

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

February 19, 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. Special Proclamation

B. Annual Audit Presentation FY 2012

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

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

- 6. APPROVAL OF MINUTES**

A. Minutes from City Commission meeting – February 5, 2013

- 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. 2013-43** : A RESOLUTION ACCEPTING A PROPOSAL FROM ZEV COHEN & ASSOCIATES, INC. FOR CONSTRUCTION ADMINISTRATION SERVICES REGARDING THE NORTH CENTRAL PARK LAKE INTERCONNECT PROJECT; 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)

- B. RESOLUTION NO. 2013-44** : A RESOLUTION ACCEPTING A BID FROM J.D. WEBER CONSTRUCTION CO. FOR CONSTRUCTION SERVICES REGARDING THE NORTH CENTRAL PARK LAKE INTERCONNECT PROJECT, UNDER BID NO. 2013-01; AUTHORIZING THE EXECUTION OF A CONTRACT AND PAYMENT THEREFOR; REJECTING ALL OTHER BIDS; AND SETTING FORTH AN EFFECTIVE DATE.

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

- C. RESOLUTION NO. 2013-45** : A RESOLUTION ACCEPTING THE PROPOSAL OF FIREWORKS BY SANTORE, INC. REGARDING A FIREWORKS DISPLAY; ACCEPTING A CERTIFICATE OF GENERAL LIABILITY INSURANCE; AUTHORIZING THE EXECUTION OF A CONTRACT; AND SETTING FORTH AN EFFECTIVE DATE.

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

- D. **RESOLUTION NO. 2013-46** : A RESOLUTION APPOINTING TROY RAILSBACK TO 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)*

- E. **RESOLUTION NO. 2013-47** : A RESOLUTION APPROVING AND AUTHORIZING THE REMOVAL OF AN HISTORIC TREE LOCATED AT 8 COOLIDGE AVENUE; AND SETTING FORTH AN EFFECTIVE DATE.

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

- F. **RESOLUTION NO. 2013-48** : A RESOLUTION AUTHORIZING A REDUCTION OF CODE ENFORCEMENT LIENS IMPOSED BY THE SPEICAL MAGISTRATE UPON RESIDENTIAL PROPERTIES LOCATED AT 35 GOLDEN OAK LANE (PAREL I.D. NO. 4219-01-21-0300) AND 90 RAINTREE LANE (PARCEL I.D. NO. 4219-01-20-0370); DENYING A REQUEST TO REDUCE CODE ENFORCEMENT LIENS IMPOSED BY THE SPECIAL MAGISTRATE ON COMMERCIAL PROPERTIES LOCATED AT 430 S. YONGE STREET (PARCEL ID 4242-10-06-0030) AND 445 S. YONGE STREET (PARCEL ID 4242-03-03-0130); AUTHORIZING THE EXECUTION OF A SATISFACTION AND RELEASE OF SPECIAL MAGISTRATE CODE ENFORECEMENT LIENS UPON THE FULLFILLMENT OF CERTAIN CONDITIONS; AND SETTING FORTH AN EFFECTIVE DATE.

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

- G. **RESOLUTION NO. 2013-51** : A RESOLUTION APPROVING HEALTHCARE BILLING SYSTEMS, INC. D/B/A DUVASAWKO AS A QUALIFIED TARGET INDUSTRY BUSINESS; PROVIDING FOR LOCAL FINANCIAL SUPPORT FOR PERFORMANCE BASED JOB CREATION; AUTHORIZING AN AGREEMENT THEREFORE; AND SETTING FORTH AN EFFECTIVE DATE.

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

- H. **RESOLUTION NO. 2013-52** : A RESOLUTION APPROVING EDGE PHYSICIANS, INC. AS A QUALIFIED TARGET INDUSTRY BUSINESS; PROVIDING FOR LOCAL FINANCIAL SUPPORT FOR PERFORMANCE BASED JOB CREATION; AUTHORIZING AN AGREEMENT THEREFORE; AND SETTING FORTH AN EFFECTIVE DATE.

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

- I. **Lift Stations 4M1, 9M, Towne Square and Wal-Mart Rehabilitation**

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

Disposition: Approve as recommended in the City Manager memorandum dated February 19, 2013.

- J. **2-inch Watermain Replacement-Mainland Bidding**

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

Disposition: Approve as recommended in the City Manager memorandum dated February 19, 2013.

- K. **Authorization for East Volusia Mosquito Control District to Continue to Perform Low-level Flights over the City of Ormond Beach**

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

Disposition: Approve as recommended in the City Manager memorandum dated February 19, 2013.

- L. **FY 2013-14 Budget Calendar**

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

Disposition: Approve as recommended in the City Manager memorandum dated February 19, 2013.

M. Volusia League of Cities 2013 Distinguished Service Award Nominations

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

Disposition: Approve as recommended in the City Manager memorandum dated February 19, 2013.

N. Traffic Free Zone at Andy Romano Beachfront Park

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

Disposition: Approve as recommended in the City Manager memorandum dated February 19, 2013.

8. PUBLIC HEARINGS

A. RESOLUTION NO. 2013-49 : A RESOLUTION RATIFYING AND APPROVING THE APPOINTMENT OF LARRY STOUT AND BRUCE MANN TO 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. 2013-50 : A RESOLUTION APPOINTING HALUK "LUKE" KILIC AS A MEMBER TO SERVE ON 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)

C. ORDINANCE NO. 2013-16 : 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 0.53 ACRES LOCATED AT 1428 NORTH US HIGHWAY 1, FROM VOLUSIA COUNTY B-4 (GENERAL COMMERCIAL) TO ORMOND BEACH B-8 (COMMERCIAL), 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)

D. ORDINANCE NO. 2013-17 : 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 FOUR (4) PARCELS OF REAL PROPERTY TOTALING 3.97 ACRES LOCATED AT 1433, 1435, 1437 AND 1439 NORTH US HIGHWAY 1, FROM VOLUSIA COUNTY MPUD (MIXED PLANNED UNIT DEVELOPMENT) TO ORMOND BEACH PBD (PLANNED BUSINESS DEVELOPMENT), 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)

- E. **ORDINANCE NO. 2013-18** : 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 A CERTAIN PARCEL OF REAL PROPERTY TOTALING 0.53 ACRES LOCATED AT 1438 NORTH US HIGHWAY 1, FROM VOLUSIA COUNTY B-4 (GENERAL COMMERCIAL) TO ORMOND BEACH B-8 (COMMERCIAL), 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)

- F. **ORDINANCE NO. 2013-19** : 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 A CERTAIN PARCEL OF REAL PROPERTY TOTALING 0.72- ACRES LOCATED AT 1444 NORTH U.S. HIGHWAY 1, FROM VOLUSIA COUNTY B-4 (GENERAL COMMERCIAL) TO ORMOND BEACH B-8 (COMMERCIAL), 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)

- G. **ORDINANCE NO. 2013-20** : AN ORDINANCE AMENDING PARAGRAPH C, OFFICIAL ZONING MAP, OF SECTION 2-01, ESTABLISHMENT OF ZONING DISTRICTS AND OFFICIAL ZONING MAP, OF ARTICLE I, 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 REZONING ONE PARCEL OF REAL PROPERTY TOTALING 0.51 ACRES LOCATED AT 460 SOUTH ATLANTIC AVENUE FROM B-7 (HIGHWAY TOURIST COMMERCIAL) TO PBD (PLANNED BUSINESS DEVELOPMENT); AUTHORIZING REVISION OF OFFICIAL ZONING MAP; APPROVING A DEVELOPMENT ORDER FOR A PLANNED BUSINESS DEVELOPMENT TO BE KNOWN AS "SUNOCO"; 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)

9. **SECOND READING OF ORDINANCES**

- A. **ORDINANCE NO. 2013-14** : AN ORDINANCE ADOPTING CERTAIN UPDATED SCHEDULES TO THE CAPITAL IMPROVEMENTS ELEMENT OF THE CITY OF ORMOND BEACH COMPREHENSIVE PLAN; PROVIDING WHEN SUCH UPDATES SHALL TAKE EFFECT; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; AND SETTING FORTH AN EFFECTIVE DATE.

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

10. **REPORTS, SUGGESTIONS, REQUESTS**

11. **ADJOURNMENT**

Item #1 – Meeting Call to Order

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

Item #2 – Invocation

Pastor Joseph Kim, Riverview United Methodist Church, gave the invocation.

Item #3 – Pledge of Allegiance

Mayor Kelley led the Pledge of Allegiance.

Item #4A – Special Proclamation

Mayor Kelley announced that there was a special surprise proclamation that would be given that evening. He asked Karen Worman to approach the podium. He stated that he had never given a proclamation for this award before. He stated that Karen had received the Gold Award for Girl Scouts, which was the equivalent of the Eagle Scout Award for Boy Scouts.

Mayor Kelley stated that Karen Worman had been involved in Girl Scouts for ten years and received her Bronze and Silver Awards in Troop 877 over the past several years. He stated that Karen selected to design and develop a project entitled “A Portrait of the Jewish Community of Daytona Beach” as her Gold Award project. He explained that the project traced the beginnings of the Jewish population in the Daytona Beach area and that Karen had created a website that followed the roots of the community from the early 1900s to the present day. He stated that Karen was a junior at Seabreeze High School and was enrolled in the Culinary Academy. He stated that she was active in the National Honors Society, Toms Club, Student Government, and Leo Club. He stated that she was a member of the congregation of Binai Torah and a participant in their Hebrew High School as well as a volunteer for the Jewish Federation. He stated that Karen earned the achievement of the highest rank in Girl Scouts, the Gold Award, which was obtained by only 5.4% of all Girl Scouts. He proclaimed February 19, 2013, as Karen Worman Day in the City of Ormond Beach and urged all residents to join with him in paying tribute to Karen as an outstanding representative of the youth of the city and thanked her for her service to the community.

Item #4B – Annual Audit Presentation FY 2012

Mr. Mike Sibley, James Moore and Company, thanked staff for their participation and cooperation in the audit. He especially recognized Mr. Dan Stauffer, Accounting Manager, and Ms. Kelly McGuire, Finance Director. He explained that Mr. Stauffer and Ms. McGuire prepared the extensive audit document which was provided. He stated that it was important to note that the city had again received the certificate award for financial excellence and financial reporting. He congratulated the city on that achievement. He stated that the audit report was an unqualified audit, which explained that meant that the financial statements, in their opinion, were in accordance with all financial reporting standards. He noted that that was exactly what was desired, but acknowledged that ‘unqualified’ did sound a bit odd.

Mr. Sibley stated that the auditors were also required to perform an audit on the city's grants. He explained that the city spent enough in grants to cause the auditors to specifically look at their compliance. He stated that there was no non-compliance with any of the grant requirements. He stated that an internal control report was also issued. He stated that they did not audit internal controls but considered internal controls as part of the audit process. He noted that they did not identify any instances of material weaknesses or significant deficiencies. He explained that the auditor general also required a report. He pointed out that all of their findings and recommendations from the previous year had been corrected by city management. He stated that was exactly what they and the auditor general looked for. He stated that the auditor general followed up with the comments to see if corrective action had been taken or not. He stated that they had one comment this year and management had already addressed the issue, and they believed that it would not be an issue going forward.

Mr. Sibley stated that he knew that the city monitored their fund balances very carefully. He stated that the General Fund had an overall fund balance of \$8,283,000, of which some was restricted. He stated that the unassigned fund balance was \$6,492,000, which included a Revenue Stabilization Fund of almost \$1.7 million. He noted that he

knew that the Commission had a goal of an undesignated fund balance of 15% of operating budgeted expenses. He stated that they were just under 17% currently. He stated that \$1.3 million of fund balance had been budgeted for spending this year and \$1.6 million had been spent. He explained that the difference had been related to being under budget in revenues related to electrical franchise fees. He stated that was not something that the city could have controlled. He stated that there was some positive variance in that the city spent less in expenditures than were budgeted.

Mr. Sibley stated that the Water and Sewer Fund had slightly lower income before contributions from transfers and grants, which was primarily related to a slightly lower consumption than in the previous year and some additional interest costs from financing projects. He stated that the Solid Waste Fund was up slightly over the prior year. He stated that the Redevelopment Trust Fund had a fund balance of \$3,153,000, which had increased slightly over the prior year and included the Community Redevelopment Agency (CRA), the downtown CRA, and the Ormond Crossings CRA.

Ms. Shanahan stated that the CRA money was obligated to capital projects. She stated that the city had just kicked off their biggest capital project, which was undergrounding the utilities and improvements to medians and streetscaping in the downtown area. She stated that a significant portion of the fund balance would be spent during the present calendar year and into the next.

Mr. Sibley stated that he knew that the pension plans were a topic of concern. He stated that it was reported that the city had investment income of \$12,336,000 combined in the three pensions plans. He noted that was a positive turnaround from the last several years of difficult markets. He stated that the unfunded pension liabilities for all three funds totaled \$37,704,000. He noted that there had been a slight improvement in that number but at that level it was not a big impact.

Ms. Shanahan stated that the changes that were made to the pension plans for the current year were not reflected in those numbers. She stated that the city had made significant changes in the General Employees' Pension Plan by converting all new employees to a defined contribution plan and had also made significant changes to the police pension plan that were not reflected.

Mr. Sibley stated that the Government Accounting Standards Board (GASB) had issued Statement No. 68, which stated that in the future cities would have to place the unfunded liabilities on their balance sheet, which would have a significant impact on all local government agencies. He noted that city staff was well aware of that change, but he wanted to keep reminding everyone that it was upcoming.

Mayor Kelley proposed that the unfunded liability be listed in the transparency section of the city's website to serve as a constant reminder. He stated that he believed that in two years or so when they were required to put the liability on the city's balance sheet, the city would no longer be solvent. He stated that would also happen to about 80% of other local governments and would allow them to become eligible for bankruptcy. He explained that until the cities could get some help from the State legislature to be able to fairly negotiate pensions, then the cities would have the unfunded liabilities. He stated that when the city had to show that unfunded liability from the bottom line, the city would be in the negative by over \$10 million, which could affect the city's bonding rates. He noted that other than the unfunded liability, the city was in great financial shape.

Mr. Sibley clarified that the liability would show as a deficit in the unrestricted net assets.

Mayor Kelley stated that the city wanted to make sure they could pay the pensions to those working for them and those that were receiving them.

Ms. Shanahan stated that the city wanted to thank James Moore and Company, and noted that they were always very professional and worked well with the city staff. She stated that she also wanted to recognize Ms. McGuire and Mr. Stauffer for doing a great job of keeping the city's fiscal affairs in such good order.

Mayor Kelley stated that he wanted to thank Ms. Shanahan as well as the financial staff. He noted that Ms. Shanahan had done a fantastic job in her four years with the city. He stated that all of the city employees were fantastic and noted he often received unsolicited reports of what a great job they were doing.

Item #5 – Audience Remarks

Mr. Mike Bowen, 2 Heather Lane, Representative from Project ROMP (Renovate Ormond Beach’s Magic Forest Playground), thanked the Commission for their support of Project ROMP. He also recognized the Project ROMP Board, Commissioner Partington and his wife, Mr. Robert Carolin, Leisure Services Director, Ms. Sylvia Frost, Leisure Services Office Manager, and Mr. Stefan Sibley, Recreation Manager. He stated that those individuals really made the project happen. He stated that you had not lived until you saw Ms. Shanahan driving a forklift. He noted that Mr. Ted MacLeod, Assistant City Manager and Public Works Director also assisted in the construction as did Commissioner Boehm and Mayor Kelley. He stated that he wanted to let the Commission know that the ROMP group would be staying together but instead of Renovate Ormond Beach’s Magic Forest Playground, they would be renamed Renovate Ormond Beach’s Many Parks. He stated that they would be there for whatever needed to be done down the road and looked forward to the next project.

Mayor Kelley stated that the energy when the playground reopened was fantastic and he wished he could bottle it up. He stated that the project was for the children and the community. He thanked everyone who participated.

Item #6A – Approval of Minutes from February 5, 2013 City Commission Meeting

Mayor Kelley advised that the minutes of the February 5, 2013, 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 Boehm noted that he wished to comment on some items at the end of the Consent Agenda.

Commissioner Kent requested that items 7F and 7N be pulled from the Consent Agenda.

Commissioner Partington moved, seconded by Commissioner Boehm, for approval of the Consent Agenda absent items 7F and 7N.

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

Item #7F – Special Magistrate Lien/Fine Reduction

City Clerk Scott McKee read by title only:

RESOLUTION NO. 2013-48

A RESOLUTION AUTHORIZING A REDUCTION OF CODE ENFORCEMENT LIENS IMPOSED BY THE SPEICAL MAGISTRATE UPON RESIDENTIAL PROPERTIES LOCATED AT 35 GOLDEN OAK LANE (PAREL I.D. NO. 4219-01-21-0300) AND 90 RAINTREE LANE (PARCEL I.D. NO. 4219-01-20-0370); DENYING A REQUEST TO REDUCE CODE ENFORCEMENT LIENS IMPOSED BY THE SPECIAL MAGISTRATE ON COMMERCIAL PROPERTIES LOCATED AT 430 S. YONGE STREET (PARCEL ID 4242-10-06-0030) AND 445 S. YONGE STREET (PARCEL ID 4242-03-03-0130); AUTHORIZING THE EXECUTION OF A SATISFACTION AND RELEASE OF SPECIAL MAGISTRATE CODE ENFORECEMENT LIENS UPON THE FULLFILLMENT OF CERTAIN CONDITIONS; AND SETTING FORTH AN EFFECTIVE DATE.

Commissioner Partington moved, seconded by Commissioner Boehm, for approval of Resolution No. 2013-48, as read by title only.

Commissioner Kent stated that he had made all of his comments very clear about the issue at the previous meeting where it was discussed. He stated that he just wanted the opportunity to vote separately on the resolution.

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

Item #7N – Traffic-Free Zone at Andy Romano Beachfront Park

City Clerk Scott McKee stated that the item regarded sending a letter from the Commission to the County Council regarding establishing a traffic-free zone in front of the Andy Romano Beachfront Park.

Commissioner Boehm moved, seconded by Commissioner Stowers, for approval of the disposition item.

Mr. Charles Ferguson, 44 Kent Drive, thanked the Commission and Ms. Shanahan for their untiring efforts to provide the city with Andy Romano Beachfront Park. He stated that it was perhaps the crown jewel of oceanfront Ormond Beach. He stated that his one concern about the park was that he would have liked more trees and less parking spaces but he saw now that the number of parking spaces the park had was a real advantage, because it meant that there was no reason why there should be traffic on the beach in that area. He stated that he would very much hope that in front of the park could be made a traffic-free zone so that children could safely be on the beach, and he would like to know what else could be done to petition the County Council to go along with those wishes.

Mr. Jay Magrane, 2245 Lipizzan Trail, stated that he was all for a traffic-free beach. He stated that he felt that the beach should also be free of beach rangers because 12 people had been run over on the beach by beach rangers and their vehicles recently. He stated that Beach Patrol had very tinted windows on their vehicles and wore heavily tinted sunglasses, as well, and he felt that they could not see well. He stated that traffic free should mean no traffic, including no Beach Patrol vehicles. He stated that he felt that driving should be taken off of Ormond Beach entirely. He stated that he felt that the county was unable to control the beach rangers.

Commissioner Kent stated that he was in favor of a traffic-free beach in front of Andy Romano Beachfront Park. He referenced the letter and stated that he was concerned about the Commission stating in it that they wanted the Millsap Road ramp closed. He stated that he was not in favor of that and had never wanted any Ormond Beach ramps closed. He explained that the Millsap Road ramp could be opened for a left turn only. He stated that closing it would signal to the county that they were accepting of the county closing Ormond Beach ramps. He explained that it had never been acceptable to him that any of the city's ramps were closed and he felt that they should all be open. He stated that normally Harvard Drive, Rockefeller Drive, and Granada Boulevard beach ramps were open but noted that often the Granada Boulevard and Rockefeller Drive ramps were shut down and only one beach ramp was open. He stated that he favored the Millsap Road beach ramp left open but with a left turn only with barricades on the beach directing traffic to only turn left.

Commissioner Kent stated that he had another comment regarding the letter which he felt stronger about than his first comment. He stated that making a no-driving zone in front of Oceans East Condominium would be something that he would have real difficulty with, as he felt it would be unfair. He noted that doing that had never been discussed but now they did have the opportunity to discuss it. He stated that he felt that drivers should be able to go down Harvard Drive and turn left with the barricade being right in front of the Andy Romano Beachfront Park. He noted that at least another 50 cars could be put on the beach in front of the Oceans East Condominium. He summarized his comments regarding the proposed letter: open Millsap ramp and make it left turn only, putting barricades in front of the park and not several hundred feet down to give Oceans East Condominium their own private beach, as well.

Mayor Kelley stated that he met with and spoke with members of the County Council. He stated that he did not feel that the city was advocating the Millsap Road ramp being closed because it was already closed and stayed closed. He stated that was proposed in part, because if drivers went back to Cardinal Drive, there was a traffic light to continue southbound. He stated that he would like to see the Millsap Road ramp opened for an exit only, as well.

Ms. Shanahan noted that on the diagram attached to the letter it read "ramp closed" at Millsap Road but it was not their intent to close it but to take traffic off going northbound. She stated that they did not want traffic crossing Atlantic Avenue to go southbound from Millsap Road because there was no light there. She stated that staff would change the letter to reflect the Commission's desires.

Mayor Kelley stated that the Millsap Road ramp was closed all of the time.

Commissioner Kent noted that was his problem, as he felt it should not be closed.

Mayor Kelley stated that he had presented a plan to the county to keep all of the ramps open and not have tolls on them but that was not going to go anywhere. He stated that from a safety standpoint, if the ramp was closed and remained closed, drivers should make a U-turn and go back to Cardinal Drive where they could then continue on north or south.

Commissioner Boehm stated that he liked Commissioner Kent's idea in general. He stated that if the Millsap Road ramp was made a left turn only there could be a "do not enter" sign at the base of the ramp that made it clear that it was a one-way ramp only going towards the beach and only with a left turn. He stated that it would seem like that would accomplish the goal of having the ramp open for the limited use which Commissioner Kent advocated making it available at least for that purpose.

Commissioner Kent stated that the county did that same thing at Rockefeller Drive and were skilled in doing so.

Mayor Kelley stated that the problem that they had was that the county would not place another toll booth at that location.

Commissioner Kent stated that he did not accept that; whereby, Mayor Kelley stated that was what the county had said.

Commissioner Kent stated that he did not accept that and wanted to speak to District Four Representative Doug Daniels and the rest of the County Council because he was tired of not having access to the beach. He stated that he was lucky because he lived 1,400 feet from the Atlantic Ocean. He noted that the rest of the Commission was not able to walk to the beach from their homes. He stated that he agreed with Mayor Kelley about having every tollbooth open and was ready to let the Ormond Beach Police Department patrol the beach and have the Beach Patrol off of it. He stated that he had sent an email about the Beach Patrol running over people and agreed with Mr. Magrane's comments. He stated that he was ready for any Ormond Beach resident that went down to the beach to be able to show their driver's license, and because they had an Ormond Beach address and paid Ormond Beach taxes, be able to access the beach. He explained that he was ready for the city to take over their beach and open up their beach approaches.

Commissioner Kent stated that the reason he pushed so hard to have 200 parking spots at Andy Romano Beachfront Park was because it was a non-accessible beach. He explained that was why he wanted to have a no-driving area in front of the park. He stated that he would not accept that the county would not put another toll booth operator at the Millsap Road ramp. He stated that he was tired of Ormond Beach being the 'stepchild' when Daytona Beach and New Smyrna Beach had oodles of toll booth operators at their beach ramps. He stated that Ormond Beach had three and usually two of them were shut down. He stated that he felt that the Commission needed to tell the county that they did not accept that they could not put a tollbooth operator there. He stated that the county wanted to take over the beach and was in control so they should do what was asked of them and do a good job.

Mayor Kelley stated that he would like to not have any traffic in front of Andy Romano Beachfront Park, and that was his real objective. He stated that all of the other things were issues that he felt the whole Commission would want to address at another time.

He noted that he did not like the tolls and wished that every ramp was open as well. He stated that he thought that the county was going to propose one-way traffic southbound. He stated that if and when that happened, there would be no reason for anyone to go north there and that would make it free at Harvard Drive. He noted that there were other variables associated with the beach. He stated that the Commission wanted no traffic in front of Andy Romano Beachfront Park and how the county achieved that for the moment would be up to the County Council. He stated that the park would take 200 cars off the beach and that people would have a false sense of security when they pulled up there, saw no cars parked there, and then all of a sudden a car would come up. He noted that he agreed with Commissioner Kent on the other issues but that would be for a later discussion. He stated that he did not believe, in his discussions with the county, that they would be willing to provide for no traffic there anyway.

Ms. Shanahan stated that they could amend the map diagram to move the purple line to the edge of the Andy Romano Beachfront Park and take out the words "ramp closed." She stated that they would also delete the first full paragraph on page two in the letter, which began "As a matter of information..." She stated that she thought that those amendments would accomplish the Commission's goal.

Mayor Kelley stated that he thought that there was general acceptance on opening the Millsap Road ramp to be exit only. He stated that he agreed with Commissioner Kent that he was disgusted when he could not go to the beach, but at least they could go to the park now.

Commissioner Kent stated that he was very pleased about the beachfront park which had a splash park, a playground, and many cabanas. He stated that they would have a hard time wiping the smile off of his face from that. He stated that as an elected official for that district he thought that he was allowed to try and get greedy with the beach access. He stated that he appreciated what Mayor Kelley and Ms. Shanahan said and if the rest of the Commission was in agreement with that, they could move on with sending the letter. He acknowledged that the goal was to not have traffic in front of the park.

Mayor Kelley asked the City Clerk to call the vote on the letter as amended per the suggestions from the Commission.

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

Item #7G and 7H – Growth Assistance Agreements – Healthcare Billing Systems & Edge Physicians, Inc.

Commissioner Boehm stated that Dr. Charles Duva was in attendance as well as Mr. G. G. Galloway. He stated that it was exciting for Ormond Beach that Healthcare Billing Systems and Edge Physicians, Inc. had chosen to relocate there. He stated that it was positive in every way for the city to have an industry and business such as Healthcare Billing Systems and Edge Physicians, Inc. He stated that recognition should be given to Mr. Joe Mannarino, Economic Development Director, for the work that he had done. He stated that it was a great thing for Ormond Beach.

Mr. Mannarino stated that the Mayor always said "jobs, jobs, jobs." He stated that 200 jobs would now potentially be coming to the city because of the hard work of the city staff and the Commission. He noted that the Commission was devoted to economic development and had a strategic economic development plan, which was very unusual for a Volusia County city to have. He stated that the city worked with their businesses to create jobs. He noted that many individuals had worked with him on the project, including Ms. Shanahan, Mr. Randy Hayes, City Attorney, and in particular Ms. Ann Margaret Emery, Deputy City Attorney, who put a lot of time into putting together agreements and crafting programs. He stated that a lot of individuals from the companies were in attendance: Dr. Charles Duva, CEO of Duvasawko, Mr. Shawn Gallagher, CFO of Duvasawko, Ms. Jill Reynolds, COO of Duvasawko; Mr. Mike Pendergrass, President of Edge Physicians, Inc., Ms. Lisa Mezzetti, Office Manager of Edge Physicians, Inc., Mr. and Mrs. Barry Kalin, who owned the property at 298 South Yonge Street, Mr. G. G. Galloway of Coldwell Banker Commercial Benchmark Properties, who brought the deal to the city, and Mr. Bob Gray, President of Strategic Planning Group, who worked on aspects of the program.

Dr. Duva thanked the City of Ormond Beach and the City Commission and specifically Mr. Mannarino for running a very smooth operation from beginning to end. He stated that Duvasawko and Edge Physicians were very sure that the city's decision would make them very proud of those businesses being in the city. He stated that they had worked with Mr. Kalin and established a good business relationship, and it had been a very smooth transition negotiating a lease with him. He stated that they were very much looking towards the future and that Duvasawko was very strong. He explained that they had a significant amount of business coming in 2013 and had already surpassed their goal to grow by 10% that year. He stated that Edge Physicians was a company that complimented Duvasawko and supported its growth as well as opening a new frontier with respect to what they were doing in healthcare as far as assisting their clients in becoming stronger throughout the country. He stated that they were a national organization currently in ten states going into 11, as far away as New Mexico.

Mayor Kelley thanked the individuals who were involved with the projects. He stated that he hoped that would bring the city national attention and let businesses know that they were open for business.

Item #7M – Volusia League of Cities 2013 Distinguished Service Award Nominations

Commissioner Boehm stated that because the nominations were on the consent agenda there would be no reference to those individuals nominated unless they won. He stated he felt that they should mention that the city nominated the following employees for the Employee of the Year: Ms. McGuire in the category of Administration, Mr. Mannarino in the category of Economic Enrichment, Community Planning and Development, Mr. Carolin in the category of Parks and Recreation, Mr. Paul MacDonald, Landscape Architect, in the category of Public Works and Utilities, Officers Lloyd Cornelius and Gregory Stokes in the category of Public Safety, and Ms. Christina Maguire, Risk Manager, in the category of Other – Risk Management and Community Activities. He stated that the city also nominated individuals for Citizens of the Year award and announced the nominees as follows: Mr. Dwight Durant, President of Zev Cohen & Associates, in the category of Economic Enrichment, Community Planning and Development; Mr. Doug Wigley, Chairman of Ormond Beach Youth Baseball and Softball Association (OBYBSA), in the category of Volunteer in Parks and Recreation; Ms. Millie Reda in the category of Volunteer in Public Safety; Mr. Mike Bowen, Project ROMP, in the category of Volunteer in Community Cultural Area; Mr. Brian Daly, Chairman of the Home for the Holidays Parade, in the category of Volunteer in Community Event; and Ms. Pamela Connor in the category of Volunteer in Leisure Services. He stated that he hoped that they would all win as they richly deserved it.

Item #8 – Public Hearings

Mayor Kelley opened the public hearing.

Item #8A – Aviation Advisory Board Appointments

City Clerk Scott McKee read by title only:

RESOLUTION NO. 2013-49

A RESOLUTION RATIFYING AND APPROVING THE APPOINTMENT OF LARRY STOUT AND BRUCE MANNE TO THE AVIATION ADVISORY BOARD; SETTING FORTH TERMS AND CONDITIONS OF SERVICE; AND SETTING FORTH AN EFFECTIVE DATE.

Commissioner Kent moved, seconded by Commissioner Stowers, for approval of Resolution No. 2013-49, as read by title only.

Mayor Kelley stated that his appointment, Mr. Bruce Manne, held a lease agreement with the city. He explained that pursuant to Section 2-205 of the City of Ormond Beach *Code of Ordinances*, the conflict of interest may be waived by a two-thirds vote of the Commission.

Commissioner Partington stated that his appointment, Mr. Larry Stout, was a partial owner of Cavalier Aviation, which held a ground lease at the airport. He explained that pursuant to Section 2-205 of the City of Ormond Beach *Code of Ordinances*, the conflict of interest may be waived by a two-thirds vote of the Commission.

Mayor Kelley explained that Mr. Manne and Mr. Stout would be required to abstain from

voting on any issue before the Aviation Advisory Board that was perceived as a conflict of interest.

Commissioner Kent moved, seconded by Commissioner Stowers, to waive the conflicts for both appointments to the Aviation Advisory Board.

City Clerk Scott McKee called the vote on the motion to waive the conflict:

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

City Clerk Scott McKee called the vote on the motion to approve the resolution:

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

Item #8B – Public Works Advisory Board Appointment

City Clerk Scott McKee read by title only:

RESOLUTION NO. 2013-50
A RESOLUTION APPOINTING HALUK “LUKE” KILIC AS A MEMBER TO SERVE ON THE PUBLIC WORKS ADVISORY BOARD; SETTING FORTH TERMS AND CONDITIONS OF SERVICE; AND SETTING FORTH AN EFFECTIVE DATE.

Commissioner Kent approved, seconded by Commissioner Partington, for approval of Resolution No. 2013-50, as read by title only.

Commissioner Boehm stated that his appointment, Mr. Haluk “Luke” Kilic, was an employee with Zev Cohen & Associates, which held a continuing engineering contract with the city. He explained that pursuant to Section 2-205 of the City of Ormond Beach *Code of Ordinances*, the conflict of interest may be waived by a two-thirds vote of the Commission.

Mayor Kelley explained that Mr. Kilic would be required to abstain from voting on any issue before the Public Works Advisory Board that was perceived as a conflict of interest.

Commissioner Partington moved, seconded by Commissioner Stowers, to waive the conflict for the appointment to the Public Works Advisory Board.

City Clerk Scott McKee called the vote on the motion to waive the conflict:

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

City Clerk Scott McKee called the vote on the motion to approve the resolution.

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

Item #8C – 1428 N. US Hwy 1 Rezoning

City Clerk Scott McKee read by title only:

ORDINANCE NO. 2013-16

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 0.53 ACRES LOCATED AT 1428 NORTH US HIGHWAY 1, FROM VOLUSIA COUNTY B-4 (GENERAL COMMERCIAL) TO ORMOND BEACH B-8 (COMMERCIAL), 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 Kent, for approval of Ordinance No. 2013-16, 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 – 1433, 1435, 1437, 1439 N. US Hwy 1 (MBA Business Center) Rezoning

City Clerk Scott McKee read by title only:

ORDINANCE NO. 2013-17

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 FOUR (4) PARCELS OF REAL PROPERTY TOTALING 3.97 ACRES LOCATED AT 1433, 1435, 1437 AND 1439 NORTH US HIGHWAY 1, FROM VOLUSIA COUNTY MPUD (MIXED PLANNED UNIT DEVELOPMENT) TO ORMOND BEACH PBD (PLANNED BUSINESS DEVELOPMENT), 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 Partington, for approval of Ordinance No. 2013-17, on first reading, as read by title only.

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

Item #8E – 1438 N. US Hwy 1 Rezoning

City Clerk Scott McKee read by title only:

ORDINANCE NO. 2013-18

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 A CERTAIN PARCEL OF REAL PROPERTY TOTALING 0.53 ACRES LOCATED AT 1438 NORTH US HIGHWAY 1,

FROM VOLUSIA COUNTY B-4 (GENERAL COMMERCIAL) TO ORMOND BEACH B-8 (COMMERCIAL), AUTHORIZING REVISION OF OFFICIAL ZONING MAP; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; AND SETTING FORTH AN EFFECTIVE DATE.

Commissioner Kent moved, seconded by Commissioner Boehm, for approval of Ordinance No. 2013-18, on first reading, as read by title only.

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

Item #8F – 1444 N. US Hwy 1 Rezoning

City Clerk Scott McKee read by title only:

ORDINANCE NO. 2013-19

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 A CERTAIN PARCEL OF REAL PROPERTY TOTALING 0.72- ACRES LOCATED AT 1444 NORTH U.S. HIGHWAY 1, FROM VOLUSIA COUNTY B-4 (GENERAL COMMERCIAL) TO ORMOND BEACH B-8 (COMMERCIAL), 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. 2013-19, on first reading, as read by title only.

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

Item #8G – Sunoco PBD Rezoning, 460 South Atlantic Avenue

City Clerk Scott McKee read by title only:

ORDINANCE NO. 2013-20

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 REZONING ONE PARCEL OF REAL PROPERTY TOTALING 0.51 ACRES LOCATED AT 460 SOUTH ATLANTIC AVENUE FROM B-7 (HIGHWAY TOURIST COMMERCIAL) TO PBD (PLANNED BUSINESS DEVELOPMENT); AUTHORIZING REVISION OF OFFICIAL ZONING MAP; APPROVING A DEVELOPMENT ORDER FOR A PLANNED BUSINESS DEVELOPMENT TO BE KNOWN AS "SUNOCO"; ESTABLISHING CONDITIONS THEREFORE; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; AND SETTING FORTH AN EFFECTIVE DATE.

Commissioner Kent moved, seconded by Commissioner Partington, for approval of Ordinance No. 2013-20, on first reading, as read by title only.

Mr. Rob Merrell, Cobb & Cole, stated that he was present to answer any questions that the Commission may have. He stated that Mr. Rolando Bethart, Sunoco Senior Construction Engineer, was also in attendance.

Mayor Kelley stated that he had one comment that he had discussed earlier with the City Attorney. He explained that there was a requirement in the development order that a bus shelter be placed in the city right-of-way. He stated that he felt that most people who would patronize the facility would be driving their cars and not riding the bus. He stated that he did not really see a reason for the bus shelter to be necessary and noted that Votran also did not seem to be excited about it. He stated that unless it was an integral part of the plan, he would prefer it not be included. He explained that there would be a liability with the bus shelter being in the right-of-way and that the city would have to design it, adhere to standards, and maintain it, as well. He stated that he wondered what the reason for its inclusion was and noted that he had not had the opportunity to speak to Mr. Ric Goss, Planning Director, about it.

Commissioner Partington stated that he agreed with Mayor Kelley. He stated that if they were to have a bus stop it would make sense to have it on the other side of the street where most of the people were rather than require them to cross busy A1A traffic in order to board the bus. He noted that one of Commissioner Kent's goals for the year was the revitalization of A1A. He stated that he wanted to congratulate him because they were well on their way already with positive redevelopment, and he expected to see more as the year went along.

Commissioner Kent stated that he also agreed with Mayor Kelley. He stated that Mr. Merrell had called him and they spoke briefly about the project. He stated he was pleased to have redevelopment coming to that area.

Commissioner Stowers stated that he also spoke to Mr. Merrell and agreed with Commissioner Kent that it was positive for the area. He stated that he would also agree with Mayor Kelley's comments about the bus shelter, as well.

Commissioner Partington moved, seconded by Commissioner Kent, to delete the bus shelter as a requirement in the development order and ordinance.

City Clerk Scott McKee called the vote on the motion to delete the bus shelter requirement:

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

City Clerk Scott McKee called the vote on the motion to approve the ordinance:

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

Mayor Kelley thanked Mr. Merrell and stated that he also thought that it was a positive development.

Mr. Merrell thanked the Commission and noted that he would see them next month with two more Sunoco plans.

Mayor Kelley closed the public hearing.

Item #9A – Five-Year Capital Improvement Elements Annual Update

City Clerk Scott McKee read by title only:

ORDINANCE NO. 2013-14
 AN ORDINANCE ADOPTING CERTAIN UPDATED SCHEDULES TO THE CAPITAL IMPROVEMENTS ELEMENT OF THE CITY OF ORMOND BEACH COMPREHENSIVE PLAN; PROVIDING WHEN SUCH UPDATES SHALL TAKE EFFECT; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; AND SETTING FORTH AN EFFECTIVE DATE.

Commissioner Boehm moved, seconded by Commissioner Kent, for approval of Ordinance No. 2013-14, 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 #11 – Reports, Suggestions, and Requests

Financial Trends Workshop

Ms. Shanahan stated that there would be a Financial Trends Workshop on Tuesday, March 5, 2013, at 5:30 p.m. in the Training Room with the Budget Advisory Board members.

Shade Meeting

Ms. Shanahan asked the Commission to look at their calendars for March 19, 2013, at 5:30 p.m. She stated that staff would like to have a shade meeting to discuss collective bargaining issues with them.

Traffic Free Zone at Andy Romano Beachfront Park

Ms. Shanahan stated that staff had amended the letter from item 7N as requested so that the Commission could sign it before they left that evening. She stated that the Geographical Information Systems Division would amend the map in the morning to reflect the changes discussed.

Halifax Urban Ministries (HUM)

Ms. Shanahan stated that Halifax Urban Ministries (HUM) had moved out of their city building on Granada Boulevard. She stated that they were renting some space from a church and that the city had spoken with HUM about using some unspent Community Development Block Grant (CDBG) funds to help offset their rent for the time being. She stated that ultimately HUM would have a mobile HUM unit instead of a stationary location. She stated that they had something similar in New Smyrna Beach, and they felt that would better serve their residents and give them an opportunity to go to various churches rather than just stay in the downtown location. She stated that the city had a surplus 2006 Ford E250 van that was slated to go for auction, and staff recommend that the vehicle be donated to HUM instead so that they could carry on their mission. She stated that the van donation would be brought back as a disposition item on the March 5, 2013, City Commission meeting agenda.

Mayor Kelley stated that Ms. Shanahan had been working with HUM regarding their former building, which was the entrance to downtown, for about a year. He stated that now that the building was free, it would give the city the opportunity to do something with it.

Andy Romano Beachfront Park Opening

Ms. Shanahan stated that a celebration was scheduled for Saturday, February 23, 2013, at 10:30 a.m. for the grand opening of Andy Romano Beachfront Park.

Healthcare Billing Systems / Edge Physicians Growth Assistance Agreements

Commissioner Stowers stated that he also wanted to recognize Mr. Mannarino for coordinating the efforts to bring a very positive economic development project to the city.

Andy Romano Beachfront Park Opening

Commissioner Stowers stated that he had mentioned previously that he would not be able to attend the grand opening of the park on Saturday but he had cancelled his plans so that he could be there.

Traffic-Free Zone at Andy Romano Beachfront Park

Commissioner Stowers stated that he wanted to take the opportunity to tell Commissioner Boehm that he agreed with him completely on comments he made in an email about the study issue related to beach parking and driving. He explained that he could not tell him earlier because of Sunshine Laws. He noted that things got studied to death and unfortunately studies became a means to delay items for political reasons. He stated that he thought that enough money had been spent on studies and the Commission knew that they did not want driving in front of their park and did not want to allow attempts to complicate things as a means of strategy to simply delay it. He stated

that he also agreed with everything that Commissioner Kent said earlier and thought he made some excellent points that warranted continued discussion.

Andy Romano Beachfront Park Opening

Commissioner Kent stated that he was looking forward to seeing everyone at the ribbon cutting at Andy Romano Beachfront Park.

Project ROMP

Commissioner Boehm stated that he thought that he and Commissioner Partington both had comments to make about Project ROMP, and he was unsure how they were not going to duplicate each other's remarks. He stated that it was truly exciting to be there working and see the community come together as they did to complete the project. He stated that he had been involved in ten years of recreation projects with the city, but he had never recalled people from every department in the city staff working on a project together. He stated that it was his understanding from Project ROMP that there were several days during the week where the only people out volunteering were city staff. He stated that it was a tremendous outpouring of care for the children of the city. He noted that on Saturday and Sunday there were over 100 volunteers each day. He stated that it was a wonderful experience.

Andy Romano Beachfront Park Opening

Commissioner Boehm stated that he had the privilege of serving with Andy Romano on the Leisure Services Advisory Board for seven years and noted that Commissioner Kent had been Mr. Romano's friend for a number of years. He stated that he and Commissioner Kent were very strongly in favor of the park being named after Andy Romano. He stated that he was glad that Mr. Romano was still around to go to the opening of Andy Romano Beachfront Park. He stated that the park was spectacular and lived up to everyone's expectations.

T-Ball Naming Ceremony

Commissioner Boehm stated that March 1, 2013, at 5:30 p.m. was the naming ceremony for the Doug Wigley T-Ball Field complex. He noted that there was no comparison between that complex as it now existed and what used to be there before. He stated that Mr. Durant had designed it at his own time and expense. He stated that he should be recognized for his efforts, which was part of the reason why Mr. Durant so much deserved the nomination he was given for Citizen of the Year.

Commissioner Boehm stated that with all of the events coming up it was a great time to live and work in Ormond Beach. He stated that he hoped that everyone would attend those events and that the Commission loved to be at positive events where they were doing things to make the city a better place.

Healthcare Billing Systems / Edge Physicians Growth Assistance Agreements

Commissioner Partington stated that "jobs, jobs, jobs" had been one of the number one goals of the Commission for the past few years. He explained that three years prior he and Commissioner Kent had gone to an economic development conference and one of the first questions that the speaker asked was how many cities had a strategic master plan for economic development. He stated that they raised their hands and a couple other large cities raised their hands and that was it. He stated that they found out at that conference that they were well ahead of many cities. He stated that the Duvasawko deal was a great example of the hard work of Mr. Mannarino equating to "jobs, jobs, jobs" and positive economic development at a time when many cities were not seeing positive economic development. He explained that the project was a performance agreement with claw back provisions in it and was a contractual relationship with a business that was going to be greatly impacting the US1 corridor. He stated that it was smart and not corporate welfare or a giveaway, but something that would positively benefit the residents of Ormond Beach. He stated that he was proud of city staff and the Commission for staying focused on economic development and jobs.

Project ROMP

Commissioner Partington stated that Project ROMP was an amazing experience. He stated that Mayor Kelley was right when he told him that he would be impressed with how it came together and he really was. He stated that on Sunday he saw the heartbeat of the community in action. He stated that not only did city staff do their best to make it happen, but so did a lot of the construction community and city youth. He stated that it was impressive and a lot of hard work. He noted that he wanted to mention some of the corporate donors: Brown & Brown Insurance, Friends of Recreation, and Florida Hospital. He explained that the problem with thanking people was that you would leave

someone out because there were so many people involved. He stated that he wanted to bring up the idea of the city taking out a full-page advertisement in the News-Journal and the Ormond Beach Observer, working with the Project ROMP group, to make sure that they actually listed every single sponsor and volunteer possible, thanking them for all the work they did. He stated that if there was support for the ad, he thought that between Mr. Carolin, Ms. Frost, Mr. Bowen, and the Project ROMP Committee that they could make it happen and make sure that everyone was included.

Andy Romano Beachfront Park Opening

Commissioner Partington stated that for Saturday the high temperature was forecasted to be 84 degrees. He stated that it should be a perfect day for the grand opening. He stated that he was going to bring a couple of surf poles and let his children fish and let Commissioner Kent show him how to tie a line. He stated that he wanted to say that he was not against matching Hawaiian shirts for the Commission for the grand opening.

Project ROMP

Mayor Kelley stated that he liked Commissioner Partington's idea for the advertisement. He stated that if possible he would like it to be large enough to include an assortment of photographs of the park and the volunteers working. He thanked Commissioner Partington and his wife for the lead that they took with Project ROMP.

Commissioner Partington stated that he was impressed on Sunday that the kids knew who Mayor Kelley was. He stated that the entire community spirit was great.

Mayor Kelley stated that it was something that they would all remember for a long time.

Healthcare Billing Systems / Edge Physicians Growth Assistance Agreements

Mayor Kelley stated that the economic development project approved that evening was able to be approved because of the policy that the Commission had set over the years to have the financial wherewithal to do programs like that, and because of the execution of those policies by the City Manager and city staff. He stated that there were cities that wish they could do similar programs. He stated that he hoped there would be some national, or at least statewide, attention that the city was open for business and willing to work with people to do what they could.

Ms. Shanahan stated that it was truly a result of the Commission's uniform vision for the community that allowed Duvasawko and Edge Physicians to come to Ormond Beach. She stated that the Commission set a vision and a focus for the community that was received by the business community. She stated that the Commission conducted their business in a professional manner. She thanked the Commission for their leadership and for creating an environment where the economy could grow and where people came out in droves to help build a park and support a referendum to build a beachfront park. She stated that was all due to the leadership from the Commission.

Item #11 – Adjournment

The meeting was adjourned at 8:24 p.m.

APPROVED: March 5, 2012

BY:

Ed Kelley, Mayor

ATTEST:

J. Scott McKee, City Clerk