

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

**July 5, 2011**

**7:00 p.m.**

Present were: Mayor Ed Kelley, Commissioners James Stowers, Troy Kent, Rick Boehm and Bill Partington, City Manager Joyce Shanahan, Assistant City Manager Ted MacLeod, City Attorney Randy Hayes, and City Clerk Joshua Fruecht.

**A G E N D A**

- 1) Meeting call to order by Mayor Kelley.
- 2) Invocation by Pastor Doug Hautz, Ormond Beach Alliance Church.
- 3) Pledge of Allegiance.
- 4) **PRESENTATION:** Employee-of-the-Quarter award to Robert Pearson, CSO, Police Department.
- 5) **AUDIENCE REMARKS:**
- 6) **APPROVAL OF THE MINUTES** of the June 21, 2011, meeting.
- 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. 2011-98 appointing a member to serve on the Citizens' Law Enforcement Advisory Board; setting forth terms and conditions of service. (City Clerk)
  - B) Resolution No. 2011-99 authorizing the execution of a quitclaim deed in favor of Joseph D. Weber and Julieann M. Weber, releasing a two and one-half foot portion of a ten-foot utility, drainage and maintenance easement located on the rear of Lot 17, Creekside Planned Residential Development (110 Creek Forest Lane) (Planning Director)
  - C) Auto renew contracts. (Finance Director)  
  
DISPOSITION: Approve as recommended in City Manager memorandum dated June 30, 2011.
  - D) Road closure for Riverside Drive. (Leisure Services Director)  
  
DISPOSITION: Approve as recommended in City Manager memorandum dated June 30, 2011.
  - E) Redistricting maps. (Planning Director)  
  
DISPOSITION: Approve as recommended in City Manager memorandum dated June 30, 2011.
  - F) Mobility Fees. (Planning Director)  
  
DISPOSITION: Approve as recommended in City Manager memorandum dated June 30, 2011.
- 8) **PUBLIC HEARINGS:**
  - A) Ordinance No. 2011-17 amending Chapter 2, District and general regulations, of Article I, Establishment of zoning districts and official zoning map, Section 2-02, future land use map designations and zoning districts, Table 2-2, future land use map designations and compatible zoning districts of the *Land Development Code* of the City of Ormond Beach by establishing corresponding compatible zoning districts with the newly created "low intensity commercial" comprehensive plan future land use designation; repealing all inconsistent ordinances or parts thereof. (Second Reading) (Planning Director)
  - B) Ordinance No. 2011-18 annexing certain real property into the City of Ormond Beach, said property being generally located along the west side of North U.S. Highway 1

approximately 2,300 linear feet north of the intersection of Airport Road and North U.S. Highway 1 and being commonly located at 1142 North U.S. Highway 1, including a portion of Railroad Street right-of-way; redefining the territorial boundaries of the City of Ormond Beach to include the property; redesignating the boundaries of Zone 3 of the City of Ormond Beach to include the property; setting forth zoning, privileges and obligations of said property, providing for transmission. (Second Reading) (Planning Director)

9) **DISCUSSION ITEMS:**

- A) Florida League of Cities Annual Conference Voting Delegate. (City Clerk)
- B) Downtown Underground Utilities Project. (Planning Director)
- C) Volusia County redistricting.

10) **REPORTS, SUGGESTIONS, REQUESTS:** Mayor, City Commission, City Manager, City Attorney.

11) **CLOSE THE MEETING.**

Item #1 – Meeting Call to Order

The meeting was called to order by Mayor Kelley at 7:00 p.m.

Item #2 – Invocation

The invocation was given by Pastor Doug Hautz, Ormond Beach Alliance Church.

Item #3 – Pledge of Allegiance

The Pledge of Allegiance was led by Mayor Kelley.

Item #4 – Employee-of-the-Month

City Manager Shanahan announced Police Officer Robert Pearson was the Employee-of-the-Quarter. She stated Officer Pearson was first hired as a Community Services Office with the City in May 2004, after serving 13 years with the Marine Corps; in December 2004, Officer Pearson was selected to participate in the Police Officers Scholarship Plan and attended Daytona State College for his law enforcement certification and graduated Top Gun, having achieved the highest grade point average in his class, which was no surprise. She reported Officer Pearson was assigned to the patrol division and served as the agency inspector on the alcohol testing equipment; and he was active in the Explorer Advisory Program. She stated Officer Pearson was selected as the department's Crime Stoppers Law Enforcement Officer of the Year. She stated Officer Pearson enjoyed kayaking, fishing, NASCAR and gardening. She stated he was a valued member of the community because of such actions as he redeemed a stolen game box with his own money from a pawn shop to return to the young man from whom it was stolen.

Mayor Kelley presented a City seal watch to Officer Pearson and explained that his name and picture was added to the plaques displayed in the Atrium. The Mayor stated we were all proud of Officer Pearson.

Officer Pearson explained that his mother could not attend due to an illness, but two of his Explorers were with him. He stated that two years in a row they had received overall placed trophies at the state competition by placing fifth out of 31 posts, and the City was very proud of them.

Item #5 – Audience Remarks

Veronica "Ronnie" Patterson, 7 Hunter's Run Circle, congratulated everyone on the new City Clerk and to praise the City Manager Joyce Shanahan for selecting the perfect candidate for City Clerk, Joshua Fruecht.

Item #6 – Approval of the Minutes

Mayor Kelley advised the minutes of the June 1, 2011, regular meeting had been sent to the Commission for review, and were on the City's website for public review. 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 the action proposed for each item on the Consent Agenda was so stated on the agenda. He asked if any member of the Commission had questions or wished to discuss any item separately.

Commissioner Stowers requested that Item #7E be pulled.

**Commissioner Kent moved, seconded by Commissioner Boehm, for approval of the Consent Agenda, absent Item #7E.**

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

Item #7E – Redistricting Maps

City Manager Shanahan stated this item was addressed by the Commission at the workshop on June 20 and the intent was to formalize the Commission decision.

**Commissioner Boehm moved, seconded by Commissioner Kent, for approval to bring a resolution of intent to the Commission for approval.**

Commissioner Stowers stated several weeks ago, the Commission held the workshop, which was noticed to the public, and he stated it was disappointed that no citizens attended when the government was seeking public input. He stated Zone 1 would change drastically due to population growth, and he suggested Zone meetings, such as the Budget Meetings, be held. He stated he wanted to put his concerns on the record and felt that some people affected would be surprised.

After some discussion by the Commission, it was determined that a technical problem prevented the maps from displaying correctly.

**Commissioner Boehm withdraw his motion; Commissioner Kent withdrew his second; and the item was pulled until there was further review of the maps to confirm their accuracy.**

Item #8A – LDC amendment “low intensity commercial”

City Clerk Joshua Fruecht read by title only:

ORDINANCE NO. 2011-17  
AN ORDINANCE AMENDING CHAPTER 2, DISTRICT AND GENERAL REGULATIONS, OF ARTICLE I, ESTABLISHMENT OF ZONING DISTRICTS, TABLE 202, FUTURE LAND USE MAP DESIGNATIONS AND COMPATIBLE ZONING DISTRICTS OF THE *LAND DEVELOPMENT CODE* OF THE CITY OF ORMOND BEACH BY ESTABLISHING CORRESPONDING COMPATIBLE ZONING DISTRICTS WITH THE NEWLY CREATED “LOW INTENSITY COMMERCIAL” COMPREHENSIVE PLAN FUTURE LAND USE DESIGNATION; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; AND SETTING FORTH AN EFFECTIVE DATE.

Mayor Kelley stated this is a public hearing and there were no requests to speak.

**Commissioner Partington moved, seconded by Commissioner Kent, for approval of the Ordinance No. 2011-17, on second reading, as read by title only.**

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

Without objection, Mayor Kelley closed the public hearing.

Item #8B –1142 North US1 Annexation

City Clerk Joshua Fruecht read by title only:

ORDINANCE NO. 2011-18

AN ORDINANCE ANNEXING CERTAIN REAL PROPERTY INTO THE CITY OF ORMOND BEACH, SAID PROPERTY BEING GENERALLY LOCATED ALONG THE WEST SIDE OF NORTH U.S. HIGHWAY 1 APPROXIMATELY 2,300 LINEAR FEET NORTH OF THE INTERSECTION OF AIRPORT ROAD AND NORTH U.S. HIGHWAY 1 AND BEING COMMONLY LOCATED AT 1142 NORTH U.S. HIGHWAY 1, INCLUDING A PORTION OF RAILROAD STREET RIGHT-OF-WAY, REDEFINING THE TERRITORIAL BOUNDARIES OF THE CITY OF ORMOND BEACH TO INCLUDE THE PROPERTY; REDESIGNATING THE BOUNDARIES OF ZONE 3 OF THE CITY OF ORMOND BEACH TO INCLUDE THE PROPERTY; SETTING FORTH ZONING, PRIVILEGES AND OBLIGATIONS OF SAID PROPERTY, PROVIDING FOR TRANSMISSION; PROVIDING FOR SEVERABILITY; AND SETTING FORTH AN EFFECTIVE DATE.

Mayor Kelley stated this is a public hearing and there were no requests to speak.

**Commissioner Kent moved, seconded by Commissioner Boehm, for approval of the Ordinance No. 2011-18, 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

Mayor Kelley stated without objection, the public hearing was closed.

Item #9A – Florida League of Cities Annual Conference Voting Delegate

City Manager Shanahan explained that each year the Commission designated a voting delegate to attend the Florida League of Cities Annual Conference. She reported that Mayor Kelley was attending, as well as possibly, Commissioner Boehm and Commissioner Partington.

Commissioner Kent reported he might possibly attend the conference.

Commissioner Boehm nominated Mayor Kelley and all Commission members agreed.

Item #9B – Downtown Underground Utilities Project

Planning Director Ric Goss discussed the boundaries for the Downtown Underground Utilities project, as part of the Downtown Master Plan, and reviewed by MainStreet Design Committee. He stated possible cost-saving efforts to reduce the \$1.8 million original projection were to reduce the size of the area; as well as, consideration of underground utilities only along SR40 and consolidating the lines off the side streets; and by hiring the contractors approved by FP&L. He stated staff wanted to confirm that the area reduced by MainStreet was acceptable to the Commission before the study was done to determine cost estimate.

Mayor Kelley explained FP&L would come back with the cost estimates, once the area was determined.

Commissioner Kent stated he accepted South Beach Street and West Granada Boulevard, but he questioned the necessity of including New Britain Avenue and Corbin Avenue.

Goss explained New Britain Avenue had the best potential for redevelopment outside the main corridor due to the development efforts of Highlander Corp, as well as Corbin Avenue. He stated that area stopped at Washington Avenue because the new restaurant was putting their utilities underground.

Commissioner Kent stated this was something everyone would like to see city-wide, but expressed concern for the high cost estimates.

Planning Director Goss stated the initial costs were much higher due to the larger area initially suggested.

Commissioner Kent asked about what could be done in the Community Redevelopment Area on beachside.

Planning Director Goss stated on the peninsula along Streetscape were already underground.

Mayor Kelley stated the Granada Boulevard portion would be fairly inexpensive because it was basically just the street lights; and he asked were the residents being left above ground.

Planning Director Goss stated the City was paying the costs for all residents to be connected with a construction easement, then a permanent easement, with no out-of-pocket costs to the residents.

Mayor Kelley stated this was to facilitate a determination of costs and confirmed the Commission was in agreement.

#### Item #9C – Volusia County Redistricting

City Manager Shanahan explained the County had provided background information as to the County's redistricting maps. She stated any suggestions by the Commission would be presented to the County Council for consideration.

Commissioner Boehm stated that after reviewing the County's maps, he favored Plan 4 with Plan 6 second, because both maps kept all of a City in one district.

Commissioner Stowers stated he attended the meeting at the library, where he settled on Plan 4, which focused zones around population centers, except Daytona Beach, which was too large to be contained in one zone. He stated Plan 4 gave the best opportunity to be compact and gave the residents the best voice from their district.

Commissioner Kent stated Plan 4 was agreeable to him, as well as Plan 2D.

Commissioner Partington favored Plan 2D, which affected the least number of people. He stated Plan 4 was odd to have Ponce Inlet and Lake Helen in the same district, and part of Ormond Beach was in Zone 2 and part in Zone 4.

Commissioner Stowers stated Commissioner Partington made some good points, and he would accept Plan 2D.

Commissioner Boehm stated he would accept Plan 2D, but favored the contiguous nature of Plan 4.

Mayor Kelley stated he favored Plan 4, where Ormond Beach was not split. The Mayor asked City Manager Shanahan to draft a letter in favor of Plan 2D.

#### Item #10 – Reports, Suggestions, Requests

##### City Manager Updates

City Manager Shanahan stated that on July 18 the Budget Workshop would start at 5:30 p.m. at the Senior Center Art Room, when the discussion of the CIP would be finished and the Operating Budget would be discussed. She stated the Commission should notify staff of any items in the unfunded budget that they would like included.

The City Manager stated staff continued to work with the County on the joint planning agreement for the US1 Corridor, which would come to the Commission for review.

The City Manager reminded the Commission that on July 12 was the beachfront park "Choose" meeting would take place at the Casements where design options would be considered. She stated that on July 13, between 5:30 p.m. and 8:00 p.m., a reception would be held for the Fire Chief candidates, and on July 15, Fire Chief Irby would be leaving. She thanked Chief Irby for his service to the community and she stated he had been an exemplary Chief in very difficult times with difficult budget struggles.

##### FDOT Repaving

City Manager Shanahan stated she had received numerous calls regarding the FDOT repaving project of SR40, which would have been completed, except for the rain delays. She stated the

east side of the Granada Bridge was scheduled for three days, starting that evening, July 19, then the west side would begin.

Commissioner Stowers appreciated the update on the project, because his wife asked him if he could not do something about the manhole covers on Granada Boulevard.

Commissioner Kent stated he had a number of questions about the repaving because of striping, people thought the project was completed. He asked the City Manager to prod FDOT to move the project along quickly.

Mayor Kelley reported he had addressed the issue with FDOT last Tuesday.

#### Six Lanes of SR40

Commissioner Boehm announced that on July 16 at 6:00 p.m. FDOT was holding a kickoff meeting for their planning design study for the potential widening of SR40 to six lanes from I95 to Breakaway Trails, where individuals concerned with the landscaping aspects of the medians west of I95 could express their concerns.

#### Kudos from Commissioner Boehm

Commissioner Boehm congratulated Finance Director Kelly McGuire for receiving the Government Finance Offices Association award for Distinguished Budget Presentation Orientation. He congratulated Commissioner Stowers for being named 2011 Volusia/Flagler Business Report's Young Business Leader in Volusia County. He congratulated the City Manager, who was named Rotarian of the Year, President-Elect of the Florida City Managers Association, and she was also a United Way volunteer.

Commissioner Stowers added his congratulations to the City Manager for being the Rotarian of the Year.

#### Independence Day Celebration

City Manager Shanahan thanked staff for the Independence Day Celebration and she thanked the Commission for participating in the lighting of the fireworks.

Commissioner Boehm stated he was overwhelmed by the 4<sup>th</sup> of July celebration. He stated the number of people and the fireworks were outstanding. He stated when Mayor Kelley led all the people in Rockefeller Gardens in the Pledge of Alliance, it was an emotional moment.

Commissioner Stowers stated the pattern of every event done by the City was top-notch and this was a great community.

Commissioner Kent stated the Pledge of Allegiance was a nice touch, and the plunger to start the fireworks made a big impression on his son. He stated it was an excellent job by the City Manager and staff.

Mayor Kelley stated this event knocked it out of the park. He stated staff did a great job, although the traffic could have been better.

City Manager Shanahan explained the traffic problem was due to a DUI accident on the bridge.

#### Item #11 – Close the Meeting

The meeting was adjourned at 7:52 p.m.

APPROVED:

July 19, 2011

BY:

Ed Kelley, Mayor

ATTEST:

Joshua Fruecht, City Clerk