

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

January 17, 2012

7:00 p.m.

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

A G E N D A

- 1. CALL TO ORDER**
- 2. INVOCATION** – Rev. Willie Branch, New Bethel AME Church
- 3. PLEDGE OF ALLEGIANCE**
- 4. PRESENTATIONS**
 - A. 2011 Holiday Parade Awards
 - B. ACE Awards (Ormond Beach Chamber of Commerce)
 - Amberlyn Foote from Ormond Beach Middle School
 - Wesley Wright from Hinson Middle School
 - C. Employee of the Quarter – Paul McDonald, Landscape Architect
- 5. AUDIENCE REMARKS** – Regarding items not on the agenda.
- 6. APPROVAL OF MINUTES**
 - A. Minutes from the City Commission meeting – January 3, 2012
- 7. CONSENT AGENDA** – The action proposed is stated for each item on the Consent Agenda. Unless a City Commissioner removes an item from the Consent Agenda, no discussion on individual items will occur and a single motion will approve all items.
 - A. RESOLUTION NO. 2012-03** – A RESOLUTION ACCEPTING THE BID OF WEST CONSTRUCTION, INC. REGARDING CONSTRUCTION SERVICES FOR THE TOMOKA STATE PARK MULTI-USE TRAIL PROJECT UNDER BID NO. 2011-27; REJECTING ALL OTHER BIDS; AUTHORIZING THE EXECUTION OF AN AGREEMENT AND PAYMENT THEREUNDER; AND SETTING FORTH AN EFFECTIVE DATE. (*City Engineer*)
 - B. RESOLUTION NO. 2012-04** – A RESOLUTION ACCEPTING THE BID OF L-J CONSTRUCTION CO. OF CENTRAL FLORIDA REGARDING CONSTRUCTION SERVICES FOR THE SR40 MULTI-USE TRAIL

(PHASE III) PROJECT UNDER BID NO. 2011-05; REJECTING ALL OTHER BIDS; AUTHORIZING THE EXECUTION OF AN AGREEMENT AND PAYMENT THEREUNDER; AND SETTING FORTH AN EFFECTIVE DATE. *(City Engineer)*

C. RESOLUTION NO. 2012-05 – A RESOLUTION AUTHORIZING THE APPROVAL AND EXECUTION OF A PURCHASE AUTHORIZATION (REQUESTION # 0000008702) FOR THE PURCHASE OF SEVEN (7) PATROL VEHICLES UNDER FLORIDA SHERIFFS ASSOCIATION BID NUMBER 11-19-0907; DECLARING CERTAIN PATROL VEHICLES TO BE SURPLUS PROPERTY, AND AUTHORIZING THE DISPOSITION THEREOF; AND SETTING FORTH AN EFFECTIVE DATE. *(Public Works Director)*

D. RESOLUTION NO. 2012-06 – A RESOLUTION AUTHORIZING EXECUTION OF AMENDMENT NO. 1 TO THE PROFESSIONAL SERVICES AGREEMENT BETWEEN THE CITY AND ZEV COHEN & ASSOCIATES, INC. REGARDING THE DEVELOPMENT OF PARKING AND PARK FACILITIES FOR ORMOND BEACH'S ANDY ROMANO BEACHFRONT PARK PROJECT BY AUTHORIZING ADDITIONAL WORK FOR THE DESIGN OF A SPLASH PARK AND PAYMENT THEREFORE; AUTHORIZING PAYMENT THEREFORE; AND SETTING FORTH AN EFFECTIVE DATE. *(City Engineer)*

E. Auto Renew Contract for Ormond Beach Sports Officials *(Finance Director)*

DISPOSITION: Approve as recommended in City Manager memorandum dated January 12, 2012.

F. Approving a Votran Trolley Service Subsidy *(Planning Director)*

DISPOSITION: Approve as recommended in City Manager memorandum dated January 12, 2012.

G. Approval of Travel by the City Commission, City Manager, City Attorney *(City Clerk)*

DISPOSITION: Approve as recommended in City Manager memorandum dated January 12, 2012.

H. Appeal of the Preliminary Digital Flood Insurance Rate Maps (DFIRMs) to the Federal Emergency Management Agency *(Planning Director)*

DISPOSITION: Approve as recommended in City Manager memorandum dated January 12, 2012.

I. Budget Calendar for FY 2012-13 (*Finance Director*)

DISPOSITION: Approve as recommended in City Manager memorandum dated January 12, 2012

8. PUBLIC HEARINGS

- A. FIRST READING OF ORDINANCE NO. 2012-02** – AN ORDINANCE AMENDING THE TRANSPORTATION ELEMENT OF THE CITY OF ORMOND BEACH COMPREHENSIVE PLAN; BY AMENDING POLICY 2.1.5 PERTAINING TO CONSTRAINED ROADS; PROVIDING WHEN SUCH AMENDMENTS SHALL TAKE EFFECT; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; AND SETTING FORTH AN EFFECTIVE DATE. (*Planning Director*)
- B. FIRST READING OF ORDINANCE NO. 2012-03** – AN ORDINANCE AMENDING CHAPTER 2, DISTRICT AND GENERAL REGULATIONS, ARTICLE II, DISTRICT REGULATIONS, SECTION 2-07.F, ZONING DISTRICT DESIGNATIONS BY AMENDING THE TITLES OF THE R-2.5 AND T-1 ZONING DISTRICTS; SECTION 2-12, R-1, RURAL ESTATE ZONING DISTRICT, BY AMENDING THE ZONING DISTRICT TITLE FROM “RURAL ESTATE” TO “RESIDENTIAL ESTATE”; SECTION 2-17, R-4, SINGLEFAMILY MEDIUM RESIDENTIAL ZONING DENSITY BY AMENDING THE ZONING DISTRICT TITLE FROM “SINGLE-FAMILY MEDIUM RESIDENTIAL” TO “SINGLEFAMILY CLUSTER & TOWNHOUSE”; AMEND SUBSECTION C, PERMITTED USES OF SECTION 2-25, B-4, CENTRAL BUSINESS ZONING DISTRICT; SECTION 2-26, B- 5, SERVICE COMMERCIAL ZONING DISTRICT; SECTION 2- 28, B-7, HIGHWAY TOURIST COMMERCIAL ZONING DISTRICT; SECTION 2-29, B-8, COMMERCIAL ZONING DISTRICT; SECTION 2-30, B-9, BOULEVARD ZONING DISTRICT; AND SECTION 2-31, B-10, SUBURBAN BOULEVARD ZONING DISTRICT, BY CHANGING THE USE OF “BUSINESS / PROFESSIONAL SERVICES” TO “BUSINESS / PROFESSIONAL OFFICE”; AND SECTION 2-26, B-6, OCEANFRONT TOURIST COMMERCIAL ZONING DISTRICT BY ADDING A CATEGORY UNDER TYPE SUBSECTION TO BE NAMED PARK & RECREATIONAL FACILITIES; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; PROVIDING FOR SEVERABILITY; AND SETTING FORTH AN EFFECTIVE DATE. (*Planning Director*)

9. SECOND READING OF ORDINANCES

- A. SECOND READING OF ORDINANCE NO. 2011-58** – AN ORDINANCE ADOPTING CERTAIN UPDATED SCHEDULES TO THE CAPITAL IMPROVEMENTS ELEMENT OF THE CITY OF ORMOND BEACH COMPREHENSIVE PLAN; PROVIDING WHEN SUCH UPDATES SHALL TAKE EFFECT; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; AND SETTING FORTH AN EFFECTIVE DATE. (*Planning Director*)

- B. SECOND READING OF ORDINANCE NO. 2012-01** – AN ORDINANCE AMENDING CHAPTER 2, ADMINISTRATION, ARTICLE VI, BOARDS, COMMISSIONS, COMMITTEES AND OTHER AGENCIES, DIVISION 2, ENUMERATED, OF THE CODE OF ORDINANCES, BY ADDING A NEW SECTION TO BE NUMBERED AND ENTITLED SECTION 2-229, BROWNFIELD ADVISORY BOARD; CREATING A BROWNFIELD ADVISORY BOARD; ESTABLISHING TERMS AND CONDITIONS OF MEMBERSHIP; ESTABLISHING POWERS AND DUTIES; AND SETTING FORTH AN EFFECTIVE DATE. *(City Attorney)*

10. FIRST READING OF ORDINANCES

- A. FIRST READING OF ORDINANCE NO. 2012-04** – AN ORDINANCE AMENDING CHAPTER 1, GENERAL ADMINISTRATION, ARTICLE III, DEFINITIONS, SECTION 1-22, DEFINITION OF TERMS AND WORDS OF THE CITY OF ORMOND BEACH *LAND DEVELOPMENT CODE*; AMENDING CERTAIN DEFINITIONS; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; PROVIDING FOR SEVERABILITY; AND SETTING FORTH AN EFFECTIVE DATE. *(Planning Director)*
- B. FIRST READING OF ORDINANCE NO. 2012-05** – AN ORDINANCE AMENDING CHAPTER 2, DISTRICT AND GENERAL REGULATIONS, OF ARTICLE III, GENERAL REGULATIONS, SECTION 2-50, ACCESSORY USES AMENDING SUBSECTION E, DOCKS, BOATHOUSES AND BOAT LIFTS; AMENDING SUBSECTION G, COMMERCIAL VEHICLE STORAGE/PARKING; AMENDING SUBSECTION N, FENCES AND WALLS; AMENDING SUBSECTION R, GREENHOUSES; AMENDING SUBSECTION V, OUTDOOR STORAGE, PARKING, OR USE OF PERSONAL PROPERTY; AMENDING SUBSECTION BB, SHEDS, UTILITY STRUCTURES, PLAYHOUSES AND GAZEBOS; AND CREATING A NEW SUBSECTION TITLED PLAY STRUCTURES; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; PROVIDING FOR SEVERABILITY; AND SETTING FORTH AN EFFECTIVE DATE. *(Planning Director)*
- C. FIRST READING OF ORDINANCE NO. 2012-06** – AN ORDINANCE AMENDING THE LAND DEVELOPMENT CODE BY AMENDING SECTION 1-22, DEFINITION OF TERMS AND WORDS; OF ARTICLE III, DEFINITIONS AND ACRONYMS; OF CHAPTER 1, GENERAL ADMINISTRATION; BY AMENDING PARAGRAPH A7, AUTOMATIC AMUSEMENT CENTERS/GAME ROOMS; OF SECTION 2-57, CRITERIA FOR REVIEW OF SPECIFIC CONDITIONAL AND SPECIAL EXCEPTION; OF ARTICLE IV, CONDITIONAL AND SPECIAL EXCEPTION REGULATIONS; OF CHAPTER 2, DISTRICT AND GENERAL REGULATIONS; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; PROVIDING FOR SEVERABILITY; AND SETTING FORTH AN EFFECTIVE DATE. *(Planning Director)*
- D. FIRST READING OF ORDINANCE NO. 2012-07** – AN ORDINANCE AMENDING SECTION 12-144, REGULATIONS PERTAINING TO

AUTOMATIC AMUSEMENT DEVICES AND CENTERS; OF ARTICLE V, AUTOMATIC AMUSEMENT DEVICES; OF CHAPTER 12, BUSINESS REGULATIONS OF THE CODE OF ORDINANCES, REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; PROVIDING FOR SEVERABILITY; AND SETTING FORTH AN EFFECTIVE DATE. (*Planning Director*)

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

12. ADJOURNMENT

Item #1 – Meeting Call to Order

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

Item #2 – Invocation

Reverend Willie Branch of New Bethel AME Church gave the invocation.

Item #3 – Pledge of Allegiance

Mayor Kelley led the Pledge of Allegiance.

Mayor Kelley announced that Commissioner Partington's parents' home had burned to the ground that afternoon. He asked that everyone please remember the family.

Commissioner Partington stated he was still in shock as he had only recently heard the news from his mother. He stated that fortunately no one was injured. He went on to state that material possessions could be replaced but people cannot. He expressed thanks to the fire and police departments for their efforts and work that afternoon.

Item #4A – 2011 Holiday Parade Award Presentations

Mayor Kelley introduced Mr. Brian Daly, Chairman of the 20th Annual Home for the Holidays Parade, to present the awards to the parade winners.

Mr. Brian Daly stated that there had been 115 entries including 63 floats, and that 80% of the entries had been return entries. He stated that just under 3,000 people participated in the parade. He thanked Ormond Beach Main Street for their partnership with the tree lighting and Mr. Doug Thomas for serving as the Grand Marshall. He also thanked the sponsors: Daytona Toyota, Bright House Networks, Brown and Brown Insurance, Preferred Business Group, and Seniors Are Us, all of which were returning sponsors. He then thanked the Parade Board members: Mr. Darryl Grabowski, Mr. Bob Payne, Mr. Chris Massebeau, Ms. Melissa Manfredi, Mr. Kenny Landrum, Mr. Greg and Ms. Sandy Dudley, Mr. Nick Raley, Ms. Sherri Kunkel, and Ms. Ruth Stalnaker. He went on to thank the judges: Ms. Dilys Harris, Ms. Gail Burgess, and Ms. April Cole, as well as the event's MC, Mr. Billy Sacks. He also expressed thanks to the parade's city advisors: Mr. Robert Carolin, Leisure Services Director, Mr. Stefan Sibley, Recreation Manager, Sgt. D.W. Smith, Traffic Unit – Motors Supervisor, Mr. Michael Demchak, Community

Events Coordinator, and Ms. Siobhan Daly, Cultural Center Coordinator. He stated that all of these individuals not only attended meetings but were present at the parade and had worked hard all night to make it a success. He lastly thanked the streets department, ball field maintenance, fire department, Police Chief Osterkamp, and the police department.

Mr. Brian Daly announced the parade award winners as follows: Walker Division as 3rd place - Pathways Elementary, 2nd place - Tomoka Elementary, and 1st place - Dance Art Theatre. He went on to state the winners for the Vehicle Division as 3rd place - Halifax Rowing Association, 2nd place - Cub Scout Pack #54, and 1st Place - The Yard Trainer. He stated the winners for the Floats Division were 3rd place - Aberdeen Residents, 2nd place - Spark-N-Shine Car Wash, and 1st place - Holly Hill PTSA. He proclaimed that the award for Best of Show was given to Ormond Beach Elementary.

Mr. Tony Capozzi, Executive Director of the Ormond Beach Chamber of Commerce, awarded the Presidents Cup Award for the best business float to Ormond Ace Hardware.

Item #4B – ACE Awards (Ormond Beach Chamber of Commerce)

Mr. Tony Capozzi, Executive Director of the Ormond Beach Chamber of Commerce (“Chamber”), stated they recognized exemplary youth involvement in the community with the Achieving Civic Excellent (“ACE”) award. He stated that the Chamber was recognizing two outstanding students that evening with an ACE award, Amberlyn Foote from Ormond Beach Middle School and Wesley Wright from Hinson Middle School.

Mr. Capozzi first spoke about the accomplishments of Wesley Wright. He stated that Wesley was active in SGA, Chef Club and DTSA. He spoke about Wesley’s community and charitable involvement with AOY (Accent On Youth), Jack and Jill of America, and Jewish Federation. He stated Wesley’s teachers described him as “exemplifying the qualities of a leader and a role model to his peers and community.” He stated that Wesley also had a 3.9 GPA. He presented Wesley with his ACE award.

Mr. Tony Capozzi then spoke about the achievements of Amberlyn Foote. He stated Amberlyn was an active member of the student government, a former member of FFEA, an active participant in red ribbon week activities, National Junior Honor Society and the VCS fitness festival. He stated Amberlyn had received honor roll, the Principal award and/or the straight A award for all grading periods. He stated Amberlyn’s community involvement included fundraising for drowning victims, fundraiser activities for St. Judes, Red Cross, and Cancer Society. He also stated that Amberlyn was an avid runner and a cheerleader. He acknowledged that Amberlyn went to the Vatican to sing for the Pope and toured Europe. He stated that Amberlyn’s guidance counselor described her as “a self-motivated and impressive young lady.” He presented Amberlyn with her ACE award.

Item #4C– Employee of the Quarter – Paul McDonald, Landscape Architect

Ms. Joyce Shanahan, City Manager, announced the Employee of the Quarter for the first quarter of 2012 as Paul McDonald. She stated that he was born and raised in Rhode Island and earned a bachelors degree in Landscape Architecture from the University of

Rhode Island. She stated he began work with the City of Ormond Beach after moving to the area in 2002. She explained that he was responsible for general citywide landscape issues and reviewed projects as a member of the Site Plan Review Committee. She stated he had outstanding problem-solving skills and provided creative solutions that allowed excellent results. She also stated that he had been instrumental in obtaining millions of dollars in grant funding and had designed and implemented landscaping projects. She explained that she personally found that he always gave a straight answer, found solutions, and helped her think things through. She stated he had been married to his wife Kate for six years and that they had two young daughters. She congratulated him and thanked him for all he did for the City.

Mayor Kelley presented Mr. McDonald with a watch and plaques commemorating his designation as Employee of the Quarter.

Item #5 – Audience Remarks

Mr. Ric Thompson, 1888 Myrtle Jo Drive, spoke about issues with irresponsible dog owners and inconsiderate bicyclists. He stated that bicyclists have come up behind walkers without any warning and would “bump” them. He stated a couple of months ago he began patronizing Cassen Park and walking over the bridge. He stated that bicyclists have pushed their bikes into the walking paths and he had been bumped several times by bicyclists riding down the bridge. He stated he had seen, on a daily basis, dog feces on the sidewalk, the pier, and on the bridge walkway, and dog owners who allowed their dogs to defecate anywhere. He stated the CDC and EPA have performed studies on the health problems with dog feces. He also stated that some of the dog owners in the park have allowed their dogs to run unleashed in public areas. He declared that both bicyclists and dog owners have violated regulations continuously.

Mayor Kelley asked Ms. Joyce Shanahan to inquire as to whether code enforcement would spend some time looking for dog walking violators.

Ms. Joyce Shanahan stated that the City did have a leash law and a curb your dog law. She stated she would also see if there was information available from other communities regarding actions they may have taken that were effective in enforcing these regulations.

Mr. Donald Cunningham, Suite A5, 19 N. Yonge Street, spoke about environmental issues in his trailer park. He stated that when there was a downpour, a large share of stormwater ran down into the sewer of the park. He stated that the amount of run off did not support the large trees so they have mostly been lost. He explained that he had conflict with the park’s management because he removed the dirt from his lot and put in crushed limerock. He also stated that he had ongoing issues with wildlife and that the cats in his neighborhood were feral and did not belong in the ecosystem. He expressed that he was sorry to hear about Commissioner Partington’s parents’ home. He stated he had seen trailers burn down in his park.

Mr. Alan Jorczak, 679 N. Beach Street, Planning Board member, spoke about his idea for creating a new economic development council. He stated he would like to incorporate more of the business community and have the council serve as an advocate for employers in the city’s political and policy-making arena. He envisioned the council being constituted through the Volusia Manufacturer’s Association, Ormond Beach

Chamber of Commerce, Volusia Building Industry Association, and possibly others. He stated he wanted to see the council members representing a total cross section of all the businesses in Ormond Beach and not just those that were located in the Brownfield areas. He presented the Commission a preliminary handout outlining his proposal and requested they review it in a workshop.

Mayor Kelley stated he had spoken to Mr. Jorczak and encouraged the Commission to look at the information and stated that it could be brought back for discussion and included in a workshop, if they desired.

Item #6 – Approval of the Minutes

Mayor Kelley advised that the minutes of the January 3, 2012, regular meeting had been sent to the Commission for review, and were on the City's website for public review. He asked for any corrections, additions, or omissions. He stated that hearing no corrections, the minutes would stand approved as presented.

Item #7 – Consent Agenda

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

Commissioner Kent moved, seconded by Commissioner Stowers, 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 #8A – Transportation Element Comprehensive Plan Amendments (Adoption)

City Clerk Joshua Fruecht read by title only:

ORDINANCE NO. 2012-02

AN ORDINANCE AMENDING THE TRANSPORTATION ELEMENT OF THE CITY OF ORMOND BEACH COMPREHENSIVE PLAN; BY AMENDING POLICY 2.1.5 PERTAINING TO CONSTRAINED ROADS; PROVIDING WHEN SUCH AMENDMENTS SHALL TAKE EFFECT; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; AND SETTING FORTH AN EFFECTIVE DATE.

Commissioner Boehm moved, seconded by Commissioner Stowers, for approval of Ordinance No. 2012-02, 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

Item #8B – Land Development Code Amendments – Chapter 2: District and General Regulations, Article II – District Regulations of the Land Development Code (LDC)

City Clerk Joshua Fruecht read by title only:

ORDINANCE NO. 2012-03

AN ORDINANCE AMENDING CHAPTER 2, DISTRICT AND GENERAL REGULATIONS, ARTICLE II, DISTRICT REGULATIONS, SECTION 2-07.F, ZONING DISTRICT DESIGNATIONS BY AMENDING THE TITLES OF THE R-2.5 AND T-1 ZONING DISTRICTS; SECTION 2-12, R-1, RURAL ESTATE ZONING DISTRICT, BY AMENDING THE ZONING DISTRICT TITLE FROM “RURAL ESTATE” TO “RESIDENTIAL ESTATE”; SECTION 2-17, R-4, SINGLEFAMILY MEDIUM RESIDENTIAL ZONING DENSITY BY AMENDING THE ZONING DISTRICT TITLE FROM “SINGLE-FAMILY MEDIUM RESIDENTIAL” TO “SINGLEFAMILY CLUSTER & TOWNHOUSE”; AMEND SUBSECTION C, PERMITTED USES OF SECTION 2-25, B-4, CENTRAL BUSINESS ZONING DISTRICT; SECTION 2-26, B- 5, SERVICE COMMERCIAL ZONING DISTRICT; SECTION 2- 28, B-7, HIGHWAY TOURIST COMMERCIAL ZONING DISTRICT; SECTION 2-29, B-8, COMMERCIAL ZONING DISTRICT; SECTION 2-30, B-9, BOULEVARD ZONING DISTRICT; AND SECTION 2-31, B-10, SUBURBAN BOULEVARD ZONING DISTRICT, BY CHANGING THE USE OF “BUSINESS / PROFESSIONAL SERVICES” TO “BUSINESS / PROFESSIONAL OFFICE”; AND SECTION 2-26, B-6, OCEANFRONT TOURIST COMMERCIAL ZONING DISTRICT BY ADDING A CATEGORY UNDER TYPE SUBSECTION TO BE NAMED PARK & RECREATIONAL FACILITIES; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; PROVIDING FOR SEVERABILITY; AND SETTING FORTH AN EFFECTIVE DATE.

Commissioner Stowers moved, seconded by Commissioner Partington, for approval of Ordinance No. 2012-03, on first reading, as read by title only.

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

Item #9A – 2011 Capital Improvements Element (CIE) Annual Update

City Clerk Joshua Fruecht read by title only:

ORDINANCE NO. 2011-58

AN ORDINANCE ADOPTING CERTAIN UPDATED SCHEDULES TO THE CAPITAL IMPROVEMENTS ELEMENT OF THE CITY OF ORMOND BEACH COMPREHENSIVE PLAN; PROVIDING WHEN SUCH UPDATES SHALL TAKE EFFECT; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; AND SETTING FORTH AN EFFECTIVE DATE.

Commissioner Boehm moved, seconded by Commissioner Partington, for approval of Ordinance No. 2011-58, on second reading, as read by title only.

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

Item #9B – Establishment of a Brownfield Advisory Board

City Clerk Joshua Fruecht read by title only:

ORDINANCE NO. 2012-01

AN ORDINANCE AMENDING CHAPTER 2, ADMINISTRATION, ARTICLE VI, BOARDS, COMMISSIONS, COMMITTEES AND OTHER AGENCIES, DIVISION 2, ENUMERATED, OF THE CODE OF ORDINANCES, BY ADDING A NEW SECTION TO BE NUMBERED AND ENTITLED SECTION 2-229, BROWNFIELD ADVISORY BOARD; CREATING A BROWNFIELD ADVISORY BOARD; ESTABLISHING TERMS AND CONDITIONS OF MEMBERSHIP; ESTABLISHING POWERS AND DUTIES; AND SETTING FORTH AN EFFECTIVE DATE.

Commissioner Boehm moved, seconded by Commissioner Stowers, for approval of Ordinance No. 2012-01, on second reading, as read by title only.

Commissioner Stowers inquired about the appointment process going forward; whereby, Mayor Kelley stated that the appointments would be at the next commission meeting.

Ms. Joyce Shanahan stated that once all of the Commissioners' nominations were received it would be brought before them under a separate appointment item.

Commissioner Stowers stated he would like to notify the residents about the board, as there may be residents interested in participating that did not know about it.

Ms. Joyce Shanahan stated that something would be put into the newspaper.

Commissioner Partington stated he would have loved to appoint Mr. Michael Sznepstailer, but he had already spoken to his appointee and sent in his appointment.

He stated he would be happy to consider Mr. Sznepstailer for the at-large board member seat since he had an interest in serving and a wealth of knowledge on the subject.

Mayor Kelley stated that Mr. Sznepstailer could perhaps be appointed at-large or through Ormond Beach Main Street's appointment.

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

Item #10A– Land Development Code Amendments: Chapter I, General Administration, Article III, Definitions

City Clerk Joshua Fruecht read by title only:

ORDINANCE NO. 2012-04

AN ORDINANCE AMENDING CHAPTER I, GENERAL ADMINISTRATION, ARTICLE III, DEFINITIONS, SECTION 1-22, DEFINITION OF TERMS AND WORDS OF THE CITY OF ORMOND BEACH *LAND DEVELOPMENT CODE*; AMENDING CERTAIN DEFINITIONS; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; PROVIDING FOR SEVERABILITY; AND SETTING FORTH AN EFFECTIVE DATE.

Commissioner Partington moved, seconded by Commissioner Kent, for approval of Ordinance No. 2012-04, on first reading, as read by title only.

Commissioner Stowers stated that he anticipated commenting on several items involving what he perceived to be code provisions that would take away property rights. He stated he knew the history in this community regarding building heights. He wondered why the new proposed definition seemed so specific. He interpreted the changed sentence to be at odds with the finished ground level average. He also stated he could not determine how many properties that provision would effect and wondered if it was overkill. He asked that the sentence in question be removed.

Mayor Kelley asked whether the change applied to residential or commercial properties; whereby, Mr. Ric Goss, Planning Director, stated that the provision would be mostly used in residential settings. He stated that typically there have been issues with contractors regarding the height of residential buildings and where to measure from. He stated that when using the average as currently stated they received a number of different inconsistent averages. He explained this as the reason for using a very specific term. He stated that if the item was changed back to its former state, staff would continue to have negotiations with the contractors and debate where to measure the height from.

Mayor Kelley stated he built his home 20 years ago and it had a basement. He stated that if it had been measured from the property's front elevation down to where the basement started it would have meant he would not have been able to build the second story or perhaps even the house. He stated he would not like to penalize someone for

taking advantage of a sloping property. He also stated there should be an easier way to define the front of the home and the elevation from there.

Mr. Goss stated the measuring had been from the average of the finished elevation, which varied around the building, so it was difficult to determine where the average would be taken from. He stated that there had been a lot of problems with contractors on this issue. He stated the specificity was in favor of the City and not the contractor.

Mayor Kelley spoke of a home built on a slope where the front of the home was not any taller than it should have been but when viewed from the side it appeared taller.

Mr. Goss stated that they do not measure up to the peak of the home, only to where the roof began.

Commissioner Kent stated he appreciated Mr. Goss having been so specific and creating a definite definition so that everyone would know what to expect.

Mayor Kelley stated that while he understood the specificity, he wondered who the definition would adversely impact and who it would protect.

Mr. Goss stated that if the City continued to negotiate with contractors he suspected that there would be several homes with different elevations based on the individual contractor. He anticipated homeowners feeling they were treated differently. He felt with this definition that it would be all the same.

Commissioner Kent confirmed with Mr. Goss that the Planning Board received this item and passed it with a 7-0 vote. He stated that vote of confidence spoke volumes to him.

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

Item #10B– Land Development Code Amendments: Chapter 2, District and General Regulations, Article III, General Regulations

City Clerk Joshua Fruecht read by title only:

ORDINANCE NO. 2012-05

AN ORDINANCE AMENDING CHAPTER 2, DISTRICT AND GENERAL REGULATIONS, OF ARTICLE III, GENERAL REGULATIONS, SECTION 2-50, ACCESSORY USES AMENDING SUBSECTION E, DOCKS, BOATHOUSES AND BOAT LIFTS; AMENDING SUBSECTION G, COMMERCIAL VEHICLE STORAGE/PARKING; AMENDING SUBSECTION N, FENCES AND WALLS; AMENDING SUBSECTION R, GREENHOUSES; AMENDING SUBSECTION V, OUTDOORSTORAGE, PARKING, OR USE OF PERSONAL PROPERTY; AMENDING SUBSECTION BB, SHEDS, UTILITY STRUCTURES, PLAYHOUSES AND GAZEBOS; AND CREATING A NEW SUBSECTION TITLED PLAY STRUCTURES; REPEALING ALL INCONSISTENT

ORDINANCES OR PARTS THEREOF; PROVIDING FOR SEVERABILITY; AND
SETTING FORTH AN EFFECTIVE DATE.

Commissioner Partington moved, seconded by Commissioner Kent, for approval of Ordinance No. 2012-05, on first reading, as read by title only.

Commissioner Stowers directed the Commissioners to a proposed change to the section regarding the set back requirement based on the amount of shoreline on a property, and stated he currently understood the rule to be a twenty-five foot (25') set back regardless of the width of the property. He stated that he felt that this provision would require property owners to give up their rights and hope that your neighbor would provide a notarized affidavit to the City stating they had no objection. He stated he knew all too well the conflicts that occurred between neighbors, especially when speaking about docks and boats. He expressed his concerns, stating he foresaw scenarios where affidavits would be withheld. He stated he would rather there be a conditional use or process whereby someone with a sixty five foot (65') shoreline or less can seek a variance. He requested the referenced section be removed for tonight's vote.

Mr. Goss stated the city's current code did not require conferring with the adjacent neighbors. He stated that the current standards were much more stringent. He stated that if a property owner did not meet the code that they would have to apply for a variance from the Board of Adjustment and Appeals ("Board"). He stated that it cost \$750 to go to the Board. He stated that for the new provision the Planning Department tracked the Department of Environmental Protection ("FDEP") language which stated that if the shoreline was less than sixty five feet (65'), signed affidavits could be obtained from the adjacent neighbors in order to be issued a permit. He explained that with this change you could avoid the need to obtain a variance from the Board and could get the affidavits instead. He stated that in amending the provision the only three criteria that they did not track from FDEP's regulations were criteria with regard to the platform size, the height, and the building. He stated that FDEP did not regulate those criteria. He explained that the height requirement used to be lower and was amended last year to the highest height allowed anywhere in the county. He stated there have been concerns from residents who did not want big structures blocking their views. He explained that anyone who was building along the river had to measure the number of setbacks for all the properties both north and south because of view. He stated the intent was to keep that intact.

Commissioner Boehm asked what would happen if the adjacent neighbors did not agree, and if the property owner would be able to appeal. He stated it did not appear to him that there were any alternatives.

Mr. Goss stated that there was a provision in the code that stated that anything could be appealed to the Board. He stated if they were unable to get the affidavits they could file for a variance. He suspected, however, that if the neighbors were unwilling to sign off that the Board would consider that fact in their deliberations.

Mayor Kelley stated he was glad the height had been raised to eighteen feet (18') because when he built his home he came under the restriction and had to purchase a boat to fit into the size limits for the dock and storage area. He stated he felt 18' was very restricted, especially if people owned 32-foot boats. He wondered whether an unlimited height would be too much.

Mr. Goss stated that it would absolutely be too much. He stated having no standards would be something that would be regretted.

Mayor Kelley stated that the limitations had made it dangerous for him, his wife and his children to be together on his platform because it was not large enough to get in and out of the boat safely. He asked if the limit was still 150 square feet; whereby, Mr. Goss stated that the platform limit was one hundred eighty (180) square feet. He stated that individuals in the industry thought that was more than adequate. He stated that in an aquatic preserve it is one hundred sixty (160) square feet to track with DEP.

Mayor Kelley inquired if a person could appeal to make it three or four feet taller; whereby, Mr. Goss stated the 18 feet was measured from the main high water mark. He stated engineered drawings had been provided showing more than enough room underneath to stand up and get on the boat.

Commissioner Stowers questioned why the City would add regulations on top of DEP's policies, especially if there were duplicates. He wondered why an affidavit submitted to FDEP would also have to be submitted to the City, leading to more administrative costs. He stated he had helped residents in Ormond Beach, New Smyrna Beach, and Holly Hill navigate dock regulations, because it seemed to require having an attorney helped you.

Mr. Goss stated that with the current provision if you did not have an affidavit from the adjacent property owners, you would just have to meet FDEP standards. He cautioned that if you did not meet them you could not appeal to the Board as there would be nothing in the City's code, which was what they wished to remedy.

Commissioner Stowers stated that if an affidavit could not be gotten for FDEP that they could not go through a variance process and circumvent that system at a city level.

Mr. Goss stated that the provision would allow a variance from the City to be sufficient approval for FDEP. He stated they currently used variances for that purpose.

Commissioner Stowers asked if FDEP would accept the City overriding them; whereby, Mr. Goss stated it would actually override the City's code if a variance was issued, since the new code proposed to allow the affidavits from neighbors.

Mayor Kelley stated that when he built his own platform he had to go through DNR and FDEP before the City would even look at his plans. He stated the City had a more restrictive requirement than both of those agencies and even with his permit from both of them the City turned him down.

Mr. Goss clarified that the City having no provision meant FDEP would be controlling and it would be up to the adjacent property owners to provide the affidavits if the shoreline did not meet requirements. He stated if the provision was in the City's code,

and the affidavit could not be procured, it could be appealed to the Board. He stated that if it was approved, then they would get the permit from FDEP; if not, then FDEP would not issue a permit since there was no city approval. He stated the benefit would be giving the person the ability to go to the Board and appeal whereas with only FDEP there would be no such ability.

Commissioner Stowers stated he interpreted a statement Mr. Goss made earlier to mean that the tracking language would not be needed since the variance procedure was in place. He stated that he also understood from Mr. Goss' statements that FDEP would accept a local decision, and that a decision by the Board through the current process should be sufficient. He stated he would like to have more discussion of these issues.

Mr. Goss stated that over the past 24 months the City's dock regulations had been different than FDEPs. He stated this would be the second amendment in that time period. He stated exemptions of FDEP standards were only recognized previously by the obtaining of an exemption letter from FDEP and that the City already had changed that since it was a large hassle for property owners. He stated of the six criteria that three had been changed to track with FDEP, to reflect their regulations, he stated that the other three would have negative effects if changed.

Mayor Kelley stated the cost to build something increases with the height of the structure and opined that no one would want to put a boat 40 feet in the air.

Mr. Goss stated he understood but if there was no standard anything could happen.

Mayor Kelley stated when he went through a similar situation he had to pay to retain an attorney for the right to put his dock in. He stated it did not make any sense to have to obtain an attorney to prevent him from giving up two acres of his own land for the permit; whereby, Mr. Ric Goss stated that the City did not require that and that it was FDEP who must have.

Mayor Kelley stated that at that time, many years ago, the City did require it; whereby, Mr. Goss inquired if it was the City that required the land be set aside and who wanted to take land from him.

Mayor Kelley stated that the City did and this occurred before they would grant him the permit, even though he already had the permit from DNR and FDEP. He stated he had to pay an attorney to fight it.

Mr. Goss stated that he had not seen that occur in the five years he had been with the City.

Mayor Kelley stated it was approximately 20 years ago. He stated the City would not even look at his plans without him first obtaining permits from DNR and FDEP. He stated that even after obtaining them the City still turned down his plans.

Mr. Goss stated the Planning Department's policy was to look at the plans and if you were exempt, they would not even require an exemption letter.

Mayor Kelley stated that there should be a way for a person who wanted to make it two feet taller than the limit to do so, but there was no process to do that.

Mr. Goss stated that they could appeal to the Board of Adjustments and Appeals.

Commissioner Partington stated he did not like the Board of Adjustments and Appeals serving as a relief valve. He stated he had seen some deserving cases not pass and it was an expensive and time consuming process. He stated he was not in a rush to pass the ordinance and would be fine with it going to a workshop if need be.

Commissioner Boehm stated the concern appeared to be with the docks, boathouses, and boat lifts section. He suggested striking that language and passing the rest of the ordinance. He stated that would allow focus to be on that issue alone and provide the opportunity for a full hearing at a workshop. He stated that there was too much in the ordinance to pull the entire item off of the table when discussion was about one aspect.

Commissioner Stowers stated a few years ago he had a matter in New Smyrna Beach when that city had recently done a variety of amendments to their dock provisions. He explained that a lot of the property owners in that city felt that they had not had the opportunity to weigh in. He stated he felt like there were a set number of people who would have opportunities to own a dock and be affected by the ordinance. He suggested sending a survey to residents in the water bills to allow the city to gauge the thoughts of the residents who live on the water and who could actually build a dock. He also asked if 18 feet was a common limit in the area.

Mr. Goss stated that there were only three communities in the Volusia County area that provided for 18 feet and that the rest were below that.

Commissioner Stowers stated he understood it would take time but he felt the issues raised were important enough to prolong the process so that they were more informed.

Commissioner Boehm stated that the docks, boathouses, and boat lifts were in one section within the ordinance. He stated if they moved to amend it to remove that section they could consider the remainder which had not been the subject of discussion and bring back the section in question. He stated that seemed to be the resolution rather than holding the entire ordinance up for one part.

Commissioner Stowers stated he had further issues with the ordinance and inquired whether the ordinance involved the noise attenuation barrier; whereby, Mr. Goss stated that the noise attenuation was a new section and was created because someone wanted to utilize it and they would not allow it without any provisions.

Mayor Kelley stated the Commission should get the ordinance right since there have been concerns that affected citizens' property rights. He stated that these issues have not been work-shopped and it had been the first time the Commission had discussed them. He stated he understood the issues had been through the Planning Board previously and he would be comfortable with whichever way the Commission chose to go. He stated he also had issues with some of the fence and playground provisions. He stated that some of the things he built, such as a fort only visible to himself and his children, would have been against the proposed code. He stated you would almost have

to get an attorney, even with the appeal process, to appeal something like putting in a play set for your children.

Mr. Goss stated provisions had been made to allow for smaller structure types to be within the 7.5-foot set back. He stated they have had major problems with the greater play structures including one recently. He stated the reason these regulations were put in place was because residents have been upset with neighbors putting out play structures that were very tall. He stated that the height was a problem.

Commissioner Stowers redirected Mr. Goss to the noise attenuation barrier. He stated he had no problem with the barrier in and of itself. He stated his question was that there seemed to be no regulation on its appearance. He stated there may be a need to add "with approval" so that there was some consistency. He stated he would hate to have property owners back-to-back on I-95 with different colored walls.

Mr. Goss stated that the barrier was regulated by the acoustical engineer on the project, who would come up with the wall design. He stated they had at one time a lot more criteria under the provision and cut back because they felt it was too bureaucratic.

Commissioner Partington stated that he felt inclined to vote the ordinance down, continue it, or have a workshop. He stated the opportunity should be taken to create a code that was practical and protected citizens' property rights and made the City a place that was easy to do business in. He stated he would rather bring the issue to a workshop.

Mayor Kelley stated the best thing to do may be to schedule a workshop.

Mr. Randy Hayes, City Attorney, stated that the item could be continued indefinitely.

Commissioner Partington moved, seconded by Commissioner Kent, to continue Ordinance No. 2012-05 indefinitely, upon first reading, as read by title only.

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

Item #10C– LDC Amendment – Automatic Amusement Centers/Game Rooms

City Clerk Joshua Fruecht read by title only:

ORDINANCE NO. 2012-06

AN ORDINANCE AMENDING THE LAND DEVELOPMENT CODE BY AMENDING SECTION 1-22, DEFINITION OF TERMS AND WORDS; OF ARTICLE III, DEFINITIONS AND ACRONYMS; OF CHAPTER 1, GENERAL ADMINISTRATION; BY AMENDING PARAGRAPH A7, AUTOMATIC AMUSEMENT CENTERS/GAME ROOMS; OF SECTION 2-57, CRITERIA FOR REVIEW OF SPECIFIC CONDITIONAL AND SPECIAL EXCEPTION; OF ARTICLE IV, CONDITIONAL AND SPECIAL EXCEPTION REGULATIONS; OF

CHAPTER 2, DISTRICT AND GENERAL REGULATIONS; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; PROVIDING FOR SEVERABILITY; AND SETTING FORTH AN EFFECTIVE DATE.

Commissioner Partington moved, seconded by Commissioner Stowers, for approval of Ordinance No. 2012-04, 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 #10D– City Code of Ordinances Amendment – Automatic Amusement Devices and Centers

City Clerk Joshua Fruecht read by title only:

ORDINANCE NO. 2012-07

AN ORDINANCE AMENDING SECTION 12-144, REGULATIONS PERTAINING TO AUTOMATIC AMUSEMENT DEVICES AND CENTERS; OF ARTICLE V, AUTOMATIC AMUSEMENT DEVICES; OF CHAPTER 12, BUSINESS REGULATIONS OF THE CODE OF ORDINANCES, REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; PROVIDING FOR SEVERABILITY; AND SETTING FORTH AN EFFECTIVE DATE.

Commissioner Partington moved, seconded by Commissioner Stowers, for approval of Ordinance No. 2012-04, 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

Item #11 – Reports, Suggestions, Requests

Workshops

Ms. Joyce Shanahan stated that there was a workshop scheduled for February 21, 2012, at 5:30 p.m. in the Training Room on the Downtown Stormwater Plan. She also stated that she and staff would set up a workshop for the issues with Ordinance 2012-05.

Movies on the Halifax

Ms. Joyce Shanahan stated that the movie would be *Cannonball Run II* and it would be shown on February 3, 2012, at 6:00 p.m.

Volusia County

Ms. Joyce Shanahan stated that staff was still working with Volusia County on a local agreement for the US-1 corridor and also on the agreement for the Andy Romano

Beachfront Park funding. She stated staff would bring these items to the Commission in February or March.

Cameron Brenneman Tragedy

Commissioner Stowers sent his condolences to the family of Cameron Brenneman. He stated the tragedy happened in his neighborhood. He thanked staff for the quick turn around on email updates provided to the Commission to notify them of events such as this. He stated the situation was unfortunate and his prayers went out to the family.

Paul McDonald

Commissioner Stowers congratulated Paul McDonald on being named Employee of the Quarter. He stated he had spoken many times about Mr. McDonald's commitment to the City and his ability to go above and beyond.

Dog Owner Violations

Commissioner Stowers addressed the comments from Mr. Ric Thompson earlier that evening about dog owners and stated it was not the first time they had heard about dogs being unleashed and other dog related issues in the community. He stated he was saddened that he did not recall how many, if any, dog parks were in Ormond Beach.

Ms. Joyce Shanahan stated that the City had coordinated with the County and paid a portion to develop a dog park that was located in Holly Hill.

Commissioner Stowers stated that one of his constituents spoke to him about there being no dogs allowed on the beach. He stated that he felt there was not an outlet to go somewhere and let their dogs run unleashed so instead they did it anywhere.

Ms. Joyce Shanahan stated that she was unsure dog parks would curb some of the residential neighborhood dog issues. She stated some communities have dog waste stands that were in parks that offered a plastic bag and a place to dispose of them and that they had been somewhat effective. She stated the problem in residential neighborhoods was the lack of ways to enforce curbing the dog other than having signs. She stated in public parks they had greater control and could place some of the waste stations she mentioned. She felt that dog owners might not go to a dog park exclusively, as that was often more of a once-a-week type of thing.

John Anderson Drive

Commissioner Stowers mentioned he had exchanged emails with an individual regarding the John Anderson Drive Project. He stated he knew the process was going forward but wanted to express that when he spoke to this individual he had informed him that he held a meeting of 10 to 15 people who were against the sidewalks and they had questioned the scope of the surveys that went out.

Ms. Joyce Shanahan stated that the surveys had not yet gone out.

Commissioner Stowers expressed a desire to broaden the scope and wanted to explore the possibility of adding an e-survey on the City's website for residents.

Ms. Joyce Shanahan stated that the plan was to mail the survey to certain affected homeowners on John Anderson Drive, specifically as well as those on the neighboring

streets. She also stated they anticipated putting it in the newspaper and on the City's website to broaden the response.

Partington Home Fire

Commissioner Kent began by addressing Commissioner Partington and stating he noticed a fire truck going to the mainland from beachside on his way home from work. He expressed his condolences and his relief that everyone was safe and stated that his heart and prayers were with them. He offered that Commissioner Partington's parents could stay in his spare room at his home.

Positivity at Meetings

Commissioner Kent stated he enjoyed the way the meetings started with positive items and stated not too long ago they never began like that and oftentimes were depressing. He stated he felt that former Mayor Costello and this Commission had laid the seeds to celebrate the positive and he was pleased that they continued to do so.

Paul McDonald

Commissioner Kent offered his congratulations to Paul McDonald and stated he had been singing his praises ever since Paul had taught him about Asiatic jasmine.

Cannonball Run II

Commissioner Kent stated he would like to know which individual came up with *Cannonball Run II* as the movie to watch at Movies on the Halifax. He stated they would be receiving a bag of popcorn on him and that he was very excited for the feature.

Dog Owner Violations

Commissioner Kent stated he used to get complaints about the bridge having dog waste on it, sometimes upwards of ten piles. He stated there were now individuals walking the bridge daily to keep it clean. He encouraged everyone to go down any of the bridges south of Ormond Beach to see that they were full of trash. He stated that the extra step was taken by our City to make sure everything was clean and he thanked staff for that. He felt that the City needed to get tough with violating dog owners and issue a ticket and a fine to show that their actions were not acceptable in order to stop the violations.

Contracts

Commissioner Kent stated he knew contracts were not finished yet but he did not want Ms. Joyce Shanahan and Mr. Randy Hayes to be forgotten. He knew their compensation had not been discussed in quite some time and wanted the Commission to think about it in the near future.

Paul McDonald

Commissioner Boehm continued to sing the praises of Paul McDonald. He stated when he first was elected the citizens of Breakaway Trails raised the issue with him about the lack of landscaping in the medians west of I-95. He stated the citizens spoke of perhaps \$100,000 for non-irrigated landscaping which, while adequate, would not have reached Ormond Beach standards. He went on to state that Mr. McDonald drafted a plan and applied for a \$500,000 grant from FDOT. He stated he did not have great optimism that it would be approved but that Mr. McDonald did such a wonderful job that FDOT approved the grant and placed it in their 2013-2014 budget. He stated that the medians would speak very well of Ormond Beach.

Community Outreach Officers

Commissioner Boehm stated he attended the Breakaway Trails Home Owners Association meeting where the primary speakers were the City's community outreach officers Lloyd Cornelius, Crime Prevention Officer, and Greg Stokes, DARE Coordinator. He stated he was flat out amazed at the presentation they put on. He stated both he and the residents got a great deal out of the program and that they did our City proud. He encouraged the Commission to go to any event that they would be speaking at.

Food Lion Closure

Commissioner Boehm stated that the Food Lion in the Main Street Area had closed down. He stated he viewed it as an opportunity and thought it gave the City a chance to rehabilitate that corner and enhance the efforts of Main Street. He viewed it as one door closing and another door opening.

Partington Home Fire

Commissioner Boehm stated that it was unbelievable to him in this day and age for a home to be completely destroyed. He thanked God that no one was in the home. He hoped the memories lived on with Commissioner Partington's parents. He stated he would keep his family in his prayers.

Tallahassee Trip

Mayor Kelley stated he went to Tallahassee and was quite discouraged. He explained that state elected officials openly stated that politics would triumph over policy. He stated one of the issues raised was the potential to eliminate the City's ability to tax occupational licensing/business tax. He stated that if it passed it would cost the City about \$300,000. He stated he also did not see a lot of hope for pension reform, he stated the best that could be hoped for was that it would reach the committee and perhaps get some discussion. He stated, however, he was told that little hope was seen for it getting out. He stated that the Florida League of Cities had over 400 cities but only 36 had adopted a resolution supporting pension reform, so the state had said they did not see the problem from their side. He stated he was also upset about the approach being taken on the public's right to speak at meetings. He felt that the City did an outstanding job of allowing individuals to speak. He stated the proposal would make it more restrictive than what the City currently allowed.

Dog Owner Violations

Mayor Kelley stated he presented the idea of a dog park about three years ago. He agreed with Ms. Shanahan that that would not stop the people who were allowing their dogs to run unleashed or defecate in public areas. He stated, just for a thought, it may be helpful for neighborhood improvement or code enforcement to work the bridge for a week looking for dog owners committing violations.

Food Lion Closure

Mayor Kelley addressed Commissioner Boehm and stated that he had already had discussions about the closing of the Food Lion and that there had been three different individuals looking at the property. He stated there may be some opportunity to take the section from the empty Food Lion to the Outback Steakhouse and reevaluate what can be put in to rejuvenate that area. He stated that currently there was also a closed and vacant Woody's BBQ in that stretch. He stated that he hoped that the closure would be a great opportunity.

Partington Home Fire

Mayor Kelley stated that his heart went out to Commissioner Partington and that he had an aunt that lost everything on Christmas Eve years ago. He stated it was devastating to lose everything. He offered use of his extra bedrooms if Commissioner Partington's parents needed somewhere to stay.

Item #12 – Adjournment

The meeting was adjourned at 8:42 p.m.

APPROVED: January 17, 2012

BY: Ed Kelley, Mayor

ATTEST:

Joshua Fruecht, City Clerk