

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

November 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 and Public Works Director Theodore 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. National Hospice/Palliative Care Month
- 5. AUDIENCE REMARKS - REGARDING ITEMS NOT ON THE AGENDA**
- 6. APPROVAL OF MINUTES**
 - A. Minutes from City Commission meeting – November 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. 2013-184** : A RESOLUTION AUTHORIZING THE SUBMITTAL OF AN ONLINE GRANT APPLICATION TO THE U.S. DEPARTMENT OF HOMELAND SECURITY, OFFICE OF DOMESTIC PREPAREDNESS UNDER THE ASSISTANCE TO FIREFIGHTERS GRANT PROGRAM, FOR FUNDING ASSISTANCE TO PURCHASE FIRE EQUIPMENT; AUTHORIZING THE EXECUTION OF ALL DOCUMENTS INCIDENTAL THERETO, INCLUDING ANY CONTRACT NECESSARY FOR THE CITY TO ACCEPT THE GRANT AWARD; AND SETTING FORTH AN EFFECTIVE DATE.

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

- B. **RESOLUTION NO. 2013-197** : A RESOLUTION AUTHORIZING THE EXECUTION OF A CONTRACT FOR THE SALE AND PURCHASE OF LOTS 3 AND 4, AIRPORT BUSINESS PARK, TOWER CIRCLE EXTENSION, PHASE II; SETTING FORTH AN EFFECTIVE DATE

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

- C. **RESOLUTION NO. 2013-198** : A RESOLUTION APPROVING PADWELL HOLDINGS, LLC AS A QUALIFIED TARGET INDUSTRY BUSINESS; PROVIDING FOR PROPERTY TAX REIMBURSEMENT; AUTHORIZING AN AGREEMENT THEREFORE; AND SETTING FORTH AN EFFECTIVE DATE.

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

- D. **RESOLUTION NO. 2013-201** : A RESOLUTION PURSUANT TO SECTION 14-98, LIENS, OF THE CITY OF ORMOND BEACH CODE OF ORDINANCES AUTHORIZING THE IMPOSITION OF A LIEN AGAINST THE REAL PROPERTY OWNED BY BRENT DOUGLAS HANNON AND ANNA BARRERA HANNON, LOCATED AT 39 DEEP WOODS WAY, ORMOND BEACH, VOLUSIA COUNTY, (PARCEL ID NO. 4123-03-00-0100), FOR COSTS INCURRED BY THE CITY TO TERMINATE OR ABATE A SITE MAINTENANCE VIOLATION; AND SETTING FORTH AN EFFECTIVE DATE.

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

- E. **RESOLUTION NO. 2013-202** : A RESOLUTION PURSUANT TO SECTION 14-98, LIENS, OF THE CITY OF ORMOND BEACH CODE OF ORDINANCES AUTHORIZING THE IMPOSITION OF A LIEN AGAINST THE REAL PROPERTY OWNED BY AMY MONROE AND SARA MARTIN LOCATED AT 43 MAYFIELD CIRCLE, ORMOND BEACH, VOLUSIA COUNTY, FLORIDA (PARCEL ID NO. 4220-06-01-0080) FOR COSTS INCURRED BY THE CITY TO TERMINATE OR ABATE A SITE MAINTENANCE VIOLATION; AND SETTING FORTH AN EFFECTIVE DATE.

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

- F. **RESOLUTION NO. 2013-203** : A RESOLUTION PURSUANT TO SECTION 14-98, LIENS, OF THE CITY OF ORMOND BEACH CODE OF ORDINANCES AUTHORIZING THE IMPOSITION OF A LIEN AGAINST THE REAL PROPERTY OWNED BY MARIANNE SWEENEY LOCATED AT 44 LAKE WALDEN TRAIL, ORMOND BEACH, VOLUSIA COUNTY, FLORIDA (PARCEL ID NO. 4217-21-00-0010) FOR COSTS INCURRED BY THE CITY TO TERMINATE OR ABATE A SITE MAINTENANCE VIOLATION; AND SETTING FORTH AN EFFECTIVE DATE.

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

- G. **RESOLUTION NO. 2013-204** : A RESOLUTION PURSUANT TO SECTION 14-98, LIENS, OF THE CITY OF ORMOND BEACH CODE OF ORDINANCES AUTHORIZING THE IMPOSITION OF A LIEN AGAINST THE REAL PROPERTY OWNED BY ANGELIKA A. GRUBER LOCATED AT 151 ROYAL DUNES BOULEVARD, ORMOND BEACH, VOLUSIA COUNTY, FLORIDA (PARCEL ID NO. 4211-01-00-0110) FOR COSTS INCURRED BY THE CITY TO TERMINATE OR ABATE A SITE MAINTENANCE VIOLATION; AND SETTING FORTH AN EFFECTIVE DATE.

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

- H. **RESOLUTION NO. 2013-205** : A RESOLUTION PURSUANT TO SECTION 14-98, LIENS, OF THE CITY OF ORMOND BEACH CODE OF ORDINANCES AUTHORIZING THE IMPOSITION OF A LIEN AGAINST THE REAL PROPERTY OWNED BY MARY G. HARDING, LANCE DODSON AND RUTH DODSON LOCATED AT 161 KENILWORTH AVENUE, ORMOND BEACH, VOLUSIA COUNTY, FLORIDA (PARCEL ID NO. 4240-01-07-0130) FOR COSTS INCURRED BY THE CITY TO TERMINATE OR ABATE A SITE MAINTENANCE VIOLATION; AND SETTING FORTH AN EFFECTIVE DATE.

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

- I. **RESOLUTION NO. 2013-206** : A RESOLUTION PURSUANT TO SECTION 14-98, LIENS, OF THE CITY OF ORMOND BEACH CODE OF ORDINANCES AUTHORIZING THE IMPOSITION OF A LIEN AGAINST THE REAL PROPERTY OWNED BY CLEO L. REID LOCATED AT 191 SOUTH YONGE STREET, ORMOND BEACH, VOLUSIA COUNTY, FLORIDA (PARCEL ID NO. 4222-02-02-0040) FOR COSTS INCURRED BY THE CITY TO TERMINATE OR ABATE A SITE MAINTENANCE VIOLATION; AND SETTING FORTH AN EFFECTIVE DATE.

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

- J. **RESOLUTION NO. 2013-207** : A RESOLUTION PURSUANT TO SECTION 14-98, LIENS, OF THE CITY OF ORMOND BEACH CODE OF ORDINANCES AUTHORIZING THE IMPOSITION OF A LIEN AGAINST THE REAL PROPERTY OWNED BY MICHAEL C. GOLDEN AND MADELINE E. GOLDEN LOCATED AT 731 JOHN ANDERSON DRIVE, ORMOND BEACH, VOLUSIA COUNTY, FLORIDA (PARCEL ID NO. 4210-01-00-0090) FOR COSTS INCURRED BY THE CITY TO TERMINATE OR ABATE A SITE MAINTENANCE VIOLATION; AND SETTING FORTH AN EFFECTIVE DATE.

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

- K. **RESOLUTION NO. 2013-209** : A RESOLUTION PURSUANT TO SECTION 14-98, LIENS, OF THE CITY OF ORMOND BEACH CODE OF ORDINANCES AUTHORIZING THE IMPOSITION OF A LIEN AGAINST THE REAL PROPERTY OWNED BY MICHAEL JOHNSON LOCATED AT 926 SOUTH BEACH STREET, ORMOND BEACH, VOLUSIA COUNTY, FLORIDA (PARCEL ID NO. 4242-20-20-0150) FOR COSTS INCURRED BY THE CITY TO TERMINATE OR ABATE A SITE MAINTENANCE VIOLATION; AND SETTING FORTH AN EFFECTIVE DATE.

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

- L. **RESOLUTION NO. 2013-210** : A RESOLUTION PURSUANT TO SECTION 14-98, LIENS, OF THE CITY OF ORMOND BEACH CODE OF ORDINANCES AUTHORIZING THE IMPOSITION OF A LIEN AGAINST THE REAL PROPERTY OWNED BY MARK EDWARD DAVISON LOCATED AT 1284 BUCKEYE ROAD, ORMOND BEACH, VOLUSIA COUNTY, FLORIDA (PARCEL ID NO. 4220-03-05-0030) FOR COSTS INCURRED BY THE CITY TO TERMINATE OR ABATE A SITE MAINTENANCE VIOLATION; AND SETTING FORTH AN EFFECTIVE DATE.

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

- M. **RESOLUTION NO. 2013-211** : A RESOLUTION AUTHORIZING EXECUTION OF A COMMUNITY DEVELOPMENT BLOCK GRANT SUBRECIPIENT AGREEMENT FOR FISCAL YEAR 2013-2014 BETWEEN THE CITY AND THE COUNTY OF VOLUSIA; AND SETTING FORTH AN EFFECTIVE DATE.

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

- N. **RESOLUTION NO. 2013-212** : A RESOLUTION ACCEPTING A BID FROM LMR CONSTRUCTION, INC. REGARDING THE STORMDRAIN AND SANITARY SEWER PIPE LINING REHABILITATION PROJECT, UNDER BID NO. 2013-36; 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)*

- O. **RESOLUTION NO. 2013-213** : A RESOLUTION AUTHORIZING THE EXECUTION OF A RAILROAD REIMBURSEMENT AGREEMENT BETWEEN THE CITY, THE STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION AND THE FLORIDA EAST COAST RAILWAY; SETTING FORTH AN EFFECTIVE DATE.
Staff Contact: John Noble, City Engineer (386-676-3269)
- P. **RESOLUTION NO. 2013-214** : A RESOLUTION ACCEPTING A BID FROM SANTA CRUZ CONSTRUCTION, INC., REGARDING THE 2013 TRAFFIC SIGNAL MAST ARM MAINTENANCE PROJECT, UNDER BID NO. 2013-35; 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)
- Q. **RESOLUTION NO. 2013-215** : A RESOLUTION AUTHORIZING THE EXECUTION OF CHANGE ORDER NUMBER ONE (1) TO THAT CONTRACT AWARDED TO J.D. WEBER CONSTRUCTION CO., REGARDING THE NORTH CENTRAL PARK LAKE INTERCONNECT PROJECT, BY INCREASING THE CONTRACT PRICE BY \$55,307.10; AND SETTING FORTH AN EFFECTIVE DATE.
Staff Contact: John Noble, City Engineer (386-676-3269)
- R. **RESOLUTION NO. 2013-216** : A RESOLUTION AUTHORIZING THE ACCEPTANCE OF A LANDSCAPE, MAINTENANCE AND ACCESS EASEMENT DEED FROM SUNOCO, INC. (R&M) ON PROPERTY LOCATED AT 3 NORTH YONGE STREET; AND SETTING FORTH AN EFFECTIVE DATE.
Staff Contact: Ric Goss, Planning Director (386-676-3238)
- S. **RESOLUTION NO. 2013-217** : A RESOLUTION AUTHORIZING THE LEASE OF A CERTAIN PORTION OF RIGHT-OF-WAY TO THE TOMOKA OAKS HOMEOWNERS' ASSOCIATION, INC. REGARDING LANDSCAPING AND THE ERECTION OF A SUBDIVISION SIGN; SETTING FORTH AN EFFECTIVE DATE.
Staff Contact: Randal Hayes, City Attorney (386-676-3217)
- T. **RESOLUTION NO. 2013-218** : A RESOLUTION AUTHORIZING THE EXECUTION OF A JOINT PARTICIPATION AGREEMENT BETWEEN THE CITY AND THE FLORIDA DEPARTMENT OF TRANSPORTATION REGARDING THE TAXIWAY G IMPROVEMENTS PROJECT; AND SETTING FORTH AN EFFECTIVE DATE.
Staff Contact: Joe Mannarino, Economic Development Director (386-676-3266)
- U. **RESOLUTION NO. 2013-219** : A RESOLUTION AUTHORIZING THE EXECUTION OF AN OPTION AND LEASE AGREEMENT BETWEEN THE CITY, TOWERCOM III, LLC AND CIVIL AIR PATROL, UNITED STATES AIR FORCE AUXILIARY, FLORIDA WING; AND SETTING FORTH AN EFFECTIVE DATE.
Staff Contact: Joe Mannarino, Economic Development Director (386-676-3266)
- V. **RESOLUTION NO. 2013-222** : A RESOLUTION AUTHORIZING THE EXECUTION OF AMENDMENT 2 TO LOAN AGREEMENT WW640120 BETWEEN THE CITY AND STATE OF FLORIDA, DEPARTMENT OF ENVIRONMENTAL PROTECTION REGARDING AIRPORT ROAD FORCE MAIN AND RECLAIMED WATER MAIN IMPROVEMENTS; AND SETTING FORTH AN EFFECTIVE DATE.
Staff Contact: Kelly McGuire, Finance Director (386-676-3226)

W. **Sunshine Recycling Construction and Demolition Debris Franchise Agreement Renewal**

Staff Contact: Theodore MacLeod, Assistant City Manager (386-676-3200)

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

X. **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 November 19, 2013.

Y. **Contract Renewal - Aerial Hydraulics**

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

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

Z. **Sports Complex Roadway Improvements Bidding Notification**

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

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

AA. **Electronic Plan Review Process Management Software - Request for Proposals**

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

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

AB. **YMCA Request for City's Partnership in Volusia County ECHO Grant**

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

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

AC. **Letter of Objection – North Peninsula Utilities Corp. - Application to Amend Wastewater Certificate**

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

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

8. **PUBLIC HEARINGS**

A. **ORDINANCE NO. 2013-69 : 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 AMENDING THE OFFICIAL ZONING MAP TO REZONE CERTAIN REAL PROPERTY TOTALING 1.01-ACRES LOCATED AT 1535 NORTH US HIGHWAY 1, FROM VOLUSIA COUNTY B-6 (HIGHWAY INTERCHANGE COMMERCIAL) TO ORMOND BEACH B-7 (HIGHWAY TOURIST COMMERCIAL), AUTHORIZING REVISION OF OFFICIAL ZONING MAP; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; AND SETTING FORTH AN EFFECTIVE DATE. **(SECOND READING)****

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

- B. **ORDINANCE NO. 2013-70** : AN ORDINANCE AMENDING THE FUTURE LAND USE ELEMENT OF THE COMPREHENSIVE PLAN BY AMENDING THE FUTURE LAND USE MAP TO CHANGE THE DESIGNATION OF ONE (1) PARCEL OF REAL PROPERTY TOTALING +8.06-ACRES LOCATED AT 260 WILLIAMSON BOULEVARD, FROM VOLUSIA COUNTY "URBAN MEDIUM INTENSITY" TO ORMOND BEACH "LOW INTENSITY COMMERCIAL"; PROVIDING FOR CONFLICT; AUTHORIZING TRANSMITTAL; AND SETTING FORTH AN EFFECTIVE DATE. **(SECOND READING)**

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

- C. **ORDINANCE NO. 2013-72** : 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 PARCEL OF REAL PROPERTY TOTALING 0.50- ACRES LOCATED AT 1951 WEST GRANADA BOULEVARD, 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. 2013-73** : 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 2.90- ACRES LOCATED AT 1999 WEST GRANADA BOULEVARD AND 33 NORTH TYMBER CREEK ROAD, 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)

- E. **ORDINANCE NO. 2013-74** : 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 14.53-ACRES LOCATED AT 1298 WEST GRANADA BOULEVARD, FROM VOLUSIA COUNTY R-4 (URBAN SINGLE-FAMILY RESIDENTIAL) TO ORMOND B-8 (COMMERCIAL) FOR 4.64 ACRES AND SE (SPECIAL ENVIRONMENTAL) FOR 9.89 ACRES, 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. 2013-75** : 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 3,400 LINEAR FEET SOUTH OF WEST GRANADA BOULEVARD AND BEING COMMONLY LOCATED AT 550 WILLIAMSON BOULEVARD CONSISTS OF APPROXIMATELY 39.4 ACRES; INCLUDING THAT PORTION OF WILLIAMSON BOULEVARD ABUTTING THE PROPERTY; REDEFINING THE TERRITORIAL BOUNDARIES OF THE CITY OF ORMOND BEACH TO INCLUDE THE PROPERTY; REDESIGNATING 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)

- G. **RESOLUTION NO. 2013-220** : A RESOLUTION AUTHORIZING THE EXECUTION AND ISSUANCE OF A DEVELOPMENT ORDER FOR A SPECIAL EXCEPTION REGARDING "HOSPICE OF VOLUSIA/FLAGLER" LOCATED AT 235 BOOTH ROAD WITHIN THE B-1 (PROFESSIONAL OFFICE/HOSPITAL) ZONING DISTRICT, BY AUTHORIZING A WAIVER OF THE WALL REQUIREMENTS AND REQUIRING ADDITIONAL LANDSCAPE PLANTINGS; ESTABLISHING CONDITIONS AND EXPIRATION DATE OF APPROVAL; AND SETTING FORTH AN EFFECTIVE DATE.

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

- H. **RESOLUTION NO. 2013-221** : A RESOLUTION AUTHORIZING THE EXECUTION AND ISSUANCE OF A DEVELOPMENT ORDER FOR A SPECIAL EXCEPTION REGARDING TOP GUN MOTORSPORTS, LOCATED AT 266 NORTH YONGE STREET AND BEING SITUATED WITHIN THE B-5 (SERVICE COMMERCIAL) ZONING DISTRICT; BY AUTHORIZING A VEHICLE REPAIR, TYPE "B" USE TO ALLOW AN INDOOR VEHICLE PAINT BOOTH; ESTABLISHING CONDITIONS AND EXPIRATION DATE OF APPROVAL; AND SETTING FORTH AN EFFECTIVE DATE.

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

9. FIRST READING OF ORDINANCES

- A. **ORDINANCE NO. 2013-76** : AN ORDINANCE AMENDING CHAPTER I, GENERAL ADMINISTRATION, ARTICLE III, DEFINITIONS AND ACRONYMS, SECTION 1-22, DEFINITION OF TERMS AND WORDS OF THE CITY OF ORMOND BEACH LAND DEVELOPMENT CODE; AMENDING CERTAIN DEFINITIONS; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; PROVIDING FOR SEVERABILITY; AND SETTING FORTH AN EFFECTIVE DATE.

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

- B. **ORDINANCE NO. 2013-77** : AN ORDINANCE UPDATING THE FLOODPLAIN MANAGEMENT AND PROTECTION REGULATIONS OF THE CITY OF ORMOND BEACH LAND DEVELOPMENT CODE BY AMENDING CHAPTER 1, GENERAL ADMINISTRATION, ARTICLE III, DEFINITIONS AND ACRONYMS, SECTION 1-22, DEFINITIONS OF TERMS AND WORDS; AND CHAPTER 3, PERFORMANCE STANDARDS, ARTICLE II, ENVIRONMENTAL PROTECTION STANDARDS, SECTION 3-20, FLOODPLAIN MANAGEMENT AND PROTECTION; TO ADOPT FLOOD HAZARD MAPS; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; PROVIDING FOR SEVERABILITY; AND SETTING FORTH AN EFFECTIVE DATE.

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

10. SECOND READING OF ORDINANCES

- A. **ORDINANCE NO. 2013-71** : AN ORDINANCE AMENDING THE ANNUAL BUDGET FOR FISCAL YEAR 2012-2013 BY AMENDING THE GENERAL FUND; THE DOWNTOWN DEVELOPMENT FUND; THE ORMOND CROSSINGS FUND; THE STORMWATER FUND; THE AIRPORT FUND; THE PENSION PASS THROUGH FUND; THE GRANT FUND; THE GENERAL CAPITAL IMPROVEMENTS FUND; THE GENERAL VEHICLE REPLACEMENT FUND; THE TRANSPORTATION FUND; THE RECREATION IMPACT FEE FUND; THE LOCAL IMPACT FEE FUND; THE STORMWATER IMPACT FEE FUND; THE BEACHFRONT PARK FUND; THE WATER & WASTEWATER OPERATING FUND; THE WATER & WASTEWATER VEHICLE FUND; THE WATER & WASTEWATER RENEWAL & REPLACEMENT FUND; THE WATER & WASTEWATER DEBT SERVICE FUND; THE WATER & WASTEWATER CAPITAL PROJECTS FUND (440); THE WATER & WASTEWATER CAPITAL PROJECTS FUND (442); THE WATER & WASTEWATER CAPITAL PROJECTS FUND (443); THE SOLID WASTE FUND; THE WORKERS COMPENSATION FUND; AND THE GENERAL LIABILITY FUND; AND SETTING FORTH AN EFFECTIVE DATE. **(SECOND READING)**

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

11. STAFF ACTION ITEMS

- A. AIRPORT APPRAISAL AND RENT ADJUSTMENT

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

12. REPORTS, SUGGESTIONS, REQUESTS

13. ADJOURNMENT

Item #1 – Meeting Call to Order

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

Item #2 – Invocation

Pastor Kevin Mahoney, Rima Ridge Baptist Church, gave the invocation.

Item #3 – Pledge of Allegiance

Mayor Kelley led the Pledge of Allegiance.

Item #4A – National Hospice/Palliative Care Month

Mayor Kelley presented the proclamation to a member of Haven Hospice. He stated that hospice and palliative care empowered people to live as fully as possible, surrounded and supported by committed caregivers, as well as family and loved ones despite serious and life limiting illness. He stated that Haven Hospice believed that everyone deserved compassion, care, and comfort. He explained that Haven Hospice served more than 3,500 patients and families through their 18 county service area in 2013. He noted that each year hospice saved Medicare more than \$2 billion by providing solutions for physicians, care to patients, and comfort to families. He stated that last year more than 1.6 million Americans living with life limiting illness received care from the nation's hospice programs and communities throughout the United States.

Mayor Kelley stated that hospice and palliative care providers encouraged all people to learn more about options of care and to share their wishes with family and loved ones as well as their healthcare professionals. He proclaimed November 2013 as National Hospice/Palliative Care Month in the City of Ormond Beach and encouraged all to increase their understanding and awareness of care at the end of life. He thanked the Haven Hospice representative.

Item #5 – Audience Remarks

Ms. Julia Truilo, Executive Director of Ormond Beach Main Street, spoke about a community art project that was currently out in the City Hall atrium. She explained that the project was created during the past weekend at Ormond Beach Riverfest. She explained that those passing by were asked to stop and write what they liked about living in the city onto a flip flop. She noted that there were many wonderful and heartwarming statements on the flip flops. She explained that they were also creating a virtual version which could be added to. She explained that you could make a comment online, such as Facebook, Twitter, Pinterest, or Instagram, if you added #whyloveOB to the end of the comment; then your message would be added to a virtual flip flop on a board at the end of a two-week period. She stated that a story would be created on their website with all of those virtual comments.

Mayor Kelley stated that he had a brief opportunity to look at the flip flop board before he came in. He stated that it was his understanding that many citizens were waiting in line to fill out a flip flop with how much they loved Ormond Beach.

Ms. Truilo stated that she was overwhelmed by the number of comments relative to how friendly everyone in the city was.

Mayor Kelley stated that Ormond Beach was the best city in Volusia County and probably one of the best in Florida and the United States.

Commissioner Kent stated that the weather was not the best on Sunday but that 12,000 people had attended Riverfest anyway. He asked Ms. Truilo if she would say the event was extremely successful.

Ms. Truilo stated that it was a very successful event and she would be remiss if she did not thank the gentlemen in the audience from Ormond Beach Main Street who assisted with the event, Mr. Ryck Hundredmark, Mr. Bill Partington, and Mr. Jerry Janaro.

Mayor Kelley encouraged everyone to give them a hand.

Commissioner Kent asked what the biggest difference was compared to last year with Riverfest attendance.

Ms. Truilo stated that better weather helped but also noted that there was a lot more to do this year.

Commissioner Kent asked about the entrance fee.

Ms. Truilo stated that entry was free and it had been the year before as well, but the year prior to that there had been an entrance fee.

Commissioner Kent stated that his point was that the event was free so that you could then spend your money freely on whatever you wanted to inside the event. He complimented Ormond Beach Main Street publicly for being bold enough to make an event like that free to the public.

Ms. Joyce Shanahan, City Manager, stated that the number of flip flops used was only limited because that was all of the flip flops that Ormond Beach Main Street was able to purchase. She stated that they bought every flip flop in town.

Ms. Truilo noted that she went as far as Orange City to purchase flip flops.

Ms. Mary Gaspary, 97 Orchard Lane, stated that she wanted to talk about a movie that was made the previous year in Ormond Beach about a business in Ormond Beach called Absolutely Ballroom. She explained that Absolutely Ballroom was a dance studio which was started two years ago and was located behind the Dunkin Donuts on Nova Road. She stated that the filmmaker found a change in his mother since his father had died, and his mother had him come and watch her dance. She stated that the film was about all of the ladies who came to learn how to ballroom dance at Absolutely Ballroom. She stated that the premiere of the film on the east coast would be held on Thursday, November 21, 2013, at 7:30 p.m. at the Ormond Beach Performing Arts Center. She invited all in attendance to come to see the film.

Item #6A – Approval of Minutes

Mayor Kelley advised that the minutes of the November 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 announced that staff needed to remove the following items from the agenda that evening: Item 7G, 7U and 7AB.

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 Stowers requested that items 7Q and 7AB be pulled from the Consent Agenda.

Commissioner Kent stated that he had comments he wished to make about item 7Q and had wanted to pull item 7AB, as well. He noted that he also wished to make comments about item 7Z after the approval of the Consent Agenda.

Commissioner Partington moved, seconded by Commissioner Kent, for approval of the Consent Agenda absent items 7Q and 7AB.

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

7Q – Additional Work Authorization Request for North Central Park Lake Interconnect Project

City Clerk Scott McKee read by title only:

RESOLUTION NO. 2013-215
 A RESOLUTION AUTHORIZING THE EXECUTION OF CHANGE ORDER NUMBER ONE (1) TO THAT CONTRACT AWARDED TO J.D. WEBER CONSTRUCTION CO., REGARDING THE NORTH CENTRAL PARK LAKE INTERCONNECT PROJECT, BY INCREASING THE CONTRACT PRICE BY \$55,307.10; AND SETTING FORTH AN EFFECTIVE DATE.

Commissioner Partington moved, seconded by Commissioner Boehm, for approval of Resolution No. 2013-215, as read by title only.

Commissioner Stowers stated that J.D. Weber Construction Company was a client of Wright, Casey and Stowers, his law firm, and accordingly he would abstain from voting on the item.

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

Commissioner Kent noted that as anyone who paid attention to the Commission knew, he was usually a “no” vote on any change orders. He explained that the only exception would be if there was additional work to be done which was the case for this particular item.

Commissioner Partington stated that he wanted to make sure that in order to facilitate the additional work, Hammock Lane would not be closed while Division Avenue was closed. He stated that the promise had constantly been that Hammock Lane and Hand Avenue would be open when Division Avenue was closed. He noted that the residents of that area had suffered enough over the last year and a half with the construction and closures.

Commissioner Kent stated that he could not agree with Commissioner Partington more.

Mayor Kelley stated that he thought that the \$55,000 figure given was a little expensive when he reviewed the itemization. He stated that no members of the Commission liked change orders but noted that the item was an entirely new part that was not even thought about originally and would serve to solve a problem.

7AB – YMCA Request for City's Partnership in Volusia County ECHO Grant

City Clerk Scott McKee stated that this item was a request by the YMCA for the city's partnership in a Volusia County ECHO Grant application.

Commissioner Partington moved, seconded by Commissioner Boehm, for approval of Item 7AB.

Commissioner Stowers stated that the YMCA was also a client of his firm, and he was doing some work for them. He stated that out of an abundance of caution he would like to abstain on the item.

Mr. William Seif, 30 Choctaw Trail, stated that he had lived in Ormond Beach for a long time and that the YMCA was a special place for him. He noted that his parents met at the YMCA at White Street and Derbyshire Road in the 1960s. He stated that he went to Camp Winona and sent his children there, as well. He explained that he had a great concern with giving grant money to the leadership of the YMCA. He stated that they had not, in his mind, proved that they deserved a chance to have public funds. He stated that management took funds from the Volusia and Flagler County YMCAs and diverted those funds to Jacksonville in the form of management and consultation fees. He cautioned the city that a portion of the money could be diverted away from the local community.

Mr. Seif stated that he also wanted to say that the YMCA was a private corporation and not for profit that was religious based and asked what door the city would be opening for the future of Ormond Beach by providing that corporation with money. He asked if they would be opening a door that they would not be able to close. He stated that he was a member of the Ormond Beach YMCA and that any money would benefit him, but as a whole he wondered if the community would benefit from the money. He stated that he would say that only the members of the YMCA would benefit.

Commissioner Kent stated that he met with a member of the YMCA who he believed was in attendance that evening. He noted that meeting occurred about a year prior. He explained that at that time there had been some talk about the plans for the Ormond Beach YMCA, a multipurpose trail, and a possible partnership with the city to help the YMCA secure some funds to enlarge their pool. He stated that he was told that if that happened then Ormond Beach residents would be allowed to use the pool on certain days at certain times as long as it did not interfere with members of the YMCA. He stated that he left that meeting not feeling good about it and that he let the individual he met with know that.

Commissioner Kent explained that he was comfortable with the city sending a letter on behalf of the YMCA, which was what the item was really asking for. He noted that it, however, mentioned that if the grant request was approved, then the city would be paying about \$16 per first grader that attended school in Ormond Beach, for a maximum of \$7,360. He stated that he did not like that. He clarified that he was in favor of children learning how to swim and did not want anyone to experience a drowning. He stated that in his opinion, he did not think that the way proposed was the proper avenue. He asked what would happen with kindergarteners, second graders and third grade children. He asked about other organizations that could offer the same types of services at lesser costs.

Commissioner Partington stated that he grew up with the YMCA and worked during college at the one on Derbyshire. He stated that he knew the director then, and he worked harder than he had seen anyone work other than his father, including working holidays and weekends. He noted that it was a different time back then. He stated that he did not know how the program was structured and asked if someone on the city staff could tell him whether the city had control over how that money was spent and if it would be going to Ormond Beach children to sponsor them to pay fees so that they could learn how to swim. He asked if there was any way that Commissioner Kent's concerns could be satisfied and the city still participate in the program.

Ms. Shanahan stated that the item was for a letter of support for the YMCA to include in their ECHO Grant application. She stated that if the YMCA was approved for the grant and succeeded in completing their project, the city would come back to the City Commission with a budgeted item that they would have to discuss, likely in 2015. She explained that staff would discuss with the Commission whether they were interested in participating with the YMCA in that type of program. She noted that she was not sure what that would look like, but that it could certainly be constructed any way that the Commission felt comfortable with. She stated that her intentions were not to pay for children who were not participating and it would be on a per capita basis. She stated that if the desire was to expand such a program beyond first grade, she was sure they could talk to the YMCA about that but noted that they had no details about the program just yet.

Commissioner Kent stated that information helped him. He stated that he was originally going to vote “no” on the item and noted that he should have talked to Ms. Shanahan about it that afternoon. He explained that the way the budget impact was included in the memorandum he thought supporting it meant he would be on the hook for those funds down the road. He noted that it now looked like there would be an opportunity during the next budget year to talk about whether or not that was even their responsibility as a government to provide the service. He asked if the YMCA was so concerned about the issue why they were not doing so out of the goodness of their heart.

Mayor Kelley stated that he would support the item and thought it was a worthwhile project. He stated that the city partnered with the YMCA on the Mayor’s Health & Fitness Challenge. He explained that anyone who signed up for the program was given personal training for three months. He stated that he could guarantee that was more than \$7,000 worth of value and that it added credibility to the program. He stated that he thought it would be worth it for the city to spend \$7,000 or \$8,000 for children who did not have the means or opportunity to learn how to swim to do so. He noted that he thought that first grade might be a little bit late to learn how to swim in Florida.

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

7Z – Sports Complex Roadway Improvements Bidding Notification

Commissioner Kent stated that the improvements were very much needed. He stated that he was recently at the Sports Complex for a birthday party and wanted to mention something that he had mentioned before again, even though the area was not his district. He stated that when someone was coming from the south heading north on US1, you could not see the Sports Complex sign until you were right on top of it. He stated that he would love for the city to get with the property owner neighboring the Sports Complex and take out 200 feet of that underbrush and the pine trees on that property so that the sign was actually visible from the road. He noted that he had mentioned it before but wanted to bring it up again. He explained that the city kept spending money on the Sports Complex, which was a worthy cause, but its sign still could not be seen. He hoped enough members of the Commission would agree and encourage Ms. Shanahan to contact the adjacent property owner to see if they could clear some of his land so that the sign was visible.

Mayor Kelley stated that he was in favor of a giant electronic sign in that location. He stated that he had long claimed that the sign was not visible to anyone coming from either direction. He noted that the city had some of the greatest sports facilities in the country and those coming in from out of the area could not see the sign to locate them. He explained that he thought the sign could legally be raised higher now and possibly placed a little closer to US1.

Ms. Shanahan explained that the property with the vegetation obstructing the sign was not owned by the city. She noted that the owner of the property had been approached by the city previously. She stated that the city would try their best to make the sign more visible.

Commissioner Partington stated that he had been taking his daughter out to the Sports Complex every Saturday morning to play soccer. He stated that Commissioner Kent was right about the sign, and noted that he had brought it up before. He asked Ms.

Shanahan to send him the adjacent property owner's contact information so that he could talk to them himself.

Commissioner Boehm stated that when he had previously served on the Leisure Services Advisory Board, the Sports Complex had a much smaller sign than it did presently. He stated that the board had made a complaint at that time about the size of the sign. He explained that he understood the sign that was put in was what was allowed by the city for a monument sign.

Mayor Kelley stated that the regulations had been recently changed and now it was allowed to be a couple feet higher; which could make a big difference.

Commissioner Boehm agreed with Commissioner Kent and Commissioner Partington relative to clearing the adjacent land, but noted that he did not know that the property owner was interested in letting the city clear his land. He stated that the property owner should certainly be approached though. He reiterated that at the time the current sign was put in, it was all that was allowed to be placed there by the city codes.

Ms. Shanahan stated that city staff heard the Commission loud and clear.

Consent Agenda

Commissioner Kent stated that it was the first time he could recall where there were so many items on the Consent Agenda. He noted that it went past Z and had to go into double letters such as AB. He noted that staff had been busy.

Mayor Kelley stated that he appreciated staff putting together the many items.

Item #8 – Public Hearings

Mayor Kelley opened the public hearings.

Item #8A – 1535 North US Highway 1, Zoning Amendment

City Clerk Scott McKee read by title only:

ORDINANCE NO. 2013-69

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 AMENDING THE OFFICIAL ZONING MAP TO REZONE CERTAIN REAL PROPERTY TOTALING 1.01-ACRES LOCATED AT 1535 NORTH US HIGHWAY 1, FROM VOLUSIA COUNTY B-6 (HIGHWAY INTERCHANGE COMMERCIAL) TO ORMOND BEACH B-7 (HIGHWAY TOURIST 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. 2013-69, on second reading, as read by title only.

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

Item #8B – 260 Williamson Blvd, LUPA

City Clerk Scott McKee read by title only:

ORDINANCE NO. 2013-70

AN ORDINANCE AMENDING THE FUTURE LAND USE ELEMENT OF THE COMPREHENSIVE PLAN BY AMENDING THE FUTURE LAND USE MAP TO CHANGE THE DESIGNATION OF ONE (1) PARCEL OF REAL PROPERTY TOTALING +8.06-ACRES LOCATED AT 260 WILLIAMSON

BOULEVARD, FROM VOLUSIA COUNTY "URBAN MEDIUM INTENSITY" TO ORMOND BEACH "LOW INTENSITY COMMERCIAL"; PROVIDING FOR CONFLICT; AUTHORIZING TRANSMITTAL; AND SETTING FORTH AN EFFECTIVE DATE.

Commissioner Boehm moved, seconded by Commissioner Stowers, for approval of Ordinance No. 2013-70, on second reading, as read by title only.

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

Item #8C – 1951 W Granada Blvd Rezoning

City Clerk Scott McKee read by title only:

ORDINANCE NO. 2013-72

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 PARCEL OF REAL PROPERTY TOTALING 0.50- ACRES LOCATED AT 1951 WEST GRANADA BOULEVARD, 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.

Mr. Ric Goss, Planning Director, stated that this item was a city initiated zoning based upon an annexation and land use plan amendment that was done previously. He explained that once an annexation was done, the property needed to be brought in based upon what zoning it had in the county. He stated that the Planning Board reviewed the item in October and recommended approval and so did staff.

Commissioner Partington moved, seconded by Commissioner Kent, for approval of Ordinance No. 2013-72, 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 #8D – 1999 W Granada Blvd and 33 Tymber Creek Road Rezoning

City Clerk Scott McKee read by title only:

ORDINANCE NO. 2013-73

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 2.90- ACRES LOCATED AT 1999 WEST GRANADA BOULEVARD AND 33 NORTH TYMBER CREEK ROAD, 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.

Mr. Goss stated that this item was also a city initiated amendment. He noted that the three parcels were located at the northeast corner of Tymber Creek Road and Granada

Boulevard. He stated that the Planning Board reviewed the item in October and recommended approval and so did staff.

Commissioner Boehm moved, seconded by Commissioner Partington, for approval of Ordinance No. 2013-73, 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 #8E – 1298 W Granada Blvd Rezoning

City Clerk Scott McKee read by title only:

ORDINANCE NO. 2013-74

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 AMENDING THE OFFICIAL ZONING MAP TO REZONE CERTAIN REAL PROPERTY TOTALING 14.53-ACRES LOCATED AT 1298 WEST GRANADA BOULEVARD, FROM VOLUSIA COUNTY R-4 (URBAN SINGLE-FAMILY RESIDENTIAL) TO ORMOND B-8 (COMMERCIAL) FOR 4.64 ACRES AND SE (SPECIAL ENVIRONMENTAL) FOR 9.89 ACRES, AUTHORIZING REVISION OF OFFICIAL ZONING MAP; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; AND SETTING FORTH AN EFFECTIVE DATE.

Mr. Goss stated that this item was for a 15-acre site by Lowe's Home Improvement. He noted that the item was based upon an annexation by the property owner to come into the city. He explained that upon the zoning approval, the property owner would be filing their plan to build a shopping center of about 30,000 square feet in the location.

Commissioner Kent moved, seconded by Commissioner Boehm, for approval of Ordinance No. 2013-74, 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 #8F – 550 Williamson Blvd (Crowne) Annexation

City Clerk Scott McKee read by title only:

ORDINANCE NO. 2013-75

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 3,400 LINEAR FEET SOUTH OF WEST GRANADA BOULEVARD AND BEING COMMONLY LOCATED AT 550 WILLIAMSON BOULEVARD CONSISTS OF APPROXIMATELY 39.4 ACRES; INCLUDING THAT PORTION OF WILLIAMSON BOULEVARD ABUTTING THE PROPERTY; REDEFINING THE TERRITORIAL BOUNDARIES OF THE CITY OF ORMOND BEACH TO INCLUDE THE PROPERTY; REDESIGNATING 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.

Mr. Goss stated that this item was an annexation based upon an annexation agreement and also a declaration of covenants that was entered into by the property owner back in

2001. He explained that it was the last property on the west side of Williamson Boulevard to be annexed before the city began annexing the east side. He noted that there had been quite a bit of discussion about the annexation. He stated that they would be approving the land use and zoning at the same time and bringing that to the Commission on April 1, 2014, bundled together, giving the property a conforming status.

City Attorney Randy Hayes stated that the Commission had in front of them a hard copy of a different version of the ordinance than the one that originally appeared in the agenda packet for the meeting. He stated that what the Commission would be voting on would be the corrected version, which would be included in their packet for the second reading.

Commissioner Boehm jokingly asked Mr. Goss if they could sneak and annex the Florida Hospital into Ormond Beach; whereby Mr. Goss stated that he thought they would notice that.

Commissioner Partington moved, seconded by Commissioner Kent, for approval of Ordinance No. 2013-75, 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 #8G – Hospice, 235 Booth Road, Wall Waiver

City Clerk Scott McKee read by title only:

RESOLUTION NO. 2013-220

A RESOLUTION AUTHORIZING THE EXECUTION AND ISSUANCE OF A DEVELOPMENT ORDER FOR A SPECIAL EXCEPTION REGARDING "HOSPICE OF VOLUSIA/FLAGLER" LOCATED AT 235 BOOTH ROAD WITHIN THE B-1 (PROFESSIONAL OFFICE/HOSPITAL) ZONING DISTRICT, BY AUTHORIZING A WAIVER OF THE WALL REQUIREMENTS AND REQUIRING ADDITIONAL LANDSCAPE PLANTINGS; ESTABLISHING CONDITIONS AND EXPIRATION DATE OF APPROVAL; AND SETTING FORTH AN EFFECTIVE DATE.

Mr. Goss stated that this item was for a special exception for a wall waiver, which was associated with the approved site plan for a hospice facility on Booth Road. He stated that staff essentially could have approved it if there had not been a right-of-way easement in the area where the buffer was. He explained that since the easement existed, staff did not believe that the waiver met the code requirements for approval. He further explained that staff recommended denial based upon criteria one and four, because of the easement, and while it was noted that there was a good possibility that a road would never be developed there, there was still some doubt as to whether it could be. He stated that staff recommended denial because it was not a natural area and was a right-of-way easement with trees located on it; and also because if the area was developed it could have a negative effect on the residents, even though the residents were currently in support of the wall waiver. He noted that the Planning Board recommended approval by a 6-1 vote. He stated that if the Commission decided to approve the item, staff would request that a provision be added that if the road was ever built, that the applicant would then need to build a wall on the north side of the road.

Mr. Rob Merrell, Cobb & Cole, attorney for applicant, passed out pictures of the site location to the Commission for review. He stated that the site was currently under construction and operating under the site plan approval which required them to build the wall that they were asking to have the requirement waived. He explained that the easement was put in place so that when properties in the area were developed, if the road had not been built yet, they could have access to Booth Road. He noted that road had been built and there was no reason for the easement to exist anymore, but they did not have the ability unilaterally to extinguish the easement rights. He noted that, as Mr. Goss had said, there was not 100% certainty that a road would not be constructed in the future. He stated that the applicant would agree to the condition mentioned by Mr. Goss that if a road was ever built there, they would then build a wall. He also noted that all of the neighbors supported the request to waive the wall requirement and desired vegetation in that area. He explained that the area that the right-of-way was within was

vegetated and had some drainage going through it. He stated that the applicant would also add vegetation on their side of it. He stated that those who would benefit by the requirement being waived were in attendance asking the Commission to waive it.

Mayor Kelley noted that three audience members completed cards requesting to speak. He stated that he believed all three to be in support of waiving the wall requirement and not having the wall built. He asked them to waive their hands if that was correct.

The three audience members confirmed that was correct by a show of waived hands.

Mayor Kelley noted their support.

Mr. Merrell reminded the Commission that the site would be a hospice facility with 12 beds, where people went at the end of their lives. He stated that it would be a very low intensity use.

Commissioner Stowers moved to approve Resolution No. 2013-220, based on the recommendation of the Planning Board.

Commissioner Boehm asked if the motion was to approve as presented or approve with the requirement that a wall be built if the road was ever developed.

Mr. Merrell noted that recommendation had been staff's and not the Planning Board's, but that the applicant was comfortable with that caveat being added.

Commissioner Stowers withdrew his motion.

Commissioner Partington moved, seconded by Commissioner Boehm, for approval of Resolution No. 2013-220, as read by title only, with the addition of a provision recommended by staff that if a road was ever constructed in that location that a wall would be required to be added.

Commissioner Stowers asked if the wall would be on the north side of the road, if it was ever constructed.

Mr. Merrell confirmed that it would be on the north side, which would be the hospice side.

Commissioner Stowers asked if whatever landscaping was there would be removed so that a wall would be put in.

Mr. Merrell stated that would occur to the extent that it needed to be removed to accommodate the wall.

Commissioner Stowers noted that he spoke to Mr. Dwight Durant of Zev Cohen and Associates about the project and had generally spoken to Mr. Merrell about the issue in a broader context in the past. He stated that his thought was that oftentimes a wall was a conduit for reverberating noise and to him in a scenario where cars were on a road built in that area, a wall would exacerbate any noise issue for the homeowners there. He stated that having it landscaped and keeping it that way in the future would dampen that sound and create a buffer. He provided the example that the Senior Center in Ormond Beach had a landscape buffer which was very effective as a buffer from the residential area across the street from the parking area. He stated that was why he was moving more towards approving what the Planning Board had recommended.

Mr. Goss clarified that the Planning Board recommended approval with no additions, recommending simply to waive the requirement that a wall be built. He stated that staff's perspective was that if the Commission were so inclined to approve that, they would also recommend that a provision be added that should the road be developed, then the wall should go in.

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

Item #8H – 226 North Yonge Street, Vehicle Repair, Type “B”, Special Exception

City Clerk Scott McKee read by title only:

RESOLUTION NO. 2013-221

A RESOLUTION AUTHORIZING THE EXECUTION AND ISSUANCE OF A DEVELOPMENT ORDER FOR A SPECIAL EXCEPTION REGARDING TOP GUN MOTORSPORTS, LOCATED AT 266 NORTH YONGE STREET AND BEING SITUATED WITHIN THE B-5 (SERVICE COMMERCIAL) ZONING DISTRICT; BY AUTHORIZING A VEHICLE REPAIR, TYPE “B” USE TO ALLOW AN INDOOR VEHICLE PAINT BOOTH; ESTABLISHING CONDITIONS AND EXPIRATION DATE OF APPROVAL; AND SETTING FORTH AN EFFECTIVE DATE.

Mr. Goss explained that the property owner wanted to expand his business and explained that he currently farmed out all of his cars to another location to have them painted. He stated that he would like to be able to paint them beside his existing business. He stated that at the Planning Board no one had spoke against approving the item. He stated that the only condition staff had added was to ensure that all of the cars that were damaged, or staged for painting, or were painted be stored behind the existing property in a gated area. He noted that the property owner had no issue with that and staff recommended approval based upon that condition.

Commissioner Boehm moved, seconded by Commissioner Partington, for approval of Resolution No. 2013-221, as read by title only.

Mayor Kelley noted that he believed there were fairly strict requirements for the building of a painting booth; whereby, Mr. Goss confirmed that was correct and that the fire code was involved.

Commissioner Boehm noted that the painting would be done indoors.

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

Mayor Kelley closed the public hearings without objection.

Item #9A – Definitions LDC Amendment: Lot consolidation, Finished grade, Height, Building

City Clerk Scott McKee read by title only:

ORDINANCE NO. 2013-76

AN ORDINANCE AMENDING CHAPTER I, GENERAL ADMINISTRATION, ARTICLE III, DEFINITIONS AND ACRONYMS, SECTION 1-22, DEFINITION OF TERMS AND WORDS OF THE CITY OF ORMOND BEACH LAND DEVELOPMENT CODE; AMENDING CERTAIN DEFINITIONS; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; PROVIDING FOR SEVERABILITY; AND SETTING FORTH AN EFFECTIVE DATE.

Mr. Goss stated that there were some definitions that needed to be added to the Land Development Code based upon an individual trying to combine two lots which were across a road. He stated that staff believed you would be unable to do so but found there had been nothing in the code prohibiting it. He stated that they were adding that lot consolidation could only occur on one side of the road and could not cross the public right-of-way. He explained that they also eliminated the finish grade since that definition was elsewhere.

Mr. Goss noted that the city had also had problems with contractors regarding the heights of roofs. He explained that roofs were being measured differently and could be interpreted differently so the definition was being changed to accurately describe that the measurement went from the eve to the ridge on the most continuous roofline. He noted that before with several rooflines contractors had tried to use the highest roofline for the measurement. He stated that staff recommended approval of the height definition,

deletion of the finish grade definition, and that lot consolidation definition be added to clarify that lots could not be combined across a public right-of-way using a road for contiguity.

Mayor Kelley stated that seemed pretty logical; whereby, Mr. Goss stated that it did until you tried to show someone where it was in the code.

Commissioner Boehm moved, seconded by Commissioner Partington, for approval of Ordinance No. 2013-76, 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 #9B – LDC Amendment pertaining to Floodplain Management

City Clerk Scott McKee read by title only:

ORDINANCE NO. 2013-77
AN ORDINANCE UPDATING THE FLOODPLAIN MANAGEMENT AND PROTECTION REGULATIONS OF THE CITY OF ORMOND BEACH LAND DEVELOPMENT CODE BY AMENDING CHAPTER 1, GENERAL ADMINISTRATION, ARTICLE III, DEFINITIONS AND ACRONYMS, SECTION 1-22, DEFINITIONS OF TERMS AND WORDS; AND CHAPTER 3, PERFORMANCE STANDARDS, ARTICLE II, ENVIRONMENTAL PROTECTION STANDARDS, SECTION 3-20, FLOODPLAIN MANAGEMENT AND PROTECTION; TO ADOPT FLOOD HAZARD MAPS; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; PROVIDING FOR SEVERABILITY; AND SETTING FORTH AN EFFECTIVE DATE.

Mr. Goss stated that the existing floodplain ordinance was reviewed by the state and by the federal government under the National Flood Insurance Program (NFIP). He noted that there were would be new maps coming out, which would be effective in February 2014. He stated that when the floodplain ordinance was reviewed there were a number of revisions that needed to be made, in particular a number of definition modifications, deletions, and additions, and also the maps needed to be updated. He explained that the Planning Board reviewed the item only last week, and that the item had to be sent to the state by early January. He noted that the minutes from the Planning Board meeting would be included for the December 3, 2013, ordinance second reading. He stated that there were no objections at the Planning Board meeting.

Commissioner Partington moved, seconded by Commissioner Stowers, for approval of Ordinance No. 2013-77, 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 #10A – Budget Amendment FY 2012-13

City Clerk Scott McKee read by title only:

ORDINANCE NO. 2013-71
AN ORDINANCE AMENDING THE ANNUAL BUDGET FOR FISCAL YEAR 2012-2013 BY AMENDING THE GENERAL FUND; THE DOWNTOWN DEVELOPMENT FUND; THE ORMOND CROSSINGS FUND; THE STORMWATER FUND; THE AIRPORT FUND; THE PENSION PASS THROUGH FUND; THE GRANT FUND; THE GENERAL CAPITAL IMPROVEMENTS FUND; THE GENERAL VEHICLE REPLACEMENT FUND; THE TRANSPORTATION FUND; THE RECREATION IMPACT FEE FUND; THE LOCAL IMPACT FEE FUND; THE STORMWATER IMPACT FEE FUND; THE BEACHFRONT PARK FUND; THE WATER & WASTEWATER OPERATING FUND; THE WATER

& WASTEWATER VEHICLE FUND; THE WATER & WASTEWATER RENEWAL & REPLACEMENT FUND; THE WATER & WASTEWATER DEBT SERVICE FUND; THE WATER & WASTEWATER CAPITAL PROJECTS FUND (440); THE WATER & WASTEWATER CAPITAL PROJECTS FUND (442); THE WATER & WASTEWATER CAPITAL PROJECTS FUND (443); THE SOLID WASTE FUND; THE WORKERS COMPENSATION FUND; AND THE GENERAL LIABILITY FUND; AND SETTING FORTH AN EFFECTIVE DATE.

Commissioner Boehm moved, seconded by Commissioner Kent, for approval of Ordinance No. 2013-71, 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 #11A – Airport Appraisal and Rent Adjustment

Ms. Shanahan stated that this agenda item was to re-do the lease agreements for the tenants at the airport. She explained that an appraisal had been done in 2006 and that the tenants were not pleased with it. She stated that at that time the Commission decided to put off the appraisal until 2012-2013. She stated that Economic Development Director Joe Mannarino and Airport Manager Steven Lichliter undertook an appraisal which was provided to the tenants, who were not satisfied with it, and that the tenants commissioned their own appraisal. She noted that the options were to accept the city's appraisal, the tenant's appraisal, or get a third appraisal and meet somewhere in the middle, which seemed like a waste of time, effort, and money for all involved and that the city instead worked with the tenants. She thanked Mr. Larry Stout for his assistance in doing so. She explained that the city worked with the tenants and devised a plan that she thought that everyone could live with, using the tenants' appraisal and implementing it over a ten-year period, abating the CPI for the first three years to provide a gradual adjustment. She noted that staff recommended approval of the revised lease procedure, and if the Commission approved the item that evening, the letters would be sent out to the tenants.

Commissioner Partington moved, seconded by Commissioner Boehm, for approval of the Airport Appraisal and Rent Adjustment item.

Commissioner Kent noted that he briefly spoke to Ms. Shanahan about the item. He applauded staff for really bending over backwards to try to make all parties involved happy. He stated that he met with Mr. Tony Lombardo about the issue. He asked what the current lease rate was. He noted that he believed that Mr. Lombardo's organization was paying two and a half cents a square foot.

Mr. Joe Mannarino, Economic Development Director, stated that Mr. Lombardo's organization was paying approximately two cents per square foot.

Commissioner Kent asked what everyone else was paying.

Mr. Mannarino replied that it varied but that it was somewhere in the range of ten to twelve cents a square foot.

Commissioner Kent asked what everyone would be paying under the new agreement.

Mr. Mannarino explained that there were different types of parcels and there were different rate structures for the three different types. He stated that FBO Area One started at thirteen cents and other parcels with parking would go from eighteen to twenty cents. He noted that they were trying to phase it out so at the tenth year everyone would be at that rate. He stated that there would be no rate increase for 2013 and in 2014 they would institute the new rates; and Mr. Lombardo, on FBO Area One would be increased in 2015.

Commissioner Kent confirmed that in ten years everyone would be at the same amount.

Mr. Mannarino stated that was correct, based upon their parcel configuration. He noted that FBO Area One had a large taxiway area, so the appraiser felt like when that was

combined with the buildings and so forth it would be at a different rate than someone with a postage stamp parcel with a building on it. He noted that they tried to be equitable based upon the way the parcels were configured.

Commissioner Kent again applauded staff's efforts and stated that he understood staff's position. He noted that Mr. Lombardo had shared with him that it was not about the money but noted that his position was that he provided a different product and service and such an increase from a current two cent rate would be a bit much. He explained that he was going to approve the item that evening but just wanted to ask a few questions first.

Mr. Mannarino stated that staff tried to work with Mr. Lombardo and Mr. Lefever to try and reconfigure their parcels in order to help them.

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

Item #12 – Reports, Suggestions, Requests

Upcoming Meetings

Ms. Shanahan asked the Commission to be mindful of their calendar next month. She noted that they had one meeting next month on Tuesday, December 3, 2013, and that was the last for the year. She stated that the first meeting of the New Year was Tuesday, January 7, 2014. She asked the Commission to have a shade meeting for labor negotiation issues prior to that meeting. She stated that the next meeting in January was Tuesday, January 21, 2014, and she asked them to consider having a Goals Workshop prior to that meeting; unless they wished to do that on a separate night of the week.

Mayor Kelley stated that he believed they could complete the workshop prior to the meeting; and if not, they could continue it after the meeting.

Hand Avenue Construction

Ms. Shanahan stated that the city appreciated the residents of District Four and noted that Hand Avenue was paved that day. She stated that it was open to local traffic and should be open to all traffic shortly.

Thanksgiving

Ms. Shanahan thanked the City Commission for a productive and wonderful year so far. She especially thanked Ormond Beach Main Street for their efforts with Riverfest and stated that they were looking for great things to come in the New Year.

FSU Football

Commissioner Boehm noted that he and Mayor Kelley might be awfully tired at the meeting on January 7, 2013, after potential trips back from California to watch the Florida State Seminoles play in the College Football BCS National Championship Game.

Riverfest

Commissioner Boehm stated that he got to cross off his bucket list being the Grand Marshall of a Duck Race at Riverfest. He stated that he was very surprised that 2,200 ducks were sold. He stated that each duck sold for \$5 and someone had won a grand prize of \$3,000.

Veterans Appreciation

Commissioner Boehm noted the City of Ormond Beach had long recognized and shown its appreciation to its veterans. He stated that he had an opportunity to go to Bear Creek's Veterans Day event on Saturday, which was a nice and moving event for 150 people. He stated that he also went to the dinner that the city held annually at the Senior Center for veterans, which sold out every year, and that he also went to the city's service on Monday. He stated that the city had done a terrific job of recognizing World War II veterans, both at the Art Museum, in the Atrium, and elsewhere. He stated that he felt that the time had come to move forward and recognize the city's Korean War veterans. He stated that the Korean War ended 60 years ago and the youngest Korean War veterans were now in their eighties, and much like the World War II veterans were starting to be lost. He noted that the Art Museum did have a Korean War sculpture in its gardens. He proposed that the city, like it did with its World War II veterans, by seeking

out the Korean War veterans who lived in the community and recognizing them. He stated that he would like to make that one of his goals for the next year.

Florida Georgia Line

Commissioner Boehm stated that at the last meeting Mayor Kelley was leaving to attend the Country Music Association (CMA) Awards, as the father of Brian Kelley, member of the country duo, Florida Georgia Line. He noted that Florida Georgia Line would be back on television on Sunday, as they were nominated for an American Music Award. He displayed a photograph of Florida Georgia Line with their mothers, one of whom was Ms. Mary-Margret Kelly, Mayor Kelley's wife. He then showed a picture of Mayor Kelley, his wife, his daughter, and their son at the awards.

Thanksgiving

Commissioner Boehm stated that he was thankful to the citizens of Ormond Beach for allowing him to serve the city and was thankful for being able to work with the City Commission. He noted that the Commission was comprised of a special group of men. He stated that Ms. Shanahan was also one of the best City Managers in the state of Florida. He stated that he was truly thankful for city staff's competence and ability and had enjoyed getting to know them.

National League of Cities Conference

Commissioner Partington stated that every time he left Ormond Beach, especially if he traveled to a larger city, it was especially nice to come back to quiet, beautiful Ormond Beach. He stated that he had a great trip to the National League of Cities Conference in Seattle. He noted that he knew that staff loved when they attended conferences and came back with new fantastic ideas to spring on them. He stated that he would meet with Ms. Shanahan to share a lot of the information he received. He stated that the city was already doing many of the things discussed, as it was progressive and under excellent management. He noted that he was excited to see Code Red, one of the great businesses that Economic Development Director Joe Mannarino had worked with to keep in Ormond Beach, in the exhibition hall at the conference. He stated that Code Red was meeting with cities from all over the nation to explain their product. He stated he went to a mobile workshop at one of the largest material recycling facilities in the northwest, which sorted single source recycling. He stated that the next morning he went to a Boys and Girls Club and noted the way they were structured to treat at-risk youth was amazing. He noted that Ormond Beach did the same but on a smaller scale but there were a few ideas he picked up that he would speak to the Police Chief and City Manager about.

Mayor Kelley stated that he saw Commissioner Partington's pictures from the recycling center. He noted that it looked like they did similar recycling to what the city did. He explained that some had questioned their recycling program and if it all went into the same truck.

Commissioner Partington stated that his understanding was that it was called single source recycling and everything went into one bin and it was then separated at the facility. He stated that he had heard the same concerns from citizens as well that it must just get thrown away since it goes in the same bin. He explained that he watched it being sorted into separate categories and then bundled to be sold. He noted that the recycling center wrote a check to the City of Seattle each year for the commodity that they were selling to China and some local users. He stated that Waste Management had very similar facilities.

Hospice Facility Wall Waiver

Commissioner Partington stated that he appreciated the way Commissioner Stowers thought out of the box. He stated that he liked the idea of using a dirt berm or a dune instead of a wall at that location. He noted that he did not know if the city's Land Development Code allowed for that. He stated that he did not disagree with what Commissioner Stowers was saying, but he thought that if they required the wall it would help ensure that a road was never built there. He noted that the plan was not currently to ever build a road there. He noted that he always appreciated Commissioner Stowers' zoning and planning knowledge.

Site Maintenance Liens

Commissioner Partington noted that nine site maintenance liens had been on the Consent Agenda, though it went down to eight after one had been removed. He stated that he had asked staff earlier by email whether any legal fees could be recouped for the amount of time and effort put into the lien by staff. He stated that the answer he

received was “no.” He noted that each lien cost about \$120 for just the fee to clean up the property. He explained that Deputy City Attorney Ann-Margret Emery advised him that statutes and case law provided that the city could not recover staff time. He stated that he felt that was unfortunate because a significant amount of time was expended both by Neighborhood Improvement and the Legal Department before the liens were presented to the Commission. He noted that he thought about making a call to either legislative staff in Tallahassee or with the city’s lobbyist to encourage a \$500 or \$1,000 flat fee for the amount of time, effort, and work put into the liens. He stated that he understood that the reasoning behind it was probably that you did not want to have a city run up a fee in order to get a particular result. He explained that he felt in fairness that the city should be able to recover some of its costs for staff’s efforts.

Veterans’ Recognition

Commissioner Partington stated that he supported Commissioner Boehm’s idea to recognize Korean War veterans, noting that his father-in-law was one. He stated that just before Veterans Day he went to the federal courthouse in Jacksonville and attended a continuing legal education seminar on how to better represent veterans charged with crimes. He stated that for years Vietnam veterans had been in the criminal justice system and largely the afflictions they returned with were not understood. He stated that those afflictions were now starting to be better understood. He explained that he learned at the seminar that there was a whole new wave of Iraq and Afghanistan combat wounded veterans who were returning and suffering. He noted that he personally saw them on a weekly, if not daily basis. He explained that these veterans had traumatic brain injuries and post traumatic stress disorders. He stated that he firsthand saw the struggles they were going through which involved being homeless, as well as physical, mental and emotional problems. He stated that after attending that seminar, he was committed to work harder to identify those in need and help get them the attention and cooperation from Veterans Affairs that they needed. He thanked Commissioner Boehm for bringing the issue up.

Thanksgiving

Commissioner Partington stated that he was thankful to work with the Commission and also that the city had a great City Manager and staff. He wished everyone a Happy Thanksgiving.

National League of Cities Conference

Mayor Kelley thanked Commissioner Partington for taking the time out of his schedule to attend the conference.

911 Incident

Commissioner Stowers thanked Commissioner Partington for his words earlier and stated that he wanted to respond with a compliment of his own. He stated that he had lunch that week with a gentleman who was friends with the gentleman who passed away at the Nova Recreation Center. He stated that he conveyed to him his appreciation for Commissioner Partington speaking up about the incident with 911, which led to the city receiving assurances from the county that there were standards in place to prevent that from happening in the future.

Hospice

Commissioner Stowers stated that he was thankful for hospice. He stated that not many people knew but his mother passed away five years earlier. He explained that she was about to go through her second bout of chemotherapy and decided not to move forward with it. He stated that at the end of January and February 2008, Hospice was brought in and was there for his family in their time of greatest need, which he would never forget. He stated that he appreciated them and thought of them and of his mother that evening during the hospice month proclamation.

Riverfest

Commissioner Stowers stated that he was at Riverfest on Saturday. He stated that it was a great event and had many activities.

Halloween

Commissioner Stowers stated that he received a question from a citizen about a Halloween incident on Riverside. He stated that he had actually driven west on Granada Boulevard on Halloween evening and had seen a number of people on the bridge congregating toward Riverside. He stated that it got him thinking about the possibility of having a Halloween event at The Casements in the future.

Ms. Shanahan stated that there had been a Halloween event held by the city at the South Ormond Neighborhood Center. She stated that it was sponsored by the Police Athletic League (PAL) and had about 60 kids in attendance.

YMCA

Commissioner Stowers noted that he had abstained from voting on the YMCA item. He stated that he was a former corporate board member there and had also been a lifelong member. He stated that the YMCA had a mission to be accessible for recreational needs of families of all ages. He stated that certainly an issue in the area that merited continued discussion was the need exceeding the resources of many organizations, including the YMCA.

A1A

Commissioner Kent stated that it looked like another of the Commission's goals would be met. He stated that they were notified that the city received \$750,000 grant for A1A south of Granada Boulevard. He stated that was fantastic news.

Beach Control

Commissioner Kent addressed Ms. Shanahan and requested that sometime before the end of March 2014, that there either be a Discussion Item at a City Commission meeting or a City Commission workshop to discuss the real possibility of Ormond Beach taking back control of their beach from Volusia County.

Thanksgiving

Commissioner Kent wished everyone a Happy Thanksgiving.

Thanksgiving

Mayor Kelley stated that he was thankful for Ms. Shanahan. He stated that some may not be aware that he initially was not in support of hiring Ms. Shanahan, due to concerns over her tremendous financial experience, which he noted were probably the wrong concerns to have. He stated that the Commission had all found out that Ms. Shanahan was Ormond Beach and that the city was where it was because of the work that she had done. He thanked Ms. Shanahan, Mr. Hayes, and all of the city employees. He stated that he was thankful for life itself and for the blessing received by having each day. He stated that he was thankful to live in Ormond Beach and thankful to be able to serve the citizens. He noted that he felt that the city had the most positive, out-looking residents that it had ever had in the 35 years he had lived in Ormond Beach. He stated that the community was happy and he heard very little criticism from it.

US1 Corridor

Mayor Kelley stated that the past week he had met with a group which called themselves US1 Corridor. He noted that he believed some Commissions may have met with them in the past. He stated that the group was looking at making real headway on doing a combined city/county/private partnership to get some landscaping done in the gateway. He stated that would be what it would take to have that happen. He noted that he made the suggestion that all of US1 be annexed into the city since they would not receive cooperation from the county to have an interlocal agreement put together. He stated that he knew that would be a lot of work to do and hoped the interlocal agreement could get some headway so they could control the appearance of that area. He stated that he knew city staff was doing what they could but felt that the issue was very important.

Commissioner Partington stated that issue was very important and he meant to bring it up. He stated that he had the opportunity to meet with Mr. Jim Cameron with the Daytona Beach Regional Chamber of Commerce along with chamber members and Ormond Beach businesses. He stated that he heard many comments but the main one was to improve that US1 corridor. He noted that Commissioner Boehm had been a driving force in trying to cooperate with the interlocal planning previously. He stated that he did not think there was anything more important than to work on that issue. He asked Ms. Shanahan to remind him when they set their goals to focus a lot of effort on that. He stated that it would serve the city well for the future.

Mayor Kelley stated that group was willing to privately help fund the improvement of the area. He stated that they believed enough in the city and that it was important enough to put their money up for a partnership. He stated that someone pointed out that if you map quested the Ocean Center and were traveling south on I-95, the directions would take you off at that exit and down to Daytona Beach. He noted that Daytona Beach and Holly Hill were affected by the appearance as well as Ormond Beach. He noted that Ms. Shanahan had great ideas and good plans for the area.

Veterans' Recognition

Mayor Kelley stated that Commissioner Partington's comments about veterans hit home. He stated that he heard a veteran speak the other day and say that a lot of the things they learned now in Iraq and Afghanistan were not really training for jobs when they returned home, and that they were just training for war.

Hospice

Mayor Kelley stated that four years ago his mother went through hospice. He stated that it was a blessing and he was so happy that Halifax was putting a hospice facility in Ormond Beach. He stated that with regards to the wall waiver approved earlier, it was his belief that the hospice patients would rather look at vegetation and landscaping than a wall during their final stages of life.

Florida Georgia Line

Mayor Kelley stated that Florida Georgia Line won two awards at the CMAs. He stated that his daughter Katherine was standing outside the group's dressing room and got to hug Jason Aldean twice as he visited with the group's girlfriends. He stated that it was more exciting to watch the CMAs on their television at home, as they had recorded it, noting that what you saw on television and in person were two different things. He stated that they were very proud of the boys. He explained that it was nice that all of those that they met told them what nice boys his son and his band mate were.

Item #13 – Adjournment

The meeting was adjourned at 8:39 p.m.

APPROVED: December 3, 2013

BY:

Ed Kelley, Mayor

ATTEST:

J. Scott McKee, City Clerk