

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

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**June 3, 2013**

**7:30 PM**

**Commission Chambers**

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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 – May 21, 2013
- 6. COMMUNITY REDEVELOPMENT AGENCY**
  - A. **RESOLUTION NO. 2013-95** : A RESOLUTION OF THE CITY COMMISSION, ALSO ACTING AS THE COMMUNITY REDEVELOPMENT AGENCY, OF THE CITY OF ORMOND BEACH, FLORIDA, AUTHORIZING THE EXECUTION OF AN APPLICANT-INSTALLED FACILITIES AGREEMENT FOR UNDERGROUND CONVERSIONS BETWEEN THE CITY AND FP&L REGARDING THE UNDERGROUNDING OF UTILITIES IN THE DOWNTOWN MAINSTREET AREA; AUTHORIZING PAYMENT THEREFORE; AND SETTING FORTH AN EFFECTIVE DATE. **(SEE ITEM 7A)**

*Staff Contact: John Noble, City Engineer (386-676-3269)*
  - B. **RESOLUTION NO. 2013-96** : A RESOLUTION OF THE CITY COMMISSION, ALSO ACTING AS THE COMMUNITY REDEVELOPMENT AGENCY, OF THE CITY OF ORMOND BEACH, FLORIDA, AUTHORIZING THE EXECUTION OF AN AGREEMENT BETWEEN THE CITY OF ORMOND BEACH AND FLORIDA POWER & LIGHT COMPANY FOR THE DOWNTOWN UNDERGROUND UTILITIES PROJECT IN THE DOWNTOWN MAINSTREET AREA; AND SETTING FORTH AN EFFECTIVE DATE. **(SEE ITEM 7B)**

*Staff Contact: John Noble, City Engineer (386-676-3269)*
  - C. **RESOLUTION NO. 2013-97** : A RESOLUTION OF THE CITY COMMISSION, ALSO ACTING AS THE COMMUNITY REDEVELOPMENT AGENCY, OF THE CITY OF ORMOND BEACH, FLORIDA, ACCEPTING THE BID OF CARTER ELECTRIC COMPANY, INC., FOR THE DOWNTOWN UNDERGROUND UTILITIES PROJECT (BID NO. 2013-13); REJECTING ALL OTHER BIDS; AUTHORIZING THE EXECUTION OF A CONTRACT, AND PAYMENT THEREUNDER; AND SETTING FORTH AN EFFECTIVE DATE. **(SEE ITEM 7C)**

*Staff Contact: John Noble, City Engineer (386-676-3269)*
- 7. CONSENT AGENDA**

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

- A. **RESOLUTION NO. 2013-95** : A RESOLUTION OF THE CITY COMMISSION, ALSO ACTING AS THE COMMUNITY REDEVELOPMENT AGENCY, OF THE CITY OF ORMOND BEACH, FLORIDA, AUTHORIZING THE EXECUTION OF AN APPLICANT-INSTALLED FACILITIES AGREEMENT FOR UNDERGROUND CONVERSIONS BETWEEN THE CITY AND FP&L REGARDING THE UNDERGROUNDING OF UTILITIES IN THE DOWNTOWN MAINSTREET AREA; AUTHORIZING PAYMENT THEREFORE; AND SETTING FORTH AN EFFECTIVE DATE.
- Staff Contact: John Noble, City Engineer (386-676-3269)*
- B. **RESOLUTION NO. 2013-96** : A RESOLUTION OF THE CITY COMMISSION, ALSO ACTING AS THE COMMUNITY REDEVELOPMENT AGENCY, OF THE CITY OF ORMOND BEACH, FLORIDA, AUTHORIZING THE EXECUTION OF AN AGREEMENT BETWEEN THE CITY OF ORMOND BEACH AND FLORIDA POWER & LIGHT COMPANY FOR THE DOWNTOWN UNDERGROUND UTILITIES PROJECT IN THE DOWNTOWN MAINSTREET AREA; AND SETTING FORTH AN EFFECTIVE DATE.
- Staff Contact: John Noble, City Engineer (386-676-3269)*
- C. **RESOLUTION NO. 2013-97** : A RESOLUTION OF THE CITY COMMISSION, ALSO ACTING AS THE COMMUNITY REDEVELOPMENT AGENCY, OF THE CITY OF ORMOND BEACH, FLORIDA, ACCEPTING THE BID OF CARTER ELECTRIC COMPANY, INC., FOR THE DOWNTOWN UNDERGROUND UTILITIES PROJECT (BID NO. 2013-13); REJECTING ALL OTHER BIDS; AUTHORIZING THE EXECUTION OF A CONTRACT, AND PAYMENT THEREUNDER; AND SETTING FORTH AN EFFECTIVE DATE.
- Staff Contact: John Noble, City Engineer (386-676-3269)*
- D. **RESOLUTION NO. 2013-98** : A RESOLUTION ACCEPTING THE BID OF UNDERWATER SOLUTIONS, INC., REGARDING POTABLE WATER STORAGE TANK INSPECTION AND CLEANING SERVICES; AUTHORIZING THE EXECUTION OF AN AGREEMENT AND PAYMENT THEREFOR; REJECTING ALL OTHER BIDS; AND SETTING FORTH AN EFFECTIVE DATE.
- Staff Contact: Dave Ponitz, Utilities Manager (386-676-3305)*
- E. **RESOLUTION NO. 2013-99** : A RESOLUTION AUTHORIZING THE EXECUTION OF A LOCALLY FUNDED AGREEMENT BETWEEN THE CITY AND FLORIDA DEPARTMENT OF TRANSPORTATION, REGARDING THE UPGRADE OF MAST ARMS AT THREE INTERSECTIONS ALONG SR40; AND SETTING FORTH AN EFFECTIVE DATE.
- Staff Contact: John Noble, City Engineer (386-676-3269)*
- F. **RESOLUTION NO. 2013-100** : A RESOLUTION AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH THE CASEMENTS GUILD FOR THE CITY OF ORMOND BEACH, INC. AND FLORIDA ISLAND TIME VENTURES, INC. D/B/A JENKINS BROTHER'S CONSTRUCTION REGARDING THE CONSTRUCTION OF A GAZEBO ON THE CASEMENTS PROPERTY; AND SETTING FORTH AN EFFECTIVE DATE.
- Staff Contact: Robert Carolin, Leisure Services Director (386-676-3279)*
- G. **RESOLUTION NO. 2013-101** : A RESOLUTION ACCEPTING A PROPOSAL FROM HALL CONSTRUCTION CO., INC. TO PROVIDE CONSTRUCTION MANAGEMENT SERVICES REGARDING THE SOUTH ORMOND NEIGHBORHOOD CENTER ROOF REPLACEMENT; AUTHORIZING THE EXECUTION OF A WORK AUTHORIZATION THERETO; AND SETTING FORTH AN EFFECTIVE DATE.
- Staff Contact: John Noble, City Engineer (386-676-3269)*

- H. **RESOLUTION NO. 2013-102** : A RESOLUTION APPOINTING A MEMBER TO SERVE ON THE VOLUSIA GROWTH MANAGEMENT COMMISSION; ESTABLISHING TERM AND CONDITIONS OF SERVICE; AND SETTING FORTH AN EFFECTIVE DATE.  
*Staff Contact:* Scott McKee, City Clerk (386-676-3340)
- I. **RESOLUTION NO. 2013-103** : A RESOLUTION APPROVING THE COMMUNITY DEVELOPMENT BLOCK GRANT ANNUAL PLAN FOR THE 2013-2014 FISCAL YEAR; AND SETTING FORTH AN EFFECTIVE DATE.  
*Staff Contact:* Loretta Moisiso, Grants Coordinator/PIO (386-676-3315)
- J. **RESOLUTION NO. 2013-104** : A RESOLUTION AUTHORIZING THE EXECUTION OF A DEDUCTIVE CHANGE ORDER NUMBER ONE (1) FINAL TO THAT CONTRACT AWARDED TO SABOUNGI CONSTRUCTION, INC., REGARDING CONSTRUCTION OF THE ANDY ROMANO BEACHFRONT PARK, BY DECREASING THE CONTRACT PRICE BY \$1,084,399.18; INCREASING THE CONTRACT TIME BY 57 DAYS; AND SETTING FORTH AN EFFECTIVE DATE.  
*Staff Contact:* John Noble, City Engineer (386-676-3269)
- K. **Andy Romano Beachfront Park Additional Construction Administration Services**  
*Staff Contact:* John Noble, City Engineer (386-676-3269)  
*Disposition:* Approve as recommended in the City Manager memorandum dated June 3, 2013.
- L. **Community Development Block Grant (CDBG) Amendments for FY 11-12 and FY 12-13**  
*Staff Contact:* Loretta Moisiso, Grants Coordinator/PIO (386-676-3315)  
*Disposition:* Approve as recommended in the City Manager memorandum dated June 3, 2013.
- M. **Bid Specifications for Nova Road Accessible Pedestrian Signals**  
*Staff Contact:* John Noble, City Engineer (386-676-3269)  
*Disposition:* Approve as recommended in the City Manager memorandum dated June 3, 2013.
- N. **RFP - Management and Operation of Gymnastics Center Building**  
*Staff Contact:* Robert Carolin, Leisure Services Director (386-676-3279)  
*Disposition:* Approve as recommended in the City Manager memorandum dated June 3, 2013.
- O. **Budget Status Report for January 2013-March 2013**  
*Staff Contact:* Kelly McGuire, Finance Director (386-676-3226)  
*Disposition:* Approve as recommended in the City Manager memorandum dated June 3, 2013.
- P. **RFP 2013-25 Water and Revenue Bonds**  
*Staff Contact:* Kelly McGuire, Finance Director (386-676-3226)  
*Disposition:* Approve as recommended in the City Manager memorandum dated June 3, 2013.

## 8. PUBLIC HEARINGS

- A. **ORDINANCE NO. 2013-36** : AN ORDINANCE AMENDING PARAGRAPH C, OFFICIAL ZONING MAP, OF SECTION 2-01, ESTABLISHMENT OF ZONING DISTRICTS AND OFFICIAL ZONING MAP, OF ARTICLE 1, 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 APPROXIMATELY 3.22-ACRES LOCATED AT 1102 WEST GRANADA BOULEVARD, VOLUSIA COUNTY PARCEL ID NUMBER 4220-21-00-00C0, FROM B-8 (COMMERCIAL) TO PBD (PLANNED BUSINESS DEVELOPMENT), 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. 2013-37** : AN ORDINANCE AUTHORIZING THE EXECUTION AND ISSUANCE OF A DEVELOPMENT ORDER FOR THE "1102 WEST GRANADA BOULEVARD" PLANNED BUSINESS DEVELOPMENT TO ALLOW THE CONSTRUCTION OF A 150 FOOT MONOPINE CAMOUFLAGED TELECOMMUNICATIONS TOWER TO BE LOCATED AT 1102 WEST GRANADA BOULEVARD, (VOLUSIA COUNTY PARCEL ID NUMBER 4220-21-00-00C); ESTABLISHING CONDITIONS AND EXPIRATIONS OF APPROVAL; AND SETTING FORTH AN EFFECTIVE DATE.

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

- C. **ORDINANCE NO. 2013-38** : AN ORDINANCE AMENDING THE LAND DEVELOPMENT CODE, CHAPTER 1, ARTICLE II, SECTION 1-16 POWER AND DUTIES; CHAPTER 2, ARTICLE II, SECTION 2-29 COMMERCIAL (B-8); AND CHAPTER 2, ARTICLE IV, SECTION 2-57 SPECIAL AND CONDITIONAL USE CRITERIA; THEREOF, BY AMENDING REQUIREMENTS FOR VARIANCES, AND CONDITIONAL AND PERMITTED USES FOR SEXUALLY ORIENTED BUSINESSES; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; PROVIDING FOR SEVERABILITY; AND SETTING FORTH AN EFFECTIVE DATE.

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

D. **ORDINANCE NO. 2013-39** : AN ORDINANCE AMENDING ARTICLE XIV, SEXUALLY ORIENTED BUSINESS ESTABLISHMENT PERMIT AND LICENSE REQUIREMENTS, OF CHAPTER 12, BUSINESS REGULATIONS, OF THE CODE OF ORDINANCES OF THE CITY OF ORMOND BEACH, BY AMENDING SECTION 12-390, PURPOSE; SECTION 12-391, LEGISLATIVE FINDINGS; SECTION 12-392, DEFINITIONS; SECTION 12-394, RESPONSIBILITIES OF COMMISSION, PLANNING, AND POLICE DEPARTMENT; SECTION 12-396, APPLICATION REQUIRED FOR SEXUALLY ORIENTED BUSINESS LICENSE, CONTENTS OF, APPLICATION FEE, REJECTION OF INCOMPLETE APPLICATION, CONSENT BY APPLICANT; SECTION 12-397, INVESTIGATION OF APPLICATION; SECTION 12-398, GRANT, DENIAL; SECTION 12-399, CONTENTS OF LICENSE, TERM OF LICENSE, RENEWALS, EXPIRATION, CANCELLATION; SECTION 12-400, ANNUAL LICENSING FEES, LEVY OF, REGULATORY IN NATURE; SECTION 12-401, RECORDS AND REPORTS, ISSUANCE OF LICENSE; SECTION 12-402, TRANSFER OF LICENSE; SECTION 12-404, SUSPENSION OF LICENSE; SECTION 12-405, CANCELLATION OR REVOCATION OF LICENSE; SECTION 12-407, GENERAL REQUIREMENTS; SECTION 12-408, ADULT THEATER; SECTION 12-409, SPECIAL CABARETS, ADULT PHOTOGRAPHIC OR MODELING STUDIOS AND ADULT THEATERS; SECTION 12-410, SEXUALLY ORIENTED BUSINESS PERMITS AND LICENSES; REPEALING SECTION 12-411, RELIEF, AND RESERVING SAID SECTION FOR FUTURE USE; AMENDING SECTION 12-412, PROHIBITED OPERATIONS, ACTS, ADVERTISEMENTS, AND ACTIONS OF SEXUALLY ORIENTED BUSINESS ESTABLISHMENTS; AMENDING SECTION 12-413, APPEALS; ESTABLISHING A NEW DIVISION AND SECTIONS THEREUNDER TO BE NUMBERED AND TITLED DIVISION 6, FEES ESTABLISHED, SECTION 12-414, PURPOSE AND INTENT; SECTION 12-415, RATE SCHEDULE FOR FEES; SECTION 12-416, FEES ESTABLISHED; BY PROVIDING A PURPOSE AND LEGISLATIVE FINDINGS, DEFINITIONS, REQUIREMENTS PERTAINING TO THE SUBMITTAL, REVIEW AND INVESTIGATION OF APPLICATIONS FOR SEXUALLY ORIENTED BUSINESSES, ESTABLISHING REASONABLE FEES RELATED THERETO, PROVIDING REQUIREMENTS FOR THE ISSUANCE OR DENIAL OF SEXUALLY ORIENTED BUSINESS LICENSES AND PERMITS, PROVIDING HEARING AND APPEAL PROCEDURES FOR DECISIONS AFFECTING SEXUALLY ORIENTED BUSINESSES, PROVIDING OPERATIONAL STANDARDS FOR SEXUALLY ORIENTED BUSINESSES, AND PROVIDING PROHIBITED ACTS AND OPERATIONS; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; PROVIDING FOR SEVERABILITY; AND SETTING FORTH AN EFFECTIVE DATE.

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

E. **ORDINANCE NO. 2013-35** : AN ORDINANCE AMENDING PARAGRAPH C, OFFICIAL ZONING MAP, OF SECTION 2-01, ESTABLISHMENT OF ZONING DISTRICTS AND OFFICIAL ZONING MAP, OF ARTICLE 1, 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 SEVENTY-THREE (73) PARCELS OF REAL PROPERTY TOTALING 11.5-ACRES+ LOCATED AT 1-103 BELLA VITA WAY, FROM VOLUSIA COUNTY MPUD (MIXED PLANNED UNIT DEVELOPMENT) TO ORMOND BEACH PRD (PLANNED RESIDENTIAL DEVELOPMENT), AUTHORIZING REVISION OF OFFICIAL ZONING MAP; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; AND SETTING FORTH AN EFFECTIVE DATE. **(SECOND READING)**

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

**9. RESOLUTIONS**

- A. **RESOLUTION NO. 2013-105** : A RESOLUTION ACCEPTING A PROPOSAL TO SETTLE THE LITIGATION MATTER BETWEEN THE CITY AND RIVER BEND INVESTMENT GROUP, INC.; AUTHORIZING THE EXECUTION OF ALL DOCUMENTS INCIDENTAL THERETO; AND SETTING FORTH AN EFFECTIVE DATE.

*Staff Contact: Randal Hayes, City Attorney (386-676-3217)*

**10. REPORTS, SUGGESTIONS, REQUESTS**

**11. ADJOURNMENT**

Item #1 – Meeting Call to Order

Mayor Kelley called the meeting to order at 7:30 p.m.

Item #2 – Invocation

Pastor Ronald Todd, Harbor Baptist Church, gave the invocation.

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.

Item #5A – Approval of Minutes

Mayor Kelley advised that the minutes of the May 21, 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 – Community Redevelopment Agency

Mayor Kelley explained that the City Commission served as the Community Redevelopment Agency (CRA) for the Downtown Redevelopment Area, and as such, must review related items and make a recommendation as the CRA prior to the City Commission public hearing; therefore, the City Commission meeting would be recessed, and a meeting of the Community Redevelopment Agency convened. He explained that once the recommendation was made, the CRA meeting would be adjourned and the City Commission meeting reconvened.

Mayor Kelley stated that the City Commission meeting was recessed, and he called the meeting of the Community Redevelopment Agency to order at 7:33 p.m. for discussion of Resolution Nos. 2013-95, 2013-96, and 2013-97. He opened the items for a public hearing.

Item #6A – Downtown Underground Utilities Applicant Installed Facilities Agreement

City Clerk Scott McKee read by title only:

RESOLUTION NO. 2013-95  
A RESOLUTION OF THE CITY COMMISSION, ALSO ACTING AS THE COMMUNITY REDEVELOPMENT AGENCY, OF THE CITY OF ORMOND BEACH, FLORIDA, AUTHORIZING THE EXECUTION OF AN APPLICANT-INSTALLED FACILITIES AGREEMENT FOR UNDERGROUND CONVERSIONS BETWEEN THE CITY AND FP&L REGARDING THE UNDERGROUNDING OF UTILITIES IN THE DOWNTOWN MAINSTREET AREA; AUTHORIZING PAYMENT THEREFORE; AND SETTING FORTH AN EFFECTIVE DATE.

**Commissioner Boehm moved, seconded by Commissioner Partington, to recommend approval of Resolution No. 2013-95, as read by title only.**

The motion passed by voice vote.

Item #6B – Downtown Underground Utility Right of Way Agreement with Florida Power and Light Company

City Clerk Scott McKee read by title only:

RESOLUTION NO. 2013-96

A RESOLUTION OF THE CITY COMMISSION, ALSO ACTING AS THE COMMUNITY REDEVELOPMENT AGENCY, OF THE CITY OF ORMOND BEACH, FLORIDA, AUTHORIZING THE EXECUTION OF AN AGREEMENT BETWEEN THE CITY OF ORMOND BEACH AND FLORIDA POWER & LIGHT COMPANY FOR THE DOWNTOWN UNDERGROUND UTILITIES PROJECT IN THE DOWNTOWN MAINSTREET AREA; AND SETTING FORTH AN EFFECTIVE DATE.

**Commissioner Boehm moved, seconded by Commissioner Stowers, to recommend approval of Resolution No. 2013-96, as read by title only.**

The motion passed by voice vote.

Item #6C – Bid Award for Downtown Underground Utilities Conversion

City Clerk Scott McKee read by title only:

RESOLUTION NO. 2013-97

A RESOLUTION OF THE CITY COMMISSION, ALSO ACTING AS THE COMMUNITY REDEVELOPMENT AGENCY, OF THE CITY OF ORMOND BEACH, FLORIDA, ACCEPTING THE BID OF CARTER ELECTRIC COMPANY, INC., FOR THE DOWNTOWN UNDERGROUND UTILITIES PROJECT (BID NO. 2013-13); REJECTING ALL OTHER BIDS; AUTHORIZING THE EXECUTION OF A CONTRACT, AND PAYMENT THEREUNDER; AND SETTING FORTH AN EFFECTIVE DATE.

**Commissioner Boehm moved, seconded by Commissioner Partington, to recommend approval of Resolution No. 2013-97, as read by title only.**

The motion passed by voice vote.

Mayor Kelley closed the public hearing, adjourned the meeting of the CRA, and reconvened the City Commission Meeting at 7:36 p.m.

Item #7 – 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 Partington moved, seconded by Commissioner Boehm, for approval of the Consent Agenda.**

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

Item #7P – RFP 2013-25 Water and Revenue Bonds

Mayor Kelley noted that the refinancing of the bonds would save the city over \$1 million over the next ten years. He thanked the City Manager and Finance Director for being alert and finding lower interest rates for municipal bonds.

Item #8 – Public Hearing

Mayor Kelley opened the public hearing.

Item #8A – 1102 West Granada Boulevard, Capital Telecom, Rezoning

City Clerk Scott McKee read by title only:

ORDINANCE NO. 2013-36

AN ORDINANCE AMENDING PARAGRAPH C, OFFICIAL ZONING MAP, OF SECTION 2-01, ESTABLISHMENT OF ZONING DISTRICTS AND OFFICIAL ZONING MAP, OF ARTICLE 1, 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 APPROXIMATELY 3.22-ACRES LOCATED AT 1102 WEST GRANADA BOULEVARD, VOLUSIA COUNTY PARCEL ID NUMBER 4220-21-00-00C0, FROM B-8 (COMMERCIAL) TO PBD (PLANNED BUSINESS DEVELOPMENT), AUTHORIZING REVISION OF OFFICIAL ZONING MAP; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; AND SETTING FORTH AN EFFECTIVE DATE.

Mr. Ric Goss, Planning Director, explained that items 8A and 8B were companion ordinances, and that item 8A, Ordinance No. 2013-36, was for the rezoning of the property and item 8B, Ordinance No. 2013-37, was for a development order. He clarified that the Commission should take action on each item separately.

Mr. Goss stated that the applicant, Capital Telecom, was filing an application to rezone property located at 1102 West Granada Boulevard from B-8 (Commercial) to PBD (Planned Business Development). He explained that the request was for the purposes of placing a 150 foot monopine tower on the property with a setback of 183 feet. He noted that the city's code required a 300 foot setback for such a tower. He stated that the property was located at the southwest corner of Clyde Morris Boulevard and State Road 40 (SR 40). He stated that the reason the applicant desired to go from a B-8 zoning to a PBD was because camouflaged towers were a conditional use in a B-8. He explained that based upon a 183 foot setback, the maximum permitted height for the tower was only 91.5 feet. He noted that all existing nonconforming sites must be improved whether it was in a B8 or PBD zoning. He stated that the applicant's request was to provide an alternative setback of 183 feet and noted that that was almost 40% less than the standard setback.

Mr. Goss stated that the applicant provided a site plan and noted the setbacks from the gateway corridor, commercial areas, and residential areas. He explained that the only area in which the proposed setback did not comply was in the area where 300 feet was needed and the setback was 183 feet. He stated that there were two neighborhood meetings held regarding the tower, one held before the application was submitted and one held in January of 2013. He stated that at that time a balloon was flown to show the proposed height of the tower. He showed pictures of the balloon at the designated height side by side with pictures showing a simulation of the proposed tower at the same locations and heights. He noted that the pictures showed views from westbound on Granada Boulevard, the intersection of Clyde Morris Boulevard and SR 40, north on SR 40, Fisherman's Landing Apartments, and looking north from the South Forty subdivision.

Mr. Goss stated that the purpose of the telecommunication ordinance was to require stealth technology for all towers, especially in commercial districts. He noted that setbacks were also established to protect residents from aesthetic impacts, visual impacts, and to minimize the number of new towers. He stated that in the last two years two towers had been administratively approved. He explained that one was located on South Old Kings Road and the other was located at 610 South Yonge Street.

Mr. Goss displayed a site plan from the applicant showing the landscaping improvements. He stated that to the city's knowledge, the applicant had made as many such improvements as possible and noted that the city had no issues with the landscaping plan. He stated that the Planning Department staff's concerns were with the setback. He reiterated that with a 183 foot setback the maximum tower height should be 91.5 feet. He stated that the propagation maps that were entered into the record, along with the applicant's testimony before the Planning Board, did not support the 150 foot height request.

Mr. Goss stated that the criteria for denial would be the testimony from the opposing residents who indicated that they relied on the full setback for protection from the



negative visual and aesthetic impacts. He noted that there was insufficient documentation, other than verbal remarks, to show that all the other reasonable opportunities for a new tower had been exhausted. He stated that the city's code required co-location, if that was able to be provided. He stated that the applicant had verbally indicated that they could not provide co-location but that there was no written documentation provided as to why not. He stated that the testimony by the applicant at the Planning Board meeting, and also the applicant's propagation maps, indicated a 150 foot tower was not needed to address the capacity issue.

Mr. Goss stated that the Planning Board tied when voting on the matter. He explained that that constituted an automatic denial. He stated that the three members that recommended approval did so subject to the branches on the tower beginning at 60 feet rather than the proposed 90 feet, and also with a request that a wall be erected around the base station as opposed to the proposed fence. He stated that the three members who recommended denial did so based on their decision that the public benefits did not outweigh the visual and aesthetic impacts on the residential quality of life. He stated that the City Commission had three possible options: they could deny the proposal based upon it not meeting the residential setback criteria 1, 4, 7, and 10 in Section 1-15.C.3 of the Land Development Code (LDC) as well as the visual and aesthetic impacts caused by the encroachment into the setback area, they could approve the 150 foot monopine tower as is and find that the public benefits are adequate to offset the alternative setback, or they could issue a modified approval, approving a height between 92 to 130 feet and find that the residential impact was minimized. He stated that staff's recommendation, along with the Planning Board's, was for the rezoning and development order to be denied.

Commissioner Boehm asked what area one of the towers covered. He stated that he understood that the tower was being proposed solely for capacity purposes.

Mr. Goss confirmed that the tower was for capacity purposes. He stated that he could not say what area it would cover and noted that the applicant's agent would be able to answer that question.

Commissioner Kent confirmed with Mr. Goss that the Planning Board denied the application and that staff was recommending denial as well.

Mayor Kelley stated that the one Planning Board member who missed the meeting and was unable to vote on the item had subsequently stated that he would have supported the application. He noted that this meant that the item would have passed by a 4-3 vote, had that member been in attendance. He stated that the member had mentioned his support to Mr. Goss as the last Planning Board meeting.

Commissioner Partington stated that the reason to attend meetings was to be able to have the ability to vote on the issues. He stated that expressing one's desire to have voted a certain way after the fact did not hold a lot of weight with him.

Ms. Lauralee Westine, Attorney acting as Agent for Capital Telecom (the applicant) and AT&T, stated that she attended the Planning Board meeting and also had read over the minutes for the Planning Board meeting. She stated that she thought that there was a struggle as to whether or not the Planning Board was going to approve the application. She noted that she thought that there was some information that was provided to them that lead them to feel that the application should have been put off. She explained that the applicant proposed a 150 foot monopine camouflaged tower. She displayed a photograph of a 155 foot monopine tower built by Capital Telecom in Palm Bay, Florida, which had branches starting at 75 feet. She stated that at the Planning Board meeting there had been discussion regarding where the branches would start.

Ms. Westine stated that the application essentially had two objections from staff. She stated that the first objection was the setback. She noted that a 300 foot setback was required and the property had a 183 feet setback. She stated that that morning she had received an email from Mr. Dick Morgart, President of the South Forty Home Owners' Association (HOA) stating that he had no objections. She displayed and read the email as follows:

*"Ms. Westine,*

*I am sorry I am unable to make the Ormond Beach Council meeting tonight.  
Our South Forty HOA Board meets the first Monday of the month and it is*

*necessary that I be there tonight as I am the President. Our position remains the same, no objection. Thanks for the consideration.*

*Dick Morgart"*

Ms. Westine stated that Mr. Morgart was present at the Planning Board Meeting and had testified on behalf of the South Forty HOA. She stated that Mr. Morgart had attended both community meetings that were held and had publicized both of those meetings, as well as the Planning Board and City Commission meeting dates, in his newsletter. She stated that the South Forty subdivision was the affected party. She explained that the residential setbacks were met everywhere except to the portion of the property abutting the South Forty subdivision, and that that was the only area for which they were seeking a variance for the setback requirement. She stated that the other concern that staff had expressed was the visual impact of the tower and noted that the setback was designed to take that into account. She stated that she had held two community meetings and the affected HOA had expressed support for the project. She noted that meant that those that the setback was intended to protect from a visual perspective did not object to the tower at 150 feet.

Ms. Westine stated that she was asked at the Planning Board meeting how Capital Telecom's involvement with the project began. She stated that often when AT&T, or any other carrier, had a site that was very difficult or challenging, such as one with narrow strips of commercial property with residential areas behind it, they requested that the tower companies get involved. She stated that in this case, AT&T had asked Capital Telecom to help them locate a site in the area. She explained that Capital Telecom was acting as an agent for AT&T in locating a site for and building the tower.

Ms. Westine stated that the applicant had held two community meetings. She noted that there was a requirement to hold one. She stated that the meetings were held on July 16, 2012 and January 9, 2013. She stated that notices for both meetings were sent to residents within a 700 foot buffer. She stated that there were 164 notices sent out and that they were sent to residences well in excess of the 300 foot residential setback. She stated that she would estimate that 20 people attended each meeting and that each meeting was mostly comprised of the same individuals. She noted that currently the property was located in a B8 zoning and that towers were permitted in that area. She stated that one of her concerns was she kept hearing about how the tower was located in a residential area and she wanted to remind the Commission that the property was already zoned B8, or commercial, and was asking to instead go to a PBD. She stated that the applicant was proposing to camouflage the tower. She noted that in the code it spoke very clearly in its purpose statement about camouflaging the towers, as they had proposed, as a manner in which to minimize visual impacts. She stated that she did not believe that in a B8 zoning district there was a requirement to camouflage the tower. She noted that, however, based on the proximity to residential areas and where the tower was located; there was never a question they would camouflage the tower.

Ms. Westine stated that the site was not located in a historic district and that a Federal Aviation Administration (FAA) determination of no air hazard had been received for the tower at 150 feet. She noted that the code required a tower to tower separation, but that it was not required for camouflaged towers. She stated that the idea of the code was that camouflaged towers were less impactful than a guide tower or a full monopole tower. She stated that that separation requirement was 1,500 feet and in this particular instance the closest tower was located 6,580 feet away. She noted that that was almost four times the separation required. She stated that the setback requirement for the tower to Granada Boulevard was 200 feet and it was setback 310 feet. She noted that the Clyde Morris Boulevard setback was also required to be 200 feet and the tower would be located at a setback of 370 feet. She also noted that the tower would be more than a mile from I-95 so that 150 foot setback requirement was greatly exceeded.

Ms. Westine explained that they were required to provide co-location and stated that the tower would provide spaces on it for six carriers. She stated that the branches on the tower would be made of green fiber glass and that the trunk of the pole would be painted brown. She stated that one of the concerns at the Planning Board had been whether the branches were designed to the most current building code standards and noted that they were. She explained that the tower compound would be 50x50, surrounded by an 8 foot board on board fence, and the required landscape buffer. She explained that the tower was designed with a 50 foot collapse point as well. She noted that many light poles were designed that way also and hinged at the top so that in the event of a hurricane they would collapse. She stated that the same technology was used in their poles but

they were larger and hinged. She stated that the hinge would not fall or fly off and the base of the tower would stay firmly in the ground. She stated that the hinge relieved the pressure enough so that the tower did not have a catastrophic failure.

Ms. Westine noted that in the minutes of the Planning Board meeting, on page 20 of 24, Mr. Morgart testified on behalf of the application as President of the South Forty HOA. She stated that another question that had come up during the meeting was the location of the closest residential structure. She stated that the closest residential structure was 272 feet from the tower. She stated that in order for the City Commission to approve the rezoning to PBD, the applicant had to provide at least two public benefits. She stated that the two benefits were increasing the landscaping requirements and increasing the buffer. She noted that a third benefit could be proposed independently. She stated that as far as the landscaping requirements, the applicant proposed to bring the site up as much as possible and would be planting 47 trees over the requirement of 131 trees. She stated that they were proposing to plant 500 trees and shrubs and it would be a true landscaping redevelopment of the site. She stated that they also proposed to double the buffer from ten feet to twenty feet.

Ms. Westine stated that the third alternative was one that she was allowed to propose. She stated that that benefit would be enhanced 911 services. She explained that she always pulled the 911 statistics of the areas where she was locating towers to see how many calls coming in were from wireless phones versus landline phones. She stated that she had never seen anything as high as the ones for this area. She stated that 75% of all of 911 calls in Volusia County were coming from wireless phones in 2012. She noted that she would allow her engineering colleague to explain how adding an additional cell site allowed for better triangulation and better locating as required by 911 services. She explained that she had also researched what the city's police and fire department used for cell service and found that they all used AT&T at least in part. She stated that the tower would allow better coverage in those particular residential areas.

Mr. Jim Graff, 1101 Greenwood Blvd, Lake Mary, FL, Radio Frequency Design Engineer, AT&T Wireless, stated that he was responsible for the design within the Ormond Beach area and was responsible for the design of the particular site in question.

Ms. Westine asked Mr. Graff how much service area the tower would cover.

Mr. Graff explained that the coverage was based on height, which meant that the taller the tower the further the range would be and that by limiting the height of the tower, the coverage area would also be limited. He stated that customers were consuming power that required more dominance in an area to provide the capacity at the power levels. He stated that the reason for the site was that capacity had been reached in the area and another source was needed in between existing sites.

Commissioner Boehm asked how far coverage would extend from a 150 foot tower.

Mr. Graff stated that it would extend about a mile in a circle around the tower.

Ms. Westine stated that in the staff report staff had proposed two other towers that could be co-located on in order to eliminate the need for the proposed tower. She stated that one was located at Old Kings Road and then another suggestion had been to build behind the Lowes closer to I-95. She asked Mr. Graff whether he had the opportunity to review those co-location options and what his conclusion was.

Mr. Graff stated that those sites were too close to existing towers and that the objective was to split them. He stated that they did not want to be neighbors to themselves.

Ms. Westine asked Mr. Graff to address the need for the 150 foot height.

Mr. Graff stated that the 150 foot height was the ideal. He noted that he believed that their engineer who had attended the Planning Board meeting and had stated that the tower could be lower was mistaken. He explained that that engineer was junior to him and did not usually attend such meetings. He stated that that engineer had filed in for him and that he had misspoke.

Ms. Westine clarified that that engineer was not responsible for the design of that area and was not as familiar with the area and design as Mr. Graff.

Commissioner Boehm stated that there had been some discussion in the materials they received about developing technology that would in essence make the current towers obsolete at some point. He asked if that technology was currently being used or if it was a futuristic technology.

Mr. Graff stated that it was being used sparingly and in very highly populated areas such as theme parks and convention centers. He stated that it was not being used on the streets by AT&T in Florida.

Commissioner Kent asked why it was not being used in such a way.

Mr. Graff stated that it was due to the expense, among other reasons. He stated that the design of the network was not as well suited as macro towers.

Ms. Westine addressed the City Attorney and stated that this was one of her concerns. She stated that the referenced information that was included in the packet was internet research gathered by Mr. Goss. She stated that she had also expressed this concern at the Planning Board meeting. She explained that while she understood that Mr. Goss was conducting the research for the benefit of the city, he was not an engineer and did not have access to AT&T networks and systems. She stated that she had spoken to the City Attorney earlier and they had agreed that the only information that was going to be presented at the meeting was the competent substantial evidence that was put forth that day. She stated that what she was concerned would happen instead just happened.

Mayor Kelley stated that it was a public meeting and the only restriction on what people chose to bring into the discussion was based on the relativity to what was being discussed.

Mr. Randy Hayes, City Attorney, stated that he thought that the other technical information referenced was good background information. He stated that the application should be treated the same as any other and applied against the criteria in the code based upon the merits of the application. He stated that the other information may not have regulations that apply to it currently and as such it could not be used as a standard or measuring mark against the application. He noted that that was the nature of the discussion that he had with Ms. Westine.

Commissioner Boehm stated that he was only inquiring because he knew how rapidly technology developed and his concern was that he did not want a 150 foot tower to be abandoned one day because technology moved beyond it.

Ms. Westine stated that the city's code actually had an abandonment provision in it that required the applicant to take the tower down. She stated that she believed that the city also required a removal bond but was not certain. She noted that those were not things that the applicant would ever object to as a condition of approval and that they would be willing to alleviate any concerns. She stated that the technology being referred to was DAS (digital antennae systems), which were simply smaller towers. She stated that they were being employed in places like Disney World, where 75 such sites were used to cover a half mile square. She explained that those sites were between 25 and 30 feet. She stated that to cover the same area as the proposed tower it would take between 65 and 70 of those sites of between 25 and 30 feet. She noted that those sites would have to be located in people's neighborhoods. She stated that she spoke with the Zoning Manager for the city of Tamarac and their tower company's permit to put in a DAS system was denied. She stated that the reason it was denied was because the residents objected vehemently to having 25 to 30 foot towers placed in the right of ways in neighborhoods with underground utilities.

Mr. Graff stated that the first objection to DAS systems he mentioned was expense. He stated that he still had a tube television and not an LED because the cost of the new technology had not come down far enough for him. He stated that that was the way that AT&T was also looking at it, that the cost was not there yet to allow them to implement that technology everywhere. He stated that when it was they would. He stated that it also had to do with how they could integrate their macro network with the DAS systems. He stated that currently it did not work well.

Ms. Westine stated that the main issue was height and receiving a variance for the setback. She noted that Mr. Goss testified that the 300 foot setback criteria were implemented to protect residents for safety reasons and aesthetics. She stated that the people who would be the most impacted by the project provided a no objection letter and

understood the need for it. She stated that the first community meeting was held before the application was even submitted. She noted that that intersection was a well traveled one and that they would add over 500 plants to bring it up to landscape code. She stated that she certainly felt that the proposed tower was a public benefit to the community. She stated that she was available for any questions that the Commission may have and asked for their approval. She stated that the Planning Board had discussed lowering the branches and noted that the applicant did not have any objection to moving them down 10 to 15 feet. She stated that having a greater density to the number of branches was also discussed at the Planning Board meeting and they would also not have any objection to that. She noted that the tower currently located on Olds King Road did not have as great of a density of branches as the photograph of a tower she had displayed earlier.

Mr. Lee Khazraeg, 763 N. Beach Street, stated that he also attended the Planning Board meeting. He stated that he owned a property adjacent to the site and was a developer in Ormond Beach, Port Orange, and Daytona Beach. He noted that Ms. Westine had also made a lengthy presentation on the benefits of the tower at the Planning Board meeting and had brought an engineer to testify on its behalf as well. He observed that now she was saying that that engineer's testimony was inaccurate and had a different engineer testify. He stated that he thought that the tower would not look good in one of the gateways to the city. He stated that Granada Boulevard was one of the major roads in the city. He noted that Ms. Westine expressed that the South Forty HOA gave approval for the project. He stated that he often went to that community for business as a subcontractor and that his experience was that many of those residents were not happy with the proposed tower. He stated that Ms. Westine made a statement that the applicant was providing 47 extra trees to enhance the community. He stated that he would be glad to donate 47 trees to the city without having an unattractive tower at that gateway location. He stated that he felt that the issue was money. He stated that there was an existing tower on Old Kings Road and asked why the carriers could not attach to that tower. He asked that the Commission not approve the project.

Dr. Charleen Evans Thomas, 8 Pine Shadows Trail, stated that she was approximately 607 feet from the proposed tower location. She noted she lived within the 700 foot buffer and was never invited to a public meeting. She stated that she learned of the meetings through community gossip and did attend the meeting that was held at Houligans. She noted that Ms. Westine made it sound like the community was very pleased with the project. She stated that there were about 28 people that attended the meeting and only about 3 who were very positive about the tower. She explained that she questioned the email that Ms. Westine displayed from Mr. Morgart. She noted that Ms. Westine stated that Mr. Morgart had attended the Planning Board meeting upon direction from the South Forty HOA. She stated that she listened to Mr. Morgart's testimony and had questioned whether he was speaking as the President of the South Forty HOA Board or as an individual. She explained that he finally had to admit that he was not representing the HOA Board. She stated that perhaps the board had subsequently decided and that was the basis for Mr. Morgart's email but she did not know. She stated that her experience in talking with residents of South Forty had been that they had not even known of the hearings and meetings and that the notices for them had been posted in the wintertime at the community swimming pool.

Dr. Thomas questioned the changing in the zoning. She stated that she lived on Clyde Morris Boulevard and had to honor a 35 foot buffer system in which nothing could be planted or there could be no parking. She asked if Houligans would have to give up the first line of their parking if the zoning was changed in order for them to have the same rule that everyone else had. She stated that she was not advocating either way but wanted the Commission to look at it because it did not seem fair that because someone had money that could get by with more. She stated that she lived in the area and at night jets flew over top of her home because when they could not go into Daytona Beach directly because of the weather. She stated that after the Ormond Beach Airport Tower closed at 7 p.m., seven to ten planes flew out practicing down Clyde Morris Boulevard and one of them might hit the tower.

Dr. Thomas stated that schools needed more funding and that the tower could provide schools with tax money. She asked why the tower could not be placed at a school or church instead of in a residential section. She stated that many people perceived those towers to give out emissions and she felt it would make property values go down and effect Ormond Beach's tax base. She stated that she felt that the tower looked like a commode brush turned upside down and felt that was not how the city wanted their gateways to look. She stated that she did not want the tower and felt that there were so

many open spaces, such as the new church being built on Hand Avenue, where the tower could be located instead. She noted that the proposed location was in a major residential area where multiple subdivisions would be impacted. She asked the Commission to please deny the application.

Ms. Westine showed photos from different locations with the balloon that was flown as a height marker and then with the tower superimposed. She noted that the balloon was not visible from certain locations or you could just see the top of it. She stated that she would suggest that people did not live their lives looking up 150 feet in the air. She stated that they generally looked 20 to 25 feet up.

Commissioner Kent suggested that when someone commented how exceptionally tall one tree appeared to be then their eyes would go up to it.

Ms. Westine stated that she would defer to Mr. Graff regarding AT&T's ability to co-locate on the two existing towers. She noted that if co-location on those towers was possible it would require a two week permit process and AT&T would not have spent the last two years trying to get a new tower accomplished. She stated that she would direct the Commission to the minutes of the Planning Board meeting to address what was said by Mr. Morgart in regards to whether or not he was speaking on behalf of the South Forty HOA or as an individual. She stated that the code required the applicant to provide the city with proof that they had gone through the appropriate FAA channels and noted that had been provided to staff. She stated that the tower was not required to be lighted and so would not be. She explained that the Telecommunication Act provided that as long as they were operating within the limits set for emissions with the FCC, that was not something that the Commission could take into account with their decision as it was governed by the federal government.

Mr. Scott Von Ryan, Director of Site Development, Capital Telecom, stated that they had spoken to the Tomoka Elementary School, located east of the proposed site. He stated that the school declined to accept their offer to have the tower due to the desire to have room to expand the school in the future if needed. He stated that when AT&T approached Capital Telecom to look at the area they scoured all of the commercial areas within a half mile radius of the chosen location. He stated that there were a lot of residences in and around Granada Boulevard and unfortunately the service had to be located where the people were. He noted that there were no properties within a half mile that could meet all of the setback requirements imposed by the code.

Ms. Westine stated that at the Planning Board Mr. Von Ryan explained property by property the other options they looked at and why they did not pan out. She noted that that was included in the Planning Board minutes and she would not rehash that.

**Commissioner Partington moved, seconded by Commissioner Kent, to deny the request to rezone the property at 1102 West Granada Boulevard from B-8 (Commercial) to PBD (Planned Business Development) for the reasons set forth in option one of the staff report.**

Commissioner Partington stated that Ms. Westine was a great advocate and gave a great presentation. He stated that he had voted to approve the tower that was located on Old Kings Road and was sorry that he had done so. He stated that when he was headed eastbound on Granada Boulevard he saw the upside down toilet brush that Dr. Thomas referenced. He noted that southbound on Nova Road he also saw it. He stated that it was a negative visual impact and that the pictures in the packet showed a number of locations where the new proposed tower would be able to be seen from. He stated that he could already hear the phone calls from residents wondering who approved the tower. He stated that he could not approve that particular project but noted that he would be happy for Ms. Westine to continue to work with staff to attempt to find a location where something would work. He noted that he had seen the towers in places where they worked very well and were well camouflaged. He explained that he had never noticed the one off of US 1 and had seen some in Washington, D.C. where one did not even realize what they were unless they were looking for them. He stated that he agreed with the Planning Board and staff that the aesthetics did not meet Ormond Beach's criteria.

Commissioner Kent stated that he did not think he could explain his position better than Commissioner Partington had. He noted that he too thought that Ms. Westine gave a great presentation. He stated that for him it came down to the fact that City Hall was the heart of the city and Granada Boulevard was the spine. He stated that he would have to

answer to a lot of people regarding the tower. He stated that he thought that there would be some other options that the applicant could explore and that staff would be more comfortable with.

Mayor Kelley noted that he had never noticed either of the current towers in the city. He stated that he felt that the tower was needed as they lived in a wireless community. He noted that in his office in his home he did not have any cell service and had to walk out of the room to try and access it. He stated that he saw his neighbors standing outside talking on their phones as well because of limited coverage. He noted that it was understood that the proximity to the towers would affect reception and so the tower could not be located on I-95 and cover the Trails. He explained that within the next four years usage was expected to grow thirty times over and would grow about 500 times over the next eight years. He stated that the demand of the bandwidth was causing the problems. He explained that he would love to get rid of his landline phone and just have a cell phone but that he was stuck needing the landline because he did not get cellular service in all areas of his home.

Mayor Kelley stated that it appealed to him that 75% of the 911 calls were made from cell phones. He stated that he agreed with the Planning Board that the branches needed to be lowered. He noted that he felt that there was a need for the tower because of the demand. He addressed the new technology discussed and stated that he did not want a bunch of smaller towers in his neighborhood. He stated that the tower may not be the end all to provide service but would certainly provide service until the new technology could be implemented. He noted that Commissioner Partington had emailed information for the Commission to read. He stated that he seriously doubted that that technology in his email would be ready soon and referenced the usage of terms like "could", "should", and "if it is what they claim it to be" in the information as evidence. He stated that he would support looking further into the tower as he believed it was a necessity. He noted the minimal opposition that received from residents. He stated that he received three emails opposing the tower out of 38,000 people living in Ormond Beach. He stated that he had more citizens tell him that it was necessary than express their opposition for the project.

Commissioner Stowers stated that the application did not meet the residential setback requirements. He noted that what he had heard was that the proposed location was the best possible and the most efficient location for the largest tower. He stated that when he read between the lines he read that it would make the most amount of money for the least amount of investment. He stated that that was what it was about. He stated that in actuality a tower could be built to code and not have branches; and noted that he had picked up on that thinly veiled threat mentioned earlier. He stated that the question for him was whether that would be more palatable than what they were looking at currently, and noted that he thought that it would be. He explained that if there were four or five of those towers that serviced the community but cost the company more money the residents would have a better aesthetic driving down the main corridor and all of those towers would meet the city code. He wondered if the property owners that were approached were approached in the context of putting a 150 foot tower on their property and thought that maybe some might be agreeable to a 60 foot tower or 80 foot tower instead. He stated that Mr. Goss explained in the staff report that one of the reasons provided for denial was that enough evidence was not provided that the applicant had really searched throughout the area.

Commissioner Boehm stated that he was struggling on both sides and probably had a little lack of understanding. He stated that the reason for the tower was capacity but noted that the area they were talking about servicing was completely built-out. He stated that other than very few additional people, everyone who was going to have a mobile device had one already. He stated that he wondered about a comment that had been made. He explained that Ms. Westine mentioned that six other carriers could get on the tower. He stated that he thought that the six other carriers would do so because it would increase their capacity and coverage. He stated that from what he read in the materials, each of those carriers would be selectively ten feet lower each, so that some of them might be down at around 80 or 90 feet, but noted that they would think that was worthwhile for their coverage purposes.

Commissioner Boehm stated that he thought that the tower would be the largest artificial Christmas tree he had ever seen. He stated that it would sit wide open and would be seen from Clyde Morris Boulevard and Granada Boulevard. He stated that he had seen mentioned that the tower could be 130 feet but noted that the engineer present on behalf of the applicant said that that was not the intention. He noted that the tower could be

built without a variance to a height of 91 feet. He stated that he was wondering since there were six other carriers mentioned as being added to the tower, if the applicant might not get the money they desired out of the tower without the additional capacity, but noted that they would still be able to build one at 91 feet. He explained that he understood that as a business, the applicant wanted the largest tower that they could build to make the most money. He stated that the Commission had to establish a standard for what they wanted in the community and meet the needs of the citizens at the same time. He stated that he was struggling because of the built out area where he did not foresee a lot of additional usage but at the same time he understood that the need was there. He stated that he felt that perhaps a smaller tower would be the answer and noted that there were already three votes to deny the project.

Mr. Hayes wanted to reiterate that Commissioner Partington moved, seconded by Commissioner Kent, to deny the project based on option one for denial in the staff report, which cited failure to comply with the criteria in 1, 4, 7, and 10 in Section 1-15.C.3 of the LDC.

Commissioner Partington stated that Mayor Kelley had mentioned the articles that he had emailed to the Commission as information citing new technology, specifically light radio and femtocell technology, and noted that that was different than the alternative technology that the applicant discussed. He stated that he was not basing any of his decision on those new technologies and was basing it strictly on the Planning Board denial and staff's recommendation of denial outlined in the staff report.

Mayor Kelley reiterated that he still thought that the tower was necessary. He stated that an assumption had been made that usage would not increase but felt that the data transfer by individuals and businesses, as well as streaming data, was what used up the capacity. He noted that the request was need based. He noted that the Commission had decided that they did not support a 150 foot monopine tower.

Commissioner Kent stated that he thought that Commissioner Stowers brought up some great points. He stated that a factor for him was the picture of the simulated tower on page 723 of 1312 in the agenda packet. He stated that the picture looked goofy and ridiculous, and he could not approve it. He stated that it did not sit well with him to put a tower like that on Granada Boulevard after the amount of time and money that was put into making that area look the way they wanted it to.

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

Item #8B – 1102 West Granada Boulevard, Capital Telecom, Development Order

City Clerk Scott McKee read by title only:

ORDINANCE NO. 2013-37

AN ORDINANCE AUTHORIZING THE EXECUTION AND ISSUANCE OF A DEVELOPMENT ORDER FOR THE "1102 WEST GRANADA BOULEVARD" PLANNED BUSINESS DEVELOPMENT TO ALLOW THE CONSTRUCTION OF A 150 FOOT MONOPINE CAMOUFLAGED TELECOMMUNICATIONS TOWER TO BE LOCATED AT 1102 WEST GRANADA BOULEVARD, (VOLUSIA COUNTY PARCEL ID NUMBER 4220-21-00-00C); ESTABLISHING CONDITIONS AND EXPIRATIONS OF APPROVAL; AND SETTING FORTH AN EFFECTIVE DATE.

**Commissioner Partington moved, seconded by Commissioner Kent, to deny the authorization and issuance of a development order for the property at 1102 West Granada Boulevard, citing failure to comply with criteria 1, 4, 7, and 10 in Section 1-15.C.3 of the Land Development Code as the basis for the denial.**

Commissioner Partington adopted and restated his comments during the discussion of the previous item as the basis for his decision.

Commissioner Kent also adopted and restated his prior statements from the previous discussion as the basis for his decision.



Commissioner Stowers also adopted and restated his prior statements from the previous discussion as the basis for his decision.

Commissioner Boehm also adopted and restated his prior statements from the previous discussion as the basis for his decision.

Mayor Kelley also adopted and restated his prior statements from the previous discussion as the basis for his decision.

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

Item #8C – Sexually Oriented Business Land Development Code Amendment

City Clerk Scott McKee read by title only:

ORDINANCE NO. 2013-38

AN ORDINANCE AMENDING THE LAND DEVELOPMENT CODE, CHAPTER 1, ARTICLE II, SECTION 1-16 POWER AND DUTIES; CHAPTER 2, ARTICLE II, SECTION 2-29 COMMERCIAL (B-8); AND CHAPTER 2, ARTICLE IV, SECTION 2-57 SPECIAL AND CONDITIONAL USE CRITERIA; THEREOF, BY AMENDING REQUIREMENTS FOR VARIANCES, AND CONDITIONAL AND PERMITTED USES FOR SEXUALLY ORIENTED BUSINESSES; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; PROVIDING FOR SEVERABILITY; AND SETTING FORTH AN EFFECTIVE DATE.

**Commissioner Boehm moved, seconded by Commissioner Partington, for approval of Ordinance No. 2013-38, on first reading, as read by title only.**

Mr. Goss stated that he would provide a presentation for both sexually oriented business (SOB) companion ordinance items. He stated that item 8C, Ordinance No. 2013-38 was for amendments to the Land Development Code (LDC) and item 8D, Ordinance No. 2013-39 was for amendments to the City Code of Ordinances. He noted that each item would have to be acted upon separately. He introduced exhibits into the record. He introduced two large bound documents which comprised Exhibit A to the ordinances, the staff report, his notes, and the PowerPoint presentation he would be presenting.

Mr. Goss stated that he would be reviewing the legal aspects of regulating sexually oriented businesses (SOBs), the analysis of the secondary effects (SEs) of SOBs, the findings of the SE materials, the reasonable reliance on why Ormond Beach could rely on those studies, and the recommended changes to the SOB ordinance with regards to the Land Development Code and the recommended changes to the City Code of Ordinances. He explained that adult entertainment was afforded some level of constitutional protect and could not entirely be prohibited. He stated that the content of expression could not be regulated, whether it was written or verbal. He noted that there was however a substantial interest in abating and mitigating secondary effects that result from SOBs. He explained that the definition of a secondary effect was any external impact that was caused by an adult use located in an area. He stated that secondary effects could come in two types: off-premise, such as bookstores and novelty shops, or on-premise, such as cabarets or video booths. He noted that on-premise required more regulation.

Mr. Goss stated that types of negative secondary effects found with SOBs included diminished property values, properties being on the market much longer, high turnover and vacancy rates, vice related activities, general crime at higher rates, more noise and traffic, unsanitary conditions, and increased blight conditions in and around the area. He stated that SOBs could be regulated by location, operating requirements, and by either separating or concentrating them. He noted that the city's ordinance separated them. He explained that the city had operating requirements which they adopted back in 2008 and restricted SOBs by location in the B-8 (Commercial) zoning category. He stated that the city must make sure that there were a sufficient number of sites that they could occupy, just like any other type of permitted use, and approvals could not be discretionary nor should there be delays in establishing an SOB.

Mr. Goss stated that in analyzing the secondary effects of SOBs, staff looked at 25 court cases, a national study, a state study, three appraisal studies, 30 community secondary effect studies, and cases in Daytona Beach, Hallandale, and Manatee County. He noted that they also reviewed a lot of testimony that was brought into various court cases and secondary effect studies. He stated that the testimony of Dr. Richard McCleary, who was a noted PhD out of the University of California-Irvine, and Mr. Shawn Wilson, related to the Peek-A-Boo case in Manatee County, were reviewed. He stated that Mr. McCleary testified for the state legislature in Illinois on Senate Bill 3348 regulating adult use entertainment. He stated that trial testimony from Dr. William H. George, a well known clinical psychologist from the University of Washington, who testified for the City of Daytona Beach for the Daytona Grand court case, was also reviewed. He stated that they also reviewed police reports from Daytona Beach, Ormond Beach, Gary, Indiana, and Kentucky. He stated that there were also numerous articles in south and western Florida regarding arrests related to SOBs and the activities that resulted from them.

Mr. Goss stated that the findings showed that sex crimes increased in areas with SOBs. He explained that crime also increased above the community average in areas of SOBs and noted those studies. He stated that studies also supported that there was a strong correlation between SOBs and neighborhood deterioration. He noted that they found that properties were on sale lists longer near SOBs and had a higher turnover rate as well as a higher rate of business failures. He explained that there was also deterioration of commercial and residential areas adjacent to SOBs. He stated that the appraisal studies showed that negative impacts on property values extended beyond 1,500 feet. He stated that they also saw that there was an increase in sanitation and health concerns. He noted that negative impact increased with proximity to SOBs. He stated that alcohol combined with SOBs increased undesirable activities. He noted that noise and traffic concerns increased. He stated that studies also found compelling evidence that SOBs were associated with high crime rates and depression of property values. He explained that a study was also conducted by the Environmental Research Group of Philadelphia, Pennsylvania which concluded that SOBs had a greater impact in smaller towns.

Mr. Goss stated that they also reviewed the testimony of Mr. Gerald Langston, the Director of Planning and Redevelopment in Daytona Beach. He stated that he testified that in his opinion SOBs promoted perpetual urban decay and that adult business had an impact on crime in the areas surrounding Daytona Beach. He stated that William H. George, the noted psychologist, had stated that when alcohol and nudity were combined they created adverse affects of a nature recognized by courts under the secondary effects doctrine. He noted that they had found that effects could be found regardless of city or county size, and regardless of state.

Mr. Goss stated that SOBs supported detrimental effects and while they did not create those effects, they provided a facilitative setting in which those effects occurred, and cited effects such as high crime, drug trafficking, and prostitution. He explained that testimony in Daytona Beach by the psychologist found that SOBs that serve alcohol had a propensity to increase harmful negative impacts. He stated that they examined the localized experience in Daytona Beach which provided ample record of evidence to support restriction of location, concentration, and regulation of operations. He noted that it was reasonable to assume that Ormond Beach, like Daytona Beach, could experience similar effects of SOBs. He stated that the legislative findings based on their research supported that personal property crimes were an issue as well as public safety risks and sex crimes such as assault, exploitation, prostitution, and undesired criminal behavior.

Mr. Goss stated that the changes being proposed for the LDC were deleting the Board of Adjustments and Appeals as the authority able to provide variances to adult uses and to move adult uses out of the conditional use criteria and move them to a permitted use under the B-8 zoning category. He noted that the criteria would not be lost, just moved from the LDC to the Code of Ordinances. He stated that a statement would be added to the B-8 category under "Other Standards" that compliance would be required with the Code of Ordinances as it pertained to SOBs.

Mr. Goss explained that the changes to the City Code of Ordinances were essentially the same. He stated that everything pertinent from the LDC would be moved to the Code of Ordinances, and that all of the recitals would be updated as well. He noted the whereas clauses had been updated also, as well as the definitions. He stated that the operating standards had been revised and that time limits for the Planning Director to render his decision once an application was filed had also been included. He explained that the Special Master would be the new review authority and serve as the quasi-

judicial appeal process before reaching court. He noted that that ensured a prompt review and a prompt access to the court system. He stated that he would entertain any questions from the Commission.

Commissioner Boehm praised Mr. Goss and Mr. Hayes for the amazing amount of work that was done in bringing the amendments forward. He stated that it was an example of how good, competent, and hard working the city staff was.

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

Item #8D – City Code of Ordinance Amendment for the Permitting and Licensing of Sexually Oriented Businesses

City Clerk Scott McKee read by title only:

ORDINANCE NO. 2013-39

AN ORDINANCE AMENDING ARTICLE XIV, SEXUALLY ORIENTED BUSINESS ESTABLISHMENT PERMIT AND LICENSE REQUIREMENTS, OF CHAPTER 12, BUSINESS REGULATIONS, OF THE CODE OF ORDINANCES OF THE CITY OF ORMOND BEACH, BY AMENDING SECTION 12-390, PURPOSE; SECTION 12-391, LEGISLATIVE FINDINGS; SECTION 12-392, DEFINITIONS; SECTION 12-394, RESPONSIBILITIES OF COMMISSION, PLANNING, AND POLICE DEPARTMENT; SECTION 12-396, APPLICATION REQUIRED FOR SEXUALLY ORIENTED BUSINESS LICENSE, CONTENTS OF, APPLICATION FEE, REJECTION OF INCOMPLETE APPLICATION, CONSENT BY APPLICANT; SECTION 12-397, INVESTIGATION OF APPLICATION; SECTION 12-398, GRANT, DENIAL; SECTION 12-399, CONTENTS OF LICENSE, TERM OF LICENSE, RENEWALS, EXPIRATION, CANCELLATION; SECTION 12-400, ANNUAL LICENSING FEES, LEVY OF, REGULATORY IN NATURE; SECTION 12-401, RECORDS AND REPORTS, ISSUANCE OF LICENSE; SECTION 12-402, TRANSFER OF LICENSE; SECTION 12-404, SUSPENSION OF LICENSE; SECTION 12-405, CANCELLATION OR REVOCATION OF LICENSE; SECTION 12-407, GENERAL REQUIREMENTS; SECTION 12-408, ADULT THEATER; SECTION 12-409, SPECIAL CABARETS, ADULT PHOTOGRAPHIC OR MODELING STUDIOS AND ADULT THEATERS; SECTION 12-410, SEXUALLY ORIENTED BUSINESS PERMITS AND LICENSES; REPEALING SECTION 12-411, RELIEF, AND RESERVING SAID SECTION FOR FUTURE USE; AMENDING SECTION 12-412, PROHIBITED OPERATIONS, ACTS, ADVERTISEMENTS, AND ACTIONS OF SEXUALLY ORIENTED BUSINESS ESTABLISHMENTS; AMENDING SECTION 12-413, APPEALS; ESTABLISHING A NEW DIVISION AND SECTIONS THEREUNDER TO BE NUMBERED AND TITLED DIVISION 6, FEES ESTABLISHED, SECTION 12-414, PURPOSE AND INTENT; SECTION 12-415, RATE SCHEDULE FOR FEES; SECTION 12-416, FEES ESTABLISHED; BY PROVIDING A PURPOSE AND LEGISLATIVE FINDINGS, DEFINITIONS, REQUIREMENTS PERTAINING TO THE SUBMITTAL, REVIEW AND INVESTIGATION OF APPLICATIONS FOR SEXUALLY ORIENTED BUSINESSES, ESTABLISHING REASONABLE FEES RELATED THERETO, PROVIDING REQUIREMENTS FOR THE ISSUANCE OR DENIAL OF SEXUALLY ORIENTED BUSINESS LICENSES AND PERMITS, PROVIDING HEARING AND APPEAL PROCEDURES FOR DECISIONS AFFECTING SEXUALLY ORIENTED BUSINESSES, PROVIDING OPERATIONAL STANDARDS FOR SEXUALLY ORIENTED BUSINESSES, AND PROVIDING PROHIBITED ACTS AND OPERATIONS; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; PROVIDING FOR SEVERABILITY; AND SETTING FORTH AN EFFECTIVE DATE.

**Commissioner Partington moved, seconded by Commissioner Boehm, for approval of Ordinance No. 2013-39, on first reading, as read by title only.**

|            |                         |     |
|------------|-------------------------|-----|
| Call Vote: | Commissioner Partington | Yes |
|------------|-------------------------|-----|

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|          | Commissioner Stowers | Yes |
|          | Commissioner Kent    | Yes |
|          | Commissioner Boehm   | Yes |
| Carried. | Mayor Kelley         | Yes |

Item #8E – 1-103 Bella Vita Way Rezoning

City Clerk Scott McKee read by title only:

ORDINANCE NO. 2013-35

AN ORDINANCE AMENDING PARAGRAPH C, OFFICIAL ZONING MAP, OF SECTION 2-01, ESTABLISHMENT OF ZONING DISTRICTS AND OFFICIAL ZONING MAP, OF ARTICLE 1, 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 SEVENTY-THREE (73) PARCELS OF REAL PROPERTY TOTALING 11.5-ACRES+ LOCATED AT 1-103 BELLA VITA WAY, FROM VOLUSIA COUNTY MPUD (MIXED PLANNED UNIT DEVELOPMENT) TO ORMOND BEACH PRD (PLANNED RESIDENTIAL DEVELOPMENT), AUTHORIZING REVISION OF OFFICIAL ZONING MAP; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; AND SETTING FORTH AN EFFECTIVE DATE.

**Commissioner Boehm moved, seconded by Commissioner Kent, for approval of Ordinance No. 2013-35, 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 |

Mayor Kelley closed the public hearing.

Item #9A – Settlement of claim regarding River Bend Investment Group vs. City of Ormond Beach

City Clerk Scott McKee read by title only:

RESOLUTION NO. 2013-105

A RESOLUTION ACCEPTING A PROPOSAL TO SETTLE THE LITIGATION MATTER BETWEEN THE CITY AND RIVER BEND INVESTMENT GROUP, INC.; AUTHORIZING THE EXECUTION OF ALL DOCUMENTS INCIDENTAL THERETO; AND SETTING FORTH AN EFFECTIVE DATE.

**Commissioner Boehm moved, seconded by Commissioner Partington, for approval of Resolution No. 2013-105, as read by title only.**

Commissioner Stowers stated that both his current and previous law firms had been involved in the litigation of the case. He stated that accordingly he would need to abstain on voting on the item.

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

Item #10 – Reports, Suggestions, Requests

Meeting Cancellation

Ms. Joyce Shanahan, City Manager, asked if the Commission would consider cancelling its July 2, 2013 regular meeting. She stated that if that was the Commission's desire, a resolution would be brought to them at the June 18, 2013 meeting approving the cancellation.

Mayor Kelley stated that the Commission desired to cancel that meeting.

#### State of the City

Ms. Shanahan stated that she had emailed the Commission to let them know that city staff was considering taking over the State of the City Event from the Chamber of Commerce. She stated that, unless she heard differently, her plan was to work with city staff to move ahead with that issue.

#### Andy Romano Beachfront Park

Ms. Shanahan stated that the vendor at the Andy Romano Beachfront Park would be opening on Wednesday. She stated that on June 18, 2013, a summary of the Beachfront Park Activities for the first quarter would be brought to the Commission, including photos and statistical data involving counts at the park. She stated that the plan was, after receiving the Commission's approval, to share that information with the County.

#### Movies on the Halifax

Ms. Shanahan stated that Movies on the Halifax would be on Friday, June 7, 2013. She noted that it had been rainy of late though. She stated that the movie, *Here Comes the Boom*, would start at 8:30 p.m.

#### City Manager Field Work

Ms. Shanahan stated that she would be working in the field at the new and improve wastewater treatment plan on Thursday, June 13, 2013.

#### Microphones

Commissioner Kent requested that the microphone covers be changed.

#### Andy Romano Beachfront Park

Commissioner Kent asked if the county could be sent a copy of the Daytona Beach News-Journal writer Mark Lane's column as well, noting that it hit the high points about the park.

#### Coffee with Commissioner

Commissioner Kent stated that on Monday, July 1, 2013, he would have Coffee with Commissioner at his home at 130 Magnolia Drive from 4:30 p.m. to 5:30 p.m.

#### Memorial Day

Commissioner Boehm stated that Rockefeller Gardens shined for the Memorial Day Service. He stated that it was a great and moving service.

#### Volusia League of Cities Awards

Commissioner Boehm stated that at the Volusia League of Cities Awards Ms. Shanahan won City Manager of the Year, Mayor Kelley won Elected Official of the Year, Officers Lloyd Cornelius and Greg Stokes won for their Community and Police activities, Mr. Robert Carolin, Leisure Services Director, won for Leisure Services, Mr. Doug Wigley for Community Sports, and Ms. Millie Reda for Public Safety. He noted that the city won many awards and that they were richly deserved.

Commissioner Partington stated that the city won more awards than any other city.

#### Austin Outdoors

Commissioner Boehm stated that Austin Outdoors was doing a great job taking care of Granada Boulevard and the entire city.

#### Community Recognition

Mayor Kelley stated that at a social event he attended the previous Saturday there had been discussion had been regarding how great Ormond Beach was. He stated that one of the things that was brought up was how nice it was to have the Movies on the Halifax and what a memorable family event it was for those who attended. He thanked Commissioner Kent for his involvement with that. He stated that another key Ormond Beach family event was the Fourth of July Celebration, where the city often entertained 20,000 people.

#### Volusia League of Cities Awards

Mayor Kelley stated that he received Elected Official of the Year because of the support from the Commission. He thanked the Commission and stated that they were absolutely the best Commission he had ever served on or seen in operation. He stated that the

City Manager, Assistant City Manager, City Attorney, and all of the city staff worked as a team and were the reason why Ormond Beach shined.

Item #11 – Adjournment

The meeting was adjourned at 9:29 p.m.

APPROVED: June 18, 2013

BY:

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

ATTEST:

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