

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

October 6, 2015

7:00 p.m.

Commission Chambers

Present were: Mayor Ed Kelley, Commissioners James Stowers, Troy Kent, Rick Boehm and Bill Partington, City Manager Joyce Shanahan, City Attorney Randy Hayes, Assistant City Manager and Public Works Director Theodore MacLeod, 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. Kiwanis Donation to Community Gardens
- 5. AUDIENCE REMARKS - REGARDING ITEMS NOT ON THE AGENDA**
- 6. APPROVAL OF MINUTES**
 - A. Minutes from City Commission meeting – September 23, 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. 2015-192** : A RESOLUTION AUTHORIZING THE EXECUTION OF AN INTERLOCAL AGREEMENT BETWEEN THE CITY AND THE COUNTY OF VOLUSIA REGARDING THE TRANSFER OF WASTEWATER UTILITY SERVICE AND RELATED INFRASTRUCTURE ON THE NORTH PENINSULA; AND SETTING FORTH AN EFFECTIVE DATE.

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

- B. **RESOLUTION NO. 2015-193** : A RESOLUTION AUTHORIZING THE APPROVAL AND EXECUTION OF A CONTRACT WITH BROWN & BROWN OF FLORIDA, INC. REGARDING EMPLOYEE BENEFITS AGENT OF RECORD SERVICES, UNDER THE BROWARD COUNTY HOUSING AUTHORITY RFP #15-215; AND SETTING FORTH AN EFFECTIVE DATE.

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

- C. **RESOLUTION NO. 2015-194** : A RESOLUTION AUTHORIZING THE ACCEPTANCE OF A WARRANTY DEED FROM A. W. BAYLOR FAMILY LIMITED PARTNERSHIP, SATISFYING A CONDITION OF ORMOND BEACH ORDINANCE 2010-47 TO DEDICATE A MINIMUM 10-FOOT WIDE AREA FOR RIGHT-OF-WAY PURPOSES TO THE CITY OF ORMOND BEACH ON PROPERTY LOCATED AT 146 NORTH ORCHARD STREET; AND SETTING FORTH AN EFFECTIVE DATE.

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

- D. **RESOLUTION NO. 2015-195** : A RESOLUTION AUTHORIZING THE EXECUTION OF A WATER, SEWER AND ANNEXATION AGREEMENT BETWEEN THE CITY AND SMITH & KRAJEWSKI ENTERPRISE, LLC. FOR PROPERTY LOCATED AT 3714 EGRET DUNES DRIVE, ORMOND BEACH, VOLUSIA COUNTY, FLORIDA; PROVIDING FOR RECORDATION; AND SETTING FORTH AN EFFECTIVE DATE.
Staff Contact: Ric Goss, Planning Director (386-676-3238)
- E. **RESOLUTION NO. 2015-196** : A RESOLUTION AUTHORIZING THE ACCEPTANCE OF AN EASEMENT AND ACCESS DEED FROM BREAKAWAY TRAILS, INC., ALLOWING THE INSTALLATION AND ACCESS TO MAINTAIN A PRETREATMENT EFFLUENT PUMPING (PEP) SYSTEM ON PROPERTY LOCATED AT 45 BLACK CREEK WAY (LOT 27), BREAKAWAY TRAILS, PHASE 3, UNIT 2A; AND SETTING FORTH AN EFFECTIVE DATE.
Staff Contact: Ric Goss, Planning Director (386-676-3238)
- F. **RESOLUTION NO. 2015-197** : A RESOLUTION AUTHORIZING THE ACCEPTANCE OF AN EASEMENT AND ACCESS DEED FROM BREAKAWAY TRAILS, INC., ALLOWING THE INSTALLATION AND ACCESS TO MAINTAIN A PRETREATMENT EFFLUENT PUMPING (PEP) SYSTEM ON PROPERTY LOCATED AT 46 BLACK CREEK WAY (LOT 26), BREAKAWAY TRAILS, PHASE 3, UNIT 2A; AND SETTING FORTH AN EFFECTIVE DATE.
Staff Contact: Ric Goss, Planning Director (386-676-3238)
- G. **RESOLUTION NO. 2015-198** : A RESOLUTION APPOINTING AN ALTERNATE MEMBER TO THE BOARD OF ADJUSTMENT AND APPEALS; SETTING FORTH TERM AND CONDITIONS OF SERVICE; AND SETTING FORTH AN EFFECTIVE DATE.
Staff Contact: Scott McKee, City Clerk (386-676-3340)
- H. **RESOLUTION NO. 2015-199** : A RESOLUTION AUTHORIZING THE EXECUTION OF A CONTRACT EXTENSION OF A TOWING RELATED SERVICES CONTRACT BETWEEN THE CITY OF ORMOND BEACH AND UNIVERSAL TOWING, INC.; AND SETTING FORTH AN EFFECTIVE DATE.
Staff Contact: Andy Osterkamp, Police Chief (386-677-0731)
- I. **RESOLUTION NO. 2015-200** : A RESOLUTION AUTHORIZING THE EXECUTION OF A CONTRACT EXTENSION OF A TOWING RELATED SERVICES CONTRACT BETWEEN THE CITY OF ORMOND BEACH AND J&A BALBOA ENTERPRISES, INC. D/B/A ARROW SERVICE & TOWING; AND SETTING FORTH AN EFFECTIVE DATE.
Staff Contact: Andy Osterkamp, Police Chief (386-677-0731)
- J. **RFP for Towing Related Services**
Staff Contact: Andy Osterkamp, Police Chief (386-677-0731)
Disposition: Approve as recommended in the City Manager memorandum dated October 6, 2015.
- K. **Sodium Hypochlorite Storage Tank Replacement**
Staff Contact: Dave Ponitz, Utilities Manager (386-676-3305)
Disposition: Approve as recommended in the City Manager memorandum dated October 6, 2015.
- L. **Lift Station 8M-1 Improvements**
Staff Contact: Dave Ponitz, Utilities Manager (386-676-3305)
Disposition: Approve as recommended in the City Manager memorandum dated October 6, 2015.

M. Notification of receipt of unsolicited proposal

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

Disposition: Approve as recommended in the City Manager memorandum dated October 6, 2015.

N. 2016 City of Ormond Beach Legislative Action Report

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

Disposition: Approve as recommended in the City Manager memorandum dated October 6, 2015.

8. PUBLIC HEARINGS

- A. **ORDINANCE NO. 2015-43** : AN ORDINANCE AMENDING PARAGRAPH C, OFFICIAL ZONING MAP, OF SECTION 2-01, ESTABLISHMENT OF ZONING DISTRICTS AND OFFICIAL ZONING MAP, OF ARTICLE 1, ESTABLISHMENT OF ZONING DISTRICTS AND OFFICIAL ZONING MAP, OF CHAPTER 2, DISTRICT AND GENERAL REGULATIONS, OF THE CITY OF ORMOND BEACH LAND DEVELOPMENT CODE, BY AMENDING THE OFFICIAL ZONING MAP TO REZONE CERTAIN REAL PROPERTY TOTALING 23.44±-ACRES LOCATED AT 500 SOUTH NOVA ROAD, FROM VOLUSIA COUNTY MH-1 (MOBILE HOME PARK) TO ORMOND BEACH T-1 (MANUFACTURED/MOBILE HOME), AUTHORIZING REVISION OF OFFICIAL ZONING MAP; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; AND SETTING FORTH AN EFFECTIVE DATE. **(SECOND READING)**

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

- B. **ORDINANCE NO. 2015-45** : AN ORDINANCE AMENDING THE FUTURE LAND USE ELEMENT OF THE COMPREHENSIVE PLAN BY AMENDING THE FUTURE LAND USE MAP TO CHANGE THE DESIGNATION OF A 1.21±-ACRE PORTION OF ONE (1) PARCEL OF REAL PROPERTY TOTALING 2.57±-ACRES LOCATED AT 4 NORTH PERROTT DRIVE, AMENDING FROM "GENERAL COMMERCIAL" TO "LIGHT INDUSTRIAL/UTILITIES"; PROVIDING FOR CONFLICT; AUTHORIZING TRANSMITTAL; AND SETTING FORTH AN EFFECTIVE DATE.

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

- C. **ORDINANCE NO. 2015-46** : AN ORDINANCE AMENDING CHAPTER 2, DISTRICT AND GENERAL REGULATIONS; ARTICLE II, DISTRICT REGULATIONS, SECTION 2-35 PLANNED RESIDENTIAL DEVELOPMENT, OF THE CITY OF ORMOND BEACH LAND DEVELOPMENT CODE; BY CREATING A NEW SUBPARAGRAPH PROVIDING A PROCEDURE FOR DETERMINING HOLDING CAPACITY DENSITY OF A PROPOSED DEVELOPMENT SITE; 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)*

9. SECOND READING OF ORDINANCES

- A. **ORDINANCE NO. 2015-44** : AN ORDINANCE AMENDING CHAPTER 1, GENERAL ADMINISTRATION, ARTICLE IV, SCHEDULE OF DEVELOPMENT REVIEW AND IMPACT FEES, SECTION 1- 27(1)(E)(2), IMPACT FEES, OF THE LAND DEVELOPMENT CODE; PROVIDING FULL IMPACT FEE CREDIT UNDER SPECIFIC CONDITIONS, 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)*

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

Pastor Dennis Koch, Grace Lutheran Church, gave the invocation.

Item #3 – Pledge of Allegiance

Mayor Kelley led the Pledge of Allegiance.

Item #4A – Kiwanis Donation to Community Gardens

Mayor Kelley invited members of the Kiwanis forward.

Members of the Kiwanis, Florida Division 7, presented a check for \$5,000 to Mayor Kelley on behalf of the Florida Kiwanis Foundation for the city’s community gardens project.

Mayor Kelley stated that the city was all about community spirit and community involvement. He thanked the Kiwanis for their donation and noted that it would enable the city to expand the community gardens. He stated that the community gardens were a great asset. He stated that it was wonderful for the city to have partners and this was another example of a public private partnership. He thanked the Kiwanis for making a difference in the community.

Item #5 – Audience Remarks

Mr. Jim Schultz, 117 Harvard Drive, stated that there was a lot of publicity around breast cancer. He stated that a woman named Carole Baggerly got cancer and was not happy with the treatment or knowledge provided by her doctors. He explained that Ms. Baggerly established Grassroots Health through the Moores Cancer Institute at the University of California – San Diego. He stated that they discovered that a higher dose of vitamin D could reduce cancer cases drastically, especially in breast cancer. He stated that the government had provided incorrect adequate levels of vitamin D. He noted that he did not believe they could have done so without attempting to intentionally defraud. He stated that two Canadian scientists went through the paperwork and found multiple errors. He noted that Canada had put notices and warnings in their paper that the level was too low. He stated that he did not expect a revision to happen in the United States. He stated that the Netherlands used 800 international units in a controlled study with those who were deficient. He noted that half of them stayed deficient. He encouraged people to go to Grassroots Health’s website and read their science.

Mayor Kelley stated that he believed that doctors were well aware of vitamin D science. He noted that his wife had been prescribed vitamin D and he also took it.

Item #6A – Approval of Minutes

Mayor Kelley advised that the minutes of the September 9, 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 Partington, 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 hearings.

Mayor Kelley stated that staff had requested that Item 8C be removed from the agenda.

Item #8A – 500 South Nova Road Rezoning

City Clerk Scott McKee read by title only:

ORDINANCE NO. 2015-43

AN ORDINANCE AMENDING PARAGRAPH C, OFFICIAL ZONING MAP, OF SECTION 2-01, ESTABLISHMENT OF ZONING DISTRICTS AND OFFICIAL ZONING MAP, OF ARTICLE 1, ESTABLISHMENT OF ZONING DISTRICTS AND OFFICIAL ZONING MAP, OF CHAPTER 2, DISTRICT AND GENERAL REGULATIONS, OF THE CITY OF ORMOND BEACH LAND DEVELOPMENT CODE, BY AMENDING THE OFFICIAL ZONING MAP TO REZONE CERTAIN REAL PROPERTY TOTALING 23.44± ACRES LOCATED AT 500 SOUTH NOVA ROAD, FROM VOLUSIA COUNTY MH-1 (MOBILE HOME PARK) TO ORMOND BEACH T-1 (MANUFACTURED/MOBILE HOME), AUTHORIZING REVISION OF OFFICIAL ZONING MAP; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; AND SETTING FORTH AN EFFECTIVE DATE.

Commissioner Boehm moved, seconded by Commissioner Stowers, for approval of Ordinance No. 2015-43, 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 – 4 North Perrott Drive Future Land Use Map Amendment

City Clerk Scott McKee read by title only:

ORDINANCE NO. 2015-45

AN ORDINANCE AMENDING THE FUTURE LAND USE ELEMENT OF THE COMPREHENSIVE PLAN BY AMENDING THE FUTURE LAND USE MAP TO CHANGE THE DESIGNATION OF A 1.21±-ACRE PORTION OF ONE (1) PARCEL OF REAL PROPERTY TOTALING 2.57± ACRES LOCATED AT 4 NORTH PERROTT DRIVE, AMENDING FROM "GENERAL COMMERCIAL" TO "LIGHT INDUSTRIAL/UTILITIES"; PROVIDING FOR CONFLICT; AUTHORIZING TRANSMITTAL; AND SETTING FORTH AN EFFECTIVE DATE.

Mr. Ric Goss, Planning Director, stated that this was an applicant initiated amendment to a property that used to serve as distribution for S.R. Perrott, which had moved US1. He stated that the applicant desired to change the land use for the property. He explained that a quarter of the property had a commercial land use designation under the land use plan and the remainder of the property had an industrial use designation. He explained that the application requested that the entire property be changed to an industrial use so that a mini-warehouse and storage facility could be put in, with outdoor vehicle storage on the back of the property. He noted that upon review a number of policies supported the reuse of the property as industrial and he provided an example of a policy stating that any land beside a railroad track should be preserved for industrial use. He stated that changing the use to industrial made sense, noting that the property was not vacant and had a number of buildings on it.

Mr. Goss noted that staff looked at the possibility of going through a Planned Business Development (PBD) process but explained that a PBD could not be used in an industrial land use category. He stated that the number of warehouses in the B-4 zone was restricted, explaining that B-4 was the downtown zoning district. He noted that they contemplated assigning it a B-5 zoning designation, but it was inconsistent with the

downtown plan, land use plan and comprehensive plan. He stated that the only way to accommodate the request was through a land use and zoning change. He stated that the Planning Board reviewed the item and recommended approval. He noted that city staff also recommended approval.

Reverend Daniels, 264 Lincoln Avenue, noted that he was going to make a general statement. He stated that Caucasians were selling out America to foreign entities. He stated that African Americans were being driven out of their homes and denied gainful employment and other necessities. He stated that the property on 4 North Perrott Drive was located on land that should be part of reparations that were due to African Americans. He noted that the property was previously owned by African Americans.

Commissioner Kent moved, seconded by Commissioner Boehm, for approval of Ordinance No. 2015-45, on first reading, as read by title only.

Mayor Kelley stated that S.R. Perrott had been in business for 52 years and had owned that location for quite a number of years.

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

Mayor Kelley closed the public hearing without objection.

Item #9A – LDC Amendment #15-112 Impact Fees

City Clerk Scott McKee read by title only:

ORDINANCE NO. 2015-44
AN ORDINANCE AMENDING CHAPTER 1, GENERAL ADMINISTRATION, ARTICLE IV, SCHEDULE OF DEVELOPMENT REVIEW AND IMPACT FEES, SECTION 1- 27(1)(E)(2), IMPACT FEES, OF THE LAND DEVELOPMENT CODE; PROVIDING FULL IMPACT FEE CREDIT UNDER SPECIFIC CONDITIONS, 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. 2015-44, on second reading, as read by title only.

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

Item #12 – Reports, Suggestions, Requests

Upcoming Meetings

Ms. Shanahan stated that the next City Commission meeting would be on Tuesday, October 20, 2015. She noted that the first meeting in November was moved from Tuesday, November 3, 2015, to Monday, November 2, 2015, due to travel for City Commission members attending the National League of Cities Conference. She stated that there were presently no workshops scheduled for the remainder of the year. She noted that she owed the Commission a brainstorming session; whereby, Mayor Kelley stated that he was going to mention that in his closing comments.

Seabreeze Sponsorship

Ms. Shanahan stated that the city received a request from Seabreeze High School. She explained that Seabreeze High School had been invited to perform at the Allstate Sugar Bowl on New Year's Day in New Orleans, Louisiana. She stated that they were fundraising for the trip and looking for corporate sponsors. She stated that if the Commission was so inclined, she could find \$500 in the city's budget for them to become a sponsor.

Mayor Kelley stated that he thought that was a great idea. He noted that some of the school property was located in Ormond Beach.

Ms. Shanahan noted that the other members of the Commission were nodding their heads in approval.

Restrooms at Sports Complex

Ms. Shanahan stated that the restroom complex from Ormond Beach Pride was nearly complete and there would be a ribbon cutting held for it.

Two-Inch Watermain Project

Ms. Shanahan stated that Phase II of the 2-inch Watermain Project on the mainland was ongoing. She noted that there had been some hiccups with the project that they were working to straighten out.

State of the City

Ms. Shanahan stated that the State of the City would be held on Tuesday, October 13, 2015, in conjunction with the Ormond Beach Chamber of Commerce (the "Chamber"), at Oceanside Country Club. She stated that those who would like to attend should contact the Chamber as there were only 17 seats left. She noted that 198 seats had already been sold.

Kiwanis Donation

Commissioner Kent stated that it was rare to see a group present the city with money at a Commission meeting. He thanked the Kiwanis for their donation.

Breast Cancer Awareness T-Shirts

Commissioner Boehm stated that it was Breast Cancer Awareness Month and the city's fire department was again selling pink t-shirts for \$25. He stated that all of the money raised went to Susan G. Komen For The Cure. He noted that the firefighters were doing a great thing for a great cause.

King of the Grill

Commissioner Boehm stated that he, Commissioner Kent, Commissioner Partington and Mayor Kelley survived tasting 17 different small entrees as judges at the King of the Grill event. He stated that the Chamber put on a great event again. He noted that they tasted some very good food and had a good time doing it.

Ormond Beach PAC

Commissioner Boehm stated that the Ormond Beach Performing Arts Center (PAC) won the Reader's Choice Award for the third year in a row in its category as a performing arts center, which was a tribute to the staff at the PAC and the many events that they put on.

Coffee with a Cop

Commissioner Boehm noted that Coffee with a Cop had over 100 people attend it. He stated that it was becoming an extremely popular event.

Ormond Beach Main Street

Commissioner Boehm stated that the Ormond Beach Main Street ("Main Street") Annual Meeting was on October 19, 2015 at 31 Supper Club and was the 20th anniversary celebration of Main Street. He encouraged all to attend.

Florida Georgia Line at Daytona 500

Commissioner Boehm displayed a photograph of the front of the Daytona Beach News-Journal which featured country music duo Florida Georgia Line pictured in the title, with a headline about one of the duo members, Mr. Brian Kelley, son of Mayor Kelley, "coming home" to perform at the Daytona 500. He stated that he was blown away when he saw Mr. Kelley's picture headlining the newspaper. He encouraged everyone who could to attend the concert and see Florida Georgia Line perform in Volusia County.

Mayor Kelley stated that he was glad that Commissioner Boehm took the time to show that. He explained that he did not know that Florida Georgia Line would be performing there for sure until he received a message from a writer at the Daytona Beach News-Journal asking for a quote about it. He noted that he, Commissioner Kent and Commissioner Partington were traveling to the National League of Cities in Nashville in November and that his son lived in Nashville. He stated that he, Commissioner Kent and Commissioner Partington would go out to his son's property to see his tree house and

take photographs to bring back. He noted that his son would be happy to entertain Ormond Beach residents.

State of the City

Mayor Kelley stated that Ms. Shanahan had done a fantastic job with the State of the City. He noted that Assistant Leisure Services Director Stefan Sibley had also been involved. He explained that the presentation encompassed not only what the city had accomplished and what they were going to do but also showcased how staff operated within the city. He stated that he thought that it was the best State of the City yet and showed how Ormond Beach was a model for other communities.

Item #13 – Adjournment

The meeting was adjourned at 7:29 p.m.

APPROVED: October 20, 2015

BY:

Ed Kelley, Mayor

ATTEST:

J. Scott McKee, City Clerk