

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

January 8, 2013

7:00 PM

Commission Chambers

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 Scott McKee.

A G E N D A

- 1. CALL TO ORDER**
- 2. INVOCATION**
- 3. PLEDGE OF ALLEGIANCE**
- 4. PRESENTATIONS AND PROCLAMATIONS**
 - A. Ormond Beach Pride, Inc.
- 5. AUDIENCE REMARKS - REGARDING ITEMS NOT ON THE AGENDA**
- 6. APPROVAL OF MINUTES**
 - A. Minutes from City Commission meeting – December 4, 2012
- 7. CONSENT AGENDA**

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

- A. **RESOLUTION NO. 2012-174** : A RESOLUTION APPOINTING MEMBERS OF THE AVIATION ADVISORY BOARD; SETTING FORTH TERMS AND CONDITIONS OF SERVICE; AND SETTING FORTH AN EFFECTIVE DATE..

Staff Contact: Scott McKee, City Clerk (386-676-3340)

- B. **RESOLUTION NO. 2013-2** : A RESOLUTION APPOINTING MEMBERS AND ALTERNATE MEMBERS OF THE BOARD OF ADJUSTMENT AND APPEALS; SETTING FORTH TERMS AND CONDITIONS OF SERVICE; AND SETTING FORTH AN EFFECTIVE DATE.

Staff Contact: Scott McKee, City Clerk (386-676-3340)

- C. **RESOLUTION NO. 2013-3** : A RESOLUTION APPOINTING MEMBERS OF THE BROWNFIELD ADVISORY BOARD; SETTING FORTH TERMS AND CONDITIONS OF SERVICE; AND SETTING FORTH AN EFFECTIVE DATE.

Staff Contact: Scott McKee, City Clerk (386-676-3340)

- D. **RESOLUTION NO. 2013-4** : A RESOLUTION APPOINTING MEMBERS OF THE BUDGET ADVISORY BOARD; SETTING FORTH TERMS AND CONDITIONS OF SERVICE; AND SETTING FORTH AN EFFECTIVE DATE.

Staff Contact: Scott McKee, City Clerk (386-676-3340)

- E. **RESOLUTION NO. 2013-5** : A RESOLUTION APPOINTING MEMBERS OF THE CITIZENS' LAW ENFORCEMENT ADVISORY BOARD; SETTING FORTH TERMS AND CONDITIONS OF SERVICE; AND SETTING FORTH AN EFFECTIVE DATE.

Staff Contact: Scott McKee, City Clerk (386-676-3340)

- F. **RESOLUTION NO. 2013-6** : A RESOLUTION APPOINTING MEMBERS TO SERVE ON THE GENERAL EMPLOYEES' PENSION BOARD; SETTING FORTH TERMS AND CONDITIONS OF SERVICE; AND SETTING FORTH AN EFFECTIVE DATE.
Staff Contact: Scott McKee, City Clerk (386-676-3340)
- G. **RESOLUTION NO. 2013-7** : A RESOLUTION APPOINTING MEMBERS TO SERVE ON THE HISTORIC LANDMARK PRESERVATION BOARD; APPOINTING AT-LARGE MEMBERS; SETTING FORTH TERMS AND CONDITIONS OF SERVICE; AND SETTING FORTH AN EFFECTIVE DATE.
Staff Contact: Scott McKee, City Clerk (386-676-3340)
- H. **RESOLUTION NO. 2013-8** : A RESOLUTION APPOINTING MEMBERS OF THE HUMAN RESOURCES BOARD; SETTING FORTH TERMS AND CONDITIONS OF SERVICE; AND SETTING FORTH AN EFFECTIVE DATE.
Staff Contact: Scott McKee, City Clerk (386-676-3340)
- I. **RESOLUTION NO. 2013-9** : A RESOLUTION APPOINTING MEMBERS OF THE LEISURE SERVICES ADVISORY BOARD; SETTING FORTH TERMS AND CONDITIONS OF SERVICE; AND SETTING FORTH AN EFFECTIVE DATE.
Staff Contact: Scott McKee, City Clerk (386-676-3340)
- J. **RESOLUTION NO. 2013-10** : A RESOLUTION APPOINTING TRUSTEES TO SERVE ON THE FIREFIGHTERS' PENSION BOARD; SETTING FORTH TERMS AND CONDITIONS OF SERVICE; AND SETTING FORTH AN EFFECTIVE DATE.
Staff Contact: Scott McKee, City Clerk (386-676-3340)
- K. **RESOLUTION NO. 2013-11** : A RESOLUTION APPOINTING MEMBERS OF THE NEIGHBORHOOD IMPROVEMENT ADVISORY BOARD; SETTING FORTH TERMS AND CONDITIONS OF SERVICE; AND SETTING FORTH AN EFFECTIVE DATE.
Staff Contact: Scott McKee, City Clerk (386-676-3340)
- L. **RESOLUTION NO. 2013-12** : A RESOLUTION APPOINTING MEMBERS OF THE PLANNING BOARD; APPOINTING AT-LARGE MEMBERS; SETTING FORTH TERMS AND CONDITIONS OF SERVICE; AND SETTING FORTH AN EFFECTIVE DATE.
Staff Contact: Scott McKee, City Clerk (386-676-3340)
- M. **RESOLUTION NO. 2013-13** : A RESOLUTION APPOINTING MEMBERS OF THE PUBLIC WORKS ADVISORY BOARD; SETTING FORTH TERMS AND CONDITIONS OF SERVICE; AND SETTING FORTH AN EFFECTIVE DATE.
Staff Contact: Scott McKee, City Clerk (386-676-3340)
- N. **RESOLUTION NO. 2013-14** : A RESOLUTION APPOINTING MEMBERS OF THE QUALITY OF LIFE ADVISORY BOARD; SETTING FORTH TERMS AND CONDITIONS OF SERVICE; AND SETTING FORTH AN EFFECTIVE DATE.
Staff Contact: Scott McKee, City Clerk (386-676-3340)
- O. **RESOLUTION NO. 2013-15** : A RESOLUTION APPOINTING MEMBERS OF THE GOODWILL AMBASSADOR PROGRAM; SETTING FORTH TERMS AND CONDITIONS OF SERVICE; AND SETTING FORTH AN EFFECTIVE DATE.
Staff Contact: Scott McKee, City Clerk (386-676-3340)

RESOLUTION NO. 2013-16 : A RESOLUTION APPOINTING A REPRESENTATIVE TO SERVE AS A MEMBER OF THE BOARD OF DIRECTORS OF ORMOND MAIN STREET, INC.; SETTING FORTH TERM AND CONDITIONS OF SERVICE; SETTING FORTH AN EFFECTIVE DATE.

Staff Contact: *Scott McKee, City Clerk (386-676-3340)*

Q. **RESOLUTION NO. 2013-17** : A RESOLUTION APPOINTING A REPRESENTATIVE AND ALTERNATE REPRESENTATIVE OF THE CITY OF ORMOND BEACH TO SERVE AS A MEMBER OF THE VOLUSIA COUNCIL OF GOVERNMENTS; ESTABLISHING TERM AND CONDITIONS OF SERVICE; SETTING FORTH AN EFFECTIVE DATE.

Staff Contact: *Scott McKee, City Clerk (386-676-3340)*

R. **RESOLUTION NO. 2013-18** : A RESOLUTION APPOINTING A REPRESENTATIVE AND AN ALTERNATE REPRESENTATIVE AS MEMBERS OF THE VOLUSIA TRANSPORTATION PLANNING ORGANIZATION; ESTABLISHING TERM AND CONDITIONS OF SERVICE; SETTING FORTH AN EFFECTIVE DATE.

Staff Contact: *Scott McKee, City Clerk (386-676-3340)*

S. **RESOLUTION NO. 2013-19** : A RESOLUTION RESCINDING RESOLUTION 2012-137; APPROVING AND AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH THE VOLUSIA TRANSPORTATION PLANNING ORGANIZATION IN SUPPORT OF PLANNING AND FUNDING OF VOLUSIA COUNTY TRANSPORTATION SYSTEM PROJECTS; AUTHORIZING THE EXPENDITURE OF FUNDING; AND SETTING FORTH AN EFFECTIVE DATE.

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

T. **RESOLUTION NO. 2013-20** : A RESOLUTION ESTABLISHING A DEFINED CONTRIBUTION 401 GOVERNMENT MONEY PURCHASE PLAN WITH ICMA RETIREMENT CORPORATION FOR FULL-TIME GENERAL EMPLOYEES HIRED ON OR AFTER DECEMBER 19, AN ADOPTION AGREEMENT AND ALL DOCUMENTS INCIDENTAL TO THE ADMINISTRATION OF THE PLAN; AND SETTING FORTH AN EFFECTIVE DATE.

Staff Contact: *Kelly McGuire, Finance Director (386-676-3226)*

U. **RESOLUTION NO. 2013-21** : A RESOLUTION AUTHORIZING THE EXECUTION OF A MODIFICATION (NUMBER TWO) TO SUBGRANT AGREEMENT BETWEEN THE DIVISION OF EMERGENCY MANAGEMENT AND THE CITY REGARDING THE HAZARD MITIGATION GRANT PROGRAM FOR THE CENTRAL PARK DRAINAGE IMPROVEMENTS PROJECT; AND SETTING FORTH AN EFFECTIVE DATE.

Staff Contact: *Loretta Moisiso, Grants Coordinator/PIO (386-676-3315)*

V. **RESOLUTION NO. 2013-22** : 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 ARLAN BARTLING AND BARBARA BARTLING LOCATED AT 3 WILD CREEK WAY, ORMOND BEACH, VOLUSIA COUNTY, FLORIDA (PARCEL ID NO. 4126-05- 00-1100) 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)*

W. **RESOLUTION NO. 2013-23** : 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 EILEEN D. MCGINN LOCATED AT 31 BELLEWOOD CIRCLE, ORMOND BEACH, VOLUSIA COUNTY, FLORIDA (PARCEL ID NO. 4210-03-00-0070) 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)*

X. **RESOLUTION NO. 2013-24** : 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 BRENT DOUGLAS HANNON AND ANNA BARRERA HANNON, LOCATED AT 39 DEEP WOODS WAY, ORMOND BEACH, VOLUSIA COUNTY, (PARCEL ID NO. 4123-03-00-0100), 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)*

Y. **RESOLUTION NO. 2013-25** : 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 ALUMNI PARTNERS II, LLC, LOCATED AT 245 OLEANDER PLACE, ORMOND BEACH, VOLUSIA COUNTY, FLORIDA (PARCEL ID NO. 4241-09-00-0010) 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)*

Z. **RESOLUTION NO. 2013-26** : A RESOLUTION AUTHORIZING THE EXECUTION OF A RELEASE OF SPECIAL MAGISTRATE ADMINISTRATIVE FINE/LIENS FOR CODE VIOLATIONS ON PROPERTY LOCATED AT 260 PINE STREET, ORMOND BEACH, VOLUSIA COUNTY, FLORIDA (PARCEL ID NO. 4242-01- 05-0050); AND SETTING FORTH AN EFFECTIVE DATE.

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

AA. **RESOLUTION NO. 2013-27** : 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 RAUL M. DUARTE, LOCATED AT 712 MONTANA TERRACE, ORMOND BEACH, VOLUSIA COUNTY, FLORIDA (PARCEL ID NO. 4242-65-00-0070) 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)*

AB. **RESOLUTION NO. 2013-28** : 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 MARIO S. DATTILO LOCATED AT 794 HAND AVENUE, ORMOND BEACH, VOLUSIA COUNTY, FLORIDA (PARCEL ID NO. 4242-03-04-0105) 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)*

AC. **RESOLUTION NO. 2013-29** : 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 MICHAEL JOHNSON LOCATED AT 926 SOUTH BEACH STREET, ORMOND BEACH, VOLUSIA COUNTY, FLORIDA (PARCEL ID NO. 4242-20-20-0150) 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)*

AD. **RESOLUTION NO. 2013-30** : A RESOLUTION AUTHORIZING THE EXECUTION OF A LEASE AGREEMENT BETWEEN THE CITY OF ORMOND BEACH AND WEEKI WACHEE LEASE, LLC FOR THE USE OF OFFICE SPACE AS A POLICE DEPARTMENT SUBSTATION; AND SETTING FORTH AN EFFECTIVE DATE.

Staff Contact: *Andy Osterkamp, Police Chief (386-677-0731)*

AE. **RESOLUTION NO. 2013-31** : A RESOLUTION ACCEPTING A PROPOSAL FROM CDM SMITH, INC., FOR ENGINEERING SERVICES REGARDING THE PREPARATION OF A HAZARD MITIGATION GRANT APPLICATION; AUTHORIZING THE EXECUTION OF A WORK AUTHORIZATION AND PAYMENT THEREFOR; AND SETTING FORTH AN EFFECTIVE DATE.

Staff Contact: *John Noble, City Engineer (386-676-3269)*

AF. **RESOLUTION NO. 2013-32** : A RESOLUTION AMENDING SECTION 8.02, PERSONAL LEAVE, OF THE HUMAN RESOURCES POLICY, BY ESTABLISHING A CAP ON PERSONAL LEAVE BALANCES; AND SETTING FORTH AN EFFECTIVE DATE.

Staff Contact: *Shelly Arzola, Human Resources Director (386-676-3202)*

AG. **RESOLUTION NO. 2013-33** : A RESOLUTION ACCEPTING A BID FROM MCMAHAN CONSTRUCTION CO., INC. FOR CONSTRUCTION SERVICES REGARDING THE CONCENTRATE MONITORING AND DISINFECTION UPGRADES PROJECT, UNDER BID NO. 2012-26; AUTHORIZING THE EXECUTION OF A CONTRACT AND PAYMENT THEREFOR; AND SETTING FORTH AN EFFECTIVE DATE.

Staff Contact: *Dave Ponitz, Utilities Manager (386-676-3305)*

AH. **Contract Documents for the South Peninsula 2" Water Main Replacement Project**

Staff Contact: *John Noble, City Engineer (386-676-3269)*

Disposition: Approve as recommended in the City Manager memorandum dated January 8, 2013.

AI. **Notice Automatic Renewal Contracts - Utilities**

Staff Contact: *Dave Ponitz, Utilities Manager (386-676-3305)*

Disposition: Approve as recommended in the City Manager memorandum dated January 8, 2013.

AJ. **Approval of Travel by the City Commission/City Manager/City Attorney**

Staff Contact: *Scott McKee, City Clerk (386-676-3340)*

Disposition: Approve as recommended in the City Manager memorandum dated January 8, 2013.

8. PUBLIC HEARINGS

- A. **ORDINANCE NO. 2012-40** : AN ORDINANCE AMENDING PARAGRAPH C, OFFICIAL ZONING MAP, OF SECTION 2-01, ESTABLISHMENT OF ZONING DISTRICTS AND OFFICIAL ZONING MAP, OF ARTICLE 1, ESTABLISHMENT OF ZONING DISTRICTS AND OFFICIAL ZONING MAP, OF CHAPTER 2, DISTRICT AND GENERAL REGULATIONS, OF THE CITY OF ORMOND BEACH LAND DEVELOPMENT CODE, BY AMENDING THE OFFICIAL ZONING MAP TO REZONE CERTAIN REAL PROPERTY TOTALING 5.842 ACRES LOCATED AT 146 NORTH ORCHARD STREET, FROM PROFESSIONAL OFFICE/HOSPITAL (B-1) TO LIGHT INDUSTRIAL (I-1), AUTHORIZING REVISION OF OFFICIAL ZONING MAP; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; AND SETTING FORTH AN EFFECTIVE DATE.

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

- B. **ORDINANCE NO. 2013-1** : AN ORDINANCE AMENDING SUBSECTION A, MAP AMENDMENT, OF CHAPTER 2, DISTRICT AND GENERAL REGULATIONS, ARTICLE I, ESTABLISHMENT OF ZONING DISTRICTS AND OFFICIAL ZONING MAP, SECTION 2-03, OFFICIAL ZONING MAP AND DISTRICT BOUNDARIES, OF THE CITY OF ORMOND BEACH LAND DEVELOPMENT CODE, BY REZONING THREE PARCELS OF REAL PROPERTY TOTALING 37.9± ACRES LOCATED AT THE NORTHWEST INTERSECTION OF AIRPORT ROAD AND TYMBER CREEK ROAD FROM VOLUSIA COUNTY A-2 (RURAL AGRICULTURE) AND VOLUSIA COUNTY RC (RESOURCE CORRIDOR) TO ORMOND BEACH PLANNED RESIDENTIAL DEVELOPMENT (PRD); AUTHORIZING REVISION OF THE OFFICIAL ZONING MAP; AND APPROVING A FIRST AMENDED DEVELOPMENT ORDER FOR THE "MARSHSIDE VILLAGE" PLANNED RESIDENTIAL DEVELOPMENT; AUTHORIZING A PHASED PROJECT CONSISTING OF 163 SINGLE-FAMILY LOTS; AUTHORIZING A WAIVER OF THE PERIMETER SUBDIVISION SETBACK REQUIREMENTS AND A WAIVER OF THE INDOOR RECREATION REQUIREMENTS; ESTABLISHING CONDITIONS THEREFORE; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; AND SETTING FORTH AN EFFECTIVE DATE

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

- C. **ORDINANCE NO. 2013-2** : AN ORDINANCE AMENDING CHAPTER 1, GENERAL ADMINISTRATION, ARTICLE IV, SCHEDULE OF DEVELOPMENT REVIEW AND IMPACT FEES, OF CITY OF ORMOND BEACH THE LAND DEVELOPMENT CODE BY ADDING SECTION 1-26, MOBILITY FEE; AMENDING; ARTICLE V, CONCURRENCY MANAGEMENT, SECTION 1- 32 F, TRAFFIC CIRCULATION BY ADDING SUBSECTION (12); AMENDING SECTION 1-32 G, PROPORTIONATE FAIR SHARE PROGRAM FOR TRANSPORTATION AND PUBLIC SCHOOL FACILITIES, BY AMENDING SUBSECTIONS (1), (3) AND DELETING SUBSECTION (13), 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)

- D. **ORDINANCE NO. 2013-3** : AN ORDINANCE AMENDING CHAPTER 2, DISTRICT AND GENERAL REGULATIONS, ARTICLE IV, CONDITIONAL AND SPECIAL EXCEPTION REGULATION; BY AMENDING SECTION 2-57, CRITERIA FOR REVIEW OF SPECIFIC CONDITIONAL AND SPECIAL EXCEPTION, SUBSECTIONS R 5, RESTAURANT, TYPE "A"; R 6, RESTAURANT TYPE "B"; R 7, RESTAURANT TYPE "C"; AND R 8, RESTAURANT TYPE "D" ARE DELETED IN THEIR ENTIRETY; BY ADDING SECTION 2-57 R 5, RESTAURANT TYPES BY PROVIDING A TABLE THAT CATEGORIZES THE REGULATIONS BY RESTAURANT TYPES AND A FLORIDA STATUTE 509.233 DOG DINING EXEMPTION FOR RESTAURANTS; PROVIDING FOR THE IMPLEMENTATION OF FEES; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

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

- E. **ORDINANCE NO. 2013-4** : AN ORDINANCE AMENDING CHAPTER 8, BUILDINGS AND CONSTRUCTION REGULATIONS, ARTICLE I, IN GENERAL, SECTION 8-10, APPLICATION PROCESSING FEES, PARAGRAPH (G) MISCELLANEOUS OF THE CODE OF ORDINANCES, BY CREATING A NEW SUBSECTION 11 ESTABLISHING A FEE SCHEDULE FOR REVIEW AND INSPECTION OF DOGGIE DINING LICENSES; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; AND SETTING FORTH AN EFFECTIVE DATE.

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

9. FIRST READING OF ORDINANCES

- A. **ORDINANCE NO. 2012-41** : AN ORDINANCE ANNEXING CERTAIN REAL PROPERTY INTO THE CITY OF ORMOND BEACH, SAID PROPERTY BEING GENERALLY LOCATED ALONG THE WEST SIDE OF NORTH U.S. HIGHWAY 1, SOUTH OF THE SOUTHBOUND ENTRANCE TO INTERSTATE 95 AND BEING COMMONLY LOCATED AT 1608 NORTH U.S. HIGHWAY 1; 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; SETTING FORTH ZONING, PRIVILEGES AND OBLIGATIONS REGARDING THE PROPERTY; PROVIDING FOR TRANSMISSION; PROVIDING FOR SEVERABILITY; AND SETTING FORTH AN EFFECTIVE DATE.

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

- B. **ORDINANCE NO. 2012-42** : AN ORDINANCE ANNEXING CERTAIN REAL PROPERTY INTO THE CITY OF ORMOND BEACH, SAID PROPERTY BEING GENERALLY LOCATED ALONG THE WEST SIDE OF NORTH U.S. HIGHWAY 1, APPROXIMATELY 425 LINEAR FEET NORTH OF INTERSTATE 95 AND BEING COMMONLY LOCATED AT 1622 NORTH U.S. HIGHWAY 1; 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; SETTING FORTH ZONING PRIVILEGES; PROVIDING FOR TRANSMISSION; PROVIDING FOR SEVERABILITY; AND SETTING FORTH AN EFFECTIVE DATE.

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

- C. **ORDINANCE NO. 2012-43** : AN ORDINANCE ANNEXING CERTAIN REAL PROPERTY INTO THE CITY OF ORMOND BEACH, SAID PROPERTY BEING GENERALLY LOCATED ALONG THE WEST SIDE OF NORTH U.S. HIGHWAY 1 APPROXIMATELY 693 LINEAR FEET WEST OF INTERSTATE 95 AND BEING COMMONLY LOCATED AT 1626 NORTH U.S. HIGHWAY 1; 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; SETTING FORTH ZONING PRIVILEGES; PROVIDING FOR TRANSMISSION; PROVIDING FOR SEVERABILITY; AND SETTING FORTH AN EFFECTIVE DATE.

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

- D. **ORDINANCE NO. 2012-44** : AN ORDINANCE OF THE CITY OF ORMOND BEACH, FLORIDA, AMENDING DIVISION 2, RATES AND CHARGES, OF ARTICLE I, WATER, OF CHAPTER 22, WATER AND SEWERS, OF THE CODE OF ORDINANCES BY CREATING SECTION 22-34, BILLING ADJUSTMENTS FOR COMMERCIAL (INDUSTRIAL) ACCOUNTS; PROVIDING FOR THE REPEAL OF ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

Staff Contact: Kelly McGuire, Finance Director (386-676-3226)

- E. **ORDINANCE NO. 2012-45** : AN ORDINANCE AMENDING CHAPTER 2, ADMINISTRATION, ARTICLE IX, FINANCIAL MATTERS, OF THE CODE OF ORDINANCES, BY AMENDING SECTION 2-300, METHODS OF SOURCE SELECTION; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; PROVIDING SEVERABILITY; AND SETTING FORTH AN EFFECTIVE DATE.

Staff Contact: Kelly McGuire, Finance Director (386-676-3226)

- F. **ORDINANCE NO. 2012-46** : AN ORDINANCE OF THE CITY OF ORMOND BEACH, FLORIDA, RELATIVE TO THE GENERAL EMPLOYEES' PENSION PLAN, AMENDING ARTICLE I, IN GENERAL, OF CHAPTER 16, PENSIONS AND RETIREMENT, OF THE CODE OF ORDINANCES; AMENDING SECTION 16-1, DEFINITIONS BY AMENDING THE DEFINITION OF MEMBER; AMENDING SECTION 16-2, MEMBERSHIP; AMENDING SECTION 16-21.8, DEFERRED RETIREMENT OPTION PLAN; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY OF PROVISIONS; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH AND PROVIDING AN EFFECTIVE DATE.

Staff Contact: Kelly McGuire, Finance Director (386-676-3226)

10. DISCUSSION ITEMS

- A. REQUEST FOR RESCISSION OR REDUCTION OF FOUR SPECIAL MAGISTRATE LIENS

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

- B. NOVA COMMUNITY PARK PRELIMINARY CONCEPTUAL LONG RANGE PLAN

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

11. REPORTS, SUGGESTIONS, REQUESTS

12. ADJOURNMENT

Item #1 – Meeting Call to Order

Mayor Kelley called the meeting to order at 7:01 p.m.

Item #2 – Invocation

Reverend John Jayaseelan, Bethel Ministries, gave the invocation.

Item #3 – Pledge of Allegiance

Mayor Kelley led the Pledge of Allegiance.

Item #4 – Ormond Beach Pride, Inc.

Mayor Kelley stated that the Ormond Beach Pride varsity football team had finished the season fourth in the nation. He stated that Ormond Beach Pride was established in March 2011 under the American Youth Football League (AYL) and currently had 120 children on its roster. He explained that the team selections were grade based and age protected with no minimum weight. He noted that Pride stood for performance, respect, integrity, determination, and excellence. He stated that the varsity team had finished the regular season undefeated with an 8-0 record, and that it was their second consecutive undefeated season. He stated that the team won the Southeast Regional Championship with Denzel Houston being named AYL Southeast Most Valuable Player (MVP) and Coach Brian Colubiale being named Southeast Coach of the Year. He explained that winning the regional tournament qualified the team to be one of eight others to compete for the National Championship. He stated that the team finished fourth in the nation in the world's largest youth football program and that the team's final record was 12-2. He stated that the City of Ormond Beach was very proud of the young players. He proclaimed January 8, 2013, as a day to recognize Ormond Beach Pride in the City of Ormond Beach and urged all residents to join him in paying tribute to the team.

Mr. Brian Colubiale, Coach of the Ormond Beach Pride, thanked the Mayor and Commissioners. He stated that the boys did a great job and worked very hard. He stated that he would miss them.

Item #5 – Audience Remarks

Ms. Amy Pantages Ricks, 165 Riverside Drive, stated that she had lived on Riverside Drive for years and been active in the community as a citizen, coach, and business owner. She stated that Riverside Drive was a historic and scenic road that was one of the most desirable streets in Ormond Beach and she was proud to call it her home. She explained that she and her neighbors had a concern about safety. She stated that they did not take issue with locals or tourists admiring the scenery and using Riverside Drive for enjoyment, but they did have a problem with people using it as a shortcut to avoid the light at Halifax Avenue and speeding. She stated that the speeding on the road was out of control and vehicles were running stop signs. She stated that in the last month two officers had ticketed four people in less than 30 minutes on two separate occasions.

Ms. Pantages Ricks stated that it was her right to safely walk her dog and for other individuals to safely ride their bicycles or walk down the road. She noted that it was not realistic to expect the Police Department to maintain a constant patrol on the street. She requested that the Commission workshop the issue and involve citizens that live on the road in order to reach a viable solution. She stated that the major area of concern was from the stop sign at The Casements to Ormond Parkway. She stated that the curve that was directly after her home was her greatest concern and noted that an individual had lost his life there. She stated that there were speed bumps at The Casements and felt that speed bumps should be considered for the rest of the road. She stated that traffic diversion could also be considered. She noted that increasing police patrols would be a short-term solution to a long-term problem.

Mayor Kelley stated that he had asked Police Chief Andy Osterkamp for some information regarding the issue prior to the meeting. He stated that Ms. Pantages Ricks was not the first person to express a concern about it and that he had been hearing similar concerns for a number of years. He stated that as long as the speed limit on Riverside Drive was 15 miles per hour, there would continue to be problems. He explained that one of the problems the Police Department faced was that the state did not allow the issuance of uniform citations on speeds less than 25 miles per hour. He stated that the Police Department ran the stealth machine twice in July and August, and

the average speed of drivers during that period of time was 19 miles per hour. He stated that it was a beautiful street and a unique situation. He stated that Ms. Joyce Shanahan, City Manager, would work with the citizens who had concerns. He stated that the Engineering Department had recommended against using speed bumps on the road. He noted that stopping traffic to that road entirely was not an option.

Ms. Shanahan stated that she would have a meeting set so potential solutions could be discussed.

Commissioner Partington stated that he disagreed with the Engineering Department. He stated that he felt that speed bumps would be the answer on a small historic road such as Riverside Drive. He stated that the issue would be whether everyone else in the neighborhood wanted the speed bumps. He stated that if they did, he felt that would be the only thing that would slow drivers down. He explained that he had seen the traffic patterns on that road on many occasions, and drivers flew down that road to avoid the light at Halifax Avenue.

Mayor Kelley asked Ms. Pantages Rick and Ms. Shanahan to get involvement from as many of the residents of that area as possible. He stated that there was a similar street in Tallahassee that he went through which had a speed bump ramp.

Ms. Shanahan explained that there was new technology available for temporary speed tables which were made of asphalt and rubber but were not permanent in nature. She stated that they could possibly use those as a trial solution. She stated that in past experiences in a different area, the temporary speed tables had been put in with the permission of residents nearby, but then they would want them removed after several months had passed.

Mr. Christopher Kent, 166 Riverside Drive, stated that he lived directly across from Ms. Pantages Ricks. He stated that they would not mind having speed bumps in front of their homes. He stated that he had moved 18 months ago and had chosen to live on Riverside Drive because of its beauty and proximity to the water. He stated that he would never want access to be cut off to the street. He stated that he had two nine-year old children that he did not allow to play in his front yard because of the speed of cars in the street. He stated that he found it unbelievable that the average speed was 19 miles an hour as he thought that seemed very low. He stated that most Saturday nights he heard brakes squealing as someone tore off on their way down to Ormond Parkway. He explained that had he known the parking situation and the difficulty in getting speed bumps, he would not have chosen to live there. He stated that it was a dangerous situation.

Mayor Kelley stated that the issue would not go away on its own, as it had not in 20 years. He stated that perhaps Ms. Shanahan and the Engineering Department could put their heads together and make an effort to try some different options.

Mr. Jim Schultz, 117 Harvard Drive, thanked Mayor Kelley for issuing the Mayor's Health & Fitness Challenge. He stated that he thought it was a good step for the city and would bring citizens together. He stated that he was hoping that perhaps some of the nutritionists or health experts involved could address the issue of fluoride and thyroid function. He stated that he had sent the Mayor some information on the subject. He explained that the NRC noted in their March 2006 findings that thyroid dysfunction was considered among the most prevalent endocrine diseases in the United States. He stated that those findings also mentioned an indication of an effect of fluoride on thyroid function. He noted that the NRC also discussed research linking thyroid to impacts of parathyroid activity and impairment of glucose tolerance. He stated a committee voted 12-0 that the current level of fluoride allowed was not protective or safe. He explained that 3.0 milligrams per day was considered the average American intake by the Environmental Protection Agency's (EPA) estimate. He stated that for a child it was 1.5 milligrams per day. He stated that amount was double what was considered necessary to impair thyroid function for children. He stated that in 1850 it was known that fluoride decreased thyroid function and so people who had hyperthyroidism in Europe took mineral baths with fluoride.

Item #6 – Approval of the Minutes

Mayor Kelley advised that the minutes of the December 4, 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 #7 – Consent Agenda

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

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

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

Item #8 – Public Hearings

Mayor Kelley opened the following items for public hearing.

Item #8A – 146 North Orchard Street Rezoning

City Clerk Scott McKee read by title only:

ORDINANCE NO. 2012-40

AN ORDINANCE AMENDING PARAGRAPH C, OFFICIAL ZONING MAP, OF SECTION 2-01, ESTABLISHMENT OF ZONING DISTRICTS AND OFFICIAL ZONING MAP, OF ARTICLE 1, ESTABLISHMENT OF ZONING DISTRICTS AND OFFICIAL ZONING MAP, OF CHAPTER 2, DISTRICT AND GENERAL REGULATIONS, OF THE CITY OF ORMOND BEACH LAND DEVELOPMENT CODE, BY AMENDING THE OFFICIAL ZONING MAP TO REZONE CERTAIN REAL PROPERTY TOTALING 5.842 ACRES LOCATED AT 146 NORTH ORCHARD STREET, FROM PROFESSIONAL OFFICE/HOSPITAL (B-1) TO LIGHT INDUSTRIAL (I-1), AUTHORIZING REVISION OF OFFICIAL ZONING MAP; 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. 2012-40, 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 #8B – Marshside Subdivision, Rezoning and PBD Amendment

City Clerk Scott McKee read by title only:

ORDINANCE NO. 2013-01

AN ORDINANCE AMENDING SUBSECTION A, MAP AMENDMENT, OF CHAPTER 2, DISTRICT AND GENERAL REGULATIONS, ARTICLE 1, ESTABLISHMENT OF ZONING DISTRICTS AND OFFICIAL ZONING MAP, SECTION 2-03, OFFICIAL ZONING MAP AND DISTRICT BOUNDARIES, OF THE CITY OF ORMOND BEACH LAND DEVELOPMENT CODE, BY REZONING THREE PARCELS OF REAL PROPERTY TOTALING 37.9± ACRES LOCATED AT THE NORTHWEST INTERSECTION OF AIRPORT ROAD AND TYMBER CREEK ROAD FROM VOLUSIA COUNTY A-2 (RURAL AGRICULTURE) AND VOLUSIA COUNTY RC (RESOURCE CORRIDOR) TO ORMOND BEACH PLANNED RESIDENTIAL DEVELOPMENT (PRD); AUTHORIZING REVISION OF THE OFFICIAL ZONING MAP; AND APPROVING A FIRST AMENDED DEVELOPMENT ORDER FOR THE “MARSHSIDE VILLAGE” PLANNED RESIDENTIAL DEVELOPMENT; AUTHORIZING A PHASED PROJECT

CONSISTING OF 163 SINGLE-FAMILY LOTS; AUTHORIZING A WAIVER OF THE PERIMETER SUBDIVISION SETBACK REQUIREMENTS AND A WAIVER OF THE INDOOR RECREATION REQUIREMENTS; ESTABLISHING CONDITIONS THEREFORE; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; AND SETTING FORTH AN EFFECTIVE DATE.

Mr. Edward J. Speno, Jr., President of White Falcon Land Development, Inc. ("White Falcon"), applicant, stated that White Falcon enjoyed a financial relationship with the Madorsky family, who were the record property owners. He stated that Mr. Maxwell Madorsky, the family patriarch, was an early 1950s real estate developer in this area of Volusia County. He stated that the Madorsky family continued to carry on his work through Ms. Marsha Madorsky, Maxwell's daughter, and that the Marshside Village application was an example of that work.

Mr. Speno stated that about six years prior the project originally came before the Commission controlling about 45 acres of property. He stated that the Commission approved a Planned Residential Development (PRD) containing 68 lots that were 80 feet in width. He stated that since then an additional 40 acres had been acquired and the revised layout was for 85 acres with 163 lots that were 60 feet wide. He stated that today's housing market demanded a smaller home and lot at a price point more acceptable to the mortgage underwriting and banking regulators who controlled current mortgage funding. He stated that today's homebuyer demanded more efficient homes with operational and ownership costs controlled. He stated that the project was an answer to the market demand and that he would present a comprehensive submission normally confined to projects of a much larger scale, dimension and in a much higher price range.

Mr. Speno stated that the submission contained not only a request for a simple subdivision of land but also the creation of a village of like-styled homes with project amenities, deed restrictions, and a unique example of cooperation between the developer and municipality. He stated that the benefit of the subdivision to the city would be the creation of an architecturally detailed and controlled collection of homes which would be commonly styled and colored and that would contain its own amenity and recreation facility, rather than a collection of scattered dissimilar homes which held no central feeling of community or similarity. He stated that Marshside Village would have its own character, identity, and would be setting itself apart in the community.

Mr. Speno stated that, in return, the developer requested a modest increase in what was the common housing density factor in the area. He stated that the density increase would allow the financial inclusion of the scheduled amenities and deed restrictions, which as viewed from a marketing posture reflected and responded to current market conditions. He stated that the cost of the amenities would be shared by more homes, and therefore become more affordable as a component of the cost of each home. He stated that it should be noted that in the past the city had created and entitled projects with 60-foot lots such as Tuscany's Il Villaggio and Hunter's Ridge Deer Creek.

Mr. Speno stated that certain deed restrictions would be included in the subdivision to control the home appearances. He noted that a roof shingle style and color would be consistent throughout. He explained that exterior facades would require application of finishes such as stone, brick, or lapse siding rather than only simple stucco facing. He stated that all homes would have a common exterior color and in no more often than five homes would a home elevation be repeated. He stated that each home would have a front porch with a railing surrounding the porch adding to the aesthetics of the home. He stated that each home would be built to comply with an upgraded landscaping plan. He explained that the deed restrictions would be irrevocable once the subdivision was approved.

Mr. Speno stated that the submission also included a perimeter split rail fence with stone columns and similar stone column signage, in addition to the development code required six-foot solid vinyl fencing around the rear of the perimeter lots. He stated that in the development there would be a tot lot, pool, and open space amenity area. He stated that in response to the citizens' and the neighbors' concerns about the additional traffic burden that may be placed on the already complicated traffic mêlée, caused by the simultaneous intake of the elementary schools east and west of the Tymber Creek Roads, the street layout of the subdivision reflected an exit onto Tymber Creek Road allowing the morning traffic to exit the project without combating existing school traffic.

He stated that at the request of and in cooperation with the Planning Department, there was a traffic calming device within the project.

Mr. Speno stated that the submission contained a suggestion of how the developer may use his talents to construct a city park on city-owned property contiguous to the submittal. He stated that was originally requested and agreed upon in 2006 when the PRD submission was reviewed and approved. He noted that since then many of the financial controlling factors from the developer's point of view had changed. He stated that White Falcon continued to support and would fulfill the requested cooperation with the park, or, if the Commission now had different intentions or interests in lieu of participation in the park development, pay the common and scheduled recreation fees that were stated in the city's development code.

Mr. Speno stated that he sought the Commission's favorable approval of the submission which represented a concerted effort by White Falcon and various consultants to respond not only to the city administration's suggestions but also what concerns and voice they had heard from the citizenry. He stated that White Falcon looked forward to approval of the submission and the future development of Marshside Village. He stated that he welcomed any comments or questions about the subdivision and thanked Mr. Ric Goss, Planning Director, and Mr. Steven Spraker, Senior Planner, for their fine assistance, cooperation, and tolerance.

Mr. Ron Hooper, 11 Aucuba Circle, stated that he and most of his neighbors were against the development of that area, particularly with the addition of the 37.9 acres of drainage area that was needed by present landowners that would be built upon if the development was approved. He stated that he was opposed to the decrease in the lot size from 80 feet to 60 feet. He stated that he felt that it would detract from other homes in the area with larger lots. He noted that he realized that there were some lots in the area that were smaller but overall most of the lots were larger. He stated that he felt that providing smaller lots would degrade other subdivisions in the area. He stated that Ormond Beach should not allow a subdivision to be developed in a wetland designated as a flood zone. He asked what assurance there would be from the city and the developer that the natural barrier proposed to be left along Tymber Creek would be undisturbed. He stated that in the past developers and contractors had gone ahead and removed trees after saying they would not. He noted that Southern Pines was an example of that.

Mr. Hooper asked if the development would have a declaration of covenants and restrictions and a Home Owner's Association (HOA). He asked about the minimum square footage for the homes and how much space would be between the homes. He stated that there would be more traffic issues which would be moved further north. He asked how ingress and egress would be for Phases Three and Four of the development. He noted that on the map there was a small area between the lots at the north end where there were presently seven lots shown in a circle that was left untouched. He asked if that would be the future traffic pattern for those additional phases. He stated that he felt that would add more congestion onto Tymber Creek Road. He asked what would become of the tall water tank off of Airport Road. He asked what the plans were for the power right-of-way going through the property. He stated that the gopher tortoise, which was an endangered species, was also located in the area. He stated that the tortoise were not supposed to be transferred from one location to another and were distressed by human development. He asked what the environmental plans were concerning the tortoise and the bald eagle, which also resided in that area. He stated that he hoped the city would want to protect its natural resources and not only think of more development.

Mr. Hooper asked if sidewalks were going to be added to that side of Tymber Creek Road and stated that if they were then children would no longer have the safety of transportation by bus from their developments such as Southern Pines. He stated that they should not subject the children's safety for the development. He stated that if the children did not walk, they would have to be driven and that would add to the increased traffic congestion. He stated that he was not opposed to the development but asked that the lot size decrease not be approved. He stated that the city needed to consider the impacts to other subdivisions along Tymber Creek Road. He stated that he felt it would be a low-cost housing development. He stated that he felt that the low cost type housing development would lower present housing values in the area and further reduce property taxes to pack smaller, less quality homes into the area. He stated that he felt that the city should not allow a less than desirable housing area to be constructed. He stated that he moved to Ormond Beach mainly because of the properly managed development

and how the city took pride in its appearance. He stated that working with the original number of lots requested, the city and the developer could make an attractive area. He stated that he would also ask that the waivers the developer was requesting not be permitted.

Commissioner Partington moved, seconded by Commissioner Stowers, for approval of Ordinance No. 2013-01, on first reading, as read by title only.

Commissioner Stowers stated that he met with Mr. Speno a week prior and sat with him for close to an hour to discuss the project. He reminded everyone that the project was approved for the original 68 lots. He stated that the modification would be based on an annexation that incorporated more property to the north of the originally approved area. He stated that he reviewed the Planning Board minutes and wanted to thank the Planning Board for all that they did in their review. He stated that the Planning Board had approved the zoning and voted against the 60-foot lot width. He stated that in the comments at that meeting, Mr. Doug Wigley mentioned the fact that of the 37.9 acres that were in the new area, he believed that 25 acres was wetlands. He stated that he also noted that the 68 lots of the approved development were on 46 acres. He explained that Mr. Wigley's point was that in many respects the wetlands being incorporated into the project would be used as a justification to reach more density in the existing project.

Commissioner Stowers stated that he felt that the 60-foot versus 80-foot lot width would be dictated by the market. He stated that if people wanted to buy in that neighborhood they would. He stated that to him it was more about what the number of lots was. He stated that he looked at Lassiter Transportation's report on the traffic and felt that the modification to have access on Tymber Creek Road would solve that particular issue. He stated that it would help to avoid the intersection at Airport Road during morning traffic time. He stated that issue was very specific to the two schools in the area early in the morning and sometimes in the afternoon. He stated that he understood that the city's *Land Development Code* (LDC) accounted for clustering properties and lots for a property with significant wetlands on it. He stated that because of that he felt that the 60-foot lot width was appropriate for the Phase Three section.

Commissioner Stowers stated that he did not think it would negatively affect the intent of the overall neighborhood by having a mix of lot sizes. He noted that it would increase the choices for people looking to live there. He stated that Mr. Speno spoke to him about how it would be a comprehensive neighborhood and how there would be unique architectural consistency throughout. He stated that he agreed with the intent of that. He stated that he thought that the seven lots on the northeast corner would not necessarily be in keeping with that but was trying to maximize the number of lots on the property. He stated that he did not feel like that section had any consistency with the rest of the planned neighborhood. He stated that he felt that for Phases One and Two they could approve the rezoning and maintain the 80-foot lot width. He stated that he felt that for Phase Three, due to the wetlands, they could have the 60-foot lot size, and noted that he disagreed with Phase Four, which would only be seven homes, because it would have a completely separate access point on Tymber Creek Road.

Commissioner Partington stated that he met with Mr. Speno a month ago. He asked Mr. Speno what the square footage of the homes would be; whereby, Mr. Speno replied that the deed restriction minimum would be 1,300 or 1,400 square feet.

Commissioner Partington asked Mr. Speno if he would call the lot lines zero lot lines; whereby, Mr. Speno responded that he would not. Mr. Speno stated that it was just a smaller lot with equal side yard setbacks on each home.

Commissioner Partington asked if the Tymber Creek Road access provided access to the entire project and not just the seven homes in Phase Four; whereby, Mr. Speno stated that it did. Mr. Speno stated that the new exit onto Tymber Creek would be a logical way for residents in the project to leave in the morning and not get themselves in the early morning school traffic.

Commissioner Partington asked if St. John's River Water Management District (SJRWMD) required that all of the water that landed on the wetlands property stay on that property; whereby, Mr. Speno stated that for a certain period of time it did, and then there was a controlled bleed down off of the ponds created within the project.

Commissioner Partington asked what the price point of the homes on the 60-foot lots would be; whereby, Mr. Speno responded that they hoped to achieve a price point of \$175,000 to \$250,000 in today's market.

Commissioner Partington stated that Mr. Speno had spoken about market conditions. He asked Mr. Speno about the changes in market conditions since 2006, when the project was originally approved.

Mr. Speno stated that home values had fallen significantly. He stated that they were originally anticipating building \$450,000 homes on 80-foot lots but the market would no longer support that.

Commissioner Partington stated that Mr. Speno had mentioned the bank criteria and asked for elaboration.

Mr. Speno stated that easy mortgage money was no longer available and qualifying for a mortgage was much more difficult. He stated that homes really had to support the value of the contract that they were selling the home for. He stated that it had become a much more restrictive housing mortgage market.

Commissioner Partington noted that the size of the project had almost been cut in half because of the economy. He asked what a zero lot line lot would be; whereby, Mr. Speno responded that a zero lot line home would be built on one lot line and then there would be a potentially larger side yard and then another house would sit on the lot line.

Mr. Speno addressed Commissioner Stowers and stated that also reflected in Phase One and Phase Two was the modification or elimination of the city wetland codes. He stated that some years back the city stepped out of the wetland program and left the wetland determination to SJRWMD. He explained that when that happened, additional wetlands could be mitigated and that reflected an increase in what land was available for lots. He stated that if they went back and looked at 80-foot lots on what was now permitted to be mitigated, they would have significantly more lots than what was in the original 68-lot layout, even if they were 80-foot lots.

Commissioner Kent stated that he had some questions for Mr. Ric Goss, Planning Director. He stated that he had met with Mr. Speno years ago and was unable to meet with him prior to this meeting. He asked Mr. Goss where the water went presently that was on that land.

Mr. Goss stated that it went into the Groover Branch which went southwest. He stated that the entire branch had been studied by the Ormond Crossings drainage consultants and there was a comprehensive drainage plan that was proposed once Ormond Crossings was built.

Commissioner Kent asked Mr. Goss if he had ever seen what happened when there were two good days of rain and that water came out; whereby, Mr. Goss replied that he had and that the rain came out at the corner and overflowed onto the airport side of Airport Road.

Commissioner Kent stated that five days after it rained there would be water pouring into the storm drains on Airport Road.

Mr. Goss stated that was true, as it was seeping from the higher land, going into the ditch, and flowing over.

Commissioner Kent asked if Mr. Speno's ponds would fix that; whereby, Mr. Goss stated that they absolutely would. He stated that the ponds were size based on SJRWMD's recommendation and there should not be a stormwater issue with regards to adjacent property.

Commissioner Kent thanked Mr. Goss. He stated that he was in a bit of a quandary, and that quandary was that Mr. Speno was a likeable guy, but his concern was that when the Commission approved the development in 2006 it was with 80-foot lots. He noted that now they were 60-foot lots. He stated that he had a problem with that and it was not what he signed on for. He stated that he wanted to keep the original 80-foot lot lines. He stated that he knew that it would be less of an impact in that area. He stated that the

Planning Board had the same concerns over the lot lines. He stated that he had not made up his mind completely, as he had not yet heard from Mayor Kelley or Commissioner Boehm, but he felt that he was pretty stuck on the 80-foot lot lines.

Commissioner Boehm stated that it was an impressive body of work that had been supplied by Mr. Speno. He stated that he understood that Mr. Speno had tried to amend the plans to meet the objections he had seen and heard. He stated that Commissioner Stowers had raised the idea of leaving the original section with 80-foot lot lines and compressing the additional section to 60-foot lot lines. He noted that Mr. Speno mentioned Il Villaggio and that they had 55 to 80-foot lots in their subdivision. He asked Mr. Speno if there would be any consideration in having different sized lots.

Mr. Speno stated that he tried to make it clear in the presentation that what they were offering the city was certain architectural standards that would be spread throughout the entire project. He stated that he could not deliver that product on an 80-foot lot. He stated that he could not provide a split rail fence with stone columns, a swimming pool, a tot lot, and other amenities unless they could have the greater density because otherwise they could not afford it. He stated that they could go back to the 80-foot lots and have run-of-the-mill homes or they could give something unique. He stated that it was a trade off and the Commission's decision. He asked if they wanted a project they could look upon as an asset to the city that reflected architectural standards and a vision as a whole or random housing. He stated that their intent was not to hold anyone up but that they wanted to do something better. He stated that White Falcon had responded to and cooperated with the Planning Department and others. He stated that they had heard they needed recreation facilities and they had included them.

Commissioner Boehm stated that he also had met with Mr. Speno. He stated that he felt that Mr. Speno had done all that he could do to be consistent with what had been requested of him. He stated that the question to him was whether they wanted to accept the premise that he could only make the project economically viable with 60-foot lots.

Mr. Speno stated that he could only make it economically viable with 60-foot lots with the amenities, architectural controls, and additional details depicted in the submission. He stated that if he went back to the drawing board and divided the subdivision up into 80-foot lots, he could bring it back and there may be 120 lots with no architectural controls or recreation facilities because they would not be able to spread that cost around without the greater number of lots.

Commissioner Boehm stated that Mr. Speno would still have to comply with Ormond Beach regulations no matter what.

Mr. Speno stated that Ormond Beach regulations did not include a tot lot or swimming pool. He stated that it did not require him to put 16 strict architectural guideline controls in the subdivision.

Commissioner Boehm asked Mr. Goss if that was accurate; whereby, Mr. Goss stated that he felt it was fair to say that typically the city's code was the minimum and the developer established a maximum. He stated that the proposed development exceeded the city's minimum code for almost all of its amenities. He stated that Mr. Speno was not required to do a lot of things, but had chosen to do so in order to provide a higher quality finished development.

Commissioner Boehm stated that he noticed that Deer Creek had been referenced as having 60-foot lots and that it was literally just down the street from the proposed development. He asked Mr. Goss if it had similar architectural standards and recreational amenities or if Mr. Speno's proposal would be a better development.

Mr. Goss replied that better would be in the eyes of the beholder. He stated that there was a pool facility in Deer Creek but a greater number of lots. He stated that most of the homes were stucco and more plain and looked like the homes that Mr. Speno had proposed *not* to be a part of his development. He stated that he felt that Mr. Speno was trying to convey his desire to build a home where the garage was further back, the porch up front, and to develop a traditional neighborhood development concept. He stated doing that cost more money than a typical cookie-cutter home. He stated that the fact that Mr. Speno was requiring that the same style home not be built within five homes was to ensure that there was not repetition of the same model, which also cost money. He stated that in Deer Creek there was no restriction and there was repetition.

Commissioner Boehm asked Mr. Goss if he knew when Deer Creek was permitted; whereby, Mr. Goss replied that when he arrived in 2007 he believed that they were working on Phases Three and Four of that development.

Commissioner Boehm asked if that would have come in front of the Commission at that time or would it have been previously approved by the Commission when they approved Phase One and Phase Two.

Mr. Goss stated that he suspected that it was administratively approved because it was a subdivision and out of the Development of Regional Impact (DRI) process. He stated that Mr. Speno's proposed development was not DRI and that was why it was coming before the Commission.

Commissioner Boehm stated that he, like the rest of the Commission, was wrestling with making a decision because he felt that Mr. Speno was trying to build a very nice community. He stated that he knew that Mr. Hoopper had referenced lower cost housing but in his mind \$175,000 to \$250,000 was not lower priced housing. He stated that he considered that decent housing and believed Mr. Speno was trying to build a superior subdivision. He stated that he felt that the concerns about the 60-foot lots were legitimate concerns. He stated that at the same time it had been quite a while since anyone had proposed building any kind of subdivision in the city and adding anything to the property tax base. He stated that this might be the start of a turnaround and to flatly deny the project because of the 60-foot lots was troubling. He noted that he recognized how the economy had gone downhill, and it troubled him every Sunday to read the foreclosures in the *Daytona Beach News-Journal*. He stated that it troubled him to see the numbers of foreclosures in Ormond Beach and to see so few new housing permits.

Commissioner Boehm stated someone willing to seek to permit 163 new homes was unique. He stated that he was not inclined to say no to Mr. Speno when he had exceeded every standard that was asked of him and was trying to build something that was both unique and looked very nice. He stated that he was troubled because he did have concerns about the 60-foot lots and about the traffic impact. He stated that if he was faced with a number of people asking to build on 80-foot lots or a number of new subdivisions or housing projects, then he might feel differently about this project, but he was not faced with anyone else wanting to do anything else. He stated that he would like to hear the thoughts from the rest of the Commission.

Mayor Kelley stated that some interesting points had been made in the discussion. He stated that Commissioner Partington had brought up something he did not think about when he had gone through the materials, which was that in 2006 the plan was to build a \$400,000 home. He stated that a home that sold in 2006 for \$400,000 may be worth only \$180,000 to \$200,000 today. He stated that the homes selling on Airport Road were selling for \$120,000 or \$130,000 or less. He stated that Commissioner Kent had brought up a good point about the flooding. He stated that he understood from Mr. Goss that this development would actually alleviate that flooding problem. He stated that the Planning Board's vote had been 6-1 with a recommendation of the 80-foot lots. He stated that in the past week there were 19 foreclosed homes in Ormond Beach and only two permits. He stated that the city averaged two permits a week. He stated that he was surprised that Mr. Goss was able to keep his employees in the Planning Department busy. He stated that he was one of the votes that voted against the project in 2006. He stated that he had not met with Mr. Speno and did not intend to. He stated that he thought that Mr. Speno was trying to market a product that would sell. He stated that he personally would not purchase a home on a 60-foot lot but noted that there were thousands of people in Ormond Beach that already had homes on a 60-foot lot. He stated that he believed that Commissioner Kent was one of them.

Commissioner Kent stated that was incorrect as his lot was 80 feet. He stated that his home was built in 1954.

Mayor Kelley stated that there were several 60-foot lot homes in Ormond Beach that were permitted when the market did not dictate that. He stated that many people did not want additional homes and feared it would cause an adverse impact. He noted that the city had an ordinance that said that cars could not park on sidewalks and that in the proposed pictures there was a sidewalk going through the driveway of the home. He asked if the driveway was a part of the sidewalk or if the sidewalk was a part of the driveway. He stated that he was concerned that the two-car garage would be filled and that cars would be parked outside on the sidewalk.

Mr. Speno stated that the homes were configured so that the garages were set back so that the driveways were deeper and longer to potentially hold more cars. He stated that there would not be any cars on the sidewalk.

Mayor Kelley stated that the sidewalks went through the driveways in the proposal. He stated that the city had an ordinance that prohibited parking on a sidewalk. He stated that if the garage was full, then cars parked in the driveway would impede people from walking from one side to the other.

Mr. Speno asked how that would differ on an 80-foot lot.

Mayor Kelley stated that he was not implying that it would. He stated that he was just noting that the way it was designed could be an issue.

Mr. Goss stated that when the Planning Department originally sat with Mr. Speno and looked at the development he was proposing, the garage entrance was at a 25-foot setback and the sidewalk was outside of that setback. He stated that the porch setback was 15 feet. He stated that they wanted to drop the garage back so that you would not see it and so that there was a longer driveway to get the car into the driveway so that its bumper would not stick out into the driveway aisle.

Mayor Kelley gave an example of someone that had three cars and one would be sitting in front of the garage and asked whether it would be on the driveway or on the sidewalk.

Mr. Goss stated that if there were three cars that were not in the garage, then there would be an issue.

Mayor Kelley stated that in a development where the sidewalk was in the yard, it would create an issue. He stated that he appreciated that the garages were set back which would help to eliminate part of the problem.

Mr. Goss stated that the garages would be for two cars and then you could park two cars on the driveway without them being on the sidewalk. He stated that if there were more than four cars, then there would be a problem with encroaching into the sidewalk.

Mayor Kelley stated that was an issue that could come up, whether the sidewalk took preference over the driveway. He stated that the Commission was being asked to increase the amount of homes by 95 homes. He stated that it was a difficult decision. He stated that he believed it was what the market demanded and what people wanted. He stated that he did not believe that many people wanted an acre of ground to have to take care of. He stated that the city wanted a quality development. He stated that under the currently approved development plan, Mr. Speno would be able to put up a stucco home with no porch on an 80-foot lot where all 68 homes would look alike and you might drive down the street and go to the wrong house. He stated that he did not want that and he wanted to try and be accommodating to everyone, including those who had to live near the project and those who had development rights on the property. He stated that he thought Mr. Speno would solve a lot of the flooding problems and deliver a good product.

Commissioner Kent stated that he liked that the flooding concern would be fixed. He stated that he also liked the architectural design. He stated that a developer could put in a split rail fence, swimming pool, or a front porch because they looked nice. He stated that Mr. Speno was putting a pool in because someone might be glad there was a community pool when they had a small lot and could not put a pool on their own property. He stated that he did not believe that Mr. Speno was doing it as a trade off. He stated that he recalled a developer that came and stood at the podium and told the Commission that they did not approve the PBD on the beach, and he could build block lego paint-by-numbers homes, if he chose to. He stated that he looked at that developer and told him that no one would buy a home like that. He noted that the developer was bankrupt now and the beachfront park was going in on one of his parcels.

Commissioner Kent stated that he felt a little strong armed regarding the amenities. He stated that he thought that Mr. Speno would build a pool because people wanted it. He stated that he did not think that the homes would look like paint-by-numbers homes. He stated that six years ago it was 80 feet, and now it was 60 feet, and six years from now it may be even worse, and there may be more gloom and doom and mention of no one else building anything as they were lucky to have someone come forward, and all he wanted in return was a 40-foot lot line. He stated that some people did not want to mow

their yard or even want a yard. He stated that he personally was firm at 80-foot lot lines as that was what was approved before. He stated that Mayor Kelley disagreed with him then and was the lone "no" vote when he was the Zone 3 Commissioner, but he still favored 80-foot lot lines.

Mayor Kelley stated that he heard it asked if there was any way that the development could be reconfigured so that there could be a mix of lot sizes. He stated that the Trails North Forty was developed 30 years ago with almost zero lot lines. He stated that at that time that was what was marketable. He stated that he thought that Commissioner Kent was right and felt that Mr. Speno did not want to develop a product that would not sell. He stated that people enjoyed living where they have a community pool and did not have to take care of themselves.

Commissioner Stowers stated that there was a reference made earlier to Il Villaggio. He stated that if he remembered correctly, there was a big issue a couple of years ago because that development had initially included a pool, and then came back and took it out when the market tanked. He noted that because of the Sunshine Laws, the Commission was unable to discuss any items outside of a public meeting and so were discussing this for the first time. He stated that at the outset he threw out the idea of having mixed size lots. He stated that he agreed with the comments Commissioner Kent made about the strong-arming. He stated that he agreed that it was about the market and that would dictate what eventually was built. He stated that the Commission was very business friendly, and he was not dead set on the lots being 60 or 80 feet.

Commissioner Stowers explained that he was trying to come up with some sort of compromise. He stated that Mr. Speno was currently requesting 163 lots at 60-foot lot widths. He asked if there was a compromise with the 60-foot lot widths in Phase Three, and if they would be talking about a loss of 10 or 50 lots, and if removing the pool would be a compromise. He stated that in his opinion that would be a compromise from both parties, rather than the developer saying he would do whatever he technically could under the code. He stated that everything was still on the table as far as he was concerned.

Mr. Speno stated that he did not think that the Commission perceived his intentions correctly, as he stated that he was not trying to hold up the Commission or saying give me this and we will give you that. He stated that the project was a collective effort between White Falcon, the Planning Department, and their consultants. He stated that their submission was not haphazardly done, and what they were trying to give the city by way of the deed restrictions would be there forever and would not be a marketing decision. He stated that no one would be able to build a home with a purple roof or black shutters. He stated that in a project of that size, which was not a big project, it would be unique. He stated that if they started reducing the amenity package, it would start to become almost unimportant. He stated that part of the reason to decrease the lots and have the larger number of homes was to spread the cost of operation and the HOA among more homeowners so they could afford it.

Mayor Kelley stated that he was the only member of the Commission who got to decide how he would vote after he knew what everyone else would do, which could be good or bad.

Commissioner Boehm asked if they would be voting on three separate items: the rezoning, approving the change in the lot width, and whether they wanted a park developed or to receive recreation impact fees.

Mayor Kelley noted that the land had already been annexed and just needed to be rezoned.

Commissioner Boehm stated that he did not believe that anyone had any objection to that. He stated that he would like to vote on the items separately because there may be a split vote on the lot width issue.

Mr. Randy Hayes, City Attorney, explained that the ordinance before them operated as a rezoning ordinance and approval of the development agreement. He stated that they could break up the components and vote on them separately, but they should also vote on the underlying ordinance as they broke it down. He noted that it was different than what they typically did but he thought it would be acceptable to do so.

Commissioner Boehm stated that he did not want to see the rezoning fail as he thought that would be approved.

Mayor Kelley asked if the applicant would want it rezoned if he was not going to get the desired lot lines.

Commissioner Kent stated that he believed he had said no to the proposed lot lines. He stated that he thought that the ordinance was going to pass from what he had heard. He stated that Mr. Hayes noted that it would be unique to break it up and stated that it might be quicker and easier to just vote.

Commissioner Boehm stated that the park issue had not been discussed in any detail. He stated that they were asked for direction on that and had not discussed it so they were not really ready to vote on it.

Mayor Kelley stated that he could ask if everyone supported the annexation, which he believed everyone did. He stated that they needed to discuss the park, which was something he thought six years ago was a really good idea and actually believed that the size could be increased if they thought it was too small.

Mr. Hayes stated that the park was not part of the ordinance and that staff was just looking for direction from the Commission on that issue.

Commissioner Partington stated that since the park was separate from the lot lines and rezoning they should call the question on the ordinance.

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

Mayor Kelley stated that he had voted against the project to start with, but he believed they would have a quality and marketable development. He stated that he did not believe it was what everyone wanted, as he would like to see ten homes worth \$20 million a piece, but he knew that no one would buy them. He stated that a lot of people lived in homes that other people would not buy. He stated that he thought a lot of problems would go away, such as the flooding issue. He stated that he did not like the 60-foot lot size but thought it would be something that would be marketable.

Mayor Kelley directed the Commission to discuss the park matter. He stated that he had received an email from Mr. Speno that day regarding a concern with the size of the park, which would be two acres. He stated that Mr. Speno offered to increase it to four acres if that was the desire. He stated that he felt that it was a great idea to have open space. He asked Mr. Robert Carolin, Leisure Services Director, what the impact fees would be on the recreational side.

Mr. Speno stated that it was close to \$194,000.

Mayor Kelley asked if four acres in a park developed and given to the city would be worth as much or as necessary as the \$194,000 that could be put in some other existing park or facility.

Mr. Carolin stated that his biggest concern was the proposed park's distance from current city amenities and being able to maintain it and having equipment travel back and forth. He stated that when the city had the dollars budgeted down the road, they could put it in the CIP and use those impact fee dollars to design a park out west, using that same parcel if they wanted because the city would already own it. He stated that currently they did not have the dollars in the CIP to develop more than what Mr. Speno was considering. He stated that it would be nothing more than an open play space with a small parking lot and no amenities.

Mayor Kelley stated that he thought that Mr. Carolin could have reached in Mr. Speno's pocket and gotten some amenities out of him; whereby, Mr. Carolin replied that he had tried for several years.

Commissioner Boehm asked Mr. Carolin if the parking lot would be off Leeway Trail; whereby, Mr. Carolin replied that it would be.

Commissioner Boehm stated that Leeway Trail was a road maintained by its residents and not the city.

Commissioner Partington stated that he would be inclined to seek the impact fee route. He stated that he had not heard a plea from the residents out there about having open space. He stated that he knew that Breakaway Trails had open space.

Commissioner Kent stated that he also favored the impact fee.

Commissioner Boehm stated that his problem was any extended use of Leeway Trail that may get them into conflict with the residents there.

Commissioner Stowers stated that he was in favor of the impact fees also.

Item #8C – LDC Amendment: Mobility Fees

City Clerk Scott McKee read by title only:

ORDINANCE NO. 2013-02
AN ORDINANCE AMENDING CHAPTER 1, GENERAL ADMINISTRATION, ARTICLE IV, SCHEDULE OF DEVELOPMENT REVIEW AND IMPACT FEES, OF CITY OF ORMOND BEACH THE LAND DEVELOPMENT CODE BY ADDING SECTION 1-26, MOBILITY FEE; AMENDING; ARTICLE V, CONCURRENCY MANAGEMENT, SECTION 1-32 F, TRAFFIC CIRCULATION BY ADDING SUBSECTION (12); AMENDING SECTION 1-32 G, PROPORTIONATE FAIR SHARE PROGRAM FOR TRANSPORTATION AND PUBLIC SCHOOL FACILITIES, BY AMENDING SUBSECTIONS (1), (3) AND DELETING SUBSECTION (13), REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; PROVIDING FOR SEVERABILITY; AND SETTING FORTH AN EFFECTIVE DATE.

Commissioner Boehm moved, seconded by Commissioner Partington, for approval of Ordinance No. 2013-02, on first reading, as read by title only.

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

Item #8D – LDC Amendment: Doggie Dining

City Clerk Scott McKee read by title only:

ORDINANCE NO. 2013-03
AN ORDINANCE AMENDING CHAPTER 2, DISTRICT AND GENERAL REGULATIONS, ARTICLE IV, CONDITIONAL AND SPECIAL EXCEPTION REGULATION; BY AMENDING SECTION 2-57, CRITERIA FOR REVIEW OF SPECIFIC CONDITIONAL AND SPECIAL EXCEPTION, SUBSECTIONS R 5, RESTAURANT, TYPE "A"; R 6, RESTAURANT TYPE "B"; R 7, RESTAURANT TYPE "C"; AND R 8. RESTAURANT TYPE "D" ARE DELETED IN THEIR ENTIRETY; BY ADDING SECTION 2-57 R 5, RESTAURANT TYPES BY PROVIDING A TABLE THAT CATEGORIZES THE REGULATIONS BY RESTAURANT TYPES AND A FLORIDA STATUTE 509.233 DOG DINING EXEMPTION FOR RESTAURANTS; PROVIDING FOR THE IMPLEMENTATION OF FEES; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

Commissioner Boehm moved, seconded by Commissioner Partington, for approval of Ordinance No. 2013-03, on first reading, as read by title only.

Ms. Nancy Nebb, Lulu's Oceanside Grill ("LuLu's"), 30 S. Atlantic Avenue, stated that she was representing LuLu's and other restaurants that had contacted the Commission

in support of dog dining in Ormond Beach. She stated that the residents of Ormond Beach loved living here and encouraged their northern families and friends to visit or move there. She stated that it was a great place to raise children and to retire. She stated that when people came to the city they brought their children and their pets. She explained that some of the visitors were from other places in the country that were very pet friendly and were used to being able to bring their pets with them to parks, in the streets, and when they dined. She stated that the local advertising was geared to shop local and to build up downtown. She stated that guests were encouraged to shop in stores, look at the rivers and beaches, but if they wanted to have something to eat with their pet, they had to go to Daytona Beach or Flagler Beach, which drove business away. She noted that restaurants wanted to make all their patrons happy. She stated that they would have clean facilities and follow the regulations that the state had imposed. She stated that in order to grow business and keep it in town, the city and restaurants needed to be pet friendly.

Mayor Kelley asked Ms. Nebb to limit her comments to supporting the ordinance or not and not giving a marketing pitch.

Mr. Patrick Daugherty, 30 Dix Avenue, stated that Ormond Beach was a wonderful city to live in and that he would not want to do anything harmful to the city. He stated that he had proposed the ordinance in the best of faith. He noted that one of the things that made the city good to live in was the government that they enjoyed. He stated that he had been in 25 foreign countries and had always wanted to come back to his home in Ormond Beach. He stated that following his education at Mainland High School, Junior College, and the University of Florida, where he graduated with a degree in landscape architecture, he was a commissioned officer in the Navy and worked in Miami as a land planner. He stated that he fell in love with his wife and returned to Ormond Beach.

Mayor Kelley asked Mr. Daugherty to please keep his comments germane to the ordinance being voted on. He stated that the Commission allowed leeway with the comments from audience members during items on the agenda if they were on topic. He stated that he knew that Mr. Daugherty had spearheaded the issue but asked that he keep his comments relevant to his support for the passing of the ordinance.

Mr. Daugherty stated that he had also proposed two other ordinances for the city involving landscaping issues and that was the point he was getting to but that he would move on.

Mayor Kelley stated that those were not germane or relevant to the doggy dining ordinance.

Mr. Daugherty stated that they were relative to his experience. He stated that he was obviously biased in favor of the ordinance but he did not see it as a problem for the city. He stated that the first person that would be involved with the state regulations would be the dog owner. He stated that he did not believe that a dog owner would bring an ill behaved animal to a dog dining environment. He stated that the second person involved in compliance would be the restaurateur, who would have paid a fee and wanted to have the opportunity. He stated that there would probably be an occasional complaint to the city and noted that often people just complained for the sake of complaining. He noted that the ordinance was not new territory being blazed. He stated that when he originally proposed the ordinance in March 2012, there were 41 municipalities and/or counties in the state that had adopted dog dining ordinances. He stated that the total was now 50. Mr. Daugherty stated that Ms. Shanahan worked for Fort Walton Beach prior to coming to Ormond Beach, which was one of the first cities to approve such an ordinance. He stated that he felt that the city should take advantage of her experience. He stated that he thought that the \$100 fee plus a \$35 inspection fee appeared to be excessive. He stated that it was approximately four times what Daytona Beach charged and he did not understand why. He stated that the Commission had received emails in opposition. He stated that he delivered 105 signatures from Ormond Beach residents at two restaurants in favor of the ordinance. He stated that detractors may cite health issues, but he thought that was silly because then everyone owning a dog would be subject to health issues. He stated that he would like to see the Commission pass the ordinance and hoped it would pass unanimously.

Commissioner Boehm stated that he was in favor of the ordinance. He stated that he would note to those who might be objecting that it was a voluntary choice to be made by the restaurant. He stated that no restaurant had to do it or he would be utterly opposed to it. He stated that a restaurant would only adopt it if they felt it would help their

business. He stated that if it disrupted business or violations of the state statute occurred, the restaurant would either receive violations from the city and lose their license, or quit doing it because it turned out not to be the economic benefit they thought it would be. He stated that the state statute had a number of requirements which every restaurant would have to comply with and would have to be posted on the wall relative to the public. He noted that the restaurant had to have a separate and adjacent outdoor facility so that dogs would not walk through the restaurant. He explained that dogs would not be allowed to dine indoors. He stated that if someone did not like the idea of the dogs being out outside, then they did not have to go to that participating restaurant. He stated that if the ordinance helped the businesses in the community, then he supported the ordinance.

Commissioner Partington stated that he also would support the ordinance. He stated that he appreciated Mr. Daugherty's contributions to the city and his passion on the issue. He noted that there were a number of people who did criticize the ordinance, but he mentioned that it was permitted by state statute and that the city was essentially opting into it. He stated that the good thing was that if you did not like it, you did not have to patronize that restaurant. He stated that he thought that the fees were reasonable and that Daytona Beach's fee of \$25 sounded wildly low. He stated that he was prepared to approve the ordinances as presented.

Commissioner Stowers stated that he would ultimately approve the ordinance but had some comments he would like to make. He stated that he would be the third to reiterate that the city was not approving doggy dining in certain restaurants but approving a process by which a restaurant could apply to have it. He stated that he continually received emails from people who seemed to believe that the city was approving doggy dining throughout Ormond Beach at every restaurant which was simply not the case. He stated that the one concern he had was that there would be calls constantly to code enforcement for what was essentially a restaurant management issue. He stated that he thought that the annual license fee might have something to do with offsetting the cost of inevitable code enforcement costs. He asked whether one had to submit the annual license fee by January 1.

Ms. Shanahan stated that she believed it would be like any other business where whenever they got their license it would expire on September 30. She stated that the annual permit fee would be prorated, but the inspection fee would not be.

Commissioner Stowers stated that he did not want to have a situation where people purposely avoided a restaurant because it had doggie dining. He asked if it would be possible to coordinate with the Ormond Beach Chamber of Commerce ("Chamber") an event touting all the places that had their permit and maybe having a doggy dining night so that all the residents could see a list of which restaurants allowed it. He stated that would be a way to facilitate an education factor so people knew where to go or not. He stated that he believed potentially someone would go somewhere with their dog where they thought there was doggy dining and find out it was not allowed, which would result in a code enforcement complaint. He stated that anything that could be done proactively to facilitate and coordinate with the Chamber to minimize those types of occurrences would be helpful.

Mayor Kelley stated that he believed the restaurant would be required to post on their premises that they were permitted for doggy dining.

Commissioner Stowers stated that he was looking for a tie-in to educate the public so that they knew which places allowed it.

Ms. Shanahan suggested there could be a "yappy hour" event.

Commissioner Kent stated that he agreed with everything Commissioner Boehm said. He stated that he also received emails from residents that were opposed. He stated that he also sensed that those email authors thought that doggy dining would be citywide. He stated that he agreed with Commissioner Boehm that he would be against it if it was citywide and mandatory. He stated that Mr. Daugherty had mentioned in the past the number of restaurants that would even qualify for the ordinance. He stated that he thought it would be a great thing if the newspapers put that information in their stories. He asked Mr. Goss how many restaurants in Ormond Beach could even allow doggy dining.

Mr. Goss stated that it would depend on whether or not they had an outdoor café. He stated that he did not know how many of those restaurants there were.

Commissioner Kent apologized for putting Mr. Goss on the spot. He stated that he thought that Mr. Daugherty might have said in the past that there were 14 restaurants that would be eligible. He asked Mr. Goss if it would be difficult to find out the actual number.

Mr. Goss stated that he thought that it was more than 14. He stated that outdoor seating could be at a fast food restaurant or a sit down restaurant. He stated that the question would be how the sit down areas outside were designed because they had to have separate entrances.

Commissioner Kent stated that he remembered it being a small number. He asked Mr. Daugherty about the number of restaurants that would be eligible to participate in doggy dining. He thanked Mr. Daugherty for spearheading the ordinance.

Mr. Daugherty stated that he thought that he said 14 or 15. He stated that seven restaurants had written letters in support of the ordinance. He stated that the owner of the River Grille had also stated that he would call Mayor Kelley since he knew him personally to tell him that he was in favor of it but noted that he did not want to participate in it, at least initially.

Commissioner Kent thanked Mr. Daugherty. He stated that he was in favor of the ordinance and comfortable with the fee.

Ms. Shanahan stated that she felt that the important point that the Commission was trying to make was that it took an affirmative action by the restaurant itself to come to the city to apply for the doggy dining license.

Mayor Kelley stated that the fee in Flagler Beach was a \$100 initial inspection and then \$145 annually. He stated that in the city of Destin it was a \$515 fee. He stated that he thought that the city's fee was well in line and personally felt that it was too cheap. He stated that he had more people tell him that they would not want to go eat where the dogs were than people asking for doggy dining. He stated that he did not have to go and eat there if he did not want to, but that he would support it so it would be a unanimous vote. He stated that the restaurants had to understand that they would be opening themselves up for liabilities and noted that part of the requirement was that the restaurants had to have liability insurance. He stated that he personally would not take his dog to any restaurant.

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

Item #8E – City Code Amendment: Establishing Doggie Dining License Fee

City Clerk Scott McKee read by title only:

ORDINANCE NO. 2013-04
AN ORDINANCE AMENDING CHAPTER 8, BUILDINGS AND CONSTRUCTION REGULATIONS, ARTICLE I, IN GENERAL, SECTION 8-10, APPLICATION PROCESSING FEES, PARAGRAPH (G) MISCELLANEOUS OF THE CODE OF ORDINANCES, BY CREATING A NEW SUBSECTION 11 ESTABLISHING A FEE SCHEDULE FOR REVIEW AND INSPECTION OF DOGGIE DINING LICENSES; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; AND SETTING FORTH AN EFFECTIVE DATE.

Commissioner Partington moved, seconded by Commissioner Boehm, for approval of Ordinance No. 2013-04, on first reading, as read by title only.

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

Mayor Kelley closed the public hearing.

Item #9A – 1608 N US Hwy 1 (Days Inn/Scottish Inns) Annexation

City Clerk Scott McKee read by title only:

ORDINANCE NO. 2012-41

AN ORDINANCE ANNEXING CERTAIN REAL PROPERTY INTO THE CITY OF ORMOND BEACH, SAID PROPERTY BEING GENERALLY LOCATED ALONG THE WEST SIDE OF NORTH U.S. HIGHWAY 1, SOUTH OF THE SOUTHBOUND ENTRANCE TO INTERSTATE 95 AND BEING COMMONLY LOCATED AT 1608 NORTH U.S. HIGHWAY 1; 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; SETTING FORTH ZONING, PRIVILEGES AND OBLIGATIONS REGARDING THE PROPERTY; PROVIDING FOR TRANSMISSION; PROVIDING FOR SEVERABILITY; AND SETTING FORTH AN EFFECTIVE DATE.

Commissioner Boehm moved, seconded by Commissioner Stowers, for approval of Ordinance No. 2012-41, on second reading, as read by title only.

Mr. Wayne Van Orden, 909 Woodmere Circle, stated that he owned the property and offered to speak in case there was any debate as to the impact on city resources. He stated that he was currently on the Board of Directors for the Volusia Manufacturers Association for government relations. He stated that he was asking the Commission to consider that the county regulations for signage and permitting may have some conflict with what was required within Ormond Beach. He asked if consideration could be given from a business perspective of making the county adjust to fit the ordinances of Ormond Beach.

Mayor Kelley stated that he did not think that unless the signage was damaged that it would have to be changed to conform.

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

Item #9B – 1622 North US Hwy 1 (Days Inn/Scottish Inn) Annexation

City Clerk Scott McKee read by title only:

ORDINANCE NO. 2012-42

AN ORDINANCE ANNEXING CERTAIN REAL PROPERTY INTO THE CITY OF ORMOND BEACH, SAID PROPERTY BEING GENERALLY LOCATED ALONG THE WEST SIDE OF NORTH U.S. HIGHWAY 1, APPROXIMATELY 425 LINEAR FEET NORTH OF INTERSTATE 95 AND BEING COMMONLY LOCATED AT 1622 NORTH U.S. HIGHWAY 1; 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; SETTING FORTH ZONING PRIVILEGES; PROVIDING FOR TRANSMISSION; PROVIDING FOR SEVERABILITY; AND SETTING FORTH AN EFFECTIVE DATE.

Commissioner Boehm moved, seconded by Commissioner Stowers, for approval of Ordinance No. 2012-42, 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 – 1626 N US Hwy 1 (Dairy Queen) Annexation

City Clerk Scott McKee read by title only:

ORDINANCE NO. 2012-43

AN ORDINANCE ANNEXING CERTAIN REAL PROPERTY INTO THE CITY OF ORMOND BEACH, SAID PROPERTY BEING GENERALLY LOCATED ALONG THE WEST SIDE OF NORTH U.S. HIGHWAY 1 APPROXIMATELY 693 LINEAR FEET WEST OF INTERSTATE 95 AND BEING COMMONLY LOCATED AT 1626 NORTH U.S. HIGHWAY 1; 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; SETTING FORTH ZONING PRIVILEGES; PROVIDING FOR TRANSMISSION; PROVIDING FOR SEVERABILITY; AND SETTING FORTH AN EFFECTIVE DATE.

Commissioner Partington moved, seconded by Commissioner Stowers, for approval of Ordinance No. 2012-43, 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 #9D – Water and Sewer Ordinance Amendment-Billing Adjustments

City Clerk Scott McKee read by title only:

ORDINANCE NO. 2012-44

AN ORDINANCE OF THE CITY OF ORMOND BEACH, FLORIDA, AMENDING DIVISION 2, RATES AND CHARGES, OF ARTICLE I, WATER, OF CHAPTER 22, WATER AND SEWERS, OF THE CODE OF ORDINANCES BY CREATING SECTION 22-34, BILLING ADJUSTMENTS FOR COMMERCIAL (INDUSTRIAL) ACCOUNTS; PROVIDING FOR THE REPEAL OF ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

Commissioner Boehm moved, seconded by Commissioner Stowers, for approval of Ordinance No. 2012-44, 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 #9E – Purchasing Threshold

City Clerk Scott McKee read by title only:

ORDINANCE NO. 2012-45

AN ORDINANCE AMENDING CHAPTER 2, ADMINISTRATION, ARTICLE IX, FINANCIAL MATTERS, OF THE CODE OF ORDINANCES, BY AMENDING SECTION 2-300, METHODS OF SOURCE SELECTION; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; PROVIDING SEVERABILITY; AND SETTING FORTH AN EFFECTIVE DATE.

Commissioner Partington moved, seconded by Commissioner Boehm, for approval of Ordinance No. 2012-45, 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 #9F – General Employees’ Pension Modification

City Clerk Scott McKee read by title only:

ORDINANCE NO. 2012-46
AN ORDINANCE OF THE CITY OF ORMOND BEACH, FLORIDA, RELATIVE TO THE GENERAL EMPLOYEES' PENSION PLAN, AMENDING ARTICLE I, IN GENERAL, OF CHAPTER 16, PENSIONS AND RETIREMENT, OF THE CODE OF ORDINANCES; AMENDING SECTION 16-1, DEFINITIONS BY AMENDING THE DEFINITION OF MEMBER; AMENDING SECTION 16-2, MEMBERSHIP; AMENDING SECTION 16-21.8, DEFERRED RETIREMENT OPTION PLAN; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY OF PROVISIONS; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH AND PROVIDING AN EFFECTIVE DATE.

Commissioner Boehm moved, seconded by Commissioner Stowers, for approval of Ordinance No. 2012-46, 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 #10A – Request for Rescission or Reduction of Four Special Magistrate Liens

Mayor Kelley stated that staff had asked that this item be removed from the agenda, based on a request from the involved party. He stated that the item would be on the January 15, 2013, agenda.

Item #10B – Nova Community Park Preliminary Conceptual Long Range Plan

Mr. Robert Carolin, Leisure Services Director, stated that the city had contracted with HHI Design and would be showing a master plan for the Nova Community Park. He introduced Ms. Ginger Corliss, AICP, CPRP, President/Senior Principal of Planning, HHI Design, to give a small presentation for the Commission to consider approving the plan.

Ms. Corliss stated that she wanted to update the Commission on the master planning process. She stated that she had been doing recreational planning for over 30 years and that it was her true love. She stated that she met with Mr. Paul MacDonald, Landscape Architect, and Mr. Carolin to create the preliminary conceptual long-range plan. She stated that they had evaluated the park site, looked at the site conditions, and developed a program to identify recreation facilities and opportunities so that there was a program in order to identify funding opportunities in the future. She stated that the first thing they did was look at the site. She explained that the site was about 63 acres, with over half of the site having been a former landfill. She stated that the Florida Department of Environmental Protection (FDEP) had met with them and looked at some of the closure requirements and what they needed to do from a recreational planning component. She stated that one thing to remember about the site was that under about three feet of fill was a membrane that they could not puncture, which affected development standards. She noted that they could not put light poles in and they had to develop restrooms, utilities, and other things a certain way. She stated that FDEP was very much in favor of the city moving forward with the development of recreational facilities at the site. She stated that after the process was finished the master plan would be filed with FDEP.

Ms. Corliss stated that the community was met with on June 21, 2012. She stated that 30 members of the public attended the meeting and a conceptual site plan was provided

that identified six football fields and additional parking. She stated that opportunities were identified for additional parking, relocating the field maintenance, and having exercise stations. She stated that comment cards were received and discussion took place. She stated that the public liked the concept; however, they wanted to be able to change the football fields to multipurpose fields because they were not lighted fields and could be utilized for other activities. She stated that they talked about adding a pickle ball field as well as looking at a larger dog park.

Ms. Corliss stated that the comments were reviewed and they made some modifications and presented the plan to the Leisure Services Advisory Board and the Quality of Life Advisory Board. She stated that the direction received from the boards was that they liked the conceptual plan, especially the addition of the pickle ball courts. She stated that there was a lot of discussion about the dog park at the Leisure Services Advisory Board, and they felt that perhaps another site should be looked at for that. She stated that the Quality of Life Advisory Board supported the revised concept with the idea of expanding the field space and reducing the dog park. She explained that the actual plan being currently presented for approval was a conceptual long-range plan. She stated that after that evening, when any project would come into implementation that project itself would be brought back to the Commission for information and further action. She stated that the long-range plan would be utilized by the city to seek funding.

Ms. Corliss stated that in the plan there was an expanded parking area, keeping the exercise and stadium area, and a two-acre dog park site that could be a dog park or an additional field. She explained that the fields were labeled as multipurpose but actually designed as football fields from the standpoint of certain grading components but could be utilized for multiple types of activities. She noted that there was also a 12-foot wide perimeter trail that ran about 1.5 miles. She stated that the project cost would be just under \$3.4 million and it would cost \$1.3 million for the upgrades to existing facilities, such as the basketball and racquetball court improvements. She noted that the agenda packet contained a fully detailed cost estimate. She stated that she was there to get the Commission's input and answer any questions. She stated that if they sought revisions to the master plan, she would make them and then bring back a presentation. She stated that the main thing was for the city to be able to utilize the plan to seek funding opportunities whether through sponsorship, grants, or other sources, as well as the CIP.

Commissioner Partington stated that he was pretty comfortable with the plan. He stated that the one huge concern that he had was how they could deal with the issue of childhood obesity, which was an epidemic in the country. He stated that as a city they had some responsibility to deal with that. He stated that he had spoken to Mr. Carolin about a fitness trail with fitness stations for children. He stated that he did not see that in the report they were presented.

Ms. Corliss noted that there was a circuit training area in the plan. She stated that when you tried to work with children specifically by grouping the exercise equipment, they would be able to have more instruction and supervision. She explained that when equipment was just put out along a trail, it had less usage. She stated that they could have stations that were sized and cornered off for children. She stated that in a park she created for Lake County, they put in exercise equipment that was adjacent to the playground that was for children. She stated that the 12-foot wide multipurpose trail could also have signage at stations that said things like "stop and give me twenty." She stated that she had done similar stations in the past on projects.

Commissioner Partington stated that he wanted to make sure the stations were delineated for youth; whereby, Ms. Corliss stated that when they designed the stations they could create them for children.

Commissioner Partington stated that he would like that to be included in the long-range conceptual plan so that it was known that the city cared about the issue and was planning for it in the long term.

Ms. Corliss stated that she would re-label that station area to reflect that it would be a children's fitness station to target childhood obesity.

Commissioner Boehm stated that there were already fitness stations at Nova Community Center for adults, which were separate and spread out along the trail. He noted that creating something new for children would not be abandoning the adults' ability to use fitness stations. He asked what the size of the parking lots was and how many parking spaces they would contain.

Ms. Corliss stated that the parking lots were sized appropriately with the fields not being league play fields. She stated that she did not have a space count.

Commissioner Boehm stated that he had a vision of soccer children playing on the fields on Saturday morning. He stated that he promised that the soccer program would jump all over the fields and that they would be used by several hundred people. He stated that he was concerned about the adequacy of the parking if those were not fairly substantial parking lots.

Ms. Corliss stated that there would be about four acres of additional parking.

Commissioner Boehm stated that he was aware that the soccer and football teams wanted more fields. He stated that the soccer teams would love to use five more fields but would need additional parking. He stated that there would be league play for soccer teams. He stated that there were already people parking all over the outfields and dirt because the parks were very well used, especially on Saturday mornings. He asked for consideration to be taken regarding the parking.

Commissioner Kent stated that the plan looked great. He stated that he liked Commissioner Partington's idea. He stated that the only thing he was going to mention was the parking. He stated that he was looking at the new and existing parking and was thinking about National Night Out. He stated that he felt there was not enough parking. He stated that he would even be inclined to possibly have four multipurpose fields instead of five in order to have additional parking. He stated that on Saturday mornings people were parking on the side of the road out there. He stated that he felt making sure there was enough parking was a must.

Ms. Corliss stated that she could show an option where parking was extended.

Commissioner Stowers thanked Ms. Corliss for her presentation. He stated that he felt that the concepts were very positive. He stated that his issues and concerns were more of a policy issue. He stated that he remembered a few years ago when a former colleague of his came before the Commission with a loose proposal for a commercial development on the front half and building facilities for the city on the back half of the site. He stated that Commissioner Kent had told him that they would not put recreation facilities on top of a landfill and that the idea was swiftly done away with. He stated that now three or four years later they were talking about spending \$3 million on facilities that would be constrained by three feet of fill dirt and the membrane. He stated that they were speaking about spending a huge amount of resources. He stated that he felt like if they were going to spend that kind of time and money, it should be in an area where they did not have those constraints, could install light poles or have certain activities. He stated that he felt that they were setting themselves up, even if it was very successful, to be limited on the site rather than being creative and coming up with another site with flexibility. He stated that they were still at a point where nothing was concrete.

Commissioner Boehm stated that in 2004 there had been a sports complex master plan. He stated that they were still working on that master plan nine years later. He stated that since that time the plan had been altered and changed and not completely followed. He stated that they needed a master plan in order to move forward with seeking any funding or CIP. He stated that the master plan may have changes made to it.

Mayor Kelley stated that he doubted that the plan was to scale. He stated that the parking would be something like 800 by 800. He stated that he thought there was a lot more space available than it seemed. He noted that the area was 63 acres and that the former Florida Hospital location was only 27 acres. He stated that he agreed that the plan needed to be in place and that the needs could change. He stated that he did not know where else they could find 63 acres that was within a mile radius of almost 20% of Ormond Beach's population. He stated that he felt that it was a perfect location. He noted that many residents wanted the dog park. He stated that he also felt that if they needed one of the multipurpose fields to be taken away to make a parking lot out of it, then they could do so. He asked Mr. Carolin if there was a timeline established.

Mr. Carolin stated that the city worked from the five-year CIP plan. He stated that currently there was not funding in the plan for the project. He stated that it would probably be seven to ten years before it came to fruition.

Commissioner Kent thanked Commissioner Stowers for bringing up his comment about his former colleague. He stated that this proposal was very different. He stated that

back then he thought the proposal was, in his opinion, corporate greed coming in and taking over the front part of the park and pushing the kids to the back. He stated that this proposal would not be puncturing the protective layer or taking down all of the playground trees. He stated that there were some definite differences on why he made those comments. He stated that this was the city expanding on an area that was determined safe.

Ms. Corliss stated that portable lighting systems could be used for lighting.

Mayor Kelley stated that the proposal would be providing for the community and not someone else. He stated that he was hearing a general consensus to approve the plan while taking into account the comments that the Commission had made. He thanked Ms. Corliss for her presentation.

Item #11 – Reports, Suggestions, and Requests

Upcoming Meetings

Ms. Shanahan stated that there would be a Commission meeting next week on Tuesday, January 15, 2013, at 7:00 p.m. and also a workshop on city welcome signage prior to that meeting at 6:00 p.m. She stated that at 6:45 p.m. there would be a reception welcoming new Fire Chief Bob Mandarino. She stated that on February 5, 2013, there would be a goals setting workshop prior to the Commission meeting. She stated that on March 5, 2013, they would have the Financial Trends Workshop.

Andy Romano Beachfront Park

Ms. Shanahan stated that the final completion of Ormond Beach's Andy Romano Beachfront Park was expected on February 18, 2013. She stated that the ribbon cutting was scheduled for Saturday, February 23, 2013, from 11:00 a.m. to 3:00 p.m. She stated that the actual ribbon cutting would be from 11:00 a.m. to 12:00 p.m. and then from 12:00 p.m. to 3:00 p.m. there would be festivities. She noted that it would be an all out beach party.

Jerry Upson's Passing

Ms. Shanahan stated that Mr. Jerry Upson passed away the previous week. She stated that when she first came to the community, Mr. Upson was very gracious with her and toured her around. She stated that his mission for Ormond Beach never changed and he had an undying passion for the community. She stated that she wanted to thank him and his family for all that they had done for the community.

Greetings

Mr. Ted MacLeod, Assistant City Manager and Public Works Director, wished everyone a happy and prosperous new year.

Greetings

Commissioner Kent wished everyone a happy new year.

Mayor's Health & Fitness Challenge

Commissioner Boehm stated that he had the opportunity to participate in several of the Mayor's walks preliminary to the Mayor's Health & Fitness Challenge. He stated that about 20 citizens had turned out for them. He stated that as of the day before the kick off he believed there were 50 people registered to participate in the challenge and the kick start event. He stated that his wife had told him that he could not eat anything before the kick start event and he had planned to go over at 10:00 a.m. to get checked out and then leave. He stated that when he arrived, the parking lot was full so he felt that the church must have some event going on because those cars could not be for the Mayor's Health and Fitness Challenge at The Casements. He stated that two hours later he finally got checked in and managed to stagger back to get something to eat and drink. He stated that the 170 participants that attended surpassed everyone's expectation.

Chief Osterkamp

Commissioner Boehm congratulated Police Chief Andy Osterkamp on serving with the police department for 30 years. He stated that he thought that the city had a very well run police department and it was a tribute to his leadership and loyalty to the community.

Chief Mandarino

Commissioner Boehm congratulated Fire Chief Bob Mandarino for having the "acting" removed from his title. He stated that Chief Mandarino was also a local and had been

with the department for a long time. He stated that it was great that the city had staff members that were loyal to them and made long-term commitments to the city.

Holidays at the Casements

Commissioner Boehm stated that Ms. Siobhan Daly, Casements Coordinator, was an amazing person. He stated that The Casements went from a 16-foot Christmas tree to an 18-foot tree in their atrium. He stated that there were also six other trees decorating The Casements for the holidays. He stated that he had no idea where she stored all those decorations. He defied anyone to find anywhere else in central Florida that looked more holiday-like than The Casements did at the holiday season.

Civil Air Patrol Cadets

Commissioner Boehm stated that it was the first year that the Civil Air Patrol cadets participated in the state Civil Air Patrol Wing Cadet Competition. He noted that they won seven trophies in the 11 events they participated in, including two first place trophies. He stated that Mr. Steven Lichliter, Airport Manager, had also told him that two of the cadets were now eligible for the highest ranking in the Civil Air Patrol.

Greetings

Commissioner Partington wished everyone a happy and prosperous new year.

Hammock Lane and Fleming Ave Paving

Commissioner Partington thanked the Commission for supporting the project and staff for completing the paving on Hammock Lane and Fleming Avenue for Central Park. He stated that it was already a fantastic improvement and it was heavily used. He stated that on Sunday afternoon there were maybe two spaces available on Fleming Avenue out of all of those that were created. He explained that the biggest problem on Hammock Lane had been when it rained the handicapped spots would be flooded and unusable and now they were perfectly dry. He stated that the improvements were designed by SJRWMD so that all of the run off did not go into the lakes and instead ran into retention areas.

Volusia League of Cities

Commissioner Partington stated that he attended the Volusia League of Cities meeting that day. He stated that they were having their monthly city meeting at the Atlantic Center for the Arts in New Smyrna Beach on Thursday, January 24, 2013, at 6:00 p.m. He stated that all of the newly elected officials from all of the municipalities would be attending. He stated that would be a good meeting to go to if the Commissioners could make it. He stated that he knew that was a busy time because the Chamber's annual dinner was on January 25, 2013, and January 26, 2013, was the Bud Asher dinner to celebrate Harry Wendelstedt.

Project ROMP

Commissioner Partington stated that Project ROMP was doing well with their fundraising and may only have a little bit to go. He stated that all of the project parts were ordered and that the build week would be the second week in February. He stated that the project needed volunteers and he hoped to see the Commission out there as he would be out there. He stated that there would be skilled, trained project managers instructing the volunteers.

Greetings

Commissioner Stowers wished everyone a happy new year.

Granada Improvements

Commissioner Stowers stated that construction improvements started yesterday on the downtown medians on Granada Boulevard.

Mayor's Health & Fitness Challenge

Commissioner Stowers stated that he wanted to echo Commissioner Boehm's comments regarding the Mayor's Health & Fitness Challenge. He stated that he was hard at work throughout December eating and drinking everything he could to gain as much weight as possible to hopefully win that challenge.

Mayor Kelley thanked everyone for supporting the Mayor's Health & Fitness Challenge. He stated that city staff had done a great job, especially Ms. Christina Maguire, Risk Manager. He noted that the event was much larger than anyone had expected. He stated that next time they would make adjustments so that there would not be such a long wait, but they did not anticipate the turn out to be as great. He stated that the

Observer also did a great job covering it. He stated that participants were saying a lot of good things about the challenge and enjoyed the community spirit.

Florida Georgia Line

Mayor Kelley stated that he appreciated Commissioner Partington filling in for him at the Bud Asher award dinner. He stated that his son, Mr. Brian Kelley, would be playing at the Amway Center in Orlando that night opening for Luke Bryan and Thompson Square. He stated that the Florida Georgia Line, his son's group, had their song "Cruise" go to number one three weeks in a row and they would be getting honored on January 28 and 29 by BMI for a number one record. He stated that the record had gone platinum and was close to going double platinum. He stated that his son had attended school at Seabreeze High School and taken an elective of keyboards which made him realize he had musical desires.

Jerry Upson's Passing

Mayor Kelley stated that Ms. Shanahan had mentioned Mr. Upson. He stated that they needed to find some way to honor him even though he would never seek to be honored. He stated that Mr. Doug Thomas had said at the services that if it was not for Mr. Upson then he never would have been involved in everything he was. He stated that they should all put their heads together to find a way to memorialize what Mr. Upson had done for the community.

Item #12 – Adjournment

The meeting was adjourned at 9:55 p.m.

APPROVED: February 5, 2012

BY:

Ed Kelley, Mayor

ATTEST:

J. Scott McKee, City Clerk