

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

November 5, 2014

7:00 p.m.

Commission Chambers

Present were: Deputy Mayor Bill Partington, Commissioners James Stowers, Troy Kent, and Rick Boehm, 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. Employee of the Quarter – Denise Roeper

6. APPROVAL OF MINUTES

A. Minutes from City Commission meeting – October 21, 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. 2014-182** : A RESOLUTION APPROVING PLAYTEX MANUFACTURING, INC. AS A QUALIFIED TARGET INDUSTRY BUSINESS; PROVIDING FOR LOCAL FINANCIAL SUPPORT FOR PERFORMANCE BASED JOB CREATION AND GROWTH ASSISTANCE FUNDING; PROVIDING FOR PROPERTY TAX REIMBURSEMENT; AUTHORIZING AN AGREEMENT THEREFORE; AND SETTING FORTH AN EFFECTIVE DATE.

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

- B. **RESOLUTION NO. 2014-183** : A RESOLUTION AUTHORIZING THE ON-LINE SUBMITTAL OF A HEALTHY WEIGHT COMMUNITY CHAMPION RECOGNITION SUBMISSION FORM; AUTHORIZING IMPLEMENTATION OF POLICIES AND PRACTICES CONSISTENT WITH THE HEALTHY WEIGHT PROGRAM; AND SETTING FORTH AN EFFECTIVE DATE.

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

- C. **RESOLUTION NO. 2014-184** : A RESOLUTION RATIFYING THE EXECUTION OF AN AGREEMENT WITH THE STATE OF FLORIDA, OFFICE OF THE ATTORNEY GENERAL REGARDING FUNDING FOR THE CITY'S VICTIM'S ADVOCATE PROGRAM; AND SETTING FORTH AN EFFECTIVE DATE.

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

- D. **RESOLUTION NO. 2014-185** : A RESOLUTION AUTHORIZING EXECUTION OF A COMMUNITY DEVELOPMENT BLOCK GRANT SUBRECIPIENT AGREEMENT FOR FISCAL YEAR 2014-2015 BETWEEN THE CITY AND THE COUNTY OF VOLUSIA; AND SETTING FORTH AN EFFECTIVE DATE.

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

- E. **RESOLUTION NO. 2014-186** : A RESOLUTION AUTHORIZING THE EXECUTION OF A JOINT PARTICIPATION AGREEMENT BETWEEN THE CITY AND FLORIDA DEPARTMENT OF TRANSPORTATION, REGARDING LANDSCAPING IMPROVEMENTS WITHIN THE GRANADA MEDIANS FROM ORCHARD STREET TO A1A; AND SETTING FORTH AN EFFECTIVE DATE.
Staff Contact: John Noble, City Engineer (386-676-3269)
- F. **RESOLUTION NO. 2014-187** : A RESOLUTION ACCEPTING A PROPOSAL FROM HAZEN AND SAWYER, P.C. FOR ENGINEERING DESIGN SERVICES REGARDING THE DEVELOPMENT OF A FIVE-YEAR CAPITAL IMPROVEMENT PROGRAM FOR MAINTENANCE AND REPAIR OF THE WATER AND RECLAIMED WATER STORAGE TANKS; AUTHORIZING THE EXECUTION OF A WORK AUTHORIZATION AND PAYMENT THEREFOR; AND SETTING FORTH AN EFFECTIVE DATE.
Staff Contact: Dave Ponitz, Utilities Manager (386-676-3305)
- G. **RESOLUTION NO. 2014-188** : A RESOLUTION ACCEPTING A BID FROM UNIVAR USA, INC., FOR THE PROVISION OF SOLAR SALT TO BE USED AT THE WATER TREATMENT FACILITY, UNDER BID NO. 2015-09; AUTHORIZING THE APPROVAL OF REQUISITION #0000012194 AND PAYMENT THEREFOR; AND SETTING FORTH AN EFFECTIVE DATE.
Staff Contact: Dave Ponitz, Utilities Manager (386-676-3305)
- H. **RESOLUTION NO. 2014-166** : A RESOLUTION AUTHORIZING THE EXECUTION OF A CONTRACT RENEWAL OF A TOWING RELATED SERVICES CONTRACT BETWEEN THE CITY OF ORMOND BEACH AND J&A BALBOA ENTERPRISES, INC. D/B/A ARROW SERVICE & TOWING; AND SETTING FORTH AN EFFECTIVE DATE.
Staff Contact: Andy Osterkamp, Police Chief (386-677-0731)
- I. **Sole Source Procurement - Xylem Water Solutions USA, Inc. - Flygt Products**
Staff Contact: Dave Ponitz, Utilities Manager (386-676-3305)
Disposition: Approve as recommended in the City Manager memorandum dated November 5, 2014.
- J. **Auto Renew Contract Agreements - Laboratory Testing Services**
Staff Contact: Dave Ponitz, Utilities Manager (386-676-3305)
Disposition: Approve as recommended in the City Manager memorandum dated November 5, 2014.
- K. **Sunshine Recycling Construction & Demolition Debris Franchise Agreement Renewal**
Staff Contact: Theodore MacLeod, Assistant City Manager (386-676-3200)
Disposition: Approve as recommended in the City Manager memorandum dated November 5, 2014.
- L. **HMGP Application - Fleming Avenue Pump Station**
Staff Contact: John Noble, City Engineer (386-676-3269)
Disposition: Approve as recommended in the City Manager memorandum dated November 5, 2014.
- M. **Sungard HTE Maintenance**
Staff Contact: Ned Huhta, IT Manager (386-615-7031)
Disposition: Approve as recommended in the City Manager memorandum dated November 5, 2014.

N. **Invitation to Bid – Rehabilitate ATCT Safety NAVCOM Equipment Project. (Bid 2015-14)**

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

Disposition: Approve as recommended in the City Manager memorandum dated November 5, 2014.

O. **2015 City of Ormond Beach Legislative Action Agenda**

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

Disposition: Approve as recommended in the City Manager memorandum dated November 5, 2014.

8. SECOND READING OF ORDINANCES

A. **ORDINANCE NO. 2014-36** : AN ORDINANCE AMENDING THE ANNUAL BUDGET FOR FISCAL YEAR 2013-2014 BY AMENDING THE GENERAL FUND; THE DOWNTOWN DEVELOPMENT FUND; THE STORMWATER FUND; THE AIRPORT FUND; THE PENSION FUND; THE GENERAL CAPITAL IMPROVEMENTS FUND; THE VEHICLE REPLACEMENT FUND; THE TRANSPORTATION FUND; THE RECREATION IMPACT FEE FUND; THE WATER & WASTEWATER OPERATING FUND; THE WATER & WASTEWATER VEHICLE FUND; THE WATER & WASTEWATER RENEWAL & REPLACEMENT FUND; THE WATER & WASTEWATER DEBT SERVICE FUND; THE WATER & WASTEWATER CAPITAL PROJECTS FUND (440); THE WATER & WASTEWATER CAPITAL PROJECTS FUND (442); THE WATER & WASTEWATER CAPITAL PROJECTS FUND (444); THE SOLID WASTE FUND; THE WORKERS COMPENSATION FUND; AND THE GENERAL LIABILITY FUND; AND SETTING FORTH AN EFFECTIVE DATE. **(SECOND READING)**

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

B. **ORDINANCE NO. 2014-37** : AN ORDINANCE AMENDING SECTION 22-21, MINIMUM DEPOSITS REQUIRED; ADDING SECTION 22-35, SINGLE FAMILY RESIDENTIAL DIRECT READ WATER METER POLICY, OF DIVISION 2, RATES AND CHARGES OF ARTICLE 1, WATER, OF CHAPTER 22, WATER AND SEWERS; AND BY AMENDING SECTION 22-70, DEPOSIT REQUIRED, ESTABLISHED, OF DIVISION 1, GENERALLY, OF ARTICLE II, SEWERS, OF CHAPTER 22, WATER AND SEWERS; AND BY ADDING ARTICLE VIII, DELINQUENT ACCOUNTS, SECTION 22-189, PROVISIONS FOR DELINQUENT ACCOUNTS; CREATION OF LIENS IN THE EVENT OF NONPAYMENT; SUBMISSION TO COLLECTION AGENCY; ADMINISTRATIVE FEE; OF CHAPTER 22, WATER AND SEWERS, OF THE CODE OF ORDINANCES; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; SETTING FORTH AN EFFECTIVE DATE. **(SECOND READING)**

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

- C. **ORDINANCE NO. 2014-38** : AN ORDINANCE OF THE CITY OF ORMOND BEACH, FLORIDA, AMENDING CHAPTER 12, BUSINESS REGULATIONS, ARTICLE IX, PEDDLERS AND SOLICITORS, OF THE CODE OF ORDINANCES, BY AMENDING TITLE OF ARTICLE IX TO "SOLICITORS"; AMENDING SECTION 12-249, DEFINITIONS; AMENDING SECTION 12-250, PERMITS REQUIRED; AMENDING SECTION 12-251, APPLICATION FOR AND ISSUANCE OF PERMIT; AMENDING SECTION 12-252, PERMIT FEES; AMENDING SECTION 12-253, PERMIT TO BE WORN; BY REPEALING SECTION 12-255, TIMES AND LOCATIONS OF SOLICITATION; SIGNS PROHIBITING; REPEALING SECTION 12-256, SOLICITATION BY LOUD OR UNUSUAL NOISES; REPEALING SECTION 12-257, REQUEST TO CEASE PRESENTATION; REPEALING SECTION 12-258, INTERFERENCE WITH TRAFFIC; CREATING SECTION 12- 259, UNLAWFUL SOLICITATION AND PANHANDLING; CREATING SECTION 12-260, ENFORCEMENT; PROVIDING FOR THE REPEAL OF ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE. **(SECOND READING)**

Staff Contact: Randal Hayes, City Attorney (386-676-3217)

9. RESOLUTIONS

- A. **RESOLUTION NO. 2014-189** : A RESOLUTION AUTHORIZING THE EXECUTION AND ISSUANCE OF A TEMPORARY STRUCTURE DEVELOPMENT ORDER TO ALLOW THE PLACEMENT OF A TEMPORARY MAGNETIC RESONANCE IMAGING (MRI) STRUCTURE FOR NO MORE THAN FOUR YEARS LOCATED AT 801 WEST GRANADA BOULEVARD WITHIN THE B-1 (PROFESSIONAL OFFICE/HOSPITAL) ZONING DISTRICT; WAIVING THE BONDING REQUIREMENTS; ESTABLISHING CONDITIONS AND EXPIRATION DATE OF APPROVAL; AND SETTING FORTH AN EFFECTIVE DATE.

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

10. REPORTS, SUGGESTIONS, REQUESTS

11. ADJOURNMENT

Item #1 – Meeting Call to Order

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

Item #2 – Invocation

Reverend Willie Branch gave the invocation.

Item #3 – Pledge of Allegiance

Deputy Mayor Partington led the Pledge of Allegiance.

Item #4A – Employee of the Quarter- Denise Roeper

Ms. Joyce Shanahan, City Manager, stated that she was pleased to announce that Ms. Denise Roeper was the Employee of the Quarter for the 3rd Quarter of 2014. She stated that Ms. Roeper was raised in Connecticut and then moved to Ohio where she began raising a family. She stated that Ms. Roeper then moved to Florida and began working with the City of Ormond Beach in 1996, starting as an Office Assistant. She stated that Ms. Roeper was promoted to her current position of Office Manager for the Public Works Department in 2004. She explained that Ms. Roeper worked with supervisory and office staff to create betterments within the organization. She stated that Ms. Roeper's consistency, fairness, and exemplary customer service was unsurpassed. She noted that Ms. Roeper could answer any question, was never ruffled, and was as sweet as the day was long. She stated that Ms. Roeper also volunteered for a youth group that dealt with at-risk youths in Daytona Beach. She stated that Ormond Beach was fortunate to have Ms. Roeper working for the city and congratulated her on her achievement as Employee of the Quarter.

Deputy Mayor Partington stated that the departments of police, fire, and public works comprised the core of the city. He stated that Ms. Roeper was an example of the reason Ormond Beach was known for quality service. He presented Ms. Roeper with a plaque and a watch.

Item #5A – Audience Remarks

Deputy Mayor Partington noted that there were no audience members who wished to speak on any items not on the agenda.

Items #6– Approval of Minutes

Deputy Mayor Partington advised that the minutes of the October 21, 2014, regular meetings have been sent to the Commission for review and were posted on the city's website for public viewing. He asked for any corrections, additions, or omissions. He stated that hearing no corrections, the minutes would stand approved as presented.

Item #7– Consent Agenda

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

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

Item #7A – Playtex Manufacturing Growth Assistance Agreement

Deputy Mayor Partington asked Economic Development Director Joe Mannarino to speak about this project.

Mr. Joe Mannarino, Economic Development Director, thanked the Commission for their support of the Playtex Manufacturing (“Playtex”) project. He noted that most economic development projects took time to complete and explained that this was no different. He stated that Playtex was involved in a competition with their other facilities across the country. He explained that Playtex was very competitive due to Ormond Beach providing incentives. He stated that Playtex’s investment would be \$6.5 million, \$4 million of which was going towards new equipment for an aerosol line and renovation of a warehouse building. He stated that the city was providing incentives that would offset some of the costs, as well as provide tax abatement for the increase in the property taxes as a result of the investment.

Ms. Mischelle Romesberg, Project Manager, Playtex Manufacturing, thanked the Commission for their continued support. She stated that the plant was renowned and was built in Ormond Beach in the early 1970s. She stated that in 2007 Playtex purchased the building, but it was uncertain if they would continue to manufacture there at that time. She stated that the decision was made to keep the facility. She stated that she had been at the facility since 2009, and since then Playtex had invested over \$25 million into the factory improvements and general expansion. She stated that in addition to the project Mr. Mannarino referenced, another \$9 million in improvements would also be occurring. She explained that Playtex would not be able to continue to spend without the city’s support and without the incentives. She noted that Playtex was in competition with their sister plants and the city helped tip the scales in their favor with their incentive program. She stated that Playtex was adding an entire new manufacturing line and converting a warehouse into manufacturing which would create jobs, as well as an opportunity for the plant to expand into the future. She thanked the city for their support and stated that she hoped to be back to thank them again in the future.

Commissioner Partington thanked Ms. Romesberg. He stated that he and Commissioner Kent attended an economic development seminar previously and learned the importance of keeping the businesses that you had. He stated that it was wonderful to have quality businesses like Playtex and Energizer in Ormond Beach. He stated that

the Commission was comprised of competitive individuals and he loved that Ormond Beach's Playtex won that competition.

Commissioner Kent stated that Ms. Romesberg gave one of the best succinct presentations he had heard. He noted that he also thought about his and Commissioner Partington's trip to an economic development conference when he heard about the project. He stated that he was pleased and proud that Playtex had decided to invest in Ormond Beach.

Item #8A – Budget Amendments FY 2013-14

City Clerk Scott McKee read by title only:

ORDINANCE NO. 2014-36

AN ORDINANCE AMENDING THE ANNUAL BUDGET FOR FISCAL YEAR 2013-2014 BY AMENDING THE GENERAL FUND; THE DOWNTOWN DEVELOPMENT FUND; THE STORMWATER FUND; THE AIRPORT FUND; THE PENSION FUND; THE GENERAL CAPITAL IMPROVEMENTS FUND; THE VEHICLE REPLACEMENT FUND; THE TRANSPORTATION FUND; THE RECREATION IMPACT FEE FUND; THE WATER & WASTEWATER OPERATING FUND; THE WATER & WASTEWATER VEHICLE FUND; THE WATER & WASTEWATER RENEWAL & REPLACEMENT FUND; THE WATER & SEWER BOND FUND; THE WATER & WASTEWATER DEBT SERVICE FUND (414); THE WATER & WASTEWATER DEBT SERVICE FUND (440); THE WATER & WASTEWATER CAPITAL PROJECTS FUND (444); THE SOLID WASTE FUND; THE WORKERS COMPENSATION FUND; AND THE GENERAL LIABILITY FUND; AND SETTING FORTH AN EFFECTIVE DATE.

Commissioner Boehm moved, seconded by Commissioner Stowers, for approval of Ordinance No. 2014-36, on second reading, as read by title only.

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

Item #8B – Amendment to Water and Sewer

City Clerk Scott McKee read by title only:

ORDINANCE NO. 2014-37

AN ORDINANCE AMENDING SECTION 22-21, MINIMUM DEPOSITS REQUIRED; ADDING SECTION 22-35, SINGLE FAMILY RESIDENTIAL DIRECT READ WATER METER POLICY, OF DIVISION 2, RATES AND CHARGES OF ARTICLE 1, WATER, OF CHAPTER 22, WATER AND SEWERS; AND BY AMENDING SECTION 22-70, DEPOSIT REQUIRED, ESTABLISHED, OF DIVISION 1, GENERALLY, OF ARTICLE II, SEWERS, OF CHAPTER 22, WATER AND SEWERS; AND BY ADDING ARTICLE VIII, DELINQUENT ACCOUNTS, SECTION 22-189, PROVISIONS FOR DELINQUENT ACCOUNTS; CREATION OF LIENS IN THE EVENT OF NONPAYMENT; SUBMISSION TO COLLECTION AGENCY; ADMINISTRATIVE FEE; OF CHAPTER 22, WATER AND SEWERS, OF THE CODE OF ORDINANCES; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; SETTING FORTH AN EFFECTIVE DATE.

Commissioner Kent moved, seconded by Commissioner Stowers, for approval of Ordinance No. 2014-37, on second reading, as read by title only.

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

Item #8C – Panhandling and Soliciting Activities

City Clerk Scott McKee read by title only:

ORDINANCE NO. 2014-38

AN ORDINANCE OF THE CITY OF ORMOND BEACH, FLORIDA, AMENDING CHAPTER 12, BUSINESS REGULATIONS, ARTICLE IX, PEDDLERS AND SOLICITORS, OF THE CODE OF ORDINANCES, BY AMENDING TITLE OF ARTICLE IX TO "SOLICITORS"; AMENDING SECTION 12-249, DEFINITIONS; AMENDING SECTION 12-250, PERMITS REQUIRED; AMENDING SECTION 12-251, APPLICATION FOR AND ISSUANCE OF PERMIT; AMENDING SECTION 12-252, PERMIT FEES; AMENDING SECTION 12-253, PERMIT TO BE WORN; BY REPEALING SECTION 12-255, TIMES AND LOCATIONS OF SOLICITATION; SIGNS PROHIBITING; REPEALING SECTION 12-256, SOLICITATION BY LOUD OR UNUSUAL NOISES; REPEALING SECTION 12-257, REQUEST TO CEASE PRESENTATION; REPEALING SECTION 12-258, INTERFERENCE WITH TRAFFIC; CREATING SECTION 12- 259, UNLAWFUL SOLICITATION AND PANHANDLING; CREATING SECTION 12-260, ENFORCEMENT; PROVIDING FOR THE REPEAL OF ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

Commissioner Boehm moved, seconded by Commissioner Stowers, for approval of Ordinance No. 2014-38, on second reading, as read by title only.

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

Item #9A – 801 West Granada Boulevard Request for Temporary Structure

City Clerk Scott McKee read by title only:

RESOLUTION NO. 2014-189

A RESOLUTION AUTHORIZING THE EXECUTION AND ISSUANCE OF A TEMPORARY STRUCTURE DEVELOPMENT ORDER TO ALLOW THE PLACEMENT OF A TEMPORARY MAGNETIC RESONANCE IMAGING (MRI) STRUCTURE FOR NO MORE THAN FOUR YEARS LOCATED AT 801 WEST GRANADA BOULEVARD WITHIN THE B-1 (PROFESSIONAL OFFICE/HOSPITAL) ZONING DISTRICT; WAIVING THE BONDING REQUIREMENTS; ESTABLISHING CONDITIONS AND EXPIRATION DATE OF APPROVAL; AND SETTING FORTH AN EFFECTIVE DATE.

Mr. Ric Goss, Planning Director, stated that this item was a request from Ms. Traci Postell of New Smyrna Imaging, who was requesting the temporary use of a magnetic resonance imaging (MRI) trailer at 801 West Granada Boulevard. He noted that a medical office use was permitted and the property owner was working with New Smyrna Imaging for quite some time to occupy the office building at that location, noting that a number of square footage had been vacant for quite some time. He stated that in order for the medical office to go into the building they required the use of an MRI trailer, noting that it could not go into the building as is.

Mr. Goss stated that staff looked at trying to locate the MRI trailer in different areas such as the back of the building but could not do so because of the pylons from the overhang for the underneath parking. He noted that it could also not fit in the far west corner. He stated that the best place to put it was on the eastern site along the residential area. He noted that the residential area was owned by a relative of the property owner so it was not an issue. He stated that staff tried to work with the applicant to come up with mitigation for the trailer because the trailer would be visible from eastbound traffic. He stated that staff required that the applicant provide landscaping in the front buffer, as well as the east side and in front of the trailer. He noted that even with the landscaping the trailer would still be visible. He stated that the request required the City Commission's approval as it was a temporary trailer. He stated that staff recommended approval.

Commissioner Boehm asked if the reason the temporary structure was being requested for a four-year period of time because there was intent to one day renovate the property or permanently locate the MRI within the building. He noted that there were a specific number of years listed so he assumed there was a specific plan.

Mr. Goss stated that he believed that they wanted to introduce their business to Ormond Beach but were unsure of how well it would fare so they were looking to bring the trailer in for four years to see how it went.

Commissioner Partington asked if MRI trailers had been used anywhere else locally.

Mr. Goss stated that there was one located in New Smyrna Beach that was looked at and there was also one located in Cocoa he believed. He noted that they were not used as much as they used to be, when MRIs first came out, prior to hospitals doing renovations to put them in their buildings. He explained that there was no way that it could be placed in the building at the proposed location.

Commissioner Partington asked if Mr. Goss got a feel for the level of noise it produced when he looked at the MRI trailer in New Smyrna Beach.

Mr. Goss stated that they thought there may be noise from the commercial air conditioner, which had to run 24 hours a day. He stated that it appeared that the generator was housed in a noise attenuation unit so that the noise did not exceed the decibels allowed. He noted that the home to the east of the trailer was owned by a relative of the property owner at 801 West Granada Boulevard, the subject property.

Commissioner Partington asked if that house should be sold if there was a mechanism to let them know that the MRI trailer was located there; whereby, Mr. Goss stated that it would have to be disclosed by the property owner.

Commissioner Partington noted that westbound traffic would not see the trailer but asked Mr. Goss if it would be visible eastbound with the screening; whereby, Mr. Goss stated that it would still be visible eastbound.

Commissioner Kent noted that the applicant would speak later, but he wanted to let the Commission know that he did not like this proposed use. He explained that you could not have a trailer in your yard in Ormond Beach as the city had worked hard to beautiful US1 and A1A. He stated that the area where this MRI trailer would go was near where they hoped to see major improvements with the removal of the old vacant Texaco. He stated that there was no way, unless he heard something remarkable, that he could approve this item. He stated that he knew of a few other MRI companies in Ormond Beach who had indoor MRIs.

Commissioner Stowers stated that he agreed with Commissioner Kent. He stated that the site was an existing developed site. He noted that he believed there was a setback issue on the temporary structure and the existing building was at the limits. He stated that the trailer would be visible to travelers down Granada Boulevard going towards downtown and the beachside. He stated that a permanent aesthetic plan could not remove the parking spaces because they were needed to meet the code, explaining that this could negatively impact current nonconformities on the site and exacerbate it further once it was in. He noted that some landscaping would not cut it, noting the Florida Power and Light easement out front with no landscaping. He explained that landscaping could only be added by removing the front parking stalls. He stated that short of hearing drastic changes he would be voting "no" as well.

Ms. Traci Postell, New Smyrna Imaging, stated that New Smyrna Imaging had been established in New Smyrna Beach since 2003 and had a permanent radiology center in New Smyrna Beach and also had a site in Cocoa Beach. She noted that the location she proposed to place her MRI trailer was at 801 West Granada Boulevard, which had been vacant for some time, and she had been in negotiations with the property's owner in regards to purchasing the entire building and turning it into a medical facility. She explained that in order for her to do so, she would need to determine whether the area would be able to support the business and be well-developed for a medical center. She noted that she already had doctors who were interested in coming with her.

Ms. Postell stated that, as Commissioner Kent mentioned, there were imaging centers in Ormond Beach presently, but she explained that they were not high field local imaging centers, which was the best diagnostic available. She stated that Ormond Beach had a great stand up established imaging center which was great for patients with seizures and claustrophobic patients, but she noted that it was not a high field diagnostic center. She noted that the hospital was the only orthopedic imaging in Ormond Beach and charged three times what an independent center would. She explained that she agreed to the

proposed landscaping around the trailer and also agreed to upgrade the landscaping in front of the entire property, as she took pride in her business.

Commissioner Stowers stated that was good information. He stated that the idea that she may purchase the entire building was impactful. He explained that he would either vote "no" that evening or be willing to continue or table the item, given that information, so that the applicant could come back with a more formal landscape plan that he could review. He noted that he did not see how meaningful landscaping could be placed in the two to three foot area out front. He stated that he felt it was the wrong location.

Commissioner Boehm asked if there were any means by which the trailer could be screened completed so it was not visible from Granada Boulevard; whereby, Ms. Postell stated that there was.

Commissioner Boehm stated that the concern was that all of the eastbound traffic, including visitors from I-95, would see the trailer on the side of the road. He stated that if it could be screened entirely from view, he would not have much of a problem with it.

Ms. Postell stated that panels could easily be manufactured that would screen the entire trailer. She noted that she had no problem securing such panels. She stated that the property was currently not the best looking and she would like to improve it. She noted that it made a difference to her how they presented their business to the medical community and to residents. She stated that patients wanted to know they were coming to a nice, clean facility, and she could not currently assure them of such with the way the property presently stood. She explained that she would also be taking over almost the entire third floor of the building in addition to the parking lot area.

Commissioner Partington stated that the resolution would either fail that evening or could be continued to provide more time for staff and Ms. Postell to bring back something more palatable to the Commission.

Commissioner Kent stated that he was shocked that staff recommended this item to the Commission. He noted that he would challenge anyone who said that he was not business friendly. He stated that this trailer was something he would expect to see after a hurricane for a short period of time, not for four years. He stated that paneling would be worse to him than looking at a trailer on the city's major artery. He stated that he felt this whole idea was wrong. He stated that he was extremely pleased that this company wanted to start a business in Ormond Beach. He stated that he highly recommended that they do more market research and not tell him that they had to come in first with a trailer for four years to see if there would be enough business to possibly purchase the building. He noted that there were other ways to obtain that information rather than hold the city hostage before they decided to invest. He stated that he would not approve the trailer now or at a subsequent meeting. He stated that Ormond Beach would never allow anyone to have this in their yard or put up a fence large enough to cover it.

Commissioner Boehm stated that if Ms. Postell withdrew her proposal this evening she could work with staff to see if they could come up with something better, noting that it would be difficult to do so.

Commissioner Partington asked City Attorney Randy Hayes if he preferred a motion be made to table the item so that staff could bring it back with revisions.

Mr. Randy Hayes, City Attorney, stated that the Commission could continue the item but noted that it would need to be re-advertised when it came back to them at another meeting. He stated that the best thing for the applicant to do might be to withdraw the item and come back after re-working it with staff. He noted that the Commission could vote on it, as well. He explained that a tie vote would result in an automatic continuation to the next available regular meeting with a full complement of the Commission available.

Ms. Shanahan noted that the meeting would be on December 2, 2014, since the City Commission's Organizational Meeting to swear in the Commission would be on November 18, 2014.

Commissioner Stowers stated that he would echo a portion of Commissioner Kent's comments and explained that if the trailer was visible from the right-of-way he would vote "no" regardless if they came back at another meeting. He noted that Mr. Goss indicated that there were no other locations it could be placed. He stated that he did not

know if it was prudent to let the applicant spend more time and effort on the proposal, noting that the location was a nonconforming constrained site. He stated that he would like to see the building redeveloped and refurbished, but he did not know that this proposal would get them closer to that.

Commissioner Partington stated that he was hearing two definite no votes and one maybe. He stated that he would be willing to vote “yes”, if there was another “yes”, in order to give the applicant time at no additional cost to try and find something to bring back that might work. He stated that he would like to see that building utilized in a way that provided a service to the city’s residents. He stated that he did not know if there was a way to put the trailer in the back or not, or directly on the side of the building with appropriate screening.

Mr. Goss stated that the trailer could definitely not be located in the back of the property. He stated that the pylons from the building went out in such a way where a trailer could not get back there. He noted that the best location unfortunately was where it was proposed.

Commissioner Partington noted that the building was kind of odd and that he used to work there during college. He stated that the parking was underneath the building and he did not think that the trailer would fit underneath; whereby, Mr. Goss confirmed that it would not.

Commissioner Partington stated that the city wanted to work with applicants but noted that sometimes there was not much they could do. He explained that their intention was always to do the best they could.

Ms. Postell stated that the trailer would be able to be located in the back of the building. She explained that it would incur additional costs because Florida Power and Light (FPL) would have to run power to that location. She stated that FPL would have to approve running additional lines, and she noted that she had already spoken to them and they had indicated that they would do so.

Ms. Shanahan noted that there was still a setback issue; whereby, Ms. Postell agreed.

Mr. Goss stated that he was not sure how it could be located in the back of the building. He noted that it may be able to be squeezed into the far west corner of the property, but the electrical fees would be more there, as well. He reiterated that he did not know how it could fit in the back of the building when the outline of the building went beyond the columns. He explained that there was not much room or much of a setback. He noted that the site was nonconforming with regards to buffers, setback, and stormwater. He stated that the only reason staff was not requiring the property come up to meet the maximum code was that the medical use was permitted, it was just the trailer that was temporary and would need City Commission approval.

Commissioner Boehm stated that he believed that Ms. Postell should be given another opportunity. He noted that this was the type of business that brought in high wage earners. He stated that he agreed with his fellow Commissioners that he did not like the current site or the idea of seeing the trailer. He stated that he thought Ms. Postell should be given the opportunity to come back and present something to the Commission that was more palatable before they denied the application. He noted that Ms. Postell knew the sentiments of the Commission now and what changes they would want to see if she came back. He also noted that she might decide not to come back.

Mr. Hayes reiterated that a tied vote would result in the item being moved to the next available regular meeting which would feature a full complement of the Commission present. He stated that if there was no motion the item would fail for a lack of motion. He stated that another application could be submitted, if reworked and re-advertised after that occurred.

Commissioner Stowers moved, seconded by Commissioner Kent, to deny Resolution No. 2014-189, as read by title only.

Call Vote:	Commissioner Kent	Yes
	Commissioner Boehm	No
	Commissioner Stowers	Yes
Tied.	Deputy Mayor Partington	No

Deputy Mayor Partington stated that the result was tied and the resolution would be placed back on the agenda for December 2, 2014.

Item #10 – Reports, Suggestions, Requests

Election

Ms. Joyce Shanahan, City Manager, congratulated all of the Commission re-elected to their positions. She stated that staff was excited to move forward with the vision that the Commission had established. She thanked the Commission for their willingness to serve.

Next Meeting

Ms. Shanahan stated that on November 18, 2014, at 5:30 p.m. there would be a reception for the newly elected City Commission followed by the City Commission's organizational meeting at 6:00 p.m. She reminded the Commission that individual and group photographs would be taken.

Bike Washes

Ms. Shanahan stated that some things were noticed during Biketoberfest this year including bike washes. She stated that staff would need to speak with the Commission about that, noting that they were permitted in the vendor agreement in the Interlocal Boundary Agreement. She explained that staff needed to discuss with the Commission what type of bike washes they were interested in seeing. She noted that it was difficult to regulate.

Veterans Day

Ms. Shanahan stated that the Veterans Day Dinner was Monday, November 10, 2014, at 5:30 p.m. at the Senior Center.

Granada Paving

Ms. Shanahan stated that the final re-paving of Granada Boulevard was underway.

Election

Commissioner Stowers congratulated Commissioner Kent on his hard fought, well earned victory.

Greeneville, South Carolina Intercity Visit

Commissioner Stowers stated that he recently traveled with the Daytona Beach Area Chamber of Commerce on an intercity visit to Greeneville, South Carolina. He noted that he met with Ms. Shanahan for about an hour the previous week regarding what he had seen. He stated that Greeneville had a visionary Mayor in the 1970s and a downtown that had lost its luster. He explained that the Mayor spearheaded a project to landscape their Main Street with trees and now they had a fully blossomed downtown. He noted that Ormond Beach was putting in tree-lined medians down their Main Street area now. He stated that Greeneville was visionary and had a unified mission. He stated that they were not concerned about taking the big steps.

Commissioner Stowers stated that the Reedy River went through the center of their downtown and was one of Greeneville's biggest assets, not like Ormond Beach's Tomoka River and ocean. He explained that there was a two-lane road with a bridge that went directly over the waterfalls that were located downtown. He further explained that a decision was made that was not the best way to treat their best asset and so the bridge was removed and \$13 million was spent to build a pedestrian suspension bridge in a semi-circle around the waterfalls. He noted that it was now the most prominent feature in their downtown. He stated that \$13 million investment resulted in \$156 million in private investments directly related, such as parks and hotels.

Commissioner Stowers noted that Greeneville had 61,000 residents and was not a major metropolitan area. He stated that the urban area around Greeneville had about 40,000. He stated that up and down the main street there was a Hampton Inn & Suites, Courtyard by Marriott, Westin, Hyatt Regency, and Holiday Inn Express. He stated that was proof positive to him that having a vision, sticking to that vision, and focusing on assets, the sky was the limit. He noted that he had spoken to Ms. Shanahan about some of the details and staff was working on some things.

Commissioner Stowers stated that Greeneville also had a wonderful art in public places program. He stated that Ormond Beach Main Street ("Main Street") had an arts district and were pursuing that. He stated that Main Street would be the perfect conduit to

continue to facilitate an art in public places program in Ormond Beach. He stated that Greenville also had "Mice on Main." He explained that there were eight to ten copper mice interspersed in their downtown; and there were tours to locate the mice, as well as a children's website, books, and t-shirts. He stated that families went to search for the mice. He stated that he was hopeful there were things Ormond Beach could do in their downtown.

Commissioner Stowers stated that Greenville was focused on continuing to upgrade their city. He explained that there was a public area that had been renovated completely three or four times since the 1980s. He noted that he was taken aback by how beautiful that part of town was. He explained that in a presentation about it given at City Hall, he was shown some of the earlier editions of that area and noted that they did not get it right initially but were willing to admit that and willing to continue to pursue making it better. He stated that one example he could think of was the landscaping on both sides of the bridge at Granada Boulevard and Beach Street. He stated that was the city's best attribute, but the river was blocked from view on both sides. He noted that renovations cost money, but he thought a total redo of those two public areas at the base of the bridge could be something for the city, Main Street, and the business community to look into.

Commissioner Stowers stated that Greenville had public spaces that drew you in and were very busy. He stated that Greenville had 1,800 residential units in their downtown area. He explained that Greenville was a storied city and had been the largest textile town in the world at one point. He stated that the residential density was vibrant. He noted that the feel of it was small town; however, it was mainly mixed-use development of four or five stories. He stated that he hoped the city, Main Street, and the business community could continue discussion on some of those ideas to get them put into action.

Commissioner Partington thanked Commissioner Stowers and noted that Mayor Kelley had wanted him to welcome him back and thank him for going and representing the city with the other leaders from Volusia County. He noted that traveling was not easy.

Election

Commissioner Partington stated that Mayor Kelley wanted him to congratulate Commissioner Kent on a great election and a well-run campaign.

Greenville, South Carolina Intercity Visit

Commissioner Kent thanked Commissioner Stowers for going to Greenville and for sharing the information. He explained that it did not go unnoticed that he had to take time away from his business and his family to travel, and he appreciated his efforts.

Halloween

Commissioner Kent stated that his number one job in life was to be a good dad and to teach his son to grow up to be a man. He stated that part of that was talking to his son about his trick or treating skills on Halloween. He explained that his son was leisurely strolling from home to home and chatting with friends instead of running from house to house on the greatest night in the world where you received free candy.

Little League / Family

Commissioner Kent noted that he was wearing a tattooed sleeve that evening. He explained that his little league baseball team was no longer the Tigers and were now the Braves. He stated that the team was in the playoffs. He explained that Groupon had a deal for fake tattoo sleeves with major league baseball team logos and he had purchased one. He stated that he left the game in time to attend the meeting this evening and the Braves were up 15-0 when the game was called. He explained that he had only missed a few meetings in all his years on the Commission, and he only missed them for events with his family. He stated that he thought about Commissioner Boehm on his drive in as he once told him that you could not go back and explain to your son how you missed his first home run. He stated that his son hit his first home run that evening, and he was so glad he had been there.

Deputy Mayor Partington

Commissioner Kent stated that Deputy Mayor Partington did a great job conducting the meeting this evening and he was thoroughly impressed.

Election

Commissioner Kent stated that he was humbled to be the public servant for Zone 2 of Ormond Beach for another two years. He thanked the residents of Zone 2 for having

confidence in his work and what he had done. He promised to continue to work his hardest with the Commission and to continue to make it happen in Ormond Beach. He noted that he had not had an opponent in an election in nine years. He stated that the previous day he had wondered if the next night would be his last Commission meeting, as you never knew what would happen during an election. He noted that he was glad it was not.

Veterans Day

Commissioner Boehm stated that Veterans Day was very special to him, and he attended the city's Veterans Day Dinner every year. He noted that there were still some spaces available and encouraged veterans to go and attend. He stated that the Ormond Memorial Art Museum would have a Veterans Day Celebration on Veterans' Day at 11:00 a.m. He strongly recommended veterans to attend.

Skate Board Park Expansion

Commissioner Boehm stated that the groundbreaking for the new Skate Board Park Expansion recently occurred. He stated that the city would provide an expanded recreation facility with a much wider use. He stated that the project would be completed by next April.

PAL Golf Tournament

Commissioner Boehm stated that the Police Athletic League (PAL) Golf Tournament was on Saturday, November 8, 2014, at River Bend Golf Course. He stated that more sponsors and golfers were welcome.

Election – Commissioner Kent

Commissioner Boehm displayed a photograph from the Ormond Beach Observer of Commissioner Kent and his son being re-elected. He stated that it was the perfect picture. He strongly congratulated Commissioner Kent on his re-election.

Item #11 – Adjournment

The meeting was adjourned at 8:02 p.m.

APPROVED: November 18, 2014

BY:

Ed Kelley, Mayor

ATTEST:

J. Scott McKee, City Clerk