

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

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June 2, 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. **AUDIENCE REMARKS - REGARDING ITEMS NOT ON THE AGENDA**
5. **APPROVAL OF MINUTES**

A. Minutes from City Commission meeting – May 19, 2015

6. **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. 2015-118** : A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF ORMOND BEACH, FLORIDA, DECLARING THE CITY'S OFFICIAL INTENT TO SEEK REIMBURSEMENT FOR CERTAIN CAPITAL EXPENDITURES MADE AND TO BE MADE BY THE CITY WITH RESPECT TO THE CONSTRUCTION AND ACQUISITION OF CERTAIN ADDITIONS, EXTENSIONS AND IMPROVEMENTS TO THE WATER AND SEWER SYSTEM OF THE CITY FROM THE PROCEEDS OF TAX-EXEMPT DEBT ANTICIPATED TO BE ISSUED BY THE CITY; PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

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

- B. **RESOLUTION NO. 2015-119** : A RESOLUTION AUTHORIZING CERTAIN PERSONNEL TO ADMINISTER THE CITY'S CREDIT CARD PROGRAM; AUTHORIZING THE EXECUTION OF A CERTIFICATE OF AUTHORITY; AND SETTING FORTH AN EFFECTIVE DATE.

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

- C. **RESOLUTION NO. 2015-120** : A RESOLUTION OF THE CITY COMMISSION APPROVING AND ADOPTING THE UTILITY SYSTEM MASTER PLAN UPDATE; AND SETTING FORTH AN EFFECTIVE DATE .

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

- D. **RESOLUTION NO. 2015-121** : A RESOLUTION AUTHORIZING THE EXECUTION OF A MEMORANDUM OF UNDERSTANDING WITH THE FLORIDA DEPARTMENT OF LAW ENFORCEMENT REGARDING THE METHAMPHETAMINE CLANDESTINE DRUG LABORATORY HAZARDOUS WASTE CENTRAL STORAGE CONTAINER PROGRAM; AND SETTING FORTH AN EFFECTIVE DATE.

*Staff Contact: Andy Osterkamp, Police Chief (386-677-0731)*

- E. **RESOLUTION NO. 2015-123** : A RESOLUTION AUTHORIZING THE EXECUTION OF A NOTICE OF RESCISSION OF SPECIAL MAGISTRATE ADMINISTRATIVE FINES/LIENS FOR CODE VIOLATIONS ON PROPERTY LOCATED AT 96 BENJAMIN DRIVE, ORMOND BEACH, VOLUSIA COUNTY, FLORIDA; AND SETTING FORTH AN EFFECTIVE DATE.

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

- F. **RESOLUTION NO. 2015-124** : A RESOLUTION AUTHORIZING THE EXECUTION OF AN AMENDMENT AND RESTATEMENT OF AGREEMENT FOR FIELD MAINTENANCE SERVICES WITH AUSTIN OUTDOOR, LLC REGARDING ATHLETIC FIELD MAINTENANCE SERVICES; AND SETTING FORTH AN EFFECTIVE DATE.

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

- G. **RESOLUTION NO. 2015-125** : A RESOLUTION AUTHORIZING THE EXECUTION OF A QUITCLAIM DEED TO LUCIA A. CIULLA, AS TRUSTEE OF THE LUCIA A. CIULLA REVOCABLE TRUST, DATED OCTOBER 10, 2012 FOR PROPERTY LOCATED AT 754 PALMETTO AVENUE, ORMOND BEACH, VOLUSIA COUNTY, FLORIDA, TO PROVIDE A CLEAR TITLE TRAIL FOR THE PROPERTY; AND SETTING FORTH AN EFFECTIVE DATE.

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

- H. **RESOLUTION NO. 2015-126** : A RESOLUTION AUTHORIZING THE SOLE SOURCE PROCUREMENT OF SERVICE AND MISCELLANEOUS PARTS FROM GEA MECHANICAL EQUIPMENT US, INC. REGARDING CENTRIFUGE REPAIRS AT THE WATER TREATMENT PLANT; AUTHORIZING THE APPROVAL OF A PURCHASE AUTHORIZATION (REQUISITION #0000012927 AND PAYMENT THEREFOR; AND SETTING FORTH AN EFFECTIVE DATE.

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

- I. **Auto Renew Contracts - National Metering Service**

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

**Disposition:** Approve as recommended in the City Manager memorandum dated June 2, 2015.

- J. **Community Development Block Grant (CDBG) FY 13-14 Transfer of Excess Funds**

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

**Disposition:** Approve as recommended in the City Manager memorandum dated June 2, 2015.

- K. **RFP 2015-36 Employee Group Health Insurance**

**Staff Contact:** *Claire Whitley, Human Resources Director (386-676-3202)*

**Disposition:** Approve as recommended in the City Manager memorandum dated June 2, 2015.

- L. **Riverside Drive Road Closure Request for June 9, 2015**

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

**Disposition:** Approve as recommended in the City Manager memorandum dated June 2, 2015.

**7. PUBLIC HEARINGS**

- A. **ORDINANCE NO. 2015-23** : AN ORDINANCE AMENDING CHAPTER 2, DISTRICT AND GENERAL REGULATIONS, ARTICLE II, DISTRICT REGULATIONS, SECTION 2-21, T-2, MANUFACTURED HOME ZONING DISTRICT BY DELETING PARAGRAPH (H) SPECIAL STANDARDS AND SECTION 2-20, T-1, MANUFACTURED/MOBILE HOME ZONING DISTRICT BY ADDING SPECIAL STANDARDS TO ALLOW REPLACEMENT OF MANUFACTURED/MOBILE HOMES LOCATED WITHIN PREVIOUSLY ESTABLISHED MANUFACTURED/MOBILE HOME PARKS WITH NEW MANUFACTURED/MOBILE HOMES, 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. **ORDINANCE NO. 2015-24** : AN ORDINANCE AUTHORIZING THE EXECUTION AND ISSUANCE OF A SECOND AMENDED AND RESTATED DEVELOPMENT ORDER FOR THE "TUSCANY SHOPPES" PLANNED BUSINESS DEVELOPMENT LOCATED AT 1185 WEST GRANADA BOULEVARD BY ALLOWING FUNERAL HOMES AS A PERMITTED USE; BY AMENDING THE RETAIL SALES AND SERVICES RESTRICTIONS TO BE CONSISTENT WITH THE "RESIDENTIAL, OFFICE, RETAIL" FUTURE LAND USE DESIGNATION; BY AMENDING THE SIZE AREA ALLOWANCE FOR TWO ON-SITE MONUMENT SIGNS, BY AMENDING ALLOWED USES WITHIN THE PROJECT, BY AMENDING SIGNAGE STANDARDS TO BE CONSISTENT WITH RECENT LAND DEVELOPMENT CODE AMENDMENTS; RATIFYING AND AFFIRMING THE DEVELOPMENT ORDER APPROVED BY RESOLUTION 2003-216 AND AMENDED BY ORDINANCE 2004-53; AND SETTING FORTH AN EFFECTIVE DATE.

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

- C. **ORDINANCE NO. 2015-25** : AN ORDINANCE ANNEXING CERTAIN REAL PROPERTY INTO THE CITY OF ORMOND BEACH, SAID PROPERTY BEING GENERALLY LOCATED AT 1080 NORTH U.S. HIGHWAY 1 ALONG THE WEST SIDE OF SAID HIGHWAY AND BEING NORTHWEST OF AIRPORT ROAD AND BEING COMMONLY KNOWN AS THE "HARRIS VILLAGE AND RV PARK" PROPERTY; REDEFINING THE TERRITORIAL BOUNDARIES OF THE CITY TO INCLUDE THE PROPERTY; REDESIGNATING THE BOUNDARIES OF ZONE 1 TO INCLUDE THE PROPERTY; PROVIDING FOR TRANSMISSION; PROVIDING FOR SEVERABILITY; AND SETTING FORTH AN EFFECTIVE DATE.

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

- D. **ORDINANCE NO. 2015-26** : AN ORDINANCE ANNEXING CERTAIN REAL PROPERTY INTO THE CITY OF ORMOND BEACH, SAID PROPERTY BEING GENERALLY LOCATED AT 1090 NORTH U.S. HIGHWAY 1 ALONG THE WEST SIDE OF SAID HIGHWAY AND BEING NORTHWEST OF AIRPORT ROAD AND BEING COMMONLY KNOWN AS THE "WILD BILLS AND KURRAS MOBILE VILLAGE" PROPERTY; REDEFINING THE TERRITORIAL BOUNDARIES OF THE CITY TO INCLUDE THE PROPERTY; REDESIGNATING THE BOUNDARIES OF ZONE 1 TO INCLUDE THE PROPERTY; PROVIDING FOR TRANSMISSION; PROVIDING FOR SEVERABILITY; AND SETTING FORTH AN EFFECTIVE DATE.

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

**8. FIRST READING OF ORDINANCES**

- A. **ORDINANCE NO. 2015-27** : AN ORDINANCE AMENDING CHAPTER 2, DISTRICT AND GENERAL REGULATIONS OF THE CITY OF ORMOND BEACH LAND DEVELOPMENT CODE BY ADDING A NEW ARTICLE TO BE NUMBERED AND CAPTIONED AS ARTICLE VII, NORTH U.S. HIGHWAY 1 INTERLOCAL PLANNING AND MUNICIPAL SERVICE AREA; BY ADDING DIVISION 1, ITINERANT MERCHANT REGULATIONS FOR RECOGNIZED SPECIAL EVENTS AND OUTDOOR ENTERTAINMENT ACTIVITY; TEMPORARY CAMPSITES: SECTION 2-74, MUNICIPAL SERVICE AREA AND JOINT PLANNING AREA; PURPOSE; SECTION 2-75, LEGISLATIVE FINDINGS; SECTION 2-76, DEFINITIONS; SECTION 2-77, HIGH IMPACT USES ON LAND; CLASSIFICATION AND CATEGORY OF USE; RATIONALE; SECTION 2-78, AMORTIZATION SCHEDULE FOR VACANT OR UNIMPROVED LAND CATEGORY; SECTION 2-79, APPLICATION, LICENSE AND PERMIT REQUIREMENTS FOR ITINERANT COMMERCIAL ACTIVITY; SECTION 2-80, TEMPORARY CAMPSITES; SECTION 2-81, RESERVATION OF POWER; SECTION 2-82, ENFORCEMENT; BY REGULATING ITINERANT MERCHANT USES AND ACTIVITIES DURING RECOGNIZED SPECIAL EVENTS AND OUTDOOR ENTERTAINMENT ACTIVITIES; PROVIDING CLASSIFICATIONS OF LAND FOR IMPROVED LAND AND VACANT OR UNIMPROVED LAND; PROVIDING REGULATIONS FOR TEMPORARY CAMPSITES DURING RECOGNIZED SPECIAL EVENTS; PROVIDING LICENSE AND PERMIT REQUIREMENTS; PROVIDING A FIVE YEAR AMORTIZATION PERIOD FOR VACANT OR UNIMPROVED LAND; PROVIDING FOR THE INCLUSION OR REMOVAL OF LAND FROM THE IMPROVED LAND CATEGORY; RESERVING POWER TO THE CITY COMMISSION; PROVIDING FOR ENFORCEMENT OF THESE REGULATIONS; 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)*

- B. **ORDINANCE NO. 2015-28** : AN ORDINANCE RELATIVE TO MASTER AND ITINERANT VENDOR FEES FOR THE NORTH U.S. HIGHWAY 1 MUNICIPAL SERVICE AREA; AMENDING CHAPTER 8, BUILDINGS AND CONSTRUCTION REGULATIONS, ARTICLE I, IN GENERAL, OF THE CITY OF ORMOND BEACH CODE OF ORDINANCES BY ADDING MASTER VENDOR, ITINERANT VENDOR, AND OUTDOOR ENTERTAINMENT ACTIVITY PERMIT FEES; 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. FLOC CONFERENCE VOTING DELEGATE

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

**10. 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

Father Stephen Pessah, Church of the Holy Child, gave the invocation.

Item #3 – Pledge of Allegiance

Mayor Kelley led the Pledge of Allegiance.

Item #4 – Audience Remarks

Mr. Ike Leary, Owner of Granada Pier Bait and Tackle, stated that the children’s fishing tournament was coming up and that he would be there cooking hotdogs and serving cold drinks for the participants at no charge. He stated that he was happy that the city was looking into the vendors that came in during Bike Week and hoped that it would help him on the Fourth of July, as well. He noted that he cooked hot dogs all year long and explained that vendors were coming in from Ocala or other locations to set up in front of his location and take his business away.

Ms. Diana Simmons, President of the Ormond Beach Historical Society (“Historical Society”), 172 Heritage Circle, stated that she wanted to speak about preserving the MacDonald House for its history. She explained that there was a dream to make the MacDonald House into the Ormond Beach Museum of History. She noted that the Historical Society had already provided the Commission with a sketch of what the first floor could look like as a museum. She stated that the Historical Society’s Executive Director would attend a conference in Atlanta at the Margaret Mitchell House on reinventing the historic home as a museum. She explained that with the information gathered there the Historical Society would continue to research designs and costs for all three floors of the MacDonald House. She asked the Commission to imagine three floors of individual exhibits and tours of the unique interior architecture of the MacDonald House.

Ms. Simmons stated that some of the exhibit topics could be: Timucuan Indians, Spanish, French, and British influence, Seminole Indians, early plantations, the Ormond Hotel, the beginnings of the community including the building of the MacDonald House, the history of the early churches and religious establishments in the community, citrus growers, cracker farmers and video screenings. She noted that they could also have exhibits about something that was near and dear to her heart, the African-American heritage in Ormond Beach, noting that there could be information about African-American heritage from the slaves of Richard Oswald to the development of Liberia and Sudan in the heart of the city and the entrepreneurs who established businesses there. She stated that other exhibit topics could include the birthplace of speed, arts and culture in Ormond Beach, veterans’ displays, and the role of Ormond Beach during the wars in the 20<sup>th</sup> century. She stated that one of the most important exhibits could be regarding the dynamics of the Intracoastal Waterway in the past, present, and future. She explained that she was speaking, not just as the President of the Ormond Beach Historical Society, but also as a citizen who wanted to see every bit of Ormond Beach’s rich heritage included in one beautiful museum. She asked the city to preserve the MacDonald House and give it the solid bones that it needed to hold the future of all of the stories of Ormond Beach.

Mayor Kelley thanked Ms. Simmons for her passion on the issue.

Item #5A– Approval of Minutes

Mayor Kelley advised that the minutes of the May 19, 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 #6– 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 Kent, 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 #7 – Public Hearings

Mayor Kelley opened the public hearing.

Item #7A – LDC Amendment – Adding Special Standards to T-1 Zoning Districts

City Clerk Scott McKee read by title only:

ORDINANCE NO. 2015-23

AN ORDINANCE AMENDING CHAPTER 2, DISTRICT AND GENERAL REGULATIONS, ARTICLE II, DISTRICT REGULATIONS, SECTION 2-21, T-2, MANUFACTURED HOME ZONING DISTRICT BY DELETING PARAGRAPH (H) SPECIAL STANDARDS AND SECTION 2-20, T-1, MANUFACTURED/MOBILE HOME ZONING DISTRICT BY ADDING SPECIAL STANDARDS TO ALLOW REPLACEMENT OF MANUFACTURED/MOBILE HOMES LOCATED WITHIN PREVIOUSLY ESTABLISHED MANUFACTURED/MOBILE HOME PARKS WITH NEW MANUFACTURED/MOBILE HOMES, 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 Kent, for approval of Ordinance No. 2015-23, 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 #7B – Tuscany Shoppes PBD Amendment

City Clerk Scott McKee read by title only:

ORDINANCE NO. 2015-24

AN ORDINANCE AUTHORIZING THE EXECUTION AND ISSUANCE OF A SECOND AMENDED AND RESTATED DEVELOPMENT ORDER FOR THE "TUSCANY SHOPPES" PLANNED BUSINESS DEVELOPMENT LOCATED AT 1185 WEST GRANADA BOULEVARD BY ALLOWING FUNERAL HOMES AS A PERMITTED USE; BY AMENDING THE RETAIL SALES AND SERVICES RESTRICTIONS TO BE CONSISTENT WITH THE "RESIDENTIAL, OFFICE, RETAIL" FUTURE LAND USE DESIGNATION; BY AMENDING THE SIZE AREA ALLOWANCE FOR TWO ON-SITE MONUMENT SIGNS, BY AMENDING ALLOWED USES WITHIN THE PROJECT, BY AMENDING SIGNAGE STANDARDS TO BE CONSISTENT WITH RECENT LAND DEVELOPMENT CODE AMENDMENTS; RATIFYING AND AFFIRMING THE DEVELOPMENT ORDER APPROVED BY RESOLUTION 2003-216 AND AMENDED BY ORDINANCE 2004-53; AND SETTING FORTH AN EFFECTIVE DATE.

Mr. Ric Goss, Planning Director, explained that this amendment amended a previous Planned Business Development (PBD) ordinance and introduced another use to the PBD in the form of a funeral home. He stated that the funeral home would not have all of the typical funeral home services and explained that the facility would have some viewing, service sales, and very few processions, as any processions held there would be very small. He explained that it would not be a full service funeral home that had body preparations. He stated that the applicant was also requesting the same uses that were permitted under the residential, office, retail ("ROR") designation. He noted that the city had changed the designation from business office to ROR. He stated that the applicant was limited by the amount of retail and explained that the applicant was requesting that he be allowed to have the same amount of retail that the current code allowed.

Mr. Goss noted that the applicant's signage was more restrictive than what the current code allowed and stated that the applicant was requesting that be released so that his businesses could have the same signage regulations as currently allowed in the code. He explained that the applicant was also requesting a larger monument sign and noted that the applicant wished to add another tenant. He stated that the city's monument

signs were typically about 64 feet and that the applicant was wanting an 80 foot sign. He noted that the sign would be about the same width but be a foot and a half higher. He stated that this item went before the Planning Board and there was much debate, explaining that the Planning Board actually took six votes on all of the amendments. He stated that one Planning Board member voted against the funeral home, but the rest voted in favor, and that two Planning Board members voted against the monument sign amendment, but the rest voted in favor of it. He stated that overall the Planning Board voted for the entire amendment six to one. He stated that staff recommended approval. He noted that he understood that an email had been sent from a resident objecting to the amendment and that the email had been sent that evening. He explained that he believed the resident who objected to the funeral home might have thought that the funeral home would be a full service one and not a satellite one.

Mayor Kelley noted that the applicant was present in case there were any questions.

**Commissioner Boehm moved, seconded by Commissioner Kent, for approval of Ordinance No. 2015-24, 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 #7C – 1080 N. US Highway 1 (Harris Village and RV Park) Annexation

City Clerk Scott McKee read by title only:

ORDINANCE NO. 2015-25  
 AN ORDINANCE ANNEXING CERTAIN REAL PROPERTY INTO THE CITY OF ORMOND BEACH, SAID PROPERTY BEING GENERALLY LOCATED AT 1080 NORTH U.S. HIGHWAY 1 ALONG THE WEST SIDE OF SAID HIGHWAY AND BEING NORTHWEST OF AIRPORT ROAD AND BEING COMMONLY KNOWN AS THE "HARRIS VILLAGE AND RV PARK" PROPERTY; REDEFINING THE TERRITORIAL BOUNDARIES OF THE CITY TO INCLUDE THE PROPERTY; REDESIGNATING THE BOUNDARIES OF ZONE 1 TO INCLUDE THE PROPERTY; PROVIDING FOR TRANSMISSION; PROVIDING FOR SEVERABILITY; AND SETTING FORTH AN EFFECTIVE DATE.

Mr. Goss noted that he would speak about both item 7C and 7D at the same time as the ordinances were both similar annexations. He stated that both properties were being annexed under the Interlocal Services Boundary Agreement (ISBA). He noted that an alternative annexation process was allowed and explained that both of the annexations would create enclaves which it was permitted under the ISBA. He stated that staff recommended approval and noted that both properties had been receiving city utility services since the late 1990s.

**Commissioner Boehm moved, seconded by Commissioner Stowers, for approval of Ordinance No. 2015-25, 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

Item #7D – 1090 N. US Highway 1 (Wild Bills) Annexation

City Clerk Scott McKee read by title only:

ORDINANCE NO. 2015-26  
 AN ORDINANCE ANNEXING CERTAIN REAL PROPERTY INTO THE CITY OF ORMOND BEACH, SAID PROPERTY BEING GENERALLY LOCATED AT 1090 NORTH U.S. HIGHWAY 1 ALONG THE WEST SIDE OF SAID HIGHWAY AND BEING NORTHWEST OF AIRPORT ROAD AND BEING COMMONLY KNOWN AS THE "WILD BILLS AND KURRAS MOBILE VILLAGE" PROPERTY; REDEFINING THE TERRITORIAL

BOUNDARIES OF THE CITY TO INCLUDE THE PROPERTY; REDESIGNATING THE BOUNDARIES OF ZONE 1 TO INCLUDE THE PROPERTY; PROVIDING FOR TRANSMISSION; PROVIDING FOR SEVERABILITY; AND SETTING FORTH AN EFFECTIVE DATE.

**Commissioner Boehm moved, seconded by Commissioner Partington, for approval of Ordinance No. 2015-26, on first reading, as read by title only.**

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

Mayor Kelley closed the public hearing without objection.

Item #8A – LDC Amendment – Itinerant Vendor Criteria

City Clerk Scott McKee read by title only:

ORDINANCE NO. 2015-27

AN ORDINANCE AMENDING CHAPTER 2, DISTRICT AND GENERAL REGULATIONS OF THE CITY OF ORMOND BEACH LAND DEVELOPMENT CODE BY ADDING A NEW ARTICLE TO BE NUMBERED AND CAPTIONED AS ARTICLE VII, NORTH U.S. HIGHWAY 1 INTERLOCAL PLANNING AND MUNICIPAL SERVICE AREA; BY ADDING DIVISION 1, ITINERANT MERCHANT REGULATIONS FOR RECOGNIZED SPECIAL EVENTS AND OUTDOOR ENTERTAINMENT ACTIVITY; TEMPORARY CAMPSITES: SECTION 2-74, MUNICIPAL SERVICE AREA AND JOINT PLANNING AREA; PURPOSE; SECTION 2-75, LEGISLATIVE FINDINGS; SECTION 2-76, DEFINITIONS; SECTION 2-77, HIGH IMPACT USES ON LAND; CLASSIFICATION AND CATEGORY OF USE; RATIONALE; SECTION 2-78, AMORTIZATION SCHEDULE FOR VACANT OR UNIMPROVED LAND CATEGORY; SECTION 2-79, APPLICATION, LICENSE AND PERMIT REQUIREMENTS FOR ITINERANT COMMERCIAL ACTIVITY; SECTION 2-80, TEMPORARY CAMPSITES; SECTION 2-81, RESERVATION OF POWER; SECTION 2-82, ENFORCEMENT; BY REGULATING ITINERANT MERCHANT USES AND ACTIVITIES DURING RECOGNIZED SPECIAL EVENTS AND OUTDOOR ENTERTAINMENT ACTIVITIES; PROVIDING CLASSIFICATIONS OF LAND FOR IMPROVED LAND AND VACANT OR UNIMPROVED LAND; PROVIDING REGULATIONS FOR TEMPORARY CAMPSITES DURING RECOGNIZED SPECIAL EVENTS; PROVIDING LICENSE AND PERMIT REQUIREMENTS; PROVIDING A FIVE YEAR AMORTIZATION PERIOD FOR VACANT OR UNIMPROVED LAND; PROVIDING FOR THE INCLUSION OR REMOVAL OF LAND FROM THE IMPROVED LAND CATEGORY; RESERVING POWER TO THE CITY COMMISSION; PROVIDING FOR ENFORCEMENT OF THESE REGULATIONS; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; PROVIDING FOR SEVERABILITY; AND SETTING FORTH AN EFFECTIVE DATE.

Mr. Goss stated that these criteria had been presented to a number of businesses on US1 during the last six months. He stated that 14 properties would be considered permitted to have recognized events and three properties would be amortized under the five-year amortization rule. He listed those three properties as follows: Boot Hill, Broken Spoke, and Moonshine Campground. He stated that should those properties redevelop, the City Commission would have the sole discretion to allow them to have a recognized event in the future, under the criteria established. He explained that the ordinance established submittals for those submitting for master vendor permits and itinerant vendor permits. He further explained that the master vendor was responsible for all of his individual itinerant vendors and would need to obtain the permits for those itinerant vendors rather than have each individual itinerant vendor come for their own permit. He stated that there were also set-up and break-down times established for events.

Mr. Goss noted that there were a number of criteria that each master vendor would need to provide to the city with regard to site plans, security plans, access, and a drawing to scale showing where sanitation facilities, vendors and other things would be located. He

stated that bike and car washes were prohibited. He stated that there were 17 criteria to be addressed with regard to a master vendor license. He stated that a master vendor permit could be for six months or one year and explained that most would obtain their permit for the entire year. He stated that there were two types of permits, one being the special recognized event and the other being an outdoor activity permit for music. He explained that anyone claiming to have more than 500 participants would have to have that type of permit in order to have music, and anyone with less than 500 participants would have it be considered an accessory use and permitted as it was in the county. He stated that the last meeting with the businesses was held in March and that the item went before the Planning Board in May. He stated that both the Planning Board and staff recommended approval.

Mayor Kelley thanked City Attorney Randy Hayes for his work on the ordinance.

**Commissioner Stowers moved, seconded by Commissioner Boehm, for approval of Ordinance No. 2015-27, on first reading, as read by title only.**

Commissioner Boehm stated that Mr. Hayes did an outstanding job. He stated that this situation should have existed when the county had control, but they left it to the city to take care of it after four years of negotiating. He stated that Mr. Hayes had really stepped up and done a terrific job of bringing it under control. He stated that he hoped one day the area would look like Ormond Beach.

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

Item #8B – Master/Itinerant Vendor Permit Fees

City Clerk Scott McKee read by title only:

ORDINANCE NO. 2015-28  
 AN ORDINANCE RELATIVE TO MASTER AND ITINERANT VENDOR FEES FOR THE NORTH U.S. HIGHWAY 1 MUNICIPAL SERVICE AREA; AMENDING CHAPTER 8, BUILDINGS AND CONSTRUCTION REGULATIONS, ARTICLE I, IN GENERAL, OF THE CITY OF ORMOND BEACH CODE OF ORDINANCES BY ADDING MASTER VENDOR, ITINERANT VENDOR, AND OUTDOOR ENTERTAINMENT ACTIVITY PERMIT FEES; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; AND SETTING FORTH AN EFFECTIVE DATE.

Mr. Goss stated that this ordinance established the fees for master and itinerant vendors. He noted that most of the city’s fees were five to ten percent lower than in the county. He explained that the number of vendors was being guessed and that when he was in the area on Friday for one of the events there were 90 vendors without permits. He stated that there were estimated to be about 200 vendors on the north US1 corridor at any one time but noted that it could be more or less. He stated that the projection was for about \$50,000 in revenue based on the fee schedule. He noted that staff recommended approval.

Mayor Kelley noted that Mr. Goss mentioned that the master vendor obtained permits for the itinerant vendors and asked about that procedure.

Mr. Goss cited Destination Daytona as an example and noted that they had an individual who managed the process. He stated that that representative obtained the master vendor permit and pre-paid for the number of itinerant vendors that they would have. He noted that if they prepaid for 50 vendors and 55 vendors showed up then they would come back and pay for the other five. He explained that all of the major master vendors would be following a similar procedure and that the preference would be for vendors to come in under the master vendor permit.

Mayor Kelley stated that was what he was hoping; whereby, Mr. Goss replied that it was easier that way.

**Commissioner Partington moved, seconded by Commissioner Stowers, for approval of Ordinance No. 2015-28, 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 #9A – FLOC Conference Voting Delegate

Ms. Shanahan stated that a voting delegate needed to be designated for the Florida League of Cities (FLOC) Conference. She noted that she was unsure which members of the Commission would be attending the conference.

Commissioner Partington stated that he would be attending; whereby, Mayor Kelley suggested that Commissioner Partington serve as the delegate, but he noted that he could not make the motion himself in his role as meeting chair.

**Commissioner Kent moved, seconded by Commissioner Boehm, to designate Commissioner Partington as the city’s Florida League of Cities Conference Voting Delegate.**

Mayor Kelley stated that Commissioner Partington would have to stay at the conference until Saturday afternoon; whereby, Commissioner Partington explained that he had some responsibilities there anyway and would be happy to serve.

Mayor Kelley stated that he appreciated Commissioner Partington’s service and that it was important to make sure that the city’s voice was heard on the issues.

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

Item #13 – Reports, Suggestions, Requests

Community Gardens

Ms. Shanahan stated that the community garden ribbon cutting would be held on June 5, 2015, at 5:30 p.m.

Movies on the Halifax

Ms. Shanahan stated that Movies on the Halifax would be on June 5, 2015, and that the movie being shown would be “*Boxtrolls*.” She noted that the movie would be shown at 8:30 p.m., as the sun set later in the evening now.

North US1

Ms. Shanahan echoed the Commission’s comments regarding Mr. Hayes, and also wanted to recognize Mr. Goss, for their work on the ISBA and master and itinerant vendor licensing. She explained that those licenses were a very important part of the process, and one of the main reasons why the city wanted to control that corridor was to have an impact on that. She stated that there were a few more pieces coming regarding the area, and she was very proud of Mr. Hayes and his staff.

Mr. Leary – Audience Remarks

Commissioner Kent addressed Mr. Leary, who had spoken during Audience Remarks. He stated that he loved that Mr. Leary came before them, explaining that he supported what Mr. Leary did as Mr. Leary was an ambassador for the city. He noted that Mr. Leary was not officially an ambassador, but he had seen him firsthand add soap and pick up trash in the restroom at Cassen Park because he wanted it to be nice for visitors. He stated that he agreed with Mr. Leary and did not like that a vendor was being allowed to set up in front of Mr. Leary’s business on the busiest day of the year when Mr. Leary worked there all year round. He noted that he did not like that and wanted it changed.

School Year End

Commissioner Kent stated that the next day was the last day of school. He joked not to pay the ransom if he did not answer his phone for the next couple of months.

### Memorial Day

Commissioner Boehm stated that he attended the Memorial Day Remembrance in Rockefeller Gardens along with Commissioner Kent, Commissioner Partington and Mayor Kelley. He noted that it was a very moving celebration and a great tribute to all of the fallen veterans and all veterans. He stated that Mayor Kelley did a particularly fine job with his proclamation and the speech that he gave. He noted that he was looking forward to the Fourth of July celebration at Rockefeller Gardens and thought that it would be well attended as people appreciated the quality of the events that Leisure Services put together. He thanked Leisure Services for putting on quality events and the police department for their assistance in doing so.

### VLOC Distinguished Service Awards

Commissioner Boehm stated that the Volusia League of Cities (VLOC) Award Banquet would be held on June 4, 2015. He stated that the city had some individuals win Distinguished Service Awards and announced them as follows:

- Employee of the Year in Economic Enrichment, Community Planning and Development - Economic Development Director Joe Mannarino
- Employee of the Year in Parks and Recreation – Casements Cultural Coordinator Siobhan Daly
- Employee of the Year in Public Works and Utilities – Systems Maintenance Supervisor Ken Russell
- Volunteer in Community Sports – Jeff Beebe
- Volunteer in Public Safety – Charles Moskovitz

He noted that Ormond Beach had a disproportionate success rate in participating and being recognized, noting that Commissioner Partington served as the President of the Volusia League of Cities.

### Ethics Training

Commissioner Boehm stated that he and Mayor Kelley attended the state mandated, four-hour ethics training in Winter Park. He noted that he and Mayor Kelley got to stand in the back and drink tea and eat cookies for part of it. He explained that while there they found out that the training course was now available online and there was no need to go in person any longer.

Mayor Kelley stated that while they were there one of the state representatives from that area came in and welcomed them. He stated that the representative stated that he was introducing legislation next year to repeal the regulation mandating they attend the training which received a rousing ovation from the attendees. He noted that the legislators themselves did not have to attend the training and stated that if the legislation had stated that they did, it would not have passed.

Commissioner Partington stated that he was thrilled to find out that he could take the course online because he had been holding out for a Saturday morning session.

### The Loop

Commissioner Partington stated that there was an article in the *Daytona Beach News-Journal* online entitled "Who has the recipe for Cobb's Corner shrimp salad sandwich?" He noted that there was a great picture of the old Cobb's Corner up on the Loop and that the caption read "an updated photo of the original Cobb's Corner Restaurant on the Loop in Ormond Beach." He stated that someone wrote asking for the recipe because they had a sandwich there years ago. He explained that he found it interesting that they kept mentioning that it had been located at the Loop in Ormond Beach. He stated that it got him thinking that he did not know if the Loop was advertised enough as a tourist destination for the downtown. He suggested that it could be brought up to Ormond Beach Main Street. He noted that the entire Loop was not located in Ormond Beach, but it was certainly covered on both sides and he thought that they should take advantage of it at every opportunity.

### VLOC Award Banquet

Commissioner Partington stated that he hoped to see the entire Commission at the VLOC Award Banquet, which recognized the individuals, elected officials, staff and citizens who did so much for the community.

### North US1

Commissioner Stowers stated that he thought about the milestones that had occurred and continued to occur regarding bringing north US1 up to Ormond Beach standards. He noted that he often reflected back to 2010 when the City Commission Chambers was

packed regarding the Cheaters item. He stated that he thought with pride about what had taken place over the last five years. He recounted that Cheaters was gone, an ISBA was in place, itinerant merchant regulations were being processed, properties were being annexed in from the county, and that the city was getting where it needed to go. He stated that it was fantastic for Ormond Beach that this gateway to the city, which had been long neglected, was a continued point of focus and that more was to come. He stated that he was excited about it for the city and the residents of Zone 1.

#### Commissioner Partington

Mayor Kelley thanked Commissioner Partington for serving as President of the VLOC. He noted that Commissioner Partington was everywhere and did everything. He stated that Commissioner Partington was probably the catalyst to make VLOC the leading organization of the cities in the county. He stated that he also appreciated Commissioner Partington helping him in covering D.A.R.E. Graduations and other activities for him.

#### North US1

Mayor Kelley stated that the progress on US1 was a great feather in Mr. Hayes' cap. He noted that the money being invested and reinvested in Zone 1 would make a difference. He stated that the citizens and businesses had also stepped up.

#### Paul Duncan Letter

Mayor Kelley stated that Mr. Paul Duncan had sent him a letter and asked that he read that letter into the record. He read Mr. Duncan's letter as follows:

*"Dear Mr. Mayor:*

*I first want to say that I am sorry that it has taken so long to write this letter. I have had a down turn in my health and that took all of my focus.*

*First thank you for your immediate response asking the Chief and City Manager for their presence in the matter of the tree. I also thank Bill Partington for all of his efforts and visits to the tree as well. The Chief was almost instantaneous as the next morning from OBPD detective advising me that the dive team from Volusia, Flagler, and Seminole counties as well as Lake Mary PD were on their way to do their practice diving in my back yard. They showed up and other than there is no longer a viable boat ramp, causing them to waste time launching the boat, they made short work locating and moving the sailboat to my shoreline. They are a wonderful bunch of guys.*

*The City Manager tried to find a way to save the tree and I want to say to her thanks for trying, but 2 days later she had to give the order to cut it down as the kids wouldn't stop. I then come to Kevin Gray from public works, who was a pleasure to work with. He put thought into not only cutting down the tree but do it in such a way as to discourage kids from coming back.*

*I had interaction with numerous police officers during this trial that I would like to mention. First Sergeant Lisa Rosenthal, she really impressed me with her upfront manner and dedication. Our city is much better having her in it. That brings me to Officer James. He met me at my worst yet stood up to me and did it with grace. I would love for a copy of this to go to him as he has earned my respect and thanks.*

*This brings me to John Noble who is a true gentleman. I consider him a friend even though we find ourselves on opposite sides a lot. He always takes time for me and points me in the correct directions even if I don't want to go there and I appreciate that.*

*I was at a place where I was afraid of myself and what I was capable of doing if I was to lose my temper. I have lost it a few times in my life and have never liked the results. If I have forgotten anybody that helped in this I am sorry if I haven't mentioned you by name, but I thank you any way.*

*I just recently got out of the hospital having another stroke and my memory is not what it was but other than that I am fine and am trying to play catch up. Again I want to thank all of you.*

*Paul H. Duncan"*

Mayor Kelley stated that it was nice that Mr. Duncan took the time to write a letter. He stated that Mr. Duncan's comments were reflective of the responsiveness of the city. He noted that city employees at all levels often received compliments and that it was a reflection on the City Manager. He thanked all of the employees for what they did to make Ormond Beach the community of choice.

Item #14 – Adjournment

The meeting was adjourned at 7:40 p.m.

APPROVED: June 23, 2015

BY:

\_\_\_\_\_  
Ed Kelley, Mayor

ATTEST:

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