

**ORMOND BEACH CITY COMMISSION MEETING  
HELD AT CITY HALL COMMISSION CHAMBERS  
December 7, 2010 7:00 p.m.**

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

**A G E N D A**

- 1) Meeting call to order by Mayor Kelley.

- 2) Invocation by Rabbi Pinchas Ezagui, Chabad Lubavitch of Greater Daytona.
- 3) Pledge of Allegiance.
- 4) **PRESENTATION:**
  - A) Presentation by Volusia County Councilman Carl Persis – Coastal Partnership Grant.
  - B) Employee-of-the-Year Award to Larry Rivera, Engineering.
  - C) Proclamation in memory of Pearl Harbor Day and honoring all those who served in World War II.
- 5) **AUDIENCE REMARKS:**
- 6) **APPROVAL OF THE MINUTES** of the November 16, 2010, meeting.
- 7) **CONSENT AGENDA:** The action proposed is stated for each item on the Consent Agenda. Unless a City Commissioner removes an item from the Consent Agenda, no discussion on individual items will occur and a single motion will approve all items.
  - A) Resolution No. 2010-185 rescinding the Category Four Fixed Base Operator status of Ron Air, Inc., operating at the Ormond Beach Municipal Airport. (Airport Manager)
  - B) Resolution No. 2010-186 accepting a bid from Built-Rite Construction of Central Florida, Inc., for construction services regarding the North Ridgewood Avenue Sidewalk Replacement project under Bid No. 2010-33; authorizing the execution of a contract and payment therefor; rejecting all other bids;. (\$58,415) (Acting City Engineer)
  - C) Resolution No. 2010-187 authorizing the execution of a Modification to Subgrant Agreement between the Division of Emergency Management and the City regarding the Hazard Mitigation Grant Program. (Hand Avenue and Laurel Creek Improvements project - Increase grant funding by \$791,842) (Acting City Engineer)
  - D) Resolution No. 2010-188 accepting the proposal of Transystems Corporation regarding professional services to prepare a Wayfinding and Interpretation Assessment Plan for the Ormond Scenic Loop & Trail; authorizing the execution of an agreement and payment therefor; rejecting all other proposals. (\$87,910) (City Eng.)
  - E) Resolution No. 2010-189 authorizing the execution of a Sovereignty Submerged Lands Easement Renewal for public utility purposes between the City of Ormond Beach and the Board of Trustees of the Internal Improvement Trust Fund of the State of Florida; providing for recordation. (Halifax River) (Planning Director)
  - F) Resolution No. 2010-190 authorizing the execution of a Sovereignty Submerged Lands Easement for public utility purposes between the City of Ormond Beach and the Board of Trustees of the Internal Improvement Trust Fund of the State of Florida; providing for recordation. (Tomoka River) (Acting City Engineer)
  - G) Resolution No. 2010-191 authorizing the approval and execution of a Purchase Authorization (Requisition 0000007537) for the purchase of eight patrol vehicles under Florida Sheriffs Association Bid No. 10-18-0907; declaring certain patrol vehicles to be surplus property, and authorizing the disposition thereof. (\$217,392)
  - H) Resolution No. 2010-192 authorizing the approval and execution of a Purchase Authorization (Requisition 0000007559) for the purchase of one (1) 2010 Johnston Allianz Johnston 4000 Street Sweeper under City of Largo, Florida, Request for Proposal No. 09-P-297; declaring a 2005 Johnston street sweeper to be surplus property and authorizing the disposition thereof. (\$199,504) (Fleet Manager)
  - I) Resolution No. 2010-193 terminating thirty-three (33) continuing contracts for professional architectural and engineering services. (Acting City Engineer)
  - J) Resolution No. 2010-194 approving a settlement proposal regarding the Workers' Compensation claim of Jeffrey Downs; authorizing the execution of a settlement agreement and any and all documents incidental thereto; authorizing payment relative thereto. (City Attorney)

- K) City share of funding for the Project Development and Environment Study for the Hand Avenue Extension. (\$100,000 to \$156,000) (Planning Director)

DISPOSITION: Approve as recommended in City Manager memorandum dated December 2, 2010.

- L) Volusia League of Cities legislative priorities.

DISPOSITION: Approve as recommended in City Manager memorandum dated December 2, 2010.

8) **PUBLIC HEARINGS:**

- A) Community Redevelopment Agency Items:

- 1) Resolution No. 2010-195 of the City Commission, also acting as the Central Business District Community Redevelopment Agency of the City of Ormond Beach, Florida, authorizing a fourth 180-day extension of a Property Improvement Grant Agreement between the Agency and the Highlander Corporation. (11-23 West Granada Boulevard - \$50,000) (Planning Director)
- 2) Resolution No. 2010-196 of the City Commission, also acting as the Central Business District Community Redevelopment Agency of the City of Ormond Beach, Florida, authorizing a third 180-day extension of a Property Improvement Grant Agreement between the Agency and the Highlander Corporation. (29 and 31 West Granada Boulevard - \$50,000) (Planning Director)
- 3) Resolution No. 2010-197 of the City Commission, also acting as the Central Business District Community Redevelopment Agency of the City of Ormond Beach, Florida, authorizing the execution of a Property Improvement Grant Agreement between the Agency and Taxco, LLC. (195 West Granada Boulevard – Maria Bonita Restaurant) (Planning Director)
- 4) Resolution No. 2010-198 of the City Commission, also acting as the Central Business District Community Redevelopment Agency of the City of Ormond Beach, Florida, authorizing the execution of a Property Improvement Grant Agreement between the Agency and Taxco, LLC. (9 North Yonge Street - \$50,000 - Maria Bonita Restaurant) (Planning Director)
- 5) Resolution No. 2010-199 of the City Commission, also acting as the Central Business District Community Redevelopment Agency of the City of Ormond Beach, Florida, authorizing the execution of a Locally Funded Agreement between the State of Florida Department of Transportation and the City of Ormond Beach for the painting of traffic signal mast arm assemblies within the Granada Streetscape area. (\$27,500) (Acting City Engineer)

- B) Ordinance No. 2010-48 of the City of Ormond Beach, Florida, adopting the EAR-based Remedial Amendments for the City of Ormond Beach Comprehensive Plan; amending goals, objectives and policies of the Transportation Element by amending certain policies to adopt land use and transportation strategies to support and fund mobility within transportation concurrency exception areas, specifying the adoption of sidewalk standards into the Capital Improvements Element by a certain date, providing a specified date to adopt the US1 and A1A Redevelopment Plans, establishing minimum percentages for the mix of uses for non-residential land use categories; amending the Capital Improvements Element to add a transit schedule of capital and operating improvements and a non-motorized schedule of capital improvements; amending the multi-modal strategy with additional data and analysis to provide a conceptual fee structure; repealing all inconsistent ordinances or parts thereof; providing for severability; providing for transmission. (Second Reading) (Planning Director)

- C) Ordinance No. 2010-51 amending Chapter 2, District and General Regulations, of Article VI, Overlay Districts, Section 2-70, Downtown Overlay District, by deleting in its entirety Subsections 2-70 A through R, re-establishing Section 2-70 entitled, Downtown Overlay District; adding Subsections A through I. (Second Reading) (Planning Director)

- D) Ordinance No. 2010-52 annexing certain real property into the City of Ormond Beach, said property being generally located along the west side of North U.S. Highway 1,

approximately 1,200 linear feet from Interstate 95 and being commonly located at 1520 North U.S. Highway 1, including a portion of Benton Street and Flagler Road; redefining the territorial boundaries of the City of Ormond Beach to include the property; re-designating the boundaries of Zone 3 of the City of Ormond Beach to include the property; providing for transmission. (Second Reading) (Planning Director)

- E) Ordinance No. 2010-53 annexing certain real property into the City of Ormond Beach, said property being generally located along the west side of North U.S. Highway 1 approximately 325 linear feet from Interstate 95 and being commonly located at 1560 North U.S. Highway 1; redefining the territorial boundaries of the City of Ormond Beach to include the property; re-designating the boundaries of Zone 3 of the City of Ormond Beach to include the property; providing for transmission. (Second Reading) (Planning Director)
- F) Ordinance No. 2010-54 annexing certain real property into the City of Ormond Beach, said property being generally located along the west side of North U.S. Highway 1 approximately 255 linear feet from Interstate 95 and being commonly located at 1570 North U.S. Highway 1; redefining the territorial boundaries of the City of Ormond Beach to include the property; re-designating the boundaries of Zone 3 of the City of Ormond Beach to include the property; providing for transmission. (First Reading) (Planning Director)
- G) Ordinance No. 2010-55 annexing certain real property into the City of Ormond Beach, said property being generally located along the west side of North U.S. Highway 1 abutting Interstate 95 and being commonly located at 1576 North U.S. Highway 1; redefining the territorial boundaries of the City of Ormond Beach to include the property; re-designating the boundaries of Zone 3 of the City of Ormond Beach to include the property; providing for transmission. (First Reading) (Planning Director)
- H) Ordinance No. 2010-56 granting to Peoples Gas System, a Division of Tampa Electric Company, its successors and assigns, a non-exclusive natural gas franchise renewal agreement for a period of thirty (30) years; imposing provisions and conditions relative thereto. (Second Reading) (City Attorney)
- I) North US1 Zoning Map amendments:
  - 1) Ordinance No. 2010-57 amending Paragraph C, Official Zoning Map, of Section 2-01, Establishment of Zoning Districts and Official Zoning Map, of Article 1, Establishment of Zoning Districts and Official Zoning Map, of Chapter 2, District and General Regulations, of the City of Ormond Beach *Land Development Code*, by amending the Official Zoning Map to rezone certain real properties totaling 42.871 acres located within the North US1 corridor from Volusia County B-4 (General Commercial) and Volusia County B-9 (General Office) to City of Ormond Beach B-7 (Highway Tourist Commercial), authorizing revision of the Official Zoning Map. (First Reading) (Planning Director)
  - 2) Ordinance No. 2010-58 amending Paragraph C, Official Zoning Map, of Section 2-01, Establishment of Zoning Districts and Official Zoning Map, of Article 1, Establishment of Zoning Districts and Official Zoning Map, of Chapter 2, District and General Regulations, of the City of Ormond Beach *Land Development Code*, by amending the Official Zoning Map to rezone certain real properties totaling 5.68 acres located within the North US1 corridor from Volusia County B-4 (General Commercial) and Volusia County B-6 (Highway Interchange Commercial) to City of Ormond Beach B-7 (Highway Tourist Commercial), authorizing revision of the Official Zoning Map. (First Reading) (Planning Director)
  - 3) Ordinance No. 2010-59 amending Paragraph C, Official Zoning Map, of Section 2-01, Establishment of Zoning Districts and Official Zoning Map, of Article 1, Establishment of Zoning Districts and Official Zoning Map, of Chapter 2, District and General Regulations, of the City of Ormond Beach *Land Development Code*, by amending the Official Zoning Map to rezone certain real properties totaling 15.16 acres located within the North US1 corridor from Volusia County B-6 (Highway Interchange Commercial) and Volusia County B-9 (General Office) to City of Ormond Beach B-7 (Highway Tourist Commercial), authorizing revision of the Official Zoning Map. (First Reading) (Planning Director)
  - 4) Ordinance No. 2010-60 amending Paragraph C, Official Zoning Map, of Section 2-01, Establishment of Zoning Districts and Official Zoning Map, of Article 1,

Establishment of Zoning Districts and Official Zoning Map, of Chapter 2, District and General Regulations, of the City of Ormond Beach *Land Development Code*, by amending the Official Zoning Map to rezone certain real properties totaling 31.62 acres located within the North US1 corridor from Volusia County B-9 (General Office) to City of Ormond Beach B-7 (Highway Tourist Commercial), authorizing revision of the Official Zoning Map. (First Reading) (Planning Director)

- 5) Ordinance No. 2010-61 amending Paragraph C, Official Zoning Map, of Section 2-01, Establishment of Zoning Districts and Official Zoning Map, of Article I, Establishment of Zoning Districts and Official Zoning Map, of Chapter 2, District and General Regulations, of the City of Ormond Beach *Land Development Code*, by amending the Official Zoning Map to rezone certain real properties totaling 11.13 acres located within the North US1 corridor from Volusia County I-1 (Light Industrial) to City of Ormond Beach I-1 (Light Industrial), authorizing revision of the Official Zoning Map. (First Reading) (Planning Director)
- 9) **FIRST READING OF ORDINANCE** No. 2010-62 amending Chapter 1, General Administration, Article III, Definitions, Section 1-22, Definition of Terms and words, by providing definitions; amending Chapter 3, Performance Standards, Article IV, Sign Regulations, Section 3-47, Site Identification Signs, of the Ormond Beach *Land Development Code* by providing location and performance standards and terms and conditions thereof. (Planning Director)
- 10) **REPORTS, SUGGESTIONS, REQUESTS:** Mayor, City Commission, City Manager, City Attorney.
- 11) **CLOSE THE MEETING.**

Item #1 – Meeting Call to Order

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

Item #2 – Invocation

The invocation was giving by Mayor Kelley.

Item #3 – Pledge of Allegiance

The Pledge of Allegiance was led by Mayor Kelley.

Item #4A – Presentation – Coastal Partnership Grant

Councilman Carl Persis stated it was a great pleasure to present a check for \$15,982.50 from Volusia County to the City for the improvements at Cassen Park as part of a county program to encourage coastal cities to partner with the County for waterway improvements.

Joe Nolan explained the grant program had been active for a couple of decades and provided 50% cost sharing to municipalities for improvement to waterway properties that provide waterway recreational activities. He mentioned another program where the City had been a leader, the derelict vessel removal reimbursement program for the removal of derelict vessels from the waterways.

Item #4B – Employee-of-the-Year

City Manager Shanahan announced the Employee-of-the-Year was Civil Engineer Larry Rivera. She reported Mr. Rivera came to work for the City in 2008 with federal, state and county agency experience, including five years in Saudi Arabia installing traffic signals and roadway systems; and he brings extensive traffic engineering experience to his position with the City. She stated his working relationship with other governing agencies had been instrumental in moving City projects forward.

Mayor Kelley presented a plaque, gift certificate and a day off with pay to Larry Rivera, as Employee-of-the-Year.

Item #4C – Proclamation in Memory of Pearl Harbor Day

After calling the veterans in attendance forward, Mayor Kelley read a proclamation in remembrance of Pearl Harbor veterans and honoring other World War veterans.

Troy Kent

Mayor Kelley read a proclamation in honor and recognition of Commission Troy Kent's dedication and hard work that allowed him to receive the National Board Certification for Classroom Teacher.

Commissioner Kent expressed his surprise and gratitude to everyone and thanked his family for participating in the surprise.

Item #5 – Audience Remarks

Joe Jaynes, 21 Reflections Village Drive, as a representative of the committee formed to promote and enable the creation of a beachfront park in Ormond, read a letter to the Commission expressing the committee's position on matters of the design and naming of the park, including suggestions, such as low maintenance landscaping, a boardwalk, a pervious surface in the parking area, no parking directly in front of the park along A1A, dune restoration, bicycle racks, shaded picnic tables, restrooms, showers, access to an ocean view from handicapped parking, and a playground.

Item #6 – Approval of the Minutes

Mayor Kelley advised the minutes of the November 16, 2010, organizational meeting had been sent to the Commission for review, as well as displayed at the library and on the City's website for public review. Mayor Kelley asked for any corrections, additions, or omissions. Mayor Kelley stated that hearing no corrections, the minutes would stand approved as presented.

Item #7 – Consent Agenda

Mayor Kelley advised the action proposed for each item on the Consent Agenda was so stated on the agenda. He asked if any member of the Commission had questions or wished to discuss any item separately.

Commissioner Partington requested Item #7K be pulled from the Consent Agenda for discussion.

**Commissioner Kent moved, seconded by Commissioner Boehm, for approval of the Consent Agenda, absent Item #7K.**

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

Item #7K – City's Share of PD&E Study for the Hand Avenue Extension Project

**Commissioner Kent moved, seconded by Commissioner Partington, for discussion of Item #7K.**

Commissioner Partington asked Planning Director Ric Goss to explain the increase in the cost of the PD&E study from \$100,000 to \$156,600 for something we already knew. He stated that most of the benefit was to Daytona Beach in their efforts to expand and build thousands of homes west of I-95, south of SR40. He stated the only benefit to the City was to the people living on the west side of the City to be able to get to the hospital quicker. He stated that not a lot of people would be in favor of four lanes of traffic through some of the pristine woodlands area and over the Tomoka River to get to Granada Boulevard, when there were other ways to get to SR40. He stated he was having trouble divining the benefit to the average City resident versus the potential increase in traffic due to the increase of homes in that area.

Planning Director Goss stated the City got involved in this issue when discussion started about the distribution of traffic by Consolidated Tomoka Land Company (CTLC) for the property south of SR40; their distribution of traffic onto SR40, east of Williamson Boulevard required them to add additional lanes on SR40. He stated the Commission had made it clear that they wanted to maintain the landscape medians on SR40, rather than three or four lanes each way on SR40 from Nova Road to Williamson Boulevard. He stated that FDOT did a feasibility study in 2008, which showed the traffic would need to be divided into five lanes each way from Nova Road to Williamson Boulevard. He explained FDOT did not think that was possible; therefore, FDOT recommended a six lane divided facility from Williamson Boulevard out to Breakaway Trails, three lanes divided to Shadow Crossing at Hunter's Ridge entrance, and build Hand Avenue extension as a parallel reliever, with the County Tymber Creek Road extension south of SR40 to connect to the Hand Avenue extension. Planning Director Goss stated that several years ago, several parties were discussing contributing to the study, but CTLC quoted a cost for a study lower than the cost of the estimate based upon the draft interlocal agreement. He stated FDOT was no longer a party to the agreement, because FDOT wanted to include SR40, PD&E and Hand Avenue as one study, but financially FDOT would have to wait a couple of years. He explained this study needed to be done earlier in order to take advantage of any federal road improvement funds, similar to the Dunn Avenue extension. He stated this resulted in a PD&E

study with three parties for the Hand Avenue extension at a price higher than originally quoted. He stated the City would benefit more from the Hand Avenue extension than Daytona Beach, because CTLC would be constructing the north/south road connection in two directions; at Hunter's Ridge entrance down Stagecoach Road, and Tymber Creek Road extension, south of Tymber Creek Road to SR40, where it would meet at the Hand Avenue extension. He stated Hand Avenue needed to be extended as a parallel road reliever for SR40, with widening of other roads, which would eliminate the threat of losing the landscape medians on SR40.

Commissioner Partington expressed it would be better to widen SR40 than to put a new road through some pristine areas, including the Old Tomoka Road river crossing.

Planning Director Goss stated more access points north and south provided for better traffic flow; currently with only one, Williamson Boulevard failing, which was why it was being expanded. He stated SR40 was failing in a number of segments and at a number of intersections, which was why SR40 was established as a multi-modal transportation concurrency exception area (TCA), because if it went through normal concurrency, no one would be allowed to develop on SR40. He stated he certainly understood Commissioner Partington's point, but in reviewing the FDOT feasibility study of SR40, the Hand Avenue extension had as much or more importance to the City than to Daytona Beach. He stated the County probably was wondering why it was even involved, but the County had moved this project forward to assist the City.

Commissioner Partington inquired if it was such an important project why was it not on the MPO's LRTP.

Planning Director Goss stated it was on the 2035 LRTP, not the 2020 LRTP. He explained it was not on the City's comp plan because the comp plan was a fifteen year plan.

Commissioner Partington stated within that time frame, he could understand that it was necessary, but he stated it was not necessary in this economy. He stated he did not understand the increase in the cost.

City Manager Shanahan stated it was due to having one less partner.

Planning Director Goss explained that the original estimate was from a private entity, and he stated the current cost for the study was through a government agency, which increased the cost.

Commissioner Boehm inquired as to an interlocal agreement.

Planning Director Goss stated there was currently a draft interlocal agreement drafted by Daytona Beach, reviewed by the City, and presently at the County's legal office for review.

Commissioner Boehm asked how the interlocal agreement committed the City.

Planning Director Goss explained the City would be committed to fund the City's share of the PD&E study.

Commissioner Boehm asked if the PD&E study would answer some of the questions Commissioner Partington had raised.

Planning Director Goss stated it would, as well as position the City to be able to jump on federal funds when they became available. He stated with Congressman Mica on the Transportation Committee there was a much better chance for this region to receive funding, which was why a number of people thought it was better to include CTLC to expedite this study.

Commissioner Boehm inquired as to the City's obligation to the roadway construction.

Planning Director Goss stated the construction costs had not been determined; therefore the City's portion had not been determined. He stated the issue was not part of the PD&E study, which was only to determine where the right-of-way should be, so it could be obtained by preserving it as development occurred.

Commissioner Boehm asked how long was a PD&E study was valid.

Planning Director Goss stated Dunn Avenue was several years old and had not required updating. He stated if this study went more than a couple of years it would need updating; but it would be less expensive to preserve the right-of-way, rather than dealing with a situation where

a right-of-way had not been preserved. He stated the final version of the interlocal agreement would be presented to the Commission for review.

Mayor Kelley stated SR40 could not handle more traffic and was failing. He pointed out in 2000-2001, the Commission removed the study from the MPO priority list; otherwise like Dunn Avenue, it would have been finished now. He stated he does not like to spend money unnecessarily, but the study would allow the City to be prepared to take advantage of funding when it became available.

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

Community Redevelopment Agency Items:

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

Mayor Kelley stated the City Commission meeting was adjourned, and called the meeting of the Community Redevelopment Agency to order at 7:42 p.m. He advised he had no cards from audience members wishing to speak on any of the CRA items.

Mayor Kelley called for a motion regarding the Property Improvement Grant extension for 11-23 West Granada Boulevard.

**Commissioner Partington moved, seconded by Commissioner Kent, to recommend approval of Resolution No. 2010-195.**

Mayor Kelley reported a voice vote unanimously recommended approval of Resolution No. 2010-195.

Mayor Kelley stated Resolution No. 2010-196 was for an extension of a Property Improvement Grant for 29 and 31 West Granada Boulevard.

**Commissioner Partington moved, seconded by Commissioner Kent, to recommend approval of Resolution No. 2010-196.**

Mayor Kelley reported a voice vote unanimously recommended approval of Resolution No. 2010-196.

Mayor Kelley stated Resolution No. 2010-197 was for a Property Improvement Grant for Maria Bonita at 195 West Granada Boulevard.

**Commissioner Boehm moved, seconded by Commissioner Partington, to recommend approval of Resolution No. 2010-197.**

Mayor Kelley reported a voice vote unanimously recommended approval of Resolution No. 2010-197.

Mayor Kelley stated Resolution No. 2010-198 was for a Property Improvement Grant for 9 North Yonge Street, the parking area for Maria Bonita.

**Commissioner Partington moved, seconded by Commissioner Stowers, to recommend approval of Resolution No. 2010-198.**

Mayor Kelley reported a voice vote unanimously recommended approval of Resolution No. 2010-198.

Mayor Kelley stated Resolution No. 2010-199 was a Locally Funded agreement with FDOT for painting of the mast arms in the Streetscape area.



**Commissioner Boehm moved, seconded by Commissioner Stowers, to recommend approval of Resolution No. 2010-199.**

Mayor Kelley reported a voice vote unanimously recommended approval of Resolution No. 2010-199.

Mayor Kelley stated the CRA meeting was adjourned at 7:44 p.m. and the Commission meeting was reconvened.

Item #8A1 – Property Improvement Grant Extension – 11-23 West Granada Boulevard

RESOLUTION NO. 2010-195

A RESOLUTION OF THE CITY COMMISSION, ALSO ACTING AS THE COMMUNITY REDEVELOPMENT AGENCY, OF THE CITY OF ORMOND BEACH, FLORIDA, AUTHORIZING A THIRD ONE HUNDRED EIGHTY-DAY EXTENSION OF A PROPERTY IMPROVEMENT GRANT AGREEMENT BETWEEN THE AGENCY AND HIGHLANDER CORP.; AND SETTING FORTH AN EFFECTIVE DATE.

Mayor Kelley stated the CRA unanimously recommended approval of Resolution No. 2010-195.

**Commissioner Kent moved, seconded by Commissioner Partington, for approval of Resolution No. 2010-195, as read by title only.**

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

Item #8A2 – Property Improvement Grant Extension – 29 and 31 West Granada Boulevard

RESOLUTION NO. 2010-196

A RESOLUTION OF THE CITY COMMISSION, ALSO ACTING AS THE COMMUNITY REDEVELOPMENT AGENCY, OF THE CITY OF ORMOND BEACH, FLORIDA, AUTHORIZING A THIRD ONE HUNDRED EIGHTY-DAY EXTENSION OF A PROPERTY IMPROVEMENT GRANT AGREEMENT BETWEEN THE AGENCY AND HIGHLANDER CORP.; AND SETTING FORTH AN EFFECTIVE DATE.

Mayor Kelley stated Resolution No. 2010-196 was unanimously recommended by the CRA.

**Commissioner Kent moved, seconded by Commissioner Boehm, for approval of Resolution No. 2010-196, as read by title only.**

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

Commissioner Kent requested Dorian Burt relay to Mr. Jones of the Highlander Corp. that Downtown was looking fantastic and that she thank him for his investment in our community.

Item #8A3 – Property Improvement Grant Extension – 195 West Granada Boulevard

RESOLUTION NO. 2010-197

A RESOLUTION OF THE CITY COMMISSION, ALSO ACTING AS THE COMMUNITY REDEVELOPMENT AGENCY, OF THE CITY OF ORMOND BEACH, FLORIDA, AUTHORIZING EXECUTION OF A PROPERTY IMPROVEMENT GRANT AGREEMENT BETWEEN THE AGENCY AND TAXCO, LLC; AND SETTING FORTH AN EFFECTIVE DATE.

Mayor Kelley stated the CRA recommended approval unanimously.

**Commissioner Partington moved, seconded by Commission Boehm, for approval of Resolution No. 2010-197, as read by title only.**

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

Item #8A4 – Property Improvement Grant Extension – 9 North Yonge Street

RESOLUTION NO. 2010-198

A RESOLUTION OF THE CITY COMMISSION, ALSO ACTING AS THE COMMUNITY REDEVELOPMENT AGENCY, OF THE CITY OF ORMOND BEACH, FLORIDA, AUTHORIZING EXECUTION OF A PROPERTY IMPROVEMENT GRANT AGREEMENT BETWEEN THE AGENCY AND TAXCO, LLC; AND SETTING FORTH AN EFFECTIVE DATE.

Mayor Kelley stated Resolution No. 2010-198 was unanimously recommended by the CRA.

**Commissioner Kent moved, seconded by Commissioner Partington, for approval of Resolution No. 2010-198, as read by title only.**

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

Item #8A5 – Locally Funded Agreement for Painting of Traffic Signal Mast Arm Assemblies

RESOLUTION NO. 2010-199

A RESOLUTION OF THE CITY COMMISSION, ALSO ACTING AS THE COMMUNITY REDEVELOPMENT AGENCY, OF THE CITY OF ORMOND BEACH, FLORIDA, AUTHORIZING EXECUTION OF A LOCALLY FUNDED AGREEMENT BETWEEN THE CITY AND FLORIDA DEPARTMENT OF TRANSPORTATION REGARDING THE PAINTING OF TRAFFIC SIGNAL MAST ARM ASSEMBLIES ALONG SR40 FROM BEACH STREET TO HALIFAX DRIVE; AND SETTING FORTH AN EFFECTIVE DATE.

Mayor Kelley stated the CRA recommended unanimously for approval of Resolution No. 2010-199.

**Commissioner Partington moved, seconded by Commissioner Boehm, for approval of Resolution No. 2010-199, as read by title only.**

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

Mayor Kelley stated that hearing no objection, the public hearing of the Community Redevelopment Agency items was closed.

Item #8B – Remedial EAR-Based Amendments

ORDINANCE NO. 2010-48

AN ORDINANCE OF THE CITY OF ORMOND BEACH, FLORIDA, ADOPTING THE EAR-BASED REMEDIAL AMENDMENTS FOR THE CITY OF ORMOND BEACH COMPREHENSIVE PLAN; AMENDING GOALS, OBJECTIVES AND POLICIES OF THE TRANSPORTATION ELEMENT BY AMENDING CERTAIN POLICIES TO ADOPT LAND USE AND TRANSPORTATION STRATEGIES TO SUPPORT AND FUND MOBILITY WITHIN TRANSPORTATION CONCURRENCY EXCEPTION AREAS, SPECIFYING THE ADOPTION OF SIDEWALK STANDARDS INTO THE CAPITAL IMPROVEMENTS ELEMENT BY A CERTAIN DATE, PROVIDING A SPECIFIED DATE TO ADOPT THE US1 AN A1A REDEVELOPMENT PLANS, ESTABLISHING MINIMUM PERCENTAGES FOR THE MIX OF USES FOR NON-RESIDENTIAL LAND USE CATEGORIES; AMENDING THE CAPITAL IMPROVEMENTS ELEMENT TO ADD A TRANSIT SCHEDULE OF CAPITAL AND OPERATING

IMPROVEMENTS AND A NON-MOTORIZED SCHEDULE OF CAPITAL IMPROVEMENTS; AMENDING THE MULTI-MODAL STRATEGY WITH ADDITIONAL DATA AND ANALYSIS TO PROVIDE A CONCEPTUAL FEE STRUCTURE; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; PROVIDING FOR SEVERABILITY; PROVIDING FOR TRANSMISSION; AND SETTING FORTH AN EFFECTIVE DATE.

Mayor Kelley stated this was a public hearing to adopt the remedial amendments to the City's Comprehensive Plan. The Mayor stated there was a sign-up sheet available in the rear of the Chambers for anyone who wanted to receive additional information from the DCA regarding any of these amendments.

Planning Director Ric Goss stated the item before the Commission was a culmination of three years of effort. He stated in 2008 before Bill 360 was passed, the Commission directed the development of a multi-modal plan. He explained the City was found inconsistent with regard to the strategy, not the EAR amendments, due to lack of financial feasibility. He stated the City has put forth a financially feasible plan based upon revenue derived from development over fifteen years, the development horizon of the Comp Plan. He stated the City was not committed to anything over the revenue received. He stated there was a fee that replaced the current local road fee, which would be a mobility fee, with a nonmotorized component, a transit component, and a road component of \$78 per person trip, being less expensive than developing on SR40, US1 or A1A under the current concurrency guidelines. He explained that typically under concurrency, a study was done first with a cost of approximately \$10,000; and the methodology must be approved by the County, taking about four to five months. He stated that then a proportionate fair share agreement was then executed, all of which involved quite a bit of time; and if you did not have a project, it was possible you may not be allowed to develop. He explained the proposed method was a pay-as-you-go fee for a very short duration of time. Therefore, he stated in the long run it was less expensive with regard to time and the actual fee itself. He stated the staff recommendation was for approval, and if approved, it would go to DCA, where the Comp Plan would be found in compliance. He stated then staff would proceed to work with Votran and the County to accomplish the same on county roads, because this only applied to state roads, as the county roads were separate.

Mayor Kelley stated there were no requests from the audience to speak.

**Commissioner Partington moved, seconded by Commissioner Boehm, for approval of Ordinance No. 2010-48, on second reading, as read by title only.**

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

Mayor Kelley asked for any objections to closing the public hearing; hearing none, he stated the public hearing was closed.

Item #8C – Downtown Overlay District Redevelopment Code and Design Guidelines

ORDINANCE NO. 2010-51  
 AN ORDINANCE AMENDING CHAPTER 2, DISTRICT AND GENERAL REGULATIONS, OF ARTICLE VI, OVERLAY DISTRICTS, SECTION 2-70, DOWNTOWN OVERLAY DISTRICT BY DELETING IN ITS ENTIRETY SUBSECTION 2-70 A THROUGH R, REESTABLISHING SECTION 2-70 ENTITLED DOWNTOWN OVERLAY DISTRICT; ADDING SECTIONS A THROUGH I; REPEALING ALL INCONSISTENT CODE SECTION REFERENCES OR PARTS THEREOF; AND SETTING FORTH AN EFFECTIVE DATE.

Mayor Kelley stated this was a public hearing, and he had no requests from the audience to speak.

**Commissioner Kent moved, seconded by Commissioner Stowers, for approval of Ordinance No. 2010-51, on second reading, as read by title only.**

Call Vote:	Commissioner Stowers	Yes
	Commissioner Kent	Yes
	Commissioner Boehm	Yes

Carried.	Commissioner Partington	Yes
	Mayor Kelley	Yes

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

Item #8D – Annexing 1520 North US1

ORDINANCE NO. 2010-52

AN ORDINANCE ANNEXING CERTAIN REAL PROPERTY INTO THE CITY OF ORMOND BEACH, SAID PROPERTY BEING GENERALLY LOCATED ALONG THE WEST SIDE OF NORTH U.S. HIGHWAY 1 APPROXIMATELY 1,200 LINEAR FEET FROM INTERSTATE 95 AND BEING COMMONLY LOCATED AT 1520 NORTH U.S. HIGHWAY 1 INCLUDING A PORTION OF BENTON STREET AND FLAGLER ROAD; REDEFINING TH TERRITORIAL BOUNDARIES OF THE CITY OF ORMOND BEACH TO INCLUDE THE PROPERTY; REDESIGNATING THE BOUNDARIES OF ZONE 3 OF THE CITY OF ORMOND BEACH TO INCLUDE THE PROPERTY; PROVIDING FOR TRANSMISSION; PROVIDING FOR SEVERABILITY; AND SETTING FORTH AN EFFECTIVE DATE.

Mayor Kelley stated this was a public hearing regarding the annexation of property at 1520 North US1. He reported he had no requests from the audience to speak.

**Commissioner Partington moved, seconded by Commissioner Kent, for approval of Ordinance No. 2010-52, on second reading, as read by title only.**

Commissioner Stowers stated he was reclusing himself from this item and the subsequent three annexation items due to his firm's involvement with the City on these matters.

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

Hearing no objections, Mayor Kelley state the public hearing was closed.

Item #8E – Annexing 1560 North US1

ORDINANCE NO. 2010-53

AN ORDINANCE ANNEXING CERTAIN REAL PROPERTY INTO THE CITY OF ORMOND BEACH, SAID PROPERTY BEING GENERALLY LOCATED ALONG THE WEST SIDE OF NORTH U.S. HIGHWAY 1 APPROXIMATELY 325 LINEAR FEET FROM INTERSTATE 95 AND BEGIN COMMONLY LOCATED AT 1560 NORTH U.S. HIGHWAY 1; REDEFINING THE TERRITORIAL BOUNDARIES OF THE CITY OF ORMOND BEACH TO INCLUDE THE PROPERTY; REDESIGNATING THE BOUNDARIES OF ZONE 3 OF THE CITY OF ORMOND TO INCLUDE THE PROPERTY; PROVIDING FOR TRANSMISSION; PROVIDING FOR SEVERABILITY; AND SETTING FORTH AN EFFECTIVE DATE.

Mayor Kelley stated this was a public hearing regarding the annexation of property at 1560 North US1, and he had no requests from the audience to speak.

**Commissioner Partington moved, seconded by Commission Boehm, for approval of Ordinance No. 2010-53, on second reading, as read by title only.**

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

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

Item #8F – Annexing 1570 North US1

ORDINANCE NO. 2010-54

AN ORDINANCE ANNEXING CERTAIN REAL PROPERTY INTO THE CITY OF ORMOND BEACH, SAID PROPERTY BEING GENERALLY LOCATED ALONG THE WEST SIDE OF NORTH U.S. HIGHWAY 1 APPROXIMATELY 255 LINEAR FEET FROM INTERSTATE 95 AND BEING COMMONLY LOCATED AT 1570 NORTH U.S. HIGHWAY 1; REDEFINING THE TERRITORIAL BOUNDARIES OF THE CITY OF ORMOND BEACH TO INCLUDE THE PROPERTY; REDESIGNATING THE BOUNDARIES OF ZONE 3 OF THE CITY OF ORMOND BEACH TO INCLUDE THE PROPERTY; PROVIDING FOR TRANSMISSION; PROVIDING FOR SEVERABILITY; AND SETTING FORTH AN EFFECTIVE DATE.

Mayor Kelley stated this was a public hearing regarding the annexation of property at 1570 North US1. He reported he had no requests from the audience to speak.

**Commissioner Kent moved, seconded by Commissioner Boehm, for approval of Ordinance No. 2010-54, on first reading, as read by title only.**

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

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

Item #8G – Annexing 1576 North US1

ORDINANCE NO. 2010-55

AN ORDINANCE ANNEXING CERTAIN REAL PROPERTY INTO THE CITY OF ORMOND BEACH, SAID PROPERTY BEING GENERALLY LOCATED ALONG THE WEST SIDE OF NORTH U.S. HIGHWAY 1 ABUTTING INTERSTATE 95 AND BEING COMMONLY LOCATED AT 1576 NORTH U.S. HIGHWAY 1; REDEFINING THE TERRITORIAL BOUNDARIES OF THE CITY OF ORMOND BEACH TO INCLUDE THE PROPERTY; REDESIGNATING THE BOUNDARIES OF ZONE 3 OF THE CITY OF ORMOND BEACH TO INCLUDE THE PROPERTY; PROVIDING FOR TRANSMISSION; PROVIDING FOR SEVERABILITY; AND SETTING FORTH AN EFFECTIVE DATE.

Mayor Kelley stated this was a public hearing regarding the annexation of property at 1576 North US1, and he had no requests from the audience to speak.

**Commissioner Boehm moved, seconded by Commissioner Partington, for approval of Ordinance No. 2010-55, on first reading, as read by title only.**

Commissioner Kent complimented the City Attorney on all the work he had done on this issue.

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

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

Item #8H – Peoples Gas Non-exclusive Natural Gas Franchise Renewal

ORDINANCE 2010-56

AN ORDINANCE GRANTING TO PEOPLES GAS SYSTEM, A DIVISION OF TAMPA ELECTRIC COMPANY, ITS SUCCESSORS AND ASSIGNS, A NON-EXCLUSIVE NATURAL GAS FRANCHISE RENEWAL AGREEMENT FOR A PERIOD OF THIRTY (30 YEARS); IMPOSING PROVISIONS AND CONDITIONS RELATIVE THERETO; AND PROVIDING FOR AN EFFECTIVE DATE.

Mayor Kelley stated this was a public hearing, and he stated there were no requests to speak.

**Commissioner Kent moved, seconded by Commissioner Stowers, for approval of Ordinance No. 2010-56, on second reading, as read by title only.**

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

Item #811 – North US 1 Rezoning, Zoning Map Amendment

ORDINANCE NO. 2010-57

AN ORDINANCE AMENDING PARAGRAPH C, OFFICIAL ZONING MAP, OF SECTION 2-01, ESTABLISHMENT OF ZONING DISTRICTS AND OFFICIAL ZONING MAP, OF ARTICLE I, ESTABLISHMENT OF ZONING DISTRICTS AND OFFICIAL ZONING MAP, OF CHAPTER 2, DISTRICT AND GENERAL REGULATIONS, OF THE CITY OF ORMOND BEACH *LAND DEVELOPMENT CODE*, BY AMENDING THE OFFICIAL ZONING MAP TO REZONE CERTAIN REAL PROPERTIES TOTALING 42.871-ACRES LOCATED WITHIN THE NORTH US 1 CORRIDOR, FROM VOLUSIA COUNTY B-4 (GENERAL COMMERCIAL) AND VOLUSIA COUNTY B-9 (GENERAL OFFICE) TO CITY OF ORMOND BEACH B-7 (HIGHWAY TOURIST COMMERCIAL), AUTHORIZING REVISION OF OFFICIAL ZONING MAP; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; AND SETTING FORTH AN EFFECTIVE DATE.

Mayor Kelley stated this was a public hearing, and he stated there were no requests to speak on this matter.

**Commissioner Boehm moved, seconded by Commissioner Stowers, for approval of Ordinance No. 2010-57, on first reading, as read by title only.**

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

Mayor Kelley state with no objection, the public hearing was closed.

Item #812 – Amending Zoning Map

ORDINANCE NO. 2010-58

AN ORDINANCE AMENDING PARAGRAPH C, OFFICIAL ZONING MAP, OF SECTION 2-01, ESTABLISHMENT OF ZONING DISTRICTS AND OFFICIAL ZONING MAP, OF ARTICLE I, ESTABLISHMENT OF ZONING DISTRICTS AND OFFICIAL ZONING MAP, OF CHAPTER 2, DISTRICT AND GENERAL REGULATIONS, OF THE CITY OF ORMOND BEACH *LAND DEVELOPMENT CODE*, BY AMENDING THE OFFICIAL ZONING MAP TO REZONE CERTAIN REAL PROPERTIES TOTALING 5.68-ACRES LOCATED WITHIN THE NORTH US 1 CORRIDOR, FROM VOLUSIA COUNTY B-4 (GENERAL COMMERCIAL) AND VOLUSIA COUNTY B-9 (GENERAL OFFICE) TO CITY OF ORMOND BEACH B-7 (HIGHWAY TOURIST COMMERCIAL), AUTHORIZING REVISION OF OFFICIAL ZONING MAP; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; AND SETTING FORTH AN EFFECTIVE DATE.

Mayor Kelley stated this was a public hearing, and he had received no requests to speak.

**Commissioner Partington moved, seconded by Commissioner Stowers, for approval of Ordinance No. 2010-58, on first reading, as read by title only.**

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

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

Item #813 – Amending Zoning Map

ORDINANCE NO. 2010-59

AN ORDINANCE AMENDING PARAGRAPH C, OFFICIAL ZONING MAP, OF SECTION 2-01, ESTABLISHMENT OF ZONING DISTRICTS AND OFFICIAL ZONING MAP, OF ARTICLE I, ESTABLISHMENT OF ZONING DISTRICTS AND OFFICIAL ZONING MAP, OF CHAPTER 2, DISTRICT AND GENERAL REGULATIONS, OF THE CITY OF ORMOND BEACH *LAND DEVELOPMENT CODE*, BY AMENDING THE OFFICIAL ZONING MAP TO REZONE CERTAIN REAL PROPERTIES TOTALING 15.16-ACRES LOCATED WITHIN THE NORTH US 1 CORRIDOR, FROM VOLUSIA COUNTY B-4 (GENERAL COMMERCIAL) AND VOLUSIA COUNTY B-9 (GENERAL OFFICE) TO CITY OF ORMOND BEACH B-7 (HIGHWAY TOURIST COMMERCIAL), AUTHORIZING REVISION OF OFFICIAL ZONING MAP; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; AND SETTING FORTH AN EFFECTIVE DATE.

Mayor Kelley stated this was a public hearing, and he received no requests to speak.

**Commissioner Boehm moved, seconded by Commissioner Stowers, for approval of Ordinance No. 2010-59, on first reading, as read by title only.**

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

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

Item #814 – Amending Zoning Map

ORDINANCE NO. 2010-60

AN ORDINANCE AMENDING PARAGRAPH C, OFFICIAL ZONING MAP, OF SECTION 2-01, ESTABLISHMENT OF ZONING DISTRICTS AND OFFICIAL ZONING MAP, OF ARTICLE I, ESTABLISHMENT OF ZONING DISTRICTS AND OFFICIAL ZONING MAP, OF CHAPTER 2, DISTRICT AND GENERAL REGULATIONS, OF THE CITY OF ORMOND BEACH *LAND DEVELOPMENT CODE*, BY AMENDING THE OFFICIAL ZONING MAP TO REZONE CERTAIN REAL PROPERTIES TOTALING 31.62-ACRES LOCATED WITHIN THE NORTH US 1 CORRIDOR, FROM VOLUSIA COUNTY B-4 (GENERAL COMMERCIAL) AND VOLUSIA COUNTY B-9 (GENERAL OFFICE) TO CITY OF ORMOND BEACH B-7 (HIGHWAY TOURIST COMMERCIAL), AUTHORIZING REVISION OF OFFICIAL ZONING MAP; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; AND SETTING FORTH AN EFFECTIVE DATE.

Mayor Kelley stated this was a public hearing, and he received no requests to speak.

**Commissioner Partington moved, seconded by Commissioner Stowers, for approval of Ordinance No. 2010-60, on first reading, as read by title only.**

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

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

Item #815 – Amending Zoning Map

ORDINANCE NO. 2010-61

AN ORDINANCE AMENDING PARAGRAPH C, OFFICIAL ZONING MAP, OF SECTION 2-01, ESTABLISHMENT OF ZONING DISTRICTS AND OFFICIAL ZONING MAP, OF ARTICLE I, ESTABLISHMENT OF ZONING DISTRICTS AND OFFICIAL ZONING MAP, OF CHAPTER 2, DISTRICT AND GENERAL

REGULATIONS, OF THE CITY OF ORMOND BEACH *LAND DEVELOPMENT CODE*, BY AMENDING THE OFFICIAL ZONING MAP TO REZONE CERTAIN REAL PROPERTIES TOTALING 11.13-ACRES LOCATED WITHIN THE NORTH US 1 CORRIDOR, FROM VOLUSIA COUNTY B-4 (GENERAL COMMERCIAL) AND VOLUSIA COUNTY B-9 (GENERAL OFFICE) TO CITY OF ORMOND BEACH B-7 (HIGHWAY TOURIST COMMERCIAL), AUTHORIZING REVISION OF OFFICIAL ZONING MAP; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; AND SETTING FORTH AN EFFECTIVE DATE.

Mayor Kelley stated this was a public hearing, and he stated there were no requests to speak.

**Commissioner Kent moved, seconded by Commissioner Stowers, for approval of Ordinance No. 2010-61, on first reading, as read by title only.**

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

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

Item #9 – Electronic Changeable Copy Signage

ORDINANCE NO. 2010-62

AN ORDINANCE AMENDING CHAPTER 1, GENERAL ADMINISTRATION, ARTICLE III, DEFINITIONS, SECTION 1-22, DEFINITION OF TERMS AND WORDS, BY PROVIDING DEFINITIONS; AMENDING CHAPTER 3, PERFORMANCE STANDARDS, ARTICLE IV, SIGN REGULATIONS, SECTION 3-47, SITE IDENTIFICATION SIGNS, OF THE ORMOND BEACH *LAND DEVELOPMENT CODE*, BY PROVIDING LOCATION AND PERFORMANCE STANDARDS AND TERMS AND CONDITIONS THEREOF; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; PROVIDING FOR SEVERABILITY; AND SETTING FORTH AN EFFECTIVE DATE.

**Ordinance No. 2010-62 failed for lack of a motion.**

Item #10 – Reports, Suggestions, Requests

Employee-of-the-Year Larry Rivera

Commissioner Stowers thanked City Engineer Larry Rivera for the wonderful job working with FDOT on the proposed medians on Granada Boulevard.

Beachfront Park

Commissioner Stowers referred to Joe Jaynes request earlier to have public input in the development process of the beachfront park, and Commissioner Stowers stated he had been assured by City Manager Shanahan that part of the RFP included public involvement at the beginning of the process. He stated public input was essential to the process.

Commissioner Boehm stated he was a strong supporter of the advisory board system for input. He stated the beachfront park project should be pursued through the advisory board system, not just through independent Commission directed workshops.

Signage

Commissioner Stowers stated the signage issue brought out strong emotions in people. He stated, personally, the scope had become so narrow it was almost spot zoning, in terms of a very particular approach. He stated the restrictions of the proposed ordinance minimized the return.

Commissioner Stowers stated his vision of the electronic changeable sign was text only, with no photos or flashing graphics.

Commissioner Kent stated that at his Coffee with the Commissioner meeting, a wise woman had called the proposed ordinance as “spot zoning,” and he stated he was not comfortable going down that road.

Commissioner Partington stated he was glad to see the issue die for lack of a motion because he was not going to vote for it because it came to the Commission without any community input.



#### Pearl Harbor

Commissioner Kent stated it was important to keep the memory and the significance of Pearl Harbor alive for our young people.

Commissioner Boehm stated, as a veteran of the Vietnam War and for having his father serve in the Navy during World War II, he was gratified to honor the World War II veterans. He stated he was a student of naval history, he studied Pearl Harbor, and everyone realized the great impact Pearl Harbor had on our country. He stated it was special to honor the veterans, and he was pleased to participate.

#### Troy Kent Proclamation

Commissioner Kent stated it had been a long time since he had been so surprised. He stated the recognition touched his heart, and he thanked everyone for the surprise.

Mayor Kelley stated it was significant to recognize Commissioner Kent's accomplishment on the night Commissioner Kent suggested honoring the Pearl Harbor veterans, a date he would always remember.

#### Emergency Transport

Commissioner Kent suggested a City forum regarding emergency transport, inviting the public, CFOB, Can Do and others. He stated he wanted to get the dialogue going on all the issues and get public input on these issues.

Commissioner Boehm added his support for Commissioner Kent's idea. He stated the City provided a great deal more in support for our sister cities and the County, than our sister cities and the County provided to the City. He stated the issue of emergency transport needed to be closely visited.

#### Pop Warner

Commissioner Boehm reported he had attended the Southeast Regional Final Pop Warner Games, where our Ormond Beach team, unfortunately, lost to a Jacksonville team just one step away from the Pop Warner Super Bowl, which was the final eight teams in the country with over 400,000 participants.

Commissioner Partington stated it was sad to see the end of the road for the Pop Warner cheerleaders, but he had his life back. He stated it was enjoyable watching the girls improving themselves during one of their best year ever. He suggested honoring them at a Commission meeting soon.

Mayor Kelley reported he had spoken with Mike Mitchner regarding recognizing the Pop Warner teams at a Commission meeting, and Mr. Mitchner was going to arrange to get them here soon.

#### News-Journal Articles Regarding the Beach Patrol

Commissioner Partington stated several Commission members had issues with the Beach Patrol. He stated that although they could not get the results they desired from the County, it was important the County be aware of the issues. He stated there were problems and issues with the Beach Patrol that needed to be strongly addressed. He expressed hope that the current focus on the issues would demonstrate the need for a shake-up, a change, not only in the attitude of the officers, but in the organization as a whole.

#### Updates from Staff

Commissioner Partington stated North Beach Street was in terrible shape relative to the condition of the pavement, and he asked for an update as to when the repaving was scheduled to be done. He referred to the large size of the agenda packet and inquired about electronic agendas.

City Manager Shanahan reported staff had been doing research, and the issue was scheduled for Commission discussion at the next meeting.

#### Habitat for Humanity Bubba Gump Building Blocks

Commissioner Partington commended Commissioner Kent for his leadership on the Bubba Gump Building Block Party. He reported the City won "most functional" for a replica of the Splash Park, and he congratulated the staff team for a great job.

Ormond Main Street

Commissioner Partington congratulated Maggie Sacks and the Ormond Main Street group for a fantastic Riverfest event, and for a home run with the Ormond Main Street brochure with a map of Downtown listing the businesses.

Florida and Metro Forecast by the Institute for Economic Competiveness

Commissioner Partington asked City Manager Shanahan to read and distribute to the Commission the letter written by Professor Snay with recommendations to the newly elected governor. He stated that many of the items applied to the Commission in planning for the future.

Home for the Holidays Parade

City Manager Shanahan reminded everyone that Saturday, December 4, was the Home for the Holiday event with the reception at 5:30 p.m. in the atrium, the tree lighting at 6:00 p.m., and then, the parade when candy would be handed out, not thrown.

Walking with the Manager

City Manager Shanahan reported that there would be a guest walker, Police Chief Andy Osterkamp, at Walking with the Manager on Thursday, December 9. She invited everyone to join in the walk.

Goals Setting Workshop

City Manager Shanahan asked the Commission to review their January calendars to schedule a goals setting workshop, not on the same day as a Commission meeting. She stated she would love to do it on a Saturday, but she would get back to them with some possible dates.

City Holiday Decorations

Assistant City Manager Ted MacLeod complimented Leisure Services Director Robert Carolin and his staff for the great job done on the City's holiday decorations.

Mayor Kelley stated when you drive across the bridge to the Casements, the decorations are phenomenal; great job. He stated we have a beautiful city.

Mayor's Updates

Mayor Kelley thanked the Commission members for coming prepared and ready to take care of business in a timely manner.

Mayor Kelley reported he had attended a Volusia Council of Government (VCOG) meeting, and looked forward to serving in that capacity. He stated VCOG would be discussing transport, and he suggested the Commission wait to see what the County was going to do with Daytona Beach, because at every meeting he has attended, everyone was beginning to agree there was a need to work together. He reported that Chairman Bruno had invited him to serve on the Executive Board of VCOG. He stated he had attended two Transportation Planning Organization (TPO) meetings, where Phase 3 of the sidewalk project was funded, which would complete the sidewalk loop on SR40. Mayor Kelley stated he attended Chairman Bruno's Monthly Mayors Meeting, which was a very informal luncheon where all the mayors could share information with the county manager. He reported he had attended two D.A.R.E. ceremonies, which were fantastic, because it was a very important program to promote responsibility in children and to promote drug prevention. He stated that only two cities in the County were continuing with the D.A.R.E. program, the other was New Smyrna Beach. He stated the program made a difference to the community in sparing children from growing up to a life of drug use, because the officers did such a great job with the children.

Item #11 – Close the Meeting

The meeting was adjourned at 8:40 p.m.

APPROVED: \_\_\_\_\_ December 21, 2010

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

ATTEST:

\_\_\_\_\_  
Veronica Patterson, City Clerk