

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

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**July 31, 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 Acting City Clerk Lois Towey.

**A G E N D A**

**1. CALL TO ORDER**

**2. INVOCATION**

A. Chaplin George Pilcher, Tomoka Christian Church

**3. PLEDGE OF ALLEGIANCE**

**4. ADOPTION OF FY 2012-2013 PROPOSED MILLAGE RATES**

A. **RESOLUTION NO. 2012-106** : A RESOLUTION ADOPTING PROPOSED MILLAGE RATES FOR THE 2012-2013 FISCAL YEAR; ESTABLISHING THE DATE, TIME AND PLACE FOR THE FIRST PUBLIC HEARING ON THE PROPOSED MILLAGE RATES AND THE TENTATIVE BUDGET; DIRECTING COMMUNICATION; EXPRESSING LEGISLATIVE INTENT; AND SETTING FORTH AN EFFECTIVE DATE.

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

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

**6. APPROVAL OF MINUTES**

A. Minutes from City Commission meeting – July 3, 2012

**7. COMMUNITY REDEVELOPMENT AGENCY**

A. **RESOLUTION NO. 2012-99** : A RESOLUTION OF THE CITY COMMISSION, ALSO ACTING AS THE COMMUNITY REDEVELOPMENT AGENCY, OF THE CITY OF ORMOND BEACH, FLORIDA, AUTHORIZING A WAIVER OF THE SHARED PARKING AND INDEMNIFICATION REQUIREMENTS RELATED THERETO; AUTHORIZING THE EXECUTION OF A BUILDING IMPROVEMENT GRANT AGREEMENT BETWEEN THE AGENCY AND TRIEBEL FAMILY ENTERPRISES, INC.; AND SETTING FORTH AN EFFECTIVE DATE. (See Item #8A)

B. **RESOLUTION NO. 2012-100** : A RESOLUTION OF THE CITY COMMISSION, ALSO ACTING AS THE COMMUNITY REDEVELOPMENT AGENCY, OF THE CITY OF ORMOND BEACH, FLORIDA, ACCEPTING THE BID OF SOUTHERN ELECTRIC COMPANY, INC. D/B/A REXEL, FOR THE PURCHASE OF DECORATIVE LIGHT FIXTURES FOR THE DECORATIVE LIGHTING PURCHASE – CDBG & CRA DISTRICTS PROJECT (BID NO. 2012-17); REJECTING ALL OTHER BIDS; AUTHORIZING THE EXECUTION OF A CONTRACT, AND PAYMENT THEREUNDER; AND SETTING FORTH AN EFFECTIVE DATE. (See Item #8B)

**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. 2012-99** : A RESOLUTION OF THE CITY COMMISSION, ALSO ACTING AS THE COMMUNITY REDEVELOPMENT AGENCY, OF THE CITY OF ORMOND BEACH, FLORIDA, AUTHORIZING A WAIVER OF THE SHARED PARKING AND INDEMNIFICATION REQUIREMENTS RELATED THERETO; AUTHORIZING THE EXECUTION OF A BUILDING IMPROVEMENT GRANT AGREEMENT BETWEEN THE AGENCY AND TRIEBEL FAMILY ENTERPRISES, INC.; AND SETTING FORTH AN EFFECTIVE DATE.

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

- B. **RESOLUTION NO. 2012-100** : A RESOLUTION OF THE CITY COMMISSION, ALSO ACTING AS THE COMMUNITY REDEVELOPMENT AGENCY, OF THE CITY OF ORMOND BEACH, FLORIDA, ACCEPTING THE BID OF SOUTHERN ELECTRIC COMPANY, INC. D/B/A REXEL, FOR THE PURCHASE OF DECORATIVE LIGHT FIXTURES FOR THE DECORATIVE LIGHTING PURCHASE – CDBG & CRA DISTRICTS PROJECT (BID NO. 2012-17); REJECTING ALL OTHER BIDS; AUTHORIZING THE EXECUTION OF A CONTRACT, AND PAYMENT THEREUNDER; AND SETTING FORTH AN EFFECTIVE DATE.

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

- C. **RESOLUTION NO. 2012-101** : A RESOLUTION APPROVING AND AUTHORIZING THE REMOVAL OF AN HISTORIC TREE LOCATED AT 83 LAKEBLUFF DRIVE; AND SETTING FORTH AN EFFECTIVE DATE.

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

- D. **RESOLUTION NO. 2012-102** : A RESOLUTION ACCEPTING A PROPOSAL FROM A.M. WEIGEL CONSTRUCTION, INC. TO PROVIDE CONSTRUCTION MANAGEMENT SERVICES REGARDING RENOVATIONS OF THE T-BALL FIELDS AND PARKING LOT AT THE ORMOND BEACH SPORTS COMPLEX; AUTHORIZING THE EXECUTION OF A WORK AUTHORIZATION THERETO; AND SETTING FORTH AN EFFECTIVE DATE.

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

- E. **RESOLUTION NO. 2012-103** : A RESOLUTION ACCEPTING A PROPOSAL FROM A.M. WEIGEL CONSTRUCTION, INC. TO PROVIDE CONSTRUCTION MANAGEMENT SERVICES REGARDING THE PLAYGROUND AND EQUIPMENT REPLACEMENT PROJECT AT THE CAMERON BRENNEMAN MEMORIAL PLAYGROUND; AUTHORIZING THE EXECUTION OF A WORK AUTHORIZATION; AND SETTING FORTH AN EFFECTIVE DATE.

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

- F. **RESOLUTION NO. 2012-104** : A RESOLUTION TERMINATING AN AGREEMENT WITH THE ORMOND BEACH YOUTH FOOTBALL AND CHEERLEADERS ASSOCIATION, INC., REGARDING THE OPERATION OF A POP WARNER PROGRAM AT THE ORMOND BEACH MIDDLE SCHOOL; AND SETTING FORTH AN EFFECTIVE DATE.

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

- G. **RESOLUTION NO. 2012-105** : A RESOLUTION APPROVING AND ADOPTING A CAPITAL IMPROVEMENTS PLAN FOR FY2012-13 TO FY2016-17; AND SETTING FORTH AN EFFECTIVE DATE.

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

- H. **RESOLUTION NO. 2012-107** : A RESOLUTION APPROVING LOCAL LIMITS REGARDING THE CITY'S PUBLICLY OWNED TREATMENT WORKS; ADOPTING A LOCAL LIMITS TABLE; AND SETTING FORTH AN EFFECTIVE DATE.

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

- I. **RESOLUTION NO. 2012-108** : A RESOLUTION APPROVING AND AUTHORIZING THE ADOPTION OF A BUDGET POLICY; AND SETTING FORTH AN EFFECTIVE DATE.

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

- J. **RESOLUTION NO. 2012-109** : A RESOLUTION ACCEPTING THE PROPOSAL OF ARBITRAGE COMPLIANCE SPECIALISTS, INC. REGARDING ARBITRAGE CALCULATION SERVICES; AUTHORIZING THE EXECUTION OF AN AGREEMENT AND PAYMENT THEREFOR; REJECTING ALL OTHER PROPOSALS; AND SETTING FORTH AN EFFECTIVE DATE.

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

- K. **RESOLUTION NO. 2012-110** : A RESOLUTION ACCEPTING A BID FROM LANDMARCSLIGO, LLC D/B/A LUCAS TECHNOLOGIES, REGARDING THE PRETREATMENT EFFLUENT PUMP REPLACEMENT PROJECT, UNDER BID NO. 2012-22; AUTHORIZING THE EXECUTION OF A CONTRACT AND PAYMENT THEREFOR; REJECTING ALL OTHER BIDS; AND SETTING FORTH AN EFFECTIVE DATE.

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

- L. **RESOLUTION NO. 2012-111** : A RESOLUTION ACCEPTING THE PROPOSAL OF PFM ASSET MANAGEMENT, LLC REGARDING INVESTMENT ADVISORY SERVICES; AUTHORIZING THE EXECUTION OF AN AGREEMENT AND PAYMENT THEREFOR; REJECTING ALL OTHER PROPOSALS; AND SETTING FORTH AN EFFECTIVE DATE.

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

- M. **RESOLUTION NO. 2012-112** : A RESOLUTION AUTHORIZING THE EXECUTION OF A VOLUNTARY COOPERATION MUTUAL AID AGREEMENT BETWEEN THE CITY AND THE FLORIDA DEPARTMENT OF LAW ENFORCEMENT; AND SETTING FORTH AN EFFECTIVE DATE.

**Staff Contact:** Andy Osterkamp, Police Chief (386-677-0731)

- N. **RESOLUTION NO. 2012-113** : A RESOLUTION APPOINTING A MEMBER TO SERVE ON THE HISTORIC LANDMARK PRESERVATION BOARD; SETTING FORTH TERMS AND CONDITIONS OF SERVICE; AND SETTING FORTH AN EFFECTIVE DATE.

**Staff Contact:** Lois Towey, Acting City Clerk (386-676-3332)

- O. **Auto Renew Contracts**

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

- P. **Airport Appraisal Services**

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

## 9. PUBLIC HEARINGS

- A. **ORDINANCE NO. 2012-26** : AN ORDINANCE RELATIVE TO STORMWATER MANAGEMENT; AMENDING SECTION 22-158, UTILITY FEE ESTABLISHED, OF ARTICLE V, STORMWATER DRAINAGE UTILITY, OF CHAPTER 22, WATER AND SEWERS, OF THE CODE OF ORDINANCES, BY REMOVING THE SUNSET PROVISION OF THE STORMWATER UTILITY FEE; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; SETTING FORTH AN EFFECTIVE DATE.

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

- B. **ORDINANCE NO. 2012-27** : 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 3,036 LINEAR FEET SOUTH OF THE INTERSECTION OF INTERSTATE 95 AND NORTH U.S. HIGHWAY 1 INTERCHANGE AND BEING COMMONLY LOCATED AT 1438 NORTH U.S. HIGHWAY 1; 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; SETTING FORTH ZONING, PRIVILEGES, AND OBLIGATIONS OF SAID PROPERTY; PROVIDING FOR TRANSMISSION; PROVIDING FOR SEVERABILITY; AND SETTING FORTH AN EFFECTIVE DATE.

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

- C. **ORDINANCE NO. 2012-28** : 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 3,095 LINEAR FEET SOUTH OF THE I-95 AND NORTH U.S. HIGHWAY 1 INTERCHANGE AND BEING COMMONLY LOCATED AT 1428 NORTH U.S. HIGHWAY 1; 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; SETTING FORTH ZONING, PRIVILEGES, AND OBLIGATIONS OF SAID 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. 2012-25** : AN ORDINANCE AMENDING CHAPTER 3, PERFORMANCE STANDARDS, OF ARTICLE VI, ARCHITECTURAL DESIGN STANDARDS, SECTION 3-66, PURPOSE AND INTENT; SECTION 3-67, IN GENERAL; SECTION 3-68, GENERAL DESIGN CRITERIA; SECTION 3-69, ARCHITECTURAL STYLE; AND SECTION 3-71, INDUSTRIAL DISTRICT EXEMPTIONS; AND CHAPTER 2, DISTRICT AND GENERAL REGULATIONS, ARTICLE II, DISTRICT REGULATIONS, SECTION 2-42, DESIGN STANDARDS BY AMENDING ARCHITECTURAL DESIGN STANDARDS; BY 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)

- B. **ORDINANCE NO. 2012-29** : AN ORDINANCE AMENDING CHAPTER 22, ARTICLE II, DIVISION 2, SECTIONS 22-85 THROUGH 110, OF THE CODE OF ORDINANCES OF THE CITY OF ORMOND BEACH, FLORIDA, BY ADOPTING PROVISIONS REGARDING UNIFORM REQUIREMENTS FOR DIRECT AND INDIRECT CONTRIBUTIONS TO THE WASTEWATER COLLECTION AND TREATMENT SYSTEM; PROVIDING FOR ADMINISTRATION, PERMITS, AND ENFORCEMENT, PENALTIES; PROVIDING SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

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

#### 11. REPORTS, SUGGESTIONS, REQUESTS

#### 12. ADJOURNMENT

Item #1 – Meeting Call to Order

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

Item #2 – Invocation

Chaplin George Pilcher, Tomoka Christian Church, gave the invocation.

Item #3 – Pledge of Allegiance

Mayor Kelley led the Pledge of Allegiance.

**Mayor Kelley stated that staff requested that item #10A be withdrawn from the agenda.**

Mayor Kelley recognized that Ms. Heidi Herzberg, a City Commissioner from the City of Deltona, was in attendance.

Item #4A – Adoption of FY 2012-2013 Proposed Millage Rates

Acting City Clerk Lois Towey read by title only:

RESOLUTION NO. 2012-106

A RESOLUTION ADOPTING PROPOSED MILLAGE RATES FOR THE 2012-2013 FISCAL YEAR; ESTABLISHING THE DATE, TIME AND PLACE FOR THE FIRST PUBLIC HEARING ON THE PROPOSED MILLAGE RATES AND THE TENTATIVE BUDGET; DIRECTING COMMUNICATION; EXPRESSING LEGISLATIVE INTENT; AND SETTING FORTH AN EFFECTIVE DATE.

Mayor Kelley stated that the proposed millage rate for the City of Ormond Beach necessary to fund the four year 2012-2013 Budget was 4.0132 mills. He stated that the proposed rate was equal to the rollback rate tax rate of 4.0132 mills. He stated that the proposed debt service millage rates were 0.1170 for the 2002 General Obligation Bond Sinking Fund, 0.0490 for the 2003 General Obligation Bond Sinking Fund, and 0.1470 for the 2010 General Obligation Bond Sinking Fund.

Mayor Kelley stated that they were required by state law to adopt the funding and the proposed budget. He stated that it had been worked on over the past year. He stated that he wanted to thank Ms. Kelly McGuire, Finance Director, and her staff, as well as Ms. Joyce Shanahan, City Manager, for delivering such a fine budget. He asked whether any members of the public wished to speak or ask any questions.

**Commissioner Boehm moved, seconded by Commissioner Kent, for approval of Resolution No. 2012-106, as read by title only.**

Mayor Kelley stated that the proposed operating millage of 4.0132 mills was equal to the rollback millage rate of 4.0132 mills. He stated that the resolution also included the adoption of the proposed debt service millage rates of .1170 for the 2002 General Obligation Bond Sinking Fund, 0.0490 for the 2003 General Obligation Bond Sinking Fund, and 0.1470 for the 2010 General Obligation Bond Sinking Fund.

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

Mayor Kelley stated that the tentative operating millage rate was set at 4.0132 mills which was equal to the rollback millage rate of 4.0132 mills.

Item #5 – Audience Remarks

Mr. Andrew Smith, Skaters for Ormond, 1074 George Anderson Street, stated that he had lived in Ormond Beach for 12 years; where he owned two homes and a business. He stated that he was concerned about the addition to the Skateboard Park that was forthcoming. He stated that he felt that the original park was a failure and that he felt that it had not been built or designed by someone who knew anything about

skateboarding. He stated that an addition a couple of years ago had helped slightly but he felt that the park still had major issues. He stated that he and his friends traveled all over the county to skateboard and would not go to parks like the one that Ormond Beach currently had. He stated that a proper skate park had the ability to help motels, restaurants, and the whole community, and he and his friends wanted their children to be able to skateboard somewhere that had all of the amenities. He stated that they would like to work with the designers and the city, as the design and build was very important in order to achieve success. He stated that he had been skateboarding for over 25 years and knew all the different aspects of a skate park. He stated that he would like to talk to whoever was involved and assemble his group to attend meetings. He stated that he did not want all the money to be invested for no reason and continue to have the park be used for bikes. He stated that bicyclists mostly used the park now because it was not built for skateboards. He stated that he felt that his group could help the Commission or Leisure Services Department with the park.

Mayor Kelley stated that he felt the expression that the horse had left the barn might be appropriate. He stated that he felt that there had been a lot of professional input on the project already. He stated that he felt that Mr. Robert Carolin, Leisure Services Director, had done an excellent job of bringing in people on the project and from what he had seen, he felt that it would be a great addition.

Ms. Shanahan offered Mr. Smith her card and stated that she would have Mr. Carolin give him a call. Mr. Smith offered his card to Ms. Shanahan.

Mr. Jim Schultz, 117 Harvard Drive, stated that he wanted to talk about a meta-analysis that was just published by the Harvard School of Public Health. He stated that it contained 27 studies on neurotoxicity of fluorides. He stated that there was almost a complete lack of data from the United States because they had never done any such studies. He stated that the study was cooperatively done through a university in China, where there were fluoride toxicity issues that had been addressed. He stated that the study concluded that fluoride seemed to fit in with lead, mercury, and other poisons that caused 'chemical brain drain.' He stated that the effect of each toxicant may be small, but the combined damage on a population scale could be serious. He stated that Dr. Phyllis Mullinex, with the Harvard Medical School Forsythe Dental Center, did a study on rats where she exposed them to different fluoride levels at different stages in their development. He stated that she found that there were severe neurotoxin effects which affected them very differently depending on which stage of the development they were in. He stated that the worst developmental damage was done to pregnant mothers when their pups were born. He stated that when Dr. Mullenix said she wanted to publish her findings, she was immediately fired. He stated that he felt that sent a message as to what was acceptable and what was not. He stated that there was a lot of reluctance in the dental community to discuss the issue. He stated that a local dental association actually advised dentists to use caution about being sucked into manipulated discussions about fluoride on the radio. He stated that there had been 19 environmental protection agency unions as of 2008 to ask for a moratorium on fluoridation.

Mayor Kelley stated that he was glad Mr. Schultz mentioned the studies in China because tea from China had about 12,000 times more fluoride in it than local water. He stated that anyone could go on the internet and become an expert on something.

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

Mayor Kelley advised that the minutes of the July 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– 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 7:16 p.m. for discussion of Resolution Nos. 2012-99 and No. 2012-100. He stated that these items were open for a public hearing.

Item #7A – Building Improvement Grant, Jimmy Johns

Acting City Clerk Lois Towe read by title only:

RESOLUTION NO. 2012-99

A RESOLUTION OF THE CITY COMMISSION, ALSO ACTING AS THE COMMUNITY REDEVELOPMENT AGENCY, OF THE CITY OF ORMOND BEACH, FLORIDA, AUTHORIZING A WAIVER OF THE SHARED PARKING AND INDEMNIFICATION REQUIREMENTS RELATED THERETO; AUTHORIZING THE EXECUTION OF A BUILDING IMPROVEMENT GRANT AGREEMENT BETWEEN THE AGENCY AND TRIEBEL FAMILY ENTERPRISES, INC.; AND SETTING FORTH AN EFFECTIVE DATE.

**Commissioner Boehm moved, seconded by Commissioner Partington, to recommend approval of Resolution No. 2012-99, as read by title only.**

The motion passed by voice vote.

Item #7B – Decorative Lighting Purchase (CDBG & CRA)

Acting City Clerk Lois Towe read by title only:

RESOLUTION NO. 2012-100

A RESOLUTION OF THE CITY COMMISSION, ALSO ACTING AS THE COMMUNITY REDEVELOPMENT AGENCY, OF THE CITY OF ORMOND BEACH, FLORIDA, ACCEPTING THE BID OF SOUTHERN ELECTRIC COMPANY, INC. D/B/A REXEL, FOR THE PURCHASE OF DECORATIVE LIGHT FIXTURES FOR THE DECORATIVE LIGHTING PURCHASE – CDBG & CRA DISTRICTS PROJECT (BID NO. 2012-17); REJECTING ALL OTHER BIDS; AUTHORIZING THE EXECUTION OF A CONTRACT, AND PAYMENT THEREUNDER; AND SETTING FORTH AN EFFECTIVE DATE.

**Commissioner Boehm moved, seconded by Commissioner Stowers, to recommend approval of Resolution No. 2012-100, as read by title only.**

Mr. Bill Partington, 40 Melrose Avenue, stated that he would like to apologize for the lateness of his concern. He stated that as he looked over the specifications for the light fixtures, it occurred to him that it was a single source bid. He stated that there were four bidders on the bid tabulation sheet, but he had a concern that the manufacturer had been a single source. He stated that if two different manufacturers were bidding through four wholesalers they would cut their prices in order to be competitive. He stated that if there was only one manufacturer and four wholesalers they would all get the same price because there was no incentive for that manufacturer, as they would know that they would get the job and it would only then be a question of which wholesaler was willing to take a smaller mark up.

Mr. Partington stated that he did not have verification but the way in which the specification was written raised his concern that it was a single source and that only one manufacturer had supplied prices to the four bidders. He stated that unfortunately the specification was brought to the Commission and approved, which he felt may include the Commission in a process which might be flawed. He stated that he did not know if there would be any damage to holding the item until there could be some verification of the single source. He stated that he was not familiar with the technology for those types of fixtures but he had to believe that there were multiple manufacturers that could have made the product.

Mayor Kelley stated that Mr. Partington did not know for certain what the truth was, but if Mr. Partington knew his concerns to be factual then he would certainly take his word for it.

Ms. Shanahan stated that Mr. Paul McDonald, Landscape Architect, oversaw the bid and was not present that evening. She stated that perhaps Mr. John Noble, City Engineer, could address Mr. Partington's concerns.

Mr. Partington stated that his question would be whether all four bidders bid one manufacturer's product. He stated that the specification had been custom and not for a standard catalogue product.

Mayor Kelley stated that he knew the LED lighting fixtures, which would save about \$12,000 a year, were different than normal fixtures for regular lighting. He stated that he did not personally have a problem with a single manufacturer for certain items that had certain specifications. He stated that when there was a bid to have paving done, the specifications used a certain source of asphalt.

Mr. Partington stated that a commodity item like asphalt would be different. He stated that if the specification had said that it was a single source bid, and there was sufficient reason for that, then he would be perfectly satisfied.

Mayor Kelley asked Mr. Partington what made him think that it was only one manufacturer and asked him if he knew that to be the case; whereby, Mr. Partington stated that he did not know that for certain but was concerned it may be the case.

Mr. Noble stated that typically when the city was looking at replacing lights or fixtures they performed research and looked into the various manufacturing fixtures that were available. He stated that they would determine what they felt to be the best value for the city. He stated that when they put out the specifications they would put out a basis of design, which may be a specific type of fixture. He stated that the specifications were always open for any submitter to offer a substitution, which were considered as an equal substitution.

Commissioner Kent asked if Mr. Noble could answer whether the bidders had all used the same manufacturer; whereby, Mr. Noble stated that the type of fixture desired had been listed as the basis for design. He stated it was up to the bidder to provide an equal if they wanted to substitute. He stated that they decided what the best fixture was and based their bid on that fixture; however, it was not a sole source bid as there were other fixtures a contractor could submit.

Commissioner Kent stated that he just wanted a yes or no answer and asked Ms. Shanahan if she could tell him; whereby, Ms. Shanahan stated that she could not but would say that although design specifications could look like they were for one particular item, if another could be proved to be equal to or greater than that item, then the submitter would be welcome to submit it. She stated that without talking to Mr. McDonald she could not give an exact answer.

Commissioner Kent asked whether moving the item to the agenda the following week would cause any issues; whereby Mr. Noble stated that he did not think so.

Mayor Kelley stated that he did not personally know what the Commission was looking for; whereby, Commissioner Kent stated that he had a ton of respect for Mr. Partington and if it would not be an issue to delay the item, he would prefer they did so in order to answer the questions posed.

Ms. Shanahan stated that, for clarification, on packet page 120, it provided the bidder with the opportunity to provide items complying with the specification and to provide deviations to the specifications. She stated that they would get the answer to the question and bring the item back.

Mayor Kelley stated that there were four bids received; whereby, Ms. Shanahan stated that she did not know if they were all from the same manufacturer.

**Commissioner Kent moved, seconded by Commissioner Boehm, to table Resolution No. 2012-100, as read by title only, until the next meeting date on August 8, 2012.**

Commissioner Partington apologized to the Commission and to his father, Mr. Partington. He stated that when the specifications were up for approval Mr. Partington had sent him an email with similar concerns. He stated that he was unsure how he felt about the issue himself and that he got into an argument about it on the phone with his



father on his way to the meeting that evening. He stated that he would ask his father in the future to send his questions to staff.

Mayor Kelley stated that time was not of the essence and they could find the answers.

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

Mayor Kelley recessed the CRA meeting and reconvened the City Commission meeting at 7:31 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.

Mayor Kelley stated that item #8B would be removed from the Consent Agenda, since it was tabled during the CRA meeting.

**Commissioner Boehm moved, seconded by Commissioner Kent, for approval of the Consent Agenda, absent item #8B.**

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

Item #8D – Ormond Beach Sports Complex (OBSC) T-Ball Fields and Parking Lot

Commissioner Boehm stated that he was quite excited for the long awaited construction of a new t-ball complex and parking lot at the OBSC. He stated that it was to be a public private partnership with the Ormond Beach Youth Baseball and Softball Association, who were contributing \$40,000 towards the construction. He stated that he was involved with the project several years ago and that Mr. Dwight Durant, Zev Cohen & Associates, had designed the complex at his own expense. He stated that Mr. Durant had done so at the time with the belief that the Ormond Beach Youth Baseball and Softball Association were going to undertake the project. He stated that this was the second time, in his experience, that Mr. Durant, as a citizen who cared about the children of the city and the city itself, had provided a service that would be worth several thousand dollars by donating his work and time. He stated that he wanted to publicly recognize how greatly he appreciated Mr. Durant's willingness to do so and that he looked forward to the completion of the project.

Item #9A – Stormwater Ordinance

Acting City Clerk Lois Towe read by title only:

ORDINANCE NO. 2012-26  
AN ORDINANCE RELATIVE TO STORMWATER MANAGEMENT;  
AMENDING SECTION 22-158, UTILITY FEE ESTABLISHED, OF  
ARTICLE V, STORMWATER DRAINAGE UTILITY, OF CHAPTER 22,  
WATER AND SEWERS, OF THE CODE OF ORDINANCES, BY  
REMOVING THE SUNSET PROVISION OF THE STORMWATER UTILITY  
FEE; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS  
THEREOF; SETTING FORTH AN EFFECTIVE DATE.

**Commissioner Boehm moved, seconded by Commissioner Stowers, for approval of Ordinance No. 2012-26, 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 #9B – 1438 N. US 1 Hwy Annexation

Acting City Clerk Lois Towey read by title only:

ORDINANCE NO. 2012-27

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 3,036 LINEAR FEET SOUTH OF THE INTERSECTION OF INTERSTATE 95 AND NORTH U.S. HIGHWAY 1 INTERCHANGE AND BEING COMMONLY LOCATED AT 1438 NORTH U.S. HIGHWAY 1; 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; SETTING FORTH ZONING, PRIVILEGES, AND OBLIGATIONS OF SAID PROPERTY; PROVIDING FOR TRANSMISSION; PROVIDING FOR SEVERABILITY; AND SETTING FORTH AN EFFECTIVE DATE.

**Commissioner Partington moved, seconded by Commissioner Stowers, for approval of Ordinance No. 2012-27, on first reading, as read by title only.**

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

Item #9C – 1428 N. US 1 Hwy Annexation

Acting City Clerk Lois Towey read by title only:

ORDINANCE NO. 2012-28

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 3,095 LINEAR FEET SOUTH OF THE I-95 AND NORTH U.S. HIGHWAY 1 INTERCHANGE AND BEING COMMONLY LOCATED AT 1428 NORTH U.S. HIGHWAY 1; 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; SETTING FORTH ZONING, PRIVILEGES, AND OBLIGATIONS OF SAID PROPERTY; PROVIDING FOR TRANSMISSION; PROVIDING FOR SEVERABILITY; AND SETTING FORTH AN EFFECTIVE DATE.

**Commissioner Boehm moved, seconded by Commissioner Stowers, for approval of Ordinance No. 2012-28, on first reading, as read by title only.**

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

Item #10B – Code of Ordinances Amendments: Chapter 22 Water and Sewers Article II Sewers, Division 2

Acting City Clerk Lois Towe read by title only:

ORDINANCE NO. 2012-29

AN ORDINANCE AMENDING CHAPTER 22, ARTICLE II, DIVISION 2, SECTIONS 22-85 THROUGH 110, OF THE CODE OF ORDINANCES OF THE CITY OF ORMOND BEACH, FLORIDA, BY ADOPTING PROVISIONS REGARDING UNIFORM REQUIREMENTS FOR DIRECT AND INDIRECT CONTRIBUTIONS TO THE WASTEWATER COLLECTION AND TREATMENT SYSTEM; PROVIDING FOR ADMINISTRATION, PERMITS, AND ENFORCEMENT, PENALTIES; PROVIDING SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

**Commissioner Kent moved, seconded by Commissioner Boehm, for approval of Ordinance No. 2012-29, on first reading, as read by title only.**

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

Item #11– Reports, Suggestions, Requests

Shade Meeting

Ms. Shanahan asked the Commission to check their calendars to see if they were available on Tuesday, August 21, 2012 for a 5:30 p.m. shade meeting on union negotiation issues. She stated that there was a regularly scheduled meeting that evening at 7:00 p.m.

Next Meeting Date

Ms. Shanahan stated that next regularly scheduled meeting would be held on Wednesday, August 8, 2012, as Tuesday was National Night Out at the Nova Community Center.

Holiday Meeting Calendar

Ms. Shanahan asked the Commission to look at their calendars for November. She stated that there had been some concern about the meeting on November 20, 2012, being close to the Thanksgiving holiday. She asked if the Commission would prefer moving that meeting to Monday, November 19, 2012, in order to provide a fuller week for the holiday. She stated that the December meetings would be on December 4 and December 18, which should provide enough time before Christmas.

The Commission expressed their approval of the meeting date being changed from November 20, 2012, to November 19, 2012; whereby, Ms. Shanahan stated that staff would bring back a resolution to change that meeting date.

Project Updates

Ms. Shanahan stated that she had provided the Commission with an update on engineering projects as well as on the Andy Romano Beachfront Park project. She stated that the city would soon be going out to bid for the Halifax Drive North project, which would involve resurfacing the road and adding bike lanes. She stated that the Hand Avenue project was underway also.

Interlocal Agreements

Ms. Shanahan stated that the city was still working with the county on the interlocal boundary agreement for US1. She stated that there had been a few stumbling blocks but that they were trying to move it forward. She stated that they were also still working with the county on the interlocal agreement for the reimbursement of the beachfront park. She stated that she hoped to have that resolved in the next three weeks.

Movies on the Halifax

Ms. Shanahan stated that Movies on the Halifax would be on Friday, August 3, 2012, and the movie would be *Haunted Mansion*.

### New Fleet Manager

Mr. Ted MacLeod, Assistant City Manager and Public Works Director, introduced Mr. Facundo Tassara, the city's new Fleet Manager. He stated that Mr. Tassara had been with the city for a little over a week.

### Central Park Environmental Learning Center Workshop

Commissioner Partington stated that he wanted to speak to the City Manager and the Commission about possibly scheduling a workshop in the next few months on the Central Park Environmental Learning Center. He stated that he was interested in exploring grant opportunities and some of the design issues. He stated that he had spoken with former Commissioner, Ms. Joyce Ebbets, about the item and would like for her to be involved in the discussion. He stated that he wanted to request that the workshop be held in the next three months, provided there was interest; whereby, Commissioner Kent stated that he would also like to have that workshop.

### Fluoridation

Commissioner Partington stated that he had reached a point where as long as there were alternative means for those children who could not afford fluoride to still have access to a treatment that would satisfy the requirements for protecting their teeth from cavities; he would be willing to vote to remove the fluoride from the water system. He stated that there were many other cities that did not put fluoride in their water. He stated that he could not find anyone who would defend putting fluoride in the water, including the manufacturers of the chemical. He stated that Commissioner Kent had done a lot of work in trying to find someone to say that fluoridation was the right thing to do and that would be willing to stand up and give a strong explanation and defense. He stated that he felt that there was a time in history when it provided tremendous benefit, but that in the present world, with so many other sources of fluoride and opportunities for fluoride, he did not really see the need for it. He stated that he was open to having his mind changed but if no one was stepping forward to do that then he would want to save the money and provide alternative means.

Mayor Kelley asked whether Commissioner Partington would like the fluoridation issue to be put on the agenda as a discussion item for the Commission.

Commissioner Partington stated that would be fine and that he would certainly want to hear from the public.

Mayor Kelley stated that if they put it on the agenda as a discussion item prior to having a vote to remove it from the water they could then arrive at a decision from the discussion.

### Deltona Commissioners

Commissioner Partington stated that he wanted to welcome Commissioner Herzberg from Deltona. He stated that he served with Commissioner Carmalinga on the League of Cities Executive Board and that he was a gentleman. He stated that he knew Commissioner Carmalinga had been sick lately but he had found no kinder person in elected office in Volusia County. He stated that he had a high opinion of the City of Deltona through knowing him. He stated that he was very pleased with their Mayor as well.

### Fluoridation

Commissioner Stowers stated that Mr. Schultz had done his job as fluoridation was at the top of his list, as well. He stated that he did not know what Mr. Schultz was talking about when he spoke about there being no studies. He stated that he did some internet research himself and looked at the CDC website. He stated that he could find as many positive comments as negative. He stated that once the Commission began speaking about it, he became barraged with emails from around the country. He stated that he was not getting those emails a year or even three months ago, and that it was now a hot topic. He stated that former Mayor Fred Costello was a dentist and talked about it at previous meetings and it did not appear to be such a big deal then. He stated that he did not know how many children had died of fluorosis in Ormond Beach but felt that it was probably none. He stated that he had spoken to doctor friends of his and asked them about fluoride and they all said it was good for your teeth. He stated that he did not know if any of those doctors had been a part of any studies on fluoride.

Commissioner Stowers stated that he wanted to move on from the fluoride issue and that the challenge was getting accurate information. He stated that he was on board with having a workshop and having Ms. Shanahan try to find experts on both sides of the

issue so that they could analyze all the facts and try to make a decision that was in the best interest of Ormond Beach. He stated that he was very frustrated that issues such as that were used as political fodder, in his opinion, to create diversions from much bigger issues being faced. He stated that the previous evening at the Operating Budget Workshop, they spoke about unfunded liabilities of millions of dollars. He stated that he would reserve judgment until a workshop. He stated that he would say that if he was a manufacturer and received a letter, and as a manufacturer was no stranger to lawsuits, he would probably not respond and if he spoke to his lawyer they would advise him not to respond, as well. He stated that might be the reason there had not been any response.

#### Land Development Code (LDC) Amendments

Commissioner Stowers stated that he would like to see when Planning staff brought a LDC amendment to the Commission in the future, if they would also receive a separate item where something would be removed or streamlined from the LDC. He stated that would show that Planning was not only addressing issues that arose in terms of expanding the LDC but were also looking to streamline it, make it more efficient, and more business and user friendly. He stated that Planning did a wonderful job of addressing the issues, and he felt that they could do an equally wonderful job with ideas of how to eliminate outdated, needless, inefficient, or unworkable regulations. He stated that a lot of times ideas were reactionary. He stated that if years go by and there was never an issue related to a regulation, then perhaps it was time to take it out.

#### Political Sign Ordinance

Commissioner Stowers stated that he had spoken with Ms. Shanahan and Ms. Joanne Naumann, Neighborhood Improvement Director, about the political sign ordinance. He stated it prohibited a political candidate from putting signs in the right-of-way. He stated that he knew that Attorney Jim Rose had written a letter to the editor speaking specifically about the issue. He stated that he was frustrated driving down Beach Street as the street goes towards the Halifax River where the platted street was still a public park, because candidates had taken to putting their signs in that area. He stated that the candidates had to get a sign permit and part of the permit was that they accepted the regulations. He stated that if a potentially elected official could not follow a rule, then that was a bad path to go down. He stated that the ordinance needed to be enforced. He stated that it was a negative aesthetic for the city to have signs all over the place and have the main thoroughfares look awful. He stated that the old Texaco at Nova Road and Granada Boulevard was covered in signs. He stated that it was a bank-owned property and it would be difficult to find someone to even respond, let alone give permission for signs to be placed on the property.

#### Ormond Beach Waste Management

Commissioner Kent stated that Ormond Beach was a great city. He stated that he was recently in a city south of Atlanta, Georgia, visiting family. He stated that the weather caused a tree to come down in his brother-in-law's yard, whereby the next morning they were cutting the tree up with a chain saw, stacking wood, and bringing the branches down to the road. He stated that his brother-in-law had said that he did not think his city would come and pick the branches up. He stated that he told his brother-in-law that in Ormond Beach Waste Management would come right out and pick up the branches, if called. He noted that three days later they made a phone call and were told by the city that they had no means whatsoever of picking up yard debris unless it was in a bag. He stated that he wanted to share that with them, because it was little things like that in Ormond Beach that made it great.

#### Fluoridation

Commissioner Kent welcomed Commissioner Partington back from Hawaii and stated that he had discovered that there was no fluoridated water in Hawaii except for on the military bases. He stated that Commissioner Partington's teeth had not fallen out and he was still around after drinking un-fluoridated water. He stated that he was really pleased there was interest from the Commission in discussing fluoride. He stated that he was still not an expert but was learning about it. He stated that he was also still not for or against it. He stated that when his six-year old son was born, it was acceptable to give infants fluoridated water, then several years ago those same groups said not to give the water to infants. He stated that there was then an acceptable fluoride range given of 0.7 parts per million and 1.2 parts per million, and then a few months ago the same group came out and said there was no range as it was just 0.7. He stated that was what made him scratch his head.

Commissioner Kent stated that Mr. Schultz had attended the meetings once a month for six years to speak about fluoride. He stated that while some would think that was crazy, he thought that it was passionate. He stated that there was no gain for Mr. Schultz to come and speak. He stated that as an elected official he was in the chain of command and would say yes or no to the chemicals purchased to be put into the water supply. He stated that he did what he thought he should do, which was send a letter to the city's chemical supplier, asking them to answer some questions. He stated that he wanted to be told what was in the chemicals and to be shown the fact sheet to prove it. He stated that the supplier had still not responded two and a half months later. He stated that he was concerned to hear Commissioner Stowers say that if he was the supplier he would not respond either. He stated that if he was making money selling something to a group and they wanted to know what was in the product that he would show them. He stated that it spoke volumes that an attorney would potentially advise the manufacturer not to speak. He stated that he did not want to do business with someone like that and did not want to have his name associated with them.

Commissioner Kent stated that he was starting to feel like he could be partially responsible. He stated that there was lots of information available. He stated that they could have a workshop and bring in the health department, doctors, and Mr. Schultz, but he still wanted to talk to the city's chemical supplier. He stated that if you read the back of any average tube of toothpaste, it instructed you to contact poison control if you ingested the amount of toothpaste you would put on your toothbrush. He stated that they were told that it was not good for infants to consume fluoride but it was fine for everyone else. He stated that they were told that there were trace amounts of arsenic and mercury, which could not even be measured. He stated that only one in 1,500 over a lifetime would develop kidney or bladder cancer from it. He stated that was not okay or good enough. He stated he felt that the company should respond. He stated that he sent the same letter to every supplier in North America and not one would respond because apparently they had attorneys. He stated that the chemicals would soon come up for purchase and unless he received an answer, he would be voting against it.

Commissioner Kent gave Ms. Shanahan a draft request for bid containing four questions. He stated that two of the questions involved the identification of country of origin for the source of any portion of the product and a declaration from the manufacturer stating that consuming their product for a lifetime would help their teeth and not negatively affect them. He stated that Mr. Dave Ponitz, Utilities Manager, was a dedicated worker. He stated that Mr. Ponitz could tell him and measure for him the amount of chlorine that would kill the bugs in the water. He stated that Mr. Ponitz could not tell him, however, how the fluoride could affect people's teeth by ingesting it. He stated that everything you read said that fluoride worked as a topical solution, which was why you brushed it on your teeth and did not swallow it.

Commissioner Kent stated that he read about a city in Japan that had some high occurrences of lithium in their water supply, whereby it was found that suicide rates were down in that community. He stated that there was a buzz of people talking about putting lithium in water to help people's moods. He stated that statin drugs, that controlled cholesterol, were also brought up as potential items to put into the water supply. He stated that Selmer, Tennessee, created a water additive accountability ordinance in 2010, which he presented to Ms. Shanahan and stated he favored the Commission to discuss doing this. He read a passage of it as follows: *"whereas, public policy discussions of the prospects of adding lithium to the public water for altering human mood imbalances and reducing suicides, and statin drugs for the purposes of affecting human cholesterol, rather than making water more potable, have increased along with water operators initiating the use of, halting the use of, and making changes in the use of fluoridation products, and whereas, licensed water operators are trained to measure and manage for appropriate potability, and an additive's effectiveness of fulfilling goals of disinfection and pH balance, etc., but have no measuring device for, nor are they tasked to evaluate results of an applied medication intended to treat humans."*

He stated that the ordinance was much longer and that Ms. Shanahan could make copies and provide them to the Commission.

Mayor Kelley stated that Commissioner Kent was proposing that an ordinance be created and that he was perhaps not proceeding in the correct way for that.

Commissioner Kent stated that was the Mayor's opinion and that he had not read through the materials yet. He stated that perhaps they would have a workshop and speak about them.

Mayor Kelley stated that generally when an ordinance was proposed it did not come from the Commission down to the staff. He stated that they could have a workshop and discuss the issue.

Commissioner Kent stated that he was not saying no to a workshop but also that there had never been anyone on the Commission, which he knew of, question the suppliers of chemicals. He stated that there was a first for everything.

Mayor Kelley stated that he was not questioning the reason but was questioning the procedure. He stated that the policy was that the decisions came from a workshop.

Commissioner Kent stated that they should absolutely workshop the issue. He stated that he was glad it was being discussed and moving along. He stated that it came down to not being good enough to him to not have a response from a company that took tax payers' dollars.

Commissioner Boehm stated that he was in Commissioner Stowers' camp on fluoride. He stated that he did not know enough about it but had been inundated with one side. He stated that he had not seen anyone balancing the argument with information from the other side. He stated that he knew that Mr. MacLeod and Mr. Ponitz had been in their fields for many years and that fluoride had been in the water ever since they had been working in it. He noted that they had never made a recommendation against it or indicated that they felt that they may be poisoning the citizenry by keeping it in the water. He stated that obviously those working in the field must feel comfortable on the other side of the issue. He stated that he had to have a workshop with both sides to be able to resolve it.

Mayor Kelley stated that he had suggested to Commissioner Partington that they have a discussion on fluoride. He asked Ms. Shanahan to perhaps combine the Central Park workshop with discussion of fluoride and make it a two item workshop.

#### Ormond Beach PAL

Commissioner Boehm stated that he could not go a meeting without mentioning his favorite organization, the Ormond Beach Police Athletic League (PAL). He stated that Ormond Beach PAL was invited by Florida PAL to represent the state of Florida at the National PAL Leadership Academy. He stated that out of all of Florida, it was felt that Ormond Beach's young men would be the best representatives for the state. He stated that Marcus Edwards and Kailik Williams went and represented Ormond Beach and Ms. Belinda Legut, Recreation Leader, and Ms. Lisa Messersmith, Community Program Coordinator, accompanied them. He stated that the city was blessed to have an organization with such skilled leadership that produced such outstanding young people.

#### VCOG

Mayor Kelley thanked Commissioner Herzberg for attending the meeting. He asked her to take a message back to her Commission that he would like to see them at the Volusia Council of Government (VCOG). He asked them to please consider that as even though the cities were separate, they were all in it together.

#### Unfunded Pension Liabilities

Mayor Kelley stated that one point they spoke about at the Operating Budget Workshop the previous evening was that there was a \$40 million unfunded pension liability in the city. He stated that it would not go away. He stated that the upcoming year \$5.3 million of tax money had to be put into the budget to fund the pension. He stated that in 2001 \$200,000 had been put in. He stated that they were doing everything they could but that the help would have to come from Tallahassee. He explained that the state had set the benefit schedule and the city had no control over it. He stated that he had spoken in Tallahassee about the issue and had spoken for years about it. He stated that the taxes to fund the pensions had doubled in the last three years and was unsustainable.

Mayor Kelley stated that he watched part of a special on Stockton, California, which was one of three cities that recently declared bankruptcy because that was their only option. He stated that General Motors also did what they had to with their unfunded pension liabilities. He stated that they would need help from Tallahassee and encouraged the citizens to make sure that the candidates that they voted for would be supportive of local home rule and letting the cities decide what was best for their community and not what the state says was 'one size fits all.' He stated that only \$9 million would be received in ad valorem taxes that year and \$5.3 million would be going to pension funds. He stated that this position was shared by the entire Commission. He stated that when he went to

Tallahassee he was told they would offer no help because it was about “politics and not about policy.”

Fluoridation

Mayor Kelley stated that he had been aware of fluoride since 1960. He stated that one could find information that would say whatever they wanted it to. He stated that you could read about the doctor claiming they were fired over the testing on the rats and then read somewhere else that their supervisor said it never happened. He stated that just because someone said something that did not make it true. He stated that sea water had three times the amount of fluoride than city water. He stated that he had asked how many instances of fluoride problems there had been in Ormond Beach. He stated that he had doctors and dentists tell him to not take it out of the water after the article came out in the paper. He asked why dentists would be supportive of something that was going to help prevent cavities. He invited everyone to use Google and search for fluoride. He stated that they would find a lot of contradicting information. He stated that he was concerned about cavities, as they were on the rise in some areas, but he did not know whether they were on the rise in Ormond Beach.

Mayor Kelley stated that he was not concerned about the fluoride anywhere except in Ormond Beach and whether it was helping or hurting here. He stated that there would never be an exact test that was controlled enough, because everyone tested may have different teeth and different dental hygiene. He stated that chlorine was bad for you if ingested but it was also in the water. He stated that he agreed with Commissioner Stowers, as he believed Commissioner Boehm and Commissioner Partington would also, if they were the manufacturer’s attorney and their client was being asked by a Commissioner to make a statement, that they would not give a blanket ‘yes’ because they would open themselves up to liability. He stated that was an unfortunate part of government.

Planning Board Workshop

Ms. Shanahan stated that the Planning Board would like to have a joint workshop with the Commission to discuss outside storage, survival swim lessons, and electronic signs, which she would set up in the near future.

Item #12 – Adjournment

The meeting was adjourned at 8:22 p.m.

APPROVED: August 21, 2012

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

ATTEST:

\_\_\_\_\_  
Lois Towey, Acting City Clerk