

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

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**June 19, 2012**

**7:00 PM**

**Commission Chambers**

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

**A G E N D A**

**1. CALL TO ORDER**

**2. INVOCATION**

A. Pastor Willie Branch – New Bethel AME Church

**3. PLEDGE OF ALLEGIANCE**

**4. AUDIENCE REMARKS - REGARDING ITEMS NOT ON THE AGENDA**

**5. APPROVAL OF MINUTES**

A. Minutes from City Commission meeting – June 5, 2012

**6. COMMUNITY REDEVELOPMENT AGENCY**

A. **RESOLUTION NO. 2012-86** : A RESOLUTION OF THE CITY COMMISSION, ALSO ACTING AS THE COMMUNITY REDEVELOPMENT AGENCY, OF THE CITY OF ORMOND BEACH, FLORIDA, AUTHORIZING A WAIVER OF THE SHARED PARKING AND INDEMNIFICATION REQUIREMENTS RELATED THERETO; AUTHORIZING THE EXECUTION OF A BUILDING IMPROVEMENT GRANT AGREEMENT BETWEEN THE AGENCY AND HIGHLANDER CORP.; AND SETTING FORTH AN EFFECTIVE DATE.

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

B. **RESOLUTION NO. 2012-87** : A RESOLUTION OF THE CITY COMMISSION, ALSO ACTING AS THE COMMUNITY REDEVELOPMENT AGENCY, OF THE CITY OF ORMOND BEACH, FLORIDA, AUTHORIZING A WAIVER OF THE SHARED PARKING AND INDEMNIFICATION REQUIREMENTS RELATED THERETO; AUTHORIZING THE EXECUTION OF A BUILDING IMPROVEMENT GRANT AGREEMENT BETWEEN THE AGENCY AND SKULL, INC., A FLORIDA CORPORATION; AND SETTING FORTH AN EFFECTIVE DATE.

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

C. **RESOLUTION NO. 2012-88** : A RESOLUTION OF THE CITY COMMISSION, ALSO ACTING AS THE COMMUNITY REDEVELOPMENT AGENCY, OF THE CITY OF ORMOND BEACH, FLORIDA, AUTHORIZING A WAIVER OF THE SHARED PARKING AND INDEMNIFICATION REQUIREMENTS RELATED THERETO; AUTHORIZING THE EXECUTION OF A BUILDING IMPROVEMENT GRANT AGREEMENT BETWEEN THE AGENCY AND HIGHLANDER CORP.; AND SETTING FORTH AN EFFECTIVE DATE.

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

**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. 2012-86** : A RESOLUTION OF THE CITY COMMISSION, ALSO ACTING AS THE COMMUNITY REDEVELOPMENT AGENCY, OF THE CITY OF ORMOND BEACH, FLORIDA, AUTHORIZING A WAIVER OF THE SHARED PARKING AND INDEMNIFICATION REQUIREMENTS RELATED THERETO; AUTHORIZING THE EXECUTION OF A BUILDING IMPROVEMENT GRANT AGREEMENT BETWEEN THE AGENCY AND HIGHLANDER CORP.; AND SETTING FORTH AN EFFECTIVE DATE.

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- B. **RESOLUTION NO. 2012-87** : A RESOLUTION OF THE CITY COMMISSION, ALSO ACTING AS THE COMMUNITY REDEVELOPMENT AGENCY, OF THE CITY OF ORMOND BEACH, FLORIDA, AUTHORIZING A WAIVER OF THE SHARED PARKING AND INDEMNIFICATION REQUIREMENTS RELATED THERETO; AUTHORIZING THE EXECUTION OF A BUILDING IMPROVEMENT GRANT AGREEMENT BETWEEN THE AGENCY AND SKULL, INC., A FLORIDA CORPORATION; AND SETTING FORTH AN EFFECTIVE DATE.

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- C. **RESOLUTION NO. 2012-88** : A RESOLUTION OF THE CITY COMMISSION, ALSO ACTING AS THE COMMUNITY REDEVELOPMENT AGENCY, OF THE CITY OF ORMOND BEACH, FLORIDA, AUTHORIZING A WAIVER OF THE SHARED PARKING AND INDEMNIFICATION REQUIREMENTS RELATED THERETO; AUTHORIZING THE EXECUTION OF A BUILDING IMPROVEMENT GRANT AGREEMENT BETWEEN THE AGENCY AND HIGHLANDER CORP.; AND SETTING FORTH AN EFFECTIVE DATE.

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

- D. **RESOLUTION NO. 2012-90** : A RESOLUTION AUTHORIZING THE EXECUTION OF A SUPPLEMENTAL JOINT PARTICIPATION AGREEMENT NUMBER 2 BETWEEN THE CITY AND THE FLORIDA DEPARTMENT OF TRANSPORTATION REGARDING UPGRADES TO THE SECURITY LIGHTING SYSTEM AT THE ORMOND BEACH MUNICIPAL AIRPORT; AND SETTING FORTH AN EFFECTIVE DATE.

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

- E. **RESOLUTION NO. 2012-91** : 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 DARIA WILSON AND JANOS MAIER, LOCATED AT 470 S. RIDGEWOOD AVENUE, ORMOND BEACH, VOLUSIA COUNTY, (PARCEL ID NO. 4242-03-01-0100), FOR COSTS INCURRED BY THE CITY TO TERMINATE OR ABATE A SITE MAINTENANCE VIOLATION; AND SETTING FORTH AN EFFECTIVE DATE.

**Staff Contact:** Joanne Naumann, Neighborhood Improvement Manager (386-615-7069)

- F. **RESOLUTION NO. 2012-92** : A RESOLUTION AUTHORIZING THE EXECUTION OF A RELEASE OF THREE SPECIAL MASTER ADMINISTRATIVE FINE/LIENS FOR CODE VIOLATIONS ON PROPERTY LOCATED AT 35 LOYOLA DRIVE, ORMOND BEACH, VOLUSIA COUNTY, FLORIDA (PARCEL ID NO. 4223-14-05-0200); AND SETTING FORTH AN EFFECTIVE DATE.

**Staff Contact:** Joanne Naumann, Neighborhood Improvement Manager (386-615-7069)

- G. **RESOLUTION NO. 2012-93** : 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 ZUHEIR BAWLI AND NERREN ABDUL-AHAD, LOCATED AT 43 PERUVIAN LANE, ORMOND BEACH, VOLUSIA COUNTY, (PARCEL ID NO. 4125-11-00-0600), FOR COSTS INCURRED BY THE CITY TO TERMINATE OR ABATE A SITE MAINTENANCE VIOLATION; AND SETTING FORTH AN EFFECTIVE DATE.

**Staff Contact:** *Joanne Naumann, Neighborhood Improvement Manager (386-615-7069)*

## 8. PUBLIC HEARINGS

- A. **ORDINANCE NO. 2012-22** : AN ORDINANCE ANNEXING CERTAIN REAL PROPERTY INTO THE CITY OF ORMOND BEACH, SAID PROPERTY BEING GENERALLY LOCATED ALONG THE EAST SIDE OF NORTH U.S. HIGHWAY 1 APPROXIMATELY 3,062 LINEAR FEET SOUTH OF THE U.S. HIGHWAY 1 AND INTERSTATE 95 RAMP BEING COMMONLY KNOWN AS "GARDENS AT ADDISON" LOCATED AT 1-103 BELLA VITA WAY, INCLUDING DESTINY DRIVE RIGHT-OF-WAY; SETTING FORTH ZONING PRIVILEGES AND OBLIGATIONS REGARDING THE PROPERTY; REDEFINING THE TERRITORIAL BOUNDARIES OF THE CITY OF ORMOND BEACH TO INCLUDE THE PROPERTY; REDESIGNATING THE BOUNDARIES OF ZONE 1 OF THE CITY OF ORMOND BEACH TO INCLUDE THE PROPERTY; PROVIDING FOR TRANSMISSION; PROVIDING FOR SEVERABILITY; AND SETTING FORTH AN EFFECTIVE DATE.

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

## 9. SECOND READING OF ORDINANCES

- A. **ORDINANCE NO. 2012-23** : AN ORDINANCE AMENDING CHAPTER 2, DISTRICT AND GENERAL REGULATIONS, OF ARTICLE IV, CONDITIONAL AND SPECIAL EXCEPTION REGULATIONS, SECTION 2-57, CRITERIA FOR REVIEW OF SPECIFIC CONDITIONAL AND SPECIAL EXCEPTION, SUBPARAGRAPH T, TELECOMMUNICATIONS TOWERS AND ANTENNAE; BY DELETING SETBACKS FROM RESIDENTIAL ZONING DISTRICTS AND ADDING BALLOON, SIMULATED PHOTOGRAPHIC IMAGING, AND PROPAGATION STUDY REQUIREMENTS; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; PROVIDING FOR SEVERABILITY; AND SETTING FORTH AN EFFECTIVE DATE.

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

## 10. FIRST READING OF ORDINANCES

- A. **ORDINANCE NO. 2012-24** : AN ORDINANCE AMENDING CHAPTER 2, DISTRICT AND GENERAL REGULATIONS, OF ARTICLE III, GENERAL REGULATIONS, SECTION 2-50, ACCESSORY USES, BY AMENDING THE REQUIREMENTS FOR HOME OCCUPATIONS; AND BY AMENDING THE REQUIREMENTS FOR SHEDS, UTILITY STRUCTURES, PLAYHOUSES AND GAZEBOS; BY REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; PROVIDING FOR SEVERABILITY; AND SETTING FORTH AN EFFECTIVE DATE.

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

**11. RESOLUTIONS**

- A. **RESOLUTION NO. 2012-89** : A RESOLUTION ACCEPTING THE BID OF AUSTIN OUTDOOR, LLC, REGARDING GROUNDS MAINTENANCE SERVICES, UNDER BID NO. 2012-10; REJECTING ALL OTHER BIDS; AUTHORIZING THE EXECUTION OF AN AGREEMENT BETWEEN THE CITY AND AUSTIN OUTDOOR, LLC, AND PAYMENT THEREUNDER; AND SETTING FORTH AN EFFECTIVE DATE.

**Staff Contact:** Robert Carolin, Leisure Services Director (386-676-3279)

**12. STAFF ACTION ITEMS**

- A. **FLOC CONFERENCE VOTING DELEGATE**

**Staff Contact:** Joshua Fruecht, City Clerk (386-676-3340)

**13. DISCUSSION ITEMS**

- A. **City Manager Annual Evaluation**

**Staff Contact:** Joyce Shanahan, City Manager (386-676-3200)

**14. REPORTS, SUGGESTIONS, REQUESTS**

**15. ADJOURNMENT**

Item #1 – Meeting Call to Order

Mayor Kelley called the meeting to order at 7:03 p.m.

Item #2 – Invocation

Pastor Willie Branch, New Bethel AME Church, gave the invocation.

Item #3 – Pledge of Allegiance

Mayor Kelley led the Pledge of Allegiance.

Item #4 – Audience Remarks

Mr. Charles Ferguson, 44 Kent Drive, stated that the country currently was in the worst economic downturn since the stock market crash of 1929. He stated that he felt that most of the people in the chambers that night were fortunate and were doing well but noted that a lot of the Commission's constituents were not. He stated that Volusia County had the seventh highest foreclosure rate in the nation. He ventured that more than one-third of mortgages in the county were under water. He stated that those reasons made him really wonder if it was the appropriate time to be giving employees raises. He stated that he knew that Ms. Joyce Shanahan, City Manager, was doing an excellent job, but he stated that she was also being paid a very good salary of \$129,000 with benefits, in a very low wage county. He stated that at the last meeting, Ms. Shanahan had indicated that she was not asking for an increase in her salary. He stated that when concerns were expressed about her leaving, she had stated that she would never leave Ormond Beach. He stated that he was particularly concerned that Ormond Beach had an underfunding of \$40 million. He stated that the Commission could correct him on that if he was wrong and stated that he would like to hear an explanation. He stated that he was brought up to believe that when you owed money you did not spend any until you paid the money that was owed. He stated that he would love to have someone explain to him what the city was going to do about the underfunding since they were planning to spend more money.

Ms. Shannon McLeigh, 25 Live Oak Drive, stated that she was running for the District 4 County Council seat. She stated that Mr. Ferguson had spoken about some of the statistics that she had been speaking about a lot lately. She stated that she went door to door over the past weekend to introduce herself to people and speak with them about the upcoming primary on August 14, 2012. She stated that in her neighborhood, which was one street from City Hall, there were a lot of abandoned and foreclosed homes. She stated that the seventh highest foreclosure rate statistic only included data from Daytona Beach, Ormond Beach, and Deltona. She stated that the area was also tenth

highest in homeowners who were far behind on their mortgages. She stated that she had to assume with statistics like that there would be serious issues being faced in the coming days. She stated that she did not believe the system in the county or the state really encouraged public involvement or had as much transparency as she felt was needed to deal with those issues. She stated that she wanted to introduce herself and commented that she would be running in the primary election on August 14, 2012, against three gentlemen with a lot more money than she had. She stated that she had never run for office before but was running because she cared about the city and what happened there. She stated that she cared about her children and wanted them to be able to have jobs and grow up in a quality place.

Commissioner Kent stated that he wanted to address Mr. Ferguson's questions. He stated that Mr. Ferguson was correct in stating that there was approximately \$40 million in unfunded pensions. He stated that figure would only be realized if all of the pension participants came to the city that day and withdrew all their funds. He stated that there was no way that could or would happen. He stated that Ormond Beach was financially in a much better position than almost any other municipality in the state of Florida. He stated that the city was consistently doing more with less.

Commissioner Kent stated that he had mentioned a raise, not just for Ms. Shanahan, but also for the City Attorney, Assistant City Manager, and the entire management staff. He stated that the management staff was non-bargaining and had not received an increase like other employees had. He stated that he felt that Ms. Shanahan and her team had taken their marching orders from the Commission and exceeded what was asked of them. He stated that he was a schoolteacher and was tired of being given a pat on the back and told what a great job he did. He stated that he wanted to be shown what a great job he did by being given money in his pocket for his family. He stated that he did not want to pat Ms. Shanahan on the back anymore. He stated that she did a fantastic job and did things he had never seen another manager do, such as her Walking with Manager and the meetings she held for citizenry. He stated that the statement of there being \$40 million in unfunded pensions made for a nice sound bite but in actuality it would never have to be all paid out directly.

Commissioner Kent stated that Ms. McLeigh had spoken about transparency and open government. He stated that Ormond Beach could not be more open or transparent. He stated that the city used to hold four public budget meetings around the city to try and get involvement. He stated that often only the same few citizens showed up to the meetings. He stated that the city would love to have more public input. He stated that the current meeting was an advertised public meeting but attendance was not high. He stated that people showed up at meetings when it was about something near and dear to their hearts, as they should. He stated that elected officials were elected in order to make decisions for the public. He explained that when the public was unhappy about the decisions that were made that was when they would fill the chambers.

He stated that he had also had comments from people that could not believe that the city would give out \$50,000 to start up businesses in the Community Redevelopment Agency (CRA) District. He stated that the people who made those comments did not hear the whole story. He stated that the reality was that those businesses could receive up to a \$50,000 grant for a property improvement program but they had to spend at least \$50,000 to obtain those funds. He stated that the grants were one time occurrences. He stated that the funds being used were business tax dollars from that district that the county would roll back over into that district. He stated that often only one side of the story was told.

#### Item #5A – Approval of the Minutes – June 5, 2012

Mayor Kelley advised that the minutes of the June 5, 2012, regular meeting had been sent to the Commission for review, and were on the city's website for public viewing. He asked for any corrections, additions, or omissions. He stated that hearing no corrections, the minutes would stand approved as presented.

#### Item #6 – 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 related 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 Nos. 2012-86, No. 2012-87, and No. 2012-88. He stated that these items were open for a public hearing

Item #6A – Building Improvement Grant Program – 48 West Granada Blvd

City Clerk Joshua Fruecht read by title only:

RESOLUTION NO. 2012-86

A RESOLUTION OF THE CITY COMMISSION, ALSO ACTING AS THE COMMUNITY REDEVELOPMENT AGENCY, OF THE CITY OF ORMOND BEACH, FLORIDA, AUTHORIZING A WAIVER OF THE SHARED PARKING AND INDEMNIFICATION REQUIREMENTS RELATED THERETO; AUTHORIZING THE EXECUTION OF A BUILDING IMPROVEMENT GRANT AGREEMENT BETWEEN THE AGENCY AND HIGHLANDER CORP.; AND SETTING FORTH AN EFFECTIVE DATE.

**Commissioner Boehm moved, seconded by Commissioner Stowers, to recommend approval of Resolution No. 2012-86 to the City Commission.**

The motion passed unanimously by voice vote.

Item #6B – Building Improvement Grant Program – 123 West Granada Blvd

City Clerk Joshua Fruecht read by title only:

RESOLUTION NO. 2012-87

A RESOLUTION OF THE CITY COMMISSION, ALSO ACTING AS THE COMMUNITY REDEVELOPMENT AGENCY, OF THE CITY OF ORMOND BEACH, FLORIDA, AUTHORIZING A WAIVER OF THE SHARED PARKING AND INDEMNIFICATION REQUIREMENTS RELATED THERETO; AUTHORIZING THE EXECUTION OF A BUILDING IMPROVEMENT GRANT AGREEMENT BETWEEN THE AGENCY AND SKULL, INC., A FLORIDA CORPORATION; AND SETTING FORTH AN EFFECTIVE DATE.

**Commissioner Boehm moved, seconded by Commissioner Stowers, to recommend approval of Resolution No. 2012-87 to the City Commission.**

The motion passed unanimously by voice vote.

Item #6C – Building Improvement Grant – 119 West Granada Blvd

City Clerk Joshua Fruecht read by title only:

RESOLUTION NO. 2012-88

A RESOLUTION OF THE CITY COMMISSION, ALSO ACTING AS THE COMMUNITY REDEVELOPMENT AGENCY, OF THE CITY OF ORMOND BEACH, FLORIDA, AUTHORIZING A WAIVER OF THE SHARED PARKING AND INDEMNIFICATION REQUIREMENTS RELATED THERETO; AUTHORIZING THE EXECUTION OF A BUILDING IMPROVEMENT GRANT AGREEMENT BETWEEN THE AGENCY AND HIGHLANDER CORP.; AND SETTING FORTH AN EFFECTIVE DATE.

**Commissioner Partington moved, seconded by Commissioner Stowers, to recommend approval of Resolution No. 2012-88 to the City Commission.**

The motion passed unanimously by voice vote.

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

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 Boehm moved, seconded by Commissioner Kent, for approval of the Consent Agenda.**

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

Mayor Kelley stated that some may wonder how they move through items so quickly. He stated that Commissioner Boehm addressed it frequently and explained that every bit of information that the Commission had in front of them was available online at www.ormondbeach.org. He stated that included all of the backup information for every single item. He explained that every item on the agenda had backup materials.

Mayor Kelley stated that the next item was open for a public hearing.

Item #8A – Gardens at Addison (1-103 Bella Vita Way and Destiny Drive)

City Clerk Joshua Fruecht read by title only:

ORDINANCE NO. 2012-22

AN ORDINANCE ANNEXING CERTAIN REAL PROPERTY INTO THE CITY OF ORMOND BEACH, SAID PROPERTY BEING GENERALLY LOCATED ALONG THE EAST SIDE OF NORTH U.S. HIGHWAY 1 APPROXIMATELY 3,062 LINEAR FEET SOUTH OF THE U.S. HIGHWAY 1 AND INTERSTATE 95 RAMP BEING COMMONLY KNOWN AS "GARDENS AT ADDISON" LOCATED AT 1-103 BELLA VITA WAY, INCLUDING DESTINY DRIVE RIGHT-OF-WAY; SETTING FORTH ZONING PRIVILEGES AND OBLIGATIONS REGARDING THE PROPERTY; REDEFINING THE TERRITORIAL BOUNDARIES OF THE CITY OF ORMOND BEACH TO INCLUDE THE PROPERTY; REDESIGNATING THE BOUNDARIES OF ZONE 1 OF THE CITY OF ORMOND BEACH TO INCLUDE THE PROPERTY; PROVIDING FOR TRANSMISSION; PROVIDING FOR SEVERABILITY; AND SETTING FORTH AN EFFECTIVE DATE.

**Commissioner Boehm moved, seconded by Commissioner Kent, for the approval of Ordinance No. 2012-22, 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 |

Mayor Kelley stated that, hearing no objection, he would close the public hearing

Item #9A – LDC Amendment – Telecommunication Towers

City Clerk Joshua Fruecht read by title only:

ORDINANCE NO. 2012-23

AN ORDINANCE AMENDING CHAPTER 2, DISTRICT AND GENERAL REGULATIONS, OF ARTICLE IV, CONDITIONAL AND SPECIAL EXCEPTION REGULATIONS, SECTION 2-57, CRITERIA FOR REVIEW OF SPECIFIC CONDITIONAL AND SPECIAL EXCEPTION, SUBPARAGRAPH T, TELECOMMUNICATIONS TOWERS AND ANTENNAE; BY DELETING SETBACKS FROM RESIDENTIAL ZONING DISTRICTS AND ADDING BALLOON, SIMULATED PHOTOGRAPHIC IMAGING, AND PROPAGATION STUDY REQUIREMENTS; 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. 2012-23, 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 #10A – LDC Amendments – Chapter 2 Article III, Accessory Uses – Home Occupations and Sheds, Utility Structures

City Clerk Joshua Fruecht read by title only:

ORDINANCE NO. 2012-24

AN ORDINANCE AMENDING CHAPTER 2, DISTRICT AND GENERAL REGULATIONS, OF ARTICLE III, GENERAL REGULATIONS, SECTION 2-50, ACCESSORY USES, BY AMENDING THE REQUIREMENTS FOR HOME OCCUPATIONS; AND BY AMENDING THE REQUIREMENTS FOR SHEDS, UTILITY STRUCTURES, PLAYHOUSES AND GAZEBOS; BY REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; PROVIDING FOR SEVERABILITY; AND SETTING FORTH AN EFFECTIVE DATE.

Mr. Ric Goss, Planning Director, stated that the issue before them was an amendment to the Land Development Code (LDC) with regard to home occupations. He stated that the impetus behind the amendment was that they received a notice from the state of Florida stating that a new law had been passed with regard to cottage industries. He stated that staff then needed to change the code with regard to home occupations to allow those types. He stated that staff started talking to the Neighborhood Improvement Division (NID), who made some recommendations. He stated that there were also residents that wanted to do things in their homes that currently were prohibited as home occupations. He stated that there were people going through code enforcement actions for things that were not presently permitted.

Mr. Goss stated that staff had also been trying to streamline some of the regulations involving the types of home occupations that had very little differences between them. He stated that they had been working on the amendments since February and had a February, March, and April draft. He stated that they went to the Planning Board and they had indicated to staff that they felt that instruction-based home occupations would be acceptable if the number of students were limited. He stated that the second time the Planning Board reviewed the item they indicated that they did not want to have limitations on instruction-based home occupations because there were other ordinances that could handle issues such as noise and parking. He stated that was why the amendments were before them as they were.

Mr. Goss stated that, as he indicated, the only amendments to the ordinance were the combining of types A, B, and C, the broadening of the home occupation uses to include the cottage industries and instruction-based home occupations, clarifying that a business tax receipt was required, establishing a formalized process and procedure, and listing the prohibited uses.

Mr. Goss stated that people had always been allowed to have commercial vehicles at their homes but if they had a home office it was prohibited. He stated that they had now indicated that a commercial vehicle was allowed subject to LDC provisions, which meant that the vehicle still needed to be hidden.

Mr. Goss stated that a home occupation facility could not look anything like a commercial enterprise and had to maintain the character of the residential neighborhood. He stated that if the home was in a multi-family unit, then it was even more restricted. He stated that the amount of floor area devoted to a home occupation was restricted to 25% or less. He stated that visible outside storage was also not allowed. He stated that if the home occupation rules were violated the business tax receipt could be revoked.

Mr. Goss stated that the new provision was the instruction-based home occupation. He stated that the restrictions included the number of hours during the day and weekends. He stated that the rules limited instruction to a maximum of six hours per day and that all musical instrument lessons must be held indoors. He stated that previously there was never a detailed process or procedure for the violations.

Commissioner Kent stated there had been a problem in the Mayor's neighborhood previously with commercial vehicles and wondered if the same issues would still be resolved with the addition of the new amendments.

Mr. Goss stated that there was a limit on the type, length, and weight of allowed commercial vehicles. He stated that the current un-amended regulations stated that home businesses could not have commercial vehicles but allowed for commercial vehicles that were not for home businesses. He stated that the amendment just allowed a home occupation to now have a commercial vehicle at their home but the other restrictions, such as hiding the vehicle, still applied.

Commissioner Kent stated that he believed that Mr. Goss also received the email about the infant swim lessons; whereby, Mr. Goss stated that he did not. Commissioner Kent stated that it was an excellent email and extremely well written. He asked Mr. Goss if these amendments would allow that to take place; whereby, Mr. Goss stated that he believed that it would. He stated the way the Planning Board had reasoned was that any residential neighborhood could have noise from children swimming and playing in the backyard.

Mayor Kelley stated that Mr. Goss had mentioned that they had received information from the state. He asked whether it was legislation or an order; whereby, Mr. Goss stated that a new bill was passed that laid out provisions for food cottage industries which encouraged staff to look at the provisions for home occupations to see what changes needed to be made and what needed to be streamlined. He stated that as they included more and more opinions in the review they received more and more changes.

Mr. James Pisors, 14 Old Canyon Lane, Vice President of the Ormond Lakes Home Owners Association (HOA), stated that he had written to the Mayor and the Commissioners about the proposed changes to the home occupation codes. He stated that there was not much difference between type B and C but there was a lot of difference between type A and types B and C. He stated that type B and C required five acres of land whereas type A was the code that was used for residential neighborhoods. He stated that he hoped the Commission had had a chance to read his letter and thanked them for doing so. He stated that he would not repeat all of its contents. He stated that the issue was not children swimming in a pool having fun. He stated that Infant Swim and similar companies were wonderful businesses. He stated that he had five grandchildren, including a one-year old, all of whom were in swimming lessons at the YMCA or public schools. He stated that Infant Swim taught survival in the water to children from six months to six years at a home in the Ormond Lakes subdivision. He stated that the children were thrown in the water and screamed. He stated that these were not normal screams. He stated that he had interviewed many of the neighbors around the home in question.

Mr. Pisors stated that the abutting home that was the farthest from the referenced property, in back of the screened-in enclosure around the property's pool, had gardeners over two weeks ago working in the yard. He stated that one of those gardeners came around screaming and banging on the resident's door requesting the phone because she heard a child being abused in a pool. The neighbor explained that the children were being given swimming lessons and the gardener stated that she still felt they should call 911 because of the nature of the screams. He stated that he had heard similar stories from two other neighbors. He stated that he was not implying that the child was being abused; he was simply trying to explain the level and severity of the sounds. He stated that the noise level was far beyond what most would assume. He stated that the neighbors in that area could not enjoy their outdoor areas from 4:30 p.m. to 7:00 p.m. because of the alarming screaming.

Mr. Pisors stated that he was present that evening because the HOA had been alarmed when they called the Neighborhood Improvement Division to investigate and were told that it was a violation but that it would not be enforced because of an ordinance that would ultimately permit it was coming before the Commission. He stated that he felt that the writers of the ordinance did not have a good understanding of the difference between normal noises of children at play in a pool and relentless everyday screaming. He stated

that he would not have taken the time to come if it was just kids playing in the pool. He stated that you could not understand how bad it truly was until you experienced it.

Ms. Penny Pajak, 2 Cliffwood Circle, stated that she was an Ormond Lakes resident and HOA board member with a home adjacent to the aforementioned pool. She stated that last summer she had heard screaming noises from children in the pool. She stated that she asked the HOA to investigate and the renter in that home had told them that she gave swimming lessons to friends. She stated that this year she looked online and determined that it was not just friends as the swim lessons were indeed a business. She stated that you truly could not sit outside and enjoy your home. She stated that all the adjacent neighbors had this issue. She stated that one of her neighbors recently buried her husband of 63 years and had to come home and listen to the screaming. She stated that she was a former lifeguard, water safety instructor, and formerly an elected official of a legislature in New York State before she moved to Ormond Beach a few years ago. She stated that she chose to move to Ormond Beach and now felt like she could not enjoy her home and neither could her neighbors.

Ms. Pajak stated that it was not young children having a good time; she stated that she would welcome that. She stated that it was bloodcurdling screams and that she and her husband did not care to come home from a hard day at work and listen to it. She stated that she had tape recordings of the screams and while she did not know the legality of playing them for anyone, anyone who wanted to listen was welcome to do so. She also stated that the Commission was welcome to come to her home and listen. She stated that if the city were to open Pandora's Box and allow this type of instruction at homes, she did not know how they were going to close it. She stated that Ormond Beach was pristine and nice. She stated that the Commission took the oath of office to take care of the people in their community and to try and do the right thing. She stated that she was asking them to please do the honorable thing and say no to that particular piece of legislation.

Commissioner Stowers stated as Mr. Ferguson had said earlier, Volusia County was in difficult times and people were just trying to provide for their families. He stated that he had an appreciation for property rights and a homeowners' rights to do what they desired on their property. He stated that also had to be contrasted with the health, safety, and welfare of all citizens. He stated that was why the city had the Land Development Code and Planning Department. He stated that key was to maintain balance. He stated that he had responded to Mr. Pisors' email with comments about how activities done on someone's property could negatively impact those around them and that those around the offending property had a right to enjoy their property as well. He stated that he felt that the code language got a lot of that theory right.

Commissioner Stowers stated that the code allowed for home occupations within accessory structures. He stated that he spoke with Mr. Goss about accessory structures and was told that a pool was an accessory structure. He stated that he would be in favor of removing accessory structures from the first home occupation area. He stated that there was a reason that musical instrument instruction must be provided indoors only. He stated that clearly the Planning Department had contemplated noise issues. He stated that if they were to rely on the noise ordinance to enforce this issue, they would have to hire someone to measure decibel levels and receive calls all the time about it. He stated that his approach was to remove the accessory structure issue.

Commissioner Stowers stated that Mr. Goss and his staff did a great job but he also had an issue regarding item 3F, which dealt with using only 25% of the floor area for the home occupation, which he felt was superfluous. He stated that he did not even know how the complaint would arise but it would cause NID to go into someone's home and measure the entire home and then determine what percent the home occupation items were in. He stated that the person could remove a box, become compliant, and then put the box back when NID left. He stated that a code that was unworkable was useless. He stated that he was in favor of eliminating 3F.

Commissioner Stowers directed the discussion to item 3J, which was related to the usage of utilities not exceeding the usage of those in a residential home. He stated that he understood from a broad planning perspective how that could be problematic. He stated that if there were all types of home occupations that were using more water than would be typically allocated to a residential neighborhood, there could be water problems far into the future, if it was multiplied out.

Commissioner Stowers stated that at the end of the day, his opinion on that would be that people had to pay for water and utilities and it would be more money for Ormond Beach to put back into the community. He stated that he would be in favor of removing that item as well.

Mayor Kelley stated that he had spoken with Mr. Randy Hayes, City Attorney, who also lived in Ormond Lakes. He stated that Mr. Hayes had stated that, for that particular situation, a provision prohibiting swim lessons could be added by their HOA.

Commissioner Kent stated thanked Mr. Pisors for his beautifully written email. He stated that he felt that Commissioner Stowers comments were perfect and he agreed with just about everything that he said. He stated that Infant Swim was a fantastic program which he loved. He stated that his son went through a program and he felt confident that when he was nine months old if he fell into a pool he would survive. He stated that it was quite expensive and he went five days a week for 10-minute intervals. He stated that he had gone to the Holly Hill Community Pool for his lessons. He stated that anyone with children would allow them to have a good time and get a little loud. He stated that, however, none of them would allow the children to scream in the backyard. He stated that you could not say stop in this instance because it was survival for babies and they were screaming their lungs out. He stated that no one should have to listen to it. He stated that if he had gone to his son's first lesson and it was at a residence, he would have told his wife that they had to find another location because the sound was of the high pitched screaming was horrendous. He stated that he would say "shame on the city" for allowing that to go on because the ordinance would eventually be before the Commission. He stated that the lessons should have been shut down immediately and that if it was not allowed, it should not be allowed. He stated that he did not want that type of lesson in residential areas. He stated that he wanted to make sure it was not allowed city wide, because he did not live in an HOA.

Commissioner Boehm asked if under paragraph C, permitted home occupations, the word "swimming" could be eliminated. He asked Mr. Hayes if they could limit the minimum age for swimming lessons in residential areas to five or six years old; whereby, Commissioner Kent stated that if the children had never been in the water before they would still scream.

Commissioner Boehm stated that if swimming was the issue they should eliminate swimming as a permitted occupation.

Mr. Hayes stated that they could attempt to regulate further and place more limitations on the issue or it could be eliminated completely. He stated that if they wanted to eliminate it, his recommendation would be to eliminate the word "swimming" from paragraph 1C and then add to prohibited home occupations in paragraph 2 the words "swimming instruction," so that it was expressly prohibited.

Commissioner Boehm stated that he agreed with Commissioner Kent that learning to swim at any age could be very traumatic. He stated that his children learned to swim at the YMCA and stated that there certainly was a wide variety of well-regulated swimming programs that were available within the community. He stated that the potential for the issue to become a citywide problem made him feel that the solution was to eliminate swimming lessons as a home occupation.

Mayor Kelley stated that Commissioner Stowers had stressed balance. He stated that he assumed that he supported Commissioner Kent and Commissioner Boehm's position.

Commissioner Stowers stated that he looked at it from a broader policy level than just swimming. He stated that there may be some other type of lesson that he had not thought of that would be done outdoors and be noisy that should not be permitted.

Commissioner Boehm stated that he wanted to remove the swimming and that Mr. Hayes had stated to add it to the prohibited occupations, so that there was no confusion.

Commissioner Partington stated that he did not know if it was best to amend the ordinance to try and address the concerns or to continue the item and allow staff to bring something back to satisfy them. He stated that he had not heard the screaming but was inclined to pass the ordinance that night on the first reading and then go to the home and

listen and vote against it at its next reading, unless it had been remedied. He stated that if a motion to amend was made that solved the problem and would not create issues with future occupations then he would be happy to vote for that.

Mayor Kelley stated that Commissioner Partington's thoughts of passing on first reading and amending it on second reading would be better than to create something at that time that may not be sufficient.

Mayor Kelley stated that in reading the portion regarding sales he wondered what constituted a sale. He stated that he felt that the intent of prohibiting sales was that a person would not open a retail store for patrons to come to shop in their home. He stated that he had created sales with his home occupational license. He stated that people created sales in their homes but did not deliver the products. He stated that it bothered him that sales would be restricted when there were internet sales, Avon sales, and other order-based sales.

Mr. Goss stated that the home occupation regulations were designed so that you would not change the character of the home. He stated that typically people did not come into one's home to purchase products. He stated that the idea was not to have sales where people came into the home and transacted business.

Mayor Kelley stated that people go to people's homes and buy products; such as at scrapbooking clubs, Tupperware parties, and silver parties. He stated that those products were delivered separately. He stated that he had been in sales most of his life and had conducted sales from his home. He stated that with the amendments someone could technically complain about their neighbor selling cars online, even though he had no actual inventory on the property. He stated that he knew that was not the intent of the ordinance but legally it would prohibit such sales. He asked if selling any type of product in your home but having it delivered elsewhere was considered a sale.

Mayor Kelley stated that he had discussed the issue with Mr. Hayes, who had proposed different language to replace the restriction: "there shall be no sales of products in residences" with "there shall be no on-site customer sales and/or delivery of products, this language will not prohibit internet sales or pickup and delivery of packages by FedEx, UPS or USPS." He stated that he also agreed with Commissioner Stowers' concerns on items 3F and 3J. He stated that the Commission could either attempt to pass the amended version of the ordinance with respect to the swimming lessons or could pass it on first reading and allow staff to come back with amended language for the second reading.

Commissioner Kent asked Mr. Goss if they deleted the swimming and added it to the prohibited section, would the occupation at the home be able to continue until second reading.

Mr. Goss stated that it was currently not legal; whereby, Ms. Shanahan stated that code enforcement was currently permitting it.

Commissioner Stowers stated that he believed that staff's interpretation was a reserve pending ordinance doctrine. He stated that in his opinion, if they modified the language that evening, it would now be prohibited pending the ordinance being amending.

Commissioner Kent stated that he was concerned about allowing two more weeks of the swimming lessons to occur. He stated that he would not want another second of it.

Mr. Goss asked if they wished to address the sales issue in the motion.

Commissioner Kent stated that while Mayor Kelley made very valid points, he was afraid that if they opened up the sales regulations they would end up with a thrift store next door.

Mr. Hayes stated that they should make the swimming amendment and handle the rest separately.

**Commissioner Kent moved, seconded by Commissioner Boehm, to amend Ordinance No. 2012-24 by striking the word "swimming" from paragraph C and adding the word "swimming" to paragraph 2 as a prohibited use.**

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

**Commissioner Stowers moved, seconded by Commissioner Boehm, to amend Ordinance No. 2012-24 by eliminating sections 3F, 3J, and 4a6.**

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

Commissioner Stowers asked for clarification regarding the proposed amendments to the sales language.

Mr. Hayes stated that in paragraph S2, prohibited home occupations, there was language that currently read “on-site retail sales” and it would be modified to read “on-site customer sales and/or delivery of products.” He stated that on paragraph S3d, restrictions, there was similar language and they proposed to replace the language that was currently there with “there shall be no on-site customer sales and/or delivery of products, this language will not prohibit internet sales or pickup and delivery of packages by Fedx, UPS or USPS.”

Mr. Hayes stated that in paragraph 3d1, he would replace “lessons shall be limited to five days a week, a maximum of six hours per day” with “lessons shall be limited to no more than five days a week as follows: Monday through Friday, 9:00 a.m. to 4:00 p.m., Saturday through Sunday, 10:00 a.m. to 2:00 p.m. with the days and hours of such use to be displayed on a home occupational permit or business tax receipt.” He stated that they did not have to accept those hours and could change them as they desired.

Mayor Kelley stated that he would rather have those hours open because there were people who would be unable to give lessons before 4:00 p.m. He stated that he was comfortable just limiting the days of the week.

Mr. Hayes stated that he would also propose adding a new subparagraph to paragraph 3e, which would read “no more than two students shall be allowed on-site at the same time and shall be allowed to participate in any instructional session.”

Mayor Kelley stated that he felt that could be eliminated as well because that was primarily put in for the swimming lessons and not for in-home musical lessons.

Mr. Goss stated that he thought that the Planning Board had added that specifically for the instructional base but that it was tailored towards the swimming lessons.

Commissioner Boehm stated that the problem with limiting the number of students to two would be in the forming of choirs or quartets of musical instruments. He stated that he felt that those lessons being indoors were very important. He stated that broadly limiting everything to two would hamper certain activities.

Mayor Kelley stated that was what they wanted to eliminate.

Commissioner Stowers stated that they were ready to modify the retail aspect, then they began speaking about item 3e2 and went off on a tangent on the lessons.

**Commissioner Stowers moved, seconded by Commissioner Boehm, to amend language in the retail sales portion of Ordinance No. 2012-24.**

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

Mr. Hayes stated that he had gotten ahead of himself. He stated that if it was the Commission’s desire to clarify the days and hours for instructional lessons he had

language for them to consider and if they were comfortable with the way it was, then that was fine also.

Commissioner Boehm stated that he would leave it the way it was. He stated that many musical lessons were done after school and cutting it off at 4:00 p.m. would eliminate many student participants. He stated that as long as it was indoors, he did not see the problem.

Commissioner Stowers stated that he was also comfortable with the way it was.

Commissioner Partington stated that he hoped that code enforcement would be out at the referenced pool location the next day; whereby, Mayor Kelley stated that they would.

**Commissioner Stowers moved, seconded by Commissioner Boehm, for approval of Ordinance No. 2012-24, as amended, 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 |

Ms. Shanahan stated that, for the record, there was a state statute code enforcement process that would have to be followed. She stated that first the property owner would be cited, given ten days to comply, and then if they did not they would have to go through the special magistrate process.

Item #11A – Grounds Maintenance Services

City Clerk Joshua Fruecht read by title only:

RESOLUTION NO. 2012-89  
A RESOLUTION ACCEPTING THE BID OF AUSTIN OUTDOOR, LLC,  
REGARDING GROUNDS MAINTENANCE SERVICES, UNDER BID NO.  
2012-10; REJECTING ALL OTHER BIDS; AUTHORIZING THE  
EXECUTION OF AN AGREEMENT BETWEEN THE CITY AND AUSTIN  
OUTDOOR, LLC, AND PAYMENT THEREUNDER; AND SETTING FORTH  
AN EFFECTIVE DATE.

**Commissioner Kent moved, seconded by Commissioner Boehm, for approval of Resolution No. 2012-89, as read by title only.**

Mayor Kelley stated that as he read through the item he realized that the city had a lot of areas in which landscaping needed to be taken care of.

Commissioner Boehm stated that he did not know anyone who was more diligent than Mr. Paul McDonald, Landscape Architect. He stated that the amount of detail and specificity of Mr. McDonald's contract amazed him. He stated that Mr. McDonald catalogued an impressive amount of landscaping detail. He stated that the city was spending \$1 million to really make the city look good. He stated that he had great confidence in Mr. McDonald and he showed that he knew his business by putting such a detailed and thorough contract together.

Mayor Kelley stated that he was concerned about the billable hours on the maintenance of the sprinkler system. He stated that he was concerned that it would come back within the next two years and there would be an increase, just as there had been in some of the contracts with the fuel adjustments.

Ms. Shanahan stated that it provided the city with added protection because before there was finger-pointing amongst the different contractors that dealt with the irrigation system. She stated that now it was all under one roof.

Mayor Kelley stated that while he did not disagree, he thought that they should be wary of any contract that was based upon a number of hours that a person had to perform. He asked if there was any provision that could eliminate the accessory part if it became too expensive; whereby, Ms. Shanahan stated that it was tied to the same terms and had to be included. She stated that they would monitor it on a quarterly basis and keep the Commission apprised.

Commissioner Kent stated that he also wanted to give “mad props” to Mr. McDonald, who was also known as “the nucleus” by staff. He stated that he was impressed by Mr. McDonald’s great job on the contract. He stated that he was so pleased that the item was before them and thought that they would be very happy with the end result. He stated that he loved that the president of Austin Outdoor lived in Ormond Beach and would make sure that the community looked its best. He stated that he was also pleased that the irrigation was under one roof.

Commissioner Boehm stated that he wanted to give kudos to Commissioner Kent. He stated that he was the one who raised the issue of landscaping last spring and raised the issue about the irrigation. He stated that he believed that Commissioner Kent set into motion both the improvements in the landscaping last year and the process to re-bid.

Mayor Kelley stated that that he thought that Mr. Ted MacLeod, Assistant City Manager and Public Works Director, could attest to how many phone calls he had made to him regarding the sprinklers.

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

Mayor Kelley stated that an added bonus would be that the city would save money with this contract.

Item #12A – FLOC Conference Voting Delegate

**Commissioner Partington moved, seconded by Commissioner Boehm, to appoint Mayor Kelley as the voting delegate for the Florida League of Cities (FLOC) Conference.**

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

Item #13A – City Manager Annual Evaluation

Ms. Shanahan stated that the evaluation could be accepted as is and filed. She stated that it was her distinct honor and privilege to serve as Ormond Beach’s City Manager. She stated that the Commission set the tone for the community, the direction for staff, and did a fine job of doing so. She stated that she was grateful to continue as the City Manager.

Mayor Kelley stated that Ms. Shanahan’s evaluation totaled up to a 4.77 average. He stated that a 4 average meant “exceeding expectations” and 5 meant “outstanding” and was the highest possible score. He stated that there were so many scores of 5 given in the evaluation it was almost like a 4 was a bad mark. He stated that there were unanimous 5’s marked in the following categories: Budgeting, Financial Management, Financial Control, Financial Reporting, Community Relations, Responsiveness, Follows Direction, Communication with Commission, Relationship with Commission, Access, and Activities. He stated that the most important categories that were unanimous were Honesty, Integrity, and Ethical Standards. He stated that he did not know of any other City Manager anywhere that could have those kinds of scores in an evaluation. He stated that the Commission was not easy to please at times. He stated that he felt it was a fair evaluation and stated that the Commission was happy with Ms. Shanahan. He stated that he thought that Ms. Shanahan’s good work in carrying out their direction was the reason that four of them were re-elected with opposition. He stated that those re-elections occurred because people were happy with the job that was being done.

Commissioner Kent stated that Ms. Shanahan was great at her job. He stated that he had made the comment when they were looking for a City Manager that she was loaded to the gills with integrity. He stated that Ormond Beach was very fortunate to have her and hoped she planned on staying a long while.

## Item #14– Reports, Suggestions, Requests

### Upcoming Meetings

Ms. Shanahan stated that there were no more workshops in June. She stated that the July calendar was different and that July 3, 2012, was the next regular Commission meeting and the next meeting would not be until July 31, 2012, where the Commission would set the tentative millage rate. She stated that on July 30, 2012, there would be an Operating Budget Workshop.

### Chelsea Place Annexation

Ms. Shanahan stated that she had a meeting scheduled with the county to discuss the annexation of Chelsea Place. She stated that she had sent them an email in April, received a response in May, and was told that they could not meet until the end of June.

### Field Day

Ms. Shanahan stated that on June 28, 2012, she was excited to do her field day with Building Inspections. She stated that she would be walking through the old Florida Hospital site before it was demolished.

### Hand Avenue Project

Ms. Shanahan stated that they had started construction on Hand Avenue. She stated that currently the road was closed from Hand Avenue to the railroad tracks. She stated that improvements would also be done on Lincoln Avenue for three days and then moved over to Nova Road for three days. She stated that a public meeting was held last week for the Hand Avenue project by Zev Cohen & Associates. She stated that the meeting had been well attended and that Zev Cohen & Associates had been well prepared.

### Tomoka State Park Trail

Ms. Shanahan stated that any of the Commissioners that had the opportunity should take a ride down Beach Street to see the construction of the trail to Tomoka State Park. She stated that it would be a lovely addition to the community.

### Airport Road Force Main Reclaimed Water

Ms. Shanahan stated that staff was working on the Airport Road Force Main Reclaimed Water Project. She stated that Commissioner Partington had a chance to go out and see some of that work.

### Capital Improvement Update

Ms. Shanahan stated that they would be posting a quarterly Capital Improvement Project update on the website and would be providing the Commission with a copy. She stated that the update would state the start dates and times of the projects and any key information about them.

### Litigation Shade Meeting

Mr. Hayes stated that he planned to schedule a litigation shade meeting regarding the Riverbend Investment Group, Inc., lawsuit. He stated that he hoped to schedule it on July 3, 2012, prior to the Commission meeting.

### New Businesses

Commissioner Boehm stated that along Granada Boulevard there would be some new small businesses in the community. He stated that there would be a Jimmy Johns going into the building that Cunningham Oil formerly occupied. He stated that a doctor's office would be going in where Woody's BBQ used to be. He stated that a Sunoco had purchased the old Waffle House building and that Verizon would be going in where there used to be a tile business on the intersection of Granada Boulevard and Nova Road.

### Re-Election

Commissioner Boehm stated that he wanted to congratulate Mayor Kelley, Commissioner Kent, and Commissioner Partington for being re-elected without opposition. He stated that he wished all the best for Commissioner Stowers in his campaign and felt that the Commission collectively had done an excellent job the past two years and noted that Commissioner Stowers was a part of that. He stated that he was grateful for his own re-election and that he did not have to campaign.

### Congratulations

Commissioner Boehm stated that Commissioner Stowers had become a new father since the last Commission meeting. He stated that he looked remarkably rested for having an 11-day old baby at home. He congratulated him on joining the ranks of fatherhood.

### Congratulations

Commissioner Partington congratulated Commissioner Stowers and welcomed him to fatherhood as well.

### Commissioner Stowers' new arrival

Commissioner Stowers thanked the Commission for the kind words. He stated that his daughter was born 9½ hours after candidate qualifying ended.

### Election

Commissioner Stowers stated that, as noted earlier, he was running for re-election. He stated he had seen Commissioners in other cities speak much more from the dais during an election season. He stated that he felt that he spoke up when necessary, when he felt there was something to be added, and that he would continue to do so. He stated that he wanted to congratulate his fellow Commissioners and the Mayor on their re-elections. He stated that he hoped to be successful in his campaign and join them for the next two years.

### Commissioner Stowers' new arrival

City Clerk Joshua Fruecht displayed a photograph of Commissioner Stowers' baby daughter on the projection screen. Commissioner Stowers stated that his daughter's name was Hannah.

### I-95 Overpass Embankment Landscaping

Commissioner Kent stated that he wanted to speak about an issue in Zone 3 offering his support and to help any way he could. He stated that if the Commission agreed, he wanted to allow Ms. Shanahan to resolve the issue. He stated that the I-95 overpass had beautiful plants and trees. He stated that he thought that the state planted weeds beneath them. He stated that the embankments on all four sides, which were the first things you saw when getting off the exit, was an absolute eyesore. He stated that there were well manicured trees and plants and then below that was a crazy jumble of weeds. He stated that he recently planted some argentine bahia grass in his own front and back yards and kicked himself that he did not do so years earlier. He stated that it required little water and was bug resistant. He stated that new grass needed to be put in on the embankments. He stated that he was a little ashamed that the top part looked so beautiful and then the lower part looked the way it did.

### Beachside Businesses

Commissioner Kent stated that there were four major hotels beachside in Ormond Beach and that the Commission might not have been aware of that. He stated that the Royal Floridian Spinnaker was well known as was as the Quality Inn and the Best Western. He stated that recently a Howard Johnson had invested in Ormond Beach. He stated that he felt that the new Ormond Beach's Andy Romano Beachfront Park was helping to make beachside development happen. He stated that Dimitri's had recently put on a second floor and that the Black Sheep and Riptides were also thriving. He stated that he thought there was a great energy on the beachside. He stated that there were also two gift shops in that area, one called Lazy Rays and one next to the IHOP. He stated that Lazy Rays was being redone and the one next to IHOP looked very inviting. He stated that businesses were investing money on the beachfront and he was really pleased about that. He stated that the Lotus Boutique Inn, which the Commission approved for the beachside, looked great and classy.

### Re-Election

Commissioner Kent congratulated Commissioner Boehm, Commissioner Partington, and Mayor Kelley for being re-elected. He stated that he was looking forward to working with them again and Commissioner Stowers as well.

### Congratulations

Commissioner Kent congratulated Commissioner Stowers on his new arrival. He stated that Commissioner Stowers did not look so rested to him, perhaps because he was sitting closer. He stated that he looked like he hoped he would look, a little tired. He welcomed him to the world of fatherhood and stated that as Mayor Kelley had said to

him, it only gets better. He stated that Commissioner Stowers would look back and cherish the sleepless nights.

Greetings

Mayor Kelley stated that it was great that three of the Commissioners had young children and that the Commission could appreciate and see all different ages. He stated that it was great for the Commission to have youth involvement and be in touch with younger generations.

Item #15 – Adjournment

The meeting was adjourned at 8:41 p.m.

APPROVED: July 3, 2012

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

ATTEST:

\_\_\_\_\_  
Joshua Fruecht, City Clerk