

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

May 3, 2016

7:00 p.m.

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 Ted MacLeod, City Attorney Randy Hayes, and City Clerk Scott McKee.

A G E N D A

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

A. Minutes from City Commission meeting - April 19, 2016

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. 2016-68** : A RESOLUTION ACCEPTING A PROPOSAL FROM JOHN SEARCY & ASSOCIATES, INC. FOR ENGINEERING DESIGN SERVICES REGARDING THE BREAKAWAY TRAILS LIFT STATION CONTROL PANEL AND PUMP UPGRADE PROJECT; AUTHORIZING THE EXECUTION OF A WORK AUTHORIZATION AND PAYMENT THEREFOR; AND SETTING FORTH AN EFFECTIVE DATE.

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

- B. **RESOLUTION NO. 2016-69** : A RESOLUTION ACCEPTING A PROPOSAL FROM ACE ADVANTAGE/CHUBB INSURANCE COMPANY FOR THE PROVISION OF EXCESS GENERAL LIABILITY INSURANCE COVERAGE, INCLUDING PUBLIC OFFICIALS AND EMPLOYMENT PRACTICES LIABILITY COVERAGE; AUTHORIZING THE EXECUTION OF DOCUMENTS RELATIVE THERETO; AUTHORIZING PAYMENT THEREFOR; AND SETTING FORTH AN EFFECTIVE DATE.

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

- C. **Letter to Volusia County in Support of Change to Hand Avenue Speed Limit**

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

Disposition: Approve as recommended in the City Manager memorandum dated May 3, 2016.

- D. **Letter of Support for Tomoka Archaeology**

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

Disposition: Approve as recommended in the City Manager memorandum dated May 3, 2016.

7. PUBLIC HEARINGS

- A. **ORDINANCE NO. 2016-16** : AN ORDINANCE APPROVING THE FINAL PLAT OF "DEER CREEK, PHASE FOUR UNIT C" OF THE "HUNTER'S RIDGE" DEVELOPMENT OF REGIONAL IMPACT; ESTABLISHING CONDITIONS AND EXPIRATION DATE OF APPROVAL; AND SETTING FORTH AN EFFECTIVE DATE. **(SECOND READING)**

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

- B. **ORDINANCE NO. 2016-18** : AN ORDINANCE AUTHORIZING THE EXECUTION AND ISSUANCE OF AN AMENDED AND RESTATED DEVELOPMENT ORDER FOR "LOVE'S/HAVING FUN" PLANNED BUSINESS DEVELOPMENT LOCATED WEST OF INTERSTATE 95, NORTH OF U.S. HIGHWAY 1, SOUTH OF THE STRASSER MPUD, ALSO KNOWN AS DESTINATION DAYTONA, PHASE 2, AND EAST OF DESTINATION USA CIRCLE FOR PROPERTY LOCATED AT 280 DESTINATION DAYTONA LANE, BY ALLOWING AN ELECTRONIC CHANGEABLE COPY SIGNAGE; RATIFYING AND AFFIRMING THE DEVELOPMENT AGREEMENT APPROVED BY VOLUSIA COUNTY RESOLUTION 2004-100 AND ADOPTED BY THE CITY OF ORMOND BEACH AS A PLANNED BUSINESS DEVELOPMENT ZONING DISTRICT BY ORDINANCE 2015-14; ESTABLISHING CONDITIONS AND EXPIRATION DATE OF APPROVAL; AND SETTING FORTH AN EFFECTIVE DATE. **(SECOND READING)**

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

- C. **ORDINANCE NO. 2016-19** : AN ORDINANCE AMENDING CHAPTER 1, GENERAL ADMINISTRATION, ARTICLE III, DEFINITIONS AND ACRONYMS, SECTION 1-22 DEFINITION OF TERMS AND WORDS AND CHAPTER 2, DISTRICT AND GENERAL REGULATIONS, ARTICLE IV, CONDITIONAL AND SPECIAL EXCEPTION REGULATIONS, SECTION 2-57, CRITERIA FOR REVIEW OF SPECIFIC CONDITIONAL AND SPECIAL EXCEPTION OF THE LAND DEVELOPMENT CODE TO ALLOW THE USE OF A 2COP ALCOHOL LICENSE IN ASSOCIATION WITH A RESTAURANT TYPE "D" USE; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; PROVIDING FOR SEVERABILITY; AND SETTING FORTH AN EFFECTIVE DATE. **(SECOND READING)**

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

8. STAFF ACTION ITEMS

- A. **Ormond Beach Chamber of Commerce Request to Waive Rental Fees**

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

9. REPORTS, SUGGESTIONS, REQUESTS

10. ADJOURNMENT

Item #1 – Meeting Call to Order

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

Item #2 – Invocation

Reverend Willie Branch gave the invocation.

Item #3 – Pledge of Allegiance

Mayor Kelley led the Pledge of Allegiance.

Introduction of new police officers

Police Chief Jesse Godfrey introduced four new police officers. He introduced Officer Melissa Gibson and stated that she was originally from Long Island, New York. He stated that Officer Gibson had served in the United States Air Force as an aircraft

maintainer for four years and had a bachelor's degree in history and a minor in English. He noted that Officer Gibson also had a bachelor's degree in psychology and a master's degree in English literature. He introduced Officer David Starke and stated that he was originally from Buffalo, New York. He stated that Officer Starke had a bachelor's degree in management and marketing and previously worked for the U.S. Border Patrol in McCown, Texas, for three years. He stated that Officer Starke was married and had a seven-month old daughter. He introduced Officer Jake Howard and noted that he was born in Daytona Beach. He stated that Officer Howard was currently enrolled at Daytona State College, finishing his degree in criminal justice. He stated that Officer Howard's brother was a Volusia County Sheriff's Deputy. He introduced Officer Rafael Medina and stated that he was born in Bogota, Colombia. He stated that Officer Medina worked for UNICEF and arrived in the United States seven years earlier. He stated that Officer Medina had a bachelor's degree in criminal justice and spoke Spanish, Italian, and Portuguese. He stated that Officer Medina was currently engaged and had a seven-year old daughter. He noted that the rest of Officer Medina's family lived in Colombia.

Mayor Kelley stated that he expected to see a lot of these officers at future award ceremonies. He thanked the officers for their service. He thanked Chief Godfrey for recruiting the officers.

Commissioner Kent thanked Chief Godfrey for bringing the officers to meet the Commission. He noted that he felt that it was very important that they met the officers and that the city's residents had an opportunity to see them, as well. He stated that he was blown away that three of the four officers had bachelors' degrees, noting that the fourth officer was working on his degree. He welcomed the officers to Ormond Beach.

Item #4 – Audience Remarks

Ormond Strong

Mayor Kelley noted that several members of Ormond Strong had completed request to speak cards. He stated that they could approach together and their time would be divided amongst them.

Ms. Debbie Kruck, Ormond Strong Commander, stated that being in a leadership position could sometimes seem like a thankless job. She explained that Ormond Strong wanted to thank the Commission. She stated that Ormond Strong's Vietnam veterans also wanted to make some remarks.

Mr. Noel Koeller, Ormond Strong, stated that Ormond Strong began their bridge walk over a year ago and the support from the Commission was outstanding. He noted that the police and fire departments also supported them and that all of the city trucks that passed them waved. He explained that their show of patriotism and support was contagious. He noted that all of the residents that drove by now beeped their horns, waved, or saluted. He expressed his thanks.

Mr. Joe DiBlasi, Ormond Strong, thanked the Commission on behalf of the Vietnam Veterans of America Chapter 1048, noting that he was the treasurer of that organization, and the Disabled American Veterans Chapter 84 out of Daytona Beach. He thanked the Commission for all of their help and assistance.

Mr. Bob Bendlin, Ormond Strong, noted that he was also a member of Vietnam Veterans of America Chapter 1048. He stated that 58,000 of his brothers and sisters did not come home. He stated that those that did come home suffered many wounds, noting that the worst of which was their treatment when they came home. He stated that he could not thank the Commission enough for what they had done in honoring them. He noted that it was better than anything the Veterans Administration could do.

Mr. Michael Scarrera, Ormond Strong, stated that he was a retired Vietnam veteran who moved to Ormond Beach three years prior. He thanked the community and Ms. Kruck for their efforts to support the troops. He stated that he had never felt as welcomed as he did here.

Mr. Michael Thompson, Ormond Strong, thanked the Commission for their support. He stated that Ormond Strong was a tight knight group and he thanked Ms. Kruck.

Ms. Kruck stated that the Vietnam veterans prepared certificates for the Commission to show their appreciation and thanks. The Vietnam veterans presented the Commissioners with the certificates.

Ms. Kruck stated that as the Ormond Strong Commander she wanted to present the City of Ormond Beach with an American flag as recognition in appreciation of their support and commitment to the Ormond Strong families, deployed local soldiers, and veterans. She stated that the flag commemorated the 349 consecutive days of bridge walks held by Ormond Strong, veterans, and the community in support of the 200 national guardsmen, the first of the 265th air artillery unit. She explained that the flag was flown on a combat mission in the skies over Bagram, Afghanistan, on October 8-19, 2015, in support of Operation Enduring Freedom and Operation Resolute. She presented the flag to the Commission.

Homelessness

Mr. Doyle Lewis, 1204 Oceanshore Boulevard, stated that he stood for those who needed to have a voice but were afraid to speak. He explained that he was there to request more support for the homeless in Volusia County. He explained that he had been involved with the Salvation Army in Volusia County for over six years. He stated that everyone who was homeless in the State of Florida needed support. He noted that most people were homeless for different reasons. He stated that he was there to speak in front of the Commission because the cities could not come together to create a plan to address homelessness. He noted that the cities seemed to change their minds often. He stated that he did not know how much support there had been for the homeless in Volusia County but noted that he would like to find out more about it. He stated that he had always supported the military and noted that he had met some of the bridge walkers. He noted that the military was a wonderful situation and he was glad that the city supported them.

Mr. Lewis stated that he moved to Volusia County in 2004 before the hurricanes hit. He explained that he had gone through some financial situations since then and had been in the Salvation Army since last month because he needed help. He noted that he had worked his entire life to be in a financial situation of homelessness in Volusia County. He stated that he was currently attending Daytona State College.

Mayor Kelley stated that the city had supported the homeless and worked on the homelessness issue for years. He stated that Ormond Beach was the first to provide a vehicle for a trip to the west coast to evaluate homelessness and had provided a place for food to be dispensed for almost 20 years. He noted that Ormond Beach helped and supported Halifax Urban Ministries' outreach. He stated that the city and the Commission took homelessness very seriously and worked very diligently to address it.

Item #5 – Approval of Minutes

Mayor Kelley advised that the minutes of the April 19, 2016, regular meeting had been sent to the Commission for review and were posted 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 Partington, for approval of the Consent Agenda.

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

Item #7– Public Hearings

Mayor Kelley opened the public hearings.

Item #7A – Deer Creek Phase 4C Final Plat

City Clerk Scott McKee read by title only:

ORDINANCE NO. 2016-16

AN ORDINANCE APPROVING THE FINAL PLAT OF "DEER CREEK, PHASE FOUR UNIT C" OF THE "HUNTER'S RIDGE" DEVELOPMENT OF REGIONAL IMPACT; ESTABLISHING CONDITIONS AND EXPIRATION DATE OF APPROVAL; AND SETTING FORTH AN EFFECTIVE DATE.

Commissioner Partington moved, seconded by Commissioner Boehm, to approve Ordinance No. 2016-16, 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 7B – Giant Recreation World, ECC Sign – PBD Amendment

City Clerk Scott McKee read by title only:

ORDINANCE NO. 2016-18

AN ORDINANCE AUTHORIZING THE EXECUTION AND ISSUANCE OF AN AMENDED AND RESTATED DEVELOPMENT ORDER FOR "LOVE'S/HAVING FUN" PLANNED BUSINESS DEVELOPMENT LOCATED WEST OF INTERSTATE 95, NORTH OF U.S. HIGHWAY 1, SOUTH OF THE STRASSER MPUD, ALSO KNOWN AS DESTINATION DAYTONA, PHASE 2, AND EAST OF DESTINATION USA CIRCLE FOR PROPERTY LOCATED AT 280 DESTINATION DAYTONA LANE, BY ALLOWING AN ELECTRONIC CHANGEABLE COPY SIGNAGE; RATIFYING AND AFFIRMING THE DEVELOPMENT AGREEMENT APPROVED BY VOLUSIA COUNTY RESOLUTION 2004-100 AND ADOPTED BY THE CITY OF ORMOND BEACH AS A PLANNED BUSINESS DEVELOPMENT ZONING DISTRICT BY ORDINANCE 2015-14; ESTABLISHING CONDITIONS AND EXPIRATION DATE OF APPROVAL; AND SETTING FORTH AN EFFECTIVE DATE.

Commissioner Boehm moved, seconded by Commissioner Kent, to approve Ordinance No. 2016-18, 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 7C – LDC Amendment – Restaurant, Type D

City Clerk Scott McKee read by title only:

ORDINANCE NO. 2016-19

AN ORDINANCE AMENDING CHAPTER 1, GENERAL ADMINISTRATION, ARTICLE III, DEFINITIONS AND ACRONYMS, SECTION 1-22 DEFINITION OF TERMS AND WORDS AND CHAPTER 2, DISTRICT AND GENERAL REGULATIONS, ARTICLE IV, CONDITIONAL AND SPECIAL EXCEPTION REGULATIONS, SECTION 2-57, CRITERIA FOR REVIEW OF SPECIFIC CONDITIONAL AND SPECIAL EXCEPTION OF THE LAND DEVELOPMENT CODE TO ALLOW THE USE OF A 2COP ALCOHOL LICENSE IN ASSOCIATION WITH A RESTAURANT TYPE "D" USE; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; PROVIDING FOR SEVERABILITY; AND SETTING FORTH AN EFFECTIVE DATE.

Commissioner Kent moved, seconded by Commissioner Partington, to approve Ordinance No. 2016-19, on second reading, as read by title only.

Call Vote:	Commissioner Partington	Yes
	Commissioner Stowers	Yes
	Commissioner Kent	Yes

Carried.	Commissioner Boehm Mayor Kelley	Yes Yes
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Mayor Kelley closed the public hearings without objection.

Item #8A – Ormond Beach Chamber of Commerce Request to Waive Rental Fees

Mayor Kelley stated that the Ormond Beach Chamber of Commerce had requested that their request be withdrawn. He stated that the item would be removed from the agenda.

Mayor Kelley noted that personally he would have supported their request to waive the rental fees as he would want to support a job fair to produce jobs. He stated that the \$264 would have been a good investment in his opinion. He noted that he did not believe that it would set a precedent. He explained that he evaluated each request on its merits. He noted that the Ormond Beach Chamber of Commerce was the ambassador to the city's business community and that he would have supported their efforts to create jobs.

Item #11 – Reports, Suggestions, Requests

Upcoming Workshops

Ms. Joyce Shanahan, City Manager, stated that June 7, 2016, would be the Capital Improvement Program (CIP) Workshop. She noted that she was uncertain if there would be a workshop on May 17, 2016. She explained that she did not believe that staff would be ready with any of the other items that would be discussed at upcoming workshops, but she noted that she would let the Commission know if that changed. She stated that she did not believe that a workshop would be held that day. She stated that a healthcare update workshop was scheduled for June 27, 2016.

Environmental Discovery Center

Ms. Shanahan stated that most of the landscaping was in for the Environmental Discovery Center. She noted that beautiful oaks, magnolias, and palm trees were planted. She stated that the grand opening of the facility would be on May 21, 2016, from 10:00 a.m. to 2:00 p.m.

Upcoming Workshops

Mayor Kelley asked Ms. Shanahan to clarify if there would be a workshop on May 17, 2016, or not; whereby, Ms. Shanahan replied that there was not one at this time.

Elder Smart Workshop

Commissioner Partington stated that the Commission received an email the previous day from staff regarding the free elder smart workshop that Community Legal Services of Mid-Florida would be holding on Thursday, June 2, 2016, from 3:30 p.m. to 5:00 p.m. He noted that this topic was very important for the city's senior residents. He explained that the purpose was to educate elders about common types of financial scams and how to protect themselves. He noted that he had been a prosecutor with some expertise in elderly exploitation. He explained that financial scams involving the elderly went largely unreported for a variety of reasons. He further explained that sometimes those involved were embarrassed about what had happened and that sometimes they might not even realize what had happened. He stated that he attended a conference 17 or 18 years prior about the exploitation of the elderly and during that conference they played some of the tapes of the phone call evidence from cases where the elderly were being scammed. He noted that they were chilling to listen to.

Commissioner Partington stated that those types of scams still went on to this very day, noting the recent IRS scams in the newspaper. He addressed Ms. Shanahan and asked that this workshop be promoted to the cities' 55 and over communities. He stated that he wanted Ormond Beach residents to feel comfortable talking about this topic. He stated that this seminar would teach tips and techniques for asking the right questions and verifying information. He explained that he felt that this topic was important and wanted to highlight it during his comments.

Commissioner Kent noted that he had a discussion with an elderly woman who had been the victim of a scam. He noted that the woman was swindled out of a tremendous amount of money. He explained that the only thing that caused her to stop and talk to family members about it was that she received a follow-up phone call weeks later questioning her home computer and requesting money to prevent her from being

arrested. He noted that she did not have a computer. He stated that it was very sad and he was glad that Commissioner Partington brought it up.

Police officer introductions

Commissioner Kent addressed Chief Godfrey and thanked him for bringing in the new police officer hires that evening.

Vietnam veterans

Commissioner Kent stated that the certificate presented by Ormond Strong was fantastic. He noted that he loved what it said at the bottom and read as follows: "*Never again will one generation of veterans abandon another.*" He thanked Commissioner Boehm, noting that he was a Vietnam veteran, for his efforts to support veterans and letting the Commission know the importance of honoring veterans.

Healthcare Workshop

Commissioner Kent noted that he was pleased that there would be another healthcare update workshop. He stated that he was still disgusted with the current healthcare system for the city's employees.

Welcome signs

Commissioner Kent stated that the welcome signs were a home-run and he had received nothing but positive compliments about them.

Commissioner Boehm agreed with Commissioner Kent. He noted that he had heard nothing but positive comments, as well.

Earth Day / Art in the Park

Commissioner Boehm noted that he attended Earth Day and that staff put on a great event. He stated that he also attended Art in the Park and it was a great free event for citizens. He noted that it was very well-run. He stated that the Leisure Services Department did top-notch work.

Abandoned property

Commissioner Boehm stated that yesterday at 1:04 p.m. someone posted to The Trails newsletter system a concern about the property at 19 Iroquois Trail. He explained that the property had an open backdoor and looked abandoned. He stated that he emailed Ms. Shanahan at 1:23 p.m. asking if there was anything that the city could do; whereby, at 2:34 p.m. Ms. Shanahan emailed Neighborhood Improvement Division Manager Chris Mason. He stated that by 4:07 p.m. Mr. Tom Griffith, the city's Chief Building Official, authorized the structure to be secured from entry and the Public Works Department staff were on their way to secure the door. He noted that the Police Department had to meet them to ensure the house was unoccupied. He stated that at 4:45 p.m. the Police Department had completed their sweep, and Public Works had secured the points of entry, and added the photographs of the property to the abandoned homes registry. He noted that this was an example of how city staff worked. He stated that the neighbors were thrilled. He stated that staff was made aware of a problem and multiple departments took action to fix it.

Ms. Shanahan stated that this was part of the new program put together involving the building official and code enforcement officer. She explained that it was part of the multi-pronged approach that the city had taken with foreclosed homes and problem homes in the community. She stated that part of the ordinance that the Commission adopted six months ago gave the city the authority to do that. She noted that they would not have been able to do that without this authority and thanked the Commission for their leadership.

Commissioner Boehm noted that staff was very responsive. He stated that it had been that way since he had served on the Commission. He stated that staff always took action right away to resolve problems. He stated that the staff did an outstanding job as a whole in working with the citizens.

Police department outreach

Commissioner Boehm stated that he was very pleased that the police reached out to the community and were not a threatening force. He noted that the Police Department sent the Commission an email with their calendar of outreach events for May 2016. He stated that there were about 15 events.

PAL Youth of the Year

Commissioner Boehm stated that the city had one of the best Police Athletic League (PAL) organizations in the state. He noted that they had had members named to national and state awards. He stated that the program now had their third state PAL Youth of the Year in Cameron Walden. He noted that credit should be given to the staff that worked with PAL. He stated that he hoped that Cameron Walden would be honored at a Commission meeting along with the PAL state champion basketball team.

D.A.R.E

Mayor Kelley stated that he attended a D.A.R.E graduation at St. Brendan’s School. He stated that Officer Brennan and Officer Dovine did a great job. He noted that the schools brought presents for the officers and wanted to get pictures with them.

Teacher Appreciation

Mayor Kelley stated that today was Teacher Appreciation Day. He noted that his daughter was in her 14th year of teaching and Commissioner Kent was in his 18th year. He stated that the city and the Ormond Beach Chamber of Commerce recognized Teachers of the Quarter in the city.

I-95 and US1 Interchange

Mayor Kelley noted that he had met with an individual and was going to be getting the community involved in a partnership between the Interstate 95 and US1 Business Coalition. He stated that the group would do their own lobbying, and noted that he had a letter ready to go to Governor Rick Scott. He explained that he had a form letter signed from Governor Scott offering help, and he noted that he would enclose that with their request when they sent it. He explained that they would push for equal footing with the LPGA interchange, noting that it had moved ahead. He stated that he would be attending the River to Sea Transportation Planning Organization and pushing ahead. He stated that there were lots of state funds available, and it would take working together to obtain them.

Mayor’s Health and Fitness Challenge

Mayor Kelley stated that tomorrow morning planning would start for the 2017 Mayor’s Health and Fitness Challenge.

Item #11 – Adjournment

The meeting was adjourned at 7:42 p.m.

APPROVED: May 17, 2016

BY:

Ed Kelley, Mayor

ATTEST:

J. Scott McKee, City Clerk