

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

August 3, 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. CALL TO ORDER

2. INVOCATION – Pastor Doug Hautz, Ormond Beach Alliance Church

3. PLEDGE OF ALLEGIANCE

4. AUDIENCE REMARKS – Regarding items not on the agenda.

5. APPROVAL OF MINUTES

- A. Minutes from the City Commission meeting – July 19, 2011

6. COMMUNITY REDEVELOPMENT AGENCY

- A. **Resolution No. 2011-108**, A resolution of the City Commission, also acting as the Community Redevelopment Agency, of the City of Ormond Beach, Florida, accepting the bid of Hall Construction Co., Inc. for fabrication and installation of way finding signage within downtown; authorizing the execution of a contract and payment thereunder; and setting forth an effective date. *(City Engineer)***(See Item #10A)**

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. 2011-109** – 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 Timothy E. Boring and Robyn S. Boring located at 260 Pine Street, Ormond Beach, Volusia County, Florida (PARCEL ID NO. 4242-01-05-0050) for costs incurred by the City to terminate or abate a site maintenance violation; and setting forth an effective date. *(Neighborhood Improvement Manager)*

- B. **Resolution No. 2011-110** – A resolution authorizing the execution of a revised Local Agency Program Agreement between the City and Florida Department of Transportation regarding Phase III Sidewalk Improvements on West Granada Boulevard; and setting forth an effective date. *(City Engineer)*

- C. **Resolution No. 2011-111** – A resolution accepting a bid from Traffic Control Devices, Inc., for construction of the fiber optic interconnection on Granada Boulevard, under Bid No. 2011-07; authorizing the execution of a contract and payment therefor; rejecting all other bids; and setting forth an effective date. *(City Engineer)*

- D. **Resolution No. 2011-112** – A resolution authorizing execution of a lease agreement between the City of Ormond Beach and Prosperity Bank for the use of office space as a police department substation; and setting forth an effective date. *(Chief of Police)*

- E. **Request for Proposals – Vehicles and Equipment Mobile Repair and Preventive Maintenance Service (RFP# 2011-23)** *(Fleet Manager)*

DISPOSITION: Approve as recommended in City Manager
memorandum dated July 28, 2011.

- F. **Request for Proposals – State of Florida Legislative Lobbying Services (RFP# 2011-24)** *(Economic Development Director)*

DISPOSITION: Approve as recommended in City Manager memorandum dated July 28, 2011.

G. Request for Proposals – Taxiway Alpha Relocation and General Airfield Improvements Project (RFP# 2011-25) (Airport Manager)

DISPOSITION: Approve as recommended in City Manager memorandum dated July 28, 2011.

8. PUBLIC HEARINGS

- A. Second Reading of Ordinance No. 2011-15** – An ordinance authorizing the execution and issuance of a First Amended Development Order for the "Tuscany" also known as "The IL Villaggio" subdivision, a Planned Residential Development located on West Granada Boulevard to the west of the Indian Springs Subdivision and east of the Breakaway Trails subdivision; authorizing an amendment to the required recreational amenities; ratifying and affirming the development order by approved by Resolution No. 2003-17 and the preliminary plans and final plat approved by Ordinance No. 2004-30; establishing conditions and expiration of approval; and setting forth an effective date. (*Planning Director*)
- B. Second Reading of Ordinance No. 2011-19** – An ordinance amending the Future Land Use Element of the Comprehensive Plan by amending the Future Land Use Map to change the designation of one (1) Parcel of real property totaling +1.31-acres located at 1520 North US Highway 1 (Parcel ID No. 3136-01-61-0010), from Volusia County "Commercial" to Ormond Beach "Low Intensity Commercial"; repealing all inconsistent ordinances or parts thereof; and setting forth an effective date. (*Lil Champs*) (*Planning Director*)
- C. Second Reading of Ordinance No. 2011-20** – An ordinance amending the Future Land Use Element of the Comprehensive Plan by amending the Future Land Use Map to change the designation of one (1) parcel of real property totaling +2.16-acres located at 1521 North US Highway 1 (Parcel ID No. 3136-01-37-0010), from Volusia County "Commercial" to Ormond Beach "Low Intensity Commercial"; repealing all inconsistent ordinances or parts thereof; and setting forth an effective date. (*RaceTrac*) (*Planning Director*)
- D. Second Reading of Ordinance No. 2011-21** – An ordinance amending the Future Land Use Element of the Comprehensive Plan by amending the Future Land Use Map to change the designation of one (1) parcel of real property totaling +2.58-acres located at 1530 North US Highway 1 (Parcel ID No. 3136-01-62-0050), from Volusia County "Commercial" to Ormond Beach "Low Intensity Commercial"; repealing all inconsistent ordinances or parts thereof; and setting forth an effective date. (*McDonalds*) (*Planning Director*)
- E. Second Reading of Ordinance No. 2011-22** – An ordinance amending the Future Land Use Element of the Comprehensive Plan by amending the Future Land Use Map to change the designation of one (1) parcel of real property totaling +1.42-acres located at 1545 North US Highway 1 (Parcel ID No. 3136-01-36-0020), from Volusia County "Commercial" to Ormond Beach "Low Intensity Commercial"; repealing all inconsistent ordinances or parts thereof; and setting forth an effective date. (*Cheaters*) (*Planning Director*)
- F. Second Reading of Ordinance No. 2011-23** – An ordinance amending the Future Land Use Element of the Comprehensive Plan by amending the Future Land Use Map to change the designation of one (1) parcel of real property totaling +2.74-acres located at 1560 North US Highway 1 (Parcel ID No. 3136-01-63-0020), from Volusia County "Commercial" to Ormond Beach "Low Intensity Commercial"; repealing all inconsistent ordinances or parts thereof; and setting forth an effective date. (*Fruit Store*) (*Planning Director*)
- G. Second Reading of Ordinance No. 2011-24** – An ordinance amending the Future Land Use Element of the Comprehensive Plan by Amending the Future Land Use Map to change the designation of one (1) parcel of real property totaling +2.19-acres located at 1561 North US Highway 1 (Parcel ID No. 3136-

01-17-0010), from Volusia County "Commercial" to Ormond Beach "Low Intensity Commercial"; repealing all inconsistent ordinances or parts thereof; and setting forth an effective date. (*Wendy's*) (*Planning Director*)

- H. **Second Reading of Ordinance No. 2011-25** – An ordinance amending the Future Land Use Element of the Comprehensive Plan by amending the Future Land Use Map to change the designation of one (1) parcel of real property totaling +2.46-acres located at 1567 North US Highway 1 (Parcel ID No. 3136-01-18-0010), from Volusia County "Commercial" to Ormond Beach "Low Intensity Commercial"; repealing all inconsistent ordinances or parts thereof; and setting forth an effective date. (*Econo Lodge*) (*Planning Director*)
- I. **Second Reading of Ordinance No. 2011-26** – An ordinance amending the Future Land Use Element of the Comprehensive Plan by amending the Future Land Use Map to change the designation of one (1) parcel of real property totaling +0.36-acres located at 1570 North US Highway 1 (Parcel ID No. 3136-01-63-0030), from Volusia County "Commercial" to Ormond Beach "Low Intensity Commercial"; repealing all inconsistent ordinances or parts thereof; and setting forth an effective date. (*Waffle House*) (*Planning Director*)
- J. **Second Reading of Ordinance No. 2011-27** – An ordinance amending the Future Land Use Element of the Comprehensive Plan by amending the Future Land Use Map to change the designation of one (1) parcel of real property totaling +7.07-acres located at 1571 North US Highway 1 (Parcel ID No. 3136-01-19-0010), from Volusia County "Commercial" to Ormond Beach "Low Intensity Commercial"; repealing all inconsistent ordinances of parts thereof; and setting forth an effective date. (*Comfort Inn*) (*Planning Director*)
- K. **Second Reading of Ordinance No. 2011-28** – An ordinance amending the Future Land Use Element of the Comprehensive Plan by amending the Future Land Use Map to change the designation of one (1) parcel of real property totaling +0.76-acres located at 1576 North US Highway 1 (Parcel ID No. 3136-01-63-0010), from Volusia County "Commercial" to Ormond Beach "Low Intensity Commercial"; repealing all inconsistent ordinances of parts thereof; and setting forth an effective date. (*Sunoco & Fruit Stand*) (*Planning Director*)
- L. **First Reading of Ordinance No. 2011-29** – An ordinance amending the Future Land Use Element of the Comprehensive Plan by amending the Future Land Use Map to change the designation of one (1) parcel of real property totaling +0.86-acres located at 1142 North US Highway 1 (Parcel ID No. 4238-02-02-0100), from Volusia County "Industrial" to Ormond Beach "Light Industrial/Utilities"; repealing all inconsistent ordinances of parts thereof; and setting forth an effective date. (*American Legion Post 267*) (*Planning Director*)

9. FIRST READING OF ORDINANCES

- A. **First Reading of Ordinance No. 2011-30** – An ordinance amending Chapter 14, Offenses—Miscellaneous, Article I, in General, Section 14-18, Trespass, of the Code of Ordinances of the City of Ormond Beach, Florida; by providing Law Enforcement Offices authority to issue warnings to trespassers of public property; providing penalties; providing appeal process; repealing all inconsistent ordinances or parts thereof providing severability; and setting forth an effective date. (*Chief of Police*)

10. RESOLUTIONS

- A. **Resolution No. 2011-108**, A resolution of the City Commission, also acting as the Community Redevelopment Agency, of the City of Ormond Beach, Florida, accepting the bid of Hall Construction Co., Inc. for fabrication and installation of way finding signage within downtown; authorizing the execution of a contract and payment thereunder; and setting forth an effective date. (*City Engineer*)

11. DISCUSSION ITEMS

- A. Proposed Resolutions for the Florida League of Cities Annual Conference (*City Clerk*)

B. Durrance Lane (*Planning Director*)

C. Community Engagement Plan Update on Ormond Beach's Andy Romano Beachfront Park (*City Engineer*)

12. **REPORTS, SUGGESTIONS, REQUESTS** (Mayor, City Commission, City Manager, City Attorney)

13. **ADJOURNMENT**

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 - Audience Remarks

Elder Abuse

Stephen Brown, 23 Brookwood Court, stated he was not a resident but his mother and step-father lived in the City for 26 years. He stated he had serious issues with the City Attorney and the Police Department regarding what he considered to be elder abuse by his step-brother, which was investigated by the Department of Children and Families and the State Attorney's Office was prosecuting him for title fraud.

Mayor Kelley offered to meet with Mr. Brown to discuss his issues.

Mayor Kelley suggested that procedure be followed with Item #11C, and there be no public comment since there was no formal vote to be taken. The rest of the Commission concurred.

Item #5 – Approval of the Minutes

Mayor Kelley advised the minutes of the July 19, 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 #6A – Community Redevelopment Agency

Mayor Kelley explained that the City Commission served as the Community Redevelopment Agency (CRA) for the Downtown Redevelopment Area, and as such, must review each CRA agenda item and make a recommendation as the CRA prior to the City Commission public hearing; therefore, the City Commission meeting would be recessed, and a meeting of the Community Redevelopment Agency convened. He explained that once the recommendations were made, the CRA meeting would be adjourned and the City Commission meeting reconvened. He stated the City Commission Meeting was recessed; and he called the meeting of the Community Redevelopment Agency to order at 7:08 p.m.

Commissioner Boehm moved, seconded by Commissioner Stowers, for recommendation of Resolution No. 2011-108.

Mayor Kelley stated no further discussion was requested and the voice vote was unanimous in favor of the recommendation.

Mayor Kelley adjourned the CRA meeting and reconvened the City Commission meeting at 7:09 p.m.

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 Kent moved, seconded by Commissioner Stowers, for approval of the Consent Agenda.

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

Item #8A – First Amended Development Order for “The IL Villaggio”

City Clerk Joshua Fruecht read by title only:

ORDINANCE NO. 2011-15

AN ORDINANCE AUTHORIZING THE EXECUTION AND ISSUANCE OF A FIRST AMENDED DEVELOPMENT ORDER FOR THE "TUSCANY" ALSO KNOWN AS "THE IL VILLAGGIO" SUBDIVISION, A PLANNED RESIDENTIAL DEVELOPMENT LOCATED ON WEST GRANADA BOULEVARD TO THE WEST OF THE INDIAN SPRINGS SUBDIVISION AND EAST OF THE BREAKAWAY TRAILS SUBDIVISION; AUTHORIZING AN AMENDMENT TO THE REQUIRED RECREATIONAL AMENITIES; RATIFYING AND AFFIRMING THE DEVELOPMENT ORDER BY APPROVED BY RESOLUTION NO. 2003-17 AND THE PRELIMINARY PLANS AND FINAL PLAT APPROVED BY ORDINANCE NO. 2004-30; ESTABLISHING CONDITIONS AND EXPIRATION OF APPROVAL; AND SETTING FORTH AN EFFECTIVE DATE.

Mayor Kelley stated this was a public hearing regarding “Tuscany” also known as “The IL Villaggio.”

Commissioner Kent moved, seconded by Commissioner Boehm, for approval of the Ordinance No. 2011-15, on second reading, as read by title only.

Mayor Kelley stated there were two requests to speak, but after speaking with the individuals, they chose not to speak.

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

Item #8B – amending the FLUM 1520 North US1

City Clerk Joshua Fruecht read by title only:

ORDINANCE NO. 2011-19

AN ORDINANCE AMENDING THE FUTURE LAND USE ELEMENT OF THE COMPREHENSIVE PLAN BY AMENDING THE FUTURE LAND USE MAP TO CHANGE THE DESIGNATION OF ONE (1) PARCEL OF REAL PROPERTY TOTALING +1.31-ACRES LOCATED AT 1520 NORTH US HIGHWAY 1 (PARCEL ID NO. 3136-01-61-0010), FROM VOLUSIA COUNTY “COMMERCIAL” TO ORMOND BEACH “LOW INTENSITY COMMERCIAL”; 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 Kent moved, seconded by Commissioner Boehm, for approval of the Ordinance No. 2011-19, 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 #8C – amending the FLUM 1521 North US1

City Clerk Joshua Fruecht read by title only:

ORDINANCE NO. 2011-20

AN ORDINANCE AMENDING THE FUTURE LAND USE ELEMENT OF THE COMPREHENSIVE PLAN BY AMENDING THE FUTURE LAND USE MAP TO CHANGE THE DESIGNATION OF ONE (1) PARCEL OF REAL PROPERTY TOTALING ±2.16-ACRES LOCATED AT 1521 NORTH US HIGHWAY 1 (PARCEL ID NO. 3136-01-37-0010), FROM VOLUSIA COUNTY "COMMERCIAL" TO ORMOND BEACH "LOW INTENSITY COMMERCIAL"; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; AND SETTING FORTH AN EFFECTIVE DATE.

Commissioner Boehm moved, seconded by Commissioner Kent, for approval of the Ordinance No. 2011-20, 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 #8D – amending the FLUM 1530 North US1

City Clerk Joshua Fruecht read by title only:

ORDINANCE NO. 2011-21

AN ORDINANCE AMENDING THE FUTURE LAND USE ELEMENT OF THE COMPREHENSIVE PLAN BY AMENDING THE FUTURE LAND USE MAP TO CHANGE THE DESIGNATION OF ONE (1) PARCEL OF REAL PROPERTY TOTALING +2.58-ACRES LOCATED AT 1530 NORTH US HIGHWAY 1 (PARCEL ID NO. 3136-01-62-0050), FROM VOLUSIA COUNTY "COMMERCIAL" TO ORMOND BEACH "LOW INTENSITY COMMERCIAL"; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; AND SETTING FORTH AN EFFECTIVE DATE.

Commissioner Kent moved, seconded by Commissioner Boehm, for approval of the Ordinance No. 2011-21, 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 #8E – amending the FLUM 1545 North US1

City Clerk Joshua Fruecht read by title only:

ORDINANCE NO. 2011-22

AN ORDINANCE AMENDING THE FUTURE LAND USE ELEMENT OF THE COMPREHENSIVE PLAN BY AMENDING THE FUTURE LAND USE MAP TO CHANGE THE DESIGNATION OF ONE (1) PARCEL OF REAL PROPERTY TOTALING +1.42-ACRES LOCATED AT 1545 NORTH US HIGHWAY 1 (PARCEL ID NO. 3136-01-36-0020), FROM VOLUSIA COUNTY "COMMERCIAL" TO ORMOND BEACH "LOW INTENSITY COMMERCIAL"; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; AND SETTING FORTH AN EFFECTIVE DATE.

Commissioner Kent moved, seconded by Commissioner Stowers, for approval of the Ordinance No. 2011-22, 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

Item #8F – amending the FLUM 1560 North US1

City Clerk Joshua Fruecht read by title only:

ORDINANCE NO. 2011-23

AN ORDINANCE AMENDING THE FUTURE LAND USE ELEMENT OF THE COMPREHENSIVE PLAN BY AMENDING THE FUTURE LAND USE MAP TO CHANGE THE DESIGNATION OF ONE (1) PARCEL OF REAL PROPERTY TOTALING +2.5-ACRES LOCATED AT 1560 NORTH US HIGHWAY 1 (PARCEL ID NO. 3136-01-36-0020), FROM VOLUSIA COUNTY "COMMERCIAL" TO ORMOND BEACH "LOW INTENSITY COMMERCIAL"; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; AND SETTING FORTH AN EFFECTIVE DATE.

Commissioner Kent moved, seconded by Commissioner Boehm, for approval of the Ordinance No. 2011-23, 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 #8G – amending the FLUM 1561 North US1

City Clerk Joshua Fruecht read by title only:

ORDINANCE NO. 2011-24

AN ORDINANCE AMENDING THE FUTURE LAND USE ELEMENT OF THE COMPREHENSIVE PLAN BY AMENDING THE FUTURE LAND USE MAP TO CHANGE THE DESIGNATION OF ONE (1) PARCEL OF REAL PROPERTY TOTALING +2.19-ACRES LOCATED AT 1561 NORTH US HIGHWAY 1 (PARCEL ID NO. 3136-01-17-0010), FROM VOLUSIA COUNTY "COMMERCIAL" TO ORMOND BEACH "LOW INTENSITY COMMERCIAL"; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; AND SETTING FORTH AN EFFECTIVE DATE.

Commissioner Partington moved, seconded by Commissioner Boehm, for approval of the Ordinance No. 2011-24, 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 #8H – amending the FLUM 1567 North US1

City Clerk Joshua Fruecht read by title only:

ORDINANCE NO. 2011-25

AN ORDINANCE AMENDING THE FUTURE LAND USE ELEMENT OF THE COMPREHENSIVE PLAN BY AMENDING THE FUTURE LAND USE MAP TO CHANGE THE DESIGNATION OF ONE (1) PARCEL OF REAL PROPERTY TOTALING +2.46-ACRES LOCATED AT 1567 NORTH US HIGHWAY 1 (PARCEL ID NO. 3136-01-18-0010), FROM VOLUSIA COUNTY "COMMERCIAL" TO ORMOND BEACH "LOW INTENSITY COMMERCIAL"; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; AND SETTING FORTH AN EFFECTIVE DATE.

Commissioner Boehm moved, seconded by Commissioner Partington, for approval of the Ordinance No. 2011-25, 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 #8I – amending the FLUM 1570 North US1

City Clerk Joshua Fruecht read by title only:

ORDINANCE NO. 2011-26

AN ORDINANCE AMENDING THE FUTURE LAND USE ELEMENT OF THE COMPREHENSIVE PLAN BY AMENDING THE FUTURE LAND USE MAP TO CHANGE THE DESIGNATION OF ONE (1) PARCEL OF REAL PROPERTY TOTALING +0.36-ACRES LOCATED AT 1570 NORTH US HIGHWAY 1 (PARCEL ID NO. 3136-01-63-0030), FROM VOLUSIA COUNTY "COMMERCIAL" TO ORMOND BEACH "LOW INTENSITY COMMERCIAL"; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; AND SETTING FORTH AN EFFECTIVE DATE.

Commissioner Boehm moved, seconded by Commissioner Partington, for approval of the Ordinance No. 2011-26, 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

Item #8J – amending the FLUM 1571 North US1

City Clerk Joshua Fruecht read by title only:

ORDINANCE NO. 2011-27

AN ORDINANCE AMENDING THE FUTURE LAND USE ELEMENT OF THE COMPREHENSIVE PLAN BY AMENDING THE FUTURE LAND USE MAP TO CHANGE THE DESIGNATION OF ONE (1) PARCEL OF REAL PROPERTY TOTALING +7.07-ACRES LOCATED AT 1571 NORTH US HIGHWAY 1 (PARCEL ID NO. 3136-01-19-0010), FROM VOLUSIA COUNTY "COMMERCIAL" TO ORMOND BEACH "LOW INTENSITY COMMERCIAL"; REPEALING ALL INCONSISTENT ORDINANCES OF PARTS THEREOF; AND SETTING FORTH AN EFFECTIVE DATE.

Commissioner Partington moved, seconded by Commissioner Kent, for approval of the Ordinance No. 2011-27, 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 #8K – amending the FLUM 1576 North US1

City Clerk Joshua Fruecht read by title only:

ORDINANCE NO. 2011-28

AN ORDINANCE AMENDING THE FUTURE LAND USE ELEMENT OF THE COMPREHENSIVE PLAN BY AMENDING THE FUTURE LAND USE MAP TO CHANGE THE DESIGNATION OF ONE (1) PARCEL OF REAL PROPERTY TOTALING +0.76-ACRES LOCATED AT 1576 NORTH US HIGHWAY 1 (PARCEL ID NO. 3136-01-63-0010), FROM VOLUSIA COUNTY "COMMERCIAL" TO ORMOND BEACH "LOW INTENSITY COMMERCIAL"; REPEALING ALL INCONSISTENT ORDINANCES OF PARTS THEREOF; AND SETTING FORTH AN EFFECTIVE DATE.

Commissioner Kent moved, seconded by Commissioner Partington, for approval of the Ordinance No. 2011-28, on second reading, as read second by title only.

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

Item #8L – amending the FLUM 1142 North US1

City Clerk Joshua Fruecht read by title only:

ORDINANCE NO. 2011-29
AN ORDINANCE AMENDING THE FUTURE LAND USE ELEMENT OF THE COMPREHENSIVE PLAN BY AMENDING THE FUTURE LAND USE MAP TO CHANGE THE DESIGNATION OF ONE (1) PARCEL OF REAL PROPERTY TOTALING +0.86-ACRES LOCATED AT 1142 NORTH US HIGHWAY 1 (PARCEL ID NO. 4238-02-02-0100), FROM VOLUSIA COUNTY "INDUSTRIAL" TO ORMOND BEACH "LIGHT INDUSTRIAL/UTILITIES"; REPEALING ALL INCONSISTENT ORDINANCES OF PARTS THEREOF; AND SETTING FORTH AN EFFECTIVE DATE.

Commissioner Kent moved, seconded by Commissioner Partington, for approval of the Ordinance No. 2011-29, on first reading, as read second by title only.

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

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

Item #9A – Trespassing on Public Property

City Clerk Joshua Fruecht read by title only:

ORDINANCE NO. 2011-30
AN ORDINANCE AMENDING CHAPTER 14, OFFENSES—MISCELLANEOUS, ARTICLE I, IN GENERAL, SECTION 14-18, TRESPASS, OF THE CODE OF ORDINANCES OF THE CITY OF ORMOND BEACH, FLORIDA; BY PROVIDING LAW ENFORCEMENT OFFICES AUTHORITY TO ISSUE WARNINGS TO TRESPASSERS OF PUBLIC PROPERTY; PROVIDING PENALTIES; PROVIDING APPEAL PROCESS; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF PROVIDING SEVERABILITY; AND SETTING FORTH AN EFFECTIVE DATE.

Commissioner Partington moved, seconded by Commissioner Kent, for approval of the Ordinance No. 2011-30, on first reading, as read second by title only.

Commissioner Boehm stated he would like to amend the language regarding trespass warnings, as all of the subsequent violations were for a period of six (6) months, except Section (B)(1)(a), which was for a period up to one (1) year. He stated the time period should be for a definitive time period, not allowing a police officer's discretion as to the time period and the ordinance should be consistent throughout.

Commissioner Boehm moved, seconded by Commissioner Partington, to amend Page 2 of the Ordinance, Section (B)(1)(a), as follows “. . .For a second or subsequent violation of this subsection, the individual may be issued a trespass warning for a period up to of one (1) year.”

Vote on the amendment.

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

Vote on the amended ordinance.

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

Item #10A – Downtown Way Finding Signage

City Clerk Joshua Fruecht read by title only:

RESOLUTION NO. 2011-108

A RESOLUTION OF THE CITY COMMISSION, ALSO ACTING AS THE COMMUNITY REDEVELOPMENT AGENCY, OF THE CITY OF ORMOND BEACH, FLORIDA, ACCEPTING THE BID OF HALL CONSTRUCTION CO., INC. FOR FABRICATION AND INSTALLATION OF WAY FINDING SIGNAGE WITHIN DOWNTOWN; AUTHORIZING THE EXECUTION OF A CONTRACT AND PAYMENT THEREUNDER; AND SETTING FORTH AN EFFECTIVE DATE.

Mayor Kelley stated the Community Redevelopment Agency unanimously recommended approval of Resolution No. 2011-108.

Commissioner Partington moved, seconded by Commissioner Boehm, for approval of the Resolution No. 2011-108, on first reading, as read second by title only.

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

Item #11A – FLOC Proposed Resolutions

Mayor Kelley asked if any Commission member had any concern regarding the proposed resolutions to be presented by the Florida League of Cities Annual Convention. Hearing no objection, Mayor Kelley stated he would vote appropriately at the convention.

Item #11B – Durrance Lane

Planning Director Ric Goss reported the Flagler County Administrator requested information regarding any future plans the City might have relative to Durrance Lane. He discussed some of the background history of the area and he discussed the cost estimates for various potential options: improvement to minimum standards; improvement to a minor collector; and a local access road. He stated staff recommended no action due to the high cost of the options for a private road, which would benefit only eight single family residences and a commercial stable.

Mayor Kelley reported the consensus of the Commission was to take no action.

Item #11C – Beachfront Park

Acting City Engineer John Noble stated Paul Momberger of Zev Cohen and Associates was here to discuss two concept designs, with particular discussion regarding amenities, such as a splash park which required ongoing maintenance.

Beth Lemke introduced the PowerPoint presentation prepared by Zev Cohen and Associates.

Paul Momberger discussed the particulars of Concept Plan A and Concept Plan B, pointing out the basic difference was about 30 more parking spaces in Concept Plan B and the direction of the parking spaces.

Heidi Carhide with DJ Design discussed the concession facility, with an observation tower and a small office, as well as the request for no facilities to cook food, but to allow the concessionaire to bring in prepared food to sell. She stated the architectural concepts included one with east/west corridors to allow the breezes to circulate, with coquina details, and the other materials to be used in the structure.

Paul Momberger stated the entrance would include a gateway with signage, landscaping that was a native environment with a total dune-scape, a palm colonnade; and a playground with retractable awnings that would withstand 90 miles per hour winds, but could be retracted if winds were predicted to be higher. He stated a playground and splash park could range in price from \$100,000 to \$250,000, depending upon the final design. He stated "bulletproof" materials, to withstand the elements, would be used wherever possible. He reported most of the public meeting groups favored Concept Plan B.

Commissioner Stowers stated he had heard the entire range of opinions of the splash park; mainly, the objection was due to the cost and continued maintenance; therefore, he would like to hear what the other Commission members had to say before deciding.

Commissioner Kent confirmed the cost of maintaining the current City splash park was \$20,000 annually. He expressed his firm desire for a splash park; and the maintenance would be offset by discontinuing funding for school playgrounds. He suggested there would be times when conditions would not permit residents to use the ocean; therefore, a splash park would be the answer, and he suggested everyone go to the City's splash park and use it to realize how valuable an amenity a splash park would be.

Commissioner Boehm stated he had worked on the current splash park, and he had visited Centennial Park in Atlanta, with a splash park that was a huge draw for visitors. He stated the County had maintained Sun Splash Park successfully for years; therefore, the City could do it. He supported the idea of a splash park, but recommended it be separate from the playground to allow more children to use the facilities at the same time.

Commissioner Partington expressed his support of a splash park and he agreed with Commissioner Kent's reasoning. He stated the premier park in the entire county area should have a splash park, separated from the playground.

Mayor Kelley stated the success of the splash park might overrun the park, and as a huge drawing card, it might require a staff person to manage it. He expressed concern regarding the cost of about \$25,000 annually for maintenance. He stated he preferred not having a splash park, and he felt residents should use the ocean.

Commissioner Stowers stated he saw that three Commission members favored the splash park, but he was also concerned about the costs.

Mayor Kelley summarized the consensus was to have a splash park that was separate from the playground.

Commissioner Kent expressed concerns regarding the shade canopy due to the problems with the shade canopy at the beachside fire station playground. He stated he was in favor of Concept Plan B.

The other members of the Commission expressed support for Concept Plan B.

Commissioner Boehm stated regarding the architectural style, he favored Concept 2, which coordinated with the entrance way on the bottom left of the photo.

Commissioner Partington agreed but did not like the tower on Concept Plan B.

Commissioner Stowers agreed with the entrance way design, but suggested a clear view through the park; and he preferred Concept Plan B and architectural style 2.

Mayor Kelley agreed with the entrance way and Concept Plan B and architectural style 2, but he did not agree that the building should be separated.

City Manager Shanahan stated she had a safety concern with the breezeway on Concept 2 that it might provide an opportunity for someone to hide, and a police patrol could not see them.

Heidi Carhide stated the design could be modified and the safety issue was a valid point to consider.

Commissioner Boehm suggested off-setting the building, to allow the view of the ocean from the entrance.

Paul Momberger stated the middle entrance provided a focus on the building feature; therefore, it should not be off-set; there were views from the north and south entrances, but this was a feature.

Commissioner Kent reminded the Commission that the consultants had been paid a lot of money to use their professional knowledge in this design. He expressed opposition to moving the building and he suggested a larger observation tower.

Commissioner Partington agreed with Commissioner Stowers' idea of a 40 foot wide covered breezeway which would resolve the security issue, and the restrooms and the concession area would be separate. He stated he preferred a larger tower.

Mr. Momberger stated the ideas could be accommodated and they could bring it back to the Commission.

Commissioner Boehm expressed the safety concerns of the tower and the need for an observation tower; he suggested repeating the same towers as at the entrance way, which would be inaccessible to the public. He stated his only other concern was he did not want the public locked out of the park; and all electrical power would be on a timer to turn off at the appropriate time.

Ms. Carhide confirmed there would be no observation tower, but two towers at the drop off place that would match the towers at the entranceway.

Paul Momberger stated all electric outlets would be inaccessible to the public.

Commissioner Stowers stated a crosswalk should be added to the south road into the park to protect pedestrians. He discussed the issue of the concessions.

Paul Momberger stated the concession would be a part of the County's lease to manage.

Commissioner Kent, Commissioner Partington and the Mayor disagreed with the County regarding the concession.

City Manager Shanahan stated the County indicated they hold the master concession agreement for the beach and the upland parks; and they suggested the City manage the facility and keep the revenues, after the County had procured a concessionaire through their RFP process.

Mayor Kelley stated the City should just be concerned at this point to provide space for a concession.

Commissioner Boehm asked who would do the clean-up of the park.

City Manager Shanahan explained that part of the initial agreement with the County was they would provide funds for maintenance and policing.

Mayor Kelley asked about any expansion possibilities for parking, if needed; and would there be a reservation system for the group pavilions.

The City Manager stated there would be a reservation system for the group pavilions.

Dwight Durrant explained there were places for parking expansion. He requested permission to start the permitting process with DEP.

Mayor Kelley instructed Mr. Durrant to move forward with the permitting process.

Item #12 – Reports, Suggestions, Requests

Movies on the Halifax

Commissioner Kent reminded the movie for August would be “Pirates of the Caribbean.”

Commissioner Partington stated the City had been showing a movie the first Friday night of the month; and there were 300 or 400 people who attended and enjoyed the evening. He suggested everyone come to enjoy the movie.

Planning Improvements

Commissioner Boehm stated Planning and Building had made changes to speed up the permitting process and to have inspectors available to the public on a specified times. He stated he applauded the City in the effort to be more user friendly.

Volunteer Program

Commissioner Boehm stated the City’s volunteer program had a number of people in a number of departments. He stated he was pleased to see people volunteering to help the City government.

National Night Out

Mayor Kelley thanked everyone for making the National Night Out event a real success. He stated staff did a great job and there was a good turnout.

Item #13 – Close the Meeting

The meeting was adjourned at 9:04 p.m.

APPROVED: August 16, 2011

BY: Ed Kelley, Mayor

ATTEST:

Joshua Fruecht, City Clerk