

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

August 20, 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. Local Works Day
- 5. AUDIENCE REMARKS - REGARDING ITEMS NOT ON THE AGENDA**
- 6. APPROVAL OF MINUTES**
 - A. Minutes from City Commission meeting – July 30, 2013
 - B. Minutes from City Commission meeting – August 7, 2013
- 7. COMMUNITY REDEVELOPMENT AGENCY**
 - A. **RESOLUTION NO. 2013-134** : A RESOLUTION OF THE CITY COMMISSION, ALSO ACTING AS THE COMMUNITY REDEVELOPMENT AGENCY, OF THE CITY OF ORMOND BEACH, FLORIDA, ACCEPTING A PROPOSAL FROM BOMAR CONSTRUCTION, INC., REGARDING THE CASSEN PARK FISHING PIER RENOVATION AND PEDESTRIAN GUARDRAIL REPLACEMENT PROJECT; AUTHORIZING THE EXECUTION OF A WORK AUTHORIZATION THERETO; 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. 2013-134** : A RESOLUTION OF THE CITY COMMISSION, ALSO ACTING AS THE COMMUNITY REDEVELOPMENT AGENCY, OF THE CITY OF ORMOND BEACH, FLORIDA, ACCEPTING A PROPOSAL FROM BOMAR CONSTRUCTION, INC., REGARDING THE CASSEN PARK FISHING PIER RENOVATION AND PEDESTRIAN GUARDRAIL REPLACEMENT PROJECT; AUTHORIZING THE EXECUTION OF A WORK AUTHORIZATION THERETO; AND SETTING FORTH AN EFFECTIVE DATE.

Staff Contact: John Noble, City Engineer (386-676-3269)
 - B. **RESOLUTION NO. 2013-135** : A RESOLUTION AUTHORIZING THE EXECUTION OF A JOINT PARTICIPATION AGREEMENT BETWEEN THE CITY AND FLORIDA DEPARTMENT OF TRANSPORTATION, REGARDING LANDSCAPING IMPROVEMENTS WITHIN THE GRANADA MEDIANS WEST OF I95; AND SETTING FORTH AN EFFECTIVE DATE.

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

- C. **RESOLUTION NO. 2013-136** : A RESOLUTION AUTHORIZING THE EXECUTION OF A RELEASE AND SATISFACTION OF SPECIAL MASTER ADMINISTRATIVE FINE/LIEN FOR CODE VIOLATIONS ON PROPERTY LOCATED AT 31 AMSDEN ROAD; AND SETTING FORTH AN EFFECTIVE DATE.
- Staff Contact:* Joanne Naumann, Neighborhood Improvement Manager (386-615-7069)
- D. **RESOLUTION NO. 2013-137** : A RESOLUTION PURSUANT TO SECTION 14-98, LIENS, OF THE CITY OF ORMOND BEACH CODE OF ORDINANCES AUTHORIZING THE IMPOSITION OF A LIEN AGAINST THE REAL PROPERTY OWNED BY EILEEN D. MCGINN LOCATED AT 31 BELLEWOOD CIRCLE, ORMOND BEACH, VOLUSIA COUNTY, FLORIDA (PARCEL ID NO. 4210-03-00-0070) FOR COSTS INCURRED BY THE CITY TO TERMINATE OR ABATE A SITE MAINTENANCE VIOLATION; AND SETTING FORTH AN EFFECTIVE DATE.
- Staff Contact:* Joanne Naumann, Neighborhood Improvement Manager (386-615-7069)
- E. **RESOLUTION NO. 2013-138** : A RESOLUTION AUTHORIZING EXECUTION OF A SERVICE AGREEMENT BETWEEN THE CITY AND THE ORMOND MEMORIAL ART MUSEUM, INC.; AUTHORIZING THE EXPENDITURE OF FUNDING; AND SETTING FORTH AN EFFECTIVE DATE.
- Staff Contact:* Robert Carolin, Leisure Services Director (386-676-3279)
- F. **RESOLUTION NO. 2013-140** : A RESOLUTION APPOINTING REVEREND WILLIE W. BRANCH AS A MEMBER TO SERVE AS A COMMISSIONER OF THE ORMOND BEACH HOUSING AUTHORITY; SETTING FORTH TERM AND CONDITIONS OF SERVICE; AND SETTING FORTH AN EFFECTIVE DATE.
- Staff Contact:* Scott McKee, City Clerk (386-676-3340)
- G. **Waste Management CPI Request**
- Staff Contact:* Theodore MacLeod, Assistant City Manager (386-676-3200)
- Disposition:* Approve as recommended in the City Manager memorandum dated August 20, 2013.
- H. **Stormdrain & Sanitary Sewer Pipe Lining Rehabilitation**
- Staff Contact:* John Noble, City Engineer (386-676-3269)
- Disposition:* Approve as recommended in the City Manager memorandum dated August 20, 2013.
- I. **FDOT Highway Maintenance Memorandum of Agreement Renewal**
- Staff Contact:* Theodore MacLeod, Assistant City Manager (386-676-3200)
- Disposition:* Approve as recommended in the City Manager memorandum dated August 20, 2013.
- J. **Cost Adjustment Request by D & A Building Services**
- Staff Contact:* Robert Carolin, Leisure Services Director (386-676-3279)
- Disposition:* Approve as recommended in the City Manager memorandum dated August 20, 2013.
- K. **Proposed FY 2013-14 Budget Update**
- Staff Contact:* Kelly McGuire, Finance Director (386-676-3226)
- Disposition:* Approve as recommended in the City Manager memorandum dated August 20, 2013.

9. PUBLIC HEARINGS

- A. **ORDINANCE NO. 2013-43** : AN ORDINANCE ANNEXING CERTAIN REAL PROPERTY INTO THE CITY OF ORMOND BEACH, SAID PROPERTY CONSISTS OF APPROXIMATELY +9.71 ACRES AND BEING GENERALLY LOCATED ALONG THE WEST SIDE OF WILLIAMSON BOULEVARD APPROXIMATELY 1,950 LINEAR FEET SOUTH OF WEST GRANADA BOULEVARD AND BEING COMMONLY LOCATED AT 260 WILLIAMSON BOULEVARD, INCLUDING THAT PORTION OF WILLIAMSON BOULEVARD ABUTTING THE PROPERTY; REDEFINING THE TERRITORIAL BOUNDARIES OF THE CITY OF ORMOND BEACH TO INCLUDE THE PROPERTY; RE-DESIGNATING THE BOUNDARIES OF ZONE 3 OF THE CITY OF ORMOND BEACH TO INCLUDE THE PROPERTY; SETTING FORTH ZONING PRIVILEGES, AND OBLIGATIONS OF SAID PROPERTY; PROVIDING FOR TRANSMISSION; PROVIDING FOR SEVERABILITY; AND SETTING FORTH AN EFFECTIVE DATE. **(SECOND READING)**

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

- B. **ORDINANCE NO. 2013-44** : AN ORDINANCE ANNEXING CERTAIN REAL PROPERTY INTO THE CITY OF ORMOND BEACH, SAID PROPERTY BEING GENERALLY LOCATED ALONG THE SOUTH SIDE OF GRANADA BOULEVARD APPROXIMATELY 450 LINEAR FEET EAST OF THE INTERSECTION OF SEMINOLE DRIVE AND WEST GRANADA BOULEVARD AND BEING COMMONLY LOCATED AT 1298 WEST GRANADA BOULEVARD; REDEFINING THE TERRITORIAL BOUNDARIES OF THE CITY OF ORMOND BEACH TO INCLUDE THE PROPERTY; REDESIGNATING THE BOUNDARIES OF ZONE 4 OF THE CITY OF ORMOND BEACH TO INCLUDE THE PROPERTY; SETTING FORTH ZONING, PRIVILEGES, AND OBLIGATIONS OF SAID PROPERTY; PROVIDING FOR TRANSMISSION; PROVIDING FOR SEVERABILITY; AND SETTING FORTH AN EFFECTIVE DATE. **(SECOND READING)**

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

- C. **ORDINANCE NO. 2013-45** : AN ORDINANCE ANNEXING CERTAIN REAL PROPERTY INTO THE CITY OF ORMOND BEACH, SAID PROPERTY BEING GENERALLY LOCATED ALONG THE EAST SIDE OF NORTH U.S. HIGHWAY 1 APPROXIMATELY 850 LINEAR FEET SOUTH OF THE I-95 AND NORTH U.S. HIGHWAY 1 INTERCHANGE RAMP AND BEING COMMONLY LOCATED AT 1535 NORTH U.S. HIGHWAY 1; REDEFINING THE TERRITORIAL BOUNDARIES OF THE CITY OF ORMOND BEACH TO INCLUDE THE PROPERTY; REDESIGNATING THE BOUNDARIES OF ZONE 1 OF THE CITY OF ORMOND BEACH TO INCLUDE THE PROPERTY; SETTING FORTH ZONING, PRIVILEGES, AND OBLIGATIONS OF SAID PROPERTY; PROVIDING FOR TRANSMISSION; PROVIDING FOR SEVERABILITY; AND SETTING FORTH AN EFFECTIVE DATE. **(SECOND READING)**

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

- D. **ORDINANCE NO. 2013-46** : AN ORDINANCE ANNEXING CERTAIN REAL PROPERTY INTO THE CITY OF ORMOND BEACH, SAID PROPERTY CONSISTING OF APPROXIMATELY 11.14± ACRES AND BEING GENERALLY LOCATED ALONG THE SOUTH SIDE OF STATE ROAD 40 APPROXIMATELY 1,450 LINEAR FEET WEST OF STATE ROAD 40 AND INTERSTATE 95 RAMP BEING COMMONLY LOCATED AT 200-208 BOOTH ROAD, 1720 AND 1760 WEST GRANADA BOULEVARD; SETTING FORTH ZONING, PRIVILEGES AND OBLIGATIONS REGARDING THE PROPERTY; REDEFINING THE TERRITORIAL BOUNDARIES OF THE CITY OF ORMOND BEACH TO INCLUDE THE PROPERTY; REDESIGNATING THE BOUNDARIES OF ZONE 3 OF THE CITY OF ORMOND BEACH TO INCLUDE THE PROPERTY; PROVIDING FOR TRANSMISSION; PROVIDING FOR SEVERABILITY; AND SETTING FORTH AN EFFECTIVE DATE. **(SECOND READING)**

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

- E. **ORDINANCE NO. 2013-47** : AN ORDINANCE ANNEXING CERTAIN REAL PROPERTY INTO THE CITY OF ORMOND BEACH, SAID PROPERTY CONSISTING OF APPROXIMATELY 0.90 ± ACRES AND BEING GENERALLY LOCATED AT 1740 WEST GRANADA BOULEVARD; REDEFINING THE TERRITORIAL BOUNDARIES OF THE CITY OF ORMOND BEACH TO INCLUDE THE PROPERTY; RE-DESIGNATING THE BOUNDARIES OF ZONE 3 OF THE CITY OF ORMOND BEACH TO INCLUDE THE PROPERTY; SETTING FORTH ZONING PRIVILEGES, AND OBLIGATIONS OF SAID PROPERTY; PROVIDING FOR TRANSMISSION; PROVIDING FOR SEVERABILITY; AND SETTING FORTH AN EFFECTIVE DATE. **(SECOND READING)**

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

- F. **ORDINANCE NO. 2013-50** : 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 2,924 ACRES+ OF REAL PROPERTY LOCATED WEST AND SOUTH OF THE F.E.C. RAILROAD, EAST OF THE FLAGLER COUNTY BOUNDARY LINE, AND NORTH OF DURRANCE LANE AND HARMONY AVENUE, FROM VOLUSIA COUNTY A-1 (PRIME AGRICULTURE) AND A-2 (RURAL AGRICULTURE) TO ORMOND BEACH PMUD (PLANNED MIXED USE 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)

- G. **ORDINANCE NO. 2013-51** : AN ORDINANCE AMENDING CHAPTER 1, GENERAL ADMINISTRATION, OF ARTICLE III, DEFINITIONS AND ACRONYMS, SECTION 1-22, DEFINITION OF TERMS AND WORDS, BY ADDING A DEFINITION OF MALTED BEVERAGE PRODUCER; BY AMENDING CHAPTER 2, DISTRICT AND GENERAL REGULATIONS OF ARTICLE II, DISTRICT REGULATIONS, INDUSTRIAL (I-1), BY ADDING MALTED BEVERAGE PRODUCER AS A CONDITIONAL USE WITHIN THE ZONING DISTRICT; AND BY AMENDING CHAPTER 2, DISTRICT AND GENERAL REGULATIONS OF ARTICLE IV CONDITIONAL AND SPECIAL EXCEPTION REGULATIONS, SECTION 2-57, CRITERIA FOR REVIEW OF SPECIFIC CONDITIONAL AND SPECIAL EXCEPTION, BY ESTABLISHING CRITERIA FOR MALTED BEVERAGE PRODUCER; 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)

- H. **RESOLUTION NO. 2013-139** : A RESOLUTION AUTHORIZING THE EXECUTION AND ISSUANCE OF A SECOND AMENDED SPECIAL EXCEPTION DEVELOPMENT ORDER FOR "THIRTY-ONE ON THE BOULEVARD' AT 15, 29 AND 43 WEST GRANADA BOULEVARD, SAID PROPERTY BEING WITHIN THE B-4 (CENTRAL BUSINESS) ZONING DISTRICT AND DOWNTOWN OVERLAY DISTRICT; RATIFYING AND AFFIRMING THE DEVELOPMENT ORDER; ESTABLISHING CONDITIONS AND EXPIRATION DATE OF APPROVAL; AND SETTING FORTH AN EFFECTIVE DATE.

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

10. **REPORTS, SUGGESTIONS, REQUESTS**

11. **ADJOURNMENT**

Item #1 – Meeting Call to Order

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

Item #2 – Invocation

Chaplin George Pilcher, Grace Lutheran Church, gave the invocation.

Item #3 – Pledge of Allegiance

Mayor Kelley led the Pledge of Allegiance.

Item #4A – Local Works Day

Mayor Kelley stated that local governments provided meaningful services and millions of Floridians depended on those services every day. He explained that the Florida Local Government Coalition (FLGC) encouraged Florida's associations to promote local government services and proclaim a "Local Works Day" on September 6, 2013. He stated that Local Works Day was a day to bring attention to the hard work that local government employees did. He stated that in Florida and in Ormond Beach especially, citizens enjoyed a quality of life like no other. He stated that the City of Ormond Beach celebrated its employees on Local Works Day for the valuable services they provided to the city. He proclaimed September 6, 2013, as Local Works Day and urged all residents to support the efforts of FLGC to bring attention to the hard work that local government employees did every day.

Ms. Joyce Shanahan, City Manager, thanked Mayor Kelley for the proclamation.

Item #5– Audience Remarks

Ms. Connie Colby, 108 Roble Lane, stated that she lived at the location of the blockade for the Central Park project. She asked why no one was working on that project. She explained that the project was supposed to begin on June 24, 2013, and that since then the road had been closed between Roble Lane and Old Kings Road. She stated that a construction crew spent two days tearing up the sidewalks and the road and had mostly disappeared since then. She noted that the project was supposed to have finished by August 23, 2013, originally and that the completion date had since been moved back to September 27, 2013. She stated that she believed that what was posted in the online schedule was not happening. She explained that residents were being inconvenienced by having to drive out of their way to go to the west side of town.

Ms. Colby noted that she had sent letters to Commissioner Partington regarding the issue and that he had been very responsive. She stated that she also spoke to City Engineer John Noble. She stated that during three weeks in July no one had been at the project location. She stated that Mr. Noble had told her that there were penalties for the contractor not completing the project on time and had assured her that it would be completed by August 23, 2013. She noted that she did not know the specific penalties that would be imposed on the contractor or if they had benchmarks they needed to reach. She stated that she believed there was no legitimate reason for the project not being completed.

Mayor Kelley stated that he appreciated Ms. Colby's concerns. He stated that the contractor would be held to any penalties in the contract that they had incurred. He noted that in construction there were often various things that happened that caused delays. He stated that Ms. Shanahan would hold the contractor to the terms in the contract. He apologized for any delays.

Ms. Shanahan stated that she appreciated Ms. Colby's frustrations and assured her that the City Engineer was working closely with the contractor.

Mr. John Noble, City Engineer, stated that the city had been working with the contractor, J.D. Weber Construction. He explained that there had been some delays with the contractor's sub-contractors being held up on another job site. He noted that they also had to wait for clearance for permits to be able to go back to work and connect the water main to the existing water main that was relocated. He stated that the city was pushing the contractor to finish and noted that the contract stated that the contractor had until November to complete the project and after that liquidated damages would start. He stated that he understood that the project was currently an inconvenience. He stated that

the city had spoken to the contractor about getting all of the subcontractors out on the site and keeping the work flowing. He noted that they were doing their best to reduce the inconvenience to the residents.

Commissioner Kent stated that Ms. Colby did everything he would have done by contacting her Commissioner and Mr. Noble. He stated that he did not like hearing that the contractor's sub-contractors were held up on another job. He noted that was not his problem and should not be the residents' problem. He stated that he was interested in any monetary penalties that would be against the contractor for not being done on time.

Mr. Noble stated that there were liquidated damages in the contract if it was not completed on time. He stated that the contract provided until November for completion and encompassed both Hammock Lane and Division Avenue.

Commissioner Kent asked if what Ms. Colby said had been correct.

Mayor Kelley noted that she had said that the project should have been completed August 23, 2013.

Mr. Noble explained that they put out a schedule as to the work on Hammock Lane and that was what Ms. Colby was referencing. He stated that was not the full contract, as Division Avenue was also included in the project.

Commissioner Kent stated that he did not like that and thought that it gave a false sense of hope to the residents. He stated that the residents were being inconvenienced and it bothered him to hear that the sub-contractors were busy somewhere else.

Mr. Noble stated that the city had expressed their dissatisfaction with that as well.

Commissioner Partington stated that he was also growing frustrated with the change in the traffic pattern in that area. He noted that out of several thousand residents living in that affected area, Ms. Colby's complaint was really the only one that the city had received. He stated that a lot of people had been very patient with the process, Ms. Colby included. He explained that it was a \$12 million project and those understanding the benefit had patiently awaited its completion. He stated that the fact that only one person had come forward to complain spoke volumes. He noted that whatever Mr. Noble could do to move things along would be appreciated. He stated that no one liked driving different traffic patterns, but they understood it and were tolerating it. He stated that the project would be completed in a couple months and that the residents living in that area needed to be commended because they had been extremely patient.

Mr. Noble stated that the residents had been very understanding.

Mr. Jim Schultz, 117 Harvard Drive, stated that trust and transparency were the fabric of good government. He noted that he would be speaking more about federal government than local government. He referenced the scenario in Benghazi not being credible and that drone activity had been observed from the compound. He also referenced the IRS incident in Cincinnati and how it was initially an isolated incident but then the second in command in Washington, D.C., was also in on the directions. He also noted that Environmental Protection Agency (EPA) scientists at 19 of the 22 unions had officially written to Congress to halt fluoridation. He also spoke about *Fluoridegate*, which was a video that Dr. Kennedy, a world renowned dentist, used to expose the fluoridation issue. He explained that the Centers for Disease Control (CDC) supported fluoridation but that there were only 35 dentists in the CDC Oral Health Division out of 17,000 scientists overall in the CDC.

Mayor Kelley explained that he was giving special leeway to Mr. Alan Burton, who wished to speak about item 9F on the agenda, the Ormond Crossings PMUD Rezoning. He stated that Mr. Burton requested to speak during audience remarks, if possible, since he had visitors in from out of town and needed to leave the meeting before item 9F was discussed.

Mr. Alan Burton, 915 Ocean Shore Boulevard, thanked the City Commission for their hard work on Ormond Crossings and the level of service in parks and recreation. He stated that if he demanded a 40-acre park be put into Ormond Crossings that would negate ten years of staff work, ten years of advisory board review, and ten years of the Commission's work. He noted that he had never seen a 40-acre park proposed for Ormond Crossings and that when the ordinance was passed that evening there would

never be one. He suggested that Ormond Crossings could work a little better in his opinion by having public parks instead of school parks, noting the history of performance issues with school parks in Ormond Beach. He stated that the public parks in the city were all high performing and great. He explained that he would remove school parks and put in public parks in the plan for Ormond Crossings.

Item #6A – Approval of Minutes

Mayor Kelley advised that the minutes of the July 30, 2013, and August 7, 2013, regular meetings 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 7:20 p.m. for discussion of Resolution No. 2013-134. He opened the item for a public hearing.

Item #7A – Cassen Fishing Pier Renovation Project

City Clerk Scott McKee read by title only:

RESOLUTION NO. 2013-134
A RESOLUTION OF THE CITY COMMISSION, ALSO ACTING AS THE COMMUNITY REDEVELOPMENT AGENCY, OF THE CITY OF ORMOND BEACH, FLORIDA, ACCEPTING A PROPOSAL FROM BOMAR CONSTRUCTION, INC., REGARDING THE CASSEN PARK FISHING PIER RENOVATION AND PEDESTRIAN GUARDRAIL REPLACEMENT PROJECT; AUTHORIZING THE EXECUTION OF A WORK AUTHORIZATION THERETO; AND SETTING FORTH AN EFFECTIVE DATE.

Commissioner Boehm moved, seconded by Commissioner Kent, for approval of Resolution No. 2013-134, as read by title only.

The motion passed by voice vote.

Mayor Kelley adjourned the meeting of the CRA, closed the public hearing, and reconvened the meeting of the City Commission at 7:21 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 Boehm requested that Item 8G be pulled from the Consent Agenda.

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

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

Item #8G – Waste Management CPI Request

Commissioner Partington moved, seconded by Commissioner Boehm, for approval of Item 8G: Waste Management CPI Request.

Commissioner Boehm stated that the item concerned Waste Management asking for a CPI adjustment to the amount the city paid them for their services, pursuant to the contract they had with the city. He explained that city staff had recommended denial of the increase. He noted that Waste Management had sent a representative to speak on their behalf, and he thought it was only fair to allow him to address them.

Mr. Dan McGinnis, Waste Management, Ocala, Florida, explained that he was a former employee of Waste Management who now served as a consultant and was filling in for Ms. Janie Coleman, the area Government Affairs Manager. He commended city staff for being very professional and diligent in their dealings with Waste Management, singling out Ms. Shanahan, Assistant City Manager and Public Works Director Ted MacLeod, and Public Works Operations Manager Kevin Gray. He respectfully requested the 1.47% CPI adjustment be granted and equated it to \$0.24 a month. He stated that Waste Management entered into their present contract with the city in 2009 and had received one other adjustment during that period. He noted that the contract would expire on September 30, 2014. He explained that Waste Management, like any other company, had encountered escalating costs related to fuel, labor, tires, and equipment. He stated that Waste Management believed their request to be just and would appreciate the Commission's consideration.

Commissioner Partington stated that he was in agreement with staff's recommendation to deny the request at this time.

Commissioner Boehm stated that he would like for staff to explain the basis of their denial for the benefit of Mr. McGinnis and the public.

Ms. Shanahan stated that staff denied the recommendation primarily because the city's expenses exceeded the revenues in the Solid Waste Fund. She explained that 20 years ago the city ceased performing their own waste collection and contracted Waste Management's services. She stated that the city then sold the vehicles used for waste collection and set aside the money from those sales in the Solid Waste Fund to offset the rates, should they change from time to time. She stated that there had been about \$3 million in the fund and now it had about \$500,000. She noted that as part of the budget process the expenses in that fund were reviewed, and staff did not feel it was prudent to fully deplete the existing fund balance. She stated that a 2% rate adjustment had been recommended. She explained that if an increase was recommended for Waste Management, the city would need to find another \$60,000 for the budget. She stated that while she knew that was not a large amount, since they were already dipping into the reserve balance to offset the rates in that fund, staff could not recommend the increase.

Mayor Kelley stated that he spent time that afternoon with Ms. Shanahan going over the total breakdown of the fund and costs. He stated that he was torn because solid waste collection was consistently one of the highest rated services in terms of customer satisfaction in the city. He noted that Waste Management had been great partners of the city and that it was only the second time that they had requested an increase in five years. He stated that he hoped that the city could find a way to procure the \$60,000 in order to grant the increase as a way of helping Waste Management offset their costs and to show appreciation for their services rendered. He stated that he found it personally difficult not to grant them a small increase.

Commissioner Kent confirmed with City Attorney Randy Hayes that a "yes" vote would be agreeing with staff's denial.

Commissioner Boehm reflected that Waste Management employees picked up heavy garbage cans and recycling bins in all types of weather and provided excellent service. He stated that because of that he had the same misgivings that Mayor Kelley had about denying the increase. He noted that Waste Management employees would appreciate a small pay raise just like the city's employees would.

Commissioner Partington pointed out that staff was recommending denial and that Waste Management was a for-profit business. He stated that an article from July 15, 2013, stated that Waste Management projected that it would generate between \$1.1

billion and \$1.2 billion of free cash flow for 2013 and that their stock appeared to be at an all time high. He also noted that their revenue had increase by 0.5% every year over the last seven years. He stated that he thought if Waste Management was really hurting and could show him in the numbers where they needed an increase, he would be more likely to pass that on to the city's customers, but at this point he was not ready to do so.

Mayor Kelley stated that Waste Management did not pay almost \$1 million a year for the privilege to do business in every city they were in. He stated that the franchise fee they paid for the privilege to do business weighed heavy on him. He stated that he knew the Ormond Beach business contributed a whole lot to the bottom line for Waste Management. He noted that it was a very lucrative business, however.

Mr. McGinnis stated that Waste Management was having an excellent year, in spite of the collection business, which was their least profitable segment. He noted that Waste Management paid their employees well for the hard work that they did and provided world class benefits to them. He explained that the collection business was tough on everyone. He stated that Ormond Beach had one of the most competitive collection rates in Volusia County, noting that it was in the \$13 range without franchise fees whereas most other cities were in the \$16-18 range without franchise fees. He thanked the Commission for their consideration and time.

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

Item #9A – 260 Williamson Boulevard Annexation

City Clerk Scott McKee read by title only:

ORDINANCE NO. 2013-43

AN ORDINANCE ANNEXING CERTAIN REAL PROPERTY INTO THE CITY OF ORMOND BEACH, SAID PROPERTY CONSISTS OF APPROXIMATELY +9.71 ACRES AND BEING GENERALLY LOCATED ALONG THE WEST SIDE OF WILLIAMSON BOULEVARD APPROXIMATELY 1,950 LINEAR FEET SOUTH OF WEST GRANADA BOULEVARD AND BEING COMMONLY LOCATED AT 260 WILLIAMSON BOULEVARD, INCLUDING THAT PORTION OF WILLIAMSON BOULEVARD ABUTTING THE PROPERTY; REDEFINING THE TERRITORIAL BOUNDARIES OF THE CITY OF ORMOND BEACH TO INCLUDE THE PROPERTY; RE-DESIGNATING THE BOUNDARIES OF ZONE 3 OF THE CITY OF ORMOND BEACH TO INCLUDE THE PROPERTY; SETTING FORTH ZONING PRIVILEGES, AND OBLIGATIONS OF SAID PROPERTY; PROVIDING FOR TRANSMISSION; PROVIDING FOR SEVERABILITY; AND SETTING FORTH AN EFFECTIVE DATE.

Commissioner Kent moved, seconded by Commissioner Boehm, for approval of Ordinance No. 2013-43, 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 – 1298 West Granada Boulevard, West Granada LLC, Annexation

City Clerk Scott McKee read by title only:

ORDINANCE NO. 2013-44

AN ORDINANCE ANNEXING CERTAIN REAL PROPERTY INTO THE CITY OF ORMOND BEACH, SAID PROPERTY BEING GENERALLY LOCATED ALONG THE SOUTH SIDE OF GRANADA BOULEVARD APPROXIMATELY 450 LINEAR FEET EAST OF THE INTERSECTION OF SEMINOLE DRIVE AND WEST GRANADA BOULEVARD AND BEING COMMONLY LOCATED AT 1298 WEST GRANADA BOULEVARD;

REDEFINING THE TERRITORIAL BOUNDARIES OF THE CITY OF ORMOND BEACH TO INCLUDE THE PROPERTY; REDESIGNATING THE BOUNDARIES OF ZONE 4 OF THE CITY OF ORMOND BEACH TO INCLUDE THE PROPERTY; SETTING FORTH ZONING, PRIVILEGES, AND OBLIGATIONS OF SAID PROPERTY; PROVIDING FOR TRANSMISSION; PROVIDING FOR SEVERABILITY; AND SETTING FORTH AN EFFECTIVE DATE.

Commissioner Kent moved, seconded by Commissioner Boehm, for approval of Ordinance No. 2013-44, 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 – 1535 North US1 Annexation

City Clerk Scott McKee read by title only:

ORDINANCE NO. 2013-45
 AN ORDINANCE ANNEXING CERTAIN REAL PROPERTY INTO THE CITY OF ORMOND BEACH, SAID PROPERTY BEING GENERALLY LOCATED ALONG THE EAST SIDE OF NORTH U.S. HIGHWAY 1 APPROXIMATELY 850 LINEAR FEET SOUTH OF THE I-95 AND NORTH U.S. HIGHWAY 1 INTERCHANGE RAMP AND BEING COMMONLY LOCATED AT 1535 NORTH U.S. HIGHWAY 1; REDEFINING THE TERRITORIAL BOUNDARIES OF THE CITY OF ORMOND BEACH TO INCLUDE THE PROPERTY; REDESIGNATING THE BOUNDARIES OF ZONE 1 OF THE CITY OF ORMOND BEACH TO INCLUDE THE PROPERTY; SETTING FORTH ZONING, PRIVILEGES, AND OBLIGATIONS OF SAID PROPERTY; PROVIDING FOR TRANSMISSION; PROVIDING FOR SEVERABILITY; AND SETTING FORTH AN EFFECTIVE DATE.

Commissioner Kent moved, seconded by Commissioner Stowers, for approval of Ordinance No. 2013-45, on second reading, as read by title only.

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

Item #9D – Tomoka Landings Annexation

City Clerk Scott McKee read by title only:

ORDINANCE NO. 2013-46
 AN ORDINANCE ANNEXING CERTAIN REAL PROPERTY INTO THE CITY OF ORMOND BEACH, SAID PROPERTY CONSISTING OF APPROXIMATELY 11.14± ACRES AND BEING GENERALLY LOCATED ALONG THE SOUTH SIDE OF STATE ROAD 40 APPROXIMATELY 1,450 LINEAR FEET WEST OF STATE ROAD 40 AND INTERSTATE 95 RAMP BEING COMMONLY LOCATED AT 200-208 BOOTH ROAD, 1720 AND 1760 WEST GRANADA BOULEVARD; SETTING FORTH ZONING, PRIVILEGES AND OBLIGATIONS REGARDING THE PROPERTY; REDEFINING THE TERRITORIAL BOUNDARIES OF THE CITY OF ORMOND BEACH TO INCLUDE THE PROPERTY; REDESIGNATING THE BOUNDARIES OF ZONE 3 OF THE CITY OF ORMOND BEACH TO INCLUDE THE PROPERTY; PROVIDING FOR TRANSMISSION; PROVIDING FOR SEVERABILITY; AND SETTING FORTH AN EFFECTIVE DATE.

Commissioner Boehm moved, seconded by Commissioner Stowers, for approval of Ordinance No. 2013-46, on second reading, as read by title only.

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

Item #9E – FDOT Pond Annexation

City Clerk Scott McKee read by title only:

ORDINANCE NO. 2013-47

AN ORDINANCE ANNEXING CERTAIN REAL PROPERTY INTO THE CITY OF ORMOND BEACH, SAID PROPERTY CONSISTING OF APPROXIMATELY 0.90 ± ACRES AND BEING GENERALLY LOCATED AT 1740 WEST GRANADA BOULEVARD; REDEFINING THE TERRITORIAL BOUNDARIES OF THE CITY OF ORMOND BEACH TO INCLUDE THE PROPERTY; RE-DESIGNATING THE BOUNDARIES OF ZONE 3 OF THE CITY OF ORMOND BEACH TO INCLUDE THE PROPERTY; SETTING FORTH ZONING PRIVILEGES, AND OBLIGATIONS OF SAID PROPERTY; PROVIDING FOR TRANSMISSION; PROVIDING FOR SEVERABILITY; AND SETTING FORTH AN EFFECTIVE DATE.

Mr. Ric Goss, Planning Director, stated that this item was a companion ordinance to the one before it and with its passing it would eliminate all of the enclaves along Booth Road.

Commissioner Kent moved, seconded by Commissioner Boehm, for approval of Ordinance No. 2013-47, 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 #9F – Ormond Crossings PMUD Rezoning

City Clerk Scott McKee read by title only:

ORDINANCE NO. 2013-50

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 2,924 ACRES+ OF REAL PROPERTY LOCATED WEST AND SOUTH OF THE F.E.C. RAILROAD, EAST OF THE FLAGLER COUNTY BOUNDARY LINE, AND NORTH OF DURRANCE LANE AND HARMONY AVENUE, FROM VOLUSIA COUNTY A-1 (PRIME AGRICULTURE) AND A-2 (RURAL AGRICULTURE) TO ORMOND BEACH PMUD (PLANNED MIXED USE DEVELOPMENT), AUTHORIZING REVISION OF OFFICIAL ZONING MAP; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; AND SETTING FORTH AN EFFECTIVE DATE.

Mr. Goss explained that this item was the Planned Mixed Use Development (PMUD) for Ormond Crossings, which would implement the zoning for the land. He stated that the Ormond Crossings project went back to the annexation in 2004 and in 2010 when the development agreement was approved and amendments were made to the comprehensive plan. He explained that when the Commission approved Ordinance No. 2010-06, the amendments to the comprehensive plan, they approved goals, objectives, and policies by which the activity center designation would be implemented and also provided entitlements of about 3 million square feet of commercial office and industrial space along with about 165,000 square feet of institutional space and 2,950 dwelling units. He noted that the development agreement was required as a part of the

comprehensive plan and was supported by a number of studies. He stated studies were professionally prepared for transportation, utilities, and drainage.

Mr. Goss stated that they would not be concentrating on those aspects that night but would be looking at the PMUD as it related to the development standards by which the development would be guided as well as the architectural design standards. He stated that a number of studies were performed with regards to the wetlands and flood plain as well as a 24-square mile drainage basin modeling program. He noted that the density and intensity were also incorporated within the 2010 development agreement. He again noted that those items were not before the Commission that evening. He explained that some citizens at the Planning Board had thought that those items were issues that could be brought up again, but they could not be because they had already been approved by previous ordinances. He noted that drainage had been a big issue at the July 11, 2013, Planning Board meeting and he was not sure that the residents understood that Tomoka Holdings went through a huge drainage study and a modeling program.

Mr. Goss explained that the rezoning would be from Volusia County A-1 and A-2 to PMUD. He stated that the zoning was consistent with the objectives and policies within the comprehensive plan land use designation. He noted that the School Board sent a letter with their capacity determination. He explained that this development was a little different as previous planned developments, which had detailed site plans. He stated that because this site was so huge, almost 3,000 acres, it would have conceptual plans and not detailed site plans. He explained that it would not be logical to have detailed site plans for something so large that had a development horizon of almost 20 years.

Mr. Goss explained that the Master Development Plan (MDP) contained the standards by which the development would occur and where the MDP did not address an issue then the Land Development Code (LDC) would take precedence. He noted that one of the aspects of the MDP was the compatibility of land uses. He stated that geographical features were utilized to buffer areas. He noted that the business park was almost entirely east of I-95 and that the town business center was on the east side. He also noted that the residential area was between the commercial business park and the Flagler County boundary. He stated that a unique aspect of the MDP was the bicycle trail. He stated that when finished, all 2,950 acres would be linked by bicycle paths or large sidewalks.

Mr. Goss stated that the minimum open space in the MDP was 20 percent. He stated that underground utilities would be used as well as green development objectives and an affordable housing provision to ensure that people who worked there could also live there. He noted that there was a provision for maintenance of private property and common areas not owned by the public. He stated that there were a number of provisions with regards to signage. He stated that monument signs would have a maximum height of eight feet. He stated that there would also be way-finding signage, which was not allowed in the LDC but actually worked out well for that development by tying everything together through a branding concept. He stated that there would also be interstate visibility signs for a lot of the commercial business uses along I-95.

Mr. Goss stated that the most unique part was the architectural standards. He noted that there were architectural standards set for the residential, non-residential, and multi-family classifications. He stated that the MDP contained examples and pictures of what to do and what not to do and that the standards were very clear as far to design. He explained that over the years a number of projects had been approved that established the project's density and intensity and set forth the public improvements needed as a result of all the studies that were completed. He stated that the MDP established all the zoning, land use, and development standards. He stated that the PMUD and the MDP were consistent with the comprehensive plan, the activity center land use designation, and also the LDC. He stated that the Planning Board reviewed the information in July and recommended approval with a unanimous vote. He noted that staff recommended approval, as well.

Mr. A. Ray Neubert, 754 N. Tymber Creek Road, asked what kind of institution would be built. He stated that he also heard a rumor about HUD (U.S. Department of Housing and Urban Development) being involved.

Mr. Goss stated that Mr. Neubert may be referring to the affordable housing component. He explained that the affordable housing would not be HUD housing but would reflect the wages being paid in that area so that those who worked there could also afford to live there. He noted that it did not involve Section 8, public housing assistance, or HUD.

Mr. Bob Londeree, Planning Consultant for Tomoka Holdings/Ormond Crossings, explained that the institutional land use would include things such as churches, libraries, and government buildings.

Commissioner Partington stated that Mr. Burton's statements earlier had confused him and asked Mr. Goss to clarify the references made to school parks. He stated that he read in the land use plan, on page 422 of the agenda packet, that it was park/school areas and his reading did not lead him to believe that the School Board owned the park but that it was a city park adjacent to a school.

Mr. Goss stated that he thought that was correct.

Commissioner Kent asked Mr. Goss if he was certain. He stated that he understood Mr. Burton's concern with school parks instead of city parks.

Mr. Goss stated that they were separate. He noted that there would be a park and then the school district would have its own site. He stated that he did not think that the school district had approved an exact site yet. He reiterated that the park was separate from the school site.

Commissioner Kent stated that existing school parks could not be accessed or used yet the city spent tremendous dollars on their upkeep even though residents had small amounts of time to use them when they were not locked up. He stated that he thought there was merit to Mr. Burton's concern. He stated that Mr. Goss had alleviated his concern, since the school and park would be separate.

Mr. Goss noted that all of the parks would be able to be accessed by the interconnecting bicycle trails that would be throughout the development.

Commissioner Boehm stated that he read that there would be a 20-acre elementary school site that was co-located with a park site, as well as three other park/school areas. He noted that he was only aware of one school included in the plan. He stated that there were at least 20 acres or more that would be parks rather than just the one next to the school.

Mayor Kelley noted that not one member of the Commission would support having another school park fenced in without access given to the public.

Commissioner Partington moved, seconded by Commissioner Kent, for approval of Ordinance No. 2013-50, 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

Mayor Kelley stated that he wished that former Mayor Fred Costello could vote "yes" as well because he worked long and hard on the project. He thanked Tomoka Holdings for their diligent and untiring work. He stated that the Commission was very excited for the project and thought it would become a gem of Central Florida. He thanked Mr. Goss for his excellent presentation and work on the item.

Item #9G – Malted Beverage Producer, LDC Amendment

City Clerk Scott McKee read by title only:

ORDINANCE NO. 2013-51
AN ORDINANCE AMENDING CHAPTER 1, GENERAL ADMINISTRATION, OF ARTICLE III, DEFINITIONS AND ACRONYMS, SECTION 1-22, DEFINITION OF TERMS AND WORDS, BY ADDING A DEFINITION OF MALTED BEVERAGE PRODUCER; BY AMENDING CHAPTER 2, DISTRICT AND GENERAL REGULATIONS OF ARTICLE II, DISTRICT REGULATIONS, INDUSTRIAL (I-1), BY ADDING MALTED BEVERAGE PRODUCER AS A CONDITIONAL USE WITHIN THE ZONING DISTRICT; AND BY AMENDING CHAPTER 2, DISTRICT AND GENERAL REGULATIONS OF ARTICLE IV CONDITIONAL AND SPECIAL EXCEPTION REGULATIONS, SECTION 2-57, CRITERIA FOR

REVIEW OF SPECIFIC CONDITIONAL AND SPECIAL EXCEPTION, BY ESTABLISHING CRITERIA FOR MALTED BEVERAGE PRODUCER; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; PROVIDING FOR SEVERABILITY; AND SETTING FORTH AN EFFECTIVE DATE.

Mr. Goss stated that a gentleman came to the Planning Department wanting to introduce a craft beer brewery into one of the industrial areas in the city. He stated that they could not permit the use but thought that it was a good use, noting the popularity of such businesses. He stated that before the Commission was an introduction of a craft brewery in an industrial zone, with added definitions and conditional use criteria. He noted that he was aware that there was some concern about 50% of the floor area being devoted towards the tasting room and merchandise sales. He stated that figure came from staff based on input from the applicant, which could be changed if desired.

Mayor Kelley stated that he did not understand why they would want to dedicate that much space of a building to those activities.

Mr. Goss noted that the applicant had wanted to have space to advertise his beer and have a tasting room. He stated that he was not sure how much space was needed so staff had suggested 50%. He stated that the tanks would not take up much space. He noted that the 50% retail space could be amended.

Mayor Kelley stated that he would like to amend it, because for manufacturing they would still need room around the tanks for access, safety, and employees.

Mr. Goss noted that the applicant was not required to use 50% which was a maximum.

Commissioner Partington moved, seconded by Commissioner Kent, for approval of Ordinance No. 2013-51, on first reading, as read by title only.

Commissioner Stowers stated that he also had concerns about the 50%. He stated that he had patronized Bolt City Brewery in Jacksonville, which he thought was close to the business being proposed. He stated that Bolt City Brewery had a tasting room with some retail components to it and was fairly small in terms of the overall operation. He stated that he felt like 50% was high for the retail space and tasting room. He stated that the tasting room at Bolt City Brewery was under 25% of their total overall space but noted that even so they still had a huge parking issue. He stated he was concerned that in the industrial district there was one parking space per 500 square feet but was more intense for restaurants or retail. He noted that he thought that restaurants were one space for every three seats. He stated that he was not in favor of treating the proposed brewery as a retail establishment but would be in favor of bringing the retail square footage down. He stated that he thought that he would be more comfortable if it did not exceed 30%. He noted that for a 10,000 square foot property, a 3,000 square foot tasting room would be huge, and larger than his home even.

Mr. Dave Robinson, Ormond Brewery LLC, 301 Division Avenue, stated that he represented his son, Mr. Justin Robinson, the owner of the brewery, and Mr. Cliff Stephenson, a consultant for the brewery.

Mr. Cliff Stephenson, Consultant for Ormond Brewery LLC, 149 Flomich Avenue, Holly Hill, stated that he was actually good friends with the owners of Bolt City Brewery. He explained that on Friday and Saturday nights they opened their brewery area almost all the way to the tanks, which probably surpassed 50% of their space, to set up tables and chairs for tasting and live music. He stated that Ormond Brewery also wished to have room for expansion further down the road and thought that 50% was a fair number. He stated that the brewery space was actually rather small.

Mayor Kelley stated that Commissioner Stowers' concern was the availability of parking. He noted that the industrial parking requirements were different than for a retail establishment. He stated that patrons would not come if there was no place for them to park.

Mr. Stephenson stated that inside Bolt City there were two tasting rooms, one of which was located on the backside in the brewery area for overflow. He stated that they needed the space because there were so many interested patrons.

Mayor Kelley asked Mr. Stephenson if he thought 50% was adequate, too much, or not enough; whereby, Mr. Stephenson stated that he thought that it was adequate.

Mr. Robinson asked Commissioner Stowers if parking was his concern. He stated that the industrial complex was open for commercial businesses usually during the day and noted that most of the beer drinking patrons would not be there until after 5:00 p.m. He explained that by that time some of the other businesses in the complex would have closed for the evening. He stated that his son owned 7,500 square feet of warehouse space in that complex, comprising five units, which was most of the front building. He stated that there was plenty of parking.

Commissioner Stowers stated that this ordinance could affect other such establishments wishing to do business and that was why he was getting into such detail. He stated that he understood it might work for a 7,500 square foot space, but they also had to consider if someone came in with a 50,000 square foot industrial space and wished to have a similar operation. He noted that it was not a site specific request. He stated that he was happy to support the ordinance and see how it worked.

Mr. Goss stated that part of the conditions were the hours of operation, when the tasting room would be open for business, which would be controlled by the business tax receipt (BTR) issued. He stated that if there was an issue with the parking it could be corrected when the next BTR was issued.

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

Item #9H – On the Boulevard, Special Exception Amendment

City Clerk Scott McKee read by title only:

RESOLUTION NO. 2013-139

A RESOLUTION AUTHORIZING THE EXECUTION AND ISSUANCE OF A SECOND AMENDED SPECIAL EXCEPTION DEVELOPMENT ORDER FOR "THIRTY-ONE ON THE BOULEVARD" AT 15, 29 AND 43 WEST GRANADA BOULEVARD, SAID PROPERTY BEING WITHIN THE B-4 (CENTRAL BUSINESS) ZONING DISTRICT AND DOWNTOWN OVERLAY DISTRICT; RATIFYING AND AFFIRMING THE DEVELOPMENT ORDER; ESTABLISHING CONDITIONS AND EXPIRATION DATE OF APPROVAL; AND SETTING FORTH AN EFFECTIVE DATE.

Commissioner Boehm moved, seconded by Commissioner Kent, for approval of Resolution No. 2013-139, as read by title only.

Mr. Goss stated this was a request to vacate a special exception which was first issued under the old code with parking restrictions. He explained that the current code was much more development friendly and recognized public parking in the area. He stated that the applicant would like to vacate the special exception and allow the current form based code to rule Rose Villa, 31 on the Boulevard, and the Bushman Building.

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

Item #10 – Reports, Suggestions, Requests

Police Department Burglary Investigation

Ms. Shanahan gave kudos to the Police Department, in particular the Criminal Investigative Division, for solving the Tomoka Oaks Trails Residential Burglary Case. She stated that Office Brugone worked the original case that broke it open and was also present when the arrest warrant was served. She stated that Officer Larson assisted in the service of warrants and also cleared several cases. She stated that Officer Jordan assisted with warrants and going to pawn shops to obtain possible additional victims.

She stated that Officer Mathis assisted with search warrants and the recovery and helping victims identify their property. She stated that Officer Voegtle assisted with search warrants and started the initial investigation. She stated that Officer Andrasco helped with the preparation of the warrants and Sgt. Gogarty supervised the execution of the arrest warrant. She noted that she believed seven or eight individuals received their property back. She thanked the police officers for a job well done.

John Anderson Drive

Ms. Shanahan stated that the contractor had executed and returned the contract documents. She stated that a pre-construction meeting was being scheduled to discuss the work.

2-Inch Watermain Mainland

Ms. Shanahan stated that an 8-inch water main and two new fire hydrants were installed along Andalusia Avenue and the line was being pressurized and chlorinated for sampling. She stated that the clearance for the new water main on Old Barn Trail was prepared and submitted to the Health Department.

2-Inch Watermain North Peninsula

Ms. Shanahan stated that the third progress meeting was held for the project on August 7, 2013, and that Thadcon began work on the cul-de-sacs off of Aqua Vista during the week of August 5, 2013. She noted that clearance paperwork had been submitted to McKim & Creed to prepare for partial clearance of the line installed there.

2-Inch Watermain South Peninsula

Ms. Shanahan stated that the contractor started work on Ivanhoe Drive and was preparing the permit clearance for Cardinal Drive, Jamestown Drive, and Stanford Road, in order to allow final service connections to be made to the new main. She noted that a proposed schedule was posted on the city's website and would be updated monthly.

Ormond Beach Sports Complex Multi-Use Fields

Ms. Shanahan stated that construction would begin on August 15, 2013, with the installation of a silt fence and relocation of five gopher tortoises.

Downtown Median Landscaping

Ms. Shanahan stated that the contracts were currently being executed and construction was tentatively scheduled to start on September 1, 2013.

Waste Management

Ms. Shanahan stated that the city did receive many compliments about Waste Management and noted that Libby did a great job. She stated that they were grateful for her return to work and wished good health for her.

Taxiway Alpha Ribbon Cutting

Commissioner Partington stated that he attended the Taxiway Alpha Improvements' ribbon cutting at the Ormond Beach Airport the night before. He stated that he was struck by one number the Mayor gave out, which was that the project was \$2.2 million in improvements and the city only had to pay approximately 2.2% of those costs at \$41,000. He stated that those improvements should contribute to added safety and noise abatement. He noted that he thought the pilots and the tenants felt special and appreciated by the city making the changes for them.

Building Division 100% Certified

Commissioner Partington stated that in the Weekly Review, the weekly magazine put out by the city, the city's Building Division was recognized as being 100% certified through the International Code Council. He stated that it was significant because the city's Building Division had all nine employees be categorized as "*professionals who had demonstrated their code knowledge and skills by studying and passing a variety of exams in their fields and demonstrating their ability to apply those skills on the job.*" He stated that reaching 100% certification exemplified staff's commitment to protecting the public health, safety, and welfare of the Ormond Beach community. He congratulated Mr. Goss and his staff. He noted that only 12 cities in the entire state had ever achieved 100% certification, and Ormond Beach was one of only two who achieved it in 2013.

Waste Management

Commissioner Stowers noted that he did not speak on the Waste Management item. He stated that Waste Management received a 2.65% increase last year, noting that was the first time under the current contract. He stated that the proposed rate increase to

customers, if the CPI adjustment was made, would be raised from 2% to 3.2% to avoid further erosion of the fund balance. He stated that it was a difficult decision for him, but he looked at rising costs for residents versus the CPI increase for a company the city contracted with. He stated that he fell on the side of the residents and not wanting an additional increase for them.

Transportation Planning Organization (TPO)

Commissioner Stowers referred to the previous meeting where Mayor Kelley had mentioned some important items coming up with TPO. He noted he was attending the meeting the following week for Mayor Kelley and asked him to review those issues with him.

Mayor Kelley stated that one of the main issues was the ramps proposal at State Road 44. He stated that the proposal was to move the project forward one year. He stated that he was unsure if Commissioner Stowers would have a conflict with that in his capacity as a land use attorney, because he understood he was working on something at one point that was related. He noted that the county supported the project as did New Smyrna Beach. He stated that he supported it before and noted that some had been against it for a long time. He stated that there was no way Williamson Boulevard could be extended from Port Orange to that area to satisfy the need. He noted that there was no financing, but there was a belief that they could get funding sooner rather than later.

Fluoridation

Commissioner Kent stated that the Commission received an email a week or two prior about Israel removing fluoride from their water. He stated that he did some research and in 2014 Israel would start removing fluoride from their water due to many of the same concerns that he had with the use of hydrofluorosilicic acid.

Ormond Parkway

Commissioner Kent thanked staff for their quick response to the Ormond Parkway issue. He stated that after the Commission received an email about it, the very next day he saw a crew out with a digging machine.

Florida League of Cities

Commissioner Kent thanked Mayor Kelley for representing the Commission at the Florida League of Cities.

Parent/Child Fishing Tournament

Commissioner Kent stated that one of the Commission's goals that year was to have a fishing tournament for parents and children. He stated that the first, hopefully annual, fishing tournament would be held Saturday, September 7, 2013, at the pier underneath the Granada Bridge. He stated that the tournament would be free to Ormond Beach residents. He stated that he signed his son up and was told that he was the first person to sign up. He stated that concerned him, because he spoke to his parents about it and they said that they had not heard about it. He hoped that the media members present could help the city by letting people know that they were having a child/adult fishing tournament. He explained that there would be three different age groups and that the parents could only help by netting the fish and taking it off the hook and that the child had to reel the fish in and throw his own line out. He noted that it was a great wholesome event. He stated that it appeared the capacity for participants was limited to 30. He stated that he did not know why that was, because the dock was so large but noted that it was the first year for the event and they could see how it went. He stated that he hoped to see everyone out there.

Ms. Shanahan stated that she thought that the event was featured in the newspaper that day; whereby, Mayor Kelley stated that it was.

Commissioner Kent apologized for not seeing it, as he read the newspaper that day.

Commissioner Boehm recognized that the fishing tournament was Commissioner Kent's idea. He stated that Commissioner Kent did not mention that because he did not want to bring praise upon himself. He stated that Commissioner Kent brought the idea up at the Goals Workshop and it received the most votes from the Commission as a goal they could accomplish that year and was being brought to fruition.

Movies on the Halifax

Commissioner Boehm stated that Movies on the Halifax would be having its fourth anniversary. He stated that was another Commissioner Kent idea to do something for

your family for free in a wonderful location. He stated that it was a great service that the city provided and he hoped that it continued indefinitely into the future.

Florida League of Cities

Commissioner Boehm thanked Mayor Kelley and Ms. Shanahan for attending the Florida League of Cities conference and admirably representing the city. He stated that Ms. Shanahan showed him the convention booklet and the page that the City of Ormond Beach purchased, which had a handsome photograph of the City Commission. He noted that the city was well represented and advertised at the conference.

Mayor Kelley stated that the Florida League of Cities convention was a well-attended affair. He stated that Senator Nelson addressed the group as well as Governor Rick Scott. He stated that he believed all of the videos from the conference would be available online next week on the Florida League of Cities website for those that were interested. He stated that the conference discussed the change in demographics, noting that 10,000 people a day reached social security age in the United States. He stated that they discussed what cities would be doing to attract the age group that would be vibrant and funding those who were retired. He stated that education was stressed as a primary driver to bringing in the true workforce. He noted that social media was another item discussed. He stated that the City of Orlando had an extreme social media presence but noted that they were a much larger city. He stated that citizens took pictures and posted them from events in Orlando with their Mayor. He asked Ms. Shanahan to share one of the best presentations she went to.

Ms. Shanahan stated that she attended "Communicating Your Budget" which she found interesting. She explained that it went over making your budget more transparent. She noted that oftentimes bureaucrats spoke in budget terms that were not easy for citizens to understand and used the example of saying millage versus tax rate. She stated that Ormond Beach did do something unique which she did not know of any other city doing. She stated that in the first week of September before the budget hearing, the city had a four-page executive summary of the budget delivered with the News-Journal, which was full transparency and accountability about the budget.

Millage Notices

Mayor Kelley stated that most people had received their millage notices. He stated that his was going up \$12 a year and another property he owned would have a \$2 decrease. He stated that he did not think that was a horrendous amount.

Commission

Mayor Kelley stated that he really appreciated the Commission. He stated that as he met other Commissioners at the conference he realized how lucky he was to have the Commission he did to work with.

Item #11 – Adjournment

The meeting was adjourned at 8:35 p.m.

APPROVED: September 3, 2013

BY:

Ed Kelley, Mayor

ATTEST:

J. Scott McKee, City Clerk