

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

March 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. AUDIENCE REMARKS - REGARDING ITEMS NOT ON THE AGENDA**
- 5. APPROVAL OF MINUTES**

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

6. 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. 2013-55** : A RESOLUTION DECLARING SUPPORT FOR PROPOSED CHANGES TO SECTION 287.055, FLORIDA STATUTES, ALSO KNOWN AS "THE CONSULTANTS' COMPETITIVE NEGOTIATION ACT" ("CCNA"); AND SETTING FORTH AN EFFECTIVE DATE.

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

- B. **RESOLUTION NO. 2013-56** : A RESOLUTION IN SUPPORT OF MILITARY FAMILY AND COMMUNITY COVENANT DAY ON APRIL 17, 2013; AND SETTING FORTH AN EFFECTIVE DATE.

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

- C. **RESOLUTION NO. 2013-57** : A RESOLUTION AUTHORIZING THE EXECUTION OF A RELEASE OF SPECIAL MAGISTRATE ADMINISTRATIVE FINE/LIEN FOR CODE VIOLATIONS ON PROPERTY LOCATED AT 183 ROSEWOOD AVENUE, ORMOND BEACH, VOLUSIA COUNTY, FLORIDA (PARCEL ID NO. 4240-01-22-0060); AND SETTING FORTH AN EFFECTIVE DATE.

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

- D. **RESOLUTION NO. 2013-58** : A RESOLUTION AUTHORIZING THE APPROVAL AND EXECUTION OF A PURCHASE AUTHORIZATION (REQUISITION #0000008702) FOR THE PURCHASE OF EIGHT 2013 CHEVROLET CAPRICE PATROL VEHICLES, UNDER FLORIDA SHERIFFS ASSOCIATION BID NO. 12-20- 0905; AND SETTING FORTH AN EFFECTIVE DATE.

Staff Contact: Facundo Tassara, Fleet Operations Manager (386-676-3506)

- E. **RESOLUTION NO. 2013-59** : A RESOLUTION ACCEPTING THE PROPOSAL OF GOLDEN EAGLE ASSOCIATES, INC., INDIVIDUALLY AND D/B/A RITA'S ICES, REGARDING OPERATION OF THE CONCESSION STAND AT ORMOND BEACH'S ANDY ROMANO BEACHFRONT PARK; AUTHORIZING THE EXECUTION OF AN AGREEMENT; REJECTING ALL OTHER PROPOSALS; AND SETTING FORTH AN EFFECTIVE DATE.

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

- F. **Downtown Underground Utilities on Granada Boulevard from Beach Street to US 1**

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

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

- G. **Auto Renewal of Contracts - Leisure Services**

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

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

- H. **Monthly Financial Status 1st Quarter FY 2013**

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

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

- I. **Approval of Travel by the City Commission**

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

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

7. PUBLIC HEARINGS

- A. **RESOLUTION NO. 2013-60** : A RESOLUTION AUTHORIZING THE EXECUTION AND ISSUANCE OF A DEVELOPMENT ORDER FOR A SPECIAL EXCEPTION REGARDING THE "TROPICAL HOME AND PATIO" STORE LOCATED AT 294 SOUTH YONGE STREET WITHIN THE B-4 (CENTRAL BUSINESS) ZONING DISTRICT, TO ALLOW THE PERMANENT OUTDOOR STORAGE, DISPLAY, AND SALES OF MERCHANDISE; ESTABLISHING CONDITIONS AND EXPIRATION DATE OF APPROVAL; AND SETTING FORTH AN EFFECTIVE DATE.

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

- B. **ORDINANCE NO. 2013-5** : AN ORDINANCE AMENDING THE FUTURE LAND USE ELEMENT OF THE COMPREHENSIVE PLAN BY AMENDING THE FUTURE LAND USE MAP TO CHANGE THE DESIGNATION OF SEVENTY-THREE (73) PARCELS OF REAL PROPERTY TOTALING +11.5-ACRES LOCATED AT 1- 103 BELLA VITA WAY FROM VOLUSIA COUNTY "COMMERCIAL" AND "URBAN MEDIUM INTENSITY" TO ORMOND BEACH "MEDIUM DENSITY RESIDENTIAL"; AUTHORIZING TRANSMITTAL; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; AND SETTING FORTH AN EFFECTIVE DATE. **(SECOND READING)**

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

- C. **ORDINANCE NO. 2013-21** : AN ORDINANCE ANNEXING CERTAIN REAL PROPERTY INTO THE CITY OF ORMOND BEACH, SAID PROPERTY BEING GENERALLY LOCATED ALONG THE WEST SIDE OF WILLIAMSON BOULEVARD APPROXIMATELY 1,800 LINEAR FEET SOUTH OF WEST GRANADA BOULEVARD AND BEING COMMONLY LOCATED AT 250 WILLIAMSON BOULEVARD, INCLUDING THAT PORTION OF WILLIAMSON BOULEVARD ABUTTING THE PROPERTY; REDEFINING THE TERRITORIAL BOUNDARIES OF THE CITY OF ORMOND BEACH TO INCLUDE THE PROPERTY; RE-DESIGNATING THE BOUNDARIES OF ZONE 3 OF THE CITY OF ORMOND BEACH TO INCLUDE THE PROPERTY; SETTING FORTH ZONING PRIVILEGES, AND OBLIGATIONS OF SAID PROPERTY; PROVIDING FOR TRANSMISSION; PROVIDING FOR SEVERABILITY; AND SETTING FORTH AN EFFECTIVE DATE.

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

- D. **ORDINANCE NO. 2013-22** : 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 APPROXIMATELY 0.99-ACRES LOCATED AT 3 NORTH YONGE STREET AND 9 NORTH YONGE STREET, FROM B-4 (CENTRAL BUSINESS) TO 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. 2013-23** : AN ORDINANCE AUTHORIZING THE EXECUTION AND ISSUANCE OF A DEVELOPMENT ORDER FOR A PLANNED BUSINESS DEVELOPMENT TO BE KNOWN AS "SUNOCO, STORE NO. 0405-2205", AUTHORIZING THE CONSTRUCTION OF A 3,159 SQUARE-FOOT BUILDING WITH SIX FUELING DISPENSERS OR TWELVE INDIVIDUAL GAS PUMPS TO BE LOCATED AT 3 NORTH YONGE STREET AND 9 NORTH YONGE STREET; ESTABLISHING CONDITIONS AND EXPIRATIONS OF APPROVAL; AND SETTING FORTH AN EFFECTIVE DATE.

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

- F. **ORDINANCE NO. 2013-24** : 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 APPROXIMATELY 1.73-ACRES LOCATED AT 1546 WEST GRANADA BOULEVARD AND 1566 WEST GRANADA BOULEVARD, FROM B-7 (HIGHWAY TOURIST COMMERCIAL) TO 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)

- G. **ORDINANCE NO. 2013-25** : AN ORDINANCE AUTHORIZING THE EXECUTION AND ISSUANCE OF A DEVELOPMENT ORDER FOR A PLANNED BUSINESS DEVELOPMENT TO BE KNOWN AS "SUNOCO, STORE NO. 0041-8012", AUTHORIZING THE CONSTRUCTION OF A 3,159 SQUARE-FOOT BUILDING WITH EIGHT FUELING DISPENSERS OR SIXTEEN INDIVIDUAL GAS PUMPS TO BE LOCATED AT 1546 WEST GRANADA BOULEVARD AND 1566 WEST GRANADA BOULEVARD; ESTABLISHING CONDITIONS AND EXPIRATIONS OF APPROVAL; AND SETTING FORTH AN EFFECTIVE DATE.

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

8. FIRST READING OF ORDINANCES

- A. **ORDINANCE NO. 2013-26** : AN ORDINANCE AMENDING THE DEFINITION OF FIXED BASE OPERATOR IN SECTION 3.3-1, DEFINITIONS, OF ARTICLE 1, IN GENERAL, OF CHAPTER 3.3, AIRCRAFT AND AIRPORT; AND AMENDING DIVISION 2, FIXED BASE OPERATOR AND GENERAL AIRPORT TENANT CATEGORIES, OF ARTICLE IV, COMMERCIAL OPERATIONS, OF CHAPTER 3.3, AIRCRAFT AND AIRPORT, OF THE CODE OF ORDINANCES, BY ADDING A NEW SECTION 3.3-65.2, SPECIALIZED AVIATION SERVICE OPERATION; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; AND SETTING FORTH AN EFFECTIVE DATE.

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

9. DISCUSSION ITEMS

- A. **County Proposed Changes to CRAs**

Staff Contact: Randy Hayes, City Attorney (386-676-3217)

10. REPORTS, SUGGESTIONS, REQUESTS

11. ADJOURNMENT

Item #1 – Meeting Call to Order

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

Item #2 – Invocation

Pastor Michael Carruthers, Ormond Beach Riverside Church, gave the invocation.

Item #3 – Pledge of Allegiance

Mayor Kelley led the Pledge of Allegiance.

Item #4 – Audience Remarks

Mayor Kelley noted that there were no audience members who wished to speak about any items not on the agenda.

Item #5A – Approval of Minutes

Mayor Kelley advised that the minutes of the March 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 #6 – 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.

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

Item #7 – Public Hearing

Mayor Kelley opened the public hearing.

Item #7A – TropiCasual Home and Patio: Special Exception for Outdoor Activity, 294 South Yonge Street

City Clerk Scott McKee read by title only:

RESOLUTION NO. 2013-60

A RESOLUTION AUTHORIZING THE EXECUTION AND ISSUANCE OF A DEVELOPMENT ORDER FOR A SPECIAL EXCEPTION REGARDING THE “TROPICASUAL HOME AND PATIO” STORE LOCATED AT 294 SOUTH YONGE STREET WITHIN THE B-4 (CENTRAL BUSINESS) ZONING DISTRICT, TO ALLOW THE PERMANENT OUTDOOR STORAGE, DISPLAY, AND SALES OF MERCHANDISE; ESTABLISHING CONDITIONS AND EXPIRATION DATE OF APPROVAL; AND SETTING FORTH AN EFFECTIVE DATE.

Commissioner Kent moved, seconded by Commissioner Boehm, for approval of Resolution No. 2013-60, as read by title only.

Mr. Steven Spraker, Senior Planner, stated that the Planning Board and staff recommended approval of the resolution.

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

Item #7B – 1-103 Bella Vita Way Future Land Use Map Amendment

City Clerk Scott McKee read by title only:

ORDINANCE NO. 2013-05

AN ORDINANCE AMENDING THE FUTURE LAND USE ELEMENT OF THE COMPREHENSIVE PLAN BY AMENDING THE FUTURE LAND USE MAP TO CHANGE THE DESIGNATION OF SEVENTY-THREE (73) PARCELS OF REAL PROPERTY TOTALING +11.5-ACRES LOCATED AT 1- 103 BELLA VITA WAY FROM VOLUSIA COUNTY "COMMERCIAL" AND "URBAN MEDIUM INTENSITY" TO ORMOND BEACH "MEDIUM DENSITY RESIDENTIAL"; AUTHORIZING TRANSMITTAL; 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. 2013-05, on second reading, as read by title only.

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

Item #7C – 250 Williamson Boulevard Annexation

City Clerk Scott McKee read by title only:

ORDINANCE NO. 2013-21

AN ORDINANCE ANNEXING CERTAIN REAL PROPERTY INTO THE CITY OF ORMOND BEACH, SAID PROPERTY BEING GENERALLY LOCATED ALONG THE WEST SIDE OF WILLIAMSON BOULEVARD APPROXIMATELY 1,800 LINEAR FEET SOUTH OF WEST GRANADA BOULEVARD AND BEING COMMONLY LOCATED AT 250 WILLIAMSON BOULEVARD, INCLUDING THAT PORTION OF WILLIAMSON BOULEVARD ABUTTING THE PROPERTY; REDEFINING THE TERRITORIAL BOUNDARIES OF THE CITY OF ORMOND BEACH TO INCLUDE THE PROPERTY; RE-DESIGNATING THE BOUNDARIES OF ZONE 3 OF THE CITY OF ORMOND BEACH TO INCLUDE THE PROPERTY; SETTING FORTH ZONING PRIVILEGES, AND OBLIGATIONS OF SAID PROPERTY; PROVIDING FOR TRANSMISSION; PROVIDING FOR SEVERABILITY; AND SETTING FORTH AN EFFECTIVE DATE.

Commissioner Boehm moved, seconded by Commissioner Kent, for approval of Ordinance No. 2013-21, on first reading, as read by title only.

Mr. Spraker stated that the annexation was based on a contiguous connection to water and sewer. He stated that the city was starting to annex up and down Williamson Boulevard.

Commissioner Boehm asked if the city supplied water and sewer to the post office located on Williamson Boulevard; whereby, Mr. Spraker stated that the city did.

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

Item #7D – 3 North Yonge Street Rezoning, Sunoco

City Clerk Scott McKee read by title only:

ORDINANCE NO. 2013-22

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 APPROXIMATELY 0.99-ACRES LOCATED AT 3 NORTH YONGE STREET AND 9 NORTH YONGE STREET, FROM B-4 (CENTRAL BUSINESS) TO 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 Stowers, for approval of Ordinance No. 2013-22, on first reading, as read by title only.

Mr. Spraker stated that there were two parts for approval on the 3 North Yonge Street project. He explained that the first ordinance was the rezoning and that the second ordinance would be approving the development order. He stated that the B-4 zoning district allowed the Commission to monitor redevelopment of the property and all properties in the downtown. He noted that the property was seeking certain flexibility and in return were doing many items that were consistent with the form based code.

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

Item #7E – 3 North Yonge Street Development Order, Sunoco

City Clerk Scott McKee read by title only:

ORDINANCE NO. 2013-23

AN ORDINANCE AUTHORIZING THE EXECUTION AND ISSUANCE OF A DEVELOPMENT ORDER FOR A PLANNED BUSINESS DEVELOPMENT TO BE KNOWN AS "SUNOCO, STORE NO. 0405-2205", AUTHORIZING THE CONSTRUCTION OF A 3,159 SQUARE-FOOT BUILDING WITH SIX FUELING DISPENSERS OR TWELVE INDIVIDUAL GAS PUMPS TO BE LOCATED AT 3 NORTH YONGE STREET AND 9 NORTH YONGE STREET; ESTABLISHING CONDITIONS AND EXPIRATIONS OF APPROVAL; AND SETTING FORTH AN EFFECTIVE DATE.

Commissioner Kent moved, seconded by Commissioner Boehm, for approval of Ordinance No. 2013-23, on first reading, as read by title only.

Mr. Spraker stated that both staff and the Planning Board recommended approval.

Mr. Rob Merrell, Cobb & Cole, stated that he was excited and proud of the project. He played the Commission a three dimensional video demonstration of the proposed project. He then displayed a slideshow presentation of simulated renderings of the proposed project, noting the coquina elements and canopy support structures that mirrored the look of other structures in Ormond Beach. He stated that most Sunoco canopies usually did not have metal roofs and lacked horizon branding with multiple colors, as city staff was firm about having a less colorful structure. He pointed out the decorative lighting around the building. He explained that all of the air-conditioners and other mechanical things were located behind the roof in a recessed area. He noted that the stormwater pond behind the property was shared with the Maria Bonita's restaurant. He also noted the landscaping being put along US1. He stated that he had about 14 pounds of staff materials that he would rely on and that he appreciated all of staff's efforts. He stated that they also spent time with the Main Street Design Review Board, attending two different meetings and presented plans to them, which changed substantially between meetings in part based on their input. He also noted that the Planning Board voted unanimously to approve the project.

Commissioner Kent stated that it was one of the best projects that Mr. Merrell had brought before them. He noted that a pet peeve of his was when plants planted in front of monument signs grew to heights where they obstructed the reading of the sign. He stated that he knew staff had recommendations as to what to plant, but he hoped that it would be trimmed down so the sign could be read.

Commissioner Boehm stated that he thought the project was the best looking gas station that he had ever seen. He stated that he appreciated Sunoco going along with the Ormond Beach theme. He noted that he liked the consistency throughout the city and thought that the project would add to that in a positive way.

Commissioner Stowers asked Mr. Merrell how quickly the existing site would be demolished and the project would be built.

Mr. Clayton McCane, Sunoco, stated that he hoped to be getting started in June. He stated that they gave their contractor about 100 days to complete the project.

Mayor Kelley stated that he thought that incorporating Ormond Beach themes into the project was great. He stated that he agreed with Commissioner Kent about plants in front of monument signs.

Mr. Merrell stated that the plants had not yet been planted so he hoped that the Commission's message would be clear to staff.

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

Item #7F – 1546 West Granada Boulevard PBD Rezoning, Sunoco

City Clerk Scott McKee read by title only:

ORDINANCE NO. 2013-24

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 APPROXIMATELY 1.73-ACRES LOCATED AT 1546 WEST GRANADA BOULEVARD AND 1566 WEST GRANADA BOULEVARD, FROM B-7 (HIGHWAY TOURIST COMMERCIAL) TO PBD (PLANNED BUSINESS DEVELOPMENT), AUTHORIZING REVISION OF OFFICIAL ZONING MAP; 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. 2013-24, on first reading, as read by title only.

Mr. Spraker stated that this ordinance was the rezoning for 1546 West Granada Boulevard and the next ordinance would be its development order. He stated that the Planning Board and staff recommended approval of the rezoning.

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

Item #7G – 1546 West Granada Boulevard PBD Development Order, Sunoco

City Clerk Scott McKee read by title only:

ORDINANCE NO. 2013-25

AN ORDINANCE AUTHORIZING THE EXECUTION AND ISSUANCE OF A DEVELOPMENT ORDER FOR A PLANNED BUSINESS DEVELOPMENT TO BE KNOWN AS "SUNOCO, STORE NO. 0041-8012", AUTHORIZING THE CONSTRUCTION OF A 3,159 SQUARE-FOOT BUILDING WITH EIGHT FUELING DISPENSERS OR SIXTEEN INDIVIDUAL GAS PUMPS TO BE LOCATED AT 1546 WEST GRANADA BOULEVARD AND 1566 WEST GRANADA BOULEVARD; ESTABLISHING CONDITIONS AND EXPIRATIONS OF APPROVAL; AND SETTING FORTH AN EFFECTIVE DATE.

Commissioner Boehm moved, seconded by Commissioner Partington, for approval of Ordinance No. 2013-25, on first reading, as read by title only.

Mr. Spraker stated that there was an oversight brought to staff. He stated that the Planning Board wanted to ensure that the property to the west of the parcel was not developed into an out parcel. He stated that by the very nature of the Planned Business Development (PBD), if anything was to be done with that property a PBD amendment would have to be obtained with approval by the City Commission and review by the Planning Board. He stated that if the Commission wanted to add the condition that the developer could not out parcel or further develop the land to the west, it would just be an extra layer so that everyone reading the Development Order would know that they could not re-develop the other portion without coming back before the Commission. He stated that staff and the Planning Board recommended approval.

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

Mayor Kelley closed the public hearing.

Item #8A – Airport FBO Category 8

City Clerk Scott McKee read by title only:

ORDINANCE NO. 2013-26

AN ORDINANCE AMENDING THE DEFINITION OF FIXED BASE OPERATOR IN SECTION 3.3-1, DEFINITIONS, OF ARTICLE 1, IN GENERAL, OF CHAPTER 3.3, AIRCRAFT AND AIRPORT; AND AMENDING DIVISION 2, FIXED BASE OPERATOR AND GENERAL AIRPORT TENANT CATEGORIES, OF ARTICLE IV, COMMERCIAL OPERATIONS, OF CHAPTER 3.3, AIRCRAFT AND AIRPORT, OF THE CODE OF ORDINANCES, BY ADDING A NEW SECTION 3.3-65.2, SPECIALIZED AVIATION SERVICE OPERATION; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; AND SETTING FORTH AN EFFECTIVE DATE.

Commissioner Stowers moved, seconded by Commissioner Partington, for approval of Ordinance No. 2013-26, on first reading, as read by title only.

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

Item #9A – County Proposed Changes to CRAs

Ms. Joyce Shanahan, City Manager, apologized for the lateness of the item, as it was only added to the agenda that day. She stated that the county was proposing to amend the requirements for new Community Redevelopment Agencies (CRAs). She stated that the county held a couple of workshops which she attended and that at the second workshop they did not solicit much public input but directed their staff to come back with a resolution making the proposed changes. She stated that the city was concerned about the changes, affecting in particular the north US1 corridor, which was the only potential CRA the city currently saw adding. She noted that there were some legal considerations that many of the other cities shared.

Mr. Randy Hayes, City Attorney, stated that the county proposed changes directly targeting the establishment of new CRAs. He stated that the changes would also affect existing CRA, if one needed to be modified. He stated that a meeting coordinated with all of the City Attorneys was held the day before and that was when they received a copy of the county's resolution. He stated that the general consensus of the group was that the county's proposal had several legal deficiencies. He stated that the City Attorneys all felt that it was best to register concern with the county through a unified voice, primarily from the City Mayors to the County Chair and County Council. He explained that each city had prepared a letter similar in form to the one that was before them that evening. He stated that they were asking the City Commission to approve the form of the letter that was prepared for Mayor Kelley's signature so that they could send it to the County Council.

Mr. Hayes stated that the County Council meeting was scheduled for Thursday, March 21, 2013. He stated that he suspected that a full crowd would be in attendance. He noted that the City of Deltona had met the previous evening, and the City of Daytona Beach would meet the next. He stated that Deltona had approved sending a letter and six of their City Commissioners would be attending the County Council meeting, along with their City Manager and City Attorney. He stated that he and Ms. Shanahan would attend the County Council meeting. He stated that Mr. Joe Mannarino, Economic Development Director, was in the audience and could provide more detailed information, if desired.

Mayor Kelley stated that he was involved in a brief discussion with County Manager Jim Dinneen and several other Mayors about the issue. He noted that he also had a brief discussion with Mr. Hayes that morning. He stated that he thought that it was wise for the Commission to take a position of requesting that the county table the issue and take more time to discuss it. He stated that the formula for providing the funding made no sense.

Commissioner Partington stated that he agreed with Mayor Kelley. He asked if there was a way to set up tours for County Council members of the tremendous successes that Ormond Beach had in their CRA districts. He stated that Granada Boulevard would not look the way it did without multiple projects that the CRA had funded over the last ten years. He noted that there were good and bad ways to use CRAs. He stated that the legislation proposed by the county punished everyone. He stated that he would rather see the bad ways to conduct CRAs eliminated and allow those doing them well and benefiting from them to be able to continue. He stated that he thought that the proposed letter conveyed that message and that was why he would support it.

Mayor Kelley stated that Commissioner Partington explained it perfectly.

Ms. Shanahan stated that the city did not have any CRA money set aside for administrative costs and that the city charged no personal salaries to the CRA. She stated that she knew some cities had as many as eight people working for their CRA. She stated that 95% of the city's CRA funds went towards capital projects and were not used to offset water or stormwater projects. She explained that some communities had used CRA funds so that they did not have to raise their utility costs. She stated that she thought that Commissioner Partington spoke clearly and directly on the issue and that Ormond Beach had set an example for CRAs in Volusia County. She stated that the city did not want to suffer the fate of no future CRAs because of bad things that had happened in other communities.

Mayor Kelley stated that he thought that US1 would be an area that the city would want to apply for a CRA. He stated that in preliminary discussions with the Assistant County Manager and County Chairman their response was that would not happen. He stated that the city could do a lot with a CRA on US1, especially in the northern region. He referenced what the City of South Daytona did using CRA funding on US1. He stated that the Florida Department of Transportation (FDOT) was looking at making US1 a community developed area, which a CRA would certainly allow that to happen. He stated that he thought that the county often forgot that the land developed in the CRA was also in Volusia County.

Commissioner Kent moved, seconded by Commissioner Partington, to approve the sending of the letter as written, signed by Mayor Kelley.

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

Item #10 – Reports, Suggestions, Requests

Upcoming Meetings

Ms. Shanahan stated that there were presently no workshops scheduled for April. She stated that the Town Hall Budget Meeting was scheduled for May 21, 2013, at 5:30 p.m. in the Commission Chambers.

Pavilion Rentals

Ms. Shanahan stated that she would be asking the Leisure Services Advisory Board to look at pavilion rental policies at the Andy Romano Beachfront Park. She stated that currently they allowed rentals, but there had been some concern about public availability. She stated that the board's recommendation would be brought back to the Commission, but in the meantime the current rental policy would be followed.

Public Works Advisory Board

Ms. Shanahan stated that she met the past week with the Public Works Advisory Board. She stated that they wanted her to let the Commission know that they would welcome any requests that the Commission had for them or issues they wanted them to study. She stated that they would be reviewing the master plan for water and sewer as that plan was almost ten years old.

Vacation Calendars

Ms. Shanahan asked the Commission to look at their vacation calendars for June and July. She stated that presently July meetings were set for July 2, 2013, and July 30, 2013, noting that there were five Tuesdays in July.

Washington Trip

Commissioner Boehm stated that in the previous week's *Weekly Review* Commissioner Kent and Commissioner Partington were prominently featured with Senator Bill Nelson and Congressman Ron DeSantis during their trip to Washington, D.C. He stated that the Commissioners accomplished their goal of making Ormond Beach issues known.

T-Ball Opening Day

Commissioner Boehm stated that Commissioner Kent also was at the opening day of t-ball. He stated that Commissioner Kent's team had its own tiger mascot. He stated that it was exciting to see the complex being used and all of the children in attendance.

Andy Romano Beachfront Park

Commissioner Boehm stated that he had the opportunity on Sunday to visit Andy Romano Beachfront Park. He noted that the concentration of people on the beach below the park was most striking to him when approaching the park from the beach. He stated that 80% of those people were families with small children which reinforced that the decision to make it a no driving zone was absolutely correct. He stated that he spoke to an employee while he was there and was told that all six pavilions had been rented on Saturday. He stated that he thought that the concession stand they approved that evening would become a very successful operation.

Distinguished Service Awards

Commissioner Boehm stated that the Volusia League of Cities Distinguished Service Award winners had been recently announced. He stated that Mayor Kelley was awarded the Elected Official of the Year, and he thought that was ample and proper recognition. He stated that Ms. Shanahan was awarded the City Manager of the Year. He stated that Leisure Services Director Robert Carolin won Parks and Recreation Employee of the Year and that Officers Lloyd Cornelius and Gregory Stokes won Public Safety Employees of the Year. He stated that Mr. Doug Wigley also won Community Sports Volunteer of the Year and Ms. Millie Reda won Public Safety Volunteer of the Year. He noted that the city won six out of the 20 awards given. He stated that every award won was greatly deserved. He stated that he looked forward to the dinner where those individuals would receive their awards.

Washington Trip

Commissioner Partington stated that he and Commissioner Kent had a productive trip to Washington, D.C. He stated that they had some good meetings with Senator Nelson, Congressman DeSantis, and Mr. Sanchez from Senator Rubio's staff. He stated that they were waiting to see what would happen with the city's Airport Air Control Tower. He stated that he knew the city had filed an appeal. He stated that April 7, 2013, would be the day that the towers would close nationwide. He stated that he was not sure what the date was that they would hear from the appeal. He stated that since that trip, some senators had introduced legislation to shift funds away from conferences and capital projects and funnel it towards the control towers to prevent their closures and only cut them at a 5% rate. He stated that there seemed to be a good deal of bipartisan support for that proposal.

Commissioner Kent stated that he also felt that the Washington, D.C. trip was very productive. He stated that he and Commissioner Partington made some great contacts and helped plant seeds for the City of Ormond Beach. He stated that he thought that their relationships with their senators and congressmen would show that. He explained that there was one point where it seemed like Congressman DeSantis had not been briefed about the Ormond Beach Airport Tower issue. He stated that Commissioner Partington spoke to him about an email from the Republican Leadership, which he was unaware of, and Commissioner Partington actually sent him the email to his staff. He stated that within 15 minutes of their leaving they received word that he received the

email and was on board with them. He stated that it was great that they had the technology at their hands to give the congressman's office the information that they needed.

Commissioner Kent thanked Commissioner Partington because he knew that he had to take some personal days to go on the trip. He stated that he wanted to remind people that those events had to be planned for and noted that he himself had to take three personal days in order to attend. He stated that he had to make arrangements for his son to be transported to and from school and knew Commissioner Partington had to arrange for family obligations, as well. He noted that he was not complaining but stating that they made those sacrifices, because they wanted to do so for the good of their city.

Commissioner Kent stated that they also made great contacts with other elected officials at the League of Cities event. He stated that there were great people from other communities in attendance with similar concerns.

I-95 Landscaping Issues

Commissioner Kent stated that he had mentioned numerous times about getting the grass replaced by I-95. He asked Ms. Shanahan if they could get a discussion item placed on the agenda about it.

Ms. Shanahan stated that they were already working on that issue. She stated that the city had contacted FDOT and told them that they wanted to take over the mowing and care of that area. She explained that FDOT was currently in charge of it and it was not being kept up to Ormond Beach's standard. She stated that City Engineer John Noble and Landscape Architect Paul MacDonald were working on the issue.

Andy Romano Beachfront Park

Commissioner Kent stated that he was sorry that he missed seeing Commissioner Boehm at Andy Romano Beachfront Park on Sunday as he was there as well taking his son to the beach. He noted that he thought that the concession would be wildly successful as the park was packed. He stated that he also had his first concern, which was a golf cart going through that area that had a trailer attached to it. He noted that the trailer was about 20 feet long and belonged to an individual renting umbrellas and chairs. He stated that he had the false sense of security that there would be no motorized vehicles in that area. He stated that he thought that no driving meant no driving at all. He asked that the county be notified about the incident and that he hoped that no driving meant no driving including for any motorized vehicles, such as golf carts with trailers.

T-ball Opening Day

Commissioner Kent stated that he would love to take credit for his team's tiger mascot at t-ball. He stated that one of the parents of a child on the team bought a tiger mascot outfit for their 18-year old daughter to wear and perform at the games. He stated that he played "Eye of the Tiger" when his kids came on and off the field. He stated that the kids would never forget the memory of the mascot "Paws" handing them team balls at the end of the game.

Washington Trip

Mayor Kelley thanked Commissioner Kent and Commissioner Partington for their trip to Washington, D.C. He stated that taking those trips was not just for fun and involved taking off work and making arrangements with families in order to attend. He stated that Commissioner Kent and Commissioner Partington were so successful they should be hired by the city as lobbyists.

D.A.R.E Program

Mayor Kelley thanked Commissioner Kent for bringing Officers Stokes and Cornelius to a Commission meeting five years earlier with the D.A.R.E. Program. He stated that he had since attended every D.A.R.E. graduation he could. He stated those officers did a great job.

Commissioner Kent stated that one of the neatest things that the Mayor did was attend those graduations. He stated that the children remembered that and would remember the keys that he gave them. He noted that all the children knew the Mayor at public events because of it.

Mayor Kelley stated that was one of the things the Mayor got the privilege of doing that he did not have to do. He stated that today he was at a school for Teacher of the Quarter, as well. He noted that when people were relocating they often looked at the

quality of the schools and medical care. He stated that he thought that Ormond Beach had some of the finest schools in the area.

Distinguished Service Awards

Mayor Kelley thanked Commissioner Boehm for mentioning the Volusia League of Cities Distinguished Service awards. He stated that the award he received would not have been possible without Ms. Shanahan, the City Commission, and all of the city staff.

New Smyrna Beach Balloon & Sky Fest

Mayor Kelley stated that Saturday morning at 6:30 a.m. he would be taking off in a hot air balloon in New Smyrna Beach. He explained that he was participating in the Mayor's Hot Air Challenge with the Mayor of New Smyrna Beach. He stated that he was praying for rain or thunderstorms to ground the balloons. He joked that it was never on his bucket list, and he had no desire to go up in a hot air balloon.

Item #11 – Adjournment

The meeting was adjourned at 7:54 p.m.

APPROVED: April 2, 2012

BY:

Ed Kelley, Mayor

ATTEST:

J. Scott McKee, City Clerk