

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

August 15, 2017

7:00 p.m.

Commission Chambers

Present were: Mayor Bill Partington, Commissioners Dwight Selby, Troy Kent, Rick Boehm, and Rob Littleton, City Manager Joyce Shanahan, 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 – July 25, 2017
 - B. Minutes from City Commission meeting – August 2, 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. 2017-148** : A RESOLUTION AUTHORIZING THE SUBMITTAL OF AN ON-LINE GRANT APPLICATION IN THE AMOUNT OF \$12,993.00 TO THE UNITED STATES DEPARTMENT OF JUSTICE, OFFICE OF JUSTICE PROGRAMS, UNDER THE EDWARD BYRNE JUSTICE ASSISTANCE GRANT PROGRAM; AUTHORIZING THE EXECUTION OF ALL DOCUMENTS INCIDENTAL THERETO, INCLUDING ANY CONTRACT NECESSARY FOR THE CITY TO ACCEPT THE GRANT AWARD; AND SETTING FORTH AN EFFECTIVE DATE.

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

- B. **RESOLUTION NO. 2017-149** : A RESOLUTION AUTHORIZING EXECUTION OF AN AGREEMENT BETWEEN THE CITY AND THE RIVER TO SEA TRANSPORTATION PLANNING ORGANIZATION IN SUPPORT OF PLANNING AND FUNDING OF VOLUSIA COUNTY TRANSPORTATION SYSTEM PROJECTS; AUTHORIZING THE EXPENDITURE OF FUNDING; AND SETTING FORTH AN EFFECTIVE DATE.

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

- C. **RESOLUTION NO. 2017-150** : A RESOLUTION AUTHORIZING THE ACCEPTANCE OF AN ACCESS, MAINTENANCE AND UTILITY EASEMENT DEED FROM BADC HUNTINGTON COMMUNITIES, LLC, LOCATED IN THE "HUNTINGTON VILLAS, PHASE 1B" SUBDIVISION A PORTION OF THE HUNTER'S RIDGE DEVELOPMENT OF REGIONAL IMPACT (DRI) LOCATED IN FLAGLER COUNTY; AND SETTING FORTH AN EFFECTIVE DATE.

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

- D. **RESOLUTION NO. 2017-151** : A RESOLUTION ACCEPTING A BID FROM J.D. WEBER CONSTRUCTION CO. FOR CONSTRUCTION SERVICES REGARDING THE SANDPIPER LANE DRAINAGE IMPROVEMENT PROJECT, UNDER BID NO. 2017-23; AUTHORIZING THE EXECUTION OF A CONTRACT AND PAYMENT THEREFOR; REJECTING ALL OTHER BIDS; AND SETTING FORTH AN EFFECTIVE DATE.

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

- E. **RESOLUTION NO. 2017-152** : A RESOLUTION AUTHORIZING THE EXECUTION OF A GRANT AGREEMENT BETWEEN THE CITY AND THE FEDERAL AVIATION ADMINISTRATION REGARDING THE DESIGN OF RUNWAY 8/26; AND SETTING FORTH AN EFFECTIVE DATE.

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

- F. **RESOLUTION NO. 2017-153** : A RESOLUTION PURSUANT TO SECTION 14-98, LIENS, OF THE CITY OF ORMOND BEACH CODE OF ORDINANCES AUTHORIZING THE IMPOSITION OF A LIEN AGAINST THE REAL PROPERTY OWNED BY RAUL M. DUARTE, LOCATED AT 712 MONTANA TERRACE, ORMOND BEACH, VOLUSIA COUNTY, FLORIDA (PARCEL ID NO. 4242-65-00-0070) FOR COSTS INCURRED BY THE CITY TO TERMINATE OR ABATE A SITE MAINTENANCE VIOLATION; AND SETTING FORTH AN EFFECTIVE DATE.

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

- G. **RESOLUTION NO. 2017-154** : A RESOLUTION PURSUANT TO SECTION 14-98, LIENS, OF THE CITY OF ORMOND BEACH CODE OF ORDINANCES AUTHORIZING THE IMPOSITION OF A LIEN AGAINST THE REAL PROPERTY OWNED BY RAUL M. DUARTE, LOCATED AT 712 MONTANA TERRACE, ORMOND BEACH, VOLUSIA COUNTY, FLORIDA (PARCEL ID NO. 4242-65-00-0070) FOR COSTS INCURRED BY THE CITY TO TERMINATE OR ABATE A SITE MAINTENANCE VIOLATION; AND SETTING FORTH AN EFFECTIVE DATE.

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

- H. **RESOLUTION NO. 2017-155** : A RESOLUTION ACCEPTING A BID FROM INSIGHT PUBLIC SECTOR, INC., FOR PROVISION OF A MICROSOFT SOFTWARE LICENSING RENEWAL, UNDER BID NO. 2017-25; AUTHORIZING THE EXECUTION OF A MICROSOFT PROGRAM SIGNATURE FORM AND PAYMENT THEREFOR; REJECTING ALL OTHER BIDS; AND SETTING FORTH AN EFFECTIVE DATE.

Staff Contact: Ned Huhta, IT Manager (386-615-7031)

- I. **North US-1 Landscape Improvements**

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

Disposition: Approve as recommended in the City Manager memorandum dated August 15, 2017.

- J. **Capital Improvement Plan FY 2017-18 to FY 2021-22**

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

Disposition: Approve as recommended in the City Manager memorandum dated August 15, 2017.

7. PUBLIC HEARINGS

- A. **ORDINANCE NO. 2017-15** : AN ORDINANCE AUTHORIZING THE EXECUTION AND ISSUANCE OF A SECOND AMENDED DEVELOPMENT ORDER FOR "STRASSER MPUD" PLANNED BUSINESS DEVELOPMENT LOCATED WEST OF INTERSTATE 95, NORTH OF DESTINATION DAYTONA, PHASE I, AND ALONG DESTINATION USA CIRCLE, BY ALLOWING CUSTOM VAN CONVERSIONS, SALES, SERVICE, AND RENTALS AS A PERMITTED USE; RATIFYING AND AFFIRMING ORMOND BEACH ORDINANCE 2015-48, THE FIRST AMENDED DEVELOPMENT ORDER, ORDINANCE 2015-14 WHICH ADOPTED DEVELOPMENT AGREEMENTS APPROVED BY VOLUSIA COUNTY RESOLUTION 2003-65, THE "JACK KNAP TRUSTEE IPUD", AND VOLUSIA COUNTY RESOLUTION 2006-91, THE "STRASSER MPUD", AS A PLANNED BUSINESS DEVELOPMENT ZONING DISTRICT; 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. 2017-17** : 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 A CERTAIN PARCELS OF REAL PROPERTY TOTALING APPROXIMATELY 32.58± ACRES LOCATED AT 550 WEST GRANADA BOULEVARD (VOLUSIA COUNTY PARCEL NUMBER 4241-01-13-0073), 600 WEST GRANADA BOULEVARD (VOLUSIA COUNTY PARCEL NUMBER 4241- 01-13-0070), 634 TOMOKA AVENUE (VOLUSIA COUNTY PARCEL NUMBER 4241-01-13-0090), 636 TOMOKA AVENUE (VOLUSIA COUNTY PARCEL NUMBER 4241-01-13-0091), 650 TOMOKA AVENUE (VOLUSIA COUNTY PARCEL NUMBER 4241-01-13-0110), 690 WEST GRANADA BOULEVARD (VOLUSIA COUNTY PARCEL NUMBER 4241- 01-13-0100), 101 BENNETT LANE (VOLUSIA COUNTY PARCEL NUMBER 4241-01-14-0280), NO ADDRESS, NORTH SIDE OF GRANADA BOULEVARD (VOLUSIA COUNTY PARCEL NUMBER 4241-01-12-0100), NO ADDRESS, NORTH SIDE OF GRANADA BOULEVARD (VOLUSIA COUNTY PARCEL NUMBER 4241-01-10-0070), NO ADDRESS, NORTH SIDE OF GRANADA BOULEVARD (VOLUSIA COUNTY PARCEL NUMBER 4241-01-09-0120), NO ADDRESS, NORTH SIDE OF GRANADA BOULEVARD (VOLUSIA COUNTY PARCEL NUMBER 4241-01-09-0110), FROM PBD (PLANNED BUSINESS DEVELOPMENT – EXPIRED), R-3 (SINGLE FAMILY MEDIUM DENSITY) AND B-9 (BOULEVARD) TO PBD (PLANNED BUSINESS DEVELOPMENT), AUTHORIZING REVISION OF OFFICIAL ZONING MAP; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; AND SETTING FORTH AN EFFECTIVE DATE.

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

- C. **ORDINANCE NO. 2017-18** : AN ORDINANCE AUTHORIZING THE EXECUTION AND ISSUANCE OF A DEVELOPMENT ORDER FOR A PLANNED BUSINESS DEVELOPMENT TO BE KNOWN AS "GRANADA POINTE", AUTHORIZING THE DEVELOPMENT OF COMMERCIAL USES ON 19.48 ACRES SOUTH OF GRANADA BOULEVARD WITH THE REALIGNMENT OF THE TOMOKA AVENUE RIGHT-OF-WAY, INSTALLATION OF A TRAFFIC SIGNAL AT WEST GRANADA BOULEVARD AND TOMOKA AVENUE, ASSOCIATED ROADWAY IMPROVEMENTS, AN INTERCONNECTED WET DETENTION STORMWATER POND, AND UTILITY AND SITE IMPROVEMENTS. ON THE NORTH SIDE OF GRANADA BOULEVARD, THE PROJECT PROPOSES A 3.05- ACRE COMMERCIAL TRACT AND A 10.06-ACRE PARCEL FOR TREE PROTECTION AND WETLAND CONSERVATION TO BE LOCATED AT 550 WEST GRANADA BOULEVARD (VOLUSIA COUNTY PARCEL NUMBER 4241-01-13-0073), 600 WEST GRANADA BOULEVARD (VOLUSIA COUNTY PARCEL NUMBER 4241-01-13-0070), 634 TOMOKA AVENUE (VOLUSIA COUNTY PARCEL NUMBER 4241-01-13-0090), 636 TOMOKA AVENUE (VOLUSIA COUNTY PARCEL NUMBER 4241-01-13-0091), 650 TOMOKA AVENUE (VOLUSIA COUNTY PARCEL NUMBER 4241-01-13-0110), 690 WEST GRANADA BOULEVARD (VOLUSIA COUNTY PARCEL NUMBER 4241-01-13-0100), 101 BENNETT LANE (VOLUSIA COUNTY PARCEL NUMBER 4241-01-14-0280), NO ADDRESS, NORTH SIDE OF GRANADA BOULEVARD (VOLUSIA COUNTY PARCEL NUMBER 4241-01-12-0100), NO ADDRESS, NORTH SIDE OF GRANADA BOULEVARD (VOLUSIA COUNTY PARCEL NUMBER 4241-01-10-0070), NO ADDRESS, NORTH SIDE OF GRANADA BOULEVARD (VOLUSIA COUNTY PARCEL NUMBER 4241-01-09-0120), NO ADDRESS, NORTH SIDE OF GRANADA BOULEVARD (VOLUSIA COUNTY PARCEL NUMBER 4241-01-09-0110); AUTHORIZING A MASTER DEVELOPMENT PLAN INCLUDING CERTAIN WAIVERS TO THE LAND DEVELOPMENT CODE AND PUBLIC BENEFITS; ESTABLISHING CONDITIONS AND EXPIRATIONS OF APPROVAL; AND SETTING FORTH AN EFFECTIVE DATE.

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

- D. **ORDINANCE NO. 2017-19** : AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF ORMOND BEACH, FLORIDA, VACATING A 0.44+ ACRE PORTION OF TOMOKA AVENUE THAT INTERSECTS WITH WEST GRANADA BOULEVARD, A PLATTED FIFTY (50') FOOT RIGHT-OF-WAY LYING WEST OF 600 WEST GRANADA BOULEVARD, VOLUSIA COUNTY PARCEL #4241-01-13-0070, AND EAST OF 690 WEST GRANADA BOULEVARD, VOLUSIA COUNTY PARCEL #4241-01-13-0100, 650 TOMOKA AVENUE, VOLUSIA COUNTY PARCEL #4241-01-13-0110, 636 TOMOKA AVENUE, VOLUSIA COUNTY PARCEL #4241-01-13-0091, AND A PORTION OF 634 TOMOKA AVENUE, VOLUSIA COUNTY PARCEL #4241-01-13-0090; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; SETTING CERTAIN CONDITIONS; PROVIDING FOR RECORDATION AND TRANSMITTAL AND SETTING FORTH AN EFFECTIVE DATE.

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

- E. **ORDINANCE NO. 2017-20** : AN ORDINANCE ADOPTING CERTAIN AMENDMENTS TO THE FUTURE LAND USE ELEMENT OF THE CITY OF ORMOND BEACH COMPREHENSIVE PLAN; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; AND SETTING FORTH AN EFFECTIVE DATE.

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

8. FIRST READING OF ORDINANCES

- A. **ORDINANCE NO. 2017-21** : AN ORDINANCE REPEALING SECTION 2-228, PUBLIC WORKS ADVISORY BOARD, OF ARTICLE VI, BOARDS, COMMISSIONS, COMMITTEES AND OTHER AGENCIES, OF CHAPTER 2, ADMINISTRATION; OF THE CODE OF ORDINANCES; RESERVING SAID ARTICLE FOR FUTURE USE; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; AND SETTING FORTH AN EFFECTIVE DATE.

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

9. SECOND READING OF ORDINANCES

- A. **ORDINANCE NO. 2017-16** : AN ORDINANCE AMENDING THE ANNUAL BUDGET FOR FISCAL YEAR 2016-2017 BY AMENDING THE GENERAL FUND; THE COMMUNITY REDEVELOPMENT FUND; THE STORMWATER FUND; THE AIRPORT FUND; THE GRANT FUND; THE FACILITIES R&R FUND; THE GENERAL CAPITAL IMPROVEMENT FUND; THE GENERAL EQUIPMENT & VEHICLE FUND; THE TRANSPORTATION FUND; THE FACILITIES RENEWAL & REPLACEMENT FUND; THE WATER/WASTEWATER OPERATING FUND; THE WATER/WASTEWATER CAPITAL FUND; THE WATER IMPACT FEE FUND; THE WASTEWATER IMPACT FEE FUND; THE WATERMAIN PROJECT PHASE II CONSTRUCTION FUND; THE 2017 WWW CONSTRUCTION FUND; THE SOLID WASTE FUND; THE GENERAL LIABILITY FUND; AND SETTING FORTH AN EFFECTIVE DATE. **(SECOND READING)**

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

10. RESOLUTIONS

- A. **RESOLUTION NO. 2017-156** : A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF ORMOND BEACH DECLARING ITS INTENTION TO ADOPT AN ORDINANCE PROHIBITING MEDICAL MARIJUANA TREATMENT CENTER DISPENSING FACILITIES FROM BEING LOCATED WITHIN THE BOUNDARIES OF THE CITY OF ORMOND BEACH AS AUTHORIZED BY SECTION 381.986 (11), FLORIDA STATUTES; PROVIDING LEGISLATIVE FINDINGS; PROVIDING DIRECTION TO CITY STAFF TO PREPARE FOR CONSIDERATION AND ADOPTION OF AN ORDINANCE PROHIBITING MEDICAL MARIJUANA TREATMENT CENTER DISPENSING FACILITIES FROM BEING LOCATED WITHIN THE BOUNDARIES OF THE CITY OF ORMOND BEACH; DIRECTING CITY STAFF TO NOT ACCEPT, PROCESS OR APPROVE ANY REQUEST OR APPLICATION FOR A DEVELOPMENT ORDER, BUILDING PERMIT OR OTHER APPROVAL PERTAINING TO OR ASSOCIATED WITH A PROPOSED MARIJUANA TREATMENT CENTER DISPENSING FACILITY DURING THE PENDENCY OF PREPARING AND ADOPTING THE SAID ORDINANCE; INVOKING THE PENDING ORDINANCE DOCTRINE; AND SETTING FORTH AN EFFECTIVE DATE.

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

11. DISCUSSION ITEMS

- A. **Granada Bridge Roadway Lighting**

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

12. REPORTS, SUGGESTIONS, REQUESTS

13. ADJOURNMENT

Item #1 – Meeting Call to Order

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

Item #2 – Invocation

Pastor Joseph Kim, Riverview United Methodist Church, gave the invocation.

Item #3 – Pledge of Allegiance

Mayor Partington led the Pledge of Allegiance.

Item #4- Audience Remarks

Ms. Nancy Vaughn, League of Women Voters, stated that she wanted to let the Commission know about a county wide solar co-op that was coming to the county on August 30, 2017. She noted that the co-op was designed to help homeowners understand the process of going solar while saving them up to 20 percent on the cost of solar rays on their home. She stated that Florida Solar United Neighborhoods (FL Sun), which was a non-profit organization, and the League of Women Voters were helping bring solar to the sunshine state, county by county. She noted that it was an installer neutral process. She explained that request for proposals (RFP's) were sent out to all installers throughout the state and then co-op members decided on the installer for the co-op. She noted that each co-op member would sign an individual contract with that installer. She asked that the Commission help spread the word throughout their community. She invited the Commission to a press conference that would be held on August 30, 2017, from 11:00 a.m. to 12:00 p.m., at the Volusia County administration building. She noted that she would be happy to answer any questions the Commission may have.

Mayor Partington stated that he had received the email that Ms. Vaughn had sent to the Commission with the information regarding the solar co-op. He asked if she was able to explain how the program would work; whereby, Ms. Vaughn stated that the press conference being held on August 30, 2017, was to make everyone aware of the co-op launch. She noted that the co-op would start on August 30, 2017, and end on November 30, 2017. She stated that there were going to be five information sessions through the county. She noted that anyone who was interested in learning more about going solar could attend the information sessions and then decide whether or not they wanted to sign up to be a member of the co-op. She noted that the important thing to remember was that there was no obligation to sign a contract unless someone wanted to.

Mayor Partington stated that he appreciated the information for the residents of Ormond Beach and all the work that the League of Women Voters had done for the city.

Item #5 – Approval of Minutes

Mayor Partington advised that the minutes of the July 25, 2017, and August 2, 2017, regular meetings 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 stated on the agenda. He asked if any member of the Commission had questions or wished to discuss any items separately.

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

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

Item #7 – Public Hearings

Mayor Partington opened the public hearings.

Item #7A- Strasser MPUD, aka Destination Daytona Phase 2, Planned Business Development Amendment, Second Amend

City Clerk Scott McKee read by title only:

ORDINANCE NO. 2017-15

AN ORDINANCE AUTHORIZING THE EXECUTION AND ISSUANCE OF A SECOND AMENDED DEVELOPMENT ORDER FOR "STRASSER MPUD" PLANNED BUSINESS DEVELOPMENT LOCATED WEST OF INTERSTATE 95, NORTH OF DESTINATION DAYTONA, PHASE I, AND ALONG DESTINATION USA CIRCLE, BY ALLOWING CUSTOM VAN CONVERSIONS, SALES, SERVICE, AND RENTALS AS A PERMITTED USE; RATIFYING AND AFFIRMING ORMOND BEACH ORDINANCE 2015-48, THE FIRST AMENDED DEVELOPMENT ORDER, ORDINANCE 2015-14 WHICH ADOPTED DEVELOPMENT AGREEMENTS APPROVED BY VOLUSIA COUNTY RESOLUTION 2003-65, THE "JACK KNAP TRUSTEE IPUD", AND VOLUSIA COUNTY RESOLUTION 2006-91, THE "STRASSER MPUD", AS A PLANNED BUSINESS DEVELOPMENT ZONING DISTRICT; ESTABLISHING CONDITIONS AND EXPIRATION DATE OF APPROVAL; AND SETTING FORTH AN EFFECTIVE DATE.

Commissioner Boehm moved, seconded by Commissioner Littleton, for approval of Ordinance No. 2017-15, on second reading, as read by title only.

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

Item # 7B- 600 West Granada Boulevard, Granada Pointe, PBD- Zoning Amendment

City Clerk Scott McKee read by title only:

ORDINANCE NO. 2017-17

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 A CERTAIN PARCELS OF REAL PROPERTY TOTALING APPROXIMATELY 32.58± ACRES LOCATED AT 550 WEST GRANADA BOULEVARD (VOLUSIA COUNTY PARCEL NUMBER 4241-01-13-0073), 600 WEST GRANADA BOULEVARD (VOLUSIA COUNTY PARCEL NUMBER 4241-01-13-0070), 634 TOMOKA AVENUE (VOLUSIA COUNTY PARCEL NUMBER 4241-01-13-0090), 636 TOMOKA AVENUE (VOLUSIA COUNTY PARCEL NUMBER 4241-01-13-0091), 650 TOMOKA AVENUE (VOLUSIA COUNTY PARCEL NUMBER 4241-01-13-0110), 690 WEST GRANADA BOULEVARD (VOLUSIA COUNTY PARCEL NUMBER 4241-01-13-0100), 101 BENNETT LANE (VOLUSIA COUNTY PARCEL NUMBER 4241-01-14-0280), NO ADDRESS, NORTH SIDE OF GRANADA BOULEVARD (VOLUSIA COUNTY PARCEL NUMBER 4241-01-12-0100), NO ADDRESS, NORTH SIDE OF GRANADA BOULEVARD (VOLUSIA COUNTY PARCEL NUMBER 4241-01-10-0070), NO ADDRESS, NORTH SIDE OF GRANADA BOULEVARD (VOLUSIA COUNTY PARCEL NUMBER 4241-01-09-0120), NO ADDRESS, NORTH SIDE OF GRANADA BOULEVARD (VOLUSIA COUNTY PARCEL NUMBER 4241-01-09-0110), FROM PBD (PLANNED BUSINESS DEVELOPMENT – EXPIRED), R-3 (SINGLE FAMILY MEDIUM DENSITY) AND B-9 (BOULEVARD) TO PBD (PLANNED BUSINESS DEVELOPMENT), AUTHORIZING REVISION OF OFFICIAL ZONING MAP; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; AND SETTING FORTH AN EFFECTIVE DATE.

Mr. Ric Goss, Planning Director, stated that there were three items on the agenda tonight regarding the Granada Pointe project. He noted that they were items 7B, 7C, and 7D on the agenda. He explained that he would speak on all three items at once, and detailed that the three items were the planned business development ordinance, the development order, and the vacation of Old Tomoka Road. He noted that the items were all integrated and dependent upon each other. He displayed an aerial map of the location and noted that it included 32 and a half acres. He noted that there were 11 properties and that they were located at the intersection of Old Tomoka Road and the North and South side of Granada Boulevard.

Mr. Goss displayed images of the land use and zoning maps. He explained that the land uses were essentially almost all residential, office, and retail (ROR). He noted that there was a little open space conservation located in the southern portion of the site. He stated that in April 2016, there was a land use plan amendment for eight acres. He noted that most of the land was ROR prior to the land use change. He stated that there were six acres that changed to open space conservation to accomplish the lake. He noted that there were a few parcels that had residential zoning. He explained that the zoning for the parcels were almost all parcel B-9. He noted that at the corner of the project there was an expired planned business development (PBD).

Mr. Goss displayed the development plan for five to eight pads. He explained that pad one was 1,500 square feet for a drive-thru, pad two was 26,000 square feet for retail, pad three was 6,100 square feet for a Wawa convenience store, pad four was 42,000 square feet for a grocery store, and pad five was 15,000 square feet for retail. He noted that the pond was quite large at 6.72 acres. He stated that it was designed to accommodate the storm water for this development and for compensatory storage for the fill that would go into the flood plain. He explained that there was about a ten acre mitigation site located north of the project that would offset some direct impacting of wetlands.

Mr. Goss displayed a map of the floodplain and wetlands. He explained that the area would be filled. He noted that the elevations in that area ranged from three to five feet. He stated that it needed to be filled in at eight feet. He explained that basic flood elevation was seven feet and the project needed to be one foot above that. He stated that when the buildings were built for the project, the total elevation would be eight and a half feet. He noted that there would be a few areas that would be preserved, which were called buffers. He stated that a ten inch natural buffer would be located around pad four. He noted that set aside for the project was eight acres of wetland for preservation and about two acres of uplands. He explained that that was important for this project because the cross section had around 54 trees that were all in the tree preservation. He noted that there was a purchase of 1.41 credits off site from the Lake Swamp Mitigation Bank.

Mr. Goss stated that there were 19 historic trees on the North side of State Road 40 (SR-40) and 15 historic trees on the South side of SR-40. He noted that all of the trees on the north side would be preserved. He stated that 44 percent of all the trees on the north side were in a tree preservation area. He noted that the gross site area (GSA) only required 15 percent. He stated that the project proposed to go above that to 38 percent GSA. He noted that 63 percent of the historic trees on the north side would be preserved. He stated that on the south side there were four historic trees that were dead or in poor condition and would be removed.

Mr. Goss displayed a map of the transportation improvements and the realignment of the intersection of Granada Boulevard and Tomoka Avenue. He explained that the intersection of Granada Boulevard and Tomoka Avenue would become a "T" shape intersection rather than the current "Y" shape. He noted that the shape of the intersection was a safety factor. He stated that the intersection would become a signalized intersection. He noted that on Granada Boulevard there were three right in/out driveways that were going to remain fixed. He stated that the new intersection would operate at a service level of "C". He noted that there would also be eastbound turn lanes that would eliminate the turning movements in the thru lanes.

Mr. Goss stated that the traffic study analysis determined that there were around 13,200 daily trips and 8,200 net new trips, which meant that a number of those trips were already in the roadway and being captured by the development. He noted that around 60 percent distribution was coming from the west to the east and 40 percent was going from the east to the west. He stated that there were 2,700 vehicles per day going in and out east bound and 3,900 vehicles per day going in and out west bound. He noted that there

were 667 trips at the evening peak, which was between the hours of 4:00 p.m. and 6:00 p.m. He noted that 332 trips entered, while 335 exited.

Mr. Goss noted that the signal proposed at Tomoka Avenue and Granada Boulevard would operate at a service level of "C," but if there was just a stop sign there it would fail. He stated that the project needed the signal and there were public benefits that went beyond the project associated with it.

Mr. Goss stated that all along the project would be a greenbelt buffer. He explained that there was a 36 foot buffer required and that it would go throughout the entire development except for pad four. He noted that the buffer in that location increased to 45 feet. He noted that the buffer would be built with the development of each pad. He stated that if there were no development of the pad, then the developer of the subdivision would be required to put in the buffer within one year of the certificate of completion for infrastructure improvements. He noted that there could be a six month extension permitted if the development pad was under review.

Mr. Goss noted that the project had been reviewed by a number of agencies. He stated that the state historic preservation office reviewed and agreed with the cultural assessment report for the impacts on the Three Chimney's historic resources. He noted that there were a few conditions the state historic preservation office had asked the developer to look at, but essentially there had been no issues regarding the development and impacts on the historic resources.

Mr. Goss stated that the Florida Department of Transportation (FDOT) had approved the signal. He noted that the signal would be constructed at the time of the development and bagged until it was ready to be used. He stated that the Federal Emergency Management Agency (FEMA) had issued a "no rise" certification. He explained that the "no rise" certificate meant that a culvert would be put in the northern parcel and the development would be on top of it. He stated that with the "no rise" certificate, the flood rise would not go up. He noted that St. John's Water Management District issued the storm water and wetland permit.

Mr. Goss stated that the planned business development (PBD) was spilt into uses and waivers. He noted that for the uses the applicant was asking for all the permitted and conditional uses in the B9 district, which included a pharmacy with a drive-thru, a convenience store, a restaurant type C and D, and an outdoor garden center/nursery as part of an accessory to a retail store. He stated that the limitation for the uses was that the total trips in the traffic study could not be exceeded. He noted that the applicant may move around in the range of permitted uses but may not exceed the number of trips in the study.

Mr. Goss stated that there were a number of waivers involving pad four, the grocery store. He noted that over 40,000 square feet was required to meet the guidelines on all four sides of the building. He stated that the applicant had asked for 50 feet on each side. He noted that because pad four would be over 40,000 square feet, parking was required to be in the back and on the sides. He stated that the grocery store would back up to conservation and water, noting that there were still some concerns about the noise and glare from the lights from the parking area in the back of the store. He noted that staff was recommending that parking in the back of the store be waived. He stated that there would be a safety fence around the six and a half acre pond that was not permitted, but would be waived.

Mr. Goss stated that there were Wawa sign waivers. He explained that there would be two spanner signs that connected between the pumps, a canopy sign, and noted that only two wall signs were allowed at 91 square feet. He noted that the applicant was looking to have a third wall sign, making it 109 square feet. He noted that at the Planning Board meeting, the applicant had proposed a six foot fence behind the grocery store and along Tomoka Avenue in response to the residents' concerns about the noise and glare. He stated that the Planning Board recommended that the fences be eight feet and that the applicant had agreed. He noted that there would need to be a waiver because the city only allowed fences up to six feet.

Mr. Goss noted that the applicant had indicated that there were 19 public benefits. He stated that some of the benefits included the reconfiguration of the Tomoka Avenue intersection from a "Y" to a "T" shape with the 80 feet of right of way and signal, the dedicated 15 feet of right of way to Bennett Lane, the access to the Loyal Order of Moose Lodge, eight parking spaces for Three Chimney visitors, donation of \$10,000 for

construction of a path to Three Chimneys, and streetscape improvements such as decorative streetlights, entry features, and paving.

Mr. Goss stated that there was a neighborhood meeting held on June 22, 2017. He noted that there had been a number of issues raised with the project, but they had mostly come down to flooding, storm water, and noise coming from the grocery store. He stated that as a result of the meeting, the applicant agreed to put an eight foot fence behind the grocery store to block out noise.

Mr. Goss stated that Woodgrove Street was built prior to the area being designated by FEMA as a flood plain. He noted that when FEMA had designated this area as a flood plain in 2002, the basic flood elevation was seven feet. He stated that the roads and homes were all below seven feet. He noted that the development would not have any impact on the neighborhood development with regards to the flood plain or the storm water. He explained that based upon the large amount of water the development would retain; it would open up capacity in the channel so that the water upstream moved down the channel faster.

Mr. Goss displayed the consequent meeting dates. He explained that there had been a land use plan amendment adopted back on April 5, 2016. He noted that there had been a PBD neighborhood meeting held on June 22, 2017, and a Planning Board meeting held on July 13, 2017. He stated that many residents had shown up to speak on the project. He noted that the Planning Board had unanimously approved it with the two wall recommendations. He stated that the present meeting had the rezoning, the development order, and the vacation on the agenda. He noted that on September 5, 2017, the Tomoka Avenue right of way partial vacation and the Bennett Avenue right of way dedication would also be considered.

Mr. Goss stated that it was staff's recommendation to the Commission that they approve the development as submitted to them. He noted that the development had been submitted back in 2015 for review. He stated that the development had been well studied and there were a number of reports that were involved with the development.

Mr. Paul Holub, 675 N. Beach Street, applicant for the project, stated that he wanted to thank staff as they had been working on the project for almost two years. He noted that it was not only with city staff, but a lot of outside agencies, that had helped secure all the approvals and permits. He stated that the project had been designed, from the beginning, knowing that there was a residential area to the south of the development. He noted that there were a lot of safe guards within the project and that he was happy to answer any questions the Commission may have.

Mayor Partington stated that the next audience remarks card he had was for Mr. Tyler Malmborg, 1370 North US- Highway 1, Suite 204, who was the project's engineer; whereby, Mr. Malmborg stated that he did not need to speak unless the Commission had any engineering questions.

Mr. Wayne Stoner, 17 Spiveys Court, stated that he did not want to be a complaining person and noted that he was able to accept progress, but that he had some issues with the development. He stated that Mr. Goss had mentioned that ahistorical board had recommendations but had never noted what those recommendations were. He asked the Commission if they were ready to do a full archeological survey and have a team on-site when items were dug up from the Three Chimneys site. He noted that he believed Three Chimneys was one of the oldest sites in Florida or Volusia County. He stated that his house was located on the first block south of Old Tomoka Avenue and he had dug up items from the Ormond Hotel from the Spiveys' descendants that were there in later years. He asked if the Commission was ready to maintain a cultural aspect for the entire project.

Mr. Stoner stated that from Nova Road to US-1 had always been office development, except when the Wal-Mart had been built there. He explained that Wal-Mart had moved and now a Winn-Dixie grocery store was located there. He stated that that area had been vacant for many years. He explained that if the city allowed for another shopping center with a grocery store, and that grocery store decided to bail, the area would become blighted once again. He stated that he was concerned that if the economy dropped again for some reason, the city could end up sitting on dirt.

Mr. Lee Dunkel, 94 Ormond Parkway, stated that one of her first thoughts was whether Ormond Beach really needed another grocery store and mini-mart in the same area. She

noted that as a photographer and an artist who had spent decades photographing the natural beauty in areas across Volusia County; she had often thought about how fortunate her and her family were to end up in Ormond Beach. She stated that she was asking that the Commission be considerate when putting a gas station in the middle of Granada Boulevard on the south side between Nova Road and US-1. She noted that everyone in Ormond Beach was well aware of the traffic problems heading east on Granada Boulevard. She stated that the traffic problems were not going to disappear but increase with an increased population.

Ms. Dunkel noted that a gas station would not only be aesthetically displeasing but would add to the traffic. She stated that the city had spent too much time and funds beautifying Granada Boulevard to keep it a pleasant gateway towards the beach. She noted that this project would spoil the years of effort by the Commission and taxpayers' contributions, by placing an eye sore gas station in between Nova Road and US-1. She noted that there were currently three gas stations on the corner of US-1 and Granada Boulevard. She stated that she wanted to thank the Commission for listening to her, and reiterated that she believed it would be a mistake if another gas station was developed on Granada Boulevard.

Ms. Rita Press, 875 Wilmette Avenue, stated that Mr. Holub had done a yeoman's job in the two years of putting the project together. She noted that this particular development had enormous consequences for the city's aesthetics as well as the traffic. She stated that although she believed that the train had left the station, and that the item would pass, there were some questions that she wanted to bring for the Commission's consideration. She asked if the city had any plans with the developer as to when the trucks and heavy equipment could go to and from on Granada Boulevard. She noted that at certain times of the day Granada Boulevard was at a standstill. She asked what the timeline for the project would be. She noted that it was important to have a timeline.

Ms. Press stated that this was the first project in all of Granada Boulevard that was a shopping center with a gas station in the middle of it as the anchor. She noted that she believed that that was unusual and she had never seen that done before. She stated that there were two other projects that were on this sites that did not come to pass. She noted that she wanted to give the Commission a scenario, and asked what would happen if all the vegetation was removed from the flood plain and a hurricane impacted the site; she asked what the developer was liable for and what would happen if he was unable to fulfill his commitment. She asked what the city's obligation would then be.

Commissioner Kent moved, seconded by Commissioner Boehm, for approval of Ordinance No. 2017-17, on first reading, as read by title only.

Commissioner Kent stated that he had met with Mr. Holub two years ago about ideas he had had for the property. He noted that he had told Mr. Holub at that meeting that he and Ormond Beach residents he had spoken with were appreciative for Mr. Holub and the quality he had brought to Granada Boulevard. He stated that he had seen what Mr. Holub had done in other communities, and provided examples of the Wawa and the Culver's in Port Orange, Florida. He noted that at his Coffee with Commissioner Kent event, he had had a few residents raise concerns about the project. He stated that what he had found it interesting that one individual had stated that the last thing Ormond Beach needed was another gas station. He noted that the same resident had asked which gas station it was going into the site and that he had told her it was a Wawa. He explained that she had then put her hands up and stated that she took back everything she had said because she wanted the Wawa.

Commissioner Kent stated that there had been a lot of talk about the trees and cutting down trees. He explained that as he looked out on Riverside Drive in the distance, he could not see his home from the Commission Chambers because there were so many trees in the way. He noted that Ormond Beach was designated as a Tree City, that loved and cared about trees. He stated that one thing everyone needed to remember was the rights of the property owner and that sometimes when buildings were being built, some trees needed to be cut down.

Commissioner Kent noted that the project was taking place in his zone. He stated that he was excited about the project and that it had been a long time coming. He noted that there had been others who had owned that property and other plans that fell through. He stated that he was pleased that the city had Mr. Holub as a partner on the project. He noted that he knew Mr. Holub would do a quality project and represent Ormond Beach well. He stated that he was going to vote in favor of all three items.

Commissioner Boehm stated that about a year ago, he had met Mr. Holub and saw his ideas for the project. He noted that what the Commission was presented at the meeting had been modified from what he had seen a year ago. He stated that he wanted to echo what Commissioner Kent had already stated. He noted that Mr. Holub had already done a number of projects in Ormond Beach that were quality projects. He stated that Mr. Holub's home office was in Ormond Beach on West Granada Boulevard, and that his residence was located in the city as well. He noted that Mr. Holub loved Ormond Beach, just like Mr. Bill Jones.

Commissioner Boehm stated that for this project, Mr. Holub had already received 11 permits, and five traffic studies had been done. He noted that Mr. Holub had spent well into the six figures to put the project together before he even went in front of the Commission because he cared that much to make the project right. He stated that when Mr. Holub had met with the neighbors and the Planning Board, where they had voiced their concerns. He stated that Mr. Holub had agreed to make changes based on those concerns. He noted that Mr. Holub was trying to work with everyone to make this project something that Ormond Beach could be proud of. He stated that the Planning Board had voted 6-0 in favor of the project. He noted that there were approximately 1,000 pages in the meeting's agenda packet just for the project, and that that was the most he had ever seen in his seven years on the Commission. He stated that he was in favor of the project.

Commissioner Littleton stated that he had attended the neighborhood meeting. He noted that he had had two primary concerns. He stated that his first concern was the noise that residents would hear and the second concern was tractor-trailer trucks going down Tomoka Avenue. He noted that since the neighborhood meeting, the project had changed drastically. He stated that Mr. Holub had done a lot to remove any possible noise. He noted that the tractor-trailer trucks going down Tomoka Avenue was still a concern of his. He stated that there was a mansion located on Tomoka Avenue that was up for sale and that that resident did not bargain for trucks going down their street. He noted that the retention pond was a great benefit to the city. He stated that the project was going to be beautifully done. He noted that it came down to property rights. He stated that there was no control over whether or not the economy went up or down, and that Mr. Holub had the right to put whatever he wanted on his property. He noted that he was in favor of the project.

Commissioner Selby stated that as a commercial real estate broker, he was always surprised by the fact that the prior land use from Orchard Street almost all the way to Nova Road on Granada Boulevard had been effectively office use. He noted that within the last few years, the Planning Board had recommended to the Commission that a new land use be created in that area, called retail, office, residential (ROR). He stated that he believed that that had stimulated this project and some of the others that were currently in the works. He noted that these projects would have been developed years ago had the new land use been in place then. He stated that the old land use had pushed development further west and further away from the center of downtown. He noted that he was in support of the project.

Commissioner Selby stated that he had met with Mr. Holub several months ago and that Mr. Holub had shared with him what his preliminary plan was at that time. He noted that he believed that the compensated storage was huge and would help drainage in that area tremendously. He stated that some other benefits that Mr. Holub would be providing was making a \$10,000 donation to the Ormond Beach Historical Society and providing parking spaces for Three Chimneys. He noted that all and all it was a good project and reiterated that it would have happened a long time ago had the land use been in place.

Mayor Partington stated that he wanted to echo many of the comments that the other Commissioners had made. He noted that he was going to support the project based largely on the staff reports and the accompanying reports submitted by the applicant. He stated that it was appropriate to point out the financial crash of 2007-2008, which led to a situation where office spaces were less in demand. He noted that over the years, after that market bubble, there were still a lot of office spaces that were vacant. He stated that that had impacted the Planning Board's recommendation to the Commission and the Commission approving the ROR. He noted that it was appropriate for commercial development to occur on Granada Boulevard. He explained that it was a smart way to build a city by keeping the commercial development located on the main corridors and not allowing it to spread out into other parts of the city.

Mayor Partington noted that overall the project was much better as an approved planned business development than if it were developed using the B-9 standards. He stated that the benefits the city received by doing the project as a planned business development made it less intense and reflected the definition of smart growth. He noted that it was how a project should be done and how most cities desired to do projects. He stated that that was why he believed the Planning Board had voted for the project unanimously. He noted that he wanted to echo the comments regarding Mr. Holub being a good neighbor and doing some great quality projects.

Mayor Partington stated that he had met with Mr. Holub almost three years ago and like Commissioner Boehm had noted, the project being presented looked much different than the general concepts that were spoken about back then. He noted that he was optimistic and hopeful that the project would be a great benefit to the city. He stated that he did not want to ignore Ms. Press' questions because he knew that she had served honorably on the Planning Board. He asked Ms. Press to get together with City Manager Joyce Shanahan or Mr. Goss about her questions, and to let him know if she did not receive satisfactory answers. He noted that he appreciated Ms. Press bringing up those questions.

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

Item #7C – 600 West Granada Boulevard, Granada Pointe, PBD Development Order

City Clerk Scott McKee read by title only:

ORDINANCE NO. 2017-18

AN ORDINANCE AUTHORIZING THE EXECUTION AND ISSUANCE OF A DEVELOPMENT ORDER FOR A PLANNED BUSINESS DEVELOPMENT TO BE KNOWN AS "GRANADA POINTE", AUTHORIZING THE DEVELOPMENT OF COMMERCIAL USES ON 19.48 ACRES SOUTH OF GRANADA BOULEVARD WITH THE REALIGNMENT OF THE TOMOKA AVENUE RIGHT-OF-WAY, INSTALLATION OF A TRAFFIC SIGNAL AT WEST GRANADA BOULEVARD AND TOMOKA AVENUE, ASSOCIATED ROADWAY IMPROVEMENTS, AN INTERCONNECTED WET DETENTION STORMWATER POND, AND UTILITY AND SITE IMPROVEMENTS. ON THE NORTH SIDE OF GRANADA BOULEVARD, THE PROJECT PROPOSES A 3.05- ACRE COMMERCIAL TRACT AND A 10.06-ACRE PARCEL FOR TREE PROTECTION AND WETLAND CONSERVATION TO BE LOCATED AT 550 WEST GRANADA BOULEVARD (VOLUSIA COUNTY PARCEL NUMBER 4241-01-13-0073), 600 WEST GRANADA BOULEVARD (VOLUSIA COUNTY PARCEL NUMBER 4241-01-13-0070), 634 TOMOKA AVENUE (VOLUSIA COUNTY PARCEL NUMBER 4241-01-13-0090), 636 TOMOKA AVENUE (VOLUSIA COUNTY PARCEL NUMBER 4241-01-13-0091), 650 TOMOKA AVENUE (VOLUSIA COUNTY PARCEL NUMBER 4241-01-13-0110), 690 WEST GRANADA BOULEVARD (VOLUSIA COUNTY PARCEL NUMBER 4241-01-13-0100), 101 BENNETT LANE (VOLUSIA COUNTY PARCEL NUMBER 4241-01-14-0280), NO ADDRESS, NORTH SIDE OF GRANADA BOULEVARD (VOLUSIA COUNTY PARCEL NUMBER 4241-01-12-0100), NO ADDRESS, NORTH SIDE OF GRANADA BOULEVARD (VOLUSIA COUNTY PARCEL NUMBER 4241-01-10-0070), NO ADDRESS, NORTH SIDE OF GRANADA BOULEVARD (VOLUSIA COUNTY PARCEL NUMBER 4241-01-09-0120), NO ADDRESS, NORTH SIDE OF GRANADA BOULEVARD (VOLUSIA COUNTY PARCEL NUMBER 4241-01-09-0110); AUTHORIZING A MASTER DEVELOPMENT PLAN INCLUDING CERTAIN WAIVERS TO THE LAND DEVELOPMENT CODE AND PUBLIC BENEFITS; ESTABLISHING CONDITIONS AND EXPIRATIONS OF APPROVAL; AND SETTING FORTH AN EFFECTIVE DATE.

Commissioner Kent moved, seconded by Commissioner Selby, for approval of Ordinance No. 2017-18, on first reading, as read by title only.

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

Item #7D- Tomoka Avenue (partial) ROW Vacation

City Clerk Scott McKee read by title only:

ORDINANCE NO. 2017-19

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF ORMOND BEACH, FLORIDA, VACATING A 0.44+ ACRE PORTION OF TOMOKA AVENUE THAT INTERSECTS WITH WEST GRANADA BOULEVARD, A PLATTED FIFTY (50') FOOT RIGHT-OF-WAY LYING WEST OF 600 WEST GRANADA BOULEVARD, VOLUSIA COUNTY PARCEL #4241-01-13-0070, AND EAST OF 690 WEST GRANADA BOULEVARD, VOLUSIA COUNTY PARCEL #4241-01-13-0100, 650 TOMOKA AVENUE, VOLUSIA COUNTY PARCEL #4241-01-13-0110, 636 TOMOKA AVENUE, VOLUSIA COUNTY PARCEL #4241-01-13-0091, AND A PORTION OF 634 TOMOKA AVENUE, VOLUSIA COUNTY PARCEL #4241-01-13-0090; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; SETTING CERTAIN CONDITIONS; PROVIDING FOR RECORDATION AND TRANSMITTAL AND SETTING FORTH AN EFFECTIVE DATE.

Mayor Partington stated that Mr. Goss had already addressed the item. He noted that at the last Commission meeting the Commission had approved a notice of intent; whereby, Mr. Goss stated that the item was the first reading of the vacation.

Commissioner Littleton moved, seconded by Commissioner Selby, for approval of Ordinance No. 2017-19, on first 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 #7E – Comprehensive Plan Amendment, “General Commercial” Land Use Category FAR

City Clerk Scott McKee read by title only:

ORDINANCE NO. 2017-20

AN ORDINANCE ADOPTING CERTAIN AMENDMENTS TO THE FUTURE LAND USE ELEMENT OF THE CITY OF ORMOND BEACH COMPREHENSIVE PLAN; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; AND SETTING FORTH AN EFFECTIVE DATE.

Mr. Goss stated that this was an amendment of the city’s Comprehensive Plan in regards to the “General Commercial” (GC) land use category, and in particular the downtown redevelopment area. He noted that the maximum Floor Area Ratio (FAR) currently allowed in the downtown area was 0.7. He stated that there had been tests performed on the parcels in the downtown area and it was determined that there was no way that five stories would be allowed as the redevelopment plan had contemplated along the major corridor. He noted that staff collected data from several developmental concepts that had been presented to them, and put those concepts into a spreadsheet and played with them until they had met all the development requirements. He stated that staff had come up with a FAR of slightly less than 2.0.

Mr. Goss noted that staff was recommending that the Commission approve a FAR of 2.0. He stated that if approved, developments would still not go above 75 feet, or more than five stories, in the downtown area. He noted that it was clear that there could not be five stories on smaller parcels. He stated that this was the first step towards the eventual concept of an amended redevelopment plan.

Mayor Partington stated that the Planning Board had unanimously recommended the approval of the amendment; and that staff had met with Ormond Beach MainStreet ("MainStreet")'s Design Committee, who had also approved the amendment.

Commissioner Selby asked if this amendment was primarily staff driven; whereby, Mr. Goss replied that it was.

Mr. Goss then explained that the amendment originated with staff but was a result of developers being unable to do what they desired on vacant downtown parcels because they needed FARs of 1.83 or 1.74 to proceed. He noted that a 0.7 FAR would not cut it, and that the developers had been looking at large parcels. He stated that three to five stories was clearly laid out as the plan for the commercial corridor downtown.

Commissioner Selby stated that he loved the fact that the change was staff driven. He noted that he loved that staff was getting ahead of the situation and recommending the changes that would allow the vision for downtown to become a reality. He asked Mr. Goss to consider a hypothetical situation. He supposed that there was a 10,000 square foot site with a FAR of 2.0. He suggested that there could be 20,000 square feet of floor plates, noting that there could be five 4,000 foot floors; whereby, Mr. Goss stated that there was a percentage of common area to factor in. Mr. Goss further explained that staff had factored in 25 to 30 percent of the common area with units that were between 2,200 and 2,500 square feet. He noted that that was part of the 2.0 FAR.

Commissioner Selby asked if air conditioned space was included in the FAR, and whether parking garages counted; whereby, Mr. Goss stated that parking garages would not count because they were not livable spaces.

Commissioner Selby moved, seconded by Commissioner Littleton, for approval of Ordinance No. 2017-20, on first reading, as read by title only.

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

Mayor Partington closed the public hearing without objection.

Item #8- Public Works Advisory Board

City Clerk Scott McKee read by title only:

ORDINANCE NO. 2017-21
AN ORDINANCE REPEALING SECTION 2-228, PUBLIC WORKS ADVISORY BOARD, OF ARTICLE VI, BOARDS, COMMISSIONS, COMMITTEES AND OTHER AGENCIES, OF CHAPTER 2, ADMINISTRATION; OF THE CODE OF ORDINANCES; RESERVING SAID ARTICLE FOR FUTURE USE; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; AND SETTING FORTH AN EFFECTIVE DATE.

Commissioner Littleton moved, seconded by Commissioner Selby, for approval of Ordinance No. 2017-21, on first reading, as read by title only.

Commissioner Littleton stated that the Vice Chairman of the Public Works Advisory Board, Mr. Gene Miller, had brought this to his attention originally. He noted that he had spoken with other members of the board who had viewed the board as defunct. He noted that the boards' last meeting was held on May 26, 2016. He stated that if there were ever a need for the board to put together again, the Commission could always bring it back.

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

Item #9A – Fiscal Year 2016-17 Budget Amendment

City Clerk Scott McKee read by title only:

ORDINANCE NO. 2017-16

AN ORDINANCE AMENDING THE ANNUAL BUDGET FOR FISCAL YEAR 2016-2017 BY AMENDING THE GENERAL FUND; THE COMMUNITY REDEVELOPMENT FUND; THE STORMWATER FUND; THE AIRPORT FUND; THE GRANT FUND; THE FACILITIES R&R FUND; THE GENERAL CAPITAL IMPROVEMENT FUND; THE GENERAL EQUIPMENT & VEHICLE FUND; THE TRANSPORTATION FUND; THE FACILITIES RENEWAL & REPLACEMENT FUND; THE WATER/WASTEWATER OPERATING FUND; THE WATER/WASTEWATER CAPITAL FUND; THE WATER IMPACT FEE FUND; THE WASTEWATER IMPACT FEE FUND; THE WATERMAIN PROJECT PHASE II CONSTRUCTION FUND; THE 2017 WWW CONSTRUCTION FUND; THE SOLID WASTE FUND; THE GENERAL LIABILITY FUND; AND SETTING FORTH AN EFFECTIVE DATE.

Commissioner Boehm moved, seconded by Commissioner Littleton, for approval of Ordinance No. 2017-16, 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

Item #10A – Ban on Medical Marijuana Treatment Center Dispensary Facilities

City Clerk Scott McKee read by title only:

RESOLUTION NO. 2017-156

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF ORMOND BEACH DECLARING ITS INTENTION TO ADOPT AN ORDINANCE PROHIBITING MEDICAL MARIJUANA TREATMENT CENTER DISPENSING FACILITIES FROM BEING LOCATED WITHIN THE BOUNDARIES OF THE CITY OF ORMOND BEACH AS AUTHORIZED BY SECTION 381.986 (11), FLORIDA STATUTES; PROVIDING LEGISLATIVE FINDINGS; PROVIDING DIRECTION TO CITY STAFF TO PREPARE FOR CONSIDERATION AND ADOPTION OF AN ORDINANCE PROHIBITING MEDICAL MARIJUANA TREATMENT CENTER DISPENSING FACILITIES FROM BEING LOCATED WITHIN THE BOUNDARIES OF THE CITY OF ORMOND BEACH; DIRECTING CITY STAFF TO NOT ACCEPT, PROCESS OR APPROVE ANY REQUEST OR APPLICATION FOR A DEVELOPMENT ORDER, BUILDING PERMIT OR OTHER APPROVAL PERTAINING TO OR ASSOCIATED WITH A PROPOSED MARIJUANA TREATMENT CENTER DISPENSING FACILITY DURING THE PENDENCY OF PREPARING AND ADOPTING THE SAID ORDINANCE; INVOKING THE PENDING ORDINANCE DOCTRINE; AND SETTING FORTH AN EFFECTIVE DATE.

Mr. Randy Hayes, City Attorney, stated that the item was prepared for the Commission’s discussion and action, in the event that the Commission decided to ban medical marijuana dispensaries. He noted that the proposed resolution was the result of recent legislation from the Florida legislature regarding the medical marijuana issue. He stated that in November, through voter referendum, the state approved an amendment to the Florida Constitution regarding the use of medical marijuana. He noted that the amendment itself had not been self-executing or self-effectuating, and instead had needed some help from the legislature to implement provisions of the constitutional amendment.

Mr. Hayes stated that during the past session, the Florida legislature passed House Bill 8A which implemented provisions of that constitutional amendment. He noted that essentially the entire area was preempted to the state of Florida with one exception; and explained that that was the question that was presented to the Commission that evening. He stated that he was not going to get down into the weeds of discussing the details of the legislation. He noted that essentially under the regulatory scheme, the state of

Florida was responsible for licensing Medical Marijuana Treatment Centers (MMTC). He stated that these were entities by definition that had the authority to cultivate, process, transfer, transport, sell, distribute, dispense, or administer marijuana products that were regulated by the legislatures.

Mr. Hayes stated that the interesting thing from a local government perspective was that they were pretty much on the side lines. He noted that the one thing the legislature allowed local government entities to adopt by ordinance was a ban or a probation regarding the location of the MMTC within the jurisdiction boundaries of the city or county. He stated that under the regulatory scheme, the MMTC had the authority to operate dispensing facilities. He noted that essentially, he believed that those facilities would do everything. He stated that local governments were not able to regulate the treatment centers themselves. He noted that local governments could not regulate the use because the use had already been decided by the voters. He stated that local governments were not allowed to regulate the delivery systems, explaining that if there was a MMTC that had a center outside the city's jurisdiction which had a delivery system in place to deliver the medical marijuana to patients within a jurisdiction, that was not able to be regulated. He noted that the only thing counties and cities were authorized to do was ban the actual physical location of the MMTC.

Mr. Hayes stated that if a ban was not enacted, then the cities and counties could essentially regulate the MMTC consistent with the requirements of state law and the local regulations that applied to pharmacies. He noted that the city was unable to treat dispensing facilities any different than pharmacies. He stated that in Ormond Beach, pharmacies were allowed as an accessory use to a retail operation in other zoning districts. He noted that the question for the Commission was very limited. He stated that the question was whether the Commission wanted to impose a ban on the location of dispensing facilities within the jurisdiction of the city. He noted that if the Commission did not, they did not need to do anything at the meeting. He noted that if they did, then a resolution had been prepared and staff would proceed with an ordinance, which would have a public hearing process, go to the Planning Board, and then ultimately back to the Commission.

Mr. Hayes stated that the resolution would operate as a temporary ban during the pendency of the final adoption of an ordinance. He noted that it was solely the Commission's decision as a legislative body. He stated that staff wanted to get something in front of the Commission that could be discussed and acted on at the same time if they choose to do so. He noted that he would be happy to answer any questions the Commission may have.

Mr. Joe Hannoush, 87 Carriage Creek Way, stated that he had a friend that had lost her brother to an opioid overdose four years ago. He explained that he had invited her out to speak at the meeting but she was unable to make it. He noted that he had a friend whose father had passed away and had written something that he wanted to relay some of to the Commission. He stated that she felt that a ban on medical marijuana dispensaries in Ormond Beach was very concerning. He stated that she believed that there was a lot of misinformation out there regarding the substance. He stated that his friend, who had a brother pass away from opioid overdose, overdosed on a prescription drug that was prescribed and obtained legally at Walgreens pharmacy.

Mr. Hannoush noted that cannabis was not a dangerous substance in the community and that no one had died from a cannabis overdose. He stated that he had a friend that watched her father pass away from throat cancer last year. He noted that her father was unable to use narcotics for pain relief, which caused him to become very ill and have seizures. He stated that her father had been in a lot of pain for a long time before he had passed away. He noted that her father deserved to have some kind of relief. He stated that the medical dispensaries were intended to help people just like his friend's father. He noted that ill people did not deserve to have more and more hurdles in their way to obtain a type of medical relief that the voters of Florida had voted to be acceptable for patients. He stated that he had hoped that the Commission would be compassionate towards the citizens' needs when making the decision to ban medical marijuana dispensaries and consider what the citizens had voted for. He noted that this was another option for patients to have and discuss with their doctors.

Commissioner Selby stated that going through the agenda packet, one of the things that he was moved to do was to look back at the election in November of 2016. He noted that he wanted to share the poll numbers with the Commission and hoped that the numbers were correct on the Volusia County Supervisor of Election's website. He stated that in

Volusia County the amendment to have TTMC passed with 73 percent of the vote. He noted that in Ormond Beach it had passed by 71 percent. He stated that in Zone Three it passed by 68 percent, in Zone One it passed by 69 percent, in Zone Four it passed by 71 percent, and in Zone Two it passed by 77 percent. He noted that he had voted against the amendment but explained that he did not vote against medical marijuana. He further explained that he voted "no" hoping that this was not the first step in a progression, because he did not want recreational marijuana to be legal in Florida. He noted that he also voted against it knowing full well that it was going to pass.

Commissioner Selby stated that he had looked at all the research that was given to the Commission in the agenda packet. He noted that some of the information was provided from an organization called the Marijuana Policy Group. He stated that it had had reasons not to enact the item. He noted that one item in the information that was interesting to him was the small market penetration that medical marijuana had. He stated that they had studied every state that had enacted medical and recreational marijuana. He noted that they had estimated based on those numbers that slightly over one percent of the population of Florida would actually be legal users of medical marijuana. He stated that Ormond Beach had a population of 40,000, which meant that there may only be 400 to 500 medical users of marijuana.

Commissioner Selby noted that 71 percent of the electorate had voted in favor of it. He stated that he did not believe that the voters had voted for medical marijuana but not in their back yard, explaining that he believed that voters expected medical marijuana to be readily available to the citizens of Ormond Beach. He stated that he was hard pressed to take a position that did not fulfill the voters' overwhelming wishes. He noted that he had read through some of the backup information. He stated that Mr. Hayes had done a fantastic job in preparing the information. He noted that there had been only small discussion at one or two meetings about the item, and that Mr. Hayes and staff had been proactive in bringing forth the item, which he appreciated.

Commissioner Selby stated that the Medical Marijuana Policy Group stated that it took a population of 67,000 for one distribution facility to be profitable. He noted that if the Commission did not ban dispensaries, there was no control over how many there could be and it was possible that there would be multiple, noting that under those numbers, the city would have multiple non-profitable businesses. He stated that the group stated that what happened then was that dispensaries start breaking the law and sold to unauthorized users or minors. He noted that the bottom line was that it was a heavily regulated industry and he believed that if someone broke the law, they would suffer the consequences of breaking that law. He stated that those arguments did not carry much water with him because they were not reasons not to carry out what was the mandate of the electorate. He noted that for those reasons, he was leaning towards doing nothing.

Commissioner Selby stated that the legislature had allowed the Commission the ability to permit MMTC, but not within 500 feet of a school; whereby, Mr. Hayes stated that that already a function of state law and the Commission had the right to override that if they wanted them to be within 500 feet of schools.

Commissioner Boehm stated that just like Commissioner Selby, he had taken a long time to look at all the information and study it. He noted that he wanted to give kudos to Mr. Hayes who had sent the law to the Commission. He stated that he believed it was the most restrictive laws he had seen toward individuals being able to do something. He noted that it had appeared to him after reading the law that the legislature in Florida did not accept what 71 percent of voters wanted. He stated that the legislature was doing what they were able to do to make it as difficult as possible for citizens to get medical marijuana.

Commissioner Boehm stated that the state of Florida was allowed to have ten medical marijuana dispensaries. He noted that currently there were seven licensed ones. He stated that each dispensary could have 25 dispensing facilities. He stated that right now that meant a maximum of 175 in the state of Florida. He noted that the state of Florida had a population of 22 million. He stated that the legislature decided that they were going to break down the state into five regions. He noted that they had tried to divide the regions into equal populations. He explained that the legislation had created a formula that each MMTC, which could have 25 dispensing facilities, could only have a number of dispensing facilities equal to the percent of the population within a region as to the population to the state as a whole. He stated that if 20 percent of the population was in one region, that meant that there could only be five dispensary facilities. He noted that Ormond Beach's region included Interstate 4 (I-4). He stated that he believed that

Ormond Beach would never see a MMTC. He noted that if a MMTC were to look at Ormond Beach, they would not build a facility in a city with a population of 40,000 because it did not make business sense.

Commissioner Boehm stated that the major populated cities would receive the MMTC. He noted that there was no reason for them to go into smaller cities. He stated that he believed that Ormond Beach would never have a MMTC. He noted that his concern was where the potentially 400 residents in Ormond Beach that needed medical marijuana would have to go to get it, because there would most likely not be a dispensing facility for 20 to 50 miles. He stated that one of the things about the law was that in order for anyone to fill a medical marijuana prescription, a state certified doctor need to approve it and the prescription needed to specify the amount and what device it was to be dispensed with. He noted that once that was done, the patient must then go with their driver's license and a recent picture of themselves and apply to the state of Florida to get a state issued identification card that allowed them, once the card was received to go to a dispensing facility. He explained that it was required that the individual had to in-person in order to get the marijuana dispensed to them, and noted that they would be registered on the state marijuana registry. He stated that the chances that someone who was severely ill with chronic pain doing all of the above to get into the facility was not very high.

Commissioner Boehm stated that there was also an option of someone becoming a caregiver. He noted that the caregiver needed to take a class, pass it, and take a photograph and driver's license to apply to the state for the caregiver card. He stated that that allowed the caregiver for one person and one person only to go to a dispensary to get medical marijuana for that one person that they cared for. He noted that in the law it had said nothing about how long the state was going to take to issue the identification cards. He stated that the system that was set up made it extraordinary difficult for a patient to receive medical marijuana. He noted that he believed that was by design. He stated that he believed the number of facilities was going to be few and far between. He noted that he believed that the residents of Ormond Beach would not be helped by it. He stated that he was not in favor of banning it in Ormond Beach, and noted that he would much rather see a dispensary in Ormond Beach than to see it banned.

Commissioner Littleton stated that every point had already been touched on by Commissioner Selby and Commissioner Boehm. He noted that 71 percent of voters in Zone Four had voted in favor of Amendment 2. He stated that Commissioner Boehm was absolutely right that the law had been overregulated to the detriment of the citizens. He noted that citizens were not getting what they voted for. He stated that he believed that the Florida legislature did it that way on purpose to make it as hard as possible. He noted that it was difficult for someone who suffered from chronic pain, and that they would have to go to Seminole County from Ormond Beach to receive medicine. He stated that he was not at all in favor of the ban.

Commissioner Kent stated that he wanted to thank Commissioner Selby for doing his research and sharing those numbers. He noted that he agreed 100 percent with everything that Commissioner Boehm had stated.

Mayor Partington stated to Mr. Hayes that he had the direction of the Commission and asked if he needed any further action from the Commission at this time; whereby, Mr. Hayes stated "no," and joked that it was one less thing he had to worry about doing.

Item did not receive a motion, therefore it was not voted upon.

Item #11A – Granada Bridge Roadway Lighting

Ms. Joyce Shanahan, City Manager, stated that based on some discussion that the Commission had over the last couple of months, there was some desire to see if the Florida Department of Transportation (FDOT) would remove the lighting on the bridge. She explained that some of the poles were damaged due to the storm and FDOT was responsible for replacing them. She noted that if the city were not interested in replacing them, the city would be required to do a lighting study which had to be performed by an electrical engineer who had the appropriate software to emulate the lighting patterns for the wattage. She noted that staff of the opinion that the city should let FDOT reinstall the poles at their expense and update the four fixtures that were remaining. She noted that staff wanted direction from the Commission and to hear what they would like to see happen.

Mr. John Noble, City Engineer, stated that staff had provided the Commission with three options. He explained that the options including doing a study regarding the need for the lights, upgrading the lights to decorative light fixtures, or letting the FDOT go ahead with what they were proposing to install.

Commissioner Boehm asked if the FDOT would listen to the Commission's request for the four remaining lights, and that if FDOT did not, would Mr. Noble know what it would cost if the city were to put in LED lights. He noted that he would like to see LED installed one way or another.

Mr. Noble stated that he believed FDOT would be amenable to the city's request to include the other four poles because it would not make sense to have four non LED light poles with the 13 others being LED poles. He noted that if not, it would cost the city around \$5,000 to \$7,000 per pole.

Commissioner Selby clarified that option one was to figure out if there was sufficient light without the center poles; whereby, Mr. Noble stated that at one of the workshops earlier in the year, there was a statement that some had liked the look of the bridge without the light poles there. Commissioner Selby stated that he had said that; whereby, Mr. Noble stated that option one was following that request.

Commissioner Selby asked if the decorative fixtures had sufficient light; whereby, Mr. Noble stated that they would and that they would be LED.

Commissioner Selby clarified that option three was taking down the four that FDOT had not taken down; whereby, Mr. Noble stated that that was correct because of the inspection that was done but FDOT. He noted that they did not see the need to replace them. He stated that staff would come back and request to FDOT that they include the four poles in the lighting plan.

Commissioner Selby stated that the fixtures that FDOT was proposing were very attractive but very modern. He explained that Ormond Beach had antique fixtures on the sides of the bridge. He noted that the light fixtures that FDOT would be putting up on the bridge were all along International Speedway Boulevard and did not look out of place there because there were no other competitive light fixtures. He stated that he believed that the decorative fixture would look better and that the city could use Community Redevelopment Agency (CRA) funds to do so.

Mr. Noble explained that the CRA fund reserves were identified as a potential budget source, but were short \$400,000 because the city did not receive one of the two grants the city had applied for. He stated that he was unsure if the Commission wanted to consider using additional CRA funds to fund that short coming. He noted that it was something to keep in mind.

Commissioner Selby asked which grant the city received; whereby, Mr. Noble stated that staff was still waiting to hear on the Florida Inland Navigation District (FIND) grant, but was hopeful that the city would receive it.

Commissioner Selby asked what the other grant had been; whereby, Mr. Noble stated that the other one was with the Florida Fish and Wildlife Conservation Commission for \$400,000.

Mayor Partington confirmed that Commissioner Selby was leaning towards option two; whereby, Commissioner Selby stated that that was correct and he believed that he would rather spend the money now to do the study so that FDOT did not go and put up their poles.

Mayor Partington asked if option two would require the study; whereby, Mr. Noble stated that it would not because the lights would go back up in the center.

Commissioner Selby asked whether FDOT would wait to put the poles up if the city did not put the lights up right away. He asked whether FDOT would wait until the Commission stated what their preference was or if they would say that they had a potential safety issue and replace the poles with whatever they wanted to put up; whereby, Mr. Noble noted that it was a good question and he was unaware how FDOT would respond to that.

Ms. Shanahan confirmed with Mr. Noble that FDOT had push button funding; whereby, Mr. Noble stated that if FDOT proceeded with the design plans that they had currently had, a push button continuing contract could be used and the funding would be available right away. He noted that if the Commission wanted the decorative poles that would require FDOT not to use their push button contractor, and FDOT would need to program it into their CIP, which would be for the next fiscal year.

Commissioner Selby stated that the problem was potentially timing. He noted that the Commission may need to delay the expenditure because the CRA funds were not there to do it. He stated that he was concerned that FDOT might say that it was not safe because there's not sufficient light on the bridge and therefore they would just go and fix the problem.

Mr. Noble stated that he believed that the lighting study would show that there was insufficient lighting on the bridge without the poles.

Mayor Partington stated that the Commission would want to go to option two and have Ms. Shanahan work with Finance Director Kelly McGuire to try and find where the budget could be amended in order to make it happen.

Commissioner Kent stated that when the idea came up about the possibility of the Commission allowing the lights to stay down, he did not like that idea because Ormond Beach had an aging population. He noted that "the lighter the road, the better" was a common theme with almost everyone. He stated that the Commission was being given a great opportunity for the city to upgrade to the decorative poles. He noted that doing so would match what the city already had in that area. He stated that he agreed with Commissioner Selby that if the city had the more modern poles, they would look out of place. He noted that his only caution was that if the city decided to do the decorative poles, it would be on the city to maintain the poles down the line. He stated that he was for option two, putting in the decorative poles, and for staff to come up with the money.

Commissioner Boehm asked Mr. Noble how long the process would be if the Commission went with option two; whereby, Mr. Noble stated that it would push the project back because FDOT was not able to use their push button continuing contracts. He noted that staff would provide FDOT with the light fixtures the Commission wanted and incorporate them into the plans. He noted that that was not a lengthy process in and of itself, but FDOT would need to wait to get it into their funding program.

Commissioner Boehm noted that FDOT's fiscal year 2017-18 budget was already approved, stating that the project would be in their 2018-19 budget. He noted that FDOT still needed to approve the decorative poles and the city could not just say that they were going to put them up; whereby, Mr. Noble stated that staff would go back and tell FDOT that it was the Commission's desire to have decorative poles installed.

Mayor Partington stated that the city had a good meeting with FDOT and noted that he was hopeful that Mr. Noble would be able to work with them so that FDOT could do something quickly, with the push button funding and the city's combined funding to make it happen sooner.

Commissioner Boehm stated that he believed all of the Commission would like to see it happen, explaining that he just did not want to see it happen in October of 2018 or later because of concerns about funding or plans. He noted that like Mr. Noble had already stated, there was insufficient lighting now. He referenced Commissioner Kent's comment about the aging population, and noted that he did not want to see lighting be put off for a year and a half just for the purpose of getting decorative poles. He explained that if staff was able to get FDOT on board with funding and get the project moving, then he was in favor of it. He noted that he was not in favor of waiting a year or so in order to get it done.

Mayor Partington asked if staff was able to work on that and bring back the Commission an answer.

Ms. Shanahan asked Mr. Noble if the city would be able to do a Local Agency Program (LAP) agreement with FDOT and advance it themselves and then get reimbursed; whereby, Mr. Noble stated that staff could run that by FDOT.

Ms. Shanahan stated that staff would narrow down the options and bring it back to the Commission.

Commissioner Littleton stated that he originally thought he was going to be in favor of items one and three, due to issues of timing and funding. He noted that he believed that those concerns were not answered at the time and noted that he still had his concerns about option two.

Mayor Partington asked Commissioner Littleton if depending on what staff brought back to the Commission if he could be in favor of it at a later date; whereby, Commissioner Littleton stated that he would consider it at that time.

Ms. Shanahan stated that staff had some general direction and would bring it back to the Commission.

Item #12 – Reports, Suggestions, Requests

Meeting Schedule

Ms. Shanahan noted that August was a long month. She stated that the Commission had almost three weeks until their next meeting on September 5, 2017, noting that it would be the first budget meeting. She explained that the Commission would have a public hearing on the budget at that meeting. She noted that there were no upcoming workshops planned in September and the first workshop planned was for October 3, 2017, at 5:30 p.m., regarding the Health Insurance Strategic Plan.

Ponce Inlet, Florida

Ms. Shanahan stated that she had sent the Commission an email about a request from Ponce Inlet, Florida. She noted that if the Commission desired to move ahead with that to just let her know and staff would bring something back to them at a future date.

Litigation Shade Meeting

Mr. Randy Hayes, City Attorney, stated that he wanted to update the Commission on the litigation with Westville Insurance Company. He explained that staff was getting some movement and development on that issue. He stated that staff would like to go back into a shade meeting with the Commission. He noted that he believed that it would not take longer than 45 minutes. He stated that the trail date was in September so the window was closing. He noted that staff wanted firmed up direction from the Commission. He stated that staff was looking to have the shade meeting on Tuesday, August 22, 2017, at 5:30 p.m. if all members of the Commission were available.

Commissioner Kent asked if the Commission was able to do it before their first Commission meeting in September; whereby, Mr. Hayes stated that the trail was set for the second week of September. He noted that staff would keep the meeting quick and did not need to hash through everything that they had already gone through. He stated that staff was looking for some very firm direction.

Recognitions

Commissioner Littleton stated that Public Works Operations Manager Kevin Gray should be proud of himself and his team. He noted that any email he sent to Mr. Gray about a citizen complaint was taken care of immediately by his staff. He stated that he did a fine job. He noted that he truly appreciated what he did for the city.

Commissioner Littleton stated that City Clerk Scott McKee did not get enough recognition for reading all of the resolution and ordinance titles.

Commissioner Littleton stated that Commissioner Selby was a Volusianary. He noted that Commissioner Selby made him laugh when he was on that radio show. He stated that last week on the radio show Commissioner Selby had some good comments. He noted that everyone should listen to the Volusianaries next month.

Florida League of Cities

Commissioner Littleton stated that later that week, he, Mayor Partington, Commissioner Selby, and Ms. Shanahan were attending the Florida League of Cities Conference. He noted that he was excited to represent his city. He stated that he hoped to learn something and wondered if Mayor Partington was as much of a rock star at Florida League of Cities as he was at the Volusia League of Cities.

Radio Show

Commissioner Selby stated that he wanted to thank Commissioner Littleton as he did not realize anyone had listened to the Volusianaries radio show.

First Step Shelter Board Meeting

Commissioner Selby stated that he had attended his first meeting as an official member of the First Step Shelter board meeting. He noted that it was held on August 7, 2017. He stated that the First Step Shelter would be built and owned by the City of Daytona Beach, Florida. He noted that the money from the county was being given to Daytona Beach. He stated that Ormond Beach's funds were contingent upon the shelter actually being built and becoming operational. He noted that the Ormond Beach would be paying quarterly. He stated that he believed that that was some wise contingency and a good way to protect the citizens of Ormond Beach.

Commissioner Selby stated that there was going to be a lease agreement between the city and the non-profit 501(c)3. He noted that the 501(c)3 that the city had pledged their money to would then enter into a management agreement with Catholic charities and any other service provider that did not go under the realm of Catholic charities. He stated that the city was sort of a master tenant of the facility owned by Daytona Beach. He noted that he served, as all the board members did, at the pleasure of the Daytona Beach City Commission. He stated that there was a maximum of seven members and noted there were currently five on the board. He noted that he believed that the First Step Shelter was set up well. He stated that he was unsure of the time frame but Daytona Beach was moving along quickly. He noted that the board was told that the project was going to stay under budget and accommodate 100 homeless persons.

Commissioner Selby stated that a lot of questions came up at the board meeting about operational items. He noted that the shelter would operate 24 hours a day, seven days a week, and as a "come as you are" facility. He stated that a lot of the questions at the meeting were about how to handle someone who just showed up, and was not in the back of a police car. He explained that that the questions involved how would the facility know who they were, how they would know if they were a potential threat, or if they were intoxicated or on drugs, would they be a potential threat to staff or other residents of the facility. He noted that it was a lot more complicated than it appeared on the surface. He stated that Catholic charities did have a lot of experience with this type of operation. He noted that he was excited about it and the biggest thing was the cooperation between governments to solve the area wide problem.

Septic Tanks on the North Peninsula

Commissioner Selby stated that he had recently organized a meeting with the help of staff to address the issue of water quality on the North Peninsula. He noted that the purpose of the meeting was to begin some dialogue about implementing the city's plan to provide sewer to the North Peninsula. He stated that he wanted to make it aware that the Commission and staff had a plan and knew how much it would cost. He noted that the only real solution to get rid of the septic tanks on the North Peninsula was Ormond Beach. He stated that this was not about annexations but about improving the environment. He noted that one of the things he had learned in the process was that the average grade at A1A was approximately 15 feet and the average grade at John Anderson was approximately five feet. He stated that all of that water followed to the west into the river.

Commissioner Selby stated that at that meeting, the consultant shared that because of the porelessness of the soil, if a septic tank and drain field were not working at all, a resident would never know it because it would go down the drain pipe and into the ground and not function the way a septic tank was supposed to function. He noted that there were no stated goals yet relative to cost but the citizens of the county paid a higher millage rate collectively. He stated that the rate was \$1.3 million more per year on the North Peninsula than residents under the basic millage rate. He noted that the city provided water on the North Peninsula and the city charged 150 percent of the city's resident rate to those customers. He stated that his motivation was the Commission trying to improve the environment and how they should go about doing that. He noted that the plan had multiple phases and asked if the city could do it in a cost effective way that made it better. He stated that he was an Eagle Scout and explained that as an Eagle Scout, you always tried to find ways to leave the campsite better than when you had arrived. He stated that there was a grant that would be able to cover a large portion of the phases.

Eagle Scouts

Commissioner Kent stated that it was good to hear that Commissioner Selby was an Eagle Scout. He noted that he was interested to hear one day what his Eagle Scout project was.

City Calendar Year

Commissioner Kent asked if Ms. Shanahan could refresh him and the Commission's memory on when the city government and county year started over as it was not like the normal calendar; whereby Ms. Shanahan stated that it would start over on October 1, 2017.

Millage Rate

Commissioner Kent stated that there was a vote a few weeks back on the tentative millage rate. He noted that it had been a 4-1 vote in favor of adoption. He stated that Commissioner Littleton had voted against it. He noted that the Commission had spoken about voting for projects but not voting for the millage rate. He stated that Commissioner Littleton had voted "no" because it was basically for projects and a millage decided before he was elected. He noted that he was so excited for Commissioner Littleton, starting October 1, 2017, to show Commissioner Kent from October 1, 2017 to September 30, 2018, his cuts of \$1.1 million. He stated that the \$500,000 dog park was not able to be used as a cut for Commissioner Littleton because that was budgeted before Commissioner Littleton was a Commissioner. He noted that he was excited and anxious to see what Commissioner Littleton's fresh eyes would uncover for the Commission.

Septic Tanks on the North Peninsula

Commissioner Boehm stated that at some point in the past, the Commission had discussed the North Peninsula and the septic tanks. He noted that he wanted to point out that the county bore some responsibility. He stated that the county was a lot larger than Ormond Beach and had a much bigger budget. He noted that the state of Florida had funded a number of projects just like that. He stated that he would not be in favor of Ormond Beach taking on projects alone for those who were currently not residents of Ormond Beach. He noted that he would be supportive because it was an environmentally sound thing to do.

Homelessness

Commissioner Boehm stated that he wanted to point out that there had been some questions in the past about if Ormond Beach actually had homelessness. He noted that he was aware of some of the homeless being located behind the shopping centers at Wal-Mart and Ormond Town Square. He stated that the Commission had received an email that week with homeless sleeping on the benches at Cassen Park. He noted that homelessness was a national issue. He stated that he looked forward to Commissioner Selby continuing to update the Commission. He noted that the real challenge was going to be that the First Step Shelter was a 24 hour, seven days a week, walk right in the door type facility, and he looked forward to see how they would handle that.

Locking Car Doors

Commissioner Boehm stated he continued to be surprised by the number of car break-ins each week contained in the weekly staff reports sent to the Commission. He noted that almost all of the break-ins were in unlocked cars and noted that a number of them occurred in unlocked cars with keys in them. He stated that it continued to amaze him. He noted that there were a number of weapons that were taken out of unlocked cars. He stated that if someone had a gun in their glove compartment, they should be locking their car doors. He noted that he was saying this for the benefit of everyone who was listening, and encouraged everyone to lock their cars and if they had a weapon in them, and double lock it because these individuals had developed a technique of breaking into cars. He noted that he was sure that they just walked down streets and tested all the handles until they got to one that was open and then rifled through it. He stated that most cars have a car alarm system, and that it did not work if the door was not locked.

Agenda Packet

Commissioner Boehm stated that for those of you who wondered what the Commission had done in their free time when they were not at the Commission meeting, there was a 2,671 page agenda packet provided to them to work their way through. He noted that that agenda was from the past two weeks. He stated that staff liked to punish the Commission with long agenda packets now and then. He noted that there was a whole lot of work that went into what the Commission had to do before they were at the meeting. He stated that he was always proud of the people he had worked with on this Commission and prior ones that came prepared and did their work.

First Day of School

Mayor Partington stated that he had the opportunity on Monday, August 14, 2017, to go to Ormond Beach Elementary with Principal Tucker Harris and welcome the all-star students to their first day of school. He noted that it was along with a number of Ormond Beach business and community leaders. He stated that they had a red carpet laid out for the students and cheered for them for about a half an hour as they all came in for their first day of school. He noted that it was a great opportunity to be there and support the students. He stated that Ormond Beach Elementary was an "A" school and had just received their rating. He noted that the Commission would recognize all the "A" schools at the next City Commission meeting on September 5, 2017. He stated that there was a lot of excitement for the first day of school and he believed that they were going to have a fantastic year.

Granada Bridge Painting

Mayor Partington stated that when speaking about bridge lighting and Ormond Beach having a community feel, and being a community that wanted a higher standard as far as the aesthetics and working towards creating a sense of place, he wanted the Commission to also consider painting the Granada Bridge. He noted that he would ask each of the Commissioners to think about the International Speedway Boulevard (ISB) Bridge in Daytona Beach, and think about painting the Granada Bridge. He stated that staff could ask Ormond Beach MainStreet "MainStreet" if they had any recommendation on the bridge painting. He noted that the Granada Bridge could look a lot better than it did. He stated that he was extremely impressed with what Daytona Beach had been able to accomplish with the ISB Bridge. He noted that he did not say that Ormond Beach needed murals, but if the bridge could be painted and add the decorative lighting component; it would be aesthetically pleasing and a nice accent to the downtown. He noted that it would set Ormond Beach apart from other cities and bridges.

FDOT Meeting

Mayor Partington stated that it was about a week ago that he, Ms. Shanahan, Mr. Noble, Mr. Doug Bell, and Assistant City Engineer Shawn Finley had met with FDOT district director and staff in Deland, Florida. He noted that he believed it was a very positive meeting. He stated that the push button contract availability was for two rapid frequency flashing beacon (RFFB) approved for Ormond Beach. He noted that one was going to be at Andy Romano Beachfront Park and the other on Granada Boulevard in front of The Grind. He stated that individuals would be able to walk up and push a button and there would be a RFFB that went off so cars would stop and know that someone was crossing. He noted that it would be bright and rapid enough to get the driver's attention. He stated that he believed that the city had established relationships that would produce benefits for the city going forward.

Rapid Rehousing for Homelessness

Mayor Partington stated that last week, he and Ms. Shanahan had a meeting with Mr. Sam Willett and Mr. Chet Bell, who had been involved with the rapid rehousing component of the homeless solution. He noted that they had spoken about how important a component of the entire homeless shelter effort rapid rehousing was, and how the federal government had put a lot of money into rapid rehousing so that there were funds available. He stated that he believed it was a necessary critical component and he hoped that Commissioner Selby continued to push for that when on the First Step Board meetings. He noted that he believed that there were other members on that board who supported it and understood that it was an important aspect to the overall solution and could help that homeless shelter function more efficiently and make the success more complete. He stated that it was a good meeting and that they may even come to the Commission with a presentation. He noted that they may participate during public comments, or go to the individual board members and explain the rapid rehousing in detail.

Item #13 – Adjournment

The meeting was adjourned at 9:14 p.m.

APPROVED: September 5, 2017

BY:

Bill Partington, Mayor

ATTEST:

J. Scott McKee, City Clerk