

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

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June 17, 2014

7:00 p.m.

Commission Chambers

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Present were: Mayor Ed Kelley, Commissioners James Stowers, 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. Florida League of Mayors' "If I Were Elected Mayor" Student Essay 3rd Place Winner - Julie Derienzo, Ormond Beach Middle School
  - ~~B. Half Cent Extension Committee Presentation~~
  - C. Playful City USA
  - D. Parks and Recreation Month
5. **AUDIENCE REMARKS - REGARDING ITEMS NOT ON THE AGENDA**
6. **APPROVAL OF MINUTES**
  - A. Minutes from City Commission meeting – June 2, 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. 2014-87** : A RESOLUTION APPOINTING A MEMBER TO SERVE ON THE GENERAL EMPLOYEES' PENSION BOARD; SETTING FORTH TERMS AND CONDITIONS OF SERVICE; AND SETTING FORTH AN EFFECTIVE DATE.  
*Staff Contact:* Scott McKee, City Clerk (386-676-3340)
- B. **RESOLUTION NO. 2014-88** : A RESOLUTION AUTHORIZING THE PURCHASE OF MICROSOFT SOFTWARE FROM SOFTWARE HOUSE INTERNATIONAL, UNDER STATE OF FLORIDA ITN NO. 11- 252-001-H/CONTRACT NO. 252-001-09-1; AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH MICROSOFT LICENSING, GP FOR THE AUTHORIZED USE OF SAID SOFTWARE; AUTHORIZING PAYMENT THEREFORE; AND SETTING FORTH AN EFFECTIVE DATE.  
*Staff Contact:* Ned Huhta, IT Manager (386-615-7031)
- C. **RESOLUTION NO. 2014-89** : A RESOLUTION ACCEPTING PROPOSALS AND AUTHORIZING THE EXECUTION OF CONTRACTS WITH TWO PROFESSIONAL FIRMS FOR INFORMATION TECHNOLOGY CONTRACTING SERVICES ON AN ASNEEDED BASIS, UNDER RFP 2014-18; REJECTING ALL OTHER PROPOSALS; AND SETTING FORTH AN EFFECTIVE DATE.  
*Staff Contact:* Ned Huhta, IT Manager (386-615-7031)

- D. **RESOLUTION NO. 2014-90** : A RESOLUTION AUTHORIZING EXECUTION OF A SERVICE AGREEMENT BETWEEN THE CITY AND THE ORMOND MEMORIAL ART MUSEUM, INC.; AUTHORIZING THE EXPENDITURE OF FUNDING; AND SETTING FORTH AN EFFECTIVE DATE.

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

- E. **RESOLUTION NO. 2014-91** : A RESOLUTION AUTHORIZING THE EXECUTION OF A JOINT PARTICIPATION AGREEMENT BETWEEN THE CITY AND THE FLORIDA DEPARTMENT OF TRANSPORTATION REGARDING AN OBSTACLE CLEARING PROJECT AT THE ORMOND BEACH MUNICIPAL AIRPORT; AND SETTING FORTH AN EFFECTIVE DATE.

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

- F. **RESOLUTION NO. 2014-92** : A RESOLUTION ACCEPTING A BID FROM NATIONAL METERING SERVICES, INC., TO PROVIDE DUAL CHECK VALVE ASSEMBLY INSTALLATION SERVICES, UNDER BID NO. 2014-07; AUTHORIZING THE EXECUTION OF A CONTRACT AND PAYMENT THEREFOR; REJECTING ALL OTHER BIDS; AND SETTING FORTH AN EFFECTIVE DATE.

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

- G. **RESOLUTION NO. 2014-93** : A RESOLUTION AUTHORIZING THE APPROVAL AND EXECUTION OF A PURCHASE AUTHORIZATION (REQUISITION #0000011693) FOR THE PURCHASE OF A STANDARD LX-DIESEL VALVE MAINTENANCE TRAILER UNDER CITY OF HOLLY HILL BID "EQUIPMENT PURCHASE: VALVE MAINTENANCE TRAILER" /REQUISITION NO. 0000140286; DECLARING CERTAIN EQUIPMENT TO BE SURPLUS PROPERTY, AND AUTHORIZING THE DISPOSITION THEREOF; AND SETTING FORTH AN EFFECTIVE DATE.

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

- H. **RESOLUTION NO. 2014-94** : A RESOLUTION AUTHORIZING THE APPROVAL AND EXECUTION OF A PURCHASE AUTHORIZATION (REQUISITION 00000011660) FOR THE PURCHASE OF EIGHT (8) PATROL VEHICLE LIGHTING PACKAGES UNDER CITY OF MIAMI BEACH BID NUMBER 46-11/12; AND SETTING FORTH AN EFFECTIVE DATE.

**Staff Contact:** *Kevin Gray, Public Works Operations Manager (386-676-3522)*

- I. **RESOLUTION NO. 2014-95** : A RESOLUTION RESCINDING A PURCHASE AUTHORIZATION (#00000010211) BETWEEN THE CITY AND DUVAL FORD AS APPROVED BY RESOLUTION 2013- 61; AUTHORIZING THE APPROVAL AND EXECUTION OF A PURCHASE AUTHORIZATION (REQUISITION #0000011701) FOR THE PURCHASE OF A 2014 FORD E250 CUTAWAY VAN UNDER FLORIDA SHERIFFS ASSOCIATION BID 13-21-0904; AND SETTING FORTH AN EFFECTIVE DATE.

**Staff Contact:** *Kevin Gray, Public Works Operations Manager (386-676-3522)*

- J. **RESOLUTION NO. 2014-96** : A RESOLUTION ACCEPTING A BID FROM R.J. LANDSCAPE CONTRACTORS, INC., FOR THE INSTALLATION OF TREES AND IRRIGATION SYSTEM ALONG WILMETTE AVENUE, WILMETTE CIRCLE AND ANDREWS STREET, UNDER BID NO. 2014-14; 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)*

- K. **RESOLUTION NO. 2014-97** : A RESOLUTION ACCEPTING A BID FROM BP FENCE LINE, INC., FOR THE INSTALLATION OF SECURITY FENCING AT THE POLICE STATION, UNDER BID NO. 2014-13; 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)
- L. **RESOLUTION NO. 2014-101** : A RESOLUTION AUTHORIZING THE EXECUTION OF A JOINT PARTICIPATION AGREEMENT BETWEEN THE CITY AND THE FLORIDA DEPARTMENT OF TRANSPORTATION REGARDING AN ENVIRONMENTAL ASSESSMENT FOR THE NORTHWEST AND SOUTHWEST DEVELOPMENT AREAS AT THE ORMOND BEACH MUNICIPAL AIRPORT; AND SETTING FORTH AN EFFECTIVE DATE.  
*Staff Contact:* Joe Mannarino, Economic Development Director (386-676-3266)
- M. **RFP 2014-23 Property, Casualty, Liability & WC Insurance**  
*Staff Contact:* Kelly McGuire, Finance Director (386-676-3226)  
*Disposition:* Approve as recommended in the City Manager memorandum dated June 17, 2014.
- N. **Renewal of Dental, Life, and Long-term Disability contract**  
*Staff Contact:* Kelly McGuire, Finance Director (386-676-3226)  
*Disposition:* Approve as recommended in the City Manager memorandum dated June 17, 2014.
- O. **RFP 2014-26 Employee Group Health Insurance**  
*Staff Contact:* Kelly McGuire, Finance Director (386-676-3226)  
*Disposition:* Approve as recommended in the City Manager memorandum dated June 17, 2014.
- P. **RFP - Utility Billing Services**  
*Staff Contact:* Kelly McGuire, Finance Director (386-676-3226)  
*Disposition:* Approve as recommended in the City Manager memorandum dated June 17, 2014.
- Q. **Riverside Drive Closure Request**  
*Staff Contact:* Robert Carolin, Leisure Services Director (386-676-3279)  
*Disposition:* Approve as recommended in the City Manager memorandum dated June 17, 2014.
- R. **Wendelstedt Fields Irrigation**  
*Staff Contact:* Robert Carolin, Leisure Services Director (386-676-3279)  
*Disposition:* Approve as recommended in the City Manager memorandum dated June 17, 2014.
- S. **Cross Connection Control Program Management Services**  
*Staff Contact:* Dave Ponitz, Utilities Manager (386-676-3305)  
*Disposition:* Approve as recommended in the City Manager memorandum dated June 17, 2014.
- T. **Annual Supply of Chemicals for Water and Wastewater**  
*Staff Contact:* Dave Ponitz, Utilities Manager (386-676-3305)  
*Disposition:* Approve as recommended in the City Manager memorandum dated June 17, 2014.

**8. PUBLIC HEARINGS**

- A. **ORDINANCE NO. 2014-16** : AN ORDINANCE AMENDING THE FUTURE LAND USE ELEMENT OF THE COMPREHENSIVE PLAN BY AMENDING THE FUTURE LAND USE MAP TO CHANGE THE DESIGNATION OF A PORTION OF ONE (1) PARCEL OF REAL PROPERTY LOCATED AT 875 STERTHAUS DRIVE TOTALING 13.73±-ACRES FROM "PUBLIC INSTITUTIONAL" TO "OFFICE PROFESSIONAL"; AUTHORIZING TRANSMITTAL; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND SETTING FORTH AN EFFECTIVE DATE. **(SECOND READING)**

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

- B. **ORDINANCE NO. 2014-24** : AN ORDINANCE APPROVING THE FINAL PLAT FOR "ATLANTIC COVE REPLAT" SUBDIVISION; ESTABLISHING CONDITIONS AND EXPIRATION DATE OF APPROVAL; AND SETTING FORTH AN EFFECTIVE DATE. **(SECOND READING)**

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

- C. **ORDINANCE NO. 2014-18** : AN ORDINANCE AMENDING THE FUTURE LAND USE ELEMENT OF THE COMPREHENSIVE PLAN BY AMENDING THE FUTURE LAND USE MAP TO CHANGE THE DESIGNATION OF 167.47±-ACRES OF REAL PROPERTY LOCATED AT 100-513 CHELSEA PLACE AVENUE, 300-396 CHESHAM STREET, 1200-1225 DRAYCOTT STREET, AND 1201-1234 REGENTS STREET FROM VOLUSIA COUNTY "URBAN MEDIUM INTENSITY" FOR 38.9±-ACRES AND FROM VOLUSIA COUNTY "URBAN LOW INTENSITY" FOR 128.57±-ACRES TO CITY OF ORMOND BEACH "SUBURBAN LOW DENSITY RESIDENTIAL"; PROVIDING FOR TRANSMITTAL; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND SETTING FORTH AN EFFECTIVE DATE. **(SECOND READING)**

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

- D. **ORDINANCE NO. 2014-25** : 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 PARCELS OF REAL PROPERTY TOTALING 167.47±-ACRES LOCATED AT 100-513 CHELSEA PLACE AVENUE, 300-396 CHESHAM STREET, 1200-1225 DRAYCOTT STREET, AND 1201-1234 REGENTS STREET FROM VOLUSIA COUNTY R-2 (URBAN SINGLE-FAMILY RESIDENTIAL) FOR A 0.88±-ACRE PORTION OF THE SITE AND FROM VOLUSIA COUNTY R-4 (URBAN SINGLE-FAMILY RESIDENTIAL) FOR A 166.59±-ACRE PORTION OF THE SITE TO ORMOND BEACH PRD (PLANNED RESIDENTIAL DEVELOPMENT); AUTHORIZING REVISION OF THE OFFICIAL ZONING MAP; APPROVING A DEVELOPMENT ORDER FOR CHELSEA PLACE PLANNED RESIDENTIAL DEVELOPMENT; AND AUTHORIZING A THREE PHASED PROJECT CONSISTING OF 250 SINGLE-FAMILY LOTS; 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. 2014-26** : AN ORDINANCE AMENDING THE FUTURE LAND USE ELEMENT OF THE COMPREHENSIVE PLAN BY AMENDING THE FUTURE LAND USE MAP TO CHANGE THE DESIGNATION OF TWO (2) PARCELS OF REAL PROPERTY TOTALING 5.00±-ACRES LOCATED AT 1287 WEST GRANADA BOULEVARD, A 2.53±-ACRE PARCEL, FROM "OFFICE/PROFESSIONAL" TO "LOW INTENSITY COMMERCIAL" AND 1301 WEST GRANADA BOULEVARD, A 2.47±-ACRE PARCEL, FROM "SUBURBAN LOW DENSITY RESIDENTIAL" AND "PUBLIC/INSTITUTIONAL" TO "LOW INTENSITY COMMERCIAL"; PROVIDING FOR CONFLICT; AUTHORIZING TRANSMITTAL; AND SETTING FORTH AN EFFECTIVE DATE.

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

- F. **RESOLUTION NO. 2014-99** : A RESOLUTION AUTHORIZING THE EXECUTION AND ISSUANCE OF A DEVELOPMENT ORDER FOR A SPECIAL EXCEPTION TO ALLOW PERMANENT OUTDOOR ACTIVITY INCLUDING THE OUTDOOR DISPLAY OF PAVERS AND PERGOLAS, AND SALES OF FINISHED MERCHANDISE AT "A1A LANDSCAPING" LOCATED AT 200 HIGHLAND AVENUE WITHIN THE B-4 (CENTRAL BUSINESS) ZONING DISTRICT; ESTABLISHING CONDITIONS AND EXPIRATION DATE OF APPROVAL; AND SETTING FORTH AN EFFECTIVE DATE.

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

- G. **RESOLUTION NO. 2014-100** : A RESOLUTION AUTHORIZING THE EXECUTION AND ISSUANCE OF A DEVELOPMENT ORDER FOR A SPECIAL EXCEPTION TO ALLOW OUTDOOR RECREATIONAL FACILITIES, TO BE LOCATED AT 815 AND 821 NORTH US HIGHWAY 1, WITHIN THE B-8 (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. FIRST READING OF ORDINANCES

- A. **ORDINANCE NO. 2014-27** : AN ORDINANCE APPROVING AND AUTHORIZING THE EXECUTION OF AN INTERLOCAL SERVICE BOUNDARY AGREEMENT, AND A PLANNING AND SERVICES DELIVERY SUB-AGREEMENT, BETWEEN THE CITY OF ORMOND BEACH AND COUNTY OF VOLUSIA, FLORIDA, REGARDING A NORTH U.S. 1 JOINT PLANNING AND MUNICIPAL SERVICE AREA; APPROVING ITINERANT VENDOR CRITERIA; PROVIDING FOR RECORDATION; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND SETTING FORTH AN EFFECTIVE DATE.

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

- B. **ORDINANCE NO. 2014-28** : AN ORDINANCE AMENDING SECTION 14-74.04, REGISTRATION OF ABANDONED PROPERTY, OF ARTICLE V, ABANDONED REAL PROPERTY, OF CHAPTER 14, OFFENSES-MISCELLANEOUS; OF THE CITY OF ORMOND BEACH CODE OF ORDINANCES; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; AND SETTING FORTH AN EFFECTIVE DATE.

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

## 10. STAFF ACTION ITEMS

- A. GRANADA MEDIAN LANDSCAPING BID PROTEST

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

## 11. RESOLUTIONS

- A. **RESOLUTION NO. 2014-98** : A RESOLUTION ACCEPTING THE BID OF RJ LANDSCAPE CONTRACTORS, INC. FOR LANDSCAPING SERVICES REGARDING THE GRANADA MEDIAN LANDSCAPING – WEST OF I95 PROJECT (BID NO. 2014-12); REJECTING ALL OTHER BIDS; AUTHORIZING THE EXECUTION OF A CONTRACT BETWEEN THE CITY AND RJ LANDSCAPE CONTRACTORS, INC., AND PAYMENT THEREUNDER; AND SETTING FORTH AN EFFECTIVE DATE.

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

## 12. REPORTS, SUGGESTIONS, REQUESTS

## 11. ADJOURNMENT

### Item #1 – Meeting Call to Order

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

### Item #2 – Invocation

Pastor Scott Smith, First United Methodist Church, gave the invocation.

### Item #3 – Pledge of Allegiance

Mayor Kelley led the Pledge of Allegiance.

### Item #4A – Florida League of Mayors’ “If I Were Elected Mayor” Student Essay 3<sup>rd</sup> Place Winner – Julie Derienzo, Ormond Beach Middle School

Mayor Kelley announced that Julie Derienzo, an Ormond Beach Middle School student, had won third place with her essay submission to the Florida League of Mayors’ “If I Were Elected Mayor” Essay Contest. He explained that the contest was open statewide to all seventh graders attending a Florida public school which encouraged students to get involved in the life of their communities by engaging in discussions about public service and imagining what they would do if they were in charge of their cities. He noted that more than 1,500 essays were received and only three winners were selected. He stated that Julie wrote in her essay that she would keep citizens safe, happy, and employed by listening to the people of her city during city hall meetings and evaluating their needs and wants. He stated that the City of Ormond Beach was proud of Julie’s accomplishments and encouraged her to explore what her role could be to influence government through civic involvement in her community. He declared June 18, 2014, as a day to recognize Julie in the City of Ormond Beach and urged all citizens to join him in congratulating Julie.

Ms. Lynn Tipton, Director of Membership Development, Florida League of Cities, presented Julie with a gift certificate. She stated that she was hopeful that a few years down the road they would see Julie as a city official somewhere in Florida.

### Item #4B – Half Cent Extension Committee Presentation

### Item #4C – Playful City USA

Mayor Kelley stated that having playtime was a valuable part of a child’s development, noting that children who played were healthier and suffered less from obesity and obesity related health problems. He stated that children who played did better in school and developed cognitive skills that were linked to learning and academic performance. He noted that the City of Ormond Beach acknowledged that children were their most valuable resource and that the city must promote an abundance of safe and accessible play spaces for all of the city’s children. He cited Andy Romano Beachfront Park, Fire Station 91 Playground, Limitless Playground at Ormond Beach Sports Complex, Magic Forest Playground at Nova Community Center, and the Splash Pad at South Ormond Neighborhood Center as examples.

Mayor Kelley stated that Playful City USA, a national program advocating for local policies that increased play opportunities for children, was created in 2007 by Kaboom, a national non-profit organization dedicated to saving play. He stated that Ormond Beach

was selected as a Playful City for the third straight year for its outstanding dedication to play. He proclaimed June 17, 2014, as a day to celebrate the designation of Playful City USA in the City of Ormond Beach and encouraged all residents and citizens to celebrate as well. He presented the proclamation to Leisure Services Director Robert Carolin.

#### Item #4D – Park and Recreation Month

Mayor Kelley stated that July was the nation's official Park and Recreation Month. He stated that this year's theme was "Out Is In" and focused on setting trends instead of following them. He stated that local parks and recreation experiences enhanced Ormond Beach citizens' quality of life by contributing to a healthy lifestyle, increasing communication skills, building self esteem, teaching life skills, and providing places for enjoyment. He stated that the city's parks and trails ensured ecological beauty, provided space to enjoy nature, helped maintain clean air and water, and preserved plant and animal wildlife. He cited Central Park, Ames Park, and Memorial Gardens as examples. He invited citizens to take part in the community through parks and recreation. He proclaimed July 2014 as Park and Recreation Month. He presented the proclamation to Leisure Services Director Robert Carolin.

#### Item #5 – Audience Remarks

Mr. Charles Mumton, 1543 Poplar Drive, stated that he recently moved to Ormond Beach and had spent 52 years with the military in various capacities. He stated that he was impressed researching the Ormond Beach area and thanked those involved with helping to make the area look beautiful. He explained that he came before the Commission because of two incidents that had occurred the past two days, one in Deland and one in Ormond Beach at Granada Boulevard and A1A. He further explained that he was almost hit by a car as a pedestrian crossing the street, noting that the crosswalk indicated that it was his turn to walk. He stated that he looked both left and right, and then back left, before crossing. He explained that the gentleman in the car who almost hit him had a green light but did not yield to him as a pedestrian. He noted that the same thing occurred to him in Deland near the County government building. He stated that he did not want to have a third incident. He explained that he was very impressed with the intersection of Nova Road and Granada Boulevard, which had a large glow in the dark sign which read "Yield to Pedestrians." He asked if the city had any plans on putting in something like that elsewhere. He noted that A1A and Granada Boulevard was a dangerous intersection.

Mayor Kelley noted that a lot of people did not realize that pedestrians had the right of way.

Mr. Jim Schultz, 117 Harvard Drive, addressed Mr. Mumton's comments and stated that he believed that the City of Clearwater, Florida, went to great effort to put up yield signs. He noted that when he was in Salem, Massachusetts, there were also several yield to pedestrian signs, and motorists hit the brakes when they saw those signs because that regulation was enforced.

Mr. Schultz stated that he wanted to speak about the waste sludge issue. He explained that there was a new discussion regarding the 503 Sludge Rule from 1993. He stated that Florida was a recipient of sewage sludge from other states. He stated that some of the sludge was land-filled but much of it was put on crop land, farm fields, and playgrounds; which was legal to do. He stated that mercury was also an issue and very toxic, including at very low levels. He stated that the industry protected itself. He explained that he would like to see more concern about what was allowed in waste. He opined that once the city paid to get rid of the waste, they did not really care much about what was in it because it was no longer their responsibility.

#### Item #6A – Approval of Minutes

Mayor Kelley advised that the minutes of the June 2, 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 Stowers, for approval of the Consent Agenda.**

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

Item #8 – Public Hearings

Mayor Kelley opened the public hearings.

Item #8A – 875 Sterthaus Drive Future Land Use Map Amendment

City Clerk Scott McKee read by title only:

ORDINANCE NO. 2014-16  
 AN ORDINANCE AMENDING THE FUTURE LAND USE ELEMENT OF THE COMPREHENSIVE PLAN BY AMENDING THE FUTURE LAND USE MAP TO CHANGE THE DESIGNATION OF A PORTION OF ONE (1) PARCEL OF REAL PROPERTY LOCATED AT 875 STERTHAUS DRIVE TOTALING 13.73±-ACRES FROM “PUBLIC INSTITUTIONAL” TO “OFFICE PROFESSIONAL”; AUTHORIZING TRANSMITTAL; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND SETTING FORTH AN EFFECTIVE DATE.

**Commissioner Boehm moved, seconded by Commissioner Partington, for approval of Ordinance No. 2014-16, on second reading, as read by title only.**

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

Item #8B – Atlantic Cove Final Plat

City Clerk Scott McKee read by title only:

ORDINANCE NO. 2014-24  
 AN ORDINANCE APPROVING THE FINAL PLAT FOR “ATLANTIC COVE REPLAT” SUBDIVISION; ESTABLISHING CONDITIONS AND EXPIRATION DATE OF APPROVAL; AND SETTING FORTH AN EFFECTIVE DATE.

**Commissioner Partington moved, seconded by Commissioner Stowers, for approval of Ordinance No. 2014-24, on second reading, as read by title only.**

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

Item #8C – Chelsea Place Future Land Use Map Amendment

City Clerk Scott McKee read by title only:

ORDINANCE NO. 2014-18  
 AN ORDINANCE AMENDING THE FUTURE LAND USE ELEMENT OF THE COMPREHENSIVE PLAN BY AMENDING THE FUTURE LAND USE MAP TO CHANGE THE DESIGNATION OF 167.47±-ACRES OF REAL PROPERTY LOCATED AT 100-513 CHELSEA PLACE AVENUE, 300-396 CHESHAM STREET, 1200-1225 DRAYCOTT STREET, AND 1201-1234

REGENTS STREET FROM VOLUSIA COUNTY "URBAN MEDIUM INTENSITY" FOR 38.9±-ACRES AND FROM VOLUSIA COUNTY "URBAN LOW INTENSITY" FOR 128.57±-ACRES TO CITY OF ORMOND BEACH "SUBURBAN LOW DENSITY RESIDENTIAL"; PROVIDING FOR TRANSMITTAL; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND SETTING FORTH AN EFFECTIVE DATE.

**Commissioner Partington moved, seconded by Commissioner Boehm, for approval of Ordinance No. 2014-23, on second reading, as read by title only.**

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

Item #8D – Chelsea Place Rezoning PRD

City Clerk Scott McKee read by title only:

ORDINANCE NO. 2014-25

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 PARCELS OF REAL PROPERTY TOTALING 167.47±-ACRES LOCATED AT 100-513 CHELSEA PLACE AVENUE, 300-396 CHESHAM STREET, 1200-1225 DRAYCOTT STREET, AND 1201-1234 REGENTS STREET FROM VOLUSIA COUNTY R-2 (URBAN SINGLE-FAMILY RESIDENTIAL) FOR A 0.88±-ACRE PORTION OF THE SITE AND FROM VOLUSIA COUNTY R-4 (URBAN SINGLE-FAMILY RESIDENTIAL) FOR A 166.59±- ACRE PORTION OF THE SITE TO ORMOND BEACH PRD (PLANNED RESIDENTIAL DEVELOPMENT); AUTHORIZING REVISION OF THE OFFICIAL ZONING MAP; APPROVING A DEVELOPMENT ORDER FOR CHELSEA PLACE PLANNED RESIDENTIAL DEVELOPMENT; AND AUTHORIZING A THREE PHASED PROJECT CONSISTING OF 250 SINGLE-FAMILY LOTS; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; AND SETTING FORTH AN EFFECTIVE DATE.

Mr. Ric Goss, Planning Director, stated that when the development was approved in the county it was approved with zero lot lines and as a clustered subdivision. He explained that the city did not have any types of those standards so they assigned a Planned Residential Development (PRD) designation to recognize both the preliminary plats for sections one, two, and three, and also the unique dimensional standards. He noted that the Planning Board reviewed the item in March and recommended approval, as did staff.

Mayor Kelley noted that the Planning Board unanimously approved the item. He explained that it granted Chelsea Place the same conditions and terms as they had in the county.

**Commissioner Partington moved, seconded by Commissioner Stowers, for approval of Ordinance No. 2014-25, on first reading, as read by title only.**

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

Item #8E – 1287 & 1301 West Granada Boulevard Future Land Use Map Amendment

City Clerk Scott McKee read by title only:

ORDINANCE NO. 2014-26

AN ORDINANCE AMENDING THE FUTURE LAND USE ELEMENT OF THE COMPREHENSIVE PLAN BY AMENDING THE FUTURE LAND USE MAP TO CHANGE THE DESIGNATION OF TWO (2) PARCELS OF REAL

PROPERTY TOTALING 5.00±-ACRES LOCATED AT 1287 WEST GRANADA BOULEVARD, A 2.53±-ACRE PARCEL, FROM "OFFICE/PROFESSIONAL" TO "LOW INTENSITY COMMERCIAL" AND 1301 WEST GRANADA BOULEVARD, A 2.47±-ACRE PARCEL, FROM "SUBURBAN LOW DENSITY RESIDENTIAL" AND "PUBLIC/INSTITUTIONAL" TO "LOW INTENSITY COMMERCIAL"; PROVIDING FOR CONFLICT; AUTHORIZING TRANSMITTAL; AND SETTING FORTH AN EFFECTIVE DATE.

Mr. Goss stated that this item was the result of an application filed by Mr. Paul Holub for two parcels, one located at 1287 West Granada Boulevard and one at 1301 West Granada Boulevard. He noted that both parcels were approximately two and one-half acres. He explained that the one parcel had a professional/office use from a 2008 ordinance and the applicant was requesting it to be changed to low intensity commercial. He displayed a land use plan map showing the parcels and the surrounding area. He displayed an aerial view of the properties and pointed out the property at 1297 West Granada Boulevard, which was annexed in from the county, and also Dustin's BBQ and Tomoka View. He displayed a street view of the property looking from the northwest on the eastbound section of Granada Boulevard.

Mr. Goss noted that only one of the two parcels ever had any City Commission action, explaining that 1287 West Granada Boulevard was designated as office/professional use by Ordinance 2008-22. He further explained that at the time they did not have a multi-modal corridor, and a traffic study was required which resulted in the land use plan map designating a maximum number of trips. He noted that if they now had a mobility study those two conditions would have never been a requirement. He stated that there were no plans for the second phase of the development, and it was approved for 9,225 square feet but never built.

Mr. Goss explained that in 2007 and 2008 the City Commission was turning down development on West Granada, even though they had the land use and zoning. He further explained that the development was being turned down based upon concurrency and not meeting the levels of service. He stated that the existing level of service was worse than the adopted level of service. He stated that the City Commission requested staff to look at an alternative as part of the evaluation appraisal report. He explained that they started working on a multimodal plan prior to Florida Statute 360 and had it approved by the Department of Community Affairs (DCA) and the Florida Department of Transportation (FDOT). He stated that the Transportation Concurrency Exception Area was established and designed to accommodate the land use there today. He clarified that it was not designed to look at increases in density and intensity along the corridor. He stated that all of the trips accommodated for were based on professional office at its most intensive use and not looking at commercial development of that corridor.

Mr. Goss stated that the review criteria were determined by the Comprehensive Plan policies, in particular 1.67 and 2.51. He explained that as part of the multimodal plan there was a policy in the Comprehensive Plan which stated that land use changes would not be made along multimodal corridors with Transportation Concurrency Exception Areas where the level of service was below or projected in the future to be less than what was adopted. He stated that the current level of service on Granada Boulevard was D and the projected level of service for 2020 and 2025 was E. He noted that the adopted level of service was C. He stated that staff found that the commercial land use change was totally inconsistent with the Comprehensive Plan policy of 1.67 as it related to the multimodal plan and the policies established by the Transportation Concurrency Exception Area for development along Granada Boulevard.

Mr. Goss stated that policy 2.51 established the intensity of use. He explained that it was contained in the Comprehensive Plan and looked at all of the land use categories and the parameters common to the characteristic of uses. He noted that professional office had an intensity level of two while general commercial had an intensity level of four.

Mr. Goss stated that the Planning Board had a lot of discussion with regards to pass-by trips, peak hour, and the fact that the current proposal was equal to or less than what could be developed under professional office. He stated that an analysis was done based upon the proposal and what could be done in the professional office use. He explained that 49% commercial could be done in professional office with 51% office space. He stated that combining a retail use with a fast food restaurant would be a much more intensive use, even at peak hours after pass-by trips were deducted. He

explained that pass-by trips were those already in the road network. He stated that professional office or medical uses would not capture any pass-by trips like a retail store or fast food restaurant would.

Mr. Goss stated that the retail land use created about 1,400 trips daily, accounting for pass-by traffic. He further stated that the peak hours would have more traffic as a result of a commercial use. He explained that the level of service on Granada Boulevard was not really based upon volume and capacity but on delay. He further explained that delay was based upon traffic slowing down because cars were either stopping in the through lanes to get into a property or were coming out using an exit out lane.

Mr. Goss noted that the application relied upon a previous land use amendment, which was supported by staff, at 1298 West Granada Boulevard. He explained that land was in the county and the city chose to annex it into the city to have it developed in the city under the city's standards. He stated that the amendment went by policy 5.11 which stated that they would be held harmless. He noted that there was a reason why they opted to annex and have the development approved and why the land use change was supported.

Mr. Goss stated that it had also been mentioned that there was no demand for office space and more of a demand for commercial uses. He stated that staff reviewed office and commercial uses in Ormond Beach. He stated that they reviewed the city's economic development plan and retail gap analysis, which stated that total retail activity actually exceeded local demand. He explained that the number of homes being added in the city each year was less than one percent. He stated that the report indicated that there was a niche retail demand. He stated that the addition of more retail stores would take sales from existing stores or cannibalize existing stores by having more commercial space. He displayed a slide showing both office and retail performance for the three months prior to the February 2014 report. He explained that one would think if there was no demand for office, then the cost per square foot for office space would be a lot less than retail, which was not the case. He stated that in the time period referenced, office did better than commercial and beat it by 1.5%. He stated that year over year office outperformed retail with regard to lease of space by 2.5%.

Mayor Kelley asked where Mr. Goss received that information; whereby, Mr. Goss stated that the information was found on the internet and posted on commercial brokerage websites, as well as retail and office reports.

Mayor Kelley clarified that Mr. Goss was using information specific to Ormond Beach; whereby, Mr. Goss stated that he was.

Mr. Goss stated that staff also reviewed a professional business report put out by Volusia County in May 2014. He stated that the report indicated the professional business services, which were the largest office users and created the most jobs for that corridor. He explained that indicated to him that those types of jobs were what the city really wanted, noting that those types of jobs paid more than retail jobs did. He stated that staff also researched commercial brokerage sites to determine what was available with regards to retail and office space. He stated that both had approximately 50 spaces available. He displayed the reported vacancy rate and explained it was reported by the brokers in the aggregate. He noted that the vacancy rate for commercial was approximately 37% and the rate for office was about 34%.

Mr. Goss stated that in the B4, B5, B6, B7, and B8 zones allowed for a full range of commercial uses. He stated that B9 consisted of a small area between Nova Road and Orchard Avenue and was professional office. He stated that B10 was on State Road 40/ West Granada Boulevard, Hand Avenue, and Clyde Morris Boulevard. He noted that Planned Business Developments (PBD) had been utilized a lot to introduce commercial along with office throughout the city. He stated that there was more commercial use than office use being provided in the city. He stated that staff's finding was that there was sufficient space for development and redevelopment of retail in the city now and in the future.

Mr. Goss stated that staff recommended that the land use plan amendment not be approved. He cited it's inconsistency with the Comprehensive Plan and conflict with policies 1.52, 2.51, and 1.67. He stated that the Planning Board recommended approval of the amendment as submitted by the applicant along with a proffered 0.12 floor area ratio and a number of uses that would be prohibited. He stated that if the City Commission elected to approve the amendment, staff would recommend that the 50-foot

right of way that was set aside in the ordinance from 2008 be retained and dedicated and constructed as site development.

Mayor Kelley noted that Mr. Patrick Sullivan sent in a letter of support for the ordinance, and it would be included in the official record of the meeting kept in the City Clerk's office.

Mayor Kelley stated that he was surprised at staff's findings. He stated that there was a tremendous amount of office space available and vacant, which he did not believe the projections provided. He explained that if Mr. Goss' projections were correct then no one would locate to a commercial site there and so there would be no increase in traffic.

Mr. Goss clarified that the projections were not his own. He explained that the data was not produced by the city.

Mayor Kelley noted that he was not being critical of Mr. Goss but was being critical of the information. He stated that if the analysis was correct, then the applicant would not be able to locate any commercial uses at the site because there would be no demand for it.

Mr. Goss clarified that staff was dealing with the future land use plan map and not the current one. He explained that if they were referring to the current land use map and the applicant had a contract for a drive-thru restaurant, then he would encourage the Commission to support it. He stated that the future land use map dealt with what the city needed in the future to move forward and make sure the community had a balance with regard to jobs, incomes, and affordability. He explained that staff was pointing out that there was only so much office space, noting that the market was not good currently and soft for both office and commercial. He stated that there were plenty of areas in the city with vacant office and commercial that could be redeveloped, noting North Nova Road as an example. He stated that if there was no demand for commercial other than maybe a drive-thru restaurant, he would suggest it not be changed since the idea was to plan for the future land use and what was good for the city in the future. He explained that staff's projections were that retail jobs paying near or under minimum wage was not the right type of economic activity that the city was looking into for job creation. He stated that higher value jobs would be found in business and professional office uses.

Mayor Kelley stated that there was almost a 40% vacancy in business and office professional currently. He clarified that his position was that something being built in that location and generating revenue to the city was better than the space sitting there vacant with no improvement.

Mr. Goss noted that there was only one percent annual growth in the city. He stated that more supply would be added with less demand, reducing the amount of money on a per square foot basis than another retail use would be experiencing.

Mayor Kelley stated that was a lot of conjecture.

Commissioner Boehm stated that accepting Mr. Goss' argument would mean that no other restaurants should ever be built in Ormond Beach. He stated that Mr. Goss' position that they do not pay enough said to the citizens that might enjoy more restaurants that they should not have them because it would not bring in high paying jobs. He noted that he had an issue with that argument. He stated that the citizens who lived in Ormond Beach made use of restaurants and convenience stores and other businesses that did not pay a high wage. He stated that the application was seeking to put a restaurant in an area with a lot of restaurants. He explained that he had trouble with the idea that more restaurants could not be put in because they already had some. He stated that he did not accept that argument.

Commissioner Stowers stated that he recently attended a real estate forum and spoke to someone after the meeting about the circumstances in the area. He explained that there were downtown urban areas that they wished to redevelop but at the same time there were suburban realities. He noted that he appreciated the thoroughness in Mr. Goss' report and thought that it would continue to be a challenge to balance the redevelopment of the urban core with the realities of the existing infrastructure and the suburban nature of a lot of the current development. He stated that at a conference last year he spoke to private sector site selectors and those who decided where a restaurant would go. He noted that he obviously was talking about Ormond Beach and almost every company representative he spoke to said that they wanted to be on Granada Boulevard and by Interstate 95. He stated that he thought that the applicant's request was reflective of

what the demand was. He stated that he agreed with Mayor Kelley that the city needed to be as open as possible and let the market dictate where businesses would be located.

Commissioner Partington disclosed that he met with Mr. Holub in January or early February about these general issues. He stated that Mr. Holub had mentioned that across the street from the site was another site that had been approved for the same thing that he was requesting. He noted that site was different as it had been annexed from the county. He stated that he was inclined to follow the Planning Board's vote and recommendation, along with the 50-foot easement suggested by staff. He explained that he did not take anything lightly that the city's planning department said, noting that they put a lot of thought and research into their position, and it gave him pause to go against their recommendation. He stated that Mr. Holub was a quality developer who did quality projects in Ormond Beach and other cities, and projects which were consistently well maintained and leased with high occupancy rates. He stated that Mr. Holub worked extremely well with his neighbors also. He stated that he wanted to see opportunities for the city's residents to shop and work at the site.

**Commissioner Partington moved, seconded by Commissioner Boehm, for approval of Ordinance No. 2014-26, amended to change the easement referenced from 50 feet to 30 feet, on first reading, as read by title only.**

Commissioner Boehm noted that the Planning Board had received information from the Home Owners' Association (HOA) of the adjacent subdivision that was in favor of the development, as well. He stated that more and more people were working from home and the demand for professional office space would be less in the future than it was presently.

Mr. Paul Holub, applicant, 675 N. Beach Street, noted that there was some issue with the 50-foot right of way that staff suggested that the developers build. He further noted that some of that may be tied to the future rezoning of the property and not part of the Comprehensive Plan; but since it was added as a condition, it needed to be discussed. He explained that it was his 30<sup>th</sup> year developing in Ormond Beach and that he enjoyed working with staff, including Mr. Goss and Senior Planner Steven Spraker. He noted that it was rare that they had opposing positions. He stated that it was the first time in 30 years that he brought a development to the Commission that did not have opposition from citizens. He explained that they met with adjacent homeowners and the adjacent HOA. He stated that they agreed to do a PBD for the 1301 West Granada Boulevard site, as that was the parcel that was adjacent to the HOA, which would give the HOA another opportunity to review the project.

Mr. Holub stated that he had a problem regarding the approval for the parcel across the street. He explained that he hired the same professional to perform their analysis as they did, and an almost identical analysis was prepared. He noted that he knew that parcel was in the county, but it needed city water and sewer and staff had a choice whether or not to present it for approval or denial. He stated that staff looked at his analysis and looked for everything under the sun that could be wrong with it. He stated that he believed that his analysis documented that the property was entitled to the Comprehensive Plan change requested.

Mr. Holub stated that there had been some discussion in the staff report regarding opening the floodgates for other vacant parcels on Granada Boulevard if his amendment was approved as submitted. He noted that other than the vacant parcels in this ordinance, there were only three vacant land parcels on West Granada Boulevard between Nova Road and Interstate 95. He further noted that one of those parcels, located at 1245 West Granada Boulevard was one acre in size, one located at 1215 West Granada Boulevard was 4½ acres, and the third was where lawnmowers sat for the county at 1248 West Granada Boulevard.

Mr. Holub stated that there had been a lot of inquiries over the last 18 months from restaurants and retailers about locating at the site. He displayed PowerPoint slides listing some of those inquiries. He explained that a lot of the inquiries originated in Port Orange where he was doing some development next to the BJ's and L.A. Fitness. He noted that during the last four years Port Orange went from 1,200 to 3,400 restaurant seats. He cited the Five Guys Restaurant at the Pavilion as an example of a restaurant doing record numbers. He noted that the zoning was not before the Commission that evening but explained that there would be one driveway for both properties to help minimize the impact to West Granada Boulevard.

Mr. Holub stated that Mr. Goss was correct in asserting that retail and restaurants absorbed pass-by trips. He stated that the floor area ratio for the project was limited to 0.12, noting that what was entitled to low intensity commercial was 0.60, and that the project was limiting their floor area to 20% of what would be allowed. He stated that they would build a maximum of 12,000 square feet on a two-acre parcel, noting that typically over 60,000 square feet would be built. He stated that he felt that staff had failed to take into account that they were reducing the density and the maximum development on the properties significantly. He stated that the property on 1287 West Granada Boulevard was being purchased to build a restaurant, which would encompass about 3,500 square feet. He noted that they may have some future development at the rear of that property but that it probably would not happen in his lifetime.

Mr. Holub stated that there was currently an easement on the east side of the parcel at 1287 West Granada Boulevard. He noted that it was a private easement done between the property owners, Dr. Landau and Mr. Thompson. He explained that they had agreed to take that easement, move it to the center of the property, and build a private road to the rear of the property. He stated that easement had been drafted and agreed to by all of the property owners, explaining that he and the contract purchaser for the property would build the first phase of that road with the development of the restaurant. He noted that some of the retailers interested would not come to Ormond Beach without the right location. He stated that Chipolte would be going in at the location across the street, noting that he had been after them for years to come in for a project, and they desired to be shadow anchored by Lowe's Home Improvement and as close to Interstate 95 as possible. He stated that he was currently dealing with Fresh Market in Port Orange and had asked them whether they would consider Ormond Beach and was told they would have an interest. He explained that under the current zoning, however, the only way Fresh Market could be built in Ormond Beach would be to build 24,000 square feet of office professional under a PBD so that they could build 23,000 square feet of retail. He stated that was an antiquated and outdated concept.

Mayor Kelley stated that was an issue that the Commission had brought up before and at their Goals and Brainstorming Session Workshops. He noted that staff was working on that issue. He stated that he doubted that the vacancies presented earlier included the 20,000 square feet of office space that he toured recently with Economic Development Director Joe Mannarino.

Mr. Holub noted that he owned 30,000 square feet of vacant office space himself in Ormond Beach. He stated that he could not build office space with the vacancies he currently had. He explained that he had worked diligently to lease or sell his office space both in the city and elsewhere, but it was not like it used to be in the 1990s and early 2000s.

Mr. Holub stated that he would like to reduce the easement from 50 feet to 30 feet. He explained that they would build the road and maintain it. He stated that they would provide a replacement easement and noted that he sent a draft of it to city staff today.

Mayor Kelley clarified that the easement was a carry-over from the previous approval. He asked Mr. Holub if the rest of the conditions recommended by the Planning Board were alright with him.

Mr. Holub stated that they were but noted that he did not believe that a traffic study should be required for the development, as it was not required for other developments on Granada Boulevard.

Mayor Kelley asked if the Planning Board had recommended that; whereby, Mr. Goss stated that no traffic study was required along a Transportation Concurrency Exception Area.

Mr. Holub stated that there was a provision regarding a maximum of 900 daily trips imposed on the previous property owner in 2008. He stated that he had never seen such a provision in 30 years of development and was not sure it had ever happened in the city before. He asked that it be waived or rescinded.

Mayor Kelley asked if that provision dealt with the amendment before them tonight.

Mr. Randy Hayes, City Attorney, stated that a lot of the specifics being discussed were not part of the amendment tonight but it was good for them to be discussed.

Mr. Goss stated that the 900 trips provision was actually on the land use plan map itself. He stated that when the land use was approved in 2008, the multimodal was not in place so the trips needed to be limited on the land use map. He stated that it would need to be removed by not having it as a condition for this land use change.

Mr. Holub stated that requirement would put a hindrance on the development.

Mayor Kelley asked what the process would be for removing the trip requirement.

Mr. Hayes stated that it could be included as an amendment to the motion to approve the ordinance and the changes would be made for the second reading.

Commissioner Partington requested to hear staff's position.

Mr. Goss stated that staff reviewed all of the parcels in that area, not just the two in the amendment, noting that the back parcels would develop eventually. He stated that once all of the land was developed they would want to be able to get traffic into the intersection at Pearl Drive and Granada Boulevard, where there was a left turn lane as opposed to having to make a U-turn and then a right turn into the property. He stated that they desired to have a dedicated street system serving all of the land, including this property. He stated that staff's recommendation was to have a 50-foot easement right of way dedicated through the middle of the property; and it be constructed to the end of the property so that when the back was developed, then they would develop their dedicated portion of the street so it would eventually connect over to Pearl Drive to hook the street system together. He noted that Mr. Holub desired a 30-foot easement rather than 50-foot dedicated right of way.

Commissioner Boehm asked if the city would build and maintain a dedicated right of way; whereby, Mr. Goss stated that it would be constructed by the developer and then dedicated to the city for maintenance.

Mayor Kelley stated that he would rather not have it dedicated. He stated that he did not understand the reasoning for the 50-foot easement down the middle.

Mr. Holub stated that the 30-foot easement would provide the same road cross section with the same width road section. He explained that the property owner did not have the room to give up the additional 20 feet. He stated that all of the property owners affected agreed to the 30-foot easement and noted that the easement of record did not provide any timeframe as to when the entrance road would be built. He explained that it would now be built when they closed on the property. He stated that the property owners at the rear were excited because their properties were land locked and this gave them an opportunity to develop their property someday. He noted that his easement would be perpetual. He asked the city to allow them to construct a private road and maintain it.

Commissioner Partington asked how one would get to Pearl Avenue; whereby, Mr. Holub opined that they never would. He stated that while it was a great idea there was the 1275 West Granada Boulevard office complex next door and a dental office behind that. He stated that it would not happen in the short term or by a straight shot.

Commissioner Partington asked how the lack of a stacking lane would be addressed. He stated that his understanding was that the whole point of connecting to Pearl Avenue was to have the stacking ability.

Mr. Holub stated that would be a long way to get to this project and motorists would make U-turns instead. He explained that most of the projects on Granada Boulevard did not have full access median cuts. He noted that it would be a right in and right out. He explained that they had asked FDOT to consider a taper lane, that they would install, which was being considered presently.

Commissioner Boehm asked if retailers did not want the 900 trip limitation because they contemplated having more than 900 visitors.

Mr. Holub stated that the provision was put into an application in 2008 or earlier. He explained that he had never seen that provision before and was not involved with it. He stated that he thought the property owners who did that were possibly not as sophisticated with zoning and made a mistake. He stated that he did not know how that could be counted or enforced. He noted that he was not aware of anywhere else in the city where there was such a cap on daily trips.

Commissioner Boehm noted that he was also curious about how it would be enforced.

Mr. Holub stated that the Planning Board had the same position regarding enforcement and did not support the provision being included in the application.

Mayor Kelley asked if the city was better off with a 30-foot private road or having to maintain a 50-foot road.

Commissioner Partington stated that he was comfortable with the right in, right out and the 30-foot road. He stated that if something developed on the back properties, they could then address the issue of connecting to Pearl Avenue.

Mayor Kelley confirmed with Mr. Holub that there would be adequate space for that.

**Commissioner Partington moved, seconded by Commissioner Boehm, for approval of Ordinance No. 2014-26, as amended to change the easement referenced from 50 feet to 30 feet, and to remove the conditions of a maximum daily trip allowance as shown on the map, on first reading, as ready by title only.**

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

Item #8F – Special Exception Outdoor Display – 200 Highland Avenue

City Clerk Scott McKee read by title only:

RESOLUTION NO. 2014-99

A RESOLUTION AUTHORIZING THE EXECUTION AND ISSUANCE OF A DEVELOPMENT ORDER FOR A SPECIAL EXCEPTION TO ALLOW PERMANENT OUTDOOR ACTIVITY INCLUDING THE OUTDOOR DISPLAY OF PAVERS AND PERGOLAS, AND SALES OF FINISHED MERCHANDISE AT “A1A LANDSCAPING” LOCATED AT 200 HIGHLAND AVENUE WITHIN THE B-4 (CENTRAL BUSINESS) ZONING DISTRICT; ESTABLISHING CONDITIONS AND EXPIRATION DATE OF APPROVAL; AND SETTING FORTH AN EFFECTIVE DATE.

Mr. Goss stated that this company provided landscaping and wished to permanently store outside already built products so that their customers could see them. He stated that they would like to have such a display in the delineated area as shown in the site plan. He noted that a buffer was being put in because it was located next to a residential home and a sprinkler system was being added for irrigation. He stated that eight conditions were put on the application and the Planning Board reviewed it and unanimously recommended approval.

**Commissioner Boehm moved, seconded by Commissioner Partington, for approval of Resolution No. 2014-99, as read by title only.**

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

Item #8G – Special Exception Outdoor Recreational Facilities – 815 and 821 North US Highway 1

City Clerk Scott McKee read by title only:

RESOLUTION NO. 2014-100

A RESOLUTION AUTHORIZING THE EXECUTION AND ISSUANCE OF A DEVELOPMENT ORDER FOR A SPECIAL EXCEPTION TO ALLOW OUTDOOR RECREATIONAL FACILITIES, TO BE LOCATED AT 815 AND 821 NORTH US HIGHWAY 1, WITHIN THE B-8 (COMMERCIAL) ZONING DISTRICT; ESTABLISHING CONDITIONS AND EXPIRATION DATE OF APPROVAL; AND SETTING FORTH AN EFFECTIVE DATE.

Mr. Goss stated that this application was filed to set up a kayak facility where boats could be rented along the waterway. He stated that the applicant wanted to have a number of outdoor activities including fire pits. He explained that the Planning Board reviewed the application and also recommended that the applicant have music, so music was included in the application with the hours limited to those allowed for other sites. He stated that the application had eight conditions and the Planning Board recommended approval after their review.

**Commissioner Partington moved, seconded by Commissioner Boehm, for approval of Resolution No. 2014-100, as read by title only.**

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

Mayor Kelley closed the public hearing without objection.

Item #9A – Interlocal Service Boundary Agreement

City Clerk Scott McKee read by title only:

ORDINANCE NO. 2014-27

AN ORDINANCE APPROVING AND AUTHORIZING THE EXECUTION OF AN INTERLOCAL SERVICE BOUNDARY AGREEMENT, AND A PLANNING AND SERVICES DELIVERY SUB-AGREEMENT, BETWEEN THE CITY OF ORMOND BEACH AND COUNTY OF VOLUSIA, FLORIDA, REGARDING A NORTH U.S. 1 JOINT PLANNING AND MUNICIPAL SERVICE AREA; APPROVING ITINERANT VENDOR CRITERIA; PROVIDING FOR RECORDATION; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND SETTING FORTH AN EFFECTIVE DATE.

Mr. Goss stated that the ordinance contained three exhibits: the interlocal service boundary agreement (ISBA), the sub planning services agreement, and the itinerant vendor criteria along with a map detailing the properties involved. He stated that the ISBA applied only to commercial properties along the corridor, 600 feet on either side. He stated that it provided the city with both regulatory and land use control over all unincorporated property along the corridor. He noted that it also allowed the city to use the land development code, un-codified ordinances, and the building code when dealing with the unincorporated properties. He stated that it permitted the city to annex property even if it was an enclave. He explained that formalized the process of annexing properties based on water and sewer agreements. He stated that the ISBA required the city to coordinate with Volusia County regarding subdivision and site plan approval, which they presently did.

Mr. Goss noted that the ISBA provided the city complete control over itinerant vending and established an alternative dispute resolution process between the city and county, if needed. He stated that there were too many categories of itinerant vendor: high impact use, consisting of improvement on property with business tax receipts at the location, and high impact vacant land, which was only used during recognized events. He explained that those use categories were separated because the city was looking long term to change the perception of what business on the US1 corridor was. He noted that that area had been established as a Brownfield area and a major Brownfield initiative would be done. He stated that a five year amortization was established for those uses that did not have permanent businesses on the property. He stated that there were specific provisions with regard to what was expected of a master vendor and for each individual vendor. He noted that there were also provisions for outdoor entertainment activity, explaining that was not necessarily what you would have as an existing use at an outdoor restaurant, and concerts on the property involved more than one use. He noted that those would also be approved administratively by staff, as they were in the county.

Mr. Goss stated that once the agreement was acted upon, there would be about six months to perform land use plan amendments and also amend the Comprehensive Plan with regard to the interlocal governmental coordination element to add policies recognizing the agreement. He explained that after the land use was finished, the rezoning would come through and then the Land Development Code (LDC) amendment

memorializing the itinerant vending criteria. He stated that the land use plan amendments should be completed by the end of the year. He noted that he believed the process would take about six to nine months.

Mr. Hayes stated that this agreement was a huge effort by a lot of individuals including City Manager Joyce Shanahan, Assistant City Manager and Public Works Director Ted MacLeod, Mr. Goss, the City Commission, county staff, and County Councilman Doug Daniels. He stated that once the Comprehensive Plan was approved, the city would have jurisdiction for enforcing its various codes and regulations. He stated that he knew that one piece of the agreement that generated a lot of discussion was the itinerant vendor piece, noting that a representative from the Iron Horse Saloon was in attendance to address some of those issues. He stated that the intent regarding itinerant vendors was to grandfather-in in perpetuity and recognize those property owners who had permanent businesses and had engaged in itinerant activities.

Mr. Hayes explained that there were vacant and unimproved properties with seasonal itinerant vendors which would be allowed to continue those activities for a period of five years from the effective date of the agreement, after which time they would have to end. He noted that the idea behind that provision was to encourage redevelopment. He noted that the Iron Horse Saloon had some activities that they would like allowed that were not included in the current proposed criteria, which were the "wall of death" and "burnout pit." He stated that they would like to make requests for those activities to be permitted to the Commission, and staff would revise the criteria if directed to do so by the Commission.

**Commissioner Boehm moved, seconded by Commissioner Stowers, for approval of Ordinance No. 2014-27, on first reading, as read by title only.**

Representative Dave Hood, Attorney for Iron Horse Saloon, stated that his client had the same desire that the city did, which was to make the north entrance of Ormond Beach something that they could all be proud of. He stated that if the Iron Horse Saloon was grandfathered in then they would be committed to working with the city. He noted that the Iron Horse Saloon had been in Ormond Beach for 30 years and employed a lot of citizens. He stated that if it was agreed for the Iron Horse Saloon to be grandfathered in as an itinerant vendor, then they could discuss the wall of death and burnout pit requests.

Mayor Kelley asked if some specifics needed to be added to allow those uses.

Mr. Hayes stated that he was just reminded that the intent was for the city to allow the wall of death, which had been omitted but should be and would be included. He stated that currently the county regulations did not allow the burnout pit.

Mr. Goss stated that they may allow it by not enforcing the regulation of it.

Mayor Kelley asked if the changes could be made to include those provisions before the next reading without making substantive changes to the ordinance.

Mr. Hayes confirmed that they could.

Mr. Goss stated that he knew that the Iron Horse Saloon was also interested in receiving an annual permit in order to plan out all the events they would be doing.

Mr. Hayes stated that was something that could be worked on further along the process and did not need to be done right then.

Mayor Kelley instructed those provisions to be added before the next reading.

Mr. Hayes clarified that the wall of death and burnout pit would be included in the criteria. He noted that the permitting components could be worked out between then and the amendments to the LDC.

Commissioner Boehm noted that Representative Hood had brought up the issue of whether the Iron Horse Saloon was grandfathered in; whereby, Mr. Hayes stated that they absolutely were.

Ms. Peggy Farmer, 4 Allenwood Look, stated that there was a group of approximately 25 business people in the North US1 corridor that she and another business owner had put

together. She explained that the group had one goal, which was to establish a beautiful gateway into Ormond Beach and Volusia County from the north. She noted that the group supported the effort for the ISBA. She explained that currently the area was like a checkerboard with different properties in the county and the city, and different land uses and zoning. She stated that the statutes were written very clearly and gave the counties the power to transfer unincorporated lands over to municipalities so that there could be effective and efficient services. She stated that this effort would help the city's vision on US1, noting that the county had not been able to provide the quality of life that they would like to see.

Ms. Farmer stated that the coalition had started a public private venture and already raised \$25,000 from the businesses on North US1 and would be going to the county to see if they would match those funds so that they could then work with the city on having nine medians on US1. She noted that the coalition was happy to see the long list of grandfathered itinerant vendors.

Mayor Kelley thanked the businesses in the area for their efforts. He stated that the agreement would go a long way towards the betterment of that gateway.

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

Item #9B – Amendment to Chapter 145, Section 14-74.04(d), Code of Ordinances, Registration of Abandoned Property

City Clerk Scott McKee read by title only:

ORDINANCE NO. 2014-28  
 AN ORDINANCE AMENDING SECTION 14-74.04, REGISTRATION OF ABANDONED PROPERTY, OF ARTICLE V, ABANDONED REAL PROPERTY, OF CHAPTER 14, OFFENSES-MISCELLANEOUS; OF THE CITY OF ORMOND BEACH CODE OF ORDINANCES; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; AND SETTING FORTH AN EFFECTIVE DATE.

**Commissioner Boehm moved, seconded by Commissioner Partington, for approval of Ordinance No. 2014-28, on first reading, as read by title only.**

Ms. Rita Press, 875 Wilmette Avenue, stated that the local civic group, Citizens for Ormond Beach (CFOB) was delighted to see a request to increase the annual registration fee for abandoned property from \$150 to \$250 on the meeting agenda. She noted that it had been suggested that the additional revenue be used to hire an additional employee for the Neighborhood Improvement Division to monitor the registrations, keep them current, and follow up on an individual bases, even if the position was temporary. She stated that the problem of vacant homes was a serious one and one that cities throughout Florida were facing. She stated that it was gratifying to know that the City Commission recognized the seriousness of the problem and was working to address it.

Mayor Kelley stated that he believed that staff had already made plans to utilize the savings to work towards better enforcement.

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

Item #10A – Granada Median Landscaping Bid Protest

Ms. Kelly McGuire, Finance Director, stated that there was a bid protest submitted regarding the city's Granada Median Landscaping, Bid 2014-12. She stated that the bidder who filed the protest was the lowest bidder but had his bid rejected by staff. She explained that Landscape Architect Paul MacDonald indicated the need for a crane in the bid documents and the bidder did not provide for one in his submission. She stated that the initial bid protest was submitted to her, and she rejected it so now the bidder was appealing to the City Commission.

Mr. Patrick Erwin, Green Construction Technologies, stated that he was the bidder in question and was protesting the bid being awarded to RJ Landscaping. He stated that he understood that when one found a contractor that they liked, it was human nature to want to keep them and he provided an example of his having the same hairdresser for 30 years in private sector work. He stated that his bid was thousands of dollars less than RJ Landscaping's bid. He explained that his bid was allegedly rejected due to the fact that they did not list a crane operator in their bid submission. He stated that nowhere in the bid specifications or pre-bid meeting minutes was that specified as a requirement. He noted that whether or not it had been discussed at the pre-bid meeting, it was not on the record as it was not included in the pre-bid meeting minutes. He also noted that the pre-bid meeting was not mandatory.

Mr. Erwin stated that he had been doing this type of work since 1969 and had used cranes previously to install trees as well as loader and tree booms. He stated that he believed this job would be better served by using a loader, noting that he had a conflict of opinion with staff on that issue. He stated that he had reached out to many top industry professionals for their opinion on the subject, two of which held PhDs, and they concurred with him that a loader was perfectly acceptable for the job. He suggested he could schedule a teleconference with those individuals or other industry professionals. He stated that the bid documents stated that all subcontractors had to be e-verified. He asked the city to check to see if RJ Landscaping's boring contractor was e-verified at the time of the bid opening. He stated that he had requested a copy of RJ Landscaping's bid submission from Ms. McGuire but had not yet received it.

Mr. Erwin stated that his company's references were impeccable but noted that to date they had not been called. He stated that Green Construction Technologies had a 100% DOT contractor rating and held all state licenses. He noted that they had performed over 100 state road projects on roadways and that such work was their specialty. He stated that his company also participated in continuing education and held many certifications.

Mr. Erwin stated that since 2007 RJ Landscaping had received most, if not all, of the city's landscape work. He stated that in some occasions there were four bidders below RJ Landscaping who were rejected. He stated that in every case every bidder below RJ Landscaping was rejected and they received the project. He noted that he also had additional information that the Commission would appreciate he did not share at this time but could share with them later. He explained that he would be sharing that information with someone, however. He asked the Commission to provide oversight and investigate the issue as they had a difference of opinion. He noted that he knew that the Commission needed to back the city staff but asked them to consider the situation closely.

Mr. John Noble, City Engineer, stated that the bid specified the use of a crane.

Mayor Kelley stated that he understood from Mr. Erwin's remarks that the use of a crane was not specified in the bid.

Mr. Noble stated that in the bid form there was a place for subcontractors and crane was listed.

Ms. McGuire stated that information was included on page 12 of 162 of the bid specifications.

Mayor Kelley asked if the crane requirement was discussed at the pre-bid meeting.

Mr. Noble stated that it was discussed. He explained that the decision to reject the bid from Green Construction Technologies had nothing to do with their qualifications but had to do with being a responsive bidder. He noted that all bidders were on the same playing field. He explained that Green Construction Technologies' bid stated that they would not use a crane, noting that not using it presented an opportunity for cost savings to Green Construction Technologies. He noted that all of the other bidders indicated that they would use a crane. He explained that the reason the use of a crane was requested was because the work was being done in medians that did not have a curb and gutter and the work was being done during the rainy season where the ground would be soft. He further explained that a new irrigation system was located at the site 12 inches deep, and a loader would put 12 to 18 inch gauges in the median as it turned around in the

median, but a crane would be set and rotate from above. He stated that staff did not feel that a loader was the proper equipment to be used in this case.

Mayor Kelley stated that he agreed with Mr. Noble. He noted that there was a difference in the cost of landscaping.

Ms. McGuire stated that the irrigation was being paid for directly by the city.

Mayor Kelley stated that the cost savings to the city on the bid winner, RJ Landscaping, were substantial compared to the bid by Green Construction Technologies, noting that while Green Construction Technologies bid was lower overall, the portion paid by the city would be higher. He stated that he would follow staff's recommendation.

Ms. Joyce Shanahan, City Manager, clarified that the city received FDOT grant funds for the landscaping materials. She stated that the other costs, such as installation and irrigation, were the city's responsibility, noting that it was important to note when the irrigation cost was higher and the plant cost was lower.

Ms. McGuire stated that the decision on the bid award and staff's recommendation did not have to do with who was paying for what part but had to do with the non-responsiveness of the crane requirement.

Mr. Erwin stated that there was a line item on the bid documents for a crane operator. He explained that in that line item he put that his means and method was to use a front end loader. He stated that there was no place that specified that a crane had to be used. He asked if the crane would be set up in the median or in the roadway. He noted that the median was wide and he felt that the crane would have to set up in the soft material, which was why he thought a front end loader was a better idea.

Mayor Kelley stated that he was in agreement with staff. He noted that the conditions for using a crane were spelled out in the bid and he had to base his decision on that.

Commissioner Stowers stated that they heard a lot of the bid details and cost as well as the bidder's qualifications. He explained that something that was mentioned earlier that stuck with him was the apparent level of ambiguity in the bid documents regarding the crane details. He asked staff whether they had had other Request for Proposals (RFP) that included a page for a subcontractor where a respondent had submitted that they did not need that subcontractor. He noted that if there was confusion, even if the confusion was debatable, his inclination would be to re-bid the RFP, in the spirit of total transparency.

Mr. Noble stated that typically when they listed the type of subcontractors they wanted for a job it was because the subcontractors filled specific requirements staff had for the job. He stated that generally those were filled in but noted that if there were other subcontractors that the bidder wished to bring in they could list those, but they must list a subcontractor for the type of subcontractors that staff felt was necessary for the job.

Commissioner Boehm stated that the fact that someone else in the field disagreed with what staff required for the project did not change the fact that the bid made it clear what was supposed to be included. He explained that the fact that Green Construction Technologies thought there was a better way to do the project was not relevant. He noted that putting the project back out to bid would undermine the city's bidding process in every situation where someone wanted to claim there was an ambiguity. He stated that the bidder knew there was a crane required since he specified in his bid that he would instead rather use a boom or loader than a crane. He noted that was a difference of opinion but staff clearly requested certain requirements and the bidder chose not to accept it.

Mr. Noble noted that there was also a difference in cost.

Commissioner Boehm stated that Green Construction Technologies would have had a cost advantage by not using the crane. He stated that he thought that the process worked the way it was intended to.

Mr. Hayes stated that when staff wanted to seek an alternative bid they specifically sought that out and requested other ways to complete the work. He stated that it was very clear in the bid documents what was being requested and the proposers needed to submit that with their package.

**Commissioner Partington moved, seconded by Commissioner Boehm, to uphold staff's recommendation to deny Green Construction Technologies' Protest of the Granada Median Landscaping Bid Award.**

Commissioner Partington stated that the city's Landscape Architect indicated that using a crane minimized the disturbance of the existing Bahia grass medians and that a large loader would create ruts and require re-grading and sod replacement. He stated that he further said that a loader would need to maneuver within the medians while a crane would be along the inside lane of the road, utilizing a lane closure, noting that since they were approaching the summer months the medians would be soft from afternoon rains. He further stated that he had specified that using a crane allowed the tree to be turned to the preferred angle with consistency and no range of motion issues. He stated that the large loader and boom would not allow the trees to properly turn and set in a consistent manner with extensive maneuvering of the loader within the medians. He stated that using a large loader to handle and set the proposed trees could potentially damage the new irrigation system. He explained that based on those comments by the Landscape Architect, and the fact that the crane was specifically requested in the bid, he supported Ms. McGuire's recommendation.

Commissioner Partington stated that his heart was with Mr. Erwin, noting that he was a family member of someone who in years past had made bids to governments, been the low bidder, and not received the contract. He stated that he knew it was extremely frustrating for Mr. Erwin and noted that he was still angry about it happening to his father 20 years ago.

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

Item #11A – Granada Median Landscaping Bid Award

City Clerk Scott McKee read by title only:

RESOLUTION NO. 2014-98

A RESOLUTION ACCEPTING THE BID OF RJ LANDSCAPE CONTRACTORS, INC. FOR LANDSCAPING SERVICES REGARDING THE GRANADA MEDIAN LANDSCAPING – WEST OF I95 PROJECT (BID NO. 2014-12); REJECTING ALL OTHER BIDS; AUTHORIZING THE EXECUTION OF A CONTRACT BETWEEN THE CITY AND RJ LANDSCAPE CONTRACTORS, INC., AND PAYMENT THEREUNDER; AND SETTING FORTH AN EFFECTIVE DATE.

**Commissioner Boehm moved, seconded by Commissioner Partington, for approval of Resolution No. 2014-98, as read by title only.**

Mr. Chuck Wadro, 24 Brook Creek Way, stated that this project had been a long, five-year journey for him. He thanked the Commission and the city staff and administration for working on the project. He stated that he thought that everyone coming and going from west Interstate 95 would enjoy it.

Mayor Kelley stated that the Commission was happy that the project was moving forward to beautify the rest of the city.

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

Item #12 – Reports, Suggestions, Requests

Upcoming Meetings

Ms. Joyce Shanahan, City Manager, stated that the next City Commission meeting would be on July 29, 2014, at 7:00 p.m., with the Operating Budget Workshop being held prior to that meeting at 5:30 p.m.

### Independence Day

Ms. Shanahan stated that the Independence Day Celebration would be held on Friday, July 4, 2014, from 6:00 p.m. to 10:00 p.m. She stated that all four corners of the city by the Granada Bridge would have some sort of entertainment on them and a free shuttle would be offered.

### Movies on the Halifax

Ms. Shanahan stated that because Independence Day was on the first Friday of the month, there would be no movie for July. She stated that the next movie would be in August and would be *The Lego Movie*.

### US1 Interlocal Boundary Agreement

Commissioner Partington credited Mr. Hayes and Mr. Goss for all their hard work on US1. He stated that he also appreciated Commissioner Boehm's efforts pushing for it. He stated that he thought with the business community's involvement and the Commission's efforts were a great example of what could happen when they worked together.

### Movies on the Halifax

Commissioner Partington stated that he went to the showing of the movie *Frozen* on June 6, 2014. He stated that it was packed and all of the children knew every single word and many were dressed as the characters.

### Pedestrian Crossways

Commissioner Stowers thanked Ms. Shanahan for her quick work regarding pedestrian crossways on Ocean Shore North. He stated that he drove north the other day and saw the message sign facing south on the west side of Ocean Shore Boulevard before Neptune Avenue. He stated that he hoped to see that sign moved to the pedestrian crossing at Standish Avenue facing south, so that anyone traveling south would know that they needed to yield to pedestrians crossing at those two points.

### FPL Power Line Modifications

Commissioner Stowers stated that he had received a number of calls the past few days regarding power line modifications being down by Florida Power and Light (FPL) on Sanchez Avenue. He explained that before he returned those calls he took a drive out there to see it for himself. He encouraged each member of the Commission to also go out and look at it if they could. He explained that FPL was replacing the wooden poles with a concrete pole with transformers on the top. He noted that it was upsetting to him and he wanted to determine whether FPL could just do that anywhere they had an easement. He stated that if that was the case, then they needed to start talking about it and resisting that. He explained that he spoke to the FPL employee at the location and their response had been that the new pole was for better service in high winds. He noted that an alternative would be to underground the utilities and said that the employee had told him that was very expensive. He stated that he would prefer to be on the forefront of the issue and have a dialogue with FPL.

### Florida Georgia Line

Commissioner Boehm stated that Florida Georgia Line, a country music duo that included Mayor Kelley's son, Brian Kelley, won Duo of the Year for their song "Around Here" at the Country Music Television (CMT) Awards and Collaborative Video of the Year for "This Is How We Roll." He noted that their hit single "Cruise" was now in the past and they were continuing to win awards and recognition for their other songs.

### My Coast Magazine

Commissioner Boehm displayed a picture of the cover of My Coast Magazine, which featured Mayor Kelley along with other local mayors standing at a pole with direction signs denoting Ormond Beach two miles, Daytona Beach two miles, and more. He joked that the mayors must have a secret place they go to on the beach, as he would like to know the location on the beach that was two miles south of Ormond Beach and two miles north of Daytona Beach.

### Election

Commissioner Boehm noted that all members of the current Commission had qualified to run for re-election for their seats. He stated that he had truly enjoyed serving with the Commission and truly hoped to be serving with them again the next two years.

Community Gardens

Mayor Kelley stated that the City Commission was presented four weeks ago with a plant from the citizens working on the community gardens. He displayed a picture of his green pepper plant growing its first pepper. He stated that he thought that the community garden was a fantastic idea and noted that there was another meeting for the project upcoming.

Future Land Use Amendment

Mayor Kelley noted that Mr. Holub had said that Port Orange increased restaurant seats from 1,200 to 3,000 and that adding additional restaurants did not take away business from the already established ones. He noted that he believed that some of the projected data Mr. Goss used may not be accurate for the future.

City/County Meeting

Ms. Shanahan stated that during the Brainstorming Session Workshop earlier that evening the Commission had suggested that she coordinate with the county to set up a joint meeting. She asked the Commission if they were officially interested in pursuing that and if she should draft a letter for their signature.

Mayor Kelley confirmed with the Commission that they wished to do so. He suggested that the meeting would probably be sometime in August.

Local Grand Openings

Commissioner Boehm stated that the Emergency Communications Network (ECN) was having their ribbon cutting event on Thursday. He noted that was a significant business addition to Ormond Beach. He stated that S.R. Perrott would be having their ribbon cutting and grand opening on June 24, 2014, noting that their building was the largest one that had been built in Ormond Beach in a long time. He praised Economic Development Director Joe Mannarino for his efforts to keep those businesses in the city.

Chamber of Commerce

Mayor Kelley stated that Mr. Rick Fraser, Executive Director of Ormond Beach Chamber of Commerce, received calls from businesses asking him and Mayor Kelley to visit. He noted that most visits had favorable opinions of the city.

Item #13 – Adjournment

The meeting was adjourned at 9:23 p.m.

APPROVED: July 29, 2014

BY: \_\_\_\_\_  
Ed Kelley, Mayor

ATTEST:

\_\_\_\_\_  
J. Scott McKee, City Clerk