

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

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**February 7, 2017**

**7:00 p.m.**

**Commission Chambers**

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Present were: Mayor Bill Partington, Commissioners Dwight Selby, Troy Kent, Rick Boehm, and Rob Littleton, 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 – January 17, 2017

**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. 2017-33** : A RESOLUTION AUTHORIZING THE EXECUTION OF A LETTER OF AGREEMENT AND CONTRACT FOR HIGH VISIBILITY ENFORCEMENT FOR THE PEDESTRIAN AND BICYCLE SAFETY ENFORCEMENT CAMPAIGN BETWEEN THE CITY OF ORMOND BEACH AND THE UNIVERSITY OF SOUTH FLORIDA BOARD OF TRUSTEES FOR THE UNIVERSITY OF SOUTH FLORIDA'S CENTER FOR URBAN TRANSPORTATION RESEARCH; AND SETTING FORTH AN EFFECTIVE DATE

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

- B. **RESOLUTION NO. 2017-36** : A RESOLUTION AUTHORIZING THE EXECUTION OF A LEASE AGREEMENT BETWEEN THE CITY AND ISAAC R. LEARY FOR THE OPERATION OF THE CASSEN PARK BAIT SHOP; SETTING FORTH AN EFFECTIVE DATE.

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

- C. **RESOLUTION NO. 2017-37** : A RESOLUTION AUTHORIZING THE EXECUTION OF A RELEASE OF A SPECIAL MAGISTRATE ADMINISTRATIVE FINE/LIEN FOR CODE VIOLATION ON PROPERTY LOCATED AT 722 ORCHARD AVENUE, ORMOND BEACH, VOLUSIA COUNTY, FLORIDA (PARCEL ID NO. 4242-15-00-0430); AND SETTING FORTH AN EFFECTIVE DATE.

*Staff Contact:* Chris Mason, Neighborhood Improvement Manager (386-676-3352)

- D. **RESOLUTION NO. 2017-38** : A RESOLUTION ACCEPTING A BID FROM VIRTUAL ENGINEERING, LLC FOR THE SANITARY SEWER SYSTEM PIPE INSPECTION PROJECT, UNDER BID NO. 2017-02; AUTHORIZING THE EXECUTION OF A CONTRACT AND PAYMENT THEREFOR; REJECTING ALL OTHER BIDS; AND SETTING FORTH AN EFFECTIVE DATE.

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

- E. **RESOLUTION NO. 2017-39** : A RESOLUTION AUTHORIZING THE EXECUTION OF A SOVEREIGNTY SUBMERGED LANDS EASEMENT FOR PUBLIC UTILITY PURPOSES BETWEEN THE CITY OF ORMOND BEACH AND THE BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND OF THE STATE OF FLORIDA; PROVIDING FOR RECORDATION; AND SETTING FORTH AN EFFECTIVE DATE.

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

- F. **RESOLUTION NO. 2017-40** : A RESOLUTION ACCEPTING A PROPOSAL FROM UNIVERSAL ENGINEERING SCIENCES, INC. TO PROVIDE BUILDING INSPECTION SERVICES ON AN AS-NEEDED BASIS, AUTHORIZING THE EXECUTION OF A WORK AUTHORIZATION AND PAYMENT THEREFOR, SETTING FORTH AN EFFECTIVE DATE.

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

- G. **RESOLUTION NO. 2017-42** : A RESOLUTION APPOINTING MEMBERS OF THE LEISURE SERVICES ADVISORY BOARD; SETTING FORTH TERMS AND CONDITIONS OF SERVICE; AND SETTING FORTH AN EFFECTIVE DATE.

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

- H. **Auto Renew Contract - Vehicle and Equipment Mobile Repair and Preventative Maintenance**

**Staff Contact:** Kevin Gray, Public Works Operations Manager (386-676-3522)

**Disposition:** Approve as recommended in the City Manager memorandum dated February 7, 2017.

- I. **Renewal of Non-Exclusive Franchise Agreement for Halifax Wrecking Co., Inc.**

**Staff Contact:** Kevin Gray, Public Works Operations Manager (386-676-3522)

**Disposition:** Approve as recommended in the City Manager memorandum dated February 7, 2017.

- J. **Surplus Property available for affordable housing**

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

**Disposition:** Approve as recommended in the City Manager memorandum dated February 7, 2017.

## 7. PUBLIC HEARINGS

- A. **ORDINANCE NO. 2017-01** : AN ORDINANCE APPROVING THE FINAL PLAT FOR "CHELSEA PLACE PHASE-III" SUBDIVISION A PLANNED RESIDENTIAL DEVELOPMENT; 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. 2017-02** : AN ORDINANCE AMENDING CHAPTER 2, DISTRICT AND GENERAL REGULATIONS, ARTICLE VI, OVERLAY DISTRICTS OF THE LAND DEVELOPMENT CODE TO REMOVE THE EXISTING TWO (2) STORY HEIGHT LIMITATION ALONG NEW BRITAIN AVENUE, FROM NORTH BEACH STREET TO NORTH RIDGEWOOD AVENUE ABUTTING THE HISTORIC LINCOLN AVENUE OVERLAY DISTRICT AND ESTABLISH CERTAIN SETBACK AND LANDSCAPE STANDARDS; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; PROVIDING FOR SEVERABILITY; AND SETTING FORTH AN EFFECTIVE DATE. **(SECOND READING)**

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

- C. **ORDINANCE NO. 2017-03** : AN ORDINANCE ADOPTING CERTAIN UPDATED SCHEDULES TO THE CAPITAL IMPROVEMENTS ELEMENT OF THE CITY OF ORMOND BEACH COMPREHENSIVE PLAN; PROVIDING WHEN SUCH UPDATES SHALL TAKE EFFECT; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; AND SETTING FORTH AN EFFECTIVE DATE. **(SECOND READING)**

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

**8. SECOND READING OF ORDINANCES**

- A. **ORDINANCE NO. 2017-05** : AN ORDINANCE AMENDING SECTION 2-221, LEISURE SERVICES ADVISORY BOARD, OF ARTICLE VI, BOARDS, COMMISSIONS, COMMITTEES AND OTHER AGENCIES, OF CHAPTER 2, ADMINISTRATION, OF THE CODE OF ORDINANCES, BY CHANGING THE BOARD MEMBERSHIP FROM TWELVE TO THIRTEEN MEMBERS; REPLACING THE SENIOR CENTER WITH ORMOND BEACH FRIENDS OF RECREATION, INC.; PROVIDING TERMS AND CONDITIONS; AND SETTING FORTH AN EFFECTIVE DATE. **(SECOND READING)**

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

**9. REPORTS, SUGGESTIONS, REQUESTS**

**10. ADJOURNMENT**

Item #1 – Meeting Call to Order

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

Item #2 – Invocation

Pastor Dr. Marcus Buckley, Oasis Church, gave the invocation.

Item #3 – Pledge of Allegiance

Mayor Partington led the Pledge of Allegiance.

Item #4 – Audience Remarks

Mayor Partington noted that no members of the public had completed requests to speak.

Item #5A – Approval of Minutes

Mayor Partington advised that the minutes of the January 17, 2017, 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 Partington 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 Selby	Yes
	Commissioner Kent	Yes
	Commissioner Boehm	Yes
	Commissioner Littleton	Yes
Carried.	Mayor Partington	Yes

Comments on Consent Agenda Items

Commissioner Boehm noted that Mr. Ike Leary was present in the audience. He stated that the Consent Agenda contained the renewal of the lease agreement for the bait shop located at Cassen Park. He stated that Mr. Leary was one of the unsung people in Ormond Beach who performed great service and had done so for years. He stated that Mr. Leary operated the bait shop in Cassen Park, and he never asked the city for anything and had kept that location clean and worked hard there. He noted that Mr. Leary was a great ambassador for the City of Ormond Beach. He stated that he was very happy that Mr. Leary wanted to renew the lease for five more years and noted that Mr. Leary had indicated to him that he wished to do the five years after that, as well.

Commissioner Kent stated that Mr. Leary was a gem in the community. He explained that years ago he discovered that Mr. Leary was cleaning the public restrooms and making sure they were stocked with soap and hand towels, even though it was not his responsibility to do so, because he felt that was the right thing to do. He stated that Mr. Leary was a true ambassador for the City of Ormond Beach, even without formally having that as his title. He thanked Mr. Leary for the service that he provided. He noted that Mr. Leary's efforts were very much appreciated. He stated that Mr. Leary attended many of the city's fishing tournaments and provided bait for the participants. He further explained that Mr. Leary cooked hotdogs for the children and families there, as well.

Item #7 – Public Hearings

Mayor Partington opened the public hearings.

Item #7A – Chelsea Place, Phase III Final Plat

City Clerk Scott McKee read by title only:

ORDINANCE NO. 2017-01  
AN ORDINANCE APPROVING THE FINAL PLAT FOR "CHELSEA PLACE  
PHASE-III" SUBDIVISION A PLANNED RESIDENTIAL DEVELOPMENT;  
ESTABLISHING CONDITIONS AND EXPIRATION DATE OF APPROVAL;  
AND SETTING FORTH AN EFFECTIVE DATE.

**Commissioner Boehm moved, seconded by Commissioner Kent, for approval of Ordinance No. 2017-01, on second reading, as read by title only.**

Commissioner Kent stated that this item was one of many examples of something that they got right. He explained that the Commission annexed Chelsea Place into the city, and he was proud that it was now located within the city. He stated that this Commission, and the former Commission, was able to foresee how great this community would be in Ormond Beach, and he congratulated them for a great job.

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

Item #7B – New Britain Avenue Height Amendment, LDC Amendment

City Clerk Scott McKee read by title only:

ORDINANCE NO. 2017-02  
AN ORDINANCE AMENDING CHAPTER 2, DISTRICT AND GENERAL  
REGULATIONS, ARTICLE VI, OVERLAY DISTRICTS OF THE LAND  
DEVELOPMENT CODE TO REMOVE THE EXISTING TWO (2) STORY  
HEIGHT LIMITATION ALONG NEW BRITAIN AVENUE, FROM NORTH  
BEACH STREET TO NORTH RIDGEWOOD AVENUE ABUTTING THE  
HISTORIC LINCOLN AVENUE OVERLAY DISTRICT AND ESTABLISH  
CERTAIN SETBACK AND LANDSCAPE STANDARDS; REPEALING ALL  
INCONSISTENT ORDINANCES OR PARTS THEREOF; PROVIDING FOR  
SEVERABILITY; AND SETTING FORTH AN EFFECTIVE DATE.

Mr. Glenn Storch, Attorney for Applicant, stated that he presented a very detailed presentation at the previous meeting, which highlighted that the applicant had received

approval recommendations from staff and the Planning Board. He noted that a great number of individuals also attended the meeting to speak in support of the proposed amendment and to express their enthusiasm for the concept. He stated that he would not reiterate all of those points, but he wanted to remind the Commission of the evidence that had already been provided to them. He noted he hoped that they would refer to that when voting at tonight's meeting.

Mr. Storch noted that there were a few new developments which he wanted to address. He stated at the last meeting there had been references made to the downtowns of New Smyrna Beach and Deland that those areas only had two stories. He noted that he knew that was incorrect when he heard it but did not want to mention it until he could prove it. He stated that he went down to Canal Street and Flagler Avenue in New Smyrna Beach and also to the downtown area of Deland. He stated that there were different heights of buildings in those locations, including ones which were two, three, four, or five stories. He explained that was not immediately evident because the buildings were all integrated and the look worked together. He noted that several speakers pointed to those downtowns as something to be emulated and he agreed that they were.

Mr. Storch stated that he had spoken to Mr. Bill Jones, the applicant, about what he really wanted to do. He explained that Mr. Jones wanted to create a downtown with buildings that looked like they were historic. He noted that some of the buildings may appear to have been built in the time periods of the 1930s and 1940s. He explained that the project would grow as a downtown did. He stated that this was a tremendous concept. He stated that others places have done similar things. He explained that a building burned down in New Smyrna Beach in the middle of their Canal Street downtown area. He further explained that someone rebuilt it in the mold of a historic building built in 1940. He noted that it fit into the area beautifully. He explained that this was the type of thing they were aiming for. He stated that he was very excited about the concepts and knew that he and Mr. Jones could not wait to share them.

Mr. Storch stated that those he spoke to after the last meeting were thrilled with the development. He explained that a newspaper editorial was written commending them, as well. He stated that they intended to do the right thing, and the city was fortunate to have Mr. Jones as part of the process.

Ms. Merri Churchill, 39 Coquina Point Drive, stated that she appreciated the Commission allowing the people of Ormond Beach to speak about developments in the city. She noted that she really liked the city and wanted to keep it looking how it should be. She explained that she and her husband spent six months of the year in England and had a 1800s-built home. She noted that she could not think of a better type of home to have on New Britain Avenue than a 1800s-style home that was built in Britain. She held up a photograph of the home that she and her husband had for the Commission to see. She stated that she would like for Mr. Jones to be able to look at it.

Ms. Churchill noted that she had a picture of another home which was called a mews home. She explained that the photograph she had was of a rather dilapidated one but noted that new construction could make a very nice one. She explained that a mews home was built up and over the garage to a certain degree. She further explained that the building would be a big square with a garage on one side and stairs going up the center to the upstairs living area of the home. She stated that the garages in the days of the mews homes had spaces for stables for horses rather than garages for cars. She noted that these types of homes were very sought-after all over England and very expensive. She stated that there were all terraced home styles. She noted that other home styles for consideration included duplexes and triplexes with garages in-between the houses. She stated that the South Forty neighborhood was a good example of that. She noted that shared walls were good for construction and very well insulated. She stated that her home was 1,500 square feet, which she felt was more than enough for two people. She noted that she converted one of the upstairs bedrooms into a beautiful bathroom and a changing room. She stated that those types of homes would look very nice along New Britain Avenue. She noted that she was all for some development there but explained that she thought that most people would prefer something at a two-story level. She stated that something with an old world appearance would also be appreciated.

Mayor Partington thanked Ms. Churchill and invited her to share her photographs with Mr. Jones. He explained that if she would like to provide a copy to the City Clerk for the record she could do so.

Mr. Jeff Boyle, 614 North Halifax Drive, stated that outside of the business community the opposition to the proposed amendment was as great as it had been in the 2006 building height referendum. He noted that even those opposed could acknowledge an enormous public debt of goodwill owed by the community to the applicant, Mr. Jones. He stated that Mr. Jones' land swap partnership with the city provided a needed parcel on Lincoln Avenue for stormwater retention. He stated that in return Mr. Jones received a city-owned commercial property on West Granada Boulevard, expanded use of his New Britain Avenue properties, and that night's land code amendment enabling five-stories. He noted that the chronology suggested that the amendment had an early approval from the city's Planning Department, long before any public hearings. He stated that there were significant community redevelopment agency (CRA) benefits. He explained that CRA dollars funded the stormwater project, there were higher assessed values to meet CRA compliance, and the city was qualified for future CRA dollars from the county.

Mr. Boyle stated that at the last meeting Mr. Storch conducted a PowerPoint presentation which quoted him as saying "we should all work together." He noted that Mr. Storch omitted the second part of his statement. He clarified that he had said that "we should all work together like we did on the Wal-Mart apartments." He explained that on that project Broadwater community homeowners and environmentalists did not want apartments directly on the Tomoka River. He noted that the Tanglewood subdivision also needed a high buffer from three-story buildings. He stated that he and Mr. Storch worked together to resolve those issues for the incumbent residents. He stated that the apartment community was known now as Bermuda Estates. He explained that the original 600-unit project had been downsized to 344-units, the setback from the river was a quarter of a mile, and the lush natural buffer was left in place for Tanglewood. He stated that was how they used to work together to address impacts to protect incumbent residents. He noted that presently no one had worked with the Lincoln Avenue homeowners. He stated that they were identified in the aforementioned newspaper editorial as a "trade-off." He noted that in the pledge of allegiance, recited that evening, they all said "justice for all." He stated that Lincoln Avenue was not receiving justice and that the proposed amendment trampling their rights was an injustice.

Mr. William Jones, 12 Talaquah Boulevard, stated that he thought the Commission was doing a phenomenal job. He stated that the city's downtown was cool and was getting cooler. He noted that he did not see why they would stop progress there. He stated that the proposal was not to build a Wal-Mart behind New Britain Avenue. He noted that he was in Austin not too long ago and had been studying buildings since this issue arose, including counting stories. He stated that nothing was below two-stories except a lot of bars. He noted that Ormond Beach was classier than that. He stated that he thought that Lincoln Avenue would be fine and perhaps even better than before. He recalled that a speaker at the last meeting had stated that "we are Lincoln." He stated that "we are Lincoln, we are Talaquah, we are Broadwater, and we are Ormond Beach." He noted that a lot of people were working together, and he did not think that they were as divided as suggested. He stated that he had lived in Ormond Beach his entire life and planned to die there. He noted that he wanted to stay and see everything through. He noted that he was sure he would be back on many more occasions for the building. He stated that they would fight over five-stories, if it was needed, but explained that the amendment this evening was not about five-stories but just about an amendment to get the regulation back to what it was in 2010. He noted that they were not talking about building a wall, just returning property rights to the private owner.

Mr. G.G. Galloway, 1305 Oak Forest Drive, stated that this was buying into a visionary idea from someone who had put proof in the pudding and brought vision into everything he had done. He noted that he was 63 years old and had lived in the city for 35 years. He stated that most of those in the audience were his age or older. He stated that a young man had just stated that he wished to live and die in the city. He explained that if the vision was not changed the city would be known as the town that died. He stated that young life needed to be brought back into the community. He noted that Mr. Jones had put his heart and soul into a new vision.

Mr. Ryan Smith, 25 Indian Trail, stated that he spent a lot of time on Granada Boulevard, noting that he worked at the frame shop at 25 West Granada Boulevard with his girlfriend, who was Mr. Jones' daughter. He stated that he had been adopted into Ormond Beach. He noted that he was born and raised in Port Orange and moved to Ormond Beach about five years prior. He stated that he loved Ormond Beach and planned to stay here with Mr. Jones. He noted that he was rather invested in the town as a young person. He explained that he tried to get his friends to come out from Orlando and other areas to see Ormond Beach and give it a chance. He noted that Ormond

Beach had many nice restaurants and cool history. He stated that he supported the amendment.

Mr. Don Dewar, 15 Deerskin Lane, stated that Mr. Jones had some great concepts. He noted that he wanted to offer a suggestion to the development. He suggested moving New Britain Avenue towards the back of the Lincoln Avenue Historic District. He explained that the road could go along the abutment down towards Beach Street. He noted that the street would then be one-way, with a right turn at the end. He explained that he thought that would afford Mr. Jones a different concept in the varying heights that seemed to be enabling. He noted that he foresaw perhaps a maximum of three-stories. He explained that he felt that four or five-stories were too much for the area. He noted that he also saw townhouses with garages underneath as appropriate. He stated that he sometimes went to New York City and had seen beautiful brownstones. He stated that this type of concept would provide the residents of Lincoln Avenue a certain amount of privacy, as well.

Ms. Jennifer Wells, 98 North Beach Street, stated that when she purchased her home in 1993 it was in the historic district. She noted that she believed they would be losing the historic aspect. She explained that there was nothing historic about Mr. Jones' ideas as they had been presented at the last two meetings. She stated that if Mr. Storch believed that if a building from the 1940s had historic significance, she would venture to say that a few people in the room would not be flattered by that. She stated that she considered historic to be in the 1800s. She noted that her home went back to the 1800s and so did her neighbors' homes. She referenced Mr. Storch's comments about Deland and New Smyrna Beach. She explained that when she spoke of two-stories being successful, she did not mean Deland but New Smyrna Beach. She noted that she had been a resident of New Smyrna Beach and knew that two-stories had been done successfully there. She stated that she understood the funding restrictions and the pressures associated with that. She explained that she also understood that this could be done with just two-stories and noted that everyone would be happy then. She stated that residents would be happy in their historic homes and visitors would be happy going to the two-story shops in the area.

Ms. Wells noted that she did not believe that three to five-stories were necessary to make anyone happy. She explained that she worried about any shops there not being filled, noting that the shops at Marina Grande were still empty. She noted that this could also occur here. She stated that she noticed that most of those in favor of the amendment did not live in the area and did not deal with the problems that she had to live with, including traffic and emergency vehicle difficulties. She noted that she also wanted to mention that there were people who appreciated what Mr. Jones was doing but wanted to keep the building heights the way they were. She stated that she thought the area definitely needed a facelift. She explained that when her friends came to visit she took them to New Smyrna Beach because there was nothing in Ormond Beach. She noted that she applauded what Mr. Jones was trying to do but explained that she did not think that the historic significance and value of the area needed to be ruined. She repeatedly stated that Cape Cod had two-stories as she returned to her seat.

Ms. Julia Truilo, 307 John Anderson Drive, Executive Director of Ormond Beach MainStreet, noted that much had been said already about the historic value of Lincoln Avenue and about what might be lost. She stated that she wanted to talk about what might be gained. She noted that Deland had been mentioned and referred to as having a successful downtown. She explained that downtown Deland had a Main Street program, and that they, along with the city, encouraged residential downtown living. She noted that they had adopted that as their first priority. She stated that she wanted to briefly read from the white paper that they were distributing in reference to that. She encouraged the listeners to substitute the word "Ormond" for "Deland" when they heard it.

Ms. Truilo read as follows:

*"Multi-family residential living units will add value to downtown Deland. Deland is a vibrant community; however, to grow and be sustainable it will require an infusion of multi-family residential living units in the downtown area to meet the needs of the community. The choices currently available are practically non-existent. According to author, activist, and urban planner Jane Jacobs, for each block of commercial activity, 2,000 living units are required in order to be sustainable. Marketing downtown housing can go beyond the usual suspects – young people, retirees, etc. – to include those*

*who work downtown and would like to cut their commute, and who are otherwise drawn to living downtown because of its amenities. According to Donovan Rypkema, downtown residents typically spent three or four times as much money downtown as do downtown employees. Randall Gross reports that downtown residents on an annual basis spend more on downtown retail than their downtown destination counterparts, making them clearly a prized retail market segment.”*

Ms. Truilo stated that Ormond’s Main Street needed these residents. She encouraged the Commission to allow them to come.

Mayor Partington noted that he had a request to speak card from Ms. Dorian Burt, but that Ms. Burt declined to speak and waved in support of the amendment.

**Commissioner Kent moved, seconded by Commissioner Boehm, for approval of Ordinance No. 2017-02, on second reading, as read by title only.**

Commissioner Kent noted that he made his comments at the last public hearing and that nothing had changed prior to this second reading. He stated that he would be supporting the amendment as he did on its first reading. He stated that he believed that three-stories were a really great place to be. He noted that he mentioned at the last public hearing that he would have some reservations with four or five-stories, depending on where they were located, and he stated that he still felt that way.

Commissioner Selby explained that he mentioned at the last meeting that he had a business relationship with one of the property owners that would be affected by this amendment changing the zoning. He further explained that after consultation with the City Attorney and the Florida Ethics Commission, he would be abstaining from the vote, but he noted that he was permitted to participate in the discussion. He stated that he was still in support of the text amendment.

Commissioner Littleton stated that he appreciated the audience members in attendance. He explained that it showed how much they cared about Ormond Beach. He noted that the arguments presented this evening were essentially the same as they had been at the last meeting and thus he saw no reason to change his vote.

Call Vote:	Commissioner Boehm	Yes
	Commissioner Littleton	Yes
	Commissioner Selby	Abstain
	Commissioner Kent	Yes
Carried.	Mayor Partington	Yes

Item #7C – 2016 CIE Update

City Clerk Scott McKee read by title only:

ORDINANCE NO. 2017-03  
 AN ORDINANCE ADOPTING CERTAIN UPDATED SCHEDULES TO THE CAPITAL IMPROVEMENTS ELEMENT OF THE CITY OF ORMOND BEACH COMPREHENSIVE PLAN; PROVIDING WHEN SUCH UPDATES SHALL TAKE EFFECT; 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. 2017-03, on second reading, as read by title only.**

Call Vote:	Commissioner Littleton	Yes
	Commissioner Selby	Yes
	Commissioner Kent	Yes
	Commissioner Boehm	Yes
Carried.	Mayor Partington	Yes

Mayor Partington closed the public hearing without objection.

Item #8A – Amendment to Section 2-221, Code of Ordinances, Leisure Services Advisory Board

City Clerk Scott McKee read by title only:



ORDINANCE NO. 2017-05

AN ORDINANCE AMENDING SECTION 2-221, LEISURE SERVICES ADVISORY BOARD, OF ARTICLE VI, BOARDS, COMMISSIONS, COMMITTEES AND OTHER AGENCIES, OF CHAPTER 2, ADMINISTRATION, OF THE CODE OF ORDINANCES, BY CHANGING THE BOARD MEMBERSHIP FROM TWELVE TO THIRTEEN MEMBERS; REPLACING THE SENIOR CENTER WITH ORMOND BEACH FRIENDS OF RECREATION, INC.; PROVIDING TERMS AND CONDITIONS; AND SETTING FORTH AN EFFECTIVE DATE.

**Commissioner Kent moved, seconded by Commissioner Boehm, for approval of Ordinance No. 2017-05, on second reading, as read by title only.**

Call Vote:	Commissioner Selby	Yes
	Commissioner Kent	Yes
	Commissioner Boehm	Yes
	Commissioner Littleton	Yes
Carried.	Mayor Partington	Yes

Item #9 – Reports, Suggestions, Requests

Upcoming Meetings

Ms. Joyce Shanahan, City Manager, stated that there was a stakeholders' meeting for the MacDonald House at 7:00 p.m. at The Casements on Wednesday, February 8, 2017. She noted that the Commission would have a workshop with an update on the process that the city was doing with the consultant regarding the MacDonald House. She stated the Financial Trends Workshop was scheduled on March 20, 2017, and the Strategic Planning Workshop would be held on March 7, 2017, at 4:15 p.m.

Dog Park Update

Mr. Randy Hayes, City Attorney, stated that the legal documents had been completed and he believed it would soon be getting done. He explained that the attorney for the YMCA gave his blessing on it. He noted that he believed that he was meeting with the YMCA representatives the previous week and would be meeting with the bank. He explained that once approval was received on the easement document, the city would then be in a position to move forward with the appraisal. He noted that he wanted to briefly go over where this started and where it had ended up. He stated that he had never really had an opportunity to do so collectively with the current Commission. He noted that where they started and where they were ending up was about 180 degrees apart.

Mr. Hayes stated that the YMCA had asked the City Commission for \$500,000 to be used for the construction of dog park facilities on their privately owned land. He noted that this seemed like a pretty simple request but explained that it was actually rather complicated in terms of the legal issues involved. He stated that the Florida Constitution prohibited the use of public funds to make permanent improvements on private property. He explained that there were ways to do that, but they had to look for bridges that had been created by the legislature. He stated that the first task became identifying possible alternatives, whereby they had now gone through six different alternative options since the beginning of the project.

Mr. Hayes stated that the first involved the Public-Private Partnership Act. He explained that under that act, public monies could be used to make improvements on privately held property with certain conditions. He stated that the condition was that at the completion of the construction in order to protect the capital investment of the public funds, the improved property had to be conveyed to the city, which was explained to representatives of the YMCA in August 2015 and to the Commission in September 2015. He noted that it was also explained that one of the requirements under the statute was that other proposals also needed to be solicited. He stated that it took a while to accomplish this, but he noted that it was completed by the end of 2015.

Mr. Hayes stated that the process of developing the agreement was then begun. He noted that one was prepared and provided to the YMCA in April. He stated that it had been consistent with the constitutional requirements which required the conveyance of the property to the city. He explained that they were preparing to lease back to the YMCA the park for operation as a dog park under a long-term lease. He stated that the YMCA had some concerns and some issues had prevented their ability to convey the

property to the city. He explained that those issues included a mortgage on the property and that they were not really in favor of conveying the property to the city. He stated that this created a major issue for the city.

Mr. Hayes explained that they then began looking at alternative options with the YMCA. He stated the first option they explored was the possibility of utilizing the ECHO grant program at the county, with the thought that the city might be able to provide the money to the county and have it redistributed as an ECHO fund grant. He explained that once they evaluated the legal requirements of an ECHO grant, they determined that because of the structure that this was not a viable option. He stated that they then moved on to a concept involving a fee for service contract. He explained that under this concept the money could not be used for the construction of the improvements on the land because the YMCA could not, or would not, convey the property to the city. He further explained that under a typical fee for service contract, the city would provide payment in arrears for services that had been provided. He noted that there was a lot of discussion about that concept and explained that it created concerns from the YMCA's perspective because their primary interest was getting as much in a lump sum on the front-end as the city could provide.

Mr. Hayes explained that the task then became trying to find a way to protect the capital investment of the taxpayers' funds and protect the use of the property long-term. He stated that segued into a concept wherein the YMCA agreed to provide an easement to the city in conjunction with the service agreement. He stated that the city would purchase an easement, the YMCA would use its own money to construct the park, and the city would enter into a service agreement for the operation of the park. He explained that the YMCA then decided that they did not really want to do the service agreement because the city was going to try and expand the services in exchange for the financial contribution. He noted that it became a little complicated and a little problematic. He stated that the YMCA decided that they would rather the city purchase an easement for the full amount of the money. He noted that this was the concept they were presently working on.

Mr. Hayes explained that the city was looking into purchasing an easement but noted that they triggered other requirements that the city needed to comply with under the code, including the city now needing to get appraisals on the property. He noted that meant that the city had to obtain legal descriptions. He explained that there were some issues with how the site plan impacted the ability of the YMCA to give the city certain easements for access. He noted that they worked through all of that and packaged it into a document which they believed adequately protected the city's interests in what they were trying to accomplish. He stated that they were awaiting word back from the YMCA and the bank, explaining that their interest would have to be subordinated to that of the city. He stated that if all of this was accomplished, they could obtain their appraisals and be good to go. He explained that in the end they would end up with the purchase of an easement for a dog park, an access easement over the entirety of the property for ingress and egress purposes only, and an operations agreement which would address issues such as liability, whether or not any fees might be allowed by the Commission, and those sorts of things. He noted that there would also be a license agreement to provide for some parking on the center street right-of-way.

Mr. Hayes noted that the reason he was taking the time to explain all of this was to convey the enormous complexity of some of the questions that had to be looked at over many months. He stated that the question as it was first presented was rather simple, but then it became more complicated as different concepts were explored and various issues arose. He noted that he believed that they were pretty close to getting to where it needed to be. He stated that he would be happy to answer any questions.

Commissioner Selby thanked Mr. Hayes for his report on the dog park. He noted that he routinely saw Ms. Teresa Rand, the Executive Director of the YMCA, and stated that she had been very positive and optimistic about the pace of the developments of late. He noted that it was encouraging.

#### Citizen Comments Regarding Hurricane Matthew Damage

Commissioner Selby stated that a citizen contacted him to inform him that some streetlights were still out on John Anderson Drive from Hurricane Matthew. He noted that he had already relayed that information, and the next citizen comment that he would mention, to the City Manager. He stated that a citizen informed him that the Amsden Road beach approach still had damage. He noted that this was the county's

responsibility, but he expressed that any encouragement that the city could provide them to rectify the situation would be appreciated.

#### Impact Fee Credits

Commissioner Selby stated that another citizen comment brought to his attention, which he had briefly discussed with Planning Director Ric Goss, was the fact that when an existing building was purchased and demolished, impact fee credits would be provided for the fixtures that were there, or based on the use of the property, for future development. He stated that it was his understanding that in the city's code that if the protection of those was not reserved in advance through a development agreement, then over time the impact fees credits would be reduced at a rate of ten percent per year. He noted that he was just made aware of this in the last couple of days and did not want to mischaracterize it because he was just learning how it worked. He stated that this was something that he would actually like to discuss. He explained that while he believed that he understood why that was put in the code, but he noted that he was not certain about that, as he believed this could potentially have a negative impact on redevelopment. He explained that if someone lost those credits over time, they would be less likely to want to redevelop. He noted that this was brought to his attention and he wanted to bring it up. He stated that he had redeveloped properties himself and knew the importance of those credits.

#### Traffic Issues

Commissioner Selby stated that he had been thinking a lot about the growth that would happen and the comments that arose at the last two meetings in regards to the issue of traffic, and specifically traffic on Granada Boulevard. He explained that it occurred to him that there was a fair amount of new developments on Granada Boulevard in the pipeline and noted that it would impact traffic. He stated that it was very important for the community to think about east-west alternatives to Granada Boulevard. He noted that the two obvious ones would be Wilmette Avenue and Hand Avenue. He stated that he travelled both of those streets almost every day. He explained that one of the things that concerned him about those streets were the speed limits. He stated that there were sections of both of those roads that had 25 miles per hour speed limits. He explained that he did not want anything done that would not be safe but noted that he did not want to discourage drivers from using those roads because of the low speed limit; and therefore, not lessen traffic on Granada Boulevard. He stated that there were occasionally speed traps on both of those roads, which were another reason that drivers may not want to utilize them. He noted that he brought this up to think about in the context of managing future growth.

#### North US1 and Broadway Avenue

Commissioner Selby stated that he had spoken about North US1 and Broadway Avenue and their significance. He explained that Broadway Avenue intersected US1 just south of the Race-Trac and a golf cart business. He stated that going west on Broadway Avenue would take you to Plantation Oaks, a 1,500-1,600 unit new residential development. He explained that if you came off on Interstate 95 and went south on US1 at Broadway Avenue to the left would ultimately be an almost 1,600 unit residential development and to the right may possibly eventually be the first entrance to Ormond Crossings, which would be a major commercial development and future of the community. He stated that he was very focused on what kind of presence the community could have there. He stated that earlier in the week he met with the property owner of the vacant lot on the southeast quadrant which would take you into Plantation Oaks. He stated that he received some positive feedback from that meeting.

#### Community Gardens Ribbon Cutting

Commissioner Selby stated that he attended the ribbon cutting of the community gardens at Central Park I on February 4, 2017. He noted that it was a fantastic event. He stated he had apologized to the Commission but wanted to publicly do so again. He noted that he had arrived probably a few minutes late. He explained that he thought that the Commission would probably just be standing around the outside and was unaware that the Commission was set up with five chairs right in front. He stated that he was the last person to arrive and was embarrassed by that. He explained that he did not realize what a big deal it would be and noted that in the future he would be more prompt. He stated that it was not about him, however, and was about what Leisure Services had done. He noted that he was not really a gardener, but the community gardens were very cool and the people who did them were really into it. He stated that it was a great thing to learn about.

Commissioner Kent stated that the community garden ribbon cutting ceremony was an example of another top notch job by city staff. He stated that the plots sold out for the first two gardens and they were wildly successful, which was a great problem to have.

#### Dog Park Update

Commissioner Kent thanked Mr. Hayes for his update on the dog park. He noted that questions about it came up at each meeting so he appreciated him sharing some insight into it. He asked Mr. Hayes how long he had served as the City Attorney for Ormond Beach; whereby, Mr. Hayes replied that it had been almost 24 years. Commissioner Kent asked Mr. Hayes who he protected in the city; whereby, Mr. Hayes replied that it was his job to protect the Commission, management, and the employees to the extent that there was no conflict.

Commissioner Kent stated that he felt that Mr. Hayes had done an incredible job. He noted that Mr. Hayes did not speak often, but when he did he really listened to what he had to say. He thanked Mr. Hayes for his counsel, not only on this issue but on all issues. He stated that Mr. Hayes and his staff did a great job. He explained that on the outside this seemed like a simple thing – both the city and the YMCA wanted the dog park and had agreed upon the price. He noted that it was not that clean and neat because it was taxpayer funds and public dollars could not be given to a private entity unless the public could be assured that their dollars would be safe if something were to happen to that entity. He asked Mr. Hayes who the general public could seek restitution from if something were to happen to that entity and the city was not protected; whereby, Mr. Hayes responded that in that context it would likely be the City Commission.

Commissioner Kent thanked Mr. Hayes for protecting the residents of Ormond Beach and for protecting the Mayor and Commissioners. He explained that his hope was that all i's would be dotted and all t's would be crossed. He stated that once Mr. Hayes gave the project his blessing, he would give it his blessing. He noted that the one caveat would be if the YMCA came to the Commission and requested a fee for Ormond Beach residents to use that facility. He explained that he brought that up because he was in favor of this but noted that the comment had once been made that there would be a small nominal fee for Ormond Beach residents to use it. He noted that he would be "out" if that was the case. He stated that the \$500,000 was the fee for good and forever. He stated that any Ormond Beach resident who wanted to use the dog park could use the dog park. He noted that he had publicly stated that anyone else could be charged as they did not pay. He stated that Ormond Beach taxpayers made their payment with the \$500,000. He noted that he was very fond of the YMCA and hoped that they could be great partners with the city in the near future.

#### Reel in the Fun Fishing Tournament

Commissioner Kent stated that one of the city's free fishing tournaments for children would be held on Saturday, February 18, at Central Park. He stated that parents and grandparents could attend with their children. He stated that it was a wholesome, fantastic event that the city put on. He noted that his advice was to bring a small fishing pole and some day-old bread.

#### Movies on the Halifax

Commissioner Kent stated that February 3, 2017, was the day after Groundhog Day. He noted that for the Movie on the Halifax that evening they showed Groundhog Day. He stated that the city just thought about stuff like that and it did not go unnoticed to him.

#### Reel in the Fun Fishing Tournament

Commissioner Boehm stated that sometimes when things developed over years, the details on how they got started got lost in the passage of time. He stated that the popular fishing tournaments were the idea of Commissioner Kent.

#### Community Gardens

Commissioner Boehm stated that Mayor Partington, who was then the Zone 4 Commissioner, saw a community garden somewhere and came back and suggested that the city could benefit from it. He noted that it was also a wildly popular and successful idea. He stated that people did not always consider that elected officials looked out for the city in small ways, too.

#### Cannonballs for Kayne

Commissioner Boehm stated that on February 11, 2017, between 3:00 p.m. and 5:00 p.m., there would be an event at the YMCA called Cannonballs for Kayne. He noted that some may have seen the picture of Police Chief Jesse Godfrey jumping in the YMCA

pool. He explained that the event was developed to create pediatric brain cancer awareness. He recommended that those who had an opportunity to contribute or attend should do so.

#### Staff Anniversaries

Commissioner Boehm stated that another great thing about the City of Ormond Beach, which demonstrated the relationship that the Commission and the City Manager and senior staff had, was that Captain Jim Crimins, who was here this evening representing the Police Department, was celebrating 25 years with the City of Ormond Beach that month. He noted that it was wonderful that he had dedicated his life to the police force in the city and he thought that was wonderful. He stated that sitting next to Captain Crimins was Fire Chief Bob Mandarino, who was celebrating 20 years with the city. He noted that Economic Development Director Joe Mannarino was also celebrating 14 years with the city. He stated that February was a good hiring month. He noted that Ms. Shanahan never sought to seek attention to herself and stated that she just passed eight years with the city. He stated that Ms. Shanahan had made a huge difference to the city. He stated that everyone he just named had, too. He noted that the Commission received credit for how well the city ran but stated that the reason it did was because of Ms. Shanahan and the city staff.

#### Super Bowl

Commissioner Boehm stated that he, Mr. Mannarino, and Mr. Ted MacLeod, Assistant City Manager and Public Works Director, were fans of the New England Patriots, who just won the Super Bowl. He noted that this was the fifth time that they had won.

#### City Facility Tours

Commissioner Littleton stated that he had the opportunity to tour the airport with Airport Manager Steven Lichliter and Mr. Mannarino. He thanked both of them. He stated that the highlight of the tour was going up in the air traffic control tower. He explained that he also toured the city's parks and leisure service facilities with Leisure Services Director Robert Carolin, noting that it took two days to do so. He stated that they covered a lot of ground and he thanked Mr. Carolin. He stated that on the second day he was able to see the second and third stories of the MacDonald House. He noted that he would save his remarks about that for the Commission's workshop on the subject in a few weeks.

#### Community Gardens

Commissioner Littleton stated that he was honored to have both community gardens in his zone.

#### Things to do in Ormond Beach

Mayor Partington stated that this was a great time of year in Ormond Beach as there was so much going on and plenty to do. He noted that if you thought there was nothing to do, you were not looking in the right places or talking to the right people. He stated that there were tons of great activities.

#### Arbor Day

Mayor Partington stated that he attended the Arbor Day ceremony on January 20, 2017, and presented a proclamation. He noted that this was Florida's Arbor Day and not the national Arbor Day. He stated that a second grade class from Pine Trail Elementary was present and was very excited about the tree that was being planted. He noted that a lot of trees were lost during Hurricane Matthew and that an arborist spoke about the benefits of trees. He stated that it was a great event and thanked Mr. Carolin for the job that he and his staff did.

#### Ormond Beach Chamber of Commerce Event

Mayor Partington stated that the 2017 installation of officers and awards banquet was held for the Ormond Beach Chamber of Commerce ("Chamber"). He noted that there was a great presentation on millennials, generation X-ers, and baby boomers. He stated that he had seen that presentation several times at different conferences, but this one was probably one of the best ones that he had seen. He stated that it was a very positive thing for Ormond Beach to have Ms. Debbie Cotton as the Executive Director of the Ormond Beach Chamber of Commerce. He noted that he did not know if everyone realized how blessed they were to get someone with that kind of experience and managerial attention to detail. He stated that Mr. Rafael Ramirez was Chairman of the Board for the second time. He noted that he would do a great job and that the Chamber would have a great year.

#### Yacht Club Celebration

Mayor Partington stated that he attended the Save the Yacht Club 107<sup>th</sup> Anniversary Celebration. He noted that the Ormond Beach Yacht Club was founded in 1910. He stated that this was their 14<sup>th</sup> annual banquet. He noted that he was a member but they had done amazing work to restore their historic building and to keep it community focused. He stated that he learned that across from the Anderson Price Building, just a little bit south of the parking lot for the Yacht Club, there were objects that looked like planters but were actually horse trough watering fountains built in the 1880s by John Anderson's Ormond Artesian Wells Company. He explained that several of them were built around the village for public consumption and for watering horses. He noted that it was the last actual trough remaining.

#### Police Promotional Ceremony

Mayor Partington stated that on January 23, 2017, he and Commissioner Littleton attended the promotional ceremony at the Ormond Beach Police Department. He noted that it was a fantastic pinning ceremony. He stated that Corporal Joshua Delong, Corporal Michael Garner, Sergeant Amberly Michaelis, Sergeant William Warmington, Lieutenant James Doggett, and Lieutenant Donald Smith, were recognized. He stated that some of those officers had been with the city for over 20 years. He noted that seeing them make those promotions and be celebrated by their families was a special thing. He stated that law enforcement took a beating on a daily basis but to see the dedication to service and protection was great. He thanked Ms. Shanahan and Police Chief Jesse Godfrey for making sure that the Commission was invited.

#### Team Volusia

Mayor Partington stated that he attended the 2017 annual meeting of Team Volusia, along with Commissioner Littleton and Commissioner Selby. He noted that there were great things going on in economic development. He stated that one of the thoughts that he had at that meeting was that something called "Team Volusia Economic Development Corporation" was hard to love and it was hard to understand exactly what they did. He noted that there were reasons for that but explained that it was important for everyone in Volusia County, particularly all of the cities, to cooperate with each other and the county in trying to promote a healthy economic environment. He explained that there were parts of the entire process that he did not agree with but noted that overall it was very important. He stated that Ormond Beach valued partnerships and working together, noting that they supported the overall mission. He stated that a rising tide raised all boats equally. He explained that he believed he had seen the evidence that Ormond Beach had benefitted from being a part of Team Volusia. He noted that it was great to see their exciting plans for next year.

#### County Chair Kelley

Mayor Partington stated that he saw former Ormond Beach Mayor and now County Chair Ed Kelley in his first economic presentation from the Volusia County Economic Development Department, noting that Commissioner Selby was present, also. He stated that County Chair Kelley did an excellent job. He noted that he believed things were good in the county and better under his leadership. He stated that County Chair Kelley had the ability to pull people together with different views and somehow make sure that they could work together to further the mission. He noted that it was great to see that in action.

#### Ormond Beach Historical Society

Mayor Partington stated that the Ormond Beach Historical Society ("Historical Society") held their annual meeting and installation of officers on February 3, 2017. He noted that almost the entire Commission attended that event. He stated that people of differing political opinions who cared about Ormond Beach and loved history gathered at the historic Anderson-Price Building to work together. He noted that Ms. Suzanne Heddy, the retired, longtime Executive Director, and the new Executive Director Elysha Petschauer, who came from Deland with many years of knowledge running the historical department there, were present.

#### Community Gardens Ribbon Cutting

Mayor Partington echoed the comments from the Commission regarding the community gardens' ribbon cutting. He noted that one woman and her husband that he spoke with moved to Ormond Beach because of the community garden being available to them here. He explained that they sold their home in St. Augustine and moved to Ormond Beach for that reason. He noted that another gentleman had told him that he had health problems and had to sell his home where he had his own beautiful garden. He explained

that this man now had a plot in the community garden which was manageable and healthy for him.

Commissioner Selby's Comments

Mayor Partington stated that he thought that Commissioner Selby had some great ideas. He suggested that he bring those up in a future brainstorming or strategic planning workshop.

Reel in the Fun Fishing Tournament

Mayor Partington referenced the upcoming fishing tournament and noted that Mr. Leary may make an appearance with hot dogs. He stated that he had even seen the Chic-Fil-A cow there before handing out breakfast sandwiches. He invited everyone to come out and enjoy the event. He noted that Commissioner Kent came up with this idea, and he stated that it was impressive what a great family activity it was.

Cannonballs for Kayne

Mayor Partington stated that on February 11, 2017, Schmancy Pops would also be out at the event, entitled Cannonballs for Kayne. He noted that he had been pronouncing it "kahn-yay" and his daughters corrected the pronunciation, noting that it was pronounced "cane." He explained that you did not need to do cannonballs to attend the event.

Item #11 – Adjournment

The meeting was adjourned at 8:15 p.m.

APPROVED: February 21, 2017

BY:

\_\_\_\_\_  
Bill Partington, Mayor

ATTEST:

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