

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

---

**April 16, 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. AUDIENCE REMARKS - REGARDING ITEMS NOT ON THE AGENDA**
- 5. APPROVAL OF MINUTES**

A. Minutes from City Commission meeting – April 2, 2013

**6. CONSENT AGENDA**

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

- A. **RESOLUTION NO. 2013-61** : A RESOLUTION AUTHORIZING THE APPROVAL AND EXECUTION OF A PURCHASE AUTHORIZATION (REQUISITION #00000010211) FOR THE PURCHASE OF ONE FORD F550 WALK-IN VAN, UNDER FLORIDA SHERIFFS ASSOCIATION BID NO. 12-20-0905; AND SETTING FORTH AN EFFECTIVE DATE.

*Staff Contact:* Facundo Tassara, Fleet Operations Manager (386-676-3506)

- B. **RESOLUTION NO. 2013-62** : A RESOLUTION AUTHORIZING THE EXECUTION OF A RELEASE AND SATISFACTION OF SPECIAL MAGISTRATE ADMINISTRATIVE FINE/LIEN FOR A CODE VIOLATION ON PROPERTY LOCATED AT 739 EAST RIVER OAK DRIVE, ORMOND BEACH, VOLUSIA COUNTY, FLORIDA (PARCEL ID NO. 3242-05-26-0050); AND SETTING FORTH AN EFFECTIVE DATE.

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

- C. **RESOLUTION NO. 2013-63** : A RESOLUTION AUTHORIZING THE EXECUTION OF A RELEASE OF TWO SPECIAL MAGISTRATE ADMINISTRATIVE FINE/LIENS FOR CODE VIOLATIONS ON PROPERTY LOCATED AT 189 HIGHLAND AVENUE, ORMOND BEACH, VOLUSIA COUNTY, FLORIDA (PARCEL ID NO. 4215-06-02-0150); AND SETTING FORTH AN EFFECTIVE DATE.

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

- D. **RESOLUTION NO. 2013-64** : A RESOLUTION AUTHORIZING THE EXECUTION OF A COMMUNITY DEVELOPMENT SUBRECIPIENT AGREEMENT BETWEEN THE CITY AND GREAT KIDS EXPLORER CLUB, INC. REGARDING TUTORING SERVICES FOR AT-RISK STUDENTS; AND SETTING FORTH AN EFFECTIVE DATE.

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

- E. **RESOLUTION NO. 2013-65** : A RESOLUTION AUTHORIZING THE EXECUTION OF A MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY AND THE SCHOOL BOARD OF VOLUSIA COUNTY REGARDING THE UNDERGROUNDING OF UTILITIES; AND SETTING FORTH AN EFFECTIVE DATE.
- Staff Contact: Ric Goss, Planning Director (386-676-3238)*
- F. **RESOLUTION NO. 2013-66** : A RESOLUTION ACCEPTING A BID FROM GRAYBAR ELECTRIC COMPANY, INC. FOR ELECTRICAL SERVICES REGARDING SECURITY LIGHTING UPGRADES AT THE ORMOND BEACH MUNICIPAL AIRPORT, UNDER BID NO. 2013-20; AUTHORIZING THE EXECUTION OF A CONTRACT AND PAYMENT THEREFOR; REJECTING ALL OTHER BIDS; AND SETTING FORTH AN EFFECTIVE DATE.
- Staff Contact: Joe Mannarino, Economic Development Director (386-676-3266)*
- G. **RESOLUTION NO. 2013-67** : A RESOLUTION ACCEPTING A BID FROM THADCON, LLC FOR CONSTRUCTION SERVICES REGARDING THE NORTH PENINSULA 2" WATER MAIN REPLACEMENT PROJECT, UNDER BID NO. 2013-04; AUTHORIZING THE EXECUTION OF A CONTRACT AND PAYMENT THEREFOR; REJECTING ALL OTHER BIDS; AND SETTING FORTH AN EFFECTIVE DATE.
- Staff Contact: John Noble, City Engineer (386-676-3269)*
- H. **RESOLUTION NO. 2013-68** : A RESOLUTION ACCEPTING A PROPOSAL FROM MCKIM & CREED, P.A. TO PROVIDE CONSTRUCTION ADMINISTRATION SERVICES FOR THE NORTH PENINSULA 2" WATER MAIN REPLACEMENT PROJECT; AUTHORIZING THE EXECUTION OF A WORK AUTHORIZATION THERETO; AND SETTING FORTH AN EFFECTIVE DATE.
- Staff Contact: John Noble, City Engineer (386-676-3269)*
- I. **RESOLUTION NO. 2013-69** : A RESOLUTION ACCEPTING A BID FROM MCMAHAN CONSTRUCTION CO., INC. FOR CONSTRUCTION SERVICES REGARDING THE SOUTH PENINSULA 2" WATER MAIN REPLACEMENT PROJECT, UNDER BID NO. 2013-05; AUTHORIZING THE EXECUTION OF A CONTRACT AND PAYMENT THEREFOR; REJECTING ALL OTHER BIDS; AND SETTING FORTH AN EFFECTIVE DATE.
- Staff Contact: John Noble, City Engineer (386-676-3269)*
- J. **RESOLUTION NO. 2013-70** : A RESOLUTION ACCEPTING A PROPOSAL FROM QUENTIN L. HAMPTON ASSOCIATES, INC. TO PROVIDE CONSTRUCTION ADMINISTRATION SERVICES FOR THE SOUTH PENINSULA 2" WATER MAIN REPLACEMENT PROJECT; AUTHORIZING THE EXECUTION OF A WORK AUTHORIZATION THERETO; AND SETTING FORTH AN EFFECTIVE DATE.
- Staff Contact: John Noble, City Engineer (386-676-3269)*
- K. **RESOLUTION NO. 2013-71** : A RESOLUTION AUTHORIZING THE EXECUTION OF THE FIFTH AMENDMENT TO THE INTERLOCAL AGREEMENT PROVIDING FOR THE ESTABLISHMENT OF THE EAST VOLUSIA GOVERNMENT FIRE-RESCUE AND EMERGENCY MEDICAL SERVICES AUTOMATIC AID AND CLOSEST UNIT RESPONSE SYSTEM BETWEEN THE CITIES OF EDGEWATER, NEW SMYRNA BEACH, PORT ORANGE, SOUTH DAYTONA, DAYTONA BEACH, DAYTONA BEACH SHORES, ORMOND BEACH, HOLLY HILL, AND TOWN OF PONCE INLET FOR THE PURPOSE OF EXTENDING THE AGREEMENT; AND SETTING FORTH AN EFFECTIVE DATE.
- Staff Contact: Bob Mandarino, Fire Chief (386-676-3333)*

- L. **RESOLUTION NO. 2013-72** : A RESOLUTION SUPPORTING THE PLANNING AREA BOUNDARY ADJUSTMENT AND MEMBERSHIP REAPPORTIONMENT PLAN TO EXPAND THE METROPOLITAN PLANNING AREA BOUNDARY AND TO REAPPORTION THE VOTING MEMBERSHIP OF THE VOLUSIA TRANSPORTATION PLANNING ORGANIZATION; AND SETTING FORTH AN EFFECTIVE DATE.
- Staff Contact:** Ric Goss, Planning Director (386-676-3238)
- M. **RESOLUTION NO. 2013-73** : A RESOLUTION TERMINATING AN AGREEMENT WITH MCNEAL & WHITE CONTRACTORS, INC., FOR MISCELLANEOUS FENCING SERVICES; AND SETTING FORTH AN EFFECTIVE DATE.
- Staff Contact:** Robert Carolin, Leisure Services Director (386-676-3279)
- N. **RESOLUTION NO. 2013-74** : A RESOLUTION AUTHORIZING EXECUTION OF A DRAINAGE IMPROVEMENT FUNDING AGREEMENT BETWEEN THE CITY AND THE COUNTY OF VOLUSIA REGARDING THE JOHN ANDERSON DRIVE DRAINAGE IMPROVEMENTS PROJECT; AND SETTING FORTH AN EFFECTIVE DATE.
- Staff Contact:** John Noble, City Engineer (386-676-3269)
- O. **RESOLUTION NO. 2013-75** : A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF ORMOND BEACH, FLORIDA AUTHORIZING THE ISSUANCE OF: (I) ITS WATER AND SEWER REVENUE BOND, SERIES 2013A IN A PRINCIPAL AMOUNT NOT TO EXCEED \$3,420,000 FOR THE PURPOSE OF FINANCING THE CONSTRUCTION AND ACQUISITION OF CERTAIN ADDITIONS, EXTENSIONS AND IMPROVEMENTS TO THE WATER AND SEWER SYSTEM OF THE CITY, (II) ITS WATER AND SEWER REVENUE REFUNDING BOND, SERIES 2013B, IN A PRINCIPAL AMOUNT NOT TO EXCEED \$6,575,000 FOR THE PURPOSE OF CURRENTLY REFUNDING THE CITY'S OUTSTANDING WATER AND SEWER REFUNDING REVENUE BOND, SERIES 2007; AND (III) ITS WATER AND SEWER REVENUE REFUNDING BOND, SERIES 2013C, IN A PRINCIPAL AMOUNT NOT TO EXCEED \$6,750,000 FOR THE PURPOSE OF CURRENTLY REFUNDING THE CITY'S OUTSTANDING WATER AND SEWER REFUNDING REVENUE BOND, SERIES 2006; DETERMINING CERTAIN DETAILS OF SAID BONDS; PROVIDING FOR THE SECURITY OF SAID BONDS; APPROVING THE FORM AND DISTRIBUTION OF REQUESTS FOR PROPOSALS FOR THE PURCHASE OF SAID BONDS; PROVIDING FOR THE AWARD OF THE SALE OF SAID BONDS TO THE SUCCESSFUL PROPOSER OR PROPOSERS FOR SAID BONDS; APPOINTING A PAYING AGENT AND REGISTRAR FOR SAID BONDS; AUTHORIZING PROPER OFFICIALS TO DO ALL THINGS DEEMED NECESSARY IN CONNECTION WITH THE ISSUANCE, SALE AND DELIVERY OF SAID BONDS; AND PROVIDING AN EFFECTIVE DATE.
- Staff Contact:** Kelly McGuire, Finance Director (386-676-3226)
- P. **RESOLUTION NO. 2013-76** : A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF ORMOND BEACH, FLORIDA, DECLARING THE CITY'S OFFICIAL INTENT TO SEEK REIMBURSEMENT FOR CERTAIN CAPITAL EXPENDITURES MADE AND TO BE MADE BY THE CITY WITH RESPECT TO THE CONSTRUCTION AND ACQUISITION OF CERTAIN ADDITIONS, EXTENSIONS AND IMPROVEMENTS TO THE WATER AND SEWER SYSTEM OF THE CITY FROM THE PROCEEDS OF TAX-EXEMPT DEBT ANTICIPATED TO BE ISSUED BY THE CITY; PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.
- Staff Contact:** Kelly McGuire, Finance Director (386-676-3226)
- Q. **RESOLUTION NO. 2013-77** : A RESOLUTION ADOPTING AN UPDATED WRITTEN INVESTMENT POLICY FOR CERTAIN INVESTMENT ACTIVITY; AND SETTING FORTH AN EFFECTIVE DATE.
- Staff Contact:** Kelly McGuire, Finance Director (386-676-3226)

- R. **RESOLUTION NO. 2013-78** : A RESOLUTION APPROVING AND ADOPTING A NOVA COMMUNITY PARK CONCEPTUAL LONG RANGE MASTER PLAN; AND SETTING FORTH AN EFFECTIVE DATE.  
*Staff Contact:* Robert Carolin, Leisure Services Director (386-676-3279)
- S. **Nova Community Park Skate Park Expansion Design/Build Request for Proposals**  
*Staff Contact:* John Noble, City Engineer (386-676-3269)  
*Disposition:* Approve as recommended in the City Manager memorandum dated April 16, 2013.
- T. **Votran Trolley Service Subsidy**  
*Staff Contact:* Ric Goss, Planning Director (386-676-3238)  
*Disposition:* Approve as recommended in the City Manager memorandum dated April 16, 2013.
- U. **Request to Purchase Fingerprint Scanners Utilizing Law Enforcement Trust Fund Monies.**  
*Staff Contact:* Andy Osterkamp, Police Chief (386-677-0731)  
*Disposition:* Approve as recommended in the City Manager memorandum dated April 16, 2013.
- V. **Relocation of Fire Administration from City Hall to Fire Station 91**  
*Staff Contact:* Bob Mandarino, Fire Chief (386-676-3333)  
*Disposition:* Approve as recommended in the City Manager memorandum dated April 16, 2013.

## 7. PUBLIC HEARINGS

- A. **ORDINANCE NO. 2013-30** : AN ORDINANCE AMENDING PARAGRAPH C, OFFICIAL ZONING MAP, OF SECTION 2-01, ESTABLISHMENT OF ZONING DISTRICTS AND OFFICIAL ZONING MAP, OF ARTICLE I, ESTABLISHMENT OF ZONING DISTRICTS AND OFFICIAL ZONING MAP, OF CHAPTER 2, DISTRICT AND GENERAL REGULATIONS, OF THE CITY OF ORMOND BEACH LAND DEVELOPMENT CODE, BY AMENDING THE OFFICIAL ZONING MAP TO REZONE CERTAIN REAL PROPERTY TOTALING 6.88-ACRES LOCATED AT 1608 NORTH US HIGHWAY 1, FROM VOLUSIA COUNTY B-6 (HIGHWAY INTERCHANGE COMMERCIAL) TO ORMOND BEACH B-7 (HIGHWAY TOURIST COMMERCIAL), AUTHORIZING REVISION OF OFFICIAL ZONING MAP; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; AND SETTING FORTH AN EFFECTIVE DATE.  
*Staff Contact:* Ric Goss, Planning Director (386-676-3238)
- B. **ORDINANCE NO. 2013-31** : AN ORDINANCE AMENDING PARAGRAPH C, OFFICIAL ZONING MAP, OF SECTION 2-01, ESTABLISHMENT OF ZONING DISTRICTS AND OFFICIAL ZONING MAP, OF ARTICLE I, ESTABLISHMENT OF ZONING DISTRICTS AND OFFICIAL ZONING MAP, OF CHAPTER 2, DISTRICT AND GENERAL REGULATIONS, OF THE CITY OF ORMOND BEACH LAND DEVELOPMENT CODE, BY AMENDING THE OFFICIAL ZONING MAP TO REZONE CERTAIN REAL PROPERTY TOTALING 1.15-ACRES LOCATED AT 1622 NORTH US HIGHWAY 1, FROM VOLUSIA COUNTY B-6 (HIGHWAY INTERCHANGE COMMERCIAL) TO ORMOND BEACH B-7 (HIGHWAY TOURIST COMMERCIAL), AUTHORIZING REVISION OF OFFICIAL ZONING MAP; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; AND SETTING FORTH AN EFFECTIVE DATE.  
*Staff Contact:* Ric Goss, Planning Director (386-676-3238)

- C. **ORDINANCE NO. 2013-32** : AN ORDINANCE AMENDING PARAGRAPH C, OFFICIAL ZONING MAP, OF SECTION 2-01, ESTABLISHMENT OF ZONING DISTRICTS AND OFFICIAL ZONING MAP, OF ARTICLE I, ESTABLISHMENT OF ZONING DISTRICTS AND OFFICIAL ZONING MAP, OF CHAPTER 2, DISTRICT AND GENERAL REGULATIONS, OF THE CITY OF ORMOND BEACH LAND DEVELOPMENT CODE, BY AMENDING THE OFFICIAL ZONING MAP TO REZONE CERTAIN REAL PROPERTY TOTALING 0.46-ACRES LOCATED AT 1626 NORTH US HIGHWAY 1, FROM VOLUSIA COUNTY B-6 (HIGHWAY INTERCHANGE COMMERCIAL) TO ORMOND BEACH B-7 (HIGHWAY TOURIST COMMERCIAL), AUTHORIZING REVISION OF OFFICIAL ZONING MAP; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; AND SETTING FORTH AN EFFECTIVE DATE.

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

- D. **ORDINANCE NO. 2013-33** : 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 +0.44-ACRES LOCATED AT 305 NORTH TYMBER CREEK ROAD (PARCEL ID NO. 4124-04- 00-0470), FROM VOLUSIA COUNTY "URBAN LOW INTENSITY" TO ORMOND BEACH "LOW DENSITY RESIDENTIAL"; AUTHORIZING TRANSMITTAL; PROVIDING FOR CONFLICT; AND SETTING FORTH AN EFFECTIVE DATE.

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

## 8. SECOND READING OF ORDINANCES

- A. **ORDINANCE NO. 2013-27** : AN ORDINANCE AMENDING THE FUTURE LAND USE ELEMENT OF THE COMPREHENSIVE PLAN BY AMENDING THE FUTURE LAND USE MAP TO CHANGE THE DESIGNATION OF ONE (1) PARCEL OF REAL PROPERTY TOTALING +6.88-ACRES LOCATED AT 1608 NORTH US HIGHWAY 1 (PARCEL ID NO. 3136-01-64-0170), FROM VOLUSIA COUNTY "COMMERCIAL" TO ORMOND BEACH "TOURIST COMMERCIAL"; AUTHORIZING TRANSMITTAL; PROVIDING FOR CONFLICT; AND SETTING FORTH AN EFFECTIVE DATE. **(SECOND READING)**

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

- B. **ORDINANCE NO. 2013-28** : AN ORDINANCE AMENDING THE FUTURE LAND USE ELEMENT OF THE COMPREHENSIVE PLAN BY AMENDING THE FUTURE LAND USE MAP TO CHANGE THE DESIGNATION OF ONE (1) PARCEL OF REAL PROPERTY TOTALING +1.15-ACRES LOCATED AT 1622 NORTH US HIGHWAY 1 (PARCEL ID NO. 3136-01-64-0020), FROM VOLUSIA COUNTY "COMMERCIAL" TO ORMOND BEACH "TOURIST 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. 2013-29** : AN ORDINANCE AMENDING THE FUTURE LAND USE ELEMENT OF THE COMPREHENSIVE PLAN BY AMENDING THE FUTURE LAND USE MAP TO CHANGE THE DESIGNATION OF ONE (1) PARCEL OF REAL PROPERTY TOTALING +0.46-ACRES LOCATED AT 1626 NORTH US HIGHWAY 1 (PARCEL ID NO. 3136-01-64-0022), FROM VOLUSIA COUNTY "COMMERCIAL" TO ORMOND BEACH "TOURIST COMMERCIAL"; AUTHORIZING TRANSMITTAL; PROVIDING FOR CONFLICT; AND SETTING FORTH AN EFFECTIVE DATE. **(SECOND READING)**

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

## 9. REPORTS, SUGGESTIONS, REQUESTS

## 10. ADJOURNMENT

Item #1 – Meeting Call to Order

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

Item #2 – Invocation

Reverend Bill Owens, First United Methodist Church of Ormond Beach, gave the invocation and led a moment of silence for the victims of the Boston Marathon tragedy.

Item #3 – Pledge of Allegiance

Mayor Kelley led the Pledge of Allegiance.

Item #4– Audience Remarks

Mayor Kelley noted that there were no audience members who wished to speak on any items not on the agenda.

Item #5A – Approval of Minutes

Mayor Kelley advised that the minutes of the April 2, 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 #6 – 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 Stowers requested that Item #6R be pulled from the Consent Agenda.**

**Commissioner Kent moved, seconded by Commissioner Boehm, for approval of the Consent Agenda absent Item #6R.**

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

Item #6R – Nova Community Park Long Range Master Plan

City Clerk Scott McKee read by title only:

RESOLUTION NO. 2013-78  
 A RESOLUTION APPROVING AND ADOPTING A NOVA COMMUNITY  
 PARK CONCEPTUAL LONG RANGE MASTER PLAN; AND SETTING  
 FORTH AN EFFECTIVE DATE.

**Commissioner Boehm moved, seconded by Commissioner Partington, for approval of Resolution No. 2013-78, as read by title only.**

Commissioner Stowers stated that he believed that all of the members of the Commission were appreciative of the parks and recreation facilities that the city had. He noted that made it particularly difficult for him to ask questions and have uncomfortable discussions about the long-range conceptual plan. He explained that he thought that the plan was fantastic in concept but he had reservations about the cost estimate provided. He stated that when the item came up earlier in the year he had some trepidation about adding to the constrained site location due to the previous existence of a landfill there. He explained that he had no problem spending the city’s tax dollars on recreational facilities but he thought the constrained site presented unique issues that he wanted to raise.

Commissioner Stowers stated that the improvements over the lifespan of the conceptual long range plan totaled \$3.9 million. He stated that of the \$3.9 million he found that

\$862,000 of the improvements were specifically relevant to the fact that the plan was to accommodate the site constraints. He stated that there was \$370,000 for Americans with Disabilities Act (ADA) ramps, \$272,000 for a vegetative buffer, and \$220,000 for soil. He noted that he was supportive of recreational facilities and of continued growth and expansion to improve the quality of the city's facilities. He questioned if the city should be planning to essentially double down their overall costs for that site. He noted that he recognized that the plan was conceptual and that alternate sites could be looked at. He stated that he did not have such a site in mind presently. He stated that for \$862,000 the city could acquire a site that did not have the constraints to build a new facility.

Commissioner Stowers stated that he would not support the long range plan. He stated that he felt like by supporting it he would be creating additional evidence for future Commissioners as to why they should approve something. He explained that he felt like the additional improvements were too much for the constrained location. He stated that he felt like the dog park could go there and the skate park could be expanded but that \$3.9 million was too much for him at that particular site location.

Commissioner Boehm stated that he was on the Recreation Advisory Board in 2004 when the master plan for the Ormond Beach Sports Complex was adopted. He stated that the cost of that plan had been close to \$8 million but it was nowhere near completion. He noted that the plan had been modified so much that it would never be completed in the way in which it was originally drawn. He stated that it was his understanding that master plans were required in parks for the purpose of being able to eventually develop them. He noted that in general they were never really fully developed along the line of the master plan and that it just gave an idea of what could go on the site. He stated that he thought Mr. Robert Carolin, Leisure Services Director, had stated that this project might start in 2017 or 2018. He stated that he believed in all likelihood that they would be looking at phases of the project being completed and felt that the first phase might be a dog park. He noted that a parking lot certainly would be beneficial since the current parking situation was inadequate. He stated that when the park was being used, especially on weekends, there were cars parked all over the grass. He explained that ultimately pieces of the plan would be used to further develop the park but that he did not think that everything that was in the conceptual plan would ever be fully realized.

Mayor Kelley stated that he wished to echo Commissioner Boehm's comments. He stated that the number of revisions to the sports complex over the years had been enormous. He explained that master plans were created as a concept. He noted that eight years from now there may not be a need for the proposed pickle-ball courts or they may need twice as much space for a dog park or want to reduce the fields for more parking. He stated that he supported a conceptual plan but did not support the cost. He stated that the costs would be voted on as the projects were brought forth. He stated that he thought the reason for the location was that the city owned it, it was central to the city, and had a tremendous amount of other recreational amenities within that immediate area.

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

Item #7 – Public Hearing

Mayor Kelley opened the public hearing.

Item #7A – 1608 N. US Hwy 1 Rezoning

City Clerk Scott McKee read by title only:

ORDINANCE NO. 2013-30  
 AN ORDINANCE AMENDING PARAGRAPH C, OFFICIAL ZONING MAP, OF SECTION 2-01, ESTABLISHMENT OF ZONING DISTRICTS AND OFFICIAL ZONING MAP, OF ARTICLE I, ESTABLISHMENT OF ZONING DISTRICTS AND OFFICIAL ZONING MAP, OF CHAPTER 2, DISTRICT AND GENERAL REGULATIONS, OF THE CITY OF ORMOND BEACH LAND DEVELOPMENT CODE, BY AMENDING THE OFFICIAL ZONING

MAP TO REZONE CERTAIN REAL PROPERTY TOTALING 6.88-ACRES LOCATED AT 1608 NORTH US HIGHWAY 1, FROM VOLUSIA COUNTY B-6 (HIGHWAY INTERCHANGE COMMERCIAL) TO ORMOND BEACH B-7 (HIGHWAY TOURIST COMMERCIAL), AUTHORIZING REVISION OF OFFICIAL ZONING MAP; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; AND SETTING FORTH AN EFFECTIVE DATE.

Mr. Ric Goss, Planning Director, stated that the item was one of three zoning amendments that were following their land use companion amendments, which were on the agenda for their second readings. He stated that the Planning Board approved all of the items. He noted that the amendments were a result of annexations made in January 2013. He stated that staff recommended approval.

**Commissioner Kent moved, seconded by Commissioner Boehm, for approval of Ordinance No. 2013-30, on first 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 #7B – 1622 N. US Hwy 1 Rezoning

City Clerk Scott McKee read by title only:

ORDINANCE NO. 2013-31

AN ORDINANCE AMENDING PARAGRAPH C, OFFICIAL ZONING MAP, OF SECTION 2-01, ESTABLISHMENT OF ZONING DISTRICTS AND OFFICIAL ZONING MAP, OF ARTICLE I, ESTABLISHMENT OF ZONING DISTRICTS AND OFFICIAL ZONING MAP, OF CHAPTER 2, DISTRICT AND GENERAL REGULATIONS, OF THE CITY OF ORMOND BEACH LAND DEVELOPMENT CODE, BY AMENDING THE OFFICIAL ZONING MAP TO REZONE CERTAIN REAL PROPERTY TOTALING 1.15-ACRES LOCATED AT 1622 NORTH US HIGHWAY 1, FROM VOLUSIA COUNTY B-6 (HIGHWAY INTERCHANGE COMMERCIAL) TO ORMOND BEACH B-7 (HIGHWAY TOURIST COMMERCIAL), AUTHORIZING REVISION OF OFFICIAL ZONING MAP; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; AND SETTING FORTH AN EFFECTIVE DATE.

Mr. Goss stated that he had no additional comments on the item but would be happy to answer any questions from the Commission.

**Commissioner Boehm moved, seconded by Commissioner Stowers, for approval of Ordinance No. 2013-31, on first reading, as read by title only.**

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

Item #7C – 1626 N. US Hwy 1 Rezoning

City Clerk Scott McKee read by title only:

ORDINANCE NO. 2013-32

AN ORDINANCE AMENDING PARAGRAPH C, OFFICIAL ZONING MAP, OF SECTION 2-01, ESTABLISHMENT OF ZONING DISTRICTS AND OFFICIAL ZONING MAP, OF ARTICLE I, ESTABLISHMENT OF ZONING DISTRICTS AND OFFICIAL ZONING MAP, OF CHAPTER 2, DISTRICT AND GENERAL REGULATIONS, OF THE CITY OF ORMOND BEACH LAND DEVELOPMENT CODE, BY AMENDING THE OFFICIAL ZONING MAP TO REZONE CERTAIN REAL PROPERTY TOTALING 0.46-ACRES LOCATED AT 1626 NORTH US HIGHWAY 1, FROM VOLUSIA COUNTY B-6 (HIGHWAY INTERCHANGE COMMERCIAL) TO ORMOND BEACH B-

7 (HIGHWAY TOURIST COMMERCIAL), AUTHORIZING REVISION OF OFFICIAL ZONING MAP; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; AND SETTING FORTH AN EFFECTIVE DATE.

Mr. Goss stated that he had no additional comments on the item but would be happy to answer any questions from the Commission.

**Commissioner Boehm moved, seconded by Commissioner Partington, for approval of Ordinance No. 2013-32, 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 #7D – 305 North Tymber Creek Road FLUM Amendment

City Clerk Scott McKee read by title only:

ORDINANCE NO. 2013-33  
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 +0.44-ACRES LOCATED AT 305 NORTH TYMBER CREEK ROAD (PARCEL ID NO. 4124-04- 00-0470), FROM VOLUSIA COUNTY "URBAN LOW INTENSITY" TO ORMOND BEACH "LOW DENSITY RESIDENTIAL"; AUTHORIZING TRANSMITTAL; PROVIDING FOR CONFLICT; AND SETTING FORTH AN EFFECTIVE DATE.

Mr. Goss stated that the item was a land use plan amendment that would put the existing mobile home in a non-conforming status. He explained that the city did not allow mobile homes in residential property districts. He noted that the property owner understood that and knew that if his mobile home burned down he would have to replace it with one built to the design standards for a single-family stick home. He stated that the homeowner had accepted those conditions in order to receive city water.

Mayor Kelley asked if the replacement could be a manufactured home.

Mr. Goss stated that it could be a manufactured home if it met the design standards for a single-family stick built home to the city's *Land Development Code*. He stated that it could not look like a typical low-roof manufactured home.

**Commissioner Partington moved, seconded by Commissioner Kent, for approval of Ordinance No. 2013-33, on first reading, as read by title only.**

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

Mayor Kelley closed the public hearing.

Item #8A– 1608 N. US Hwy 1 Land Use Amendment

City Clerk Scott McKee read by title only:

ORDINANCE NO. 2013-27

AN ORDINANCE AMENDING THE FUTURE LAND USE ELEMENT OF THE COMPREHENSIVE PLAN BY AMENDING THE FUTURE LAND USE MAP TO CHANGE THE DESIGNATION OF ONE (1) PARCEL OF REAL PROPERTY TOTALING +6.88-ACRES LOCATED AT 1608 NORTH US HIGHWAY 1 (PARCEL ID NO. 3136-01-64-0170), FROM VOLUSIA COUNTY "COMMERCIAL" TO ORMOND BEACH "TOURIST COMMERCIAL"; AUTHORIZING TRANSMITTAL; PROVIDING FOR CONFLICT; AND SETTING FORTH AN EFFECTIVE DATE.

**Commissioner Kent moved, seconded by Commissioner Partington, for approval of Ordinance No. 2013-27, 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 #8B – 1622 N. US Hwy 1 Land Use Amendment

City Clerk Scott McKee read by title only:

ORDINANCE NO. 2013-28

AN ORDINANCE AMENDING THE FUTURE LAND USE ELEMENT OF THE COMPREHENSIVE PLAN BY AMENDING THE FUTURE LAND USE MAP TO CHANGE THE DESIGNATION OF ONE (1) PARCEL OF REAL PROPERTY TOTALING +1.15-ACRES LOCATED AT 1622 NORTH US HIGHWAY 1 (PARCEL ID NO. 3136-01-64-0020), FROM VOLUSIA COUNTY "COMMERCIAL" TO ORMOND BEACH "TOURIST COMMERCIAL"; AUTHORIZING TRANSMITTAL; PROVIDING FOR CONFLICT; AND SETTING FORTH AN EFFECTIVE DATE.

**Commissioner Boehm moved, seconded by Commissioner Stowers, for approval of Ordinance No. 2013-28, on second reading, as read by title only.**

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

Item #8C – 1626 N. US Hwy 1 Land Use Amendment

City Clerk Scott McKee read by title only:

ORDINANCE NO. 2013-29

AN ORDINANCE AMENDING THE FUTURE LAND USE ELEMENT OF THE COMPREHENSIVE PLAN BY AMENDING THE FUTURE LAND USE MAP TO CHANGE THE DESIGNATION OF ONE (1) PARCEL OF REAL PROPERTY TOTALING +0.46-ACRES LOCATED AT 1626 NORTH US HIGHWAY 1 (PARCEL ID NO. 3136-01-64-0022), FROM VOLUSIA COUNTY "COMMERCIAL" TO ORMOND BEACH "TOURIST COMMERCIAL"; AUTHORIZING TRANSMITTAL; PROVIDING FOR CONFLICT; AND SETTING FORTH AN EFFECTIVE DATE.

**Commissioner Kent moved, seconded by Commissioner Boehm, for approval of Ordinance No. 2013-29, 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 #9 – Reports, Suggestions, Requests

### Upcoming Meetings

Ms. Joyce Shanahan, City Manager, stated that there would be a shade meeting to discuss collective bargaining on May 7, 2013, at 5:30 p.m. She stated that May 21, 2013, would be the Town Hall Budget Meeting at 5:30 p.m. in the Commission Chambers. She noted that the prior year they condensed the town hall meetings to just one in order to receive greater participation.

### Issues with County

Ms. Shanahan stated that one of the ongoing issues that the city had with the county was changes to existing and new Community Redevelopment Agencies (CRAs). She stated that all of the City Managers were collectively meeting to discuss those issues and to try to reach a resolution with the county. She stated that they were also working on a resolution for gas tax. She stated that the formula expired in August of that year and the last time it was addressed was ten years ago.

### Earth Day

Ms. Shanahan stated that the city's Earth Day Celebration would be held on Thursday, April 25, 2013, in the City Hall Plaza from 11:00 a.m. to 2:00 p.m. She stated that the city would be collecting hazardous waste from 9:00 a.m. to 3:00 p.m. at the Public Works building on Orchard Street on Friday, April 19, 2013. She stated that old paint cans, batteries, and tires could be brought in.

### Public Safety Awareness Day

Ms. Shanahan stated that Saturday, April 27, 2013, was the first annual Public Safety Awareness Day. She stated that bicycle helmets would be given away to those completing the bicycle safety course.

### Art in the Park

Ms. Shanahan stated that Art in the Park would be held on Saturday, May 4, 2013, and Sunday, May 5, 2013.

### Andy Romano Beachfront Park

Commissioner Kent addressed Ms. Shanahan and stated that when he was at the Andy Romano Beachfront Park on Friday he had noticed that some of the directional arrows painted on the ground were already disappearing. He stated that he also noticed that at the entrance there was spray paint likely used by engineers for marking purposes. He stated that he hoped that the paint would disappear.

Ms. Shanahan stated that the paint was from the cable company and that it would disappear.

Commissioner Kent stated that on top of the seawall the rebar was about three inches too high, noting that it caused rust spots to appear every two to three feet. He explained that if there had been another two to three inches of concrete on top of the seawall that would not have occurred. He stated that he was also concerned about the wire fence next to the seawall. He noted that the two by fours had swelled and were popping and cracking the concrete base.

Ms. Shanahan noted that Commissioner Kent had mentioned those items to her before and that staff was working on them.

Commissioner Kent stated that the main reason he was bringing these items up for the Commission was that he had a couple of nice conversations with District Four County Councilman Doug Daniels. He stated that he went to Mr. Daniels because the Commission felt strongly that the beach in front of the park should be traffic free. He stated that he had twice seen a car come through the barricades. He stated that he wondered why that was happening and then looked at the beach and took pictures of it. He explained that there were two sets of signs that the county had put up that said "vehicles stay within these traffic lanes". He noted that there were actually no traffic lanes because it was a traffic free beach. He wondered why the county had signs up that referenced traffic lanes. He stated that Mr. Daniels had assured him that he would help fix that problem. He stated that he also thought that a traffic free beach meant no vendor wagons driving through and noted that should especially be true with the concession opening at the park. He stated that Mr. Daniels was also on board with that and went a step further and said that he also believed that there should be no emergency vehicles going through there unless there was an emergency. He stated that

he wanted to let the Commission know that he expected the County Council to live up to their end of the deal.

#### Celtic Festival

Commissioner Boehm stated that Ormond Beach Main Street was putting on a Celtic Festival at Rockefeller Gardens that weekend. He stated that it was a terrific event and he recommended everyone make every effort to attend.

#### Mayor's Health & Fitness Challenge

Commissioner Boehm congratulated City Clerk Scott McKee for winning the Mayor's Fitness Challenge.

#### Andy Romano Beachfront Park

Commissioner Boehm stated that the Commission had received several emails and comments mentioning the experience visitors had with the employees at Andy Romano Beachfront Park and how well they were treated by those employees. He noted that Mr. Basil Bullard, one of those employees, was present that evening. He stated that he should be congratulated for creating a positive image for Ormond Beach at the park.

Commissioner Kent thanked Mr. Bullard, as well.

Mr. Bullard stated that he was trained by Mr. Carolin and that he should receive all the credit.

#### Ormond Beach Citizen Involvement

Commissioner Boehm stated that one of the special things about Ormond Beach, which he heard mentioned on Big John's radio program, was that citizens of Ormond Beach stepped up and worked with the government to do things for the city because they wanted to. He noted that recently the Casements Guild decided to build a gazebo for the anniversary of The Casements, that the Ormond Beach Youth Baseball & Softball Association (OBYBSA) contributed to the T-ball complex, and that private citizens contributed to the Ormond Garage. He also referenced Project ROMP and the Magic Forest and the Ormond Beach Show Club who gave \$11,000 to the Performing Arts Center for new lighting and curtains. He stated that private citizens in Ormond Beach repeatedly stepped up to try and make Ormond Beach a better city. He stated that the point being made on the radio program was that there were no other local cities that could be pointed to where so many different groups of private citizens banded together to raise money, create projects, and donate those projects to the city to make it a better place. He stated that was what made Ormond Beach such a special place.

#### Mayor Kelley's Son's Success

Commissioner Kent stated that he had one more thing to say. He stated that he had worked with Mayor Kelley a long time and he remembered Mayor Kelley giving him demo CDs of his son, Brian Kelley. He congratulated Mayor Kelley and his family and stated that his son was on an amazing journey. He stated that Ormond Beach was receiving amazing publicity because of the Mayor's son. He noted that Brian Kelley and his group, Florida Georgia Line, had won two Academy of Country Music (ACM) awards.

Mayor Kelley stated that Florida Georgia Line won the ACM Award for Best Duo of the Year and New Artist of the Year. He noted that names such as Brad Paisley and Carrie Underwood had won the New Artist of the Year Award previously. He stated that Commissioner Kent sent him an email to congratulate his son on the award and that he had responded by asking Commissioner Kent if he remembered when he told him that life with your child only got better the older they got. He stated that he never expected it to be as good as it was. He stated that he hoped that at some point the city could do a proclamation for his son's group. He stated that his son did mention Ormond Beach often and had stated that he wanted to move back if he ever had the chance.

#### Water and Sewer Bonds

Mayor Kelley stated that agenda item 60, dealing with redoing the water and sewer bonds, would save the city about \$750,000.

#### Relocation of Fire Administration Office

Mayor Kelley stated that Item #6V, the relocation of the Fire Administration office, may offer some opportunities for some creative ideas.

Item #10 – Adjournment

The meeting was adjourned at 7:35 p.m.

APPROVED: May 7, 2013

BY:

\_\_\_\_\_  
Ed Kelley, Mayor

ATTEST:

\_\_\_\_\_  
J. Scott McKee, City Clerk