

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

February 2, 2016

7:00 p.m.

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

A. Minutes from City Commission meeting – January 19, 2016

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. 2016-28** : A RESOLUTION AUTHORIZING THE EXECUTION OF A COMMUNITY DEVELOPMENT SUBRECIPIENT AGREEMENT BETWEEN THE CITY AND ORMOND BEACH HOUSING AUTHORITY REGARDING ROOF REPLACEMENTS ON PUBLICLY OWNED HOUSING UNITS ON RAMSEY TERRACE; AND SETTING FORTH AN EFFECTIVE DATE.

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

- B. **RESOLUTION NO. 2016-29** : A RESOLUTION APPOINTING DR. ANDREW HARRIS TO SERVE AS TRUSTEE OF THE CITY OF ORMOND BEACH MUNICIPAL POLICE OFFICERS' PENSION TRUST FUND; ESTABLISHING TERM AND CONDITIONS OF SERVICE; AND SETTING FORTH AN EFFECTIVE DATE.

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

- C. **Auto Renewal for Misc. Crafts & Trades - LaTour Enterprises**

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

Disposition: Approve as recommended in the City Manager memorandum dated February 2, 2016.

- D. **Auto Renewal for Sunshine State Officials Association Contract**

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

Disposition: Approve as recommended in the City Manager memorandum dated February 2, 2016.

- E. **FY 2015-16 Budget Calendar**

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

Disposition: Approve as recommended in the City Manager memorandum dated February 2, 2016.

7. PUBLIC HEARINGS

- A. **ORDINANCE NO. 2016-02** : AN ORDINANCE ADOPTING CERTAIN UPDATED SCHEDULES TO THE CAPITAL IMPROVEMENTS ELEMENT OF THE CITY OF ORMOND BEACH COMPREHENSIVE PLAN; PROVIDING WHEN SUCH UPDATES SHALL TAKE EFFECT; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; AND SETTING FORTH AN EFFECTIVE DATE. **(SECOND READING)**

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

- B. **ORDINANCE NO. 2016-03** : AN ORDINANCE AMENDING CHAPTER 2, DISTRICT AND GENERAL REGULATIONS, ARTICLE VI, OVERLAY DISTRICTS, SECTION 2-71, HISTORIC DISTRICTS AND LANDMARKS, OF THE LAND DEVELOPMENT CODE BY ADDING THREE (3) PROPERTIES TO THE ORMOND BEACH HISTORIC LANDMARKS LIST; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; PROVIDING FOR SEVERABILITY; AND SETTING FORTH AN EFFECTIVE DATE. **(SECOND READING)**

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

8. DISCUSSION ITEMS

- A. **Proposed Amendments to Volusia County Wetland Rules**

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

9. REPORTS, SUGGESTIONS, REQUESTS

10. ADJOURNMENT

Item #1 – Meeting Call to Order

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

Item #2 – Invocation

Elder Anthony M. Graham, Emmanuel Church of the Living God, 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 requested to speak during audience remarks.

Item #5 – Approval of Minutes

Mayor Kelley advised that the minutes of the January 19, 2016, regular meeting had been sent to the Commission for review and were posted 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 Boehm moved, seconded by Commissioner Stowers, for approval of the Consent Agenda.

Call Vote:	Commissioner Stowers	Yes
	Commissioner Kent	Yes
	Commissioner Boehm	Yes
	Commissioner Partington	Yes

Carried. Mayor Kelley Yes

Item #7 – Public Hearings

Mayor Kelley opened the public hearings.

Item #7A – 2015 CIE Update

City Clerk Scott McKee read by title only:

ORDINANCE NO. 2016-02
AN ORDINANCE ADOPTING CERTAIN UPDATED SCHEDULES TO THE CAPITAL IMPROVEMENTS ELEMENT OF THE CITY OF ORMOND BEACH COMPREHENSIVE PLAN; PROVIDING WHEN SUCH UPDATES SHALL TAKE EFFECT; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; AND SETTING FORTH AN EFFECTIVE DATE.

Commissioner Kent moved, seconded by Commissioner Partington, for approval of Ordinance No. 2016-02, 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 #7B – LDC amendment – Addition of Historic Landmarks

City Clerk Scott McKee read by title only:

ORDINANCE NO. 2016-03
AN ORDINANCE AMENDING CHAPTER 2, DISTRICT AND GENERAL REGULATIONS, ARTICLE VI, OVERLAY DISTRICTS, SECTION 2-71, HISTORIC DISTRICTS AND LANDMARKS, OF THE LAND DEVELOPMENT CODE BY ADDING THREE (3) PROPERTIES TO THE ORMOND BEACH HISTORIC LANDMARKS LIST; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; PROVIDING FOR SEVERABILITY; AND SETTING FORTH AN EFFECTIVE DATE.

Commissioner Boehm moved, seconded by Commissioner Stowers, for approval of Ordinance No. 2016-03, on second reading, as read by title only.

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

Mayor Kelley closed the public hearing without objection.

Item #8A – Proposed Amendments to Volusia County Wetland Rules

Ms. Joyce Shanahan, City Manager, noted that staff had provided the Commission with their analysis of the proposed amendments to Volusia County’s wetland ordinance. She stated that staff would be happy to answer any questions that the Commission may have. She explained that she had also drafted a letter per Mayor Kelley’s request.

Mayor Kelley asked if the rest of the Commission had seen the letter; whereby, Ms. Shanahan replied that they had not.

Mayor Kelley stated that he requested that Ms. Shanahan prepare a letter. He explained that he felt that Volusia County should keep their regulations consistent with the regulations from St. John’s River Water Management District (SJRWMD) and not change them. He noted that the City Clerk provided copies of the letter to the Commission and asked them to review it. He explained that due to the Sunshine Law, he did not necessarily want to distribute that letter to the members of the Commission in advance. He noted that he was concerned with some of the issues arising from the proposed changes. He stated that he spoke to Ms. Shannon Julien and she was very

concerned and alarmed regarding how the changes could possibly adversely impact economic development in some of the affected areas. He noted that he was most irritated by the fact that under the changes, if something in the county which abided by those rules was annexed into a municipality, those rules would still be in effect even though the municipality might have different regulations.

Ms. Shanahan noted that the County Council was requiring staff to conduct public meetings on the ordinance. She stated that those meetings were scheduled for Monday, Tuesday, and Wednesday of the following week. She noted that there was a conflict Monday and that the meeting had not yet been rescheduled. She stated that the Monday meeting was to have been at the airport, the Tuesday meeting would be held in Edgewater, and the Wednesday meeting would be held at the County Administration Offices in Deland. She stated that she did not know when this ordinance was scheduled to go before the County Council but noted that it was indicated in the ordinance that the county wanted the city to adopt changes by January 2017.

Commissioner Stowers stated that multiple layers of regulation were being needlessly proposed. He explained that anytime a broad regulation was proposed, it gave him pause. He noted that while the ordinance was still in draft form, there had been no quantification about which property rights may be impacted. He explained that the map provided did not contain the clarity that property owners deserved. He stated that the real issue was that there were regulations from SJRWMD and the madness of having additional matrices and documents to go through to figure out the additional regulations was unnecessary. He stated that he was in favor of sending the draft letter.

Commissioner Kent and Commissioner Boehm noted that they were comfortable with the contents of the draft letter.

Commissioner Partington stated that he agreed with Commissioner Stowers' comments. He explained that as he understood it, Volusia County was trying to create regulations that were less stringent than what SJRWMD allowed, and that those regulations would even be less stringent than what the city allowed in some cases.

Mayor Kelley stated that it was actually just the opposite, and that Volusia County was proposing more stringent regulations than other entities.

Ms. Shanahan stated that while the city was overall in a good position regarding the proposed regulations, there was a lot of uncertainty in the county.

Commissioner Partington stated that in this case he was even more in favor of the letter.

Mayor Kelley noted that the city had worked with floodplain management to mirror SJRWMD's regulations. He stated that the county wanted to change everything. He stated that he understood that the county wanted the city to adopt this by January 2017, but we were not required to do so. He noted that abutting municipalities would have different regulations than the county regulations and that it made no sense. He stated that if the draft letter was agreeable with the Commission he would send it, with all of the Commission's signatures included if they would like, and have it presented or delivered to each of the hearings, as well. He noted that the scheduled Monday meeting on the proposed ordinance was being held at the same time as the Volusia County Roundtable of Elected Officials.

Commissioner Boehm stated that the letter referenced the City Commission reviewing and recommending its contents and as such he felt that the Mayor's signature alone was sufficient. He noted that he did not think that the letter, once officially drafted, needed to be circulated amongst all of the Commissioners for signature before sending. He stated that would slow the process down.

Mayor Kelley noted that the Commissioners' names were on the top of the letterhead. He stated that he would like to get the letter as far as possible, by addressing it to each member of the County Council.

Item #9 – Reports, Suggestions, Requests

Upcoming Meetings

Ms. Shanahan stated that the February 16, 2016, workshop would be cancelled and instead the City Attorney would hold a shade meeting with the Commission. She stated that the Financial Trends and Healthcare Planning Workshop was scheduled for March

1, 2016. She stated that the Compensatory Storage and Bicycle Master Plan Workshop was scheduled for April 5, 2016.

Movies on the Halifax

Ms. Shanahan stated that Movies on the Halifax would be *You've Got Mail* on Friday, February 5, 2016.

City Manager Anniversary

Ms. Shanahan wished herself a happy anniversary with the city. She noted that she had been with the city for seven years that day.

Mayor Kelley stated that if you looked at where Ormond Beach was now as opposed to seven years ago, you would see a tremendous difference. He thanked Ms. Shanahan for her service.

Shade Meeting

Mr. Randy Hayes, City Attorney, stated that he wished to hold a shade meeting with the Commission on February 16, 2016, at 5:30 p.m. He stated that the purpose of the meeting was to discuss the litigation matter involving American Persian Engineers and Constructors, Inc., as plaintiff versus Morehead Construction and Boring, Inc., Hartford Casualty Insurance Company, City of Ormond Beach, and J.D. Weber Construction Company as defendants, including consolidated cases involving cross claims, counterclaims, and third party claims. He noted that he had to make that announcement publicly prior to holding a shade meeting.

Mayor Kelley asked Mr. Hayes if this was something that was continuing from previous litigation; whereby, Mr. Hayes stated that it was the same pending litigation that had not been resolved.

Mayor Kelley asked if they had met previously regarding it; whereby, Mr. Hayes replied that they had. Mayor Kelley noted that he thought they had done so.

Mr. Hayes explained that it had been awhile and he would provide the Commission with an update and receive direction from them.

City Management Service

Commissioner Kent congratulated Ms. Shanahan on her seven years with the city. He asked Assistant City Manager and Public Works Director Ted MacLeod how many years he had been with the city and noted that Mr. MacLeod's response was 22 years. He asked Mr. Hayes how many years he had been with the city; whereby, Mr. Hayes replied that it had been 23 years. Commissioner Kent noted that the management team at the city had been in place a long time. He asked Police Chief Andy Osterkamp how many years he had been with the city and noted that his response was 33 years. He asked Fire Chief Bob Mandarino how many years he had been with the city and noted that his response was 19 years. He stated that the length of service for those members of management were impressive.

Election

Commissioner Kent noted that Commissioner Stowers had announced that he would not be running for reelection. He explained that as he had time to reflect on that decision it hit him hard, and he told Commissioner Stowers that he would miss him.

PAL – Blanket and Coat Drive

Commissioner Boehm stated that the Ormond Beach Police Athletic League (PAL) was holding a blanket and coat drive, conducted by their youth directors and the Coalition for the Homeless. He stated that donations of new or slightly used lightweight blankets, coats, sweatshirts and warm clothing were welcome. He noted that several individuals with the city were accepting these donations for PAL at city locations including City Hall, Public Works, Nova Community Center, Planning Department, and Police Department. He stated that the city had an outstanding PAL organization that had won many state and national awards. He stated that he had brought some blankets to donate and would give them to Chief Osterkamp. He encouraged everyone to help support that effort.

Vietnam Veterans' Celebration

Commissioner Boehm stated that the city would be honoring Vietnam War Veterans. He noted that the city had honored World War II Veterans and Korean War Veterans already. He stated that the city was looking for the name, street address, telephone number and email of the veterans to RSVP to the Leisure Services office at (386)

676-3251 prior to February 15, 2016. He noted that he felt that the ceremony would need to be held at the Performing Arts Center or a location other than the Commission Chambers since he felt there would be more veterans present than the Commission Chambers could hold. He stated that the Vietnam War Veterans richly deserved recognition and noted that they were a group which received less love and appreciation as returning military service members than any other group returning home from war. He stated that it was great that they would have an opportunity to be recognized in Ormond Beach.

VLOC – Regional Compacts

Commissioner Partington stated that the Volusia League of Cities met the prior Thursday in Holly Hill. He stated that the presentation was on regional compacts. He explained that the President of the Florida League of Cities, Matt Surrency, had an initiative to create regional compacts. He noted that a representative from South Florida was present to explain the process. He stated that she used Miami Beach, flooding issues, and obtaining of grants as her example. He noted that as far as Volusia County was concerned, he felt that transportation should be the issue for regional compacts. He stated that he would be interested to hear from each member of the Commission on the topic so that when he attended the Executive Board Meetings he could share what the Commission's position was. He noted that homelessness and transportation were discussed. He explained that he felt that there were obvious solutions for homelessness that were being worked towards. He stated that transportation was a continuous, ongoing concern that all of the county's cities needed to cooperate on. He noted that he would lean towards that, but he was happy to hear from the Commission if they felt differently or had another issue in mind altogether.

Historical Society

Commissioner Partington stated that he attended the Ormond Beach Historical Society Annual Dinner and noted that Mayor Kelley was there, also. He noted that the dinner celebrated the 100th anniversary of the Anderson Price Building. He stated that the building was a historic gem in the city. He explained that the great part about that evening, other than the community spirit and the friendly, positive participants, was the hero's welcome that Mayor Kelley received regarding the parking lot which would benefit the building facility and the downtown area. He joked that he thought that Mayor Kelley was going to be picked up and carried on the participants' shoulders as if he had just won a football game.

Environmental Discovery Center

Commissioner Partington stated that he was able to take an advanced tour of the Environmental Discovery Center. He noted that it was close to being finished and would be an amazing and beautiful facility.

Community Legal Services of Mid-Florida Seminars

Commissioner Partington stated that on Thursday, March 3, 2016, Community Legal Services of Mid-Florida would be offering a free quarterly workshop for the City of Ormond Beach. He stated that the topic for this one would be bankruptcy. He noted that Community Legal Services of Mid-Florida was a great community partner of the city to provide those legal seminars. He stated that the partnership was appreciated. He explained that it opened up legal services to the community and to those who might not be able to afford them but were interested in learning about a legal topic.

Mayor Kelley asked if that service was able to recommend attorneys for the seminar participants.

Commissioner Partington explained that his understanding was that they could talk to the individuals and assist them in finding the level of service that they needed, whether that involved recommending attorneys or referring them to the legal aid.

Ms. Shanahan noted that legal aid services were available based on income.

Transportation

Commissioner Stowers noted Commissioner Partington's comment regarding transportation and stated that he could not agree more. He stated that he recently observed cars backed up at the LPGA Boulevard exit traveling southbound on I-95 and that the outlet mall going in that location was not completed yet. He noted that there would also be some apartments going up in that area in addition to changes to Vince Carter's Restaurant. He stated that could potentially become an issue for Ormond Beach as they were located two miles north of the location and the Ormond Beach exit could

become the easier one to attempt to navigate. He noted that the interchange was already not a great exit. He stated that he would voice his concerns during his service on the River to Sea Transportation Planning Organization.

Historical Society

Mayor Kelley stated that he had asked the president of the Ormond Beach Historical Society to mention and thank the Commission, Ms. Shanahan and Mr. MacLeod for their part in the parking lot. He noted that he should have taken a picture of the pleasant reaction as sometimes the Historical Society was not the kindest towards him.

Tomoka Oaks HOA Presentation

Mayor Kelley stated that he, Ms. Shanahan, Airport Manager Steven Lichliter, and Captain Jesse Godfrey attended the Tomoka Oaks Homeowners' Association meeting. He noted that Ms. Shanahan was beloved in Tomoka Oaks. He stated that they received a nice presentation and Captain Godfrey and Mr. Lichliter received and answered questions.

Deland Chamber

Mayor Kelley stated that he went to the Deland Chamber of Commerce installation meeting. He noted that their chamber actually depended upon the city for their economic development cooperation and worked hand in hand. He stated that the city depended on the chamber to do some rewriting for their Land Development Code.

Prince of Peace 50th Anniversary

Mayor Kelley stated that he went to the 50th anniversary of the Prince of Peace Church and read a proclamation. He noted that they were a great and giving community. He stated that individuals gave their time, which was unable to be replaced, in service for others.

VLOC

Mayor Kelley thanked Commissioner Partington for serving as President of the Volusia League of Cities the previous year. He stated that he would certainly hope that the 16 municipalities in Volusia County could sit down and review transportation.

Item #10 – Adjournment

The meeting was adjourned at 7:32 p.m.

APPROVED: February 16, 2016

BY:

Ed Kelley, Mayor

ATTEST:

J. Scott McKee, City Clerk