

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

**August 16, 2011**

**7:00 p.m.**

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** – Pastor Jacqui Dominick, Calvary Christian Center

**3. PLEDGE OF ALLEGIANCE**

**4. PRESENTATIONS**

A. Pop Warner

B. Take Stock in Children

**5. AUDIENCE REMARKS** – Regarding items not on the agenda.

**6. APPROVAL OF MINUTES**

A. Minutes from the City Commission meeting – August 3, 2011

**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. 2011-113** – A resolution authorizing execution of an agreement between the City and the Volusia Transportation Planning Organization in support of planning and funding of Volusia County transportation system projects; authorizing the expenditure of funding ; and setting forth an effective date. *(Planning Director)*

**B. Resolution No. 2011-114** – A resolution authorizing the execution of a lease and use agreement between the City and Council on Aging of Volusia County, Inc., for the management and operation of the Ormond Beach Senior Center; and setting forth an effective date. *(Leisure Services Director)*

**C. Resolution No. 2011-115** – 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. *(Acting City Engineer)*

**D. Resolution No. 2011-116** – A resolution establishing minimum requirements for risk management, payment and performance bonds, commercial general liability insurance, and comprehensive general liability insurance for leases, contractors, and licensees and permittees; repealing all inconsistent resolutions; setting forth an effective date. *(Human Resources Director)*

**E. Resolution No. 2011-117** – A resolution accepting a bid from Foundation Services of Central Florida, Inc., for construction services regarding seawall repairs for Ames Park and Riviera Park, under Bid No. 2011-16; authorizing the execution of a contract and payment therefore; rejecting all other bids; and setting forth an effective date. *(Acting City Engineer)*

**F. Airport Road Forcemain Project Pre-Qualification of Bidders** *(Acting City Engineer)*

DISPOSITION: Approve as recommended in City Manager memorandum dated August 11, 2011.

**G. Auto Renew Contracts for Pace Analytical & Neptune Meters** *(Finance Director)*

DISPOSITION: Approve as recommended in City Manager memorandum dated August 11, 2011.

**H. Facility Lighting Replacement (DOE Grant) – Additional Work Request** (*Acting City Engineer*)

DISPOSITION: Approve as recommended in City Manager memorandum dated August 11, 2011.

**I. Auto Renew Contract for FPL Conversion and Streetlighting** (*Assistant City Manager*)

DISPOSITION: Approve as recommended in City Manager memorandum dated August 11, 2011.

**J. Approval of FY 2011-12 to FY 2015-16 Capital Improvement Program** (*Finance Director*)

DISPOSITION: Approve as recommended in City Manager memorandum dated August 11, 2011.

**8. PUBLIC HEARINGS**

**A. Second Reading of Ordinance No. 2011-29** – 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 +0.86-acres located at 1142 North US Highway 1 (Parcel ID No. 4238-02-02-0100), from Volusia County "Industrial" to Ormond Beach "Light Industrial/Utilities"; repealing all inconsistent ordinances or parts thereof; and setting forth an effective date. (*American Legion Post 267*) (*Planning Director*)

**B. First Reading of Ordinance No. 2011-31** – An ordinance amending Paragraph C, Official Zoning Map, of Section 2-01, Establishment of Zoning Districts and Official Zoning Map, of Chapter 2, District and General Regulations, Article I, Establishment of Zoning Districts and Official Zoning Map, of the *Land Development Code*, by rezoning a 2.53-acre parcel of real property located at 1287 West Granada Boulevard, from SR (Suburban Residential) to PBD (Planned Business Development), authorizing revision of the Official Zoning Map; and approving a development order for a Planned Business Development to be known as "Brown/Thompson Commercial Site"; establishing conditions; repealing all inconsistent ordinances or parts thereof; and setting forth an effective date. (*Planning Director*)

**9. FIRST READING OF ORDINANCES**

**A. Repeal of local ordinances regulating firearms:**

**1. Ordinance No. 2011- 32** – An ordinance amending Chapter 15, Parks and Recreation, Article I, Operation of city parks and recreation and cultural areas and facilities, Section 15-6, Recreation activities of the Code of Ordinances of the City of Ormond Beach, Florida; by repealing local provisions relating to hunting and firearms within city parks; repealing all inconsistent ordinances or parts thereof; providing severability; and setting forth an effective date. (*Chief of Police*)

**2. Ordinance No. 2011- 33** – An ordinance amending Chapter 14, Offenses — Miscellaneous, Article I, In General, Section 14-7, Firearms; Discharging, of the Code of Ordinances of the City of Ormond Beach, Florida; by repealing local provisions relating to discharging firearms within the city limits; repealing all inconsistent ordinances or parts thereof; providing severability; and setting forth an effective date. (*Chief of Police*)

**10. SECOND READING OF ORDINANCES**

**A. Ordinance No. 2011-30** – An ordinance amending Chapter 14, Offenses — Miscellaneous, Article I, in General, Section 14-18, Trespass, of the Code of

Ordinances of the City of Ormond Beach, Florida; by providing Law Enforcement Officers authority to issue warnings to trespassers of public property; providing penalties; providing appeal process; repealing all inconsistent ordinances or parts thereof; providing severability; and setting forth an effective date. (*Chief of Police*)

## 11. RESOLUTIONS

- A. RESOLUTION NO. 2011-118** – A resolution authorizing the execution of a 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 program; and setting forth an effective date.

## 12. REPORTS, SUGGESTIONS, REQUESTS (Mayor, City Commission, City Manager, City Attorney)

## 13. ADJOURNMENT

### Item #1 – Meeting Call to Order

The meeting was called to order by Mayor Kelley at 7:00 p.m.

### Item #2 – Invocation

The invocation was given by Pastor Jacqui Dominick, Calvary Christian Center.

### Item #3 – Pledge of Allegiance

The Pledge of Allegiance was led by Mayor Kelley.

### Item #4A – Pop Warner

Mayor Kelley read a proclamation honoring Pop Warner Football and Cheerleading First Team Academic All Americans.

Mike Mitchner called up 51 members of Pop Warner Football and Cheerleading First Team Academic All Americans; and awarded a \$5,000 scholarship from Pop Warner and a \$300 scholarship from the local Pop Warner to Maurena Strong for academic achievement.

### Item #4B – Take Stock in Children

Sheila from Volusia County School Board Take Stock in Children Futures program stated the Futures provided many programs not funded in the School Board budget, such as grants for teachers, Teacher of the Year program, Tomorrow Leaders, Training for High School Juniors, and Take Stock in Children, a program to provide a college tuition scholarship to high achieving students from a low socio-economic background and four year's of support and assistance to prepare for college during high school. She explained the state matched dollar for dollar any funds raised by Futures. She asked the City to provide financial support for a student and mentors to these students. She stated more information was available on their website at [www.futures.volusia.org](http://www.futures.volusia.org).

### Item #5 - Audience Remarks

#### Beachfront Park

Bill McFetridge, 50 Cumberland Avenue, stated the design concept selected for the beachfront park did not adequately reflect the range of public opinion as required by the City's RFP. He stated he supported the acquisition of the property for the park. He expressed concern that the consultant chosen to design the park was mostly a designer of commercial properties. He stated many of the features were not supported at the public meetings and he encouraged the Commission to revisit the design process for more alternatives to reflect public input. He suggested reducing the impact of the park and to use the excess funds to purchase more land for more beachfront parks.

Charlie Wilkes, 67 Hernandez Avenue, narrated a slide show of various beachfront parks in Volusia County and asked for financial restrains in the development of the Andy Romano Beachfront Park. He stated he did not vote for an amusement park, but a natural park.

#### Chamber of Commerce

Jim Cameron, Senior Vice President of Government Relations of Daytona Regional Chamber of Commerce, commended the City's staff for their efforts on the City's budget and recognized

Finance Director Kelly McGuire for her responsiveness to his questions. He reported the Chamber was compiling a comparative analysis of the municipalities in the county. He thanked the City for the efforts on providing internet improvements in the community which will enhance the economic development efforts. He invited the Commission to the lunch meeting on September 8 when Grace Swope, President of Enterprise Florida, would be the speaker.

Item #6 – Approval of the Minutes

Mayor Kelley advised the minutes of the August 3, 2011, regular meeting had been sent to the Commission for review, and were on the City's website for public review. 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 the action proposed for each item on the Consent Agenda was so stated on the agenda. He asked if any member of the Commission had questions or wished to discuss any item separately.

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

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

Item #8A –amending the FLUM 1142 North US1

City Clerk Joshua Fruecht read by title only:

ORDINANCE NO. 2011-29

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 +1.31-ACRES LOCATED AT 1520 NORTH US HIGHWAY 1 (PARCEL ID NO. 3136-01-61-0010), FROM VOLUSIA COUNTY "COMMERCIAL" TO ORMOND BEACH "LOW INTENSITY COMMERCIAL"; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; AND SETTING FORTH AN EFFECTIVE DATE.

Mayor Kelley stated this is a public hearing and there were no requests to speak.

**Commissioner Boehm moved, seconded by Commissioner Partington, for approval of the Ordinance No. 2011-29, 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 #8B – amending Zoning Map 1287 West Granada

City Clerk Joshua Fruecht read by title only:

ORDINANCE NO. 2011-31

AN ORDINANCE AMENDING PARAGRAPH C, OFFICIAL ZONING MAP, OF SECTION 2-01, ESTABLISHMENT OF ZONING DISTRICTS AND OFFICIAL ZONING MAP, OF CHAPTER 2, DISTRICT AND GENERAL REGULATIONS, ARTICLE I, ESTABLISHMENT OF ZONING DISTRICTS AND OFFICIAL ZONING MAP, OF THE *LAND DEVELOPMENT CODE*, BY REZONING A 2.53-ACRE PARCEL OF REAL PROPERTY LOCATED AT 1287 WEST GRANADA BOULEVARD, FROM SR (SUBURBAN RESIDENTIAL) TO PBD (PLANNED BUSINESS DEVELOPMENT), AUTHORIZING REVISION OF THE OFFICIAL ZONING MAP; AND APPROVING A DEVELOPMENT ORDER FOR A

PLANNED BUSINESS DEVELOPMENT TO BE KNOWN AS "BROWN/THOMPSON COMMERCIAL SITE"; ESTABLISHING CONDITIONS; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; AND SETTING FORTH AN EFFECTIVE DATE.

Mayor Kelley stated this is a public hearing and there were no requests to speak.

**Commissioner Kent moved, seconded by Commissioner Boehm, for approval of the Ordinance No. 2011-29, on second reading, as read by title only.**

Commissioner Partington requested confirmation that the 20% for specialty retail as recommended by the Planning Board was included.

City Attorney Randy Hayes confirmed it was included.

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

Mayor Kelley stated without objection, the public hearing was closed.

Item #9A1 – repealing local provisions relating to hunting and firearms with city parks

City Clerk Joshua Fruecht read by title only:

ORDINANCE NO. 2011-32  
AN ORDINANCE AMENDING CHAPTER 15, PARKS AND RECREATION, ARTICLE I, OPERATION OF CITY PARKS AND RECREATION AND CULTURAL AREAS AND FACILITIES, SECTION 15-6, RECREATION ACTIVITIES OF THE CODE OF ORDINANCES OF THE CITY OF ORMOND BEACH, FLORIDA; BY REPEALING LOCAL PROVISIONS RELATING TO HUNTING AND FIREARMS WITHIN CITY PARKS; 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 the Ordinance No. 2011-32, on first reading, as read by title only.**

Rita Press, 875 Wilmette Avenue, stated normally a citizen spoke in favor or against a proposed ordinance, but this ordinance was a mandate from the State of Florida and needed explanation, particularly to the young people. She explained the current ordinance prevented anyone from entering a public park or facility with a concealed weapon; whereas the proposed ordinance allowed certain situations, whereby someone could bring a concealed weapon. She requested the City provide a list of public places where firearms were allowed.

City Attorney Randy Hayes explained the ordinances on the agenda were repealing ordinances that had been on the books for a long time, but were now directed by state law, which prohibits carrying firearms in a public place.

Ms. Press asked the City Attorney to provide a list of public places at the second reading of the ordinance.

The City Attorney stated he would be happy to provide the information at the second reading.

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

Item #9A2 – repealing local provisions relating to discharging firearms within the city limits

City Clerk Joshua Fruecht read by title only:

ORDINANCE NO. 2011-33  
AN ORDINANCE AMENDING CHAPTER 14, OFFENSES —MISCELLANEOUS, ARTICLE I, IN GENERAL, SECTION 14-7, FIREARMS; DISCHARGING, OF THE CODE OF ORDINANCES OF THE CITY OF ORMOND BEACH, FLORIDA; BY REPEALING LOCAL PROVISIONS RELATING TO DISCHARGING FIREARMS WITHIN THE CITY LIMITS; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; PROVIDING SEVERABILITY; AND SETTING FORTH AN EFFECTIVE DATE.

**Commissioner Boehm moved, seconded by Commissioner Stowers, for approval of the Ordinance No. 2011-33, 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 #10A – trespassing on public property

City Clerk Joshua Fruecht read by title only:

ORDINANCE NO. 2011-30  
AN ORDINANCE AMENDING CHAPTER 14, OFFENSES —MISCELLANEOUS, ARTICLE I, IN GENERAL, SECTION 14-18, TRESPASS, OF THE CODE OF ORDINANCES OF THE CITY OF ORMOND BEACH, FLORIDA; BY PROVIDING LAW ENFORCEMENT OFFICERS AUTHORITY TO ISSUE WARNINGS TO TRESPASSERS OF PUBLIC PROPERTY; PROVIDING PENALTIES; PROVIDING APPEAL PROCESS; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; PROVIDING SEVERABILITY; AND SETTING FORTH AN EFFECTIVE DATE.

**Commissioner Partington moved, seconded by Commissioner Kent, for approval of the Ordinance No. 2011-30, 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 #11A – Ormond Beach Pride lease

City Clerk Joshua Fruecht read by title only:

RESOLUTION NO. 2011-118  
A RESOLUTION AUTHORIZING THE EXECUTION OF A 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 PROGRAM; AND SETTING FORTH AN EFFECTIVE DATE.

City Manager Joyce Shanahan explained that at the last Commission meeting, Mr. Scudiero had requested use of City facilities at the Ormond Sports Complex for Ormond Beach Pride, Inc., football league. She stated discussions had occurred between the staff and Ormond Pride, leaving the issue of a waiver of fees, which could only be resolved by Commission approval of a lease agreement. She stated the Leisure Services Advisory Board reviewed the lease agreement and recommended not providing a lease agreement at this time and that the two organizations work together.

**Commissioner Kent moved, seconded by Commissioner Stowers, for approval of the Resolution No. 2011-118, as read by title only.**

Mike Scudiero, 42 Circle Creek Way, expressed agreement with the City Manager's statements and Ormond Pride had been required to provide numerous documentation, as well of payment of fees at 10% for residents and 50% for non-residents. He stated Ormond Beach Pride's intention was to pick up where Pop Warner left off, because there were weight limits and waiting lists for Pop Warner. He reported most neighboring cities have two or more leagues operating and using the same fields. He agreed that Pop Warner had done wonderful things for the City and the residents, and he stated Ormond Pride was not trying to interfere with Pop Warner's use of the fields. He state the majority (53%) of students were Ormond Beach city residents or 74% including the unincorporated area.

Tom Roland, Daytona Beach Pop Warner, stated he worked with Pop Warner in Daytona Beach for 20 years, the last 14 as a Commissioner of Pop Warner; and he reported there were now three organizations in Daytona Beach, Pop Warner, Wildcats and Jaguars. He stated the situation in Daytona was the junior midget and midget division always had 35 players, but now only had about 13 players. He asked that the Daytona players in play in Daytona, not Ormond Beach.

Steve Buswell, 15 Highwood Ridge Trail, stated six years ago his son brought home a Pop Warner flyer to play. He stated he took great pride in his son playing, but what if his son could not play in the Pop Warner league. He stated Ormond Beach Pride allowed all children to play and it was all about the children.

Justin Gates, 10 Broadcreek Circle, stated both leagues working together was not possible under a Pop Warner umbrella. He stated it was an outstanding goal, but it was not realistic, because the Pop Warner organization would not allow the charter. He stated Pop Warner limited the number of players with never more than 26 players on a team; therefore, not all children were able to play. He stated he was the Competition Director for Sports Network International that sponsored the National Youth Football Championships for 40 years. He stated U.S.A. Football was the amateur football governing body around the country for youth football and Olympic football, recognized as the de facto standard on how youth football should be played. He reported U.S.A. Football stated there should never be more than 26 players on a team, because some of the children would never get to play on larger teams. He stated the competition from Ormond Pride would not damage Pop Warner.

Doug Wigley, 37 Forest View Way, stated Pop Warner had given much to the City over the years and needed to be considered. He stated no one wanted to deny any child the opportunity to play. He stated there was not enough talent pool to restrict players to only within the City limits. He stated Ormond Pride wanted to use fields for free and wanted the same recognition as Pop Warner after 90 days. He suggested Breakaway Trails had two fields available that could be used for practice by Ormond Pride every day of the week.

Rick Ferritto, 1366 North US1, stated he wished Ormond Pride could have come to Pop Warner to discuss working together and he was concerned about the limited resources in the community and would the community be able to support two leagues. He stated safety was a primary issue and Pop Warner had a medical board to address such issues as weight limits. He agreed change needed to come through the Youth Football and Cheerleading organization.

Kathy Fulcher, 106 Northbrook Lane, speaking on behalf of Ormond Pride, stated Pop Warner placed her son on a waiting list, but he never received a place to play. She stated her son was now 6'3" and weighted 205 pounds at 13 years old and not able play with Pop Warner's weight limits. She stated sports were important for children because coaches provided role models and some lessons learned through sports could not be taught in classroom; sportsmanship, team work and cooperation. She asked the Commission to vote for the lease agreement.

Edward Shacklette, 55 John Anderson Drive, stated he appreciated everyone's passion and he agreed with the values of sports activities. He pointed out that 85% of larger students have never played football by the time they go to college because of the weight limits of Pop Warner. He stated the issue was about what was best for the children.

Mark MacNamara, 66 Greenwood, grew up here and played football throughout his youth and now his son wanted to play, but Pop Warner does not have room for his son who had been on a waiting list for three years. He stated now his son can play with Ormond Pride.

Lori Smith, 48 Choctaw Trail, stated her older children participated in Pop Warner, but now there was a need for Ormond Pride because there were many more children who want to play and they should be able to play.

Brian Colubiale, 31 Lost Creek Lane, stated he agreed with the previous comments.

Sheri Patterson, 135 Live Oak Avenue, stated she had one son who played with Pop Warner and one son who played with Ormond Pride; her older two sons played with Pop Warner. She stated she was raising two of her cousins; one played with Pop Warner, but now has to play with Ormond Pride because he was too big for Pop Warner. She stated the big players should have a place to play and not have to wait until high school to play. She stated it should be about the children.

Dave Mustin, 133 Sanchez Avenue, stated everyone had a passion, and sports had been his passion. He stated he would give anything to walk out on a field and play. (Mr. Mustin was in a wheelchair.) He asked the Commission not take away the opportunity of these children, because they deserve it.

Doug Thomas, 132 River Bluff Drive, stated this situation was one of the most gut-wrenching for him. He stated his grandson could not play football with Pop Warner because he was overweight. He stated it was not about the children not being able to play; there were other places to play. He stated it was not correct that if this lease was not signed there would be no place for the children to play. He expressed concern that the fields would not be able to withstand the additional games on the fields and he does not know where all the teams would practice. He stated he did not buy into that it was not possible for both leagues to work together. He stated he was concerned about unintended consequences or ramifications of two leagues; and unless the Commission was willing to pay for four or five more practice fields and at least one more championship field, there was going to be trouble in the future. He stated planning must be done for the future and he pointed out the planning for the Sports Complex started back in the 70s.

Dennis Bayer, 1586 John Anderson Drive, stated his son was one of the 13-year old, 6'2" players that could not play in Pop Warner. He stated he lived in the unincorporated area and was willing to pay non-resident fee to allow his children to participate. He stated the focus should be on the children and their opportunities.

Quennedda Carter, 165 Hand Avenue, stated her son started with Pop Warner when he was five years old. She stated there were three leagues in Daytona Beach that work together and Daytona Beach only charged for the use of lights, but not the fields. She stated there was a need for another league in Ormond Beach.

Commissioner Kent asked Leisure Services Director Robert Carolin what monies came to the City from Pop Warner for use of the fields and how much was paid to the School Board for Pop Warner to utilize Ormond Beach Middle School fields.

Mr. Carolin stated he did not know of money that came direct from Pop Warner, but the City paid \$15,000 annually to the School Board for the use of the OBMS fields.

Commissioner Kent asked how much was paid for the maintenance of the fields.

Mr. Carolin stated the \$15,000 to the School Board was utilized by Pop Warner for the maintenance of the OBMS fields they use for practice. He stated Pop Warner only used Field 7 at the Sport Complex for games; they do not practice on the City fields, unless a team made the play-offs then they would practice under the lights a couple of times. He stated Pop Warner had not been subject to the 10% facilities fees or the 50% non-resident fee, but will be paying those fees next year.

Commissioner Kent stated next year Pop Warner would not be using the OBMS fields for practice and would have the same lease as Ormond Pride, which he called, "even-steven." He stated some of the numbers he just heard for this year were not "even -steven." He stated he loved Pop Warner and supported it. He expressed support for the lease with no fees to Ormond Pride.

Commissioner Stowers stated he was an athletic guy, as well as his father and brother. He stated someone had made a comment about diluting the talent pool, but his father instilled in him the desire to rise above any diluted talent pool. He stated his father would put a team together at the Y with him and his friends and he would tell them they were going to practice harder than the other teams, play harder and win, which became a part of who he was. He explained he had coached a basketball team at St. James for the last couple of years where he used the same approach. He stated having completion inspired parents and coaches to develop



the young people; having more teams was a positive thing. He stated this was about something that came to the Commission at the eleventh hour, which put the Commission in a difficult position, because everyone wanted the children to play the sport that they wanted to play. He stated his issue was where the games were to be played should have been addressed a long time ago, before the parents signed up their children to play. He expressed he would like to go forward with this agreement for one year, but work toward having Ormond Beach Youth Football and Cheerleading be the umbrella organization for both leagues. Commissioner Stowers stated when he was younger and involved in basketball, he was required to do fundraising and he felt it was part of the growing up process and the struggle to know that nothing was easy that was worth having.

Commissioner Boehm stated his background included being an athlete all his life, being a youth coach for 15 years, being Chairman of Pop Warner for four years, and being the Chairman of the Leisure Services Advisory Board for four years; he respectfully believed he knew more about recreation than the other Commission members. He stated Pop Warner did not start with the City, but arranged through the School Board to play at OBMS, where Tommy Durrance and his group spent \$100,000 creating the football complex at OBMS. He stated the City agreed in 2000 to pay \$15,000 annually to maintain the fields, but Pop Warner spent in excess of \$15,000 a year for the maintenance. He stated all the other sports organizations play at Ormond Beach Sports Complex fields, where the City spent close to \$800,000 to maintain the fields and Pop Warner used the championship fields five days a year. He stated the Sports Complex was not created for Pop Warner and he explained the multi-purpose fields were used for soccer and the championship fields were used by Calvary Christian, Seabreeze High School, and recreational complete sports year round; therefore, the millions of dollars spent by the City were not for Pop Warner, but for the children of Ormond Beach. He explained the scoreboard, the goal posts, and the concession stand, which cost \$250,000 to build, were donated to the City by Pop Warner, which was why Pop Warner played for free five days a year. He stated as far as "even-stein," no organization would ever get within light years of what Pop Warner had done for the City. He stated he ultimately believed in the right of children to play sports, and Pop Warner does have limitation, but this was not about Ormond Pride playing, the issue was about Ormond Pride not paying to play, having never contributed to the City. He stated there had never been a practice field at the Sports Complex and there was not a field available for Ormond Pride to practice. He stated Leisure Services Director Robert Carolin started scheduling the fields for all the sports early in the year; therefore, Ormond Pride could not be given one particular field, but various fields throughout the City. He suggested Ormond Pride take advantage of the offer from Breakaway Trails to practice and play on their fields, rather than moving equipment and children from place to place. He expressed his concern that the City fields might suffer damage from all the activity and suggested Ormond Pride practice somewhere else and pay to play five home games at the Sports Complex.

**Commissioner Boehm moved, seconded by Commissioner Partington, to amend Resolution No. 2011-118 by removing the language regarding practice and only charging Ormond Pride what they would pay for the five games to be played at the Sports Complex.**

Commissioner Partington reported the baseball fields at Nova Recreation were pristine and he was concerned about the affect of using them for football practice. He stated the City does not have adequate fields for the community's interest in football. He stated funds were set aside for two practice fields in the CIP, and maybe a championship field and two additional practice fields could be added. He expressed concern about competing leagues affecting the overall quality of the play. He stated Commissioner Boehm's suggestion was reasonable and satisfied all the concerns.

City Attorney Hayes requested clarification regarding the fees to be charged, and he stated the other language could be amended.

Commissioner Boehm explained the cost of renting a championship field was \$800 and five games would be \$4,000, and he suggested the fees charged the players for facilities fees would be accepted in lieu of that \$4,000 rental fee, which would be a substantial reduction for Ormond Pride.

Mayor Kelley stated he agreed with what had been said by the other Commission members, but he explained the fees charged did not put a dent in the actual costs of the entire program, which were paid by Ormond Beach taxpayers. He stated he supported Ormond Pride, but he was surprised by the lateness of the issue coming to the Commission, which always put the Commission in a bad situation, and it should not have happened when this came up in March.

Commissioner Kent asked when Ormond Pride came to the City.

Leisure Services Director Robert Carolin stated Ormond Pride came to the City in March asking about availability of fields for use, but did not discuss forming a new league; and they were told they could probably practice on the outfields of some baseball fields.

City Manager Shanahan stated the City never understood that Ormond Pride wanted to play for free, and she accepted responsibility for the lateness of the issue and she apologized for the error.

Commissioner Stowers stated he did not know of the issue until the eleventh hour; and if Ormond Pride had been working with the City since March, he apologized. He stated if City staff told Ormond Pride they could play on baseball field outfields, then they should be able to do so. He asked Mike Scudiero if he, as a representative of Ormond Pride, would be in agreement with the amendment to the lease.

Mike Scudiero stated he appreciated the offer, but in the fall, they would need lights after the time change and would need assistance from the City to arrange scheduling, just as Pop Warner does.

Commissioner Boehm stated in his memory Pop Warner had never moved to City fields until after daylight savings time was over, and only then for play-off teams. He stated if Ormond Pride had a team that went to the play-offs, the City would support their efforts to get ready, the same as with Pop Warner.

Mr. Scudiero asked those details be included in the lease, as well as insuring the play-off games and Jamboree remain in the lease.

Commissioner Boehm inquired as to the details of the Jamboree for Ormond Pride.

Mr. Scudiero explained it was rotated on a five year basis, but Ormond Pride was to host this year's Jamboree on the following Saturday, August 20, in four days time. He stated it had been scheduled with Leisure Services, and Ormond Pride would be willing to pay for the use of the fields, if the lease was not approved.

City Attorney Hayes clarified the proposed lease contained no more than five days for home games, but Jamboree was not included in the initial lease, only for lease renewals.

Commissioner Boehm stated the question was not if Ormond Pride was going to use the fields for Jamboree, but if they would have to pay for the usage.

Mayor Kelley asked the Leisure Services Director if he was aware that Ormond Pride wanted to use the fields for Jamboree.

Leisure Services Director Carolin stated at two Commission meetings prior when Mr. Scudiero spoke before the Commission, staff was instructed to work things out with Ormond Pride to help them. He stated since that time staff had been working feverishly to do everything possible to put things in place to allow the Commission to make the decision on the lease. He stated part of the process was for Ormond Pride to provide a strategic schedule that worked around an existing Pop Warner schedule, which they did. He stated staff did not consider whether Ormond Pride would pay a fee, only that the fields were made available for the five home games and the Jamboree.

Mayor Kelley stated he never realized the urgency of the situation, and he never intended for the request to staff to be a stamp of approval, because there had not been enough information for the Commission to make a decision. He stated staff did a good job of preparing the information for the Commission, and he expressed his support for Commissioner Boehm's amendment.

City Attorney Hayes inquired as to allowing Jamboree for the current year.

The consensus of the Commission was to allow the Jamboree for the current year at no charge.

City Attorney Hayes asked for clarification regarding providing for some level of practice associated with play-offs.

Commissioner Boehm stated in the lease agreement, paragraph 4, it stated the Leisure Services Director may extend the end date to accommodate play-off schedules, and he stated he was going to add to allow practice by mutual agreement for play-off purposes only, which would allow Leisure Services to work with them as to where and when.

Leisure Services Director Carolin requested the lease specify the addition usage due to play-offs was dependent upon availability, and that based upon weather, Leisure Services retained the right to close the fields due to the condition of the fields that would require maintenance.

Vote on the amendment.

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

Vote on motion as amended.

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

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

##### Kudos

Commissioner Kent thanked IT Manager Ned Huhta for his quick reaction to resolve a problem with the microphone.

Commissioner Stowers complimented and commended Doug Thomas and Commissioner Boehm on all their knowledge of the history of the community, and their perspective and the quality of their analysis of bringing everything together, as well as their passion. He stated he looked at them in many ways as mentors. He stated their comments were dead-on.

##### Futures

Commissioner Kent stated his property taxes were high enough and he did not want to send more taxpayer dollars to the School Board.

##### Beachfront Park

Commissioner Kent stated the comments by the individuals during Audience Remarks, that the design concept of the beachfront park was not what the public wanted, was not true. He stated he attended the second community meeting and heard what the public wanted, as well as the emails which showed what the public wanted.

Commissioner Boehm stated that when the gentleman showed the pictures of Sun Splash park and commented on how crowded it was, Commissioner Boehm was reminded of Doug Thomas talking of having to monitor the splash park at SONC because it was so popular. Commissioner Boehm stated he would rather deal with too popular than not having it used.

Mayor Kelley reported that he along with his son and his wife had driven up to Flagler Beach on A1A, and all of the parks were packed on 1:00 p.m. on a Thursday; therein was the reason there was a need for parking in the beachfront park.

##### Granada Place

Commissioner Boehm reported that a local group of radiologist, lead by Steve Sevigny, had purchased Granada Place with the intention of doing substantial upgrades. He applauded local residents, such as Bill Jones, who worked to upgrade Granada and the community.

#### Item #13 – Close the Meeting

The meeting was adjourned at 9:55 p.m.

APPROVED:

September 6, 2011

BY:

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Ed Kelley, Mayor

ATTEST:

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Joshua Fruecht, City Clerk