

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

February 5, 2013

7:00 PM

Commission Chambers

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 Scott McKee.

A G E N D A

- 1. CALL TO ORDER**
- 2. INVOCATION**
- 3. PLEDGE OF ALLEGIANCE**
- 4. PRESENTATIONS AND PROCLAMATIONS**
 - A. Employee of the Quarter – James (J.D.) Davis
 - B. Service Recognition – Sue Parkerson
 - C. T-Ball League Presentation
- 5. AUDIENCE REMARKS - REGARDING ITEMS NOT ON THE AGENDA**
- 6. APPROVAL OF MINUTES**
 - A. Minutes from City Commission meeting – January 8, 2013
 - B. Minutes from City Commission meeting – January 15, 2013
- 7. COMMUNITY REDEVELOPMENT AGENCY**
 - A. **RESOLUTION NO. 2013-36** : A RESOLUTION OF THE CITY COMMISSION, ALSO ACTING AS THE COMMUNITY REDEVELOPMENT AGENCY, OF THE CITY OF ORMOND BEACH, FLORIDA, AUTHORIZING THE EXECUTION OF A BUILDING IMPROVEMENT GRANT AGREEMENT BETWEEN THE AGENCY AND ORMOND BEACH HISTORICAL SOCIETY, INC.; AUTHORIZING A WAIVER OF THE SHARED PARKING AND INDEMNIFICATION REQUIREMENTS RELATED THERETO; AND SETTING FORTH AN EFFECTIVE DATE.
Staff Contact: Ric Goss, Planning Director (386-676-3238)
- 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. 2013-36** : A RESOLUTION OF THE CITY COMMISSION, ALSO ACTING AS THE COMMUNITY REDEVELOPMENT AGENCY, OF THE CITY OF ORMOND BEACH, FLORIDA, AUTHORIZING THE EXECUTION OF A BUILDING IMPROVEMENT GRANT AGREEMENT BETWEEN THE AGENCY AND ORMOND BEACH HISTORICAL SOCIETY, INC.; AUTHORIZING A WAIVER OF THE SHARED PARKING AND INDEMNIFICATION REQUIREMENTS RELATED THERETO; AND SETTING FORTH AN EFFECTIVE DATE.
Staff Contact: Ric Goss, Planning Director (386-676-3238)

- B. **RESOLUTION NO. 2013-37** : 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 JESSIKA PALOMBO AND MATTHEW T. ALLEN LOCATED AT 5 INVERRAY COURT, ORMOND BEACH, VOLUSIA COUNTY, FLORIDA (PARCEL ID NO. 4218-05- 00-0500) FOR COSTS INCURRED BY THE CITY TO TERMINATE OR ABATE A SITE MAINTENANCE VIOLATION; AND SETTING FORTH AN EFFECTIVE DATE.

Staff Contact: *Joanne Naumann, Neighborhood Improvement Manager (386-615-7069)*

- C. **RESOLUTION NO. 2013-38** : 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 RICHARD KRANZ AND JEANIE KRANZ LOCATED AT 22 CHINA MOON DRIVE, ORMOND BEACH, VOLUSIA COUNTY, FLORIDA (PARCEL ID NO. 4229-02-00-0110) FOR COSTS INCURRED BY THE CITY TO TERMINATE OR ABATE A SITE MAINTENANCE VIOLATION; AND SETTING FORTH AN EFFECTIVE DATE.

Staff Contact: *Joanne Naumann, Neighborhood Improvement Manager (386-615-7069)*

- D. **RESOLUTION NO. 2013-39** : 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 WILLIAM BERGSTROM AND JOAN M. THATE LOCATED AT 503 LAKEBRIDGE DRIVE, ORMOND BEACH, VOLUSIA COUNTY, FLORIDA (PARCEL ID NO. 4216-04-00-0010) FOR COSTS INCURRED BY THE CITY TO TERMINATE OR ABATE A SITE MAINTENANCE VIOLATION; AND SETTING FORTH AN EFFECTIVE DATE.

Staff Contact: *Joanne Naumann, Neighborhood Improvement Manager (386-615-7069)*

- E. **RESOLUTION NO. 2013-40** : 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 MICHAEL C. GOLDEN AND MADELINE E. GOLDEN LOCATED AT 731 JOHN ANDERSON DRIVE, ORMOND BEACH, VOLUSIA COUNTY, FLORIDA (PARCEL ID NO. 4210-01-00-0090) FOR COSTS INCURRED BY THE CITY TO TERMINATE OR ABATE A SITE MAINTENANCE VIOLATION; AND SETTING FORTH AN EFFECTIVE DATE.

Staff Contact: *Joanne Naumann, Neighborhood Improvement Manager (386-615-7069)*

- F. **RESOLUTION NO. 2013-41** : A RESOLUTION AUTHORIZING THE EXECUTION OF AN OPEN BURNING MULTILATERAL OPERATING AGREEMENT BETWEEN THE CITY AND THE DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES, THROUGH THE FLORIDA FOREST SERVICE, REGARDING THE OPEN BURNING OF NON-AGRICULTURAL LAND CLEARING DEBRIS; AND SETTING FORTH AN EFFECTIVE DATE.

Staff Contact: *Bob Mandarino, Acting Fire Chief (386-676-3333)*

- G. **RESOLUTION NO. 2013-42** : A RESOLUTION AUTHORIZING THE SUBMITTAL OF A GRANT APPLICATION TO THE COUNTY OF VOLUSIA UNDER THE HAZARD MITIGATION GRANT PROGRAM FOR FUNDING ASSISTANCE RELATIVE TO THE FLEMING AVENUE PUMP STATION; AUTHORIZING THE EXECUTION OF ALL DOCUMENTS INCIDENTAL THERETO, INCLUDING ANY CONTRACT NECESSARY FOR THE CITY TO ACCEPT THE GRANT AWARD; AND SETTING FORTH AN EFFECTIVE DATE.

Staff Contact: Loretta Moio, Grants Coordinator/PIO (386-676-3315)

- H. **RFP Sports Officials, Umpires and Scorekeepers**

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

Disposition: Approve as recommended in the City Manager memorandum dated February 5, 2013.

- I. **Budget Status Report for September 30, 2012**

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

Disposition: Approve as recommended in the City Manager memorandum dated February 5, 2013.

9. PUBLIC HEARINGS

- A. **ORDINANCE NO. 2013-1** : AN ORDINANCE AMENDING SUBSECTION A, MAP AMENDMENT, OF CHAPTER 2, DISTRICT AND GENERAL REGULATIONS, ARTICLE I, ESTABLISHMENT OF ZONING DISTRICTS AND OFFICIAL ZONING MAP, SECTION 2-03, OFFICIAL ZONING MAP AND DISTRICT BOUNDARIES, OF THE CITY OF ORMOND BEACH LAND DEVELOPMENT CODE, BY REZONING THREE PARCELS OF REAL PROPERTY TOTALING 37.9± ACRES LOCATED AT THE NORTHWEST INTERSECTION OF AIRPORT ROAD AND TYMBER CREEK ROAD FROM VOLUSIA COUNTY A-2 (RURAL AGRICULTURE) AND VOLUSIA COUNTY RC (RESOURCE CORRIDOR) TO ORMOND BEACH PLANNED RESIDENTIAL DEVELOPMENT (PRD); AUTHORIZING REVISION OF THE OFFICIAL ZONING MAP; AND APPROVING A FIRST AMENDED DEVELOPMENT ORDER FOR THE "MARSHSIDE VILLAGE" PLANNED RESIDENTIAL DEVELOPMENT; AUTHORIZING A PHASED PROJECT CONSISTING OF 163 SINGLE-FAMILY LOTS; AUTHORIZING A WAIVER OF THE PERIMETER SUBDIVISION SETBACK REQUIREMENTS AND A WAIVER OF THE INDOOR RECREATION REQUIREMENTS; ESTABLISHING CONDITIONS THEREFORE; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; AND SETTING FORTH AN EFFECTIVE DATE. **(SECOND READING)**

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

- B. **ORDINANCE NO. 2013-6** : AN ORDINANCE AMENDING THE FUTURE LAND USE ELEMENT OF THE COMPREHENSIVE PLAN BY AMENDING THE FUTURE LAND USE MAP TO CHANGE THE DESIGNATION OF ONE (1) PARCEL OF REAL PROPERTY TOTALING +0.53-ACRES LOCATED AT 1428 NORTH US HIGHWAY 1 (PARCEL ID NO. 3136-01-58-0460), FROM VOLUSIA COUNTY "COMMERCIAL" TO ORMOND BEACH "LOW INTENSITY COMMERCIAL"; AUTHORIZING TRANSMITTAL; PROVIDING FOR CONFLICT; AND SETTING FORTH AN EFFECTIVE DATE. **(SECOND READING)**

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

- C. **ORDINANCE NO. 2013-7** : AN ORDINANCE AMENDING THE FUTURE LAND USE ELEMENT OF THE COMPREHENSIVE PLAN BY AMENDING THE FUTURE LAND USE MAP TO CHANGE THE DESIGNATION OF FOUR (4) PARCELS OF REAL PROPERTY TOTALING +3.97-ACRES LOCATED AT 1433, 1435, 1437 AND 1439 NORTH US HIGHWAY 1 FROM VOLUSIA COUNTY "COMMERCIAL" TO ORMOND BEACH "LOW INTENSITY COMMERCIAL"; AUTHORIZING TRANSMITTAL; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; AND SETTING FORTH AN EFFECTIVE DATE. **(SECOND READING)**

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

- D. **ORDINANCE NO. 2013-8** : AN ORDINANCE AMENDING THE FUTURE LAND USE ELEMENT OF THE COMPREHENSIVE PLAN BY AMENDING THE FUTURE LAND USE MAP TO CHANGE THE DESIGNATION OF ONE (1) PARCEL OF REAL PROPERTY TOTALING +0.15-ACRES LOCATED AT 1438 NORTH US HIGHWAY 1 (PARCEL ID NO. 3136-01-58-0210), FROM VOLUSIA COUNTY "COMMERCIAL" TO ORMOND BEACH "LOW INTENSITY COMMERCIAL"; AUTHORIZING TRANSMITTAL; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; AND SETTING FORTH AN EFFECTIVE DATE. **(SECOND READING)**

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

- E. **ORDINANCE NO. 2013-9** : AN ORDINANCE AMENDING THE FUTURE LAND USE ELEMENT OF THE COMPREHENSIVE PLAN BY AMENDING THE FUTURE LAND USE MAP TO CHANGE THE DESIGNATION OF ONE (1) PARCEL OF REAL PROPERTY TOTALING +0.72-ACRES LOCATED AT 1444 NORTH US HIGHWAY 1 (PARCEL ID NO. 3136-01-58-0190), FROM VOLUSIA COUNTY "COMMERCIAL" TO ORMOND BEACH "LOW INTENSITY COMMERCIAL"; AUTHORIZING TRANSMITTAL; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; AND SETTING FORTH AN EFFECTIVE DATE. **(SECOND READING)**

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

- F. **ORDINANCE NO. 2013-10** : AN ORDINANCE ANNEXING CERTAIN REAL PROPERTY INTO THE CITY OF ORMOND BEACH, SAID PROPERTY BEING GENERALLY LOCATED AT THE NORTHEAST CORNER OF THE INTERSECTION OF TYMBER CREEK ROAD AND AIRPORT ROAD AND BEING COMMONLY LOCATED AT 305 NORTH TYMBER CREEK ROAD; SETTING FORTH ZONING, PRIVILEGES AND OBLIGATIONS REGARDING THE PROPERTY; REDEFINING THE TERRITORIAL BOUNDARIES OF THE CITY OF ORMOND BEACH TO INCLUDE THE PROPERTY; REDESIGNATING THE BOUNDARIES OF ZONE 1 OF THE CITY OF ORMOND BEACH TO INCLUDE THE PROPERTY; SETTING FORTH ZONING, PRIVILEGES, AND OBLIGATIONS OF SAID PROPERTY; PROVIDING FOR TRANSMISSION; PROVIDING FOR SEVERABILITY; AND SETTING FORTH AN EFFECTIVE DATE. **(SECOND READING)**

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

- G. **ORDINANCE NO. 2013-11** : AN ORDINANCE AMENDING CHAPTER 2, DISTRICT AND GENERAL REGULATIONS, OF ARTICLE II, DISTRICT REGULATIONS, SECTION 2.14.B.9.B, R-2.5, SINGLE-FAMILY LOW-MEDIUM DENSITY, TO REDUCE THE REQUIRED REAR YARD SETBACK TO 20 FEET, SECTION 2-15.B.9.B, R-3, SINGLE-FAMILY MEDIUM DENSITY TO REDUCE THE REQUIRED REAR YARD SETBACK TO 20 FEET; SECTION 2-17.B.9.B, R-4, SINGLE-FAMILY CLUSTER & TOWNHOUSE TO REDUCE THE REQUIRED REAR YARD SETBACK TO 20 FEET FOR SINGLE-FAMILY, CLUSTER, PATIO, ZERO-LOT-LINE, MULTI-FAMILY, DUPLEX, TRIPLEX, AND TOWNHOUSE TYPES OF USES; SECTION 2- 18.B.9.B, R-5, MULTI-FAMILY MEDIUM DENSITY TO REDUCE THE REQUIRED REAR YARD SETBACK TO 20 FEET FOR SINGLE-FAMILY, CLUSTER, PATIO, ZERO-LOTLINE, MULTI-FAMILY, DUPLEX, TRI-PLEX, AND TOWNHOUSE TYPES OF USES; SECTION 2-19.B.9.B, R-6, MULTI-FAMILY MEDIUM-HIGH DENSITY TO REDUCE THE REQUIRED REAR YARD SETBACK TO 20 FEET FOR SINGLE-FAMILY, CLUSTER, PATIO, ZERO-LOT-LINE, MULTI-FAMILY, DUPLEX, TRI-PLEX, AND TOWNHOUSE TYPES OF USES; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; PROVIDING FOR SEVERABILITY; AND SETTING FORTH AN EFFECTIVE DATE. **(SECOND READING)**

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

- H. **ORDINANCE NO. 2013-12** : AN ORDINANCE AMENDING CHAPTER 3, PERFORMANCE STANDARDS, OF ARTICLE IV, SIGN REGULATIONS, SECTION 3-49, MASTER SIGN PLAN, BY DELETING THE SECTION IN ITS ENTIRETY TO BE REPLACED BY A NEW SECTION ENTITLED "SIGN VARIANCES", TO BE NUMBERED SECTION 3-47.B.2, BY AMENDING THE MAXIMUM HEIGHT OF MONUMENT SIGNAGE TO EIGHT (8') FEET; AMENDING SECTION 3-47.B.6 BY AMENDING THE MAXIMUM NUMBER OF TENANT PANELS FOR MONUMENT SIGNAGE TO EIGHT; BY AMENDING SECTION 3-47.C.4, BY AMENDING THE MAXIMUM NUMBER OF TENANT PANELS FOR POLE SIGNAGE TO EIGHT; SECTION 3-47.C TO ADD THE TERM "GROUND" TO THE SUBSECTION TITLE; AMENDING CHAPTER 1, GENERAL ADMINISTRATION OF ARTICLE III, DEFINITIONS AND ACRONYMS, SECTION 1-22, TO AMEND THE DEFINITION OF SIGN, MONUMENT; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; PROVIDING FOR SEVERABILITY; AND SETTING FORTH AN EFFECTIVE DATE. **(SECOND READING)**

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

- I. **ORDINANCE NO. 2013-13** : AN ORDINANCE AMENDING CHAPTER 1, GENERAL ADMINISTRATION, ARTICLE III, DEFINITIONS AND ACRONYMS, BY ADDING WATER SURVIVAL INSTRUCTION; AMENDING CHAPTER 2, DISTRICT AND GENERAL REGULATIONS, ARTICLE II, DISTRICT REGULATIONS, BY ADDING AS A CONDITIONAL USE WATER SURVIVAL INSTRUCTION WITHIN THE RURAL ESTATE/AGRICULTURAL (REA), RURAL RESIDENTIAL (RR), SUBURBAN RESIDENTIAL (SR), RURAL ESTATE (R- 1), SINGLE-FAMILY LOW DENSITY (R-2), SINGLE-FAMILY LOW-MEDIUM (R-2.5), SINGLE-FAMILY MEDIUM DENSITY (R-3), NEIGHBORHOOD PRESERVATION (NP), SINGLE-FAMILY CLUSTER & TOWNHOUSE (R-4); MULTIFAMILY MEDIUM DENSITY (R-5), MULTI-FAMILY MEDIUM-HIGH DENSITY (R-6), MANUFACTURED/MOBILE HOME (T-1); AND MANUFACTURED HOME (T-2) ZONING DISTRICTS, AMENDING CHAPTER 2, DISTRICT AND GENERAL REGULATIONS, ARTICLE IV, CONDITIONAL USES AND SPECIAL EXCEPTIONS BY ADDING CONDITIONAL USE CRITERIA FOR WATER SURVIVAL INSTRUCTION; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE. **(SECOND READING)**

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

10. FIRST READING OF ORDINANCES

- A. **ORDINANCE NO. 2013-14** : 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.

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

11. REPORTS, SUGGESTIONS, REQUESTS

12. ADJOURNMENT

Item #1 – Meeting Call to Order

Mayor Kelley called the meeting to order at 7:01 p.m.

Item #2 – Invocation

Father Comforted Keen, Church of the Holy Child Episcopal Church, gave the invocation.

Item #3 – Pledge of Allegiance

Mayor Kelley led the Pledge of Allegiance.

Item #4A – Employee of the Quarter – James (J.D.) Davis

Ms. Joyce Shanahan, City Manager, stated that it was her pleasure to announce that the city's Employee of the Quarter for the first quarter of 2013 was Mr. James (J.D.) Davis. She stated that Mr. Davis was a lifelong resident of Ormond Beach and began his career with the city as a laborer at the Wastewater Treatment Plant on September 3, 1974. She stated that over the years he had advanced through the ranks to achieve the position of Systems Maintenance Supervisor, which he currently held. She explained that Mr. Davis was responsible for supervising all operational and maintenance activities associated with the city's sanitary sewer collection and reclaimed water systems. She noted that Mr. Davis' knowledge of certain sewer system components within the city was truly unsurpassed. She stated that he was an effective and proven leader, and was relied upon by others in the public works facilities and maintenance divisions. She noted that Mr. Davis was also well known as a resource in the contracting community for performing diagnostic investigations and developing operational plans for upcoming projects.

Ms. Shanahan stated that Mr. Davis was an active member of the Ormond Beach Yacht Club for ten years and had served as Director for the past two years. She stated that he and his fellow members were dedicated to the restoration of the historical structure of the yacht club that was built in 1910. She stated that along with fishing and boating, Mr. Davis' passions included spending quality time with his wife of 19 years, Bonnie, his children and multiple grandchildren, and his yellow Lab. She stated that after 38 years of service to the city, Mr. Davis still looked forward to coming to work each day and a large part of that was due to the numerous friendships he had made over the years. She thanked Mr. Davis for all he did for the city and for his passion and commitment. She congratulated Mr. Davis on being named Employee of the Quarter.

Mayor Kelley stated that Mr. Davis was always smiling, and he did believe that he had ever seen Mr. Davis frowning. He presented Mr. Davis with a plaque, showed him the plaques that would hang in the atrium to commemorate the occasion, and presented him with a watch from the city.

Mr. Davis stated that he really enjoyed working for the city. He stated that he had seen a lot of changes over the years. He stated that the city had a good staff, he had a great crew, and that he appreciated the recognition.

Item #4B – Service Recognition – Sue Parkerson

Mayor Kelley presented Ms. Sue Parkerson with a plaque in appreciation of her many years of service on the Historic Landmark Preservation Board. He stated that Ms. Parkerson had served on that board from February 17, 1998, to January 8, 2013.

Item #4C – T-ball League Presentation

Mr. Doug Wigley, Commissioner of the Ormond Beach Youth Baseball and Softball Association (OBYBSA), introduced the Executive Board of their parent/volunteer organization. He stated that many years of planning and fundraising had culminated in the contribution that they would be making that evening. He stated that he also wanted to recognize Mr. Dwight Durant, Zev Cohen & Associates, for the time and effort he volunteered in planning. He explained that the goal of the fundraising had been to build a new T-ball complex. He stated that it became a phenomenal public/private effort, which was only made possible because of the city. He stated that the city challenged OBYBSA by matching whatever funds they raised. He presented Mayor Kelley with a check payable to the City of Ormond Beach for \$40,000 on behalf of OBYBSA.

Mayor Kelley thanked Mr. Wigley and the OBYBSA board.

Item #5 – Audience Remarks

Mr. Jim Cameron, Senior Vice President of Government Relations, stated that he wanted to invite the Commission and audience to join the Chamber for Volusia Day in Tallahassee on March 20, 2013. He stated that the theme would be “Education: The Road to Success.” He explained that they felt that the Florida Department of Education was really short changing them on the new differential formula they were implementing. He noted that the Volusia delegation supported their position but that they would be asking the House and Senate Education Committee members to support them, as well. He stated that they would be inviting cabinet members, new Education Commissioner Tony Bennett, new Department of Economic Opportunities Director Jesse Panuccio, and their friend Mr. Gray Swoope from Enterprise, Florida. He stated that their meeting would be in the same location, the Senate Office Building Portico, from 10:30 a.m. to 1:30 p.m. and then there would be have a couple of hours for individuals to spend on their own before the buses left to return. He stated that the trip cost \$30 to attend and there would be buses leaving that morning at 6:00 a.m. from the Daytona International Speedway and returning by 8:00 p.m. He asked that everyone who attended to wear a blue shirt. He noted that they had about 200 people who would be attending. He asked that anyone who wished to attend to please RSVP.

Mayor Kelley encouraged anyone with the opportunity to go to do so and see how the elected body in Tallahassee worked.

Mr. Jim Schultz, 117 Harvard Drive, stated that Dr. David Kennedy, a dentist whose area of expertise was toxicology and who served as the president for many years of the International Academy of Oral Medicine and Toxicology, decided that he had enough of the establishment, as he had spoken many times to Commissions and been ignored. He stated that Dr. Kennedy then decided to gather together the retired top Environmental Protection Agency (EPA) scientists, who had been involved heavily in fluoridation fraud, in order to take their testimony. He stated that Dr. William Marcus wrote a paper from a rat study showing that fluoride caused cancer, and he was fired. He explained that Dr. Marcus had been the only board certified toxicologist working for the agency. He stated that Dr. Marcus ended up suing and won his job back. He stated that the first thing the agency did when Dr. Marcus returned to work was to go back after him again. He stated that they subsequently had to admit in court for the first time that they faked the data to fire him. He stated that anyone interested in knowing the fraud going on could look up “fluoride gate.” He stated that he was at that point where he wondered how people could ignore the truth and hoped that the Commission was at that point, as well.

Item #6A – Approval of Minutes from January 8, 2013 City Commission Meeting

Mayor Kelley advised that the minutes of the January 8, 2013, regular meeting had been sent to the Commission for review, and were on the city’s website for public viewing. He asked for any corrections, additions, or omissions. He stated that hearing no corrections, the minutes would stand approved as presented.

Item #6B – Approval of Minutes from January 15, 2013 City Commission Meeting

Mayor Kelley advised that the minutes of the January 15, 2013, regular meeting had been sent to the Commission for review, and were on the city’s website for public viewing. He asked for any corrections, additions, or omissions. He stated that hearing no corrections, the minutes would stand approved as presented.

Item #7 – Community Redevelopment Agency

Mayor Kelley stated that the following item was a Community Redevelopment Agency item. He explained that the City Commission also served as the Community Redevelopment Agency and must review such items and make a recommendation as the Community Redevelopment Agency.

Mayor Kelley recessed the City Commission meeting at 7:22 p.m. and called the meeting of the Community Redevelopment Agency to order and opened the public hearing.

Item #7A – 42 N. Beach Street Building Improvement Grant

City Clerk Scott McKee read by title only:

RESOLUTION NO. 2013-36
A RESOLUTION OF THE CITY COMMISSION, ALSO ACTING AS THE COMMUNITY REDEVELOPMENT AGENCY, OF THE CITY OF ORMOND BEACH, FLORIDA, AUTHORIZING THE EXECUTION OF A BUILDING IMPROVEMENT GRANT AGREEMENT BETWEEN THE AGENCY AND ORMOND BEACH HISTORICAL SOCIETY, INC.; AUTHORIZING A WAIVER OF THE SHARED PARKING AND INDEMNIFICATION REQUIREMENTS RELATED THERETO; AND SETTING FORTH AN EFFECTIVE DATE.

Commissioner Kent moved, seconded by Commissioner Boehm, to recommend approval of Resolution No. 2013-36, as read by title only.

The motion passed by voice vote.

Mayor Kelley closed the public hearing.

Mayor Kelley adjourned the Community Redevelopment Agency and reconvened the City Commission meeting at 7:24 p.m.

Item #8 – Consent Agenda

Mayor Kelley advised that the actions proposed for the items on the Consent Agenda were so stated on the agenda. He asked if any member of the Commission had questions or wished to discuss any items separately.

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

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

Item #9 – Public Hearings

Mayor Kelley opened the public hearing.

Item #9A – Marshside Subdivision, Rezoning and PRD Amendment

City Clerk Scott McKee read by title only:

ORDINANCE NO. 2013-01
AN ORDINANCE AMENDING SUBSECTION A, MAP AMENDMENT, OF CHAPTER 2, DISTRICT AND GENERAL REGULATIONS, ARTICLE I,

ESTABLISHMENT OF ZONING DISTRICTS AND OFFICIAL ZONING MAP, SECTION 2-03, OFFICIAL ZONING MAP AND DISTRICT BOUNDARIES, OF THE CITY OF ORMOND BEACH LAND DEVELOPMENT CODE, BY REZONING THREE PARCELS OF REAL PROPERTY TOTALING 37.9± ACRES LOCATED AT THE NORTHWEST INTERSECTION OF AIRPORT ROAD AND TYMBER CREEK ROAD FROM VOLUSIA COUNTY A-2 (RURAL AGRICULTURE) AND VOLUSIA COUNTY RC (RESOURCE CORRIDOR) TO ORMOND BEACH PLANNED RESIDENTIAL DEVELOPMENT (PRD); AUTHORIZING REVISION OF THE OFFICIAL ZONING MAP; AND APPROVING A FIRST AMENDED DEVELOPMENT ORDER FOR THE "MARSHSIDE VILLAGE" PLANNED RESIDENTIAL DEVELOPMENT; AUTHORIZING A PHASED PROJECT CONSISTING OF 163 SINGLE-FAMILY LOTS; AUTHORIZING A WAIVER OF THE PERIMETER SUBDIVISION SETBACK REQUIREMENTS AND A WAIVER OF THE INDOOR RECREATION REQUIREMENTS; ESTABLISHING CONDITIONS THEREFORE; 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. 2013-01, on second reading, as read by title only.

Mayor Kelley asked that the 18 audience members who wished to speak please limit their comments to the issue being voted on so that everyone would have a chance to be heard. He asked that if what a speaker wanted to say had already been said by a previous speaker, that they please keep their comments in line and not repetitive.

Mr. Ron Hooper, 11 Aucuba Circle, asked for everyone in the audience that was in favor of 60-foot wide lots in Marshside Village ("Marshside") to please stand, and noted that no one stood. He stated that he had provided the Commission with photographs and information regarding the traffic on Tymber Creek Road ("Tymber Creek"). He announced that he would make quite lengthy comments as he felt there were several things said during the first reading of the ordinance which he did not have an opportunity to respond to. He noted that at the first reading of the ordinance he had been the only audience member to speak. He explained that many of the citizens who attended the Planning Board meeting that was held in October 2012 assumed that since the Planning Board voted 6-1 against reducing the lot size that they would not need to attend the first reading before the City Commission. He stated that he, along with those citizens, were stunned by the Commission's 4-1 vote in favor of the 60-foot wide lots on the first reading.

Mr. Hooper stated that he had an opportunity to meet with Mr. Edward Speno, the agent developer for the Marshside Village project. He stated that Mr. Speno had requested to meet with him to discuss the pending submission after the first reading of the ordinance. He noted that he and two other citizens met with Mr. Speno on January 24, 2013. He stated that Mr. Speno said nothing more than what he had said at the first reading, emphasizing that the added amenities were above what the city required. He stated that he told Mr. Speno that he personally was not interested in the amenities but was interested in the congestion, safety, and lifestyle of Ormond Beach. He noted that he re-emphasized to Mr. Speno that he was not against the original project and that his issue was with amending the lot sizes to 60 feet. He stated that he had asked Mr. Speno two different times if he would consider widening the lots more than 60 feet and that Mr. Speno's answer both times had been a blank stare.

Mr. Hooper stated that Mr. Speno emailed him after the meeting to state that he understood their concerns and thought that if they saw a street profile of a similar project they might come away with a more comfortable feeling of the future plans. He stated that Mr. Speno told him that in the general area of Orlando there were many projects designed similarly to his submission and felt that if Mr. Hooper saw them he would better understand the quality control and general enhancement of property values that the submission would bring to the community. He stated that Mr. Speno shared directions to those projects and that he drove to Orlando to see them. He stated that he was not impressed and that Ormond Beach was not Orlando.

Mr. Hooper stated that Mr. Speno went on in the email to address the traffic issue. He noted that Mr. Speno had stated that the traffic was a situation created long before Marshside Village or Southern Pines were in any developer's minds. He stated that Mr. Speno had thought that surely the city and county looked back on the planning they did

and realized now that the location of two elementary schools on either side of an isolated intersection such as Airport Road and Tymber Creek Road was a very bad selection.

Mayor Kelley noted that he was allowing Mr. Hoopper a lot of leeway to make his comments. He asked that Mr. Hoopper not read all of his correspondence with Mr. Speno and asked if he would summarize his meetings and conversations with Mr. Speno and his position on the issue. He stated that would help so that the other audience members who wished to speak would have a chance to do so as well.

Mr. Hoopper stated that he would probably not take more than an additional seven minutes.

Mayor Kelley noted that the Commission had read all of the emails and correspondence that Mr. Hoopper had sent.

Mr. Hoopper stated that Mr. Speno had told him that he felt they had an issue to bring to the Volusia County School Board, whom the citizens elected and paid, regarding the problem the school board created and needed to correct by staging the start times of the two schools. He stated that he had asked Mr. Speno whether he had requested the varying start times from the school board and noted that he had responded that he had not. He stated that Mr. Speno had told him that the developer was burdened with the responsibility to forecast the demands the projects brought upon the roadways servicing it. He stated that Mr. Speno had closed his email by asking what would be best for the city, a deed restricted project of community designed homes in a project containing its own recreational facilities with a perimeter decorative fence and an eastern exit to Tymber Creek Road or an uncontrolled project of larger lots with no recreation features, no commonality of design, no upgraded landscape controls, color controls, decorative perimeter fencing, and no exit onto Tymber Creek Road.

Mr. Hoopper stated that much had been discussed about the amenities between the city and the developer at the first reading. He stated that the developer had stated that the amenities would only be provided if the lot sizes were decreased to 60 feet. He explained that the amenities mentioned were a tot lot, gazebo, pool, split rail fence, stone columns, and other architectural features. He stated that those amenities were Mr. Speno's choice to include which he considered to be marketing tools. He stated that the city's Planning Department required subdivisions to have a Homeowner's Association (HOA) to maintain common area improvements such as landscaping, signage, recreational areas, and storm water ponds. He stated that architectural controls were required in planned developments, often with an HOA review board. He stated that the fencing and columns were not requirements but noted there would be a six-foot vinyl fence and natural buffer around the development.

Mr. Hoopper stated that the agent developer was obviously well aware of the traffic issues, and in his opinion, would not be a concern of the developer's, now or in the future. He stated that he heard the developer trying to persuade the city to allow historical standards to be put to the side in the name of creating as many lots as possible. He stated that he felt the agent developer's vision for Ormond Beach was Orlando. He asked if that was the direction city leaders wanted to take and if they really wanted to be like Orlando, Daytona Beach, Holly Hill, or Palm Coast. He stated that a policy decision must be made as to the city's interests in the protection of its residents in regards to the request to amend already agreed upon lot sizes. He noted that the original lot sizes were requested by the developer and approved in 2006. He stated that going forward the policy decision would be a signal to future developers and their possible requests. He stated that the agent developer had another development one mile north of Airport Road on Tymber Creek Road that was ready to begin construction according to the Planning Department. He stated that those were 80-foot wide lots.

Mr. Hoopper stated that there had been much discussion in the past and present about the traffic. He stated that according to the minutes of the November 14, 2006, City Commission meeting, Mayor Kelley, then Commissioner Kelley, voted "no" against the original 68 lots of Marshside Village due to the traffic concerns. He stated that on October 11, 2012, at the Planning Board meeting, Mr. Speno stated that the biggest problem with the traffic was the elementary schools and that for at least six years he had recognized there was a problem and would be one in the future. He stated that the Daytona Beach News-Journal had printed such quotes as "*there are people who want to buy into that*" and "*let's accommodate those people who want to come into our community.*" He asked that the Commission think of their constituents first. He asked if developers were more important to the city than the voters that currently lived there. He

stated that a city survey showed that some surrounding subdivisions had a greater density than Marshside. He stated that of the 14 subdivisions feeding into the intersection, four of them would have a greater density of units per acre.

Mr. Hooper stated that Marshside Village would be located on a busy intersection which was the only one between US1 and SR40. He noted that it had been pointed out that the county was widening Tymber Creek Road. He explained that the Tymber Creek Road widening would fall short of Airport Road by over one-half mile, which would create a bottleneck going from four lanes down to two lanes. He stated that he agreed with Commissioner Stowers during the first reading that the seven lots on the cul-de-sac separate from the community on Tymber Creek Road were completely inconsistent with a planned neighborhood, and he felt that those lots should not be approved in the plan.

Mr. Hooper noted that it had been mentioned that many residential developments faced opposition, but the Commission believed that the developer planned on building a quality product. He stated that the concerned citizens were not disputing the quality, but their concern was the amendment from 80-foot to 60-foot lots. He stated that the Planning Board, who was appointed by the City Commission, voted 6 to 1 against amending the plan to the smaller lot size in October 2012. He stated that most of the Commissioners and Mayor voting for the amendment on the first reading made him question whether citizens were being considered by their elected officials.

Mr. Hooper stated that Mr. Speno had an analysis performed by Lassiter Transportation Group, Inc. ("Lassiter"), concerning the Airport Road and Tymber Creek Road intersection. He stated that the report noted that the traffic volumes on both roads had steadily declined since a 2005 study was conducted. He stated that the report stated that Tymber Creek Road daily counts had reduced by 12%, and Airport Road counts had reduced by 26% over the same time period. He stated that staff notes from the Ormond Beach Planning Department dated October 4, 2012, stated that Tymber Creek Road was a Volusia County maintained roadway where average daily trips had been decreasing by 3% on traffic counts. He stated that it had also been stated that the intersection of Tymber Creek Road and Airport Road had always been a concern with two elementary schools in close proximity.

Mr. Hooper stated that those figures were not the whole story and were not what people were experiencing. He stated that there were yearly fluctuations of traffic counts dependent on many factors. He stated that he received information that day from the Volusia County Traffic Department, who told him that 2005 was on or near the top of the housing boom and that it only made sense that counts would begin to go down after that. He stated that the figures from 2001 to 2010, which he had received that morning, showed that Tymber Creek Road traffic had increased over 5% and Airport Road increased over 12%. He stated that he was told by the Volusia County that what had happened was due to the state of the economy after 2005 and 2006, whereby less people were driving around looking for a home, tourism was down, construction vehicles were not traveling these roads, and so on.

Mr. Hooper stated that when the development began there would be 15 subdivisions feeding into the intersection. He noted that when the development one mile north on Tymber Creek Road, called Enclave of North Pointe began, there would be 16 subdivisions feeding into one intersection. He stated that the amendment request for lot size would be an increase of 138% of homes over the original request. He stated that in the area where the 68 original lots were approved, the number would increase to 104. He stated that Marshside should not even begin until Tymber Creek was a four-lane road up to Airport Road. He stated that a developer took risks which came with the territory and no city should be expected to completely gut an approved subdivision plan, change lot widths, and increase homes by 130% at the same time.

Mr. Hooper stated that the concerned citizens did not want the additional amenities, which were only a marketing tool. He stated that the agent developer said during the first reading that he wanted to give the city something unique, but he felt it would not be unique in a good way for Ormond Beach. He stated that Mr. Speno also said that the development would be an asset to the city, and in his opinion the only way he could see it being one was for tax collection. He stated that people chose to live in Ormond Beach for a reason, and they did not want their officials to go down the road of Orlando, Daytona Beach, Palm Coast, or Holly Hill. He stated that when you entered Ormond Beach you knew that there was a difference. He stated that at the August 1, 2006, City Commission meeting when discussing the subdivision being built one mile north of Tymber Creek road that he had previously mentioned, the Commission decided to take

the extra time and do the right thing for the community. He asked that the Commission do the right thing for the community and vote "no" to 60-foot wide lots.

Mr. Clay Beazley, 2180 Arabian Trail, stated that he was a lifetime resident of Ormond Beach. He thanked Commissioner Stowers and Commissioner Kent for meeting with their group of citizens concerned about the development. He stated that his concern was the flooding of Leeway Trail, as it flooded constantly. He stated that he had a conversation with Mr. Speno and was told by him that end of the property was some of the highest property on the piece that he owned. He stated that his concern was that Mr. Speno would build about 20 to 25 homes on the northwestern end, and it would stop the natural flow that came across there.

Mayor Kelley stated that they would let the Planning Department address that later as they had reviewed potential flood management issues.

Mr. Beazley stated that he was not sure why there needed to be decreased lot sizes as there were plenty of lots in that area that were already for sale. He stated that he believed that an approval would open Pandora's box as far as future projects and set a precedent for Ormond Beach. He stated that 60-foot lots would end up being zero lot lines in the future. He stated that he agreed with Mr. Hoopper about the seven lots on the northeast end not being concurrent with the rest of the project, even if Mr. Speno put a fence around it. He stated that would mean that anyone who had property on Tymber Creek could put a fence around it and call it a housing project. He stated that Tymber Creek would be four lanes up to Peruvian Lane, but he noted that there was no funding mechanism to buy the property from Peruvian Lane to Tymber Creek. He stated that it would be many, many years before that happened, if it even did.

Mr. Beazley stated that the traffic was unbearable and that he counted 115 cars from Tymber Creek Road to SR40 just sitting at the traffic light trying to go to the school. He stated that he thought that Mr. Hoopper was right about the quality of life in Ormond Beach and felt that the city stood alone in the county. He stated that if you wanted to live in an area with those kinds of housing lots, a lot of other things would come along with it. He stated that you could go three miles up the road to Holly Hill and see what he meant, as he owned rental properties there with 50 foot lots and saw what those kinds of projects ended up looking like in the long run.

Mr. Beazley noted that a project with similar lot sizes was the Grand Preserve off of LPGA. He stated that Grand Preserve was a seven to eight year old project with small lot sizes. He stated that if you drove through at night you would see that cars were parked in the road because there was no place to park them. He stated that those homes had already been sold two and three times. He stated that was what happened with those types of projects and that was not Ormond Beach. He stated that Mr. Speno had beautiful pictures but he had not heard him say that that he was going to built the homes he showed. He stated that it was highly likely that Mr. Speno would sell the project to the highest bidder who would maximize their profit by building as cheaply as possible, and there were no controls for that. He thanked the Commission for listening.

Ms. Connie Colby, 108 Roble Lane, stated that she did not live in the Tymber Creek area. She stated that she was not happy about what she was reading because she liked the city. She stated that she saw that Mr. Speno had proposed homes for \$175,000 to \$200,000, and she could not imagine who would buy a \$200,000 home on a 60-foot wide lot. She stated that if there was six to 7½ feet on each side of the home people would be looking into someone else's bedroom window. She stated that she understood that the city no longer allowed parking of travel trailers and boats in front yards, and that in a 60-foot lot they could not even be pulled alongside a home and into the backyard. She stated that she did not see anything in the submission about whether manufactured homes would be allowed; whereby, Mayor Kelley stated that they would not be.

Ms. Colby stated that her other concern was the infrastructure of the city in general. She stated that any new residents out there would come down to the library, to the beach, to Walmart, and to Publix. She stated that they would only have two ways to get there, US1 and Granada Boulevard. She stated that she personally did not use Granada Boulevard ever, and usually took Division Avenue instead, because Granada Boulevard was always crowded. She stated that she hoped that the Commission was listening to what the residents were saying. She stated that the citizens elected the Commission to do a job for the city and keep Ormond Beach a nice community and to not sell out to a developer.

Mr. Rich Almond, 32 Greenvale Drive, President of the Ormond Green HOA, stated that he was concerned that the Commission was looking at approving 60-foot lots in an area that already had massive traffic congestion. He stated that nowhere in the traffic study did it state that everything going into that intersection was basically two lanes. He noted that it also referenced multiple entries into the intersection but not who would pay for them. He stated that he hoped that the city would not be the ones upgrading the intersections of Mr. Speno's subdivisions into the roadway. He stated that it had also not been mentioned that River Oaks subdivision originally looked for smaller lot sizes but listened to the community and went to 80-foot lots. He stated that the site study mentioned the smaller lot sizes in Deer Creek but he would note that Deer Creek was a part of Hunter's Ridge, which was a major planned community with all different lot sizes. He stated that he looked at the pictures of the sample homes and felt that they would be hard pressed to get those types of homes into a 60-foot lot. He stated that another issue that concerned him was that the rezoning signs were up for only one day and then had disappeared. He stated that the only reason he even knew it was an active issue was that someone put up hand-printed signs saying when the Commission meeting was and that residents needed to get active. He stated that the Ormond Green HOA did not feel that it was an asset to go to 60-foot lot sizes and saw a developer trying to get more free land so the city could get a bigger play area and collect impact fees.

Mr. Louis Lumaghi, 1 Cliffside Drive, stated that he lived in Ormond Lakes. He stated that the only point he wanted to make was that if Ormond Crossings developed and because Main Street was developing, there would be a major traffic problem both on US1 and SR40. He stated that there was no way to avoid it and throwing more traffic on to those roads would be a big problem.

Ms. Sophia Kalapaca, 844 Marvin Road, stated that she wanted to tell the Commission that the organization CANDO thoroughly discussed the issue at their January 17, 2013, meeting. She stated that the members voted unanimously to recommend that the zoning be denied and the 80-foot lot widths be retained. She stated that it was a clear quality of life decision.

Mr. Robert McCutcheon, 425 Leeway Trail, stated that he agreed with everything he had heard so far from the other speakers. He stated that if Mr. Speno wanted to stick with his 68 original homes on 80-foot lots, none of the residents had a real problem with that. He stated that in 2006, he was at the original first reading when it was approved with a stipulation that Mr. Speno could only built 34 homes and at the second reading he understood that he was given the approval to build 68 homes. He stated that he felt that Mr. Speno had six years to do something and had done nothing. He stated that he would like to see Mr. Speno develop the original project and re-apply.

Mr. Sean O'Sullivan, 27 Acanthus Circle, Vice President of Southern Pines HOA, stated that in 2006, he was one of the few who supported the development. He stated that he had no problem with the 68 homes on 80-foot lots. He stated that he did not care what the traffic study said, as he drove and lived there and experienced it daily. He stated that the traffic was not getting any better and the widening of Tymber Creek Road to a one-half mile from Airport Road would not improve the situation. He noted that it would still bottleneck when the parents were bringing their kids to school every day. He stated that it was obviously poor planning when the schools were built and probably also to allow the subdivisions to go in the way they had. He stated that the city should not allow a developer to come in and dangle amenities that would only be for residents of the Marshside HOA and not for the citizens of the city. He stated that amenities were only for the developer to sell the homes. He stated that he hoped that the Commission took into account that there were no citizens siding with the developer. He stated that the citizens voted and paid a lot of taxes.

Ms. Gayle Giacobbe, 57 Foxcroft Run, stated that she was a parent, and her child had attended Pathways Elementary. She asked how much more the city would want to put on the Police Department, Fire Department, the schools, and the water pressure in that area. She stated that the schools did not have enough money for what was there, now and this would put even more children in the schools. She stated that the traffic on Airport Road was the I-4 of Ormond Beach. She asked the Commission to please vote "no" on amending the lot sizes.

Ms. Laura Jones, 59 Amsden Road, stated that she had lived in her home for 48 years. She stated that Ormond Beach was the best of all the other places they could have lived and people chose specifically to live in the city. She asked the Commission to please help Ormond Beach remain the best. She stated that she had called the Real Estate

Board and was told there were currently 450 homes on the market for sale in Ormond Beach. She asked why not rebuild, replace, or repair those homes that were on larger lots. She asked the Commission to please not disappoint her.

Mr. James Anderson, 2250 Arabian Trail, stated that he thought the increased density of the development would really hurt the character of the area, and he hoped that the Commission would vote against it.

Ms. Diana Anderson, 2250 Arabian Trail, agreed with all the previous speakers.

Ms. Cheryl Holmes, 2311 Arabian Trail, stated that the reason she chose Ormond Beach over other communities was the quality of life and the quality of the schools. She thanked the Commissioners who came out and looked at the traffic and saw what the residents of that area were dealing with on a daily basis. She stated that she was lucky that she worked from home but noted that she never made any appointments around school times because she did not want to leave 45 minutes early because of the traffic. She asked the Commission to take the same diligence and care that they had with other communities. She stated that they should wait until Tymber Creek Road finished so they would not have more of a traffic problem and more citizens did not have to come before the Commission and belabor their time. She stated that the city should prepare and plan to offer a nice package to developers. She asked that the Commission hold the developer to what had been approved previously. She stated that the citizens were not opposed to development but wanted it to be planned. She asked the Commission to vote as the citizens' voice.

Ms. Patricia Sparks, 290 S. Janice Lane, agreed with all the previous speakers.

Mr. Jeff Boyle, 614 N. Halifax Drive, Chairman of CANDO, thanked the City Commission and City Manager for taking time over the last two years to speak to CANDO and explain their visions for the community. He noted that he sat in Commissioner Stowers' seat for ten years. He stated that Ms. Kalapaca had mentioned the unanimous recommendation to not approve made by CANDO at their January 17, 2013, meeting. He stated that a lot of members that were not at the meeting also added their support afterwards. He noted that the city had a great Planning Board and that CANDO agreed with their recommendation. He stated that the two big issues that stuck out were the roads and the schools. He stated that it was amazing that there were five public elementary schools in Ormond Beach, three which were centrally located on main arteries, and two which were way out in a corner of the city on a perimeter, almost back-to-back. He stated that he just wanted to remind the Commission that the issue in front of them should not be about economics or amenities or affordable housing but about the existing community. He stated that he thought that the development should be compatible with the surrounding community and that the community standards and values had been consistent for a long time. He stated that Ormond Beach was not elitist but was homogenous. He stated that CANDO respectfully requested the Commission to decline the request for amended lot sizes.

Mr. Royal Borres, 11 Cross Vine Drive, stated that he had spent over 50 years in emergency services. He stated that the situation at Airport Road and Tymber Creek Road allowed no way to get through with emergency vehicles. He stated that sirens only worked so much.

Ms. Gwen Murray, 10 Aucuba Circle, stated that she chose to live in Ormond Beach very specifically after visiting for over 20 years. She stated that she agreed with everything that had been said so far. She pointed out that Hunters Ridge, Southern Pines, and the upcoming Enclave subdivision had not even been finished yet. She stated that if those lots were developed, the traffic situation would be one that the Planning Board and the traffic study acknowledged would fail. She respectfully asked that the Commission deny the request to amend the lot sizes.

Ms. Pat Hughes Millard, 620 Main Trail, stated that she wanted to remind the Commission about what happened to Mr. Carl Persis when he did not listen to his constituents. She explained that the constituents got rid of him in a hurry. She stated that she just wanted the Commission to remember what a fantastic city Ormond Beach was. She stated that Ormond Beach did not need 60-foot lots.

Mr. Edward Speno, President of White Falcon Land and Development, Developer and Applicant, stated that he was standing in uncomfortable water with all of the stones being hurtled at him. He stated that he had hoped that the submission would be

received with more acceptance. He stated that the reality of the situation was that if they abandoned the abundant recreation area and reconverted all of the linear footage created by the 60-foot lots and divided them into 80-foot lots, they would wind up with 124 lots plus whatever they could get on the recreation site, which might be another 10 or 12, which would make a total of about 135 lots. He stated that the density increase being debated was about 30 lots.

Mr. Speno stated that he was not sure that the Planned Residential Development (PRD) zoning was being clearly understood and what it meant to be a conditional zoning. He asked City Attorney Randy Hayes if there would be substantial deviation, substitution, or omission from any of the conditions contained therein if the subdivision was approved.

Mr. Hayes stated that he did not need to answer that question from Mr. Speno.

Mr. Speno stated that it would be nice if he would but that instead he would state for the record that as he understood it those conditions were a matter of record, and in order to change them someone would have to bring a submission back before the Commission for approval. He asked Mr. Ric Goss, Planning Director, what the future land use codes asked of that area within the city.

Ms. Shanahan stated that Mr. Speno should address his questions to Mayor Kelley and then Mayor Kelley could ask staff if needed.

Mr. Speno asked Mayor Kelley what the future land use code asked of that area within the city.

Mayor Kelley asked Mr. Goss to please answer the question.

Mr. Goss stated that specifically in the comprehensive plan for the underlying land use it required a PRD and also stated in the plan that the PRD was required because they were looking for smart growth development and sometimes even used the word "clustered" to refer to smaller lots. He stated that he felt that Mr. Speno was trying to say that what he proposed was consistent with the comprehensive plan policies with regard to the land use designation and the PRD itself.

Mr. Speno stated that the developer came to the Commission seeking their equitable property rights and giving a submission which was consistent with the city's future land use code. He stated that they thought the city would be very pleased with the results. He stated that they had restricted the growth and given them the opportunity to dictate exactly what would be built in the subdivision. He stated that there would not be any deviation because the conditions would be of record. He stated that Mayor Kelley should ask the City Attorney about any deviations.

Mayor Kelley stated that any deviations from the plan, if it was approved, would have to come before the City Commission to get approval. He stated that was the value in a PRD, that it could not be changed by Mr. Speno, any assignee, or any subsequent buyer. He noted that some audience members commented that it could be changed, but in order to do so it would have to come back before the Commission for approval.

Mr. Speno stated that Mayor Kelley had reviewed the submission and seen the pictures of the typical houses. He asked Mayor Kelley if they represented what the conditions in the subdivision were.

Mayor Kelley stated that they represented what Mr. Speno had proposed to the Commission, which would be a condition upon which the submission could be approved.

Mr. Speno stated that a developer took on an interesting task of trying to find the right combination of architectural details, product sizing, lot sizing, and price point. He stated that he tried to bring those things together consistent with the municipal development code. He stated that he thought they had done that, and he asked the Commission to approve the submission as it was prepared.

Commissioner Partington stated that he was torn after listening to the citizens and reviewing the information in the submission. He stated that he found by the greater weight of the evidence that the project improved the drainage in the area, improved the traffic flow based on the traffic study, and he clearly thought it improved the look of what was currently there. He stated that he had lived in Ormond Beach for 45 years and seen a lot of development occur. He stated that he grew up in Forest Hills off of Nova Road

and that people thought that the world was ending when they built the Woodlands and the Village. He stated that there had probably been 20 or 30 subdivisions built since then. He noted that as some of the speakers mentioned where they lived he remembered groups of people not wanting their subdivision to be built. He stated that he understood the push and pull of development, and those who were concerned about it.

Commissioner Partington stated that he appreciated all the citizens that attended showing how much they cared about Ormond Beach. He stated that he was stuck between realizing that there were many good things about the project and balancing the concerns of the people who lived in that area. He stated that someone on the Commission might have a suggestion of a compromise, or Mr. Goss might be able to better explain some of the concerns people had. He stated that he did not think that the concern was actually the lot size and that it was honestly about density. He noted that he lived in a small home with zero lot lines. He stated that the project was consistent with many of the other neighborhoods in that area and that four subdivisions in that area actually had a higher density than Marshside would. He stated that he was essentially undecided.

Commissioner Boehm stated that he thought the entire Commission was torn and did not think that it was a very easy decision to make. He stated that he did not think that there was any question that there was a traffic issue and that there would continue to be one. He stated that he would point out that Mr. Speno was required to build a sidewalk from Airport Road to Leeway Trail as part of the project. He stated that from the perspective of the developer he would increase traffic and have to deal with more crowded schools and any drainage issues and try to sell those homes with all those conditions. He noted that would be an enormous risk undertaken by Mr. Speno. He stated that he had a hard time conceptualizing \$175,000 to \$200,000 homes on a 60-foot lot because he thought that those homes would overwhelm the lots. He noted that those would not be inexpensive or cheaply built homes.

Commissioner Boehm stated that he still had great concern about the future of that area because of the traffic that it had currently and would have in the future. He stated that he would agree that he had no idea why the county chose to widen Tymber Creek Road to Peruvian Lane and not to Airport Road. He stated that he did not think they should have even started the project until they had the funding to go the entire way. He stated that it would just create the bottleneck that Mr. Hoopper and others had referenced. He stated that he was with Commissioner Partington in ultimately being undecided, but he did feel that there were two sides to the issue which both needed to be taken into consideration.

Commissioner Kent stated that he was not undecided. He stated that he thought that Commissioner Partington had been a resident the longest out of the Commission with 45 years, but he was coming up on him with 37 years. He explained that he remembered playing T-ball when there was still a drawbridge at Granada Boulevard. He stated that until he was about 22 years old, there were horses in a field where Lowes now sat. He stated that Mr. Speno was a great guy and received somewhat of a bad rap. He noted that there were a few points he wanted to make. He stated that the first of which was that the city's Planning Board denied the lot size amendment 6 to 1. He stated that he also approved the plan six years ago with 80-foot wide lots. He stated that if the plan was before him that evening with 80-foot lots and the citizens did not want it, he would still say yes to it. He stated that at the last meeting he had said that he was not on board with the added density, and he would say it again. He stated that the residents, who were the Commission's neighbors, friends, voters, and their bosses, came out because they were concerned about the issue, and he did not blame them for being concerned, as he was as well.

Commissioner Kent stated that he worked in that area and drove it five days a week. He stated that the traffic was hellish. He noted that Mr. Speno mentioned getting rid of some of the common areas to go to 80-foot lots which would be a difference of about 35 homes. He stated that he would not bicker about that, but his concern was that 35 extra homes here might mean another 35 extra homes there and additional homes down the road as well. He stated that as many speakers had mentioned, SR40/Granada Boulevard had traffic like a chokehold during certain times of the day. He stated that he heard someone mention going down Division Avenue instead and did not want them saying that out loud as he did not want everyone to go down there now. He stated that it looked like it could be a fantastic project, and he felt that it still could be, just with 80-foot lots. He stated that he met with a citizen group, and he told them at that meeting

that if there were 80-foot lots he would be comfortable with it and noted that every single person at that meeting had agreed. He stated that he would be voting consistently and voting “no” again because of the added density.

Commissioner Stowers stated that the project happened to be in Zone One. He stated that he always reminded people when controversial items were before them that was why they had the process that they had. He stated that this was why they had two readings and why city officials and city staff were accessible and transparent. He stated that when he got a call on a Sunday for a meeting on a Monday he would say that he could go anywhere and anytime to meet with people and talk face-to-face. He stated that he was the people’s voice and took that job very seriously, as did the entire Commission. He stated that he was always surprised when people expected him to not listen when that was his job. He stated that he also met with residents and had a lively discussion. He noted that certainly there were traffic issues.

Commissioner Stowers stated that Lassiter Transportation Group was a good organization that did good work. He stated that they could not live in a world where they did not have analysis. He stated that the answer was not just an eye test but to get into the details of the numbers, in particular when there were issues. He noted that he gave value to traffic engineering. He stated that was why the development would have the added exit onto Tymber Creek Road, to alleviate some of the intersection issues. He stated that regarding setbacks and driveways, he would note that in the existing agreement the garage had a 25-foot setback and the front porch had a 15-foot setback. He stated that he said that because there was a comment about cars in the driveways, and he noted that would address it, although possibly not completely. He stated that he planned to call the planner with Volusia County Schools because both Pine Trail and Pathways Elementary had major traffic issues. He stated that there were cars on the sidewalk and all over the place. He stated that the city needed to continue to try and apply pressure to Volusia County Schools and Volusia County to try and come up with some sort of solution.

Commissioner Stowers explained that at the first reading he had suggested that the 80-foot lot width be kept for the original development area and 60-foot lot widths could be explored for the annexed area. He explained that the idea was that with wetlands you wanted to cluster the residential area to avoid and minimize the impact. He noted that there was a rational basis for having those widths in that particular area. He stated that he and Mr. Beazley went back and forth at the meeting about the slippery slope argument. He stated that Mr. Beazley had thought that Pandora’s box would be opened and other developers would ask for 60-foot lot widths as well. He stated that he told him that the Commission looked at the facts of the particular property and reviewed the circumstances on each PRD. He stated that it would not mean approval for any 60-foot lot widths, and anyone requesting that would have to prove similar circumstances.

Commissioner Stowers stated that with his concept of 80 feet in the front and 60 in the back, he would estimate it to be about 130 homes total, and that 80-foot lots for the whole property would be about 110. He noted that he was on the fence at the first reading but had agreed to proceed with the 60-foot lots. He stated that there had been an outpouring of support, and he could recognize the difference between one or two outspoken individuals and a broad outpouring of support for an item. He stated that he was not in favor of the entire project being 60-foot lots and would support either the entire project being 80-foot lots or the hybrid combination of 80 and 60-foot lots.

Commissioner Stowers noted that the Commission was being asked to rezone the annexed land also. He stated that Mr. Speno was currently entitled to the property that already had the PRD and that was legally where they stood. He stated that he asked Mr. Goss what the Volusia County Rural Agricultural Resource Corridor residential zoning was. He explained that he asked because to annex property into the city from the county the requirement was that it be rezoned to a city zoning category that was similar to what it was in the county. He stated that Mr. Goss stated that it was about one unit per five acres. He noted that he was trying to be reasonable and come up with a resolution that the residents could be supportive of and also did not leave the developer out to dry. He stated that he thought there could be a fair resolution. He stated that he also wanted to point out that the Commission did not get to talk to each other except for at a meeting, and so this was the time where they got to speak to each other and have a discussion.

Mayor Kelley stated that in 2006 he voted against the development because Tymber Creek should have already been completed at that time and was not. He explained that

he had promised to vote against it and did so. He stated that he thought that the Tymber Creek widening would improve the southbound morning traffic, but he knew some would disagree. He stated that there was absolutely a traffic problem that was created in large part because of the schools and noted that it was primarily a problem during morning rush hour. He stated that he kept hearing people were against 60-foot lots and asked if any of them would want to buy a home there. He noted that he did not want to buy a 60-foot lot. He stated that there were people who wanted less to take care of and to still have a nice home. He asked if it was fair to be against a 60-foot lot, because you personally did not want one. He stated that if they were against 60-foot lots, because they increased the density in that development then that was another issue. He noted that the density in that development was not as great as it was in some of the surrounding developments.

Mayor Kelley stated that he received many emails and checked the tax rolls because many had mentioned that they paid large Ormond Beach taxes. He stated that generally residents paid less than \$40 a month for their city taxes. He stated that Ormond Beach taxes were about \$440 on average for an average priced home. He explained that Ormond Beach did not receive the entire \$2,000 someone might pay in property taxes, as there were other taxing authorities included in that bill. He noted that residents in the new development would also be paying their fair share of property taxes. He stated that the properties being built would increase the value of most of the properties in the area if they were sold at the proposed prices.

Mayor Kelley stated that people lived in Ormond Beach because of the low taxes, quality of life, and level of service that the staff and Commission provided. He stated that Fire Station 94 had the least calls of any of the city's four fire stations. He stated that the issue of safety from a fire standpoint was not an issue. He stated that he was on the Commission in 1994 when Hunters Ridge was approved and noted that it went through years of citizens making objections of the same variety. He stated that everyone lived in some place that someone probably originally opposed. He stated that people also fought the development of Breakaway Trails. He explained that Hunter's Ridge was now built out in Ormond Beach, and the only part left to build was in Flagler County. He noted that when that happened, it would trigger conditions for improvements to SR40 and Tymber Creek.

Mayor Kelley noted that Commissioner Partington lived in a home without an 80-foot lot, and some who spoke also lived in areas without 80-foot lots. He stated that change was difficult to accept, and the Commission was faced with trying to balance what the residents felt was the reality of the situation. He stated that the main issue was the traffic and the lot widths should not enter into the discussion unless they were going to purchase homes there. He stated that he was also torn as to which way to go. He noted that he wished they could solve the traffic problems. He stated that he sat on the Transportation Planning Organization (TPO) and would do everything he could to try and get Tymber Creek widened sooner.

Commissioner Partington asked Commissioner Stowers if it was his understanding that by right Mr. Speno could build 135 units on the property that he had using 80-foot lot lines.

Commissioner Stowers stated that he thought all they had was a conceptual plan based on the 60-foot lot width for the entire property. He stated that he suspected that Mr. Speno knew what he could get on the 80-foot lots but doubted he knew what he could get if he left the front at 68 lots and just added 60-foot lots on the new area. He noted that right now he was just guessing, because it had not been engineered. He stated that was where he agreed with Commissioner Kent about how a little bit here could become a little bit there and so on.

Commissioner Partington stated that Mr. Speno had 68 homes on 46 acres approved as of 2006. He stated that there was an additional 39 acres now that he would assume would hold 55 or 60 homes. He stated that he was trying to determine if there was a number they could get to so that they did not lose the quality aspect of the project.

Commissioner Stowers stated that he thought that was what they were trying to get at the first reading. He noted that the developer said that there was no negotiation or middle ground. He stated Commissioner Kent had disagreed, and he also did not like that situation. He stated that he understood and agreed with what was said about the lot width not being the real issue and that the real issue was density. He stated that the Planning Board had agreed to the PRD rezoning. He explained that the applicant asked

for 60-foot lots then instead of 80-foot lots and the Planning Board denied that. He stated that he recognized that there was broad opposition from residents, for a variety of reasons, and that they were trying to use whatever reasons they thought would resonate with the Commission to convince them to agree.

Mayor Kelley stated that perhaps they could arrive at a hybrid resolution or they could vote the ordinance down. He noted that some residents did not want the development at all.

Commissioner Kent stated that Mayor Kelley mentioned that people were afraid that they were not going to get the type of home they wanted on a 60-foot lot. He stated that he could not answer for the public, but he had never thought that. He stated that he had seen beautiful homes in areas of Ormond Beach that had 60-foot lot lines. He stated that Mayor Kelley had said that the traffic bothered him and he agreed with that. He stated that he was not against a 60-foot lot because it was a 60-foot lot but because of the added density that would occur, which was what he heard from the majority of people, as well.

Mayor Kelley stated that the density was less than four other surrounding developments. He asked Mr. Goss to confirm that statement.

Mr. Goss stated that the city looked at the density of the 14 subdivisions in the area and that four were higher than Marshside Village was proposed to be. He stated that in the traffic study, the level of service met the county's level of service with regard to the roadway, even after Ormond Crossings and Hunter's Ridge were built out. He stated that he also thought that the issue was the morning peak during school hours. He noted that the developer had put in a left hand turn only curb cut onto Tymber Creek Road. He stated that when Lassiter looked at how many trips would be using the three curb cuts in the morning it was 76 trips, 31 going out onto Tymber Creek Road and the rest would be coming out onto Airport Road, and 20 of those would be making a left hand turn and going east. He stated that they were really talking about 20 trips causing the conflicts out of the development.

Mr. Hayes stated that there were two components to the ordinance, the rezoning and whether they wanted to amend the existing development order. He explained that the Commission might want to treat each one separately, noting that the rezoning would apply to the annexed land. He stated that the amendment to the development order was Mr. Speno's application to essentially combine the annexed piece of land with the existing project and to have 60-foot lots. He stated that the Commission needed to approve or deny it as they did not have enough information that evening to do a hybrid solution. He stated that they could discuss it and give direction to staff if that was what the majority of the Commission chose to do. He stated that they would not be able to amend it at that time, because they did not have the site plans to support such an amendment.

Commissioner Boehm stated that he understood that they could vote on the rezoning, and as Mr. Hayes pointed out, not consider a hybrid that night. He asked if they could vote to table that component pending an answer regarding how many lots would go into a hybrid. He stated that he knew that he would not get an answer to that question tonight, but he was curious, as it could influence his decision. He stated that he also would require Mr. Speno to put the sidewalk in. He explained that he lived in The Trails and his children rode their bicycles or walked to Tomoka Elementary, because the sidewalk was available and there were crossing guards at the road. He stated that he believed if there was a sidewalk and crossing guards that children from the proposed subdivision, as well as some of the ones already in existence, could walk or ride their bikes to school in the mornings and create less traffic. He stated that he would not give Mr. Speno the option, as it currently stated he had to pay into the fund, build the sidewalk, or amend it so that he had to build the sidewalk. He noted that he did not have any confidence in the county's building department to build it. He stated that he would like to have more time to consider the options rather than be forced to vote right then.

Commissioner Partington withdrew his motion, and Commissioner Boehm withdrew his second, to approve Ordinance No. 2013-01, on second reading, as read by title only.

Commissioner Partington moved, seconded by Commissioner Boehm, to approve the rezoning of the 37.9 acres of annexed land from Volusia County A2 rural agricultural and resource corridor (RC) to the Ormond Beach PRD zoning designation.

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

Mr. Hayes stated that he would like to answer Commissioner Boehm's question regarding a possible continuance. He noted that the Planning Board served as the Commission's advisory board on planning matters. He stated that the problem was that even though the Planning Board recommended 80-foot lots, they did not have a site plan for that. He explained that it would be a new concept and a new proposal which needed to go back through the planning process before it could come back to the Commission. He stated that he understood that was a challenge as the Commission would like to know more about the proposal before they sent it back. He stated that the applicant could perhaps share some information with them before it went back to the Planning Board. He explained that essentially it would be a new proposal that would need to start the process over.

Commissioner Partington clarified that the Commission would need to vote up or down on the issue; whereby Mr. Hayes stated that was correct.

Commissioner Stowers stated that his concern with having the applicant restart the process was that it could mean more permitting and reapplying as opposed to tabling the item as Commissioner Boehm had suggested. He stated that if there were three votes then, they could instruct the applicant that they would not approve 60-foot lot widths and that he needed to go back to the Planning Board and present them either with 80-foot lot widths or a hybrid, without starting from the beginning. He stated that he believed that Mr. Speno could glean from their discussion the direction he should move in. He stated that if they could not do that, he understood but noted that they prided themselves on being not only friendly to the residents but also business friendly. He stated that he did not want to create a bunch of additional fees.

Mr. Hayes stated that he understood that it would be a major material change to the original application. He noted that was the problem, and that the problem was that the submission was for a project for 60-foot lots.

Commissioner Boehm asked if it could be tabled so that they could see what the numbers would be or what the alternate proposals would be. He stated that the amendment would stay where it was, but then they would have the opportunity to see what it would look like without the amenities and with 80-foot lots and the hybrid suggested by Commissioner Stowers, so that they would have more to evaluate before they voted up or down on the current proposal.

Mr. Hayes stated that they needed a recommendation from the Planning Board regarding a material change.

Mayor Kelley stated that the Commission could table it and then find out through research what could and could not be accomplished, and it could come back before them for an up or down vote.

Mr. Hayes stated that they could table it for that purpose.

Mayor Kelley stated that they could table the item until the February 19, 2013, City Commission meeting until reviewing the information regarding what changes could be made to create a workable solution. He asked if that was the will of the Commission.

Commissioner Boehm stated that he did not know whether Mr. Speno would have the time within two weeks to show something that was materially different.

Mayor Kelley asked Mr. Speno if he would speak to that.

Mr. Speno stated that he was certainly disappointed to hear how the discussion had moved. He stated that he wondered if the Commission had really considered what the

equitable property rights were of the property owner. He stated that they had come to the city and worked with the city's Planning Department. He stated that the Planning Department had instructed them as to what was allowed in the zoning category in that area and they had complied. He noted that it was not a simple or cheap submission. He stated that they were standing there discussing the density of 30 lots. He stated that it was incredible to him that they wanted to consider the effects of plus or minus 30 lots at an intersection. He stated that he would follow their recommendations but hoped they were considering what the property rights were of the property owner, which were no different than the property rights of the citizens in attendance.

Mayor Kelley stated that he thought they were all aware of the Burt Harris Act.

Commissioner Partington asked Mr. Hayes if it would still have to go back to the Planning Board if they were brought something different that was developed.

Mr. Hayes stated that they would know better when they saw it but his thinking was that it would be a pretty large material change and would therefore have to go back before the Planning Board.

Commissioner Partington stated that his inclination would then be to just vote it up or down and let them decide whether to bring it back since it would need to go before the Planning Board regardless.

Commissioner Partington moved, seconded by Commissioner Kent, to vote on the remainder of Ordinance No. 2013-01 absent the rezoning.

Call Vote:	Commissioner Partington	No
	Commissioner Stowers	No
	Commissioner Kent	No
	Commissioner Boehm	No
Carried.	Mayor Kelley	Yes

Mayor Kelley recessed the City Commission meeting at 9:29 p.m.

Mayor Kelley reconvened the City Commission meeting at 9:39 p.m.

Item #9B – 1428 N. US Hwy 1 Future Land Use Map Amendment

City Clerk Scott McKee read by title only:

ORDINANCE NO. 2013-06
 AN ORDINANCE AMENDING THE FUTURE LAND USE ELEMENT OF THE COMPREHENSIVE PLAN BY AMENDING THE FUTURE LAND USE MAP TO CHANGE THE DESIGNATION OF ONE (1) PARCEL OF REAL PROPERTY TOTALING +0.53-ACRES LOCATED AT 1428 NORTH US HIGHWAY 1 (PARCEL ID NO. 3136-01-58-0460), FROM VOLUSIA COUNTY "COMMERCIAL" TO ORMOND BEACH "LOW INTENSITY COMMERCIAL"; AUTHORIZING TRANSMITTAL; PROVIDING FOR CONFLICT; AND SETTING FORTH AN EFFECTIVE DATE.

Commissioner Boehm moved, seconded by Commissioner Stowers, for approval of Ordinance No. 2013-06, 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 #9C – 1433, 1435, 1437, 1439 N. US Hwy 1 Future Land Use Map Amendment

City Clerk Scott McKee read by title only:

ORDINANCE NO. 2013-07
 AN ORDINANCE AMENDING THE FUTURE LAND USE ELEMENT OF THE COMPREHENSIVE PLAN BY AMENDING THE FUTURE LAND USE MAP TO CHANGE THE DESIGNATION OF FOUR (4) PARCELS OF REAL PROPERTY TOTALING +3.97-ACRES LOCATED AT 1433, 1435,

1437 AND 1439 NORTH US HIGHWAY 1 FROM VOLUSIA COUNTY "COMMERCIAL" TO ORMOND BEACH "LOW INTENSITY COMMERCIAL"; AUTHORIZING TRANSMITTAL; 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. 2013-07, 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 #9D – 1438 N. US Hwy 1 Future Land Use Map Amendment

City Clerk Scott McKee read by title only:

ORDINANCE NO. 2013-08

AN ORDINANCE AMENDING THE FUTURE LAND USE ELEMENT OF THE COMPREHENSIVE PLAN BY AMENDING THE FUTURE LAND USE MAP TO CHANGE THE DESIGNATION OF ONE (1) PARCEL OF REAL PROPERTY TOTALING +0.15-ACRES LOCATED AT 1438 NORTH US HIGHWAY 1 (PARCEL ID NO. 3136-01-58-0210), FROM VOLUSIA COUNTY "COMMERCIAL" TO ORMOND BEACH "LOW INTENSITY COMMERCIAL"; AUTHORIZING TRANSMITTAL; 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. 2013-08, 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 #9E – 1444 N. US Hwy 1 Future Land Use Map Amendment

City Clerk Scott McKee read by title only:

ORDINANCE NO. 2013-09

AN ORDINANCE AMENDING THE FUTURE LAND USE ELEMENT OF THE COMPREHENSIVE PLAN BY AMENDING THE FUTURE LAND USE MAP TO CHANGE THE DESIGNATION OF ONE (1) PARCEL OF REAL PROPERTY TOTALING +0.72-ACRES LOCATED AT 1444 NORTH US HIGHWAY 1 (PARCEL ID NO. 3136-01-58-0190), FROM VOLUSIA COUNTY "COMMERCIAL" TO ORMOND BEACH "LOW INTENSITY COMMERCIAL"; AUTHORIZING TRANSMITTAL; 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. 2013-09, on second reading, as read by title only.

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

Item #9F – 305 N. Tymber Creek Road Annexation

City Clerk Scott McKee read by title only:

ORDINANCE NO. 2013-10

AN ORDINANCE ANNEXING CERTAIN REAL PROPERTY INTO THE CITY OF ORMOND BEACH, SAID PROPERTY BEING GENERALLY LOCATED AT THE NORTHEAST CORNER OF THE INTERSECTION OF TYMBER CREEK ROAD AND AIRPORT ROAD AND BEING COMMONLY LOCATED AT 305 NORTH TYMBER CREEK ROAD; SETTING FORTH ZONING, PRIVILEGES AND OBLIGATIONS REGARDING THE PROPERTY; REDEFINING THE TERRITORIAL BOUNDARIES OF THE CITY OF ORMOND BEACH TO INCLUDE THE PROPERTY; REDESIGNATING THE BOUNDARIES OF ZONE 1 OF THE CITY OF ORMOND BEACH TO INCLUDE THE PROPERTY; SETTING FORTH ZONING, PRIVILEGES, AND OBLIGATIONS OF SAID PROPERTY; PROVIDING FOR TRANSMISSION; PROVIDING FOR SEVERABILITY; AND SETTING FORTH AN EFFECTIVE DATE.

Commissioner Kent moved, seconded by Commissioner Partington, for approval of Ordinance No. 2013-10, 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 #9G – LDC Amendment, Rear Setback in Residential Zoning Districts

City Clerk Scott McKee read by title only:

ORDINANCE NO. 2013-11

AN ORDINANCE AMENDING CHAPTER 2, DISTRICT AND GENERAL REGULATIONS, OF ARTICLE II, DISTRICT REGULATIONS, SECTION 2.14.B.9.B, R-2.5, SINGLEFAMILY LOW-MEDIUM DENSITY, TO REDUCE THE REQUIRED REAR YARD SETBACK TO 20 FEET, SECTION 2-15.B.9.B, R-3, SINGLE-FAMILY MEDIUM DENSITY TO REDUCE THE REQUIRED REAR YARD SETBACK TO 20 FEET; SECTION 2-17.B.9.B, R-4, SINGLE-FAMILY CLUSTER & TOWNHOUSE TO REDUCE THE REQUIRED REAR YARD SETBACK TO 20 FEET FOR SINGLE-FAMILY, CLUSTER, PATIO, ZERO-LOT-LINE, MULTI-FAMILY, DUPLEX, TRIPLEX, AND TOWNHOUSE TYPES OF USES; SECTION 2-18.B.9.B, R-5, MULTI-FAMILY MEDIUM DENSITY TO REDUCE THE REQUIRED REAR YARD SETBACK TO 20 FEET FOR SINGLE-FAMILY, CLUSTER, PATIO, ZERO-LOTLINE, MULTI-FAMILY, DUPLEX, TRI-PLEX, AND TOWNHOUSE TYPES OF USES; SECTION 2-19.B.9.B, R-6, MULTI-FAMILY MEDIUM-HIGH DENSITY TO REDUCE THE REQUIRED REAR YARD SETBACK TO 20 FEET FOR SINGLE-FAMILY, CLUSTER, PATIO, ZERO-LOT-LINE, MULTI-FAMILY, DUPLEX, TRI-PLEX, AND TOWNHOUSE TYPES OF USES; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; PROVIDING FOR SEVERABILITY; AND SETTING FORTH AN EFFECTIVE DATE.

Commissioner Boehm moved, seconded by Commissioner Stowers, for approval of Ordinance No. 2013-11, 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 #9H – Land Development Code Amendment, Signage

City Clerk Scott McKee read by title only:

ORDINANCE NO. 2013-12

AN ORDINANCE AMENDING CHAPTER 3, PERFORMANCE STANDARDS, OF ARTICLE IV, SIGN REGULATIONS, SECTION 3-49, MASTER SIGN PLAN, BY DELETING THE SECTION IN ITS ENTIRETY TO BE REPLACED BY A NEW SECTION ENTITLED “SIGN VARIANCES”, TO BE NUMBERED SECTION 3-47.B.2, BY AMENDING THE MAXIMUM HEIGHT OF MONUMENT SIGNAGE TO EIGHT (8’) FEET; AMENDING SECTION 3-47.B.6 BY AMENDING THE MAXIMUM NUMBER OF TENANT PANELS FOR MONUMENT SIGNAGE TO EIGHT; BY AMENDING SECTION 3-47.C.4, BY AMENDING THE MAXIMUM NUMBER OF TENANT PANELS FOR POLE SIGNAGE TO EIGHT; SECTION 3-47.C TO ADD THE TERM “GROUND” TO THE SUBSECTION TITLE; AMENDING CHAPTER 1, GENERAL ADMINISTRATION OF ARTICLE III, DEFINITIONS AND ACRONYMS, SECTION 1-22, TO AMEND THE DEFINITION OF SIGN, MONUMENT; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; PROVIDING FOR SEVERABILITY; AND SETTING FORTH AN EFFECTIVE DATE.

Commissioner Boehm moved, seconded by Commissioner Stowers, for approval of Ordinance No. 2013-12, 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 #9I – Land Development Code Amendment: Water Survival Instruction

City Clerk Scott McKee read by title only:

ORDINANCE NO. 2013-13

AN ORDINANCE AMENDING CHAPTER 1, GENERAL ADMINISTRATION, ARTICLE III, DEFINITIONS AND ACRONYMS, BY ADDING WATER SURVIVAL INSTRUCTION; AMENDING CHAPTER 2, DISTRICT AND GENERAL REGULATIONS, ARTICLE II, DISTRICT REGULATIONS, BY ADDING AS A CONDITIONAL USE WATER SURVIVAL INSTRUCTION WITHIN THE RURAL ESTATE/AGRICULTURAL (REA), RURAL RESIDENTIAL (RR), SUBURBAN RESIDENTIAL (SR), RURAL ESTATE (R- 1), SINGLE-FAMILY LOW DENSITY (R-2), SINGLE-FAMILY LOW-MEDIUM (R-2.5), SINGLE-FAMILY MEDIUM DENSITY (R-3), NEIGHBORHOOD PRESERVATION (NP), SINGLE-FAMILY CLUSTER & TOWNHOUSE (R-4); MULTIFAMILY MEDIUM DENSITY (R-5), MULTI-FAMILY MEDIUM-HIGH DENSITY (R-6), MANUFACTURED/MOBILE HOME (T-1); AND MANUFACTURED HOME (T-2) ZONING DISTRICTS, AMENDING CHAPTER 2, DISTRICT AND GENERAL REGULATIONS, ARTICLE IV, CONDITIONAL USES AND SPECIAL EXCEPTIONS BY ADDING CONDITIONAL USE CRITERIA FOR WATER SURVIVAL INSTRUCTION; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

Commissioner Stowers moved, seconded by Commissioner Partington, for approval of Ordinance No. 2013-13, on second reading, as read by title only.

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

Mayor Kelley closed the public hearing.

Item #10A – 5 Year Capital Improvements Element Annual Update

City Clerk Scott McKee read by title only:

ORDINANCE NO. 2013-14

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 Boehm moved, seconded by Commissioner Partington, for approval of Ordinance No. 2013-14, 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 #11 – Reports, Suggestions, and Requests

Goals Workshop

Ms. Shanahan thanked the Commission for their goals workshop earlier that evening and stated that it gave staff great direction.

Financial Trends Workshop

Ms. Shanahan stated that there would be a Financial Trends Workshop scheduled for March 5, 2013, at 5:30 p.m. in the Training Room. She stated that the Budget Advisory Board would join them at that meeting.

Airport Road Force Main

Ms. Shanahan stated that the Airport Road force main reclaimed water main extension project was 95% complete. She noted that it was a St. John's River Water Management District (SJRWMD) grant project.

North Halifax Road

Ms. Shanahan stated that North Halifax Road was well under way and that the milling had been completed and the base layer installed. She stated that manhole covers and valve boxes were adjusted for final paving height, which would begin that week. She stated that the water main extension was installed and 90% of the storm drain was complete.

Hand Avenue Reconstruction

Ms. Shanahan stated that they had found a clay layer about two feet thick in a portion of Hand Avenue. She stated that they had found it during the coring and the cost was included. She noted that it would mean a brief delay in paving that particular section. She explained that the first layer of pavement that would be paved was about an inch below the finished roadway and then they would pave in the other direction. She stated that once that was completed and all the base work finished, they would re-pave so that there was no joint there.

Wastewater Treatment Plant

Ms. Shanahan stated that the wastewater treatment plant expansion and rehabilitation contractor had indicated that they would keep two crews working. She stated that the project substantial completion date was estimated for February 26, 2013, which would be about 42 days ahead of schedule.

Water Main Bids

Ms. Shanahan stated that the mainland plans and bidding documents for the two-inch water main were finalized and would be on the agenda for approval at the February 19, 2013, Commission meeting. She stated that the north peninsula water main bid was let on January 20, 2013, and they were waiting for bids to come back. She stated that bids were due back on the south peninsula bid on February 12, 2013. She explained that it would take about 30 to 45 days to review them with the contractor.

Central Park Lake Interconnects

Ms. Shanahan stated that the Central Park Lake interconnects bid would also be brought to them at the February 19, 2013, Commission meeting.

Andy Romano Beachfront Park

Ms. Shanahan stated that the Andy Romano Beachfront Park expected substantial completion by February 18, 2013, with grand opening still scheduled for February 23, 2013.

Beachfront Park Beach Driving

Ms. Shanahan stated that she and Mayor Kelley had met with county staff and two representatives from the County Council to discuss having no parking in front of the Andy Romano Beachfront Park and also having a traffic-free zone there, as well. She stated that the county had indicated, as they had with other parks, that there would be no parking in front of the park but noted that they did not indicate a willingness to make that a traffic-free zone. She stated that she would like to send a letter on behalf of the City Commission requesting that they make it a traffic-free zone. She stated that if they wanted her to bring back a draft of the letter for the February 19, 2013, meeting, she would be happy to do so.

Commissioner Partington stated that was fine with him, and he would also ask that Ms. Shanahan send them the email addresses and phone numbers of the County Council and appropriate staff.

Project ROMP

Ms. Shanahan stated that Project ROMP had kicked off and the demolition and preparation work was beginning that week. She stated that the Project ROMP work crews would start work next week and that city department heads and division managers would be out there to volunteer one morning from 7:00 a.m. to 1:00 p.m. She stated that the ribbon cutting would be held on Sunday, February 17, 2013, at 5:00 p.m.

Commissioner Partington stated that he hoped to see everyone out at Project ROMP. He stated that he knew the Project ROMP Committee considered the City Commission a major partner on the project as they committed \$60,000 in matching funds. He stated that Project ROMP raised approximately \$130,000 towards the project. He stated that it had been a great success and would continue to be so.

Mayor Kelley stated that he understood that all of the pickets had been sold; whereby Ms. Shanahan stated that was correct.

City Attorney

Commissioner Kent stated that he wanted to give Mr. Hayes 'mad props' because he thought that his response to the developer that night was perfect. He stated that Mr. Hayes knew who he answered to and it was not a developer. He noted that he appreciated that.

Movies on the Halifax

Commissioner Kent stated that Ormond Beach was a great city that did incredible things. He stated that Movies on the Halifax was held on the first Friday of every month and a free movie was shown under the stars at The Casements. He encouraged residents to attend and bring their families. He stated that his son looked forward to seeing *The Lorax* this past Friday with a friend. He stated that the time he had for the movie was 8:00 p.m. which he thought was a late start time for a winter movie. He stated that he got the kids food and they pulled into The Casements parking lot around 7:45 p.m. and saw no one was there. He stated that he went home and saw the second email that had a correction on the time which said the movie was shown at 6:00 p.m. He stated that he had two little heartbroken, six-year old boys and was thankful for Netflix because he was able to show the boys *The Lorax* after all.

Ormond Beach PAL

Commissioner Boehm stated that Ormond Beach Police Athletic League (PAL) once again had a significant number of their youths qualify to go to the State Conference and were featured on the cover of the conference manual. He stated that Ormond Beach PAL had won an amazing number of awards and were very highly regarded in the state of Florida.

Beachfront Park Beach Driving

Commissioner Boehm stated that when you spent \$8.5 million to create a crown jewel beachfront park of the park system in Volusia County but would not ban traffic on the beach in front of the park it said to the people who parked in that park that when their children wanted to go down to the beach they would have to run across traffic. He noted that the history in Volusia County of people getting hit on the beach by vehicles, including county vehicles, was not a good one. He stated that Ms. Shanahan’s diagram showed how easy it would be to have vehicles go up one approach and go down two blocks. He stated that he had no idea why, when the county had \$3.5 million invested in the park they would want to let traffic continue in front of it. He explained that the whole idea behind off beach parking was to get vehicles off the beach and create safety zones for those who used the park. He stated that it certainly did not create a safety zone when traffic was still allowed to drive in front of the park. He stated that he did not think the language that they could send in the letter to the County Council could be strong enough to tell them how disappointed and angry they would be if they did not stop cars driving in front of the Andy Romano Beachfront Park.

Mayor Kelley stated that he believed from discussions that direction was coming from county staff and not the elected body.

Summer Schedule

Mayor Kelley stated that there were five Tuesdays in July and asked if they could look at June and July for extensive travel and possibly change the schedule to only have one meeting or schedule them differently.

Compliments on City

Mayor Kelley stated that he had been receiving a lot of compliments lately on the overall condition of the city and the quality of employees. He stated that he thought they received more emails presently than they had in the past. He stated that it was a testament to the staff and to the City Manager. He noted that all of the city employees worked as a team and had the good of the city at heart and it showed to the residents. He stated that he could not be happier working with the current Commission. He stated that they had a good Commission and could discuss and disagree but did it in a professional manner.

Community Engagement

Mayor Kelley thanked Commissioner Partington for attending the Bud Asher Dinner to honor Harry Wendelstedt. He stated that he saw in an email that Commissioner Partington and Commissioner Kent were considering going to the National League of Cities, and he thought it would be great if both or either of them could go.

Item #12 – Adjournment

The meeting was adjourned at 10:02 p.m.

APPROVED: February 19, 2012

BY: _____
Ed Kelley, Mayor

ATTEST:

J. Scott McKee, City Clerk