

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

July 29, 2014

7:00 p.m.

Commission Chambers

Present were: Mayor Ed Kelley, Commissioners James Stowers, Troy Kent, Rick Boehm, and Bill Partington, City Manager Joyce Shanahan, Assistant City Manager and Public Works Director 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. ADOPTION OF FY 2014-2015 PROPOSED MILLAGE RATES**
 - A. RESOLUTION NO. 2014-102** : A RESOLUTION ADOPTING PROPOSED MILLAGE RATES FOR THE 2014-2015 FISCAL YEAR; ESTABLISHING THE DATE, TIME AND PLACE FOR THE FIRST PUBLIC HEARING ON THE PROPOSED MILLAGE RATES AND THE TENTATIVE BUDGET; DIRECTING COMMUNICATION; EXPRESSING LEGISLATIVE INTENT; AND SETTING FORTH AN EFFECTIVE DATE.
Staff Contact: Kelly McGuire, Finance Director (386-676-3226)
- 5. PRESENTATIONS AND PROCLAMATIONS**
 - A. Korean War Veterans
 - B. Civil Air Patrol Certificate of Appreciation to M.A.C. Charter, Inc.
- 6. AUDIENCE REMARKS - REGARDING ITEMS NOT ON THE AGENDA**
- 7. APPROVAL OF MINUTES**
 - A. Minutes from City Commission meeting – June 17, 2014
 - B. Minutes from Special City Commission meeting – June 30, 2014
- 8. COMMUNITY REDEVELOPMENT AGENCY**
 - A. RESOLUTION NO. 2014-103** : A RESOLUTION OF THE CITY COMMISSION, ALSO ACTING AS THE COMMUNITY REDEVELOPMENT AGENCY, OF THE CITY OF ORMOND BEACH, FLORIDA, AUTHORIZING THE EXECUTION OF A BUILDING IMPROVEMENT GRANT AGREEMENT BETWEEN THE AGENCY AND DORJIM, LLC; AND SETTING FORTH AN EFFECTIVE DATE. **(SEE ITEM 9A)**
Staff Contact: Ric Goss, Planning Director (386-676-3238)
 - B. RESOLUTION NO. 2014-104** : A RESOLUTION OF THE CITY COMMISSION, ALSO ACTING AS THE COMMUNITY REDEVELOPMENT AGENCY, OF THE CITY OF ORMOND BEACH, FLORIDA, AUTHORIZING THE EXECUTION OF AN AGREEMENT BETWEEN THE CITY OF ORMOND BEACH AND FLORIDA POWER & LIGHT COMPANY FOR THE DOWNTOWN UNDERGROUND UTILITIES PROJECT IN THE DOWNTOWN MAINSTREET AREA; AND SETTING FORTH AN EFFECTIVE DATE. **(SEE ITEM 9B)**
Staff Contact: John Noble, City Engineer (386-676-3269)

- C. **RESOLUTION NO. 2014-105** : A RESOLUTION OF THE CITY COMMISSION, ALSO ACTING AS THE COMMUNITY REDEVELOPMENT AGENCY, OF THE CITY OF ORMOND BEACH, FLORIDA, ACCEPTING A PROPOSAL FROM ZEV COHEN & ASSOCIATES, INC. TO PROVIDE ENGINEERING DESIGN SERVICES REGARDING THE DOWNTOWN DRAINAGE MASTER PLAN, PHASE I; AUTHORIZING THE EXECUTION OF A WORK AUTHORIZATION THERETO; AND SETTING FORTH AN EFFECTIVE DATE. **(SEE ITEM 9C)**

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

9. 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. 2014-103** : A RESOLUTION OF THE CITY COMMISSION, ALSO ACTING AS THE COMMUNITY REDEVELOPMENT AGENCY, OF THE CITY OF ORMOND BEACH, FLORIDA, AUTHORIZING THE EXECUTION OF A BUILDING IMPROVEMENT GRANT AGREEMENT BETWEEN THE AGENCY AND DORJIM, LLC; AND SETTING FORTH AN EFFECTIVE DATE.

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

- B. **RESOLUTION NO. 2014-104** : A RESOLUTION OF THE CITY COMMISSION, ALSO ACTING AS THE COMMUNITY REDEVELOPMENT AGENCY, OF THE CITY OF ORMOND BEACH, FLORIDA, AUTHORIZING THE EXECUTION OF AN AGREEMENT BETWEEN THE CITY OF ORMOND BEACH AND FLORIDA POWER & LIGHT COMPANY FOR THE DOWNTOWN UNDERGROUND UTILITIES PROJECT IN THE DOWNTOWN MAINSTREET AREA; AND SETTING FORTH AN EFFECTIVE DATE.

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

- C. **RESOLUTION NO. 2014-105** : A RESOLUTION OF THE CITY COMMISSION, ALSO ACTING AS THE COMMUNITY REDEVELOPMENT AGENCY, OF THE CITY OF ORMOND BEACH, FLORIDA, ACCEPTING A PROPOSAL FROM ZEV COHEN & ASSOCIATES, INC. TO PROVIDE ENGINEERING DESIGN SERVICES REGARDING THE DOWNTOWN DRAINAGE MASTER PLAN, PHASE I; AUTHORIZING THE EXECUTION OF A WORK AUTHORIZATION THERETO; AND SETTING FORTH AN EFFECTIVE DATE.

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

- D. **RESOLUTION NO. 2014-106** : A RESOLUTION AUTHORIZING THE EXECUTION OF A MODIFICATION (NUMBER THREE) TO SUBGRANT AGREEMENT BETWEEN THE DIVISION OF EMERGENCY MANAGEMENT AND THE CITY REGARDING THE HAZARD MITIGATION GRANT PROGRAM FOR THE CENTRAL PARK DRAINAGE IMPROVEMENTS PROJECT; AND SETTING FORTH AN EFFECTIVE DATE.

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

- E. **RESOLUTION NO. 2014-107** : A RESOLUTION ACCEPTING A PROPOSAL FROM MARK DOWST & ASSOCIATES, INC. TO PROVIDE ENGINEERING SERVICES REGARDING THE ENVIRONMENTAL LEARNING CENTER; AUTHORIZING THE EXECUTION OF A WORK AUTHORIZATION THERETO; AND SETTING FORTH AN EFFECTIVE DATE.

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

- F. **RESOLUTION NO. 2014-108** : A RESOLUTION AUTHORIZING THE EXECUTION OF AN UNDERGROUND EASEMENT DEED IN FAVOR OF FLORIDA POWER & LIGHT COMPANY FOR THE INSTALLATION OF UNDERGROUND UTILITIES AT 1 SOUTH BEACH STREET; AND SETTING FORTH AN EFFECTIVE DATE.

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

- G. **RESOLUTION NO. 2014-109** : A RESOLUTION AUTHORIZING THE EXECUTION OF AN UNDERGROUND EASEMENT DEED IN FAVOR OF FLORIDA POWER & LIGHT COMPANY TO MODIFY THE LOCATION FOR THE INSTALLATION OF UNDERGROUND UTILITIES LOCATED AT 22 SOUTH BEACH STREET; AND SETTING FORTH AN EFFECTIVE DATE.

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

- H. **RESOLUTION NO. 2014-110** : A RESOLUTION AUTHORIZING THE EXECUTION OF AN UNDERGROUND EASEMENT DEED IN FAVOR OF FLORIDA POWER & LIGHT COMPANY TO MODIFY THE LOCATION FOR THE INSTALLATION OF UNDERGROUND UTILITIES LOCATED AT 156 NEW BRITAIN AVENUE; AND SETTING FORTH AN EFFECTIVE DATE.

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

- I. **RESOLUTION NO. 2014-111** : A RESOLUTION AUTHORIZING THE EXECUTION OF AN UNDERGROUND EASEMENT DEED IN FAVOR OF FLORIDA POWER & LIGHT COMPANY TO MODIFY THE LOCATION FOR THE INSTALLATION OF UNDERGROUND UTILITIES LOCATED AT 170 WEST GRANADA BOULEVARD; AND SETTING FORTH AN EFFECTIVE DATE.

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

- J. **RESOLUTION NO. 2014-112** : A RESOLUTION ACCEPTING A BID FROM KUT KWICK CORP. FOR THE PURCHASE OF A 2014 SLOPE MOWER, UNDER BID NO. 2014-21; AUTHORIZING THE APPROVAL AND EXECUTION OF A PURCHASE AUTHORIZATION (REQUISITION #0000011718); DECLARING CERTAIN EQUIPMENT TO BE SURPLUS PROPERTY, AND AUTHORIZING THE DISPOSITION THEREOF; REJECTING ALL OTHER BIDS; AND SETTING FORTH AN EFFECTIVE DATE.

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

- K. **RESOLUTION NO. 2014-113** : A RESOLUTION ACCEPTING A PROPOSAL FROM A.M. WEIGEL CONSTRUCTION, INC. TO PROVIDE ADDITIONAL CONSTRUCTION MANAGEMENT SERVICES REGARDING THE CONSTRUCTION OF A MULTI-USE BUILDING AT THE ORMOND BEACH SPORTS COMPLEX; AUTHORIZING THE EXECUTION OF A WORK AUTHORIZATION THERETO; AND SETTING FORTH AN EFFECTIVE DATE.

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

- L. **RESOLUTION NO. 2014-114** : A RESOLUTION AUTHORIZING THE EXECUTION OF A RELEASE AND SATISFACTION OF SPECIAL MASTER ADMINISTRATIVE FINE/LIEN FOR CODE VIOLATIONS ON PROPERTY LOCATED AT 723 BUENA VISTA AVENUE, ORMOND BEACH, VOLUSIA COUNTY, FLORIDA; AND SETTING FORTH AN EFFECTIVE DATE.

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

- M. **RESOLUTION NO. 2014-115** : A RESOLUTION PURSUANT TO SECTION 14-98, LIENS, OF THE CITY OF ORMOND BEACH CODE OF ORDINANCES AUTHORIZING THE IMPOSITION OF A LIEN AGAINST THE REAL PROPERTY OWNED BY WILLIAM VOGENITZ AND JUDY VOGENITZ LOCATED AT 30 CARRIAGE CREEK WAY, ORMOND BEACH, VOLUSIA COUNTY, FLORIDA (PARCEL ID NO. 4126-03- 00-0640) FOR COSTS INCURRED BY THE CITY TO TERMINATE OR ABATE A SITE MAINTENANCE VIOLATION; AND SETTING FORTH AN EFFECTIVE DATE.

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

- N. **RESOLUTION NO. 2014-116** : A RESOLUTION PURSUANT TO SECTION 14-98, LIENS, OF THE CITY OF ORMOND BEACH CODE OF ORDINANCES AUTHORIZING THE IMPOSITION OF A LIEN AGAINST THE REAL PROPERTY OWNED BY JOHN L. LILLY, SR. LOCATED AT 204 N. RIDGEWOOD AVENUE, ORMOND BEACH, VOLUSIA COUNTY, FLORIDA (PARCEL ID NO. 4215-01-01-0010) FOR COSTS INCURRED BY THE CITY TO TERMINATE OR ABATE A SITE MAINTENANCE VIOLATION; AND SETTING FORTH AN EFFECTIVE DATE.

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

- O. **RESOLUTION NO. 2014-117** : A RESOLUTION PURSUANT TO SECTION 14-98, LIENS, OF THE CITY OF ORMOND BEACH CODE OF ORDINANCES AUTHORIZING THE IMPOSITION OF A LIEN AGAINST THE REAL PROPERTY OWNED BY SCOTT T. VOGES LOCATED AT 448 S. RIDGEWOOD AVENUE, ORMOND BEACH, VOLUSIA COUNTY, FLORIDA (PARCEL ID NO. 4242-05-00-0010) FOR COSTS INCURRED BY THE CITY TO TERMINATE OR ABATE A SITE MAINTENANCE VIOLATION; AND SETTING FORTH AN EFFECTIVE DATE.

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

- P. **RESOLUTION NO. 2014-118** : A RESOLUTION PURSUANT TO SECTION 14-98, LIENS, OF THE CITY OF ORMOND BEACH CODE OF ORDINANCES AUTHORIZING THE IMPOSITION OF A LIEN AGAINST THE REAL PROPERTY OWNED BY JOHN WILLIAM BERGSTROM AND JOAN M. THATE LOCATED AT 503 LAKEBRIDGE DRIVE, ORMOND BEACH, VOLUSIA COUNTY, FLORIDA (PARCEL ID NO. 4216-04-00-0010) FOR COSTS INCURRED BY THE CITY TO TERMINATE OR ABATE A SITE MAINTENANCE VIOLATION; AND SETTING FORTH AN EFFECTIVE DATE.

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

- Q. **RESOLUTION NO. 2014-119** : A RESOLUTION AUTHORIZING THE SOLE SOURCE PROCUREMENT OF SERVICES FROM COMMUNITY CHAMPIONS PROPERTY CORPORATION REGARDING REGISTRATION OF ABANDONED REAL PROPERTY; AUTHORIZING THE EXECUTION OF AN AGREEMENT THEREFOR; AND SETTING FORTH AN EFFECTIVE DATE.

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

- R. **RESOLUTION NO. 2014-122** : A RESOLUTION AMENDING THE DATES AND TIMES FOR THE HOLDING OF REGULAR MEETINGS OF THE CITY COMMISSION OF THE CITY OF ORMOND BEACH, FLORIDA, FOR THE MONTH OF SEPTEMBER, 2014; PROVIDING FOR EXCEPTIONS THERETO; SETTING FORTH AN EFFECTIVE DATE.

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

- S. **RESOLUTION NO. 2014-123** : A RESOLUTION ACCEPTING A PROPOSAL TO PROVIDE SOLID WASTE, YARD WASTE, RECYCLING AND ROLLOFF COLLECTION AND DISPOSAL SERVICES FROM WASTE PRO OF FLORIDA, INC.; REJECTING ALL OTHER PROPOSALS; AUTHORIZING THE EXECUTION OF AN AGREEMENT AND ALL DOCUMENTS RELATIVE THERETO, INCLUDING A TRANSFER STATION LEASE AGREEMENT; AND SETTING FORTH AN EFFECTIVE DATE.
- Staff Contact:* Theodore MacLeod, Assistant City Manager (386-676-3200)
- T. **Approval of Travel for City Commission**
- Staff Contact:* Joyce Shanahan, City Manager (386-676-3200)
- Disposition:* Approve as recommended in the City Manager memorandum dated July 29, 2014.
- U. **Budget Status Report for January - March 2014**
- Staff Contact:* Kelly McGuire, Finance Director (386-676-3226)
- Disposition:* Approve as recommended in the City Manager memorandum dated July 29, 2014.
- V. **RFP Copier Lease Agreement**
- Staff Contact:* Kelly McGuire, Finance Director (386-676-3226)
- Disposition:* Approve as recommended in the City Manager memorandum dated July 29, 2014.
- W. **General Employee Uniform Rental and Cleaning Services**
- Staff Contact:* Theodore MacLeod, Assistant City Manager (386-676-3200)
- Disposition:* Approve as recommended in the City Manager memorandum dated July 29, 2014.
- X. **Obstruction Clearing Project at the Ormond Beach Municipal Airport**
- Staff Contact:* Joe Mannarino, Economic Development Director (386-676-3266)
- Disposition:* Approve as recommended in the City Manager memorandum dated July 29, 2014.
- Y. **Nova Road Landfill Groundwater Monitoring Requirements**
- Staff Contact:* John Noble, City Engineer (386-676-3269)
- Disposition:* Approve as recommended in the City Manager memorandum dated July 29, 2014.
- Z. **2014 Ormond Crossing Annual Report**
- Staff Contact:* Ric Goss, Planning Director (386-676-3238)
- Disposition:* Approve as recommended in the City Manager memorandum dated July 29, 2014.
- AA. **Notification of Possible Entitlement Status - Community Development Block Grant Program FY 2015**
- Staff Contact:* Loretta Moio, Grants Coordinator/PIO (386-676-3315)
- Disposition:* Approve as recommended in the City Manager memorandum dated July 29, 2014.

10. PUBLIC HEARINGS

- A. **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. **(SECOND READING)**

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

- B. **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. **(SECOND READING)**

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

- C. **ORDINANCE NO. 2014-29** : AN ORDINANCE AMENDING CHAPTER 2, DISTRICT AND GENERAL REGULATIONS, OF ARTICLE II, DISTRICT REGULATIONS, SECTION 2-19.B.2., R-6, MULTI-FAMILY MEDIUM-HIGH DENSITY, TO INCREASE THE REQUIRED MULTI-FAMILY DENSITY (UNITS PER ACRE) TO 32, AND SECTION 2-19.B.3, R-6, MULTI-FAMILY MEDIUM-HIGH DENSITY TO INCREASE THE REQUIRED MAXIMUM BUILDING HEIGHT TO 75 FEET; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; PROVIDING FOR SEVERABILITY; AND SETTING FORTH AN EFFECTIVE DATE.

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

- D. **RESOLUTION NO. 2014-120** : A RESOLUTION APPROVING THE INTERLOCAL AGREEMENT FOR CREATION OF THE METROPOLITAN PLANNING ORGANIZATION (AKA RIVER TO SEA TRANSPORTATION PLANNING ORGANIZATION); AUTHORIZING THE EXECUTION AND RECORDATION OF THE AGREEMENT THERETO; AND SETTING FORTH AN EFFECTIVE DATE.

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

- E. **RESOLUTION NO. 2014-121** : A RESOLUTION APPROVING THE INTERGOVERNMENTAL COORDINATION AND REVIEW AND PUBLIC TRANSPORTATION COORDINATION JOINT PARTICIPATION AGREEMENT BETWEEN THE FLORIDA DEPARTMENT OF TRANSPORTATION, THE RIVER TO SEA TRANSPORTATION PLANNING ORGANIZATION, THE EAST CENTRAL FLORIDA REGIONAL PLANNING COUNCIL, THE NORTHEAST REGIONAL PLANNING COUNCIL, THE COUNTIES OF VOLUSIA AND FLAGLER AND THE CITIES WITH AUTHORITY FOR PUBLIC TRANSPORTATION; AUTHORIZING THE EXECUTION AND RECORDATION OF THE AGREEMENT THERETO; AND SETTING FORTH AN EFFECTIVE DATE.

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

11. 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. **(REPEATED FIRST READING)**

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

12. SECOND READING OF ORDINANCES

- A. **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. **(SECOND READING)**

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

13. REPORTS, SUGGESTIONS, REQUESTS

14. ADJOURNMENT

Item #1 – Meeting Call to Order

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

Item #2 – Invocation

Pastor Reginald Johnson, Historic New Bethel A.M.E. Church, gave the invocation.

The Civil Air Patrol Cadet Color Guard posted the colors.

Item #3 – Pledge of Allegiance

Mayor Kelley led the Pledge of Allegiance.

Item #4A – Adoption of FY 2014-15 Proposed Millage Rates

City Clerk Scott McKee read by title only:

RESOLUTION NO. 2014-102

A RESOLUTION ADOPTING PROPOSED MILLAGE RATES FOR THE 2014-2015 FISCAL YEAR; ESTABLISHING THE DATE, TIME AND PLACE FOR THE FIRST PUBLIC HEARING ON THE PROPOSED MILLAGE RATES AND THE TENTATIVE BUDGET; DIRECTING COMMUNICATION;

EXPRESSING LEGISLATIVE INTENT; AND SETTING FORTH AN EFFECTIVE DATE.

Mayor Kelley stated that per Florida Statute, he was required to state that the tentative millage rate for the City of Ormond Beach necessary to fund the FY 2014-2015 budget was 4.1181 mills. He stated that this rate was 4.10% above the rolled back rate of 3.9559 mills. He stated that the tentative debt service millage rates were 0.1072 for the 2002 General Obligation Bond Sinking Fund, 0.0450 for the 2003 General Obligation Bond Sinking Fund, and 0.1357 for the 2010 General Obligation Bond Sinking Fund.

Mayor Kelley opened the public hearing. He asked if any members of the public wished to speak or ask questions prior to the adoption of the tentative millage rate. He noted that no audience members requested to speak.

Commissioner Boehm moved, seconded by Commissioner Kent, for approval of Resolution No. 2014-102, as read by title only.

Mayor Kelley stated that the tentative operating millage rate for the City of Ormond Beach of 4.1181 mills was 4.10% above the rolled back rate of 3.9559 mills. He stated that the resolution also included the adoption of the tentative debt service millage rates were 0.1072 for the 2002 General Obligation Bond Sinking Fund, 0.0450 for the 2003 General Obligation Bond Sinking Fund, and 0.1357 for the 2010 General Obligation Bond Sinking Fund.

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

Mayor Kelley stated that the tentative operating millage rate was set at 4.1181 mills, which was 4.10% above the rolled back millage rate of 3.9559 mills.

Item #5A – Korean War Veterans

Mayor Kelley spoke about the courage and sacrifice of Korean War Veterans and how it enabled the Republic of Korea to flourish and grow as a strong nation. He explained that tens of thousands of our nation's service members lost their lives, and many more were wounded, declared missing in action or taken as prisoners of war during the Korean War; which was also sometimes called the "Forgotten War." He stated that the Korean War Veterans' legacy lived on six decades later. He noted that that legacy belonged to the service members who fought for freedom 60 years ago and the men and women who preserved it today.

Mayor Kelley stated that respect, gratitude, and appreciation should be shown to those men and women who willingly served for our freedom. He proclaimed July 29, 2014, as a day to celebrate the city's Korean War Veterans and urged all residents to support the observance of this special day as a patriotic and heartfelt remembrance of all those who served and died for our country during the Korean War.

Mayor Kelley read the names of the Korean War Veterans being honored:

Donald Acer Jr.	Joseph Attara
Robert Balsamo	Rosario Barilla
Herbert Beauchemin	King David Beckton
Joseph Bello	Joseph R. Blais, Jr.
David N. Boatner	James Bockoven
Don Bookmyer	William H. Booth
Gerald Botts	Ronald Brandt
Charles Browder	George Brown
Robert Brownrigg	Phillip H. Burroughs
David Butterfield	Joseph L. Cahill, Jr.
Tom Cannariato	Gerald Carduner
Donald R. Casey	Vincent D. Cerreto
Demetrios Coidakis	Raymond E. Comeau
Charles Cook	Richard T. Crum
Dudley P. Culpepper	Paul T. Custer
Roy A. DeBolt	Carl Del Negro

Michael Demchak
George Dokes
Robert Doran
Lloyd Eddy
Tony Esposito
Robert J. Flinten
Peter Furek
Bruce W. Gershaw
Wayne Godfrey
Eugene R. Hahn
William D. Harrison
Robert Charles Heath
William L. Herndon
Donald S. Hillegas
Roland J. Jacques
Bernard Jones
Samuel N. Jones
John W. King
Daniel S. Koporec
Clayton Krugman
Robert Paul LeBlanc
Webster Lingle
Douglas F. Loguidice
John R. Longden
Leland L. Marsh
Augustus Minardi
Willie Moore, Jr.
Roy Muddiman
Richard Nace
Jack E. Newman
Donald Read Olmstead
John G. Pasterjak
Vincent Petri
Frank J. Pezzimenti
Burton Ramsay
Clarence Repman
Ronald Sablick
Sol Sashin
Peter Sciotto
Michael Seese
Thomas Sherman
John E. Smarkusky
Reid E. Smith, Jr.
Walter P. Stahlin
Clyde Stockholm
Robert Swierski
John A. Tancredi
Theodore Toliver
Ronald Trout
Jim Utley
Jay Van Rhee
John Visneski
Thomas C. Warner, Jr.
David White
David Williams

Ludwig Doerrler
James Donovan
Walter Eaton
Donald G. Ellis
Eric Evans
Edward Flynn
Elmer Geraldts
Maurice Gluck
Richard M. Grunwald
Donald R. Hamelin
Conrad A. Hazen
William L. Helmintoller
James Glenn Hiemanz
Fred Huerkamp
Karl H. Janssen
Donald E. Jones
John Jutzi
John T. Knudsen
Jack H. Kromer
William Larson
Arthur LeViness
Fred Loeser
Eugene J. Lommen
Guerrino V. Lucas
Fred Meredith
John Mitchell
Willie Moore, Jr.
Daniel Murray
Dean Nelson
Gerald F. O'Dwyer
Donald Papier
Lawrence Pastor
Thomas W. Pettit
Joseph A. Prince
Rex Rawlins
Charles Route
Gerald Sands
William Scheidegger
Elbert Earl Scott, Jr.
Mark Sexton
Joseph Sinex, M.D.
Earl L. Smith
Warren O. Soehren
John W. Steiner
Charles L. Studer
James Rolland Tait
Alfred Teague
Al Trachtman
Robert Tuttle
Edward Valerga
Joseph Vining
Joseph Volenec
John Washington
James A. White
Robert Wimmer

Mayor Kelley recessed the City Commission meeting at 7:23 p.m. so that the Korean War Veterans honored could exit the Commission Chambers and receive their individual certificates in the atrium.

Mayor Kelley reconvened the City Commission meeting at 7:35 p.m.

Item #5B – Civil Air Patrol Certificate of Appreciation to M.A.C. Charter, Inc.

Lieutenant Colonel Joe Wisniewski, Squadron Commander for Ormond Beach Civil Air Patrol Composite Squadron, stated that the Civil Air Patrol wanted to recognize M.A.C. Charter, Inc., which was an organization that leased hangars at the Ormond Beach Airport. He explained that the Civil Air Patrol had expensive aircraft which were housed

in hangars at the Airport by M.A.C. Charter at no charge. He stated that recently an Air Force General took a distinguished visitor's flight in the aircraft and commented that it was the best aircraft he had seen in the organization. He noted that was attributable to the fact that the aircraft stayed in a hangar and was well maintained. He stated that they wanted to recognize M.A.C. Charter, Inc., for their generous contribution and also noted how proud the Civil Air Patrol members were to be in the Commission Chambers this evening with all of the Korean War heroes.

Lieutenant Colonel Roger Helton, Director of Operations for Group Two Civil Air Patrol, presented a certificate of appreciation to M.A.C Charter, Inc., and read a proclamation of appreciation in recognition of the outstanding and uncompromised support of the Ormond Beach Composite Squadron and the Florida Wing of the Civil Air Patrol.

Item #6 – Audience Remarks

Mr. Jim Cameron, Vice President of Government Relations, Daytona Beach Regional Chamber of Commerce, stated that he wished to speak about Volusia County Schools. He stated that there were 61,000 students in the school system and 31,000 computers in the classroom. He noted that 41% of those computers were obsolete. He stated that budgets were tight. He explained that groups such as CEO Business Alliance and Team Volusia had stated that one of the first questions they were asked by prospects was the quality of the local school system. He noted that Economic Development Director Joe Mannarino would also say that it was very competitive to try and bring a new business to the area. He stated that tomorrow's workers could not be taught with out-of-date equipment any longer.

Mr. Cameron invited the City Commission and anyone in the audience to a program being held on Thursday, July 31, 2014, called "Connect the Dots: The Importance of Technology in the Classroom," which would be held from 9:00 a.m. to 1:30 p.m. at Embry-Riddle Aeronautical University Welcome Center. He noted that several presentations would be made regarding the need to teach students with current day technology. He stated that he had several complimentary tickets available and had left them with the City Clerk, if anyone was interested. He stated that the keynote speaker for the event would be Hyatt Brown, who would discuss why education needed to be linked with economic development. He explained that the event was sponsored by the Volusia Tech Council, noting that one of the committee members was Information Technology Director Ned Huhta.

Mayor Kelley noted that he was going to mention that Mr. Huhta would be in attendance. He stated that he believed that the Commission had all received notices of the event.

Ms. Irene Todora, 340 Cumberland Avenue, stated that she had sent an email with an attached letter to each member of the Commission on June 12, 2014. She noted that Mayor Kelley was the only one who replied to her and she thanked him. She stated that since she sent that email her flooding issues had intensified. She explained that she had lived in her home for 33 years and that her neighborhood was classified as a Class I wetland as per Environmental Consultant Shannon Julien. She stated that there was a Federal Emergency Management Agency (FEMA) elevated home located next door to her home and Putnam Avenue had a home on it which was built on sticks. She explained that those homes should clearly emphasize that both FEMA and the City of Ormond Beach had identified her neighborhood as a flood zone.

Ms. Todora stated that in 2004, after hurricanes hit the area, a FEMA representative named Mr. Dave Jackson came to her home and saw the flooding in her home and in the surrounding area, which led him to suggest that the City of Ormond Beach should apply for a seawall grant. She stated that Mr. Jackson had told her that seawalls had saved entire neighborhoods and were used to prevent future flooding. She explained that on November 12, 2004, Mr. Doug Gutierrez, who was at the time the Senior Planner for the City of Ormond Beach, applied for a grant for a seawall, but he submitted the application too late. She noted that she believed the Commission would agree that a seawall would be good for that neighborhood. She stated that all of the Ormond Beach elevation views showed that there was a canal in her backyard. She noted that in 2003 and 2004 the city permitted construction of three new homes and fill dirt was brought in to elevate those homes. She explained that this reduced the area from which stormwater would drain and altered the tidal flow. She stated that it was vital that those canals be dredged enough so that they would work again.

Ms. Todora stated that it had been suggested that the city check the original flood plans in their neighborhood from the Army Corps of Engineers. She stated that the aerial photographs provided to her by the city also showed that other blocks in the neighborhood had a working canal or retention pond which protected them from flooding. She noted that currently her immediate neighborhood had neither a seawall, retention pond, or canal. She stated that the neighbors across the street from her had both a seawall and a retention pond and therefore had no flooding issues. She stated that in 2010 another resident, Mr. Whitley, at 351 Cumberland Avenue, was given a FEMA grant to elevate his home. She stated that the City of Ormond Beach also approved the elevation of his in-ground pool and backyard with fill dirt. She noted that since that work was performed her flooding issues had intensified. She stated that FEMA's goal was to assist a homeowner with flooding but not if it adversely affected the neighbors.

Mr. Frank Todora, 1 Oceans West Boulevard, stated that after the 2004 storms a neighbor on Putnam Avenue had three to four feet of water in his home. He noted that while that did not occur on their property, it demonstrated that the flood zone in the area was a significant problem. He stated that their neighbor, Mr. Whitley, did not want a seawall in the past, even though FEMA had told them that the seawall would save the neighborhood. He noted that he believed Mr. Whitley did not want a seawall because he built two docks on his property without any permits from the city. He stated that on March 17, 2009, Ms. Todora had a meeting with City Manager Joyce Shanahan. He noted that Ms. Shanahan was made aware of Mr. Whitley's illegal docks at that meeting. He stated that Ms. Todora and Ms. Shanahan also discussed seawalls. He explained that Ms. Todora had spoken about Mr. Gutierrez applying for a grant for a seawall past the deadline. He stated that on March 18, 2009, Ms. Shanahan sent Ms. Todora an email and he read an excerpt as follows:

"Is it possible to construct a seawall in their neighborhood via FEMA dollars to prevent future flooding? The design of the seawall would have to be high enough to prevent the water from flooding the properties; this in turn may block the view from the properties to the water. It is possible that the value of the properties fronting the water could be negatively affected because of the view being blocked."

Mr. Todora asked about Ms. Todora's property and stated that its value was going down. He stated that Ms. Todora emailed Planning Director Ric Goss on July 22, 2014, and told him that her backyard was so wet and soggy she could not even mow her lawn and noted that Mr. Whitley mowed his lawn the next morning with no problem at all. He stated that this was due to the city allowing him to raise the level of his property. He stated that on May 2, 2014, Bryant Pools came by to give a bid on all of the cracks and damage sustained by the swimming pool and pool area. He stated that they were told there was no way to fix the cracks, which were caused by the ground shifting. He stated that Ms. Todora had called six other companies since, all of which declined to do the repairs. He stated that Ms. Todora's backyard had constant standing water and her soil was washing away. He noted that it looked like her property was sinking. He stated that something needed to be done so that Ms. Todora's property value did not go down any further. He stated that Mr. Whitley had his home, pool, and backyard raised and that the city took care of him. He stated that it was time for the city to take care of Ms. Todora, her property, and the neighborhood, as well.

Commissioner Kent stated that some statements being made, such as "the city took care of him" were not necessarily accurate. He confirmed with Ms. Shanahan that Mr. Whitley applied through FEMA for his property renovations. He stated that Mr. Whitley spent a tremendous amount of his own money, not the city's money, for the changes made to his property. He noted that he had wished to clarify that since it was being implied that the city was helping one homeowner and not another.

Mr. Steve Berdeguez, 340 Cumberland Avenue, stated that he grew up in Ormond Beach and thanked the Commission for all of their hard work. He noted that he lived on Cumberland Avenue with his parents when there were dirt roads there. He stated that the mosquitoes were terrible in that area and there needed to be a seawall and some dredging done. He asked the Commission to please help them in that area.

Mayor Kelley stated that he knew that Ms. Shanahan had looked into the issue and would continue to assess what, if anything, could be done. He noted that mosquitoes were handled by Volusia County.

Ms. Shanahan stated that they could certainly contact Volusia County. She noted that the city had worked for the last five years on the flooding issue. She explained that the city's permitting department would not allow a home to be permitted that would flood onto another person's property as it was against code to do so. She further explained that Mr. Whitley's property was approved and he spent some \$200,000 of his own money to elevate his home because he had a repetitive loss. She noted that similar grants were available for other residents, as well, but they had to put up their share of the cost of those funds. She stated that the city had previous mediation with Ms. Todora and she was not sure what else could be done, but she noted that she would be happy to meet with her again.

Mr. Paul Duncan, 385 Kings Road, stated that he was not there to argue again about who owned the water behind his home because he knew that he did and he would prove it on another day. He stated that six months ago he returned home after being away on the road for ten weeks. He explained that he had a 22-foot sailboat behind his home on the lake and someone had removed the lock off the cabin and left the hatch open so that water went in it and caused it to sink. He stated that all of the boat's contents as well as the battery were stolen. He noted that he had to pump the water out and get the boat back to floating condition. He stated that the boat had been anchored there ever since. He stated that on Saturday his niece told him that his dog was outside crying and he told her to ignore it since the dog was not allowed inside. He stated that he later went outside to find that one of his dogs had been poisoned and he had to shoot it.

Mr. Duncan stated that his niece later went down to the lake and called him to tell him that his sailboat was missing. He noted that he called the Ormond Beach Police Department and an officer came out and took his report. He stated that he put his canoe in the water and toured the perimeter of all five of the Central Park lakes that the city had recently connected. He stated that there was no sign of where the boat left the lake. He explained that the only place it could have left was on the boat ramp at the lake on Fleming Avenue. He noted that was the only place a 22-foot sailboat could be pulled out of the water. He explained that he had warned the city that if they connected the lake behind his home into the other lakes that they would be opening him to thefts occurring on his property and now it had happened. He stated that he was making the city responsible for the theft of that boat and that they would repay him or he would sue. He noted that he did not believe the boat would be found and returned. He explained that he wanted either the boat back or the money for it.

Items #7A and 7B – Approval of Minutes

Mayor Kelley advised that the minutes of the June 17, 2014, regular meeting and the June 30, 2014, special 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 #8 – Community Redevelopment Agency

Mayor Kelley explained that the City Commission served as the Community Redevelopment Agency (CRA) for the Downtown Redevelopment Area, and as such, must review related items and make a recommendation as the CRA prior to the City Commission public hearing; therefore, the City Commission meeting would be recessed, and a meeting of the Community Redevelopment Agency convened. He explained that once the recommendation was made, the CRA meeting would be adjourned and the City Commission meeting reconvened.

Mayor Kelley recessed the City Commission meeting, and called the meeting of the Community Redevelopment Agency to order at 8:00 p.m. for discussion of Resolution Nos. 2014-103, 2014-104 and 2014-105. He opened the items for a public hearing.

Item #8A – Building Improvement Grant Agreement

City Clerk Scott McKee read by title only:

RESOLUTION NO. 2014-103

A RESOLUTION OF THE CITY COMMISSION, ALSO ACTING AS THE COMMUNITY REDEVELOPMENT AGENCY, OF THE CITY OF ORMOND BEACH, FLORIDA, AUTHORIZING THE EXECUTION OF A BUILDING

IMPROVEMENT GRANT AGREEMENT BETWEEN THE AGENCY AND DORJIM, LLC; AND SETTING FORTH AN EFFECTIVE DATE.

Commissioner Kent moved, seconded by Commissioner Boehm, for approval of Resolution No. 2014-103, as read by title only.

The motion passed by voice vote.

Item #8B – Downtown Underground Utilities Agreement with FPL

City Clerk Scott McKee read by title only:

RESOLUTION NO. 2014-104

A RESOLUTION OF THE CITY COMMISSION, ALSO ACTING AS THE COMMUNITY REDEVELOPMENT AGENCY, OF THE CITY OF ORMOND BEACH, FLORIDA, AUTHORIZING THE EXECUTION OF AN AGREEMENT BETWEEN THE CITY OF ORMOND BEACH AND FLORIDA POWER & LIGHT COMPANY FOR THE DOWNTOWN UNDERGROUND UTILITIES PROJECT IN THE DOWNTOWN MAINSTREET AREA; AND SETTING FORTH AN EFFECTIVE DATE.

Commissioner Kent moved, seconded by Commissioner Boehm, for approval of Resolution No. 2014-103, as read by title only.

The motion passed by voice vote.

Item #8C – Downtown Drainage Master Plan Design Services

City Clerk Scott McKee read by title only:

RESOLUTION NO. 2014-105

A RESOLUTION OF THE CITY COMMISSION, ALSO ACTING AS THE COMMUNITY REDEVELOPMENT AGENCY, OF THE CITY OF ORMOND BEACH, FLORIDA, ACCEPTING A PROPOSAL FROM ZEV COHEN & ASSOCIATES, INC. TO PROVIDE ENGINEERING DESIGN SERVICES REGARDING THE DOWNTOWN DRAINAGE MASTER PLAN, PHASE I; AUTHORIZING THE EXECUTION OF A WORK AUTHORIZATION THERETO; AND SETTING FORTH AN EFFECTIVE DATE.

Commissioner Boehm moved, seconded by Commissioner Partington, for approval of Resolution No. 2014-105, as read by title only.

The motion passed by voice vote.

Mayor Kelley closed the public hearing, adjourned the CRA Meeting, and reconvened the City Commission Meeting at 8:02 p.m.

Item #9– 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.

Mayor Kelley noted that some audience members had requested that item 9Q be pulled from the Consent Agenda.

Commissioner Partington moved, seconded by Commissioner Kent, for approval of the Consent Agenda absent item 9Q.

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

Item #9Q – Abandoned Property Registry Agreement with Community Champions Property Corporation

City Clerk Scott McKee read by title only:

RESOLUTION NO. 2014-119
A RESOLUTION AUTHORIZING THE SOLE SOURCE PROCUREMENT
OF SERVICES FROM COMMUNITY CHAMPIONS PROPERTY
CORPORATION REGARDING REGISTRATION OF ABANDONED REAL
PROPERTY; AUTHORIZING THE EXECUTION OF AN AGREEMENT
THEREFOR; AND SETTING FORTH AN EFFECTIVE DATE.

Commissioner Partington moved, seconded by Commissioner Kent, for approval of Resolution No. 2014-119, as read by title only.

Mr. Nick Henny, 8 Circle Oaks Trail, stated that he had been involved with the Citizens for Ormond Beach (CFOB) civic organization for a few months and had an interest in the vacant property issue. He opined that the vacant property issue did not have to do with the absence of a list of all of the vacant properties and did not have to do with the issue of the number of the properties. He explained that he felt that the issue was with a fraction of those properties that were falling apart and blighting the neighborhoods.

Mayor Kelley clarified that the item presently on the agenda involved awarding a contract to a company to maintain the registry of abandoned properties. He asked Mr. Henny if he was opposed to that. He noted that this item was not to discuss the general issue of vacant homes and noted that there had been workshops and presentations regarding that issue at other meetings. He clarified that audience remarks during an agenda item needed to be kept pertinent to the actual item that would be voted on.

Mr. Henny stated that a fraction of the vacant homes were the issue; whereby, Mayor Kelley agreed.

Mr. Henny stated that those homes remained a problem because the city's codes were not adequate.

Mayor Kelley stated that was not the issue presently being discussed on the agenda.

Mr. Henny stated that he was discussing priorities.

Mayor Kelley explained that any comments that audience members wished to make which were not about items on the printed agenda should be made during the audience remarks section of the agenda. He reiterated that this agenda item was to contract out the monitoring and registration of abandoned properties.

Mr. Henny stated that he believed that the \$30,000 could be better spent on enforcing codes which were not currently in effect and in creating those codes.

Ms. Liz Myers, 35 Banyan Drive, waived her request to speak.

Ms. Rita Press, 875 Wilmette Avenue, stated that if the question was whether she thought this was the best way to spend the money and should Neighborhood Improvement Division Manager Joanne Naumann make the decision regarding what was best for her department, she would say yes, that Ms. Naumann did know what was best for her department. She noted that there were currently 300 homes on the abandoned property registry list. She asked if that meant when the homes re-registered, noting that she felt many would re-register, that Community Champions Property Corporation ("CCC") would receive \$100 for each of those homes, totaling \$30,000.

Mayor Kelley stated that he would make sure they answered that question in their discussion.

Ms. Press stated that when she looked online she saw that not every city was paying \$100 to CCC. She noted a city paying less and asked if the fee being assessed was the best rate it could be. She stated that CFOB had recommended to increase the registry fee and was pleased that it was being done by ordinance later that evening. She stated that their thought was that increasing the fee would generate more revenue for the city and allow for the hiring of an employee to address the issue in the field. She stated that improving the registry was fine, but it did not put any boots on the ground where they were needed. She stated that she hoped that this would not be either or and that by putting these funds into the CCC source it would not mean that there would never be a

part-time worker hired who could be doing some of the work in-house and also be able to go out to the homes and inspect them.

Mayor Kelley stated that he believed that Ms. Naumann had indicated that the time that would be freed up by not handling the registration would allow for her staff to be more proactive in the field. He stated that the increase in the registration fee and contracting out the registry services would give the city more control, faster reaction time, and cause less strain on the Neighborhood Improvement Division. He stated that he thought that there would be additional time for current staff members to address some of those issues if the registry was being handled by CCC.

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

Item #10 – Public Hearings

Mayor Kelley opened the public hearings.

Item #10A – 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.

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

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

Item #10B – 1287 and 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.

Commissioner Partington moved, seconded by Commissioner Stowers, for approval of Ordinance No. 2014-26, on second reading, as read by title only.

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

Item #10C – LDC Amendment R-6 Density and Height

City Clerk Scott McKee read by title only:

ORDINANCE NO. 2014-29

AN ORDINANCE AMENDING CHAPTER 2, DISTRICT AND GENERAL REGULATIONS, OF ARTICLE II, DISTRICT REGULATIONS, SECTION 2-19.B.2., R-6, MULTI-FAMILY MEDIUM-HIGH DENSITY, TO INCREASE THE REQUIRED MULTI-FAMILY DENSITY (UNITS PER ACRE) TO 32, AND SECTION 2-19.B.3, R-6, MULTI-FAMILY MEDIUM-HIGH DENSITY TO INCREASE THE REQUIRED MAXIMUM BUILDING HEIGHT TO 75 FEET; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; PROVIDING FOR SEVERABILITY; AND SETTING FORTH AN EFFECTIVE DATE.

Mr. Ric Goss, Planning Director, stated that this application was filed by Mr. Martin Wahl on behalf of the Tomoka Oakwood Condominium Home Owners' Association (HOA) at 640 North Nova Road. He explained that the development was developed in 1971 under the auspices of the 1956 ordinance and at the time was conforming as developed at under 30 units an acre and allowed to be up to 75 feet in height. He further explained that in 1978 a code amendment was made which reduced the height to 30 feet and the density to 12 units, which made the condominium non-conforming. He stated that not only 640 North Nova Road was affected but that there were ten other developments that were non-conforming as a result of that 1978 change. He stated that three amendments were filed by the HOA and the one presently on the agenda was to change the dimensional standards for the R6 designation. He noted that R6 was the highest density residential designation in the city. He explained that the change would be from 12 units an acre to 32 units an acre and change the height from 30 feet to 75 feet.

Mr. Goss explained that once this amendment was approved a land use and zoning change would be brought back for approval, as well. He stated that the land use would go from medium density residential to high density residential and the zoning would go from R5 to R6. He stated that this would enable this development to be conforming, along with the other affected developments in the city. He noted that two other developments under R6 would not be conforming, one on South Atlantic Avenue and one on North Beach Street, noting that they would both be a little over density. He stated that staff recommended approval.

Mayor Kelley noted that there was a full discussion about this issue at a prior meeting.

Commissioner Boehm moved, seconded by Commissioner Partington, for approval of Ordinance No. 2014-29, on first reading, as read by title only.

Ms. Marilyn Picerno, 640 North Nova Road, stated that she had lived in the condominiums for 13 years. She explained that last year her husband became ill and she wanted to move, but they discovered that their buyer could not get a mortgage because the structure was nonconforming. She noted that she was the person who did not sell her condominium last year.

Mayor Kelley noted that Ms. Picerno was the one who was helping them to solve the problem.

Mayor Kelley closed the public hearing without objection.

Item #11A – 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 noted that he had a PowerPoint Presentation prepared with regards to the map for Interlocal Service Boundary Agreement and that the City Commission had received a copy of it. He stated that he did not have to go through the presentation unless it was the desire of the Commission for him to do so.

Mayor Kelley stated that the Commission had seen the presentation document that was sent to them and confirmed with the Commission that they did not need to see the presentation.

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

Mr. Randy Hayes, City Attorney, clarified that the city intended to grandfather in those permanent businesses that were actively engaged in business on a continuous basis. He requested that the Commission add by amendment the words “being actively engaged in” within the definition of primary business use.

Commissioner Partington amended his motion to include the words “being actively engaged in” within the definition of primary business use and moved, seconded by Commissioner Boehm, for approval of Ordinance No. 2014-27, on repeated first reading, as read by title only.

Mr. Bill Kurras, 1090 N US1, stated that he owned property in the North US1 area. He stated that he had owned the property through the early 1970s and lived there since then. He explained that he owned property on the east side of US1 at 1077 N US1 as well, the side being discussed, and had also owned that property since the 1970s. He stated that he, and other business and property owners, were not in favor of the agreement. He explained that they did not need any more regulations and had survived under the jurisdiction of Volusia County and they would like to stay that way.

Mr. Jerald Thompson, 1090 N US1, thanked the City Commission for their recognition of the Korean War Veterans earlier that evening. He noted he was a veteran himself. He explained that he owned a business on US1 that was very active with bike activities and had also owned his property since the 1970s. He stated that they put a lot of effort and money into his business, which served as his retirement, and he was strongly against the city trying to prevent biking activity in that area. He stated that bike activities brought a lot of revenue into the area and limiting bike activities would drive bikers’ business elsewhere. He stated that he was strongly against the city annexing in that corridor, if their purpose was to eliminate bike events.

Ms. Peggy Farmer, 1080 N US1, stated that she belonged to the North US1 Coalition of Ormond Beach, which consisted of 25 to 30 business owners and those interested in the North US1 area. She stated that the coalition supported the Commission’s effort to have the Interlocal agreement with the county and felt it was a necessary step to starting a beautification effort in that area. She stated that it was past due since that area was a gateway into the city. She noted that if you put the Ocean Center into your GPS coming from the north you would be told to get off at US1 and I-95; demonstrating that a lot of traffic came into the Ormond Beach community through that entrance. She explained that the agreement would help continuity in the area as well as improve code enforcement. She noted that she thought that the itinerant vendors portion of the agreement was very generous and that Mr. Hayes did a great job in creating it. She

explained that the desire was to phase out some of the abandoned land in the area which was only being operated on for a few weeks out of the year and not being taken care of for the rest of the time.

Mr. Dave Hood, attorney for Iron Horse Saloon ("Iron Horse"), stated that the Iron Horse felt that Ms. Shanahan and Mr. Hayes had been professional in all of their dealings with them. He stated that the Iron Horse felt that the agreement was fair but noted that they would like to have on the record an email from Mr. Goss dated July 28, 2014, at 1:40 p.m. regarding operational enforcement being incorporated within the agreement. He stated that he had spoken to Mr. Hayes and they had an agreement as to incorporating that.

Mr. Hayes stated that addressed the itinerant vendor criteria, which would eventually be incorporated as regulations in the Land Development Code (LDC). He stated that those could be worked in as gap fillers when they did so.

Mr. Hood thanked Mr. Hayes and stated that the Iron Horse was in support of the ordinance.

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

Item #12A – 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 Kent moved, seconded by Commissioner Partington, for approval of Ordinance No. 2014-28, on second reading, as read by title only.

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

Item #13 – Reports, Suggestions, Requests

National Night Out

Ms. Shanahan reminded the Commission that their next meeting would be on Wednesday, August 6, 2014, which was changed from Tuesday because of National Night Out with the Police Athletic League (PAL).

Meeting Date Changes

Ms. Shanahan stated that there were new City Commission meeting and budget hearing dates for September. She explained that the budget hearings had to be moved by state statute as the schools and counties took precedence. She stated that the meetings would both be held on Mondays, September 15, 2014, and September 29, 2014.

Beachfront Parking

Ms. Shanahan stated that she met with District Four Councilmember Doug Daniels that day about beachfront parking and parcels to identify for future purchase of beachfront lots on A1A. She noted that they were contacting the city to see what was available for exploration. She explained that there had been no discussions regarding funding or what those beachfront parking areas would look like.

Movies on the Halifax

Ms. Shanahan stated that the Movie on the Halifax for Friday, August 1, 2014, would be *The Lego Movie*, which should be very popular.

Litigation Shade Meeting

Mr. Hayes stated that he would like to hold a litigation shade meeting with the City Commission regarding pending litigation with American Persian Engineer Company (APEC) at 5:30 p.m. on August 19, 2014.

FDOT Repaving

Commissioner Stowers stated that it had been months since the repaving efforts on Granada Boulevard started. He noted that in the past when the Commission collectively worked on an issue they received more action on it. He suggested that the Commission send a letter to the Florida Department of Transportation's District Secretary demanding that they do a better job. He stated that calls and emails continued to come in about the ridiculous roadway in various phases of repaving. He noted that he did not know where the workers were for a month or two but they had recently returned.

Traffic Lights on Granada Blvd

Commissioner Stowers stated that he had several residents talk to him about the traffic lights on Granada Boulevard. He noted that he did not think it was related to the repaving work since those workers were not even out there. He stated that he found it hard to believe that in 2014 there was not a better coordination of the traffic lights. He stated that the most egregious one was on the east side of I-95 where two traffic lanes were designated to take I-95 south on the west side. He stated that every time he took that exit he cringed, because as soon as the light turned red the turn arrow on the other side would turn green. He explained that because that light was red, there were only six or seven cars in each lane so all of the cars backed up and no one else could get through. He noted that was the only east/west corridor. He stated that once you passed Nova Road it was a traffic jam at each light and each one forced the backup of the next light. He stated that he would like to see that roadway evaluated to make the coordination of the lights more efficient.

Campaign Sign Regulations

Commissioner Stowers noted that he had mentioned an issue with campaign signs in 2012 and would be doing so again. He stated that the city had a sign code. He explained that some candidates ignored the sign regulations and placed large signs in residential neighborhoods and placed signs in right-of-ways; both of which were prohibited. He stated that the regulations that were in place needed to be enforced. He noted another issue was signs being placed on properties that belonged to out of town or non-caring owners and then suddenly 30 signs would be on the same corner. He asked that close attention be paid to that issue in the upcoming months as it would only get worse closer to the election.

FDOT Repaving

Mayor Kelley stated that the paving delay was primarily caused by the lack of signalization being put in because the signalization contractors did not complete their work on time. He stated that the pavers could not go in to complete the paving until all of the signalization was completed.

Traffic Lights on Granada Blvd

Mayor Kelley stated that he sat for almost five minutes at The Trails North Forty left-hand turn land at 6:00 a.m. when there was no traffic. He noted that he had a discussion about the signalization before at a TPO meeting. He stated that as soon as the paving was completed there would be a synchronizing of those lights from A1A to Tymber Creek. He noted that they were presently in a transition phase. He stated that he would individually bring up the issue at the next TPO meeting but also supported sending a letter from the Commission.

FDOT Repaving

Mr. Ted MacLeod, Assistant City Manager and Public Works Director, stated that the city had been in close contact with FDOT during the project trying to get them to speed it up. He stated that FDOT had a lot of work to do on the handicap accessibility issues, which was time intensive concrete work. He stated that they had also done a lot of work designing the signal interconnects so that once they finished it would work more efficiently.

FDOT Issues

Commissioner Kent stated that he supported the items that Commissioner Stowers spoke about tonight.

Commissioner Kent stated that he had called Ms. Shanahan six weeks ago about the landscaping at Granada Plaza. He explained that the landscaping looked horrendous and there was an abundance of dead grass. He stated that he had received a call from Mr. MacLeod telling him that was a result of FDOT having the water shut down for their crews. He noted that their crews were not even currently working in that area.

Civil Air Patrol Certificate of Appreciation to M.A.C. Charter

Commissioner Kent stated that he was so pleased that the Civil Air Patrol recognized M.A.C Charter, Inc., and Mr. Tony Lombardo. He stated that Mr. Lombardo was an amazing person, a great businessman, and deserved the recognition. He noted that he was sorry that Mr. Lombardo was not able to attend tonight.

Emergency Transport

Commissioner Kent stated that in years past there had been discussions regarding emergency transport. He noted that the city was not permitted to perform emergency transport, even though the city's firefighters were often at the scene before EVAC. He stated that he saw an article on July 23, 2014, stating that a state appeals court in Florida rejected arguments that the policy of higher rescue fees for city visitors was unconstitutional and ruled that the City of Miami could charge an extra \$100 when its rescue crews transported non-residents to hospitals for emergency care. He noted that when you complained about something enough, actions would be taken, providing the example of opening a beach approach. He asked what was best for a patient having a heart attack, to sit and wait for EVAC or have the city's firefighters transport them as soon as possible.

Mayor Kelley asked Commissioner Kent for bring that discussion to the Commission's next Brainstorming Session.

FDOT Issues

Commissioner Boehm stated that he did not believe anyone would disagree with any of the points made by Commissioner Stowers and Commissioner Kent in their comments. He noted that all of them drove on Granada Boulevard every day and experienced those frustrations.

Emergency Transport

Commissioner Boehm noted that in order for the city to transport they would have to obtain a certificate from the county. He stated that he had experienced the city's fire department arriving on the scene and stabilizing an individual only to have to stand around and wait for EVAC to arrive to transport them. He noted that time could be of the essence as to the treatment of that individual. He stated that the problem had existed in the county for a long time and appeared to be one that the County Council did not wish to address.

Fire Department Inspections

Commissioner Boehm stated that the Department of Health had a State Emergency Medical Service Compliance Inspection and a Department of Health Inspection and found no deficiencies in either case. He noted that the Ormond Beach Fire Department was the only one in the county in which there were no deficiencies in the Department of Health inspection. He stated that was reflective of the outstanding leadership of Fire Chief Bob Mandarin.

Police Department Reaccreditation

Commissioner Boehm stated that the Ormond Beach Police Department recently received reaccreditation, and also passed with no deficiencies. He stated that was a tribute to the leadership of Police Chief Andy Osterkamp.

Fourth of July Celebration

Commissioner Boehm stated that he attended the city's Fourth of July Celebration, which was hugely attended. He stated that Deputy Mayor Bill Partington, subbing in for vacationing Mayor Kelley, and did a terrific job of leading the Commission and the event.

National PAL Boy of the Year

Commissioner Boehm noted that he had long been a supporter of the city's PAL organization. He stated that it was amazing that in a city of 40,000 that the Ormond Beach PAL had a young man, Marcus Edwards, be named the National PAL Boy of the

Year. He noted that he was not the first nationally recognized award winner from the city.

National Night Out

Commissioner Boehm stated that National Night Out was a fundraising event that helped PAL. He stated that it was on Tuesday, August 5, 2014. He explained that the police department would be having a cook-out among other activities. He encouraged everyone to attend and support PAL, noting that PAL was a tremendous organization that produced great kids.

Fourth of July Celebration

Commissioner Partington stated that it was his pleasure to stand in for Mayor Kelley at the Fourth of July Celebration. He noted that he had been on vacation the previous year and had missed it.

Reverend Willie Branch

Commissioner Partington stated that he wanted to recognize Reverend Willie Branch, who frequently gave the invocation at City Commission meetings. He explained that Reverend Branch was the new Post Commander for the American Legion Post 267. He noted that Reverend Branch also served on the Housing Authority Board. He stated that Reverend Branch was a great gentleman who did a lot for the people of Ormond Beach.

National Night Out

Commissioner Partington stated that National Night Out was a fantastic event. He explained that several years ago Commissioner Kent had the idea to move the City Commission meeting from Tuesday to Wednesday so that the Commission could attend the event. He thanked Commissioner Kent for that. He noted that ever since then the entire Commission had attended the event each time. He encouraged all to attend. He explained that there were multiple booths and a lot of excitement at the event. He stated that it was great to watch the interaction of the police department and the residents in the community. He stated that it was an event that would make you feel great about living in Ormond Beach.

Movies on the Halifax

Commissioner Partington stated that he would be coming back from a conference and would not be able to attend the screening of *The Lego Movie* at Movies on the Halifax. He noted that his children would be in attendance though and he expected it to be very well attended.

Traffic Lights on Granada Blvd

Commissioner Partington stated that the synchronization of the lights on Granada Boulevard, particularly by I-95, was an issue that he had contact with staff long before the repaving started. He stated that county staff promised months ago that it would improve, but he still received comments from residents traveling in the area that it had not. He noted that he hoped that it would get better, as Mayor Kelley had indicated, and thanked Mayor Kelley for providing an explanation. He stated that they should watch it closely and work together to ensure that it improved.

Reverend Willie Branch

Mayor Kelley stated that he attended Reverend Branch's installation and noted that Reverend Branch was the first person of color to be installed at that level in the state of Florida and in Ormond Beach. He stated that Reverend Branch did a great job leading the Housing Authority and made a tremendous difference. He noted that Reverend Branch was also a Police Chaplain. He stated that on Reverend Branch's cards it said "retired but not finished yet."

VLOC and VCOG Merger

Mayor Kelley stated that at the Volusia League of Cities meeting a vote was made to merge the Volusia Council of Governments (VCOG) and VLC. He stated that he believed this would be very beneficial and noted that VCOG would be voting in August. He thanked Commissioner Partington for heading up the Joint Committee. He noted that hopefully Commissioner Partington would be Chairman of the new organization.

PAL

Mayor Kelley stated that off the record he had been told by those in the PAL organization that the city's PAL was one of the best in Florida, if not *the* best, and also one of the best in the nation.

Upcoming Conferences

Mayor Kelley noted that Commissioner Partington would be attending the National League of Cities Conference at the same time that he was attending the Florida League of Cities Conference. He thanked Commissioner Partington for attending.

Item #14 – Adjournment

The meeting was adjourned at 8:57 p.m.

APPROVED: August 19, 2014

BY:

Ed Kelley, Mayor

ATTEST:

J. Scott McKee, City Clerk