

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

April 17, 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**
- 2. INVOCATION**
 - A. Chaplin Art Lohman, Oasis Church
- 3. PLEDGE OF ALLEGIANCE**
- 4. PRESENTATIONS AND PROCLAMATIONS**
 - A. Proclamation for David LaBrie
 - B. Proclamation for Richard Petkovsek
- 5. AUDIENCE REMARKS - REGARDING ITEMS NOT ON THE AGENDA**
- 6. APPROVAL OF MINUTES**
 - A. Minutes from City Commission meeting – April 3, 2012
- 7. CONSENT AGENDA**
 - A. RESOLUTION NO. 2012-51** : A RESOLUTION TERMINATING THREE CONTINUING CONTRACTS FOR CONSTRUCTION MANAGEMENT AT RISK SERVICES; AND SETTING FORTH AN EFFECTIVE DATE.
Staff Contact: John Noble, City Engineer (386-676-3269)
 - B. RESOLUTION NO. 2012-52** : A RESOLUTION ACCEPTING A PROPOSAL FROM BARNES, FERLAND & ASSOCIATES, INC., FOR ENVIRONMENTAL ENGINEERING SERVICES REGARDING THE NOVA ROAD LANDFILL CONTAMINATION ASSESSMENT, SECOND PHASE; AUTHORIZING THE EXECUTION OF A WORK AUTHORIZATION AND PAYMENT THEREFOR; AND SETTING FORTH AN EFFECTIVE DATE.
Staff Contact: Kelly McGuire, Finance Director (386-676-3226)
 - C. RESOLUTION NO. 2012-53** : A RESOLUTION ACCEPTING A BID FROM HAZEN CONSTRUCTION, LLC, FOR CONSTRUCTION SERVICES REGARDING THE HAND AVENUE COLLECTOR ROAD UPGRADE PROJECT, UNDER BID NO. 2012-07; AUTHORIZING THE EXECUTION OF A CONTRACT AND PAYMENT THEREFOR; REJECTING ALL OTHER BIDS; AND SETTING FORTH AN EFFECTIVE DATE.
Staff Contact: John Noble, City Engineer (386-676-3269)
 - D. RESOLUTION NO. 2012-54** : A RESOLUTION AUTHORIZING THE EXECUTION OF A LICENSE AGREEMENT BETWEEN THE CITY AND THE FLORIDA EAST COAST RAILWAY, LLC REGARDING IMPROVEMENTS TO THE GRADE CROSSING AT HAND AVENUE; SETTING FORTH AN EFFECTIVE DATE.
Staff Contact: John Noble, City Engineer (386-676-3269)

- E. RESOLUTION NO. 2012-55** : A RESOLUTION ACCEPTING A PROPOSAL FROM ZEV COHEN & ASSOCIATES, INC., FOR CONSTRUCTION ADMINISTRATION AND INSPECTION SERVICES REGARDING THE HAND AVENUE COLLECTOR ROAD UPGRADE PROJECT; AUTHORIZING THE EXECUTION OF A WORK AUTHORIZATION AND PAYMENT THEREFOR; AND SETTING FORTH AN EFFECTIVE DATE.

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

- F. Approval of Agreement with IQM2 for an Agenda Automation System**

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

Disposition: Approve as recommended in the City Manager memorandum dated April 17, 2012.

- G. Emergency Communications Services**

Staff Contact: Joe Mannarino, Economic Development Director (386-676-3266)

Disposition: Approve as recommended in the City Manager memorandum dated April 17, 2012.

- H. Riverside Drive Road Closure Request for Sunday, May 13, 2012**

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

Disposition: Approve as recommended in the City Manager memorandum dated April 17, 2012.

- I. MainStreet Art District Flag Work**

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

Disposition: Approve as recommended in the City Manager memorandum dated April 17, 2012.

- J. Commission Goals for 2012**

Staff Contact: Joyce Shanahan, City Manager (386-676-3200)

Disposition: Approve as recommended in the City Manager memorandum dated April 17, 2012.

8. RESOLUTIONS

- A. RESOLUTION NO. 2012-56** : A RESOLUTION AUTHORIZING EXECUTION OF AN AMENDMENT NO. 2 TO THE AGREEMENT BETWEEN THE CITY AND GHYABI & ASSOCIATES, INC. REGARDING THE JOHN ANDERSON DRIVE ROADWAY IMPROVEMENTS PROJECT; AUTHORIZING PAYMENT THEREFORE; AND SETTING FORTH AN EFFECTIVE DATE.

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

9. PUBLIC HEARINGS

- A. 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 FLAGLER ROAD 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)

- B. 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)

- C. ORDINANCE NO. 2012-17 :** AN ORDINANCE ANNEXING CERTAIN REAL PROPERTY INTO THE CITY OF ORMOND BEACH, SAID PROPERTY BEING GENERALLY LOCATED ALONG THE WEST SIDE OF NORTH U.S. HIGHWAY 1 APPROXIMATELY 825 LINEAR FEET NORTH OF INTERSTATE 95 AND BEING COMMONLY LOCATED AT 1634 NORTH U.S. HIGHWAY 1, INCLUDING THAT PORTION OF OAK STREET ABUTTING THE PROPERTY; REDEFINING THE TERRITORIAL BOUNDARIES OF THE CITY OF ORMOND BEACH TO INCLUDE THE PROPERTY; REDESIGNATING THE BOUNDARIES OF ZONE 1 OF THE CITY OF ORMOND BEACH TO INCLUDE THE PROPERTY; PROVIDING FOR TRANSMISSION; PROVIDING FOR SEVERABILITY; AND SETTING FORTH AN EFFECTIVE DATE.

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

10. SECOND READING OF ORDINANCES

- A. 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)

- B. 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)

- C. 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. 875 Sterthaus Drive, Demolition of existing buildings and site improvements at the former Florida Hospital**

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

12. REPORTS, SUGGESTIONS, REQUESTS

13. ADJOURNMENT

Item #1 – Meeting Call to Order

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

Item #2 – Invocation

Chaplin Art Lohman, Oasis Church, gave the invocation.

Item #3 – Pledge of Allegiance

Mayor Kelley led the Pledge of Allegiance.

Proclamation for Steven Lichliter

Mayor Kelley stated that at the prior meeting he had not had the opportunity to honor Mr. Steven Lichliter, Airport Manager. He explained that Major Steven Lichliter had received the Meritorious Service Award, given by the Southeast Region Commander for outstanding achievement or meritorious service rendered specifically on behalf of the Civil Air Patrol. He stated that the Meritorious Service Award was one of the highest awards given to Civil Air Patrol members by their region's commander. He stated that Major Lichliter currently served as Deputy Squadron Commander of the Ormond Beach Composite Squadron. He stated that the honor he had received was special and was not given often. He stated that he was glad to have recognized Mr. Lichliter that evening when there was a full audience.

Item #4A – Proclamation for David LaBrie

Mayor Kelley stated that Mr. David LaBrie had been a police officer with the City of Ormond Beach since April 2007. He stated that in 2008, Mr. LaBrie was cross leveled for his first deployment to Afghanistan with the 221st Ordnance Company, where he served as an Ordnance Officer in charge of an ammunition supply unit. He stated that as an Army First Lieutenant, he had recently returned to employment following a second one year deployment to Kandahar, Afghanistan. He stated that in 2010, Mr. LaBrie was again ordered to active duty and cross leveled to the 368th Engineer Battalion to serve as a Maintenance Control Officer whose duties included tracking parts and equipment

locations through the battlefield and updating the Battalion Commander. He acknowledged that we lived in freedom today because of the valiant sacrifices made, and still being made, by servicemen such as Mr. LaBrie, who continued to serve his country as a member of the Army Reserve. He stated that Mr. LaBrie returned home safely to Palm Coast in January 2012. He stated that Mr. LaBrie's girlfriend, Lauren, was in attendance and had supported him throughout his deployment. He proclaimed April 18, 2012, as a day to pay tribute to Mr. David LaBrie, Jr., in the City of Ormond Beach.

Item #4B – Proclamation for Richard Petkovsek

Mayor Kelley stated that Mr. Richard Petkovsek decided to become a law enforcement officer because he wanted a career where he could help people and make a difference. He stated that he had been a police officer with the City of Ormond Beach since July 2008 and had joined the Florida Army National Guard in September 2003. He stated that Mr. Petkovsek was deployed to Camp Arifjan, Kuwait, in January 2010 where he served as an Executive Officer for A Company, 53rd Brigade, Special Troops Battalion. He stated that their mission was to be ready to respond to any emergency within 15 minutes, anywhere on the base, 24 hours a day. He stated that the unit conducted over 1,000 patrols and that Mr. Petkovsek was in charge of the unit's maintenance program and served as the Safety Officer. He stated that Captain Petkovsek recently returned to employment following a one year deployment and lived in Palm Coast with his wife and children. He proclaimed April 19, 2012, as a day to pay tribute to Richard S. Petkovsek in the City of Ormond Beach. He stated that it was special that Mr. Petkovsek volunteered and was not drafted and that he was a fine young man.

Item #5 – Audience Remarks

Mr. Eric Sommerlad, Vice President of IAFF 3499 of the Ormond Beach Fire Department, stated that in the fall of 2010 Commissioner Kent had requested a public forum or meeting to have a discussion with the citizens about fire department transport. He stated that in the summer of 2011 he asked about the status of the requested meeting and was told that it was on a "to-do list". He stated that today marked two days until a grant deadline for a transport unit. He stated that the grant would require the state to pay 75% of the cost of the transport unit and the city to pay the other 25%. He stated that he was told that the grant would be on the agenda for tonight's meeting but then he was later informed that it never made it. He stated that his understanding was that the grant application required the hiring of three more personnel and that the city would not support the recommendation of filling the vacant budgeted firefighter positions. He stated that the grant cost nothing to apply for and the worst case scenario would be that the city was awarded the grant and had to turn down the funds. He stated that now they had no options. He explained that the background for the filing of the grant had been prepared for weeks. He stated that being awarded the grant and filling the positions would be an enhancement of delivery services to the citizens and without filling them, the services would be compromised.

Mr. Sommerlad stated that he wished a meeting had been conducted to discuss the options so that the citizens could have given some valuable input and insight, but he felt that listening to the citizens was not an interest or priority to the city administration. He stated that he wanted to inform the Commission of the transport situation in Volusia County. He explained that two weeks ago an ambulance was dispatched from Halifax Hospital to an emergency at the north end of Ormond-by-the-Sea, as that had been the county's closest unit and he certainly hoped the patient had not been critical. He stated that during the past weekend, Volusia County had three and four ambulances down resulting in longer response times. He stated that he felt that it was time for the Mayor and Commissioners to decide whether they would be proactive or reactive. He stated that being proactive came at a price, but he felt that a price could not be put on saving an Ormond Beach citizen's life. He stated that the people of Ormond Beach deserved better.

Mr. Charles Knouse, 118 Sunnybrook Circle North, stated that he had lived in Ormond Beach since 1996. He stated that he originally wanted to talk about an issue with receiving warning tickets on his windshield. He stated that he appreciated the Police Department patrolling and being vigilant in areas where there had been crimes, such as the YMCA parking lot. He stated that he kept a garmin device on his windshield and that was the reason he received all the tickets. He stated that he lived in an unincorporated area of Ormond Beach and he could not understand how that was possible since he had an Ormond Beach post office address. He stated that because he was in the

unincorporated area, he and his neighbors had no political representation in Ormond Beach. He stated that perhaps he could come back or see someone privately for information about that. He stated that he was a participant with the Occupy Wall Street Movement and locally with Occupy Daytona Beach. He stated that there had been some talk about possibly starting a local Occupy Ormond Beach group but they were unsure of what they wanted to do. He stated that if they were to create that group he was hoping that they could work with the Mayor, Commissioners, and Police Department to do so in a way that would be interesting and useful. He stated that he was at a meeting that day where Daytona Beach Police Chief Chitwood was being interviewed by the Occupy Daytona Beach group and that they worked quite well together and solved their differences. He stated that if an Ormond Beach group was formed he hoped that they could have a similar relationship with the city.

Mayor Kelley directed Mr. Knouse to Ms. Shanahan, who provided her business card, and stated that she could speak to Mr. Knouse about his annexation questions.

Item #6A – Approval of the Minutes – April 3, 2012

Mayor Kelley advised that the minutes of the April 3, 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 Stowers moved, seconded by Commissioner Partington, for approval of the Consent Agenda.

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

Item #7G – Emergency Communications Services

Commissioner Kent stated that he was pleased that the Commission had decided to implement this program in the City of Ormond Beach. He stated that he spent quite a bit of time talking with the City Manager and Police Chief about it. He stated that if a citizen signed up for it, they would be alerted to different things happening in the community that they would want to know about.

Item #7I – MainStreet Art District Flag Work

Commissioner Kent stated that he was so pleased that the original starburst design was not chosen. He stated that he was glad they held the contest, as they had a much better product now because of it.

Mayor Kelley showed the artwork that had been adopted for the banner for the Art District. He stated that it would represent that area well.

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

Item #8A – John Anderson Drive Roadway Improvements – Sidewalk Survey / Amendment No. 2

Ms. Joyce Shanahan, City Manager, stated that Mr. John Noble, City Engineer, would introduce the item and that Mr. Dwight Durant of Zev Cohen & Associates, would also speak.

Mr. Noble stated that the John Anderson Drive Roadway Improvement Project was being brought back before the Commission as a follow-up to the November 2011 meeting where they had brought forward Amendment No. 1 and had discussed the sidewalk. He stated that they had been directed to survey the residents and they hired

Zev Cohen & Associates to perform that survey and have a public meeting with the residents. He stated that Mr. Durant would update them about the survey results and afterwards staff would provide their recommendations.

Mr. Durant stated that Zev Cohen & Associates were retained to conduct a public input process, the goal of which was to ensure that all residents were informed about the project and had an opportunity to provide their input. He stated that they performed the survey, held a community meeting, attended the Public Works Advisory Board meeting, and held individual meetings for anyone who wanted them. He stated that the assessment was put together to include previous public input as well as the new survey. He stated that they researched the record to get everyone's input that lived on John Anderson Drive and also recorded all input from those that did not live there. He stated that the tabulated results were in the agenda packet, which also included a color coded map along with a summary listing of the comments of the residents. He stated that 110 out of the 165 residents that live on John Anderson Drive responded and over 60 people that were not residents did as well. He stated that he could read the results or answer any questions.

Mayor Kelley stated that the Commission had read the results. He stated that the results and accompanying information could be found on the city's website. He stated that if anyone had any questions on the results, they would answer them.

Mr. Noble stated that there were three recommendations provided. He stated that they had also reclassified John Anderson Drive from a collector road to a local road and that played a part in the formation of the recommendations. He stated that initially the project had been identified for improvements based on the road's status as a collector road. He stated that the first option was a full reconstruction which would include ten-foot lanes, a type F curve, a five-foot sidewalk, and water and sewer force main improvements.

Mayor Kelley asked whether those force main improvements would be included in all of the three options.

Mr. Noble stated that both water and sewer force main improvements were included in the first two options but only sewer was included in the third. He stated that the second option would be a modified reconstruction which included ten-foot lanes, low-profile Miami curbs and gutter, no sidewalk, and water and sewer force main improvements. He stated that the third option would be a limited reconstruction which included resurfacing of the roadway, no curb and gutter, no sidewalk, and drainage improvements for those areas previously identified as flooding problem areas. He stated that the construction costs for the three options were identified, and he stated there would also be a cost for modification of the current plans.

Commissioner Boehm stated that when the project was discussed last July, the primary reason for the type F curve and gutter was because collector roads had to meet a Florida Power and Light (FPL) setback requirement, and it was necessary to do a type F curve to avoid having to move FPL poles back further into people's yards. He stated that he understood the road was now changed to a local road and that setback requirement would no longer apply and he asked if the reason a Miami curb was proposed in the modified reconstruction was because now they could leave the FPL poles where they were.

Mr. Noble stated that was correct and that because John Anderson Drive was now a local road, there was a lower speed limit and lower clear zone requirements.

Mayor Kelley stated that there were many audience members who wished to speak on this issue and that the audience did not know the direction the Commission preferred.

Commissioner Partington stated that it may be a more effective use of time for the Commissioners to give their opinions first and then the audience members could decide how and if they wanted to speak, depending on the Commission's statements.

Mayor Kelley stated that the Commission would put their opinions on the floor and asked that if the audience member requesting to speak agreed with the Commission's statements, that they please keep their comments brief.

Commissioner Kent moved, seconded by Commissioner Boehm, for approval of Resolution No. 2012-56 approving staff's recommendation of the limited option.

Commissioner Partington stated that he was leaning towards the modified reconstruction which did not include the sidewalks but did provide the complete water and sewer enhancements. He stated that he had heard from citizens in that area that they wanted water, force main, and road improvements, but did not want the sidewalk. He stated that he felt the modified option solved a lot of those problems and would for the next 20 or 30 years. He stated that while the limited option may be cheaper up front, it may not provide a quality solution to road, water, and sewer conditions. He stated that although he leaned toward the modified option he could certainly go with the limited option if that was the pleasure of the Commission.

Commissioner Stowers stated that he wanted to first say that he was an attorney with Cobb Cole and that the firm represented Ghiyabi & Associates on various matters unrelated to the project. He stated that he was required to abstain from the vote because of that relationship; however, he could participate in the discussion. He stated that he spent a number of weeks last July walking John Anderson Drive and talking to residents about the project. He stated that while he appreciated Zev Cohen & Associates' work, their results mirrored what he had found in his research, which was that in no section of John Anderson Drive did over 50% of the residents support a sidewalk. He stated that in the minutes from April 17, 2007, five years ago to the day, there were the same discussions of sidewalks, tree impacts, and stormwater issues and at that time it had been a collector road and the project was just a concept.

Commissioner Stowers stated that since 2007, a lot of information had been learned and it had not been all in vain. He stated that in April 2011, Ghiyabi & Associates had a public meeting when they were at 60% design on the project with sidewalks. He explained that in July 2011, the decision was made to remove the sidewalk because of various issues including the majority of citizens' opposition to it. He stated that since November 2011, the additional public process had been performed by Zev Cohen & Associates. He stated that in looking at the minutes from 2007, he noticed the same pattern of scheduling more meetings. He stated that he was ready for the meetings to stop on this subject, as it had been over five years. He stated that they had heard from the residents numerous times, and he felt they had heard from everyone they were going to hear from. He stated that at some point a difficult decision was going to have to be made, and neither side would have 75% of the vote.

Commissioner Stowers stated that he took all those events and information into consideration, as well as John Anderson Drive being a part of the scenic loop, no longer being a collector road, and the unique configuration of the road. He stated that because of all those factors he was in favor of the limited reconstruction. He stated that the biggest piece of information that he learned over the past couple of weeks was that in 2007, Mayor Kelley, who was then Commissioner Kelley, said he was told the life of the road would be five to 10 years if it was resurfaced. He stated that was five years ago and noted that nothing had been done to John Anderson Drive in that time and it was still a functional, albeit deteriorated, roadway that needed to be resurfaced. He stated that previously the total reconstruction cost would have been \$4.6 million and was now currently at \$6.9 million. He stated that the cost of the limited option was closer to \$2.6 million. He stated that in his opinion, spending that extra \$4 million would negatively impact the loop and potentially do irreparable damage to the root systems of a number of trees. He stated that the \$2.6 million would probably last them closer to 10 to 15 years than five to 10 years. He stated that he had not heard anyone speak about what happened when you widened a road and straightened it out. He stated that if you did so the speeds on the road would become increased. He stated that if you drove up and down Beach Street and then up and down John Anderson Drive, you would be going faster down Beach than you would John Anderson, because it was a straight shot.

Commissioner Kent stated that he wanted to speak about why he made the motion for the limited option. He stated that at first he felt the way Commissioner Partington did in regards to the modified reconstruction. He stated that it would fix the drainage and water problems, as well as eliminate the sidewalk. He stated that his biggest issue with that option would be that 49 oak trees would come down and with the limited option zero trees would be removed. He stated that it was interesting to him that the modified option actually had five more oak trees affected than the full reconstruction. He stated that he had read all of the information that Zev Cohen & Associates and the city had provided; and while it was clear that people did not want sidewalks, it was also clear that they did not want the look and feel of the road to be changed. He explained that removing that many oak trees would change the look and feel of the road; and even if the city was to plant 100 new trees, it would not be the same. He stated that he also was concerned with the cost of the project. He stated that he agreed with Commissioner Stowers that

they would probably get close to 15 years out of the road resurfacing. He stated that originally he was told about seven oak trees would be removed for a full reconstruction of the road and he could have dealt with that if it meant a full reconstruction that lasted for 20 or 30 years. He stated that he felt that removing 50 oak trees would create a situation that would not be able to be fixed.

Commissioner Boehm stated that he had heard all the arguments that he had been making all along. He stated that he was very happy that everyone was in favor of eliminating the sidewalk, because he never thought there should be one in the first place and he had never changed his opinion on it. He stated that he was thrilled there was not going to be any more serious consideration of the sidewalk. He stated that he also agreed that John Anderson Drive was a unique jewel in Ormond Beach and stood alone in its design and existence. He stated that to change or lose the character of that street would be irrevocable. He stated that he was glad that the limited option was created by staff and that Commissioner Stowers and Commissioner Kent agreed that it was the best option.

Mayor Kelley stated that he would not repeat what had already been said. He stated that he still had concerns over the flooding issue and wanted to be assured that the limited option would eliminate some of that. He stated that if they were going to spend nearly \$3 million to fix the road and still have issues with water, some of those that did not want the more advanced repairs done would be back to complain about the ongoing water issues.

Ms. Shanahan stated that they would be addressing the flooding issues to the extent that they could with the limited option. She said that they could not guarantee that it would mean that there would be no standing water on the road. She stated that it would depend on how hard it rained and a myriad of different circumstances.

Mayor Kelley stated that he had friends that lived on John Anderson Drive that wanted a sidewalk, but also for the road to be fixed and had said that they could live without the sidewalk if the road was repaired. He stated that the outcome of the vote was a foregone conclusion and that there were 12 audience members wishing to speak on the manner.

Commissioner Partington stated that the limited option would receive a unanimous vote and he suggested that those who wished to speak in support of that option could wave or gesture to show their support, instead of speaking.

Mayor Kelley suggested if the speaker was in support of the limited option they could stand up and show their support, and if they were against it they could approach the podium and state their reasons.

Ms. Laura Jones, 59 Amsden Road, stated that she agreed with the Mayor and the Commissioners.

Ms. Stacy Cobb, 751 John Anderson Drive, stated that her feelings could not have been expressed any better than by Commissioner Stowers or Commissioner Kent.

Former Commissioner, Mr. Jeff Boyle, 614 N. Halifax Avenue, expressed his agreement.

Mr. Michael Chase, 845 John Anderson Drive, stated that he was in favor of sidewalks. He stated that it seemed like the Commission had made up their minds, but he was glad to see that the project was moving forward. He stated that he would like to see children and pedestrians have a choice to walk safely up and down the street, but he felt that something was better than nothing.

Ms. Barbara Steinberg, 697 John Anderson Drive, stated that she agreed with the Commission but wanted to speak. She asked if there would be a method of replacing the oak trees were lost in the resurfacing and storm drain correction process; whereby Mayor Kelley stated that they would bring in 20 to 25 foot trees and replace them two to one. She stated that her other concern was traffic control and wanted to talk about it since the street was now a residential local road.

Mayor Kelley asked Ms. Steinberg to please stick to the issue of the roadway improvement project; whereby Ms. Steinberg stated that she felt traffic was a part of the issue. Mayor Kelley stated that the Commission was voting on the roadway improvement project contract specifically and stated that they would address the traffic separately.

Ms. Jennifer Serak, 1031 John Anderson Drive, asked whether the limited option impacted the trees; whereby Mayor Kelley stated that it would not impact any oaks or palms. She asked if there would be any curbs; whereby Mayor Kelley stated that there would not be any curbs. She thanked the Commission and specifically Commissioner Stowers for “sticking to his guns.”

Mr. Murray Steinberg, 697 John Anderson Drive, stated that he wanted to thank the Commission for their handling of the issue. He stated that the residents had been there before and wanted to know whether they would have to come back again or if it was a “done deal” this time.

Mayor Kelley stated that the decision would not change, at least not before November, when there was an election. He stated if there was a new Commission, he could not guarantee the outcome. He stated that the project should be getting underway in the next three months.

Mr. Anthony “Tony” Welch, 81 Diane Drive, thanked the Commission for their decision and consideration. He stated that the attention paid to the citizens and the information given to them made him proud to live in Ormond Beach. He stated that if you went by the historical museum you would find a picture on the wall of John Anderson Drive and it was of the residents there complaining that all of the trees had been cut and that the character had been changed when it was paved in 1908. He stated that nothing changed.

Ms. Joan Cavanaugh, 681 John Anderson Drive, stated that she supported the unanimous decision of the Commission and thanked them for supporting the majority.

Mr. Charles Coleman, 305 John Anderson Drive, stated that the areas that were issues with regard to flooding were about 300 to 400 feet south of Halifax Drive and about 300 to 400 north of Neptune Avenue. He asked if the drainage improvements could be limited to those areas. He also suggested that anything being done to the sewer could be kept down the center line of the existing roadway so it would disturb the trees as little as possible. He thanked Commissioner Boehm for his words at the July meeting and for turning the tide. He thanked Commissioner Stowers and Commissioner Kent for their words that evening and stated he looked forward to having the road just like it was.

Mr. Ted MacLeod, Assistant City Manager and Public Works Director, stated that the amount in the resolution should be changed from the \$72,000 to \$54,722.64.

Commissioner Kent stated that with his motion he was fine amending to that reduction.

Commissioner Boehm stated he wanted to provide some clarification on some of the comments he had heard. He explained that in the limited design there would be no modifications to the existing roadway cross section, since the only work effort would be to mill and resurface the existing surface. He stated that it would also incorporate traffic calming features to reduce the average speed through the corridor, including the addition of stop signs and textured pavement at select intersections.

City Clerk Joshua Fruecht read by title only:

RESOLUTION NO. 2012-56
A RESOLUTION AUTHORIZING EXECUTION OF AN AMENDMENT NO. 2 TO THE AGREEMENT BETWEEN THE CITY AND GHYABI & ASSOCIATES, INC. REGARDING THE JOHN ANDERSON DRIVE ROADWAY IMPROVEMENTS\ PROJECT; AUTHORIZING PAYMENT THEREFORE; AND SETTING FORTH AN EFFECTIVE DATE.

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

Item #9A – PDB 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 Stowers, for approval of Ordinance No. 2012-13, on second 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 #9B – 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 Stowers for approval of Ordinance No. 2012-14, on second 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 #9C – 1634 N Highway US1 (Super 8) Annexation

City Clerk Joshua Fruecht read by title only:

ORDINANCE NO. 2012-17

AN ORDINANCE ANNEXING CERTAIN REAL PROPERTY INTO THE CITY OF ORMOND BEACH, SAID PROPERTY BEING GENERALLY LOCATED ALONG THE WEST SIDE OF NORTH U.S. HIGHWAY 1 APPROXIMATELY 825 LINEAR FEET NORTH OF INTERSTATE 95 AND

BEING COMMONLY LOCATED AT 1634 NORTH U.S. HIGHWAY 1, INCLUDING THAT PORTION OF OAK STREET ABUTTING THE PROPERTY; REDEFINING THE TERRITORIAL BOUNDARIES OF THE CITY OF ORMOND BEACH TO INCLUDE THE PROPERTY; REDESIGNATING THE BOUNDARIES OF ZONE 1 OF THE CITY OF ORMOND BEACH TO INCLUDE THE PROPERTY; PROVIDING FOR TRANSMISSION; PROVIDING FOR SEVERABILITY; AND SETTING FORTH AN EFFECTIVE DATE.

Commissioner Boehm moved, seconded by Commissioner Kent, for approval of Ordinance No. 2012-17, 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

Mayor Kelley stated that the public hearing was now closed.

Item #10A – 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 Partington moved, seconded by Commissioner Kent, for approval of Ordinance No. 2012-12, on second 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 – Calling 2012 Regular Elections

City Clerk Joshua Fruecht read by title only:

ORDINANCE NO. 2012-15
 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 Kent moved, seconded by Commissioner Partington, for approval of Ordinance No. 2012-15, on second 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 #10C – 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 Kent moved, seconded by Commissioner Partington, for approval of Ordinance No. 2012-16, on second 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 #11A – Demolition of existing buildings and site improvements at the former Florida Hospital

Mr. Ric Goss, Planning Director, stated that staff had met with Central Environmental Services (“Central”) along with some Florida Hospital officials in late March out at the 875 Sterthaus Drive site, the former Florida Hospital. He stated that when they discussed the options they quickly realized that they needed to have a meeting with the neighborhood residents to inform them of the developments. He stated that they also felt that the Commission should be informed prior to that meeting.

Ms. Shanahan stated that members of Florida Hospital were also present, including Ms. Joanie Hunt, Director of Government Services, Mr. Daryl Tol, President and CEO, and Ms. Darlinda Copeland, Chief Operating Officer.

Mr. Timothy Timson, Vice President of Sales and Business Development at Central Environmental Services, Inc., stated that he wanted to give an overview of the project they would be performing at 875 Sterthaus Drive for Florida Hospital. He stated that pre-demolition started with site specific logistics being calculated for that particular project, since every project was different. He stated that they would start with fencing and security, and keep the same 24-hour security that Florida Hospital had employed the last three years since their move. He stated that the project hours were Monday through Friday from 7 a.m. to 5 p.m. He stated that they would be putting in Department of Transportation type 3 silt fencing to stop any sediment erosion onto Sterthaus Drive or Old Kings Road and would take measures to make sure that the pond located on the property was safe. He stated that the utility disconnects were almost finished.

Mr. Timson explained that the asbestos abatement was very important, and at no time would any demolition commence without it. He stated that a state licensed asbestos contractor had been working on the tower and was all but finished down to the second floor. He stated that there would be a post-abatement inspection, which was a federal regulation. He stated that all of the abatement would be completed and the interior gutted out prior to any particular structural demolition. He explained that they wanted to make sure the offices on Sterthaus Drive were well taken care of with regards to any dust, so they added the interior gut-out to three stories before taking down the structure so that they could use the structure as a natural containment for the dust. He stated that the rodent inspection was very important and they had received the signed off inspection stating that there were none.

Mr. Timson stated that he also wanted to display the trucking route that would be utilized. He stated that all the trucking would come out the back end of Sterthaus Drive so as to not come through and obstruct any of the businesses. He stated that they would then go down to Old Kings Road and come out on Granada Boulevard, turn on Nova Road, and end up at Hull Road.

Commissioner Partington stated that he did not like that route, as he felt taking Sterthaus Drive to Orchard Drive to Wilmette would provide a straight shot from US1 in a more concealed fashion than going right through a major corridor whereby Mr. Timson stated that the city had met with them and that was the route that they had decided.

Mr. Timson stated that he did not know the geography of the city since he was not from the area, but he would run Commissioner Partington's suggestion by the city. He stated that the current route made left turns that would not cross over any major intersections, which was one of their initial goals. He pointed out gates on a diagram showing the fence that was going to be constructed. He stated that those would not be debris-exiting or equipment-insertion gates and that those particular gates were simply for fire or police access, if needed. He stated that a disposal manifest would be turned over to Florida Hospital where everything they said would be done would be documented, inspected, and recorded and available to everyone.

Mr. Timson stated that he wanted to speak about the demolition sequence. He stated that the Cancer Center and the outlying shed would be the first couple of structures taken down. He explained that the most west building, the Birth Center, would then be conventionally demolished with heavy equipment. He stated that it would then be the tower area and the generator area. He showed a comparison of a project they had done at Disney at the site of the former Pleasure Island. He stated that Central performed major theme park demolition and were one of only two companies in the entire world that were able to work directly with Disney for demolition because of their certifications and safety. He stated that at that project they had taken out 800 loads of construction debris, concrete, dirt, etc., and did so in a major corridor that sometimes had over 25,000 pedestrians in it. He stated that they had left the site green and that would be the same way the site restoration team would leave the Sterthaus Drive project. He stated that the company had 900 days without a loss or injury, 60+ employees, and had received awards from Disney and NASA for their safety. He stated that they had OSHA at one of their jobs which involved cutting a movie theatre out of a live shopping strip and they received letters of accommodation because of the safety practices they had in place.

Mr. Timson stated introduced Mr. Rich Lorenz, President and CEO of Central Environmental Services, Inc., and stated that the company had been around for almost 30 years. He stated that Mr. Lorenz had worked in demolition for almost 45 years, sat on the National Demolition Association Board, was highly regarded in the field, and that everyone in demolition knew him and sought his counsel. He stated that Mr. Lorenz was part of the demolition post-911 and that Central was the city contractor for the City of Orlando. He stated that they provided buildings for the police and fire departments for their activities so that they could train rather than go through simulations. He stated that Mr. Lorenz was also very environmentally conscious.

Mr. Lorenz stated that Central was very proud of working for Florida Hospital on this project and had worked with them on numerous projects throughout the state of Florida for the past 10 to 12 years. He stated that he wanted to emphasize seven seconds versus seventy days. He stated that it would take seventy days for a conventional demolition and seven seconds to drop the tower building on the ground in an implosion because it was an excellent building for it. He stated that he would not have chosen that route if he was not 100% sure that he could set the main tower building directly in its footprint. He stated that the unique thing about the main building was that it was surrounded by a single story all the way around, which added additional pillowing. He stated that when the implosion happened, it would shoot the columns on the first, second, and fourth floors and the elevator tower to the east. He explained that the building would fold in on itself and that the tower would be the last piece to come over and fold on top of the roof. He stated that usually when debris hit the ground it broke up quite a bit and that was what they wanted to do, so that they did not have any pieces left that were high and pushing out.

Mr. Lorenz stated that as the building was taken down, the first stories would cushion the impact and the displacement of air. He stated that the whole building would be completely boarded up from the inside before the implosion. He explained that the process was simple and scientifically proven. He stated that wrecking with a ball was dangerous and that the ball could go anywhere. He stated that in Europe the wrecking ball was banned and now high reaches were utilized. He stated that he could use a high reach on the building but it would take a long time to munch it down. He stated that in that situation anything could happen, such as there could be a pre-collapse of a wall. He stated that it was a meticulous, dangerous, slow job. He stated that while it was done quite often the implosion in this situation was extremely unique. He stated that the tower

was exactly in the middle of the large estate with single story buildings around it which would serve as a cushion so it would not spread after implosion whereas normally they had to pile up debris to keep the building from spreading out. He stated that they planned to do the implosion on a Sunday, early in the morning, and that it would be done within 15 or 20 seconds. He stated that they automatically would check that every one of the detonators went off so that they would know if all of the explosives had exploded. He stated that it was safe and that he believed that this tower would come down very easy. He stated that the building could not have water put on it prior to it imploding because it could affect the charges and wiring. He stated that immediately after the plungers hit, there would be fire hoses and water would begin to vaporize the building as it was coming down. He stated that there would also be dust busters pushing at the building to eliminate as much dust as possible. He stated that usually with a good prevailing wind the dust would be mostly gone within 15 minutes or so. He stated that immediately they would then begin a major clean-up with hired local street sweepers for every street, sidewalk, and any areas affected. He stated that all of the other buildings would be immediately inspected as well.

Mr. Lorenz stated that prior to the demolition they would set 15 seismographs all along the property which would record any concussions that occur. He stated that there would be a complete report on all the seismographs after the implosion. He stated that Pro-Tech, a company which specializes in the protection of the neighbors and surrounding businesses; would also photograph all the buildings and structures on the outside perimeter, such as sidewalks, curbing, and homes. He stated that they would document any cracks or anything preexisting conditions in order to be certain it was not something that the implosion caused.

Mr. Lorenz stated that he used one of the best blasters as a partner, Mr. James Redyke, out of Tulsa, Oklahoma, with Dykon Explosives. He stated that he, along with Mr. Redyke, had just demolished the old Amway Center Arena in Orlando. He stated that they had wanted to bring that roof down safely, so that men would not have to go up in cranes or crane baskets and cut things with a torch. He stated that safety was his biggest emphasis and that he had been wrecking for many years. He stated that in the old days it was pretty "rag tag" but his current concern as a professional was safety and that every employee went home each and every day to their families. He stated he would be happy to answer any questions the Commission may have.

Commissioner Partington asked if the numbering shown on the buildings was reflective of the sequence in which they would be taken down.

Mr. Lorenz stated that 1A was a small metal maintenance building and would be taken down first followed by 1B, which was the Cancer Center. He stated that building two and the bridge leading to the tower would be gone prior to the implosion but the first floors would be intact.

Commissioner Partington stated that he was not the expert, but he wondered why 3A would not be taken down first and then have some of the other buildings be used to shield some of the dust or concussion from the blast.

Mr. Lorenz stated that 4A and 4C would be kept up; whereby Mr. Timson stated so would 3C. He stated that the unique thing about the tower was the one-story buildings surrounded it by a good 25 to 30 feet so they could take the three stories down around it. He stated that if the rubble was trapped with other buildings in the way, then it would be difficult to get to clean-up. He stated that once the outer buildings were cleared and the slab was left, they could work off the slab to process the towers.

Commissioner Partington stated that while that made a little bit of sense to him it did not completely satisfy his concerns and he was worried about older residents that lived at Avante and providing them as much shelter as possible.

Mr. Timson stated that they had spoken to the facility manager there and had a plan in place which involved having the units turned off for the hour around the implosion, putting plywood up, and placing geocloth down on the side of the building to shield them from any type of dust or splatter, just for aesthetic issues. He stated that the blast was not a mushroom where debris would shoot up; instead it would come down with a down force and run into the curtain walls on one side where the first floor was intact.

Commissioner Partington stated that just because he was asking tough questions did not mean he was not in favor of the demolition. He stated that people in the community

did have questions and it was fair to have them answered. He stated that some of the other apartment complexes may have shut-in residents and he wondered how they would be contacted to let them know that the demolition was going to happen.

Mr. Lorenz stated that brochures had been made up and would be hand-delivered to all residents in that area. He stated that they had set up an email account for anyone to make comments or ask questions which would all be answered. He stated that they would utilize Pro-Tech, whose contract included going to each and every surrounding building to document it and who would recommend any additional protective measures that could be taken, if there were any. He stated that it was an implosion of a concrete structure, which required holes being drilled, 3/4 of an inch on each column and then to wrap them with nine non-woven geocloths, which would not pull across, wrap with chain link fencing, then put bands on it. He stated that when the explosives went off, it would then crumble and hold the concrete in but pressure it out to expose the rebar. He stated that gravity would then do the rest.

Mayor Kelley stated that it was not an explosion, but an implosion. He stated that he had seen several demolitions and had watched the Orlando one Mr. Lorenz had referenced.

Mr. Timson said that the email address referenced had been given to everyone in the surrounding area, including the apartments, and that a mail-out had gone to anyone within 600 feet of the site, letting them know that on May 21, 2012, there would be a town hall meeting to educate them about the demolition. He stated that prior to the implosion there would be a mail-out to each business and residence telling them steps they could take the day of the implosion, such as turning off their AC for one hour, to ensure that there would be no impact to them. He stated that they were trying to go as much into the community as possible. He stated they had a meeting at Florida Hospital with some of the businesses located on Sterthaus Drive and Old Kings Road where issues were brought up that were taken personally; whereby Mr. Lorenz stated that he was writing a larger dust plan to protect a pulmonary office across the street.

Mr. Timson stated that the building was in such good shape because of what Florida Hospital did in the three years since they left, such as keeping the utilities running and security. He stated that it was only in that good of shape due to thousands of dollars being spent each month on it. He stated that they were the highest bidding demolition company but were chosen because of their plan for safety and the lowest impact on the surrounding neighborhoods.

Mr. Lorenz stated that he also wanted to mention that the demolition was a good stimulant for the surrounding economy. He stated that the day of the implosion people were very curious and would come out and fill up the hotels and restaurants. He stated that it was a popular event and may help the surrounding businesses. He stated that he hoped to get some coverage as well since television networks liked to shoot the demolition. He stated that Ormond Beach would be known in the news if they were able to shoot the building to bring it down.

Commissioner Kent thanked Mr. Daryl Tol, President and CEO of Florida Hospital for being such a great neighbor in Ormond Beach and stated he was sorry that Florida Hospital was no longer in their address book. He stated that he wanted to thank him and his organization for what they did in the community. He stated that his biggest question was about the asbestos. He wanted to know who would make sure it was removed before the demolition as he did not want anyone getting sick.

Mr. Lorenz stated that the survey would be done by a state licensed consultant. He stated that the consultant went into the building and took samples which were taken to a lab for testing to find if they contained asbestos. He stated that there were 67 samples taken of drywall, stucco, mud, flooring, roofing materials, etc. He stated that it was all tested and pending results. He stated that those results would be quantified and when the results came back they would be verified through Abatement Central, to make sure that each and every bit of asbestos was removed according to DEP and OSHA regulations. He stated that they constantly air monitored, as well. He stated that the current process of removing asbestos was full containment with hooked up hepa filters so that no outside air entered without being filtered and no inside air left the building without going through a filter. He stated that those filters were then taken out and removed in plastic bags. He stated that before any of the workers came out of the containment they must take off everything, which would be bagged, then go through a

shower and into a clean area. He stated that it was a process in which they would never take any shortcuts.

Mr. Timson stated that DEP was informed of the abatement and would be welcome anytime during it to observe. He stated that when they were done DEP would inspect and take a survey to make sure every area was signed off on and pictures of the abatement were placed in a manifest along with the disposal records. He stated that the manifest would have to be turned over to both Florida Hospital and DEP at the end of the project, so that every material that contained asbestos was documented to be removed. He stated that all the material would be hauled out to an asbestos accepting landfill where it would be documented that it was dumped.

Mr. Lorenz stated that every fluorescent light bulb, mercury switch, thermostat, and any oil would also be removed from the building. He stated that they would remove every bit of hazardous material and leave the property clean so grass would grow with no contamination.

Commissioner Stowers stated that he wanted to thank Mr. Tol and Florida Hospital for the maintenance on the building over the last several years. He stated that he was in that area at the YMCA often and noticed that aside from the lack of cars there had been no appreciable difference in the site since it had been vacated. He stated that he appreciated Florida Hospital and Central going above and beyond by coming before the Commission in an abundance of transparency, as the project was really more of a city staff process. He stated as a land use attorney he worked with demolitionists quite frequently. He asked whether there would be a notice that announced the exact time and date of the actual implosion; whereby Mr. Timson stated that they would release a notice noting the exact time of the implosion, but not the time of the actual transport of explosives because it was a Homeland Security regulation that information not be released.

Commissioner Stowers stated that in other demolitions he had seen cabinets and other infrastructure within a building get demolished along with the building. He asked whether all the cabinets and desks would be removed and possibly recycled or if it was not cost feasible to do so.

Mr. Timson stated that Habitat for Humanity had taken everything that they liked and someone also had recently purchased 300 or 400 of the chairs. He stated that medical suppliers were purchasing equipment and electric was being salvaged. He stated he expected to have 80% to 85% of the items diverted away from the landfills. He stated that all of the concrete, asphalt, metals, and limerock would be diverted away from the landfill. He stated that everything they could keep out of a landfill they would.

Mr. Lorenz stated that he was an advocate of donating anything he could to churches, Habitat for Humanity, and non-profit groups. He stated that if the city or any other group was interested in potentially taking some of the items they could call them and they would help them. He stated that the buildings would be gutted out prior to demolition.

Commissioner Boehm stated that he had been in Florida Hospital many times and saw the attention to detail that Florida Hospital put into it; which gave him great confidence that they hired top-notch professionals to perform the job. He stated that he was fascinated by the implosion of the arena in Orlando and he believed that Central was thoroughly professional and would do a great job.

Mayor Kelley stated that he would watch the implosion. He stated that he appreciated Mr. Tol and everything Florida Hospital had done to work with the community, maintaining the property, and trying to help the city find another use for it. He stated that they had gone above and beyond and that gave him total confidence.

Mr. Tol thanked the Commission for the opportunity to be present and to go through the plan. He stated that Florida Hospital had made significant efforts not to have to resort to demolition and to create a thriving use for the building. He stated that multiple people looked at the building but it was a very expensive prospect to take a building of that size and turn it into something useful for virtually any purpose. He stated that the risk to the city in leaving it there in an un-used condition was too high. He stated that they felt very encouraged by this opportunity to create new development in that area that could be positive and help the city grow, as well as allow the neighbors to be in a thriving economic environment instead of being across the street from an empty building.

Commissioner Partington stated that Florida Hospital had been a large part of Ormond Beach for a long time. He asked how Florida Hospital would document what a big part of the city's history they had been. He stated that he had thought perhaps they could do something with aerial photography or video and take pictures of the interior of the building. He stated that his grandfather died there, he had surgery there, other members of his family had surgery there, and two of his daughters were born there. He stated that the building meant a lot to a lot of people.

Mr. Tol stated that they had spent some time discussing that topic. He stated that there were plaques around the property and they had discussed how to preserve them. He stated they had thought about opportunities to create keepsakes and utilizing aerial photography. He stated that hospitals were meaningful places for people as both births and deaths occurred there. He stated they wished to help preserve the memories and had a team internally that was discussing how best to do so.

Commissioner Partington stated that he hoped they would bring in the Ormond Beach Historical Society and the City Manager into their discussion. He stated that he believed the city and the Commission would offer them as much support as possible.

Mr. Timson stated they would show a brief two minute video on the implosion of the Colony Plaza Hotel, which was located on the corner of Highway 50 and Maguire Road. He stated that it was the first hotel that Walt Disney brought special guests to as he was building the Magic Kingdom. He stated that it had been a high level demolition and was heavily scrutinized. He played the video showing the building's complete demolition.

Commissioner Boehm asked if all of the demolitions they performed were video recorded; whereby Mr. Timson stated that they were. Mr. Timson stated that if they performed the implosion it would be videotaped, and several news outlets also liked to participate in filming the event.

Commissioner Boehm stated that he thought that part of the history would be the video showing the demolition and showing what the hospital looked like immediately before.

Mr. Lorenz stated that a video photographer had been hired to start filming the building next week and would be on site for each and every part of the demolition. He stated that they would ensure that everyone received a copy of that footage.

Item #12– Reports, Suggestions, Requests

Medallions of Excellence

Commissioner Boehm stated that one of things he did everyday was read the newspapers as well as listen to radio and television to see what comments were made about Ormond Beach. He stated that in doing so he hoped the negative was minimal to nonexistent and that the positive was ever present. He stated that last Sunday the News-Journal had a section on the Medallions of Excellence that were awarded to the outstanding high school students in the county. He stated that he had personal pride in the fact that two of his daughters won those medallions in their senior years. He stated that there were 45 medallions awarded in this county and 11 were awarded to Ormond Beach residents. He stated that in the Ormond Beach community made up 38,000 out of nearly 500,000 people that live in Volusia County. He stated that it was a tribute to the quality of the education provided to the children and also to their parents for how well they had raised them. He stated that award was not just given to students with a 4.0 GPA but ones that had done a variety of other things in the community.

Commissioner Partington noted the accomplishment and stated that Ormond Beach made up about 8% of the population of the county but had garnered almost 25% of the medallions.

League of Cities

Commissioner Partington stated that the Florida League of Cities ("League") meeting was held in Deltona on March 22, 2012. He stated that Representative Costello was presented with an award and they were present to support him as a former Mayor of Ormond Beach. He stated that the League also announced their new Volusia League of Cities website. He asked Ms. Shanahan if she could post a link to their site on the city's website and send it to each of the Commissioners with the elected officials' section log-on information. He also stated that the League's annual awards banquet would be on May 24, 2012, in the evening. He stated that Ormond Beach also had received a large number of awards and he wanted as many of the Commissioners that could attend

to be there for the citizens and employees that would be receiving awards. He stated that the event would be held at the New Smyrna Beach Yacht Club.

City Manager Association President

Commissioner Partington stated that Ms. Shanahan was being installed as the President of the City Manager's Association for the State of Florida. He stated that he knew Mayor Kelley and his wife would be in attendance and he hoped everyone else could be there as well. He stated that Ms. Shanahan had done a great job and he wanted to support her. He stated that the installation would occur on Friday, June 1, 2012, at 12:00 p.m.

Bridge Walkway

Commissioner Partington stated that he had some residents tell him how beautiful the northwest side of the bridge walkway looked. He congratulated staff on their work.

Resident Concerns with Former Florida Hospital Site

Commissioner Stowers stated that she was copied on a letter the Mayor had received from an angry resident of Zone 1 who had read in the newspaper a comment about the old Florida Hospital site. He stated that the commenter had wondered why the city had not tried to get a Veterans Administration (VA) Hospital to relocate to that site. He stated that in the letter that resident had commented that she guessed the city did not care about their veterans. He stated that last night he stopped by her house to speak with her and she was surprised that he did so. He stated that he informed her that Mr. Joe Mannarino, Economic Development Director, had in fact spoken to the VA hospital and talked about the property. He stated that he himself also talked with Mr. Mannarino and Ms. Shanahan about it and that they went over to Volusia County and spoke with them about it, as well. He stated that at the end of the day the urgency for that type of relocation for that site was not there. He stated the resident had told him that she did not believe anything else could be done with that site because of its restrictions. He explained that the restrictions had been addressed long ago. He stated that she thanked him for sharing the story with her. He stated he wanted to share that story on the record because there may have been other residents who saw that comment in the News-Journal and wondered about it so he wanted to clarify that avenue was looked into. He stated that he felt that Florida Hospital was continuing to be a good steward in the community and he personally thought that empty, clean slate site was much more marketable and the opportunities were virtually endless of what could be put in there.

Introductions

Commissioner Kent stated that he wanted to thank Mayor Kelley for the introductions tonight.

Coffee with Commissioner

Commissioner Kent stated that the next Coffee with Commissioner would be at his home at 130 Magnolia Drive on May 7, 2012, from 4:30 p.m. to 5:30 p.m.

Transport Unit Grant

Commissioner Kent asked that Ms. Shanahan email him later and let him know why the transport unit grant was not applied for.

Bridge Signs

Commissioner Kent stated he had heard rumblings, mainly from one resident, about how tacky the signs looked on the bridge. He stated that he personally wanted to state that he loved them and hoped they never came down.

Crime Stoppers

Commissioner Kent stated that he wanted to remind the Commission that Crime Stoppers would be coming up shortly. He stated that if the city's officer did not win, he would like to provide him with a gun for representing Ormond Beach so well.

Bridge Base

Commissioner Kent also asked Ms. Shanahan to also email him about the base of the bridge, where there still appeared to be a three-inch difference in the pavement. He wondered how many people had gotten a flat tire because of it.

Mr. MacLeod stated that it was on DOT's list to be fixed and that they had started doing some work over there already but were not yet to that particular point.

Election

Commissioner Kent stated that he filed for re-election for the office of Zone 2 City Commission last week. He stated that there was still much work to do with the city and if re-elected he would make sure that he was looking at ways to enhance some of the older parts of the community and keep one of the lowest tax rates. He stated there was much to be done with Ormond Crossings and the water pipe replacement program also.

Resident Concerns with Former Florida Hospital Site

Mayor Kelley stated that he called the woman Commissioner Stowers spoke to and had called another gentleman from Ormond-by-the-Sea with similar concerns.

iPad Instruction Recess

Mayor Kelley announced that he would recess the meeting for City Clerk Joshua Fruecht to give instructions on the new iPad to the Commission. He stated that anyone was welcome to stay for the instructions if they were interested. He recessed the meeting at 9:10 p.m.

Reconvene

Mayor Kelley reconvened the meeting at 9:36 p.m.

Item #13 – Adjournment

The meeting was adjourned at 9:36 p.m.

APPROVED: May 1, 2012

BY: _____
Ed Kelley, Mayor

ATTEST:

Joshua Fruecht, City Clerk