

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

June 18, 2013

7:00 PM

Commission Chambers

Present were: Mayor Ed Kelley, Commissioners James Stowers, Troy Kent, Rick Boehm and Bill Partington, City Manager Joyce Shanahan, Assistant City Manager Ted MacLeod, City Attorney Randy Hayes, and City Clerk Scott McKee.

A G E N D A

- 1. CALL TO ORDER**
- 2. INVOCATION**
- 3. PLEDGE OF ALLEGIANCE**
- 4. PRESENTATIONS AND PROCLAMATIONS**
 - A. Very Special Arts Volusia - Barbara Wolfson, Executive Director
 - B. Parks and Recreation Month
- 5. AUDIENCE REMARKS - REGARDING ITEMS NOT ON THE AGENDA**
- 6. APPROVAL OF MINUTES**
 - A. Minutes from City Commission meeting – June 3, 2013
- 7. COMMUNITY REDEVELOPMENT AGENCY**
 - A. **RESOLUTION NO. 2013-106** : A RESOLUTION OF THE CITY COMMISSION, ALSO ACTING AS THE COMMUNITY REDEVELOPMENT AGENCY, OF THE CITY OF ORMOND BEACH, FLORIDA, AUTHORIZING THE EXECUTION OF A HIGHWAY LANDSCAPE CONSTRUCTION AND MAINTENANCE MEMORANDUM OF AGREEMENT WITH THE FLORIDA DEPARTMENT OF TRANSPORTATION REGARDING THE DOWNTOWN GRANADA BOULEVARD MEDIAN LANDSCAPING PROJECT; AUTHORIZING PAYMENT THEREUNDER; AND SETTING FORTH AN EFFECTIVE DATE. **(SEE ITEM 8A)**

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

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

 - A. **RESOLUTION NO. 2013-106** : A RESOLUTION OF THE CITY COMMISSION, ALSO ACTING AS THE COMMUNITY REDEVELOPMENT AGENCY, OF THE CITY OF ORMOND BEACH, FLORIDA, AUTHORIZING THE EXECUTION OF A HIGHWAY LANDSCAPE CONSTRUCTION AND MAINTENANCE MEMORANDUM OF AGREEMENT WITH THE FLORIDA DEPARTMENT OF TRANSPORTATION REGARDING THE DOWNTOWN GRANADA BOULEVARD MEDIAN LANDSCAPING PROJECT; AUTHORIZING PAYMENT THEREUNDER; AND SETTING FORTH AN EFFECTIVE DATE.

Staff Contact: John Noble, City Engineer (386-676-3269)

- B. **RESOLUTION NO. 2013-107** : A RESOLUTION AUTHORIZING THE EXECUTION OF A RELEASE OF A SPECIAL MASTER ADMINISTRATIVE FINE/LIENS FOR CODE VIOLATIONS ON PROPERTY LOCATED AT 217 FOREST HILLS BOULEVARD, ORMOND BEACH, VOLUSIA COUNTY, FLORIDA; AND SETTING FORTH AN EFFECTIVE DATE.

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

- C. **RESOLUTION NO. 2013-108** : A RESOLUTION PROVIDING FOR THE USE OF CERTAIN MUNICIPAL AIRPORT REAL PROPERTY BY THE CITY LEISURE SERVICES DEPARTMENT IN THE FORM OF THE ORMOND BEACH SPORTS COMPLEX; PROVIDING FOR PAYMENTS TO THE AIRPORT FUND FOR SAID USE AND PROVIDING FOR ADJUSTMENTS THERETO; AND PROVIDING FOR AN EFFECTIVE DATE.

Staff Contact: *Joe Mannarino, Economic Development Director (386-676-3266)*

- D. **RESOLUTION NO. 2013-109** : A RESOLUTION ACCEPTING A BID FROM J.D. WEBER CONSTRUCTION CO. REGARDING CONSTRUCTION SERVICES FOR THE WILMETTE AVENUE EMERGENCY STORMWATER PUMPING PROJECT, UNDER BID NO. 2013- 23; 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)*

- E. **RESOLUTION NO. 2013-110** : A RESOLUTION AUTHORIZING THE SUBMITTAL OF AN ONLINE GRANT APPLICATION IN THE AMOUNT OF \$14,747.00 TO THE UNITED STATES DEPARTMENT OF JUSTICE, OFFICE OF JUSTICE PROGRAMS, UNDER THE EDWARD BYRNE JUSTICE ASSISTANCE GRANT PROGRAM; AUTHORIZING THE EXECUTION OF ALL DOCUMENTS INCIDENTAL THERETO, INCLUDING ANY CONTRACT NECESSARY FOR THE CITY TO ACCEPT THE GRANT AWARD; AND SETTING FORTH AN EFFECTIVE DATE.

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

- F. **RESOLUTION NO. 2013-111** : A RESOLUTION AMENDING THE DATES AND TIMES FOR THE HOLDING OF REGULAR MEETINGS OF THE CITY COMMISSION OF THE CITY OF ORMOND BEACH, FLORIDA, FOR THE MONTH OF JULY, 2013; PROVIDING FOR EXCEPTIONS THERETO; SETTING FORTH AN EFFECTIVE DATE.

Staff Contact: *Scott McKee, City Clerk (386-676-3340)*

- G. **RFP 2013-27 Water & Sewer Bond Series C**

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

Disposition: Approve as recommended in the City Manager memorandum dated June 18, 2013.

- H. **Employee Benefit Program Request for Insurance Proposals**

Staff Contact: *Shelly Arzola, Human Resources Director (386-676-3202)*

Disposition: Approve as recommended in the City Manager memorandum dated June 18, 2013.

- I. **RFP - Property, Casualty, Liability & Workers' Compensation Insurance**

Staff Contact: *Shelly Arzola, Human Resources Director (386-676-3202)*

Disposition: Approve as recommended in the City Manager memorandum dated June 18, 2013.

J. **RFP for Copier Maintenance**

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

Disposition: Approve as recommended in the City Manager memorandum dated June 18, 2013.

K. **2013 Ormond Crossing Annual Report (Third)**

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

Disposition: Approve as recommended in the City Manager memorandum dated June 18, 2013.

L. **Annual Collective Bid - Water & Wastewater Chemical Suppliers Invitation to Bid**

Staff Contact: Dave Ponitz, Utilities Manager (386-676-3305)

Disposition: Approve as recommended in the City Manager memorandum dated June 18, 2013.

9. **PUBLIC HEARINGS**

- A. **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. **(SECOND READING)**

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

- B. **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. **(SECOND READING)**

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

- C. **ORDINANCE NO. 2013-40** : AN ORDINANCE AMENDING ORDINANCE NO. 2013-21 PERTAINING TO THE JULIE DEAL REVOCABLE TRUST U/A DATED JUNE 26, 2001 (250 WILLIAMSON BOULEVARD) ANNEXATION, BY AMENDING THE LEGAL DESCRIPTION TO CORRECT A SCRIVENER'S ERROR; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; AND SETTING FORTH AN EFFECTIVE DATE.

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

- D. **RESOLUTION NO. 2013-112** : A RESOLUTION OF THE CITY OF ORMOND BEACH ADOPTING THE 2013 VOLUSIA COUNTY FLOODPLAIN MANAGEMENT PLAN; AND SETTING FORTH AN EFFECTIVE DATE.

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

10. FIRST READING OF ORDINANCES

- A. **ORDINANCE NO. 2013-41** : AN ORDINANCE AMENDING CHAPTER 2, DISTRICT AND GENERAL REGULATIONS, ARTICLE VI, OVERLAY DISTRICTS, SECTION 2-71, HISTORIC DISTRICTS AND LANDMARKS, OF THE LAND DEVELOPMENT CODE BY REMOVING ONE (1) PROPERTY FROM THE ORMOND BEACH HISTORIC LANDMARKS LIST; 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)

- B. **ORDINANCE NO. 2013-42** : AN ORDINANCE AMENDING THE ANNUAL BUDGET FOR FISCAL YEAR 2012-2013 BY AMENDING THE GENERAL FUND; THE STORMWATER FUND; THE GENERAL CAPITAL IMPROVEMENTS FUND; THE WATER & WASTEWATER FUND; AND THE GENERAL LIABILITY FUND; AND SETTING FORTH AN EFFECTIVE DATE.

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

11. STAFF ACTION ITEMS

- A. **FLOC Conference Voting Delegate**

Staff Contact: Scott McKee, City Clerk (386-676-3340)

12. DISCUSSION ITEMS

- A. **Andy Romano Beachfront Park Discussion**

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

- B. **City Manager Evaluation**

Staff Contact: Joyce Shanahan, City Manager (386-676-3200)

13. REPORTS, SUGGESTIONS, REQUESTS

14. ADJOURNMENT

Item #1 – Meeting Call to Order

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

Item #2 – Invocation

Pastor Mary McKey, Christ Presbyterian Church, gave the invocation.

Item #3 – Pledge of Allegiance

Mayor Kelley led the Pledge of Allegiance.

Item #4 – Presentations and Proclamations

Ms. Barbara Wolfson, Executive Director of Very Special Arts (VSA) Volusia, stated that she was recognizing the City of Ormond Beach for its support and commitment to children and adults with disabilities and other challenges. She stated that she was proud of Ormond Beach for providing an array of opportunities for an often overlooked population. She explained that young people from all over the county came to participate in the Nova Recreation Center's program for children with challenges and in the annual Star Pageant that was held at the Ormond Beach Performing Arts Center (PAC). She noted that families reveled in seeing their children enjoy activities that most people took for granted. She explained that for many years, the Ormond Beach PAC had hosted Very VSA Volusia's annual Talent Night, which was a showcase of performing abilities of Volusia County's students with disabilities. She noted that several of those performers had received state, national, and international recognition. She stated that two of the performers, who were Ormond Beach residents, had been recognized by the City of Ormond Beach five years prior for being selected VSA Florida's first Young Soloists. She stated that those two young women were now college graduates and had started their performing careers at Talent Night when they were fourth graders at Pathways Elementary.

Ms. Wolfson stated that two individuals who had helped VSA Volusia through the years were Mr. Marc Schwartz, PAC Supervisor, and Mr. Stefan Sibley, Recreation Manager. She stated that VSA's appreciation to them was often expressed individually and in a low-key manner but now they were going public. She presented Mr. Schwartz and Mr. Sibley with a special piece of artwork entitled "Heart" that was created at a VSA Volusia Workshop. She read the inscription: "*The heart of VSA Volusia is the people who help make it happen. Thank you*" and noted that Mr. Schwartz and Mr. Sibley's names were inscribed as, well.

Ms. Wolfson stated that VSA Volusia would like to present the painting "Sky Angel" to the City of Ormond Beach and explained that it was a piece of artwork created by Pat Casey, a quadriplegic whose artwork has been exhibited at the Ormond Beach PAC. She thanked the city for being an angel to VSA. She read the inscription as follows: "*In appreciation to the City of Ormond Beach for its commitment to provide children and adults with developmental disabilities and other challenges opportunities to develop to their full potential.*"

Mayor Kelley accepted the painting and remarked how beautiful it was. He thanked Ms. Wolfson for everything that she did and also thanked Mr. Schwartz, Mr. Sibley, and the Leisure Services Department for their efforts.

Item #4B – Parks and Recreation Month

Mayor Kelley stated that local parks and recreation experiences enhanced the citizens of Ormond Beach quality of life. He stated that the city recognized the benefits derived from quality parks and natural land resources at the local and regional level. He proclaimed July 2013 as Parks and Recreation Month and thanked the Leisure Services Department staff for all their efforts. He presented the proclamation to Mr. Sibley and Mr. Schwartz.

Item #5– Audience Remarks

Mr. Jim Schlutz, 117 Harvard Drive, stated that Portland, Oregon, had held an election on the fluoridation issue. He stated that fluoridation was defeated by a vote percentage of 61 to 39. He stated that Portland's City Commission had voted 5-0 in favor of fluoridation after five months of secret meetings with lobbyists that they did not record.

He explained that a group of citizens rose up in protest and were given 30 days to obtain 20,000 signatures in order to force a vote of the people and those citizens obtained 43,000 signatures in less than 30 days. He stated that it was shocking that all the area's local print stories and editorials were all consistently pro-fluoridation and exceptionally critical of anyone against it. He stated that minorities were against fluoridation despite groups trying to persuade them to be for it. He stated that he had also sent the Commission an email regarding the fact that the chemicals used for fluoridation contained arsenic and that arsenic caused cancer.

Mr. Ron Hoopper, 11 Aucuba Circle, stated that on Wednesday, June 12, 2013, the fire hydrant at the northern entrance to the Southern Pines subdivision was opened and left running. He stated that he did not see who opened it but assumed it was the Fire Department. He stated that the hydrant was later turned off, but whoever used the hydrant, which he assumed to be the Fire Department, ran over about 30 feet of sod between the sidewalk and the street that the Home Owners' Association (HOA) maintained. He stated that they also ran over and broke the irrigation line underground. He asked if they could be directed to consider parking on the street and not pulling off onto the grass.

Mayor Kelley asked if Mr. Hoopper had addressed the issue with the City Manager or any other City Department; whereby, Mr. Hoopper stated that he had not.

Mayor Kelley stated that it would be best if Mr. Hoopper had called the city the day the incident occurred so that it could have been looked into. He asked the City Manager if she would look into the issue; whereby, Ms. Joyce Shanahan, City Manager, stated that she would look into it and noted that she had not heard about it.

Mayor Kelley stated that the city could solve problems before they came to City Commission meetings, if they were contacted beforehand and informed of the issues.

Mr. Hoopper stated that he came to the meeting for another reason and just became aware of the fire hydrant issue that day and was asked to let the City Commission know about it.

Mayor Kelley stated that it would be looked into and that someone would get back with Mr. Hoopper about the issue since he was the President of the Southern Pines HOA.

Item #6A – Approval of Minutes

Mayor Kelley advised that the minutes of the June 3, 2013, regular meeting had been sent to the Commission for review, and were on the city's website for public viewing. He asked for any corrections, additions, or omissions. He stated that hearing no corrections, the minutes would stand approved as presented.

Item #7 – Community Redevelopment Agency

Mayor Kelley 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 7:16 p.m. for discussion of Resolution No. 2013-106. He opened the item for a public hearing.

Item #7A – FDOT Memorandum of Agreement-Downtown Median Landscaping

City Clerk Scott McKee read by title only:

RESOLUTION NO. 2013-106

A RESOLUTION OF THE CITY COMMISSION, ALSO ACTING AS THE COMMUNITY REDEVELOPMENT AGENCY, OF THE CITY OF ORMOND BEACH, FLORIDA, AUTHORIZING THE EXECUTION OF A HIGHWAY LANDSCAPE CONSTRUCTION AND MAINTENANCE MEMORANDUM OF AGREEMENT WITH THE FLORIDA DEPARTMENT OF

TRANSPORTATION REGARDING THE DOWNTOWN GRANADA BOULEVARD MEDIAN LANDSCAPING PROJECT; AUTHORIZING PAYMENT THEREUNDER; AND SETTING FORTH AN EFFECTIVE DATE.

Commissioner Boehm moved, seconded by Commissioner Stowers, to recommend approval of Resolution No. 2013-106, 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 7:17 p.m.

Item #8 – Consent Agenda

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

Commissioner Kent requested to pull Item 8L from the Consent Agenda.

Commissioner Partington moved, seconded by Commissioner Boehm, for approval of the Consent Agenda absent Item 8L.

Item #8L – Annual Collective Bid – Water & Wastewater Chemicals

Mayor Kelley stated that this item was for the annual collective bid for water and wastewater chemicals. He stated that the City Commission was not taking any action on the item and noted that any actions taken regarding purchases would be before them at a later date. He explained that the item was to create a mechanism to obtain prices. He noted that there was nothing the Commission could do to change it at this time.

Commissioner Kent stated that he knew that once the price was obtained, it would have to be bid on and it would come back before the Commission. He noted that he would also have a chance to speak about it then. He stated that he wanted to point out to the Commission that his comments were in reference to the hydrofluorosilicic acid that the city would be purchasing, as detailed in the documents included in the agenda packet. He stated that first and foremost he did not want him or his fellow residents to be medicated by the city. He stated that he did not want to ingest medication without his doctor knowing the amount that would be put into his system. He stated that the reasoning given for adding the chemicals was for the benefits of fluoride, but he wanted to remind the Commission that it was hydrofluorosilicic acid that they were buying. He stated the quantity purchased would be 35 tons more or less up to 45 tons with the hydrofluorosilicic acid mixture between 22 percent and 24 percent, which left between 76 and 78 percent of the product of unknown origin.

Commissioner Kent stated noted that the information said it was a general description, but he wanted to point out two things to the Commission. He stated that the city would be putting arsenic in the water, noting that it said so in the packet documents. He stated that some may say that the amount was negligible, but he wanted to remind the Commission that the scientific point of safety for arsenic for human consumption was zero. He stated that if a football stadium filled with water and a medicine dropper put one drop of arsenic in it, then it would be bad for human consumption. He stated that the city would also be adding heavy metals to the water. He noted that he did not want any heavy metals added to his water and certainly did not want the arsenic added. He noted that it had been said by some that since they were already being medicated what would be the harm in adding statin drugs to aid with cholesterol down the road.

Commissioner Kent stated that he wanted to remind the Commission that over a year ago he sent a letter to the chemical supplier asking about the content of the product they purchased. He noted that he wanted to know what they were buying and what he was approving to put into the citizen's water supply. He stated that he could not get a response from them. He stated that he had left the issue alone and not talked about it at any meetings subsequently. He stated that he had brought it up as a goal at the Goals Workshop but did not have any other Commissioners show interest. He noted that he wanted to remind the Commission about the issue because maybe they skipped through the materials and did not see that there was arsenic and heavy metals that came with

the product. He stated that it concerned him enough to say “no” and that he would not participate. He thanked Mayor Kelley for allowing him the time to speak.

Commissioner Boehm moved, seconded by Commissioner Partington, for approval of item 8L, the annual collective bid for water and wastewater chemicals.

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

Item #8G – RFP 2013-27 Water & Sewer Bond Series C

Commissioner Boehm stated that Ms. Kelly McGuire, Finance Director, and staff were refinancing the rate on the water and sewer bond from 4.01% to .848%, which would save the city \$436,800. He noted that he thought that was substantial and a commendable effort by city staff. He explained he wanted to note that accomplishment for the benefit of the public, since the item was in the Consent Agenda and would not be discussed. He stated that he thought that it should be noted that staff did their best to save taxpayers’ money.

Item #9 – Public Hearings

Mayor Kelley opened the public hearing.

Item #9A – 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 Stowers, for approval of Ordinance No. 2013-38, 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 #9B – 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 Stowers, for approval of Ordinance No. 2013-39, 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 #9C – 250 Williamson Boulevard Annexation

City Clerk Scott McKee read by title only:

ORDINANCE NO. 2013-40
 AN ORDINANCE AMENDING ORDINANCE NO. 2013-21 PERTAINING TO THE JULIE DEAL REVOCABLE TRUST U/A DATED JUNE 26, 2001 (250 WILLIAMSON BOULEVARD) ANNEXATION, BY AMENDING THE LEGAL DESCRIPTION TO CORRECT A SCRIVENER'S ERROR; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; AND SETTING FORTH AN EFFECTIVE DATE.

Mr. Ric Goss, Planning Director, stated that the City Commission had previously acted on the annexation back in April. He explained that staff then began working on the rest of the annexations along Williamson Boulevard and discovered that there was an error in the legal description for this original annexation where part of the road had not been annexed. He stated that it was now being corrected so that the annexations along that road could continue.

Commissioner Partington moved, seconded by Commissioner Boehm, for approval of Ordinance No. 2013-40, 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

minutes from the HLPB meeting and would have liked to have seen more discussion on the item. He stated that he recalled years earlier a lot of heated debate regarding another historical home being modified. He noted that he had not spoken with the applicant and was not sure whether they had engaged someone to come in and do a reuse of some of the home materials. He stated that he felt that once the property was gone it was lost and noted that the property was already demolished at that point. He stated that he would try to direct or implore the HLPB to revisit all of the properties on the Historic Landmark list to really evaluate which were viable for adaptive reuse or rehabilitation and which ones were not so that they were not negatively impacting the market.

Commissioner Stowers stated that he could assure them that if the market knew that there was a process where a property could be demolished and then something that could be built as long as the code allowed it, it was very likely to have sold for a higher value. He noted that the goal was increased property values. He stated that he knew that the HLPB often had light agendas and felt that it may be a good step for them to be engaged with the sites on the list. He stated that the upper floors of another historical structure, the MacDonald House, were very similar to the recently demolished structure, as both were in terrible shape and a lot of financial resources would be necessary for repairs. He stated that he thought that this highlighted something that should be focused on.

Commissioner Partington asked Commissioner Stowers if he knew what ways the procedure could be fixed by either changing the Code of Ordinances to require an expert's report or requiring review of the decision by the City Commission. He stated that he felt like by the time the item came to the Commission, they had no choice but to approve it because the property had already been demolished and they had no say in the matter.

Ms. Shanahan reminded the Commission that they had changed the regulations so the process would be exactly as it was presently; which allowed the process to move forward as it did. She explained that it was changed, because oftentimes there had been no comment and the waiting periods required delayed whatever progress would be made on the structure. She stated that it was entirely up to the Commission from a policy decision and changes could be made accordingly, if they so desired.

Mr. Goss stated that there was an expert study performed on the property and it identified that the renovation costs would exceed \$1 million. He explained that the building official went out and went through the property to look at the structural conditions, including underneath the building where the structural supports were crushing the concrete so that they were breaking. He stated that it was infeasible to renovate the property at \$1 million. He noted that the HLPB had voted 8-0 to have the property demolished, noting that three of those members were on the Historic Landmark Preservation Board. He stated that no comments were made from the public and no objections were raised before or after the thirty day appeal period.

Commissioner Partington stated that he appreciated Ms. Shanahan and Mr. Goss' comments. He stated that he appreciated Commissioner Stowers bringing up the issue and noted that he still had some concerns, noting that sometimes what worked great in theory did not work as well in practical application. He stated that the city's historical structures were important. He explained that he had some level of comfort but wanted to make sure that safeguards were in place to make sure that they were not losing those historical structures.

Commissioner Stowers clarified that he was not being critical of the applicant. He stated that his suggestion was that what they did be a model for what happened in the future and noted that the documentation was extremely comprehensive. He stated that he was just discussing the issue to bring it to light.

Mayor Kelley stated that he thought that the process in place worked. He stated that to put \$1 million into a property that was assessed at \$412,000 or below, he doubted that it would have increased the value. He stated that in order to keep the property a historical site, the city would have needed to purchase it and put in the \$1 million in renovations, and he did not think that was a good use of city resources. He noted that he thought that individuals had ownership rights.

Ms. Shanahan stated that perhaps what could be done would be to undertake a comprehensive review of the sites still on the Historic Landmark list. She stated that the HLPB could do that over several months or a year.

Mayor Kelley stated that he thought that was a good idea and they could go from there.

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

Item #10B – FY 2012-13 Budget Amendment

City Clerk Scott McKee read by title only:

ORDINANCE NO. 2013-42
AN ORDINANCE AMENDING THE ANNUAL BUDGET FOR FISCAL YEAR 2012-2013 BY AMENDING THE GENERAL FUND; THE STORMWATER FUND; THE GENERAL CAPITAL IMPROVEMENTS FUND; THE WATER & WASTEWATER FUND; AND THE GENERAL LIABILITY FUND; AND SETTING FORTH AN EFFECTIVE DATE.

Commissioner Boehm moved, seconded by Commissioner Partington, for approval of Ordinance No. 2013-42, 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 #11A – FLOC Conference Voting Delegate

Ms. Shanahan stated that the city was looking for a voting delegate for the Florida League of Cities (FLOC) Conference.

Mayor Kelley stated that he was always willing to offer the position to anyone else who wished to serve.

Commissioner Boehm stated that Mayor Kelley was very good at serving as the delegate.

Commissioner Kent thanked Mayor Kelley for serving again. He noted that it was a real effort to take the time to commit to that service.

Commissioner Boehm moved, seconded by Commissioner Kent, to designate Mayor Kelley as the FLOC Conference voting delegate for the city.

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

Item #12A – Andy Romano Beachfront Park Discussion

Mr. Robert Carolin, Leisure Services Director, stated that he would discuss the first quarter activities at Andy Romano Beachfront Park. He explained that the park was so successful because the city was able to communicate clearly with the community and understood their vision that they held for the park. He thanked Zev Cohen & Associates for putting the community's desires together in creating the amazing plan for the park. He stated that since the park had opened what was being communicated to staff from user groups as the reasons why they came back to the park were the splash pad and playground, family restrooms, ample amenities, pavilions, concession, architectural design, balance between park and parking, and the city/county partnership.

Mr. Carolin stated that the park had opened in February 2013. He stated that since April staff had been performing a simple vehicle count. He stated they wanted to get an idea of how many people were using the park at different times of the year. He stated that staff took a tally of how many vehicles were in the parking lot twice a day, at 10:00 a.m. and at 2:00 p.m., and totaled that tally, then divided it by the amount of days that the tally was taken, which gave them an average of how many cars were in the parking lot during the weekdays and weekends in the months of April and May. He stated that in April, the weekday car average was 45 and the weekend average was 84. He stated that in May, the weekday car average was 51 and the weekend average was 143. He stated that there was a formula used for Leisure Services applications quite often to try and determine how many visitors came to their park. He stated that essentially the formula was to take the amount of vehicles in the park and multiply it by three. He noted that that formula turned out to be amazingly close. He stated that for April, the average number of park visitors on weekdays was 135 and on weekends 252. He stated that for May the average number of park visitors on weekdays was 153 and on weekends 429.

Mr. Carolin noted that the traffic-free beach zone had been a real success. He stated that there had been a tremendous amount of users that had expressed to staff how grateful they were for it. He displayed photographs of the beachfront park from Memorial Day weekend. He displayed a photograph of the parking lot completely full and noted that there were cars in the lot which were working their way around the parking lot looking for open spots. He stated that the design of the parking lot lent itself nicely to the size of the space that users had to enjoy. He noted that one did not feel like they were bumping elbows with their neighbor and that children had room to run around. He stated that a lot of the park users conveyed to staff how much they appreciated that they developed an amenity relevant to trying to educate people about their surroundings, the beach, shells, dunes, and wildlife.

Mr. Carolin stated that the park had experienced some warranty issues and they tried to resolve them. He stated the retaining wall existed from a previous hotel that had been located there. He explained that on the top of that wall had been a steel railing which had been cut down. He stated that not long after the wall was painted the rust stains returned so the contractor had to chisel out around each stain and put an epoxy coat over top with elastic paint over that in an effort to not allow the rust to bleed back through. He stated that another warranty issue was that the directional lines in the parking lot started peeling. He explained that the city had contracted to have thermal striping performed instead, since it was more durable and longer lasting. He stated that another warranty issue included the cracking of coquina joints that needed to be filled with caulk.

Mr. Carolin stated that the city and county partnership involved constant communication. He noted that the county put up a mirage of signs when the traffic-free zone permit was issued. He stated that those signs were not adequate, so the city asked them to put up more signs to make the point very clear that the lane located there was only an emergency lane and not a traffic lane. He stated that the county had replaced the basic signs with red signs in the ground that said "Do not enter – Emergency vehicles only." He explained that had a significant impact on driving through that lane. He stated that he also spoke with staff from the county who had mentioned that the way they designated the emergency lane using various cones looked institutional. He stated the reasoning for those cones was so that beachgoers did not set up in the emergency lane. He stated that the county took it upon themselves to let him know that they decided that those cones did not really fit the look of the park and so they would design some style of device which could be put there that looked like it fit the park, such as a fake coquina marker. He stated that they were looking to fabricate those and get them up really quickly.

Mr. Carolin stated that another issue was eliminating the vending trucks, as they realized that they were still driving through the emergency lane. He stated that they spoke to the county and had put a stop to those trucks driving through there. He noted that the only vending vehicle that currently drove through was a four-wheeler that sold umbrellas and chairs and just drove through to set them up. He stated that concerns about emergency vehicles using that lane for non-emergencies and just for traffic flow were brought to the county. He stated that since then those vehicles had reduced the amount of times that they travelled through the lane. He noted that by placing the lifeguard station at that area on the beach it helped create a safer environment.

Mr. Carolin stated that a current issue at the park was the sealing of the concrete picnic tables and bench tops. He explained that they had not committed to a sealant yet as

they had a test table in place that had graffiti removal paint on it and wanted to see what the sun would do to the paint over time. He noted that they had been fairly successful with keeping stains off of the tables thus far. He stated that another park concern was water erosion, which was mostly based upon the rain levels. He stated that the contractor had come out several times and raised some areas to try and channel the water. He noted that there were still some issues they were working through. He stated that erosion issues were being addressed immediately as they occurred to keep water from eroding the sand.

Mr. Carolin stated that some of the challenges they were still facing were trying to keep up with maintenance issues. He stated that they had contracted twice a day garbage pickup, which he noted that that was just for emptying the garbage cans and not for picking up the garbage throughout the park, which was done by staff. He stated that they also contracted out quarterly power-washing. He stated that they recognized because of the volume of the use of the park that it required power washing at least quarterly, and noted that it actually may need to be done more often. He noted that the janitorial services were contracted out and doing well. He stated that another challenge was trying to communicate the importance of following specific rules and regulations with the public while maintaining the balance of not having too many signs, but still being able to communicate effectively with the public.

Mr. Carolin stated that another goal was to obtain a permanent traffic-free zone. He stated that the county would review the city's special permit in the late fall or early winter. He stated that the county would be looking at the effects on the user groups of the park.

Mr. Carolin stated that there had also been some environmental changes with the park such as losing parts of the dunes. He noted that some of the other plant life was not doing as well either. He stated that when they did the plantings they tried to use all natural environmental plants. He stated that some of the plants did not do well even though they should have. He stated that they were still challenged with these issues and would work through them.

Mayor Kelley noted that Ms. Shanahan had asked the City Commission to review some recommendations from staff and come to a consensus. He stated that the first recommendation was to prohibit the rentals of pavilions on major holidays during the prime beach season, May through October.

Commissioner Partington stated that he did not like that recommendation and thought that the people who paid for the park expected the rental service for at least two of the four pavilions. He stated that if a resident was willing to pay the fee, he did not think it was unreasonable for them to be able to rent a pavilion for a four-hour period. He stated that he would probably raise the fee and allow the renter two parking spaces to go with the pavilion rental.

Mayor Kelley stated that he did not think the city could charge for parking spaces.

Commissioner Partington stated that access to the two parking spaces would be included with the pavilion rental. He stated that he thought that Ormond Beach residents expected that service out of the park and noted that the residents had paid for quite a bit of the park. He noted he was only one vote but that was his position.

Mayor Kelley stated that his thoughts were that there was no way to prevent a rental group from controlling both areas. He stated that he did not know how they could prevent that from happening. He noted that he did not know what problems the city had experienced with rentals.

Ms. Shanahan stated that they really did not have a problem with the exception that there was an expectation that a pavilion was reserved from 12:00 p.m. to 4:00 p.m., for example, that there would be parking available for them and noted that there was really no way to guarantee that parking. She stated that she thought it went without saying that if you were going to have an event there in the afternoon, then you would have to expect like at any other park that if you did not get there early, then there would be no parking.

Mayor Kelley stated that he thought it would be touchy to charge to allocate two parking spots. He noted that the Legal Department could perhaps weigh in on that.

Ms. Shanahan asked how she could police that and if she could tow cars away if they were in the designated parking spots.

Commissioner Kent asked Mr. Carolin what the cost to rent the pavilion was; whereby, Mr. Carolin confirmed that if the rental was to a Volusia County resident it was \$100 for a full day. He stated that there was also \$33 charged for the insurance on top of that.

Commissioner Kent stated that he could appreciate Commissioner Partington's position because initially he agreed with him. He explained that he then thought about what Ms. Shanahan had said, which was that anytime he wanted to go to a park and cook-out on the grills, he arrived early. He stated that he was concerned about reserving two parking spaces, because if they were reserved at 9:00 a.m. they could be sitting empty until noon. He stated that he was agreeable with staff's recommendation of not reserving the pavilions May through October on holidays. He stated that one of the great things about the park was that if all the pavilions were used, there were picnic tables with umbrella shade structures with their own little grills that could be used instead. He noted that he actually preferred those tables. He stated that he had yet to be there when every grill was being used.

Commissioner Stowers stated that he was comfortable with the rentals either way. He stated that he would be opposed to the parking reservations for the reasons that Ms. Shanahan referenced. He explained that he thought it would be unworkable to have a 12:00 p.m. reservation but have cones out in the parking area to prevent other users from parking in those spaces. He stated that just like any other park, if you knew you had a reservation, you needed to get there early to set up.

Commissioner Boehm stated that he would add that he was at the park on Memorial Day and was fortunate to have found a parking space on the street in front of the park. He stated that there had certainly not been any parking in the parking lot and cars had been circling looking for spots. He noted that the park was already full a couple of hours before noon on holidays. He stated that he agreed with staff's recommendation also.

Mayor Kelley asked Commissioner Partington if he could live with that; whereby, Commissioner Partington stated that he still thought that there were people who wanted that reserved space and thought that allowing them those spots would encourage carpooling. He stated that he thought that staff could figure out signage for the reservations. He noted that if residents were paying to reserve a pavilion, then they would expect parking.

Mayor Kelley stated that he was not in favor of renting the pavilions during the time period.

Commissioner Partington noted that he apparently was the only one that was for it.

Ms. Shanahan reminded the Commission that the practice of not renting the pavilions during that time period was only for the major holidays such as the Fourth of July and Labor Day.

Mayor Kelley stated that he thought that the rates were reasonable. He stated that he hoped that Mr. Carolin would keep the Commission and City Manager apprised of any problems encountered with the rentals.

Mr. Carolin stated that staff would honor existing paid reservations. He stated that as far as current holiday reservations went, there was only one reservation on Labor Day weekend for the morning. He stated that they currently had 62 reserved pavilions from then until December on non-holidays.

Commissioner Kent stated that the pavilions would be able to be reserved, just not on major holidays.

A member of the audience attempted to interject.

Mayor Kelley explained that the item at hand was on the agenda under the category of "Discussion Item" and therefore not open for audience comments unless a vote was being taken. He noted that any actions that would be up for vote would appear back on the agenda at a later meeting date.

Commissioner Kent addressed the audience member trying to speak and explained that the Commission set their meeting rules when they were elected. He explained that Discussion Items were items for the Commission to discuss amongst themselves and provide staff direction, noting that if items came back to be voted on, then the public would have ample opportunity to comment on them. He stated that unless the Commission was specifically voting on a Discussion Item at that time, then audience members could not speak.

Commissioner Boehm explained that due to the Sunshine Law, the City Commission could not discuss any issues amongst themselves except in a public meeting. He noted that was why they took the time to have Discussion Items, because that was the only opportunity which they had to speak about items on the record in public without voting.

Mayor Kelley stated that if any of the items were to be voted on, they would come back before the Commission at a different meeting and the public would have ample opportunity to comment at that time.

Commissioner Kent stated that he was comfortable with staff recommendation number two: signage discouraging parking at private or commercial parking lots being provided by that property owner and *not* the city; whereby, the rest of the Commission agreed.

The Commission also expressed their agreement with recommendation number three: appropriate signage at all entrances into the park to warn visitors they may be towed if they park on private property.

The Commission expressed their agreement with recommendation number four: pavilion rentals *should not* include reserved parking spaces.

Mayor Kelley stated that recommendation number five was: more future beachfront parking should be considered. He stated that item was so huge he thought they should have more detailed discussion during the next several months regarding what they could do to improve the beach. He stated that he thought the Commission needed to gain a consensus and present it to the county.

Commissioner Kent asked Mr. Carolin to display the photograph of the driving lanes. He pointed to the location of the Milsap Beach Approach. He stated that to him that was the easiest and quickest way for the county to help them. He explained that vehicles could take a loop, drive around, and come out if Milsap was opened. He stated that if there was a toll operator there they would pay the fee to access the beach and turn left and park on the beach and walk over to the traffic-free beach area. He stated that he mentioned that course of action because to him it needed to have happened already. He stated that Milsap needed to be opened and manned by the county. He noted that approach would be a money maker for the county, especially when the park was full.

Commissioner Kent asked Mr. Carolin to display the picture of the beach with the driving lanes on it. He stated that he actually had also taken a picture of those signs and shared it with Mr. Doug Daniels, County Councilman, Zone Four. He stated that as Mayor Kelley had mentioned, it looked like a ski run between the signs. He noted that those signs read "Do Not Block Vehicle Lanes." He stated that he did not notice them until he watched a large black sport utility vehicle drive through them. He stated that it was misleading where it read "Traffic Free Beach". He explained that, not only had he seen vehicles drive through that zone, but he watched a county trash collector drive through with headphones in his ears where he could not even hear Commissioner Kent blowing his whistle at him.

Commissioner Kent stated that he also thought that the county did not have any need for any emergency vehicles to travel through those lanes at all, unless there was an actual emergency. He noted that it was clear from the visible tire tracks that the lane was being used as a cruising lane for the county's officers to travel back and forth. He stated that those vehicles needed to get off of the beach at Harvard Drive and travel down A1A 1,000 feet to get back on at Milsap. He stated he understood that the umbrella vendor did not want to carry them to set them up, but noted that if it was a traffic-free beach it should be completely traffic free. He noted that if a four-wheeler drove through that area then it was not truly traffic free. He stated that he wanted to tell the Commission that he watched an ice cream truck drive through the other day with its music playing and noted that if he was the park's vendor he would be very displeased with that.

Mayor Kelley stated that he personally wished that tolls would be taken off the beach and that every access ramp would be opened. He stated that the county could require that a pass be purchased at any retail establishment up and down the beach instead. He explained that the beach patrol could then go around and issue \$25 tickets to anyone who did not have their pass displayed. He stated that the county would make more money that way because they would just have to have someone open and close the gates instead of paying a worker to be there all day. He stated that would eliminate all the problems. He noted that the first day they received the approval for the traffic-free zone, he spoke to beach personnel and met with Mr. Daniels about Milsap.

Item #12B – City Manager Evaluation

Mayor Kelley stated that this item included a summary of the Commission's evaluation of the City Manager. He explained that five was the highest possible score and Ms. Shanahan had a 4.7 average. He stated that he was amazed at what Ms. Shanahan had done. He thanked Ms. Shanahan for the fantastic job that she did. He noted that he often told people that Ms. Shanahan had created a team spirit for the city and that the city staff all worked for the good of the taxpayers putting forth 100% effort to continue to make Ormond Beach a wonderful place to live, work, and play.

Ms. Shanahan thanked the Commission and stated that it was an honor and a privilege to work for them and the community. She stated that she was deeply humbled by their very kind remarks.

Item #13 – Reports, Suggestions, Requests

Upcoming Meetings

Ms. Shanahan stated that the next meeting would not be until Monday, July 29, 2013, which would be the Operating Budget Workshop at the Senior Center at 5:30 p.m. She stated that Tuesday, July 30, 2013, was the next City Commission Meeting where the City Commission would set the tentative millage rate. She stated that meeting would be held at 7:00 p.m. in the Commission Chambers.

Fourth of July

Ms. Shanahan stated that the Independence Day Celebration would be held on July 4, 2013, at Rockefeller Gardens from 6:00 p.m. to 10:00 p.m. She noted that the event was being heavily advertised in the community.

Movies on the Halifax

Ms. Shanahan stated that Movies on the Halifax would be held on Friday, July 5, 2013, and that the movie was *Madagascar 3*.

Projects

Ms. Shanahan stated that the work on Hand Avenue was continuing and they would soon be closing Hammock Lane because of the Central Park Lake Interconnect construction. She stated that the first progress meeting was held for the 2-inch Water Main Replacements project on the North Peninsula.

Community Development Block Grant (CDBG) Funds

Ms. Shanahan stated that notice had been received from the county that the city would receive about \$9,300 more in CDBG funds. She stated that the letter was sent to the city on June 7, 2013, but Ms. Loretta Moio, Grants Coordinator, was out of town at a countywide training and so it was just opened. She noted that the county wanted a response by Friday. She stated that the plan was to put those extra funds towards the Americans with Disabilities Act (ADA) projects that the Neighborhood Improvement Advisory Board had already approved. She stated that would be brought back as a disposition item for the Commission.

Birthplace of Speed Park

Ms. Shanahan stated that Public Works had poured the concrete slab for the Ormond Garage at the Birthplace of Speed Park. She noted that it looked amazing and that it was hard work to pump concrete up the hill.

No Driving Zone at Beachfront Park

Commissioner Stowers stated that he wanted to echo some of Commissioner Kent's comments regarding the no-driving zone at the beachfront park. He stated that the vote by the County Council to approve it had been very close and that the voters who had been in the minority might be trying to chip away at the decision. He stated that he took

his daughter late last week in the afternoon to the park and was pretty shocked by the ski slope driving lane, which was very clearly being used. He wondered if something other than vehicle traffic was clearing that lane out because it seemed to be indented. . He stated that the issue had already been voted on and approved in their favor and that there should not be any chipping away at it by parties who did not like how the vote turned out.

Granada Streetscaping

Commissioner Stowers stated that some people had spoken to the News-Journal regarding the new medians and had used the tire marks on the curbs as evidence that they were bad or that the lanes were too narrow. He stated that he had walked through that area and looked at them and noted that the outside curbs, which had been there prior to the construction, were also covered in tire marks. He stated that tire marks would happen whether it was an 11 or 12-foot lane and that he would dispute some of the "evidence" being pointed to. He asked those driving through the downtown area to pay attention where they drove. He stated that he could not wait for the landscaping to be put in.

City Manager Evaluation

Commissioner Stowers congratulated Ms. Shanahan on her great evaluation.

Commissioner Kent stated that it did not surprise him when he saw the other Commission members' comments. He congratulated Ms. Shanahan again on a great evaluation.

No Driving Zone at Beachfront Park

Commissioner Kent thanked Commissioner Stowers for his support, told him that he was right, and that he was glad that others were picking up on what was happening. He stated that he felt that the side that lost the vote on the County Council had their own agenda and would chip away at the decision little by little to attempt to have ammunition as to why it should not be a traffic-free zone when it was up for a vote again. He stated that the Commission knew it should be a traffic-free zone.

Florida Georgia Line

Commissioner Kent noted that Mayor Kelley's son would be performing on "The Voice" television show that evening in his group, Florida Georgia Line. He stated that it was amazing that their song was the song of the summer.

Commissioner Boehm stated that he had told Mayor Kelley that day that he happened to be in a store and heard Florida Georgia Line's song "Cruise" playing and noted that it was the song of everywhere.

Campus Outreach

Commissioner Boehm stated that the Campus Outreach program from Georgia had come down to volunteer again and work with the city's Leisure Services Department to help do a lot of the little things that Leisure Services could not get to. He noted that the program donated their time to the city. He stated that the volunteers would be in town until July 25, 2013, so he wanted to mention them since the Commission would not meet again before they left.

Public-Private Partnerships

Commissioner Boehm stated that the Ormond Garage at Birthplace of Speed Park was an example of a public-private partnership and looked great. He noted that a permit was also obtained for the gazebo that was going in at The Casements donated by The Casements Guild for their anniversary. He stated that the citizens of Ormond Beach did a great job working with the city to make the community better.

Meals on Wheels

Commissioner Boehm stated that Mr. Gale Lemerand was a philanthropist and a great citizen in Volusia County. He explained that the funding for the Meals on Wheels Program was cut quite substantially by the sequestration. He stated that Mr. Lemerand had offered to put up \$100,000 to be matched by citizens if they would make donations to the program. He stated that the city supported Meals on Wheels by providing space in the Senior Center, which they operated out of. He noted that those meals went to Ormond Beach residents in need who, because of physical infirmities or other limitations, could not leave to get themselves food. He encouraged everyone to make donations to Meals on Wheels to support the matching grant from Mr. Lemerand.

City Manager Evaluation

Commissioner Partington echoed the comments made about Ms. Shanahan and thanked her for the amazing job that she did. He stated that it was important for her to hear from the Commission how they thought that she was doing and that her performance showed in the unsolicited emails that the Commission received from residents who were so pleased with how things were running.

Telecommunications Tower

Mayor Kelley stated that he hoped that someone listening would work on a cell tower that would be acceptable for approval by the Commission. He explained that his neighbor was told that they had no service in their home and that it would cost \$160 to purchase a booster or their carrier would allow them to get out of their contract. He stated that he did not have service in his home and had two dropped calls that day, both of which were related to the city. He hoped that it was remembered that 911 calls needed to go through and of the consequences of patrol cars dropping service and needing to re-boot when they were responding. He hoped someone would come forward with an acceptable cell tower proposal so that the city did not need to be tied to their phones in their homes.

Gas Tax Revenues

Mayor Kelley stated that he sent generic information to the Commission regarding drafting a letter on their position on the gas tax revenues. He noted that Ms. Shanahan had some thoughts. He stated that if the Commission did not have anything additional they would like to be included, then he would like to send the letter to the other Mayors stating the Commission's position.

Item #14 – Adjournment

The meeting was adjourned at 8:37 p.m.

APPROVED: July 30, 2013

BY:

Ed Kelley, Mayor

ATTEST:

J. Scott McKee, City Clerk