

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

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**September 18, 2012**

**7:00 PM**

**Commission Chambers**

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

**A G E N D A**

- 1. CALL TO ORDER**
- 2. INVOCATION**
- 3. PLEDGE OF ALLEGIANCE**
- 4. ADOPTION OF FY 2012-2013 MILLAGE RATES AND BUDGET**
  - A. RESOLUTION NO. 2012-125** : A RESOLUTION ESTABLISHING THE FINAL MILLAGE RATES TO BE LEVIED FOR FISCAL YEAR 2012-2013; DIRECTING CERTIFICATION; EXPRESSING LEGISLATIVE INTENT; AND SETTING FORTH AN EFFECTIVE DATE.  
*Staff Contact: Kelly McGuire, Finance Director (386-676-3226)*
  - B. ORDINANCE NO. 2012-34** : AN ORDINANCE ADOPTING THE ANNUAL BUDGET FOR THE 2012-2013 FISCAL YEAR BEGINNING OCTOBER 1, 2012 AND ENDING SEPTEMBER 30, 2013; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; AND SETTING FORTH AN EFFECTIVE DATE.  
*Staff Contact: Kelly McGuire, Finance Director (386-676-3226)*
- 5. PRESENTATIONS AND PROCLAMATIONS**
  - A. Childhood Cancer Awareness Month
- 6. AUDIENCE REMARKS - REGARDING ITEMS NOT ON THE AGENDA**
- 7. APPROVAL OF MINUTES**
  - A. Minutes from City Commission meeting – September 4, 2012
- 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. 2012-126** : A RESOLUTION AUTHORIZING THE EXECUTION OF AN ENGAGEMENT LETTER BETWEEN THE CITY AND PENNINGTON, MOORE, WILKINSON, BELL & DUNBAR, P.A. REGARDING LEGISLATIVE LOBBYING SERVICES FOR THE 2013 FLORIDA LEGISLATIVE SESSION; AND SETTING FORTH AN EFFECTIVE DATE.  
*Staff Contact: Joe Mannarino, Economic Development Director (386-676-3266)*
- B. RESOLUTION NO. 2012-127** : A RESOLUTION AUTHORIZING THE EXECUTION OF A COOPERATIVE ECONOMIC DEVELOPMENT AGREEMENT BETWEEN THE CITY AND TEAM VOLUSIA ECONOMIC DEVELOPMENT CORPORATION; SETTING FORTH AN EFFECTIVE DATE.  
*Staff Contact: Joe Mannarino, Economic Development Director (386-676-3266)*

- C. **RESOLUTION NO. 2012-128** : A RESOLUTION AUTHORIZING THE EXECUTION OF A SERVICE CONTRACT BETWEEN THE CITY AND THE ORMOND BEACH CHAMBER OF COMMERCE; SETTING FORTH AN EFFECTIVE DATE.

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

- D. **RESOLUTION NO. 2012-129** : A RESOLUTION APPOINTING A MEMBER TO THE LEISURE SERVICES ADVISORY BOARD; SETTING FORTH TERMS AND CONDITIONS OF SERVICE; AND SETTING FORTH AN EFFECTIVE DATE

**Staff Contact:** Scott McKee, City Clerk, (386-676-3340)

- E. **RESOLUTION NO. 2012-130** : A RESOLUTION ACCEPTING A BID FROM P&S PAVING, INC., FOR CONSTRUCTION SERVICES REGARDING THE NORTH HALIFAX DRIVE REHABILITATION PROJECT, UNDER BID NO. 2012-21; 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)

- F. **RESOLUTION NO. 2012-131** : A RESOLUTION AUTHORIZING THE EXECUTION OF A GRANT AGREEMENT WITH THE FEDERAL AVIATION ADMINISTRATION REGARDING THE ENGINEERING AND CONSTRUCTION PHASE OF THE TAXIWAY ALPHA RELOCATION AND GENERAL AIRFIELD IMPROVEMENTS PROJECT AT THE ORMOND BEACH MUNICIPAL AIRPORT; AND SETTING FORTH AN EFFECTIVE DATE.

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

- G. **RESOLUTION NO. 2012-132** : A RESOLUTION OF THE CITY COMMISSION, INDIVIDUALLY AND ACTING AS THE COMMUNITY REDEVELOPMENT AGENCY FOR THE CENTRAL BUSINESS DISTRICT AND ADJACENT AREAS, AUTHORIZING THE EXECUTION OF A SERVICE AGREEMENT BETWEEN THE CITY/AGENCY AND ORMOND BEACH MAIN STREET, INC., FOR THE PROMOTION OF ECONOMIC, PHYSICAL AND AESTHETIC REDEVELOPMENT AND MAINTENANCE OF THE ORMOND BEACH MAIN STREET DISTRICT; AND SETTING FORTH AN EFFECTIVE DATE.

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

- H. **RESOLUTION NO. 2012-133** : A RESOLUTION ACCEPTING A PROPOSAL SUBMITTED BY BROWN & BROWN OF FLORIDA, INC., FOR THE PURCHASE OF PROPERTY, INLAND MARINE, CRIME, AUTO PHYSICAL DAMAGE, EXCESS WORKERS' COMPENSATION, COMMERCIAL GENERAL LIABILITY, CRIME, ACCIDENTAL DEATH & DISMEMBERMENT, PROFESSIONAL LIABILITY, AND TULIP (SPECIAL EVENT) INSURANCE COVERAGE; AUTHORIZING THE PAYMENT THEREFOR; AND SETTING FORTH AN EFFECTIVE DATE.

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

- I. **RESOLUTION NO. 2012-134** : A RESOLUTION AUTHORIZING THE SUBMITTAL OF A GRANT APPLICATION TO THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION UNDER THE FLORIDA RECREATION DEVELOPMENT ASSISTANCE PROGRAM FOR FUNDING ASSISTANCE RELATIVE TO NOVA COMMUNITY PARK IMPROVEMENTS; AUTHORIZING THE EXECUTION OF ALL DOCUMENTS INCIDENTAL THERETO, INCLUDING ANY CONTRACT NECESSARY FOR THE CITY TO ACCEPT THE GRANT AWARD; AND SETTING FORTH AN EFFECTIVE DATE.

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

- J. **RESOLUTION NO. 2012-135** : A RESOLUTION AUTHORIZING THE SUBMITTAL OF A GRANT APPLICATION TO THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION UNDER THE FLORIDA RECREATION DEVELOPMENT ASSISTANCE PROGRAM FOR FUNDING ASSISTANCE RELATIVE TO LIGHTING IMPROVEMENTS AT THE ORMOND BEACH SPORTS COMPLEX; AUTHORIZING THE EXECUTION OF ALL DOCUMENTS INCIDENTAL THERETO, INCLUDING ANY CONTRACT NECESSARY FOR THE CITY TO ACCEPT THE GRANT AWARD; AND SETTING FORTH AN EFFECTIVE DATE.

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

- K. **RESOLUTION NO. 2012-136** : A RESOLUTION AUTHORIZING THE PURCHASE OF VARIOUS CHEMICALS FOR THE CITY'S WATER AND WASTEWATER TREATMENT PLANTS UNDER A COOPERATIVE BID SOLICITED BY SEVERAL LOCAL CITIES; AUTHORIZING PAYMENT THEREFOR; AND SETTING FORTH AN EFFECTIVE DATE.

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

- L. **RESOLUTION NO. 2012-137** : 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.

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

- M. **Aquatic Weed Maintenance and Ditch Cleaning RFP 2012-29**

**Staff Contact:** Theodore MacLeod, Assistant City Manager (386-676-3200)

**Disposition:** Approve as recommended in the City Manager memorandum dated September 18, 2012.

- N. **Halifax Humane Society Contract**

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

**Disposition:** Approve as recommended in the City Manager memorandum dated September 18, 2012.

## 9. STAFF ACTION ITEMS

- A. **RESOLUTION NO. 2012-138** : A RESOLUTION ENCOURAGING THE FLORIDA PUBLIC SERVICE COMMISSION TO SUPPORT THE RIGHT OF ORMOND BEACH RESIDENTS RELATING TO SMART METER INSTALLATION IN HOMES; REQUIRING HOMEOWNER PERMISSION PRIOR TO SUCH INSTALLATION;. AND SETTING FORTH AN EFFECTIVE DATE.

**Staff Contact:** Scott McKee, City Clerk, (386-676-3340)

## 10. REPORTS, SUGGESTIONS, REQUESTS

## 11. ADJOURNMENT

### Item #1 – Meeting Call to Order

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

### Item #2 – Invocation

Reverend John Jayaseelan, Bethel Ministries, gave the invocation.

### Item #3 – Pledge of Allegiance

Mayor Kelley led the Pledge of Allegiance.

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

City Clerk Scott McKee read by title only:

RESOLUTION NO. 2012-125

A RESOLUTION ESTABLISHING THE FINAL MILLAGE RATES TO BE LEVIED FOR FISCAL YEAR 2012-2013; DIRECTING CERTIFICATION; EXPRESSING LEGISLATIVE INTENT; AND SETTING FORTH AN EFFECTIVE DATE.

Mayor Kelley stated that, per Florida statute, he was required to state that the millage rate for the City of Ormond Beach necessary to fund the Fiscal Year 2012-2013 budget was 4.0132 mills. He stated that the rate was equal to the rollback rate of 4.0132 mills. He stated that the 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 he wanted to thank the Budget Advisory Board, City Manager Joyce Shanahan, Finance Director Kelly McGuire, and all Department Directors for their diligence in developing the operating budget within the guidelines set forth by the Commission. He stated that each of the Commissioners met individually with citizens, at workshops, and with the City Manager and Finance Director, to ensure that the budget created was the best one possible. He stated that it was curious that at the last meeting an individual had spoken and complained about his City of Ormond Beach taxes. He stated that the Commission felt that, as Commissioner Kent said, that a taxpayer in this city received a good “bang for your buck”. He stated that after the meeting he had asked for the speaker’s address. He looked up the speaker’s city taxes after the meeting and discovered that his taxes were being reduced by \$393. He stated that the speaker’s total city taxes would be \$258. He stated that he felt that was a bargain; whereby, Commissioner Kent stated that was less than a dollar a day.

Mayor Kelley stated that the Commission worked hard and paid the same taxes as any citizen. He stated that another individual at the last meeting had spoken about taxes and was so upset he had threatened to move to Holly Hill. He stated that for curiosity’s sake, he looked up the value of a home in Holly Hill worth \$125,000 that had a homestead exception. He stated that in Holly Hill the city taxes for such a home would be \$551. He stated that for the same home in Ormond Beach the taxes would be \$324. He stated that he did not know why someone would want to make that kind of change. He stated that Ormond Beach had the third lowest tax rate in the county. He stated that in Deltona that home would pay \$600 in taxes. He stated that there were also questions about information. He stated that a summary was placed in the newspaper and showed where every dollar was allocated and to which department. He stated that the summary contained graphs as well. He stated that all the information available to the Commission was available online for the public at [www.ormondbeach.org](http://www.ormondbeach.org). He stated that the entire budget was available online.

Commissioner Kent stated that he wanted to publicly thank Mayor Kelley for doing the research to present the facts that he just did.

Mayor Kelley stated that he did have the tax assessor’s information with him so that in the future he could look up an address and see what the citizen’s proposed tax bill would be. He stated that if anyone wanted to complain about their city taxes they should make sure that their taxes were going up and not down. He stated that it was a public hearing and that there was one member of the public who wished to speak.

Mr. Jim Cameron, Senior Vice President of Government Relations at Daytona Regional Chamber of Commerce (“Chamber”), 126 Orange Avenue, Daytona Beach, stated that he saw an article in the Daytona Beach News-Journal that regarded Volusia County having the second highest tax rate in the state. He stated that if you read further in the article you would realize that one of the drawbacks in the county was the property values. He stated that people needed to realize that and it was something that needed to be worked on. He stated that property values in Ormond Beach were down 3%. He stated overall values in the county were down just under 2%. He stated that he wanted to commend the Budget Advisory Board. He stated that they held interesting meetings and did a thorough job with the budget. He stated that he also wanted to commend Ms. Kelly McGuire, Finance Director. He stated that every time he called her asking for figures and information, she would provide them right on the spot.

Mr. Cameron stated that he wanted to mention being careful with pension funds as those funds should be kept viable for future hires down the road. He stated that he knew Ormond Beach was not in the same situation as other cities, such as Port Orange and Daytona, but it was something that needed to be carefully monitored. He stated that the Chamber wanted to stress to the Commission to invest in economic development. He stated that the Chamber dealt with Mr. Joe Mannarino, Economic Development Director, quite a bit and that he was doing a good job. He stated that he hoped the city would see more activity. He stated that Mr. Ned Huhta, Information Technology Manager, was involved with the county's push to try and get more bandwidth. He stated that would help bring new businesses to the county and could help get property values up. He stated that the Chamber felt the city had a good competitive budget and they supported it.

**Commissioner Kent moved, seconded by Commissioner Boehm, for approval of Resolution No. 2012-125, as read by title only.**

Mayor Kelley stated that the tentative operating millage of 4.0132 mills was equal to the rollback millage rate. He stated that the resolution also included the adoption of the tentative debt service millage rates of 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.

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

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

Item #4B – Adoption of FY 2012-2013 Budget

City Clerk Scott McKee read by title only:

ORDINANCE NO. 2012-34  
 AN ORDINANCE ADOPTING THE ANNUAL BUDGET FOR THE 2012-2013 FISCAL YEAR BEGINNING OCTOBER 1, 2012 AND ENDING SEPTEMBER 30, 2013; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; AND SETTING FORTH AN EFFECTIVE DATE.

**Commissioner Kent moved, seconded by Commissioner Boehm, for approval of Ordinance No. 2012-34, on second reading, as read by title only.**

Mayor Kelley asked the City Clerk to call the vote to adopt the budget of \$72,787,547.

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

Mayor Kelley stated that, hearing no objections, the public hearing was now closed.

Item #5A – Childhood Cancer Awareness Month

Mayor Kelley stated that usually proclamations were celebrations. He stated that he would be reading a proclamation to recognize Childhood Cancer Awareness Month. He stated that there was a family in the community which unfortunately had the task of dealing with such a situation. He stated that it was something you would not think would happen to your family and that you could not be prepared for it. He asked for Ms. Debbie Gibbens and her daughter, Tatum, to come to the podium so that he could present her with the proclamation.

Mayor Kelley stated he followed Tatum on Facebook and kept up with her trials and late night runs to Arnold Palmer Hospital. He stated that she had to be healthy to be able to take some of the treatments. He stated that in August she had been given a good bill of health; whereby, Ms. Gibbens stated that she is in maintenance.

Ms. Gibbens stated that Tatum took chemotherapy pills every night at home and would do so until January 2014. She stated that she would also go back to the hospital every month for chemotherapy treatments and received lumbar punctures in her spine. Mayor Kelley stated that he knew members of the Commission knew Tatum's parents and grandparents.

Commissioner Kent stated that he attended high school with Ms. Gibbens and his mother grew up with her father. He stated that they were a great family. He stated that he was glad to have them in attendance but regretful it was under this circumstance.

Ms. Gibbens stated that she wanted to recognize another child in attendance, Makayla, who was also diagnosed with cancer. She stated that she went through bone cancer and was also from Ormond Beach.

Mayor Kelley stated that the American Childhood Cancer Organization was founded in 1970 and was the largest grassroots childhood cancer organization in the United States. He stated that it served over 100,000 families and children with cancer. He stated that the organization supported and advocated for research that would result in less toxic treatments for children's cancer. He stated that improvements had been made in childhood cancer survival rates over the last few decades. He stated that most of the progress had come from increasing the combinations and/or dosage of existing toxic drugs and not from the development of new therapies. He stated that for most of the affected youngsters the nightmare of childhood cancer did not stop when their treatments were complete. He stated that advocates wished to increase the awareness of the incidents and devastation of cancer in American children by raising awareness that childhood cancer remained the number one disease killer of American children. He stated that working together to promote awareness in that way they could find much needed cures for America's children's cancers. He stated that childhood cancer, like many other forms of cancer, had an international symbol, the gold ribbon. He stated that "going gold" meant increasing public knowledge about the gold ribbon and what it symbolized. He proclaimed the month of September 2012 as Childhood Cancer Awareness Month in the City of Ormond Beach and urged all residents to recognize that day. He stated the proclamation was dedicated to Tatum and would mark an ending and new beginning.

#### Item #6 – Audience Remarks

Mr. Paul Duncan, 385 S. Kings Road, stated that he came before the Commission awhile back to explain to them that the city did not own the water in the lake behind his home. He stated that the city was preparing to connect that water to the canals. He stated that when he was present previously, the Mayor had instructed the City Manager and City Attorney to look into the matter. He stated that the City Manager and City Attorney had not done so. He stated that after a month he went to the City Attorney's office and showed copies of the deed where the land was purchased. He stated that it also showed where his family sold part of the land but that they never transferred water rights to it. He stated that he went to City Engineer John Noble several times as well and the last time he spoke to him he told him that Mr. Randy Hayes, City Attorney, had instructed him that he could move forward with building the canal. He stated that the city could not move a drop of that water as they did not own the water rights. He stated that it was his water and he was not sure why Mr. Hayes seemed to think otherwise.

Mr. Duncan stated that he had documentation where the City Manager in the 1980s had the property appraised because his family had offered to sell it to the city for 10% below the appraised value so that the city could have the lake's water rights. He stated that former City Manager Bernie Murphy attempted to purchase the land for nothing. He stated that he had politely informed him then that it seemed he was not interested in owning the land and that he would see to it that he would never own it. He stated that was why the property was then put into a trust, of which he was the trustee. He stated that it would never be bought by the City of Ormond Beach and that he had never sold a drop to anyone. He stated that if it was not straightened out, the next time the city would see him would be in a court room. He stated that he felt that since the 1950s, the city had been stealing from his family. He stated that the city had asked for an easement to put their well fields into a loop system and because his father trusted people, he signed the deed giving it away. He stated that in that negotiation they were to receive a fire hydrant on that line and that he still did not have a fire hydrant. He stated that when his home was on fire, the fire department had to stop down at Hammock Lane and leave a pumper there to relay the water up to their home and another pumper to put the fire out. He stated that if the city did not resolve the issue, there would be war.

Mayor Kelley asked Mr. Hayes if he would like to address anything.

Mr. Hayes stated that his office spent a lot of time looking at the issue and at records that went back decades. He stated that he believed he had a meeting scheduled with Mr. Duncan within the next couple of weeks.

Mr. Duncan stated that a week prior he had tried to make an appointment with Mr. Hayes and with Ms. Shanahan and still did not have one scheduled.

Mr. Hayes stated that he believed there was one scheduled that he saw on his calendar. He stated that he believed there was a disagreement in terms of some of the facts. He stated that the purpose of the meeting was to explain to Mr. Duncan what their findings were and to try and come to a resolution.

Mayor Kelley stated that Mr. Duncan had a meeting in two weeks. He stated that if he did not, he should come back and see them.

Commissioner Kent offered Mr. Duncan his card. He stated that he would like Mr. Duncan to call him personally the next afternoon, as he wanted to hear more about his situation.

Mr. Patrick Daugherty, 30 Dix Avenue, stated that he had appeared before the Commission a few weeks prior regarding the issue of proposing an ordinance in the city which would permit dog dining at restaurants and he wanted to provide an update. He stated that he understood everyone had more important issues on their plates, but felt the ordinance would be a good thing and should be acted upon. He stated that he understood that there were concerns from the Commission regarding the restaurateurs and not the dog owner. He stated that there was a nice Daytona Beach News-Journal ("News-Journal") article on the front page following the last meeting at which he spoke. He stated that Mr. Chris Graham had written the article and he felt he did a lovely job of presenting the issue. He stated that there was also an article stating that the dog dining issue would be moved forward in Daytona Beach the next night.

Mr. Daugherty stated that since speaking to the Commission, he had contacted several area restaurants that he felt had the exterior dining to qualify. He stated that he realized that the Commission needed to hear from those businesses and he hoped they would. He stated that the manager of Einstein Brothers had written them a letter in support, which he hoped they had received. He stated that The Dish, Mango Sun Café, Riptides, the Pig Stand, and LuLu's were also in favor of the ordinance. He stated that he had not yet heard back from Hull's Seafood, Piranha Grille, or River Grille. He stated that he had not yet contacted Caffeine or Panera Bread but would do so. He stated that he wanted to thank Ms. Shanahan for her comments. He stated that they had a few conversations on the subject and she had been courteous, prompt, and helpful.

Mayor Kelley stated that the Commission would have a discussion on that issue coming up; whereby, Ms. Shanahan stated that it would be scheduled with another discussion item. Mayor Kelley stated that he doubted that Mr. Daugherty would hear from the River Grille as the state law required that a dog could not be brought through the public dining area to the back deck; whereby, Mr. Daugherty stated that he thought that they qualified.

#### Item #7 – Approval of the Minutes

Mayor Kelley advised that the minutes of the September 4, 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 #8 – Consent Agenda

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

Commissioner Kent requested to pull items A and K. He stated that he would like to request an opportunity to comment about item N, after the consent agenda was approved, but stated that he did not want to pull that item.

**Commissioner Partington moved, seconded by Commissioner Boehm, for approval of the Consent Agenda, absent items A and K.**

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

Item #8A – Pennington Law Firm Engagement Letter Renewal

City Clerk Scott McKee read by title only:

RESOLUTION NO. 2012-126

A RESOLUTION AUTHORIZING THE EXECUTION OF AN ENGAGEMENT LETTER BETWEEN THE CITY AND PENNINGTON, MOORE, WILKINSON, BELL & DUNBAR, P.A. REGARDING LEGISLATIVE LOBBYING SERVICES FOR THE 2013 FLORIDA LEGISLATIVE SESSION; AND SETTING FORTH AN EFFECTIVE DATE.

**Commissioner Boehm moved, seconded by Commissioner Stowers, for approval of Resolution No. 2012-126, as read by title only.**

Commissioner Kent stated that there was no doubt in his mind that Pennington, Moore, Wilkinson, Bell & Dunbar, P.A. (“the firm”) was a wonderful law firm. He stated that they had represented Ormond Beach very well. He stated that he was going to state what he had the previous year, which was that if and when there was a State Representative from Ormond Beach, he would not be in favor of paying a lobbyist to represent Ormond Beach in the state house of Florida. He stated that they had the best representation they could, which was former Mayor Costello, as a State Representative. He stated that was why he was against spending the \$32,000 for the lobbying services that year. He stated that he understood that Representative Costello’s term would be up shortly but he was hedging his bets and felt that the next State Representative would be another former Mayor from Ormond Beach and he felt that they would receive great lobbying and representation from him as well. He stated that was why he would be voting “no” on the \$32,000 expenditure.

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

Mayor Kelley stated that he had made several trips up to Tallahassee. He stated that he went up and worked with Representative Costello and that he was able to see people outside of the Volusia County delegation with the help of the firm. He stated that they were gradually developing access to representatives outside of the Volusia delegation. He stated that a lot of that was because the firm was able to take them and introduce them. He stated that he supported the involvement of the firm.

Item #8K – Award of Chemicals for Water and Wastewater Treatment Facilities

City Clerk Scott McKee read by title only:

RESOLUTION NO. 2012-136

A RESOLUTION AUTHORIZING THE PURCHASE OF VARIOUS CHEMICALS FOR THE CITY’S WATER AND WASTEWATER TREATMENT PLANTS UNDER A COOPERATIVE BID SOLICITED BY SEVERAL LOCAL CITIES; AUTHORIZING PAYMENT THEREFOR; AND SETTING FORTH AN EFFECTIVE DATE.

**Commissioner Boehm moved, seconded by Commissioner Stowers, for approval of Resolution No. 2012-136, as read by title only.**

Mayor Kelley stated that there were two audience members who wished to speak. He stated that the issue had created some conversation. He stated that the item that was being voted on was the issue of purchasing and not the issue of putting fluoride in the water. He stated that the two speakers would have three minutes to speak.



Commissioner Kent stated that he felt that he needed a point of clarification. He asked whether the three-minute speaking limit applied to items on the printed agenda. He stated that he thought that rule was just for items that were *not* on the printed agenda. He stated that he thought that if it was on the printed agenda there would be no time limit, such as when attorneys came to represent their client. He stated that he wanted to give each constituent the same treatment.

Mayor Kelley stated that the speakers should only speak on whether or not the purchase should be made and not get into the issue of being for or against fluoride itself. He asked Mr. Hayes if the item was specifically to purchase the chemical and if it would not include discussing whether or not the city should remove fluoride from the water.

Mr. Hayes stated that the item before them that evening for consideration was a proposal to authorize the acquisition of approximately 15 chemicals for the water and wastewater treatment plant. He stated that would include the chemical to fluoridate the water as well. He stated that the issue of whether or not to fluoridate the water was not specific to the proposal for the Commission to consider; however, it may be discussed because it was related to the chemical at issue, depending on the nature of the discussion.

Commissioner Kent asked Mr. Hayes if he could assist him and let him know the rules regarding the time limit.

Mr. Hayes stated that the three minute rule applied to the Audience Remarks section, for items not on the printed agenda, and did not necessarily apply to items that appeared on the printed agenda.

Commissioner Boehm read a section of the staff memorandum:

*“There has been some recent discussion about the efficacy of adding fluoride to the water supply. This item includes awarding a contract for the supply of hydrofluorosilicic acid used for increasing the fluoride level in the water supply. This is the same price in place today for this chemical. If, as a result of future discussions, it is determined that fluoridation of the water supply should not be continued, then the City is in no way obligated to purchase the chemical. Approval of this contract simply establishes a price for the chemical.”*

Commissioner Boehm stated that, as he understood it, what the Commission was voting on was the contract that would allow the city to purchase the chemical for the price that was in the contract and nothing else; whereby, Mr. Hayes stated that was correct.

Commissioner Boehm stated that what the Commission was to decide tonight was merely that in the event they purchased the chemical, this would be the price they would pay. He stated that was a different parameter than fluoridation in the water.

Mayor Kelley stated that was why he felt they had the flexibility to limit the comments to the germane issue. He stated that in the past, with the Commission's approval, when there were a large number of speakers, they had limited the audience comments to a specific time or to topics germane to the issue. He stated that was why, up until the last four or five years, the consent agenda was never commented on by the public. He stated that the consent agenda consisted of basic operational items of the city.

Commissioner Kent stated that he appreciated the history given but was perplexed as there were only two speakers wishing to speak on that topic. He directed his next question to Ms. Shanahan or Mr. Hayes. He asked if the Commission decided to approve the price for the chemicals that evening, including hydrofluorosilicic acid, if the item would come back before them again to specifically include fluoride in the water.

Ms. Shanahan stated that it would not because the city was already mandated to put it into the water.

Commissioner Kent stated that it would not be coming before them again so he felt that it could be opened up now about fluoride. He stated that the Commission represented the public and that the public voted for him and the other Commissioners to represent them. He asked Ms. Shanahan if tonight would be the public's only opportunity to talk about that issue.

Ms. Shanahan stated that it was the only agenda item currently on the calendar dealing with hydrofluorosilicic acid.

Mayor Kelley stated that the background received from the City Attorney was that the citizens of Ormond Beach voted in 1957 to put fluoride in the water. He stated that he felt that they were bound by that vote to include fluoride. He stated that it was no different than the citizens voting to approve the bond for the Andy Romano Beachfront Park and then the Commission deciding to spend that money elsewhere.

Commissioner Kent asked for a point of order. He stated that he would like to clear up the issue with the City Attorney as he felt that the Mayor was comparing apples to oranges and not apples to apples. He stated that he needed to find out from the City Attorney whether the referendum voted on was a citizen issue or not, and if it was binding or non-binding. He asked whether it was something the Commission could overturn. He stated that he was reading that there could be referendums and an elected body could go against it.

Mr. Hayes stated that what they knew was that in 1957 the voters approved a referendum creating a fluoridation program. He stated that it was a regulation in the *Code of Ordinances*. He stated that in order to understand the framework for how it was approved and how it may be amended, there needed to be an understanding of the organizational framework that was in place back then versus presently. He stated that his opinion would be that it was approved by the voters as a regulation and had been treated as a non-amendatory ordinance by the editors of the code. He stated that his opinion would be that any change would likewise need to be made by the voters of the city. He stated that was also in keeping with the custom and practice of the Commission, which was to allow voters to vote on matters of that importance. He stated that was his opinion based on his review so far without further study.

Commissioner Kent asked if he could get a yes or no answer; whereby, Mr. Hayes stated that he believed he had answered; whereby, Commissioner Kent disagreed. He asked Mr. Hayes if it was a binding or non-binding referendum; whereby, Mr. Hayes stated that it was a binding referendum.

Mayor Kelley asked Commissioner Kent if he wished for the two audience members to speak at that time; whereby, Commissioner Kent stated that he did.

Dr. Celeste Philip, Acting Director, Volusia County Health Department, stated that recently the Centers for Disease Control and Prevention (CDC), which was the leading scientific public health agency, recognized fluoridation as one of the ten greatest public health achievements in the last century. She stated that fluoridation in Florida began in 1949 and currently 13.5 million Floridians lived in communities with fluoridated water systems. She stated that national surveys of oral health over the last several decades documented that fluoridation was still a safe and effective way of reducing cavities in adults as well as children. She stated that good oral health was important for the growth and development of children for many reasons.

Dr. Philip stated that the average cost to fluoridate a water system for the lifetime of one individual was less than the cost of one dental filling. She stated that the return on investment was \$38 for each dollar invested in fluoridation. She stated a risk often spoken about was fluorosis, which was a pitting of the teeth that could occur when high levels of fluoride were ingested. She stated that because of those concerns, the CDC implemented very detailed studies to look at what the ideal level of fluoride in the water would be that would maximize the benefit of reducing dental cavities while at the same time minimizing the risk of fluorosis. She stated that number was 0.7 milligrams per liter, which was the new Department of Health and Human Services recommendation for water systems. She stated that for all of the health benefits the Florida Department of Health, along with the CDC, American Dental Association, and many other organizations continued to recommend fluoridation as the most economical and effective means to prevent dental cavities.

Commissioner Kent stated that he had a couple of questions for Dr. Philip, if she did not mind; whereby, Dr. Philip stated that she did not.

Commissioner Kent thanked Dr. Philip for coming. He asked if the Health Department had done any toxicological studies on the use of hydrofluorosilicic acid; whereby, Dr. Philip stated that the Volusia County Health Department had not but the studies that she

mentioned were national studies that looked at hundreds of thousands of people looking for effects and none had been discovered at that point.

Commissioner Kent asked if those studies were toxicological studies; and if so, he would like for her to produce any such studies on the use and continued use of hydrofluorosilicic acid.

Dr. Philip asked what specific outcomes Commissioner Kent was referring to.

Commissioner Kent stated that he was not referring to any specific outcomes. He stated that he would not tell a scientist what the specific outcomes were before a study was done. He stated that he was wondering whether there were any such studies and if she could present them to the Commission that evening.

Dr. Philip stated that the way the national surveys were done was that they looked at hundreds of thousands of people over several decades and looked at all of the differences between each individual in the survey and that was how they stratified the risks. She stated that, other than the fluorosis, there were no other major health risks that had been determined.

Commissioner Kent asked Dr. Philip if she could give a yes or no answer to the question of there being any toxicological studies by the Health Department.

Dr. Philip asked specifically for what outcome was he speaking of.

Commissioner Kent stated that he would go on the next question. He asked Dr. Philip if she could tell him what the scientific point of safety level was for arsenic in the water supply that humans drink; whereby, Dr. Philip stated that she did not have that information with her presently.

Commissioner Kent stated that it was zero. He stated that there was not an amount that could be put in the water that would not affect humans in a negative way. He asked Dr. Philip whether she agreed that the manufacturer that the city purchased hydrofluorosilicic acid from should meet NSF Standard 60.

Dr. Philip stated that there were established standards that were recommended for the hydrofluorosilicic acid that was used for water systems.

Commissioner Kent stated that the city was selecting a substance that the NSF very clearly stated that they would not take liability for. He stated that he could not get the supplier that the chemical was purchased from to respond to his letter or return his calls. He asked Dr. Philip if the Health Department was willing to take all liability for adding hydrofluorosilicic acid to the water supply.

Dr. Philip stated that was not the Health Department's role to do so. She stated that she was there to present the data based on their studies.

Commissioner Kent stated that there were set levels for hydrofluorosilicic acid and they had recently been brought down to 0.7; whereby, Dr. Philip stated that was correct.

Commissioner Kent asked what would happen to someone who drank twice the amount of water recommended; whereby, Dr. Philip stated that the risks were dependent on the individual's on body weight, other health issues, and how things were processed in their body.

Commissioner Kent asked if Dr. Philip happened to have a copy of NSF Standard 60 with her or in her office; whereby, Dr. Philip stated that she could get one for him.

Commissioner Kent stated that he was really looking forward to Dr. Philip's thoughtful statements. He stated that he had received an email saying that she might be coming and he was excited about it. He stated that he was disappointed that she came before them when the item was about purchasing a chemical and she was stressing the positives of the public policy of fluoridating the water. He stated that clearly some important information was lacking. He thanked Dr. Philip for answering his questions.

Mayor Kelley stated that he believed Dr. Philip believed the city should purchase the product; whereby, Dr. Philip stated that she did. He stated that he wanted to keep the discussion on the issue before them, which was purchasing the chemicals. He stated

that the Commission had asked for a workshop at Commissioner Kent's request. He stated that at the workshop they could discuss the pros and cons of fluoridation itself. He stated that he believed that the City Attorney was correct in stating that they were bound by the vote of the people.

Mr. Alan Burton, 915 Ocean Shore Boulevard, provided the Commission with a resolution that the Volusia Soil and Water Conservation District ("District") had passed. He stated that he asked that the resolution be entered as part of the record. He stated that as Chairman of the Volusia Soil and Water District he claimed standing on the issue. He stated that the Volusia Soil and Water District claimed standing on the issue as a government agency that represented all of Volusia County. He stated that the District was concerned with the content and impurities of any chemical transported to and stored in their communities. He stated that the District supported and commended actions taken in the form of municipal ordinances or referendum, water board resolutions, or state legislation that was intended to ensure that all substances that were added to the public water supply for the purpose of treating humans rather than making water more potable, that the water operator and water operation system obtain accountability for the safety, effectiveness of the product, transparency, full disclosure of all contents of the product of all Florida laws, and the conformance with all industry standards.

Mr. Burton stated that he believed what Commissioner Kent had been doing was going after the full disclosure and transparency of a chemical that the city wanted to purchase and apply to a water system. He stated that when he was the city's Director of Leisure Services he bought chemicals for the city and applied them to athletic field maintenance. He stated that type of a chemical purchase was an important issue. He stated that the District further resolved that they supported the inclusion of such legislation that the data to fulfill those requirements should be readily accessible and transparent to the public as a whole so that the public could readily exercise informed consent. He stated that he now wished to speak about informed consent. He stated that a doctor could not force an individual to consume medication. He stated that by adding the hydrofluorosilicic acid to the water system, the water operator, based on the city's policy, was acting like a physician without his consent. He stated that the dosage in the water system was uncontrolled and not supervised. He stated that when he went to his physician, he ensured that the medication he was taking was supervised. He stated that the distribution of the chemical was open sourced and not specific. He stated that the chemical lacked the proof of complete benefit for all people and it assumed no risk.

Mr. Burton stated that he was a scientist and had done research. He stated that one of the things you did for a dissertation was a literature review. He stated that a current literature review told him that topical application to the teeth might be acceptable but systemic consumption was not. He stated that there was a disclaimer on a bottle of toothpaste that if you ingested more than a size of a pearl to call the CDC because it was a poison. He stated that the forced medication the city would buy that evening was without his consent. He stated that he would ask that if the city was going to medicate him to get his consent first. He stated that the city could eliminate the hydrofluorosilicic acid from the public water supply and could save thousands of dollars in the budget by not purchasing it. He stated that if they erred, why not err on the size of precaution.

Mr. Burton stated that protecting the health, safety, and welfare of all persons was the Commission's charge. He stated that was the oath of office that they took and he hoped to be able to take it also. He stated that if there was ever a Commissioner that had done due diligence on an issue, he believed that Commissioner Kent had done so. He stated that he supported his type of research, his tenacity, and felt that Commissioner Kent's leadership was to be commended, and he stated that he would see Commissioner Kent's picture next to "due diligence" in the dictionary. He stated that he would like to thank Commissioner Kent for his leadership and stated that he could only support what he did as he lead the city, and he stated that he hoped that the rest of the Commission would follow his lead and get the citizens informed consent first. He thanked Mayor Kelley for the leniency that he showed him with his comments.

Mayor Kelley stated that there were people misquoting statistics about fluoride. He stated that he had received many comments supporting fluoride also. He stated that you needed to consider the source of the research and the provider of the research. He stated that he was open to information. He stated that the courts had ruled that cities had the legal right to fluoridate the water. He stated that he had also asked for any examples of fluorosis or other health issues related to fluoride during the past 52 years in Ormond Beach and had not received any. He stated that if a dentist wanted more work they would be against fluoridation. He stated that both audience speakers had

spoken. He stated that he did receive another card but it was after the start of the item; and therefore, that audience member would not be permitted to speak. He stated that the item was to purchase 15 chemicals through a bid process.

Commissioner Kent stated that he would apologize in advance for the amount of information that he had to share and the time that it may take to do so. He stated that the Commission had stated that they wanted to have a workshop on fluoridation. He stated that he wished that could have happened before tonight so that he could have had a lot of his questions answered.

Commissioner Kent asked if any representatives from the companies Hacros Chemicals, Inc. ("Hacros"), or Mosaic Co. ("Mosaic"), were present in the Commission Chambers; whereby, none were noted. He stated that he had received a phone call at 4:45 p.m. on Thursday, September 13, 2012, from Mr. Cliff Wixten from Hacros Chemicals. He stated that he asked if he had sent him a survey. He told him he did not and had sent a letter with questions. He told Mr. Wixten he would fax him a copy of the letter when he got home. He asked Mr. Wixten to call him after he received the fax so that they could discuss the letter and Mr. Wixten stated that he would. He stated that he faxed the letter at 6:15 p.m. on September 13, 2012, and called Mr. Wixten back and left him a detailed message. He stated that as of that moment on September 18, 2012, he had yet to receive a return call from Mr. Wixten.

Commissioner Kent stated that he did want to give a perspective as to why he pulled the item from the consent agenda. He stated that a resident had come to the meetings for about seven years to speak about fluoride and he had never paid him much mind until the CDC and American Dental Association (ADA) came out and said, *after* his son was an infant, that you should not give infants fluoridated water. He stated that the CDC and ADA then changed the range from 0.7 to 1.4 parts to 0.7 parts. He stated that made him wonder and that was why he began to do his own research and due diligence. He stated that he was blessed to be on an open-minded Commission and he wanted to share with them.

Commissioner Kent stated that over the last four months he had taken steps to do due diligence on an issue that had always been characterized by its polarizing claims and counterclaims. He stated that his focus was to move away from the endorsements like the ones heard from Dr. Philip that evening, which were not a substitute for due diligence, and directed his attention to aspects that he believed that every representative of constituents in the city should be supportive of, such as establishing accountability, establishing the assurance of full disclosure, true transparency, and ensuring that the city was in complete compliance with all law and conforming to already established industry standards. He stated that he did not intend to back down from the due diligence and questioned the motives of anyone who made an effort to interfere with the process to fulfill their stewardship role in assuring the quality of the water that the Commission's constituents and his son drank, cooked with, and bathed in every day of their lives.

Commissioner Kent stated that he had watched various factions focus on defending the public policy of fluoridation. He stated that the question of the public policy of fluoridation was worthy of further review, but he was not for or against it. He stated that he had also seen a legal opinion that he *hoped* would have dealt with the issue of selecting a manufacturer where the complete disclosure of legal fact could be counted on. He stated that instead, in his opinion, they received an argument. He stated that there were protections put in place and that the Commission had a specific duty that no other entity had, which was to ensure that those protections were followed.

Commissioner Kent stated that he sent some questions to City Attorney Randy Hayes on Sunday evening. He stated that Mr. Hayes told him he received the questions on Monday. He stated that he received an answer five days later on Friday at 4:45 p.m. He stated that he had hoped that his request for the City Attorney to *address* the existence of legal requirements and the validity of Dr. Lemnoui's notice would create the framework for the discussion of the qualifications and criteria for selecting a product manufacturer for the city's fluoridation chemicals. He stated that in combination with the fact that the item was placed on the consent agenda when the Mayor previously directed staff to schedule a workshop, in his opinion, the non-responsive answer from the City Attorney was more than telling and had to be addressed that evening before he went any further.

Commissioner Kent read from the email he received from Mr. Hayes:

*“Troy, please accept my apologies for the delayed response. Several matters prevented my early attention to the questions. My answers correspond to the numbered questions.”*

Commissioner Kent then read his first question in the email as follows:

*“1. I understand that your response to Dr. Lemnoui was intended to convey to Dr. Lemnoui that you were prepared to defend the city against any challenge to the city’s authority to fluoridate. Beyond your response to Dr. Lemnoui, is it also your intention that this is the official internal position of the city concerning the detailed factual assertions made in the notice?”*

Commissioner Kent read Mr. Hayes’ answer as it appeared in the email:

*“Based on my knowledge of the law and facts regarding the operation of the city’s fluoridation program, it is my opinion that the city’s fluoridation program is in compliance with applicable law. I would respectfully disagree that Mr. Lemnoui’s letter contained any factual assertions or that his intended notice served any legitimate purpose. The City Commission is certainly free to express any official position on the matter if it so chooses.”*

Commissioner Kent stated that the first response that he had to Mr. Hayes’ reply to his request for the existence of legal requirements and validity of the notice concerning fluoridation chemicals was, “Are you kidding me?”. He stated that he formally requested specific replies and Mr. Hayes took two sentences and offered them as a reply for five of his 12 questions. He stated that Mr. Hayes’ response to him was unfathomable. He stated that the entire notice was Dr. Lemnoui’s assertion of facts. He stated that he made clear that he understood that the Commission had the right to deliberate over the issues and come to their own decision. He stated that he wanted to make very clear that the City Attorney was not elected or employed to deliberate about whether something was a fact or not, unless it was specifically related to law. He read his next question to Mr. Hayes from his email:

*“2. If so, please identify the date and circumstance of the meeting, hearing, or discussion in which the Commission has determined to dispense with this notice without consideration of the details”*

Commissioner Kent read Mr. Hayes’ answer as follows: *“Same answer as number one above.”*

Commissioner Kent stated that the “non-answer” and reference to number one was unresponsive. He stated that each individual Commissioner was provided with the notice and that Mr. Hayes did not consult with him before he wrote the responsive letter to Dr. Lemnoui, supposedly on his behalf. He stated that despite the fact that Mr. Hayes put some words down on paper most of the answers could be considered somewhat not reliable. He read his third question from the email:

*“3. Beyond your expression that Dr. Lemnoui’s notice was intended to intimidate, is the premise of an actual and constructive notice, as it is described in the notice, a valid legal principle as demanded that we remedy errors, faults, or non-compliant activities?”*

Commissioner Kent stated that again Mr. Hayes response was *“same answer as number one above.”* He stated that Mr. Hayes’ willingness to distort the legal premise that any actual and constructive notice did not serve any legitimate purpose could only, in his opinion, be characterized as bogus. He stated that anyone could search legal websites and actual lawsuits and see where notice played an important role, including in all types of businesses and legal settings. He noted that three of the Commissioners were attorneys. He asked if four attorneys would allow the record for the city to reflect that constructive notices, of any type, play no legitimate role in due process or demand for remedy. He stated that he hated to have to remind Mr. Hayes that in addition to the entire Commission, he worked specifically for him, at his request, as he saw the needs of his constituents and he did not have the option to misrepresent the law to him to fit anyone’s agenda. He stated that he had presented questions and proposed an ordinance that focused on accountability, full disclosure, compliance with the law, and conformance with the standards. He stated that he sensed from the City Attorney’s

response that there was a desire to sweep the issue away without due consideration. He stated that as they were certainly meeting some resistance to full disclosure, he was not willing to jump to the conclusion that the information he was receiving was reliable. He read his fourth emailed question:

*“4. In general, does knowing or with reasonable care, should have known, when applied to knowledge or non-compliance with law, regulation, or misrepresentation, deserve any legal consideration?”*

Commissioner Kent read Mr. Hayes answer as follows: *“Same answer as number one above.”*

Commissioner Kent stated that the answer again was non-responsive. He stated that telling him that there was no legal consideration given, as to when you knew of something, defied all logic to him. He read his fifth emailed question:

*“5. In general, are there any legal considerations for knowing, or with reasonable care, should have known, significant with respect to entering into any contract or expending public funds?”*

Commissioner Kent stated that Mr. Hayes' response was as follows:

*“Same answer as in number one above. The expenditures of funds for that program must comply with the city's fluoridation program as well as applicable laws and regulations pertaining thereto.”*

Commissioner Kent stated that being obtuse was not responsive either. He read his next emailed question as follows:

*“6. Does this notice impose any duty or is it consistent with an existing duty on us as individuals to ensure that due diligence is applied to ascertain whether we the city are following all laws or does your letter to Dr. Lemnoui absolve us from any critical review of the detail of the notice?”*

Commissioner Kent stated that the answer from Mr. Hayes was *“same answer as number one above.”* He stated that he would put it in perspective for the audience. He suggested a scenario whereby the Commission supported building a recreation facility for after-hours school children and then a sub-contractor or citizen came forward and stated that the cement used, even though it was certified, was not in compliance with the standard, if the Commissioner who learned about the deficiency had a duty to speak up or if they could just accept that it was certified and move on. He stated that the Commission was the steward of the water supply for the entire community. He stated that the public deserved more than the 'good ole boy wink and pat on the back' and to forget the due diligence that they were elected for. He read his next emailed question as follows:

*“7. As a question of Commission procedure upon which you advise us, Mr. Jim Schultz, a resident, comes before our Commission fairly regularly to provide his information on the fluoridation issue during the public comment period and quite frankly I have not been moved to take any action and recently heard another Commissioner state that half the time he did not know what Mr. Schultz was talking about. Are you aware of any action that anyone in the city has taken as a consequence of his presenting information at the public comment period for items not on the agenda? And to be clear, who or what official position has the authority to provide direction for any action.”*

Commissioner Kent read Mr. Hayes' response to the question as follows:

*“I am not aware that any city official has provided any specific direction, however, city officials are obligated to comply with the city's fluoridation regulations.”*

Commissioner Kent stated that it sounded to him like there was no root for remedying problems through communications through the city, which was why he gave Mr. Duncan his card earlier. He stated that no one had to respond to someone presenting information during public comments. He stated that the City Attorney stated that notices

were intimidating and of no legitimate purpose. He stated that the Mayor had told him that he could not offer an ordinance for consideration on the agenda because it was not done that way. He stated that someone would have to reconsider their stance because it was not acceptable. He read his next emailed question as follows:

*“8. I presented at a Commission hearing a proposed ordinance to address accountability, full disclosure, compliance with law, and conformance with standards in the selection of any chemical added to the drinking water for the purpose of treating humans rather than the water, which would include the fluoridation chemicals. I was informed by Mayor Kelley that this is not how we do this, which I did not and do not accept. This was presented to the City Clerk for placement on the agenda well in advance of any requirement to accept bids. I also recall that in a prior meeting each of the Commissioners indicated that they would be interested in further discussion, albeit there may have been an inaccurate assumption that I was seeking a very specific examination of facts. Mayor Kelley directed that staff schedule a workshop. Please cite any legal or procedural restrictions on my request that my proposed ordinance be placed on the agenda for consideration or for a Commission workshop scheduled to discuss the details of the ordinance and its necessity or advisability and that it be scheduled prior to any deliberation on the purchase of fluoride chemicals.”*

Commissioner Kent read Mr. Hayes' response to the question as follows:

*“The Commission’s rules of procedure do not prescribe a specific process by which a Commission member or other city official may request an ordinance or other matter be placed on the agenda. However, ordinances constitute local laws so any proposed ordinance should be reviewed and/or prepared by my office to ensure that it complies with all applicable laws to which the subject of the ordinance is intended to apply.”*

Commissioner Kent stated in his opinion that was one of Mr. Hayes' only responsive answers. He stated that he would place a proposed accountability ordinance on the agenda. He stated that he expected that the City Attorney would review it but he would also make clear that the City Attorney may offer his opinion of how it may affect or comport with state or federal laws only. He stated that he would remind him that the Commission's job as representatives was to make laws and his job was to advise and not legislate. He stated that the question was not about the issue of fluoridation but about performing due diligence to assure that if the city was fluoridating, that they had done their due diligence. He stated that all the rhetoric that Mr. Hayes had been passing out on the law originated in 1957 was before the U.S. Safe Water Act and NSF Standard 60 were enacted. He stated that no one from the city or any government body had told the public that there was not even one toxicological study on the health effects of continued use of the substance added to the water. He stated that was just like no one on the city staff told him that there was now two studies and that they showed higher levels of lead in blood. He read his next emailed question as follows:

*“9. The constructive notice makes a statement that Florida requires that a chemical manufacturer must meet NSF Standard 60 for the specific product in order for us to buy that specific product. Our staff includes that requirement in our bid request for chemicals. Is there any legal question about whether the manufacturer we choose must have met the published requirements of NSF Standard 60?”*

Commissioner Kent read Mr. Hayes' response to the question as follows:

*“Manufacturers of chemicals are required to meet specific standards that are imposed by law and regulations. The city staff ensures that any proposed chemical manufacturer has met the certification requirements for the particular chemical.”*

Commissioner Kent stated that the question then arose, did the city staff heed the information provided through Dr. Lemnoui's notice and confirm each of the details or heed the questions that Commissioner Kent sent to every manufacturer. He stated that he had sent a letter to every manufacturer on the NSF website, 47 in all, and not one



responded. He stated that he appreciated the documentation that staff had provided. He stated that he would be willing to bet that most of the Commissioners did not know there were so many details, especially if they did not read Dr. Lemnoui's notice. He stated that frankly, there was a way to tell if staff performed all of the due diligence he expected and that was by looking at what staff left out. He asked Mr. Dave Ponitz, Utilities Manager, if staff had a complete copy of ANSI NSF Standard 60; whereby, Mr. Ponitz answered that they did not.

Commissioner Kent stated that all of the information that was sent by staff was riddled with references to NSF Standard 60.

Mayor Kelley asked whether Commissioner Kent was saying that the chemicals the city received did not meet the requirements set by law.

Commissioner Kent stated that he did not know but wished that he did. He stated that that was the crux of the whole thing.

Mayor Kelley stated that if it did not, that was an issue; whereby, Commissioner Kent stated that he was going to prove to him that it did not.

Mayor Kelley stated that he knew Commissioner Kent did not like him to question him but asked him if he could arrive at that conclusion. He stated that the issue was whether or not the product would be purchased.

Commissioner Kent stated that he had always been talking about the product itself. He stated that he was sorry if it he was boring or taking too long. He stated that he did not want this to have to happen. He stated that Mayor Kelley had asked for a workshop. He asked why they did not have one; whereby, Mayor Kelley stated that he did not know why.

Ms. Shanahan stated that it was her fault that the workshop had not been scheduled and she took full responsibility.

Commissioner Stowers asked for a point of order. He addressed the Mayor and stated that if the discussion was now being treated as a workshop he would like him to create some ground rules for how the discussion would take place. He stated that he also had a leading question for Mr. Ponitz and began to ask if he had a complete copy of the *Florida Statutes*.

Commissioner Kent asked Mayor Kelley who had the floor.

Mayor Kelley stated that everyone was being allowed a lot more flexibility on an issue. He stated that he felt that Commissioner Kent was trying to arrive at if the law was complied with or not. He stated that the citizens had voted and they were required to treat the water with fluoride. He stated that the issue could be disagreed with. He stated that if Commissioner Kent knew the answer and if the requirements were not met, he would like him to tell the Commission so that they would not purchase the product.

Commissioner Kent stated that he was sorry that it was taking so long. He stated that it was not a workshop and that he did his homework. He stated that he came prepared. He stated that he had never interrupted another Commissioner while they were speaking.

Mayor Kelley stated that Commissioner Stowers had called a point of order; whereby, Commissioner Kent stated that he had but then began to ask questions and it seemed like he was taking over the floor. Commissioner Kent stated that he had the floor; whereby, Mayor Kelley stated that was correct.

Commissioner Kent stated that he found the information he was sharing extremely important and would hope that his fellow Commissioners and the Mayor would as well. He stated that heads were nodding in the audience that citizens also felt it was important.

Commissioner Kent stated that there were visible discrepancies in the documents provided by the city. He stated that the documents were missing any mention of the congressional investigation on fluoride held by the House Committee on Science where Congress held that general requirement Section 3.2.1 from standard 60 was a valid requirement. He stated that Congress asked NSF International to supply the data that

they had received from the manufacturers to have met standard 60. He stated that NSF had not refused but stated that they were not requiring that the manufacturers meet that requirement as published. He stated that he wanted to make sure that it was known what was missing and how important that was. He stated Ms. Shanahan forwarded the information to the Commission from him the previous day. He stated that information read:

*“The manufacturer shall submit at a minimum the following information for each product: especially a list of known or suspected impurities within the treatment chemical formulation and the maximum percent or parts by weight of each impurity and a list of published and if available unpublished toxicological studies relevant to the treatment, chemical, and chemical impurities present in the treatment chemical.”*

Commissioner Kent stated that at least at the time of the congressional investigation NSF was asked whether any studies on hydrofluorosilicic acid or silica fluorides had been submitted to NSF under claimed confidential business information protection. He stated that NSF’s answer was that there had not been any such studies submitted. He read Section 3.2.2 in NSF Standard 60:

*“The formulation information provided by the manufacturer shall be reviewed and this review shall determine any formulation dependent containments to be evaluated, in addition to the product specific analytes identified in each product session.”*

Commissioner Kent stated that meant that there was no way to know what the specific product should be analyzed for without the submission. He stated that another piece of information he had sent yesterday was the July 26, 2012, Environmental Protection Agency (EPA) response to a Freedom of Information Act request. He stated the second stated request as follows:

*“Environmental risk exposure assessments on hydrofluorosilicic products performed by the EPA, its agencies, or by any of the states if available.”*

Commissioner Kent stated that their answer had been that they had no information on the topic. He read the next request as follows: *“Studies, data, and clinical trials that had been undertaken by the EPA agencies on fluorosilicic acid chemical products.”*

Commissioner Kent stated that the answer had been that there was no Office of Science and Technology information on that topic. He read the next request as follows: *“Available comprehensive epidemiology studies.”*

Commissioner Kent stated that the answer had been that there were no comprehensive epidemiology studies in their record. He read the next request as follows: *“A list of toxicological data, and if available, a full copy of any published chronic or sub-chronic toxicological study on the fluorosilicic acid products.”*

Commissioner Kent stated that the answer was that there no such studies in their files. He read the next request as follows: *“Toxicological data available on the hydrofluorosilicic acid raw product that the manufacturer submitted to NSF International under Standard 60 General Requirement Section 3.2.1 as necessary to merit manufacturer certification.”*

Commissioner Kent stated that the answer read as follows: *“All information submitted to NSF International in support of product certification is covered by confidential business information provisions.”*

Commissioner Kent read the next request as follows: *“Rules and regulations for the proper procedures on disposing of the empty containers of the raw fluorosilicic acid product into the environment.”*

Commissioner Kent stated that the answer was as follows: *“The Office and Science and Technology does not have any information related to this item.”*

Commissioner Kent read the next request as follows: *“Documentation that states that fluorosilicic acid was considered a hazardous waste and was regulated as an environmental pollutant.”*

Commissioner Kent stated that the answer was as follows: *"The Office and Science and Technology does not this information."*

Commissioner Kent read the next request as follows: *"Documents that show which Federal Government Agencies regulate fluorosilicic acid products for human consumption."*

Commissioner Kent stated that the answer was as follows:

*"The states indirectly regulate the use of hydrofluorosilicic acid and sodium flusicate as water treatment chemicals by requiring that drinking water treatment chemicals have certification against ANSI NSF Standard 60. Any third party organization that meets ASNI qualifications to certify against the standards can issue the certification as long as the product meets the requirement of the standard."*

Commissioner Kent asked why any of the companies would not give him the *dated* sheet that was submitted by the chemical company to NSF. He stated that in order to be certified they *had* to submit that sheet and list all of the impurities. He did not understand why they would not show that to him. He wondered if they were afraid of what was in it or if they did not do it. He stated that EPA had stated that there were no comprehensive epidemiological studies and no toxicological studies. He stated that he read a study published in 2010 in the well-respected peer reviewed journal, *Toxicology*. He stated that the other one he had was from 2011 in the well-respected peer reviewed *Oral Archive*. He stated that the Freedom of Information Act request did not ask the EPA to supply the studies they liked. He stated that he understood why the dental society and chemical manufacturers would want to say there were no toxicological studies. He stated that the studies were done on laboratory animals and showed that when hydrofluorosilicic acid was present with lead exposures, twice the amount of lead was found than when lead was present alone. He stated that the hydrofluorosilicic acid acted as a transporter just like it could with aluminum to the brain. He stated that it confirmed the study of 400,000 children in the New York and New Hampshire area doubling the amount of lead in their blood, with more than four times the amount present for Latinos and seven times for African Americans. He stated that he had evidence that Mosaic Co. was informed of and sent those studies on February 28, 2011, and March 14, 2011.

Commissioner Kent stated that his tenth question in the email to Mr. Hayes had read as follows:

*"10. Does Florida law require that the manufacturer of a chemical act to meet Standard 60 or does it order the city only to purchase from a manufacturer that has met the Standard 60 requirements?"*

Commissioner Kent stated that the answer had been same to number nine above. He stated that it was tough for him to have to keep saying not good enough and stated that he did not receive an answer. He stated that he had read the Florida Administrative Code and that it had been produced by staff for each member of the Commission. He stated that in the law there was no affirmative order that the manufacturer act. He stated that it was only the water system that was required to purchase from a manufacturer that conforms. He stated that there was no reason for a manufacturer to meet requirements established for water systems when they were selling their product to someone else. He stated that his eleventh question to Mr. Hayes had read as follows:

*"11. Based on your answer to number six, if the city purchases a product from a manufacturer that has not completely met NSF Standard 60 as published, is it the city or the manufacturer that is not in compliance with that specific Florida law?"*

Commissioner Kent stated that the answer to number 11 was *"same answer as number nine."* He stated that it blew his mind that Mr. Hayes did not give him a straight answer on that question. He stated that all manufacturers *did not* have to be in compliance with the state law to be a manufacturer. He stated that only the manufacturers that they purchased from did. He stated that his final question to Mr. Hayes had been:

*"12. As a matter of Florida law, does it make any difference as to whether the public policy of fluoridation was enacted by citizen vote or Commission enactment when considering whether the city must*

*comply with Florida law restricting the city's purchase from a manufacturer that has met the published ANSI NSF Standard 60?"*

Commissioner Kent stated that Mr. Hayes answered as follows:

*"The city's fluoridation regulation provides that it shall be implemented in accordance with the state fluoridation regulations."*

Commissioner Kent stated that an easier answer would be that it did not make a difference because the city had to follow all laws. He stated that the end of Mr. Hayes' email response read as follows: *"I hope that these answers have helped to some degree. Thank you, Randy."*

Commissioner Kent stated that in the information provided to the Commission there was an NSF Fact Sheet, which he felt was a joke. He stated that NSF was not a government body and had no duty to care for the customers of the water district and had no duty or authority of enforcement. He stated that there was also a disclaimer saying that it was the front page of Standard 60 that was dealt with. He read the disclaimer from that front page:

*"NSF International in performing its functions in accordance with its objectives does not assume or undertake to discharge any responsibility of the manufacturer or any other party. The opinions and findings of NSF represent its professional judgment. NSF shall not be responsible to anyone for the use of or reliance upon this standard by anyone. NSF shall not incur any obligations or liabilities for damages including consequential damages arising out of or in connection with the use, interpretation of, or reliance upon this standard."*

Commissioner Kent stated that he needed to see the documents from Hacros that they had to submit to NSF to gain approval. He read from the agenda packet document titled "Supplemental Certification Information for Hydrofluorosilicic Acid" prepared by Mr. Ponitz, beginning on hand-numbered page 7.3, third paragraph down, as follows:

*"Therefore, NSF also inspects, samples, tests, and certifies products at rail transfer and storage depots. It is always important to verify that the location of the product distributor (the company that delivers the product to the water utility) matches that in the official NSF Listing for the product... NSF has compiled data on the level of contaminants found in all fluoridation products that have applied for, or have been listed by, NSF. The statistical results in Table 1 (attached) include the test results for these products, as well as the annual monitoring tests from the period 2000 to 2006."*

Commissioner Kent stated that period was seven years. He stated that he sent a letter to 47 companies. He continued reading the document: *"This includes 245 separate samples analyzed during this time period."*

Commissioner Kent stated that 47 times seven would be 329. He wondered why NSF tested 245. He stated that they were missing 84 companies and did not even test their product. He stated that most of those companies had two or three sites as well. He stated that he was shocked that they were not doing batch testing and were testing once a year. He stated that on the same page underneath that it went on to read: *"Table 1 documents that there is no contamination of drinking water from the fluoridation products NSF has test and certified."*

Commissioner Kent stated that on the very next page it explained about the arsenic level and said that the results in table one indicated that the most common contaminant detected in those products were arsenic. He stated that he was still Troy Kent and not some fluoride fruit loop. He stated that he was just a guy that did a little research. He stated that he was a guy who wished he was told about not giving fluoride to his infant and he would be darned if he was ever going to look anyone in the eye ever and say not to drink the water because he had issues with it and could not get a straight answer from outside their organization and even sometimes inside of it. He stated that he was hurt and hoped everyone could tell. He stated that in over nine years on the Commission he had never done this and did so because he cared and was compassionate.

Commissioner Kent stated that the Commission also cared. He stated that he may be wrong but he did not think that they had done the homework he had done. He stated that the other Commission members did homework on issues that he did not do which helped him. He stated that all he was trying to do was to help them with the facts. He stated that arsenic was detected in 43% of the product samples. He stated that the scientific community had said that any amount was not good for humans. He stated that arsenic occurred naturally in groundwater but there were not rules from the government to take it all out because it would cost hundreds of millions of dollars. He stated that standard 3.2.1 of Standard 60 said that you *could not* add any chemical that was going to put an impurity in the water and hurt human beings. He stated that copper was the second most common contaminant found followed by lead. He stated that he was still blown away by the number of samples tested.

Commissioner Kent stated that they were representing that this was the only manufactured substance that had absolutely no risk and did not deserve anyone to stand up for the actual product. He stated that the document made the grandiose statement that a specific chart showed that there was no contamination of drinking water and then spent page after page describing the contaminations of the product. He stated that he did not believe due diligence had been performed until they received from a bidding supplier the exact complete and dated copy of the documents the manufacturer submitted to NSF to meet the general requirements as published. He stated that there was no allowance for historical, rhetorical, or laissez-faire ignoring of these requirements. He stated that he also wanted to share that staff had highlighted that NSF Standard 60 was adopted in Rule 62-555.335 of the FAC.

Commissioner Kent stated that the Commission, like every water district in the United States, was the only one that could select a chemical provider. He stated that no state law said that they had to choose a specific supplier or that they had to fluoridate. He stated that there was an issue with a vote but that would be dealt with. He stated that there was something from Mosaic in the agenda packet information and that was a product compliance certification. He stated that was great and if they compiled then they should have no problem supplying him with the information he had asked showing that requirements were met.

Commissioner Kent stated that the document in the agenda packet titled, "Fluorosilicic Acid, Section 4.3, Impurities, Section 4.3.1, General," read as follows:

*"The fluorosilicic acid supplied according to this standard shall contain no mineral or organic substance in quantities capable of producing deleterious or injurious effects on the health of those consuming water that has been properly treated with fluorosilicic acid."*

Commissioner Kent stated that the Commission had worked with him long enough to know he was not a nut job and was a common sense kind of guy. He stated that he was not grandstanding. He stated that he sent a letter to the chemical supplier who received public funds from the community and they would not answer his questions. He stated that he did not want that to be acceptable. He stated that there was no doubt that all of the Commissioners loved their families but he was going home and kissing his little boy and however the vote turned out the issue would not be over. He stated that he was there for the long haul and would ask the tough questions. He stated that should be expected of him in his position. Commissioner Kent stated that he did not want to hear about public policy. He stated that he received a four-page handwritten letter from a woman in her 80s that day who told him her husband passed away and wanted to thank him. He stated that he did not put it on staff to find out the information because he was an elected representative and so he went directly to the chemical supplier. He thanked the Commission and audience for being patient and listening to his information.

Commissioner Boehm asked if there was a motion Commissioner Kent wished to be considered; whereby, Mayor Kelley stated that there was already a motion and second on the floor to approve the resolution for the purchase of the chemicals.

Commissioner Boehm stated that he understood the vote to be about establishing a price for the chemicals only and not to purchase anything; whereby, Mayor Kelley stated that was correct. Mayor Kelley stated that they could call the vote or there could be further discussion.

Commissioner Kent asked Ms. Shanahan if the city would be purchasing, as he stated that before he said yes or no he needed clarification.

Commissioner Boehm stated that he was also seeking clarification in regards to what was written in staff's memorandum. He stated that he had read exactly what was written which stated that approval established a price for the bid.

Ms. Shanahan stated that the city would purchase those products as needed.

Commissioner Kent stated that the products would indeed be purchased.

Commissioner Boehm stated that the memorandum had stated that the city was in no way obligated to purchase the chemicals. He stated that he felt that they were not obligated to purchase from Hacros if they had not established or provided them with sufficient information to verify that they comply with all standards. He stated that the Commission could choose not to purchase hydrofluorosilicic acid until they obtained a bid from a company that would certify to them that they met those standards. He stated that they could pull that chemical out and seek an independent bid and the additional information Commissioner Kent was seeking.

Ms. Shanahan stated that the item could be amended to withdraw the hydrofluorosilicic acid and approve the other chemicals.

Commissioner Boehm stated that as he understood the City Attorney's opinion, the city was obligated under local law to continue to fluoridate the water so whether they bought it from Hacros or not they had to buy it somewhere.

Mayor Kelley stated that his suggestion was they would put it to a vote by the people again as to whether or not they wanted fluoride in the water, as the City of Holly Hill had done two years prior. He stated that discussing whether fluoridation as a policy was positive or negative was not the purpose that evening.

Mayor Kelley stated that his concern was whether the chemical supplier of the city met the guidelines as set forward by the state.

Mr. Hayes stated that the state had primary jurisdiction. He stated that the fluoridation program was in compliance with state laws and regulations. He stated that the city received a certificate stating that the chemical companies were in compliance and that was all they could do.

Commissioner Partington stated that he was ready to vote if everyone else was. He stated that the city was required by law to fluoridate and that was the best legal opinion available at that point. He stated that he took an oath to uphold the laws of the City of Ormond Beach, the State of Florida, and the United States of America, and so he would uphold the laws. He stated that he was less interested in information provided by a chemical company. He stated that he wanted to know why the fluoride could not be batch tested by the city through an independent laboratory to establish whether it met standards.

Mayor Kelley stated that he believed it was done upon receipt.

Mr. Ponitz stated that the city tested the residual dosage in the distribution system at the plant three times a day with licensed operators.

Mayor Kelley asked if the water had arsenic in it; whereby, Mr. Ponitz stated that if a product was being put into the water that contained arsenic he would say the answer was yes.

Commissioner Kent asked what was tested for three times a day.

Mr. Ponitz stated that they tested for the fluoride dosage meeting the optimum concentration at 0.7 parts per million. He stated that the arsenic level in the water was below any form of detection. He stated that they did not take a batch of any chemicals that they received and have them retested. He stated that they were capable of doing so.

Mayor Kelley asked if the chemical supplier provided any information about their products being tested.

Mr. Ponitz stated that there was an example in the packet that was provided during a July delivery. He stated that information had an NSF certification on it. He stated that the daily testing was provided to the Health Department in their monthly operating records. He stated that once a month split samples were done and compared with an independent laboratory.

Commissioner Partington stated that he would ask that the actual chemical product be batch tested after delivery with a certified independent laboratory that worked for the city and not for one of the chemical companies.

Commissioner Stowers stated that the city had been fluoridating the water since 1957 when there was a referendum. He stated that the government did not inflict anything upon the residents of Ormond Beach as the residents had voted on the issue. He stated that when he was told about the referendum that was impactful for him because it was not a government push but rather a heated discussion years ago decided by the voters. He stated that Mr. Hayes had provided them with the Daytona Beach News-Journal article from 1957. He stated that when Commissioner Kent initially brought up the issue he did not have the information about the referendum. He stated that Commissioner Kent's focus was on sending out 47 information requests to chemical companies and he did not hear back. He stated that Commissioner Kent's question had been what was stopping a chemical manufacturer from putting something different in the materials that came to the city and how did they know it was what they said it was. He stated that he was hung up on that for the past couple weeks as he was thinking about it.

Commissioner Stowers stated that he wanted to take a moment to step back because there was a lot of energy in the room and there had been much applause. He stated that often applause was a result of there being two divisive sides. He stated that the Commission was having a discussion about an issue that had a referendum years ago and no decision had been made. He stated that people were jumping to the conclusion that certain Commissioners were for or against it and he was not sure how that came about. He stated that he knew when Commissioner Kent first raised the issue he was happy to do a workshop and happy to get as much information as possible. He stated that he gave him credit for diving into the issue and getting involved because different Commissioners rose to the occasion for various issues that they were passionate about. He stated that he hoped Commissioner Kent's comments about not taking up too much time was not an inference to any of the Commission because he knew that they had been at meetings until 1:30 in the morning and if that was what they needed to do, he was happy to do it.

Commissioner Stowers stated that he was focused on the chemical issue and what happened if the chemical was different. He stated that he thanked Commissioner Kent and wanted to thank Mr. Hayes and Mr. Ponitz for their responses as well. He stated that the fact that the water was being tested three times a day was a positive. He stated that he was going to suggest something similar to Commissioner Partington's suggestion that there be batch testing. He stated that if you wanted to fault Hacros for bad customer service or make a recommendation that they go with a different chemical supplier that provided materials, he was happy to do so. He stated that was why the issues needed to be compartmentalized, because those were items related to the contract and related to the referendum and fluoridation. He stated that the whole undertone involving the concept of fluoride in and of itself was a separate topic that was continuing to get mixed in with the discussion. He stated that if it was that big of an issue for the citizens for Ormond Beach that they wished to have another referendum, then that could be worked on. He stated that the whole reason the issue had taken on a life of its own was related to the request Commissioner Kent had made of the chemical companies.

Commissioner Stowers stated that if you wanted to call it medicating, as it stood presently, the residents of Ormond Beach were medicating themselves because it was a result of a referendum that the citizens voted on. He stated that was an important fact. He stated that people got aggressive and clapped about government being in your face but he also got approached by people wanting regulations added. He stated that government should not only get in the way when it was convenient but when it was not convenient as well. He stated that if the residents wanted another referendum to vote on then he was happy to explore that and go down that path, but the issue of the evening was a contract with other municipalities that they were looking to move forward on. He stated that it was extremely frustrating when people attempted to use safety as an issue. He stated that he had a three-month old daughter and to imply that he did not care about the safety of the drinking water when he had an infant at home was absurd. He stated

that it was insulting to him and he absolutely did all due diligence with every single matter he looked at to make the best decisions for his family, the residents of Zone 1, and the residents of Ormond Beach. He stated that he knew it got testy and he was sorry for interrupting Commissioner Kent earlier. He stated that he was ready to move on the item.

Mayor Kelley stated that he had a suggestion. He stated that if he was a manufacturer and received a letter from a Commissioner of a city he would tell his attorney not to respond. He stated that he felt that if the Commission as a whole adopted a letter signed by the entire Commission, the City Manager and the City Attorney, with a request for information, that they might receive a response. He stated that he felt that a letter sent from all of them might yield different results. He stated that he felt that batch testing should also be done.

Commissioner Boehm asked how difficult it would be when a shipment was received of hydrofluorosilicic acid to have it batch tested by an independent laboratory.

Mr. Ponitz stated that he did not know all the details. He stated that they would have to research and ask the laboratory what the industry standard would be for testing the various components in that particular compound.

Mayor Kelley asked City Clerk Scott McKee to call the vote.

Commissioner Kent stated that he had some very quick questions from Mr. Ponitz based on what he had just heard. He stated that he never implied that any member of the Commission or elsewhere did not care for their family. He stated that he was speaking about how much he cared for his family and then he had said that he knew everyone cared about their families, too. He stated that he heard Commissioner Stowers say that he felt better that the hydrofluorosilicic acid was tested three times a day. He asked Mr. Ponitz what it was tested for. He stated that he believed the testing was whether there was the property amount of fluoride in the water and not for impurities.

Mr. Ponitz stated that it was testing for the amount of fluoride in the water.

Commissioner Kent stated that he was excited that batch testing could be done. He asked Mr. Ponitz if the batch testing would be done to meet Section 3.2.1 and 3.2.2 of NSF Standard 60. He stated that he would be ecstatic if that could be done.

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

Ms. Shanahan stated that, before they went on, she wanted to make sure that she was perfectly clear on the Commission's direction. She asked if it was the Commission's direction to batch test the chemical consistent with NSF Standard 60 3.2.1 and 3.2.2; whereby, the Commission stated that it was. She asked if it was the Commission's intention for staff to draft and send a letter to the chemical company from the Commission to get answers to the questions that Commissioner Kent had proposed; whereby, the Commission stated that it was. She asked if there was any movement for the chemical companies to meet the water additive accountability standard proposed by Commissioner Kent. She asked if that should be brought back as a separate ordinance.

Commissioner Kent stated that would be great.

Mayor Kelley stated that it would have to go through the Legal Department and then be voted on.

Ms. Shanahan asked if they would like it brought as a discussion item; whereby, Mayor Kelley stated that yes.

Commissioner Kent stated that was not speaking for him. He wondered if it could be given to the City Attorney, reviewed, and then placed on the agenda for an up and down vote. He stated that he wanted to do it that way because it was quicker but would accept it put on as a Discussion Item. He stated that he would take an inch, if he could get it.



Mayor Kelley stated that he was feeling that there would be discussion and it would be modified.

Ms. Shanahan asked when the Commission wanted that discussion item; whereby, Mayor Kelley replied the second meeting in October. She thanked the Commission for their patience and thanked them for the clarification.

Item #8N – Halifax Humane Society Contract

Commissioner Kent stated that he read the item and he was disgusted that they were not still with Flagler County because they would not work with them. He stated that it was a much better financial deal with Flagler County than Halifax Humane Society.

Ms. Shanahan stated that Flagler County would not provide a renewal bid.

Item #9A– FPL Smart Meter “Opt In” Program

City Clerk Scott McKee read by title only:

RESOLUTION NO. 2012-138

A RESOLUTION ENCOURAGING THE FLORIDA PUBLIC SERVICE COMMISSION TO SUPPORT THE RIGHT OF ORMOND BEACH RESIDENTS RELATING TO SMART METER INSTALLATION IN HOMES; REQUIRING HOMEOWNER PERMISSION PRIOR TO SUCH INSTALLATION;. AND SETTING FORTH AN EFFECTIVE DATE.

Ms. Shanahan stated that at the previous meeting the Commission had directed staff to bring forward a similar resolution to the one enacted by the City of Port Orange. She stated that the city had no control over the public utilities and that it was governed by the Florida Public Service Commission (FPSC). She stated that the FPSC was to meet on September 20, 2012, to hold a technical workshop by staff to discuss smart meters. She stated that at the end of that meeting public comment would be allowed. She stated that if the Commission wished to include the city's voice in the matter they could do so by the adoption of the resolution. She stated that the public could also comment online or send them independent letters to be considered on the matter. She stated that it was up to the Commission whether they wished to make any particular statement and that staff had no recommendation. She stated that the resolution would be asking the FPSC to provide residents with an opt-in option rather than an opt-out option. She stated that currently the FPSC only provided an opt-out.

**Commissioner Partington moved, seconded by Commissioner Boehm, for approval of Resolution No. 2012-138, as read by title only.**

Mayor Kelley stated that several audience members wished to speak on the item. He asked those who had requested to speak that were in favor of the opt-in to please stand and noted that most everyone stood. He stated that there was already a motion and a second and that if the other Commissioners could speak first, then the audience would know whether the resolution would pass.

Mayor Kelley stated that before discussion began, there would be a brief recess. He recessed the meeting at 9:32 p.m.

Mayor Kelley reconvened the meeting at 9:41 p.m.

Commissioner Stowers stated that at the foundation the issue mirrored in many respects the fluoridation issue that had been discussed earlier. He stated that there was a sentiment among certain sections of the public that the smart meters were also an effect of government control and intrusion into private lives. He stated that the smart meters were being installed by a company, Florida Power and Light (FPL), and not the government. He stated that he was someone who spoke about smaller government not just when it was convenient. He stated that FPL was highly regulated by the FPSC and yet the Commission was being asked to weigh in on an issue with a private company. He stated that it gave him pause that, as Ms. Shanahan had said, the Commission had no jurisdiction or authority over the issue. He stated that there were different layers of government and each had their layers of jurisdiction and to attempt to put pressure on one area was what resulted in more government.

Commissioner Stowers stated that sometimes an elected official at the local level would say that they would help someone out even though they really could not do so but would try and convince someone that they could. He stated that then maybe they would try to do something that maybe they should not be doing or was not regulated under their purview. He stated that he mentioned that because it was a highly technical industry and there was a reason that the FPSC regulated power companies. He stated that at the local level the Commission dealt with zoning issues and local issues. He stated that power was fundamental to the entire industrialized world. He stated that there were pressures coming down on them, he felt, that were attempting to leverage the wave of information provided by the internet into an attempt at manipulation of the Commission on issues that were outside of their purview. He stated that he would leave issues of safety and non-safety to the experts. He stated that he trusted the process. He stated that he could look at the issue before him in terms of opt-in or opt-out and take all the information aside and compartmentalize the issue before them.

Commissioner Stowers stated that there was nothing he could do that would take smart meters out of people's lives, but the FPSC could. He stated that he would encourage people to go argue in front of them. He stated that he could be in favor of the opt-in on a more simplistic level. He stated that he felt that the opt-in was a better alternative. He stated that he had heard that administrative costs would be higher for opt-in versus opt-out and personally felt that it was simple enough to include the opt-in with bills. He stated that the users of FPL could do their own research and decide whether they believed what they were told. He stated that the factual information could be provided and the public could decide whether they believed their power bills would go down or if it was too invasive. He stated that he felt that it was just as invasive as his phone. He stated that the other day he took his phone out, thinking about the concept, and hit the map on it, and as it focused in, it moved to the exact location he was at in his home. He stated that argument could be made in a lot of regards to privacy and having personal information out there. He stated that for their purposes, the issue was not whether or not smart meters should be used but whether or not to support an opt-in option for residents.

Commissioner Boehm stated that he would add that he received his bills electronically. He stated that FPL sent him two or three emails a month and they could inundate him with smart meter information as well as an opt-in or opt-out. He did not feel it would be expensive to do so. He stated that he would wager that there were hundreds of thousands of people who received their bills online like him and for whom FPL spent no money at all. He stated that he supported an opt-in provision and recognized that all the Commission was saying was that their citizens had told them that they would prefer an opt-in as opposed to an opt-out option.

Mayor Kelley stated that personally he would have a smart meter. He stated that he had considered the source of a lot of the information available. He stated that there was a lot of misinformation about how dangerous they were. He stated that all of the answers were not known but that smart meters were not a new technology. He stated that 3.5 million smart meters had already been put in. He stated that he would prefer to opt-out because if he had to opt-out he would have to make an effort to do so.

Mayor Kelley stated that there were 12 audience members who wanted to speak and that the entire Commission would be voting in support of the opt-in resolution. He asked whether any of the speakers still wanted to speak to the issue. He stated that they would have three minutes to speak. He stated that the resolution was not about the danger of smart meters and was just about a resolution being sent to the Public Service Commission that the Commission supported the opt-in provision and asked that the speakers only address that issue during their comments.

Ms. Maredy Harford, 1918 Seclusion Drive, Port Orange, stated that she realized the resolution was completely toothless. She stated that with an opt-in, people would have to call the power company and say they wanted a smart meter. She stated that Mayor Kelley had said no action was required for an opt-out but once they had the smart meter then people would have to call to get it removed. She stated that with an opt-in the company would be forbidden to install smart meters on anyone's home unless the customer requested it.

Mayor Kelley stated that was exactly what he said. He stated that he would have to make an effort to opt-in because he wanted to opt-in. He stated that he was speaking about himself personally and not anyone else.

Ms. Harford stated that the key was to protect the public with the opt-in. She thanked the Commission for sending the recommendation. She stated that she realized that the resolution would speak volumes before the Public Service Commission as to the wishes of the citizenry. She stated that when she went to the workshop she could say that there were many resolutions representing thousands of people. She thanked the Commission for supporting an opt-in because it would protect the people from getting smart meters. She stated that once someone knew what a smart meter was, they would never want to make an effort to get one. She stated that she had been sending the Commission emails also and that she had information that she wanted to provide them.

Mr. Tom Gion, 16 Sovereign Lane, stated that he was glad that there was a resolution but wished it stated that the opt-in would be explicit and not implied. He stated that he had been presenting and performing research on the issue for a long time. He stated that in regards to the issue there was not an opt-out. He stated that some people may have gotten their meters removed but that the opt-out was a misconception. He stated that the Public Service Commission had been very unresponsive to the citizens of the state. He stated that the Public Service Commission was an appointed board and not elected and that the citizens were not elected by them. He stated that there was a lot of misinformation coming from the industry because it was a protected industry that he felt was not regulated at all. He stated that he was glad that the resolution was in place because it would help. He stated that other government bodies had passed laws banning smart meters. He stated that the truth would come out.

Commissioner Kent stated that he thought the discussion had just been that anything on the printed agenda did not have a time limit for audience speakers. He stated that he was going to bring it up at the end of discussion but did not want to let it go on. He stated that there should not be a time limit if someone wanted to speak about an agenda item. He asked why the Mayor got to decide the time limit.

Mayor Kelley stated that the Commission had agreed that when there was a large amount of people they would limit the comment times.

Commissioner Kent stated that he never agreed to that and did not know if the other Commissioners had.

Mayor Kelley asked if Commissioner Kent wanted the audience speakers to have unlimited time to speak.

Commissioner Stowers stated that at their first organization Commission meeting as a new Commission he thought that all of those issues were worked through and he thought that the three minutes had been agreed upon. He stated that every meeting prior to that had the three-minute limitation. He stated that he was surprised it was put aside earlier that night for a specific matter. He stated that he thought there was a basis for the three-minute limit. He stated that he also did not understand what was happening. He stated that the Commission just voted for the opt-in resolution and people were acting like they did not just do something positive.

Commissioner Kent asked for clarification on the three minutes; whereby, Mr. Hayes stated that there was no time limit for speakers on printed agenda items.

Mayor Kelley stated that he would ask that speakers limit their comments to the issue at hand, which was the resolution, and to not explain their opinions on the benefits or dangers of smart meters.

Ms. Barbara Layne, 1223 Alcazar Street, Holly Hill, stated that she wanted to protect her health. She stated that there were many counties and 67 California counties that had banned smart meters. She stated that people were getting sick and she did not want to.

Ms. Sandra Stuart, 417 Cherrywood Drive, stated that she wanted to thank the Commission for passing the opt-in resolution. She stated that she did not want the electric company to know her daily activities and believed that the meters would be speaking to their appliances.

Mr. Jim Schultz, 117 Harvard Drive, stated the smart meter system was not secure the way it was designed. He stated that there was an agreement that the system as designed did not have a security level that prevented hacking, attacking, and terrorism. He stated that there were also health issues and compared it to having your head in your bed next to a microwave burst.

Ms. Anne Adams, 1892 Clubhouse Drive, Port Orange, stated that she was very interested to sit in on an Ormond Beach Commission meeting. She stated that she appreciated the opt-in and would challenge the Commission, especially Commissioner Kent to research smart meters. She stated that if you thought fluoride was a problem, you had not seen anything until you studied smart meters.

Mr. Joe Adams, 1892 Clubhouse Drive, Port Orange, thanked the Commission for their opt-in resolution. He stated that he spoke to a friend who lived in Canada who stated that they had the smart meters in Canada. He stated that she said that you could not wash or dry your clothes during the week or you had to pay extra fees. He stated that he spoke to his meter reader the other day who thanked him for not having a smart meter. He stated that the meter reader told him that 3,500 were fired in South Florida because of smart meters.

Mr. Bryan Dukeman, 1929 Spruce Creek Landing, Port Orange, stated that he thought most people did not know that United Nations Agenda 21 was where the smart meter issue was coming from.

Mr. Diego Handel, Ormond Beach, stated that he did not even know where the meter on his home was until recently. He stated that he started doing research once he was informed about the issue and that he became quickly alarmed. He stated that he felt that the resolution was a step in the right direction but felt that it was a small step. He stated that the issue had ignited a passion he had not seen in a long time. He stated that he called FPL and the representative told him that he could not opt-out of the smart meter. He stated that he was told that they could put a hold on it and they would not install it, which he asked for in writing and she emailed him a letter. He stated that the hold would prevent the installation initially; but however, if there was a maintenance issue or a power outage they would only replace the meter with a smart meter because that would be all that was carried on the maintenance trucks. He stated that she told him that as a favor to him if he called her directly she would put the old meter back in. He stated that was great because he could get a favor out of them but not everyone could. He stated that the American Academy of Environmental Medicine had issued a study in mid-April urging immediate caution in the installation of meters and stressed more independent research and not industry research. He stated that there were reports about health problems, thyroid conditions similar to those exposed to radiation, device fires, and biological effects on humans, animals, and plants.

Mayor Kelley stated that Mr. Handel's comments were outside the scope of the item at hand. He stated that he had given Mr. Handel leeway as he had spoken to him for about 45 minutes prior. He asked Mr. Handel to direct his comments toward the action that the Commission would be taking. He stated that he knew that Mr. Handel was very well versed on the subject. He stated that one of the reasons there had been a time limit was to limit comments to remarks on the item at hand. He stated that the issue was to encourage opt-in versus opt-out and not the reasons for having or not having smart meters.

Mr. Handel stated that he disagreed that the Commission had no say so in the debate. He stated that when it came to the safety and security of the residents of Ormond Beach, of which he was one, he thought that it was the Commission's job. He stated that to ignore that would not be carrying out their duty.

Mayor Kelley stated that he felt that the Commission was doing right in their duty by passing the resolution to recommend the opt-in and to try to protect the people that believed that smart meters were damaging. He stated that the resolution provided the vehicle for protection and that the Commission was not neglecting their duty by any means.

Mr. Handel stated that he understood the process and applauded the Commission passing the resolution. He stated that he thought it was the right step to take at that point in time but he felt that the debate would quickly evolve. He stated that he thought that FPL was a very powerful utility with a lot more say so than the residents of many towns and that it was incumbent upon whoever was looking at the issue to really exercise independence in reviewing the material and not to take industry material as a given.

Call Vote:	Commissioner Kent	Yes
	Commissioner Boehm	Yes
	Commissioner Partington	Yes

Carried.

Commissioner Stowers  
Mayor Kelley

Yes  
Yes

Item #11– Reports, Suggestions, Requests

Andy Romano Beachfront Park

Ms. Shanahan stated that the construction of the Andy Romano Beachfront Park was going vertical and well underway. She stated that the contractors had uncovered a concrete wall and asphalt pavement in the section in the southwest corner that needed to be removed but all work was still on schedule.

Enviro-Tips

Ms. Shanahan stated that Enviro-Tips video launch premiere would be on Wednesday, September 19, 2012, at 6:00 p.m. at the Performing Arts Center.

Peninsula Water Main Replacement Project

Ms. Shanahan stated that the South Peninsula two-inch water main replacement project walk through would be held at The Casements on September 19, 2012, at 6:30 p.m. She stated that the North Peninsula would have a meeting on September 26, 2012, at 6:30 p.m.

Workshop

Ms. Shanahan stated that on October 1, 2012, there would be a Joint City Commission and Planning Board Workshop at 7:00 p.m. at the Senior Center.

Movies on the Halifax

Ms. Shanahan stated that Movies on the Halifax would be held on October 5, 2012, and the movie that would be shown was *The Perfect Game*.

Cameron Brenneman Playground Dedication

Ms. Shanahan stated that the Sanchez Park Cameron Brenneman Playground Dedication would be on October 13, 2012.

Central Park Water

Mr. Hayes stated that he wanted to address Mr. Duncan's comments about Central Park, since that had been brought up twice. He stated that the city had determined that the water was city water. He stated that the issues involved were somewhat complicated. He stated that historical records from the county and multiple city departments had to be researched. He stated that the city understood that Mr. Duncan had some firm convictions and beliefs. He stated that he knew a meeting was being set up to try and resolve the issues with him.

Median Maintenance

Commissioner Partington stated that he was very disappointed in how Servello had decided to maintain as little as possible for the remainder of their contract. He stated that the West Granada Boulevard medians between Williamson Boulevard and Nova Road were in bad shape and he noticed other areas of the city that were also not maintained to standards. He stated that the medians looked like they could have been purposely damaged. He asked if the new service provider could bill the former provider for the cost and time that it would take them to bring the grounds up to the standards that were required by contract. He asked whether the city was withholding payment on the contract until Servello met the standards. He stated that the residents of Ormond Beach paid a premium because they cared about how the city looked.

Central Park Plant Identification Project

Commissioner Partington stated that the Central Park Plant Identification unveiling would be on September 21, 2012, at 6:00 p.m. He stated that the children from the second grade class that did the identification would be in attendance. He stated that former Commissioner Joyce Ebbets would also be attending.

King of the Grill

Commissioner Partington stated that on Saturday, September 22, 2012, at The Casements, he would be a judge for the Ormond Beach Chamber of Commerce's King of the Grill event. He stated that there were both professional and novice categories and that all of the Commission would be in attendance.

### State of the City

Commissioner Partington stated that the State of the City would be held on September 26, 2012, at the Oceanside Country Club at 11:30 a.m. and that it was also a Chamber sponsored event. He stated that Mayor Kelley would be giving a presentation.

### Project ROMP

Commissioner Partington stated that Project ROMP was having a fundraiser called "A Magical Night" hosted by the Project ROMP Committee for elementary aged students on Friday, September 28, 2012, from 6:30 p.m. to 8:30 p.m. at the Nova Community Center Gymnasium. He stated that the event would have food, fun, games, prizes and a D.J. He stated that tickets were \$7 and included a hot dog and a drink with all proceeds going to support the renovation of the Magic Forest Playground.

### Tomoka State Park Trail

Commissioner Stowers stated that the Tomoka State Park Trail event had been wonderful. He stated that a good group showed up and it was a great path. He stated that there were now sidewalks from Tomoka State Park contiguous to downtown Daytona Beach.

### Median Maintenance

Commissioner Kent stated that he was glad that Commissioner Partington mentioned the medians. He stated that he hoped that Austin Outdoors would take plenty of pictures and that the city would not hold them accountable for the mess they were getting into. He stated that he was disgusted that a company that did business with the City of Ormond Beach for over seven years and received over \$7 million had done that for the last few months of their contract.

### Audience Speakers

Commissioner Kent stated that he wanted the Commission to know that he did not necessarily care if there was a three-minute time limit on speakers. He stated that he cared about rules and that if the rule was made it should be followed. He stated that his concern was someone changing rules unilaterally even though he understood the reasons why.

### Ormond Beach Mention

Commissioner Kent stated that last Friday he was watching a show called American Pickers. He stated that a Curtis twin motor had been brought to an expert and he mentioned that it made a land speed record in 1907 for going 136.3 miles per hour in Ormond Beach. He stated that they then showed the beach in Ormond Beach in 1907.

### Greetings

Commissioner Kent stated that he wanted to end with a teaching proverb. He stated that you should never try to teach a pig to sing, it wastes your time and annoys the pig.

### Median Maintenance

Commissioner Boehm stated that the city staff very vigilantly had withheld a portion of Servello's payment and may end up in litigation with them. He stated that 14 locations were scheduled to be removed by RJ Landscaping from Orchard Street to I-95 and 3,900 new plants would be installed shortly thereafter. He stated that the city's Landscape Architect said that it was his decision to wait until near the end of Servello's contract before authorizing the work because of the lack of care the medians were receiving.

### Maria Bonita

Commissioner Boehm stated that he had the opportunity eat at Maria Bonita. He stated that it was very busy and doing excellent business.

### Ormond Beach Observer

Commissioner Boehm stated that he saw Mr. Matt Mencarini from the Ormond Beach Observer in the audience. He stated that he was glad there was a new substantive newspaper covering only Ormond Beach. He stated that he encouraged people to read it.

### Florida Hospital Oceanside

Commissioner Boehm stated that he had the opportunity to listen to Mr. Daryl Tol, CEO, Florida Hospital, at a recent function. He stated that Mr. Tol had mentioned that Florida Hospital was in the process of spending over \$2 million to renovate the Oceanside

Rehabilitation Hospital into private rooms for in-patient rehabilitation purposes and to allow families to stay with their patients.

King of the Grill

Commissioner Boehm stated that Commissioner Partington mentioned the King of the Grill event. He stated that there were 12 amateur grillers and 12 professional grillers and they would be brought samples from all of them so if they looked like they could hardly move by 5:00 p.m. that was why.

Audience Speakers

Mayor Kelley apologized for the three-minute speaking issue. He stated that he had thought the decision had been to use a three-minute time limit unless an attorney was present to represent a client. He stated that if the speaker did not stick to the germane issue in the discussion, then the meeting ran off topic. He stated that he hoped it could be discussed again at a focus meeting. He stated that it was imperative for the Commission to conduct the meetings professionally and keep them to the focus on the agenda items. He stated that he felt the Commission went above and beyond to allow the right to speak.

State of the City

Mayor Kelley stated that at the State of the City he would be presenting two individuals for recognition for an Achievement Award for Civic Engagement.

Referendums

Mayor Kelley asked Ms. Shanahan when information would be provided about the city's two charter amendments that would be on the November election ballot.

Ms. Shanahan stated that the city could not advocate a position but they could inform them about them.

Mayor Kelley stated that the ballot would be very large so he wanted to make sure that the two amendments were pointed out.

Community Signage

Mayor Kelley stated that he did not want to steal the thunder but that Ms. Shanahan would have a meeting with someone who would possibly help with the community signage in a public/private partnership.

Item #12 – Adjournment

The meeting was adjourned at 10:44 p.m.

APPROVED: October 2, 2012

BY:

\_\_\_\_\_  
Ed Kelley, Mayor

ATTEST:

\_\_\_\_\_  
J. Scott McKee, City Clerk