

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

September 6, 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 – Father Comforted Keen, Church of the Holy Child Episcopal Church

3. PLEDGE OF ALLEGIANCE

4. ADOPTION OF FY 2011-2012 PROPOSED MILLAGE RATES AND TENTATIVE BUDGET

A. Resolution No. 2011-119 – A resolution adopting proposed millage rates for the 2011-2012 Fiscal Year; establishing a date time and place for a public hearing to adopt final millage rates and final budget; and setting forth an effective date. *(Finance Director)*

B. First Reading of Ordinance No. 2011- 34 – An ordinance adopting the Annual Budget for the 2011-2011 Fiscal Year beginning October 1, 2011 and ending September 30, 2012; repealing all inconsistent ordinances or parts thereof; and setting forth an effective date. *(Finance Director)*

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

6. APPROVAL OF MINUTES

B. Minutes from the City Commission meeting – August 16, 2011

7. COMMUNITY REDEVELOPMENT AGENCY

A. Resolution No. 2011-129 – A resolution of the City Commission, individually and acting as the Community Redevelopment Agency for the central business district and adjacent areas, authorizing the execution of a service agreement between the City/Agency and Ormond Beach Main Street, Inc., for the promotion of economic, physical and aesthetic redevelopment and maintenance of the Ormond Beach Main Street District; and setting forth an effective date. *(Planning Director)* **(See Item # 12A)**

8. CONSENT AGENDA – The action proposed is stated for each item on the Consent Agenda. Unless a City Commissioner removes an item from the Consent Agenda, no discussion on individual items will occur and a single motion will approve all items.

A. Resolution No. 2011-120 – A resolution authorizing execution of a service agreement between the City and the Ormond Memorial Art Museum; authorizing the expenditure of funding; and setting forth an effective date. *(Leisure Services Director)*

B. Resolution No. 2011-121 – A resolution authorizing the execution of a first amendment to the Interlocal Agreement for Fire and/or Rescue Service Mutual Aid within Volusia County; and setting forth an effective date. *(Interim Fire Chief)*

C. Resolution No. 2011-122 – A resolution authorizing the execution of a service contract between the City and the Ormond Beach Chamber of Commerce; setting forth an effective date. *(Economic Development Director)*

D. Resolution No. 2011-123 – A resolution authorizing the submittal of a grant application to the Florida Department of Environmental Protection under the Florida Recreation Development Assistance Program for funding assistance relative to Nova Community Park improvements; 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. *(Finance Director)*

- E. Resolution No. 2011-124** – A resolution authorizing the execution of change order number one (1) to that contract awarded to JD Weber Construction Co. regarding the Coolidge Avenue road and drainage improvements project, by increasing the contract price by \$25,647.00; and setting forth an effective date. *(Acting City Engineer)*
- F. Resolution No. 2011-125** – A resolution accepting a proposal from Florida Health Care Plans, Inc. for the provision of employee health/medical benefits services; authorizing the execution of a contract and payment therefor; and setting forth an effective date. *(Human Resource Director)*
- G. Resolution No. 2011-126** – A resolution accepting a proposal from Standard Insurance Company for the provision of employee dental benefits services; authorizing the execution of a contract and payment therefor; and setting forth an effective date. *(Human Resource Director)*
- H. Resolution No. 2011-127** – A resolution accepting a proposal from Standard Insurance Company for the provision of employee life insurance benefits services; authorizing the execution of a contract and payment therefor; and setting forth an effective date. *(Human Resource Director)*
- I. Resolution No. 2011-128** – A resolution accepting a proposal from Standard Insurance Company for the provision of employee long term disability benefits services; authorizing the execution of a contract and payment therefor; and setting forth an effective date. *(Human Resource Director)*
- J. Request to adopt “Wellness Cove”, an employee wellness program, effective October 1, 2011** *(Human Resource Director)*

DISPOSITION: Approve as recommended in City Manager memorandum dated September 1, 2011.

- K. FY 2011-2012 Edward Byrne Memorial Justice Assistance Grant (JAG) Approval of the Funding Distribution** *(Finance Director)*

DISPOSITION: Approve as recommended in City Manager memorandum dated September 1, 2011.

- L. Requesting approval to waive an application for a variance based upon the City issuing a permit in error** *(Planning Director)*

DISPOSITION: Approve as recommended in City Manager memorandum dated September 1, 2011.

- M. RFP for Tomoka State Park Multiuse Trail from Beach Street to Inglesa Avenue, Bid No. 2011-27** *(Acting City Engineer)*

DISPOSITION: Approve as recommended in City Manager memorandum dated September 1, 2011.

- N. RFP for SR40 Sidewalk Phase 3 from Old Tomoka Rd to Airport Road, Bid No. 2011-05** *(Acting City Engineer)*

DISPOSITION: Approve as recommended in City Manager memorandum dated September 1, 2011.

- O. RFQ for SR5A Nova Road Audible Pedestrian Signals and ADA Improvements at Granada Blvd, Woodland Boulevard and Division Avenue, RFQ No. 2011-28** *(Acting City Engineer)*

DISPOSITION: Approve as recommended in City Manager memorandum dated September 1, 2011.

- P. Ormond Crossing 1st Annual Report** *(Planning Director)*

DISPOSITION: Approve as recommended in City Manager memorandum dated September 1, 2011.

Q. Budget Status Report (*Finance Director*)

DISPOSITION: Approve as recommended in City Manager memorandum dated September 1, 2011.

R. Paperless Agenda Automation System (*City Clerk*)

DISPOSITION: Approve as recommended in City Manager memorandum dated September 1, 2011.

9. PUBLIC HEARINGS

A. Second Reading of Ordinance No. 2011-31 – An ordinance amending Paragraph C, Official Zoning Map, of Section 2-01, Establishment of Zoning Districts and Official Zoning Map, of Chapter 2, District and General Regulations, Article I, Establishment of Zoning Districts and Official Zoning Map, of the *Land Development Code*, by rezoning a 2.53-acre parcel of real property located at 1287 West Granada Boulevard, from SR (Suburban Residential) to PBD (Planned Business Development), authorizing revision of the Official Zoning Map; and approving a development order for a Planned Business Development to be known as “Brown/Thompson Commercial Site”; establishing conditions; repealing all inconsistent ordinances or parts thereof; and setting forth an effective date. (*Planning Director*)

B. First Reading of Ordinance No. 2011- 35 – An ordinance amending Paragraph C, Official Zoning Map, of Section 2-01, establishment of Zoning Districts and Official Zoning Map, of Article I, Establishment of Zoning Districts and Official Zoning Map, of Chapter 2, District and General Regulations, of the City of Ormond Beach *Land Development Code*, by amending the Official Zoning Map to rezone certain real property totaling 0.86-acres located at 1142 north us highway 1, from Volusia County I-1 (Light Industrial) to Ormond Beach I-1 (Light Industrial), authorizing revision of Official Zoning Map; repealing all inconsistent ordinances or parts thereof; and setting forth an effective date. (*Planning Director*)

10. SECOND READING OF ORDINANCES

A. Repeal of local ordinances regulating firearms:

- 1. Ordinance No. 2011- 32** – An ordinance amending Chapter 15, Parks and Recreation, Article I, Operation of city parks and recreation and cultural areas and facilities, Section 15-6, Recreation activities of the Code of Ordinances of the City of Ormond Beach, Florida; by repealing local provisions relating to hunting and firearms within city parks; repealing all inconsistent ordinances or parts thereof; providing severability; and setting forth an effective date. (*Chief of Police*)
- 2. Ordinance No. 2011- 33** – An ordinance amending Chapter 14, Offenses — Miscellaneous, Article I, In General, Section 14-7, Firearms; Discharging, of the Code of Ordinances of the City of Ormond Beach, Florida; by repealing local provisions relating to discharging firearms within the city limits; repealing all inconsistent ordinances or parts thereof; providing severability; and setting forth an effective date. (*Chief of Police*)

11. FIRST READING OF ORDINANCES

- A. Ordinance No. 2011- 36** – An ordinance amending Chapter 14 of the Code of Ordinances of the City of Ormond Beach, Florida, by establishing Article XI, Use of Temporary Cover for the Temporary Protection of Structures, including Section 14-104, Purpose; Section 14-105, Definitions; and Section 14-106, Use of Temporary Cover Authorized; providing a regulatory purpose, definitions, and conditions for the use of temporary cover to protect structures during storm and catastrophic events; providing for enforcement; providing for severability; providing for conflicting ordinances; and setting forth an effective date.
- B. Ordinance No. 2011- 37** – An ordinance of the City of Ormond Beach, Florida, extending by 90 days a temporary moratorium imposed by Ordinance 2011-08 on the receipt, consideration or issuance of any business tax receipt, building permit,

special exception, site plan approval or any other official action of the City of Ormond Beach having the effect of permitting or allowing the operation of internet cafes, internet sweepstakes redemption centers, or adult arcade amusement centers, pending the approval of regulations pertaining thereto; providing legislative findings; providing the duration; providing severability; repealing all ordinances or parts of ordinances in conflict herewith; and providing for an effective date. (*City Attorney*)

12. RESOLUTIONS

- A. Resolution No. 2011-129** – A resolution of the city commission, individually and acting as the Community Redevelopment Agency for the central business district and adjacent areas, authorizing the execution of a service agreement between the City/Agency and Ormond Beach Main Street, Inc., for the promotion of economic, physical and aesthetic redevelopment and maintenance of the Ormond Beach Main Street District; and setting forth an effective date. (*Planning Director*)

13. STAFF ACTION ITEMS

- A. Community Engagement Plan Update for Ormond Beach's Andy Romano Beachfront Park** (*Acting City Engineer*)

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

15. 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 Father Comforted Keen, Church of the Holy Child Episcopal Church.

Item #3 – Pledge of Allegiance

The Pledge of Allegiance was led by Mayor Kelley.

Item #4A – Adopting FY 2011-2012 Proposed Millage Rates

City Clerk Joshua Fruecht read by title only:

RESOLUTION NO. 2011-119

A RESOLUTION ADOPTING PROPOSED MILLAGE RATES FOR THE 2011-2012 FISCAL YEAR; ESTABLISHING A DATE, TIME AND FOR A PUBLIC HEARING TO ADOPT FINAL MILLAGE RATES AND FINAL BUDGET; AND SETTING FORTH AN EFFECTIVE DATE.

Mayor Kelley stated the tentative millage rate for the City of Ormond Beach necessary to fund the Fiscal Year 2011-2012 Budget was 3.8933 mills, which was equal to the rollback rate of 3.8933 mills; the tentative debt service millage rates were 0.1157 for the 2002 General Obligation Bond Sinking Fund and 0.0475 for the 2003 General Obligation Bond Sinking Fund and 0.1449 for the 2010 General Obligation Bond Sinking Fund. The Mayor stated this was the rollback rate, and according to the State definition, "no tax increase."

Mayor Kelley stated this was a public hearing and invited members of the public to speak or ask questions prior to the adoption of the final millage rate and budget.

Marvin Miller, 40 Riverside Drive, gave a handout to the Commission; and explained it showed a typical property in Ormond Beach, which had a decrease in value, but a total increase in the millage rate of 2%, and he stated this was not a rollback. He asked the Commission to look hard at reducing the millage rate.

Mayor Kelley stated this year the 1.499 mill was added for the 2010 General Obligation Bond for the beachfront park; and the declining value of a property would result in less taxes, so not everyone would be paying more. He stated the proposed operating millage rate was 3.8933 mills and the tentative debt service millage rates of 0.1157 for the 2002 General Obligation

Bond Sinking Fund, 0.0475 for the 2003 General Obligation Bond Sinking Fund and 0.1449 for the 2010 General Obligation Bond Sinking Fund.

Commissioner Partington moved, seconded by Commissioner Kent, for approval of Resolution No. 2011-119, with an operating millage rate of 3.8933 mills and debt service millage rates of 0.1157, 0.0475, and 0.1449.

Commissioner Partington pointed out the property shown on Mr. Miller's handout paid \$512.14 for Ormond Beach taxes, which was \$42.67 per month for all the municipal services; a lot less than his Bright House bill. He stated with County taxes of \$800+ and school board taxes of \$1,200+, the City taxes were a great value for the citizen. He stated the City worked hard to keep costs down and maintain a consistent rate; therefore, he would support the proposed budget.

Commissioner Kent stated the Commission looked at not only this year, but the future, to be fiscally responsible while maintaining the City services. He expressed support for the proposed budget.

Commissioner Boehm stated the City had held the millage rate for the last three years by cutting 65+ staff positions, not giving raises to employees and tightening expenses everywhere. He discussed the \$1 million increase in pension costs. He stated the value of the services provided to the citizens were far in excess of what was paid in taxes, with the City being the third lowest millage rate in the County by only one tenth of a percent; therefore, the City was extremely well managed and he expressed support for the proposed budget.

Commissioner Stowers stated the other Commission members had said it all and he was comfortable with the proposed budget.

Mayor Kelley agreed and he stated at the last three years of open town meeting, citizens had all stated they did not want the level of services cut. He stated that last year some maintenance was cut from the budget, but he did not agree with cutting maintenance. He stated that for the beachfront park bond issue, the City would still be the second lowest in the County, which showed the City Manager and staff had done a great job to save the taxpayers money and it was a well run City.

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

Mayor Kelley stated the operating millage rate was set at 3.8933 mills, was equal to the rollback millage rate; and the resolution also included adoption of the tentative debt service rates of 0.1157 for the 2002 General Obligation Bond Sinking Fund, 0.0475 for the 2003 General Obligation Bond Sinking Fund and 0.1449 for the 2010 General Obligation Bond Sinking Fund.

Item #4B – Adopting FY 2011-2012 Proposed Annual Budget

City Clerk Joshua Fruecht read by title only:

ORDINANCE NO. 2011-34
AN ORDINANCE ADOPTING THE ANNUAL BUDGET FOR THE 2011-2012
FISCAL YEAR BEGINNING OCTOBER 2, 2011 AND ENDING SEPTEMBER 30,
2012; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF;
AND SETTING FORTH AN EFFECTIVE DATE.

Commissioner Partington moved, seconded by Commissioner Boehm, for approval of Ordinance No. 2011-34 to adopt a budget of \$83,690,191.00, 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, hearing no objection, the public hearing was closed.

Item #5 - Audience Remarks

Parking tickets issued at Ormond Beach Middle School (OBMS)

Dwight Jessup, 4895 South Yonge Street, stated parking at Ormond Beach Middle School was an ongoing problem that needed to be addressed. He stated several weeks ago, there were tickets issued at OBMS alleging cars parked over the sidewalks. He stated he was told by former City Manager Eugene Miller and former Mayor Nick Fortunato that sidewalks did not exist in Ormond Beach, but they were considered, multi-use paths which allowed vehicles/bicycles to operate on the sidewalks.

Kelli Marks, 95 Grove Street, stated she was a new parent at OBMS and parked at an angle, not blocking the roadway, for which she received a \$25 ticket without receiving a warning. She stated it was difficult for her to pay a \$25 ticket, and she spoke to the Police Department and the Principal at OBMS about the situation, and asked if the City could do anything about the situation.

Mayor Kelley explained there had been discussions between the Police Department and the school; and the Police Department would have a presence at the Open House to direct the cars to parking. He apologized that not enough advance communication and preparation had been done before the event.

Heavy duty trucks on side streets

Pastor Willie Branch, 200 Live Oak Avenue, stated he was asking the City to restrict heavy duty trucks from the side streets due to their speeding where children were playing, and last year, there was an incident where a truck caught on a telephone line and ripped it from the side of a house.

Neighborhood Improvement Advisory Board (NIAB)

Pastor Edward M. Daniels, 264 Lincoln Avenue, stated he was requesting the removal of Ms. Andrea Hall from the Neighborhood Improvement Advisory Board, because he stated, she was very negative towards the black community at the NIAB meetings. He stated that during a conversation with Ms. Hall, she told him she did not represent the black community, but the entire community, to which he told her she was not there to represent the black community negatively. He reported a petition was being circulated to request her removal because she does not serve in the best interest of the black community.

Mayor Kelley stated for the record that Ms. Hall was black; therefore, this was not a claim of racism.

Item #6 – Approval of the Minutes

Mayor Kelley advised the minutes of the August 16, 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 #7A – Community Redevelopment Agency

Mayor Kelley explained the City Commission served as the Community Redevelopment Agency (CRA) for the Downtown Redevelopment Area, and as such, must review this 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 recommendation was made, the CRA meeting would be adjourned and the City Commission meeting reconvened.

Mayor Kelley stated the City Commission meeting was recessed, and he called the meeting of the Community Redevelopment Agency to order at 7:36 p.m. for discussion of Resolution No. 2011-129 relative to the agreement with Ormond MainStreet, Inc.

Commissioner Boehm moved, seconded Commissioner Stowers, for recommending approval of Resolution No. 2011-129.

A voice vote was unanimous for recommending Resolution No. 2011-129.

Mayor Kelley adjourned the CRA meeting and reconvened the City Commission meeting at 7:38 p.m.

Item #8 - 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 requested Items #8A and #8E be pulled for discussion; and he requested the opportunity to comment on Items #8D and #8J.

Commissioner Partington moved, seconded by Commissioner Stowers, for approval of the Consent Agenda, absent Items #8A and #8E.

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

Item #8A – Service agreement with Ormond Memorial Art Museum

RESOLUTION NO. 2011-120

A RESOLUTION AUTHORIZING EXECUTION OF A SERVICE AGREEMENT BETWEEN THE CITY AND THE ORMOND MEMORIAL ART MUSEUM; AUTHORIZING THE EXPENDITURE OF FUNDING; AND SETTING FORTH AN EFFECTIVE DATE.

Commissioner Partington moved, seconded by Commissioner Boehm, for approval of Resolution No. 2011-120, as read by title only.

Commissioner Kent stated he had received a request that the plaque, with the names of the City's World War II veterans who built the museum, be returned to the original location at the entrance of the museum. He stated he was told the museum's board of directors decided to move it down the hall from the entrance.

Commissioner Partington stated he would support the idea in honor of the WWII veterans because we did not have a lot of time to thank them for what they did.

Mayor Kelley requested City Manager Joyce Shanahan draft a letter from the Commission to the museum with the request.

City Manager Shanahan explained the Commission could make it a condition of the agreement with the museum.

Commissioner Kent stated he brought the issue to the Commission because the contract was up for renewal. He stated when he spoke with the director of the museum; he was told the museum board wanted to keep the plaque where they had placed it.

Mayor Kelley suggested the members of the Commission speak with the museum board members and a letter could be sent to the museum board, in lieu of making it a condition of the agreement, requesting the plaque be placed by the entrance of the museum.

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

Item #8E – Change Order #1

RESOLUTION NO. 2011-124

A RESOLUTION AUTHORIZING THE EXECUTION OF CHANGE ORDER NUMBER ONE (1) TO THAT CONTRACT AWARDED TO JD WEBER CONSTRUCTION CO. REGARDING THE COOLIDGE AVENUE ROAD AND DRAINAGE IMPROVEMENTS PROJECT, BY INCREASING THE CONTRACT PRICE BY \$25,647.00; AND SETTING FORTH AN EFFECTIVE DATE.

Commissioner Partington moved, seconded by Commissioner Boehm, to approve Resolution No. 2011-124, as read by title only.

Commissioner Kent stated he understood the specifics of the change order, but he was not pleased with change orders in general.

Mayor Kelley stated none of the Commission was pleased, but sometimes things happen.

City Manager Shanahan expressed she was equally frustrated with change orders.

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

Commissioner Kent stated regarding Items 8#D, he was hopeful the FRDAP would be successful for enhancement of Nova Community Park. He stated he was excited about the employees' Wellness Cove, and it would be good for the citizens, and especially, the employees.

Mayor Kelley reported he was putting together the Mayor's Fitness Challenge, which would tie well into the Wellness Cove program.

City Manager Shanahan thanked Human Resources Director Shelly Arzola and Jessica from Brown and Brown for their efforts in negotiating the health insurance arrangement, which resulted in a decrease in costs to the City.

Item #9A – Amending zoning map 1287 West Granada

City Clerk Joshua Fruecht read by title only:

ORDINANCE NO. 2011-31

AN ORDINANCE AMENDING PARAGRAPH C, OFFICIAL ZONING MAP, OF SECTION 2-01, ESTABLISHMENT OF ZONING DISTRICTS AND OFFICIAL ZONING MAP, OF CHAPTER 2, DISTRICT AND GENERAL REGULATIONS, ARTICLE I, ESTABLISHMENT OF ZONING DISTRICTS AND OFFICIAL ZONING MAP, OF THE *LAND DEVELOPMENT CODE*, BY REZONING A 2.53-ACRE PARCEL OF REAL PROPERTY LOCATED AT 1287 WEST GRANADA BOULEVARD, FROM SR (SUBURBAN RESIDENTIAL) TO PBD (PLANNED BUSINESS DEVELOPMENT), AUTHORIZING REVISION OF THE OFFICIAL ZONING MAP; AND APPROVING A DEVELOPMENT ORDER FOR A PLANNED BUSINESS DEVELOPMENT TO BE KNOWN AS "BROWN/THOMPSON COMMERCIAL SITE"; ESTABLISHING CONDITIONS; 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 Boehm moved, seconded by Commissioner Partington, for approval of the Ordinance No. 2011-31, on second reading, as read by title only.

Mayor Kelley asked if the 20% limit on retail space recommended from the first reading was included.

Planning Director Ric Goss confirmed it was included, and the recommendation of 20% had been based upon previous cases where there were problems when 49% was allowed.

Mayor Kelley asked if they could amend that at some point by bringing it back to the Commission.

Planning Director Goss stated he hoped that would not be possible, because the case allowed to do so, had been high maintenance since being granted permission. He stated when a project was designed for a particular use, then allowed 50% commercial use with no signage, it becomes impossible.

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

Item #9B – Amending zoning map for 1142 North US1

City Clerk Joshua Fruecht read by title only:

ORDINANCE NO. 2011-35

AN ORDINANCE AMENDING PARAGRAPH C, OFFICIAL ZONING MAP, OF SECTION 2-01, ESTABLISHMENT OF ZONING DISTRICTS AND OFFICIAL ZONING MAP, OF ARTICLE I, ESTABLISHMENT OF ZONING DISTRICTS AND OFFICIAL ZONING MAP, OF CHAPTER 2, DISTRICT AND GENERAL REGULATIONS, OF THE CITY OF ORMOND BEACH *LAND DEVELOPMENT CODE*, BY AMENDING THE OFFICIAL ZONING MAP TO REZONE CERTAIN REAL PROPERTY TOTALING 0.86-ACRES LOCATED AT 1142 NORTH US HIGHWAY 1, FROM VOLUSIA COUNTY I-1 (LIGHT INDUSTRIAL) TO ORMOND BEACH I-1 (LIGHT INDUSTRIAL), AUTHORIZING REVISION OF OFFICIAL ZONING MAP; 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. 2011-31, 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

Mayor Kelley stated, hearing no objectives, the public hearing was closed.

Item #10A1 – Repealing local provisions relating to hunting and firearms with city parks

City Clerk Joshua Fruecht read by title only:

ORDINANCE NO. 2011-32

AN ORDINANCE AMENDING CHAPTER 15, PARKS AND RECREATION, ARTICLE I, OPERATION OF CITY PARKS AND RECREATION AND CULTURAL AREAS AND FACILITIES, SECTION 15-6, RECREATION ACTIVITIES OF THE CODE OF ORDINANCES OF THE CITY OF ORMOND BEACH, FLORIDA; BY REPEALING LOCAL PROVISIONS RELATING TO HUNTING AND FIREARMS WITHIN CITY PARKS; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; PROVIDING SEVERABILITY; AND SETTING FORTH AN EFFECTIVE DATE

Commissioner Boehm moved, seconded by Commissioner Stowers, for approval of the Ordinance No. 2011-32, 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 #10A2 – Repealing local provisions relating to discharging firearms within the city limits

City Clerk Joshua Fruecht read by title only:

ORDINANCE NO. 2011-33

AN ORDINANCE AMENDING CHAPTER 14, OFFENSES —MISCELLANEOUS, ARTICLE I, IN GENERAL, SECTION 14-7, FIREARMS; DISCHARGING, OF THE CODE OF ORDINANCES OF THE CITY OF ORMOND BEACH, FLORIDA; BY REPEALING LOCAL PROVISIONS RELATING TO DISCHARGING FIREARMS WITHIN THE CITY LIMITS; REPEALING ALL INCONSISTENT

ORDINANCES OR PARTS THEREOF; PROVIDING SEVERABILITY; AND
SETTING FORTH AN EFFECTIVE DATE.

Commissioner Stowers moved, seconded by Commissioner Boehm, for approval of the Ordinance No. 2011-33, on second reading, as read by title only.

Mayor Kelley stated this was adopted by the Florida legislature in the last session and required the City to adopt these regulations. He explained it allowed someone with a concealed weapon permit to carry a weapon on City properties.

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

Item #11A – Use of temporary cover for the temporary protection

City Clerk Joshua Fruecht read by title only:

ORDINANCE NO. 2011-36
AN ORDINANCE AMENDING CHAPTER 14 OF THE CODE OF ORDINANCES OF THE CITY OF ORMOND BEACH, FLORIDA, BY ESTABLISHING ARTICLE XI, USE OF TEMPORARY COVER FOR THE TEMPORARY PROTECTION OF STRUCTURES, INCLUDING SECTION 14-104, PURPOSE; SECTION 14-105, DEFINITIONS; AND SECTION 14-106, USE OF TEMPORARY COVER AUTHORIZED; PROVIDING A REGULATORY PURPOSE, DEFINITIONS, AND CONDITIONS FOR THE USE OF TEMPORARY COVER TO PROTECT STRUCTURES DURING STORM AND CATASTROPHIC EVENTS; PROVIDING FOR ENFORCEMENT, PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTING ORDINANCES; AND SETTING FORTH AN EFFECTIVE DATE.

Commissioner Partington moved, seconded by Commissioner Boehm, for approval of the Ordinance No. 2011-36, on first reading, as read by title only.

Commissioner Boehm stated he was opposed to the previously proposed ordinance that covered much more than tarps, but he was supportive of this ordinance.

Mayor Kelley stated he had a problem with the 90-day period, because of the damage caused by hurricanes can not always be resolved within 90 days.

City Attorney Randy Hayes explained that after 90 days, the issue would go to the Special Masters, who could grant an extension.

Mayor Kelley suggested the Chief Building Official could be granted the authority to grant an extension, which would cut through the red tape of the Special Masters system.

City Attorney Hayes stated a defined time frame was required with a start time and a stop time within which the enforcement officers could exercise their discretion on a case by case basis, and there was a mechanism to address a City-wide problem.

Commissioner Boehm expressed concern that the City would offer no assistance to the lady who represented her homeowners' association regarding a home with a tarp on the roof for years.

Commissioner Partington suggested a 120-day period, with an additional extension of up to 120-day that could be granted by the Chief Building Official.

Mayor Kelley stated something was needed to help resolve the issue before it had to go before the Special Master, due to the cost of an attorney and time off from work for the homeowner.

City Attorney Hayes stated the language could be amended to accommodate the suggestion.

Commissioner Partington moved, seconded by Commissioner Kent, to amend the ordinance to a 120-day period with additional 120-day extension with just cause.

Commissioner Stowers requested language be included that required the property owner to submit an affidavit to the circumstances of the situation.

City Attorney Hayes stated the additional extensions would require prove of just cause.

Vote on Amendment

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

Vote on Main Motion

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

Item #11B – Extending a temporary moratorium

City Clerk Joshua Fruecht read by title only:

ORDINANCE NO. 2011-37

AN ORDINANCE OF THE CITY OF ORMOND BEACH, FLORIDA, EXTENDING BY 90 DAYS, A TEMPORARY MORATORIUM IMPOSED BY ORDINANCE 2011-08 ON THE RECEIPT, CONSIDERATION OR ISSUANCE OF ANY BUSINESS TAX RECEIPT, BUILDING PERMIT, SPECIAL EXCEPTION, SITE PLAN APPROVAL OR ANY OTHER OFFICIAL ACTION OF THE CITY OF ORMOND BEACH HAVING THE EFFECT OF PERMITTING OR ALLOWING THE OPERATION OF INTERNET CAFES, INTERNET SWEEPSTAKES REDEMPTION CENTERS, OR ADULT ARCADE AMUSEMENT CENTERS, PENDING THE APPROVAL OF REGULATIONS PERTAINING THERETO; PROVIDING LEGISLATIVE FINDINGS; PROVIDING THE DURATION; PROVIDING SEVERABILITY; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.

Commissioner Boehm moved, seconded by Commissioner Partington, for approval of the Ordinance No. 2011-37 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 #12A – Ormond Beach Main Street, Inc. contract

City Clerk Joshua Fruecht read by title only:

RESOLUTION NO. 2011-129

A RESOLUTION OF THE CITY COMMISSION, INDIVIDUALLY AND ACTING AS THE COMMUNITY REDEVELOPMENT AGENCY FOR THE CENTRAL BUSINESS DISTRICT AND ADJACENT AREAS, AUTHORIZING THE EXECUTION OF A SERVICE AGREEMENT BETWEEN THE CITY/AGENCY AND ORMOND BEACH MAIN STREET, INC., FOR THE PROMOTION OF ECONOMIC, PHYSICAL AND AESTHETIC REDEVELOPMENT AND MAINTENANCE OF THE ORMOND BEACH MAIN STREET DISTRICT; AND SETTING FORTH AN EFFECTIVE DATE.

Mayor Kelley stated the Community Redevelopment Agency unanimously recommended approval of Resolution No. 2011-129.

Commissioner Partington moved, seconded by Commissioner Boehm, for approval of the Ordinance No. 2011-129, 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 #13A – Community Engagement Plan Update for Ormond Beach’s Andy Romano Beachfront Park

Acting City Engineer John Noble stated Zev Cohen & Associates would present information regarding the final concept plan, including a choice of three architectural styles for the concession/restroom facility. He reported the instructions from the Commission at the June 1 meeting were to research a covered breezeway, which resulted in a cost estimate for the covered breezeway and the site plan which exceeded the budget for the project. He explained the Architectural Concept A with the covered breezeway was over budget by about \$23,000; and Architectural Concepts B and C without the covered breezeway were under the maximum budget.

Beth Lemke, Zev Cohen & Associates, 300 Interchange Boulevard, introduced a PowerPoint presentation of slides and stated the project started in April 2011 with a mission statement that described the concept of the park for the community. She discussed the community input collected from the community meetings, as well as the input from the Commission, that showed a strong consensus for the items included in the design concept. She stated the concept that was presented included the directions from the Commission at the August 3, 2011 Commission meeting.

Paul Momberger, Zev Cohen & Associates, 300 Interchange Boulevard, discussed the proposed plan presented for approval, which consisted of 190 parking spaces with 14 off-site spaces along A1A. He pointed out the budget figures were estimates for conceptual purposes; the final budget will be figured after the final plan was sent for bid. He stated the pavilions were expensive which drove up the costs, but the Commission had mentioned that some of the pavilions at the southwestern end of the park could be eliminated to save costs.

Commissioner Boehm inquired if the landscaping adjacent to the concession stand and restrooms would be low enough to allow ocean views from a car.

Mr. Momberger confirmed that the landscaping was low enough to allow an unobstructed view of the ocean.

Heidi Carhide, architect with DJ Design, discussed the three architectural concepts, all of which consisted of eight family-style restrooms, a concession area, a small office and non-accessible towers. She stated Concept A showed the tower feature on both sides of a 17-foot wide corridor. She explained that a wider corridor created a building that encroached onto the setback areas, as well as being disproportionate to the rest of the building. She stated the corridor was removed in Concept B as two separate buildings with wraparound porches, which reduced the costs by approximately \$35,000. She stated Concept B was reduced by another \$20,000, with one building and one tower. She explained that the cost estimates were based upon other recent projects by her company, using \$75 per square foot for the covered porches and \$150 per square foot for the inside building areas; the costs will exceed normal building costs due to the proximity to the beach and the need for resilient, low maintenance materials.

Mr. Momberger discussed the various views of the different concepts. He stated the splash park, for costing purposes, consisted of water jets shooting out of the base with a hurricane design. He explained shade cloth that would need to be retracted in high winds to prevent damage, or a pergola with palms to provide dappled shade coverage were being considered as the shading for the playground. He stated an alternative to a structural playground would be an open area with large coquina rocks on which the children could climb. He discussed the conceptual budget which contained estimates of the different components of the park.

Commissioner Boehm suggested Mr. Momberger review the dune walk and restoration for members of the audience that had not seen the slides.

Mr. Momberger stated the intent was to create a natural eco-system and planting a new dune system for the green areas. He explained the dune walk was a pedestrian system through the park. He stated the plants were 100% native Florida with no turf areas.

Mayor Kelley stated Zev Cohen and Associates had done a good job of creating the concept and thanked them for all their hard work. He called forward the first speaker from the audience and asked everyone to be brief.

Jay McGrane, 2245 Lipizzan Trail, stated the concept looked very nice, but he reminded more buildings required more maintenance, and he suggested more parking spaces.

Pete Klironomos, 746 South Atlantic Avenue, commented that everyone had done a great job and he supported the concept; and he thanked everyone for making A1A a better looking place.

Sandy Fraser, 16 Timber Trail, stated she had been using that stretch of beach for 30 years and she expressed concern about the number of parking spaces. She wanted less parking with recycled materials used for surfacing materials; concessions should be like Tom Renick Park, a trailer; and she was concerned about the splash park using 20,000 gallons of chemically treated water annually. She suggested more native plants in larger areas, larger picnic and play area, a playground made of child-friendly recycled, renewable materials, and more viewing platforms. She asked the Commission to consider the less than positive events that had been publicized at some of the other large parks and splash parks in the County.

Nancy Knight, 11 Iroquois Trail, stated she had lived in the area since 1984, and she was concerned about beach erosion, and she wanted the seawall retained. She stated the native plantings were in the park, and she expressed concern that plantings should be on the beach to preserve the beach. She wanted to make sure the lighting relative to the sea turtle issue had been addressed. She suggested the towers be manned with lifeguards and EMTs for safety purposes.

Jean Robinson, 1 John Anderson #304, stated concessions were considered at Fortunato Park during its development and she suggested the food study for Fortunato Park be reviewed.

Lou Lumaghi, 1 Cliffside Drive, stated there were discrepancies between the consensus and the concept. He stated a lot of people wanted a natural park. He expressed opposition to the splash park and a playground. He foretold of a trash problem, vagrants and drug problems at the park.

Patricia McMullan, 4 Sunset Boulevard, stated she did not support a splash park and she expressed opposition to the concessions at the park, because pre-cooked food brought in would not be safe to eat, as well as sanitary problems created by a concession. She stated the restrooms and buildings should be moved to the west side of the park. She suggested volleyball on the beach and adult swings. She stated the towers were a ridiculous idea.

Mimi Munro, 107 Benjamin Drive, stated she had four disagreements with Concept B; (1) the proposed 204 parking spaces created an overcrowded beach area; (2) 28,000 gallon water usage of a splash park was a poor use of a natural resource and an unnecessary expense; (3) asphalt was a poor choice for surfacing the parking area; and (4) food concession was not cost effective and a poor use of space. She suggested smaller parking areas along the beach, rather than such a large parking area. She expressed the splash park to the south of the City was overcrowded, had a crime problem, and had a trash problem.

Bill Thompson, 605 North Halifax Drive, complimented the design, but he was concerned about the financial issues. He suggested the Commission prioritize the amenities and delete the ones at the bottom of the list, if the costs go over the budget.

Charlie Wilkes, 67 Hernandez Avenue, stated he was concerned about the expense and he suggested a less expensive park and to use the funds for purchasing more land for more parks.

Mayor Kelley stated the Commission would consider the wishes for all the citizens and the designers would blend those ideas. He stated the lighting would comply with the law regarding sea turtle protection.

Commissioner Stowers inquired about the funds if the park was under budget.

City Manager Shanahan stated the funds would go into the fund balance. She explained the bond proceeds were spent first and the matching funds went into the project fund earmarked for this project.

Commissioner Stowers asked if beach access from the viewing terraces would be possible, as well as additional access points.

Paul Momberger stated FDEP restricted the amount of access over the dunes and the terraces were designed as passive areas, but the possibility would be investigated.

Commissioner Stowers asked if the restrooms would be locked.

City Manager Shanahan stated the restrooms could be locked at certain times and she stated it was an issue that would be dealt with.

Commissioner Stowers asked Leisure Services Director Robert Carolin if the splash park required constant monitoring.

Leisure Services Director Carolin stated it did not require monitoring, but there might be several times a year when it would need attention or maintenance. He reported that at the South Ormond Neighborhood Center splash park there was a limit set for the number of people utilizing the splash pad at one time and large groups were not permitted to dominate the splash pad; and although staff never had to deal with any issues in that regard, they were on-site if any problems arose. He stated, currently, there was not staff available to man the beachfront park.

Commissioner Stowers requested the crosswalk on the south side of the park be raised as the ones on the north side, and possibly, add another crosswalk on the south side. He asked if the breezeway between the buildings could be wider.

Mr. Momberger explained that a wider breezeway infringed on the setback areas from the seawall relative to hurricane protection. He explained the view terraces would be on pilings; therefore, they did not need to be setback as far.

Commissioner Stowers discussed the Architectural Style A, which he preferred, and suggested group restrooms might save room and construction costs.

Ms. Carhide explained creating two separate buildings would be more expensive than combining everything under one roof. She stated she had actually created five designs, showing only three, but all concepts were symmetrical, even though symmetry was not something she completely believed in; however, this site plan completed leant itself to symmetry, which was for more classic, thereby being more Ormond-esque.

Commissioner Stowers expressed support for the pergola idea over the playground as a financial consideration, as well as replacing the two covered pavilions on the south side of the park with pergola structures. He stated he had not made a decision regarding the splash park, due to the financial costs and maintenance.

Commissioner Partington asked for an explanation of the site drainage for \$300,000.

Dwight Durrant, Zev Cohen and Associates, stated the drainage could not go to the beach, but will be connected through an underground system to A1A after it was collected, treated by percolation through the sand and discharged into the aquifer with any overflow going to A1A. He explained this met all regulations and was designed to meet the specification of a 100-year storm event.

Commissioner Partington expressed support for Concept A while preferring more separation in the breezeway, if possible. He stated in the interest of cost savings, eliminating the viewing pavilions would be a \$42,000 savings, and possibly eliminating a group pavilion at \$45,000.

Commissioner Boehm inquired about the concessions and where the food would be cooked.

City Manager Shanahan explained the concession area would be a simply shell for the concessionaire who would be providing any equipment.

Commissioner Boehm expressed opposition to retractable shading for the playground, due to lack of staff to perform the monitoring and maintenance of a shade structure. He stated he preferred a more natural playground with more natural shading, due to the cost of maintaining a shade structure. He stated this was the "dreaming" part of the project and he commended the designers' attempt to bring the concept into reality by providing cost estimates. He supported separating restrooms and the concession area; therefore, he supported Concept B. Commissioner Boehm stated he had always supported the citizens' access to the beach, which was why he supported the 204 parking spaces in the park to allow more people access to the beach, including the handicap spaces that allowed individuals who could not go on the beach, the opportunity to enjoy the ocean views.

City Manager Shanahan noted the restrooms were a place where people could change clothes or the clothes of their children, which was in part, why a larger restroom was needed.

Mayor Kelley confirmed Leisure Services Director Carolin had stated the SONC splash park was seasonal, opening in April, and he anticipated the beachfront park splash park would also be seasonal.

Commissioner Kent stated he was asked how he would feel if various features were moved from the concept plan, and he stated he was thrilled that there would be a beachfront park with off-beach parking named for one of his best friends. He stated this park had something for everyone with all the features included. He confirmed the splash park would be seasonal due to some of the winter temperatures. He expressed preference for the simple design with water jets shooting out of the base and he stated the splash park was a safe place for children to play as an option to the ocean. Commissioner Kent stated the playground needed to be shaded; and the equipment should not be coquina rocks. He agreed with Commissioner Partington that the viewing pavilions could be eliminated to save money. He stated he favored Concept A with the group pavilions removed.

Mayor Kelley expressed his support for Architectural Concept A. He stated the park should have security cameras, which would allow the Police Department to monitor the park. He suggested the two group pavilions on the south side could be eliminated, if the costs did not allow for them in the budget. He stated the splash park could be on a timer, which would allow for the water to be turned off during specific periods, but he stated it would require a staff person to be at the park when it was open. He stated his preference for the viewing pavilions, because it was a place to sit and watch the beach, as well as being a place that did not have to be reserved.

Mayor Kelley reported the consensus of the Commission was to use Architectural Concept A; have a splash park and playground with the shading for the playground being determined after the costs were bid; and family-style restrooms.

Commissioner Kent moved, seconded by Commissioner Partington, for accepting Architectural Concept A, a splash park, a playground and family-style restrooms.

Mr. Durrant suggested leaving the features in the design until the bids were received before considering budgetary issues.

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

Item #14 - Reports, Suggestions, Requests

Special Meeting

City Manager Shanahan reminded the Commission of the special meeting on Wednesday, September 14, for the second reading of Ordinance No. 2011-37 regarding internet gaming.

Public/Private Partnerships

Commissioner Boehm stated he had long been in favor of public/private partnerships; one recently being the defibrillators being placed in public sports areas by donations from the Youth Baseball Association, Youth Soccer Association and Pop Warner.

OBMS Parking Tickets

Commissioner Stowers commented that the OBMS parking issue was an unfortunate incident but he was comfortable with tickets being issued for cars parked in the roadway.

Commissioner Kent stated parking was an issue at OBMS and he opposed the writing of 47 tickets at the Meet the Teachers event; and he does not think the individuals should have to pay the \$25 ticket.

Newspaper Article

Commissioner Stowers stated a recent newspaper article commented an item passed with little discussion. He stated there were a lot of discussions at workshops and appropriate advisory boards, the Commission reviewed a lot of material relating to the specific matter, and the Commission meeting was the culmination of all those discussions.

Mayor Kelley extended an invitation to anyone to follow a Commission member around to learn about all the meetings they attended and all the materials they read, then they would understand why the City was in such great shape financials.

Crime Stoppers

Commissioner Kent stated the Crime Stoppers presented a hand gun to the winner of their annual award. He suggested a hand gun be presented to City's officer that represent the City at Crime Stoppers Annual Banquet, but does not win to let them know they were appreciated.

Coffee with the Commissioner

Commissioner Kent reminded his Coffee with the Commissioner was held the first Monday of the month at his home, and invited everyone to attend. He requested the event be on the City website calendar.

Pedestrian Sign

Commissioner Kent suggested the County should put a pedestrian sign at intersection of A1A and Rockefeller Drive from the individuals who parked on the west side of A1A to cross to the beach.

Assistant City Manager Ted MacLeod reported Engineer Larry Rivera had been working with FDOT to place a pedestrian sign, but they were resisting.

Item #13 – Close the Meeting

The meeting was adjourned at 10:08 p.m.

APPROVED: September 20, 2011

BY: Ed Kelley, Mayor

ATTEST:

Joshua Fruecht, City Clerk