

**ORMOND BEACH CITY COMMISSION MEETING
HELD AT CITY HALL COMMISSION CHAMBERS
February 1, 2011 7:00 p.m.**

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

A G E N D A

- 1) Meeting call to order by Mayor Kelley.
- 2) Invocation by Reverend John Jayaseelan, Bethel Ministries.
- 3) Pledge of Allegiance.
- 4) **PRESENTATION:**
 - A) Proclamation in honor of Marissa Moss, Police Athletic League "Girl of the Year" for the State of Florida.
 - B) Presentation of a plaque to Elwillie Daniels for service on the Neighborhood Improvement Advisory Board.
 - C) Presentation of a plaque to William Abbuehl for service on the Environmental Advisory Board.
- 5) **AUDIENCE REMARKS:**
- 6) **APPROVAL OF THE MINUTES** of the January 18, 2011, meeting.
- 7) **COMMUNITY REDEVELOPMENT AGENCY MEETING:**
 - A) Consideration of a work authorization with McKim and Creed, P.A., regarding preliminary engineering services for the Downtown Underground Utilities project. (\$9,960) (Acting City Engineer)
 - B) Rejection of bids relative to way finding signage within the Downtown Community Redevelopment Area. (Acting City Engineer)
- 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. 2011-28 consenting to the assignment of a continuing contract for planning and design services between the City and MSCW, Inc.; assigning said contract to Vanasse Hangen Brustlin, Inc.; approving and authorizing the execution of Amendment 1 to the continuing contract for the limited purpose of acknowledging the correct identity of the entity providing planning and design services under the contract. (Acting City Engineer)
 - B) Resolution No. 2011-29 authorizing the execution of a Joint Participation Agreement between the City and Florida Department of Transportation regarding the removal and installation of landscaping improvements along SR5 (Nova Road) at the intersection of SR5 and US1. (\$50,000) (Acting City Engineer)
- 9) **PUBLIC HEARINGS:**
 - A) Resolution No. 2011-30 of the City Commission, also acting as the Community Redevelopment Agency, of the City of Ormond Beach, Florida, authorizing the execution of a Work Authorization with McKim & Creed, P.A., regarding preliminary engineering services for the Downtown Underground Utilities project. (\$9,960) (Acting City Engineer)

- B) Resolution No. 2011-31 of the City Commission, also acting as the Community Redevelopment Agency, of the City of Ormond Beach, Florida, rejecting all bids in response to Bid 2010-32 for fabrication and installation of way finding signage within downtown; authorizing the negotiation with Hall Construction, Inc., to modify the project.

10) **FIRST READING OF ORDINANCES:**

- A) Ordinance No. 2011-04 amending Chapter 2, District and General Regulations, of Article VI, Overlay Districts, Section 2-71, Historic Districts and Landmarks, of the *Land Development Code*, amending Subsection C, Designation Procedures, Subsection D, Certificates of Appropriateness, and Subsection F, Maintenance to Require a Certificate of Appropriateness for Alternations and Demolitions for Substantial Projects, to delete the requirement for Certificates of Appropriateness for demolition of non-contributing properties built prior to January 1, 1950; to relocate Section F, Maintenance, to Section D, Certificates of Appropriateness; and to add a section on unsafe structures, thereby authorizing the Chief Building Official to exempt a building or structure from the Certificate of Appropriateness process should the Chief Building Official certify the building unsafe or deemed to present a dangerous condition. (Planning Director)
- B) Ordinance No. 2011-05 granting an economic development ad valorem tax exemption to Ormond Beach Industrial Properties, LLC; requiring annual filings. (Economic Development Director)

- 11) **REPORTS, SUGGESTIONS, REQUESTS:** Mayor, City Commission, City Manager, City Attorney.

12) **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 Reverend John Jayaseelan, Bethel Ministries.

Item #3 – Pledge of Allegiance

The Pledge of Allegiance was led by Mayor Kelley.

Item #4A – PAL “Girl of the Year”

Mayor Kelley read a proclamation honoring Marissa Moss for being named the PAL “Girl of the Year” for the state of Florida. He pointed out that Ms. Moss was wearing her Mainland High School basketball uniform because she had been asked to start for the first time in a game against Seabreeze High School, but chose to attend the meeting to show her appreciation for all the people who supported her at PAL. The Mayor reported Ms. Moss’ many accomplishments included active participation in PAL since she was in fourth grade, being a member of the PAL basketball program, Vice President of Youth Directors’ Program, a motivating member proposing interesting projects, and active in field day, cheerleading competitions, and other events. He stated that in 2010, she achieved her personal goal of being elected to the Youth Conference Committee, where she was active in planning the Youth Conference Committee Conference. He reported that Ms. Moss was a junior at Mainland High School, where she participated in the flag football team, was recognized as the 2010 Shutdown Specialist, and currently plays center for the girls’ basketball team, as well as being an honor roll student since 2008, achieving the highest GPA in Mainland’s Sports Science Academy of 3.98 GPA, among her many accomplishments. Mayor Kelley stated Ms. Moss was a respectful young lady with outstanding leadership qualities, while participating in PAL, school and church activities.

Item #4B – Plaque for Service on the Neighborhood Improvement Advisory Board

Mayor Kelley read a plaque to honor Elwillie Daniels for her service on the Neighborhood Improvement Advisory Board, where she has served since May 1982. He stated the City was better due to her service and dedication.

Item #5 – Audience Remarks

Oceanside Retention Pond Intrusion

Mr. Donald P. Moore, 411 Triton Road, stated the exhibits he gave to the Commission were representative of the situation previously presented to the Commission regarding the Oceanside Country Club's retention pond intrusion onto his property, with an update of the situation. He requested the City get Oceanside Country Club to comply with the original site plan.

Mr. Tony Corn stated that under the republican form of government, the Commission was responsible for providing the citizens with security of their homes and person. He advocated for providing the Police Department with the necessary personnel and tools to keep the citizenry safe.

Item #6 – Approval of the Minutes

Mayor Kelley advised the minutes of the January 18, 2011, regular 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 – Community Redevelopment Agency

Mayor Kelley stated 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.

Mayor Kelley stated the City Commission meeting was adjourned, and called the meeting of the Community Redevelopment Agency to order at 7:16 p.m.

Item #7A – CRA – Preliminary Engineering Services

Mayor Kelley stated the first item was consideration of a work authorization regarding preliminary engineering services for the Downtown Underground Utilities project.

Mayor Kelley advised this was a public hearing, but he had no cards from anyone in the audience wishing to speak.

Commissioner Kent moved, seconded by Commissioner Boehm, for recommending the approval of Resolution 2011-30.

Mayor Kelley reported the voice vote was unanimous for recommending approval of Resolution 2011-30.

Item #7B – CRA – Amendments to the Property Improvement Grant Program

The Mayor stated the second item was rejection of bids relative to way finding signage within the Downtown Community Redevelopment Area, due to complications. He advised he had no cards from anyone wishing to speak on this item.

Commissioner Partington moved, seconded by Commissioner Boehm, for recommending approval of Resolution 2011-31.

Mayor Kelley reported a voice vote unanimously recommended approval of Resolution 2011-31; therefore, he stated that without objection, the CRA was adjourned, and the City Commission meeting was reconvened 7:18 p.m.

Item #8 - 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 moved, seconded by Commissioner Kent, for approval of the Consent Agenda.

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

Item #9A – Preliminary Engineering Design for Granada Boulevard Underground Utilities

RESOLUTION NO. 2011-30

A RESOLUTION OF THE CITY COMMISSION, ALSO ACTING AS THE COMMUNITY REDEVELOPMENT AGENCY, OF THE CITY OF ORMOND BEACH, FLORIDA, AUTHORIZING THE EXECUTION OF A WORK AUTHORIZATION WITH McKIM & CREED, P.A. REGARDING PRELIMINARY ENGINEERING SERVICES FOR THE DOWNTOWN UNDERGROUND UTILITIES PROJECT; AND SETTING FORTH AN EFFECTIVE DATE.

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

Commissioner Boehm moved, seconded by Commissioner Stowers, for approval of Resolution No. 2011-30, as read by title only.

Mayor Kelley reported the CRA unanimously recommended approval of Resolution No. 2011-30.

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

Without objection, the Mayor stated the public hearing was closed.

Item #9B – Rejection of all Bids for Downtown Decorative Way Finding Signage

RESOLUTION NO. 2011-31

A RESOLUTION OF THE CITY COMMISSION, ALSO ACTING AS THE COMMUNITY REDEVELOPMENT AGENCY, OF THE CITY OF ORMOND BEACH, FLORIDA, REJECTING ALL BIDS IN RESPONSE TO BID 2010-32 FOR FABRICATION AND INSTALLATION OF WAY FINDING SIGNAGE WITHIN DOWNTOWN; AUTHORIZING THE NEGOTIATION WITH HALL CONSTRUCTION, INC., TO MODIFY THE PROJECT; AND SETTING FORTH AN EFFECTIVE DATE.

Mayor Kelley stated this was a public hearing, and no one requested to speak. He stated the resolution received unanimous approval from the CRA.

Commissioner Kent moved, seconded by Commissioner Boehm, for approval of Resolution No. 2011-31, as read by title only.

Commissioner Kent stated he understood why this had been changed, and he wished this had happened sooner.

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

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

Item #10A – LDC Amendment – Certificate of Appropriateness

ORDINANCE NO. 2011-04

AN ORDINANCE AMENDING CHAPTER 2, DISTRICT AND GENERAL REGULATIONS OF ARTICLE VI, OVERLAY DISTRICTS, SECTION 2-71, HISTORIC DISTRICTS AND LANDMARKS, OF THE *LAND DEVELOPMENT*

CODE, AMENDING SUBSECTION C, DESIGNATION PROCEDURES, SUBSECTION D, CERTIFICATES OF APPROPRIATENESS, AND SUBSECTION F, MAINTENANCE TO REQUIRE A CERTIFICATE OF APPROPRIATENESS FOR ALTERATIONS AND DEMOLITIONS FOR SUBSTANTIAL PROJECTS; TO DELETE THE REQUIREMENT FOR CERTIFICATES OF APPROPRIATENESS FOR DEMOLITION OF NON-CONTRIBUTING PROPERTIES BUILT PRIOR TO JANUARY 1, 1950; TO RELOCATE SECTION F, MAINTENANCE TO SECTION D CERTIFICATES OF APPROPRIATENESS; AND TO ADD A SECTION ON UNSAFE STRUCTURES THEREBY AUTHORIZING THE CHIEF BUILDING OFFICIAL TO EXEMPT A BUILDING OR STRUCTURE FROM THE CERTIFICATE OF APPROPRIATENESS PROCESS SHOULD THE CHIEF BUILDING OFFICIAL CERTIFY THE BUILDING UNSAFE OR DEEMED TO PRESENT A DANGEROUS CONDITION; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; PROVIDING FOR SEVERABILITY; AND SETTING FORTH AN EFFECTIVE DATE.

Commissioner Boehm moved, seconded by Commissioner Stowers, for approval of Ordinance No. 2011-04, on first reading, as read by title only.

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

Item #10B – Ormond Beach Industrial Properties, LLC Ad Valorem Tax Exemption Application

ORDINANCE NO. 2011-05

AN ORDINANCE GRANTING AN ECONOMIC DEVELOPMENT AD VALOREM TAX EXEMPTION TO ORMOND BEACH INDUSTRIAL PROPERTIES, LLC; REQUIRING ANNUAL FILINGS; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; AND SETTING FORTH AN EFFECTIVE DATE.

Commissioner Kent moved, seconded by Commissioner Partington, for approval of Ordinance No. 2011-05, on second reading, as read by title only.

Commissioner Kent thanked City Manager Shanahan and Economic Development Director Joe Mannarino for bringing this important issue to the Commission.

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

Item #11- Reports, Suggestions, Requests

Certificate of Appropriateness Amendment

Commissioner Stowers spoke to the Certificate of Appropriateness amendment in the *Land Development Code*, which came to the Commission through the Historic Landmark Preservation Advisory Board (HLPB). He stated a citizen had attended the HLPB to explain the heavy financial costs, which included items such as application fee and advertising costs, required to bring the issue to the HLPB. Commissioner Stowers stated the process was moved forward to allow citizens with an historic house to accomplish minor alterations to their historic house that did not include significant changes to the façade. He stated it was a little piece of red tape modified or eliminated to a certain extent, which was great.

Volusia Days

Commissioner Kent reported that due to the change in the schedule for school testing, he was going to Tallahassee with the rest of the Commission to visit with Representative Costello during Volusia Days.

Workshop with Neighborhood Improvement Advisory Board

Commissioner Kent stated he appreciated City Manager Shanahan's efforts, and he stated would like to see more than one staff member at the Neighborhood Improvement Advisory Board meetings, because he would like to see the steam created not diminished.

Optimist Park

Commissioner Boehm recognized the ATT Telecom Pioneers and Boy Scout Troop 270, who worked last weekend at Optimist Park. He stated from his participation on the Leisure Services Advisory Board, he had always advocated public/private partnerships. He stated Optimist Park on Hull Road was an example of private citizens promoting and establishing a project on public land. He reported that in the past, PAL members had worked on the park. He encouraged citizens to bring project ideas to the City for improvements within the City.

Comprehensive Plan

Commissioner Boehm stated the News-Journal reported a city to the south of us had a comprehensive plan that was out of date and couldn't figure out how to bring it up to modern standards, so they had hired consultants at a cost of several hundred thousand dollars. He stated it was a tribute to the City's Planning Department and staff that these revisions were accomplished in-house without the expense of consultants.

Arbor Day Ceremony

Commissioner Partington reported he attended the Arbor Day ceremony in the Mayor's stead, where he read a very well written proclamation. He stated the event was held on a rainy, cold day, but Leisure Services had done a great job.

Mayor Kelley stated he could not take the credit for writing the proclamation, which was written by staff member, Lois Towey.

State of the County Address

Commissioner Partington stated Chairman Bruno presented an excellent speech, which included many references to the cooperation between the City of Ormond Beach and the County. He stated that cooperation was accomplished in the last eight years under former Mayor Costello.

Mayor Kelley stated he was sorry he could not attend, but Chairman Bruno was reaching out to the City.

Boards and Committee Nominations

City Manager Shanahan reported there were still two vacancies on the Public Works Advisory Board, and she asked they make the City Clerk aware of their nominations.

Redistricting

City Manager Shanahan stated she had received several inquiries regarding redistricting. She stated the process would begin after the final census numbers had been received. She noted options to bring each zone within 5% of population to the other zones would be presented to the Commission, if necessary, probably in June.

Crime Stoppers

Mayor Kelley stated he attended the annual Crime Stopper luncheon. He stated it was an all volunteer organization, which had managed to accomplish some great things.

Item #12 – Close the Meeting

The meeting was adjourned at 7:40 p.m.

APPROVED: February 15, 2011

BY: Ed Kelley, Mayor

ATTEST:

Veronica Patterson, City Clerk