

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

August 21, 2012

7:00 PM

Commission Chambers

Present were: Mayor Ed Kelley, Commissioners James Stowers, Troy Kent, Rick Boehm and Bill Partington, City Manager Joyce Shanahan, Assistant City Manager Ted MacLeod, City Attorney Randy Hayes, and Acting City Clerk Lois Towey.

A G E N D A

1. CALL TO ORDER

2. INVOCATION

A. Pastor Joseph Kim, Riverview United Methodist Church

3. PLEDGE OF ALLEGIANCE

4. PRESENTATIONS AND PROCLAMATIONS

A. Bruins Basketball Team – AAU Champions 10th grade boys

B. Introduction of Julie Davidson Truilo (Ryck Hundredmark)

5. AUDIENCE REMARKS - REGARDING ITEMS NOT ON THE AGENDA

6. APPROVAL OF MINUTES

A. Minutes from City Commission meeting – July 31, 2012

B. Minutes from City Commission meeting – August 8, 2012

7. CONSENT AGENDA

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

- A. **RESOLUTION NO. 2012-116** : A RESOLUTION AUTHORIZING THE EXECUTION OF A COLLECTIVE BARGAINING AGREEMENT BETWEEN THE CITY OF ORMOND BEACH AND THE FLORIDA STATE FRATERNAL ORDER OF POLICE, INC. ("FOP"); SETTING FORTH AN EFFECTIVE DATE.

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

- B. **RESOLUTION NO. 2012-117** : A RESOLUTION ACCEPTING A BID FROM TOMOKA CONSTRUCTION SERVICES, INC., FOR CONSTRUCTION SERVICES REGARDING THE CENTRAL PARK PAVING PROJECT, UNDER BID NO. 2012-20; 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)

- C. **RESOLUTION NO. 2012-118** : A RESOLUTION AUTHORIZING EXECUTION OF A SERVICE AGREEMENT BETWEEN THE CITY AND THE COUNTY OF VOLUSIA REGARDING THE ANDY ROMANO BEACHFRONT PARK; AND SETTING FORTH AN EFFECTIVE DATE.

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

- D. **RESOLUTION NO. 2012-119** : A RESOLUTION AUTHORIZING THE EXECUTION OF AN INTERLOCAL AGREEMENT BETWEEN THE CITY AND THE COUNTY OF VOLUSIA REGARDING THE ANDY ROMANO BEACHFRONT PARK; AND SETTING FORTH AN EFFECTIVE DATE.

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

- E. **Riverside Drive Closure**

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

Disposition: Approve as recommended in the City Manager memorandum dated August 21, 2012.

- F. **African American Heritage Project Proposal**

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

Disposition: Approve as recommended in the City Manager memorandum dated August 21, 2012.

- G. **Replica of Ormond Garage at Birthplace of Speed Park**

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

Disposition: Approve as recommended in the City Manager memorandum dated August 21, 2012.

- H. **CPI Rate Adjustment Request – Waste Management of Florida, Inc.**

Staff Contact: Theodore MacLeod, Assistant City Manager (386-676-3279)

Disposition: Approve as recommended in the City Manager memorandum dated August 21, 2012.

8. PUBLIC HEARINGS

- A. **ORDINANCE NO. 2012-25** : AN ORDINANCE AMENDING CHAPTER 3, PERFORMANCE 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. 2012-30** : 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 2,935 LINEAR FEET SOUTH OF INTERSECTION OF INTERSTATE 95 AND NORTH U.S. HIGHWAY 1 INTERCHANGE AND BEING COMMONLY LOCATED AT 1444 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)

9. FIRST READING OF ORDINANCES

- A. **ORDINANCE NO. 2012-32** : AN ORDINANCE OF THE CITY OF ORMOND BEACH, FLORIDA, AMENDING ARTICLE IV, POLICE OFFICERS' PENSION TRUST FUND, OF CHAPTER 16, PENSIONS AND RETIREMENT, OF THE CODE OF ORDINANCES; AMENDING SECTION 16-71, DEFINITIONS BY AMENDING THE DEFINITION OF SALARY; AMENDING SECTION 16-76, BENEFIT AMOUNTS AND ELIGIBILITY; AMENDING SECTION 16-80, OPTIONAL FORMS OF BENEFITS; AMENDING SECTION 16-98, DEFERRED RETIREMENT OPTION PLAN; PROVIDING FOR SEVERABILITY OF PROVISIONS; PROVIDING FOR CODIFICATION; REPEALING ALL ORDINANCES IN CONFLICT HERewith AND PROVIDING AN EFFECTIVE DATE.

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

- B. **ORDINANCE NO. 2012-33** : AN ORDINANCE AMENDING THE FUTURE LAND USE ELEMENT OF THE COMPREHENSIVE PLAN BY AMENDING THE FUTURE LAND USE MAP TO CHANGE THE DESIGNATION OF ONE (1) PARCEL OF REAL PROPERTY TOTALING APPROXIMATELY 0.46 ACRES LOCATED AT 115 NORTH NOVA ROAD (PARCEL ID NO. 4221-00-01-0013), FROM "OPEN SPACE/CONSERVATION" TO "OFFICE PROFESSIONAL", REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; AND SETTING FORTH AN EFFECTIVE DATE.

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

10. SECOND READING OF ORDINANCES

- A. **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)

- B. **ORDINANCE NO. 2012-31** : AN ORDINANCE AMENDING CHAPTER 2, ADMINISTRATION, ARTICLE VI, BOARDS, COMMISSIONS, COMMITTEES AND OTHER AGENCIES, OF THE CODE OF ORDINANCES, BY AMENDING SECTION 2-219, ART MUSEUM ADVISORY BOARD; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; PROVIDING SEVERABILITY; AND SETTING FORTH AN EFFECTIVE DATE.

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

11. REPORTS, SUGGESTIONS, REQUESTS

12. ADJOURNMENT

Item #1 – Meeting Call to Order

Mayor Kelley called the meeting to order at 7:00 p.m.

Item #2 – Invocation

Mayor Kelley gave the invocation.

Item #3 – Pledge of Allegiance

Mayor Kelley led the Pledge of Allegiance.

Item #4A – Bruins Basketball Team – AAU Champions 10th grade boys

Mayor Kelley invited Coach Stefon Jenkins and Coach Alex “Chip” Lloyd to join him at the podium.

Mayor Kelley stated that the South Ormond Sports Club was a youth basketball program housed in the South Ormond Beach Neighborhood Center. He stated that the program was started in March 2004 by Center Coordinator Liviston Edwards and Dr. James W. Rust of Ormond Beach. He stated that the program’s goal was to promote character, respect, and confidence in a healthy competitive environment for kids between the ages of 12 and 18. He stated that the South Ormond Sports Club participated in the Amateur Athletic Union (AAU). He stated that the program was still going strong after eight years, 6,000 volunteer hours, five state championships, and 400 kids,. He stated that the Bruins Basketball Team won the AAU Championship in the 10th grade boys division. He stated that Coaches Jenkins and Lloyd provided many hours of encouragement, reassurance, and direction to the young players as they trained to achieve their accomplishment. He stated that the City of Ormond Beach was very proud of the young men for representing the Ormond Beach community. He proclaimed August 22, 2012, as a day to recognize the Bruins Basketball Team in the City of Ormond Beach and urged all citizens to join him in congratulating them.

Coach Lloyd stated that the team had won the AAU Championship for the state of Florida, playing in the 10th grade division as a 9th grade team. He assisted Mayor Kelley in presenting the state championship rings to each player. He stated that the players showed good sportsmanship, respect for the coaches, and a love of the game. He stated that he was proud to be a part of their lives and teach them not only about basketball but about life.

Item #4B – Introduction of Julia Davidson Truilo (Ryck Hundredmark)

Ms. Joyce Shanahan, City Manager, stated that Mr. Ryck Hundredmark, President of Ormond Beach MainStreet, would introduce the new Executive Director for Ormond Beach MainStreet.

Mr. Hundredmark introduced Ms. Julia Davidson Truilo, the new Executive Director of Ormond Beach MainStreet. He stated that Ms. Truilo had lived in the area her entire life and was a very active member of the community.

Ms. Truilo stated that she was looking forward to spending time with the Commission and doing great work for Ormond Beach.

Mayor Kelley thanked Ms. Truilo for accepting the position. He stated that she would be a great addition in line with the arts theme.

Item #5 – Audience Remarks

Mr. Jim Schultz, 117 Harvard Drive, stated that there was a very large article in the Daytona Beach News-Journal on mercury pollution. He stated that he was impressed with it but felt that it had one major omission, which was dental amalgam mercury. He stated that dentists in some states and cities had been required to install amalgam separators for about \$1,000 per practice, and it almost totally eliminated mercury from the wastewater. He stated that a dental practice could easily put a couple kilograms of mercury down the drain in a year. He stated that a couple kilograms of mercury was incredibly toxic and with bacteria in the environment it could often change it into methylmercury, which was 50 times more toxic. He stated that the article mentioned that 650 pounds of mercury in the state of Florida came from power plants, and that it used to be 3,000 pounds. He stated that the article did not mention that any of the big cities’ dental offices put out far more mercury than that. He stated that he had spoken to the health department and the dental associations, and he felt that they did not want to talk about mercury since they had been promising they were going to do something for 20 years. He stated that San Francisco decided that they were going to charge a regulatory fee of \$1,000 per month for any dentist that did not put in a separator. He stated that every dentist office in the city then did it immediately. He stated that they had a large problem at their wastewater plant about four parts per million mercury in the water and after the implementation of the devices it went down to one. He stated that he was interested in more than one type of environmental toxin. He stated that the city could do this immediately and change the environmental quality of the water.

Item #6 – Approval of the Minutes

Mayor Kelley advised that the minutes of the July 31, 2012, regular meeting, and the August 8, 2012, regular meeting, had been sent to the Commission for review, and were on the city’s website for public viewing. He asked for any corrections, additions, or omissions. He stated that hearing no corrections, the minutes would stand approved as presented.

Item #7 – Consent Agenda

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

Commissioner Kent moved, seconded by Commissioner Boehm, for approval of the Consent Agenda.

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

Item #7C – Ormond Memorial Art Museum Annual Renewal Contract for Services

Commissioner Kent stated that he was so pleased that the Ormond Beach Memorial Art Museum agreed to move the plaque the Commission had discussed the previous year. He thanked Commissioner Boehm and Commissioner Partington for their assistance with that issue.

Item #7F – African American Heritage Project Proposal

Commissioner Kent stated that he was really excited about the proposal and wanted to thank Ms. Lori Partington for bringing such a great idea to the city.

Item #8 – Public Hearings

Mayor Kelley stated that the following items would be open for a public hearing.

Item #8A – LDC Amendment – Architectural Design Standards

Acting City Clerk Lois Towey read by title only:

ORDINANCE NO. 2012-25
 AN ORDINANCE AMENDING CHAPTER 3, PERFORMANCE 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.

Commissioner Boehm moved, seconded by Commissioner Partington, for approval of Ordinance No. 2012-25, on first reading, as read by title only.

Commissioner Boehm stated that he wanted to offer an amendment in section 3-68a: 3b, under “colors.” He stated that the language as written read “*stripes and geometric patterns shall be strictly prohibited*” and continued “*geometric patterns may be approved by the City Commission where there were extensive areas of façade, the patterns are part of an overall architectural theme, and the colors are subtle.*” He stated the amendment he would offer would have the second sentence read “*stripes and geometric patterns may be approved by the City Commission.*” He stated that there had been an issue dealing with stripes on a building on A1A. He stated that the Commission had approved the stripes although staff did not recommend the approval. He stated that he believed that the elected officials should continue to have the right to make that decision.

He stated that he spoke to Ms. Shanahan and that she had said staff felt that stripes might fit under geometric patterns. He stated that he did not like the way those two sentences were conjoined.

Ms. Shanahan stated that staff had interpreted geometric patterns to include stripes but agreed that the language was not clear and that the amendment would be supported.

Commissioner Kent stated that he had received many compliments about the boutique inn on A1A that the Commission had approved stripes for. He stated that the hospital by his street had the exact same stripes as well.

Commissioner Boehm moved, seconded by Commissioner Kent, to amend the ordinance by replacing “geometric patterns” with “stripes and geometric patterns”.

Acting City Clerk Lois Towey called the vote on the motion to amend:

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

Acting City Clerk Lois Towey called the vote on the underlying amended motion:

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

Item #8B – 1444 N. US 1 Highway Annexation

Acting City Clerk Lois Towey read by title only:

ORDINANCE NO. 2012-30
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 2,935 LINEAR FEET SOUTH OF INTERSECTION OF INTERSTATE 95 AND NORTH U.S. HIGHWAY 1 INTERCHANGE AND BEING COMMONLY LOCATED AT 1444 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 Kent moved, seconded by Commissioner Partington, for approval of Ordinance No. 2012-30, on second reading, as read by title only.

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

Mayor Kelley closed the public hearing.

Item #9A– Police Pension Ordinance Modification

Acting City Clerk Lois Towey read by title only:

ORDINANCE NO. 2012-32

AN ORDINANCE OF THE CITY OF ORMOND BEACH, FLORIDA, AMENDING ARTICLE IV, POLICE OFFICERS’ PENSION TRUST FUND, OF CHAPTER 16, PENSIONS AND RETIREMENT, OF THE CODE OF ORDINANCES; AMENDING SECTION 16-71, DEFINITIONS BY AMENDING THE DEFINITION OF SALARY; AMENDING SECTION 16-76, BENEFIT AMOUNTS AND ELIGIBILITY; AMENDING SECTION 16-80, OPTIONAL FORMS OF BENEFITS; AMENDING SECTION 16-98, DEFERRED RETIREMENT OPTION PLAN; PROVIDING FOR SEVERABILITY OF PROVISIONS; PROVIDING FOR CODIFICATION; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH AND PROVIDING AN EFFECTIVE DATE.

Commissioner Boehm moved, seconded by Commissioner Partington, for approval of Ordinance No. 2012-32, on first reading, as read by title only.

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

Item #9B – 115 N. Nova Road Small Scale Land Use Map Amendment

Acting City Clerk Lois Towey read by title only:

ORDINANCE NO. 2012-33

AN ORDINANCE AMENDING THE FUTURE LAND USE ELEMENT OF THE COMPREHENSIVE PLAN BY AMENDING THE FUTURE LAND USE MAP TO CHANGE THE DESIGNATION OF ONE (1) PARCEL OF REAL PROPERTY TOTALING APPROXIMATELY 0.46 ACRES LOCATED AT 115 NORTH NOVA ROAD (PARCEL ID NO. 4221-00-01-0013), FROM “OPEN SPACE/CONSERVATION” TO “OFFICE PROFESSIONAL”, REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; AND SETTING FORTH AN EFFECTIVE DATE.

Commissioner Boehm moved, seconded by Commissioner Kent, for approval of Ordinance No. 2012-33, on first reading, as read by title only.

Commissioner Stowers stated that he needed to abstain from voting on the item. He explained that he represented Mr. Hall in certain matters outside of Ormond Beach.

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

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

Acting City Clerk Lois Towey 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 Stowers moved, seconded by Commissioner Partington, for approval of Ordinance No. 2012-29, on second reading, as read by title only.

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

Item #10B – Code of Ordinances Amendment – Sec. 2-219 Art Museum Advisory Board

Acting City Clerk Lois Towey read by title only:

ORDINANCE NO. 2012-31
AN ORDINANCE AMENDING CHAPTER 2, ADMINISTRATION, ARTICLE VI, BOARDS, COMMISSIONS, COMMITTEES AND OTHER AGENCIES, OF THE CODE OF ORDINANCES, BY AMENDING SECTION 2-219, ART MUSEUM ADVISORY BOARD; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; PROVIDING SEVERABILITY; AND SETTING FORTH AN EFFECTIVE DATE.

Commissioner Partington moved, seconded by Commissioner Boehm, for approval of Ordinance No. 2012-31, on second reading, as read by title only.

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

Item #11– Reports, Suggestions, Requests

Workshop with Planning Board

Ms. Shanahan stated that there would be a joint workshop with the Planning Board on October 1, 2012 at 7:00 p.m. She stated that the items that would be discussed would be the survival swim lessons, code amendment for outside display of retail, and free standing and electronic signage.

Interlocal Agreement

Ms. Shanahan stated that the Commission had approved the interlocal agreement with Volusia County for the Andy Romano Beachfront Park. She stated that it would be sent to the county and they hoped to receive a check from them shortly thereafter.

Project Updates

Ms. Shanahan stated that the upgrade to the wastewater plant was well under way. She stated that she hoped the renovations would be finished by early 2013. She stated that Halifax Drive repaving would be a major project in the next couple of months.

Tomoka State Park Trail

Ms. Shanahan stated that she was pleased to report that the walking trail to Tomoka State Park was finished and that there would be a ribbon cutting ceremony. She stated that she tested the trail out over the weekend while riding her bike and a large deer had jumped across the pathway.

Rumble Strips

Commissioner Kent stated that he had received a question about placing rumble strips on the road in front of Ormond Beach Elementary. He stated that there had been some issues the previous year.

Ms. Shanahan stated that there were already rumble strips in place there; whereby, Commissioner Kent asked if they were recently added.

Ms. Shanahan stated that they had been up for about six weeks. She stated that they were located where the stop sign used to be.

Commissioner Kent stated that he had not been informed about them; whereby, Ms. Shanahan apologized. Commissioner Kent stated that the teacher that called him had

done so at the end of the previous school year and he had not heard anything else about the issue. He stated that he wanted to make sure that it was taken care of.

League of Cities

Commissioner Kent stated that he wanted to thank Mayor Kelley, Commissioner Partington, and Ms. Shanahan for taking time out of their workdays, away from their families, and out of their lives to attend the Florida League of Cities in Hollywood, Florida. He stated that he wanted to thank them for doing that for the City of Ormond Beach.

Volusia Council of Governments (VCOG)

Commissioner Kent stated that he read in the newspaper that Deltona had pulled out of VCOG. He stated that one of the ideas on how to make up their contribution had been to charge all of the other cities the amount that they would be losing from Deltona. He stated that he was against that idea and did not like it at all. He stated that Mayor Kelley served on VCOG. He stated that he himself did not know enough about it but it had his mind working. He asked Mayor Kelley or Ms. Shanahan to provide a synopsis of what the city received for being a member of VCOG in the next month or so. He stated that some days he received nine emails from VCOG. He stated that he needed to know more about the organization.

Mayor Kelley stated that there would be a VCOG meeting next Monday at 5:00 p.m. He stated that some of the cities were asking other members of the cities' Commissions to attend the meetings. He stated that VCOG worked in conjunction with the schools that year in setting forth a program, led by the Mayor of Orange City, for zero traffic accidents and deaths. He stated that, for example, the Port Orange Police Department, worked directly with the schools. He stated that perhaps he should give a more detailed synopsis of VCOG's efforts each meeting.

PAL

Commissioner Boehm stated that the Bruins basketball team that played for AAU was also on the PAL team. He stated that it was a tribute to the strength of the PAL program. He stated that it was also a tribute to Mr. Liviston "Stretch" Edwards as well. He stated that his son played at the center when he was growing up and that Stretch provided a safe haven for the youth of the community.

Maria Bonita

Commissioner Boehm stated that on his way in he had noticed an open sign at Maria Bonita. He stated that he was unaware that it had opened.

Election

Commissioner Boehm stated that he was pleased by the voter turnout the previous week, in spite of the fact that there was rain. He stated that a lot of people did not understand that there were a number of races that were non-partisan, for which everyone could vote. He stated that it was shown in Ponce Inlet's Councilman race, one vote could decide the winner. He stated that there had been close races in Ormond Beach before and that emphasized how important it was to exercise the right to vote. He stated that all six County Council seats were in runoff elections and that the direction of the County and its future would in large part be affected by the outcome of those races. He stated that he believed that the Supervisor of Elections said the ballot would be eight pages long because of 12 constitutional amendments. He stated that he felt that the County elections and the municipal election in Ormond Beach would be on page five or six of the ballot. He stated that he encouraged everyone who would vote in November to not stop until they got to the end of the ballot.

Maria Bonita

Commissioner Stowers stated that Commissioner Boehm stole his thunder, as he had received a text from his friends who were at Maria Bonita having dinner that evening.

Campaign Signs

Commissioner Stowers stated that he wanted to thank the Neighborhood Improvement Division and Ms. Shanahan for their quick response on the campaign sign issue. He stated that at the last meeting they spoke about it and in the days that followed the issues were addressed. He stated that the properties were cleaned up quickly.

Mr. Liviston "Stretch" Edwards

Mayor Kelley stated that Mr. Liviston "Stretch" Edwards said that the program that he was involved in years ago had saved him and he was happy to be a part of bringing it back.

Election

Mayor Kelley stated that in County Council District 4 race, which included Ormond Beach, there were 1,400 empty votes. He stated that a better job needed to be done of getting the word out because it was a very important election.

REIT

Mayor Kelley stated that he had received a call from a member of the Pension Board to ask if the Commission would reconsider looking into REIT (Real Estate Investment Trust) for investment purposes. He stated that the member had said that the Commission did not understand the program when it was previously presented to them. He stated that he understood it the way it was explained and then was told that the presenter did not explain it well. He asked if the Commission would want to take another look at them.

Mayor Kelley explained that the REIT had been presented to the Commission and they had turned down putting pension funds in it. He stated that the member he received a call from was a financial advisor. He stated that he briefly spoke to Ms. Kelly McGuire, Finance Director, about it and she said that if the Commission wanted to look into it, they would have one shot to do so. He stated that if it was not done before October 1, 2012, it would be two years before they would be able to look at it again. He stated that there was apparently a waiting list of municipalities to get in to that particular fund.

Commissioner Partington asked if there was new information or if the board was saying that it was not explained properly; whereby, Mayor Kelley stated that the board said that the Commission did not understand it.

Commissioner Kent stated he felt that since they did not vote the way the board wanted, they were being told that they did not understand it.

Mayor Kelley stated that the option presented was a private funded REIT that was limited in participation, as opposed to publicly traded funds. He stated that to him, public or private was the same. He stated that he did not know what the difference was.

Commissioner Stowers asked if the audio or minutes from the meeting involving the REIT discussion could be pulled because he did not remember the discussion in great detail. He stated that he would be happy to consider it at the next meeting after he was refreshed on that previous meeting.

Ms. Shanahan stated that she would have to put the item on the September 4, 2012, meeting agenda and the Commission would not meet again before that to give further instruction. She stated that staff could provide the Commission with the meeting audio but that the Commission could not give her any instructions until they were all together at the next meeting.

Commissioner Stowers stated that he was suggesting they each individually look at what they had previously discussed.

Mayor Kelley stated that he did not think that they had the luxury of time.

Ms. Shanahan stated that there would have to be another meeting before the next City Commission meeting on September 4, 2012, in order for the Commission to instruct her to put that item on the agenda. She stated that there needed to be two readings of the ordinance before October 1, 2012, which would have to be on September 4 and September 18.

Commissioner Partington stated that he would say 'too bad.' He stated that if it was that important and if the Commission had made that much of a wrong decision, then someone should have let them know with enough time to properly reconsider.

Commissioner Boehm stated that he agreed with Commissioner Partington. He stated that meeting had been so long ago that he, like Commissioner Stowers, could not recall the discussion in detail. He asked why someone waited the length of time they did to bring it back up.

Mr. Randy Hayes, City Attorney, stated that under the Commission's rules they had some discretion to determine what a reasonable time period would be in which to reconsider an item. He stated that, ordinarily, it was within a reasonable period of time after the action was taken on the measure to be reconsidered, such as a day or week after, absent some extraordinary circumstance. He stated that it was now pretty well down the fiscal year and away from the meeting date. He stated that he did not know if the current rules would allow the Commission to reconsider it upon the form that it was previously presented, unless some material change was made. He stated that they could always suspend that portion of their rules and bring back the item and reconsider it. He stated that in order for the City Manager to receive direction from the Commission, she needed to have the weight of the Commission's collective discussion on the issue and the only way to do that would be to get them the minutes from the previous discussion. He stated that the information could be disseminated to them separately for informational purposes. He stated that one of them, at a subsequent meeting, would need to ask that the item be added to the agenda and then it could be.

Ms. Shanahan stated that there could be a special meeting to accomplish it; whereby, Mr. Hayes stated that there were procedural hurdles that they had to get over.

Mayor Kelley stated that Commissioner Boehm and Commissioner Partington pointed out that if it was that important, then it would have been brought up earlier. He stated that he had objected to the initial costs involved to set the REIT up, the performance it would have to have, as well as the fact that it was a high risk investment that yielded in many cases a good return but had a downside of equity loss. He stated that it did not really matter whether it was private or public, as it still carried the same set of guidelines as all investments in real estate that points were made off of. He stated that if it was private, it still had to be traded as you had to have some ability to buy and sell. He stated that he was comfortable with not allowing the pensions to go into those risky type funds.

Commissioner Stowers stated that Commissioner Boehm and Commissioner Partington made a good point. He stated that he thought of potentially re-evaluating but that they were right in that if it was that important, they should have been approached sooner.

Mayor Kelley stated that the answer was that they were not going to re-open the matter.

League of Cities

Mayor Kelley thanked Commissioner Kent for recognizing that he, Commissioner Partington, and Ms. Shanahan would be attending the Florida League of Cities. He stated that he was going down the next day and had workshops and meetings to go to for the Florida League of Mayors. He stated that getting together could make a difference.

Commissioner Kent stated that it did make a difference and that Mayor Kelley always came back with lots of ideas. He stated that it was a positive thing for the city and he was very sad he could not make it with school just starting.

Mayor Kelley stated that one idea they brought back several years ago was the prescription benefit card. He stated that the card had saved the residents of Ormond Beach over almost \$100,000 in prescription costs.

Item #12 – Adjournment

The meeting was adjourned at 7:52 p.m.

APPROVED: September 4, 2012

BY: _____
Ed Kelley, Mayor

ATTEST:

Lois Towey, Acting City Clerk