

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

**December 13, 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
3. PLEDGE OF ALLEGIANCE
4. AUDIENCE REMARKS – Regarding items not on the agenda.
5. APPROVAL OF MINUTES
  - A. Minutes from the City Commission meeting – December 1, 2011
6. 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. 2011-188** – A RESOLUTION AUTHORIZING A TIME EXTENSION AND ACCEPTING A LETTER FROM THE FLORIDA DEPARTMENT OF TRANSPORTATION REGARDING THE SR40 TRAFFIC SIGNAL FIBER OPTIC CABLE INTERCONNECTION; AND SETTING FORTH AN EFFECTIVE DATE. *(City Engineer)*
  - B. RESOLUTION NO. 2011-189** – A RESOLUTION AUTHORIZING EXECUTION OF A COMMUNITY DEVELOPMENT BLOCK GRANT SUBRECIPIENT AGREEMENT FOR FISCAL YEAR 2011-2012 BETWEEN THE CITY AND THE COUNTY OF VOLUSIA; AND SETTING FORTH AN EFFECTIVE DATE. *(Finance Director)*
  - C. RESOLUTION NO. 2011-190** – A RESOLUTION ACCEPTING THE PROPOSAL OF D & A BUILDING SERVICES, INC., REGARDING PROFESSIONAL JANITORIAL SERVICES; AUTHORIZING THE EXECUTION OF AN AGREEMENT AND PAYMENT THEREFOR; REJECTING ALL OTHER PROPOSALS; AND SETTING FORTH AN EFFECTIVE DATE. *(Leisure Services Director)*
  - D. RESOLUTION NO. 2011-191** – A RESOLUTION AUTHORIZING THE EXECUTION OF A LEASE AGREEMENT BETWEEN THE CITY AND HALIFAX URBAN MINISTRIES, INC., FOR THE “OLD HOUSING AUTHORITY BUILDING” LOCATED AT 164 WEST GRANADA BOULEVARD; AND SETTING FORTH AN EFFECTIVE DATE. *(City Clerk)*
  - E. RESOLUTION NO. 2011-192** – A RESOLUTION ACCEPTING A BID FROM MASCI CORPORATION FOR CONSTRUCTION SERVICES REGARDING THE AIRPORT

ROAD FORCEMAIN AND RECLAIMED WATERMAIN IMPROVEMENTS PROJECT, UNDER BID NO. 2011-30; AUTHORIZING THE EXECUTION OF A CONTRACT AND PAYMENT THEREFOR; REJECTING ALL OTHER BIDS; AND SETTING FORTH AN EFFECTIVE DATE. *(City Engineer)*

- F. RESOLUTION NO. 2011-193** – A RESOLUTION AUTHORIZING THE EXECUTION OF A RELEASE OF TWO SPECIAL MASTER ADMINISTRATIVE FINE/LIENS FOR CODE VIOLATIONS ON PROPERTY LOCATED AT 883 VILLAGE DRIVE, ORMOND BEACH, VOLUSIA COUNTY, FLORIDA (PARCEL ID NO. 4221-03-00-0690); AND SETTING FORTH AN EFFECTIVE DATE. *(City Clerk)*
- G. RESOLUTION NO. 2011-194** – 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 RAYMOND P. BAXTER, LOCATED AT 799 EAST RIVER OAK DRIVE, ORMOND BEACH, VOLUSIA COUNTY, FLORIDA (PARCEL ID NO. 3242-05-24-0030) FOR COSTS INCURRED BY THE CITY TO TERMINATE OR ABATE A SITE MAINTENANCE VIOLATION; AND SETTING FORTH AN EFFECTIVE DATE. *(Neighborhood Improvement Manager)*
- H. RESOLUTION NO. 2011-195** – 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 BRANDON G. BUSBEE, LOCATED AT 749 SOUTH ATLANTIC AVENUE, ORMOND BEACH, VOLUSIA COUNTY, FLORIDA (PARCEL ID NO. 4223-10-01-0060) FOR COSTS INCURRED BY THE CITY TO TERMINATE OR ABATE A SITE MAINTENANCE VIOLATION; AND SETTING FORTH AN EFFECTIVE DATE. *(Neighborhood Improvement Manager)*
- I. RESOLUTION NO. 2011-196** – 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 DUDA FD ORMOND, LLC, LOCATED AT 274 WEST GRANADA BOULEVARD, ORMOND BEACH, VOLUSIA COUNTY, FLORIDA (PARCEL ID NO. 4241-07-04-0050) FOR COSTS INCURRED BY THE CITY TO TERMINATE OR ABATE A SITE MAINTENANCE VIOLATION; AND SETTING FORTH AN EFFECTIVE DATE. *(Neighborhood Improvement Manager)*
- J. RESOLUTION NO. 2011-197** – A RESOLUTION PURSUANT TO SECTION 14-98, LIENS, OF THE CITY OF ORMOND BEACH *CODE OF ORDINANCES* AUTHORIZING THE IMPOSITION OF A LIEN AGAINST THE REAL PROPERTY OWNED BY JOHN L. LILLY, SR., LOCATED AT 204 NORTH RIDGEWOOD AVENUE, ORMOND BEACH, VOLUSIA COUNTY, (PARCEL ID NO. 4215-01-01-0010), FOR COSTS INCURRED BY THE CITY TO TERMINATE OR ABATE A SITE MAINTENANCE VIOLATION; AND SETTING FORTH AN EFFECTIVE DATE. *(Neighborhood Improvement Manager)*
- K. RESOLUTION NO. 2011-198** – 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 CRAIG J.

- RADTKE AND JAIME R. RADTKE, LOCATED AT 5 CARRIAGE CREEK WAY, ORMOND BEACH, VOLUSIA COUNTY, FLORIDA (PARCEL ID NO. 4126-03-00-0060) FOR COSTS INCURRED BY THE CITY TO TERMINATE OR ABATE A SITE MAINTENANCE VIOLATION; AND SETTING FORTH AN EFFECTIVE DATE. *(Neighborhood Improvement Manager)*
- L. RESOLUTION NO. 2011-199** – 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 JOYCE ZUNIGA, LOCATED AT 3 PINE HOLLOW WAY, ORMOND BEACH, VOLUSIA COUNTY, FLORIDA (PARCEL ID NO. 4123-04-00-0680) FOR COSTS INCURRED BY THE CITY TO TERMINATE OR ABATE A SITE MAINTENANCE VIOLATION; AND SETTING FORTH AN EFFECTIVE DATE. *(Neighborhood Improvement Manager)*
- M. RESOLUTION NO. 2011-200** – A RESOLUTION AUTHORIZING THE EXECUTION OF A SETTLEMENT AGREEMENT BETWEEN THE CITY AND BETTY J. DULMAGE AND JAMES G. DULMAGE; AND SETTING FORTH AN EFFECTIVE DATE. *(City Attorney)*
- N. RESOLUTION NO. 2011-201** – A RESOLUTION APPROVING A SETTLEMENT PROPOSAL REGARDING THE WORKERS' COMPENSATION CLAIM OF MICHAEL ROBERTS; AUTHORIZING THE EXECUTION OF A SETTLEMENT AGREEMENT AND ANY AND ALL DOCUMENTS INCIDENTAL THERETO; AUTHORIZING PAYMENT RELATIVE THERETO; AND SETTING FORTH AN EFFECTIVE DATE. *(City Attorney)*
- O. RESOLUTION NO. 2011-202** – A RESOLUTION OF THE CITY OF ORMOND BEACH ENDORSING THE CITY'S 2012-2014 STRATEGIC ECONOMIC DEVELOPMENT PLAN (SEDP); AND SETTING FORTH AN EFFECTIVE DATE. *(Economic Development Director)*
- P. RESOLUTION NO. 2011-206** – A RESOLUTION AUTHORIZING THE EXECUTION OF A PROFESSIONAL SERVICES AGREEMENT WITH QUENTIN L. HAMPTON ASSOCIATES, INC. TO PROVIDE CONSTRUCTION ADMINISTRATION, CONSTRUCTION INSPECTION AND SRF LOAN/SJRWMD GRANT ADMINISTRATION SERVICES REGARDING THE AIRPORT ROAD FORCEMAIN AND RECLAIMED WATERMAIN IMPROVEMENTS PROJECT; AND SETTING FORTH AN EFFECTIVE DATE. *(City Engineer)*
- Q. Auto renew Contract for Traffic Control Agreement** *(Finance Director)*
- DISPOSITION: Approve as recommended in City Manager memorandum dated December 8, 2011.
- R. Riverside Drive Closure Request for Saturday, December 31, 2011** *(Police Chief)*
- DISPOSITION: Approve as recommended in City Manager memorandum dated December 8, 2011.
- S. Bid Specifications for Hand Avenue Collector Road Upgrade, Bid No. 2012-07** *(City Engineer)*

DISPOSITION: Approve as recommended in City Manager memorandum dated December 8, 2011.

**T. Construction Management at Risk Services, RFQ No. 2011-29** *(City Engineer)*

DISPOSITION: Approve as recommended in City Manager memorandum dated December 8, 2011.

**7. SECOND READING OF ORDINANCES**

**A. ORDINANCE NO. 2011-54** – AN ORDINANCE AMENDING THE BOUNDARIES OF CITY COMMISSION ZONES IN ACCORDANCE WITH THE REAPPORTIONMENT PLAN ACCEPTED BY RESOLUTION 2011-157; DESCRIBING THE REAPPORTIONMENT BOUNDARIES; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; AND SETTING FORTH AN EFFECTIVE DATE. *(Planning Director)*

**B. ORDINANCE NO. 2011-55** – AN ORDINANCE AMENDING CHAPTER 2, ADMINISTRATION, ARTICLE VII, CODE ENFORCEMENT, OF THE CODE OF ORDINANCES, BY AMENDING SECTIONS 2-251, DEFINITIONS; 2-254, SPECIAL MASTERS; 2-255, ENFORCEMENT PROCEDURE; 2-256, NOTICE OF VIOLATIONS; FORM AND CONTENT OF CITATIONS; 2-257, CONDUCT OF HEARING; 2-258, ADMINISTRATIVE FINES AND LIENS; 2-262, SCHEDULE OF CIVIL FINES; 2-265, NOTICES; 2-266, APPEALS; AND 2-267, DURATION OF LIEN; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; PROVIDING SEVERABILITY; AND SETTING FORTH AN EFFECTIVE DATE. *(Neighborhood Improvement Manager)*

**C. ORDINANCE NO. 2011-56** – AN ORDINANCE AMENDING CHAPTER 14, OFFENSES MISCELLANEOUS, ARTICLE VIII, SITE MAINTENANCE/NUISANCES, OF THE CODE OF ORDINANCES, BY AMENDING SECTION 14-98, LIENS; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; PROVIDING SEVERABILITY; AND SETTING FORTH AN EFFECTIVE DATE. *(Neighborhood Improvement Manager)*

**D. ORDINANCE NO. 2011-57** – AN ORDINANCE AMENDING SECTION 3.3-25, NUISANCE AIRCRAFT, OF ARTICLE III, AIRCRAFT GROUND OPERATIONS, OF CHAPTER 3.3, AIRCRAFT AND AIRPORT; AMENDING SECTION 3.3-54, NON-AIRWORTHY AIRCRAFT, OF ARTICLE IV, COMMERCIAL OPERATIONS, OF CHAPTER 3.3, AIRCRAFT AND AIRPORT; OF THE CODE OF ORDINANCES OF THE CITY OF ORMOND BEACH, FLORIDA; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; PROVIDING SEVERABILITY; AND SETTING FORTH AN EFFECTIVE DATE. *(Economic Development Director)*

**8. FIRST READING OF ORDINANCES**

**A. ORDINANCE NO. 2011-58** – AN ORDINANCE ADOPTING CERTAIN UPDATED SCHEDULES TO THE CAPITAL IMPROVEMENTS ELEMENT OF THE CITY OF ORMOND BEACH COMPREHENSIVE PLAN; PROVIDING WHEN SUCH UPDATES

SHALL TAKE EFFECT; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; AND SETTING FORTH AN EFFECTIVE DATE. (*Planning Director*)

## 9. RESOLUTIONS

- A. RESOLUTION NO. 2011-203** – A RESOLUTION APPOINTING MEMBERS TO SERVE ON THE CHARTER REVIEW COMMITTEE; SETTING FORTH TERMS AND CONDITIONS OF SERVICE; AND SETTING FORTH AN EFFECTIVE DATE. (*City Clerk*)
- B. RESOLUTION NO. 2011-204** – A RESOLUTION AMENDING THE DATES AND TIMES FOR THE HOLDING OF REGULAR MEETINGS OF THE CITY COMMISSION OF THE CITY OF ORMOND BEACH, FLORIDA, FOR THE MONTHS OF JANUARY AND MARCH 2012; PROVIDING FOR AN EXCEPTION THERETO; SETTING FORTH AN EFFECTIVE DATE. (*City Clerk*)
- C. RESOLUTION NO. 2011-205** – A RESOLUTION SUPPORTING POLICE OFFICER AND FIREFIGHTER PENSION PLAN AND DISABILITY PRESUMPTION REFORMS TO MAKE THE PLANS SUSTAINABLE, SOUND AND SECURE FOR CURRENT AND FUTURE POLICE OFFICERS AND FIREFIGHTERS; AND SETTING FORTH AN EFFECTIVE DATE. (*Finance Director*)

## 10. DISCUSSION ITEMS

- A. Plantation Oaks Residential Planned Unit Development** (*Planning Director*)

## 11. REPORTS, SUGGESTIONS, REQUESTS (Mayor, City Commission, City Manager, City Attorney)

## 12. ADJOURNMENT

### Item #1 – Meeting Call to Order

Mayor Kelley called the meeting to order at 7:00 p.m.

### Item #2 – Invocation

Pastor James Davis of Strong Tower Christian Fellowship gave the invocation.

### Item #3 – Pledge of Allegiance

Mayor Kelley led the Pledge of Allegiance .

### Item #4 – Audience Remarks

Mayor Kelley stated he had quite a few Audience Remarks cards from those wanting to comment on Discussion Item #10A. He stated the Commission had adopted a rule regarding comments on Discussion Items whereby the public would be allowed to speak on a Discussion Item if the Commission took a vote on the issue. He stated that a decision may or may not be made tonight on Discussion Item #10A, but he would allow the individuals that had filled out cards to speak for the three-minute time limit.

Mr. Joe Lipscomb, 22 Shadow Creek Way, currently serving as a Public Works Advisory Board member, wanted to thank the City for the beautiful poinsettia he received this and in past years. He wished the Commission a Merry Christmas and a prosperous New Year.

Mayor Kelley thanked Mr. Lipscomb for his service and noted he was one of the first environmental engineers and was very active in the City on various boards.

Item #5 – Approval of the Minutes

Mayor Kelley advised the minutes of the December 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 hearing no corrections the minutes would stand approved as presented.

Item #6 - 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.

Staff recommended Items #6G, #6H and #6J be pulled because the liens had been satisfied.

Mayor Kelley requested Item #6C be pulled for comment.

**Commissioner Kent moved, seconded by Commissioner Boehm, for approval of the Consent Agenda, minus Items #6C, #6G, #6H, and #6J.**

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

Item #6C – Professional Janitorial Services

City Clerk Joshua Fruecht read by title only:

RESOLUTION NO. 2011-190

A RESOLUTION ACCEPTING THE PROPOSAL OF D & A BUILDING SERVICES, INC., REGARDING PROFESSIONAL JANITORIAL SERVICES; AUTHORIZING THE EXECUTION OF AN AGREEMENT AND PAYMENT THEREFOR; REJECTING ALL OTHER PROPOSALS; AND SETTING FORTH AN EFFECTIVE DATE.

**Commissioner Partington moved, seconded by Commissioner Boehm, to approve Resolution No. 2011-190, as read by title only.**

Mayor Kelley stated there was a bid difference of \$82,000. He stated that he realized it was a subjective situation, but asked about a bidder that bid \$0.87 for service for the Cassen Park

restrooms. He noted they received the highest calculation score from the committee, but there was also a low rating of 34 points which needed clarification.

Mr. Robert Carolin, Leisure Services Director, stated that there were three on the committee who reviewed the price as a positive, but two of the committee members felt that they could not perform the service for that quoted price; therefore, they rated them at a low scale for the low price.

Mayor Kelley stated he accepted why they rated the company that way, but did not think it was right. He stated it was difficult to tell what someone's intent was.

Ms. Shanahan stated that was not the only reason the bid was not accepted, as there were reference issues as well.

Mr. Carolin stated reference calls were made and it was found that they were in a contract for 45 days and were issued a letter that the contract was not complied with.

Mayor Kelley stated the City had been losing too many engineering contracts to Seminole County.

Mr. Carolin also stated the lowest bidder had 20 employees and did not have adequate equipment as opposed to the proposed bidder that had approximately 700 employees with more than enough equipment and supplies for this type of contract. He stated that the goal was to increase the level of service for the dollars. He stated last year's contract was around \$209,000 with \$60,000 cut from the year before, but some of what was cut was added back into the contract.

Mayor Kelley understood that the City did not want to enter into a contract with someone that would not be able to fulfill the obligation.

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

Item #7A – Boundaries of City Commission Zones

City Clerk Joshua Fruecht read by title only:

ORDINANCE NO. 2011-54  
AN ORDINANCE AMENDING THE BOUNDARIES OF CITY COMMISSION ZONES IN ACCORDANCE WITH THE REAPPORTIONMENT PLAN ACCEPTED BY RESOLUTION 2011-157; DESCRIBING THE REAPPORTIONMENT BOUNDARIES; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; AND SETTING FORTH AN EFFECTIVE DATE.

**Commissioner Boehm moved, seconded by Commissioner Stowers, for approval of Ordinance No. 2011-54, on second reading, as ready by title only.**

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

Item #7B – Amending Notice of Violations

City Clerk Joshua Fruecht read by title only:

ORDINANCE NO. 2011-55

AN ORDINANCE AMENDING CHAPTER 2, ADMINISTRATION, ARTICLE VII, CODE ENFORCEMENT, OF THE CODE OF ORDINANCES, BY AMENDING SECTIONS 2-251, DEFINITIONS; 2-254, SPECIAL MASTERS; 2-255, ENFORCEMENT PROCEDURE; 2-256, NOTICE OF VIOLATIONS; FORM AND CONTENT OF CITATIONS; 2-257, CONDUCT OF HEARING; 2-258, ADMINISTRATIVE FINES AND LIENS; 2-262, SCHEDULE OF CIVIL FINES; 2-265, NOTICES; 2-266, APPEALS; AND 2-267, DURATION OF LIEN; 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 Ordinance No. 2011-55, 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 #7C – Amending Site Maintenance/Nuisances Ordinances

City Clerk Joshua Fruecht read by title only:

ORDINANCE NO. 2011-56

AN ORDINANCE AMENDING CHAPTER 14, OFFENSES MISCELLANEOUS, ARTICLE VIII, SITE MAINTENANCE/NUISANCES, OF THE CODE OF ORDINANCES, BY AMENDING SECTION 14-98, LIENS; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; PROVIDING SEVERABILITY; AND SETTING FORTH AN EFFECTIVE DATE.

**Commissioner Partington moved, seconded by Commissioner Stowers, for approval of Ordinance No. 2011-56, 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 #7D – Amending Nuisance Aircraft Ordinances

City Clerk Joshua Fruecht read by title only:

ORDINANCE NO. 2011-57

AN ORDINANCE AMENDING SECTION 3.3-25, NUISANCE AIRCRAFT, OF ARTICLE III, AIRCRAFT GROUND OPERATIONS, OF CHAPTER 3.3, AIRCRAFT AND AIRPORT; AMENDING SECTION 3.3-54, NON-AIRWORTHY AIRCRAFT, OF ARTICLE IV, COMMERCIAL OPERATIONS, OF CHAPTER 3.3, AIRCRAFT AND AIRPORT; OF THE CODE OF ORDINANCES OF THE CITY OF ORMOND BEACH, FLORIDA; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; PROVIDING SEVERABILITY; AND SETTING FORTH AN EFFECTIVE DATE.

**Commissioner Kent moved, seconded by Commissioner Partington, for approval of Ordinance No. 2011-57, 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 #8A – Updated Schedules to the Capital Improvements Element

City Clerk Joshua Fruecht read by title only:

ORDINANCE NO. 2011-58

AN ORDINANCE ADOPTING CERTAIN UPDATED SCHEDULES TO THE CAPITAL IMPROVEMENTS ELEMENT OF THE CITY OF ORMOND BEACH COMPREHENSIVE PLAN; PROVIDING WHEN SUCH UPDATES SHALL TAKE EFFECT; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; AND SETTING FORTH AN EFFECTIVE DATE

**Commissioner Partington moved, seconded by Commissioner Stowers, for approval of Ordinance No. 2011-58, 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 #9A – Charter Review Committee Members

City Clerk Joshua Fruecht read by title only:

RESOLUTION NO. 2011-203

A RESOLUTION APPOINTING MEMBERS TO SERVE ON THE CHARTER REVIEW COMMITTEE; SETTING FORTH TERMS AND CONDITIONS OF SERVICE; AND SETTING FORTH AN EFFECTIVE DATE.

Commissioner Kent read the names of the Charter Review Committee members into the record: Peter B. Heebner, Norman Lane, Mike Scudiero, Doug Thomas and William Partington.

**Commissioner Boehm moved, seconded by Commissioner Kent, for approval of Resolution No. 2011-203, as read by title only.**

Mayor Kelley stated Volusia County reviewed their Charter every ten (10) years and there may be some administrative items that the Charter Review Committee could review within 90 days.

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

Item #9B – Amending Dates and Times for 2012 City Commission Meetings

City Clerk Joshua Fruecht read by title only:

RESOLUTION NO. 2011-204

A RESOLUTION AMENDING THE DATES AND TIMES FOR THE HOLDING OF REGULAR MEETINGS OF THE CITY COMMISSION OF THE CITY OF ORMOND BEACH, FLORIDA, FOR THE MONTHS OF JANUARY AND MARCH 2012; PROVIDING FOR AN EXCEPTION THERETO; SETTING FORTH AN EFFECTIVE DATE.

**Commissioner Kent moved, seconded by Commissioner Boehm, for approval of Resolution No. 2011-204, as read by title only.**

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

Item #9C – Support of Police Officer and Firefighter Pension Plans

City Clerk Joshua Fruecht read by title only:

RESOLUTION NO. 2011-205

A RESOLUTION SUPPORTING POLICE OFFICER AND FIREFIGHTER PENSION PLAN AND DISABILITY PRESUMPTION REFORMS TO MAKE THE PLANS SUSTAINABLE, SOUND AND SECURE FOR CURRENT AND FUTURE POLICE OFFICERS AND FIREFIGHTERS; AND SETTING FORTH AN EFFECTIVE DATE.

**Commissioner Partington moved, seconded by Commissioner Kent, for approval of Resolution No. 2011-205, as read by title only.**

Mayor Kelley stated this reform advised the State that the City had concerns about the pension plans. He stated the pension plans from 2008 to 2010 had the City paying out a significant amount of money. He stated in 2008 there was an investment earnings loss for the General Employees' Pension Fund of \$4,810,000; for the Police Officers' Pension Fund a loss of \$3,458,000; and for the Firefighters' Pension Fund a loss of \$2,430,000. He stated that in 2010, the General Employees' Fund earned \$2,186,000 and \$2,289,000 was paid out, with the City contributing \$1 million to the fund. He stated the Police Officers' Pension Fund earned \$1,500,000 but paid out \$1,946,000 and the City contributed \$632,000. He stated the Firefighters' Pension Fund earned \$1,170,000 and \$1,669,000 was paid out. He questioned how long the City could continue to payout more than what the fund was earning. He stated the letter was asking the State to allow the City some negotiation assistance instead of telling the City what had to be paid, as he stated he wanted that decision left to the local communities.

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

Discussion Item #10A – Plantation Oaks Residential Planned Unit Development

Mayor Kelley stated that there were quite a few Audience Remarks cards for this item and he asked Planning Director Ric Goss to give an updated overview on the project. He noted the Commission had quite a bit of information dating back to 2002.

Mr. Goss stated this item was placed on the agenda when the County asked for comments on the amendment to the Residential Planned Unit Development for Plantation Oaks. He stated the County met earlier with a 4-2 vote to move this item to the County Council on Thursday. He stated there was a lot of discussion and information given at that meeting by the applicant. He stated that two members of the Planning Board had differences with the mobile home locational, but most of the members thought it was a good amendment. He stated that Thursday's County Council meeting would not be the last discussion date or date of action. He stated that a Notice of Proposed Change to the National Gardens DRI was still needed to be filed, which took about six (6) months, so there would be other opportunities to act on this amendment by the residents and City, as there were other required things that would have to be done.

Mr. Goss stated staff had a question about the mobile home locational and those located in areas developed dominantly as mobile homes or in areas already planned for mobile homes at some time in the future. He stated that the staff report showed the mobile homes looking like stick built homes with design standards. He stated that the County Planning Board recommended a few additional conditions, such as adding garages (no carports), adding porches, skirting, which was already a requirement in mobile home districts, and a set process to review site plans to insure design standards were met. He stated that in order for this to be consistent with the Comprehensive Plan, a Notice of Proposed Change with the National

Gardens DRI should be filed within 60 days of the action. He noted another requirement was to build a hardening club house that could shelter the residents during a major storm.

Mr. Goss stated the City had not made a determination if this plan was consistent, since it was not in the City limits or the water and sewer district. He noted that when the files were reviewed in 2002, it was clear that the City would not provide water and sewer if it were a mobile home park, which would be provided by Volusia County utilities. He stated the concept in 2002 of a mobile home park was an issue, and the Council at that time would not have approved it, which was why stick built housing was required. He stated that some of the County Planning Board members voted "no" because the County Council never meant for the area to be for mobile homes. He stated that it may come down to the interpretation of their Comprehensive Plan and its policies. He stated he was not in a position to recommend to the Commission what to do, but needed guidance on how to comment back to the County, if the Commission wanted to comment.

Commissioner Boehm asked about the proposed recommended amendments to the original proposal by the committee; whereby, Mr. Goss stated in 2002 the applicant requested manufactured homes, which was changed to stick built homes. He stated the current zoning amendment was to allow mobile homes, single-family detached, and zero lot line villas.

Commissioner Boehm commented that what was initially brought to the Commission had recently been changed and a quick recommendation was requested by the County, although it would come before the Commission later.

Mr. Goss stated the City was an affected party under the Notice of Proposed Change, so Thursday was not the last time for input. He stated that Growth Management Director Kelly McGee indicated they wanted the units to be more like stick built housing. He stated that a development in Port Orange, "Crane Lakes," was similar but had an older look to it. He stated that they also had homes that looked like mobile homes with a carport. He stated that in Plantation Oaks they wanted to camouflage the mobile home according to the amendments and stick built homes.

Ms. Shanahan stated this item was brought to the Commission because the County asked the City for their position.

Mayor Kelley asked what would be presented to the County at the Thursday meeting; whereby, Mr. Goss stated it was a zoning amendment to state that you could have single-family detached or zero lot line type villas, and they proposed adding mobile homes. He stated that the zoning definition for the County for mobile homes was different than modular or manufactured housing.

Commissioner Kent asked for a definition of a mobile home and a manufactured home; whereby, Mr. Goss stated a mobile home would be transportable on wheels, skirting applied, could be tied down, and brought in one or two pieces. He stated a manufactured/modular home or home pieces were fabricated and were put together as units.

Mayor Kelley asked whether a manufactured home and a mobile home would be almost identical; whereby, Mr. Goss answered yes, but the modular homes did not have decals. He noted there were mobile homes in Bear Creek and Aberdeen.

Commissioner Partington asked why a comment was needed from Ormond Beach when the City was not providing water or sewer and the property was in the County; whereby, Mr. Goss stated the City was an adjacent party to the property and would always be noticed on concerning issues. He stated after reading all the information from 2002, staff wanted to hear from the Commission and noted the City had the same issue with Aberdeen.

Commissioner Partington asked what the impact would be for the City with 1,577 units; whereby, Mr. Goss stated it did not affect the traffic study because it was the same amount of units and there were adequate natural landscaping buffers along the Interstate and Old Dixie Highway. He stated that only 60% of the project was developed for residential, and the rest was for recreational open space, a golf course, conservation area, and part of the road. He stated he did not see any impact on the City with regards to services, but was unsure of the impact to the Loop. He noted back in 2002 there was a concern about the evacuation route, but the code for home building was different, which should now be able to withstand weather conditions. He stated in 2002, the Commission was concerned about the compatibility and the vision on the US1 corridor.

Mayor Kelley stated he recently met with Port Orange City Manager Ken Parker and asked how they dealt with the Crane Lakes situation. He asked whether the City had any control on what could be put on that property or if the City's intent was to comment on whether to give the go ahead.

Mr. Goss stated the Commission had a right to do whatever it wanted to, once they had all the information and had heard from the residents. He stated that if the City did not approve of the project, it was within their right to comment on why it did not meet the County's Comp Plan. He stated the layouts were about 6,500 square feet each and the gross density was less than Halifax Plantation. He stated the issue was whether you believed a mobile home equaled a stick built home or whether the County interpreted the mobile home policy with regard to location. He stated that some may interpret that the policy says the area was not dominated by mobile homes, and the other part stated that the area had to be undeveloped and was planned for mobile homes in the future. He stated in 2002 the Council did not plan for mobile homes, and approved it as a stick built. He noted someone could mitigate when the City's Comp Plan says no making it more compatible.

Mr. Parker Mynchenberg, 1729 Ridgewood Avenue, the project developer, stated Plantation Oaks was initially conceived and designed to be a manufactured home community. He noted there was a similar project he and his partner developed in Flagler called Plantation Oaks of Flagler. He stated in 2002 at the third Public Hearing with the County, stick built could be approved, but manufactured housing could not be approved. He stated the project moved forward with single family homes, sewer and drainage, the road, golf course, and neighborhood commercial, until the change in market economy. He commented on the deteriorating conditions of the US1 corridor. He stated there was not a need for stick built housing, so they decided to go back to their original plan of manufactured homes, as a retirement community for 55 and older. He stated he was coming to the Commission and County for approval so that the project could move forward. He stated that the zoning allow 50' x 100' lots, but the project provided for 65' x 110' lot size minimum for the 1,577 units. He stated that the design was complete, permitted by the St. Johns River Water Management District (SJWMD), and the first 600 units had been permitted. He stated that the layout would not change and the only request was for the additional housing type.

Commissioner Boehm asked whether the amendments were agreeable; whereby, Mr. Mynchenberg stated they had been speaking to the County for the past six months and were agreeable to the amendments.

Mayor Kelley stated there would be adequate time to speak before the County and the City regarding this issue.

Mr. Norman Lane, 1314 Northside Drive, stated more people would be present to comment if they were aware of the issue being discussed. He stated the City was affected, as people cared about the Loop, and asked the Commission to advise the County to stop the project. He stated it was worked out ten years ago, as the road would bring a lot of traffic to the Loop and more construction than was needed or necessary.

Ms. Christa Schraut, 3414 Rexford Circle, stated she spoke to a lot of her neighbors and they were upset about the possibility of a mobile home park. She noted there would be an impact on traffic, the housing was for low income residents, and the developers should stay with the original plan.

Mr. Steve McDonly, 25 Tobias Lane, stated there was a lot of negativity with the project and more time was needed for public input.

Ms. Rita Press, 875 Wilmette Avenue, stated Mr. Joe Jaynes wanted to attend the meeting but had sent his comments to the County Council. She stated about 21 years ago she moved to Ormond Beach and explored manufactured homes and saw they were very nice. She stated that what the developers were proposing would just help them during this economic time. She discussed financing and insurance for a mobile home being unaffordable, and stated the property was worth a lot because of the Loop.

Ms. Lisa DiNicolo, 1419 Oak Forest Drive, stated she appreciated Ms. Press's comments and did not think the Commission should be pessimistic. She was also against mobile homes on the property, as it was not in the best interest for the City. She stated that the residents were very concerned and unhappy. She stated she did not appreciate the property tax shift that would be added because of the mobile homes.

Mr. Scott Klioze, 7 Cypress Hollow Lane, stated he was disappointed hearing the Commission's opinions. He stated he lives in Ormond Lakes and follows the guidelines to maintain the quality of life he desired when moving to the area. He stated he did not appreciate the comments about US1 falling apart and stated he felt adding mobile homes would allow the area to continue to deteriorate. He asked the Commission to defend the quality of life of Ormond Beach. He noted nothing had changed since the decisions made in 2002.

Mr. Eric West, 1401 S. Palmetto Avenue #112, stated the original story was to have a mobile home park. He stated in 2002, their attorneys met with the Council and discussed the tax base being the same. He stated it was supposed to count as low cost housing marketed to wealthy northerners. He noted if this was for a retirement community, they would use ambulance services, the tax base would be different, and the taxpayers would be responsible. He stated this would eventually develop into the same condition as the Maria Bonita property.

Mr. John Norton, 220 N. Beach Street, stated everyone he spoke with was opposed to this development. He stated that Beach Street was already crowded with cars and the community had worked to keep a desired quality of life that should remain. He stated that a mobile home park would not align with the community, would stress the resources, and make a burden on real property homeowners.

Mayor Kelley stated according to the report, there would be no additional traffic with this project as opposed to stick built houses.

Mr. Jim Morris, 420 S. Nova Road, stated several comments had been made about breaking the rules according to the Volusia County Comp Plan. He read the rule, "mobile homes shall be located in areas specifically and currently developed by mobile home use" or "located in undeveloped areas that will be developed primarily for mobile homes." He stated on the I-95 side of the property, the development had a 40-foot berm with the exception of a lake. He stated from the housing perspective, all the lots were 65 feet in width and the development order allowed 50 feet, which made a 25% lot size increase. He stated that the gross density was 1½ units per acre, with approximately 300 acres of open space in both recreation and conservation areas. He stated the community was self-contained with private roads, gate security, exterior property maintained by the developer, and the units were owned, not rented. He stated that the buffer along Old Dixie Highway was 175 feet, was an undisturbed vegetative area, and no one traveling the Loop would notice a change. He stated the right-of-way had been there for quite some time. He stated that the residents would not increase traffic because they would not be a part of the work force.

Mr. Morris stated that some time ago the extension of the development order for Halifax Plantation was under discussion, and the debate was similar to what was being discussed currently. He noted that the development order was extended. He stated that this development would be for a structure occupied by a two-person family, paying school impact fees, with the developer paying property and school taxes. He stated the City was not obligated to annex the property, which would be a valuable asset to the community.

Commissioner Stowers stated he met with Mr. Mychenberg and Mr. Morris and noted Zone 1 abuts the projected area. He stated that many of the comments were "not in my backyard." He stated this would be different from the mobile home park near Maria Bonita. He stated he was familiar with the Crane Lakes gated community, which was in great condition. He noted this would be a continuing process for the City and County. He commented on the view from I-95, but noted the berm covering and lake. Regarding the traffic impact, he stated it had already been taken into account. He stated the units should have no impact on the property value, but would be a different market like a condo type neighborhood. As a comparison to the LPGA home, he stated that they have continued to respond to the current market situation, making smaller homes. He stated the US1 discussion was a challenge for the City regarding the standards for the gateway and he did not see a negative impact. He stated he hoped there would be some positive development in that area, with another developer to buy out Cheaters and the empty gas stations, making it a positive impact for the City.

Commissioner Kent stated he preferred stick built homes, as the number of units had not changed. He agreed that this was an issue for the County. He stated he recently visited Bear Creek and was impressed. He stated he did not have a problem agreeing to the concept of mobile homes because this would not negatively affect Ormond Beach. He stated that studies

had been done, the City was not providing any services; therefore, he reserved the right to change his mind in the future.

Commissioner Boehm stated he had a concern about the City addressing what was or was not allowed under the County's Comp Plan, as that would be overstepping the City's boundaries. He stated he reviewed the minutes from the County meeting and asked what the difference was between a manufactured home and a stick built home, which was something the committee also had questions about. He stated the Falls were manufactured homes, but they were made of brick. He stated that the plan was approved, the number of homes were approved, the road was in place, and if they wanted to do stick built, they could. He stated that the only change was if manufactured homes were allowed. He stated the term "mobile home park" was what was turning everyone off, but he did not see the typical mobile home park being developed. He stated that Bear Creek residents took pride in their homes. He stated a gated, private, retirement community was going to be a well-taken care of piece of property.

Commissioner Partington stated that he apologized for his comments upsetting Mr. Klioze. He stated that after all the comments and speaking with Ronnie Bledsole, he did not feel that Ormond Beach had the right to say what was permitted for this process. He stated some of the residents of Zone 4 may be for or against the project. He stated the Commission should not make any comments at this time. He stated that if the County accepted the taxes they would receive, that was their decision. He stated that compatibility with adjacent uses regarding hurricanes and evacuations had already been addressed. He stated that the fight was with Volusia County and the citizens should bring their comments to the County.

Mayor Kelley summarized that the Commission had decided to take no action at this time. He stated that what was being created because of property taxes and insurance rates was becoming a haven for the baby boomers that would be retiring. He stated that life style communities were being created for that purpose. He stated these residents would be in the area spending money and helping the community, but he stated he did not like that they would not be paying taxes, and the houses looked like stick-built homes with wheels. He stated he had also received a letter from Palm Coast Holdings who would in the future build 1.2 million square feet of commercial/industrial space and had plans for 3,200 homes.

#### Item #11 REPORTS, SUGGESTIONS, REQUESTS

##### iPhone and Android Application

Ms. Shanahan stated that they were working on a City of Ormond Beach iPhone and Android application.

##### Airport Sport Complex Signage

Ms. Shanahan stated the Airport Sports Complex sign was being installed on Hull Road.

##### Meeting Schedule

Ms. Shanahan stated this was the last meeting for the month and year. She stated that the Strategic Planning Workshop would be held on January 3, 2012, from 5:00 to 7:30 p.m. at the Performing Arts Center Blue Room. She stated that a meal would be provided, and the City Commission meeting would begin at 8:00 p.m.

##### US1 Corridor



Ms. Shanahan stated the City was working with the County regarding the US1 Corridor agreements. She stated she had heard from Planning Director Kelly McGee about how to move the issues along more quickly.

Holiday Closings

Ms. Shanahan stated City Hall and all non-emergency facilities would be closed on Friday, December 23, and Monday, December 26, with regular hours resuming on Tuesday, December 27, 2011.

Greetings

Ms. Shanahan wished everyone a happy holiday and a great new year.

Greetings

Mr. MacLeod wished everyone a Merry Christmas.

Greetings

Mr. Hayes wished everyone a Merry Christmas.

Home for the Holiday Parade

Commissioner Stowers stated he attended his second holiday parade with his wife sitting on the back of the truck, which was a great arrangement. He thanked everyone involved in putting on the parade.

Greetings

Commissioner Stowers wished everyone a Merry Christmas and a happy holiday season and a Happy New Year.

Poinsettias

Commissioner Kent stated he was pleased the tradition had continued to give poinsettias and thanked Mr. Lipscomb for taking the time to comment.

Chamber Upgrades

Commissioner Kent thanked City Clerk Joshua Fruecht for the upgrades in the Chambers. He also thanked Ms. Shanahan for her choice in hiring him.

Home for the Holiday Parade

Commissioner Kent stated the parade was fantastic. He stated in the past that he had a problem with his driver, so this year he decided to ask someone to drive his family in his personal truck. He noted that candy was provided to be thrown to the children along the parade route, but the Police Department asked that it not be thrown.

Assistant Fire Chief

Commissioner Kent stated he appreciated Ms. Shanahan's comments in the newspaper about Mr. Robert (Bob) Mandarino stepping up and representing the Fire Department as Acting Fire Chief.

Greetings

Commissioner Kent wished everyone a Merry Christmas and a Happy New Year.

#### Agenda Packet

Commissioner Boehm stated the agenda packet for this meeting was 990 pages and the Commission reviewed the material that was provided to help move the meeting along.

#### Commission Service

Commissioner Boehm stated it had been a pleasure serving on the Commission. He referenced Mr. Jim Cameron's statement and said that this Commission was very professional and courteous. He noted it was a pleasure working with the Commission and staff. He stated staff always provided detailed information to the Commission and citizens in a timely manner.

#### City Programs

Commissioner Boehm stated there were a number of programs that the City offered and the community responded by attending, including the "HOMe for the HOliday Parade." He noted there was a tremendous turn out for the parade and thanked staff for a wonderful job.

#### City Appreciation

Commissioner Boehm stated that Ormond Beach was a great city and they will continue to try to make it a better City in 2012. He stated he appreciated the way the Commission responded to the passion of the residents with their comments.

#### Greetings

Commissioner Boehm wished everyone a Merry Christmas and a Happy New Year.

#### City Staff

Commissioner Partington thanked Commissioner Boehm for his comments regarding the great job that staff did for the Commission and the residents.

#### Home for the Holiday Parade

Commissioner Partington stated the parade got better every year and this was the best yet. He stated the bench seats for the Commission were a great idea so that they could face the crowd. He stated the parade was very well attended with people all along the way.

#### Greetings

Commissioner Partington wished everyone a Merry Christmas, happy holidays, and a very Happy New Year.

#### Appreciation

Mayor Kelley agreed with the Commission that this had been a great year and he appreciated and respected working with the Commission and staff and all their hard work in making the City run smooth.

#### Greetings

Mayor Kelley wished everyone a Merry Christmas and a Happy New Year and hoped to see everyone in 2012.

The meeting was adjourned at 8:55 p.m.

APPROVED:

January 3, 2012

Minutes  
City Commission Meeting  
December 13, 2011

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BY:

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Ed Kelley, Mayor

ATTEST:

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Joshua Fruecht, City Clerk