

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

September 20, 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 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. ADOPTION OF FY 2016-2017 MILLAGE RATES AND BUDGET**
 - A. RESOLUTION NO. 2016-130** : A RESOLUTION ESTABLISHING THE FINAL MILLAGE RATES TO BE LEVIED FOR FISCAL YEAR 2016-2017; DIRECTING CERTIFICATION; EXPRESSING LEGISLATIVE INTENT; AND SETTING FORTH AN EFFECTIVE DATE.
Staff Contact: Kelly McGuire, Finance Director (386-676-3226)
 - B. ORDINANCE NO. 2016-27** : AN ORDINANCE ADOPTING THE ANNUAL BUDGET FOR THE 2016-2017 FISCAL YEAR BEGINNING OCTOBER 1, 2016 AND ENDING SEPTEMBER 30, 2017; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; AND SETTING FORTH AN EFFECTIVE DATE. **(SECOND READING)**
Staff Contact: Kelly McGuire, Finance Director (386-676-3226)
- 5. AUDIENCE REMARKS - REGARDING ITEMS NOT ON THE AGENDA**
- 6. APPROVAL OF MINUTES**
 - A. Minutes from City Commission meeting – September 6, 2016
- 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. 2016-123** : A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF ORMOND BEACH, FLORIDA REQUESTING AN EASEMENT FROM THE STATE OF FLORIDA, BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND (“TIITF”), FOR THE PURPOSE OF CONSTRUCTION, OPERATION, AND MAINTENANCE OF UTILITIES ON STATE OWNED PROPERTY; AND SETTING FORTH AN EFFECTIVE DATE.
Staff Contact: Ric Goss, Planning Director (386-676-3238)
 - B. RESOLUTION NO. 2016-124** : A RESOLUTION AUTHORIZING THE ACCEPTANCE OF A PUBLIC UTILITY, ACCESS AND MAINTENANCE EASEMENT DEED FROM KINGSTON SHORES MANAGEMENT ASSOCIATION, INC., TO ALLOW FOR THE CONSTRUCTION, OPERATION, AND MAINTENANCE OF PUBLIC UTILITIES ON PROPERTY LOCATED AT 5500 OCEAN SHORE BOULEVARD; AND SETTING FORTH AN EFFECTIVE DATE.
Staff Contact: Ric Goss, Planning Director (386-676-3238)

- C. **RESOLUTION NO. 2016-131** : A RESOLUTION AUTHORIZING THE EXECUTION OF A WATER, SEWER AND ANNEXATION AGREEMENT BETWEEN THE CITY OF ORMOND BEACH AND ROSEMARY K. MCNALLY, TRUSTEE OF THE ROSEMARY K. MCNALLY REVOCABLE TRUST DATED FEBRUARY 13, 1998 FOR PROPERTY LOCATED AT 144 COQUINA KEY DRIVE, ORMOND BEACH, VOLUSIA COUNTY, FLORIDA; PROVIDING FOR RECORDATION; AND SETTING FORTH AN EFFECTIVE DATE.
- Staff Contact: Ric Goss, Planning Director (386-676-3238)*
- D. **RESOLUTION NO. 2016-132** : A RESOLUTION ESTABLISHING A RECLAIMED WATER CONNECTION INCENTIVE PROGRAM ON A TEMPORARY BASIS; AUTHORIZING THE IMPLEMENTATION THEREOF; ESTABLISHING A DURATION FOR THE PROGRAM; ESTABLISHING CONDITIONS; AND SETTING FORTH AN EFFECTIVE DATE.
- Staff Contact: John Noble, City Engineer (386-676-3269)*
- E. **RESOLUTION NO. 2016-133** : A RESOLUTION AUTHORIZING A COST OF LIVING INCREASE BASED ON THE CONSUMER PRICE INDEX PURSUANT TO THE AMENDMENT AND RESTATEMENT OF AGREEMENT FOR FIELD MAINTENANCE SERVICES BETWEEN THE CITY OF ORMOND BEACH AND AUSTIN OUTDOOR, LLC D/B/A YELLOWSTONE LANDSCAPE, INC.; AND SETTING FORTH AN EFFECTIVE DATE.
- Staff Contact: Robert Carolin, Leisure Services Director (386-676-3279)*
- F. **RESOLUTION NO. 2016-134** : A RESOLUTION AUTHORIZING THE EXECUTION OF A COOPERATIVE ECONOMIC DEVELOPMENT AGREEMENT BETWEEN THE CITY AND TEAM VOLUSIA ECONOMIC DEVELOPMENT CORPORATION; SETTING FORTH AN EFFECTIVE DATE.
- Staff Contact: Joe Mannarino, Economic Development Director (386-676-3266)*
- G. **RESOLUTION NO. 2016-135** : A RESOLUTION ACCEPTING THE PROPOSAL OF BERRY DUNN MCNEIL & PARKER, LLC FOR PROJECT MANAGEMENT SERVICES REGARDING IMPLEMENTATION OF AN ENTERPRISE RESOURCE SYSTEM; AUTHORIZING THE EXECUTION OF AN AGREEMENT AND PAYMENT THEREFOR; REJECTING ALL OTHER PROPOSALS; AND SETTING FORTH AN EFFECTIVE DATE.
- Staff Contact: Kelly McGuire, Finance Director (386-676-3226)*
- H. **RESOLUTION NO. 2016-136** : A RESOLUTION APPROVING THE TRAFFIC CONTROL AGREEMENT FOR DESTINATION DAYTONA LANE; AND AUTHORIZING THE EXECUTION OF SUCH; AND SETTING FORTH AN EFFECTIVE DATE.
- Staff Contact: Jesse Godfrey, Police Chief (386-676-3525)*
- I. **RESOLUTION NO. 2016-137** : A RESOLUTION PURSUANT TO SECTION 14-98, LIENS, OF THE CITY OF ORMOND BEACH CODE OF ORDINANCES AUTHORIZING THE IMPOSITION OF A LIEN AGAINST THE REAL PROPERTY OWNED BY JOHN L. LILLY, SR. LOCATED AT 204 N. RIDGEWOOD AVENUE, ORMOND BEACH, VOLUSIA COUNTY, FLORIDA (PARCEL ID NO. 4215-01-01-0010) FOR COSTS INCURRED BY THE CITY TO TERMINATE OR ABATE A SITE MAINTENANCE VIOLATION; AND SETTING FORTH AN EFFECTIVE DATE.
- Staff Contact: Chris Mason, Neighborhood Improvement Manager (386-676-3352)*

- J. **RESOLUTION NO. 2016-138** : A RESOLUTION AMENDING THE DATES AND TIMES FOR THE HOLDING OF REGULAR MEETINGS OF THE CITY COMMISSION OF THE CITY OF ORMOND BEACH, FLORIDA, FOR THE MONTH OF OCTOBER 2016; PROVIDING FOR EXCEPTIONS THERETO; AND SETTING FORTH AN EFFECTIVE DATE.

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

- K. **RESOLUTION NO. 2016-139** : A RESOLUTION ACCEPTING PROPOSALS FOR THE PROVISION OF VARIOUS FORMS OF INSURANCE COVERAGE, INCLUDING PROPERTY, INLAND MARINE, CRIME, AUTO PHYSICAL DAMAGE, EXCESS WORKERS' COMPENSATION, PUBLIC OFFICIALS AND EMPLOYMENT PRACTICES LIABILITY, ACCIDENTAL DEATH AND DISMEMBERMENT (POLICE OFFICERS AND FIREFIGHTERS), POLLUTION, PROFESSIONAL LIABILITY (EMT AND PARAMEDICS), AND TULIP (SPECIAL EVENT) INSURANCE COVERAGES; AUTHORIZING THE EXECUTION OF DOCUMENTS RELATIVE THERETO; AUTHORIZING PAYMENT THEREFOR; AND SETTING FORTH AN EFFECTIVE DATE.

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

- L. **RESOLUTION NO. 2016-140** : A RESOLUTION AUTHORIZING THE ACCEPTANCE OF A GRANT AWARD FROM THE STATE OF FLORIDA, OFFICE OF THE ATTORNEY GENERAL REGARDING FUNDING FOR THE CITY'S VICTIM'S ADVOCATE PROGRAM; 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 Moio, Grants Coordinator/PIO (386-676-3315)*

- M. **Auto Renew Contract - Aquatic Weed Maintenance and Ditch Cleaning**

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

Disposition: Approve as recommended in the City Manager memorandum dated September 20, 2016.

- N. **C & D Franchise Renewal for Waste Management, Inc. of Florida**

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

Disposition: Approve as recommended in the City Manager memorandum dated September 20, 2016.

- O. **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 September 20, 2016.

- P. **Riverside Drive Closures 2016-17**

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

Disposition: Approve as recommended in the City Manager memorandum dated September 20, 2016.

8. PUBLIC HEARINGS

- A. **ORDINANCE NO. 2016-28** : AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF ORMOND BEACH, FLORIDA, VACATING PENNSYLVANIA AVENUE, A PLATTED UNIMPROVED SIXTY (60') FOOT RIGHT-OF-WAY LYING SOUTH OF 1670 NORTH U.S. HIGHWAY 1, NORTH OF 1662 NORTH U.S. HIGHWAY 1, AND NORTH OF A VACANT UN-ADDRESSED PARCEL; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; PROVIDING FOR RECORDATION AND TRANSMITTAL; AND SETTING FORTH AN EFFECTIVE DATE. **(SECOND READING)**

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

- B. **ORDINANCE NO. 2016-29** : AN ORDINANCE AUTHORIZING THE EXECUTION AND ISSUANCE OF A FIRST AMENDED AND RESTATED DEVELOPMENT ORDER FOR A PLANNED RESIDENTIAL DEVELOPMENT KNOWN AS "PINELAND" TO BE LOCATED NORTH OF AIRPORT ROAD, EAST OF INTERSTATE 95, SOUTH OF THE CITY'S BUSINESS PARK, AND WEST OF THE ORMOND GREEN SUBDIVISION AND PINE TRAILS SUBDIVISIONS; RATIFYING AND AFFIRMING THE DEVELOPMENT ORDER APPROVED BY ORDINANCE 2008-44, ESTABLISHING CONDITIONS AND EXPIRATION DATE OF APPROVAL; AND SETTING FORTH AN EFFECTIVE DATE. **(SECOND READING)**

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

- C. **ORDINANCE NO. 2016-31** : AN ORDINANCE AMENDING SUBSECTION A, ZONING MAP, OF SECTION 2-03, OFFICIAL ZONING MAP AND ZONING DISTRICT, OF CHAPTER 2, DISTRICT AND GENERAL REGULATIONS, ARTICLE 1, ESTABLISHMENT OF ZONING DISTRICTS AND OFFICIAL ZONING MAP, OF THE LAND DEVELOPMENT CODE, BY AMENDING THE OFFICIAL ZONING MAP TO REZONE A 28.65-ACRE PARCEL OF REAL PROPERTY FROM SR (SUBURBAN RESIDENTIAL) TO PRD (PLANNED RESIDENTIAL DEVELOPMENT), SAID REAL PROPERTY BEING LOCATED AT 355 CLYDE MORRIS BOULEVARD, ALONG THE EAST SIDE OF CLYDE MORRIS BOULEVARD, APPROXIMATELY 1,250 LINEAR FEET SOUTH OF THE INTERSECTION OF CLYDE MORRIS BOULEVARD AND HAND AVENUE, ESTABLISHING BOUNDARIES; AUTHORIZING REVISION OF THE OFFICIAL ZONING MAP; APPROVING A DEVELOPMENT ORDER FOR A PLANNED RESIDENTIAL DEVELOPMENT TO BE KNOWN AS "CYPRESS TRAILS" SUBDIVISION; REPEALING ALL INCONSISTENT ORDINANCE OR PART THEREOF, AND SETTING FORTH AN EFFECTIVE DATE.

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

- D. **ORDINANCE NO. 2016-32** : AN ORDINANCE AMENDING THE FUTURE LAND USE ELEMENT OF THE COMPREHENSIVE PLAN OF THE CITY OF ORMOND BEACH BY AMENDING THE FUTURE LAND USE MAP TO CHANGE THE DESIGNATION OF ONE (1) PARCEL OF REAL PROPERTY TOTALING 0.15± ACRES LOCATED AT 26 PLAZA DRIVE, FROM VOLUSIA COUNTY "URBAN MEDIUM INTENSITY" (UMI) TO ORMOND BEACH "LOW DENSITY RESIDENTIAL" (LDR); PROVIDING FOR CONFLICT; AUTHORIZING TRANSMITTAL; AND SETTING FORTH AN EFFECTIVE DATE.

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

- E. **ORDINANCE NO. 2016-33** : AN ORDINANCE AMENDING THE FUTURE LAND USE ELEMENT OF THE COMPREHENSIVE PLAN OF THE CITY OF ORMOND BEACH BY AMENDING THE FUTURE LAND USE MAP TO CHANGE THE DESIGNATION OF ONE (1) PARCEL OF REAL PROPERTY TOTALING 4.14± ACRES LOCATED AT 1195 ROBERTS STREET, FROM VOLUSIA COUNTY "URBAN LOW INTENSITY" (ULI) TO ORMOND BEACH "LOW DENSITY RESIDENTIAL" (LDR) FOR 2.79± ACRES AND FROM ORMOND BEACH "LIGHT INDUSTRIAL/UTILITIES" (LI/U) TO ORMOND BEACH "LOW DENSITY RESIDENTIAL" (LDR) FOR 1.35± ACRES; PROVIDING FOR CONFLICT; AUTHORIZING TRANSMITTAL; AND SETTING FORTH AN EFFECTIVE DATE.

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

- F. **ORDINANCE NO. 2016-34** : AN ORDINANCE AMENDING THE FUTURE LAND USE ELEMENT OF THE COMPREHENSIVE PLAN OF THE CITY OF ORMOND BEACH BY AMENDING THE FUTURE LAND USE MAP TO CHANGE THE DESIGNATION OF ONE (1) PARCEL OF REAL PROPERTY TOTALING 0.20± ACRES LOCATED EAST OF 1245 WEST GRANADA BOULEVARD AND WEST OF 1245 WEST GRANADA BOULEVARD, VOLUSIA COUNTY PROPERTY APPRAISER PARCEL NUMBER 4230-00-00-0051 FROM "PUBLIC/INSTITUTIONAL" (PI) TO "RESIDENTIAL, OFFICE, RETAIL" (ROR); PROVIDING FOR CONFLICT; AUTHORIZING TRANSMITTAL; AND SETTING FORTH AN EFFECTIVE DATE.

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

- G. **ORDINANCE NO. 2016-35** : AN ORDINANCE APPROVING THE FINAL PLAT FOR "RIVER OAKS OF ORMOND BEACH PHASE-II" SUBDIVISION; ESTABLISHING CONDITIONS AND EXPIRATION DATE OF APPROVAL; AND SETTING FORTH AN EFFECTIVE DATE.

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

9. SECOND READING OF ORDINANCES

- A. **ORDINANCE NO. 2016-30** : AN ORDINANCE AMENDING SECTION 22-115, FEE IMPOSED; SCHEDULE; OF CHAPTER 22, WATER AND SEWERS, OF THE CODE OF ORDINANCES, BY INCREASING THE WATER AND SEWER SERVICE IMPACT FEES; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; AND SETTING FORTH AN EFFECTIVE DATE. **(SECOND READING)**

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

10. REPORTS, SUGGESTIONS, REQUESTS

11. ADJOURNMENT

Item #1 – Meeting Call to Order

Mayor Kelley called the meeting to order at 7:05 p.m.

Item #2 – Invocation

Chaplin Loren Vistaunet, Florida Hospital, gave the invocation.

Item #3 – Pledge of Allegiance

Mayor Kelley led the Pledge of Allegiance.

Item #4A – Adoption of FY 2016-17 Millage Rates

City Clerk Scott McKee read by title only:

RESOLUTION NO. 2016-130

A RESOLUTION ESTABLISHING THE FINAL MILLAGE RATES TO BE LEVIED FOR FISCAL YEAR 2016-2017; DIRECTING CERTIFICATION;

EXPRESSING LEGISLATIVE INTENT; AND SETTING FORTH AN EFFECTIVE DATE.

Mayor Kelley explained that per *Florida Statutes* he was required to state that the millage rate for the City of Ormond Beach necessary to fund the FY 2016-2017 budget was 4.2843 mills. He stated that this rate was 4.52% above the rolled back rate of 4.0990 mills. He stated that the debt service millage rates were 0.0935 for the 2002 General Obligation Bond Sinking Fund, 0.0394 for the 2003 General Obligation Bond Sinking Fund, and 0.1190 for the 2010 General Obligation Bond Sinking Fund

Mayor Kelley stated that staff had done a good job in putting together the budget and noted that the City Commission and Budget Advisory Board had been diligent in their reviews and recommendations. He stated that they were able to keep the millage rates as they were and still were able to fund the city at the level of service that was expected.

Mayor Kelley opened the public hearing and asked if there were any members of the public who wished to speak or ask questions prior to the adoption of the millage rate and budget. He noted that no members of the public wished to speak.

Mayor Kelley asked for a motion and a second to adopt the final operating millage rate of 4.2843 and the debt service millage rates of 0.0935, 0.0394, and 0.1190.

Commissioner Boehm moved, seconded by Commissioner Kent, for approval of Resolution No. 2016-130, as read by title only.

Mayor Kelley stated that the final operating millage of 4.2843 mills was 4.52% above the rolled back millage rate. He stated that the resolution also included adoption of the debt service millage rates of 0.0935 for the 2002 General Obligation Bond Sinking Fund, 0.0394 for the 2003 General Obligation Bond Sinking Fund, and 0.1190 for the 2010 General Obligation Bond Sinking Fund.

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

Mayor Kelley announced that the operating millage rate was set at 4.2843 mills, which was equal to 4.52% above the rolled back millage rate of 4.0990 mills.

Item #4B – Adoption of FY 2016-17 Budget

City Clerk Scott McKee read by title only:

ORDINANCE NO. 2016-27
AN ORDINANCE ADOPTING THE ANNUAL BUDGET FOR THE 2016-2017 FISCAL YEAR BEGINNING OCTOBER 1, 2016, AND ENDING SEPTEMBER 30, 2017; 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. 2016-17, on second reading, as read by title only.

Mayor Kelley asked that the vote be called to adopt the budget of \$91,829,472.

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

Mayor Kelley closed the public hearing without objection.

Item #5 – Audience Remarks

Ms. Julia Truilo, Executive Director of Ormond Beach Main Street, thanked the Commission and city staff for their assistance, kindness, and support of the Granada Grand Festival of the Arts, which was held the prior Saturday. She noted that the festival

was tremendously successful. She explained that during the festival a mosaic piece was created by over 100 attendees. She stated that the piece would be given to Ormond Beach Main Street and that they would like to share it with the city at some point. She noted that she would speak to the City Manager about finding a temporary place for it at City Hall.

Mayor Kelley stated that he was looking forward to seeing it.

Mr. Jim Schultz, 117 Harvard Drive, stated that Florida made the news again but not in a good way. He referenced the big sinkhole at Mosaic's plant and stated that last year the Environmental Protection Agency (EPA) fined Mosaic the largest pollution fine ever issued in the United States. He stated that the fine was for improper handling of fluoride waste, radioactive waste, and different acids from the mines. He noted that he did not believe that they were improving their safety as expected. He stated that the phosphate stacks were really large and held more than the 200 million to 215 million gallons of wastewater that he read about in the news. He noted that he knew they held over one billion gallons. He asked how the drain plug could be pulled out of the tub and only 200 million would be lost out of one billion. He stated that the reality was that for every tanker load of phosphate, there were four waste radioactive loads of gypsum, which was too radioactive to be used for soil amendment or for drywall. He noted that it had to be stored forever and that there was no good way to store those massive areas except outside, which was what had been done. He stated that this was not the first sinkhole that had popped in the bottom. He noted that it had happened about 30 years prior with similar results.

Mr. Schultz stated that there were also uranium mines, which most people were not aware of. He stated that up until 1999 there was one uranium extraction unit that closed down in Lake Wales, he noted that previously there had been seven. He stated that phosphate actually had 400 parts-per-million uranium in it. He explained that when the United States was at its peak of uranium extraction from the phosphate mines, it was secretly producing 75 percent of all their uranium needs. He stated that Mosaic was going to build a uranium extraction plant in Plant City nine years earlier, but then the price of uranium went down. He stated that they then decided to leave it in all of the other things that they sold, believing that no one would notice it. He noted that it was that or storing it in phosphate piles of gypsum forever.

Item #6 – Approval of Minutes

Mayor Kelley advised that the minutes of the September 6, 2016, 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 Partington moved, seconded by Commissioner Boehm, for approval of the Consent Agenda.

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

Item #8 – Public Hearings

Mayor Kelley opened the public hearings.

Item #8A – Pennsylvania Avenue Street Vacation

City Clerk Scott McKee read by title only:

ORDINANCE NO. 2016-28

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF ORMOND BEACH, FLORIDA, VACATING PENNSYLVANIA AVENUE, A PLATTED UNIMPROVED SIXTY (60') FOOT RIGHT-OF-WAY LYING SOUTH OF 1670 NORTH U.S. HIGHWAY 1, NORTH OF 1662 NORTH U.S. HIGHWAY 1, AND NORTH OF A VACANT UN-ADDRESSED PARCEL; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; PROVIDING FOR RECORDATION AND TRANSMITTAL; AND SETTING FORTH AN EFFECTIVE DATE.

Commissioner Partington moved, seconded by Commissioner Stowers, to approve Ordinance No. 2016-28, 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 #8B – Pineland PRD Amendment

City Clerk Scott McKee read by title only:

ORDINANCE NO. 2016-29

AN ORDINANCE AUTHORIZING THE EXECUTION AND ISSUANCE OF A FIRST AMENDED AND RESTATED DEVELOPMENT ORDER FOR A PLANNED RESIDENTIAL DEVELOPMENT KNOWN AS "PINELAND" TO BE LOCATED NORTH OF AIRPORT ROAD, EAST OF INTERSTATE 95, SOUTH OF THE CITY'S BUSINESS PARK, AND WEST OF THE ORMOND GREEN SUBDIVISION AND PINE TRAILS SUBDIVISIONS; RATIFYING AND AFFIRMING THE DEVELOPMENT ORDER APPROVED BY ORDINANCE 2008-44, ESTABLISHING CONDITIONS AND EXPIRATION DATE OF APPROVAL; AND SETTING FORTH AN EFFECTIVE DATE.

Commissioner Boehm moved, seconded by Commissioner Stowers, to approve Ordinance No. 2016-29, on second reading, as read by title only.

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

Item #8C – Cypress Trails Zoning Map Amendment

City Clerk Scott McKee read by title only:

ORDINANCE NO. 2016-31

AN ORDINANCE AMENDING SUBSECTION A, ZONING MAP, OF SECTION 2-03, OFFICIAL ZONING MAP AND ZONING DISTRICT, OF CHAPTER 2, DISTRICT AND GENERAL REGULATIONS, ARTICLE 1, ESTABLISHMENT OF ZONING DISTRICTS AND OFFICIAL ZONING MAP, OF THE LAND DEVELOPMENT CODE, BY AMENDING THE OFFICIAL ZONING MAP TO REZONE A 28.65-ACRE PARCEL OF REAL PROPERTY FROM SR (SUBURBAN RESIDENTIAL) TO PRD (PLANNED RESIDENTIAL DEVELOPMENT), SAID REAL PROPERTY BEING LOCATED AT 355 CLYDE MORRIS BOULEVARD, ALONG THE EAST SIDE OF CLYDE MORRIS BOULEVARD, APPROXIMATELY 1,250 LINEAR FEET SOUTH OF THE INTERSECTION OF CLYDE MORRIS BOULEVARD AND HAND AVENUE, ESTABLISHING BOUNDARIES; AUTHORIZING REVISION OF THE OFFICIAL ZONING MAP; APPROVING A DEVELOPMENT ORDER FOR A PLANNED RESIDENTIAL DEVELOPMENT TO BE KNOWN AS "CYPRESS TRAILS" SUBDIVISION; REPEALING ALL INCONSISTENT ORDINANCE OR PART THEREOF, AND SETTING FORTH AN EFFECTIVE DATE.

Mr. Ric Goss, Planning Director, stated that this item was an application filed by Grand Champions Partners. He stated that they were requesting a Planned Residential Development (PRD) for a parcel. He explained that the code dictated that anytime a parcel was to be subdivided for less than one acre lots, it had to go through a PRD rezoning. He stated that the PRD was for 29 acres with about 1.6 units an acre. He noted that was in the middle range of PRDs that the city had been approving. He stated that typically the floor area was 35 percent but that the applicant was requesting 40 percent.

Mr. Goss noted that there was an outdoor and indoor recreational requirement. He explained that this development contained less than 200 units and as such was not required to provide indoor recreation space. He noted that the reasoning was that it would be difficult to maintain with so few units. He stated that they were required to provide 4,000 square feet of recreational open space and had instead provided for almost 21,000. He noted that it was a good offset to the indoor recreational space. He stated that the perimeter setback requirement was 40 feet around the perimeter of the entire development. He noted that it was met on all sides except for the west. He explained that on the west they were suggesting 35 feet because there was already a greenbelt buffer of 25 feet, which combined with the 35 feet would total 60 feet.

Mr. Goss stated that the development wanted to count wetlands and uplands as part of the natural preservation of space. He explained that because of the configuration of the parcel and location of the wetlands, it would be very difficult for them to meet the 20 percent threshold. He further explained that they had suggested including the uplands that they were preserving with the wetlands, which would total 22 percent. He noted that staff felt that would be an acceptable arrangement. He stated that this development met or exceeded the remainder of the subdivision standards. He stated that they were providing sidewalks on both sides of the residential streets, though they were only required on one side. He stated that he believed that overall this was one of the more outstanding residential developments to come before the Commission.

Mr. Goss stated that there was a neighborhood meeting held in June and that the item went to the Planning Board two months prior. He explained that there were residents of the Aberdeen neighborhood that were concerned about the traffic and would like to have a signal at their entrance. He noted that this development would not be located at that entrance. He explained that there was a similar development, which was owned by the same company, called Birchwood, which was located in Daytona Beach and would be directly across from Aberdeen. He noted that the traffic signal was not part of the item before the Commission. He explained that the Planning Board did recommend that the City Commission should have discussions with the Volusia County Council regarding possibly trying to get a signal for that area. He noted that the Planning Board unanimously recommended approval.

Mayor Kelley positively noted the amenities that Mr. Goss had mentioned and the developer's willingness to set aside uplands instead of requesting an except for the additional wetlands area.

Commissioner Boehm moved, seconded by Commissioner Stowers, to approve Ordinance No. 2016-31, on first reading, as read by title only.

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

Mayor Kelley stated that he thought that the Commission should bring up the traffic signal for Aberdeen to the county, especially when and if the area on the east side was developed.

Item #8D – 26 Plaza Drive Future Land Use Map Amendment

City Clerk Scott McKee read by title only:

ORDINANCE NO. 2016-32
 AN ORDINANCE AMENDING THE FUTURE LAND USE ELEMENT OF
 THE COMPREHENSIVE PLAN OF THE CITY OF ORMOND BEACH BY
 AMENDING THE FUTURE LAND USE MAP TO CHANGE THE

DESIGNATION OF ONE (1) PARCEL OF REAL PROPERTY TOTALING 0.15± ACRES LOCATED AT 26 PLAZA DRIVE, FROM VOLUSIA COUNTY "URBAN MEDIUM INTENSITY" (UMI) TO ORMOND BEACH "LOW DENSITY RESIDENTIAL" (LDR); PROVIDING FOR CONFLICT; AUTHORIZING TRANSMITTAL; AND SETTING FORTH AN EFFECTIVE DATE.

Mr. Goss stated that this property was recently annexed and needed to be assigned a land use and zoning designation. He explained that all of the lands in Ormond Beach south of Plaza Drive were essentially low density and as such this would be assigned the same land use designation.

Commissioner Kent moved, seconded by Commissioner Partington, to approve Ordinance No. 2016-32, 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 #8E – 1195 Roberts Street Future Land Use Map Amendment

City Clerk Scott McKee read by title only:

ORDINANCE NO. 2016-33

AN ORDINANCE AMENDING THE FUTURE LAND USE ELEMENT OF THE COMPREHENSIVE PLAN OF THE CITY OF ORMOND BEACH BY AMENDING THE FUTURE LAND USE MAP TO CHANGE THE DESIGNATION OF ONE (1) PARCEL OF REAL PROPERTY TOTALING 4.14± ACRES LOCATED AT 1195 ROBERTS STREET, FROM VOLUSIA COUNTY "URBAN LOW INTENSITY" (ULI) TO ORMOND BEACH "LOW DENSITY RESIDENTIAL" (LDR) FOR 2.79± ACRES AND FROM ORMOND BEACH "LIGHT INDUSTRIAL/UTILITIES" (LI/U) TO ORMOND BEACH "LOW DENSITY RESIDENTIAL" (LDR) FOR 1.35± ACRES; PROVIDING FOR CONFLICT; AUTHORIZING TRANSMITTAL; AND SETTING FORTH AN EFFECTIVE DATE.

Mr. Goss stated that this parcel was located halfway in the city and halfway in the county. He noted that the portion that was in the county was under the city's jurisdiction with their Interlocal Service Boundary Agreement (ISBA). He stated that the purchasers of the property would like to change the designation from industrial to residential so that they could build two homes, one for themselves and one for their mother. He stated that staff recommended approval.

Commissioner Partington moved, seconded by Commissioner Stowers, to approve Ordinance No. 2016-33, 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 #8F – Parcel #4230-00-00-0051 Small-scale Land Use Map Amendment

City Clerk Scott McKee read by title only:

ORDINANCE NO. 2016-34

AN ORDINANCE AMENDING THE FUTURE LAND USE ELEMENT OF THE COMPREHENSIVE PLAN OF THE CITY OF ORMOND BEACH BY AMENDING THE FUTURE LAND USE MAP TO CHANGE THE DESIGNATION OF ONE (1) PARCEL OF REAL PROPERTY TOTALING 0.20± ACRES LOCATED EAST OF 1245 WEST GRANADA BOULEVARD AND WEST OF 1245 WEST GRANADA BOULEVARD, VOLUSIA COUNTY PROPERTY APPRAISER PARCEL NUMBER 4230-00-00-0051 FROM "PUBLIC/INSTITUTIONAL" (PI) TO "RESIDENTIAL, OFFICE,

RETAIL” (ROR); PROVIDING FOR CONFLICT; AUTHORIZING TRANSMITTAL; AND SETTING FORTH AN EFFECTIVE DATE.

Mr. Goss stated that the parcel adjacent to the pie-shaped parcel was owned by Mr. Paul Holub. He noted that Mr. Holub had experienced difficulty developing it because of its shape and configuration. He explained that the pie-shaped lot was purchased from the Church of the Holy Child, which was why it had an institutional land use designation. He further explained that the parcel would be combined with 1245 West Granada Boulevard for redevelopment to a commercial parcel. He stated that staff recommended approval.

Commissioner Partington moved, seconded by Commissioner Boehm, to approve Ordinance No. 2016-34, 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

Item #8G – River Oaks, Phase II, Final Plat

City Clerk Scott McKee read by title only:

ORDINANCE NO. 2016-35
AN ORDINANCE APPROVING THE FINAL PLAT FOR “RIVER OAKS OF ORMOND BEACH PHASE-II” SUBDIVISION; ESTABLISHING CONDITIONS AND EXPIRATION DATE OF APPROVAL; AND SETTING FORTH AN EFFECTIVE DATE.

Mr. Goss stated that this development had two preliminary plats, one for Phase I and one for Phase II. He stated that the Engineering Department recently accepted a completion for all of the improvements that had been done. He stated that this was the final plat before the Commission for acceptance.

Commissioner Kent moved, seconded by Commissioner Boehm, to approve Ordinance No. 2016-35, on first reading, as read by title only.

Commissioner Kent thanked Mr. Vanacore, who was in the audience, for the work that he and his brother had done to help Ormond Beach look more beautiful every year. He congratulated him on the recent anniversary of the business.

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

Mayor Kelley closed the public hearing without objection.

Item #9A – Amendment to Water and Sewer Service Impact Fee Schedule

City Clerk Scott McKee read by title only:

ORDINANCE NO. 2016-30
AN ORDINANCE AMENDING SECTION 22-115, FEE IMPOSED; SCHEDULE; OF CHAPTER 22, WATER AND SEWERS, OF THE CODE OF ORDINANCES, BY INCREASING THE WATER AND SEWER SERVICE IMPACT FEES; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; AND SETTING FORTH AN EFFECTIVE DATE.

Commissioner Boehm moved, seconded by Commissioner Partington, for approval of Ordinance No. 2016-30, on second reading, as read by title only.

Mayor Kelley stated that he would make the same comment he did at the first reading, which was that he did not like impact fees that drove up the cost of home ownership. He

noted that he realized that they provided a service, but the cost of replacing the 50 or 60-year old infrastructure was greater than the impact fees that were charged.

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

Item #10– Reports, Suggestions, Requests

Florida Nursery Growers and Landscape Association Award of Excellence in Maintenance of Institutional and Public Places

Ms. Joyce Shanahan, City Manager, stated that the city had recently won the Florida Nursery Growers and Landscape Association Award of Excellence in Maintenance of Institutional and Public Places; noting that this was a first place award. She stated that spoke very highly of the community and what the community did to ensure that the city's public spaces looked nice and were well maintained. She noted that she understood it to be a pretty prestigious award. She stated that there were several other awards given in different categories, noting that the winner in the commercial category was Walt Disney World Resort's Swan and Dolphin hotel. She explained that gave an indication of the caliber of competition in the categories.

Mayor Kelley stated that Commissioner Kent made the observation several years ago that the city should look at their median maintenance provider because plants were not being properly maintained. He noted that now they had a quality contractor for the city's landscaping. He thanked Commissioner Kent for bringing this to their attention.

Upcoming meetings

Ms. Shanahan reminded everyone that the first meeting in October had been moved to Monday, October 3, 2016. She noted that there would be no workshop that evening. She stated that there would be a Telecommunications Workshop on October 18, 2016, at 5:30 p.m.

Open Gym

Ms. Shanahan stated that Open Gym was scheduled for Friday, September 23, 2016, and Friday, September 30, 2016, from 6:00 p.m. to 8:00 p.m. She explained that it was open to anyone ages eight to 21 years old, beginner or advanced, and cost five dollars per participant. She noted that there would be light spotting only.

Healthcare Update Workshop

Ms. Shanahan thanked the Commission for their workshop earlier this evening. She noted that it was always a positive when the Commission questioned staff and challenged them to do their best. She stated that she appreciated the dialogue that they had, noting that it helped them work better with the Commission and do a better job for the city's employees.

Mural Dedication

Commissioner Partington stated that the previous Thursday he went to Osceola Elementary to fill in for Commissioner Kent at the mural dedication, noting that Commissioner Kent was at the Open House for his son's school. He explained that he told Commissioner Kent's constituents that this was the last event he would miss for the importance of being a good father. He stated that the historic mural that was commissioned was painted by Perego, a local artist who had painted murals all over the world, including several in Daytona Beach, DeLand, and Ormond Beach. He noted that the mural included quite a bit of Ormond Beach history including the Ormond Garage, The Casements, Rockefeller Gardens, and Chief Osceola. He stated that murals could create interest in the downtown and were a sign of a vibrant community. He noted that he wanted the Commission to think about that.

Granada Grand Festival of the Arts

Commissioner Partington stated that he attended Ormond Beach Main Street's Granada Grand Festival of the Arts. He noted that it was well attended and created interest in the downtown. He stated that there were live musical performances, food trucks, and children's activities. He noted that he was impressed with the turnout in the hot weather.

Mur Dedication

Mayor Kelley thanked Commissioner Partington for attending the mural dedication. He stated that Commissioner Partington was getting the hang of being the Mayor-Elect.

Fishing Tournament

Commissioner Kent noted that his son was in the audience. He stated that his son was in the fishing tournament that the city recently put on, noting that there were 54 total participants. He noted that it was great to see the Police Chief and City Manager visiting with the crowds. He stated that his son caught eight fish that day of assorted sizes. He noted that the fish that won first place was a nine ounce fish. He stated that the largest fish that his son caught was nine ounces, but he did not win the tournament because it was a puffer fish, which did not count because you could not eat it. He noted that his son had told him on the way home that he probably could have fileted it to where it could have been eaten. He stated that the day was a wholesome and healthy one for the families there. He thanked the city for the job they did on the tournament. He thanked Mr. Ike Leary of Granada Bait and Tackle for cooking hot dogs and giving away prizes. He noted that every single participant received a free fishing pole because the city was awarded a grant for them.

Medjool Palms

Commissioner Kent asked if the city had a contract with anyone to trim their Medjool palms. He noted that all of a sudden that the fronds were not looking so good on some of them after recent wind events. He stated that if the city did not have a contractor for this they needed to obtain one, and that if they did have one they needed to contact them.

Commissioner Stowers asked if the city would make sure that the Medjool palms were trimmed correctly. He noted that many times they were over-trimmed, which was the incorrect way to address them. He noted that he was involved in a Homeowners' Association and was told this frequently.

Athletic Fields

Commissioner Boehm stated that the landscaping at the city's athletic fields was so well done that it attracted tournaments because of the quality, which created an economic benefit for the city. He stated that Leisure Services Director Robert Carolin and his staff supervised the landscaping contract and did a fantastic job.

Civil Air Patrol

Commissioner Boehm stated that the Ormond Beach Civil Air Patrol was mentioned in a national magazine for the quality of their program and the awards that they had won. He noted that was a great tribute to the program.

Reuse Water

Commissioner Boehm stated that this evening the Commission adopted a reclaimed water main incentive program. He noted that they had been charging a fee in addition to an application fee for reuse water connection in the south peninsula. He stated that very few people had taken advantage of it. He stated that he hoped that those located in that area would appreciate the benefit they received and what using reclaimed water instead of drawing from the aquifer did to benefit the environment. He stated that the city produced 31.57 million gallons of wastewater last week, of which 26.45 million gallons were reuse water. He noted that left only five million gallons being discharged in the surface water, which he felt was a terrific benefit to the environment. He stated that there was plenty of reuse water available for those on the south peninsula to utilize.

Mayor Kelley stated that the City of Port Orange did a fantastic job of reuse, creating a 121-acre lake for reuse. He stated that Ormond Beach's reuse water was treated one step shy of being potable. He noted that Port Orange showed a video of what they had done at the Roundtable of Volusia County Elected Official, which demonstrated the peaks and valleys of usage. He stated that if Ormond Beach had relocated some of their fields or their plant to the west, they could have potentially created a lake or holding facility.

VLOC Dinner

Mayor Kelley stated that the City of Ormond Beach would host the Volusia League of Cities (VLOC) on Thursday, September 22, 2016. He noted that he wished that the dinner would have been held in December.

Ms. Shanahan stated that the City of New Smyrna Beach was holding December's

meeting in their new Brannon Center.

Venues around Volusia County

Mayor Kelley stated that the new Brannon Center was phenomenal. He noted that presently he was exploring lots of places in Volusia County. He stated that he had also visited the Atlantic Center for the Arts in New Smyrna Beach. He noted that it was recognized and well known outside of this area.

Organizational Chart

Mayor Kelley stated that in the packet there was an organizational chart from 2002 that had former Mayor Carl Persis' signature on it. He suggested adopting an organizational chart that was updated to be more reflective of the city at present. He noted that it was adopted by ordinance.

Photos of Mayors

Mayor Kelley stated that years prior the city had looked into placing pictures of the former Mayors up at City Hall. He noted that he was not saying that just because he was leaving. He stated that Holly Hill and Daytona Beach did that.

The meeting was adjourned at 7:53 p.m.

APPROVED: October 3, 2016

BY:

Ed Kelley, Mayor

ATTEST:

J. Scott McKee, City Clerk