

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

September 19, 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. ADOPTION OF FY 2017-2018 MILLAGE RATES AND BUDGET**
 - A. RESOLUTION NO. 2017-175** : A RESOLUTION ESTABLISHING THE FINAL MILLAGE RATES TO BE LEVIED FOR FISCAL YEAR 2017-2018; DIRECTING CERTIFICATION; EXPRESSING LEGISLATIVE INTENT; AND SETTING FORTH AN EFFECTIVE DATE.
Staff Contact: Kelly McGuire, Finance Director (386-676-3226)
 - B. ORDINANCE NO. 2017-22** : AN ORDINANCE ADOPTING THE ANNUAL BUDGET FOR THE 2017-2018 FISCAL YEAR BEGINNING OCTOBER 1, 2017 AND ENDING SEPTEMBER 30, 2018; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; AND SETTING FORTH AN EFFECTIVE DATE. **(SECOND READING)**
Staff Contact: Kelly McGuire, Finance Director (386-676-3226)
- 5. PRESENTATIONS AND PROCLAMATIONS**
 - A. Service Recognition - Gerald Brandon
- 6. AUDIENCE REMARKS - REGARDING ITEMS NOT ON THE AGENDA**
- 7. APPROVAL OF MINUTES**
 - A. The minutes from the September 5, 2017 City Commission meeting will be available for approval at the October 3, 2017 City Commission meeting.
- 8. CONSENT AGENDA**

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

 - A. RESOLUTION NO. 2017-176** : A RESOLUTION AUTHORIZING THE EXECUTION OF A WATER, SEWER AND ANNEXATION AGREEMENT BETWEEN THE CITY OF ORMOND BEACH AND THE COUNTY OF VOLUSIA, FLORIDA FOR PROPERTY LOCATED AT 1255 OCEAN SHORE DRIVE, ORMOND BEACH, VOLUSIA COUNTY, FLORIDA; PROVIDING FOR RECORDATION; AND SETTING FORTH AN EFFECTIVE DATE.
Staff Contact: Ric Goss, Planning Director (386-676-3238)

- B. **RESOLUTION NO. 2017-177** : A RESOLUTION AUTHORIZING THE EXECUTION OF A WATER, SEWER AND ANNEXATION AGREEMENT BETWEEN THE CITY AND THE SPINNAKER OF ORMOND CONDOMINIUM ASSOCIATION, INC. FOR PROPERTY LOCATED AT 2450 OCEAN SHORE BOULEVARD, ORMOND BEACH, VOLUSIA COUNTY, FLORIDA; PROVIDING FOR RECORDATION; AND SETTING FORTH AN EFFECTIVE DATE.
- Staff Contact:** Ric Goss, Planning Director (386-676-3238)
- C. **RESOLUTION NO. 2017-178** : A RESOLUTION AUTHORIZING THE EXECUTION OF A THIRD AMENDMENT TO ECONOMIC DEVELOPMENT GROWTH ASSISTANCE AGREEMENT WITH AMERICAN DIE & MOLD SOUTH, INC.; AND SETTING FORTH AN EFFECTIVE DATE.
- Staff Contact:** Joe Mannarino, Economic Development Director (386-676-3266)
- D. **RESOLUTION NO. 2017-179** : A RESOLUTION AUTHORIZING THE EXECUTION OF A SECOND AMENDMENT TO ECONOMIC DEVELOPMENT GROWTH ASSISTANCE AGREEMENT WITH PADWELL HOLDINGS, LLC; AND SETTING FORTH AN EFFECTIVE DATE.
- Staff Contact:** Joe Mannarino, Economic Development Director (386-676-3266)
- E. **RESOLUTION NO. 2017-180** : A RESOLUTION AUTHORIZING THE EXECUTION OF A FIRST AMENDMENT TO ECONOMIC DEVELOPMENT GROWTH ASSISTANCE AGREEMENT WITH PRIME GLOBAL GROUP, INC., AND SETTING FORTH AN EFFECTIVE DATE.
- Staff Contact:** Joe Mannarino, Economic Development Director (386-676-3266)
- F. **RESOLUTION NO. 2017-181** : A RESOLUTION AUTHORIZING THE EXECUTION OF A FIRST AMENDMENT TO ECONOMIC DEVELOPMENT GROWTH ASSISTANCE AGREEMENT WITH SKYO INDUSTRIES, INC.; AND SETTING FORTH AN EFFECTIVE DATE.
- Staff Contact:** Joe Mannarino, Economic Development Director (386-676-3266)
- G. **RESOLUTION NO. 2017-182** : A RESOLUTION AUTHORIZING THE EXECUTION OF A FIRST AMENDMENT TO ECONOMIC DEVELOPMENT GROWTH ASSISTANCE AGREEMENT WITH SR PERROTT; AND SETTING FORTH AN EFFECTIVE DATE.
- Staff Contact:** Joe Mannarino, Economic Development Director (386-676-3266)
- H. **RESOLUTION NO. 2017-183** : A RESOLUTION AUTHORIZING THE APPROVAL AND EXECUTION OF A PURCHASE AUTHORIZATION (REQUISITION #1111) FOR THE PURCHASE OF ONE 2017-2018 MODEL YEAR FORD F-450 PICK UP CAMERA TRUCK, UNDER PASCO COUNTY BID NO.IFB-JV-16-121; DECLARING CERTAIN VEHICLES TO BE SURPLUS PROPERTY, AND AUTHORIZING THE DISPOSITION THEREOF; AND SETTING FORTH AN EFFECTIVE DATE.
- Staff Contact:** Kevin Gray, Public Works Operations Manager (386-676-3522)
- I. **RESOLUTION NO. 2017-184** : A RESOLUTION ACCEPTING A PROPOSAL A.M. WEIGEL CONSTRUCTION, INC. FOR CONSTRUCTION MANAGEMENT SERVICES REGARDING THE ORMOND BEACH SPORTS COMPLEX LIGHTING PROJECT; AUTHORIZING THE EXECUTION OF A WORK AUTHORIZATION AND PAYMENT THEREFOR; AND SETTING FORTH AN EFFECTIVE DATE.
- Staff Contact:** John Noble, City Engineer (386-676-3269)

- J. **RESOLUTION NO. 2017-185** : A RESOLUTION AUTHORIZING THE EXECUTION OF A THIRD AMENDED SOCCER FACILITIES LEASE AGREEMENT BETWEEN THE CITY AND ORMOND BEACH SOCCER CLUB, INC., REGARDING THE USE OF CERTAIN CITY FACILITIES FOR THE PROVISION AND OPERATION OF YOUTH SOCCER PROGRAMS; AND SETTING FORTH AN EFFECTIVE DATE.
Staff Contact: Robert Carolin, Leisure Services Director (386-676-3279)
- K. **RESOLUTION NO. 2017-186** : A RESOLUTION APPOINTING A MEMBER TO THE GOODWILL AMBASSADOR PROGRAM; SETTING FORTH TERMS AND CONDITIONS OF SERVICE; AND SETTING FORTH AN EFFECTIVE DATE.
Staff Contact: Scott McKee, City Clerk (386-676-3340)
- L. **RESOLUTION NO. 2017-187** : A RESOLUTION APPROVING A SETTLEMENT PROPOSAL REGARDING THE WORKERS' COMPENSATION CLAIM OF TOMMY DOUGLAS BOZEMAN (A/K/A THOMAS BOZEMAN); AUTHORIZING THE EXECUTION OF A SETTLEMENT AGREEMENT AND ANY AND ALL DOCUMENTS INCIDENTAL THERETO; AUTHORIZING PAYMENT RELATIVE THERETO; AND SETTING FORTH AN EFFECTIVE DATE.
Staff Contact: Randal Hayes, City Attorney (386-676-3217)
- M. **RESOLUTION NO. 2017-188** : A RESOLUTION AUTHORIZING USE OF THE CITY'S SEAL BY THE VOLUSIA/FLAGLER FAMILY YOUNG MEN'S CHRISTIAN ASSOCIATION, INC. FOR PROMOTIONAL PURPOSES IN CONNECTION WITH THE GROUNDBREAKING CEREMONY OF THE NEW PUBLIC DOG PARK; AND SETTING FORTH AN EFFECTIVE DATE.
Staff Contact: John Noble, City Engineer (386-676-3269)
- N. **RESOLUTION NO. 2017-193** : A RESOLUTION AUTHORIZING THE ACCEPTANCE OF A GRANT AWARD FROM THE STATE OF FLORIDA, OFFICE OF THE ATTORNEY GENERAL REGARDING FUNDING FOR THE CITY'S VICTIM'S ADVOCATE 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 Moisiso, Grants Coordinator/PIO (386-676-3315)
- O. **RESOLUTION NO. 2017-189** : A RESOLUTION ACCEPTING BIDS AND AUTHORIZING THE PURCHASE OF VARIOUS CHEMICALS FOR THE CITY'S WATER AND WASTEWATER TREATMENT PLANTS, UNDER BID NO. 2017-24; WAIVING CERTAIN MINIMUM INSURANCE REQUIREMENTS; AUTHORIZING PAYMENT THEREFOR; REJECTING ALL OTHER BIDS; AND SETTING FORTH AN EFFECTIVE DATE.
Staff Contact: Dave Ponitz, Utilities Manager (386-676-3305)
- P. **Chemical Purchase - Annual Supply of Hydrofluosilicic Acid**
Staff Contact: Dave Ponitz, Utilities Manager (386-676-3305)
Disposition: Approve as recommended in the City Manager memorandum dated September 19, 2017.
- Q. **C & D Franchise Renewal for Waste Management, Inc. of Florida**
Staff Contact: Kevin Gray, Public Works Operations Manager (386-676-3522)
Disposition: Approve as recommended in the City Manager memorandum dated September 19, 2017.
- R. **Registration of Tower Cloud, Inc.**
Staff Contact: John Noble, City Engineer (386-676-3269)

Disposition: Approve as recommended in the City Manager memorandum dated September 19, 2017.

S. Rejection of OB Police Department Access Control System Replacement project - Bid No. 2017-21

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

Disposition: Approve as recommended in the City Manager memorandum dated September 19, 2017.

T. Dell PC Surplus Property for Civil Air Patrol Cadet Program

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

Disposition: Approve as recommended in the City Manager memorandum dated September 19, 2017.

U. Budget Status Report for April 2017 - June 2017

Staff Contact: Chris Byle, Assistant Finance Director (386-676-3265)

Disposition: Approve as recommended in the City Manager memorandum dated September 19, 2017.

9. PUBLIC HEARINGS

A. ORDINANCE NO. 2017-23 : AN ORDINANCE AMENDING SECTION 22-23, MINIMUM METER RATES GENERALLY; 22-24, MULTIPLE MINIMUM CHARGES; AND 22-71, SERVICE CHARGE ESTABLISHED; OF CHAPTER 22, WATER AND SEWERS, THE CITY OF ORMOND BEACH CODE OF ORDINANCES, BY INCREASING THE MINIMUM WATER AND SEWER RATES; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; AND SETTING FORTH AN EFFECTIVE DATE. (SECOND READING)

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

B. ORDINANCE NO. 2017-27 : 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 PARCEL OF REAL PROPERTY TOTALING APPROXIMATELY 6.50-ACRES LOCATED AT 275 INTERCHANGE BOULEVARD (VOLUSIA COUNTY PARCEL NUMBER: 4125-10-00-006B) AND NO ADDRESS, INTERCHANGE BOULEVARD (VOLUSIA COUNTY PARCEL NUMBER: 4125-09-00-0070), FROM B-7 (HIGHWAY TOURIST COMMERCIAL) WITH A PLANNED BUSINESS DEVELOPMENT OVERLAY (SOUTHWEST I-95 COMPLEX) 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. 2017-28** : AN ORDINANCE AUTHORIZING THE EXECUTION AND ISSUANCE OF A DEVELOPMENT ORDER FOR A PLANNED BUSINESS DEVELOPMENT TO BE KNOWN AS "TOMOKA ESTATES" APARTMENTS, AUTHORIZING THE CONSTRUCTION OF 100 MULTI-FAMILY UNITS WITHIN FOUR BUILDINGS ALONG WITH ASSOCIATED SITE IMPROVEMENTS TO BE LOCATED AT 275 INTERCHANGE BOULEVARD (VOLUSIA COUNTY PARCEL NUMBER: 4125-10-00-006B) AND NO ADDRESS, INTERCHANGE BOULEVARD (VOLUSIA COUNTY PARCEL NUMBER: 4125-09-00-0070); AUTHORIZING THE GROSS RESIDENTIAL DENSITY OF 15.38 UNITS PER ACRE, AND A MAXIMUM BUILDING LENGTH NOT TO EXCEED 200 LINEAR FEET FOR THE FOUR BUILDINGS; ESTABLISHING CONDITIONS AND EXPIRATIONS OF APPROVAL; AND SETTING FORTH AN EFFECTIVE DATE.

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

- D. **ORDINANCE NO. 2017-29** : AN ORDINANCE ANNEXING CERTAIN REAL PROPERTY INTO THE CITY OF ORMOND BEACH, SAID PROPERTY BEING GENERALLY LOCATED AT 1175 NORTH U.S. HIGHWAY 1 ALONG THE EAST SIDE OF SAID HIGHWAY AND APPROXIMATELY 1.9 LINEAR MILES SOUTH OF THE INTERSTATE 95 SOUTHBOUND RAMP; REDEFINING THE TERRITORIAL BOUNDARIES OF THE CITY TO INCLUDE THE PROPERTY; REDESIGNATING THE BOUNDARIES OF ZONE 1 TO INCLUDE THE PROPERTY; PROVIDING FOR TRANSMISSION; PROVIDING FOR SEVERABILITY; AND SETTING FORTH AN EFFECTIVE DATE.

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

- E. **ORDINANCE NO. 2017-30** : AN ORDINANCE ANNEXING CERTAIN REAL PROPERTY INTO THE CITY OF ORMOND BEACH, SAID PROPERTY BEING GENERALLY LOCATED ALONG THE WEST SIDE OF SOUTH YONGE STREET, BETWEEN ESPANOLA AVENUE AND APPROXIMATELY 125 LINEAR FEET OF ITS INTERSECTION WITH SEVILLE STREET AND BEING COMMONLY LOCATED AT 692 SOUTH YONGE STREET; REDEFINING THE TERRITORIAL BOUNDARIES OF THE CITY OF ORMOND BEACH TO INCLUDE THE PROPERTY; REDESIGNATING THE BOUNDARIES OF ZONE 4 OF THE CITY OF ORMOND BEACH TO INCLUDE THE PROPERTY; SETTING FORTH ZONING, PRIVILEGES, AND OBLIGATIONS OF SAID PROPERTY; PROVIDING FOR TRANSMISSION; PROVIDING FOR SEVERABILITY; AND SETTING FORTH AN EFFECTIVE DATE.

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

- F. **RESOLUTION NO. 2017-192** : A RESOLUTION AUTHORIZING THE EXECUTION AND ISSUANCE OF A DEVELOPMENT ORDER FOR A SPECIAL EXCEPTION REGARDING "SHOPPES ON GRANADA, PHASE 2" LOCATED AT 1268 WEST GRANADA BOULEVARD (VOLUSIA COUNTY PARCEL NUMBER 4230- 00-00-0350), NO ADDRESS WEST GRANADA BOULEVARD (VOLUSIA COUNTY PARCEL NUMBER 4230-00-00-0353), 1254 WEST GRANADA BOULEVARD (VOLUSIA COUNTY PARCEL NUMBER 4230-00-00-0070), 7 MIRROR LAKE DRIVE (VOLUSIA COUNTY PARCEL NUMBER 4230-00-00- 0150), A PORTION OF 21 MIRROR LAKE (VOLUSIA COUNTY PARCEL NUMBER 4230-00-00-0160), AND A PORTION OF 1240 WEST GRANADA BOULEVARD (VOLUSIA COUNTY PARCEL NUMBER 4230-00-00-0130) WITHIN THE B-10 (SUBURBAN BOULEVARD) ZONING DISTRICT, BY AUTHORIZING A WAIVER OF THE WALL WAIVER FROM A SIX FOOT (6.0') MASONRY WALL TO A SIX FOOT (6.0') PVC VINYL FENCE; ESTABLISHING CONDITIONS AND EXPIRATION DATE OF APPROVAL; AND SETTING FORTH AN EFFECTIVE DATE

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

10. FIRST READING OF ORDINANCES

- A. **ORDINANCE NO. 2017-31** : AN ORDINANCE OF THE CITY OF ORMOND BEACH, FLORIDA, FURTHER AMENDING ARTICLE III, FIREFIGHTERS' PENSION TRUST FUND, OF CHAPTER 16, PENSIONS AND RETIREMENT, OF THE CODE OF ORDINANCES; AMENDING SECTION 16-45, BENEFIT AMOUNTS AND ELIGIBILITY; AMENDING SECTION 16-47, DISABILITY; AMENDING SECTION 16-70, SUPPLEMENTAL BENEFIT COMPONENT FOR SPECIAL BENEFITS; CHAPTER 175 SHARE ACCOUNTS; PROVIDING FOR SEVERABILITY OF PROVISIONS; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH AND PROVIDING AN EFFECTIVE DATE.

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

- B. **ORDINANCE NO. 2017-32** : AN ORDINANCE OF THE CITY OF ORMOND BEACH, FLORIDA, RELATIVE TO THE GENERAL EMPLOYEES' PENSION PLAN, AMENDING ARTICLE I, IN GENERAL, OF CHAPTER 16, PENSIONS AND RETIREMENT, OF THE CODE OF ORDINANCES; AMENDING SECTION 16-1, DEFINITIONS BY AMENDING THE DEFINITIONS OF "ACTUARIAL EQUIVALENT", "CREDIT SERVICE" AND "SPOUSE"; AMENDING SECTION 16-6, BENEFIT AMOUNTS AND ELIGIBILITY; AMENDING SECTION 16-8, DISABILITY; AMENDING SECTION 16-10, OPTIONAL FORMS OF BENEFITS; AMENDING SECTION 16-15, MAXIMUM PENSION; AMENDING SECTION 16-21.8, DEFERRED RETIREMENT OPTION PLAN; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY OF PROVISIONS; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH AND PROVIDING AN EFFECTIVE DATE.

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

11. SECOND READING OF ORDINANCES

- A. **ORDINANCE NO. 2017-24** : AN ORDINANCE AMENDING CHAPTER 10, SOLID WASTE, YARD WASTE AND RECYCLABLES, SECTION 10-16, FEES FOR COLLECTION AND DISPOSAL ESTABLISHED, OF THE CODE OF ORDINANCES, BY INCREASING FEES FOR THE COLLECTION AND DISPOSAL OF SOLID WASTE; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; SETTING FORTH AN EFFECTIVE DATE. **(SECOND READING)**

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

- B. **ORDINANCE NO. 2017-25** : AN ORDINANCE AMENDING SECTION 22-115, FEE IMPOSED; SCHEDULE; OF CHAPTER 22, WATER AND SEWERS, OF THE CITY OF ORMOND BEACH CODE OF ORDINANCES, BY INCREASING THE WATER AND SEWER SERVICE IMPACT FEES; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; AND SETTING FORTH AN EFFECTIVE DATE. **(SECOND READING)**

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

12. RESOLUTIONS

- A. **RESOLUTION NO. 2017-190** : A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF ORMOND BEACH, FLORIDA APPROVING THE PRELIMINARY PLAT FOR THE "CYPRESS TRAILS" SUBDIVISION; ESTABLISHING CONDITIONS AND EXPIRATION DATE OF APPROVAL; AND SETTING FORTH AN EFFECTIVE DATE.

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

- B. **RESOLUTION NO. 2017-191** : A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF ORMOND BEACH, FLORIDA APPROVING THE PRELIMINARY PLAT FOR THE "THE GARDENS AT ADDISON OAKS" SUBDIVISION; ESTABLISHING CONDITIONS AND EXPIRATION DATE OF APPROVAL; AND SETTING FORTH AN EFFECTIVE DATE.

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

13. REPORTS, SUGGESTIONS, REQUESTS

14. ADJOURNMENT

Item #1 – Meeting Call to Order

Mayor Partington called the meeting to order at 7:02 p.m.

Item #2 – Invocation

Chaplin Sam Mercado, Florida Hospital, gave the invocation.

Item #3 – Pledge of Allegiance

Mayor Partington led the Pledge of Allegiance.

Item #4A- Proposed Millage Rates for FY 2017-18

City Clerk Scott McKee read by title only:

RESOLUTION NO. 2017-157

A RESOLUTION ADOPTING PROPOSED MILLAGE RATES FOR THE 2017-2018 FISCAL YEAR; ESTABLISHING A DATE TIME AND PLACE FOR A PUBLIC HEARING TO ADOPT FINAL MILLAGE RATES AND FINAL BUDGET; AND SETTING FORTH AN EFFECTIVE DATE.

Mayor Partington stated that per Florida Statute, he was required to state that the proposed millage rate for the City of Ormond Beach necessary to fund the fiscal year 2017-2018 budget was 4.2843 mills. He noted that the rate was 6.2 percent above the rolled back rate of 4.0343 mills. He stated that the tentative debt service millage rates were 0.0935 for the 2002 General Obligation Bond Sinking Fund, 0.0394 for the 2003 General Obligation Bond Sinking Fund, and 0.1190 for the 2010 General Obligation Bond Sinking Fund.

Mayor Partington asked if there were any comments from the Commission regarding the tax rate or budget.

Commissioner Kent stated that he had made his comments at the first reading of the item at the previous meeting. He noted that he did have any more to share.

Commissioner Littleton stated that he shared those same sentiments.

Mayor Partington stated that the item was a public hearing. He asked if there were any members of the public who wished to speak or ask questions prior to the adoption of the tentative millage rate and budget.

Volusia County Council Chairman Ed Kelley, 53 River Ridge Trail, stated that he felt so at home in the Commission Chambers, as he had previously served as the Mayor of Ormond Beach. He noted that this was the first budget that he had not been a part of after 12 consecutive budgets. He stated that he was proud to say that the Commission had done an excellent job. He noted that the Commission had listened to the public, the Budget Advisory Board, and were doing what Ormond Beach expected. He stated that that expectation was to adopt the budget and set the millage rate so that the Commission was able to maintain the quality of life that all the residents of Ormond Beach expected and enjoyed.

Chairman Kelley stated that he had looked at his taxes and his taxes were still a little less with the increased millage rate than they had been ten years ago. He thanked the Commission for listening to the residents of Ormond Beach. He noted that he appreciated the Commission setting the millage rate and adopting the budget. He stated that the Commission had done a great job.

Commissioner Kent moved, seconded by Commissioner Boehm, for approval of Resolution No. 2017-157, as read by title only.

Mayor Partington stated that the final operating millage of 4.2843 mills was 6.2 percent above the rolled back millage rate. He noted that the resolution also included adoption of

the tentative debt service millage rates of 0.0935 for the 2002 General Obligation Bond Sinking Fund, 0.0394 for the 2003 General Obligation Bond Sinking Fund, and 0.1190 for the 2010 General Obligation Bond Sinking Fund.

Mayor Partington stated that he apologized if it seemed like he was repeating himself. He explained that the statutory requirements for the city's adoption the millage rate and budget were very technical and required those items to be stated in a specific manner.

Call Vote:	Commissioner Selby	Yes
	Commissioner Kent	Yes
	Commissioner Boehm	Yes
	Commissioner Littleton	No
Carried.	Mayor Partington	Yes

Mayor Partington stated that the operating millage rate was set at 4.2843 mills, which was equal to the 6.2 percent above the rolled back millage rate of 4.0343 mills.

Item #4B- Final Budget for FY 2017-18

City Clerk Scott McKee read by title only:

ORDINANCE NO. 2017-22

AN ORDINANCE ADOPTING THE ANNUAL BUDGET FOR THE 2017-2018 FISCAL YEAR BEGINNING OCTOBER 1, 2017 AND ENDING SEPTEMBER 30, 2018; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; AND SETTING FORTH AN EFFECTIVE DATE.

Mayor Partington stated that just as Chairman Kelley had stated, the Commission adopted the millage rate first that would fund the budget. He noted that this item was to adopt the budget.

Commissioner Boehm moved, seconded by Commissioner Littleton, for approval of Ordinance No. 2017-22, 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

Mayor Partington asked for any objection to closing the public hearing. He noted that hearing none, the public hearing was closed.

Item 5A- Gerald Brandon – Service Recognition

Mayor Partington stated the Commission was recognizing Mr. Brandon for his service. He presented Mr. Brandon with a plaque. He stated that the plaque was being presented to Mr. Brandon in recognition of 25 years of service to Ormond Beach as a member of the Volusia Growth Management Commission (VGMC). He noted that a proclamation was not prepared. He stated that he wanted to read from a recent resolution that VGMC presented to Mr. Brandon.

Mayor Partington stated that some of the highlights from the resolution included:

"Whereas, Gerald T. Brandon represented the City of Ormond Beach on the Volusia Growth Management Commission for the past 25 years; and whereas, he was the longest serving member of the VGMC, he was elected by his fellow colleagues to serve as an officer of the VGMC for the past 17 consecutive years."

Mayor Partington noted that during Mr. Brandon's tenure he served as chairman for nine terms, vice chairman for seven terms, and secretary for two terms. He stated that during that tenure, Mr. Brandon was wildly respected by his colleagues, the Commission staff, and local leaders for his measurable institutional knowledge, leadership, and professionalism. He noted that that was all after he had served as an Ormond Beach City Commissioner.

Mayor Partington stated that Mr. Brandon was presented with the Beyond the Call of Duty Award from the Commission in 2003 for his time and effort in operating the VGMC

office during an extending period when the administrative coordinator was ill and unable to do so. He stated that Mr. Brandon did not have to do that but he did. He noted that Mr. Brandon had served as the face and voice of the VGMC for well over a decade. He stated that during the lengthy 2016 Charter Review Commission review of the VGMC, Mr. Brandon's strong leadership was instrumental in the coordination, cooperation, and consensus reached amount the Charter Review Commission, the VGMC and representatives of the business committee and local government representatives. He noted that as a result of all that, the Commission wanted to honor Mr. Brandon with a plaque for his services.

Mayor Partington stated that he had a key to the city to present to Mr. Brandon and noted that Mr. Brandon could display that in his trophy case. He noted that he was also presenting a smaller key that Mr. Brandon was able to wear on his lapel so that people knew Mr. Brandon had it. Mayor Partington thanked Mr. Brandon for his dedicated service.

Mr. Brandon stated that he was generally not short of words but was that evening. He noted that he wanted to thank Mayor Partington and the Commission. He stated that he had lived in Ormond Beach since high school and was honored to be able to serve the city for so many years. He noted that Ormond Beach was a city he had grown to love. He stated that he was thankful for the honor.

Mayor Partington stated that the Commission was going to appoint Mr. Brandon as a representative of the city's Goodwill Ambassador Program, so that in the event that he was unable to attend something, Mr. Brandon would be able to be there on his and the city's behalf.

Item #6- Audience Remarks

Chairman Kelley stated that he wanted to thank the Commission for their help with Hurricane Irma. He noted that he found his role larger this year than he did last year. He stated that it was very important that he be available to the county to sign emergency ordinances because the state law set forth that the highest elected official in the county was the one who could adopt emergency resolutions. He noted that he did not have any phone service during or after the storm. He explained that he needed to drive to Granada Boulevard and Williamson Boulevard to receive cell service. He stated that he believed if there was a cell phone tower located by Bodez Gym that would have made a difference. He noted that he had family trying to reach him that could not. He stated that he knew that the City Manager and Commissioner Boehm also did not have cell service.

Chairman Kelley noted that he wished a Commissioner would take it upon himself to look into getting a cell tower. He stated that Bodez Gym would make an excellent place for a cell tower. He noted that his Wi-Fi was knocked out and was unable to use his phone to make calls when there was no Wi-Fi. He stated that he hoped the city would be able to find someone, or if the city wanted to make a little extra money, negotiate with Bodez Gym to find someone to contract the build of the tower and charge the citizens to be on the tower. He noted that it did not need to be a lose-lose situation, it could be a win-win. He stated that cell service was very important and was a public safety issue. He noted that two storms in a row have proved that the city needed to do something about the issue with cell phone service. He stated that hopefully the Commission could discuss the item in a workshop and come up with something. He noted that one of his neighbors down the street had to knock on their next door neighbor's house at 2:00 a.m. because she had no service and had an emergency. He thanked the Commission for listening.

Mr. Wayne Reither, 26 Iroquois Trail, stated that he wanted to second what was already stated by Chairman Kelley. He noted that he had lived in Ormond Beach for 31 years and loved living in the city. He stated that the city had an inexcusable situation of having no phone service for five days. He noted that he looked at the no service as a point of safety because in Tomoka Oaks and The Trails there were a lot of senior residents. He stated that if something happened to one of the senior citizens during the time of no cell service, there was no way of anyone reaching emergency services.

Mr. Reither stated that a few years ago, the Commission had looked into putting a cell tower behind Houligans restaurant, near Bodez Gym. He noted that if the city had had that cell tower, he did not believe that residents would not have run into all the problems with cell service. He stated that many residents had to travel to find any kind of cell service. He noted that a lot of families were looking to be able to call their parents and grandparents. He stated that he believed something needed to be done. He noted that he was not going to tell the Commission how to do their jobs and would appreciate if the

Commission would take what he had stated under advisement so that the residents of Ormond Beach did not run into problems with cell service again. He noted that there may be another hurricane headed towards Ormond Beach.

Mr. Jim Cameron, Senior Vice President of Government Relations, Daytona Beach Regional Chamber of Commerce ("Daytona Beach Chamber"), stated that he wanted to commend the city for all the hard work during Hurricane Irma. He noted that he wanted to commend the Emergency Operations Center and Ormond Beach Police Sergeant Amberly Michaelis, who was out at the county's EOC constantly. He stated that he was very impressed and worked a few desks down from her. He noted that he remembered her from last October when Hurricane Matthew had hit the city. He stated that there was a lot of good participation from Ormond Beach at the Emergency Operations Center. He noted that he wanted to thank Mayor Partington for being at the meeting that was held the Wednesday before Hurricane Irma hit with Governor Rick Scott.

Mr. Cameron stated that Federal Emergency Management Agency (FEMA) reimbursement was still a topic even from the last hurricane. He noted that he was on the phone with someone that day from Senator Marco Rubio's office and the person had told him to not get his hopes up, but that there may be some funding coming back to the state. He stated that he wanted to commend everyone for their hard work. He noted that he was still trying to find out about a business recovery center. He stated that that would mostly likely be held at the Health Department.

Item #7 – Approval of Minutes

Mayor Partington stated that due to the disruption in normal city operations and hours caused by Hurricane Irma, the minutes from the September 5, 2017, City Commission meeting would be available for approval at the October 3, 2017, City Commission meeting.

Item #8 – 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 requested that item 8P be pulled from the Consent Agenda.

Mayor Partington stated that he had an audience card requesting that item 8J be pulled.

Commissioner Kent moved, seconded by Commissioner Boehm, for approval of the Consent Agenda, absent items 8J and 8P.

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

Item #8J – Ormond Beach Youth Soccer Club Lease Agreement Amendment

City Clerk Scott McKee read by title only:

RESOLUTION NO. 2017-185

A RESOLUTION AUTHORIZING THE EXECUTION OF A THIRD AMENDED SOCCER FACILITIES LEASE AGREEMENT BETWEEN THE CITY AND ORMOND BEACH SOCCER CLUB, INC., REGARDING THE USE OF CERTAIN CITY FACILITIES FOR THE PROVISION AND OPERATION OF YOUTH SOCCER PROGRAMS; AND SETTING FORTH AN EFFECTIVE DATE.

Mr. Michael Olivari, 22 Minnow Drive, stated that he was on the board of the Ormond Beach Soccer Club (OBSC). He explained that he wanted to speak with the Commission about the lease, facilities, the way the club had been using the facilities, and the way the club intended to use the facilities in the future. He noted that he had joined the board about a year ago. He stated that he was on the board with Eric Lancing and Rob Bowling, both of whom were at the meeting. He noted that it was his privilege to work with both of them and the city to promote youth soccer.

Mr. Olivari stated that youth soccer was a growing sport. He noted that youth soccer had been around for years and was more competitive now than it had ever been, not only at the youth level, in which they competed, but also as a business. He stated that OBSC was not for profit and did not expect to make money to promote youth soccer. He noted that as opposed to some other associations, including one in particular, Florida Elite Soccer Association (FESA). He stated that Florida Elite started in Jacksonville, Florida, and recently acquired what Players Development Academy (PDA) had in Palm Coast, Florida and noted that Port Orange, Florida, had relinquished their soccer program to Florida Elite as well.

Mr. Olivari stated that FESA was an organization that had around 4,000 to 5,000 children. He noted that OBSC was currently at around 140. He stated that to be competitive with FESA, OBSC needed to provide better training, better coaches, and ultimately have a better ability for children to compete at different levels. He noted that OBSC may never be at the size to compete in division one, but were proud of the progress the club had made. He stated that the Commission may or may not know that the Seabreeze High School boys' soccer team won the state title last year. He noted that he was proud to tell the Commission that almost all of those children were at one point a member of OBSC. He stated that he knew that the city was very interested in how the fields were being used. He noted that taxpayers' dollars supported the fields. He stated that OBSC wanted to make sure that the fields were being used by an entity that had no self-gain and used for the good of the city and residents. He noted that OBSC believed that they had been good stewards of that philosophy. He stated that OBSC worked with Leisure Service Director Robert Carolin.

Mr. Olivari stated that what OBSC was hoping to do with the lease agreement was to have the ability to further contract some services. He noted that these would be things that could not be done by volunteers because they did not have the time. He stated that in particular, this included the organization of tournaments. He noted that the last two years, OBSC had been partners with a group out of Orlando, Florida, called Global Premier Soccer (GPS). He stated that GPS had brought a tournament to OBSC and that OBSC had made enough money to sustain the program with that tournament. He noted that this year OBSC would need to have two tournaments. He stated that GPS brought in other teams to the area. He noted that last year there were around 300 different families that came to the area.

Commissioner Littleton stated that he did have a few concerns about this item. He noted that one concern was that a few years ago the Leisure Services Advisory Board recommended against having a company coming in and taking over competitive league soccer and the item did not go before the Commission. He stated that he understood the reasons why the city had done that. He noted that now it seemed that the city had this item on to grasps at straws to keep up and stay competitive in the local area. He stated that this item could lead to a way for the recreation part of the league to be pushed out. He noted that it may be unlikely, but if the recreation part was to be pushed out it would take away the community feel of the soccer program. He stated that he was still in support of the item but that those were his concerns.

Commissioner Boehm moved, seconded by Commissioner Selby, for approval of Resolution No. 2017-185, as read by title only.

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

Item #8P- Chemical Purchase – Annual Supply of Hydrofluosilicic Acid

City Clerk Scott McKee stated that item 8P was a disposition item for the chemical purchase of the annual supply of hydrofluosilicic acid. He noted that staff had a recommendation for the purchase.

Commissioner Selby moved, seconded by Commissioner Boehm, for approval of Item 8P, on second reading, as read by title only.

Commissioner Kent stated that it was no surprise to the Commission that he had pulled this item and how he felt about the item. He noted that he wanted to say a few things

about hydrofluosilicic acid, otherwise known as fluoride. He stated that he was one that believed that hydrofluosilicic acid, or fluoride, was a medicine at best and a poison at worst. He noted that if many believed it was a medicine, he did not believe that the city should be medicating their residents in the water supply. He stated that water was necessary for life. He noted that he still had never received a good answer as to why the city was putting a medicine into the water supply that residents drank. He stated that he did not receive answer from the chemical supply company that sold to the city, the health department who stood at a Commission meeting and battled him for 40 minutes, or any local dentist that wanted to argue the topic. He noted that the company had a certain amount that they put with a wet feed of hydrofluosilicic acid into the water supply. He stated that no one had been able to answer him about what would happen if someone were to drink twice the amount of the recommended daily water amount. He noted that studies had found in the last ten years that fluoridated water should not be given to babies in their baby formula.

Commissioner Kent stated that there used to be a range for the amount of hydrofluosilicic acid that was acceptable and that there was no longer such a range. He noted that in the agenda packet, arsenic was listed being a part of byproduct in hydrofluosilicic acid. He stated that that was being added to the city's water supply. He noted that he asked if anyone knew what the allowable amount of arsenic allowed for human consumption was. He stated that the answer was zero. He noted that no one should ever consume arsenic. He stated that arsenic was a carcinogen and bad for the body. He noted that the Commission knew that arsenic was in the hydrofluosilicic acid yet continued to vote for it to be put into the water supply. He stated that the Commission had spoken about this topic in the past and there were other ways to tackle it. He noted that if the Commission wanted to make sure that all children or adults had fluoride, the city could provide fluoride tablets. He stated that there were other ways for this goal to be accomplished.

Commissioner Kent noted that the thing that struck him with this item on the agenda was how it was presented to the Commission. He stated that this had not happened in the 14 years he had been a Commissioner. He explained that there were no bids received for hydrofluosilicic acid when the purchase had gone out to bid, noting that no chemical supply company put a bid on it. He noted that he still wondered why that was. He stated that staff had to go out and ask known chemical suppliers that supply the wet feed of hydrofluosilicic acid for prices. He noted that the prices came in at similar to, or a little less than, what the city had paid for the item in the past. He stated that the city had a \$3,000 savings on the item. He noted that the item had him thinking and he had spoken with City Attorney Randy Hayes. He stated that the purchase was made every year and the Commission always had this conversation about it. He noted that he wanted to thank the Commission for listening to him throughout the years about this item.

Commissioner Kent stated that the purchase of hydrofluosilicic acid was in the city's Code of Ordinances. He noted that it was part of a law that the city had. He stated that the law stated that the city had to buy the hydrofluosilicic acid. He noted that the Commission, as an elected body, could decide not to put hydrofluosilicic acid in the water supply, but that it still needed to be purchased. He stated that he did not understand why the Commission had to be strong-armed and did not like to be strong-armed by anyone. He noted that for Commissioner elected was sitting in rented seats. He stated that whoever was on the Commission should be able to make that decision for the wonderful residents they represented. He noted that the Commission should not be strong-armed with the ordinance that said the city had to purchase hydrofluosilicic acid. He stated that the Commission should get rid of that ordinance, and if the Commission still wanted to purchase the hydrofluosilicic acid, they could do so but would not be strong-armed into it.

Commissioner Kent asked Mr. Hayes to clarify his comments and noted that he wanted to make sure that he did not say anything inaccurate. He asked Mr. Hayes if he had anything he would like to add regarding the discussion he had with Mr. Hayes earlier that day.

Mr. Randy Hayes, City Attorney, stated that the ordinance Commissioner Kent referred to was a byproduct of a voter referendum that occurred in 1957. He noted that back in that era; this item was a hot topic and that was a means of allowing the community to have a voice in it. He stated that the ordinance directed the city staff to essentially get the chemicals to fluoridate the water. He noted that from a broader policy question, it was a legislative matter for the governing body. He stated that the ordinance was not needed in order to fluoridate. He noted that as long as the ordinance was there, staff

was going to go out and solicit proposals and bring them in front of the Commission every year. He stated that if the Commission wanted to keep it at a policy level or legislative decision, then the ordinance was not needed to do so. He noted that he did not know what the Commission was going to do. He stated that if it was the Commission's inclination to approach the purchase of the chemical on a case by case basis yearly, or if they were inclined to not approve the staff recommendation at the meeting, then his recommendation would be to repeal the ordinance at some point in the future so that the Commission was not tied to it.

Commissioner Kent thanked Mr. Hayes for that wise council and background information. He stated that most people use fluoridated toothpaste. He noted that he had read a great deal about hydrofluosilicic acid. He explained that he was passionate about this item because he was passionate about the residents, his child, his wife, and his parents, who all drink the water. He noted that residents bath and cook with the water. He stated that the toothpaste that most individuals purchased was fluoridated toothpaste. He explained that on the back of the tube, there were instructions to contact a physician and/or poison control center if it was consumed. He noted that he did not know if there was a benefit to fluoride as a topical solution on teeth but many believed there to be one. He stated that he gave that example because he had serious doubts about the benefits of fluoridating with hydrofluosilicic acid.

Commissioner Kent noted that Mayor Partington had used the phrase "stop the insanity" a decade ago, and explained that to him this was about stopping the insanity. He stated that there were other ways that residents could be provided with fluoride if they needed it. He stated that the city could allow an avenue for that to take place within the community. He noted that he would very much be in favor of this item coming back before the Commission to discuss getting rid of the outdated ordinance of 1957. He stated that if the Commission still wanted to put in hydrofluosilicic acid, they would be able to. He noted that he would be voting "no" on the item.

Commissioner Littleton stated that he was with Commissioner Kent on this item but for slightly different reasons. He noted that the benefits of fluoride in the water were highly overstated. He stated that if the city did not spend the money to put hydrofluosilicic acid in the water system, everyone in the city would still be fine. He noted that the city's Code of Ordinances, Chapter 11, Health and Sanitation, section 11-1 entitled "Fluoridation of water supply," was hanging over the Commission. He stated that he could not vote "no" because of that. He stated that he could not vote "no" until that was repealed and noted that he was in favor of repealing the ordinance.

Commissioner Kent stated that he appreciated Commissioner Littleton's comments and that he had him smiling for half a second. He noted that Commissioner Littleton could vote "no" if he wanted, and that he may feel great about it afterwards.

Call Vote:	Commissioner Selby	Yes
	Commissioner Kent	No
	Commissioner Boehm	Yes
	Commissioner Littleton	Yes
Carried.	Mayor Partington	Yes

Consent Agenda Comments

Commissioner Boehm stated that item 8U on the consent agenda was the financial status report for the third quarter of this year. He noted that that represented 75 percent of the fiscal year. He stated that up and down the general fund expenditures, in every department, were under what was budgeted. He noted that overall the city had spent 68.3 percent of the budgeted amount. He stated that the item demonstrated excellent financial responsibility by an entire staff lead by City Manager Joyce Shanahan and Finance Director Kelly McGuire. He noted that the city's staff did not just throw taxpayer dollars around or spend the money irresponsibly. He stated that staff took pride in bringing home a budget that was less than the expenditures that were budgeted for.

Item #9 – Public Hearings

Mayor Partington opened the public hearings.

Item #9A- Amendment to Water and Wastewater Rates

City Clerk Scott McKee read by title only:

ORDINANCE NO. 2017-23

AN ORDINANCE AMENDING SECTION 22-23, MINIMUM METER RATES GENERALLY; 22-24, MULTIPLE MINIMUM CHARGES; AND 22-71, SERVICE CHARGE ESTABLISHED; OF CHAPTER 22, WATER AND SEWERS, THE CITY OF ORMOND BEACH CODE OF ORDINANCES, BY INCREASING THE MINIMUM WATER AND SEWER RATES; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; AND SETTING FORTH AN EFFECTIVE DATE.

Commissioner Littleton moved, seconded by Commissioner Boehm, for approval of Ordinance No. 2017-23, on second reading, as read by title only.

Commissioner Kent stated that he had been a huge advocate for the increase of the sewer and water rates. He noted that the water systems were not taken care of and if the rates did not have moderate or minor increases, the city would be left with a problem in 15 years. He stated that, if not approved, a future Commission down the road would be left with no choice but to approve a 20 to 30 percent increase on the water rates and residents would not be happy. He noted that he had been an advocate for this item for many years, but to say that he was bothered right now was an understatement.

Commissioner Kent stated that he was bothered because there were residents in his district on beachside who had filled up their bath tubs in anticipation of the hurricane. He explained that those residents were calling him upset about their chocolate milk looking water. He noted that the water looked like that because of rust. He stated that the Commission had had these discussions years ago. He noted that the city had one of the most unbelievable reverse osmosis plants and beautiful wells. He stated that the city helped with a wonderful creation of water for the residents. He noted that certain citizens, in some of the oldest communities in the city, had pipes that were 70 or more years of age. He stated that those metal pipes were a problem and something the city was working on diligently.

Commissioner Kent stated that because a group of those residents were not on the list to get their pipes replaced, there was no way he was able to approve a water rate increase and thus would be voting "no."

Call Vote:	Commissioner Kent	No
	Commissioner Boehm	Yes
	Commissioner Littleton	Yes
	Commissioner Selby	Yes
Carried.	Mayor Partington	Yes

Item # 9B- Tomoka Estates Apartments PBD, 275 Interchange Boulevard - Rezoning

City Clerk Scott McKee read by title only:

ORDINANCE NO. 2017-27

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 PARCEL OF REAL PROPERTY TOTALING APPROXIMATELY 6.50-ACRES LOCATED AT 275 INTERCHANGE BOULEVARD (VOLUSIA COUNTY PARCEL NUMBER: 4125-10-00-006B) AND NO ADDRESS, INTERCHANGE BOULEVARD (VOLUSIA COUNTY PARCEL NUMBER: 4125-09-00-0070), FROM B-7 (HIGHWAY TOURIST COMMERCIAL) WITH A PLANNED BUSINESS DEVELOPMENT OVERLAY (SOUTHWEST I-95 COMPLEX) 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 he wanted to take items 9B and 9C on the agenda together. He noted that the items were the planned business development (PBD) and the development order for the proposed Tomoka Estates Apartments. He

stated that the development order was dependent upon the PBD with regard to the density.

Mr. Goss presented an aerial map of the Southwest Interstate 95 (I-95) Complex. He noted that the property was located on 275 Interchange Boulevard, which went north to State Road 40 (SR-40). He pointed out the different locations on the aerial map. He stated that the zoning for the property was almost all B-7. He explained that B-7 meant "commercial tourist." He noted that the only property in the area that was a PBD was the RaceTrac gas station.

Mr. Goss stated that there had been a long history with the project. He noted that the project originally was started and approved in 1995 and included ten commercial parcels. He stated that the project had multiple approvals which could be shown in exhibit two of the staff report. He noted that, with regards to traffic, the project was approved with a vested trip of 10,389 trips. He stated that the existing trips, based upon the existing uses, were 6,320. He noted that the proposed multi-family development would add 665 trips. He explained that if the project was approved the total trips for the Interchange complex would be 6,985. He stated that part of the master plan contained a 25 foot common area acting as a greenbelt buffer.

Mr. Goss presented a layout of the project. He stated that the project included four buildings and a clubhouse. He noted that the first three buildings were 168 feet long and building four was 195 feet long. He stated that there were 24 units in the first three buildings and 28 units in building four. He noted that most of the units would be two and three bedrooms. He stated that there would be 47 two bedrooms and 35 three bedrooms. He explained that there were two lots with this project and lot seven was required to provide on-site retention. He stated that lot 6B was going to have shared retention off-site with the development. He noted that the vegetation would remain in the common area. He stated that the applicant had proffered a 35 foot greenbelt buffer, along with a 25 percent increase in landscaping as public benefits.

Mr. Goss displayed an image of the type of architecture of the building. He stated that it was similar to the Olive Grove Apartments ("Olive Grove") development on Granada Boulevard. He noted that it was Bermudan architecture. He stated that the buildings were three stories.

Mr. Goss stated that this project was a PBD because there were two aspects under this development that required a PBD. He noted that under the zoning, the development was only allowed 65 units, at ten units an acre. He stated that under the tourist commercial zoning, it was 32 units an acre. He stated that based upon the 32 units an acre, it allowed 208 units total. He noted that the applicant was requesting 100 units and a density of 15.38. He stated that the other reason the development needed to go through a PBD was the building length. He noted that there could not be buildings longer than 180 feet and building four was proposed at 195 feet. He stated that those were the two elements that made this project a PBD request. He stated that there were no variances with regard to the request. He noted that the applicant met all the code requirements, buffers, and setbacks.

Mr. Goss stated that staff was recommending approval of the project for a number of reasons. He noted that the density request was lower than what was permitted under the land use. He stated that the project was consistent with the land use and policies. He noted that there were no variances required to approve the development. He stated that the development was consistent with the housing element of the comprehensive plan. He noted that there were adequate public facilities which existed to serve the development, including schools. He stated that the project was consistent with the adopted architectural standards that the city had in the Land Development Code. He noted that staff was also recommending the project based upon the testimony from those who supported the project at the Planning Board meeting.

Mr. Goss stated that the Planning Board recommendation was for denial of the project. He noted that he was presenting two recommendations, one from the Planning Board and one from staff. He stated that from the Planning Board, they believed the development should stay at B-7 and should only be allowed at 65 units. He noted that the Planning Board recommended that the Commission should not allow the buildings to exceed 180 feet. He stated that they had received written correspondence that expressed concerns regarding the density increases, traffic increases, and increases in crime, and decreases in property values based upon the units. He noted that there was no public transportation available even though staff had required that as part of this

project's approval. He stated that the development would need to provide some type of plan to ensure that residents could get to the Votran bus stop at Wal-Mart. He noted that another reason the Planning Board was recommending denial was because of the testimonies from residents who objected at the Planning Board meeting.

Mr. Goss stated that the Commission had before them two recommendations, one from staff and one from the Planning Board. He noted that if the Commission had any questions, he would be happy to answer them.

Commissioner Selby asked when if there was a process that staff used to review an application like this project. He asked if they considered the conformity with the comprehensive plan and other specific questions. He asked if one of those questions was whether the project fit or did not fit those specific questions, and if that became the basis for the recommendation; whereby, Mr. Goss stated that staff looked for consistency with the Comprehensive Plan and also looked for a development that furthered the goals, objectives, and policies of that plan.

Mr. Goss stated that typically if there was a project that did not do anything; staff may recommend its approval as long as it did not work against the goals, objectives and policies of the comprehensive plan. He noted that when staff looked at proposals, they looked at the land use and what the city had done in the past. He stated that staff looked at the housing element and determined that affordable housing was needed in the community based upon the movement towards retail sales and service; explaining that those jobs were not the highest paying jobs and affordable housing was needed in Ormond Beach. He stated that looking at the current rents for apartments and the vacancy rates, they were tight. He noted that staff recommended approval.

Commissioner Boehm asked what the B-7 zoning allowed beside what was being proposed and if those other uses would create a greater density than this project; whereby, Mr. Goss stated that B-7 could allow for a hotel at 32 units an acre. Mr. Goss explained that the hotel would not be too far off of an example as there were already a few hotels in that area. He stated that that was with regard to units. He noted that he was unsure of what retail would want to go all the back in that section because it was a dead-end, and because there were two cul-de-sac in regard to Interchange Boulevard.

Mr. Ken Bowron Jr., Beneficial Communities, 3550 South Tamiami Trail, Sarasota, Florida, stated that Beneficial Communities was a national developer. He noted that Beneficial Communities had developed over 3,000 apartment units, with a majority of the complexes being located being in Florida. He stated that Beneficial Communities had done everything from workforce housing, senior housing, conventional market rate housing, and veterans' housing. He noted that Beneficial Communities had consistently been ranked as one of the top 50 affordable housing developers nationwide.

Mr. Bowron stated that Beneficial Communities was the developer of Olive Grove, which was located off of West Granada Boulevard. He noted that Beneficial Communities wanted to replicate the Olive Grove project with the Tomoka Estates Apartments ("Tomoka Estates"). He stated that he knew at the Planning Board meeting, there were some questions about the need for the project. He noted that the biggest reason for the need was that Olive Grove had to close their application list because there were 600 applicants on a waiting list. He stated that Olive Grove had to turn away numerous others. He noted that there was a huge need for this type of housing in the community.

Mr. Bowron stated that what Beneficial Communities planned on doing on Tomoka Estates was to have 100 units in four three-story garden-style buildings. He noted that the buildings would be Florida Green Builder Certified or Environmental Protection Agency Lead Certified. He stated that the complex would be a mix of one, two, and three bedroom units. He noted that all units would come with fully equipped kitchens, energy-star rated appliances, washer and dryer hookups, cable, high speed internet, and some balconies in some of the units. He stated that some of the onsite amenities included a clubhouse with a leasing office. He noted that there would be a fitness center, small kitchen in the clubhouse for get-togethers, computer lab, laundry facility, pool, and a playground for residents. He displayed pictures of some of the developments that Beneficial Communities had created. He stated that Beneficial Communities also offered classes to the residents and after-school programs for the children.

Mr. Paul Holub, 675 North Beach Street, Property Owner, stated that he was one of the property owners for the southwest complex. He noted that he had a presentation but a lot of the slides had been covered by Mr. Goss and Mr. Bowron. He stated that he had

annexed the property in 1995 and the city had a much higher commercial zoning on it. He noted that he had voluntarily brought it into the city and voluntarily removed a lot of the more intense commercial uses. He stated that when he had done that, he envisioned a commercial complex with restaurants and hotels. He noted that he had had over the years had automotive uses that were interested in that area, before they developed a complex at LPGA Boulevard. He stated that 25 years later, there were three parcels left.

Mr. Holub stated that what the developer would like to do was build all of the units on 6.5 acres. He noted that the developer needed 100 units to make the project viable. He stated that that was an increase of 35 units over 6.5 acres. He stated that the comprehensive plan only allowed 32 units. He noted that that was a nominal increase and that was what the application was for. He stated that there was going to be a lot of other discussion on other items relative to the type of project. He noted that what he was actually before the Commission asking for was an increase of 35 units. He stated that the Commission could look at a lot of other cities in east Volusia County where densities were zoned for 24 to 32 units. He noted that he had sold a project last year that was zoned for 24 units.

Mr. Holub stated that this particular project and particular developer could get their project done over the three parcels that were left. He noted that that would not be the best development or the best design. He stated that that also would move the project closer to the residential community. He displayed an aerial map of the plan that the developer was going to use, noting the land against I-95 and using the other two parcels that he owned. He stated that that brought the units to approximately 80 units. He noted that that also brought the project closer to the existing residential community. He stated that he and the developer had looked at ways to get to the 100 units. He noted that the developer could get to the 100 units using almost all three parcels. He explained that under the current zoning they were able to get to the 100 units, but doing so that way would not be the best plan or design. He stated that he and the developer would like to concentrate the entire development on the 6.5 acres.

Mr. Holub stated that since the Planning Board meeting, he and the developer had discussed some of the things that they were able to do to improve on the project. He noted that he and the developer knew there was some discussion about how residents were going to use Interchange Boulevard to Tomoka Avenue to Booth Road to go out at the light. He stated that one of the items that they were offering to do was to put in a right turn only lane for the tail end of Interchange Boulevard. He noted that residents leaving the apartment complex in that area would be forced to turn right and go north at Interchange Boulevard to the light. He stated that another item addressed from the Planning Board meeting was that the developer increased the buffer, explaining that there was a ten foot landscape buffer that complied with code and the developer would increase that buffer to 25 feet. He noted that there was a buffer along I-95 that was larger than required by code, and there was still some room to reposition where they could still increase the buffer even another five feet to make it a 30 foot buffer.

Mr. Holub stated that as owner of the property, and after speaking with the developer, the developer could develop his project on the 6.5 acres. He noted that he recognized that this land was all zoned commercial, right up to the back end of the Southern Trails neighborhood. He stated that his partner in the ownership of the property was Mr. Charles Lichtigman, and they had discussed over the last few weeks that they could take the rear portion of the parcel and use it only for stormwater retention, landscaping, tree mitigation, and a parking surface with no buildings. He noted that there would be no buildings built on that portion as part of the development to give a safeguard to the residential community. He stated that he believed that under the current zoning, a building on that parcel could be fifty feet with three to four stories. He noted that residents in the Southern Trails neighborhood would know that on that portion of the property there would be no vertical construction that would impact their neighborhood. He stated that in doing so, the apartments would be concentrated on the 6.5 acres of land between Interchange Boulevard and I-95.

Mr. Holub stated that the Commission was going to hear concerns about traffic at the meeting. He noted that the project was probably the least intensive use that could be put in that complex. He stated that just as Ms. Goss had mentioned, the daily trips were somewhere around 657 trips. He noted that he had done some estimates on retail and if the land were to be with retail and office medical uses, the trips would range from 4,200 to 4,800 daily trips. He stated that that would use up all of their available vesting out there. He noted that that was almost six to eight times higher than the daily trips for the apartments. He stated that everyone was focused on the peak hour trips in the morning

and evening. He noted that the peak hour trips for the apartments ranged from 50 to 57 peak hour trips between the morning and evening hours. He noted that the retail uses' peak hour trips were over ten times that and somewhere around 600. He stated that when speaking about the intensity of a property and how to measure that, the first way was by traffic and the second way was by use.

Mr. Holub noted that with a retail use, the facility could be an 18 or 24 hour use, where it could close at midnight and open at 6:00 a.m. He stated that convenience stores were type A and were a permitted use on the property. He noted that apartments were a conditional use in the zone, which required the Commission's approval. He reiterated that he believed that he and the developer could meet all of the conditions in a three parcel development, but did not believe it was the best way to plan for that property. He noted that intensity was at the bottom of the ladder with regards to trips. He stated that there was no other use in the category that hit that mark and noted that traffic was certainly one of the things that residents were against increasing.

Mr. Holub stated that residents were going to exit on Interchange Boulevard and travel eastbound. He noted that he had heard it stated that residents in the proposed apartments were going to use Tomoka Avenue, and go up to Booth Road so that they could use the light to go westbound, but noted that all the services in the area were eastbound. He stated that residents of the apartments were not going to use Booth Road. He noted that the light at Booth Road did not operate like a normal light in a commercial development. He stated that it was 1.8 miles to go down Interchange Boulevard on the back side of McDonalds to the light and then wait for the light to change. He noted that he and the developer believed that that would not have any impact on the community of Southern Trace, which was basically a closed community with no through road and two cul-de-sacs.

Mr. Holub stated that there was one comment from the property owner to the south because that land was 22 acres and was not zoned commercially, but was being marked as commercial at almost \$4 million. He noted that someday that land was going to be developed and he believed it would be developed for commercial purposes. He stated that there was another piece of land by the Southern Trace neighborhood that was 42 acres and was annexed into the City of Daytona Beach, Florida. He noted that that land was original bought by Mr. Bruce Rossmeyer to build a Lexus dealership, but he passed away and the appointment was not awarded to the area. He noted that the land was now up for sale in Daytona Beach. He stated that that land was zoned commercial or was in the process of being zoned commercial.

Mr. Holub stated that he would ask for the Commission's consideration and support for the project. He encouraged the Commission to focus on what was before them at the meeting. He noted that the project was mark an increase in density of 6.5 acres and 35 units. He stated that the length of one building would go from 180 feet to 195 feet. He noted that the Commission would hear a lot of other things at the meeting that were not relevant to the actual application. He stated that the apartments were workforce housing that everyone at some point in their life would have been eligible for. He noted that he knew he would have been eligible for it when he was younger, but noted that they did not have this kind of housing back in the seventies. He stated that there were a lot of service related businesses in the community but nowhere for those employees to reside.

Mr. Holub stated that Olive Grove that had been in the city for several years. He noted that he was unaware of any real issue with that development. He stated that he had been unaware that Olive Grove was a workforce housing project. He noted that he had believed it was a market rate apartment complex. He stated that market apartment rates now were for close to \$1,600 a month for a three bedroom, with a two bedroom going for north of \$1,000. He noted that residents living in workforce housing did not get vouchers. He stated that there were tax credits built into the project from the beginning and residents received a lower rate on their monthly rate. He noted that it was not Section 8 housing. He stated that he knew people who lived in workforce housing were city employees, some of his relatives, first year entry-level workers, and employees in the school system. He noted that the maximum income that residents could have to qualify was around \$33,000. He stated that there was a misconception about what the apartment complex really was.

Mr. Holub noted that he would ask that the Commission focus on the issue at hand, which was the request to increase the density. He stated that there was no requirement for the applicant to have put on his application that he was proposing workforce housing. He noted that there was nothing in the city's Land Development Code (LDC) which

required that, and there was nothing in the LDC regarding dissecting who would live in a complex and what rate those residents were going to pay. He stated that he believed that that was where the meeting discussion would ultimately go with the members of the public who wished to speak and oppose the project. He noted that the public did not oppose the increase in density and that the development was far less intense than the other uses that could go on the land. He noted that this use would also generate less traffic. He stated that the public opposed the unknown aspect of who their neighbors were going to be. He noted that the attorney for the project, Mr. Sid Ansbacher, was at the meeting and asked the Mayor if Mr. Ansbacher would be able to speak last after the rest of the community spoke; whereby, Mayor Partington stated that that was fine.

Mr. Jim Cooksey, 8 Fernwood Trail, stated that he had been a resident of Ormond Beach for 32 years. He noted that he had been a real estate appraiser in the area for 40 years. He stated that he was at the meeting to speak in a professional capacity and had been asked by Mr. Lichtigman to speak on the issue with regards to diminution of value to surrounding neighborhoods. He noted that he held a certification, but had no interest in the project. He stated that he had no interest with regards to the parties involved. He noted that he had testified in court on several occasions with regards to diminution of value. He reiterated that he was speaking in a professional capacity. He noted that the project was for lower income housing. He stated that he had told Mr. Lichtigman that he may or may not be able to help him. He noted that individuals sometimes liked what he had to say and sometimes did not like what he had to say when it came to values.

Mr. Cooksey noted that this type of project had been a hot issue throughout the country and there was a lot of litigation in cities by nearby property owners. He stated that being a member of the appraisal institute and a state certified appraiser, he had gone into the public library and looked at case law, explaining that perhaps other studies had been done with regards to the project. He noted that he was shocked to find none. He stated that there had been a lot of lawsuits with very little empirical evidence brought by a plaintiff with regards to proving the fact that values go down when an affordable housing project is in the vicinity. He noted that he had gone around and looked at the neighborhood and site of the project. He stated that he had driven around the Olive Grove complex. He noted that he looked for any evidence and studies that may have been done on these types of projects. He stated that he had a study to present to the Commission from Trulia and distributed copies. He noted that there was no effect or diminution of value.

Ms. Caroline Riviere, Executive Director of the Ormond Beach Housing Authority, stated that she was attending the meeting and speaking on behalf of the proposal to develop a 100-unit multiple family community off of US-1. She noted that she wanted the public to understand that this community would be assisting all types of families and would affirmatively further fair housing. She stated communities consisted of all types of residents working together for the betterment of the less fortunate, and even the fortunate. She noted that she managed 41 low income housing communities where families' paid 30 to 40 percent of their income towards rent. She stated that presently there were 16 families residing in Olive Grove. She noted that public records would be able to show how many times the police were dispatched to Olive Grove for any criminal activity. She stated that she thoroughly screened the tenants before they went into the program. She noted that sometimes the tenants needed to be given a second chance and that with that understanding the tenants were able to move forward. She stated that due to the rising prices of market rent were detrimental to veterans and single mothers and fathers looking for housing. She noted it was also detrimental to those employed by McDonalds, Winn Dixie, and Publix. She stated that those individuals' income could not take care of the rent and their families. She noted that those were the individuals that needed affordable housing.

Ms. Nina Abbas, 17 Prince Patric Lane, Palm Coast, Florida, stated that she was at the meeting on behalf of Tomoka Estates and to speak on affordable housing. She noted that affordable housing referred to cost effective dwellings that could be afforded by individuals with low and modest incomes. She stated that there were many benefits to affordable housing. She noted that affordable housing changed the lives of residents and benefitted the community in significant ways. She stated that affordable housing promoted economic and social integration while building community relationships. She noted that since the housing was affordable, residents were able to have extra money to spend in the community. She stated that that would lead to an increase in the demand for services and goods, leading to increased employment opportunities. She noted that affordable housing also promoted social and economic integration.

Ms. Abbas stated that affordable housing ensured that the cost of housing was not too high so that families could afford to meet their needs. She noted that that was also beneficial because it provided an adequate security of housing to improve their individual capacity to obtain and maintain employment. She stated that affordable housing also promoted a better standard of living. She noted that affordable housing provided a diverse workforce. She stated that one of the best things about affordable housing was that it accommodated individuals with different skills that were beneficial to the community. She noted that some examples would be construction workers, bus drivers, cleaners, shop assistants, teachers, and nurses. She stated that applicants were screened and monitored. She noted that affordable housing enabled individuals to have and maintain sustainable housing to promote a greater sense of unity within the community.

Mr. Jack Bisland, 20 Southern Trace Boulevard, stated that his wife was a lifelong resident of Volusia County. He noted that he had resided in Florida since 1975 and had been in Volusia County since 1986. He stated that 16 years ago, after living in many communities in Volusia County, he and his wife intentionally and purposely purchased a piece of property to build a home in Ormond Beach to enjoy the quality of life in the city. He noted that there were 26 homeowners in the subdivision at Southern Trace. He stated that all those residents were familiar with the property and familiar with the fact that developers had the right to develop property that they owned. He noted that no homeowner stood in opposition of that. He stated that he believed that what was not demonstrated was a real need for low income housing on Interchange Boulevard. He noted that the traffic impact studies did not take into consideration the amount of traffic that would be at Booth Road and SR-40. He stated that when he left the RaceTrac gas station and had to go west of SR-40, he went to the traffic light. He noted that everyone went to the traffic light. He stated that to presume that that did not happen was false.

Mr. Bisland noted that presuming that the residents in the Southern Trace were more concerned about whom their neighbors were going to be than the real impact on the neighborhood was offensive. He stated that he knew who his neighbors were and loved their community and neighborhood. He noted that the traffic impact was sufficient. He stated that there was a bus stop at Booth Road and Southern Trace. He stated that Interchange Boulevard was barely maintained. He noted that ever since the RaceTrac had opened, the influx of traffic had been incredible. He stated that he believed there was a genuine public safety issue. He noted that there was an increase of 600 trips every day and 6,600 over a 24 hour period. He stated that he believed that the traffic study was outdated and did not take into consideration the impact or concerns with the amount of traffic in the area.

Mr. Bisland noted that another issue was the quality of life. He stated that he and his wife walked that neighborhood every day. He noted that the litter was out of control and that the litter was not from the 26 residents that lived in Southern Trace, but from individuals that used and abused the property around the neighborhood. He stated that Interchange Boulevard would not always be a dead end. He noted that after 39 years in law enforcement, there was a direct nexus between the increase of criminal activity and the development of low income housing. He stated that his stating so was not being prejudiced or being in any way condescending or judgmental. He noted that that was a fact. He stated that residents resided there because they enjoyed living in Ormond Beach. He noted that he would ask the Commission to be reasonable, fair, and consider the real need for the piece of property to be developed when there was no public transportation for the apartments. He stated that he would ask the Commission to consider the recommendation from the Planning Board who voted not to pass the project. He noted that on behalf of himself, his wife, and their neighborhood, they asked the Commission to please vote "no."

Mr. David Luke, 7 Traceway Court, stated that he resided in the Southern Trace subdivision and had been a resident of the 32174 area code for his entire life, which was 37 years. He noted that his wife had also been a longtime resident and they had a seven year old daughter and a five year old son. He stated that he and his wife had moved into their dream home ten years ago. He noted that there were three things that attracted them to the property. He stated that the first was the proximity to their church, the stores they commonly went too, and their family. He noted that the second reason was the subdivision itself because it only had two roads and two cul-de-sacs. He stated that there was not a lot of through traffic in the subdivision and the sidewalks were great for their children to ride bikes and play in the area. He noted that the third and most important reason was the safety and security that he and his wife felt in the area. He stated that in the community everyone knew each other and felt safe in that location. He

noted that the proposed rezoning to accommodate the higher density housing for the lower income families would ruin two of those three things that brought his family to the area.

Mr. Luke stated that he had performed a crime search on crimemapping.com from an Ormond Beach site. He noted that from the last five months, which was the furthest the data would go back, he reviewed crime for the San Marco Apartments ("San Marco"). He noted that those apartments were the same type of zoning that was being proposed in density and located closest to the Southern Trace area. He stated that some of the crime stats that were reported over the last five months included four reports of assault, three reports of vandalizing, two reports of burglary, three reports of disturbing the peace, one report of drugs and alcohol, one report of fraud, and three reports of larceny, for a total of 17 criminal reports that were filed during the last five months. He noted that in the Southern Trace area there were zero reports of crime in the last five months. He stated that Pinnacle, the management company operating Olive Grove, would also be managing Tomoka Estates. He noted that he had looked at Pinnacle's closest crime mapping data and there were a total of 44 crimes in that same time period, over the last five months. He stated that that reinforced what Mr. Bisland had already spoken of regarding crime. He noted that he strongly urged the Commission to consider denying the proposal for the rezoning. He stated that he believed the rezoning was one thing, but the byproduct of that rezoning and what it brought it, was significant. He urged the Commission to deny the project.

Mr. Brian Adair, 10 Dormer Drive, stated that he worked with Mr. Lichtigman and Mr. Holub on the project. He noted that he had learned a lot about workforce housing and tax credit financing and how they both worked. He stated that he and his wife owned the Children's Workshop, which was a preschool for two through five year old children located on Lincoln Avenue. He noted that he and his wife had bought the school in 2007 and in 2010 there was workforce housing that was developed half a mile from the school. He stated that that development was Olive Grove. He noted that he knew some business owners whose properties directly abutted Olive Grove and residents who were directly across the street on Granada Boulevard.

Mr. Adair stated that since this issue had come up, he had gone and spoken with those residents and business owners. He asked them if they had seen any difference or problems with the Olive Grove development. He noted that he and his wife did not see a difference. He stated that a lot of citizens did not even know that Olive Grove complex had a government program. He stated that going up and down Granada Boulevard and speaking with the retailers, the number one challenge that they had was finding quality long term staff. He noted that the workforce in the area needed help. He stated that citizens were always saying that jobs needed to be brought to the area. He noted that those workers needed places to live. He stated that because of that, and the fact that Olive Grove had a waiting list of 600 residents, the city had a need for the Tomoka Estates development.

Mr. Leonard Bognar, 320 Cavanha Drive, stated that he was the maintenance director for the Olive Grove apartments. He noted that he had heard a lot of discussion about crime at the meeting. He stated that he had been doing maintenance at apartment complexes for 16 years. He noted that one of the biggest things he always told residents was that if they heard something, the best thing that could be done for the community was to call the police. He stated that getting involved and working one on one with law enforcement officers, the fire department, and the animal control office was important. He noted that the residents wanted to be a good neighbor to the surrounding area and not a hindrance. He stated that the apartments would better the community and not lessen it. He noted that the residents at the apartments were going to be an extra set of eyes and an extra management entity.

Mr. Bognar stated that he had been at the Olive Grove apartments since 2011 and the community had strived every day. He noted that most individuals did not know that Olive Grove was an affordable housing unit. He stated that there was no vandalism or break-ins. He noted that if those communities were bringing in that kind of crime, he had had not know of crime happening in the Olive Grove apartments. He stated that he did not know where the bad citizens were and noted that 50 percent of the Olive Grove community had lived there since 2011. He noted that there was a citizen who had moved to Ormond Beach and had been waiting to reside in Olive Grove since 2012. He stated that there were lots of citizens that needed these communities. He stated that the new development was going to be a replica of what was already at Olive Grove, which was a

great facility. He noted that he believed this project would be a great part of Ormond Beach.

Ms. Kimberly Buck, Allen Engineering Group, stated that she was the engineer for the project. She noted that she was at the meeting to answer any questions the Commission may have.

Mr. Greg Antonich, 153 Dawn Drive, provided a handout to the Commission. He stated that he wanted to reiterate some things and make a few points about the project. He noted that the site was in an existing planned development that took into account all the traffic and uses. He stated that the project was a low end, bottom impact type use on the scale of the uses that were permitted in that development. He noted that the map he had handed to the Commission was a blow-up of the City of Daytona Beach's future land use. He stated that the map put the property into perspective and that it was important to pay attention to the future. He noted that Daytona Beach's future land use plan showed Hand Avenue coming across through the 43 acres of commercial property that was immediately adjacent to the project. He stated that that was upwards of 6,900 homes going in just west of the project in the Margaritaville development.

Mr. Antonich noted that that traffic needed to be elevated, planned for, so as to not over capacitize SR-40 and other alternative roads. He stated that that was really important because it was the future path of progress that the property was in. He noted that the residents of the communities paid their own rent. He stated that the property was not subsidized housing. He noted that the residents needed to qualify, have jobs, undergo tenant background screenings, and pay their rent. He stated that the residents worked in all kinds of businesses throughout the area. He noted that the demand for this type of housing far exceeded the supply. He stated that those types of housing properties were quiet uses, indistinguishable from other luxury complexes, and something that served the community and county.

Mr. Antonich stated that a personal friend of his who was a dental technician had gotten divorced. He noted that she had two small children and had an ex-husband who was not paying child support. He stated that this type of housing provided her the opportunity to get quality safe housing and save money. He noted that she was there for a few years and ended up buying a brand new house from a builder and went on with her life. He stated that those properties were important and important to the community. He noted that he really hoped and suggested that the Commission approve the project for Ormond Beach.

Mr. Dan Allen, 19 Southern Trace Boulevard, stated that his home was located close to the intersection where the back road was. He noted that he probably had more land across his home on the back road. He stated that it was amazing how much more traffic was there than ten years ago. He noted that big trucks went through that road and he did not understand where they were going. He stated that he was a retired general contractor and real estate broker. He noted that he and his wife moved to Ormond Beach in 2002. He stated that they had moved to Ormond Beach for the quality of life and real estate values. He noted that he and his wife could have moved to an area with low income housing but chose not to. He stated that lower income housing ran the risk of lowering property values, and increasing crime and traffic.

Mr. Allen noted that there was a very dangerous curve between his road and Booth Road. He stated that sometimes he had to look three times to make sure that no one was coming around that curve. He noted that he could not imagine the accidents that were going to happen if there was a lot more traffic there. He stated that he was asking the Commission to deny the variance to change the zoning to allow low income housing close to his community. He noted that he did not move to Ormond Beach and pay the taxes that he did to live next to lower income housing. He stated that on the back corner of his neighborhood there was a lake there with really low land. He noted that he and the neighbors were under the impression that that was not buildable. He stated that there were times in the past where the water rose up significantly on one side of Southern Trace. He noted that he could not imagine what the extra density was going to do to that water. He stated that the Planning Board did not recommend approval of the project.

Mr. Ronald Kryda, 767 West Granada Boulevard, stated that he had been living in Olive Grove for five years. He stated that he had nothing prepared but wanted to respond to some of the residents who had spoken at the meeting. He noted that he had relocated to Ormond Beach five years earlier. He stated that he was a retired police officer, out of Miami-Dade County, a veteran, and a general contractor. He noted that he had a bout

with colon cancer. He stated that he had a daughter and a wife who were both Volusia County school teachers. He noted that he had come to Ormond Beach for that reason. He stated that Olive Grove had helped him get a start. He noted that he was presently looking for a house. He stated that he did not like to use the term low income housing. He noted that the complex itself was beautiful. He stated that with the hurricane that just passed through, the water in the retention pond rose about two feet and quickly drained the day after. He noted that the maintenance on the building was impeccable. He stated that the rules and regulations were tightly monitored. He noted that he had to compliment Pinnacle and maintenance at Olive Grove. He stated that Olive Grove had one of the best landscaping contracts in Volusia County.

Mr. Kryda noted that no one at the meeting had mentioned that senior residents lived in Olive Grove. He stated that there were residents that lived at Olive Grove that if it wasn't for the community, would be in a nursing home. He noted that there were all kinds of individuals that lived there. He stated that Olive Grove had provided the opportunity to help him get back on his feet. He noted that in the five years he had lived at Olive Grove, he did not at any time have an act of vandalism, burglary, or a dispute. He stated that it was rare that he saw the police in the community. He noted that the rules were that residents had to park with their fronts in and were not able to back into their spots so the police were able to see their tags.

Ms. Stephanie Campbell, 769 West Granada Boulevard, stated that Olive Grove was a tax credit community. She noted that she was a single mom and a veteran of 14 years in the Navy with two children. She stated that Olive Grove was a good clean community. She noted that maintenance kept the place looking nice. She stated that Olive Grove was harder to get in than some other communities because of the tax credits. She noted that background checks were done on those that resided at Olive Grove. She stated that she always picked good communities with good schools for her children and wanted them to get the best education. She noted that Olive Grove was a great community because it was close to a lot of great schools. She stated that she felt safe at Olive Grove and that she would not be residing there if she did not feel her children were safe.

Ms. Campbell noted that the waiting list was so long to live there because other individuals within the city needed that type of property. She noted that residents who resided in Olive Grove worked all types of jobs. She stated that before she had moved to Volusia County, she did not know that the income for a lot of jobs in the area were at the lowest levels in Florida. She noted that a lot of residents did not make large salaries and needed that type of housing. She stated that the property was needed. She noted that anyone was able to go to the police department to check on the statistics on Olive Grove. She stated that she never saw law enforcement there and if it was not safe, she would not have her children there. She noted that she liked the Olive Grove community and believed more like it were needed.

Mr. Ted Frank, 18 Southern Trace Boulevard, stated that he had lived in the Southern Trace subdivision for 17 years. He noted that he was retired and not on anyone's payroll. He stated that he liked the pool being proposed by the new complex and believed that the buildings were very attractive and well maintained. He noted that he liked that the property would offer classes and after-school care. He explained that the business model for the development required the tax write-off for ten years in order to make the property work. He noted that his question was what would happen after the ten years was up. He stated that often times a developer would sell the property after those ten years. He noted that then the screening, monitoring, and the rules and regulations may be put aside by the new owner who could simply operate the property as an apartment development with low rents.

Mr. Frank stated that he believed Mr. Holub had brought up that the property was 1.8 miles from Interchange Boulevard to Booth Road and then out to Granada Boulevard. He noted that it actually happened to be one mile all the way around because he ran it every day and had clocked it many times. He stated that it was said that there were not many businesses towards the west but there were businesses that supported the communities like lawn care businesses and cleaning services. He noted that there could be more and more businesses located toward the west as time went on in the next ten years. He stated that he was concerned about what would happen in the future beyond without control. He noted that he wanted to mention something Mr. Bisland had mentioned briefly and that was that there was no public transportation to the area. He stated that it was not likely that there would be any public transportation soon. He noted that Tanger Outlets had been trying for a long time to get public transportation and if they were unsuccessful, he doubted an apartment complex would be able to do so. He

stated that those were all the issues and some were small, while some were big. He noted that he appreciated the testimony of the individuals who enjoyed living in developments like the one proposed.

Mr. Charles Lichtigman, 22 River Ridge Trail, stated that many knew him and Mr. Holub. He noted that they had both lived in the area for over 40 years and had developed real estate projects that they were proud to put their names on. He stated that he and Mr. Holub had felt that Beneficial Communities was the ideal developer for the project, having seen Olive Grove and how they had managed and handled that property. He noted that the quality of maintenance and screening of tenants were other factors for choosing Beneficial Communities. He stated that there was a negative Planning Board recommendation for the project. He noted that he had appreciated the chance to get the input that was developed out of the Planning Board meeting. He stated that some of the concerns that were developed at the Planning Board meeting had been addressed by Mr. Holub in his presentation, with regards to the increased buffers, traffic exits, and entrances that took into account the traffic that would go down Booth Road.

Mr. Lichtigman noted that the important factor was that this was a project that could be developed under the current zoning. He stated that the choice was really one of which plan was better. He noted that there was the plan that took into account the ten units per acre and did not go any further and caused the development to spread out, and asked if it would work better for everyone to have the development concentrated within the 6.5 acres. He stated that with that regard, there were still many steps that needed to be taken before a final site plan was developed. He noted that he and Mr. Holub, if the project passed, were looking forward to working with the members of the community to better the plan so that there was a win-win situation. He stated that there had been a lot of conclusionary statements that had been made at the meeting about crime and low income housing. He noted that low income housing was not uniform and that there was Section 8 housing and tax credits. He stated that tax credit projects did not have the same crime rate that other low income type housing had. He noted that the diminutions of value affected were lessened in tax credit communities, as Mr. Cooksey had demonstrated.

Mr. Dwight Durant, 286 Booth Road, stated that he lived on Booth Rd and his business was located right across the street. He noted that there was no one in attendance more impacted by the development than him and his wife. He stated that he tried to look at the development in the same way that he went about his business and it was his understanding with a PBD that a neighborhood meeting was required. He noted that there had not been one. He stated that he was curious as to why there was not one. He stated that there had been a lot of testimony at the meeting, and a parade of a lot of citizens speaking about the program. He noted that the development had a good program and looked like a quality development. He stated that that was not the issue, and believed that the issue was that absolutely no one had reached out to him.

Mr. Durant noted that he was learning about this development on the floor of the Commission Chambers of the City Commission and Planning Board. He stated that he had concerns and that those concerns may be justified or may not be justified. He noted that Mr. Holub had stated it best that the project had the fear of the unknown. He stated that he did not know what to expect and had never lived by a low income housing development before. He noted that he expected Police Chief Jesse Godfrey to come by and provide the Commission with the criminal numbers and a list of incidents at Olive Grove. He stated that maybe there were not incidents and maybe those fears were unfounded.

Mr. Durant stated that he wanted to speak on the public benefit part of a PBD. He noted that the public benefits with this one were some trees and buffers. He stated that those were not really public benefits. He noted that he had worked on the hospice center and that they had held neighborhood meetings. He noted that it had been painful because he went to a dozen meetings with the public about the issues with the hospice facility and noted that there was now a nice facility there. He stated that this development had the fear of the unknown. He asked how the Commission could pass it in spite of that. He noted that the neighborhood was willing to sit down to a meeting. He stated that he did not know how the Commission could recommend approval of the development.

Mr. Sid Ansbacher, Attorney for the applicant, stated that he he and his wife were camping at Flagler Beach with Gamble and Nancy Rogers on October 10, 1991, and that Tomoka was the last place they had visited. He noted that the attorneys on the Commission would know that anything he stated was argument and not testimony. He

noted that he wanted to make a couple of observations about affordable housing. He stated that he was counsel to the Florida School for the Deaf and the Blind. He noted that he was also land use counsel to the Saint John's County School Board. He stated that there were few issues that hit him harder as employers of school teachers and staff than affordable housing. He noted that Ormond Beach had an upscale community similar to what he had in St. John's County. He stated that he was not from the area and the closest he had been to the area was that his firm was council for the Aberdeen development in a Volusia County case. He noted that the bottom line was just like Mr. Goss had stated that the first goal of the housing element was to emphasize affordable housing. He stated that the Commission had heard unrebutted testimony that there was a long standing 600 unit waiting list. He noted that the need for the development was unrebutted.

Mr. Ansbacher stated that there was generalized testimony of traffic counts not being as significant as citizens' experiences. He noted that Mr. Goss had pointed out with competent substantial evidence that the development was roughly 500 trips shy of what was vested. He stated that as far as he was concerned, the development muted the traffic. He noted that the PBD had a use that had some give and take by design and was consistent with the Comprehensive Plan. He stated that the PBD had a density of less than half of what the plan would allow, and that as the Commission had heard from Mr. Holub, in order to accommodate the concerns of residents concerning traffic flow to the south, the developers were willing to commit to a right turn only from the southern ingress and egress in order to ensure that those trips had the minimum impact on the neighborhood.

Mr. Ansbacher noted that page 2008 of the agenda packet showed the historical data for Olive Grove from 2015 to August 2017. He stated that the packet showed numbers that were pretty comparable to what had been stated from Mr. Bognar, the representative of Olive Grove. He noted that he wanted to point out with all due respect that he did not know what relevance another developer's affordable housing complex would have on this development. He stated that he wanted to point out that the unrebutted testimony was by far the least impact of the generalized uses in the nod for traffic impact. He noted that there was unrebutted testimony from Mr. Holub that the project was originally presented to the Florida Housing Finance Corporation as being a spread out project, two additional properties, and would be consistent with that zoning without having to go before the Commission.

Mr. Ansbacher stated that the developer had chosen to make the project more internal and go east, along I-95, to have the least external impact. He noted that under any standard, the Commission looked at the code and no one had stated that the developer was inconsistent with the Comprehensive Plan and no one had stated that the project was inconsistent with any portion of the LDC. He stated that he understood the concerns. He noted that he had spoken with Mr. Holub and that they believed in light of what was stated at the meeting, if the community wanted to have a community meeting between this hearing and the second hearing, they were happy to host the community meeting in order to listen to what residents had to say and receive feedback. He noted that he and Mr. Holub would respectfully request that the Commission to proceed to the second hearing, if it was their pleasure to do so, as there were time constraints involved with going before the Florida Housing Finance Corporation. He stated that he would therefore request that this be handled to go to the second reading, provided that they had a public meeting between now and the second reading.

Mayor Partington clarified that Mr. Ansbacher was stating that he was requesting that the item moved forward to a second meeting, on October 3, 2017, because of the application before the Florida Housing Finance Corporation; whereby, Mr. Ansbacher stated that that was correct.

Commissioner Selby moved, seconded by Commissioner Littleton, for approval of Ordinance No. 2017-27, on first reading, as read by title only.

Commissioner Selby stated that he had a meeting with Mr. Holub and Mr. Lichtigman a week prior to the meeting to discuss the project. He noted that he wanted to mention that his brother worked for Pinnacle and worked at Wedgewood Apartments in Daytona Beach. He stated that that property was Section 8 housing. He noted to Mr. Bognar that his brother wanted his job at Olive Grove because he lived in Ormond Beach and loved Olive Grove. He stated that it had been several years since he had driven through Southern Trace and Booth Road, but he had done that recently. He noted that Southern Trace was absolutely gorgeous and wanted to compliment the homeowners there on

their gem of a neighborhood. He stated that the homes on Booth Rd were also gorgeous and both were really special areas. He noted that he had also driven through Olive Grove and that was an amazingly clean, well maintained, and good looking project. He stated that it was honestly not what he had expected. He noted that he wanted everyone to take pride in what they had and what existed.

Commissioner Selby stated that he had a lot of random thoughts and did not take the project lightly. He noted that he did not believe that this was the highest and best use for the land and that he was a commercial real estate broker. He stated that the property had been on the market by two of the best real estate brokers in the area. He noted that the land had been on the market for over two decades and had not sold. He stated that this use came along and maybe the idea was the highest and best use. He noted that he did believe there was a need for affordable housing in Ormond Beach. He stated that he had run on a platform where one of the three planks was expanding housing options. He noted that he felt that Ormond Beach had such a high percentage of single family detached homes that one of the things the Commission should do was try to facilitate other types of housing. He stated that he was not surprised it was in the Comprehensive Plan to expand affordable housing. He noted that he was unsure if the project was the right location for affordable housing.

Commissioner Selby addressed the crime issue. He noted that on page 1881 in the agenda packet, there was a calls for service report from August 1, 2015, to August 1, 2017, and that Olive Grove had the highest ratio of reports to the number of units, which was 0.59. He stated that the lowest one on the list was 0.08. He noted that Olive Grove was six to seven times higher than the lowest amount of service calls. He stated that there was a 0.10, 0.11, 0.24, 0.26, and 0.58. He noted that the 0.58 was San Marco. He stated that he was told that San Marco was a tax credit project but had been unaware of that. He noted that San Marco had the exact same ratio reports to units. He stated that there clearly was way more police calls that generated reports at Olive Grove than say at Bermuda Estates Apartments or Willow Pond Apartments. He noted that he believed that that was a legitimate issue.

Commissioner Selby stated that he had spoken with two neighboring businesses which adjoined the Olive Grove location. He stated that one business had told him that he was not aware of any negative impact from adjoining Olive Grove. He noted that the other business had told him that his experience had been terrible. He stated that the business owner told him that there were car break-ins, attempted break-ins to their building, children routinely playing in their parking lot, and that his overall experience was very negative. He noted that the second business who had stated that had less of a landscape buffer between their property and Olive Grove.

Commissioner Selby stated that the Planning Board recommendation weighed heavy on his mind. He noted that he had taken their recommendation very seriously because many of the Planning Board members had served for a very long time. He stated that Planning Board Chairman Doug Thomas was not at the particular Planning Board meeting where this item was discussed. He noted that he had spoken with Mr. Thomas and asked whether or not he would be supportive of the project had he been at the meeting, and Mr. Thomas had told him that he would have not have supported the project.

Commissioner Selby stated that lack of public transportation was huge. He noted that the maximum that residents could earn to qualify was 60 percent of the median income for the area. He stated that because of that, those citizens were not earning a lot of money; therefore those residents were going to be more reliant on public transportation. He noted that what the staff had proposed was that as a condition of the development order the complex would be required to provide a shuttle from their property to Wal-Mart. He stated that there were two Votran bus routes there. He noted that knowing what he knew about real estate, he did not believe that that was a viable solution. He stated that Olive Grove's office was not open on the weekends and just during normal business hours, which were a big expense. He noted that he knew what it cost to have some kind of van or vehicle and the insurance associated with that vehicle. He stated that transportation was an important factor for this type of housing. He noted that that lead him back to the location and wondering whether the property was the right use at that location.

Commissioner Selby stated that Mr. Holub had mentioned peak hours for traffic. He noted that he had been to the RaceTrac a few times, and mentioned that it was terrible to try and get out of there. He noted that the left turn out of the RaceTrac took forever at

peak times and that even a right turn out onto Granada Boulevard was really hard. He stated that he could not image putting more traffic there. He noted that he fell on the side of the residents that a lot of citizens would be going down Old Tomoka Road to Booth Road.

Commissioner Selby asked Mr. Goss about a neighborhood meeting and if a zoning change was not something that would require a neighborhood meeting; whereby, Mr. Goss stated that neighborhood meetings were required if the project was adjacent to residential and the project was not adjacent to residential. Mr. Goss stated that there could be a neighborhood meeting on the project but it was not required.

Commissioner Selby clarified that the project was near residential but was not directly adjacent to it. He asked if the project was across the street if a meeting would be required and if that was considered adjacent; whereby, Mr. Goss stated that that was correct.

Commissioner Littleton stated that he had met with Mr. Holub and Mr. Lichtigman about the project. He noted that in the meeting he had asked a lot of tough questions about the project and it was not a very friendly get together. He stated that Mr. Holub and Mr. Lichtigman wanted to replicate what was happening at Olive Grove. He noted that if the Commission decided to change the zoning to a PBD, he wanted the Commission to look at Olive Grove. He stated that he had looked at the crime statistics that were given in the agenda packet and asked Chief Godfrey to clarify a few things. He noted that one of the areas was animal complaints. He stated that there were 214 complaints total, but 44 were animal complaints. He asked Chief Godfrey what was meant by animal complaints; whereby, Chief Godfrey stated that animal complaints could be a barking dog or a feral cat.

Commissioner Littleton asked if animal complaints could be an assault from a dog or a cat; whereby, Chief Godfrey stated that that was typically classified as an animal bite. Chief Godfrey stated that he did not see those types of reports at either location.

Commissioner Littleton stated that 44 of the complaints out of the 214 were non-violent animal complaints. He noted that the development was not bringing in undesirable residents. He stated that everything he had seen with Olive Grove at the current moment made it look like a nice development. He noted that there was a need for those types of properties. He stated that this project was not an easy decision and he had struggled with it the whole meeting. He noted that he was in favor of the changes requested.

Commissioner Boehm clarified in his mind that this project was about was 35 units. He noted that where the property was located was a commercial zoned street. He stated that the project was an allowed use. He noted that the applicant was seeking to have more units than what was allowed under the allowed use. He stated that low income housing could be built. He noted that if the applicant wanted to build 65 units then the applicant could do so and the public would not be at the meeting and would have nothing to say about the project as it would not need to come before the Commission. He stated that to assume that that type of apartment was not allowed anywhere in the area was wrong because it was allowed.

Commissioner Boehm noted that residents of Southern Trace had moved in on a commercial street. He stated that Booth Road, itself, was partially commercial. He noted that Southern Trace was an enclave surrounded by commercial zoning. He stated that Interchange Boulevard would eventually be developed most likely all the way to LPGA Boulevard. He noted that it would be all commercial developed. He stated that the land along Old Tomoka Road was for sale and was going to be developed commercially. He noted that it was not going to make the residents of Southern Trace happy or pleased to be surrounded by commercial development. He stated that those residents were living in an area that was zoned commercial and that zoning was not going to change. He noted that to him, the Commission was speaking about approving 35 units. He stated that the comprehensive plan allowed 32 units an acre.

Commissioner Boehm stated that he had looked under the category of decrease in property values and had heard the gentleman speak about it earlier in the meeting. He noted that he looked at the property values for all the properties surrounding Olive Grove and all of them were increasing in property value. He stated that assuming that property value was going to decrease was an assumption that did not have any proof behind it. He noted that the idea that Mr. Holub had promoted, which was a right turn only, should sustainably; if not totally, eliminate the traffic from those citizens going that way. He

stated that there was going to be traffic at Booth Rd. He noted that he went to Cracker Barrel 20 times per year. He stated that residents who lived in Breakaway Trails, Hunters Ridge, Timber Creek, and Airport Road were all going to turn left. He noted that it was more convenient for all those citizens to use those commercial establishments to go down Booth Road and turn left. He stated that the residents at Southern Trace could not change that as it had already happened and the traffic had already changed. He noted that the residents residing in the development, if Mr. Holub did what he was supposed to do, would have very little if any impact on what had already happened with the traffic.

Commissioner Boehm stated that the number one goal on the Comprehensive Plan called for the city to have mixed affordable housing in the community. He noted that that was a goal that had been established and a policy of the community. He stated that he had spoken with Mr. Lichtigman and Mr. Durant. He noted that he did call Olive Grove and spoke to a leasing agent. He stated that the leasing agent confirmed to him the waiting list of 600 units. He noted that he had driven through Olive Grove and San Marco. He stated that he had been out to Booth Road and had been there several times. He noted that he had done his due diligence. He stated that what he had found in Olive Grove was what everyone else had said. He noted that the property was a very well-managed, very well directed housing development. He stated that he did not know until this project came up that Olive Grove was low income. He noted that looking at Olive Grove; no one would be able to tell that it was low income.

Commissioner Boehm stated that he had spoken with Chief Godfrey earlier that day about the crime that occurred in that type of housing. He noted that what Chief Godfrey had indicated was that if a unit was well managed by the property management company, there was not significant crime. He stated that in Chief Godfrey's opinion Olive Grove did not qualify as a crime ridden housing development. He noted that as far as he was concerned he felt an obligation to provide affordable housing in the community. He stated that Volusia County was a poor county no matter what others wanted the county to be. He noted that the community had developed in recent years a large service heavy industry with Tanger Outlets, Sam's Club, and Margaritaville, which would have a lot of construction workers. He stated that there was a lot of need for this. He noted that those workers needed to live somewhere. He stated that they deserved to live somewhere nice.

Commissioner Boehm noted that the design and amenities were something nice. He noted that when he was a young man he would have qualified for this housing, and was not someone who was considered part of a bad or criminal element. He stated that this type of housing would have given him a start way back when. He noted that he identified with individuals who had to make it in life, and who were working and not making a lot of money and had to work their way up. He stated that the residents who would move to this kind of housing were those kinds of individuals in his opinion. He noted that he believed that the development would not be a detriment to the area. He stated that he knew a lot of the public who attended the meeting would disagree with him, but he was in support of the project.

Commissioner Kent stated that his first question was to Mr. Ansbacher and asked if he had heard him correctly that he was with Gamble Rogers when he had lost his life; whereby, Mr. Ansbacher stated that that was correct.

Commissioner Kent stated that that he was sorry that Mr. Ansbacher had to witness that. He noted that he did not know the great Mr. Rogers but that Gamble Rogers State Park was his favorite campsite that he and his family went to multiple times a year to learn about the folk singer and the great man that Mr. Rogers was. He stated that he was pleased Mr. Ansbacher knew Mr. Rogers, but was sorry he had to witness his death.

Commissioner Kent stated he had spoken with Mr. Holub on the phone the day before the meeting after a few days of phone tag. He noted that he had met with Mr. Lichtigman. He stated that he wanted to tell the Commission exactly where he was on the project. He noted that what Mr. Lichtigman had done with Granada Plaza was fantastic. He stated that he was not so happy about Stacey's Buffet but did like Granada Plaza. He noted that Mr. Holub was batting a thousand with him because everything Mr. Holub touched in Ormond Beach had been fantastic and he loved it. He stated that he and Mr. Holub had a tough conversation on the phone because for the first time ever he had some real concerns and needed to share them with Mr. Holub.

Commissioner Kent stated that a few of the concerns that were shared were the possible crime in the area and no bus stop. He noted that traffic was not a concern for him because he and Mr. Holub had spoken about the other issues that could possibly go in that location. He stated that Mr. Holub and Mr. Lichtigman had done their best to calm his fears. He noted that the other concern he had was the Planning Board recommendation. He stated that he rarely ever went against the recommendation of the Planning Board. He noted that he had gone against them before. He stated that a few of the members were at the meeting and thanked them for the work they did for the residents of Ormond Beach. He noted that what the Planning Board members had to say meant a lot to him. He stated that he let Mr. Holub know that. He noted that Mr. Holub admitted that the Planning Board did not go well. He stated that he appreciated Commissioner Selby sharing what he had heard from the Chairman of the Planning Board.

Commissioner Kent stated that he was amazed at the number of emails from Southern Trace because he lived beachside and his zone was beachside, and not out by Southern Trace. He noted that he was amazed by the number of residents and friends he knew in Southern Trace. He stated that he felt for those residents and just wanted to say that Commissioner Boehm was correct by saying that there was going to be something put in in that area. He noted that for the residents of Southern Trace to buy out there and believe that the area was going to stay that little panacea was foolish. He stated he would have never bought a home in an area knowing there was commercial land available and think that it was not going to be developed.

Commissioner Kent stated that he truly did not know where he stood on the project because he had not heard from Mayor Partington. He noted that he always reserved the right to make his decision after he had heard all the evidence and that meant listening to each and every member of the public and the Commission. He stated that he was anxious to hear Mayor Partington comments. He noted that with that being said, Southern Trace residents also had a belief, and he did not think that they were wrong for thinking it, that if they were going to have something commercial it would not be low income housing. He noted that that could happen though. He stated that his concern was that if the project was voted down, the development group could come back to city and with a new plan which would not come before the Commission because there were no changes that needed to be approved by the Commission. He noted that the development group could very well follow the plot and have part of the development expanded behind five homes in Southern Trace. He stated that he believed the residents of Southern Trace did not want that. He noted that he was undecided because he heard Mr. Holub say he could follow the code and do it the way the Comprehensive Plan, but that would not make the residents happy and not make him happy. He stated that he was concerned about the Commission voting the project down because the residents of Southern Trace could get something worse instead.

Commissioner Kent stated that he noted earlier in the meeting that he did not like being strong-armed. He noted that the original plan for the project did not sit well with him. He stated that his hope would be that Mr. Holub and his group would not do that but they were business men and the project was a business decision. He noted that Southern Trace residents happened to live in an area where businesses were going to be located all around them. He stated that he was truly undecided. He noted that the Planning Board's recommendation weighed heavily on his mind and the group coming back and painting by numbers weighed heavily on his mind as well.

Mayor Partington stated that he was going to support the project and would explain why. He noted that affordable housing to him was a very different thing than low income housing. He stated that the definitions of both were completely different. He noted that he had reviewed every single email that he had received from the Southern Trace homeowners and all the residents had referred to the development as low income housing. He stated that he could not agree that the development was low income. He noted that the development was affordable, workforce, and tax credit housing and could be called any of those things and he would understand. He stated that he could not understand the development being called low income housing as it was a completely different thing.

Mayor Partington stated that he had met with Mr. Holub and Mr. Lichtigman. He noted that he had driven through the Olive Grove complex and Southern Trace. He stated that the affordable housing to him would help police officers, young men and women just starting out in the workforce, fire department personnel, teachers, nurses, and senior citizens and retirees who were on fixed income. He noted that it was much easier for

those residents to live in an affordable housing situation than it would be to rent at market rate. He stated that the other apartment building that Commissioner Selby had mentioned was a mix of market rate and affordable housing. He noted that he did not know if that apartment complex appreciated being used as the comparison regarding crime. He stated that when subtracting the 44 animal complaints at Olive Grove, they really were lower in crime. He noted that looking at the statistics of each type of crime; the types of crimes were more serious at the other market rate and affordable complexes than in the Olive Grove complex. He stated that looking at everything, staff had recommended the project and he found by the greater weight of the competent substantial evidence that the recommendation for approval was appropriate.

Mayor Partington stated that the traffic study took into account changes that occurred since the study was performed because that was how traffic engineers did the studies. He noted that traffic engineers forecasted and calculated into the future. He stated that the density was well within the LDC, at 15.38 per acre versus 32 per acre that the LDC allowed. He noted that the game changer in this whole analysis was the three parcel depiction that Mr. Holub displayed where Southern Trace would have five homes with the apartment complex directly behind them versus having the complex compacted on the east side of Interchange Boulevard in four three-story buildings. He stated that for him, the compacted complex made a lot more sense. He noted that he knew the residents of Southern Trace may not be happy with him for that now but in ten years, he may see them in the Publix they may thank him and note that they disagreed back then but appreciated what they did because it did make a difference.

Mayor Partington stated that he was fascinated by the no-build zone that was proposed behind the Southern Trace residents' homes. He noted that he would like to hear from Mr. Goss on how that could be made to happen. He noted that he did not know if the right turn only was part of the PBD that the Commission had before them. He noted that he did want to see a neighborhood meeting happen before the next Commission meeting. He asked Mr. Goss to let them know how the no-build zone would work, and whether it would be an easement dedicated to the city. He stated that the staff report and recommended the project based on all many factors, including the right turn lane, which was huge. He noted that he supported this realizing that the development was a lot more compact than what it otherwise could be.

Mayor Partington stated that the big thing about the project was just that, like Commissioner Kent had stated, the development could be done as a conditional use that required staff approval only. He noted that the developer could go build that complex and the two parcels across the street strictly with a staff approval as long as the requirements were met with no variances. He stated that the project now had no variances. He noted that expanding the project out a little bit so that the impacts crept further towards the community would not be difficult to do. He stated that the Commission could have never seen the project or had a chance for a neighborhood meeting or to address any of the concerns. He explained that that to him would be a much worse resolution than the opportunity that was presented to the Commission.

Commissioner Selby stated that he would like to hear from Mr. Goss regarding Mayor Partington's questions.

Mr. Goss stated that the right turn lane could be made as part of the development order. He noted that he suspected with regard to blocking the one parcel off, that it would be through a conveyance or some type of restriction on the land itself. He stated that that would be a requirement as part of the deal. He noted that the developer had suggested that a neighborhood meeting could happen. He stated that the meeting would not be in the development order but would be required before the item went to the Commission for a second reading.

Mr. Holub stated that the no-build area that he had offered up was something that would happen for the neighborhood whether the complex was built or not. He noted that he hoped the residents recognized that he did not come to the meeting to strong-arm them. He stated that that would be offered up whether the complex ultimately was built or not.

Commissioner Kent asked Mr. Holub about the ten foot buffer he had mentioned earlier in his presentation, and to verify that it was now 25 feet after the Planning Board. He noted that Mr. Holub had mentioned something about making the buffer 30 feet and asked what was the real feasibility of being able to make that happen; whereby, Mr. Holub stated that the neighborhood meeting was a good solution and that the engineer on the project could move the project around to get the buffer to 30 feet.

Mr. Holub stated that there was a larger buffer along I-95 than what was required. He noted that part of that buffer could be moved to Interchange Boulevard where the real impact was.

Commissioner Kent stated that his vote in favor of this project would be because he did not want those five homes to have an apartment complex behind them and that was the only reason why he would vote "yes."

Call Vote:	Commissioner Boehm	Yes
	Commissioner Littleton	Yes
	Commissioner Selby	No
	Commissioner Kent	Yes
Carried.	Mayor Partington	Yes

Item #9C – Tomoka Estates Apartments PBD, 275 Interchange Boulevard – Development Order

City Clerk Scott McKee read by title only:

ORDINANCE NO. 2017-28

AN ORDINANCE AUTHORIZING THE EXECUTION AND ISSUANCE OF A DEVELOPMENT ORDER FOR A PLANNED BUSINESS DEVELOPMENT TO BE KNOWN AS "TOMOKA ESTATES" APARTMENTS, AUTHORIZING THE CONSTRUCTION OF 100 MULTI-FAMILY UNITS WITHIN FOUR BUILDINGS ALONG WITH ASSOCIATED SITE IMPROVEMENTS TO BE LOCATED AT 275 INTERCHANGE BOULEVARD (VOLUSIA COUNTY PARCEL NUMBER: 4125-10-00-006B) AND NO ADDRESS, INTERCHANGE BOULEVARD (VOLUSIA COUNTY PARCEL NUMBER: 4125-09-00-0070); AUTHORIZING THE GROSS RESIDENTIAL DENSITY OF 15.38 UNITS PER ACRE, AND A MAXIMUM BUILDING LENGTH NOT TO EXCEED 200 LINEAR FEET FOR THE FOUR BUILDINGS; ESTABLISHING CONDITIONS AND EXPIRATIONS OF APPROVAL; AND SETTING FORTH AN EFFECTIVE DATE.

Commissioner Littleton moved, seconded by Commissioner Boehm, for approval of Ordinance No. 2017-28, on first reading, as read by title only.

Call Vote:	Commissioner Littleton	Yes
	Commissioner Selby	No
	Commissioner Kent	Yes
	Commissioner Boehm	Yes
Carried.	Mayor Partington	Yes

Item #9D- 1175 N US Highway 1 Annexation

City Clerk Scott McKee read by title only:

ORDINANCE NO. 2017-29

AN ORDINANCE ANNEXING CERTAIN REAL PROPERTY INTO THE CITY OF ORMOND BEACH, SAID PROPERTY BEING GENERALLY LOCATED AT 1175 NORTH U.S. HIGHWAY 1 ALONG THE EAST SIDE OF SAID HIGHWAY AND APPROXIMATELY 1.9 LINEAR MILES SOUTH OF THE INTERSTATE 95 SOUTHBOUND RAMP; REDEFINING THE TERRITORIAL BOUNDARIES OF THE CITY TO INCLUDE THE PROPERTY; REDESIGNATING THE BOUNDARIES OF ZONE 1 TO INCLUDE THE PROPERTY; PROVIDING FOR TRANSMISSION; PROVIDING FOR SEVERABILITY; AND SETTING FORTH AN EFFECTIVE DATE.

Mr. Goss stated that this item was a property that was being voluntary annexed by the owner. He noted that the owner wished to take advantage of the Brownfield program. He stated that the owner was unable to do so because he was outside of the city limits. He noted that staff was recommending approval.

Commissioner Selby moved, seconded by Commissioner Boehm, for approval of Ordinance No. 2017-29, on first reading, as read by title only.

Commissioner Boehm asked once the city started annexing the vacant properties along US-1, if the city could start making sure the properties were cleaned up. He noted that the city had a five year deal that the county had put on the city; whereby, Mr. Goss stated that the property was a vacant track and could not have a vendor.

Commissioner Boehm stated that he hated the area at Airport Road and US-1. He noted that once the city started annexing vacant parcels in that area, he would like to see the area look like someone took care of it instead of what Airport Road and US-1 looked like all the time presently. He stated that he knew that the city was unable to do anything right now but was waiting for the day that the city was able to.

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

Item #9E- 692 Yonge Street Annexation

City Clerk Scott McKee read by title only:

ORDINANCE NO. 2017-30

AN ORDINANCE ANNEXING CERTAIN REAL PROPERTY INTO THE CITY OF ORMOND BEACH, SAID PROPERTY BEING GENERALLY LOCATED ALONG THE WEST SIDE OF SOUTH YONGE STREET, BETWEEN ESPANOLA AVENUE AND APPROXIMATELY 125 LINEAR FEET OF ITS INTERSECTION WITH SEVILLE STREET AND BEING COMMONLY LOCATED AT 692 SOUTH YONGE STREET; REDEFINING THE TERRITORIAL BOUNDARIES OF THE CITY OF ORMOND BEACH TO INCLUDE THE PROPERTY; REDESIGNATING THE BOUNDARIES OF ZONE 4 OF THE CITY OF ORMOND BEACH TO INCLUDE THE PROPERTY; SETTING FORTH ZONING, PRIVILEGES, AND OBLIGATIONS OF SAID PROPERTY; PROVIDING FOR TRANSMISSION; PROVIDING FOR SEVERABILITY; AND SETTING FORTH AN EFFECTIVE DATE.

Mr. Goss stated that the property was located between Ormond Beach and Holly Hill in an enclave. He noted that the property was annexing to get water and wastewater services. He stated that the property intended to develop under the city's regulations as a veterinary hospital. He noted that staff was recommending approval.

Commissioner Littleton moved, seconded by Commissioner Selby, for approval of Ordinance No. 2017-30, 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

Item #9F- Shoppes on Granada, Wall Waiver (1268 West Granada Boulevard)

City Clerk Scott McKee read by title only:

RESOLUTION NO. 2017-192

A RESOLUTION AUTHORIZING THE EXECUTION AND ISSUANCE OF A DEVELOPMENT ORDER FOR A SPECIAL EXCEPTION REGARDING "SHOPPES ON GRANADA, PHASE 2" LOCATED AT 1268 WEST GRANADA BOULEVARD (VOLUSIA COUNTY PARCEL NUMBER 4230-00-00-0350), NO ADDRESS WEST GRANADA BOULEVARD (VOLUSIA COUNTY PARCEL NUMBER 4230-00-00-0353), 1254 WEST GRANADA BOULEVARD (VOLUSIA COUNTY PARCEL NUMBER 4230-00-00-0070), 7 MIRROR LAKE DRIVE (VOLUSIA COUNTY PARCEL NUMBER 4230-00-00-0150), A PORTION OF 21 MIRROR LAKE (VOLUSIA COUNTY PARCEL NUMBER 4230-00-00-0160), AND A PORTION OF 1240 WEST

GRANADA BOULEVARD (VOLUSIA COUNTY PARCEL NUMBER 4230-00-00-0130) WITHIN THE B-10 (SUBURBAN BOULEVARD) ZONING DISTRICT, BY AUTHORIZING A WAIVER OF THE WALL WAIVER FROM A SIX FOOT (6.0') MASONRY WALL TO A SIX FOOT (6.0') PVC VINYL FENCE; ESTABLISHING CONDITIONS AND EXPIRATION DATE OF APPROVAL; AND SETTING FORTH AN EFFECTIVE DATE.

Mr. Goss stated that typically staff did not recommend the waiver of walls for fences. He noted that in this case, there was a pond that was being developed by Shoppes of Granada on one side with a retention lake and a conservation area on the other side. He stated that it did not make sense to put a wall in between those two uses. He noted that the conservation area would always remain Chelsea Place and ICI had already accepted and discussed with the Shoppes at Granada that a PVC fence would be acceptable. He stated that staff was recommending approval for the waiver of the wall.

Commissioner Littleton moved, seconded by Commissioner Selby, for approval of Resolution No. 2017-192, as read by title only.

Commissioner Selby referenced agenda packet page 2079 and asked Mr. Goss if the dark red area on the image was the actual exception area; whereby, Mr. Goss stated that the area was about 127 feet.

Commissioner Selby stated that he wondered what the other line was on the image and if it was the continuation across the pond; whereby, Mr. Goss stated that there was already a pond for phase one and what was intended was to expand the pond into the area that was purchased for phase two. Mr. Goss noted that because the pond jumped along Chelsea Place, that was where the wall would come into play.

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

Mayor Partington closed the public hearing without objection.

Item #10A- Firefighters' Pension Trust Fund

City Clerk Scott McKee read by title only:

ORDINANCE NO. 2017-31
 AN ORDINANCE OF THE CITY OF ORMOND BEACH, FLORIDA, FURTHER AMENDING ARTICLE III, FIREFIGHTERS' PENSION TRUST FUND, OF CHAPTER 16, PENSIONS AND RETIREMENT, OF THE CODE OF ORDINANCES; AMENDING SECTION 16-45, BENEFIT AMOUNTS AND ELIGIBILITY; AMENDING SECTION 16-47, DISABILITY; AMENDING SECTION 16-70, SUPPLEMENTAL BENEFIT COMPONENT FOR SPECIAL BENEFITS; CHAPTER 175 SHARE ACCOUNTS; PROVIDING FOR SEVERABILITY OF PROVISIONS; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH AND PROVIDING AN EFFECTIVE DATE.

Commissioner Boehm moved, seconded by Commissioner Littleton, for approval of Ordinance No. 2017-31, 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 #10B – General Employees' Pension Trust Fund

City Clerk Scott McKee read by title only:

ORDINANCE NO. 2017-32
 AN ORDINANCE OF THE CITY OF ORMOND BEACH, FLORIDA, RELATIVE TO THE GENERAL EMPLOYEES' PENSION PLAN, AMENDING ARTICLE I, IN GENERAL, OF CHAPTER 16, PENSIONS

AND RETIREMENT, OF THE CODE OF ORDINANCES; AMENDING SECTION 16-1, DEFINITIONS BY AMENDING THE DEFINITIONS OF "ACTUARIAL EQUIVALENT", "CREDIT SERVICE" AND "SPOUSE"; AMENDING SECTION 16-6, BENEFIT AMOUNTS AND ELIGIBILITY; AMENDING SECTION 16-8, DISABILITY; AMENDING SECTION 16-10, OPTIONAL FORMS OF BENEFITS; AMENDING SECTION 16-15, MAXIMUM PENSION; AMENDING SECTION 16-21.8, DEFERRED RETIREMENT OPTION PLAN; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY OF PROVISIONS; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH AND PROVIDING AN EFFECTIVE DATE.

Commissioner Littleton moved, seconded by Commissioner Selby, for approval of Ordinance No. 2017-32, 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 #11A – Amendment to Solid Waste Rates

City Clerk Scott McKee read by title only:

ORDINANCE NO. 2017-24

AN ORDINANCE AMENDING CHAPTER 10, SOLID WASTE, YARD WASTE AND RECYCLABLES, SECTION 10-16, FEES FOR COLLECTION AND DISPOSAL ESTABLISHED, OF THE CODE OF ORDINANCES, BY INCREASING FEES FOR THE COLLECTION AND DISPOSAL OF SOLID WASTE; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; SETTING FORTH AN EFFECTIVE DATE.

Commissioner Boehm moved, seconded by Commissioner Selby, for approval of Ordinance No. 2017-24, 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 #11B- Amendment to Water and Sewer Impact Fees

City Clerk Scott McKee read by title only:

ORDINANCE NO. 2017-25

AN ORDINANCE AMENDING SECTION 22-115, FEE IMPOSED; SCHEDULE; OF CHAPTER 22, WATER AND SEWERS, OF THE CITY OF ORMOND BEACH CODE OF ORDINANCES, BY INCREASING THE WATER AND SEWER SERVICE IMPACT FEES; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; AND SETTING FORTH AN EFFECTIVE DATE.

Commissioner Littleton moved, seconded by Commissioner Boehm, for approval of Ordinance No. 2017-25, on second reading, as read by title only.

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

Item #12A- Cypress Trails, Preliminary Plat

City Clerk Scott McKee read by title only:

RESOLUTION NO. 2017-190

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF ORMOND BEACH, FLORIDA APPROVING THE PRELIMINARY PLAT FOR THE "CYPRESS TRAILS" SUBDIVISION; ESTABLISHING CONDITIONS AND EXPIRATION DATE OF APPROVAL; AND SETTING FORTH AN EFFECTIVE DATE.

Mr. Goss stated that this item was a development that contained 48 units. He noted that the development was right across from the Aberdeen manufactured housing project. He stated that the development met or exceeded all the city's standards. He noted that there were sidewalks located on both sides of the streets for the entire development. He stated that the city did not require sidewalks on both sides of the street. He noted that staff recommended approval. He stated that the sewer and water would be provided by Daytona Beach. He noted that he city would be collecting the impact fees as part of the overall development.

Commissioner Littleton moved, seconded by Commissioner Selby, for approval of Resolution No. 2017-190, as read by title only.

Commissioner Selby asked who owned the land east of the property; whereby, Mr. Goss stated that it was located in unincorporated Volusia County.

Mr. Goss noted that part of the loop that Daytona Beach would be putting in was going to be serving the development and also using an easement along the property between Cypress Trails and the land to the north to serve that area in the back. He stated that the project was a really good solution to a problem that was happening in that unincorporated area.

Commissioner Selby stated that he appreciated the fact the city was developing the area, but he was really surprised that the area was not being developed commercially. He noted that that it had entire frontage on Clyde Morris Boulevard.

Commissioner Littleton stated that it looked like Zone 4 would soon be encompassing the whole city because it kept expanding.

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

Item #12B- Gardens at Addison Oaks, Preliminary Plat

City Clerk Scott McKee read by title only:

RESOLUTION NO. 2017-191

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF ORMOND BEACH, FLORIDA APPROVING THE PRELIMINARY PLAT FOR THE "THE GARDENS AT ADDISON OAKS" SUBDIVISION; ESTABLISHING CONDITIONS AND EXPIRATION DATE OF APPROVAL; AND SETTING FORTH AN EFFECTIVE DATE.

Mr. Goss stated that this project was developed in Volusia County and then annexed into the city. He noted that the project never got off the ground. He stated that the project was approved for 72 units but had built two six-unit buildings. He noted that the developer had started a third building but it had never taken off. He stated that the development was a condominium form of ownership. He noted that the only change was fee simple. He stated that everything would remain the same as far as layout and unit count. He noted that the preliminary plat would change from condominium to fee simple. He stated that staff was recommending approval.

Commissioner Selby clarified that the footprints would remain the same; whereby, Mr. Goss confirmed this.

Commissioner Selby moved, seconded by Commissioner Boehm, for approval of Resolution No. 2017-191, as read by title only.

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

Item #13 – Reports, Suggestions, Requests

Debris Removal from Hurricane Irma

Ms. Joyce Shanahan, City Manager stated that she wanted to advise the Commission that the city's debris removal contractor, Crowder Gulf, began debris removal collection services the previous Saturday. She noted that Crowder Gulf was working their way throughout the city now. She stated that staff estimated that it would take around 20 days to complete the first pass. She noted that as of the close of business on Monday, they had 204 loads of debris, almost 9,000 cubic yards. She stated that CrowderGulf had removed nine leaning trees and 638 hanging limbs. She noted that the sister cities in Volusia County had chosen another debris removal contractor, Ash Britt. She stated that many of the sister cities, debris removal contractors were not in the area yet because the contractors were in the southern part of Florida. She noted that she wanted to give kudos to the public works staff, and in particular Public Works Operations Manager Kevin Gray. She stated that the city generally awarded a contract to three different individuals so that the city had three to choose from. She noted that Crowder Gulf had helped the city out during Hurricane Matthew and staff was quick to mobilize Crowder Gulf the previous weekend.

Ms. Shanahan stated that she had a conference call with the County Manager and the other City Managers in the county because they were having concerns regarding debris removal. She noted that the Governor required all counties and local governments to file a debris removal plan with the state by noon that day. She stated that the city had already done that and it was a regular requirement if the cities wanted to be reimbursed. She noted that Ormond Beach filed theirs early because there was a certain incentive for the first 30 days of debris removal that would increase the share that the state paid for that.

Cassen Park Damage

Ms. Shanahan stated that the largest damage the city had suffered from Hurricane Irma was to the docks adjacent to City Hall at Cassen Park. She noted that staff was working on doing a critical assessment of all the docks and what was needed to make those repairs. She stated that she wanted to let the Commission know that poor Mr. Ike Leary, who runs the bait shop, was several impacted. She noted that the facilities maintenance crew had run electrical wire for the new air conditioning unit that would be put in before the upcoming Saturday. She stated that Cassen Park was being cleaned up and was in much better shape. She noted that staff would be putting jersey barriers in front of the boat ramps so that the bait shop could begin operating the upcoming Saturday.

Water Main Project

Ms. Shanahan stated that she heard loud and clear Commissioner Kent's concerns about the two inch water main project. She noted that staff would provide the Commission with a listing of the entire city, street by street, which had improvements from the two inch water main project. She stated that there were many more needs than funding available for that project. She noted that the project was ongoing and the city had been doing it for six years. She stated that it cost around \$2 million every two years. She noted that the city had spent about \$6 million, but there were many more needs out there. She stated that staff would provide a complete accountability so that hopefully the Commission was more comfortable with how staff was proceeding.

Teacher of the Year

Commissioner Kent stated that he wanted to congratulate his wife, Heather Kent, as she was named the teacher of the year for Pathways Elementary.

City Attorney and City Manager

Commissioner Kent stated that he wanted to let everyone know the type of City Manager and City Attorney the city had. He noted that after Hurricane Irma, Mr. Hayes had spoken to him on the phone about what he had seen. He stated that Mr. Hayes was at the Ames House and was there to help out with anything that he could do. He noted that Ms. Shanahan was out doing the same. He stated that Ms. Shanahan was going to residents' homes that did not have power after six days and brought them ice and sandwiches. He noted that he was blown away by that. He stated that it was important to know that who the city had and what a great representation of Ormond Beach they were.

Beachside Redevelopment Committee Meeting

Commissioner Kent stated that he had a Beachside Redevelopment Committee meeting the previous day. He noted that when the committee spoke about neighborhood stabilization with Volusia County and Daytona Beach staff, they a CDBGDR, which was the Community Development Block Grant Disaster Resistance. He noted that it was something that he wanted to share and hoped that staff was on top of so that they could help receive whatever federal funds were available for residents in Ormond Beach.

Commissioner Kent stated that the county's property appraiser had spoken at the meeting. He noted that the committee was speaking specifically about illegal homesteaded properties. He stated that the good news was that taxes would be refunded to Ormond Beach when those properties were found out about. He noted that that had happened in the past and would continue to happen.

Commissioner Kent stated that Ormond Beach was bragged upon at the meeting by many individuals. He noted that one of them was Ms. Maryam Ghyabi. He stated that Ms. Ghyabi was not the only one bragging. He noted Ormond Beach was the city that everyone around was looking at in a positive light in regards to having the type of Main Street program that they wanted to have. He stated that he remembered Mr. Bill Partington Senior, sitting with him 14 years ago and giving him a book that he did not want to read but was glad that he did. He noted that he was where Commissioner Boehm was and was this Commission's appointment to Ormond Beach MainStreet at that time. He stated that the city was doing everything that it was supposed to be doing and that other communities were taking note and comparing what they did not have with what the city did have.

Commissioner Kent stated that Ms. Shanahan attended the meeting, along with Neighborhood Improvement Manager Chris Mason, who spoke on the city's code enforcement. He noted that the committee would have a recommendation to the county by January and would give more information when that came.

Senator Bill Nelson

Commissioner Kent stated that he had called Senator Bill Nelson's office that day. He noted that the reason he did was because Senator Nelson's office had sent an email about there being help available regarding the hurricane. He stated that he wanted to speak with Senator Nelson and let him know that he wanted to start by having the Federal Emergency Management Agency (FEMA) pay the city for Hurricane Matthew, which happened over a year ago. He noted that Senator Nelson wanted to help so much but he wanted to tell Senator Nelson that he was able to help by having FEMA pay for the funds that they were sitting on and pay the funds out to Ormond Beach and other cities that were still waiting on Hurricane Matthew. He stated that the city had real dollars that needed to be shelled out to pay for the debris removal last year over \$6 million and that FEMA and the federal government had just been sitting on their hands not releasing the money. He noted that FEMA needed to release that money and get ready to release some more for Hurricane Irma. He stated that he had called Senator Nelson and it was after hours and got an answering machine.

Cassen Park and Bait Shop Damage

Commissioner Kent stated that Hurricane Irma's flooding was flooding that he had never seen before in 42 years. He noted that no other tropical storm, hurricane, or the unnamed storm in 2009 had this type of flooding in this part of the city. He stated that he believed that the Commission would be able to do something amazing underneath the Granada Bridge now as it was almost a blank canvas. He recognized Mr. Leary was at the meeting. He stated that he wanted to let everyone know that he had gone to the bait shop earlier that day. He noted that he had gone then because it was the first time he did not have to get out of his truck and move the barricade to do so. He noted that it was heartbreaking to see the dock in the condition it was in and to see the boat ramps. He stated that Mr. Leary was tearing up speaking with him because Mr. Leary loved what he did. He stated that when he had asked Mr. Leary who had helped him get the three inches of mud out of bait shop Mr. Leary had told him that he did it himself and hired help. He noted that the city owned the building.

Commissioner Kent stated that maybe Ms. Shanahan had an answer for him later, but noted that the city had staff addressing the Ames Park and other parks in the city. He noted that the city had done a wonderful job with so many things. He stated that there should have been a team of employees at that bait shop getting the mud out of there. He noted that it should not have been Mr. Leary's responsibility. He stated that the building

was a block building except for one section because the city changed the air conditioner years ago. He noted that that section needed to be block. He stated that there was a gentleman years ago that came to the city and asked the Commission to approve something he needed in order to get a FEMA grant to lift his home. He noted that the city needed to be looking at a FEMA grant for the bait shop. He stated that this was not the first time that the bait shop had been under water. He noted that staff needed to be looking into a FEMA grant to get the bait shop lifted a few feet so that there was not a problem.

Commissioner Kent stated that he saw an email where staff had spoken about reducing the rent for Mr. Leary. He noted that for him that was not good enough. He stated that the dock and boat ramps were destroyed. He stated that when the dock and boat ramps were in perfect condition then rent should be paid. He noted that the dock and boat ramps were not operable. He asked how the city could ask someone to pay rent when residents could not access the facilities. He stated that the upcoming Saturday, the city would have something temporary in place. He noted that this bothered him. He stated that he looked forward to hearing in the future about what type of plan would be set up. He noted that this was something that needed to be addressed expeditiously. He stated that the city needed to use grant, state, and city money. He noted that Cassen Park was a hub for a lot of residents. He stated that he hoped the city did the right thing. He noted that whoever it may be, he wanted the city to be able to say to that person, the last thing they need was the stress in their life, and for the city to understand that their business was turned upside down and ruined.

Cassen Park and Bait Shop Damage

Commissioner Boehm stated that he wanted to echo what Commissioner Kent had stated about Mr. Leary. He noted that the city had had this discussion when the city was redoing Mr. Leary's lease. He stated that Mr. Leary was one of the great ambassadors for Ormond Beach. He noted that Mr. Leary was unfailingly in good humor and unfailingly promoted the city. He stated that Mr. Leary leased a city building which had been damaged to the extent that his business had been damaged. He noted that he would be in favor of whatever the city could do to assist Mr. Leary in getting through this period of time. He stated that he could not remember how many hours Mr. Leary had said that he worked a week when the city had the lease discussion, but that Mr. Leary worked an incredible number of hours because he loved the bait shop and helping residents. He noted that it was not Mr. Leary's fault that his bait shop was flooded out. He stated that he was fully with Commissioner Kent in doing whatever the city could think of to help Mr. Leary as soon as possible to get back on his feet.

Ormond Beach MainStreet Board

Commissioner Boehm stated that he had the privilege of serving on the Ormond Beach MainStreet ("MainStreet") Board for five years. He noted that he had been on a number of boards in his life. He stated that he had not been on any other board that had as many members committed and showed up as regularly and worked together as the MainStreet Board. He noted that it had been a pleasure being able to serve on the Ormond MainStreet Board because of the individuals who serve on the board and what they did and how much they cared about the city.

FEMA Funding

Commissioner Boehm stated that he was going to read part of an email sent from Ms. Shanahan with a message from Finance Director Kelly McGuire, which was sent to the Commission earlier that day. He noted that the email stated that

"Unfortunately it has taken an inordinate amount of time to get our debris removal expenses submitted to FEMA. Information was initially provided to the state in early March. We have been assigned and reassigned reps at both the state and federal level resulting in our initial submissions getting lost, or possibly just discarded. We are now working directly with a FEMA representative to move the process along."

Commissioner Boehm noted that he had called Chairman Kelley and knew that Chairman Kelley was going to meet with Governor Scott. He stated that he told Chairman Kelley that the Governor was running all over the state hugging individuals and wearing his navy cap and saying how much he was going to help, but told Chairman Kelley that when he spoke to the Governor to tell him that he should take care of FEMA reimbursement because the funding from the federal government goes to the state before it gets to the cities. He noted that the Governor should find out why the money was being held up. He stated that it was not just Ormond Beach and that the county had \$28 million in Hurricane Matthew funding being held. He noted that no one in Volusia

County had received their money for their Hurricane Matthew reimbursement. He stated that some cities had borrowed money just to move forward. He noted that there was no excuse for the federal government and the state government not being able to reimburse the cities or counties for the expenses for hurricanes. He stated that he wanted to see something done because it was almost a year out. He noted that the city was handling it, but unfortunately was looking at maybe another \$3 million from Hurricane Irma. He stated that Chairman Kelley told him that he would do what he could do and speak with the Governor. He noted that he considered that a major issue for the city to deal with.

Debris Removal

Commissioner Boehm stated that he would say proudly that Ormond Beach was the first city to start debris removal. He noted that that was a tribute to the city's staff that they had a plan in place. He noted that the county was not starting debris removal until the following day at the earliest. He stated that Ormond Beach was well out in front of the crowd in getting the debris removal started. He noted that he understood that the debris removal was only one third from the previous hurricane. He stated that there were still millions of pounds of debris that needed to be picked up.

Sandbag Distribution

Commissioner Boehm stated that the city had distributed 17,000 sandbags and wanted Ms. Shanahan to correct him if he was wrong; whereby, Ms. Shanahan stated that it was around 20,000.

Commissioner Boehm stated that what was different in Ormond Beach was that the city's employees filled those 20,000 sandbags. He noted that when residents were in line to receive the sandbags, the city's employees lifted those sandbags into the residents' vehicles. He stated that in Daytona Beach, they told their residents to bring a shovel and bag their own sandbags. He noted that Ormond Beach went above and beyond. He stated that that was a tribute to the city's staff and employees that they were willing to do so, and went over and above in doing so. He noted that a hurricane was an entire staff episode. He stated that everyone worked together and worked tirelessly to get the city back in gear. He noted that Ormond Beach had a terrific staff.

Florida Power and Light (FPL)

Commissioner Boehm stated that he had saved an email regarding Florida Power and Light (FPL). He noted that there were 23,800 FPL accounts in Ormond Beach. He stated that 21,530 of them lost power. He noted that well over 90 percent of the city lost power as of September 13, 2017. He stated that as of that morning, 40 homes were without power. He noted that FPL received criticism sometimes for how slow they restored power. He stated that FPL was not slow in getting to Ormond Beach and getting power back to Ormond Beach. He noted that he remembered back in 2004, twice, during Hurricane Charlie and Francis; he had his power out for a week. He stated that getting power back on Wednesday after Hurricane Irma was a great job. He noted that FPL should receive some positive credit.

Water and Wastewater

Commissioner Boehm stated that the city's water and sewer never went out during the hurricane. He noted that some cities did not have water and sewer and still did not. He stated that the city's public works staff did a great job of keeping the taps flowing and the sewer going.

Cell Service

Commissioner Boehm stated that Chairman Kelley was correct because residents had lived without phone service or internet for a number of days. He noted that he and the City Manager did not have it. He stated that he did not know if his fellow Commission members had it, but many residents were living isolated. He noted that he wondered if there was some kind of walkie-talkies or communication systems that functioned independently of the cell towers. He stated that he felt like city officials and others who needed the ability to communicate with one another in hurricanes and emergencies could benefit from that. He noted that this had happened two years in a row. He stated that he would like the Commission to explore having some means of being able to communicate independent of cell towers and internet so that everyone was able to be updated and find out what was going on. He stated that he had no ability to tell his neighbors or any residents that he ran into about what was going on. He noted that that was something he would like to see the Commission look into.

Dog Park Groundbreaking

Commissioner Boehm stated that as far as he knew the upcoming Saturday, September 23, the dog park groundbreaking was supposed to take place.

Recognition

Commissioner Boehm stated that in the past year, Commissioner Kent had gone from being Commissioner of Zone 2 to being Deputy Mayor to being Assistant Principal. He noted that now he was the shelter commander because unlike a lot of individuals who got to go home and ride out the storm, Commissioner Kent was chosen to run the Ormond Beach Middle School shelter. He stated that Commissioner Kent had to move himself and his family to that shelter and learn on the fly how to operate a shelter.

Commissioner Boehm asked Commissioner Kent how many residents were at the shelter; whereby, Commissioner Kent stated that there were 65 and that he assisted the principal who ran the shelter.

Commissioner Boehm joked that his new title could be shelter deputy commander. He noted that besides all the other things that Commissioner Kent did, he further assisted residents during the hurricane.

Hurricane Irma

Commissioner Littleton stated that he wanted to compliment city staff for the job they did during Hurricane Irma. He noted that two hurricanes in 11 months was a tall order but the staff did a wonderful job handling it. He stated that the residents were calm and knew what was going on.

FPL

Commissioner Littleton stated that he wanted to compliment FPL. He noted that his power stayed on for as long as it could have possible stayed on. He stated that he was very lucky as his power was not out for longer than 36 hours.

FEMA

Commissioner Littleton stated that one would think that the federal government would be able to hand out \$6 million or whatever it took for everyone affected. He noted that much of FEMA was a disaster and there should be some real changes to that agency.

Water Main Issue

Commissioner Littleton stated that he wanted to speak more on the water issue that Commissioner Kent had brought up during the Brainstorming Workshop on October 19, 2017.

Hurricane Irma

Commissioner Littleton stated that he was glad everyone made it out of Hurricane Irma and it was great to see everyone at the meeting.

Commissioner Selby stated that the city's response for Hurricane Irma, and preparation and response during and after was excellent. He noted that he believed Ormond Beach as a community was very fortunate and noted it could have been a lot worse or life changing.

First Step Shelter Board Meeting

Commissioner Selby stated that he attended the First Step Shelter board meeting. He noted that he would say that the biggest piece of news was that the tensile fabric design was not back in discussion. He stated that Daytona Beach had hired an independent engineer to evaluate the tensile versus the hard structure and to present the facts.

Tomoka Estates

Commissioner Selby stated that the big item on the agenda was the Tomoka Estates discussion and noted that he sincerely appreciated the public and Commission comments. He noted that it was his nature that he would prefer his ability to have those kinds of discussion privately but state law prohibited that. He stated that that would help decision making and help him to process information, but that the law was what it was.

Dog Park Groundbreaking

Commissioner Selby noted that Commissioner Boehm had mentioned the ground breaking at the dog park would be the upcoming Saturday at the YMCA at 10:00 a.m. He stated that everyone was invited.

Personal News

Commissioner Selby stated that his younger son, Kyle and his wife Kelly, were pregnant with twins. He noted that when Kelly delivers her two children, he and his wife will be the proud grandparents of four grandchildren because his older son Brett already has two children.

Recognitions

Mayor Partington congratulated Commissioner Selby on the pregnancy and wished his son and wife the best. He noted that it was very exciting news.

Mayor Partington stated that it was long overdue for Ms. Kent to be recognized for all the great work she had done at Pathways Elementary. He noted that he was excited about that news as well.

Millage Rate and Budget

Mayor Partington stated that he wanted to go through a few of the items that the fiscal year 2017-18 property tax millage provided funding for through the budget. He noted that the items included 87,000 calls for police service, 7,600 calls for fire service, an annual road repair and maintenance program, 65 special events including Art in the Park, annual fishing tournaments, senior games, and Movies on the Halifax. He stated that it also included 22 events for the special needs members of the community, the South Ormond Neighborhood Center tutoring program, summer camp programs, 80 acres of passive parks, and 412 acres of active parks. He noted that that was just a brief summary of some of the things that the city funded for next year with the property tax millage and budget.

Hurricane Irma

Mayor Partington stated that he wanted to congratulate staff and the residents on how they performed during Hurricane Irma. He noted that everyone did a fantastic job. He stated that staff did a fantastic job of the planning and execution of the plans. He noted that he was so impressed with the residents helping residents recover, not only taking care of their own properties, but helping others around them to take care of that. He stated that that was very impressive and evidence of a great community that everyone resided in and made him proud to be in Ormond Beach.

FEMA

Mayor Partington asked if Ms. Shanahan could write a letter to FEMA, the congressional representative, and copy the email with Governor Scott. He noted that he would like all of the Commission to sign the letter if everyone was in agreement with that. He stated that the letter would state what was said at the meeting regarding FEMA reimbursement. He noted that at least the item could be put on the record and sometimes the squeaky wheel got the oil. He stated that there were some issues and Commissioner Kent and Commissioner Boehm had pointed them out. He asked Ms. Shanahan to come up with something relative quickly and get the Commission in to sign the letter when convenient. He noted that he believed that that would have the best effect.

No Wake Ordinance

Mayor Partington stated that Ms. Shanahan had a list of items that the Commission needed to look at for the future as far as hurricane response. He noted that one thing that stuck him that he found out about was a "no wake" ordinance for vehicles. He stated that he knew some cities had those. He noted that he knew that the police department could deal with the issues as far as careless driving or reckless driving. He stated that for him it seemed like it would be better to have a specific ordinance on the books that prohibited that kind of activity. He noted that a vehicle traveling through a flooded zone could make all the difference into whether water got into a home or not. He stated that he believed it was important for the city to have a very specific ordinance for that issue.

Special Meetings

Mayor Partington stated that the Commission had an emergency meeting prior to the hurricane. He noted that he appreciated the Commission all being available for the meeting. He stated that a lot of cities did not have such a meeting. He noted that those cities had the ability to just sign a declaration of some kind of automatic recognition of the state of emergency. He asked Ms. Shanahan and Mr. Hayes to look into something that would allow the Commission to do that without having to call a special meeting at a time when a lot of people did not have time for special meetings.

Hurricane Irma

Mayor Partington stated that the one thing he saw in all the emails before and after the hurricane was that the city did not have a generator for reuse at the Orchard Avenue facility. He noted that that item stuck out to him as being a glaring item. He stated that he was one vote that would be willing to make sure that that was included in the budget for next year.

Mayor Partington asked if staff could make sure that the nursing facilities were on the priority list for FPL, no matter what the size of them. He noted that staff did a great job after the storm checking to make sure the nursing facilities were cared for. He stated that the fire department called every single facility to make sure they had power and adequate air conditioning. He noted that he wanted to double check on that and make sure.

Sandbags Distribution

Mayor Partington stated that he would like to look at if there was a better location for the distribution of sandbags that would not impact traffic as badly as the location at the Public Works facility did. He suggested possibly using the Nova Recreation Center, if there was a way there where the cars could be stacked the cars waiting to be loaded; whereby, Ms. Shanahan stated that the problem was they were generated at the Public Works Facility and stored under cover there.

Ms. Shanahan noted that the sandbags were made well in advance. She stated that the sandbags would need to be forklifted to another location. She noted that she understood what Mayor Partington was stating because the traffic had been a nightmare.

Flood Zones

Mayor Partington asked Mr. Goss to review the LDC and planning and building documents to reduce the flood risk wherever possible for both residential and commercial properties. He noted that if that included extra retention capacity on properties, even for residential in some situations, and requirements for berms that might prevent flooding. He stated that Commissioner Kent had mentioned a FEMA grant to raise a house, he explained that in the appropriate zones where flooding occurred they could look into requiring those homeowners to raise their homes to a level where they could be confident that water would not get in, and doing the same with businesses. He noted that if see more flooding events in the future was going to be a trend, the city should take note of and plan for them.

Beachside Redevelopment Committee

Mayor Partington stated that the Beachside Redevelopment Committee had passed a change in their makeup that would allow for an additional representative from Ormond Beach. He noted that he felt Ormond Beach was well represented and did not see the need for an additional representative, but believed it should be discussed by the Commission as a whole.

Mayor Partington asked Ms. Shanahan if that request was received from Daytona Beach or Volusia County; whereby, Ms. Shanahan stated that she believed that the notice came from the county.

Commissioner Kent stated that the item was news to him because at the Beachside Redevelopment Committee meeting, Daytona Beach needed an additional representative and brought in Mayor Derrick Henry alongside Commissioner Delgado. He noted that he did not miss one of those meetings and that item was discussed about Daytona Beach. He stated that there was nothing about any other municipality mentioned.

Ms. Shanahan stated that she had received an email and would share with the rest of the Commission. She noted that the email came to City Clerk Scott McKee.

Mr. Scott McKee, City Clerk, stated that the email was from one of the staff at the Volusia County Growth Management Division and the email had stated that Volusia County was going to add another appointment or representative if the city would like them to.

Mayor Partington stated that he believed the Commission was fine with the representative and asked if anyone believed differently, noting that if not, the Commission would stick with Commissioner Kent.

Item #14 – Adjournment

The meeting was adjourned at 10:36 p.m.

APPROVED: October 3, 2017

BY:

Bill Partington, Mayor

ATTEST:

J. Scott McKee, City Clerk