

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

March 4, 2014

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 and Public Works Director Theodore MacLeod, City Attorney Randy Hayes, and City Clerk Scott McKee.

A G E N D A

- 1. CALL TO ORDER**
- 2. INVOCATION**
- 3. PLEDGE OF ALLEGIANCE**
- 4. AUDIENCE REMARKS - REGARDING ITEMS NOT ON THE AGENDA**
- 5. APPROVAL OF MINUTES**

A. Minutes from City Commission meeting – February 18, 2014

6. CONSENT AGENDA

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

- A. **RESOLUTION NO. 2014-27** : 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 JUNE, 2014; PROVIDING FOR EXCEPTIONS THERETO; SETTING FORTH AN EFFECTIVE DATE.

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

- B. **RESOLUTION NO. 2014-28** : A RESOLUTION ACCEPTING A PROPOSAL FROM QUENTIN L. HAMPTON ASSOCIATES, INC., FOR DESIGN SERVICES REGARDING THE SOUTH PENINSULA PHASE 2 WATER MAIN REPLACEMENT PROJECT; AUTHORIZING THE EXECUTION OF A WORK AUTHORIZATION AND PAYMENT THEREFOR; AND SETTING FORTH AN EFFECTIVE DATE.

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

- C. **RESOLUTION NO. 2014-29** : A RESOLUTION ACCEPTING A PROPOSAL FROM MCKIM & CREED FOR DESIGN SERVICES REGARDING THE NORTH PENINSULA PHASE 2 WATER MAIN REPLACEMENT PROJECT; AUTHORIZING THE EXECUTION OF A WORK AUTHORIZATION AND PAYMENT THEREFOR; AND SETTING FORTH AN EFFECTIVE DATE.

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

- D. **RESOLUTION NO. 2014-30** : A RESOLUTION ACCEPTING A PROPOSAL FROM ZEV COHEN & ASSOCIATES, INC. FOR DESIGN SERVICES REGARDING THE MAINLAND PHASE 2 WATER MAIN REPLACEMENT PROJECT; AUTHORIZING THE EXECUTION OF A WORK AUTHORIZATION AND PAYMENT THEREFOR; AND SETTING FORTH AN EFFECTIVE DATE.

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

- E. **RESOLUTION NO. 2014-31** : A RESOLUTION AUTHORIZING THE SOLE SOURCE PROCUREMENT OF HANDHELD METER READING DEVICES FROM SUNSTATE METER & SUPPLY, INC.; AUTHORIZING THE APPROVAL OF A REQUISITION AND PAYMENT THEREFOR; AND SETTING FORTH AN EFFECTIVE DATE.

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

- F. **RESOLUTION NO. 2014-32** : A RESOLUTION AUTHORIZING THE EXTENSION OF AN AGREEMENT BETWEEN THE CITY OF ORMOND BEACH AND SHELLEY'S ENVIRONMENTAL SYSTEMS; AUTHORIZING THE EXECUTION OF A CONTRACT EXTENSION THEREFORE; AND SETTING FORTH AN EFFECTIVE DATE.

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

- G. **RESOLUTION NO. 2014-33** : A RESOLUTION OF THE CITY OF ORMOND BEACH URGING MEMBERS OF THE FLORIDA LEGISLATURE TO OPPOSE LEGISLATION THAT WOULD MANDATE THE USE OF A UNIFORM CHART OF ACCOUNTS FOR ALL GOVERNMENTAL ENTITIES TO REPORT FINANCIAL INFORMATION; AND SETTING FORTH AN EFFECTIVE DATE.

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

- H. **RESOLUTION NO. 2014-34** : A RESOLUTION DETERMINING A NEED TO CLOSE THE OUTSIDE WEST BOUND LANE OF GRANADA BRIDGE FOR THE TOMOKA MARATHON EVENT; AUTHORIZING THE TEMPORARY CLOSURE OF SR40 FROM HALIFAX DRIVE TO N. BEACH STREET, INCLUDING THE OUTSIDE WEST BOUND LANE OF GRANADA BOULEVARD, FOR THE TOMOKA MARATHON EVENT WHICH IS TO BE HELD ON MARCH 29, 2014; AUTHORIZING THE EXECUTION OF A TEMPORARY CLOSING OF STATE ROAD PERMIT AND SUBMITTAL OF SAME TO THE STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION; AND SETTING FORTH AN EFFECTIVE DATE.

Staff Contact: Andy Osterkamp, Police Chief (386-677-0731)

- I. **Auto Renew Contracts**

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

Disposition: Approve as recommended in the City Manager memorandum dated March 4, 2014.

- J. **City Hall HVAC Chiller Replacement, Bid No. 2014-09**

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

Disposition: Approve as recommended in the City Manager memorandum dated March 4, 2014.

- K. **City Commission Goals for 2014**

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

Disposition: Approve as recommended in the City Manager memorandum dated March 4, 2014.

7. PUBLIC HEARINGS

- A. **ORDINANCE NO. 2014-09** : 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 REAL PROPERTY TOTALING 11.1±-ACRES LOCATED AT 200-208 BOOTH ROAD AND 1720 AND 1760 WEST GRANADA BOULEVARD, FROM VOLUSIA COUNTY R-7 (URBAN MULTI-FAMILY RESIDENTIAL) TO ORMOND BEACH B-1 (PROFESSIONAL OFFICE/HOSPITAL) FOR A 0.9±-ACRE PORTION OF THE SITE, FROM VOLUSIA COUNTY RC (RESOURCE CORRIDOR) TO CITY OF ORMOND BEACH SE (SPECIAL ENVIRONMENTAL) FOR A 4.2±-ACRE PORTION OF THE SITE, AND FROM VOLUSIA COUNTY BPUD (BUSINESS PLANNED UNIT DEVELOPMENT) TO ORMOND BEACH PBD (PLANNED BUSINESS DEVELOPMENT) FOR A 6.0±-ACRE PORTION OF THE SITE, AUTHORIZING REVISION OF OFFICIAL ZONING MAP; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; AND SETTING FORTH AN EFFECTIVE DATE. **(SECOND READING)**

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

- B. **ORDINANCE NO. 2014-10** : AN ORDINANCE ANNEXING CERTAIN REAL PROPERTY INTO THE CITY OF ORMOND BEACH, SAID PROPERTY CONSISTS OF APPROXIMATELY 3.75±-ACRES AND BEING GENERALLY LOCATED ALONG THE EAST SIDE OF WILLIAMSON BOULEVARD APPROXIMATELY 2,400 LINEAR FEET SOUTH OF WEST GRANADA BOULEVARD AND BEING COMMONLY LOCATED AT 275 WILLIAMSON 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)

- C. **ORDINANCE NO. 2014-11** : AN ORDINANCE AMENDING PARAGRAPH C, OFFICIAL ZONING MAP, OF SECTION 2-01, ESTABLISHMENT OF ZONING DISTRICTS AND OFFICIAL ZONING MAP, OF ARTICLE I, ESTABLISHMENT OF ZONING DISTRICTS AND OFFICIAL ZONING MAP, OF CHAPTER 2, DISTRICT AND GENERAL REGULATIONS, OF THE CITY OF ORMOND BEACH LAND DEVELOPMENT CODE, BY AMENDING THE OFFICIAL ZONING MAP TO REZONE CERTAIN REAL PROPERTY TOTALING 3.13-ACRES LOCATED AT 55 NORTH NOVA ROAD AND 75 NORTH NOVA ROAD, FROM B-1 (PROFESSIONAL OFFICE/HOSPITAL) TO B-8 (COMMERCIAL), AUTHORIZING REVISION OF OFFICIAL ZONING MAP; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; AND SETTING FORTH AN EFFECTIVE DATE. **(SECOND READING)**

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

- D. **ORDINANCE NO. 2014-12** : AN ORDINANCE AMENDING THE FUTURE LAND USE ELEMENT OF THE COMPREHENSIVE PLAN BY AMENDING THE FUTURE LAND USE MAP TO CHANGE THE DESIGNATION OF 8.3±-ACRES OF REAL PROPERTY LOCATED AT 1451, 1453, 1455, 1457, AND 1459 NORTH US HIGHWAY 1 FROM VOLUSIA COUNTY "COMMERCIAL" TO ORMOND BEACH "LOW INTENSITY COMMERCIAL"; PROVIDING FOR TRANSMITTAL; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND SETTING FORTH AN EFFECTIVE DATE. **(SECOND READING)**

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

- E. **ORDINANCE NO. 2014-13** : AN ORDINANCE AMENDING CHAPTER 4, ALCOHOLIC BEVERAGES, OF THE CODE OF ORDINANCES, BY AMENDING SECTION 4-3, SALE, CONSUMPTION, POSSESSION, ETC., PROHIBITED EXCEPT ON LICENSED PREMISES; EXCEPTIONS; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; PROVIDING SEVERABILITY; AND SETTING FORTH AN EFFECTIVE DATE.

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

- F. **ORDINANCE NO. 2014-14** : AN ORDINANCE ANNEXING CERTAIN REAL PROPERTY INTO THE CITY OF ORMOND BEACH, SAID PROPERTY CONSISTS OF APPROXIMATELY 1.4±-ACRES AND BEING GENERALLY LOCATED ALONG THE EAST SIDE OF WILLIAMSON BOULEVARD APPROXIMATELY 2,800 LINEAR FEET SOUTH OF WEST GRANADA BOULEVARD AND BEING COMMONLY LOCATED AT 395 WILLIAMSON 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.

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

8. REPORTS, SUGGESTIONS, REQUESTS

9. ADJOURNMENT

Item #1 – Meeting Call to Order

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

Item #2 – Invocation

Pastor Ken Gosney, Harbor Baptist Church, gave the invocation.

Item #3 – Pledge of Allegiance

Mayor Kelley led the Pledge of Allegiance.

Item #4 – Audience Remarks

Mayor Kelley noted that there were no members of the audience who wished to speak.

Item #5A – Approval of Minutes

Mayor Kelley advised that the minutes of the February 18, 2014, regular meeting had been sent to the Commission for review, and were on the city’s website for public viewing. He asked for any corrections, additions, or omissions. He stated that hearing no corrections, the minutes would stand approved as presented.

Item #6– Consent Agenda

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

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

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

Item #7 – Public Hearings

Mayor Kelley opened the public hearings.

Item #7A – Tomoka Landings PBD Zoning Map Amendment

City Clerk Scott McKee read by title only:

ORDINANCE NO. 2014-09

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 REAL PROPERTY TOTALING 11.1±-ACRES LOCATED AT 200-208 BOOTH ROAD AND 1720 AND 1760 WEST GRANADA BOULEVARD, FROM VOLUSIA COUNTY R-7 (URBAN MULTI-FAMILY RESIDENTIAL) TO ORMOND BEACH B-1 (PROFESSIONAL OFFICE/HOSPITAL) FOR A 0.9±-ACRE PORTION OF THE SITE, FROM VOLUSIA COUNTY RC (RESOURCE CORRIDOR) TO CITY OF ORMOND BEACH SE (SPECIAL ENVIRONMENTAL) FOR A 4.2±-ACRE PORTION OF THE SITE, AND FROM VOLUSIA COUNTY BPUD (BUSINESS PLANNED UNIT DEVELOPMENT) TO ORMOND BEACH PBD (PLANNED BUSINESS DEVELOPMENT) FOR A 6.0±-ACRE PORTION OF THE SITE, AUTHORIZING REVISION OF OFFICIAL ZONING MAP; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; AND SETTING FORTH AN EFFECTIVE DATE.

Commissioner Boehm moved, seconded by Commissioner Partington, for approval of Ordinance No. 2014-09, on second reading, as read by title only.

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

Item #7B – 275 Williamson Boulevard Annexation

City Clerk Scott McKee read by title only:

ORDINANCE NO. 2014-10

AN ORDINANCE ANNEXING CERTAIN REAL PROPERTY INTO THE CITY OF ORMOND BEACH, SAID PROPERTY CONSISTS OF APPROXIMATELY 3.75±-ACRES AND BEING GENERALLY LOCATED ALONG THE EAST SIDE OF WILLIAMSON BOULEVARD APPROXIMATELY 2,400 LINEAR FEET SOUTH OF WEST GRANADA BOULEVARD AND BEING COMMONLY LOCATED AT 275 WILLIAMSON 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.

Commissioner Partington moved, seconded by Commissioner Boehm, for approval of Ordinance No. 2014-10, on second reading, as read by title only.

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

Item #7C – 55 & 75 North Nova Road Zoning Map Amendment

City Clerk Scott McKee read by title only:

ORDINANCE NO. 2014-11

AN ORDINANCE AMENDING PARAGRAPH C, OFFICIAL ZONING MAP, OF SECTION 2-01, ESTABLISHMENT OF ZONING DISTRICTS AND OFFICIAL ZONING MAP, OF ARTICLE I, ESTABLISHMENT OF ZONING DISTRICTS AND OFFICIAL ZONING MAP, OF CHAPTER 2, DISTRICT AND GENERAL REGULATIONS, OF THE CITY OF ORMOND BEACH LAND DEVELOPMENT CODE, BY AMENDING THE OFFICIAL ZONING MAP TO REZONE CERTAIN REAL PROPERTY TOTALING 3.13-ACRES LOCATED AT 55 NORTH NOVA ROAD AND 75 NORTH NOVA ROAD, FROM B-1 (PROFESSIONAL OFFICE/HOSPITAL) TO B-8 (COMMERCIAL), AUTHORIZING REVISION OF OFFICIAL ZONING MAP; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; AND SETTING FORTH AN EFFECTIVE DATE.

Commissioner Boehm moved, seconded by Commissioner Kent, for approval of Ordinance No. 2014-11, on second reading, as read by title only.

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

Item #7D – 1451–1459 N. US Highway 1 Future Land Use Map Amendment

City Clerk Scott McKee read by title only:

ORDINANCE NO. 2014-12

AN ORDINANCE AMENDING THE FUTURE LAND USE ELEMENT OF THE COMPREHENSIVE PLAN BY AMENDING THE FUTURE LAND USE MAP TO CHANGE THE DESIGNATION OF 8.3±-ACRES OF REAL PROPERTY LOCATED AT 1451, 1453, 1455, 1457, AND 1459 NORTH US HIGHWAY 1 FROM VOLUSIA COUNTY "COMMERCIAL" TO ORMOND BEACH "LOW INTENSITY COMMERCIAL"; PROVIDING FOR TRANSMITTAL; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND SETTING FORTH AN EFFECTIVE DATE.

Commissioner Partington moved, seconded by Commissioner Stowers, for approval of Ordinance No. 2014-12, on second reading, as read by title only.

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

Item #7E – Alcoholic Beverages Ordinance Amendment

City Clerk Scott McKee read by title only:

ORDINANCE NO. 2014-13

AN ORDINANCE AMENDING CHAPTER 4, ALCOHOLIC BEVERAGES, OF THE CODE OF ORDINANCES, BY AMENDING SECTION 4-3, SALE, CONSUMPTION, POSSESSION, ETC., PROHIBITED EXCEPT ON LICENSED PREMISES; EXCEPTIONS; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; PROVIDING SEVERABILITY; AND SETTING FORTH AN EFFECTIVE DATE.

Commissioner Kent moved, seconded by Commissioner Boehm, for approval of Ordinance No. 2014-13, on first reading, as read by title only.

Mayor Kelley stated that on page three it stated that it was *“unlawful for any person to consume and for any person to carry in any cup, can or other open or unsealed container any alcohol beverage on the outside premises of any package store,*

convenience store, food store, or any other establishment selling alcoholic beverages.” He noted that there was probably a legal reason for it, but he explained that he did not know why it could not have read “any establishment selling alcohol beverages” instead of listing all the different types.

Mr. Randy Hayes, City Attorney, noted that Deputy City Attorney Ann-Margret Emery had prepared the ordinance. He explained that legal staff had reviewed a number of ordinances and modeled it after those. He stated that the main goal was to tighten up the old ordinance language, which had been a bit broad. He stated that he could find out the exact answer for Mayor Kelley.

Mayor Kelley stated that it was not that important and noted that he figured that there might have been a legal reason to define each establishment type in the ordinance.

Mr. Hayes stated that for enforcement purposes it was better for the language to be more specific. He explained that the broader the language was the more it would be susceptible to being challenged.

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

Item #7F – 395 Williamson Boulevard Annexation

City Clerk Scott McKee read by title only:

ORDINANCE NO. 2014-14
 AN ORDINANCE ANNEXING CERTAIN REAL PROPERTY INTO THE CITY OF ORMOND BEACH, SAID PROPERTY CONSISTS OF APPROXIMATELY 1.4±-ACRES AND BEING GENERALLY LOCATED ALONG THE EAST SIDE OF WILLIAMSON BOULEVARD APPROXIMATELY 2,800 LINEAR FEET SOUTH OF WEST GRANADA BOULEVARD AND BEING COMMONLY LOCATED AT 395 WILLIAMSON 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 the property was vacant and was being annexed pursuant to a declaration of covenants and restrictions for water and sewer that was granted to the applicant. He stated that this property would also be granted a low intensity commercial land use and provided a Planned Business Development (PBD). He explained that he knew that the legal representative for the property owner desired for the land use and zoning to be done at the same time and that they would be doing that in the future. He stated that the property owner would have the same rights, privileges, and development that was approved by the county.

Mayor Kelley noted that this was similar to other annexations the city had done previously.

Commissioner Partington moved, seconded by Commissioner Boehm, for approval of Ordinance No. 2014-14, on first reading, as read by title only.

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

Mayor Kelley closed the public hearing without objection.

Item #10 – Reports, Suggestions, Requests

VCOG / VLOC Meeting

Mayor Kelley stated that he and Commissioner Partington had separate and then collective meetings with the Volusia League of Cities (VLOC) upcoming. He stated that he and Commissioner Partington had not had the ability to speak about the issues. He asked Commissioner Partington if he had any thoughts on the joint meeting.

Commissioner Partington explained that his understanding of the issue was that VLOC owed the Volusia Council of Governments (VCOG) approximately \$48,000 that it did not currently have the ability to pay back. He stated that both organizations were two separate entities that had similar but separate functions. He explained that VLOC membership fees were very reasonable and that VCOG had a per capita fee that each city charged its residents and then submitted. He stated that one particular city had decided to not be a part of VCOG anymore but remained participating through VLOC. He noted that this had created a budget deficit for VCOG. He stated that he was not sure how that problem would be dealt with until the meeting occurred. He stated that it could be that VLOC would start charging a fee to make up that difference or the two organizations could combine their memberships somehow. He stated that he did not know that anyone knew for sure how the issue would be resolved.

Mayor Kelley stated that VCOG went through an intensive review on how to continue. He stated that some of the issues involved the different activities of the two organizations, noting that VLOC was more legislative in its purposes and VCOG was more about working together as a community. He stated that the meeting would be a public meeting and noted that he and Commissioner Partington did not know what would happen because they could not speak to each other or anyone else about it beforehand. He stated that they would inform the Commission of the outcome and noted that anything the city would adopt would come before the Commission for approval.

Upcoming Meeting

Ms. Joyce Shanahan, City Manager, stated that March 18, 2014, at 5:30 p.m. would be the City Commission's brainstorming session. She asked if any of the Commission would prefer that meeting to start at 6:00 p.m. instead of 5:30 p.m.

Mayor Kelley stated that he was comfortable with 5:30 p.m. and noted two other Commissioners also expressed their approval with that time.

Hand Avenue Project

Ms. Shanahan stated that the city made their final payment on the Hand Avenue project that week, noting that the project was \$108,000 under budget due to the adjustment of final quantities which included the reduction of stormwater piping because of field modifications made during construction.

Meeting Date Change

Ms. Shanahan reminded the Commission that their second April City Commission Meeting would be on Wednesday, April 16, 2014, instead of Tuesday, April 15, 2014, due to Passover.

Non-Profit Events

Commissioner Kent noticed that there was a non-profit walk for Multiple Sclerosis which ended at the Rockefeller Gardens. He noted that the non-profit organization used the park and had paid the fee associated with it.

County/Beach Issues

Commissioner Kent stated that he had copied the City Commission on an email that he had sent to County Chairman Jason Davis asking him to answer some questions about comments that he had made that were in a local newspaper. He explained that Chairman Davis' commented that because the Millsap beach approach was open, there may have to be another beach approach shut down. He stated that Chairman Davis did not initially respond to him, so he sent him a follow-up email and then he called him. He stated that he was pleased to announce that he felt like he had a very productive phone conversation with him and that they were planning on meeting in Ormond Beach.

Commissioner Kent stated that he met with County Councilman Josh Wagner and other officials from coastal communities a few weeks prior, noting that he had given the Commission the details of that get together at a previous meeting. He stated that he called Councilman Wagner a week after that meeting to follow up on the creation of a

Beach Advisory Board of elected officials and to let him know that the Commission had voiced their support for him to serve on that board. He stated that Councilman Wagner had told him that these things take a little bit of time and asked for some time to work on the County Council about the idea.

Commissioner Kent stated that a week or two after that he saw the comments he had just mentioned made by Chairman Davis in a newspaper. He stated that before he spoke to Chairman Davis he called him and left a message saying that the county *may* have to close another approach but that he was unsure yet. He stated that he went on to say that there already was an existing Beach Advisory Board consisting of elected officials, which was the Volusia County Council. He stated that he called Chairman Davis back and left him a message asking him to return the call and also to recall in his memory the last time he touched his bare feet on the sand and the last time that Council Members Pat Patterson, Pat Northey, Joyce Cusack, and Deb Denys had been to the ocean. He asked Chairman Davis to find out and let him know. He stated that when Chairman Davis returned the call, they spoke about that and decided to meet. He stated that he would update the Commission on the meeting after it occurred.

Commissioner Kent further explained that before he spoke to Chairman Davis, he had called Councilman Wagner and left him a message telling him that Chairman Davis had informed him in a message that the County did have a Beach Advisory Board called the Volusia County Council. He stated that he was at City Hall in a meeting and received a return phone call from Councilman Wagner. He stated that Councilman Wagner asked why he would hurt his ability to start a Beach Advisory Board by sending an email to his Chair, noting that he used colorful language during the conversation. He stated that Councilman Wagner stated that he agreed with him about his email. He explained that he told Councilman Wagner that he did not believe that he hurt his ability to create an advisory board and that he was responding to the comments he read by the Chair's comments in the newspaper. He stated that he also told him that he could email whoever he desired and did not need to get Councilman Wagner's approval to do so.

Commissioner Kent stated that Councilman Wagner then told him that by going behind his back and sending the email that he had "no chance" of ever serving on a County Beach Advisory Board. Commissioner Kent noted that he sent that email publicly and copied both the Commission and the entire Council on it. He stated that Councilman Wagner went on to say that he voted for Ormond Beach to receive \$3.6 million for a beachfront park and that he would never do it again. He stated that he did not appreciate Councilman Wagner's inappropriate language and that he felt that the way he spoke to another elected official was inappropriate. He stated that he would not be bullied by him, his tactics, or any other member of the County Council. He expressed his concern that there was someone like Councilman Wagner who served the county making threats about Ormond Beach receiving funding in the future, because he sent an email to the County Chair.

Beachfront Park

Commissioner Boehm stated that the Andy Romano Beachfront Park recently celebrated its first year anniversary and that he thought no one questioned its success or the wisdom of the county and city contributing to have the park built. He stated that he was at the park recently and walked on the beach with his wife. He noted that the Millsap approach was open and had a line of cars at it maybe 15 or 20 deep. He stated that he thought that it was well worth it to have the approach opened.

Landscaping

Commissioner Boehm stated that Austin Outdoor was doing a great job along West Granada Boulevard. He stated that Landscape Architect Paul MacDonald did a wonderful job with the choice of plants downtown and in the medians.

Staff Responsiveness

Commissioner Partington stated that the last few weeks he had some residents contact him and staff had resolved their issues within hours. He stated that within a day or two he was receiving a thank you email from those residents amazed with the city's responsiveness and ability to solve problems. He thanked Ms. Shanahan and city staff for doing a great job.

Landscaping

Commissioner Partington stated that a few months ago he had mentioned to Ms. Shanahan that the palm trees in the medians on North Nova Road close to US1 were looking moldy or had growth growing on them. He stated that Austin Outdoor had a nine

point plan of how to remedy that and had actually already started before he brought it up. He noted that he noticed the other day that those trees were looking much better. He stated that he had also mentioned the algae growth in the ponds across from Tomoka Oaks and that too was now gone.

County/Beach Issues

Mayor Kelley stated that he had been lobbying each member of the County Council for access to Millsap. He stated that prior to Commissioner Kent getting the call about the meeting with coastal officials, he had spoken to Councilman Wagner which had prompted him to set that meeting. He addressed Chairman Davis' comments and noted that he had also told VCOG that there was a Volusia Council of Governments already established as well in the Volusia County Council. He explained that he was not defending anyone's actions but stated that he believed part of the issue to be that Councilman Wagner was working for the city behind the scenes through the staff to try and get the beach permit which Chairman Davis was against for the reasons he told Commissioner Kent. He stated that he would still continue to work with each individual Council Member and noted that he saw them several times a month. He stated that they were all working for the same thing.

Economic Development

Mayor Kelley stated that he had two meetings with Economic Development Director Joe Mannarino and two businesses looking at potential relocation to the area, one from New York and one from Connecticut. He stated that each was looking at 20,000–40,000 square feet of space for manufacturing and distribution to Fortune 100 companies. He noted that the city did not have the inventory and needed it. He noted that companies were starting to question why they were paying high state income taxes to live somewhere when they could come to Florida and pay no state income tax and a low sales tax. He stated that the New York prospect said that his energy costs would be \$64,000 less here. He stated that Mr. Mannarino was doing a great job and working as hard as he could. He hoped the city would see some new economic development soon.

Beachfront Park

Mayor Kelley stated that he was also at the beachfront park recently. He stated that the only negative comment he had was that when you pulled out of the Millsap approach your sight was limited.

Ms. Shanahan stated that the Florida Department of Transportation (FDOT), the city, and Volusia County were working on that. She noted that the visibility was limited before the turn was made, so they were looking to eliminate one or two of the spaces there so there would be a sight line to the south.

Mayor Kelley noted that there was a vehicle there Saturday with a motorcycle trailer which it made it very difficult to see. He stated that even though Saturday was a cool day, the beach and the park were both very active.

Mayor Kelley told Commissioner Kent someday in the future he would tell him why the Millsap approach was not opened earlier, but that he did not want to share it right then as he did not want him to have a heart attack.

Item #11 – Adjournment

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

APPROVED: March 18, 2014

BY:

Ed Kelley, Mayor

ATTEST:

J. Scott McKee, City Clerk