

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

May 6, 2014

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 Ted MacLeod, City Attorney Randy Hayes, and City Clerk Scott McKee.

A G E N D A

- 1. CALL TO ORDER**
- 2. INVOCATION**
- 3. PLEDGE OF ALLEGIANCE**
- 4. PRESENTATIONS AND PROCLAMATIONS**
 - A. Mayor's Health and Fitness Challenge - 1st Place Winners
 - B. National Teacher Appreciation Week
 - C. Employee of the Quarter - Ken Russell
- 5. AUDIENCE REMARKS - REGARDING ITEMS NOT ON THE AGENDA**
- 6. APPROVAL OF MINUTES**
 - A. Minutes from City Commission meeting – April 16, 2014
- 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. 2014-61** : A RESOLUTION AUTHORIZING THE EXECUTION OF A RENEWAL OF LEASE AND USE AGREEMENT BETWEEN THE CITY AND COUNCIL ON AGING OF VOLUSIA COUNTY, INC. FOR THE MANAGEMENT AND OPERATION OF THE ORMOND BEACH SENIOR CENTER; AND SETTING FORTH AN EFFECTIVE DATE.

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

- B. RESOLUTION NO. 2014-62** : A RESOLUTION AUTHORIZING THE SUBMITTAL OF AN XU BICYCLE/PEDESTRIAN GRANT APPLICATION TO THE VOLUSIA COUNTY TRANSPORTATION PLANNING ORGANIZATION FOR FUNDING ASSISTANCE RELATIVE TO CONSTRUCTION OF A MIXED USE SIDEWALK FROM TOMOKA STATE PARK TO SANCHEZ PARK; 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: *John Noble, City Engineer (386-676-3269)*

- C. RESOLUTION NO. 2014-63** : A RESOLUTION AUTHORIZING THE EXECUTION OF A MODIFICATION (NUMBER FOUR) TO SUBGRANT AGREEMENT BETWEEN THE DIVISION OF EMERGENCY MANAGEMENT AND THE CITY REGARDING THE HAZARD MITIGATION GRANT PROGRAM; AND SETTING FORTH AN EFFECTIVE DATE.

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

- D. **RESOLUTION NO. 2014-64** : A RESOLUTION ACCEPTING A BID FROM FERGUSON ENTERPRISES, INC. D/B/A FERGUSON WATERWORKS FOR THE PROCUREMENT OF DUAL CHECK VALVE ASSEMBLIES AND REPAIR KITS, UNDER BID NO. 2014-08; AUTHORIZING THE APPROVAL AND EXECUTION OF A PURCHASE AUTHORIZATION AND PAYMENT THEREFOR; REJECTING ALL OTHER BIDS; AND SETTING FORTH AN EFFECTIVE DATE.

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

- E. **Slope Mower Intent to Bid**

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

Disposition: Approve as recommended in the City Manager memorandum dated May 6, 2014.

- F. **Bid 2014-15 Athletic Field Maintenance Services**

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

Disposition: Approve as recommended in the City Manager memorandum dated May 6, 2014.

- G. **Auto Renew Contracts-Temporary Staffing Services**

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

Disposition: Approve as recommended in the City Manager memorandum dated May 6, 2014.

- H. **Approval of Travel for City Manager**

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

Disposition: Approve as recommended in the City Manager memorandum dated May 6, 2014.

- I. **Quarterly Update on the City Commission Goals for 2014**

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

Disposition: Approve as recommended in the City Manager memorandum dated May 6, 2014.

- J. **RFP 2014-20 Management and Operation of the Ormond Beach Tennis Center**

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

Disposition: Approve as recommended in the City Manager memorandum dated May 6, 2014.

8. PUBLIC HEARING

- A. **RESOLUTION NO. 2014-65** : A RESOLUTION AUTHORIZING THE EXECUTION AND ISSUANCE OF A DEVELOPMENT ORDER FOR A SPECIAL EXCEPTION TO ALLOW OUTDOOR LIVE MUSIC AT "RIPTIDES RAW BAR AND GRILL" RESTAURANT LOCATED AT 869 SOUTH ATLANTIC AVENUE, WHICH IS WITHIN THE B-6 (OCEANFRONT TOURIST COMMERCIAL) ZONING DISTRICT; ESTABLISHING CONDITIONS AND EXPIRATION DATE OF APPROVAL; AND SETTING FORTH AN EFFECTIVE DATE.

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

9. SECOND READING OF ORDINANCES

- A. **ORDINANCE NO. 2014-20** : AN ORDINANCE CALLING AND PROVIDING FOR A REGULAR MUNICIPAL ELECTION OF THE REGISTERED ELECTORS OF THE CITY OF ORMOND BEACH, FLORIDA, TO BE HELD ON NOVEMBER 4, 2014, FOR THE PURPOSE OF ELECTING OFFICERS TO THE OFFICES OF MAYOR AND CITY COMMISSIONER; PROVIDING FOR QUALIFYING AND ELECTION PROCEDURES; ESTABLISHING A DATE FOR TAKING OFFICE; AUTHORIZING THE EXECUTION OF A MEMORANDUM OF UNDERSTANDING FOR SERVICES AND MATERIALS WITH THE COUNTY OF VOLUSIA; PROVIDING FOR SEVERABILITY; AND SETTING FORTH AN EFFECTIVE DATE. **(SECOND READING)**

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

10. DISCUSSION ITEMS

- A. **City Manager Evaluation**

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

11. REPORTS, SUGGESTIONS, REQUESTS

12. ADJOURNMENT

Item #1 – Meeting Call to Order

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

Item #2 – Invocation

Pastor Chris Custead, Rima Ridge Baptist Church, gave the invocation.

Item #3 – Pledge of Allegiance

Mayor Kelley led the Pledge of Allegiance.

Item #4A – Mayor’s Health and Fitness Challenge Winners

Mayor Kelley announced that the winner of the Physical Fitness Challenge was Mr. Marty Lawson; and awarded Mr. Lawson with a certificate and \$500 prize, sponsored by RiverGrille.

Mayor Kelley announced that Mr. John Moak won two individual awards. He stated that the first award was First Place Weight Loss Percentage; and he awarded Ms. Deb Moak, filling in for Mr. Moak, with a certificate and \$500 prize, sponsored by Glen Yarbrough and Merrill Lynch. He noted that Mr. Moak lost 19% of his body fat. He announced that Mr. Moak had also won second place for Improved Body Fat Percentage and had reduced his body fat percentage by 32%.

Mayor Kelley announced that Ms. Mary Dier placed third in the category of Individual Improved Body Fat Percentage and awarded Ms. Dier with a certificate and prize of \$150 and a gift certificate.

Mayor Kelley announced that Ms. Jane Leblanc won the category of Individual Improved Body Fat Percentage and he awarded Ms. Leblanc with a certificate and \$500 prize sponsored by Brown & Brown, which was presented by Ms. Jessica Scott of Brown & Brown. He noted that Ms. Lebnac had reduced her body fat percentage by 33.2%.

Mayor Kelley announced that the team of Volusia County Fire and Family, which consisted of Arleen Redmond, John and Deb Moak, and Steven Norder, had won two team awards: Second Place Improved Body Fat Percentage and First Place Weight Loss Percentage. He awarded them with a \$500 prize, sponsored by Holland Financial. He noted that the team had lost 80.8 pounds.

Mayor Kelley announced that the City Commission team, which consisted of himself, Commissioner Stowers, Commissioner Kent, Commissioner Boehm, and Commissioner

Partington, won two team awards: Second Place Weight Loss Percentage and First Place Improved Body Fat Percentage and received a \$500 prize, sponsored by S.R. Perrott. He noted that the team had lost 74.9 pounds and reduced their body fat percentage by 16.34%. He stated that Commissioner Stowers and Commissioner Partington had been the individuals who lost the most weight on the team.

Mayor Kelley presented Ms. Christina Maguire, Risk Manager; with a bouquet of flowers in appreciation of all her efforts coordinating the Mayor's Health & Fitness Challenge and expressed his thanks.

Item #4B – National Teacher Appreciation Week

Mayor Kelley stated that the role of the classroom teacher was the single most influential factor in a child's educational experience. He explained that under the expert direction of teachers, classrooms were a place where kids had the opportunity to display creativity, imagination, and develop a passion for learning that would last a lifetime. He explained that teachers filled many roles, including listener, role model, mentor, and motivator, and continued to influence their students long into adulthood. He stated that the City of Ormond Beach recognized the contributions of its teachers. He proclaimed May 5 through May 9, 2014, as National Teacher Appreciation Week in the City of Ormond Beach and urged all residents to acknowledge their outstanding teachers for their many accomplishments and dedication to their profession.

Mayor Kelley noted that Commissioner Kent was a teacher and thanked him for what he did. He told a story about a teacher he honored that day with a Teacher of the Quarter Award. He explained that teacher was teaching her last days and that he had remarked to her about planting the seeds for the future in her students. He further explained that the teacher told him that one of her former students had recently returned to the same school as a first grade teacher.

Item #4C – Employee of the Quarter – Ken Russell

Ms. Joyce Shanahan, City Manager, announced that Mr. Ken Russell was the Employee of the Quarter. She stated that Mr. Russell grew up in Connecticut and played several sports including football and basketball. She stated that Mr. Russell served four years in the United States Air Force and upon completion of his duty moved to Florida. She stated that Mr. Russell was hired by the City of Ormond Beach in May 1990 and worked his way up through the ranks to System Maintenance Foreman in 2003. She stated that he currently served as System Maintenance Supervisor and had been doing so for the past ten years. She stated that Mr. Russell enabled high output and a quality product from his staff. She noted that Mr. Russell was organized and diligent in his supervisory efforts and had recently served on the city's Lean Six Sigma team, revising the process for employee performance evaluations. She noted that Mr. Russell was once a part-time professional wrestler nicknamed "Pipes." She thanked Mr. Russell for his service to the city. She noted that Mr. Russell and his wife Betsey had been married for 21 years and had two sons.

Mayor Kelley presented Mr. Russell with a city watch and a plaque.

Item #5 – Audience Remarks

Ms. Lori Tolland, 5 Broadriver Road, stated that she was there representing a newly commissioned community garden group. She noted that the City Commission had expressed interest in the city having community gardens. She explained that there was a very small but powerful group advocating for the gardens. She presented each Commissioner with a bucket containing a small example of a community garden plant. She stated that her group was in the process of identifying sites for the project, noting that there would be an Environmental Learning Center in Central Park in the near future. She stated that they were currently looking into having a highly visible first site in order to drum up some more interest; noting that they were a little concerned about the interest in the project being low. She thanked the Commission for giving the opportunity to grow plants and gardens in the community.

Mayor Kelley thanked Ms. Tolland for her work in pursuing the community gardens. He noted that several Commissioners had the thought of the gardens last year, and it was amazing that it was already getting off the ground. He credited Ms. Tolland's group for that effort. He noted that Leisure Services Director Robert Carolin had been very helpful

as well. He stated that he agreed with Ms. Tolland that a location in Central Park would be ideal.

Item #6A – Approval of Minutes

Mayor Kelley advised that the minutes of the April 16, 2014, regular meeting had been sent to the Commission for review, and were on the city’s website for public viewing. He asked for any corrections, additions, or omissions. He stated that hearing no corrections, the minutes would stand approved as presented.

Item #7– Consent Agenda

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

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

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

Item #8 – Public Hearings

Mayor Kelley opened the public hearings.

Item #8A – 869 South Atlantic Avenue (Riptides) Outdoor Music Special Exception

City Clerk Scott McKee read by title only:

RESOLUTION NO. 2014-65
A RESOLUTION AUTHORIZING THE EXECUTION AND ISSUANCE OF A DEVELOPMENT ORDER FOR A SPECIAL EXCEPTION TO ALLOW OUTDOOR LIVE MUSIC AT “RIPTIDES RAW BAR AND GRILL” RESTAURANT LOCATED AT 869 SOUTH ATLANTIC AVENUE, WHICH IS WITHIN THE B-6 (OCEANFRONT TOURIST COMMERCIAL) ZONING DISTRICT; ESTABLISHING CONDITIONS AND EXPIRATION DATE OF APPROVAL; AND SETTING FORTH AN EFFECTIVE DATE.

Mr. Ric Goss, Planning Director, stated that Riptides was requesting outdoor music. He stated that a noise assessment test had been performed on March 25, 2014, which was attended by both the Neighborhood Improvement Division, as well as the Planning Department. He stated that the noise assessment readings were taken from the north and south boundary lines in front of where the band played and also taken from across the street. He noted that they also established a baseline for the road noise when there was no music. He explained that there had been no issues with regard to the decibel level of the music coming from a two person group. He stated that they also went into the residential areas nearby and could not hear the music at all; noting that the direction of the winds may affect that.

Mr. Goss stated that the Planning Board recommended approval but were concerned about making sure that all of the approved outdoor music venues had the same hours. He explained that the Planning Board recommended the hours permitted for the outdoor music should be from 4:00 p.m. to 8:00 p.m. Monday through Thursday, 11:00 a.m. to 11:00 p.m. Friday and Saturday, and Sunday from 1:00 p.m. to 10:00 p.m., with no more than two musicians at a time, no outdoor karaoke, and the speakers facing the building as opposed to the road. He noted that there was also a special magistrate provision added, which stated that two verifiable occurrences of violating those conditions would result in loss of the outdoor activity permit. He stated that staff recommended approval and believed that the special exception met all necessary requirements.

Mayor Kelley asked whether the traffic would diffuse some of the noise, with or without the wind.

Mr. Goss stated that he believed it would but did not know for certain. He explained that they established the road noise level so that they could then test the sound with the music to see the difference, noting that it was very low. He explained that the music being played was one person on a guitar and another person singing.

Commissioner Boehm confirmed that the special exception was consistent with the one granted to Dimitri's, which was located across the street.

Ms. Shanahan explained that there had been a question about The Beach Bucket in relation to this item. She noted that The Beach Bucket had not been through a special exception approval process and she believed they had been cited by code enforcement.

Mayor Kelley noted that citation would not go against the two allowed under a special exception, should The Beach Bucket choose to pursue one.

Mr. Goss stated that one individual from one of the neighboring condominiums came to the noise assessment at Riptides. He stated that the individual's concerns had been with The Beach Bucket and not with Riptides. He stated that another individual had been at the Planning Board hearing on this item; and they, too, had an issue with The Beach Bucket and not with Riptides.

Commissioner Boehm moved, seconded by Commissioner Kent, for approval of Resolution No. 2014-65, as read by title only.

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

Mayor Kelley closed the public hearing without objection.

Item #9A – Calling Regular Election

City Clerk Scott McKee read by title only:

ORDINANCE NO. 2014-20
AN ORDINANCE CALLING AND PROVIDING FOR A REGULAR MUNICIPAL ELECTION OF THE REGISTERED ELECTORS OF THE CITY OF ORMOND BEACH, FLORIDA, TO BE HELD ON NOVEMBER 4, 2014, FOR THE PURPOSE OF ELECTING OFFICERS TO THE OFFICES OF MAYOR AND CITY COMMISSIONER; PROVIDING FOR QUALIFYING AND ELECTION PROCEDURES; ESTABLISHING A DATE FOR TAKING OFFICE; AUTHORIZING THE EXECUTION OF A MEMORANDUM OF UNDERSTANDING FOR SERVICES AND MATERIALS WITH THE COUNTY OF VOLUSIA; PROVIDING FOR SEVERABILITY; AND SETTING FORTH AN EFFECTIVE DATE.

Commissioner Partington moved, seconded by Commissioner Kent, for approval of Ordinance No. 2014-20, on second reading, as read by title only.

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

Item #10A – City Manager Evaluation

Ms. Shanahan explained that as a part of the city's charter and her contract, she was required to provide the City Commission with a summary of her evaluation. She thanked the Commission for their generous and kind remarks. She stated that it was a privilege to work for the Commission, who had a singular vision for the community and had set forth direction to accomplish an amazing amount in a short period of time. She stated that over the last four years the city completed a major flood mitigation project while enhancing the lakes at Central Park, rejuvenated the downtown area with underground utilities, new medians and street-scaping, and added the wonderful Andy Romano Beachfront Park. She stated that she was privileged to work for the Commission and

thanked them for their direction. She noted that a group of passionate employees did an amazing job in helping the city achieve their goals and explained that they routinely received compliments on city staff. She stated that it was special that citizens took the time to send notes to say that they had a great encounter with city staff. She stated that she was pleased to work with the city staff and pleased to work for the City Commission every day.

Commissioner Kent stated that he was always eager to see what the rest of the elected body thought of Ms. Shanahan's work in her annual evaluation. He noted that once again she received incredible rankings and comments. He stated that he was very impressed with Ms. Shanahan on many levels. He noted that while it was uncomfortable to talk about, he thought the Commission should discuss compensation for Ms. Shanahan and City Attorney Randy Hayes; noting that Ms. Shanahan and Mr. Hayes were subject to different benefit packages than the rest of the city employees. He explained that for several years there had been no changes to Ms. Shanahan or Mr. Hayes' compensation, as well as that of the regular employees. He noted that unless someone stepped forward and spoke up nothing would happen. He stated that while Ms. Shanahan and Mr. Hayes had both privately conveyed to him that they did not need additional compensation, he thought that such a positive review warranted evaluation.

Commissioner Kent stated that the Commission could evaluate the need for additional compensation for Ms. Shanahan and Mr. Hayes yearly, and while they may not always decide to provide any that year, it was important to have a process to review it annually. He noted that he believed it was important to discuss this annually so that they did not allow multiple years to go by again with nothing happening. He stated that there was currently no process in place to address it. He stated that it was embarrassing to him that Mr. Hayes and his office did the amount of work that they did, and Ms. Shanahan handled the amount of issues that she did, and the Commission could not remember the last time they were given additional compensation.

Mayor Kelley suggested tying the yearly evaluation to a discussion of compensation.

Commissioner Kent asked Mr. Hayes to provide the City Commission with an evaluation for him as soon as possible so that they could discuss both at the same time. He stated that the idea to tie the evaluation to the discussion of compensation was perfect, noting that they may not always agree to provide additional compensation, but it was good to have a mechanism in place each year for discussion of the possibility. He directed Ms. Shanahan that there would need to be an item on the agenda for them to discuss their compensation.

Item #11 – Reports, Suggestions, Requests

Upcoming Meeting

Ms. Shanahan reminded the Commission that the Town Hall Budget Meeting would be held on Tuesday, May 20, 2014, at 5:30 p.m.

John Anderson Drive

Ms. Shanahan stated that the John Anderson Drive project was nearing completion. She stated that John Anderson Drive would be closed starting May 12, 2014, at Royal Palm until Friday, May 16, 2014. She noted that there would be detours available. She thanked the residents for their patience.

Property Maintenance Issues

Ms. Shanahan thanked the Commission for their direction during the workshop that evening. She noted that the Commission had provided direction during workshops and meetings prior about property maintenance codes. She explained that city staff had been working on revisiting the city's foreclosed home registry program and that Ms. Joanne Naumann, Neighborhood Improvement Division Manager, had been working with the City Attorney's office to look at how to contract out that service to free up staff time for additional work. She stated that many of the issues the Commission heard about in the workshop that evening were already being addressed by staff at the Commission's direction.

City Manager Evaluation

Commissioner Stowers thanked Ms. Shanahan for the integrity, honesty, and transparency with which she served. He noted that every time he came to Ms. Shanahan with a citizen complaint she personally addressed them herself. He explained

that every time she did that he thought that she was chipping away at the negative sentiments and perceptions of government that people had.

Property Maintenance Issues

Commissioner Stowers thanked the Citizens for Ormond Beach (CFOB) for their presentation at the workshop that evening. He stated that he had a gentleman come up to him after the workshop to thank him for a complaint that he had lodged. He explained that the man told him that after he received contact from the city and code enforcement than other neighboring residents also started to pay attention to the issue and take pride in their neighborhood. He explained that he saw the issue as a maintenance issue; noting that he knew of absentee landlords who lived locally or people who lived in homes and did not maintain them. He stated that he thought going in the direction of across the board maintenance standards was the way to go. He explained that the code enforcement in the city was *reactive*, meaning that one had to call to complain about an issue for the city to look at it. He noted that the homes in the slide presentation from CFOB that evening should all be looked into and proactively addressed. He encouraged those walking by a home with similar issues to call the city so that they could respond.

Workshop

Commissioner Kent asked Ms. Shanahan to send a note to Mr. Mike Sibley, James Moore and Company, apologizing for them being unable to hear his presentation at the workshop that day due to time limits.

Gardens / Baseball

Commissioner Kent stated that he was disappointed that he was unable to attend the community garden meeting, noting that he could not attend because of coaching his son's baseball team, who had a game that evening. He stated that his son's team, the Tigers, defeated the previously undefeated Giants that night. He explained that they were now in the playoffs, and he invited those interested to come to their next game Thursday night at the outcast field on field seven at 5:15 p.m. He stated that his father bought him a square foot gardening book a few weeks prior, and he now had three such gardens in his backyard growing tomatoes, peppers, squash, cucumbers, cauliflower, lettuce, onions, and eggplant.

Medians

Commissioner Kent stated that the medians on Granada Boulevard downtown looked great and did not contain one blade of grass. He stated that everything planted there grew well in Florida, was drought tolerant, and bug resistant. He hoped that all of the city's medians could look that good eventually.

Moose Lodge – Moose Market

Commissioner Kent stated that he spoke with the Governor of the Moose Lodge and another gentleman during the past week. He asked the Commission if anyone else was interested in trying to help the Moose Lodge operate the Moose Market. He asked anyone interested to please speak up, noting that he told the Moose Lodge he would ask the Commission tonight, as he was unable to discuss it with them beforehand because of Sunshine Laws.

Election

Commissioner Kent stated that he filed papers to run for re-election to the office of Zone 2 Commissioner in the City of Ormond Beach. He stated that if his 11,500 constituents would like for him to serve again for another two years, he would be glad to.

Moose Lodge – Moose Market

Commissioner Boehm noted that he believed that staff was working with the Moose Lodge regarding the Moose Market.

Ms. Shanahan explained that staff had shared with them what they needed to do to move forward, which would be an amendment to the city's code. She stated that they had not heard back from them regarding that. She explained that there was a filing fee involved, which was largely associated with advertising costs.

Mr. Randy Hayes, City Attorney, explained that the Moose Market was not allowed in the Moose Lodge's zoning district and that the code would have to be amended in order to allow it. He stated that the second issue was that what the code allowed in other zoning districts did not include all of what the Moose Lodge did. He stated that the zoning would have to be amended to allow that type of activity, and then they would have to file

an application for a special exception that would go before the Planning Board and the City Commission. He noted that the process had several steps.

Commissioner Kent thanked Commissioner Boehm for asking that question. He noted that he had told the Moose Lodge members he spoke to the same thing. He stated that he had not spoken to Ms. Shanahan about her meeting with the Moose Lodge but noted that Mr. Hayes had emailed him and said he thought the meeting went fine and Ms. Shanahan did a good job, but he stated that the Moose Lodge members walked away with a different attitude and did not think the meeting went well. He stated that they conveyed that they were told that they had a "one in 10 chance" of being approved. He stated that they expressed to him that they did not want to spend \$3,000 in advertising costs to have such a slim chance to succeed. He stated that the Moose Market, as long as it followed the model of a traditional farmer's market, was something he would be interested in discussing and could be swayed to allow. He noted that the Moose Lodge did not want to go forward with only a ten percent chance of getting approved.

Ms. Shanahan stated that staff explained to the Moose Lodge that the process was public and that they would have to go to the Planning Board and the City Commission. She stated that she explained to them that she could not speak for the Commission on how they would vote on the item.

Mayor Kelley stated that even if it was approved, the Moose Lodge would still have to pay for the special exception. He asked why the city would want to go and allow farmer's markets in that entire district all over the city if the Moose Lodge was not willing to go through the necessary process. He asked why the city would go through the process to make it available for the Moose Lodge if they were not willing to do what was required of everyone else in order to receive a special exception.

Commissioner Stowers noted that he was a land use attorney and had represented clients, though not in Ormond Beach, who dealt with similar situations. He stated that he did not see the process that the Moose Lodge needed to take being any different than what went on all over the region. He explained that his concern was that to put the responsibility for that process on the city administratively, rather than the applicant, would be getting into a slippery slope situation. He further explained that more people could again ask the city to amend their code to allow their special use. He noted that there was already a process in place that the Moose Lodge could go through. He stated that while the Commission would not commit to approving anything prior to the hearing for that item, he felt that the Commission prided itself on being business friendly and open minded. He stated that he thought that the city had given the Moose Lodge a fair roadmap to follow. He explained that he did not think the "one in 10" chance was accurate and noted that the issues were limiting the special exception use in a manner that could apply throughout the city but not be a negative for the city.

Commissioner Boehm stated that he did not believe staff would ever evaluate something and say that there was only a ten percent chance of the Commission approving it. He noted that he believed the Commission to be open-minded and stated that they listened to all sides before making decisions. He stated that if the Moose Lodge followed the process and came before them, the Commission would deliberate with open minds and the Moose Lodge would have a chance for approval.

Commissioner Partington stated that he agreed.

Florida Georgia Line

Commissioner Boehm showed a page of *Southern Living* magazine, explaining that in their most recent issue they had featured country music artists and their cooking. He noted that the page contained a photograph of a burger prepared by Florida Georgia Line, which contained Mayor Kelley's son, Brian Kelley. He joked that might be why Mayor Kelley did not lose as much weight this year in the Mayor's Health & Fitness Challenge.

Green House Donations

Commissioner Boehm stated that he was always proud of the number of public/private partnerships in the City of Ormond Beach. He gave examples of the field house, t-ball fields, and Magic Forest Playground. He explained that last week there was an article in the *Ormond Observer* about the green house deteriorating at the Ormond Beach Memorial Art Museum, which would cost \$13,000 to repair. He credited the Art Museum, as well as Ms. Tolland, who spoke previously, for getting donations so that the

project would only cost the city \$5,400. He stated that Ms. Tolland had always been an enthusiastic and public spirited individual.

Central Park Lake Interconnects Opening

Commissioner Boehm stated the Central Park Lake Interconnects opening was special. He noted that they watched Mr. Hayes kayak down the canals. He encouraged everyone to get out to the park.

Commissioner Partington thanked everyone for attending the event and thanked staff for doing such a great job on the projects. He thanked staff for allowing them to honor Ms. Joyce Ebbets for her contribution to the park. He stated that not only did the project prevent flooding, but it also provided a tremendous recreational component for citizens. He noted that a large amount of grant funds went into the project, which saved the city money. He stated that it brought a lot of comfort to know that the damage to homes sustained by the flood of 2009 would likely not happen again.

Mayor Kelley stated that he remembered going to Central Park for the first time in 1996 or 1997, when almost no one was there. He stated that subsequently every time he went back there were people there. He stated that it was a hidden gem in Ormond Beach.

VCOG and VLOC

Mayor Kelley stated that the Volusia Council of Governments (VCOG) and Volusia League of Cities (VLOC) had a joint meeting last week and were moving forward to try and find a more efficient, effective way for the two organizations to work. He thanked Commissioner Partington for serving on the committee charged with finding that solution.

Transportation

Mayor Kelley stated that the River to the Sea Transportation Organization, formerly known as Volusia County Transportation Planning Organization, held a meeting recently. He thanked Commissioner Stowers for sitting in on several of the presentations for him. He stated that at that meeting Volusia County Votran demonstrated that they now had all their bus routes online and also had a mobile app where you could find the closest bus, what time it would arrive, and how many passengers it was carrying.

Item #12 – Adjournment

The meeting was adjourned at 8:11 p.m.

APPROVED: May 20, 2014

BY:

Ed Kelley, Mayor

ATTEST:

J. Scott McKee, City Clerk