

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

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**June 5, 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. Pastor Michael Carruthers – Ormond Beach Union Church
- 3. PLEDGE OF ALLEGIANCE**
- 4. PRESENTATIONS AND PROCLAMATIONS**
  - A. Proclamation - Central Park Plan Identification Project
  - B. Proclamation - Marissa Moss - National Police Athletic League (PAL) Girl of the Year
  - C. Proclamation - Ormond Beach Pride Academic All American Team
- 5. AUDIENCE REMARKS - REGARDING ITEMS NOT ON THE AGENDA**
- 6. APPROVAL OF MINUTES**
  - A. Minutes from City Commission meeting – May 15, 2012
- 7. COMMUNITY REDEVELOPMENT AGENCY**
  - A. **RESOLUTION 2012-76** : A RESOLUTION OF THE CITY COMMISSION, ALSO ACTING AS THE COMMUNITY REDEVELOPMENT AGENCY, OF THE CITY OF ORMOND BEACH, FLORIDA, AUTHORIZING THE EXECUTION OF A WORK AUTHORIZATION WITH MCKIM & CREED, P.A. REGARDING FINAL ENGINEERING DESIGN SERVICES FOR THE DOWNTOWN UNDERGROUND UTILITIES PROJECT; AND SETTING FORTH AN EFFECTIVE DATE. **(See Item #8A)**

**8. CONSENT AGENDA**

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

- A. **RESOLUTION NO. 2012-76** : A RESOLUTION OF THE CITY COMMISSION, ALSO ACTING AS THE COMMUNITY REDEVELOPMENT AGENCY, OF THE CITY OF ORMOND BEACH, FLORIDA, AUTHORIZING THE EXECUTION OF A WORK AUTHORIZATION WITH MCKIM & CREED, P.A. REGARDING FINAL ENGINEERING DESIGN SERVICES FOR THE DOWNTOWN UNDERGROUND UTILITIES PROJECT; AND SETTING FORTH AN EFFECTIVE DATE.

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

- B. **RESOLUTION NO. 2012-77** : A RESOLUTION ACCEPTING PROPOSALS AND AUTHORIZING THE EXECUTION OF CONTRACTS WITH TWO PROFESSIONAL FIRMS FOR TEMPORARY PERSONNEL STAFFING SERVICES ON AN AS-NEEDED BASIS, UNDER RFP 2012-16; REJECTING ALL OTHER PROPOSALS; AND SETTING FORTH AN EFFECTIVE DATE.

**Staff Contact:** *Shelly Arzola, Human Resources Director (386-676-3202)*

- C. **RESOLUTION NO. 2012-78** : A RESOLUTION AUTHORIZING THE EXECUTION OF A MODIFICATION (NUMBER THREE) TO SUBGRANT AGREEMENT BETWEEN THE DIVISION OF EMERGENCY MANAGEMENT AND THE CITY REGARDING THE HAZARD MITIGATION GRANT PROGRAM; AND SETTING FORTH AN EFFECTIVE DATE.

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

- D. **RESOLUTION NO. 2012-79** : A RESOLUTION AUTHORIZING AND DIRECTING THE SUBMITTAL AND EXECUTION OF AMENDMENTS TO THE COMMUNITY DEVELOPMENT BLOCK GRANT SUBRECIPIENT AGREEMENTS FOR FISCAL YEARS FY2009-2010 AND FY2010-2011 BETWEEN THE CITY OF ORMOND BEACH AND THE COUNTY OF VOLUSIA; AUTHORIZING THE EXECUTION OF AMENDMENTS; AND SETTING FORTH AN EFFECTIVE DATE.

**Staff Contact:** *Loretta Moisiso, Grants Coordinator/PIO (386-676-3315)*

- E. **RESOLUTION NO. 2012-80** : A RESOLUTION AUTHORIZING EXECUTION OF A FIRST AMENDED LEASE AGREEMENT BETWEEN THE CITY AND ORMOND BEACH YOUTH FOOTBALL AND CHEERLEADING ASSOCIATION, INC. REGARDING THE USE OF CERTAIN CITY FACILITIES FOR THE PROVISION AND OPERATION OF A YOUTH FOOTBALL AND CHEERLEADING PROGRAM; AND SETTING FORTH AN EFFECTIVE DATE.

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

- F. **RESOLUTION NO. 2012-81** : A RESOLUTION AUTHORIZING EXECUTION OF A FIRST AMENDED LEASE AGREEMENT BETWEEN THE CITY AND ORMOND BEACH PRIDE, INC. REGARDING THE USE OF CERTAIN CITY FACILITIES FOR THE PROVISION AND OPERATION OF A YOUTH FOOTBALL AND CHEERLEADING PROGRAM; AND SETTING FORTH AN EFFECTIVE DATE.

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

- G. **RESOLUTION NO. 2012-82** : A RESOLUTION AUTHORIZING THE EXECUTION OF A FIRST AMENDMENT TO INTERLOCAL AGREEMENT BETWEEN THE CITY OF ORMOND BEACH AND THE VOLUSIA COUNTY SCHOOL BOARD REGARDING THE USE AND MAINTENANCE OF THE ORMOND BEACH MIDDLE SCHOOL FOOTBALL FIELD AND MULTIPURPOSE FIELD; AND SETTING FORTH AN EFFECTIVE DATE.

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

- H. **RESOLUTION NO. 2012-83** : A RESOLUTION AUTHORIZING THE EXECUTION OF A CHANGE ORDER NUMBER THREE (3) TO THAT CONTRACT AWARDED TO BRASFIELD & GORRIE, LLC, REGARDING THE WASTEWATER TREATMENT PLANT REHABILITATION AND EXPANSION PROJECT, BY INCREASING THE CONTRACT PRICE BY \$60,672.00; AND SETTING FORTH AN EFFECTIVE DATE.

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

- I. **RESOLUTION NO. 2012-84** : A RESOLUTION ACCEPTING A BID FROM HALIFAX PAVING, INC., FOR CONSTRUCTION SERVICES REGARDING THE 2012 ROADWAY RESURFACING PROJECT, UNDER BID NO. 2012-01; 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)

- J. **RESOLUTION NO. 2012-85** : A RESOLUTION AUTHORIZING AND DIRECTING THE CITY CLERK TO PROCURE THE NECESSARY BALLOTS AND OTHER FORMS, TO ARRANGE FOR THE USE OF VOTING MACHINES, AND TO MAKE OTHER REQUIRED ARRANGEMENTS FOR THE REGULAR ELECTION TO BE HELD ON TUESDAY, NOVEMBER 6, 2012; AUTHORIZING THE EXECUTION OF A MEMORANDUM OF UNDERSTANDING FOR SERVICES AND MATERIALS WITH THE COUNTY OF VOLUSIA; SETTING FORTH AN EFFECTIVE DATE.

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

- K. **Bid Specifications for Central Park Paving, Fleming Avenue and Hammock Lane Locations, Bid Number 2012-20**

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

**Disposition:** Approve as recommended in the City Manager memorandum dated June 5, 2012.

- L. **Painting of new mast arms on SR 40**

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

**Disposition:** Approve as recommended in the City Manager memorandum dated June 5, 2012.

## 9. PUBLIC HEARINGS

- A. **ORDINANCE NO. 2012-22** : AN ORDINANCE ANNEXING CERTAIN REAL PROPERTY INTO THE CITY OF ORMOND BEACH, SAID PROPERTY BEING GENERALLY LOCATED ALONG THE EAST SIDE OF NORTH U.S. HIGHWAY 1 APPROXIMATELY 3,062 LINEAR FEET SOUTH OF THE U.S. HIGHWAY 1 AND INTERSTATE 95 RAMP BEING COMMONLY KNOWN AS "GARDENS AT ADDISON" LOCATED AT 1-103 BELLA VITA WAY, INCLUDING DESTINY DRIVE RIGHT-OF-WAY; SETTING FORTH ZONING PRIVILEGES AND OBLIGATIONS REGARDING 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. FIRST READING OF ORDINANCES

- A. **ORDINANCE NO. 2012-23** : AN ORDINANCE AMENDING CHAPTER 2, DISTRICT AND GENERAL REGULATIONS, OF ARTICLE IV, CONDITIONAL AND SPECIAL EXCEPTION REGULATIONS, SECTION 2-57, CRITERIA FOR REVIEW OF SPECIFIC CONDITIONAL AND SPECIAL EXCEPTION, SUBPARAGRAPH T, TELECOMMUNICATIONS TOWERS AND ANTENNAE; BY DELETING SETBACKS FROM RESIDENTIAL ZONING DISTRICTS AND ADDING BALLOON, SIMULATED PHOTOGRAPHIC IMAGING, AND PROPAGATION STUDY REQUIREMENTS; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; PROVIDING FOR SEVERABILITY; AND SETTING FORTH AN EFFECTIVE DATE.

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

## 11. SECOND READING OF ORDINANCES

- A. **ORDINANCE NO. 2012-20** : AN ORDINANCE AMENDING THE CHARTER OF THE CITY OF ORMOND BEACH, FLORIDA, BY AMENDING SECTION 3.08, PROCEDURE; AND SECTION 5.09, COMMISSION ZONES; ADJUSTMENT OF ZONES, PROVIDING AUTHORITY TO CANCEL AND RESCHEDULE CITY COMMISSION MEETINGS; AND REVISING CRITERIA FOR THE REAPPORTIONMENT AND READJUSTMENT OF CITY COMMISSION BOUNDARY ZONES; PROVIDING FOR AND CALLING A MUNICIPAL REFERENDUM ELECTION OF THE REGISTERED ELECTORS OF THE CITY OF ORMOND BEACH, FLORIDA, TO BE HELD ON NOVEMBER 6, 2012; PROVIDING SEVERABILITY; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; AND SETTING FORTH AN EFFECTIVE DATE.

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

- B. **ORDINANCE NO. 2012-21** : AN ORDINANCE AMENDING CHAPTER 3, PERFORMANCE STANDARDS, ARTICLE IV, SIGN REGULATIONS, SECTION 3-46: TEMPORARY SIGNS BY CREATING A NEW SUBPARAGRAPH ALLOWING COMMUNITY EVENT BANNERS DURING OUTDOOR ACTIVITIES; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; PROVIDING FOR SEVERABILITY; AND SETTING FORTH AN EFFECTIVE DATE.

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

## 12. DISCUSSION ITEMS

- A. **RFP Evaluation of Audit Services**

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

## 13. REPORTS, SUGGESTIONS, REQUESTS

## 14. ADJOURNMENT

### Item #1 – Meeting Call to Order

Mayor Kelley called the meeting to order at 7:03 p.m.

### Item #2 – Invocation

Mayor Kelley gave the invocation.

### Item #3 – Pledge of Allegiance

Mayor Kelley led the Pledge of Allegiance.

### City Manager installed as FCCMA President

Mayor Kelley stated that the previous Friday, he and Commissioners Partington, and Kent had the privilege of participating in the installation of Ms. Joyce Shanahan, City Manager, as the President of the Florida City County Manager's Association (FCCMA). He presented Ms. Shanahan with a bouquet of flowers. He stated that the FCCMA was a prestigious organization comprised of County and City Managers from all over the State of Florida. He stated that Ms. Shanahan was only the second President from Volusia County.

Commissioner Kent stated that he knew that the installation was a big deal but when he actually attended he realized just how important it was for the state. He stated that he publicly wanted to say that he was very proud of Ms. Shanahan and was so glad that the City of Ormond Beach was able to claim her. He stated that he hoped that she would stay with Ormond Beach for a long time and that they were better served having her.

Commissioner Partington stated that he wished to echo Commissioner Kent's comments. He stated that it would have been easier not to go to the induction as they

had arrived about 11:30 p.m. after a long night and were up the next day for the luncheon. He stated that the event had been impressive and that Ms. Shanahan had done so much for Ormond Beach that he wanted to be in attendance and was glad that other members of the Commission were there as well. He stated that he was happy to be able to support her in light of everything that she had done for the city. He stated that Ms. Shanahan had an open door policy and had worked with Daytona State College to create a school for staff to learn how to serve the public better. He stated that those were just a couple of examples of positive developments that she had implemented. He stated that Ms. Shanahan really cared about creating an environment that was good for business, good for education, and good for the development of all of the citizens of Ormond Beach. He congratulated Ms. Shanahan on her accomplishment.

Ms. Shanahan stated that she wished to express thanks to the Commission. She stated that Ormond Beach was her home and she was pleased to be here. She stated that she knew from the first day that it was a great fit. She thanked the Commission for allowing her to serve in her official capacity.

#### Item #4A – Central Park Plant Identification Project

Commissioner Partington stated that Ms. Meri Albert was a teacher for the second grade gifted class at Pine Trail Elementary. He introduced an eight-minute video of Ms. Albert's class in Central Park working on an identification project identifying the various species of plants and animals that were in the park. He stated that the majority of the students were eight years old.

Commissioner Partington stated that the identification project had identified 30 species and would also be pointing out interesting facts. He stated that one of his favorite ones was #24: Purple Wood Sorrell, scientific name *oxalis violacea*, which was a native plant that was edible, with a delicious lemony flavor, and had medicinal benefits that quenched thirst, reduced fever, and strengthened a weak stomach. He stated that the boiled down juices could also be gargled to reduce mouth ulcers and a cloth soaked in the juices could be applied to bruises and swellings to reduce inflammation. He stated that his second favorite was item #20 Wild Coffee, scientific name *psychotria nervosa*, which was a native plant that was related to coffee but inedible because of the high caffeine content, and utilized by butterfly and bird species.

Commissioner Partington stated that he hoped to have an Environmental Learning Center completed sometime in the next three to five years in Central Park. He stated that the children were very excited about the project and had a great time.

Mayor Kelley stated that the children were setting the groundwork for what would be there for years to come at the Environmental Learning Center.

Commissioner Kent stated that Commissioner Partington had been working on the Environmental Learning Center project for seven or eight years. He stated that three to five years was too long to wait for the Learning Center to be built and that he would like to see it done in one to three years.

Commissioner Partington stated that Ms. Albert was the Teacher of the Quarter and that Mayor Kelley had presented her with a key to the city; whereby Mayor Kelley stated that the local Outback Steakhouse provided a free lunch for the Teacher of the Quarter.

Mayor Kelley stated that Ms. Meri Albert inspired her second grade gifted class to learn. He stated that they visited Central Park on April 6, 2012, to begin a Central Park plant identification project. He stated that the students took photographs of the plants, trees, and wildlife and wrote a brief description of the items that they discovered. He stated that back in the classroom the students had put together information to scientifically identify the items they collected through internet search and process of elimination. He stated that Ms. Albert created a power point presentation of each item and narrowed down the research results. He stated that the students also presented a power point presentation to the Leisure Services Department staff and Mr. Danny Young, a botanist with Zev Cohen & Associates. He stated that Mr. Young explained to the students if their findings were correct and relayed fun and interesting facts about the types of species the students discovered. He proclaimed June 5, 2012, as a day to recognize Ms. Meri Albert and her second grade class for their Central Park Plant Identification Project and urged all residents to join in acknowledging Ms. Albert and the outstanding students.

Ms. Lori Partington, wife of Commissioner Partington, stated that on behalf of Commissioner Partington and herself, she wanted to present native plants to Ms. Albert in appreciation for her amazing talent, tireless effort, time, dedication, and undying enthusiasm. She stated that she wanted to thank Ms. Albert for the legacy she had begun to create and stated that the children themselves had begun to create a legacy in the community with their knowledge and their love of learning. She stated that they hoped that Ms. Albert's legacy with the Central Park project would continue for years to come.

#### Item #4B – Marissa Moss – National Police Athletic League (PAL) Girl of the Year

Mayor Kelley stated that it was not the first time that the Commission had honored Marissa Moss. He stated that the City Commission was proud to recognize exceptional accomplishments of the youth of the Ormond Beach Police Athletic League (PAL) program. He stated that Marissa Moss knew what it meant to be a PAL kid as she had been an active member of the Ormond Beach PAL program since 2003 and an active participant in the state and national associations of PAL's youth directors program since 2006; where she served as Vice President and Secretary of the Ormond Beach chapter. He stated that she currently served as Trustee. He stated that in 2010 she was selected as the Florida PAL Girl of the Year and on May 24, 2012, she was awarded the National PAL Youth Female of the Year award. He stated that Marissa had exemplified the mission that Florida PAL promoted by accumulating more than 700 hours of volunteer service. He stated that she volunteered at Halifax Hospital, National Night Out, and at beach clean-ups. He stated that she had worked numerous hours collecting and donating blankets for the Coalition for the Homeless and helped the Florida PAL run the YDC All Regional Training Meeting and Cheerleading Competitions. He stated that she served on the Florida PAL Youth Directors Council, Youth Advisory Board, and currently served on the Youth Conference Committee. He stated that she attended Mainland High School where she maintained a 3.8979 grade point average and recently graduated from the Sports Science Academy, participating in basketball and flag football. He stated that she served as a Chief Youth Usher and Youth Usher President for her church. He stated that she was looking forward to attending college at the University of Tampa in their athletic training program. He proclaimed June 6, 2012, as a day to recognize Marissa Moss in the City of Ormond Beach and urged all residents to join him in that tribute. He stated that Marissa was an outstanding representative of the youth in the community.

Ms. Belinda Legut, Community Outreach Recreation Leader, Ormond Beach PAL, stated that Marissa had been a PAL girl ever since she had been with the organization. She stated that when Marissa had entered high school she became involved in a lot of activities. She stated that Marissa had missed a couple of PAL meetings and she called her and asked her why. She stated that Marissa had named other activities and projects that she had and told her that she did not think she could participate in PAL any longer. She stated that she told Marissa that she knew she could do it with their support and they worked out a schedule for her. She stated that she knew Marissa would one day be the State PAL of the Year and the National Female Youth PAL of the Year. She stated that Ormond Beach PAL was so proud of Marissa and all that she had accomplished.

Marissa Moss thanked the Commission for her proclamation and stated that she wanted to note a correction and that the actual name of the award she received was "National PAL Female Youth of the Year".

#### Item #4C – Ormond Beach Pride Academic All American Team

Mayor Kelley stated that American Youth Football (AYF) was established in 1996 as an international youth football organization. He stated that AYF provided support services, scholarships, grants, giving back programs and tournaments to over 700,000 participants, 90,000 coaches, and 40,000 administrators in 50 states and several countries worldwide. He stated that AYF was committed to their giving back programs and had awarded more than \$15 million in grants and athletic supplies over the years to the communities that support youth football. He stated that AYF was the first national organization to offer all inclusive football divisions, enabling every child a place to play. He stated that AYF programs sought to develop well-rounded youth that not only learned the fundamentals of football but the importance of education. He stated that AYF required participants to maintain academic standards in order to participate. He stated that the scholar athletes being honored had achieved the AYF Academic All American Team. He proclaimed June 7, 2012, as a day to recognize Ormond Beach Pride

Football Academic All Americans in the city of Ormond Beach and urged all residents to join him in recognizing their accomplishments.

Item #5 – Audience Remarks

Jim Schultz, 117 Harvard Drive, stated that Milwaukee had recently held a seven hour meeting on fluoridation, complete with experts that flew in to testify. He stated the experts were Dr. Bill Osmunson, who was from the Washington/Oregon area and was a dentist with a Master's degree in public health, Dr. Yolanda Whyte, who was a pediatric doctor in an underprivileged area in Atlanta, who said she diagnosed dental fluorosis every day, and Dr. Paul Connett from New York, a PhD in chemistry, who had written a book on fluoridation. He stated that Milwaukee was doing due diligence and holding an in-depth hearing with experts from both sides. He stated that the Milwaukee Commissioners had noted that the Health Department had seemed to be quite unprepared and cited endorsements instead of science. He stated that in Everett, Washington, Dr. Bill Osmunson and Mr. James Robert Deal, an attorney, were bringing forward the issue of fluoridation. He stated that they had been involved in some related litigation in multiple states. He stated that Mr. Deal was the gentleman that had encouraged him to file a class action lawsuit six years ago and he felt now that he might have been right to encourage him to do so. He stated that Mr. Deal worked pro bono. He stated that he had previously provided the Commission with a paper on Dr. Joseph Mercola, who had cited on his website a study showing a recently published association on sodium fluoride uptake and calcifications in arteries related to heart disease. He stated that there was a lot of data available if they were interested. He stated that locally Dr. Steven Chamberlain, a dentist, was interested.

Item #6A – Approval of the Minutes – May 15, 2012

Mayor Kelley advised that the minutes of the May 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 #7A – Community Redevelopment Agency

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

Mayor Kelley stated that the City Commission meeting was recessed, and he called the meeting of the Community Redevelopment Agency to order at 7:38 p.m. for discussion of Resolution No. 2012-76. He stated that these items were open for a public hearing.

City Clerk Joshua Fruecht read by title only:

RESOLUTION NO. 2012-76

A RESOLUTION OF THE CITY COMMISSION, ALSO ACTING AS THE COMMUNITY REDEVELOPMENT AGENCY, OF THE CITY OF ORMOND BEACH, FLORIDA, AUTHORIZING THE EXECUTION OF A WORK AUTHORIZATION WITH MCKIM & CREED, P.A. REGARDING FINAL ENGINEERING DESIGN SERVICES FOR THE DOWNTOWN UNDERGROUND UTILITIES PROJECT; AND SETTING FORTH AN EFFECTIVE DATE.

**Commissioner Partington moved, seconded by Commissioner Stowers, to recommend approval of Resolution No. 2012-76 to the City Commission.**

The motion passed unanimously by voice vote.

Mayor Kelley adjourned the CRA meeting and reconvened the City Commission meeting at 7:40 p.m.

Item #8– 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 Kent requested Item 8H be pulled for discussion.

**Commissioner Boehm moved, seconded by Commissioner Stowers, for approval of the Consent Agenda, absent Item 8H.**

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

Item #8H – Wastewater Treatment Plant Expansion, Bid No. 2010-10 – Change Order No. 3

City Clerk Joshua Fruecht read by title only:

RESOLUTION NO. 2012-83  
 A RESOLUTION AUTHORIZING THE EXECUTION OF A CHANGE ORDER NUMBER THREE (3) TO THAT CONTRACT AWARDED TO BRASFIELD & GORRIE, LLC, REGARDING THE WASTEWATER TREATMENT PLANT REHABILITATION AND EXPANSION PROJECT, BY INCREASING THE CONTRACT PRICE BY \$60,672.00; AND SETTING FORTH AN EFFECTIVE DATE.

**Commissioner Partington moved, seconded by Commissioner Stowers, for the approval of Resolution No. 2012-83, as read by title only.**

Commissioner Kent stated that he had only requested to pull the item so that he could vote “no”. He stated that he knew that the Commission and the public already knew how he felt about change orders. He stated that he knew the work had to be performed and that he was not blaming staff.

Mayor Kelley stated that he did not think any member of the Commission would get over the fact that the city had change orders. He stated that he believed the reason they had them was because of the restrictions from the state and the way they dictated they do business; whereby Commissioner Kent stated that he agreed. He stated that it cost money for the city to be transparent and to do things in a fair way. He stated that the restrictions actually penalized them and cost the taxpayers a lot more money than it would if they could handle the process in a different way.

Call Vote:	Commissioner Partington	Yes
	Commissioner Stowers	Yes
	Commissioner Kent	No
	Commissioner Boehm	Yes
Carried.	Mayor Kelley	Yes

Mayor Kelley thanked Commissioner Kent for his comments.

Commissioner Partington stated that he also had some issues with that item but had spent close to an hour that morning with Mr. Dave Ponitz, Utilities Manager, who had helped him understand the process. He stated that he appreciated staff taking the time to explain that to him.

Mayor Kelley stated that the next item was open for a public hearing.



Item #9A – Gardens at Addison (1-103 Bella Vita Way) and Destiny Drive Annexations

City Clerk Joshua Fruecht read by title only:

ORDINANCE NO. 2012-22

AN ORDINANCE ANNEXING CERTAIN REAL PROPERTY INTO THE CITY OF ORMOND BEACH, SAID PROPERTY BEING GENERALLY LOCATED ALONG THE EAST SIDE OF NORTH U.S. HIGHWAY 1 APPROXIMATELY 3,062 LINEAR FEET SOUTH OF THE U.S. HIGHWAY 1 AND INTERSTATE 95 RAMP BEING COMMONLY KNOWN AS "GARDENS AT ADDISON" LOCATED AT 1-103 BELLA VITA WAY, INCLUDING DESTINY DRIVE RIGHT-OF-WAY; SETTING FORTH ZONING PRIVILEGES AND OBLIGATIONS REGARDING 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 Partington, for approval of Ordinance No. 2012-22, on first reading, as ready 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, hearing no objection, he would close the public hearing.

Item #10A – LDC Amendment – Telecommunication Towers

City Clerk Joshua Fruecht read by title only:

ORDINANCE NO. 2012-23

AN ORDINANCE AMENDING CHAPTER 2, DISTRICT AND GENERAL REGULATIONS, OF ARTICLE IV, CONDITIONAL AND SPECIAL EXCEPTION REGULATIONS, SECTION 2-57, CRITERIA FOR REVIEW OF SPECIFIC CONDITIONAL AND SPECIAL EXCEPTION, SUBPARAGRAPH T, TELECOMMUNICATIONS TOWERS AND ANTENNAE; BY DELETING SETBACKS FROM RESIDENTIAL ZONING DISTRICTS AND ADDING BALLOON, SIMULATED PHOTOGRAPHIC IMAGING, AND PROPAGATION STUDY REQUIREMENTS; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; PROVIDING FOR SEVERABILITY; AND SETTING FORTH AN EFFECTIVE DATE.

**Commissioner Boehm moved, seconded by Commissioner Partington, for approval of Ordinance No. 2012-23, on first reading, as read by title only.**

Commissioner Stowers stated that on Section 15-B it read that there would be "photographs of the site and surrounding area that include a simulated photographic image to scale of the proposed wireless telecommunication facility to show impact". He stated that an applicant would be required to perform the neighborhood test where they put a balloon up to the proposed tower's height and asked whether there could be an additional requirement that they take a photo of that as well. He stated that he would like a real photograph of the balloon in addition to the conceptual rendering for contrast purposes. He stated that he recalled receiving a notice for one of these tests and wanted to go out to the Granada Bridge himself and look out and see the balloon but was unable to. He stated that he would like to have that balloon photograph for the file.

Mr. Ric Goss, Planning Director, stated that he could absolutely add that requirement and stated that the ordinance was only on first reading. He stated that the city had requested that the last two applicants perform those steps and it had been a great help to show the simulated images at neighborhood meetings. He stated that the propagation study had also been helpful in determining the height the tower needed to be rather than taking the applicant's word for it. He stated that he would think the balloon photographs would be taken from the same points that they would be taking the

simulated photograph from. He stated that way both the balloon and the simulated photograph would be to scale.

Mayor Kelley stated that the simulated tower picture would present a more realistic approximation because the size of the balloon would not be the size of the top of the tower.

Mr. Goss stated that the balloon would be floated at the exact height of where the tower was supposed to be; whereby Ms. Shanahan stated that Mayor Kelley was implying that it would not simulate the mass of the tower.

Mayor Kelley stated that the balloon could be larger or smaller than the top of the tower and create a false impression. He stated that he did not know the size of the balloon being used; whereby Mr. Goss stated that they were requesting a very large diameter orange balloon.

Mayor Kelley stated that, with all due respect to Commissioner Stowers, he could not see the value in the photographing of the balloon. He stated that an orange balloon that was not the same size as the tower could create a problem because it only represented the height.

Commissioner Stowers stated that he had worked on projects where they had taken a photograph and added items with a computer program. He stated that he had noticed that sometimes the scale was thrown off some during that process. He stated that having the balloon photograph coupled with the conceptual picture would not take away from the perspective and that could only enhance it. He agreed that the balloon would not be the same scale but stated that from a height standpoint it would give another perspective.

Mr. Goss stated that Commissioner Stowers was looking for a verification of the height; whereby Commissioner Stowers agreed. Commissioner Stowers stated that the photograph would be of the actual balloon and not the computer generated one.

Mr. Goss stated that it was true that sometimes the dimensions in the simulated photography would be off. He stated that he would do whatever the desire of the Commission was.

Commissioner Kent asked about the language in the ordinance removing the setback from neighborhoods and inquired what the setback was currently.

Mr. Goss stated that the setbacks were based upon towers which were not camouflaged. He stated that in 2007 the Commission did away with all of the towers that were non-camouflaged. He stated that they also opened up all the zoning districts to allow only camouflaged towers.

Commissioner Kent asked what the setback had been for non-camouflaged towers; whereby Mr. Goss stated that it had been about 250 or 300 feet, based upon the height of the tower.

Mr. Goss stated that the table determining setbacks had been for non-camouflaged towers. He stated that since camouflaged towers were now allowed in the residential districts that table had been moot since 2007 when they did away with the non-camouflaged towers.

Commissioner Kent asked whether Mr. Goss was asking for the Commission to get rid of the residential setbacks, as it appeared to be that way in the ordinance; whereby, Mr. Goss stated that would remove the setback requirements for non-camouflaged towers, which were no longer allowed.

Commissioner Kent asked if camouflaged towers could go anywhere then; whereby Mr. Goss stated that the Commission had allowed them subject to the criteria approved in 2007.

Commissioner Kent asked if a camouflaged tower could go within 250 feet of a residential area. He stated that he wanted to know before they voted yes on the item; whereby Mr. Goss stated that it could.

Commissioner Kent asked why the Commission was being asked to get rid of the setback requirement then.

Mr. Goss stated that a camouflaged tower was different than a regular tower and in 2007 the Commission voted to use camouflaged towers only and get rid of the concept of the regular towers. He stated that they expanded the zoning districts to allow the camouflaged towers. He stated that the table they were trying to eliminate now had to do with the regular towers which they had gotten rid of in 2007, which were no longer allowed. He stated that the table had no meaning.

Commissioner Kent stated that he had interpreted staff's proposal differently.

Commissioner Partington stated that he had taken it as a measure to clean up the code; whereby Mr. Goss stated that was absolutely correct.

Commissioner Partington stated that it had been confusing to read; whereby Mayor Kelley agreed.

Ms. Shanahan stated that she felt that the confusion was because the whole code had not been reiterated and only the changes had been listed. She stated that in the future they may need to look at the whole code of that particular section so that the content that was already left in was available for review and not just the strike through sections.

Mayor Kelley stated that he believed that was the source of the confusion. He stated that he would support the pictures of the balloon but believed it would cause problems because it would be so different in size from the scheduled photo-shopped tower. He stated that if Commissioner Stowers had seen that utilized he would yield to his expertise. He stated that the ordinance had to have two readings and that he would like to continue with it the way it was and have something simulated to see what they were speaking of.

Commissioner Stowers stated that the test was already done for a finite period of time. He stated his only suggestion was to take a photograph of it and memorialize it so that if you missed the balloon during the two hours it was up, a photograph would be in the file and you would be able to see it. He stated that as the application worked its way through the process the computer generated image would still be relied upon. He stated that he was not suggesting that the balloon photo would be relied upon but that he would like it to be a part of the file that was created. He stated he felt it would make the materials more comprehensive. He stated he felt that the change could be made without continuing the item.

Commissioner Partington asked if Commissioner Stowers was making his request for comparison purposes. He stated that there would be no other way to get a true height than to compare the balloon photograph to the generated picture. He asked Commissioner Stowers for legal documentation purposes if he wanted something else in the file to fall back on regarding the true height.

Commissioner Stowers stated that it would help with the gauge of perspective on the tower. He stated that he had seen where a billboard or building being computer generated could get thrown off scale as compared to some of the trees and other items in the picture.

Commissioner Partington stated that he would vote for it as it was tonight and would most likely support whatever Mr. Goss came up with to address Commissioner Stowers' concerns.

Mayor Kelley verified with Mr. Randy Hayes, City Attorney, that they could vote on the ordinance "as is" and then if there was to be an amendment, time would be allowed to prepare it.

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

Item #11A – Calling Referendum Election for November 6, 2012

City Clerk Joshua Fruecht read by title only:

ORDINANCE NO. 2012-20

AN ORDINANCE AMENDING THE CHARTER OF THE CITY OF ORMOND BEACH, FLORIDA, BY AMENDING SECTION 3.08, PROCEDURE; AND SECTION 5.09, COMMISSION ZONES; ADJUSTMENT OF ZONES, PROVIDING AUTHORITY TO CANCEL AND RESCHEDULE CITY COMMISSION MEETINGS; AND REVISING CRITERIA FOR THE REAPPORTIONMENT AND READJUSTMENT OF CITY COMMISSION BOUNDARY ZONES; PROVIDING FOR AND CALLING A MUNICIPAL REFERENDUM ELECTION OF THE REGISTERED ELECTORS OF THE CITY OF ORMOND BEACH, FLORIDA, TO BE HELD ON NOVEMBER 6, 2012; PROVIDING SEVERABILITY; 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. 2012-20, 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 #11B – LDC Amendment Chapter 3 Section 3-46 Community Event Banners

City Clerk Joshua Fruecht read by title only:

ORDINANCE NO. 2012-21

AN ORDINANCE AMENDING CHAPTER 3, PERFORMANCE STANDARDS, ARTICLE IV, SIGN REGULATIONS, SECTION 3-46: TEMPORARY SIGNS BY CREATING A NEW SUBPARAGRAPH ALLOWING COMMUNITY EVENT BANNERS DURING OUTDOOR ACTIVITIES; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; PROVIDING FOR SEVERABILITY; AND SETTING FORTH AN EFFECTIVE DATE.

**Commissioner Boehm moved, seconded by Commissioner Stowers, for approval of Ordinance No. 2012-21, 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 #12A – RFP Evaluation of Audit Services

Ms. Shanahan explained that the City Commission served as the Audit Committee and that the city went out to bid for audit services every so many years. She stated that staff went out to bid for audit services on April 10, 2012, and the bids received had been presented to the Commission. She stated that as the Audit Committee, it was their responsibility to review those proposals and make a recommendation. She stated that once that was done, staff would negotiate with the top-ranked firm and bring back a contract for their review. She stated that the firms that had submitted proposals were McDirmit Davis & Company, James Moore & Company, Carr, Riggs & Ingram, and McGladrey Pullen & Company. She stated that James Moore & Company was the incumbent and that they had been auditing the city for the last ten years.

Commissioner Partington stated that while he initially had a few questions he ultimately was comfortable staying with James Moore & Company. He stated that he felt that they had provided a quality level of audit services. He stated that his concern had been that in having the same firm doing the audit year after year potential problems could arise. He stated that he asked staff about that issue and was told that James Moore & Company dealt with that by switching project teams so that different people would be

dealing with the city at different times. He stated that he was satisfied with that answer. He stated that the bids were within \$20,000 of each other but that it was not an even comparison because different firms had different amounts of hours proposed. He stated that he had been pleased with the quality of service that they had received from James Moore & Company and that the city had continued to receive awards for their audit year after year.

Commissioner Boehm stated that he was in a business where they worked by hourly rate and had been in that business for 36 years. He stated that the hourly rates being charged by the various organizations equaled to being almost literally the same. He stated that James Moore & Company had more hours involved in their proposal than the lowest bidder but that the lowest bidder did not state that they had personal meetings like James Moore & Company had held with each of the Commissioners. He stated that could account for a significant amount of the difference in time. He stated that it was his view that in that meeting he was given an independent view of what the city was doing and what Ms. Kelly McGuire, Finance Director, was doing. He stated that he had great confidence in Ms. McGuire but that he did not purport to be an expert in the field. He stated that having someone who was an expert say that they were really doing well in an award winning way was very encouraging to him. He stated that he also wanted to point out that they also never failed to mention where the city could improve.

Commissioner Boehm stated that he would additionally add that while he thinks all of the organizations were highly qualified, James Moore & Company was the only one that was a Volusia County based organization and represented other localities in the area. He stated that they were familiar with the area and how the city worked. He stated that a point of value to him was that he considered James Moore & Company to be an excellent citizen of the community. He stated that if you looked at the individuals in the organization, they participated in charitable organizations and local boards, and contributed their time and effort to trying to better communities. He stated that he was proud to work with a company with those values. He stated that he believed all of the companies were qualified but did not feel that any of them made a better case for them to switch from James Moore & Company. He stated that he was with Commissioner Partington on staying with James Moore & Company.

Commissioner Stowers stated that he could not have said it any better than Commissioner Boehm. He stated that Commissioner Boehm explained his position as well as it could be said; whereby Commissioner Kent stated that he agreed wholeheartedly.

**Commissioner Partington moved, seconded by Commissioner Boehm, to recommend continuing to have James Moore & Company provide audit services for the City of Ormond Beach for the next three years.**

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

#### Item #13– Reports, Suggestions, Requests

##### Upcoming Meeting Calendar

Ms. Shanahan stated that she was pleased to report that there would be no more workshops in the month of June. She stated that the meeting calendar in July was somewhat changed and that the regularly scheduled meeting would be held on Tuesday, July 3, 2012. She stated that there would be an Operating Budget Workshop on Monday, July 30, 2012, and the second regular meeting of the month would be on Tuesday, July 31, 2012.

##### Groundbreaking at Andy Romano Beachfront Park

Ms. Shanahan thanked the Commission for attending the groundbreaking at Ormond Beach's Andy Romano Beachfront Park. She stated that if you drove by you would see that good progress was already being made.

##### Capital Improvement Program

Ms. Shanahan stated that she would be happy to discuss with the Commission any questions they had on Capital Improvement projects.

#### Memorial Day Remembrance

Commissioner Boehm stated that the Memorial Day Remembrance on May 28, 2012, unfortunately had to be moved indoors this year due to weather conditions. He stated that he had never seen so many people in The Casements. He stated that when there was an event in Ormond Beach, the citizenry really turned out and he appreciated the quality work that was done by the Leisure Services staff and the Committees that worked on them. He stated that July 4<sup>th</sup> was one of the high points of the year and the crowd there was always unbelievable.

#### FDOT Public Meeting for SR-40 Expansion

Commissioner Partington stated that Thursday evening, June 7, 2012, would be a busy night for transportation projects in the city. He stated that the Florida Department of Transportation (FDOT) was holding an alternative public meeting for the State Road 40 ("SR40") Planning, Design and Engineering study (PDE). He stated that the study involved the evaluation of roadway concepts to address the widening of SR40 from four lanes to six lanes from Breakaway Trail to Williamson Boulevard, a distance of approximately two miles. He stated that the meeting would be held Thursday, June 7, 2012, from 5:00 p.m. to 7:00 p.m. at the Riverbend Community Church. He stated that there would first be an open house and then a presentation describing the different project alternatives; whereby Ms. Shanahan stated that staff would be present.

#### Hand Avenue Collector Road Upgrade Project Public Meeting

Commissioner Partington stated that also on Thursday, June 7, 2012, at 6:00 p.m., the City of Ormond Beach would hold a public meeting to provide information on the Hand Avenue Collector Road Upgrade Project, which was intended to start construction June 11, 2012. He stated that it would essentially be a pre-construction meeting. He stated that anyone interested in learning about that project should attend. He stated that the proposed improvements were reconstruction of the roadway with new curb and gutter, stormwater collection and drainage system improvements, water main improvements, and new turn lanes and sidewalks. He stated that the project would affect Commission Zones 2 and 4.

#### Green Opening of First Green Bank

Commissioner Partington stated that Thursday, June 7, 2012, from 6:00 p.m. to 8:00 p.m., would be the "Green Opening" celebration for First Green Bank which was in the downtown area. He stated that they would have a drawing for a kindle fire.

#### City Manager as CCMA President

Commissioner Stowers stated that he wanted to commend Ms. Shanahan for the position she secured with the CCMA.

#### City Manager Compensation

Commissioner Stowers stated that Commissioner Kent had raised the issue numerous times before of increasing Ms. Shanahan's compensation. He stated that he had not told Ms. Shanahan prior to the meeting that he was going to mention it. He stated that he felt the work she was doing in Ormond Beach was fantastic and he was on board with having that discussion. He stated that he did not know how the timing would evolve but he would like to move on that. He stated that he kept looking in the newspaper and seeing that Daytona Beach's City Manager was looking at other positions and he did not want to lose Ms. Shanahan to another city; whereby Ms. Shanahan stated that there was no fear of that happening. He stated that he wanted Ms. Shanahan to be comfortable and fairly compensated.

Mayor Kelley stated that he felt that could be addressed at the next budget workshop at the end of July.

#### City Manager as CCMA President

Mayor Kelley stated that as President-Elect, Ms. Shanahan had to set up and run the CCMA Conference they recently attended. He stated that she did so without even missing a lick of work. He stated that he felt blessed that she was the City Manager. He stated that Ms. Shanahan did purchase a home in Ormond Beach and joked that he had it on good authority that if she ever decided to leave that the house would not be able to be sold.

#### Recognition for Leisure Services

Mayor Kelley asked Mr. Robert Carolin, Leisure Services Director, to please stand up. He stated that he tried to create a proclamation for him and the Leisure Services staff for their extraordinary efforts on Memorial Day, handling both the Memorial Day

Remembrance at The Casements and the groundbreaking at Andy Romano Beachfront Park. He stated that their work had been outstanding. He asked Mr. Carolin to tell everyone in his staff how thankful they were. He stated that he wished there was something else the Commission could do; whereby Ms. Shanahan stated that the Leisure Services staff had received pizza that day as a thank you. He stated that a committee was contemplating cancelling the Memorial Day Remembrance due to the weather at 8:00 p.m. on Sunday evening, and Mr. Carolin said he would make arrangements and pulled the event together at The Casements at the last second.

Item #14 – Adjournment

The meeting was adjourned at 8:16 p.m.

APPROVED: June 19, 2012

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

ATTEST:

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