELL, RELEASING A 7.5-FOOT SIDE YARD UTILITY EASEMENT EXCLUDING THE FRONT 5.0- FOOT EASEMENT ALONG COQUINA LAKE WAY LOCATED ON LOT 20 (35 COQUINA LAKE WAY) BREAKAWAY TRAILS, PHASE 3, UNIT 2B DEVELOPMENT OF REGIONAL IMPACT; AND SETTING FORTH AN EFFECTIVE DATE.

*Staff Contact: Ric Goss, Planning Director (386-676-3238)*

**B. RESOLUTION NO. 2012-40 :** A RESOLUTION AUTHORIZING THE EXECUTION OF A QUITCLAIM DEED IN FAVOR OF GEORGE E. CALDWELL AND ANGELA CALDWELL, RELEASING A 7.5-FOOT SIDE YARD UTILITY EASEMENT EXCLUDING THE FRONT 5.0-FOOT EASEMENT ALONG COQUINA LAKE WAY LOCATED ON LOT 21 (31 COQUINA LAKE WAY) BREAKAWAY TRAILS, PHASE 3, UNIT 2B DEVELOPMENT OF REGIONAL IMPACT; AND SETTING FORTH AN EFFECTIVE DATE.

*Staff Contact: Ric Goss, Planning Director (386-676-3238)*

**C. RESOLUTION NO. 2012-41 :** A RESOLUTION AUTHORIZING THE EXECUTION OF A QUITCLAIM DEED IN FAVOR OF CREEKSIDE DEVELOPMENT OF VOLUSIA COUNTY, LLC, RELEASING A PORTION OF THE REAR 7.5-FOOT UTILITY, DRAINAGE AND MAINTENANCE EASEMENT LOCATED ON LOT 66 (139 CREEK FOREST LANE) CREEKSIDE PLANNED RESIDENTIAL DEVELOPMENT; AND SETTING FORTH AN EFFECTIVE DATE.

*Staff Contact: Ric Goss, Planning Director (386-676-3238)*

- D. RESOLUTION NO. 2012-42 :** A RESOLUTION AUTHORIZING THE EXECUTION OF A QUITCLAIM DEED IN FAVOR OF VANACORE HOMES, INC, RELEASING A PORTION OF THE REAR 7.5-FOOT UTILITY, DRAINAGE AND MAINTENANCE EASEMENT LOCATED ON LOT 65 (137 CREEK FOREST LANE) CREEKSIDE PLANNED RESIDENTIAL DEVELOPMENT; AND SETTING FORTH AN EFFECTIVE DATE.

*Staff Contact: Ric Goss, Planning Director (386-676-3238)*

- E. RESOLUTION NO. 2012-43 :** A RESOLUTION AUTHORIZING THE EXECUTION OF A JOINT PARTICIPATION AGREEMENT WITH THE COUNTY OF VOLUSIA REGARDING UTILITY RELOCATION ON TYMBER CREEK ROAD FROM SR40 TO PERUVIAN LANE; AND SETTING FORTH AN EFFECTIVE DATE.

*Staff Contact: John Noble, City Engineer (386-676-3269)*

- F. RESOLUTION NO. 2012-44 :** A RESOLUTION AUTHORIZING THE EXECUTION OF A COST SHARE AGREEMENT BETWEEN THE CITY OF ORMOND BEACH AND THE ST. JOHNS RIVER WATER MANAGEMENT DISTRICT, REGARDING THE WEST ORMOND BEACH RECLAIMED WATER DISTRIBUTION PROJECT; AND SETTING FORTH AN EFFECTIVE DATE

*Staff Contact: Dave Ponitz, Utilities Manager (386-676-3305)*

- G. RESOLUTION NO. 2012-45 :** A RESOLUTION AUTHORIZING A LOCAL AGENCY PROGRAM SUPPLEMENTAL AGREEMENT BETWEEN THE CITY AND THE FLORIDA DEPARTMENT OF TRANSPORTATION REGARDING THE SR 40 TRAFFIC SIGNAL FIBER OPTIC CABLE INTERCONNECTION; AND SETTING FORTH AN EFFECTIVE DATE.

*Staff Contact: John Noble, City Engineer (386-676-3269)*

- H. RESOLUTION NO. 2012-46 :** A RESOLUTION AUTHORIZING THE SUBMITTAL OF A GRANT APPLICATION TO THE VOLUSIA TRANSPORTATION PLANNING ORGANIZATION FOR FUNDING ASSISTANCE RELATIVE TO MAST ARMS ON A1A AT CARDINAL DRIVE AND HARVARD DRIVE; AUTHORIZING THE EXECUTION OF ALL DOCUMENTS INCIDENTAL THERETO, INCLUDING ANY CONTRACT NECESSARY FOR THE CITY TO ACCEPT THE GRANT AWARD; AND SETTING FORTH AN EFFECTIVE DATE.

*Staff Contact: John Noble, City Engineer (386-676-3269)*

- I. RESOLUTION NO. 2012-47 :** A RESOLUTION AUTHORIZING THE SUBMITTAL OF A GRANT APPLICATION TO THE VOLUSIA TRANSPORTATION PLANNING ORGANIZATION FOR FUNDING ASSISTANCE RELATIVE TO AN ADAPTIVE TRAFFIC SIGNAL CONTROL SYSTEM ALONG SR40 FROM MAIN TRAIL TO TYMBER CREEK ROAD; AUTHORIZING THE EXECUTION OF ALL DOCUMENTS INCIDENTAL THERETO, INCLUDING ANY CONTRACT NECESSARY FOR THE CITY TO ACCEPT THE GRANT AWARD; AND SETTING FORTH AN EFFECTIVE DATE.

*Staff Contact: John Noble, City Engineer (386-676-3269)*

- J. RESOLUTION NO. 2012-48 :** 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 EILEEN D. MCGINN, LOCATED AT 31 BELLEWOOD CIRCLE, ORMOND BEACH, VOLUSIA COUNTY, FLORIDA (PARCEL ID NO. 4210-03-00-0070) 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. 2012-49 :** A RESOLUTION ACCEPTING PROPOSALS AND AUTHORIZING THE EXECUTION OF CONTINUING CONTRACTS WITH FOUR (4) PROFESSIONAL SERVICES FIRMS FOR CONSTRUCTION MANAGEMENT AT RISK SERVICES, UNDER RFQ 2011-29; REJECTING ALL OTHER PROPOSALS; AND SETTING FORTH AN EFFECTIVE DATE.
- Staff Contact:* John Noble, City Engineer (386-676-3269)
- L. RESOLUTION NO. 2012-50 :** A RESOLUTION AUTHORIZING THE EXECUTION OF AN INTERLOCAL AGREEMENT BETWEEN THE CITY AND THE COUNTY OF VOLUSIA REGARDING THE ANDY ROMANO BEACHFRONT PARK; AND SETTING FORTH AN EFFECTIVE DATE.
- Staff Contact:* Theodore MacLeod, Assistant City Manager (386-676-3200)
- M. AUTHORIZATION FOR EAST VOLUSIA MOSQUITO CONTROL DISTRICT TO CONTINUE TO PERFORM LOW-LEVEL FLIGHTS OVER THE CITY OF ORMOND BEACH**
- Staff Contact:* Joshua Fruecht, City Clerk (386-676-3340)
- Disposition:* Approve as recommended in the City Manager memorandum dated April 3, 2012.
- N. CITY OF ORMOND BEACH WASTEWATER TREATMENT FACILITY FDEP CONSENT ORDER OCD-C-WW-12-0148**
- Staff Contact:* Dave Ponitz, Utilities Manager (386-676-3305)
- Disposition:* Approve as recommended in the City Manager memorandum dated April 3, 2012.
- O. REQUEST FOR PRICING ADJUSTMENT-FIREWORKS BY SANTORE, INC.**
- Staff Contact:* Robert Carolin, Leisure Services Director (386-676-3279)
- Disposition:* Approve as recommended in the City Manager memorandum dated April 3, 2012.
- P. WELCOME SIGNS IDENTIFYING LIBERIA AND SUDAN**
- Staff Contact:* Robert Carolin, Leisure Services Director (386-676-3279)
- Disposition:* Approve as recommended in the City Manager memorandum dated April 3, 2012.
- Q. BID SPECIFICATIONS FOR SEPTIC TRUCK REPLACEMENT**
- Staff Contact:* Theodore MacLeod, Assistant City Manager (386-676-3200)
- Disposition:* Approve as recommended in the City Manager memorandum dated April 3, 2012.
- R. AMES HOUSE REPAIRS**
- Staff Contact:* John Noble, City Engineer (386-676-3269)
- Disposition:* Approve as recommended in the City Manager memorandum dated April 3, 2012.
- S. AUTO RENEW CONTRACT FOR CROSS CONNECTION CONTROL PROGRAM MANAGEMENT SERVICES WITH HYDRO DESIGNS, INC.**
- Staff Contact:* Dave Ponitz, Utilities Manager (386-676-3305)
- Disposition:* Approve as recommended in the City Manager memorandum dated April 3, 2012.

**8. PUBLIC HEARINGS**

- A. SECOND READING OF ORDINANCE NO. 2012-11 :** AN ORDINANCE GRANTING A HISTORIC PRESERVATION AD VALOREM TAX EXEMPTION FOR IMPROVEMENTS TO HISTORIC PROPERTY LOCATED AT 160 EAST GRANADA BOULEVARD; REQUIRING THE EXECUTION OF AN AGREEMENT BETWEEN THE PROPERTY OWNER AND THE CITY; SETTING AN EXPIRATION DATE; AND SETTING FORTH AN EFFECTIVE DATE.

*Staff Contact: Ric Goss, Planning Director (386-676-3238)*

- B. SECOND READING OF ORDINANCE NO. 2012-12 :** AN ORDINANCE VACATING A PORTION OF THE SOUTHWESTERLY SIDE OF FLAGLER ROAD RIGHT-OF-WAY LYING WEST OF NORTH US1, STARTING ON THE SOUTH SIDE OF MAGNOLIA STREET RUNNING SOUTH ALONG FLAGLER ROAD; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; AND SETTING FORTH AN EFFECTIVE DATE.

*Staff Contact: Ric Goss, Planning Director (386-676-3238)*

- C. FIRST READING OF ORDINANCE NO. 2012-13 :** AN ORDINANCE AMENDING SUBSECTION A, ZONING MAP, OF CHAPTER 2, DISTRICT AND GENERAL REGULATIONS, ARTICLE I, ESTABLISHMENT OF ZONING DISTRICTS AND OFFICIAL ZONING MAP, SECTION 2-03, OFFICIAL ZONING MAP AND ZONING DISTRICTS, OF THE CITY OF ORMOND BEACH LAND DEVELOPMENT CODE, BY REZONING THREE PARCELS OF REAL PROPERTY TOTALING 4.78± ACRES LOCATED ALONG FLAGLERROAD AND WEST OF PORTLAND STREET FROM B-7 (HIGHWAY TOURIST COMMERCIAL) TO PBD (PLANNED BUSINESS DEVELOPMENT); AUTHORIZING REVISION OF THE OFFICIAL ZONING MAP; APPROVING A DEVELOPMENT ORDER FOR A PLANNED BUSINESS DEVELOPMENT TO BE KNOWN AS "GARDEN PLAZA STOR-IT", INCLUDING THAT 0.334± ACRE OUTPARCEL SITUATED AT NORTH US HIGHWAY 1 AND PORTLAND STREET; ESTABLISHING CONDITIONS THEREFORE; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; AND SETTING FORTH AN EFFECTIVE DATE.

*Staff Contact: Ric Goss, Planning Director (386-676-3238)*

- D. FIRST READING OF ORDINANCE NO. 2012-14 :** AN ORDINANCE AMENDING SUBSECTION A, ZONING MAP, OF CHAPTER 2, DISTRICT AND GENERAL REGULATIONS, ARTICLE I, ESTABLISHMENT OF ZONING DISTRICTS AND OFFICIAL ZONING MAP, SECTION 2-03, OFFICIAL ZONING MAP AND ZONING DISTRICTS, OF THE CITY OF ORMOND BEACH LAND DEVELOPMENT CODE, BY AMENDING THE OFFICIAL ZONING MAP TO REZONE CERTAIN REAL PROPERTY TOTALING 0.334+ ACRES LOCATED AT THE INTERSECTION OF PORTLAND STREET\ AND NORTH US HIGHWAY 1 FROM B-7 (HIGHWAY TOURIST COMMERCIAL) TO PBD (PLANNED BUSINESS DEVELOPMENT); AUTHORIZING REVISION OF THE OFFICIAL ZONING MAP; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; AND SETTING FORTH AN EFFECTIVE DATE.

*Staff Contact: Ric Goss, Planning Director (386-676-3238)*

**9. SECOND READING OF ORDINANCES**

- A. 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)*

**10. FIRST READING OF ORDINANCES**

- A. ORDINANCE NO. 2012-15 :** AN ORDINANCE CALLING AND PROVIDING FOR A REGULAR MUNICIPAL ELECTION OF THE REGISTERED ELECTORS OF THE CITY OF ORMOND BEACH, FLORIDA, TO BE HELD ON NOVEMBER 6, 2012, FOR THE PURPOSE OF ELECTING OFFICERS TO THE OFFICES OF MAYOR AND CITY COMMISSIONER; PROVIDING FOR QUALIFYING AND ELECTION PROCEDURES; ESTABLISHING A DATE FOR TAKING OFFICE; DESIGNATING THE LOCATION OF POLLING PLACES; PROVIDING FOR SEVERABILITY; AND SETTING FORTH AN EFFECTIVE DATE.

*Staff Contact: Joshua Fruecht, City Clerk (386-676-3340)*

- B. ORDINANCE NO. 2012-16 :** AN ORDINANCE AMENDING DIVISION 1, GENERALLY, OF ARTICLE VI, BOARDS, COMMISSIONS, COMMITTEES AND OTHER AGENCIES, OF CHAPTER 2, ADMINISTRATION, BY ADDING A NEW SECTION TO BE NUMBERED AND ENTITLED SECTION 2-210.2, RIGHT OF GENERAL PUBLIC TO PARTICIPATE IN LOCAL GOVERNMENT PROCESS AND SPEAK AT PUBLIC MEETINGS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND SETTING FORTH AN EFFECTIVE DATE.

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

**11. DISCUSSION ITEMS**

- A. CAMERON BRENNEMAN MEMORIAL PLAYGROUND AT SANCHEZ PARK**

*Staff Contact: Robert Carolin, Leisure Services Director (386-676-3279)*

**12. REPORTS, SUGGESTIONS, REQUESTS**

**13. ADJOURNMENT**

Item #1 – Meeting Call to Order

Mayor Kelley called the meeting to order at 7:01 p.m.

Item #2 – Invocation

Reverend Bill Owens, First United Methodist Church of Ormond Beach, gave the invocation.

Item #3 – Pledge of Allegiance

Mayor Kelley led the Pledge of Allegiance.

Item #4 – Employee of the Quarter – Jason McKinney

Ms. Joyce Shanahan, City Manager, announced that the Employee of the Quarter was Mr. Jason McKinney. She stated that Mr. McKinney was born in Cincinnati, went to high school in Connecticut, and afterwards enlisted in the Navy where he became a disabled veteran while injured during a tour. She stated that Mr. McKinney moved to Ormond Beach in 1989 and worked as a General Manager for 15 years. She stated that he had earned a culinary degree from Daytona State College and was still pursuing his education as a full-time student and had achieved the President's List. She stated he also helped raise money for many charities. She stated that he began his employment with the city in 2008 as a Maintenance Worker II for the Athletic Field Maintenance Division. She stated that shortly after he began his employment he was recognized by the city with the Above and Beyond Service Award. She stated that appreciative comments consistently poured in from all city facility user groups about Mr. McKinney, which demonstrated his willingness to assist others. She stated that he was always willing to work in an emergency situation and had the drive to surpass the expectations of his job duties and responsibilities. She stated that he was always the first to lend a hand and provided a positive outlook. She stated that he was present in the audience, along with his wife Angela and their three children: Jason, Logan, and Dakota.

Mayor Kelley presented Mr. McKinney with a plaque and a watch commemorating his award and showed him the plaque that would be displayed in the atrium at City Hall. He congratulated him on being selected Employee of the Quarter.

#### Item #5 – Audience Remarks

Mr. Jim Schultz, 117 Harvard Drive, stated that the Center for Disease Control (CDC) had recently released some data on autism. He stated that the data was not current and that he felt that the CDC had attempted to subvert reality by releasing such an old report. He stated that they indicated the study had been based on children born in 2000. He stated that the numbers the CDC released stated that one in 88 kids now have some spectrum of autism. He explained that with boys that statistic increased to one in 54. He stated that the study consisted of 14 selected cities. He stated that he thought that the CDC never selected any cities in the states that had the highest autism rates and always started off by selecting cities in those states that had the lowest rates. He stated that if the CDC wanted to find the problem he felt that they should go to where it was notably worse. He also noted that during the course of the study, the CDC eliminated those selected cities that had higher autism rates and then changed the selection to other cities that had lower rates. He stated that, in his opinion, if one looked at the data the only conclusion that could be made was that the CDC was attempting to “cook the books.” He stated that as bad as the released study looked, the CDC did not want it to look as bad as it really was. He stated that Mr. Jack Abramoff, a known lobbyist who did jail time, had said that he owned congressional offices. He stated that the way he claimed in which to own them was by offering staff members new jobs at two to three times their current salary in a few years, if they helped his causes. He stated that Ms. Julie Gerberding, the head of the CDC, was making \$200,000 and was now making over \$2 million working for Merck Worldwide. He stated that he perceived these types of people as caring only about protecting their future income and not about the public welfare. He stated that he believed the system had been subverted, like with fluoridation. He stated that he believed you needed to have integrity and the public needed the ability to see it in order to question it.

#### Item #6A – Approval of the Minutes – March 6, 2012

Mayor Kelley advised that the minutes of the March 6, 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 #6B – Approval of the Minutes – March 15, 2012

Mayor Kelley advised that the minutes of the March 15, 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. He stated that staff had requested that Item #7L be pulled from the agenda.

Ms. Shanahan stated that staff had some issues that they needed to work out with the County in regards to Item #7L and they had been unable to resolve them as of that day. She also stated that she had failed to take Item #11A, which was the proposed re-naming of the playground at Sanchez Park, to the Leisure Services Advisory Board for their consideration and stated that if it was the Commission’s desire to do so, then that item should be pulled, as well.

Commissioner Boehm requested to pull Item #7F.

Commissioner Kent requested to pull Item #7P.

**Commissioner Partington moved, seconded by Commissioner Kent, for approval of the Consent Agenda absent Items #7F, 7L, and 7P.**

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

Mayor Kelley stated that discussion Item #11A would be removed from tonight's agenda and would be sent to the Leisure Services Advisory Board for their review.

Ms. Shanahan stated that she should have initially sent the item to the Leisure Services Advisory Board and apologized for the oversight.

Item #7F – St. Johns River Water Management District Cost-Share Agreement for Reclaimed Water

City Clerk Joshua Fruecht read by title only:

RESOLUTION NO. 2012-44:  
 A RESOLUTION AUTHORIZING THE EXECUTION OF A COST SHARE AGREEMENT BETWEEN THE CITY OF ORMOND BEACH AND THE ST. JOHNS RIVER WATER MANAGEMENT DISTRICT, REGARDING THE WEST ORMOND BEACH RECLAIMED WATER DISTRIBUTION PROJECT; AND SETTING FORTH AN EFFECTIVE DATE

**Commissioner Partington moved, seconded by Commissioner Boehm, for approval of Resolution No. 2012-44, as read by title only.**

Commissioner Boehm stated that oftentimes when an item was placed on the Consent Agenda the Commissioners only had the opportunity to make a comment on it by pulling the item. He stated that was the reason he pulled this item. He stated that the water distribution project was a major undertaking and was located in Zone 3. He stated that it was a project that would provide both irrigation and fire protection with reclaimed water instead of the ground water supply that was currently being used. He stated that the estimated current usage was between 500,000 and 1,500,000 gallons daily of irrigation demand. He stated that it was an environmental program of significant benefit to the State of Florida as well as to Ormond Beach. He explained that the city had applied to the St. John's River Water Management District (SJRWMD) for assistance in the funding of the project. He stated that the SJRWMD only recommended five projects as meeting their program objectives, which included meeting water flows and levels in the interest of long-term health of water bodies. He stated that the SJRWMD believed that Ormond Beach would be doing so by replacing ground water sources with affluent reuse. He stated the SJRWMD had awarded the city \$1,313,578.00, reducing the amount of money the city needed to use to accomplish the project. He stated that he understood it to be pretty rare in the given economic climate to have the SJRWMD support a project financially in that manner. He stated that he wanted to give a giant pat on the back to Mr. Dave Ponitz, Utilities Manager, Mr. John Noble, City Engineer, and to Mr. Ted MacLeod, Assistant City Manager and Public Works Director, for their work on the project. He stated that it showed the city was both environmentally sensitive and doing something terrific for the western part of Ormond Beach and that the SJRWMD recognized those things. He stated that he wanted to thank the staff members who worked on this and that was the reason that he pulled the item.

Mayor Kelley stated that he had also planned on making a similar comment on the item. He stated that in the past the Commission had made comments on any item on the Consent Agenda that they did not wish to discuss afterward, without pulling the item. He stated that that way they would not have to have the item read and vote on it separately.

Commissioner Boehm stated that he was fine with the ability to make comments without pulling the item as long as they were able to do so somewhat contiguous with the Consent Agenda.

Mayor Kelley stated that he would ask at the end of the Consent Agenda whether or not any Commissioner wished to comment on an item and they could do so then, rather than pull the item.

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

Item #7P – Welcome Signs Identifying Liberia and Sudan

City Clerk Joshua Fruecht read by title only:

WELCOME SIGNS IDENTIFYING LIBERIA AND SUDAN

Commissioner Kent stated that he had been surprised when he first saw this item. He stated that as a lover of history he was blown away that he had never heard about it. He stated that he wanted to find out if the information from the I Am Ormond Beach Reunion Committee was 100% accurate.

Ms. Shanahan stated that she would say it was and that Dr. Phillip Shapiro, Quality of Life Board member, who was present, had done significant research on the item. She also stated that in the library there was a picture depicting children of Liberia that were located here. She stated that it was believed to be historically significant.

Commissioner Kent stated that he knew Dr. Shapiro and that he was an excellent historian. He stated that he felt it was great that the signs would be in Ormond Beach to display the rich history that they had.

Mayor Kelley stated that since the Commission was unable to speak to each other, he could not tell Commissioner Kent about it, but he had been approached by the I Am Ormond Beach Reunion Committee about this item and had found out that day about the picture in the library. He stated that now everyone who lived in Ormond Beach would be able to know about it.

**Commissioner Kent moved, seconded by Commissioner Partington, for approval of Item #7P.**

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

Item #7R – Ames House

Commissioner Kent stated that he was pleased about this item. He stated that he believed the city had been looking at a cost of about \$300,000 to renovate the building previously. He stated that he wanted to say he was pleased that the Commission decided to take a different look and now there were at \$17,850 with a five-year warranty, and he was extremely happy about the results.

Item #8A – Tax Exemption Request for Historic Property

Mayor Kelley stated that the following items were now open for public hearing.

City Clerk Joshua Fruecht read by title only:

ORDINANCE NO. 2012-11  
 AN ORDINANCE GRANTING A HISTORIC PRESERVATION AD VALOREM TAX EXEMPTION FOR IMPROVEMENTS TO HISTORIC PROPERTY LOCATED AT 160 EAST GRANADA BOULEVARD; REQUIRING THE EXECUTION OF AN AGREEMENT BETWEEN THE PROPERTY OWNER AND THE CITY; SETTING AN EXPIRATION DATE; AND SETTING FORTH AN EFFECTIVE DATE.

**Commissioner Stowers moved, seconded by Commissioner Boehm, for approval of Ordinance No. 2012-11, on first reading, as read by title only.**



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

Item #8B – Partial Right-of-Way Vacation - 99 Portland Street

City Clerk Joshua Fruecht read by title only:

ORDINANCE NO. 2012-12  
 AN ORDINANCE VACATING A PORTION OF THE SOUTHWESTERLY SIDE OF FLAGLER ROAD RIGHT-OF-WAY LYING WEST OF NORTH US1, STARTING ON THE SOUTH SIDE OF MAGNOLIA STREET RUNNING SOUTH ALONG FLAGLER ROAD; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; AND SETTING FORTH AN EFFECTIVE DATE.

**Commissioner Boehm moved, seconded by Commissioner Stowers, for approval of Ordinance No. 2012-12, on first reading, as read by title only.**

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

Item #8C – PBD Rezoning, Garden Plaza – Stor-It (Vanacore Construction, Inc.)

City Clerk Joshua Fruecht read by title only:

ORDINANCE NO. 2012-13  
 AN ORDINANCE AMENDING SUBSECTION A, ZONING MAP, OF CHAPTER 2, DISTRICT AND GENERAL REGULATIONS, ARTICLE I, ESTABLISHMENT OF ZONING DISTRICTS AND OFFICIAL ZONING MAP, SECTION 2-03, OFFICIAL ZONING MAP AND ZONING DISTRICTS, OF THE CITY OF ORMOND BEACH LAND DEVELOPMENT CODE, BY REZONING THREE PARCELS OF REAL PROPERTY TOTALING 4.78± ACRES LOCATED ALONG FLAGLERROAD AND WEST OF PORTLAND STREET FROM B-7 (HIGHWAY TOURIST COMMERCIAL) TO PBD (PLANNED BUSINESS DEVELOPMENT); AUTHORIZING REVISION OF THE OFFICIAL ZONING MAP; APPROVING A DEVELOPMENT ORDER FOR A PLANNED BUSINESS DEVELOPMENT TO BE KNOWN AS "GARDEN PLAZA STOR-IT", INCLUDING THAT 0.334± ACRE OUTPARCEL SITUATED AT NORTH US HIGHWAY 1 AND PORTLAND STREET; ESTABLISHING CONDITIONS THEREFORE; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; AND SETTING FORTH AN EFFECTIVE DATE.

**Commissioner Boehm moved, seconded by Commissioner Kent, for approval of Ordinance No. 2012-13, 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 #8D – PBD Rezoning, Garden Plaza – Stor-It (Tomoka Holdings, LLC)

City Clerk Joshua Fruecht read by title only:

ORDINANCE NO. 2012-14:  
 AN ORDINANCE AMENDING SUBSECTION A, ZONING MAP, OF CHAPTER 2, DISTRICT AND GENERAL REGULATIONS, ARTICLE I, ESTABLISHMENT OF ZONING DISTRICTS AND OFFICIAL ZONING MAP, SECTION 2-03, OFFICIAL ZONING MAP AND ZONING DISTRICTS, OF THE CITY OF ORMOND BEACH LAND DEVELOPMENT CODE, BY

AMENDING THE OFFICIAL ZONING MAP TO REZONE CERTAIN REAL PROPERTY TOTALING 0.334+ ACRES LOCATED AT THE INTERSECTION OF PORTLAND STREET\ AND NORTH US HIGHWAY 1 FROM B-7 (HIGHWAY TOURIST COMMERCIAL) TO PBD (PLANNED BUSINESS DEVELOPMENT); AUTHORIZING REVISION OF THE OFFICIAL ZONING MAP; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; AND SETTING FORTH AN EFFECTIVE DATE.

**Commissioner Boehm moved, seconded by Commissioner Kent, for approval of Ordinance No. 2012-14, 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

Mayor Kelley stated that the public hearing was now closed.

Item #9A – Firefighter’s Pension Plan Multiplier

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 Kent, for approval of Ordinance No. 2012-10, on second reading, as read by title only.**

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

Item #10A – Calling 2012 Regular Elections

City Clerk Joshua Fruecht read by title only:

ORDINANCE NO. 2012-15  
 AN ORDINANCE CALLING AND PROVIDING FOR A REGULAR MUNICIPAL ELECTION OF THE REGISTERED ELECTORS OF THE CITY OF ORMOND BEACH, FLORIDA, TO BE HELD ON NOVEMBER 6, 2012, FOR THE PURPOSE OF ELECTING OFFICERS TO THE OFFICES OF MAYOR AND CITY COMMISSIONER; PROVIDING FOR QUALIFYING AND ELECTION PROCEDURES; ESTABLISHING A DATE FOR TAKING OFFICE; DESIGNATING THE LOCATION OF POLLING PLACES; PROVIDING FOR SEVERABILITY; AND SETTING FORTH AN EFFECTIVE DATE.

**Commissioner Kent moved, seconded by Commissioner Partington, for approval of Ordinance No. 2012-15, on first reading, as read by title only.**

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

Item #10B – Right of Public to Speak at Meetings

City Clerk Joshua Fruecht read by title only:

ORDINANCE NO. 2012-16

AN ORDINANCE AMENDING DIVISION 1, GENERALLY, OF ARTICLE VI, BOARDS, COMMISSIONS, COMMITTEES AND OTHER AGENCIES, OF CHAPTER 2, ADMINISTRATION, BY ADDING A NEW SECTION TO BE NUMBERED AND ENTITLED SECTION 2-210.2, RIGHT OF GENERAL PUBLIC TO PARTICIPATE IN LOCAL GOVERNMENT PROCESS AND SPEAK AT PUBLIC MEETINGS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND SETTING FORTH AN EFFECTIVE DATE.

**Commissioner Partington moved, seconded by Commissioner Kent, for approval of Ordinance No. 2012-16, on first reading, as read by title only.**

Commissioner Boehm stated that under Rule 4.5a-c: Comments by the General Public, it read “*discussion items when the Commission may vote on the item.*” He stated that in Rule 5.2g: Discussion Items, it read “*the right of the members of the general public to speak to matters that are the subject of discussion items without a limitation to those things which would be voted upon.*” He stated that his concern was that the only opportunity that the Commission had to talk to one another under the Sunshine Law was at Commission meetings. He stated that discussion items, which they did not tend to vote upon, were just an opportunity for them to talk to one another. He stated that to allow the public to speak first, in the middle, or after them, would disrupt that process.

Mr. Randy Hayes, City Attorney, stated that the parenthetical language in 4.5a-c actually referred to a previous rule, which was subsequently amended to allow members of the public to speak regardless of whether or not the Commission votes. He stated that they had the ability to bend the rules whenever they wanted and previous Commissions had gone back and forth on this topic. He stated that if they wanted to keep the rules the same that was fine, but that they could also tweak them if they desired in the future.

Commissioner Boehm stated that the members of the public could call the Commission on the phone, send them an email, and talk to them at any time about any issue. He stated that generally discussion items were items for the Commission to determine amongst themselves if there was any interest. He stated that it was their only opportunity as a Commission to talk to one another. He stated that during the audience remarks section the audience had the opportunity to talk about anything that they wished. He stated that anyone could speak on any public hearing or ordinance or anything else during the meeting. He stated that the only time the Commission could just have a discussion, and not be speaking about voting, was during the discussion section. He stated that he would like to see the public comments limited to only when the Commission may vote on an item.

Mayor Kelley stated that he agreed and stated that if it the item was such that it would be brought back to be voted on, then there would be at least two other opportunities for the public to comment. He stated that he did not feel people understood that the Commission was not permitted to speak to one another outside of a public meeting. He stated that he was a proponent for there being a time for the Commission to speak to each other uninterrupted, and he felt that the time should be set aside for that purpose. He stated that he thought the Commission had been leaning that way. He stated that the chair at any time could also change, with the Commission’s approval, allowing the public to comment at that time. He stated that he knew that they had people in the past that wanted to discuss issues that had already been discussed multiple times previously.

Commissioner Partington suggested the language could be amended to read “speak to matters that are the subject of discussion items, only if they would be voted on at that meeting.” He asked if that would that satisfy the concerns raised. He stated that he agreed with the Mayor and Commissioner Boehm that they needed that time to talk and generally the things they would discuss would be coming back before them at future meetings, where they would have the opportunity for public comment. He stated that the Commission had some occasions where they discussed an item and then had to waive the Thompson Rule because they did end up voting on that item that night. He stated that would be the only instance of concern where the public may not have the opportunity to speak.

Mayor Kelley stated that perhaps language could be added stating that if they did waive the Thompson Rule and action was to be taken to a vote, then the public would be allowed to comment at that time. He asked whether or not that would work for everyone.

Mr. Hayes stated that what they had before them that evening was an ordinance that established a broad policy. He stated that the policy was a reflection of the practice that had been implemented in previous Commissions through the Rules of Procedure. He stated that the rules themselves were not before them that evening. He stated that what staff would do, based on the discussion, was modify that particular rule and bring it back before them at another time where they could review it and amend it accordingly by resolution.

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

#### Item #12– Reports, Suggestions, Requests

##### Upcoming Workshops and Meetings

Ms. Shanahan stated that on April 17, 2012, at 5:30 p.m. there would be an Ideas Workshop preceding the regular Commission Meeting. She stated that they would be scheduling Ideas Workshops once a quarter. She stated that May 1, 2012, would be the Cross Connection Control Program Workshop prior to the regular Commission meeting. She also stated that the Town Hall Budget Meeting would be on May 15, 2012, at 5:30 p.m., preceding the regular Commission meeting.

##### County Agreement

Ms. Shanahan stated that staff still had ongoing issues with Volusia County relative to the interlocal boundary agreement. She stated that they were working to resolve those concerns.

##### Movies on the Halifax

Ms. Shanahan stated that the Movie on the Halifax would be on Thursday, April 5, 2012, instead of Friday, when it was usually scheduled. She stated that city facilities would be closed on Friday, April 6, 2012. She stated that next year they would look into making exceptions to accommodate the holiday. She stated that the movie that would be screened was *Hop*.

##### Meet the Camp Counselors

Ms. Shanahan stated that prior to the movie on Thursday, April 5, 2012, at 6:30 p.m., Meet the Camp Counselors would be held at Rockefeller Gardens. She stated that parents and kids could come out and meet the counselors that would be there.

##### Oak Tree Replacement

Mr. MacLeod stated that two oak trees would be planted on April 4, 2012, at The Casements to replace the tree that was deceased.

##### Civil Air Patrol Award

Commissioner Boehm stated that the Civil Air Patrol awarded the regional meritorious service award to Major Steven Lichliter, the city's Airport Manager. He stated that Mr. Lichliter found time, in addition to his busy day job working for the city, to provide outstanding service to the Civil Air Patrol. He stated that he should be recognized and congratulated for doing so.

##### PAL Awards

Commissioner Boehm stated that Ormond Beach must have the greatest Police Athletic League (PAL) organization for a city of its size in the United States. He stated that not only did they have a young man named Greg Barry win a state award as an Outstanding Youth and Mr. Doug Thomas win the National PAL Volunteer Award, but now Marissa Moss was named the National PAL Female Youth of the Year. He stated that for a city of its size and a PAL program of its size, the awarding of national awards was just amazing. He stated that he also wanted to mention that they also won the Volusia County Schools Business Recognition Award. He stated that PAL's trophy case may not be big enough to hold all of the incoming awards. He stated that anyone who wanted to know what supporting youth could mean for a community should look at the PAL organization and see what they are doing.

### Election

Commissioner Partington stated that he was pleased to announce that he would be a candidate for re-election in the Zone 4 Commission race. He stated that after nine years he was still passionate about helping people and had a few projects he wanted to continue to see through. He stated that he had filled out paperwork and opened his campaign account today. He stated that he was looking forward to the future and out of all the Commissions he had served on, he felt the current one had been the best. He stated that he felt they had a great mayor, good leadership, and that the quality of Commissions had continued to improve over the time that he has served. He stated he was pleased to work with all of the Commission members and hoped he was able to continue to do so.

### Central Park

Commissioner Partington stated he was also excited about Central Park. He stated that the headline in the staff produced weekly newsletter was "Central Park Division is Still Strong" and stated that the program to acquire and develop land in Central Park was first formulated approximately 35 years ago as a comprehensive attempt to meet the long range recreation needs of the community. He explained that in 1976 then City Manager Gerald Althouse officially proposed his vision of the Central Park concept and since that time there had been a steady progression of land acquisition and development to create the 150-acre park. He stated that it was a unique asset that Ormond Beach had and when you flew over Ormond Beach you saw a huge green postage stamp in the middle of the city. He stated that it was a beautiful environmental asset and leaders both past and present continued to realize that.

Commissioner Partington stated that on Friday, April 6, 2012, there would be a group of Pine Trail Elementary gifted second graders participating in a plant and wildlife identification project for Central Park. He explained that the project involved 20 to 25 gifted students with magnifying glasses taking notes, pictures and identifying different species of flora and fauna. He stated that the class would be determining what was native and what was non-native. He stated that the teacher of the class, Ms. Albert, was very excited. He stated that Mr. Robert Carolin, Leisure Services Director, and Mr. Stefan Sibley, Recreation Manager, had put a lot of work into the activity. He stated that he would be in attendance and he invited anyone else who had the time to attend to do so. He stated that since Good Friday was a holiday it gave him the ability to be there. He stated that Central Park was a continuing vision and that former Commissioner Joyce Ebbets, who sat in his commission seat prior to him, was a strong supporter of it. He stated that they had a plan that they continued to seek grant funding for and that plan was to have an environmental learning center someday. He stated that the last two pages of the article showed a mock-up of the proposed environmental learning center with a complete plan that was designed by some Florida State University students.

Ms. Shanahan stated that Commissioner Partington had suggested that after the students identified the flora and the fauna they would record Ms. Ebbets reading the description of the plants so eventually the audio could be used in the learning center.

Commissioner Partington stated that Ms. Ebbets had a lovely voice and that she was excited about the project.

### US-1 Entrance Sign

Commissioner Partington stated that the US1 South entrance sign looked beautiful and was a piece of nostalgia. He stated that when you were driving into the city it looked great.

### Southwest Quadrant

Commissioner Partington stated that the Commission had spoken about doing an airport workshop on the Southwest Quadrant project. He stated that he knew Commissioner Kent had mentioned he was interested in having one and wanted to state that he was, as well. He stated he would like to have it sooner rather than later, and was interested in doing it in May or June. He stated that he felt the airport could be one of their most powerful economic engines.

Ms. Shanahan stated that it would have to be in June since they were booked up in May with existing workshops. She stated that she believed it could be held on June 5, 2012.

Mayor Kelley stated that he was also in favor of a workshop and that area was a key to the future of Ormond Crossings.

Ms. Shanahan stated that they would try and schedule the workshop to precede the first Commission meeting in June.

Ormond Leadership

Commissioner Stowers stated that he drew a number of parallels with Commissioner Partington's comments about Central Park to his experience last Saturday morning. He stated that he participated in Ormond Leadership 7 and that Ormond Leadership 9 was currently in session. He stated that Mr. Bill Partington, Sr., was in attendance as well, acting as one of the station managers. He stated that there were six stations with gifted leaders in the community, including Mr. Joshua Fruecht, City Clerk. He stated it was a great time and a number of former Ormond Leadership class members both new and old that were in attendance commented on the hidden gem that was Central Park. He stated that it was a great experience and he wanted to commend Mr. Skip Keating for putting it together. He stated that it was a good experience on a Saturday morning and as it was beautiful outside.

Cameron Brenneman Memorial Playground Proposal

Commissioner Stowers stated he knew that they pulled the item but he wanted to comment on the initiative of the two girls, Hailey and Hayleigh, who wrote the letter requesting Sanchez Park be named to honor their late friend, Cameron Brenneman. He stated reading the letter made his heart melt and showed what a wonderful young man they had lost. He stated that he wanted to commend the girls, because it took a lot of initiative to write the letter and seek out that idea.

Awards and Recognition

Mayor Kelley stated that he was also going to mention Mr. Lichliter and had something he was going to read about him but that he would do so at the next meeting. He stated that he had done a great job and deserved the recognition. He stated that he could not say any more about the PAL program than what Commissioner Boehm had said.

Item #13 – Adjournment

The meeting was adjourned at 7:49 p.m.

APPROVED: April 17, 2012

BY: \_\_\_\_\_  
Ed Kelley, Mayor

ATTEST:

\_\_\_\_\_  
Joshua Fruecht, City Clerk