

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

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**March 17, 2015**

**7:00 p.m.**

**Commission Chambers**

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Present were: Mayor Kelley, Commissioners James Stowers, Rick Boehm and Bill Partington, City Manager Joyce Shanahan, Assistant City Manager and Public Works Director Ted MacLeod, City Attorney Randy Hayes, and City Clerk Scott McKee.

**A G E N D A**

- 1. CALL TO ORDER**
- 2. INVOCATION**
- 3. PLEDGE OF ALLEGIANCE**
- 4. PRESENTATIONS AND PROCLAMATIONS**
  - A. Employee of the Quarter - Sam West
- 5. AUDIENCE REMARKS - REGARDING ITEMS NOT ON THE AGENDA**
- 6. APPROVAL OF MINUTES**
  - A. Minutes from City Commission meeting – March 3, 2015
- 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. 2015-65 :** A RESOLUTION AUTHORIZING THE EXECUTION OF A QUITCLAIM DEED IN FAVOR OF SANDRA B. ROSSMEYER, RELEASING A 10.0 FOOT DRAINAGE EASEMENT AND A 5.0 FOOT UTILITY EASEMENT LOCATED AT 454 DRUID CIRCLE, ORMOND BEACH, VOLUSIA COUNTY, FLORIDA ; AND SETTING FORTH AN EFFECTIVE DATE.

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

- B. RESOLUTION NO. 2015-66 :** A RESOLUTION AUTHORIZING THE ACCEPTANCE OF A PUBLIC UTILITY, DRAINAGE AND ACCESS EASEMENT DEED FROM SANDRA B. ROSSMEYER, FOR PROPERTY LOCATED AT 454 DRUID CIRCLE IN ASSOCIATION WITH THE CONSTRUCTION OF A NEW SINGLE FAMILY HOUSE; AND SETTING FORTH AN EFFECTIVE DATE.

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

- C. RESOLUTION NO. 2015-67 :** A RESOLUTION AUTHORIZING THE EXECUTION OF A WATER, SEWER AND ANNEXATION AGREEMENT BETWEEN THE CITY AND KEITH E. MOORE AND PHYLLIS J. MOORE FOR PROPERTY LOCATED AT 22 SANDRA DRIVE, ORMOND BEACH, VOLUSIA COUNTY, FLORIDA; PROVIDING FOR RECORDATION; AND SETTING FORTH AN EFFECTIVE DATE.

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

- D. RESOLUTION NO. 2015-68 :** A RESOLUTION AUTHORIZING THE EXECUTION OF A WATER, SEWER AND ANNEXATION AGREEMENT BETWEEN THE CITY AND KINGSTON SHORES MANAGEMENT ASSOCIATION, INC. FOR PROPERTY LOCATED AT 5500 OCEAN SHORE BOULEVARD, ORMOND BEACH, VOLUSIA COUNTY, FLORIDA; PROVIDING FOR RECORDATION; AND SETTING FORTH AN EFFECTIVE DATE.

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

- E. **RESOLUTION NO. 2015-69** : A RESOLUTION AUTHORIZING THE EXECUTION OF A RELEASE OF SPECIAL MASTER ADMINISTRATIVE FINE/LIEN FOR CODE VIOLATIONS ON PROPERTY LOCATED AT 206 ORMWOOD AVENUE, ORMOND BEACH, VOLUSIA COUNTY, FLORIDA (PARCEL ID NO. 4203-24-00-0210); AND SETTING FORTH AN EFFECTIVE DATE.
- Staff Contact:** *Joanne Naumann, Neighborhood Improvement Manager (386-615-7069)*
- F. **RESOLUTION NO. 2015-70** : A RESOLUTION AUTHORIZING THE EXECUTION OF A RELEASE AND SATISFACTION OF SPECIAL MASTER ADMINISTRATIVE FINE/LIEN FOR CODE VIOLATIONS ON PROPERTY LOCATED AT 280 SOUTH CENTER STREET, ORMOND BEACH, VOLUSIA COUNTY, FLORIDA (PARCEL ID NO. 4242-68-01-010); AND SETTING FORTH AN EFFECTIVE DATE.
- Staff Contact:** *Joanne Naumann, Neighborhood Improvement Manager (386-615-7069)*
- G. **RESOLUTION NO. 2015-71** : A RESOLUTION AUTHORIZING THE EXECUTION OF A RELEASE OF SPECIAL MASTER ADMINISTRATIVE FINE/LIEN FOR CODE VIOLATIONS ON PROPERTY LOCATED AT 609 N. RIDGEWOOD AVENUE, ORMOND BEACH, VOLUSIA COUNTY, FLORIDA (PARCEL ID NO. 4240-01-18-0040); AND SETTING FORTH AN EFFECTIVE DATE.
- Staff Contact:** *Joanne Naumann, Neighborhood Improvement Manager (386-615-7069)*
- H. **RESOLUTION NO. 2015-72** : A RESOLUTION AUTHORIZING THE EXECUTION OF A RELEASE OF SPECIAL MAGISTRATE ADMINISTRATIVE FINE/LIEN FOR CODE VIOLATIONS ON PROPERTY LOCATED AT 940 N. BEACH STREET, ORMOND BEACH, VOLUSIA COUNTY, FLORIDA (PARCEL ID NO. 3242-08- 00-0050); AND SETTING FORTH AN EFFECTIVE DATE.
- Staff Contact:** *Joanne Naumann, Neighborhood Improvement Manager (386-615-7069)*
- I. **RESOLUTION NO. 2015-73** : A RESOLUTION ACCEPTING THE PROPOSAL OF BLX GROUP, LLC REGARDING ARBITRAGE CALCULATION SERVICES; AUTHORIZING THE EXECUTION OF AN AGREEMENT AND PAYMENT THEREFOR; REJECTING ALL OTHER PROPOSALS; AND SETTING FORTH AN EFFECTIVE DATE.
- Staff Contact:** *Kelly McGuire, Finance Director (386-676-3226)*
- J. **RESOLUTION NO. 2015-74** : A RESOLUTION ACCEPTING THE PROPOSAL OF PENN CREDIT CORPORATION REGARDING DEBT COLLECTION SERVICES; AUTHORIZING THE EXECUTION OF AN AGREEMENT AND PAYMENT THEREFOR; REJECTING ALL OTHER PROPOSALS; AND SETTING FORTH AN EFFECTIVE DATE.
- Staff Contact:** *Kelly McGuire, Finance Director (386-676-3226)*
- K. **RESOLUTION NO. 2015-75** : A RESOLUTION ACCEPTING A BID FROM MCG SERVICES, LLC REGARDING THE INSTALLATION OF ADA COMPLIANT PARKING AND SIDEWALKS AT THE ORMOND BEACH SPORTS COMPLEX, UNDER BID NO. 2015-23; AUTHORIZING THE EXECUTION OF A CONTRACT AND PAYMENT THEREFOR; REJECTING ALL OTHER BIDS; AND SETTING FORTH AN EFFECTIVE DATE.
- Staff Contact:** *John Noble, City Engineer (386-676-3269)*

- L. **RESOLUTION NO. 2015-76** : A RESOLUTION ACCEPTING A BID FROM AMERICAN BACKFLOW & FIRE SERVICES, LLC FOR BACKFLOW PREVENTION DEVICE TESTING, CERTIFICATION AND REPAIR SERVICES, UNDER BID NO. 2015-18; AUTHORIZING THE EXECUTION OF A CONTRACT AND PAYMENT THEREFOR; REJECTING ALL OTHER BIDS; AND SETTING FORTH AN EFFECTIVE DATE.  
*Staff Contact: Dave Ponitz, Utilities Manager (386-676-3305)*
- M. **RESOLUTION NO. 2015-77** : A RESOLUTION AUTHORIZING THE APPROVAL AND EXECUTION OF A PURCHASE AUTHORIZATION (REQUISITION #0000012636) FOR THE PURCHASE OF ONE FORD F550 DUMP TRUCK, UNDER FLORIDA SHERIFFS ASSOCIATION BID NO. 14-12-0904; AND VEHICLE LIGHTING PACKAGE, UNDER FLORIDA SHERIFFS ASSOCIATION BID 14-22-0904; AND SETTING FORTH AN EFFECTIVE DATE.  
*Staff Contact: Kevin Gray, Public Works Operations Manager (386-676-3522)*
- N. **RESOLUTION NO. 2015-78** : A RESOLUTION AUTHORIZING THE APPROVAL AND EXECUTION OF A PURCHASE AUTHORIZATION (REQUISITION #0000012644) FOR THE PURCHASE OF ONE 2015 CATERPILLAR 305 HYDRAULIC MINI EXCAVATOR AND TOWMASTER TRAILER, UNDER FLORIDA SHERIFFS ASSOCIATION BID NO. 14-12-0904; AND SETTING FORTH AN EFFECTIVE DATE.  
*Staff Contact: Kevin Gray, Public Works Operations Manager (386-676-3522)*
- O. **RESOLUTION NO. 2015-79** : A RESOLUTION ACCEPTING THE BID OF AUSTIN OUTDOOR, LLC REGARDING ATHLETIC FIELD MAINTENANCE SERVICES, UNDER BID NO. 2014-15; REJECTING ALL OTHER BIDS; AUTHORIZING THE EXECUTION OF A CONTRACT AND PAYMENT THEREUNDER; AND SETTING FORTH AN EFFECTIVE DATE.  
*Staff Contact: Robert Carolin, Leisure Services Director (386-676-3279)*
- P. **Invitation to Bid - ATCT Generator**  
*Staff Contact: Joe Mannarino, Economic Development Director (386-676-3266)*  
*Disposition: Approve as recommended in the City Manager memorandum dated March 17, 2015.*
- Q. **RFP 2015-29 Workers' Compensation Claims Administration Services**  
*Staff Contact: Kelly McGuire, Finance Director (386-676-3226)*  
*Disposition: Approve as recommended in the City Manager memorandum dated March 17, 2015.*
- R. **Approval of Travel for City Commission/City Manager**  
*Staff Contact: Scott McKee, City Clerk (386-676-3340)*  
*Disposition: Approve as recommended in the City Manager memorandum dated March 17, 2015.*
- S. **Round Table of Volusia County Elected Officials Transportation Subcommittee Projects**  
*Staff Contact: John Noble, City Engineer (386-676-3269)*  
*Disposition: Approve as recommended in the City Manager memorandum dated March 17, 2015.*

**8. PUBLIC HEARINGS**

- A. **ORDINANCE NO. 2015-01** : AN ORDINANCE ADOPTING CERTAIN AMENDMENTS TO THE FUTURE LAND USE ELEMENT, TO THE CONSERVATION ELEMENT, AND TO THE FUTURE LAND USE MAP OF THE CITY OF ORMOND BEACH COMPREHENSIVE PLAN; 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. 2015-11** : AN ORDINANCE AMENDING CHAPTER 1, GENERAL ADMINISTRATION, ARTICLE III, DEFINITIONS AND ACRONYMS, SECTION 1-22, DEFINITION OF TERMS AND WORD TO DELETE SCHOOL OF ARTS DEFINITION AND ADD DEFINITIONS FOR INSTRUCTIONAL ARTISTIC ACTIVITY AND INSTRUCTIONAL PHYSICAL ACTIVITY; AMENDING CHAPTER 2, DISTRICT AND GENERAL REGULATIONS, ARTICLE II, DISTRICT REGULATIONS, SECTIONS 2-22(C), B-1, PROFESSIONAL OFFICE/HOSPITAL, 2-25(C), B-4, CENTRAL BUSINESS, 2- 26(C), B-5, SERVICE COMMERCIAL, SECTION 2-28(C), B-7, HIGHWAY TOURIST COMMERCIAL, SECTION 2-29(C), B-8, COMMERCIAL, AND SECTION 2-32(C), I-1, LIGHT INDUSTRIAL TO DELETE SCHOOL OF ARTS AS A PERMITTED USE AND ADD INSTRUCTIONAL PHYSICAL ACTIVITY AS A PERMITTED USE; AMENDING SECTION 2- 25(D), B-4, CENTRAL BUSINESS TO ADD INSTRUCTIONAL ARTISTIC ACTIVITY AS A CONDITIONAL USE; AND AMENDING CHAPTER 2, DISTRICT AND GENERAL REGULATIONS OF ARTICLE IV CONDITIONAL AND SPECIAL EXCEPTION REGULATIONS, SECTION 2-57, CRITERIA FOR REVIEW OF SPECIFIC CONDITIONAL AND SPECIAL EXCEPTION, BY ESTABLISHING CRITERIA FOR INSTRUCTIONAL ARTISTIC ACTIVITY; 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)*

- C. **ORDINANCE NO. 2015-12** : AN ORDINANCE AMENDING CHAPTER 2, DISTRICT AND GENERAL REGULATIONS OF ARTICLE III, GENERAL REGULATIONS, SECTION 2-50, ACCESSORY USES, SUBSECTIONS (X) POOLS AND (AA) SCREEN PORCHES/ENCLOSURES TO ALLOW EXISTING NONCONFORMING SCREEN ENCLOSURES TO BE REPLACED AS THEY CURRENTLY EXIST; 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. **ORDINANCE NO. 2015-13** : AN ORDINANCE AMENDING PARAGRAPH C, OFFICIAL ZONING MAP, OF SECTION 2-01, ESTABLISHMENT OF ZONING DISTRICTS AND OFFICIAL ZONING MAP, OF ARTICLE 1, 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 REAL PROPERTIES LOCATED WITHIN THE NORTH US HIGHWAY 1 MUNICIPAL SERVICE AREA ("MSA") AS A RESULT OF THE COMPREHENSIVE PLAN AMENDMENTS THAT IMPLEMENTED THE PROVISIONS OF THE INTERLOCAL SERVICE BOUNDARY AGREEMENT ("ISBA") BETWEEN THE CITY OF ORMOND BEACH AND THE COUNTY OF VOLUSIA; AUTHORIZING REVISION OF THE OFFICIAL ZONING MAP; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; AND SETTING FORTH AN EFFECTIVE DATE.

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

- E. **ORDINANCE NO. 2015-14** : AN ORDINANCE AMENDING PARAGRAPH C, OFFICIAL ZONING MAP, OF SECTION 2-01, ESTABLISHMENT OF ZONING DISTRICTS AND OFFICIAL ZONING MAP, OF ARTICLE 1, 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 REAL PROPERTY LOCATED WITHIN THE NORTH US HIGHWAY 1 MUNICIPAL SERVICE AREA AS A RESULT OF THE COMPREHENSIVE PLAN AMENDMENTS THAT IMPLEMENTED THE PROVISIONS OF THE INTERLOCAL SERVICE BOUNDARY AGREEMENT (ISBA) BETWEEN THE CITY OF ORMOND BEACH AND THE COUNTY OF VOLUSIA; ADOPTING PLANNED DEVELOPMENT ORDERS BY REFERENCE PREVIOUSLY ISSUED BY VOLUSIA COUNTY; AUTHORIZING REVISION OF THE OFFICIAL ZONING MAP; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; AND SETTING FORTH AN EFFECTIVE DATE.

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

- F. **ORDINANCE NO. 2015-15** : AN ORDINANCE AMENDING PARAGRAPH C, OFFICIAL ZONING MAP, OF SECTION 2-01, ESTABLISHMENT OF ZONING DISTRICTS AND OFFICIAL ZONING MAP, OF ARTICLE 1, 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 REAL PROPERTY TOTALING 1.91±-ACRES LOCATED AT 240 WILLIAMSON BOULEVARD, FROM VOLUSIA COUNTY B-4 (GENERAL COMMERCIAL) TO ORMOND BEACH B-7 (HIGHWAY TOURIST COMMERCIAL), AUTHORIZING REVISION OF OFFICIAL ZONING MAP; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; AND SETTING FORTH AN EFFECTIVE DATE.

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

## 9. STAFF ACTION ITEMS

- A. Housing Authority Payment in Lieu of Taxes Waiver

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

## 10. REPORTS, SUGGESTIONS, REQUESTS

## 11. ADJOURNMENT

### Item #1 – Meeting Call to Order

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

Mayor Kelley announced that Commissioner Kent was not in attendance that evening because he underwent a procedure the previous day and was recovering at home.

### Item #2 – Invocation

Reverend Willie Branch gave the invocation.

### Item #3 – Pledge of Allegiance

Mayor Kelley led the Pledge of Allegiance.

### Item #4A – Employee of the Quarter – Sam West

Ms. Joyce Shanahan, City Manager, announced that Mr. Sam West was the Employee of the Quarter. She stated that Mr. West began his career with the city in 1990 as a Service Helper I in the Parks and Recreation Department and was soon promoted to a Service Help II and then a Meter Reader in the Finance Department. She noted that Mr. West became a Senior Meter Reader in 1995 and in August 2012 was promoted to the Meter Reader Supervisor. She stated that Mr. West was an outstanding supervisor and

led the meter reader team by being among the finest examples of true professionalism, serving as a role model to senior meter readers and a mentor to new meter readers.

Ms. Shanahan noted that Mr. West was a member of the first class for the city's new Leadership Skills for Supervisors program. She stated that Mr. West had received numerous accolades from customers, both for his actions and attitudes and those of his staff. She stated that Mr. West was conscientious about the city's operating costs and continually sought ways to help save the city money and provide utility services in the most effective and efficient way possible. She explained that Mr. West was a project manager for the city's city-wide meter replacement project, which to date had changed almost 4,000 visual and touch meters to radio read meters, and had coordinated his efforts with the water department to avoid duplication. She noted that he maintained constant contact with the installation contractor to ensure minimal customer and city issues and handling any issues timely and efficiently.

Ms. Shanahan stated that Mr. West was very interested in educating customers about water usage and conservation. She stated that Mr. West took part in the annual Earth Day Celebration and manned a table with information on water conservation, reading water meters and what customers could do to find potential leaks. She noted that in the past Mr. West had also helped at the annual city Health Fair and was currently participating in the Mayor's Health and Fitness Challenge. She stated that Mr. West was an outstanding person and genuinely cared for others, and it clearly showed in the way he dealt with people. She cited an example of Mr. West helping a co-worker who was having issues with their car after the work day was over. She stated that Mr. West enjoyed motorcycle riding, kayaking, photography and caring for his many fish and turtles during his off time. She thanked Mr. West for his service to the city and its utility customers.

Mayor Kelley presented Mr. West with plaques, a gift and a watch commemorating his selection as Employee of the Quarter.

#### Item #5 – Audience Remarks

Mr. Jim Schultz, 117 Harvard Drive, thanked the city for their interest in community gardens. He noted that gardens could be implemented at homes but that the community gardens often became a social group. He explained that he wanted to speak about glyphosate, which was commonly known as Round-Up Weed Control Spray ("Round-Up"). He stated that he did not think that the community garden would encourage pesticides and herbicides to any great degree, but he wanted to note that there was an issue with Round-Up damaging minerals in the soil. He explained that it was originally patented to take minerals out of tanks and then later was patented as a weed killer because it locked up important minerals in the weed to create a disease in the plant which would kill it in a few days because it did not have magnesium or calcium available to it.

Mr. Schultz stated that Round-Up was also patented as an antibiotic that was very potent at destroying soil bacteria and fungus, which he noted were critically important for healthy, natural soil. He stated that once natural bacteria and fungus were destroyed there would be a dependence on chemical fertilizers. He explained that he did not have any grass by choice because 40% of the water in Florida, as in most areas, was used to maintain lawns, and it did not seem like a productive use to him. He stated that native plants such as beach sunflowers could grow instead. He stated that glyphosate damaged other microbes as well and was used on most foods. He stated that gut health was important and glyphosate would destroy complex microbes.

Reverend Willie Branch, 6 Cherokee Trail, stated that he was speaking on behalf of the American Legion Post 267. He explained that the legion had been a partner with the city for a number of years and was housed in the old school building. He stated that the legion was presently in a financial crunch, and had been since 2012 when the internet cafes violated the law and that subsequently affected everyone else. He stated that losing their machines caused the legion to lose revenue. He explained that the legion's lease required them to maintain the building, but without their extra income it was becoming a burden to do so. He noted that membership was dwindling as 90% of their membership had been World War II veterans, who were decreasing rapidly. He asked the city if they would reconsider the clause in their lease related to the maintenance and upkeep of the building and suggested that the city and the legion could come to an agreement to partner to do so and take some of the strain off of the post.

Mayor Kelley noted that three of the community garden group volunteers came and presented each member of the Commission with a pepper plant at the start of the project. He stated that he picked his last pepper off of his pepper plant the previous evening and noted that the plant, which he had planted in his yard, survived the harsh winter.

Item #6A– Approval of Minutes

Mayor Kelley advised that the minutes of the March 3, 2015, regular meeting had been sent to the Commission for review and were posted on the city’s website for public viewing. He asked for any corrections, additions, or omissions. He stated that hearing no corrections, the minutes would stand approved as presented.

Item #7– Consent Agenda

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

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

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

Item #8 – Public Hearings

Mayor Kelley opened the public hearing.

Item #8A – Comprehensive Plan Amendment, “Residential, Office, Retail (ROR)”

City Clerk Scott McKee read by title only:

ORDINANCE NO. 2015-01  
 AN ORDINANCE ADOPTING CERTAIN AMENDMENTS TO THE FUTURE LAND USE ELEMENT, TO THE CONSERVATION ELEMENT, AND TO THE FUTURE LAND USE MAP OF THE CITY OF ORMOND BEACH COMPREHENSIVE PLAN; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; AND SETTING FORTH AN EFFECTIVE DATE.

**Commissioner Partington moved, seconded by Commissioner Boehm, for approval of Ordinance No. 2015-01, on second reading, as read by title only.**

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

Item #8B – LDC Amendment, Instructional Activity

City Clerk Scott McKee read by title only:

ORDINANCE NO. 2015-11  
 AN ORDINANCE AMENDING CHAPTER 1, GENERAL ADMINISTRATION, ARTICLE III, DEFINITIONS AND ACRONYMS, SECTION 1-22, DEFINITION OF TERMS AND WORD TO DELETE SCHOOL OF ARTS DEFINITION AND ADD DEFINITIONS FOR INSTRUCTIONAL ARTISTIC ACTIVITY AND INSTRUCTIONAL PHYSICAL ACTIVITY; AMENDING CHAPTER 2, DISTRICT AND GENERAL REGULATIONS, ARTICLE II, DISTRICT REGULATIONS, SECTIONS 2-22(C), B-1, PROFESSIONAL OFFICE/HOSPITAL, 2-25(C), B-4, CENTRAL BUSINESS, 2- 26(C), B-5, SERVICE COMMERCIAL, SECTION 2-28(C), B-7, HIGHWAY TOURIST COMMERCIAL, SECTION 2-29(C), B-8, COMMERCIAL, AND SECTION 2-32(C), I-1, LIGHT INDUSTRIAL TO DELETE SCHOOL OF ARTS AS A PERMITTED USE

AND ADD INSTRUCTIONAL PHYSICAL ACTIVITY AS A PERMITTED USE; AMENDING SECTION 2- 25(D), B-4, CENTRAL BUSINESS TO ADD INSTRUCTIONAL ARTISTIC ACTIVITY AS A CONDITIONAL USE; AND AMENDING CHAPTER 2, DISTRICT AND GENERAL REGULATIONS OF ARTICLE IV CONDITIONAL AND SPECIAL EXCEPTION REGULATIONS, SECTION 2-57, CRITERIA FOR REVIEW OF SPECIFIC CONDITIONAL AND SPECIAL EXCEPTION, BY ESTABLISHING CRITERIA FOR INSTRUCTIONAL ARTISTIC ACTIVITY; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; PROVIDING FOR SEVERABILITY; AND SETTING FORTH AN EFFECTIVE DATE.

Mr. Ric Goss, Planning Director, stated that Ms. Krista Goodrich, the applicant, wished to establish a use that would permit a customer of her artistic activity business to bring in their own wine or beer. He noted that it was a very similar proposal to what came before them previously with a potential business called Painting with a Twist. He explained that Painting with a Twist decided not to go through the code amendment ultimately. He explained that this use would get rid of the old definition of school of art and add two definitions instead which would establish instructional artistic activity as a conditional use only in the downtown. He noted that this type of use would be very compatible and bring people into the downtown.

Mr. Goss explained that all of the other physical activity, which mostly included gyms, would go into B-7, B-8 or industrial categories. He noted that there would be conditional use criteria applied as this was a conditional use. He cited hours of operation as an example and that the bringing in of beer and wine was limited only to customers who were patronizing the business in order to complete an art activity. He stated that the Planning Board reviewed the item and had no issues, and there had been no objections by any individuals at the public hearing. He stated that staff recommended approval of the code amendment.

Mayor Kelley asked if an application would have to be made to allow this.

Mr. Goss confirmed that was correct and stated that this item was for an application that Ms. Goodrich filed in order to amend the code. He noted that Ms. Goodrich had paid the fees associated with doing so. He explained that it was a conditional use so it would be administratively approved based upon the conditional criteria.

Mayor Kelley confirmed with Mr. Goss that language was being changed in order to allow that.

Commissioner Boehm stated that he presented this application to the Ormond Beach Main Street Board as the business would be located in the Community Redevelopment Agency (CRA) area. He stated that the Ormond Beach Main Street Board unanimously endorsed the approval of the application. He noted that Ms. Goodrich had nine other locations and knew how to successfully operate this type of establishment. He further noted that Ms. Goodrich believed this would be successful in Ormond Beach and in the downtown. He stated that it was great to see businesses that encouraged artistic pursuits in the downtown and that he thought this was something that the city could use.

**Commissioner Boehm moved, seconded by Commissioner Partington, for approval of Ordinance No. 2015-11, on first reading, as read by title only.**

Mayor Kelley noted that he also felt that it would fit well in the arts district.

Commissioner Stowers noted that under the definition of instructional artistic activity it said "to create *beautiful* works" and stated that he would prefer to remove the word beautiful from that language.

Mayor Kelley stated that beauty was in the eye of the beholder, legally or otherwise. He noted that the ordinance would have a second reading and that change could be amended for that reading.

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

Item #8C – LDC Amendment, Pool Screen Enclosures

City Clerk Scott McKee read by title only:

ORDINANCE NO. 2015-12

AN ORDINANCE AMENDING CHAPTER 2, DISTRICT AND GENERAL REGULATIONS OF ARTICLE III, GENERAL REGULATIONS, SECTION 2-50, ACCESSORY USES, SUBSECTIONS (X) POOLS AND (AA) SCREEN PORCHES/ENCLOSURES TO ALLOW EXISTING NONCONFORMING SCREEN ENCLOSURES TO BE REPLACED AS THEY CURRENTLY EXIST; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; PROVIDING FOR SEVERABILITY; AND SETTING FORTH AN EFFECTIVE DATE.

Mr. Goss stated that this amendment was initiated by the Board of Adjustments and Appeals. He explained that there had been a number of variances with regards to individuals who had screen enclosures over their pools wishing to replace them who needed to go through a variance process to do so once they took the current screen down. He further explained that the Board of Adjustment and Appeals requested that this be amended. He noted that there were no issues at the Planning Board and that they recommended approval. He stated that staff recommended approval, as well.

Mayor Kelley stated that this made sense to him.

**Commissioner Partington moved, seconded by Commissioner Boehm, for approval of Ordinance No. 2015-12, on first reading, as read by title only.**

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

Item #8D – N. US1 ISBA Zoning Map Amendment (excluding Planned Developments)

City Clerk Scott McKee read by title only:

ORDINANCE NO. 2015-13

AN ORDINANCE AMENDING PARAGRAPH C, OFFICIAL ZONING MAP, OF SECTION 2-01, ESTABLISHMENT OF ZONING DISTRICTS AND OFFICIAL ZONING MAP, OF ARTICLE 1, 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 REAL PROPERTIES LOCATED WITHIN THE NORTH US HIGHWAY 1 MUNICIPAL SERVICE AREA ("MSA") AS A RESULT OF THE COMPREHENSIVE PLAN AMENDMENTS THAT IMPLEMENTED THE PROVISIONS OF THE INTERLOCAL SERVICE BOUNDARY AGREEMENT ("ISBA") BETWEEN THE CITY OF ORMOND BEACH AND THE COUNTY OF VOLUSIA; AUTHORIZING REVISION OF THE OFFICIAL ZONING MAP; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; AND SETTING FORTH AN EFFECTIVE DATE.

Mr. Goss noted that items 8D and 8E were companion ordinances and he would speak about them both. He stated that item 8D involved the evaluation of 231 properties with regards to their zoning in Volusia County. He noted that there were 31 nonconforming properties in the county and 2 nonconformities that were created; one which was a bar and another which was a single family home in an industrial park. He stated that he thought they were successful in coming up with similar zoning in the city as the properties had in the county.

Mr. Goss noted that with regards to item 8E, there were four properties that had master development orders which the city could not process through the same type of zoning amendments as were processed under 8D. He explained that for those four properties they were being given zoning based upon their master development zoning in the county and that recognized their dimensional standards, which were different from the city's, so that a nonconformity was not created. He noted that there were 235 total properties analyzed between both ordinances.

Mr. Goss stated that staff recommended approval. He noted that at the Planning Board review a few individuals spoke without objection and were instead asking questions about their ability to continue operating. He stated that this was the last item with regards to land use and zoning for the US1 corridor, other than the itinerant merchant licensing, which would be before the Commission in May.

**Commissioner Boehm moved, seconded by Commissioner Stowers, for approval of Ordinance No. 2015-13, on first reading, as read by title only.**

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

Item #8E – N. US1 ISBA Zoning Map Amendment (Planned Developments)

City Clerk Scott McKee read by title only:

ORDINANCE NO. 2015-14

AN ORDINANCE AMENDING PARAGRAPH C, OFFICIAL ZONING MAP, OF SECTION 2-01, ESTABLISHMENT OF ZONING DISTRICTS AND OFFICIAL ZONING MAP, OF ARTICLE 1, 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 REAL PROPERTY LOCATED WITHIN THE NORTH US HIGHWAY 1 MUNICIPAL SERVICE AREA AS A RESULT OF THE COMPREHENSIVE PLAN AMENDMENTS THAT IMPLEMENTED THE PROVISIONS OF THE INTERLOCAL SERVICE BOUNDARY AGREEMENT (ISBA) BETWEEN THE CITY OF ORMOND BEACH AND THE COUNTY OF VOLUSIA; ADOPTING PLANNED DEVELOPMENT ORDERS BY REFERENCE PREVIOUSLY ISSUED BY VOLUSIA COUNTY; AUTHORIZING REVISION OF THE OFFICIAL ZONING MAP; 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. 2015-14, on first reading, as read by title only.**

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

Item #8F – 240 Williamson Blvd. Zoning Map Amendment

City Clerk Scott McKee read by title only:

ORDINANCE NO. 2015-15

AN ORDINANCE AMENDING PARAGRAPH C, OFFICIAL ZONING MAP, OF SECTION 2-01, ESTABLISHMENT OF ZONING DISTRICTS AND OFFICIAL ZONING MAP, OF ARTICLE 1, 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 REAL PROPERTY TOTALING 1.91±-ACRES LOCATED AT 240 WILLIAMSON BOULEVARD, FROM VOLUSIA COUNTY B-4 (GENERAL COMMERCIAL) TO ORMOND BEACH B-7 (HIGHWAY TOURIST COMMERCIAL), AUTHORIZING REVISION OF OFFICIAL ZONING MAP; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; AND SETTING FORTH AN EFFECTIVE DATE.

Mr. Goss stated that the B-7 zoning category was very consistent with the land use category given to the property as a result of the annexation.

**Commissioner Boehm moved, seconded by Commissioner Partington, for approval of Ordinance No. 2015-15, on first reading, as read by title only.**

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

Mayor Kelley closed the public hearing without objection.

Item #9A – Housing Authority Payment in Lieu of Taxes Waiver

Ms. Shanahan stated that the city had received a request from the Ormond Beach Housing Authority (“Housing Authority”) to waive their payment in lieu of taxes (PILOT). She explained that the Housing Authority had indicated that they would use those funds to perform ongoing repairs at their units. She noted that some of the repairs mentioned including roofing, sidewalks, and lighting. She stated that she understood that the Housing Authority was currently working with the county on a Community Development Block Grant (CDBG) plan for sidewalks and possibly lighting. She noted that city staff would look into street lighting issues there. She stated that staff’s recommendation would be to waive the payment but request some specifics with regard to the use of those funds.

Commissioner Boehm noted that he had spoken to Ms. Shanahan and asked her about the specificity of the repairs that would be funded. He stated that some items listed appeared to be those that could be provided by the city or the county such as street lights on public streets. He noted that exact specifics with regards to the use of the funds were not provided, and he would be interested in learning that.

Mayor Kelley thanked Ms. Riviere and Reverend Branch for their leadership and for turning the organization around. He asked Ms. Riviere if she could provide some specifics as to how the funds would be utilized, if the request was granted.

Ms. Caroline Riviere, Executive Director of the Ormond Beach Housing Authority, noted that Ms. Shanahan mentioned the CDBG. She explained that they were receiving some assistance from the CDBG, but it would only cover repairs on the roof on South Washington Street. She stated that matching funds from the capital fund improvement program were being used for that, as well. She explained that the roofs at two other sites were also in poor shape. She further explained that there were no sidewalks on any of the properties.

Mayor Kelley stated that the Commission would like to see specifics as to how the \$15,000 would be utilized.

Ms. Shanahan suggested that she could meet with Ms. Riviere to work out a list that could be included in the resolution that would have to be brought back for approval to waive the fees.

Mayor Kelley confirmed with the Commission that they were in favor of receiving a resolution to waive the payments.

Commissioner Partington noted that there had been some precedent for waiving the fees. He stated that his only concern was using one-time funds for reoccurring situations.

Ms. Shanahan explained that the city would like those funds to be used for capital improvements.

Mayor Kelley confirmed with Ms. Riviere that the funds would not be used for salaries or those types of expenses. He asked Ms. Riviere to get with Ms. Shanahan to provide specifics as to the amount allocated to which items, and it would be brought back in the form of a resolution for their review.

Reverend Willie Branch, Chairman of the Ormond Beach Housing Authority Board, complimented Ms. Riviere on her job as the Executive Director. He stated that during Ms. Riviere’s tenure the salaries were restricted by the board to make them more in line with what HUD (Department of Housing and Urban Development) expected for staff to receive. He noted that they were not seeking funds for personnel. He explained that the properties had been ignored for too long, and it was an issue that they were striving to address. He stated that the roofs were deplorable and new cabinets and sinks had recently been purchased to update the properties as some of the existing ones were

from the original build in the 1950s. He stated that the things they were asking for were to benefit their customers.

Mayor Kelley thanked Ms. Riviere and Reverend Branch for taking a leadership role and making a difference in the community. He noted that money was being given to those who needed it.

Reverend Branch complimented Ms. Riviere again, noting that this was the first time in the history of the Ormond Beach Housing Authority that the Housing Authority Board Commissioners were allowed to attend training, and he noted that they were now certified.

#### Item #10 – Reports, Suggestions, Requests

##### Strategic Planning Workshops

Ms. Shanahan stated that she had sent an email to the members of the Commission to schedule a date and time for their Strategic Planning Workshop. She stated that the most selected date and time choice was Tuesday, May 12, 2015, from 3:30 p.m. to 9:00 p.m. She stated that the city would also be holding Community Conversation Workshops for citizen involvement on Saturday, April 18, 2015, and on Wednesday, April 21, 2015. She explained that the feedback received from those workshops would be provided to the Commission at their Strategic Planning Workshop. She noted that the city would be contacting local organizations and the business community to invite them to attend the Community Conversation Workshops. She explained that staff would also be asking each of the Commissioners to provide a list of ten names to send personal invitations to for the Community Conversation Workshops.

##### Upcoming Workshops

Ms. Shanahan stated that on Tuesday, April 7, 2015, there would be a Utility Master Plan Workshop at 5:30 p.m. prior to the City Commission meeting. She stated that the Airport Master Plan Workshop that was scheduled for Tuesday, April 21, 2015, was cancelled due to all of the strategic planning activities around that time. She stated that Tuesday, May 19, 2015, would be the Town Hall Budget Meeting.

##### Splash Pads

Ms. Shanahan stated that the splash pads at South Ormond Neighborhood Center and Andy Romano Beachfront Park were now open.

##### Native American Festival

Ms. Shanahan stated that the Native American Festival would be held Friday, March 20, 2015, through Sunday, March 22, 2015.

##### Good Friday

Ms. Shanahan stated that Friday, April 3, 2015, was Good Friday and that city offices would be closed.

##### Community Gardens

Ms. Shanahan stated that the community gardens were off to a growing start and now that the spaces were filled a waitlist was being created for those interested. She stated that the irrigation and garden boxes had all been installed and that the first meeting for gardeners would be March 25, 2015, at 6:00 p.m. at the community gardens' site. She noted that city staff would review garden rules and master gardeners would give a short educational talk on the issues.

##### Downtown Streetscape Planting

Ms. Shanahan stated that the downtown streetscape planting was being started and would continue throughout the summer.

##### Sports Complex Way Finding Signs

Ms. Shanahan noted that the Ormond Beach Sports Complex had new way-finding signage put in. She stated that Mr. Paul MacDonald, Landscape Architect, did the design for that, and it was very clear and visible.

##### Wishes for Commissioners

Ms. Shanahan personally welcomed back Commissioner Boehm and wished him continued good health. She wished Commissioner Kent good health, as well. She

noted that she was also hoping to see a new baby in Commissioner Stowers' family soon.

Mayor Kelley noted that it was also Commissioner Kent's birthday next week and wished him a happy birthday. He welcomed Commissioner Boehm back.

#### Commissioner Boehm's return

Commissioner Boehm stated that he was grateful to be back. He noted that he now had had an experience with the city's fire department and stated that they arrived at his home very quickly when he was in distress. He stated that he also received superior treatment at Florida Hospital. He stated that he had a very close call and was very grateful that he was there that evening and doing well. He explained that it took a lot of effort by medical teams and emergency personnel to pull him through. He explained that he had curved stairs at his home and a gurney could not go up them so the fire department put him in what looked like a body bag and carried him down the stairs. He noted that was not an experience he ever wanted to go through again.

#### Black and White Gala

Commissioner Boehm stated that the Ormond Beach Chamber of Commerce would be holding a Black and White Gala on March 28, 2015. He noted that it was one of their major fundraisers, and he hoped that members of the Commission and others had the opportunity to attend.

#### Celtic Festival

Commissioner Boehm stated that the Celtic Festival, put on by Ormond Beach Main Street, would be held April 18 and 19, 2015.

#### US1 Business Highway

Commissioner Boehm noted that Mr. Joe Mannarino, Economic Development Director, was developing a flyer for the US1 Business Highway. He explained that the businesses along US1 from Oak Hill to Ormond Beach were going to be doing a scavenger hunt in April. He noted that he had not yet seen the flyer for the event but had told Ormond Beach Main Street about it so they knew it was coming.

#### CVS location

Commissioner Boehm stated that he was excited to see that a site plan had been submitted for the CVS to go on the corner at Nova Road and Granada Boulevard in place of the abandoned Texaco station that he always wished would depart. He noted that the departure of that eyesore would greatly improve his zone.

#### Mayor's Health and Fitness Challenge

Commissioner Boehm stated that he would not be in town on March 28, 2015, and as such, not be in town for the end of the Mayor's Health and Fitness Challenge. He stated that he was weighed the previous day and had contributed a loss of 21.5 pounds to the Commission team. He noted that looking at Commissioner Stowers he knew that was not the most weight loss by someone on the Commission. He further noted that Commissioner Kent had also continued to lose weight. He stated that the Commission team would be formidable this year, as they were the previous year.

#### Commissioner Partington's work in Tallahassee

Ms. Shanahan stated that Commissioner Partington had traveled to Tallahassee on short notice to testify regarding pension issues, and he had been interviewed as part of the Florida League of Cities' video. She played the portion of video showcasing Commissioner Partington's interview comments.

Mayor Kelley thanked Commissioner Partington. He noted that Commissioner Partington was also leaving at the end of the meeting to go back to Tallahassee for legislative days.

#### Wishes for Commissioners

Commissioner Partington stated that he was glad that Commissioner Boehm was back, noting that his hospitalization scared them, and they were pleased he was now doing so well. He wished that Commissioner Kent would get well soon and wished him a happy birthday.

Volusia League of Cities

Commissioner Partington stated that the Volusia League of Cities' (VLOC) monthly dinner was in Deltona that month on March 26, 2015. He noted that he believed that Team Volusia was on the agenda to provide an update regarding their program. He stated that the bylaws committee would submit bylaws to be approved that evening, noting that would be the first time that there would be bylaws. He stated that the league also had a new website coming. He stated that the VLOC Annual Awards Dinner was scheduled for Thursday, June 4, 2015, and was likely to be at the Sanborn Center in Deland. He noted that would be a large event with close to 300 people in attendance. He requested that the Commission save the date.

Mayor Kelley asked if that meant that there would not be a dinner in May; whereby, Commissioner Partington stated that he believed that was correct and that the dinner was just being pushed back a week as they were running behind with the nominations. He noted that the nominations should be distributed in the next week or so.

Volusia Roundtable of Elected Officials

Mayor Kelley stated that the Volusia County Roundtable of Elected Officials was continuing the meet and gaining a lot of information. He noted the importance of having as much information as possible before making decisions. He stated that they were addressing issues such as homelessness, beach issues, water issues, and transportation. He stated that it was good to have an elected official from each municipality there to discuss those issues and that the City Managers were invited once a quarter to attend and provide input. He noted that the sub-committees were spending a lot of time working to gain information.

St. Patrick's Day

Mayor Kelley wished everyone a Happy St. Patrick's Day and wished Commissioner Partington a safe trip to Tallahassee.

Item #11 – Adjournment

The meeting was adjourned at 7:51 p.m.

APPROVED: April 7, 2015

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

ATTEST:

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