

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

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**April 21, 2015**

**7:00 p.m.**

**Commission Chambers**

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

**A G E N D A**

- 1. CALL TO ORDER**
- 2. INVOCATION**
- 3. PLEDGE OF ALLEGIANCE**
- 4. PRESENTATIONS AND PROCLAMATIONS**
  - A. Proclamation for Ryan Carver
  - B. Victims' Right Week Proclamation
  - C. Mayor's Health and Fitness Challenge 1<sup>st</sup> Place Award Winners
- 5. AUDIENCE REMARKS - REGARDING ITEMS NOT ON THE AGENDA**
- 6. APPROVAL OF MINUTES**
  - A. Minutes from City Commission meeting – April 7, 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. 2015-91** : A RESOLUTION AUTHORIZING THE EXECUTION OF A JOINT PARTICIPATION AGREEMENT BETWEEN THE CITY AND FLORIDA DEPARTMENT OF TRANSPORTATION, REGARDING LANDSCAPING IMPROVEMENTS AT THE N. US1 & I95 OVERPASS AND EXISTING MEDIAN ALONG US1 (FROM AIRPORT RD TO I95); AND SETTING FORTH AN EFFECTIVE DATE.

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

- B. RESOLUTION NO. 2015-92** : A RESOLUTION AUTHORIZING THE EXECUTION OF A RELEASE OF SPECIAL MAGISTRATE ADMINISTRATIVE FINE/LIEN FOR CODE VIOLATIONS ON PROPERTY LOCATED AT 317 CHARDON ROAD, ORMOND BEACH, VOLUSIA COUNTY, FLORIDA (PARCEL ID NO. 4220-03-08- 0070); AND SETTING FORTH AN EFFECTIVE DATE.

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

- C. RESOLUTION NO. 2015-93** : A RESOLUTION ACCEPTING A BID FROM RIC-MAN CONSTRUCTION FLORIDA, INC. FOR CONSTRUCTION SERVICES REGARDING THE STORMDRAIN & SANITARY SEWER PIPE LINING REHABILITATION PROJECT, UNDER BID NO. 2015-5; 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)

- D. **RESOLUTION NO. 2015-94** : A RESOLUTION ACCEPTING A BID FROM DANUS UTILITIES, INC. REGARDING THE SADDLER'S RUN LIFT STATION REFURBISHMENT PROJECT, UNDER BID NO. 2015-25; 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)*

- E. **RESOLUTION NO. 2015-98** : A RESOLUTION ACCEPTING THE PROPOSAL OF ANTARES VALLE AND HECTOR R. VALLE, SR. D/B/A BIRDSTOWN SKATE SHOP REGARDING OPERATION OF THE CONCESSION STAND AT THE NOVA SKATE COURT; AUTHORIZING THE EXECUTION OF AN AGREEMENT; AND SETTING FORTH AN EFFECTIVE DATE.

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

- F. **Purchase of Vehicle Tires under the Florida Sheriffs Association Contract #15/17-07-0220**

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

**Disposition:** Approve as recommended in the City Manager memorandum dated April 21, 2015.

- G. **Utility Collection Accounts Initiative**

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

**Disposition:** Approve as recommended in the City Manager memorandum dated April 21, 2015.

**8. PUBLIC HEARINGS**

- A. **ORDINANCE NO. 2015-16** : AN ORDINANCE AMENDING CHAPTER 1, GENERAL ADMINISTRATION, ARTICLE III, DEFINITIONS AND ACRONYMS, SECTION 1-22, DEFINITION OF TERMS AND WORD BY DELETING THE RETAIL SALES AND SERVICE, SPECIALTY USE; AMENDING CHAPTER 2, DISTRICT AND GENERAL REGULATIONS OF ARTICLE I, ESTABLISHMENT OF ZONING DISTRICTS AND OFFICIAL ZONING MAP, SECTION 2-02, FUTURE LAND USE MAP DESIGNATIONS AND ZONING DISTRICTS BY DELETING THE PROFESSIONAL OFFICE/HOSPITAL LAND USE TITLE AND BY ADDING ROR, RESIDENTIAL, OFFICE, RETAIL LAND USE TITLE; AMENDING CHAPTER 2, DISTRICT AND GENERAL REGULATIONS OF ARTICLE II, DISTRICT REGULATIONS, SECTION 2-22, B-1, PROFESSIONAL OFFICE/HOSPITAL, BY DELETING RETAIL SALES, AND SERVICE, SPECIALTY AS A PERMITTED USE; BY ADDING PERSONAL SERVICES, RESTAURANT, TYPE A, RESTAURANT TYPE B, AND RETAIL SALES AND SERVICE AS CONDITIONAL USES; AND BY ADDING RESTAURANT, TYPE C AS AN ALLOWED SPECIAL EXCEPTION USE; AMENDING CHAPTER 2, DISTRICT AND GENERAL REGULATIONS, ARTICLE II, DISTRICT REGULATIONS, SECTION 2-30, B-9, BOULEVARD ZONING DISTRICT BY DELETING RETAIL SALES AND SERVICE, SPECIALTY AS A PERMITTED USE; BY ADDING INSTRUCTIONAL PHYSICAL ACTIVITY AS A PERMITTED USE; BY ADDING PERSONAL SERVICES, RESTAURANT TYPE B, AND RETAIL SALES AND SERVICE AS CONDITIONAL USES; AND BY ADDING RESTAURANT, TYPE C AS AN ALLOWED SPECIAL EXCEPTION USE; AMENDING CHAPTER 2, DISTRICT AND GENERAL REGULATIONS, ARTICLE II, DISTRICT REGULATIONS, SECTION 2-31, B-10, SUBURBAN BOULEVARD ZONING DISTRICT BY DELETING RETAIL SALES AND SERVICE, SPECIALTY AS A PERMITTED USE; BY ADDING FINANCIAL INSTITUTION AND INSTRUCTIONAL PHYSICAL ACTIVITY AS PERMITTED USES; BY ADDING CHILD CARE FACILITIES, PERSONAL SERVICES, RESTAURANT TYPE B, AND RETAIL SALES AND SERVICE AS CONDITIONAL USES; AND BY ADDING RESTAURANT, TYPE C AS AN ALLOWED SPECIAL EXCEPTION 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 BY DELETING THE CONDITIONS OF THE RETAIL SALES AND SERVICE, SPECIALTY AND BY ADDING CONDITIONS FOR RETAIL SALES AND SERVICE OF THE LAND DEVELOPMENT CODE; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; PROVIDING FOR SEVERABILITY; AND SETTING FORTH AN EFFECTIVE DATE. **(SECOND READING)**

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

- B. **RESOLUTION NO. 2015-95** : A RESOLUTION AUTHORIZING THE PARTIAL RELEASE OF A CITY OF ORMOND BEACH DEED OF CONSERVATION EASEMENT, ON PROPERTY LOCATED AT 555 AND 875 STERTHAUS DRIVE; PROVIDING FOR RECORDATION; AND SETTING FORTH AN EFFECTIVE DATE.

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

- C. **ORDINANCE NO. 2015-18** : 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 A CERTAIN PARCEL OF REAL PROPERTY TOTALING APPROXIMATELY 27.607-ACRES LOCATED AT 555 AND 875 STERTHAUS DRIVE, FROM B-1 (PROFESSIONAL OFFICE/HOSPITAL) TO PBD (PLANNED BUSINESS DEVELOPMENT), 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)*

- D. **ORDINANCE NO. 2015-19** : AN ORDINANCE AUTHORIZING THE EXECUTION AND ISSUANCE OF A DEVELOPMENT ORDER FOR A PLANNED BUSINESS DEVELOPMENT TO BE KNOWN AS "ORMOND RENAISSANCE CONDOMINIUM", AUTHORIZING THE CONSTRUCTION OF A PHASED DEVELOPMENT OF 286 MULTI-FAMILY UNITS WITHIN ELEVEN BUILDINGS ALONG WITH ASSOCIATED SITE IMPROVEMENTS TO BE LOCATED AT 555 AND 875 STERTHAUS DRIVE; AUTHORIZING THE GROSS RESIDENTIAL DENSITY OF 10.36 UNITS PER ACRE, A MAXIMUM BUILDING HEIGHT OF 74.0' 4.0" FOR ELEVEN BUILDINGS, A BUILDING LENGTH OF APPROXIMATELY 207 LINEAR FEET FOR ELEVEN BUILDINGS; AND THE REMOVAL OF NINE HISTORIC TREES; ESTABLISHING CONDITIONS AND EXPIRATIONS OF APPROVAL; AND SETTING FORTH AN EFFECTIVE DATE.

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

- E. **RESOLUTION NO. 2015-96** : A RESOLUTION APPROVING THE PRELIMINARY PLAT FOR THE "ORMOND RENAISSANCE A CONDOMINIUM", LOCATED AT 555 AND 875 STERTHAUS DRIVE; ESTABLISHING CONDITIONS AND EXPIRATION DATE OF APPROVAL; SETTING FORTH AN EFFECTIVE DATE.

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

## 9. FIRST READING OF ORDINANCES

- A. **ORDINANCE NO. 2015-20** : AN ORDINANCE AMENDING SECTION 23-2, DEFINITIONS, AND SECTION 23-3, SEXUAL OFFENDER AND SEXUAL PREDATOR RESIDENCE PROHIBITION; PENALTIES; EXCEPTIONS, OF CHAPTER 23, SEXUAL OFFENDERS AND SEXUAL PREDATORS, OF THE CITY OF ORMOND BEACH CODE OF ORDINANCES, BY REVISING THE DEFINITIONS TO INCLUDE TRANSIENT RESIDENCE, AMENDING THE RESIDENCE PROHIBITION TO INCLUDE SUCH, ADDING FLORIDA STATUTE 847.0135(5) TO LIST OF OFFENSES, REPLACING DAY CARE CENTER WITH CHILD CARE FACILITY, CHANGING PUBLIC SCHOOL BUS STOP TO SCHOOL BUS STOP, ADDING AN EXCEPTION FOR CONVICTIONS PRIOR TO ENACTMENT/AMENDED OF STATE LAW, ADDING EXCEPTION BASED ON SECTION 943.04354, FLORIDA STATUTES, AND REVISING OTHER SECTIONS TO MATCH SECTIONS 775.21 AND 775.215, FLORIDA STATUTES; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; AND SETTING FORTH AN EFFECTIVE DATE.

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

## 10. RESOLUTIONS

- A. **RESOLUTION NO. 2015-80** : A RESOLUTION AUTHORIZING THE EXECUTION OF A CONTRACT FOR LAND EXCHANGE BETWEEN THE CITY OF ORMOND BEACH AND WIVIGECO, LLC; AND ACCEPTANCE OF A PUBLIC UTILITY, ACCESS AND MAINTENANCE EASEMENT DEED AS A CONDITION OF THE CONTRACT; AND SETTING FORTH AN EFFECTIVE DATE.

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

- B. **RESOLUTION NO. 2015-97** : A RESOLUTION APPOINTING MEMBERS TO SERVE ON THE HISTORIC LANDMARK PRESERVATION BOARD; SETTING FORTH TERMS AND CONDITIONS OF SERVICE; AND SETTING FORTH AN EFFECTIVE DATE.

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

**11. STAFF ACTION ITEMS**

- A. **North Mainland/Ormond Crossings Community Redevelopment Area**

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

**12. DISCUSSION ITEMS**

- A. **Discussion on Beach Driving**

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

- B. **Request for Rescission or Reduction of Special Magistrate Fine/Lien - 535 Tomoka Avenue**

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

- C. **Volusia League of Cities (VLOC) Distinguished Service Awards 2015**

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

**13. REPORTS, SUGGESTIONS, REQUESTS**

**11. ADJOURNMENT**

Item #1 – Meeting Call to Order

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

Item #2 – Invocation

Reverend Neal Ganzel, Coquina Presbyterian Church, gave the invocation.

Item #3 – Pledge of Allegiance

Mayor Kelley led the Pledge of Allegiance.

Item #4A – Proclamation for Ryan Carver

Mayor Kelley invited Ryan Carver and his family to accept the proclamation.

Mayor Kelley stated that Ms. Connie Tanner took her grandson, Ryan Carver, to lunch at Houligan's Sports Grill on March 20, 2015, to celebrate the start of Spring Break. He stated that as they were driving home Ms. Tanner turned off of Granada Boulevard and lost consciousness as she was turning onto Cherokee Trail in the Trails Subdivision. He explained that Ryan quickly sprang into action by removing his grandmother's foot from the gas pedal and pushing the brake pedal with one hand while steering his grandmother's Mazda sport utility vehicle (SUV) with the other. He further explained that Ryan veered onto the grass to the left, barely avoiding hitting a tree to the right, and landed on someone's yard. He noted that Ryan then had to veer back to the left again to avoid an oncoming van and ended up coming to a stop in someone's driveway, albeit safe and sound, all *before* his grandmother regained consciousness.

Mayor Kelley stated that Ryan then jumped out of the SUV and screamed for help. He noted that a passerby called 911 and the Ormond Beach Fire Department and EVAC arrived shortly afterwards to transport Ms. Tanner to the hospital. He stated that it took great courage on Ryan's part to fearlessly maneuver the SUV to the side of the road. He noted that Ryan was pretty shaken after the incident but that the Ormond Beach Firefighters commended Ryan for his bravery and the heroic measures he took that saved his grandmother's life. He stated that Ryan was a 13-year old student in the sixth

grade at Hinson Middle School who enjoyed fishing, skateboarding, canoeing with his father and playing video games, when he was not out saving lives.

Mayor Kelley proclaimed April 22, 2015, as "Ryan Carver Day" in the City of Ormond Beach and urged all residents to join with him and recognize Ryan Carver for his heroism and courage in saving his grandmother and stated that Ryan was an outstanding representative of the youth of the City of Ormond Beach. He noted that he was very impressed with Ryan's actions and remarked that even someone of his size would have had difficulty doing what Ryan did in removing his grandmother's foot from the pedal and pushing the brake with his hand while steering. He commended Ryan for his actions.

#### Item #4B – Victims' Rights Week Proclamation

Mayor Kelley invited Ms. Barbara Sims, Victim Advocate for the City of Ormond Beach, to accept the proclamation.

Mayor Kelley stated that every man, woman and child who was victimized by crime in America deserved to be treated with dignity and compassion, and deserved services and support to help them in the aftermath of crime. He noted that annually there were over 39 million people in the United States that were victimized by crime, 10 million of whom were victims of violent crimes. He stated that the physical, financial and psychological effects of crime have a devastating impact upon victims and the fabric of the nation. He explained that there were over 10,000 professional and volunteer agencies in the United States that were committed to helping victims of crime and promoting safety and security for us all.

Mayor Kelley stated that victims should have the right to participate in the justice processes and be provided with information about their cases, and offenders should be held fully accountable for their criminal actions. He proclaimed April 19–25, 2015, as "National Crime Victims' Rights Week" in the City of Ormond Beach and urged citizens to join in a chorus that lets victims' rights ring across America. He thanked Ms. Sims for the work she did and for giving her time to help those in need.

#### Item #4C – Mayor's Health and Fitness Challenge 1<sup>st</sup> Place Award Winners

Mayor Kelley stated that there had been 199 registered challengers for the 12-week challenge journey. He noted that 49 challengers completed the initial and final biometrics. He stated that a total of 479.3 pounds had been shed during the challenge and that the top ten placing participants had lost 288 pounds between them.

Mayor Kelley asked Risk Manager Christina Maguire to assist him in presenting awards to the first place winners of the 2015 Mayor's Health and Fitness Challenge. He explained that Ms. Maguire had coordinated the challenge for the third year and thanked her, noting that she deserved much of the credit for the success of the challenge. He presented her with a bouquet of flowers and informed her that the challenge would not have been possible without her. He noted that the program had been recognized on the local, state and national level. He stated that the fourth annual challenge would start on January 9, 2016.

Mayor Kelley announced that Mr. Chris Byle had won the Men's Physical Fitness Challenge and presented him with his prize of \$250 and a certificate. He stated that Mr. Byle had completed 126 jump-ups, 78 sit-ups, 33 push-ups, 79 jumping jacks, five horizontal ladder passes, 23 burpees, 108 Russian twists, and 26 leg lifts plus 12 crab walks during a timed event in order to win.

Mayor Kelley announced that Ms. Patty Fennell had won the Women's Physical Fitness Challenge and presented her with her prize of \$250 and a certificate. He stated that Ms. Fennell had completed 131 jump-ups, 74 sit-ups, 83 push-ups, 94 jumping jacks, one horizontal ladder pass, 32 burpees, 115 Russian twists, and 19 leg lifts plus 15 crab walks during a timed event in order to win.

Mayor Kelley announced that Commissioner Stowers had won first place in the category of Weight Loss Percentage, losing 17.2% of his body weight, and also in the category of Body Fat Percentage, losing 44.8% body fat. He presented him with two \$500 prizes and certificates, for each category he won. He noted that Commissioner Stowers also placed fourth in the Men's Physical Fitness Challenge.

Mayor Kelley stated that next year the Commission would challenge any other team of five individuals who wished to challenge them in weight loss. He stated that the City Manager and City Attorney should participate, as well. He noted that the sponsors for the event provided the cash prizes. He thanked the sponsors and all of those who participated.

#### Item #5 – Audience Remarks

Mr. Keith Norden, President and CEO of Team Volusia, stated that he wanted to provide the City Commission with an update on the first four months of 2015. He stated that Team Volusia's funding continued to be strong and that two additional cities, Daytona Beach Shores and Edgewater, were added as public sector partners and stated that seven private sector investors were also added. He noted that presently they were equal public partners and private investors in Team Volusia. He explained that public dollars were thus being matched dollar for dollar by the private sector. He explained that government funds were used for operations and private sector funds were used for all of the business outreach opportunities.

Mr. Norden stated that Team Volusia's Executive Committee approved metrics that included not only jobs, capital investment and wages, but also included outreach opportunities, proposals being sent, and site visits. He stated that he was proud to say that the pipeline changed constantly as they presently had 23 leads and projects with a potential of 1,345 jobs. He noted that two of those projects were in stage four and one of those was in Ormond Beach. He explained that there would be a possible announcement in the coming future. He thanked the Commission for their continued support and engagement. He noted that City Manager Joyce Shanahan served on the Executive Committee and that Economic Development Director Joe Mannarino was a very active participation in the Practitioner's Counsel.

Mayor Kelley thanked Mr. Norden for his recruiting efforts. He stated that economic development was one of the top goals set by the Commission the last few years. He noted that Mr. Norden was efficient and he appreciated his efforts with the limited tax dollars that the city had.

Mr. Paul Duncan, 385 South Kings Road, requested that a tree in Central Park be removed. He stated that this particular oak tree leaned out over the water and was located ten feet from his property line. He explained that hundreds of children came to that location on a regular basis to swing on the tree and drop into the water. He stated that on Spring Break he came across over 30 children at that location and enough beer for 100 people. He noted that not one of those children was old enough to drink alcohol. He stated that the area was also being used to do drugs. He noted that it was not legal anywhere else in the park for the children to go swimming. He noted that he had been running people out of that area.

Mr. Duncan stated that he had spoken with Police Chief Andy Osterkamp several times. He noted that he had tried to work with him, but he felt that the police officers responding to that location had no clue what to do about the situation. He requested direction from the Commission. He stated that he had worked with the Leisure Services Department and knew that Ms. Shanahan had been contacted, as well. He noted that Commissioner Partington had observed the area and checked out the situation himself. He stated that the Leisure Services Department had removed the wood that was nailed to the tree that aided in allowing the children to climb it. He explained that there was a rope swing and one child would swing off of it and another would jump from above him in the tree and they would try and catch each other on their way down into the water. He noted that the city would be liable if those children were injured because they were swinging off of city land.

Mr. Duncan stated that if the children hurt themselves the Fire Department would not be able to access that area easily to help the children and as a result they could die. He asked the Commission whether they would have city staff enforce all of their regulations, noting that he felt that if that was done it would stop most of the problems. He stated that people came from out of state and were specifically seeking that tree and that area in order to get intoxicated where the police could not bother them. He noted that the police could not see or hear them because it was such a remote location. He stated that he was tired of it and it had to stop. He stated that if the city did not stop it, then he would. He noted that he would like to work with the city. He suggested that the city build a zip-line over the lake. He explained that a zip-lining business would make a profit and give the children something good to do.

Mayor Kelley noted that police presence in that location would not be possible around the clock. He suggested that something could surely be done if the city was notified of a problem occurring. He encouraged the City Manager to help find a solution. He noted that he liked the zip-line idea.

Mr. Jim Schultz, 117 Harvard Drive, stated that 20 states had almost identical laws presented to them regarding eliminating exemptions for religious and philosophical reasons for not receiving vaccinations. He noted that it appeared California had passed such a law, but it needed to go through more reviews. He stated that most people were not familiar with the different vaccinations. He explained that there was a new polio vaccine called IPV. He noted that the old polio vaccine could prevent wild polio. He explained that there had been no wild polio in the United States for the last 20 years so a decision was made to switch to a safer vaccine, but one which would not protect against wild polio. He noted that there was a new vaccine that dealt with tetanus and diphtheria, both of which were conditions that could not be passed on, and also whooping cough. He stated that those receiving that vaccine were much more likely to become infected and contagious than those who were not vaccinated. He noted that had not been shared with the public.

Ms. Julia Truilo, Executive Director of Ormond Beach Main Street, thanked the Commission and stated that they had a wonderful weekend at the Celtic Festival. She thanked all those who came and noted that there had been a 25% increase in participants this year. She noted that guests had come from as far away as Ontario, Canada, and Ireland. She thanked Ms. Siobhan Daly, Casements Cultural Coordinator, and her staff at The Casements, as well as Leisure Services Director Robert Carolin, the Leisure Services Department, and the Police Department. She noted that city staff was marvelous to work with and she wanted to thank them.

Mayor Kelley stated that the weather was wonderful and the festival was fantastic. He noted the increase in cars parking in the surrounding area. He stated that Ormond Beach Main Street was a 501(c)3 organization and that all donations were appreciated.

Item #6A– Approval of Minutes

Mayor Kelley advised that the minutes of the April 7, 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 Kent moved, seconded by Commissioner Boehm, for approval of the Consent Agenda.**

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

Item #8 – Public Hearings

Mayor Kelley opened the public hearing.

Item #8A – ROR LCD Amendments

City Clerk Scott McKee read by title only:

ORDINANCE NO. 2015-16  
AN ORDINANCE AMENDING CHAPTER 1, GENERAL  
ADMINISTRATION, ARTICLE III, DEFINITIONS AND ACRONYMS,  
SECTION 1-22, DEFINITION OF TERMS AND WORD BY DELETING THE  
RETAIL SALES AND SERVICE, SPECIALTY USE; AMENDING CHAPTER  
2, DISTRICT AND GENERAL REGULATIONS OF ARTICLE I,

ESTABLISHMENT OF ZONING DISTRICTS AND OFFICIAL ZONING MAP, SECTION 2-02, FUTURE LAND USE MAP DESIGNATIONS AND ZONING DISTRICTS BY DELETING THE PROFESSIONAL OFFICE/HOSPITAL LAND USE TITLE AND BY ADDING ROR, RESIDENTIAL, OFFICE, RETAIL LAND USE TITLE; AMENDING CHAPTER 2, DISTRICT AND GENERAL REGULATIONS OF ARTICLE II, DISTRICT REGULATIONS, SECTION 2-22, B-1, PROFESSIONAL OFFICE/HOSPITAL, BY DELETING RETAIL SALES, AND SERVICE, SPECIALTY AS A PERMITTED USE; BY ADDING PERSONAL SERVICES, RESTAURANT, TYPE A, RESTAURANT TYPE B, AND RETAIL SALES AND SERVICE AS CONDITIONAL USES; AND BY ADDING RESTAURANT, TYPE C AS AN ALLOWED SPECIAL EXCEPTION USE; AMENDING CHAPTER 2, DISTRICT AND GENERAL REGULATIONS, ARTICLE II, DISTRICT REGULATIONS, SECTION 2-30, B-9, BOULEVARD ZONING DISTRICT BY DELETING RETAIL SALES AND SERVICE, SPECIALTY AS A PERMITTED USE; BY ADDING INSTRUCTIONAL PHYSICAL ACTIVITY AS A PERMITTED USE; BY ADDING PERSONAL SERVICES, RESTAURANT TYPE B, AND RETAIL SALES AND SERVICE AS CONDITIONAL USES; AND BY ADDING RESTAURANT, TYPE C AS AN ALLOWED SPECIAL EXCEPTION USE; AMENDING CHAPTER 2, DISTRICT AND GENERAL REGULATIONS, ARTICLE II, DISTRICT REGULATIONS, SECTION 2-31, B-10, SUBURBAN BOULEVARD ZONING DISTRICT BY DELETING RETAIL SALES AND SERVICE, SPECIALTY AS A PERMITTED USE; BY ADDING FINANCIAL INSTITUTION AND INSTRUCTIONAL PHYSICAL ACTIVITY AS PERMITTED USES; BY ADDING CHILD CARE FACILITIES, PERSONAL SERVICES, RESTAURANT TYPE B, AND RETAIL SALES AND SERVICE AS CONDITIONAL USES; AND BY ADDING RESTAURANT, TYPE C AS AN ALLOWED SPECIAL EXCEPTION 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 BY DELETING THE CONDITIONS OF THE RETAIL SALES AND SERVICE, SPECIALTY AND BY ADDING CONDITIONS FOR RETAIL SALES AND SERVICE OF THE LAND DEVELOPMENT CODE; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; PROVIDING FOR SEVERABILITY; AND SETTING FORTH AN EFFECTIVE DATE.

**Commissioner Boehm moved, seconded by Commissioner Stowers, for approval of Ordinance No. 2015-16, 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 #8B – Release of Conservation Easement Deed, 555 and 875 Sterthaus Drive

City Clerk Scott McKee read by title only:

RESOLUTION NO. 2015-95

A RESOLUTION AUTHORIZING THE PARTIAL RELEASE OF A CITY OF ORMOND BEACH DEED OF CONSERVATION EASEMENT, ON PROPERTY LOCATED AT 555 AND 875 STERTHAUS DRIVE; PROVIDING FOR RECORDATION; AND SETTING FORTH AN EFFECTIVE DATE.

**Commissioner Boehm moved, seconded by Commissioner Stowers, for approval of Resolution No. 2015-95, as read by title only.**

Mayor Kelley confirmed with Mr. Jeff Brock, Attorney for the applicant, that he did not wish to speak on the item at this time.

Call Vote:	Commissioner Boehm	Yes
	Commissioner Partington	Yes

	Commissioner Stowers	Yes
	Commissioner Kent	Yes
Carried.	Mayor Kelley	Yes

Item #8C – 555 & 875 Sterthaus Drive Rezoning

City Clerk Scott McKee read by title only:

ORDINANCE NO. 2015-18

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 A CERTAIN PARCEL OF REAL PROPERTY TOTALING APPROXIMATELY 27.607-ACRES LOCATED AT 555 AND 875 STERTHAUS DRIVE, FROM B-1 (PROFESSIONAL OFFICE/HOSPITAL) TO PBD (PLANNED BUSINESS DEVELOPMENT), AUTHORIZING REVISION OF OFFICIAL ZONING MAP; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; AND SETTING FORTH AN EFFECTIVE DATE.

Mr. Steven Spraker, Senior Planner, stated that the items of 8B, 8C, 8D and 8E sought to redevelop the former hospital site located on Sterthaus Drive. He explained that the previous item was for a conservation easement and this item was for the rezoning of the property. He further explained that the property would be rezoned from B-1, office zoning district, to Planned Business Development (PBD). He explained that the reason was to establish certain conditions within the specific development order. He noted that the rezoning went through a neighborhood meeting process where everyone within 600 feet of the property was invited to discuss the project. He stated that the Planning Board also reviewed the item and recommended approval unanimously. He noted that the rezoning was consistent with the city’s comprehensive plan and was also consistent with the Land Development Code (LDC). He explained that the total project sought to approve 286 multifamily units on 27 acres.

**Commissioner Kent moved, seconded by Commissioner Boehm, for approval of Ordinance No. 2015-18, on first reading, as read by title only.**

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

Mayor Kelley confirmed with Mr. Jeff Brock, Attorney for the applicant, that he did not wish to speak on the item at this time.

Item #8D – 555 & 875 Sterthaus Drive Development Order

City Clerk Scott McKee read by title only:

ORDINANCE NO. 2015-19

AN ORDINANCE AUTHORIZING THE EXECUTION AND ISSUANCE OF A DEVELOPMENT ORDER FOR A PLANNED BUSINESS DEVELOPMENT TO BE KNOWN AS “ORMOND RENAISSANCE CONDOMINIUM”, AUTHORIZING THE CONSTRUCTION OF A PHASED DEVELOPMENT OF 286 MULTI-FAMILY UNITS WITHIN ELEVEN BUILDINGS ALONG WITH ASSOCIATED SITE IMPROVEMENTS TO BE LOCATED AT 555 AND 875 STERTHAUS DRIVE; AUTHORIZING THE GROSS RESIDENTIAL DENSITY OF 10.36 UNITS PER ACRE, A MAXIMUM BUILDING HEIGHT OF 74.0’ 4.0” FOR ELEVEN BUILDINGS, A BUILDING LENGTH OF APPROXIMATELY 207 LINEAR FEET FOR ELEVEN BUILDINGS; AND THE REMOVAL OF NINE HISTORIC TREES; ESTABLISHING CONDITIONS AND EXPIRATIONS OF APPROVAL; AND SETTING FORTH AN EFFECTIVE DATE.

Mr. Spraker stated that this item approved the specific development order which allowed the 286 multifamily units, which were spaced over 11 buildings. He explained that the development would be phased and that the first phase would contain four buildings and phases two and three would be built as the market absorbed the multifamily units. He stated that staff believed that this was a good redevelopment of the property and was consistent with the comprehensive plan which encouraged multifamily development in the office categories. He noted that Madison Glen and Olive Grove were similar projects. He stated that this project would serve to strengthen the retail and commercial businesses around this section of the city. He stated that staff recommended approval.

**Commissioner Kent moved, seconded by Commissioner Stowers, for approval of Ordinance No. 2015-19, on first reading, as read by title only.**

Mayor Kelley noted that two citizens attended the Planning Board meeting and had inquired about the price of the units.

Mayor Kelley confirmed with Mr. Jeff Brock, Attorney for the applicant, that he did not wish to speak on the item at this time.

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

Item #8E – 555 & 875 Sterthaus Drive Preliminary Plat

City Clerk Scott McKee read by title only:

RESOLUTION NO. 2015-96  
 A RESOLUTION APPROVING THE PRELIMINARY PLAT FOR THE "ORMOND RENAISSANCE A CONDOMINIUM", LOCATED AT 555 AND 875 STERTHAUS DRIVE; ESTABLISHING CONDITIONS AND EXPIRATION DATE OF APPROVAL; SETTING FORTH AN EFFECTIVE DATE.

**Commissioner Boehm moved, seconded by Commissioner Stowers, for approval of Resolution No. 2015-96, as read by title only.**

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

Mayor Kelley thanked the applicant for bringing a quality development to the community. He stated that everyone would benefit and it would fill a void. He noted that the retail establishments in that area would benefit. He stated that he could not think of a better use than to put residents in a vacant area. He noted that he was slightly envious as he wished the city had purchased the site and moved the city center there, but he noted that the condominiums would produce a lot more revenue than that would have.

Mayor Kelley closed the public hearing without objection.

Item #9A – Amendment to Sexual Offender / Predator Ordinance

City Clerk Scott McKee read by title only:

ORDINANCE NO. 2015-20  
 AN ORDINANCE AMENDING SECTION 23-2, DEFINITIONS, AND SECTION 23-3, SEXUAL OFFENDER AND SEXUAL PREDATOR RESIDENCE PROHIBITION; PENALTIES; EXCEPTIONS, OF CHAPTER 23, SEXUAL OFFENDERS AND SEXUAL PREDATORS, OF THE CITY OF ORMOND BEACH CODE OF ORDINANCES, BY REVISING THE DEFINITIONS TO INCLUDE TRANSIENT RESIDENCE, AMENDING THE RESIDENCE PROHIBITION TO INCLUDE SUCH, ADDING FLORIDA STATUTE 847.0135(5) TO LIST OF OFFENSES, REPLACING DAY CARE CENTER WITH CHILD CARE FACILITY, CHANGING PUBLIC SCHOOL

BUS STOP TO SCHOOL BUS STOP, ADDING AN EXCEPTION FOR CONVICTIONS PRIOR TO ENACTMENT/AMENDED OF STATE LAW, ADDING EXCEPTION BASED ON SECTION 943.04354, FLORIDA STATUTES, AND REVISING OTHER SECTIONS TO MATCH SECTIONS 775.21 AND 775.215, FLORIDA STATUTES; 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. 2015-20, on first reading, as read by title only.**

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

Item #10A – Acquisition of Property at 64 Lincoln Avenue

City Clerk Scott McKee read by title only:

RESOLUTION NO. 2015-80

A RESOLUTION AUTHORIZING THE EXECUTION OF A CONTRACT FOR LAND EXCHANGE BETWEEN THE CITY OF ORMOND BEACH AND WIVIGECO, LLC; AND ACCEPTANCE OF A PUBLIC UTILITY, ACCESS AND MAINTENANCE EASEMENT DEED AS A CONDITION OF THE CONTRACT; AND SETTING FORTH AN EFFECTIVE DATE.

**Commissioner Kent moved, seconded by Commissioner Partington, for approval of Resolution No. 2015-80, 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 – Historic Landmark Preservation Board Appointments

City Clerk Scott McKee read by title only:

RESOLUTION NO. 2015-97

A RESOLUTION APPOINTING MEMBERS TO SERVE ON THE HISTORIC LANDMARK PRESERVATION BOARD; SETTING FORTH TERMS AND CONDITIONS OF SERVICE; AND SETTING FORTH AN EFFECTIVE DATE.

**Commissioner Boehm moved, seconded by Commissioner Partington, for approval of Resolution No. 2015-97, as read by title only.**

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

Item #11A – North Mainland / Ormond Crossings Community Redevelopment Area

Mr. Joe Mannarino, Economic Development Director, stated that this was a request to extend the Community Redevelopment Area (CRA) authorization by five more years. He explained that Tomoka Holdings had not been able to get to a point where they could commence construction of the main piece in the CRA called Crossings Boulevard. He further explained that all of the funds generated from the project for CRA were to be used only for that bridge. He noted that it was to the city's benefit to have that period of time extended for five additional years so that the main entranceway would be in place. He explained that otherwise they would be dependent on road crossings over the railroad and under the highway. He stated that it was unfortunate that it had been delayed, but it was a matter of the economy.

Ms. Joyce Shanahan, City Manager, clarified that the request to extend the CRA would also go before the County Council for approval.

Mayor Kelley noted that Ormond Crossings was one of the priorities for transportation funding. He stated that the county was willing to help work with them on the issue provided there was some funding available. He explained that this was the big hold-up as they needed the access. He noted that the economic downtown cost the project probably five years.

Mr. Mannarino stated that Tomoka Holdings had continued to plat the project on both the east and west sides. He noted that they were also moving forward with engineering and obtaining wetland permits. He stated that about 50% of the design work on the bridge had been completed. He explained that they also worked with staff to try and determine the most cost efficient way to get utilities on the site, noting that they felt the most efficient way to do so was under the bridge, rather than on the bridge. He stated that Tomoka Holdings had also worked with the railroad to make sure all of the crossings were properly done. He noted that steps were being taken so that the bridge could be built within the next five years.

Mayor Kelley noted that Mr. Mannarino had shared at times that there was a possibly of some interest being generated. He stated that the bridge was the biggest step to undertake to make that come to fruition.

**Commissioner Partington moved, seconded by Commissioner Boehm, to endorse extending the Community Redevelopment Area for an additional five years.**

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

Item #12A – Discussion on Beach Driving

Mayor Kelley noted that there had been confusion regarding this item. He explained that a political action committee (PAC) called Let Volusia Vote had requested support from the city for their initiative to allow citizens to vote regarding any changes to beach driving in Volusia County. He noted that some people came to the previous City Commission meeting to speak on this topic. He explained that he had told them that they could speak during the Audience Remarks section on the agenda for comments on any topic not on the printed agenda. He added that he had told them that the Commission would not be voting on the topic. He stated that he had been told that the cities of Port Orange and Deltona had approved a resolution supporting the initiative but noted that Deltona had since declined to pursue the matter. He explained that items had to be placed on the agenda in advance and resolutions drafted and reviewed prior to the meeting and as such he had explained to those requesting action that the Commission would not consider, draft or approve a resolution not on the agenda during a meeting.

Mr. David Lee Davis, 6385 S. Williamson Boulevard, Port Orange, stated that while he did not reside in Ormond Beach, he was born in 1956 in Ormond Beach and had lived in the Volusia County area his entire life. He noted that he loved the beach, Ormond Beach and the rest of Volusia County. He joked that he had put on too much weight to be much of a beachgoer himself and stated that he hardly ever visited the beach. He explained that his purpose in attending the meeting was to speak to the Commission, and he stated that he was a political consultant and strategist who had been involved in politics and government his entire life. He noted that he had worked from Washington, D.C., to Tallahassee and locally. He stated that never in his life and in his years of politics had he ever seen a local issue take on the force that this one had.

Mr. Davis stated that over 16,000 people in different cities in the county had signed the petition requesting that citizens be allowed to vote. He noted that about 3,500 Ormond Beach residents had signed. He explained that the petition did not directly address beach driving and noted that there was confusion about that. He explained that the petition was about the right of the public to address a grievance and have the ability to vote regarding any further reduction in driving on the beach. He noted that the issue was about who should make the decisions regarding beach driving. He stated that in 1988 the cities gave control of the beach to the county and that was done through a vote of the people. He suggested that same wisdom be applied in the present day to the issue

of beach driving. He noted that there were arguments back and forth as regards to the constitutionality of it. He asked for the City Commission to consider what their constituents wanted. He stated that the County Council had the authority on the topic. He encouraged the Commission to pass a resolution supporting the effort to let the people vote regarding their right to keep their heritage on the beach. He complimented Ormond Beach and Mayor Kelley for putting this discussion on the agenda.

Mayor Kelley stated that the city was not stopping anyone from voting. He explained that the process to place the topic for a vote involved obtaining a petition with the signatures of one percent of registered voters in each of the voting districts. He noted that anything the city did had zero effect on one's right to vote.

Ms. Karen Waters, 10 Palmetto Dunes Court, thanked the Commission for the opportunity to speak that evening. She stated that she was very active in Let Volusia Vote and had stood in front of the library during election time and spoken to the citizens. She noted that they all wanted the city to support them in this effort. She stated that the petition goals for Ormond Beach were already met. She stated that the citizens wanted the Commission to stand behind them on this issue. She stated that she came from a family that went to Daytona Beach for generations and whose grandmother came as a child. She noted that the memories her 86-year old grandmother had to tell were phenomenal. She stated that her family moved around but chose to retire in Daytona Beach because it was like no other.

Ms. Waters noted that she enjoyed going to the beach and thought that being able to drive down to the beach, park and stay all day was the most wonderful thing in the entire world. She stated that her daughter and her children went to the beach and stated that it would be impossible for her to take her young children to the beach by herself if she could not drive onto it. She stated that taking away more of the beach to driving was concerning because of the disabled, elderly and young people with children. She asked the Commission to consider the citizens of Ormond Beach who wanted them to stand behind them.

Mayor Kelley stated that the City Commission was being asked to support a PAC. He noted that he personally would not sign the petition. He stated that the process by which to submit a petition and get it on the ballot was being followed. He explained that anything the city did would not affect the process taking place. He noted that he bought a beach pass each year and had been going to the beach since 1962.

Mr. Richard Waters, 10 Palmetto Dunes Court, thanked the Commission for letting him speak. He noted that he appreciated Mayor Kelley speaking to him last week even though they might disagree. He stated that he grew up in Ormond Beach. He noted that Mayor Kelley had said that he could not get involved but had been involved in the Roundtable of the Elected Officials of Volusia County subcommittee on the topic. He stated that he believed that subcommittee was full of misinformation, innuendo and contradictions. He stated that the subcommittee did not use the county resources for evaluating the product, or valuable information from National Oceanic and Atmospheric Administration (NOAA), or other scientific evidence. He asked if they wanted the city to look like Ponce Inlet and asked when the last time a hotel was built in Ponce Inlet. He noted that Let Volusia Vote was a PAC, but he stated that he felt that Mayor Kelley still had an opinion and could support it. He stated that it was not good government to be silent on the matter, and he felt that the City Commission should support the PAC as the Commission's constituents demanded.

Ms. Donna Craig, 38 Plaza Grande Avenue, thanked the Commission for the opportunity to speak and noted that she felt very strongly about the issue. She stated that a lot of the beach had already been declared a no driving zone. She explained that she grew up in the area and learned how to drive on the beach. She stated that she personally felt like it was a slap in the face to those who grew up in the area who identify with the beach and its amenities to have had driving privileges taken away. She stated that driving was part of what made this area the unique and wonderful place it was. She stated that the residents wanted that as part of their lives. She stated that the voters of Ormond Beach had spoken by signing the petition. She asked the city to support Let Volusia Vote by expressing to the county that they agreed with Let Volusia Vote and believed that voters should have the decision-making power over any changes to beach driving. She stated that if the city was not behind the voters on this issue, it was an indication to her that they were on the side of the developers who were moving in and changing the nature of the area. She stated that she hoped the Commission would consider supporting this and supporting citizens and not outside developers.

Ms. Linda Smiley, 357 Manhattan Avenue, Daytona Beach, stated that she was a member of Let Volusia Vote and had collected petitions at the library in Ormond Beach during early voting. She noted that she collected over 2,000 signatures during that time period. She stated that residents really wanted a voice in the matter. She noted that not all residents were in favor of beach driving, but they felt like they should have a voice regarding the future of the beach and that was why they signed the petition. She stated that she had a 91-year old friend who could not get to the beach if car access were to be removed from it. She noted that people referenced children who had been hurt on the beach by cars. She stated that if the child was bumped by a car traveling five miles on the beach, they would be slaughtered by a car traveling 50 miles per hour on A1A as they tried to cross the street.

Ms. Smiley stated that she drove by some Ormond Beach parks the previous weekend. She stated that Rockefeller Park had 32 parking spaces, two of which were handicap spaces. She noted that only 12 of those parking spaces were being utilized when she visited. She stated that she drove by Andy Romano Beachfront Park and it was full. She noted that Rockefeller was on the west side of A1A while Andy Romano Beachfront Park was on the east. She stated that if you did not get to Andy Romano Beachfront Park at 8:00 a.m. you could not park there. She asked where people would go if they could not park on the beach and suggested that they would park on side streets and in yards. She explained that she lived in Daytona Beach near two beach approaches and that both of them were always locked up.

Mayor Kelley noted that the city could relate to that.

Ms. Smiley stated that she did not feel that the county had done a great job of controlling the beach. She stated that residents did not want developers to come and take the money and run. She asked the city to express that they were listening to the voters and willing to support them in this issue.

Mayor Kelley stated that this was not about developers. He explained that the issue was about people having the right to vote. He noted that Let Volusia Vote was asking for the city to support their PAC. He stated that Let Volusia Vote was following what was set out in the charter in order to get a petition initiative on the ballot. He noted that the city was allowing them to speak their minds. He stated that all of the Commission members loved the beach and wanted access to it. He noted that one of the reasons that Andy Romano Beachfront Park was always full was because there was a no traffic zone in front of it on the beach.

Mayor Kelley called for Mr. Greg Gimbert to speak next and noted that Mr. Gimbert was not in attendance.

Ms. Peggy Farmer, 4 Allenwood Look, stated that she mostly came to listen but also wanted to share some of the thoughts she had been collecting as she listened to the previous speakers. She explained that it was not accurate to say that all of Ormond Beach supported this initiative. She noted that she knew a lot of residents of Ormond Beach who did not agree that this was an efficient and effective way of coming to conclusions. She explained that a special election, which would likely have less than ten percent voter turnout, would cost \$300,000 to \$500,000. She stated that officials were elected to make decisions and to listen. She explained that it was very clear in the charter that the county was responsible for the beach, and it would be very questionable legally to attempt to usurp that. She noted that in the incidental take permit the state had permitted the county its exception to drive on the beach because the county was very closely monitoring it and in charge of enforcing all the rules.

Ms. Farmer noted that this was a county issue and not a city issue. She stated that a lot of people felt that what the PAC was trying to put forth was not practical. She noted that a vote on this type of process had already occurred before. She explained that Hometown Democracy was a group that wanted to have residents vote for every considered tax increase and other items and that their proposed amendment did not pass. She noted that it was not that simple to constantly go to the polls when there were over 500,000 citizens in the county. She stated that was why there were elected officials and a republic form of government. She thanked the Commission for their time.

Mayor Kelley explained that he put this item on the agenda in order to give citizens a chance to speak about it. He noted that he personally did not think that any action the city took would affect the ability for a vote to be taken. He explained that the scary part to him about citizens voting was the misinformation. He noted that he would bet that there

would not be a traffic free zone in front of Andy Romano Beachfront Park if there had been a vote on it. He stated that had been a great success. He explained that it scared him to think of losing that. He stated that people who did not even go to the beach would fight to keep driving on the beach. He noted that Andy Romano Beachfront Park was the best park in the state of Florida. He asked the Commission if any of them would be in favor of creating a resolution to support this initiative. He noted that Deltona decided not to move forward with it after initially agreeing to do so because they realized that it was the county that made the decision, and it did not make a difference what the cities had to say.

Commissioner Stowers stated that he had some thoughts across the board. He noted that several issues were interrelated and he wanted to speak about them. He stated that he would wait for the closing comments portion of the meeting if that was the desire.

Mayor Kelley replied that would be preferable. He asked if any of the Commission was interested in having a resolution drafted in support of this initiative and stated that if there was no interest, then he would proceed to the next item on the agenda.

Item #12B – Request for Rescission or Reduction of Special Magistrate Fine/Lien – 535 Tomoka Avenue

Ms. Joanne Naumann, Neighborhood Improvement Division Manager, stated that the request before the Commission was for a reduction or rescission of a Special Magistrate fine/lien resulting in a code violation that was not corrected. She noted that a report was provided in the meeting agenda packet and she would be happy to answer any questions.

Dr. Melchor Gonzalez, Granada Management LLC, stated that he was aware of the problem with the property he owned and had respectfully sent a letter to the Neighborhood Improvement Division Manager in February regarding the issue. He stated that he was made aware that the problem was an infraction because of overgrown bushes and weeds. He explained that he spoke to Ms. Naumann and told her that he was not fully aware of the issue until that time. He stated that the property achieved compliance 48 hours after he spoke to her as he had the lot cleaned. He explained that he believed the infraction to be minor and he recognized that there was an oversight on his part in taking care of it because he was not aware that the problem had escalated. He stated that he spoke to Ms. Naumann about what happened and why he was not made aware. He explained that the communications from the city were mailed to his post office box and to his attorney who was no longer at the listed address.

Dr. Gonzalez stated that his position was that the goal was to get the property into compliance and he had done so. He stated that he found the fine to be out of proportion with regards to the infraction. He noted that the goal of code enforcement was to get the property into compliance and cleaned. He explained that he had worked with the city and been a major supporter of laws and regulations. He noted that he was trying to develop the land and planned to clean the entire lot as he was in the process of obtaining a development order. He stated that there was an abandoned house there and he had owned the property since December 2012 but never received any communications until April 2014. He explained that he had no problems during that time and then suddenly felt harassed and bullied about it.

Commissioner Partington asked if Dr. Gonzalez had the development order for the property; whereby, Dr. Gonzalez replied that he had received it the previous week.

Commissioner Partington asked Dr. Gonzalez if he would have known about the issue if he had been personally served with a subpoena notice; whereby, Dr. Gonzalez stated that he would have known.

**Commissioner Partington moved to reduce the fine to \$170.98.**

Commissioner Kent asked Commissioner Partington why he wanted to go that far.

Commissioner Partington explained that Dr. Gonzalez came into compliance as soon as he knew about the issue. He noted that he had repeatedly argued that if someone was served with a subpoena to start the code enforcement process, they would immediately know about it and be more likely to come into compliance quicker.

**Commissioner Kent seconded Commissioner Partington's motion.**

Commissioner Boehm noted that upon reading the staff memorandum it said that “Dr. Gonzalez signed for and accepted certified mail for the notice of violation and the special magistrate order of June 23, 2014, wherein a finding of violation order to correct the violation and potentially daily accruing fine were clearly stated.” He stated that Dr. Gonzalez had signed for the notice of violation and order in June 2014; whereby, Dr. Gonzalez replied he had.

Commissioner Boehm stated that Dr. Gonzalez did not correct the violation until February 2015, which was eight months later.

Dr. Gonzalez stated that it had been cleaned. He noted that it only cost him \$30 to clean the lot. He stated that he was ultimately responsible for the property and accepted that.

Commissioner Boehm explained that he was not accepting that Dr. Gonzalez did not know about the violation or that he did not look at his post office box for eight months. He stated that he was not accepting that Dr. Gonzalez personally signed for something in June that he was not aware of and did not take action on until February. He explained that because of that he did not believe that they should waive the fine.

Commissioner Stowers stated that he agreed with Commissioner Boehm. He noted that Dr. Gonzalez had signed for the notice and that there was a statutory process in place.

Dr. Gonzalez interjected that he was not aware; whereby, Mayor Kelley asked Dr. Gonzalez to please not to interrupt Commissioner Stowers when he was speaking.

Commissioner Stowers explained that the papers which Dr. Gonzalez was provided set out by law the process which he was to follow. He reiterated that he was in agreement with Commissioner Boehm.

Mayor Kelley stated that the issue he had was, regardless of whether Dr. Gonzalez was notified, he did not like punitive processes. He explained that a \$5,000 fine for a \$30 lot cleaning was punitive. He noted that the \$5,000 could go a lot further in developing the site. He explained that would be the special condition that he would look at. He noted that he did not believe that the notification necessarily had to be performed by subpoena and further noted that he believed that Dr. Gonzalez was notified. He reiterated that he did not like the fines. He stated that no one was hurt and that the property had been cleaned and brought into compliance. He suggested that one way to encourage responsiveness might be to make the upfront fine higher so that the respondent would answer their mail or a subpoena in order to come into compliance. He stated that he would support Commissioner Partington’s motion.

Call Vote:	Commissioner Boehm	No
	Commissioner Partington	Yes
	Commissioner Stowers	No
	Commissioner Kent	Yes
Carried.	Mayor Kelley	Yes

Mayor Kelley noted that they had previously had discussions regarding the length of the process and issues with notification and the time it took to achieve compliance. He stated that the city just wanted these issues to be taken care of.

Item #12C – Volusia League of Cities (VLOC) Distinguished Service Awards 2015

Ms. Shanahan stated that staff needed City Commission approval to submit the list of employees for consideration of the Volusia League of Cities Distinguished Service Awards.

**Commissioner Kent moved, seconded by Commissioner Stowers, to submit the nominations listed in the agenda packet for the Volusia League of Cities Distinguished Service Awards for 2015.**

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

## Item #13 – Reports, Suggestions, Requests

### Strategic Planning Process

Ms. Shanahan stated that the first Community Conversation Workshop was held over the weekend. She stated that 42 individuals attended that workshop. She noted that 48 were signed up for the Wednesday workshop so far. She stated that the City Commission's Strategic Planning Workshop would be held on Tuesday, May 12, 2015, from 3:30 p.m. to 9:00 p.m. She noted that the Commission would receive information from the Community Conversations prior to that meeting.

### Town Hall Budget Meeting

Ms. Shanahan stated that the Town Hall Budget Meeting was scheduled for May 19, 2015, at 5:30 p.m. in the City Commission Conference Room.

### Earth Day

Ms. Shanahan stated that Earth Day: Picnic on the Plaza would be held Thursday, April 23, 2015, at City Hall Plaza from 11:00 p.m. to 2:00 p.m.

### Skate Park Openings

Ms. Shanahan stated that the Skate Park Grand Opening, which would be a soft opening, would be held on Saturday, April 25, 2015, at 10:00 a.m., with a ribbon cutting on Saturday, May 19, 2015.

### Airport Master Plan Public Meeting

Ms. Shanahan stated that the Airport Master Plan Public Meeting would be held April 28, 2015, at 6:00 p.m.

### Traffic Signal Mast Arm Painting

Ms. Shanahan stated that traffic signal mast arm painting continued.

### Nova Recreation Center

Ms. Shanahan stated that paving at the Nova Recreation Center was nearing completion.

### Celtic Festival

Commissioner Boehm congratulated Ormond Beach Main Street for the success of the Celtic Festival.

### Agenda Packet and Preparation

Commissioner Boehm noted that the agenda packet for this meeting was 872 pages and was available online. He explained that the packets were often between 800 and 2,000 pages. He stated that the Commission took pride in the fact that they studied all of those materials and addressed any questions prior to coming to the meetings. He noted that it might seem like they were not addressing in detail what was going on but in fact they had already received a great deal of briefing on all of the materials supplied to them.

### Florida Georgia Line

Commissioner Boehm stated that Florida Georgia Line, Mayor Kelley's son Brian Kelley's country music duo, raked in a couple more awards at the Academy of Country Music Awards the other evening. He noted that he was sure that Mayor Kelley remained proud of his son.

### Off Beach Parking

Commissioner Partington stated that he saw that last Thursday that the County Council purchased a site in Ormond Beach for off-beach parking on the west side of A1A, noting that this may be what Commissioner Stowers was alluding to and wanting to make comments about. He explained that from listening to their conversation before the vote it sounded like the city would have to pay for some of that. He noted that it struck him as somewhat of a double standard when the County Council told New Smyrna Beach that they could not charge county taxpayers for beach parking with the explanation that county residents already paid county taxes and would therefore be paying twice. He stated that the county then told New Smyrna Beach that they would take their CRA away from them if they went ahead with charging county residents. He explained that it seemed like a double standard as the county was allowed to buy parking for beach access and force the city to pay for it. He noted that the city's residents would have to pay twice as they paid their county and city taxes. He stated that this did not make sense to him so he hoped that the city staff could get some clarity during negotiations.

Commissioner Partington noted that he did not necessarily have a problem with west side parking but stated that it had to be done correctly. He explained that to him that involved a walkover, a beach drop-off on the east side for unloading and developing the site to Ormond Beach standards with picnic areas, splash pads and a playground. He stated that almost 30 years ago the county took over control of the beach and the cities hands were tied in almost every way. He noted that the only possible solution was to negotiate with the county, and he wanted to ensure that the city had a good negotiating team that could clearly relay their concerns and let the county know that it needed to be done the right way. He noted that east side parking was better than west side; but if it had to be west side parking, it still had to be done right.

Mayor Kelley noted that the rest of the Commission might want to weigh in on the issue since Commissioner Partington brought it up. He stated that the city maintaining the site seemed like it was thrown in like an afterthought to the purchase. He noted that he understood that the city could negotiate with the county, and he did not think that the county would force the city to pay for maintenance. He stated that he had spoken to two individuals from the County Council regarding this and told them that the city wanted to discuss it and not just have it imposed on them. He stated that it should be a partnership like Andy Romano Beachfront Park was. He noted that while the city was not being asked to pay for the purchase, we still needed to investigate what the cost to maintain the property would be. He explained that his concern was access to the beach. He noted that the days cruising down the beach in a car were over. He stated that part of his professional success was due to the beach when he worked for Hawaiian Tropic. He stated that the city needed to negotiate an agreement.

Commissioner Kent stated that Commissioner Partington had a way of succinctly bringing things together. He noted the double standard that Commissioner Partington had mentioned with New Smyrna Beach. He stated that he was not called by any county representative and asked his thoughts about the county purchasing property in Ormond Beach for off-beach parking. He noted that he read about it in the newspaper and also noted that there was a quote from a Councilmember stating that they were interested in doing business with cities that were interested in participating and that it had been stated that Ormond Beach would have to pay for the maintenance of that site. He stated that he did not like being put into a corner and being told that he *had* to do something, noting that was not a negotiation.

Commissioner Kent stated that anytime the city, the county, or the state, purchased property for off-beach parking he thought it was a great idea, even if it was on the west side of A1A. He clarified that he preferred east side property but noted that there was not much of that available. He stated that he would compliment Volusia County for purchasing that property, and noted that it was rare for him to pay such a compliment. He explained that it had to be done to have a plan to be able to get onto the beach.

Commissioner Kent explained that in 1988, when he was 13 years old, the voters in Volusia County approved letting the county take over control of the beach. He stated that it had been an "epic failure" and he would argue that with anyone. He stated that when there were nine beach approaches in the city, and only two or sometimes one of those were open, it was a failure. He noted that the Commission, an elected body that represented 38,000 citizens, sent a letter to the county begging them to open one beach approach and they did not respond. He noted that was an epic failure. He stated that it made him do outlandish things like get on Channel 13 News and say he was taking the beach back in order to get attention to open the approach. He noted that it was a long shot to get the beach back, but it could happen.

Commissioner Kent stated that he agreed with Commissioner Partington that the city needed a strong negotiation team. He stated that he believed that Andy Romano Beachfront Park was the best beachfront park in the state of Florida and possibly in the east coast of the United States. He noted that residents voted to tax themselves for that park. He explained that the city provided the employees that were there who made sure that the park was clean, the garbage was emptied, the bathrooms were cared for, no one was sleeping on the benches, and that no one was outrageously drunk there. He noted that the city was paying for that. He explained that was all a consideration of his when he heard that the county was purchasing property and dumping it on the city. He noted that some audience members had laughed when Commissioner Partington mentioned needing a splash pad, a playground and picnic tables at the new property. He explained that he took that seriously as that was the standard in Ormond Beach. He stated that he was pleased that the property was purchased and it could work but Ormond Beach needed to be well represented in negotiations.

Mayor Kelley clarified that no one from the County Council contacted him prior to the vote; whereby, Commissioner Kent clarified that he did not think they had. Mayor Kelley noted that he had mentioned speaking to two members but that had been after the fact.

Commissioner Kent stated that he would have been shocked had they contacted anyone on the Commission. He explained that he mentioned it because he wanted the public to know that it was as much of a surprise to him as an elected official as it was to them. He noted that a previous speaker had stated that it would be a "slap in the face" to lose more beach driving. He reiterated that when he 13 years old the residents of the county voted to let the county take control. He noted that he felt for the speaker speaking about the closed beach approaches near her home. He explained that he dealt with the same thing in Ormond Beach day in and day out.

Commissioner Kent noted that another speaker was a little passionate and addressed Mayor Kelley about using his opinion. He stated that he did not need to stick up for Mayor Kelley but wanted to note that it was fine to have "I'm staying out of it" as an opinion. He explained that realistically it did not matter, really and truly, if the Commission got behind the PAC or not. He stated that at the end of the day Volusia County had 100% authority on the beach. He explained that he spent a lot of time and effort himself just to get a beach ramp open and that was what they were up against. He stated that if they wanted to make changes they needed to make them at that level since Volusia County was the one in charge.

Commissioner Stowers stated that he felt that Let Volusia Vote was a blanket approach for a blanket issue, which was the county's jurisdiction over the entire beach. He explained that for the city, the individual municipalities were not all the same and noted that Ormond Beach in particular was unique because of the charter amendment in 2006 regarding imposing a 75-foot height limit. He explained that a developer could not feasibly create a taller building with shared parking on the beach in Ormond Beach as that was taken out of the equation years prior. He stated the city still had a need for beach parking, which was evidenced by Andy Romano Beachfront Park.

Commissioner Stowers noted that a positive partnership with the county led to the creation of Andy Romano Beachfront Park, which was probably the best beachfront park in the state. He explained that the fourth whereas clause from the Interlocal Agreement for that park that was implemented in 2012 read as follows: "*WHEREAS, the city and County of Volusia desire to become partners and to share in the cost of purchase and development of a beachfront park.*" He noted that the county paid half the purchase price of that property, which was \$2.75 million and also contributed \$750,000 for development. He stated that the park was the product of a great communicative effort and partnership. He stated that in 2013 when beach issues were being discussed, the County Manager was quoted in the Daytona Beach News-Journal ("News-Journal") as saying "*Community leaders as well as beachgoers need to be willing to embrace the evolving nature of our beautiful ocean beaches and must work together to protect the environment while serving the needs of all people.*" He stated that he applauded those comments both then and now. He explained that the question he now had was "what happened?"

Commissioner Stowers explained that the property owner for the proposed off-beach parking site had reached out to the city approximately a year ago to tell the city that they were interested in selling that property to the city for beach parking. He noted that the city politely declined to pursue it because after seeing the success of Andy Romano Beachfront Park they thought that it was not a homerun move and did not make sense. He stated that he did not know that a year later the county would essentially go behind all of their backs and purchase the exact same property. He noted that he did not know if the county was aware that the city had discussed purchasing the property but further noted that they did not ask them. He explained that the proximity of the property to Andy Romano Beachfront Park bewildered him. He stated that west side parking in Ponce Inlet was not as much of an issue as their portion of A1A was consisted of only two lanes and was easier to cross. He noted that for this property it would be a five lane crossing. He stated that it was at a traffic light and a beach ramp, but he asked why the county would spend \$1.8 million for that property.

Commissioner Stowers stated that the other background issue he wanted to mention was what had happened between the county and New Smyrna Beach, which had been touched on earlier. He used the analogy that the county brought a machine gun to a knife fight. He stated that New Smyrna Beach backed off when the County Council put on their agenda that they were going to rescind all of New Smyrna Beach's CRAs. He noted that the message was delivered and that he was disappointed by it and it

concerned him. He stated that the county absolutely knew that other elected officials like him would pay attention to that message. He noted that Ormond Beach had two CRAs and approved recommending the extension of one that evening. He explained that this morning the County Council was approving the acquisition of \$1.8 million of west side property for beach parking in Ormond Beach, property that the city had passed on, then the county reached out to the City Manager to say that they would like to partner with them on it. He noted that he wondered if that was a positive thing or a hint that they would like to partner but maybe the city should look at the News-Journal and see the story about New Smyrna Beach and decide if they wanted to be the county's friend and partner.

Commissioner Stowers explained that he was disappointed by that because the city had done things the positive way in their relations with the county. He noted that he might be in the minority, but he was not happy about the action the county took in spending \$1.8 million on that property. He stated that he would rather look at trying to acquire an east side beachfront lot. He noted that he did not care if there were not many left. He explained that he felt it was foolish to throw out \$1.8 million without any plan and then at the last second say that the city would help out. He noted that the city did not take that action with the county and had worked with them in the past. He noted that what he was saying could be interpreted two ways, either as aggressive or as begging and pleading, which was what he was doing, going back to the success of the previous partnerships that the city had with the county. He noted that they did it before and he would love to do it again. He stated that the welcome mat was out but going behind the city and purchasing a property that they were already not interested in, and then telling them about it afterwards was not indicative of the type of positive relationship that they should have.

Commissioner Stowers noted that this was all separate from beach driving to him but beach parking was going to continue to be a priority. He stated that even at the ribbon cutting for Andy Romano Beachfront Park there were people talking about doing it again. He explained that to him a west side parking area was not doing it again.

Ms. Shanahan clarified that in August or September the City Attorney met with Deputy County Attorney Jamie Seaman and County Councilman Doug Daniels, who had a whole list of properties that the county was looking into for off-beach parking. She stated that she told them that the city preferred beachside parking and in particular the old Surfside property because it was closer to central Ormond and was a larger parcel. She explained that the thing that was disturbing for her was that when she had a conversation with the County Manager and the Deputy County Attorney they had no plans at all to develop the property and that was when they asked the city to partner with them. She noted that was troubling to her. She explained that she appreciated the purchasing of the property but noted that the city had no funds budgeted for development of a park. She explained that had she known about it the city could have been working partners with them on the property. She noted that the city was willing to work with the county, at the Commission's direction, but certainly wanted to let them know that staff met with the Deputy County Attorney and County Councilman many months ago.

Mayor Kelley clarified that at that meeting it was not discussed that they were planning to purchase that particular property.

Mr. Randy Hayes, City Attorney, explained that the county representatives had a list that they were reviewing.

Mayor Kelley noted that they had been reviewing a list of properties for the last two years trying to find places to purchase for off-beach parking.

Mr. Hayes noted that he was not even sure why the meeting occurred. He stated that he had had no communication with them about the topic since then.

Commissioner Boehm asked Mr. Hayes if there was somewhere in the county charter where the county had the authority to mandate to a city that they develop and/or maintain county property; whereby, Mr. Hayes replied that there was not.

Ms. Shanahan clarified that the county did not come to the city and ask that.

Commissioner Boehm explained that the point was that the county could only really bully the city but could not actually mandate that they must partner, develop or spend the citizens' tax monies on this property.

Ms. Shanahan stated that it really was a collegial conversation.

Mayor Kelley explained that it was really an afterthought brought up by one of the Council members prior to the vote. He stated that it was brought up at the Roundtable of the Elected Officials of Volusia County and not as part of the original purchase discussion. He stated that the city would negotiate and the negotiation could end up with the city deciding not to participate. He stated that the county wanted the property, bought the property, and the citizens did not need to pay any more for it. He noted that was where the negotiation would start and they would come up with something that would work. He stated that he would not ask the city's residents to pay more taxes to pay for a park that the city did not want.

#### Central Park Issue

Commissioner Partington stated that he had spent quite a bit of time in Central Park with Mr. Duncan, who spoke during Audience Remarks. He explained that where the issues were occurring was as remote a spot in Central Park as you could get to. He noted that it was beautiful.

Mayor Kelley asked Commissioner Partington if he had to go through Mr. Duncan's property to reach that location.

Commissioner Partington explained that since the city had purchased a few lots the previous year, it was accessible entirely through city property. He stated that Mr. Duncan was suffering a lot of adverse effects because his property backed up to that location. He explained that the location was so far back that it was a very difficult policing proposition. He stated that he told Mr. Duncan that if a police officer was called to the area, he would have to go out there alone in the dark to investigate. He noted that there were snakes in that area, also. He explained that there was a tree that had been cut down over a canal which had since been removed by staff. He stated that since its removal, it took about 15 to 20 minutes to walk a densely wooded trail to get to the area in question. He noted that he had witnessed the beer cans, cigar packages, sleeping bags and makeshift swing that was located there which had since been removed.

Commissioner Partington explained that he was all for children having fun but the problem with the rope swing Mr. Duncan described was that one child would swing out and let go while another jumped off from further up the tree in an attempt to tackle the first child and land in the water together. He noted that it concerned him because injuries could occur, and he had no idea how the fire department would reach the area in a timely manner. He noted that the underage drinking was a concern, as well. He explained that he was in favor of quality fun, but this was a little out of control. He stated that it was wearing him out as Mr. Duncan called frequently. He explained that Mr. Duncan was a very nice person whom he had met at Vacation Bible School when his daughter started attending it every summer. He noted that he knew that Mr. Duncan had a good heart and wanted to do the right thing. He stated that Mr. Duncan was happy to let children fish on his property and was happy to see children involved in the right kinds of activities. He noted that Mr. Duncan had valid concerns. He stated that he had frequently contacted Ms. Shanahan and Chief Osterkamp about the issue himself. He stated that something needed to be done to provide Mr. Duncan some relief.

Mayor Kelley suggested putting in the budget a way to access that location, perhaps by putting a zip-line across the lake.

#### Mayor's Health and Fitness Challenge

Commissioner Stowers thanked Mayor Kelley and Ms. Maguire for the Mayor's Health and Fitness Challenge. He noted that the percentages of weight loss were released but not the actual pounds and that he had wondered about that before. He explained that he had lost a little over 45 pounds and that his body fat went from 29% down to 16%. He noted that he had it measured by hand later and it was closer to 13%. He stated that he was the heaviest and had the most body fat he had ever had. He noted that he was the heavier for the first time ever than his father and two brothers. He stated that he was now at a weight and body composition that he had not been at since probably 2002.

Mayor Kelley stated that he could go back and play basketball at College of the Holy Cross again.

Commissioner Stowers stated that he may be able to look the part briefly. He noted that it was a long 12 weeks and everyone enjoyed themselves.

#### Celtic Festival

Commissioner Stowers noted that Ms. Truilo mentioned the Celtic Festival during Audience Remarks. He stated that he and his family, including his new daughter, Emma, attended it. He noted that it was Emma's first excursion out into Ormond Beach. He stated that he was blown away by the continued momentum of the Celtic Festival each year. He stated that it was a great event.

#### Mr. Duncan

Commissioner Kent stated that he was always looking for a new phrase to learn when Mr. Duncan spoke. He explained that one time Mr. Duncan spoke to them and told them that someone who worked for the city 30 years ago was "as crooked as a dog's hind leg." He stated that he was always looking for Mr. Duncan to drop a pearl of wisdom on him. He noted that he was hoping that they would come up with a solution so that Mr. Duncan did not have to deal with the problems out there.

#### Chamber Leadership

Commissioner Kent stated that this past Saturday he was not able to attend the Community Conversation Workshop as he was giving a guided tour to the Ormond Beach Chamber of Commerce Leadership Class. He noted that it was well attended. He complimented Fire Chief Bob Mandarino and stated that Chief Mandarino and his staff did an amazing job of giving a tour of Fire Station 92. He stated that Chief Mandarino did an excellent job presenting to the group and then went on the rest of the three to four hour tour with the group.

Mayor Kelley noted that Commissioner Kent was recruited to serve on the tour again after his performance last year. He stated that they begged him to come back again.

#### Cell Service

Mayor Kelley stated that last night his power went out. He noted that he had mentioned it before but would mention again that he was not able to get any kind of cellular phone service because there was not a cell tower located close by his home. He noted that it finally came back up. He explained that it was unfortunate that in emergencies like that, when he was without the ability to use landline phone service, that he had no cellular phone service. He stated that he hoped that whatever the new technology would be would hurry up and get here as he had to stand outside to try and get cell service. He noted that Ms. Shanahan had the same issue.

#### Fallen Tree Removal

Mayor Kelley stated that this morning when he went out to get the newspaper he saw a 50-foot tree blocking the entire street. He noted that he called Assistant City Manager and Public Works Director Ted MacLeod, who was in the shower, and who in turn called Public Works Operations Manager Kevin Gray, who was also in the shower. He joked that he did not think that they were in the same shower. He stated that the city did a fantastic job and unblocked the road of the huge tree. He noted that he appreciated how quickly the city took care of it. He stated that they had to remove a total of 13 or 14 trees that were blocking roadways.

#### Time Off

Mayor Kelley stated that he would be out of town spending time with his wife, his son and his daughter-in-law and be back on the evening of April 28, 2015.

#### Meeting

Mayor Kelley thanked everyone for the great discussion that evening. He noted that a public meeting was the only time that the Commission could talk to each other.

#### Item #14 – Adjournment

The meeting was adjourned at 8:52 p.m.

APPROVED: May 5, 2015

BY:

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Ed Kelley, Mayor

ATTEST:

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J. Scott McKee, City Clerk