

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

February 7, 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

INVOCATION

3. PLEDGE OF ALLEGIANCE

4. PRESENTATIONS

- A. Community Engagement Plan Update for Ormond Beach's Andy Romano Beachfront Park *(City Engineer)*

5. AUDIENCE REMARKS - Regarding items not on the agenda.

6. APPROVAL OF MINUTES

- A. Minutes from the City Commission meeting - January 17, 2012 *(City Clerk)*

7. COMMUNITY REDEVELOPMENT AGENCY

- A. **Resolution No. 2012-07** - 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 BUILDING IMPROVEMENT GRANT AGREEMENT BETWEEN THE AGENCY AND HIGHLAND CORP.; AND SETTING FORTH AN EFFECTIVE DATE. *(Planning Director)*

- B. **RESOLUTION NO. 2012-08** - 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 BUILDING IMPROVEMENT GRANT AGREEMENT BETWEEN THE AGENCY AND HIGHLAND CORP.; AND SETTING FORTH AN EFFECTIVE DATE. *(Planning Director)*

8. CONSENT AGENDA - The action proposed is stated for each item on the Consent Agenda. Unless a City Commissioner removes an item from the Consent Agenda, no discussion on individual items will occur and a single motion will approve all items.

- A. **resolution No. 2012-07** - 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 BUILDING IMPROVEMENT GRANT AGREEMENT BETWEEN THE AGENCY AND HIGHLAND CORP.; AND SETTING FORTH AN EFFECTIVE DATE. *(Planning Director)*

- B. **RESOLUTION NO. 2012-08** - 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 BUILDING IMPROVEMENT GRANT AGREEMENT BETWEEN THE AGENCY AND HIGHLAND CORP.; AND SETTING FORTH AN EFFECTIVE DATE. *(Planning Director)*

- C. **RESOLUTION NO. 2012-09** - A RESOLUTION ACCPETING PROPOSALS AND AUTHORIZING THE EXECUTION OF

MISCELLANEOUS CRAFTS & TRADES CONTRACTS WITH TEN (10) FIRMS FOR CARPENTRY, STUCCO/PASTERING/DRYWALL, PLUMBING, HVAC, FLOORING, ROOFING, ELECTRICAL, PAINTING /WATERPROOFING, FENCING, AND DOCKS/DECKING SERVICES ON AN AS-NEEDED BASIS, UNDER RFP 2012-06; REJECTING ALL OTHER PROPOSALS; AND SETTING FORTH AN EFFECTIVE DATE. (*Leisure Services Director*)

- D. **RESOLUTION NO. 2012-10** - A RESOLUTION ACCEPTING THE PROPOSAL OF METRIC ENGINEERING, INC., REGARDING DESIGN SERVICES FOR AUDIBLE PEDESTRIAN SIGNALS ALONG NOVA ROAD; AUTHORIZING THE EXECUTION OF AN AGREEMENT AND PAYMENT THEREFORE; REJECTING ALL OTHER PROPOSALS; AND SETTING FORTH AN EFFECTIVE DATE. (*City Engineer*)
- E. **RESOLUTION NO. 2012-11** - A RESOLUTION PURSUANT TO SECTION 14-98, LIENS, OF THE CITY OF ORMOND BEACH *CODE OF ORDINANCES* AUTHORIZING THE IMPOSITION OF A LIEN AGAINST THE REAL PROPERTY OWNED BY VERNA J. BURKE, LOCATED AT 265 WILLOW PLACE, ORMOND BEACH, VOLUSIA COUNTY, FLORIDA (PARCEL ID NO. 4241-09-00-0310) FOR COSTS INCURRED BY THE CITY TO TERMINATE OR ABATE A SITE MAINTENANCE VIOLATION; AND SETTING FORTH AN EFFECTIVE DATE. (*Neighborhood Improvement Manager*)
- F. **RESOLUTION NO. 2012-12** - A RESOLUTION PURSUANT TO SECTION 14-98, LIENS, OF THE CITY OF ORMOND BEACH *CODE OF ORDINANCES* AUTHORIZING THE IMPOSITION OF A LIEN AGAINST THE REAL PROPERTY OWNED BY PAUL C. HASSLER, LOCATED AT 345 PUTNAM AVENUE, ORMOND BEACH, VOLUSIA COUNTY, FLORIDA (PARCEL ID NO. 4240-03-08-0110) FOR COSTS INCURRED BY THE CITY TO TERMINATE OR ABATE A SITE MAINTENANCE VIOLATION; AND SETTING FORTH AN EFFECTIVE DATE. (*Neighborhood Improvement Manager*)
- G. **RESOLUTION NO. 2012-13** - A RESOLUTION PURSUANT TO SECTION 14-98, LIENS, OF THE CITY OF ORMOND BEACH *CODE OF ORDINANCES* AUTHORIZING THE IMPOSITION OF A LIEN AGAINST THE REAL PROPERTY OWNED BY PATRICIA A. HYATT, LOCATED AT 7 CHARLESTON SQUARE, ORMOND BEACH, VOLUSIA COUNTY, FLORIDA (PARCEL ID NO. 4242-94-00-0460) FOR COSTS INCURRED BY THE CITY TO TERMINATE OR ABATE A SITE MAINTENANCE VIOLATION; AND SETTING FORTH AN EFFECTIVE DATE. (*Neighborhood Improvement Manager*)
- H. **RESOLUTION NO. 2012-14** - A RESOLUTION PURSUANT TO SECTION 14-98, LIENS, OF THE CITY OF ORMOND BEACH *CODE OF ORDINANCES* AUTHORIZING THE IMPOSITION OF A LIEN AGAINST THE REAL PROPERTY OWNED BY FRED UPTHAGROVE A/K/A FREDERICK JAMES UPTHAGROVE AND MISTY UPTHAGROVE LOCATED AT 345 SOUTH CENTER STREET, ORMOND BEACH, VOLUSIA COUNTY, FLORIDA (PARCEL ID NO. 4242-01-06-0320) FOR COSTS INCURRED BY THE CITY TO TERMINATE OR ABATE A SITE MAINTENANCE VIOLATION; AND SETTING FORTH AN EFFECTIVE DATE. (*Neighborhood Improvement Manager*)
- I. **Bid Specifications for Dewatering Pump Station Piping Modifications Bid Disposition, Bid Number 2012-11** (*Utilities Manager*)

DISPOSITION: Approve as recommended in City Manager memorandum dated February 7, 2012.

- J. **Harvard Drive at A1A Stormdrain Repair, Construction Service Purchase Order** (*City Engineer*)

DISPOSITION: Approve as recommended in City Manager

memorandum dated February 7, 2012.

K. Bid Specifications for Transfer Station Life Station Upgrades Project, Big Number 2012-02 (City Engineer)

DISPOSITION: Approve as recommended in City Manager

memorandum dated February 7, 2012.

L. Bid Specifications for Ground Maintenance Services - Facilities, Parks & Rights of Ways, Bid No. 2012-10 (City Engineer)

DISPOSITION: Approve as recommended in City Manager
memorandum dated February 7, 2012.

M. Monthly Financial Status Report - September 2011 (Finance Director)

DISPOSITION: Approve as recommended in City Manager
memorandum dated February 7, 2012.

N. Nova Community Park Master Plan Update (City Engineer)

DISPOSITION: Approve as recommended in City Manager
memorandum dated February 7, 2012.

O. Request for Proposals, Airport Southwest Quadrant, Selection Committee Recommendation (Economic Development Director)

DISPOSITION: Accept the Selection Committee's recommendation to reject all bids for RFP 2011-19 - Airport Southwest Quadrant as outlined in the City Manager memorandum dated February 7, 2012.

9. PUBLIC HEARINGS

A. SECOND 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. SECOND 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)

C. FIRST READING OF ORDINANCE NO. 2012-08 - AN ORDINANCE AMENDING SUBSECTION A, ZONING MAP, OF CHAPTER 2, DISTRICT

AND GENERAL REGULATIONS, ARTICLE I, ESTABLISHMENT OF ZONING DISTRICTS AND OFFICIAL ZONING MAP, SECTION 2-03, OFFICIAL ZONING MAP AND ZONING DISTRICTS, OF THE CITY OF ORMOND BEACH *LAND DEVELOPMENT CODE*, BY REZONING A 4.07+ ACRE PARCEL OF REAL PROPERTY LOCATED AT 839 SOUTH ATLANTIC AVENUE FROM B-6 (OCEANFRONT TOURIST COMMERCIAL) TO PBD (PLANNED BUSINESS DEVELOPMENT); AUTHORIZING REVISION OF THE OFFICIAL ZONING MAP; APPROVING A DEVELOPMENT ORDER FOR A PLANNED BUSINESS DEVELOPMENT TO BE KNOWN AS "ORMOND BEACH'S ANDY ROMANO BEACHFRONT PARK"; ESTABLISHING CONDITIONS THEREFORE; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; AND SETTING FORTH AN EFFECTIVE DATE. *(Planning Director)*

10. SECOND READING OF ORDINANCES

- A. SECOND READING OF 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. *(Planning Director)*
- B. SECOND 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)*
- C. SECOND 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. FIRST READING OF ORDINANCES

- A. FIRST READING OF ORDINANCE NO. 2012-09** - AN ORDINANCE AMENDING CHAPTER 22, WATERS AND SEWERS, ARTICLE VII, WATER CONSERVATION REGULATIONS, OF THE CODE OF ORDINANCES, BY AMENDING SECTION 22-182, LANDSCAPE IRRIGATION SCHEDULES; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; PROVIDING SEVERABILITY; AND SETTING FORTH AN EFFECTIVE DATE. *(Public Works Director)*

12. REPORTS, SUGGESTIONS, REQUESTS (City Manager, Assistant City Manager, City Attorney, City Commissioners, Mayor)

13. ADJOURNMENT

Item #1 - Meeting Call to Order

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

Item #2 - Invocation

Mayor Kelley gave the invocation.

Item #3 - Pledge of Allegiance

Mayor Kelley led the Pledge of Allegiance.

Mayor Kelley announced that it was the birthday of Mr. Joshua Fruecht, City Clerk, and wished him a happy birthday. He stated it had also been Deputy Mayor Partington's birthday last Thursday.

Item #4A - Community Engagement Plan Update for Ormond Beach's Andy Romano Beachfront Park

Ms. Joyce Shanahan, City Manager, stated that Zev Cohen and Associates were in attendance to present a review of Ormond Beach's Andy Romano Beachfront Park.

Mr. Paul Momberger, Landscape Architect, Zev Cohen and Associates, stated that they had developed a three dimensional video so that everyone could get an idea of what the park would look like. He played the video and gave a general overview of the locations that could be seen throughout. He pointed out the restroom building, promenade, playground with shade structures, splash park, beach access, ADA ramp, pavilions and palm walk. He also pointed out the gateway, concrete paved areas, soft safe deck material under the playground, and seating areas. He stated that the designers worked hard to ensure that there would be plenty of unobstructed views of the beach. He also stated that the shade structures would need to be removed during any named storm over 90 miles an hour, as would other shade structures of a similar variety in the area. Mayor Kelley stated that it seemed like there was a lot of open space and beach exposure. He stated he felt that the design was great.

Mr. Momberger stated that the permitting for the park would be done in the next few months. He stated the Department of Environmental Protection (DEP) permit would be due on March 1, 2012. He stated that he foresaw no permitting issues. He explained that the next step after permits were issued would be the bidding phase, which would run through late May or early June 2012. He went on to state that after that the city would authorize contractors to build the park. He stated the park would be completed in early 2013.

Mayor Kelley stated he appreciated Zev Cohen and Associates' effort in putting together the video tour.

Item #5 - Audience Remarks

Mr. Gary Vogt, 203 Buena Vista Avenue, thanked the city for putting in storm drains and fire hydrants. He stated that engineering did an excellent job. He went on to state that JD Construction had taken care of the citizens and answered any questions they had about the work that was done. He stated his property was now better than it was before the project.

Mr. Charles Smyth, 233 Benjamin Drive, stated he was thrilled that his friend of nearly 50 years, Mr. Andy Romano, was being honored with a beachfront park. He stated Mr. Romano was a humble man who deserves to be remembered by the future citizens of Ormond Beach just like former Mayor Nicholas A. Fortunato. He stated that he felt that the park design was excellent. He then discussed how automobiles had been on Ormond's beaches, continuously and historically, for well over 100 years. He explained that the Florida legislature declared the beach to be a public road in 1959 and now only 17 miles of Volusia County's 48 miles of beach allow cars. He stated that when the beach was put under county control residents were in favor of that agreement because it said tolls would be implemented on the beach only as a last resort. He expressed his belief that as soon as the beach was unified the county had locked up all the beach approaches with heavy metal gates and implemented a toll. He stated he fought very hard against the county in the late 1980s after driving on the beach was stopped from Granada Boulevard north to the county line without citizen input. He stated that he understood that the City of Ormond Beach had now decided to take cars off the beach from the Millsap beach approach to the Harvard beach approach. He stated that that was a very poor and short-sited decision in his opinion. He stated he believed that it would inevitably hasten the day when all cars are taken off the beach. He opined that if Ormond Beach wanted to show true leadership it would take back its beach from county control, remove the tolls, and open up all its beach approaches to cars. He stated that in his opinion the beach was unique here and was a god given gift to the people and not the lawyers and the politicians.

Mayor Kelley clarified that Ormond Beach had not decided, nor did they have the ability to decide, whether the cars would be on the beach or not, as the beach was under country control. He stated it had been suggested in discussion that the area in front of the Andy Romano Beachfront Park should not allow beach parking so that there would be direct unfettered access from the park to the beach. He stated the decision would ultimately be up to the county.

Item #6 - Approval of the Minutes

Mayor Kelley advised that the minutes of the January 17, 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.

Mayor Kelley thanked Mr. Andy Romano for his attendance at the meeting and stated he felt Zev Cohen & Associates and staff had done a great job in honoring and recognizing him with the design of the park thus far.

Item #7 - Community Redevelopment Agency

Mayor Kelley explained that the City Commission served as the Community Redevelopment Agency (CRA) for the Downtown Redevelopment Area, and as such, must review these items 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 recommendation was made, the CRA meeting would be adjourned and the City Commission meeting reconvened.

Mayor Kelley stated that the City Commission meeting was recessed, and he called the meeting of the Community Redevelopment Agency to order at 7:14 p.m. for discussion of Resolution No. 2012-07 and Resolution No. 2012-08, which were related to the execution of building improvement grant agreements with Highlander Corp. He stated that these items were open for a public hearing.

Item #7A - Building Improvement Grant Program, 150-154 West Granada Boulevard

City Clerk Joshua Fruecht read by title only:

RESOLUTION NO. 2012-07

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 BUILDING IMPROVEMENT GRANT AGREEMENT BETWEEN THE AGENCY AND HIGHLAND CORP.; AND SETTING FORTH AN EFFECTIVE DATE.

Commissioner Boehm moved, seconded by Commissioner Kent, for approval of Resolution No. 2012-07. The motion carried by voice vote.

Item #7B - Building Improvement Grant Program, 156-160 West Granada Boulevard

City Clerk Joshua Fruecht read by title only:

RESOLUTION NO. 2012-08

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 BUILDING IMPROVEMENT GRANT AGREEMENT BETWEEN THE AGENCY AND HIGHLAND CORP.; AND SETTING FORTH AN EFFECTIVE DATE.

Mayor Kelley stated that this Resolution was for a different property but involved the same grant funding.

Commissioner Kent moved, seconded by Commissioner Boehm, for approval of Resolution No. 2012-08. The motion carried by voice vote.

Mayor Kelley adjourned the CRA meeting and reconvened the City Commission meeting at 7:16 p.m.

Item #8 - Consent Agenda

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

Commissioner Boehm stated that he would like to pull Item 80 for discussion.

Commissioner Kent moved, seconded by Commissioner Stowers, for approval of the Consent Agenda, minus item 80.

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

Item #80 - Request for Proposals, Airport Southwest Quadrant, Selection Committee Recommendation

City Clerk Joshua Fruecht read by title only:

ITEM 80:
REQUEST FOR PROPOSALS, AIRPORT SOUTHWEST
QUADRANT, SELECTION COMMITTEE RECOMMENDATION.

Ms. Shanahan stated that this item was a request by staff to reject all bids for the Request for Proposal (RFP) for the Southwest Quadrant as outlined in the City Manager Memorandum.

Mr. Randy Hayes, City Attorney, stated that the Commission did have some discretion in terms of the authority that they could exercise, but it was limited by what the code required as consideration for final decisions, as well as the parameters of the bid specifications. He stated that the Selection Committee had essentially determined that the proposal that was submitted was non-responsive to the bid specifications. He stated the committee found that in some respects the proposal was deficient and that in others it introduced new components that were material variants from the specifications. He stated that the Selection Committee's recommendation was to reject the bid. He explained that the Commission's options that evening were to reject the bid based on the selection committee's recommendation, direct staff to revise the bid to incorporate material components that may not necessarily have been included in the original bid specifications, or that they could award the bid, but that in order to do so they would have to make a finding that the proposal conformed to the specifications of the RFP. He stated the item could also be continued at their discretion and when it came back those same parameters were what their decision must be based on.

Commissioner Boehm stated that Mr. Arnie Green, President of Arnie B. Green Associates Inc., was the head of the group that made the proposal and that he had contacted him and indicated that he had not received the staff report in sufficient time to prepare a response. He stated Mr. Green asked him to ask the Commission to continue the item in order to afford him that opportunity. He stated that based on the amount of work that Mr. Green's group put into the proposal, the significance of the item and the fact that there was no other bidder nor anything else pending in the matter, he did not see any harm in continuing. He stated he had requested the item be pulled to give Mr. Green the opportunity to provide a further response.

Commissioner Boehm moved, seconded by Commissioner Partington, to continue Item 80.

Commissioner Kent stated he also spoke with Mr. Green and had been asked the same request by him. He stated he did not have a problem with continuing the item.

Mayor Kelley stated that constituted three votes to continue the item.

Commissioner Kent asked how long the item would be continued for.

Commissioner Boehm stated that Mr. Green was present and could address that.

Mayor Kelley asked what would be accomplished by continuing the item to allow Mr. Green to respond.

Commissioner Boehm stated that the Commission sat in an appellate role, and that all

the information they had was what staff had written and they did not have Mr. Green's feelings about the report. He stated that continuing the item so that he may provide a response may not change anyone's opinion or accomplish anything but it would give Mr. Green an opportunity to supplement the record and to have the record complete. He stated that all the work Mr. Green had done for so many months should afford him the opportunity to provide a little additional information. He stated that the item should be placed in the next agenda or the agenda after that.

Ms. Shanahan stated that the item could be placed on the next agenda.

Mayor Kelley stated that gave Mr. Green two additional weeks to provide the information to staff.

Mr. Hayes clarified that the Commission was not in an appellate role and that they were the final decision makers based on the scope and parameters of the RFP. He stated that Mr. Green would be free to provide additional information within the scope of what was presented to the Selection Committee and if it was pertinent to the RFP. He stated that the final decision had to be based on the requirements of the code and that also meant that the proposal had to be deemed to conform to the specifications of the RFP. He stated that Mr. Green should use the opportunity to justify to the Commission why he believed the proposal that he submitted conformed to the specifications of the RFP. He stated this meant he needed to address the findings of the Selection Committee, particularly that his proposal was deficient since it lacked certain specific information and also that it was found to have contained material additions to the RFP.

Ms. Shanahan stated that the information would have to be provided to staff by February 16, 2012, at 1:00 p.m. as that is the deadline for preparing the agenda.

Mayor Kelley asked Mr. Green whether that would be acceptable. He stated that he had spoken with Mr. Green over the last several months as well. He stated that Commissioner Kent, Commissioner Partington and himself had pushed for development of the Southwest Quadrant for years and wanted to make sure that it happened. He readdressed that there had been a motion to continue.

Commissioner Stowers stated that he also was supportive of the concept of development in the Southwest Quadrant. He stated his concern with having the item continued was that it could ultimately be found to be not responsive to the RFP and that the next stage could be to put out a subsequent RFP that Mr. Green could potentially respond to as well. He stated that his understanding of the materials were that once an RFP was put out the information in it could not be materially changed. He gave an example of putting out an RFP for a hotel and receiving a response for a factory. He stated this instance had not been that drastic but had involved differences of 70 to 80 acres versus 120 to 130 acres and had included an added requirement of an extended runway. He stated that both items were not in the original RFP but that both items had been included in the response. He stated that he did not know whether those two items could change over the next few weeks. He explained that if his understanding was incorrect he would be happy to support continuing the item, but if it was correct, and the proposal was materially unresponsive to the RFP, it would not be helpful to Mr. Green to waste the next few weeks having the item continued when they could be that much closer to putting out another RFP that he could respond to. He stated that he had not even touched on the financial aspect of this item. He explained that he too had spoken to Mr. Green and he understood and appreciated Mr. Green's desire to keep his information close to the vest but at the same time it was a public process. He stated that if continuing the item would somehow facilitate the process he would be on board with doing so. He again stated that if the proposal was deemed nonresponsive, right or wrong, he felt the scenario they had set up could just be delaying the inevitable by a few weeks. He stated he would be in favor of just having a discussion that night in order to be that much closer to a response to the next RFP.

Mayor Kelley stated that he shared many of Commissioner Stowers' feelings. He stated that based upon Mr. Hayes' interpretation of the case law, an RFP would have to follow the guidelines set out for the proposed item and would not give carte blanche to change the parameters. He stated that the request for public financing and having asked the city to guarantee the improvements, which they cannot guarantee, went beyond what the RFP called for. He stated that since three of the Commissioners wished to continue it constituted a majority vote.

Commissioner Boehm stated that Mr. Green had made the request for time and not him. He stated that he had no problem granting him the additional two weeks to provide the needed information.

Commissioner Stowers stated that it was an open discussion and that he would like to have an active project. He stated in his experience a continuance often did not help if the process most likely needed to be restarted anyway. He stated he also got the sense Mr. Hayes felt similarly.

Mayor Kelley stated that if the aspects of Mr. Green's proposal that were outside of the scope had been included in the original scope of the RFP there may have been additional responses to it. He gave the example that if the RFP had stated that public financing would have been provided more than one person may have responded. He stated that he felt from his discussion with Mr. Hayes that legally the city would be on shaky ground if it changed the scope of the RFP at this point.

Mr. Hayes stated that if there was a desire to modify the scope of the RFP and re-let it, one of the major components that would need to be considered was whether or not they would want to do public financing. He stated if they did not, there was really nothing more to do. He stated that that statement also applied to making allowances for the taxiway. He stated these were decision points that needed to be considered before deciding if they wanted to re-let the RFP. He stated that the item could be continued for two weeks to give Mr. Green an opportunity to come back. He reminded the Commission that the item was not a zoning or land use matter so any material that was provided by Mr. Green needed to come through the City Manager and/or City Clerk and city administration so that it could be incorporated into the next agenda. He stated that it would not be an opportunity to provide material directly to the Commission outside of a public forum. He stated any material that may be provided would need to be made public, because that material would impact the Commission's public decision making process.

Mayor Kelley called the vote on continuing the item:

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

Item #9A - 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 Kent, for approval of Ordinance No. 2012-02, 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 #9B - Land Development Code Amendments - Chapter 2: District and General Regulations, Article II - District Regulations Amendments

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.

Mr. Ric Goss, Planning Director, stated that when this ordinance came before the Commission on first reading he had been misdirected based on a previous item and had neglected to mention that the front yard set back should be 15 feet rather than 20 feet for the park and recreation facility. He requested that in Section 10, subsection B-9 regarding set backs in front yards, it be amended to 15 feet rather than 20 feet. He stated the amendment only applied to the Andy Romano Beachfront Park. He stated that in speaking with the City Attorney it was not a substantial amendment and could be done on the second reading.

Commissioner Kent moved, seconded by Commissioner Boehm, to amend the ordinance, as stated.

Mayor Kelley stated that he thought he recalled the amendment being written about or discussed at some point previously.

Mr. Goss stated it had been written in the memorandum for the first reading but that he had forgotten to bring it up.

Commissioner Kent asked who caught the oversight and was the "eagle eye".

Mr. Goss stated that it was not him. He stated he believed it was a member of his staff, Mr. Steve Spraker, Senior Planner, who had caught the oversight.

Mayor Kelley called the vote on the amendment of Ordinance No. 2012-13 on second reading:

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

Commissioner Kent moved, seconded by Commissioner Boehm, for approval of Ordinance No. 2012-03, 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 #9C - Planned Business Development Rezoning, Ormond Beach's Andy Romano Beachfront Park

City Clerk Joshua Fruecht read by title only:

ORDINANCE NO. 2012-08
AN ORDINANCE AMENDING SUBSECTION A, ZONING MAP, OF
CHAPTER 2, DISTRICT AND GENERAL REGULATIONS, ARTICLE I,

ESTABLISHMENT OF ZONING DISTRICTS AND OFFICIAL ZONING MAP, SECTION 2-03, OFFICIAL ZONING MAP AND ZONING DISTRICTS, OF THE CITY OF ORMOND BEACH *LAND DEVELOPMENT CODE*, BY REZONING A 4.07+ ACRE PARCEL OF REAL PROPERTY LOCATED AT 839 SOUTH ATLANTIC AVENUE FROM B-6 (OCEANFRONT TOURIST COMMERCIAL) TO PBD (PLANNED BUSINESS DEVELOPMENT); AUTHORIZING REVISION OF THE OFFICIAL ZONING MAP; APPROVING A DEVELOPMENT ORDER FOR A PLANNED BUSINESS DEVELOPMENT TO BE KNOWN AS "ORMOND BEACH'S ANDY ROMANO BEACHFRONT PARK"; ESTABLISHING CONDITIONS THEREFORE; 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. 2012-08 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 that the public hearing was now closed.

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 Boehm moved, seconded by Commissioner Kent, for approval of Ordinance No. 2012-04, on second 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 #10B - 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 Kent moved, seconded by Commissioner Partington, for approval of Ordinance No. 2012-06, 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 #10C - 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 Boehm, for approval of Ordinance No. 2012-07, on second 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 #11A - Code of Ordinances Amendment - Chapter 22 Water and Sewers, Article VII Water Conservation Regulations, Sections 22-182

City Clerk Joshua Fruecht read by title only:

ORDINANCE NO. 2012-09
 AN ORDINANCE AMENDING CHAPTER 22, WATERS AND SEWERS, ARTICLE VII, WATER CONSERVATION REGULATIONS, OF THE CODE OF ORDINANCES, BY AMENDING SECTION 22-182, LANDSCAPE IRRIGATION SCHEDULES; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; PROVIDING SEVERABILITY; AND SETTING FORTH AN EFFECTIVE DATE.

Commissioner Boehm moved, seconded by Commissioner Kent, for approval of Ordinance No. 2012-09, on first reading, as read by title only.

Mayor Kelley stated that this ordinance was to correct the timing to comply with the St. Johns River Water Management District.

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

Item #12 - Reports, Suggestions, Requests

March Workshops and Meetings

Ms. Shanahan stated that on February 21, 2012, at 5:30 p.m. there would be a workshop on downtown stormwater. She also stated that on Thursday, March 15, 2012, there would be a financial trends workshop, coinciding with the March regular meeting date that had been moved because of spring break. She stated that the March meetings would be on March 6, 2012, and on March 15, 2012.

County

Ms. Shanahan stated that there had been ongoing issues in the city's dealings with the county. She stated that they had received a draft of the interlocal agreement regarding reimbursement for the Andy Romano Beachfront Park. She stated that staff had

provided their comments to the county and hoped to get the final comments back soon. She stated that once they received them back, the agreement would be brought to the Commission for review and then it would go to the County Council. She stated another draft agreement that was received from the county was for the interlocal agreement on the US1 Corridor. She stated that there were still significant issues staff had with that agreement and would be working to resolve them in order to move forward quickly.

Three Chimneys

Ms. Shanahan stated that the Three Chimneys open house would be on Sunday, February 12, 2012, beginning at 11:00 a.m. She stated that at 1:00 p.m. a historical marker dedication would occur followed by a reception at the Anderson Price Building.

Volusia Days

Ms. Shanahan stated that Volusia Days would be in Tallahassee on Wednesday February 15, 2012. She stated that three buses would be departing from the Daytona International Speedway around 5:30 or 6:00 a.m. and that they would be back in town around 8:00 p.m.

Agenda Packet

Mayor Kelley stated that the 2,033 pages of agenda and supporting information that was in the Commission's agenda packet were entirely on their iPads. He thanked staff for their work in providing the packet and for their utilization of the technology to do so in that manner.

Employee Recognition

Commissioner Kent recognized that the Employee of the Quarter, Mr. Paul McDonald, was in attendance and congratulated him on that achievement. He then told Mr. Goss that he wished to shake Mr. Spraker's hand for the "eagle eye" regarding the amendment of the ordinance.

Tee-Ball

Commissioner Kent stated that he was a third generation Floridian, a former pro-surfer, a brother, son, father, husband, teacher, City Commissioner, and would now also be a head coach of a tee ball team. He stated he was one of the last guys to pick a team and in his opinion all the worst names were taken and he was left the best name, the Tigers. He stated he was very excited about becoming a coach and wanted to share it with the Commission.

Agenda Packet

Commissioner Boehm stated that he believed the over 2,000 pages was a record for the agenda packet. He stated that a lot of what was done in the meetings seemed to quickly be gone through, but that the Commission had already spent literally hours reading all of the provided material to get prepared. He stated that Ms. Shanahan and staff were great at answering any questions they might have had and that they were thoroughly briefed before any meeting they attended.

Landscaping RFP

Commissioner Boehm stated that the packet included an RFP for landscaping prepared by Mr. McDonald and that it was the most comprehensive RFP he had ever seen in his entire life. He stated Mr. McDonald looked at every plant planted in the city and had a discussion of how every plant was to be taken care of. He stated that you could not ask to have an employee who wanted to be more thoroughly involved in how his city looked. He stated he was blown away by the detail and even though it took him a long time to go plant by plant, he actually learned something about some of the ones he had. He stated that Mr. McDonald had done a tremendous amount of work.

Staff Appreciation

Commissioner Boehm stated that he wanted to do a "shout out" to some staff members who did not often get mentioned because they were in the field. He stated that every week on the weekly review there were updates about the hard work of staff that might be taken for granted: asphalt crew, tree crew, grass crews and stormwater maintenance crew, among others. He stated that they were the ones who responded when someone had a problem and that worked everyday to make the city look as great as it did. He stated that before the meeting he went through the Nova Community Park where the city had just finished planting 60 trees there to reforest the park and it looked greatly improved.

Meeting Preparation

Commissioner Boehm stated that the consent agenda the Commission just went through there was a financial report and nothing was said about it. He stated that on that report

every department performed under their budget, which he felt was amazing. He stated that the management of all the departments in the city looked after their expenses which helped keep the tax rate as low as it is. He stated that staff as a whole took their responsibility to spend public dollars wisely, very seriously and that the financial report demonstrated that and he was very impressed by what he saw. He stated that citizens may not be able to see that information or appreciate it because it was approved on a consent agenda or not discussed. He stated that the Commission read and learned about all the items on the agenda and he stated that the staff from Ms. Shanahan on down was very professional, very competent and did an excellent job of taking care of the city and its finances.

Happy Birthday

Commissioner Stowers wished Mr. Fruecht a happy birthday.

US1 Corridor Trash

Commissioner Stowers stated that the day before he had received a call from a gentleman in Ormond Lakes who had said that on the east side of the US1 Corridor in the 1100 block there had been trash on the side of the road for a couple weeks. He stated the citizen believed it was in the unincorporated area. He requested someone be called about that and he would let the citizen know it would be taken care of.

Building Renovations / Development

Commissioner Stowers stated that he was extremely excited about the direction of the city, in particular about some of the renovations of buildings and the Andy Romano Beachfront Park. He stated that there was such a sense of permanence due to the unique aesthetics in these projects. He stated that oftentimes a building was put up to make money and procure a lease and that was the only purpose for constructing it. He stated that this community was blessed to have Highlander Corp and Mr. Bill Jones, who ran businesses in the mentioned buildings but who also would be creating an architectural style that was unique to the city. He stated that in that project there was collaboration amongst all the building designs and that the project approved that night was another example of that. He stated that the complimentary architectural style could not be understated. He felt that in 30, 40 or 50 years from now people would drive through that corridor and wonder who made it look so fantastic. He appreciated that the city was a part of it right then; and even though it was unceremoniously approved, he felt that they would be proud and that their children would be proud in the future. He stated that the 3D presentation for Andy Romano Beachfront Park gave him the same feeling. He stated that he observed the towers and the elements that tied into the historic fire station, which had been the plan. He stated that to see it come out of the ground was extremely exciting. He stated that these things had happened right before their eyes and they would be enjoying them for many more years to come.

Gator Basketball

Commissioner Stowers stated he hoped the University of Florida Men's Basketball Team was doing well and wished them luck in their game against the University of Kentucky that night.

Meeting Preparation

Mayor Kelley stated that the current Commission was the most prepared Commission he had ever served on. He stated that while it seemed that they breezed through the agenda, each one of them met individually with Ms. Shanahan or other staff as they needed questions answered. He stated they do so ahead of time so that there was no grandstanding from the Commission or calling up a director of a department and asking a rhetorical question for which they already had the answer. He stated he appreciated each of them and thanked them, and noted that it showed the professional manner in which the Commissioners represented their area and the city.

DARE

Mayor Kelley stated that he attended a Volusia Council of Governments (VCOG) meeting with the executive board and that Officer Stokes and Officer Cornelius would make a presentation on the DARE program at VCOG's next meeting on February 26 at 5:00 p.m. and that anyone is invited. He stated that every city, the county and the school board needed to get on board with the DARE program for the youth in our community. He stated currently the county and the school board did not support the program. He stated that Friday, February 10, 2012, at 9:00 a.m. there would be a DARE graduation at Osceola Elementary School. He stated that it was open to the public and citizens were invited to come see what the officers and the city did with the 5th graders and he was very proud of the program.

TPO

Mayor Kelley stated he was asked to serve on the Transportation Planning Organization (TPO) executive board. He stated that he was welcomed recently to the first meeting and that a lot of good things had happened with the organization.

Ormond Welcome Sign

Mayor Kelley stated that two weeks ago he met with Mr. Goss and the owners of the Ormond Towne Square. He stated they had looked at a concept, which he hoped to have brought forth in a meeting or a workshop, of a project of a welcome Ormond Beach sign at the southeast corner of the Ormond Towne Square. He stated that the design was to clear and clean out an area by the SunTrust Bank, open up the lake with a fountain, implement some different planting, and construct two big twin towers like in the Andy Romano Beachfront Park design that would frame an Ormond Beach welcome sign. He stated that he and Mr. Goss thought it was well done but it would take some work and stated that it would be coming back in a workshop or discussion item to see what was needed to get that done.

Business Displays

Mayor Kelley stated that he continued his quest in the business community to improve the job situation. He stated he received a request from a manager at Lowe's regarding displays for merchandise during certain period of times, and showed a photo of how it looked based on the code requirements. He stated that they had obtained a permit to display this merchandise outside their store, as was required. He stated it was their busiest time of year and they were going to hire 25 to 30 employees to take care of the spring plantings and spring season. He stated he would like to see if there could be a workshop or a discussion to revisit some of the limitations that existed regarding businesses 200 or 300 feet off the road displaying merchandise. He stated that he thought this display was well done and appreciated that they worked to keep people employed. He stated that if you were a customer of any of these businesses it made it easier for you to pick up items that were displayed in such a manner.

Special Magistrate Hearing

Mayor Kelley stated that he also had attended the recent Special Magistrate Hearing. He stated it was exciting for him to do so. He displayed two photos of Nova Road going into the Shadow Lakes Apartments area, across from the Trails Shopping Center. He stated that the first photo showed the signage that was currently there, allowed or not, which showed a smaller removable sign staked in the grass. He stated that what the Shadow Lakes Apartment had asked for was to enhance the signage with the example shown in the second photo, a constructed block display fitted with signs for each business located in that area. He stated that that signage would currently be classified as billboard off-site advertising. He stated that he thought it looked nice and would serve as direction for people wishing to patronize those businesses. He stated that as with the other restrictions regarding displays in front of businesses, he would like to have a discussion about allowing this type of signage to be approved

Mayor Kelley also stated that Kalin Furniture, which was located off of US1, was cited for their second violation in ten years for having a patio table, a couple of chairs and an umbrella approximately one hundred feet from US1. He stated that they received a \$200 citation. He wondered if that might have been a case of overregulation and if the city would be able to look at some of the instances where that was requested. He stated that the owner gave a statement that in his 50+ years of owning that property and multiple others in Ormond Beach, he had paid nearly \$2 million in property taxes. Mayor Kelley stated that paying the \$200 may not really have afforded him a hardship but wondered if it was necessary and who did it really hurt. He stated he often received these types of requests when he was out in the public.

Mayor Kelley stated that he also found out that if a person left their boat parked out in their driveway two years and two months apart, the citation they were issued was for a reoccurring condition. He stated that to him that seemed to be nitpicking. He stated that the person cited had claimed that they had to pay \$1,100 to take a tree down and had to get an estimate to have the 14-foot fence that was required put up. He stated they had said they received confirmation of the estimated price in 11 days but that was one day past the 10 day limit, which increased the amount of the fine for one day because the violation had now reoccurred. He stated that personally he would have moved his boat if he knew he was going to be fined and would guess that they would do so the next time. He stated that he often heard of similar situations from citizens and felt sorry that they had to go through some of the issues they had.

Item #13 - Adjournment

The meeting was adjourned at 8:00 p.m.

APPROVED: February 7, 2012

BY: Ed Kelley, Mayor

ATTEST:

Joshua Fruecht, City Clerk