

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

January 5, 2016

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, Assistant City Manager and Public Works Director Theodore MacLeod, City Attorney Randy Hayes, and City Clerk Scott McKee.

A G E N D A

- 1. CALL TO ORDER**
- 2. INVOCATION**
- 3. PLEDGE OF ALLEGIANCE**
- 4. PRESENTATIONS AND PROCLAMATIONS**
 - A. Employee of the Year - Lori Koplin
- 5. AUDIENCE REMARKS - REGARDING ITEMS NOT ON THE AGENDA**
- 6. APPROVAL OF MINUTES**
 - A. Minutes from City Commission meeting – December 1, 2015
- 7. COMMUNITY REDEVELOPMENT AGENCY**
 - A. **RESOLUTION NO. 2016-01** : A RESOLUTION OF THE CITY COMMISSION, ALSO ACTING AS THE COMMUNITY REDEVELOPMENT AGENCY, OF THE CITY OF ORMOND BEACH, FLORIDA, ACCEPTING A PROPOSAL FROM ZEV COHEN & ASSOCIATES TO PROVIDE ENGINEERING DESIGN SERVICES REGARDING A PUBLIC DOCK AT CASSEN PARK; AUTHORIZING THE EXECUTION OF A WORK AUTHORIZATION THERETO; AND SETTING FORTH AN EFFECTIVE DATE. **(SEE ITEM 8A)**

Staff Contact: John Noble, City Engineer (386-676-3269)
- 8. 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. 2016-01** : A RESOLUTION OF THE CITY COMMISSION, ALSO ACTING AS THE COMMUNITY REDEVELOPMENT AGENCY, OF THE CITY OF ORMOND BEACH, FLORIDA, ACCEPTING A PROPOSAL FROM ZEV COHEN & ASSOCIATES TO PROVIDE ENGINEERING DESIGN SERVICES REGARDING A PUBLIC DOCK AT CASSEN PARK; AUTHORIZING THE EXECUTION OF A WORK AUTHORIZATION THERETO; AND SETTING FORTH AN EFFECTIVE DATE.

Staff Contact: John Noble, City Engineer (386-676-3269)
 - B. **RESOLUTION NO. 2016-02** : A RESOLUTION AUTHORIZING THE EXECUTION OF AN AGREEMENT BETWEEN THE CITY, SABOUNGI CONSTRUCTION, INC. AND ADVANCED DRAINAGE SYSTEMS, INC. REGARDING THE CHAMBER STORMWATER COLLECTION SYSTEM AT THE ANDY ROMANO BEACHFRONT PARK; AND SETTING FORTH AN EFFECTIVE DATE.

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

- C. **RESOLUTION NO. 2016-03** : A RESOLUTION AUTHORIZING THE EXECUTION OF A TRAFFIC SIGNAL MAINTENANCE AND COMPENSATION AGREEMENT BETWEEN THE CITY OF ORMOND BEACH AND THE STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION; AND SETTING FORTH AN EFFECTIVE DATE.
Staff Contact: John Noble, City Engineer (386-676-3269)
- D. **RESOLUTION NO. 2016-04** : A RESOLUTION ACCEPTING AND AUTHORIZING THE EXECUTION OF A PROPOSAL WITH HI-LITE AIRFIELD SERVICES, LLC UNDER FLORIDA DEPARTMENT OF TRANSPORTATION RFP #DOT-13/14-9016-GH; AND AUTHORIZING THE EXECUTION OF A JOINT PARTICIPATION AGREEMENT WITH THE STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION REGARDING THE AIRFIELD MARKING PROJECT AT THE ORMOND BEACH MUNICIPAL AIRPORT; AUTHORIZING PAYMENT THEREFORE; AND SETTING FORTH AN EFFECTIVE DATE.
Staff Contact: Joe Mannarino, Economic Development Director (386-676-3266)
- E. **RESOLUTION NO. 2016-05** : A RESOLUTION AUTHORIZING THE EXECUTION OF A LOCAL AGENCY PROGRAM AGREEMENT BETWEEN THE CITY AND FLORIDA DEPARTMENT OF TRANSPORTATION REGARDING THE DESIGN OF A MIXED USE CONNECTOR TRAIL FROM OLD TOMOKA ROAD TO SCOTTSDALE DRIVE; AND SETTING FORTH AN EFFECTIVE DATE.
Staff Contact: John Noble, City Engineer (386-676-3269)
- F. **RESOLUTION NO. 2016-06** : A RESOLUTION ACCEPTING PROPOSALS AND AUTHORIZING THE EXECUTION OF CONTRACTS WITH THREE COMPANIES FOR TOWING RELATED SERVICES, UNDER RFP 2016-06; REJECTING ALL OTHER PROPOSALS; AND SETTING FORTH AN EFFECTIVE DATE.
Staff Contact: Andy Osterkamp, Police Chief (386-677-0731)
- G. **RESOLUTION NO. 2016-07** : A RESOLUTION AUTHORIZING EXECUTION OF A COMMUNITY DEVELOPMENT BLOCK GRANT SUBRECIPIENT AGREEMENT FOR FISCAL YEAR 2015-2016 BETWEEN THE CITY AND THE COUNTY OF VOLUSIA; AND SETTING FORTH AN EFFECTIVE DATE.
Staff Contact: Loretta Moisiso, Grants Coordinator/PIO (386-676-3315)
- H. **RESOLUTION NO. 2016-08** : A RESOLUTION AUTHORIZING THE SUBMITTAL OF AN ONLINE GRANT APPLICATION TO THE U.S. DEPARTMENT OF HOMELAND SECURITY, UNDER THE ASSISTANCE TO FIREFIGHTERS GRANT PROGRAM, FOR FUNDING ASSISTANCE TO PURCHASE CARDIAC MONITORS, DEFIBRILLATORS AND COMMUNICATIONS EQUIPMENT; AUTHORIZING THE EXECUTION OF ALL DOCUMENTS INCIDENTAL THERETO, INCLUDING ANY CONTRACT NECESSARY FOR THE CITY TO ACCEPT THE GRANT AWARD; AND SETTING FORTH AN EFFECTIVE DATE.
Staff Contact: Loretta Moisiso, Grants Coordinator/PIO (386-676-3315)
- I. **RESOLUTION NO. 2016-09** : A RESOLUTION AUTHORIZING THE EXECUTION OF AN AGREEMENT BETWEEN THE CITY AND ORMOND MAIN STREET, INC., FOR THE OPERATION OF A FARMERS' MARKET IN THE OUTDOOR COURTYARD AND BREEZEWAY AREA OF CITY HALL; SETTING FORTH AN EFFECTIVE DATE.
Staff Contact: Ric Goss, Planning Director (386-676-3238)

- J. **RESOLUTION NO. 2016-10** : A RESOLUTION ACCEPTING A PROPOSAL FROM HALL CONSTRUCTION CO., INC. TO PROVIDE CONSTRUCTION MANAGEMENT SERVICES REGARDING THE FIRE STATION 93 ROOF REPLACEMENT PROJECT; AUTHORIZING THE EXECUTION OF A WORK AUTHORIZATION THERETO; AND SETTING FORTH AN EFFECTIVE DATE.
Staff Contact: John Noble, City Engineer (386-676-3269)
- K. **RESOLUTION NO. 2016-11** : A RESOLUTION ACCEPTING A PROPOSAL FROM QUENTIN L. HAMPTON ASSOCIATES, INC. TO PROVIDE ENGINEERING DESIGN SERVICES REGARDING THE WASTEWATER TREATMENT PLANT OUTFALL REPLACEMENT PROJECT; AUTHORIZING THE EXECUTION OF A WORK AUTHORIZATION THERETO; AND SETTING FORTH AN EFFECTIVE DATE.
Staff Contact: John Noble, City Engineer (386-676-3269)
- L. **RESOLUTION NO. 2016-12** : A RESOLUTION AUTHORIZING THE EXECUTION OF A FIRST AMENDMENT TO ECONOMIC DEVELOPMENT GROWTH ASSISTANCE AGREEMENT WITH AMERITECH DIE AND MOLD, INC.; AND SETTING FORTH AN EFFECTIVE DATE.
Staff Contact: Joe Mannarino, Economic Development Director (386-676-3266)
- M. **RESOLUTION NO. 2016-13** : A RESOLUTION AUTHORIZING THE EXECUTION OF A PROFESSIONAL SERVICES AGREEMENT BETWEEN THE CITY AND AVCON, INC. FOR CONSTRUCTION ENGINEERING SERVICES FOR THE TAXIWAY G CONSTRUCTION AND AIRFIELD ELECTRICAL IMPROVEMENTS PROJECT; AUTHORIZING PAYMENT THEREFOR; AND SETTING FORTH AN EFFECTIVE DATE.
Staff Contact: Joe Mannarino, Economic Development Director (386-676-3266)
- N. **RFP 2016-09 Annual Aerial Fireworks Display**
Staff Contact: Robert Carolin, Leisure Services Director (386-676-3279)
Disposition: Approve as recommended in the City Manager memorandum dated January 5, 2016.
- O. **Halifax Wrecking Co Inc C & D Roll Off Services Franchise Agreement Renewal**
Staff Contact: Kevin Gray, Public Works Operations Manager (386-676-3522)
Disposition: Approve as recommended in the City Manager memorandum dated January 5, 2016.
- P. **Auto Renew Contract-Blanket License Agreement**
Staff Contact: Kelly McGuire, Finance Director (386-676-3226)
Disposition: Approve as recommended in the City Manager memorandum dated January 5, 2016.
- Q. **Environmental Discovery Center Exterior Color Selection**
Staff Contact: John Noble, City Engineer (386-676-3269)
Disposition: Approve as recommended in the City Manager memorandum dated January 5, 2016.
- R. **Approval of Travel by the City Commission/City Manager/City Attorney**
Staff Contact: Scott McKee, City Clerk (386-676-3340)

Disposition: Approve as recommended in the City Manager memorandum dated January 5, 2016.

9. PUBLIC HEARINGS

- A. **ORDINANCE NO. 2015-52** : AN ORDINANCE AMENDING PARAGRAPH C, OFFICIAL ZONING MAP, OF SECTION 2-01, ESTABLISHMENT OF ZONING DISTRICTS AND OFFICIAL ZONING MAP, OF ARTICLE 1, ESTABLISHMENT OF ZONING DISTRICTS AND OFFICIAL ZONING MAP, OF CHAPTER 2, DISTRICT AND GENERAL REGULATIONS, OF THE CITY OF ORMOND BEACH LAND DEVELOPMENT CODE, BY AMENDING THE OFFICIAL ZONING MAP TO REZONE CERTAIN REAL PROPERTY TOTALING 1.70±-ACRES LOCATED AT 10 MAGNOLIA AVENUE, FROM R-3 (SINGLE-FAMILY MEDIUM DENSITY) TO B-1 (PROFESSIONAL OFFICE/HOSPITAL), 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. 2016-01** : AN ORDINANCE AMENDING CHAPTER 8-1, TELECOMMUNICATIONS SERVICE PROVIDERS; ARTICLE I, GENERAL PROVISIONS, SECTIONS 8.1-3 DEFINITIONS AND 8.1-4 REGISTRATIONS; ARTICLE III, CONSTRUCTION, UNDERGROUND INSTALLATION AND RELOCATION, SECTION 8.1-8 USE OF RIGHTS-OF-WAY; ARTICLE IV COMPLIANCE WITH OTHER LAWS, LIABILITIES AND REMEDIES, SECTION 8.1-14 ENFORCEMENT REMEDIES; AND ARTICLE V MISCELLANEOUS PROVISIONS, SECTION 8.1-17 RESERVATION OF RIGHTS, OF THE CITY CODE OF ORDINANCES; 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)

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

Reverend Willie Branch gave the invocation.

Item #3 – Pledge of Allegiance

Mayor Kelley led the Pledge of Allegiance.

Item #4A – Employee of the Year – Lori Koplin

Ms. Joyce Shanahan, City Manager, announced that Ms. Lori Koplin was the Employee of the Year. She stated that Ms. Koplin was born in Titusville and moved to Deland at the age of one, becoming a graduate of Deland High School. She stated that Ms. Koplin earned her degree in early childhood education from Milligan College in Tennessee. She noted that prior to coming to work for the City of Ormond Beach, Ms. Koplin was employed with Volusia County Schools at Deland Middle School, where she worked as a teaching assistant for over ten years. She explained that during this time, Ms. Koplin's talent for working with young people and those with disabilities really flourished. She stated that Ms. Koplin began her employment with the City of Ormond Beach in 2005 as a summer camp counselor with the Camp T-Rec program. She stated that Ms. Koplin was hired as a part-time therapeutic recreation assistant in 2007 and in 2011 was promoted to the Nova Community Center Coordinator.

Ms. Shanahan stated that Ms. Koplin was extremely dedicated to her job and to the people she served. She explained that Ms. Koplin played an instrumental role in

securing funds from Volusia County for scholarships for Camp T-Rec. She further explained that in order to develop the best possible programs, Ms. Koplin partnered with local businesses such as the Daytona International Speedway and Embry Riddle Aeronautical University. She stated that Ms. Koplin developed a free after school program for Ormond Beach residents at the Nova Community Center, where children ages four and up could go to play various sports and do arts and crafts. She noted that the program helped serve those children who were going home to an empty household after school and also promoted child engagement in an exercise program and active involvement in safe and healthy activities. She stated that the gym was now full Monday through Friday morning thanks to the pickleball program Ms. Koplin had been promoting, which was becoming an increasingly popular sport for area seniors.

She stated that Ms. Koplin's number one passion was assisting those with special needs and explained that throughout the year she ran a number of Challenger sports programs, a new Challenger arts program, and the annual STARS pageant. She stated that Ms. Koplin was the first one to offer her time to volunteer for a project or assist a coworker in need. She noted that Ms. Koplin recently took part in a breast cancer walk and spearheaded a very successful clothing and food drive benefiting a local homeless shelter. She stated that Ms. Koplin had a tremendous impact on the community and her coworkers, and was much appreciated here at the City of Ormond Beach. She congratulated Ms. Koplin on being named Employee of the Year and invited her family in attendance to receive her award with her.

Mayor Kelley presented Ms. Koplin with a gift, an envelope and a plaque commemorating her being named Employee of the Year. He congratulated Ms. Koplin.

Item #5 – Audience Remarks

Mr. Brad Yates, 508 Andrews Street, stated that he had lived in Ormond Beach for the better part of 60 years. He noted that he spent most of his childhood at the beach. He explained that he had a suggestion for improving the functionality of Birthplace of Speed Park. He proposed the walkway be extended, explaining that presently there was a set of stairs east of the restrooms at the park and the walkway went about 35 feet. He stated he was proposing that the walkway be extended all the way to the other end of the property and be connected to the pad where the gazebo was located. He also proposed that a dune walkover be added from that walkway down to the beach. He stated that he would appreciate it if the City Commission would consider that idea.

Ms. Shanahan stated that the idea could be brought to the Leisure Services Advisory Board for discussion.

Mayor Kelley asked Mr. Yates if he had a concept available and noted that Mr. Yates indicated that he would provide one to the City Clerk. He stated that the concept would be presented to the Leisure Services Advisory Board.

Mr. Jim Schultz, 117 Harvard Drive, stated that he would speak on the issue of Vitamin D again. He noted that the best research site on the issue was probably Grassroots Health. He stated that the Institute of Medicine, a government agency, was in charge of determining the standards for Vitamin D in 2011. He stated that Hector De Luca, who had done the most Vitamin D research in the country, had a great conflict of interest as he had made the most money for his university and himself by creating Vitamin D analog patents and high priced pharmaceuticals. He explained that an increased standard was adopted, going from 400 to 600 international units (IU)s. He stated that the University of South Carolina performed a four-year study that eventually became a ten-year study, showing that by giving women 4,000 IUs instead of the recommended 400, they could cut premature births, diabetes, infections and low birth weights by half. He noted that this was earth shattering, but the health department decided to remain cautious and not mention it. He stated that black women were three times more likely to be severely Vitamin D deficient.

Item #6A – Approval of Minutes

Mayor Kelley advised that the minutes of the December 1, 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.

Commissioner Kent asked the City Attorney to share his pleasure with the negotiation outcome with Ms. Emery.

Item #8G – CDBG Fiscal Year 2015-16 Agreement

Commissioner Kent welcomed Zone Four into the Community Redevelopment Block Grant (CDBG) area. He noted that previously it had consisted of just Zone One and Zone Two. He stated that it was close to Zone Three also.

Item #8J – Fire Station 93 Roof Replacement - Construction Management Services

Commissioner Kent stated that he saw that the city would be putting a roof on for \$65,000. He noted that he was pleased that the size of the roof was 7,400 and that the price was \$8.78 a square foot for a metal roof. He noted that prices for metal roofs could range from \$2.00 a square foot to \$15.00 a square foot, dependent on the particulars. He explained that there would be a 20-year guarantee on this roof.

Item #9 – Public Hearings

Mayor Kelley opened the public hearings.

Item #9A – 10 Magnolia Avenue – Rezoning

City Clerk Scott McKee read by title only:

ORDINANCE NO. 2015-52

AN ORDINANCE AMENDING PARAGRAPH C, OFFICIAL ZONING MAP, OF SECTION 2-01, ESTABLISHMENT OF ZONING DISTRICTS AND OFFICIAL ZONING MAP, OF ARTICLE 1, ESTABLISHMENT OF ZONING DISTRICTS AND OFFICIAL ZONING MAP, OF CHAPTER 2, DISTRICT AND GENERAL REGULATIONS, OF THE CITY OF ORMOND BEACH LAND DEVELOPMENT CODE, BY AMENDING THE OFFICIAL ZONING MAP TO REZONE CERTAIN REAL PROPERTY TOTALING 1.70±-ACRES LOCATED AT 10 MAGNOLIA AVENUE, FROM R-3 (SINGLE-FAMILY MEDIUM DENSITY) TO B-1 (PROFESSIONAL OFFICE/HOSPITAL), AUTHORIZING REVISION OF OFFICIAL ZONING MAP; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; AND SETTING FORTH AN EFFECTIVE DATE.

Mr. Glenn Storch, attorney for the applicant, stated that this was the only zoning category consistent with the Comprehensive Plan for the site. He noted that it was the only appropriate use for the site. He stated that the applicant had listened to the concerns of the neighbors and met with them. He noted that they would continue to meet with the neighbors and had agreed to schedule a meeting with them prior to the Site Plan Review Committee, as the concerns they held were of a site planning nature.

Commissioner Boehm moved, seconded by Commissioner Kent, for approval of Ordinance No. 2015-52, 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 #9B – Chapter 8.1 Code of Ordinances – Telecommunications Service Providers

City Clerk Scott McKee read by title only:

ORDINANCE NO. 2016-01

AN ORDINANCE AMENDING CHAPTER 8-1, TELECOMMUNICATIONS SERVICE PROVIDERS; ARTICLE I, GENERAL PROVISIONS, SECTIONS 8.1-3 DEFINITIONS AND 8.1-4 REGISTRATIONS; ARTICLE III, CONSTRUCTION, UNDERGROUND INSTALLATION AND RELOCATION, SECTION 8.1-8 USE OF RIGHTS-OF-WAY; ARTICLE IV COMPLIANCE WITH OTHER LAWS, LIABILITIES AND REMEDIES, SECTION 8.1-14 ENFORCEMENT REMEDIES; AND ARTICLE V MISCELLANEOUS PROVISIONS, SECTION 8.1-17 RESERVATION OF RIGHTS, OF THE

CITY CODE OF ORDINANCES; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; PROVIDING FOR SEVERABILITY; AND SETTING FORTH AN EFFECTIVE DATE.

Mr. Ric Goss, Planning Director, stated that this was an amendment to the public right-of-way ordinance in the city's Code of Ordinances. He stated that it was administered by engineering and came to the planning department because it had to do with wireless services, explaining that wireless services on private property were typically regulated by them. He explained that a company came to the engineering department regarding placing DAS (distributive antenna systems) and new poles within the right-of-way, going up to 100 feet. He stated that there was nothing in the current public works right-of-way ordinance which would prevent that. He explained that this ordinance had incentives and disincentives to require companies to use existing utility poles and put the DAS system on top of them. He stated that the current Florida Power and Light (FPL) concrete utility poles were about 45 feet. He noted that the DAS would be on top and comprise an extra 10 feet; making 55 feet the highest those poles could go. He explained that the idea was to limit the height and also encourage the use of existing poles, rather than allow almost anything in the right-of-way. He stated that the planning and engineering departments recommended approval.

Commissioner Boehm asked if the cellular phone signal in the city would be strengthened by this; whereby, Mr. Goss stated that it should.

Mayor Kelley explained that he was hoping when he saw the word "telecommunications" that the city would be getting a cellular tower to improve service, so that he did not have to stand outside his residence to get cellular service to speak on his cellular phone. He noted that this proposed to have thousands of towers instead of one or two. He stated that at 45 or 50 feet the amount of signal carried would be limited.

Commissioner Boehm noted that Information Technology Director Ned Huhta was in the audience smiling. He asked Mr. Huhta if this would help cellular service and noted that Mr. Huhta indicated that he did not know.

Mayor Kelley stated that it had been put in other areas and a large number of them had to be in place in order to make it effective. He noted that he did not believe that it would solve the issues with cellular service.

Ms. Shanahan stated that she did not believe this was intended to solve cellular service issues. She explained that someone came forward and wanted to put DAS in and the city was attempting to incentivize them to utilize existing poles rather than duplicate the poles. She noted that staff understood the referenced issues about telecommunications and were working on them.

Mayor Kelley stated that Commissioner Boehm understood the cellular service issues also.

Commissioner Partington asked Mr. Goss what the aesthetics of the DAS looked like on top of the poles.

Mr. Goss explained that typically the DAS was u-shaped located at the top of the pole and was about 10 feet. He noted that it sat as a cap on top of the utility pole; whereby, Commissioner Boehm stated that it looked similar to a goal post. Mr. Goss explained that there was a shoebox type space at the base of the utility pole where all of the wiring would be.

Mayor Kelley noted that the request was for a 100-foot pole initially and the city would be saying that they could not do that now.

Mr. Goss clarified that per this ordinance, they would only be able to reach 55 feet and use existing poles. He stated that the way the criteria had been written was to incentivize them to use the existing poles rather than add new poles.

Mayor Kelley stated that this ordinance was created to stop them from reaching 100 feet but noted that without it they could not have stopped that.

Mr. Goss noted that was true.

Mayor Kelley stated that the purpose of this was to not allow ten 100-foot poles but rather a thousand on top of existing poles.

Mr. Randy Hayes, City Attorney, explained that the purpose was to have some reasonable regulations and noted that a lot of jurisdictions were experiencing the need to catch-up with the technology. He stated that from the city's perspective, it was better to have a reasonable regulation than not to have any at all. He explained that the proposed limitations were intended to serve the good of the community.

Mayor Kelley stated that to him this was not allowing good broad service; whereby, Mr. Hayes noted that it was open for interpretation.

Mayor Kelley asked if it had been tested.

Mr. Hayes explained that the modifications to this ordinance were based off of another ordinance. He stated that he was comfortable from a legal perspective with the regulations that the city had. He stated that he thought this would serve the city well as a first measure. He noted that, as with all regulations, the city had the ability to monitor and revise the regulation should the need arise. He stated that there had to be a starting point. He noted that he was unsure that they wanted 100 feet to be their starting point but noted that it was the Commission's decision.

Mayor Kelley stated that it was increasingly important for there to be adequate cellular service. He noted that he did not like his phone cutting out because he did not have service at his home. He stated that he did not see any information provided about the success of this in other areas where it was implemented.

Ms. Shanahan reiterated that the ordinance was not debating the effectiveness of the technology but was to give the ability to provide some regulation where currently none existed. She noted that was entirely up to the Commission whether they wanted to adopt regulations for it.

Mayor Kelley noted that what the purpose of the ordinance was and what it did were maybe two different things. He asked how it would incentivize companies to utilize existing poles.

Mr. Hayes stated that the only way to know how it performed would be to create an opportunity for it to be utilized.

Mr. Goss stated that if there were no regulations, a block with ten utility poles could end up with 20 poles. He explained that this encouraged use of the existing poles which a community would already be used to, and just add ten feet on top of them with a shoebox at the bottom.

Mayor Kelley stated that where he lived there were no utility poles.

Commissioner Boehm stated that there was a street light pole at the end of his yard and that he would take a 10-foot goal post like structure on it if it would give him a better cellular signal.

Mayor Kelley explained that if you limited it to existing poles, areas like The Trails and Breakaway Trails, that did not have poles would be limited to putting those devices on top of 20-foot street lights. He noted that there were 1,000 homes in The Trails and 800 or 900 homes in Breakaway Trails, which was a significant part of the city.

Mr. Hayes stated that staff felt that this was a good starting point. He noted that the ordinance could be modified at the Commission's discretion, whether they wanted the height increased or some other mechanism. He stated that no one really knew how effective it would be until something was in place to create a platform for someone to use it. He noted that nothing would prohibit the Commission from modifying the ordinance at a later date to loosen or strengthen the regulations, if it was necessary to do so. He stated that until there was something on the books they would not know how effective anything would be.

Mayor Kelley noted that there were areas of growth in The Trails which could hold a 100 foot pole which would provide coverage to 10% of the population of Ormond Beach. He stated that this would limit that and cause them to have to put the signal device on small light poles. He stated that personally he would rather see one tall pole in the middle of a

subdivision than to see devices on every light pole. He noted that a significant part of the city did not have tall poles. He explained that he was pleading his case to make sure that this went in the right direction.

Mr. Hayes stated that it was a starting point; whereby, Mayor Kelley asked what it was starting to do.

Ms. Shanahan stated that if the Commission did not wish to adopt these regulations they did not need to move the ordinance forward. She noted that presently the city had no regulations and anything could be done.

Mayor Kelley stated that by federal law anything could still be done, even with this regulation. He noted that was what he believed.

Mr. Goss stated that he performed research and that the state of Florida treated these as utilities. He noted that they were permitted in the right-of-way for all cities. He stated that the questions to the Commission were how high they wanted the poles, did they want new poles in addition to existing poles, or if they wanted the DAS devices on existing poles. He noted that ten communities in Broward County already had DAS as opposed to the macrocells because the neighborhoods there did not want the 150-foot macrocell towers in their neighborhood. He explained that there were experienced capacity issues rather than coverage issues. He noted that the technology was employed throughout California. He stated that it was the latest technology and the macrocell was 2001 technology.

Mayor Kelley stated that this was the technology that was spoken of when the Commission did not approve the 100-foot cellular tower that was proposed behind Houligan's.

Commissioner Partington stated that this was another tool in the toolbox and not necessarily the answer that they were looking for. He noted that staff was hopefully still working towards solutions to cellular connectivity issues that were discussed at the Commission's workshop.

Ms. Shanahan noted that staff was working towards a solution. She explained that the limitation was the business community and that they were the ones to build the towers and bring the technology to the area. She stated that staff was exploring the site at the airport that originally had a tower planned for it. She noted that Economic Development Director Joe Mannarino had been in contact regarding that. She stated that Mayor Kelley did not think that it would help; whereby, Mayor Kelley replied that he did not know if it would. She noted that it might not help all residents at one time. She explained that if the Commission did not want to impose the height limit, there could be a workshop to provide the Commission with additional information.

Mayor Kelley stated that he wanted residents to be able to have adequate, quality service. He noted that cellular service was not cheap. He stated that he would not want to do something that would impede or not help cellular service. He noted that several areas did not have any poles higher than street light poles, which were a maximum of 18 to 20 feet. He asked if there could be an exception for areas where putting them on street lights would not work. He asked if all electrical poles were 55 feet in height.

Mr. Goss explained that his understanding from the engineering department was that the poles being put in by FPL were 45 feet in height.

Mayor Kelley stated that Mr. Goss did not answer his question. He stated that all poles were not 55 feet.

Commissioner Partington explained that he did not think that the intent was to limit but was to set a starting place which could go higher; whereby, Mr. Goss noted that the height limit would be up to 55 feet.

Commissioner Partington stated that the ordinance could be changed if someone came to the Commission and requested to go higher.

Mr. Hayes stated that as this item moved forward, the planning and engineering staffs would assess the events as they occurred. He noted that the Commission may want to workshop the topic to talk about the impacts and any improvements that might need to

be made. He stated that it was a bigger issue than could be modified on the fly that evening.

Mayor Kelley noted that he was just pointing out some concerns that may need to be looked at. He stated that he was somewhat comfortable with approving this ordinance if it would encourage the implementation of the devices. He explained that he would like to be able to have some flexibility. He reiterated that he wanted residents to be able to receive dependable cellular phone service.

Mr. Hayes stated that these were issues facing all jurisdictions and noted that he had attended professional seminars where they were brought up. He stated that everyone was looking to improve the quality and level of service to the community. He explained that this was a starting point for the city as they currently did not have any regulations. He noted that the issue would continuously come up in the future.

Mayor Kelley stated that the regulation did not provide service but limited service. He explained that the ordinance was limiting private enterprise to provide a service that was needed.

Mr. Hayes stated that it probably depended on one's perception; whereby, Mayor Kelley replied that it was a reality. He noted that he did not mean to be argumentative.

Mr. Hayes noted that there might be different segments of the community that held a different view.

Mayor Kelley stated that if the community did not want cellular reception because they did not want a pole higher than 55 feet, then they would not get adequate cellular service.

Mr. Hayes stated that he was not trying to argue the issue and explained that from a staff perspective this was believed to be a good starting point. He noted that if the Commission wanted something different, the item could be removed from the agenda and the issue could be discussed at a workshop.

Mayor Kelley asked if the Commission could receive additional information before the next meeting, if the item was approved that evening. He noted that the ordinance would have another reading.

Ms. Shanahan stated that she thought they were looking for the efficacy of the devices which was not information she could provide prior to the next meeting. She stated that she believed that the City Attorney had a valid argument that some in the community might not want to see more utility poles than the ones that already existed in their neighborhoods. She noted that they might have better reception also and stated that she shared Mayor Kelley's issue with cellular reception in her home. She stated that the problem would not be solved this evening.

Commissioner Boehm asked if the city currently had any ability to limit any company from coming in and placing as many 100-foot poles as they wanted within a given area. He noted that some form of regulation was needed. He asked if engineering could deny a permit to someone trying to use public right-of-way to put in poles.

Mr. Goss stated that apparently they could not and noted that the Engineering Department came to him to make the changes to the code.

Commissioner Boehm stated that if the city did not do something to regulate it, someone could put whatever they wanted on public land.

Mr. Goss explained that they would then be reviewed based upon the current criteria and noted that there was not much criteria established at the present time.

Commissioner Boehm noted that he was in agreement with Mayor Kelley as far as wanting a stronger signal but was also concerned about the lack of regulations and control.

Commissioner Kent stated that his main reason for denying the proposed cellular tower behind Houligan's, which he thought would be an eyesore, was due to its location. He noted that Mayor Kelley had mentioned a two-acre site in The Trails and wondered why The Trails Home Owners' Association (HOA) did not get together with some

communication company and put the tower there. He stated that he knew that the concerns about cellular service in that area were real and he did not take them lightly. He noted that no one had ever come before the Commission to complain about their cellular service and Mayor Kelley did that as a voice for his neighborhood. He stated that he was going to make a motion to approve the ordinance. He noted that he hoped some discussion would begin regarding the site in The Trails to help solve the issue in that neighborhood.

Mayor Kelley stated that it would if it was close enough to pick up the signal. He explained that the reason the site on SR40 had been chosen was that it was close enough to pick up the signal that it would need to pass on. He noted that if it was to be located in The Trails, the homeowners would have to agree to it, and he did not know if it would be close enough for the signal.

Commissioner Kent stated that he believed the homeowners would be agreeable if they were unable to utilize their cellular phones at present.

Mayor Kelley reiterated that The Trails only had street lights and not utility poles. He stated that if the ordinance limited the devices to existing poles and those poles were only 18 feet, it would not help the signal.

Commissioner Kent stated that The Trails HOA should look into putting a larger pole on the site referenced.

Mayor Kelley stated that if the Commission would allow a company to put a 100-foot tower in the area it would solve the problem.

Commissioner Kent asked Ms. Shanahan if she had stated that the Commission could approve something like that on an individual basis.

Ms. Shanahan replied that the cellular tower was a separate issue from the present ordinance. She noted that the present issue was using utility poles for microcells. She stated that the ordinance could be amended at any time. She explained that if no regulation was provided, then one could do pretty much whatever they wanted.

Mayor Kelley asked the Commission if they would entertain the regulation being for existing poles or a maximum height pole of 55 feet. He noted that they could then put one up in places where there were none. He stated that they should be able to tell you how much coverage they would get from an 18 or 20-foot pole.

Commissioner Kent stated that he would entertain that but not on the fly at this meeting. He noted that the ordinance would come back for a second reading.

Ms. Shanahan asked if the Commission wanted to table the item.

Commissioner Kent stated that he would make the motion and in two weeks they could review the Mayor's question about the 55-foot poles.

Commissioner Kent moved, seconded by Commissioner Stowers, for approval of Ordinance No. 2016-01, 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

Mayor Kelley noted that he voted "yes" so that he could discuss it further. He thanked the Commission for listening and noted that he was passionate about this topic. He stated that the use of technology was paramount to the success of business.

Mayor Kelley closed the public hearing without objection.

Item #10 – Reports, Suggestions, Requests

Chamber Event

Ms. Shanahan stated that the Ormond Beach Chamber of Commerce was having their annual event on Friday, January 22, 2016. She asked those members of the

Commission that were attending to please fill out the slip in front of them so that she could return them.

MLK Day Celebration

Ms. Shanahan stated that the Martin Luther King, Jr. Day Celebration would be on January 18, 2016, at South Ormond Neighborhood Center.

Starry Starry Night

Ms. Shanahan stated that Starry, Starry Night would be on Friday, January 8, 2016, from 5:00 p.m. to 8:00 p.m. She noted that it was the gallery to gallery walk between The Casements and the Ormond Memorial Art Museum.

Arbor Day

Ms. Shanahan stated that the Arbor Day Celebration would be on Friday, January 15, 2016, at 10:00 a.m. at Central Park.

Ethics Training

Ms. Shanahan stated that there was free ethics training being offered by the Volusia League of Cities on Friday, January 22, 2016, between 8:00 a.m. and 12:30 p.m. at Daytona State College. She noted that this was also offered online. She stated that elected officials were required to take four hours of ethics training each year.

New Year

Mr. Ted MacLeod, Assistant City Manager and Public Works Director, wished everyone a happy New Year.

Commissioner Partington wished everyone a happy New Year.

HOme for the HOlidays Parade

Commissioner Stowers thanked staff and all of those who participated in the HOme for the HOlidays Parade. He noted that his daughter Hannah was three and a half years old and at a perfect age to enjoy it. He thanked Commissioner Kent for bringing up the candy and Ms. Shanahan for providing enough of it. He noted that thousands of residents turned out for the parade.

New Year

Commissioner Stowers noted that the police department and fire department dealt with some tough situations. He thanked them for their service. He hoped for a safe and happy New Year.

New Year

Commissioner Kent wished everyone a happy New Year. He stated that he was looking forward to the Mayor's Health and Fitness Challenge.

Coffee with Commissioner

Commissioner Kent stated that the next Coffee with Commissioner would be on Monday, February 1, 2016, at his home at 130 Magnolia Avenue.

Mayor's Health and Fitness Challenge

Commissioner Boehm noted that he weighed less presently than he did at the end of the Challenge the previous year and so would not help the Commission much. He stated that he could not lose 30 pounds. He noted that Commissioner Partington and Commissioner Stowers had won the last two years and that Mayor Kelley had been close to winning the first year.

Christmas Activities

Commissioner Boehm stated that he thought that the parade was special. He noted that they ended up needing every bit of the extra candy as he believed they had the biggest crowd he had seen yet.

Commissioner Boehm stated that the Christmas tree located outside City Hall was magnificent. He thanked Ms. Shanahan and staff for it. He stated that two or three people had asked him if that tree was real.

Commissioner Boehm stated that The Casements was an amazing place at Christmastime and credited Ms. Siobhan Daly, Cultural Center Coordinator, with her efforts.

Texaco Demolition

Commissioner Boehm noted that the Texaco station eyesore in his zone was supposed to be demolished on January 18, 2016, and he was so looking forward to it that he may stand across the street and watch it.

Ms. Shanahan stated that she would make sure that the hard date for that demolition was provided. She noted that she was unsure if January 18, 2016, was a hard or soft date.

Welcome Signs

Commissioner Boehm noted that since his arrival on the Commission they had discussed welcome signs and he was excited that in 2016 the city may finally get them.

Election

Commissioner Boehm stated that he had picked up papers as he intended to file in order to run for the Zone 3 Commission seat again. He noted that under state regulations he could not declare himself a candidate until he filed the papers.

Mayor's Health and Fitness Challenge

Mayor Kelley stated that he stepped on the scales after Christmas and started his fitness challenge that day. He noted that he had lost nine pounds to date. He stated that he had a Fit Bit and it sent him an email about his progress, which was exciting. He stated that Risk Manager Christina Maguire did a fantastic job on the Challenge.

Panera Bread

Mayor Kelley stated that he attended the ribbon cutting for the new Panera Bread. He noted that he was somewhat disappointed to find out that the Panera Bread in The Trails was closing. He stated that there may be another restaurant moving into that location.

Traffic Issues

Mayor Kelley stated that yesterday he got out of his vehicle to take a picture of the southbound traffic on Nova Road at Granada Boulevard. He noted that the traffic was backed up to The Trails Shopping Center.

Ms. Shanahan noted that she had a conversation with the Florida Department of Transportation about that particular issue. She explained that when they did their traffic analysis they were at that location from 8:00 a.m. to 10:00 a.m., which was really not the right time of day. She stated that they have indicated that they would go out and recount the traffic.

Mayor Kelley stated that between 11:00 a.m. and 1:00 p.m., and again between 4:00 p.m. and 5:00 p.m., or even before 8:00 a.m., it is always backed up, primarily in the outside lane.

New Year

Mayor Kelley stated that 2015 was a great year and he hoped that 2016 would be even better.

Item #11 – Adjournment

The meeting was adjourned at 8:01 p.m.

APPROVED: January 19, 2016

BY:

Ed Kelley, Mayor

ATTEST:

J. Scott McKee, City Clerk