

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

October 3, 2017

7:00 p.m.

Commission Chambers

Present were: Mayor Bill Partington, Commissioners Dwight Selby, Troy Kent, Rick Boehm, and Rob Littleton, City Manager Joyce Shanahan, City Attorney Randy Hayes, and City Clerk Scott McKee.

A G E N D A

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

- A. Minutes from City Commission meeting – September 5, 2017
- B. Minutes from Special City Commission meeting – September 8, 2017
- C. Minutes from City Commission meeting – September 19, 2017

6. CONSENT AGENDA

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

- A. **RESOLUTION NO. 2017-194** : A RESOLUTION ACCEPTING THE PROPOSAL OF METZ, HUSBAND & DAUGHTON, P.A., REGARDING LEGISLATIVE LOBBYING SERVICES; AUTHORIZING THE EXECUTION OF AN AGREEMENT AND PAYMENT THEREFOR; REJECTING ALL OTHER PROPOSALS; AND SETTING FORTH AN EFFECTIVE DATE.

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

- B. **RESOLUTION NO. 2017-195** : A RESOLUTION RELATING TO REMOVAL OF STORM DEBRIS GENERATED BY HURRICANE IRMA LOCATED ON PRIVATE RIGHT OF WAYS, AND PROVIDING FOR THE DETERMINATION OF PUBLIC INTEREST, DOCUMENTATION OF LEGAL RESPONSIBILITY, INDEMNIFICATION, AVOIDANCE OF DUPLICATION OF BENEFITS AND PROPER PROCUREMENT AS REQUIRED BY FEMA REGULATIONS TO AUTHORIZE AND FUND DEBRIS REMOVAL ON SUCH ROADS, AND SETTING FORTH AN EFFECTIVE DATE.

Staff Contact: Ann-Margret Emery, Deputy City Attorney (386-676-3218)

- C. **RESOLUTION NO. 2017-196** : A RESOLUTION ACCEPTING PROPOSALS AND AUTHORIZING THE EXECUTION OF CONTINUING CONTRACTS WITH FOUR (4) PROFESSIONAL SERVICES FIRMS FOR CONSTRUCTION MANAGEMENT AT RISK SERVICES, UNDER RFQ 2017-26; REJECTING ALL OTHER PROPOSALS; AND SETTING FORTH AN EFFECTIVE DATE.

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

- D. **RESOLUTION NO. 2017-197** : A RESOLUTION AUTHORIZING THE EXECUTION OF A RELEASE OF A SPECIAL MAGISTRATE ADMINISTRATIVE FINE/LIEN FOR CODE VIOLATIONS ON PROPERTY LOCATED AT 284 MILITARY BOULEVARD, ORMOND BEACH, VOLUSIA COUNTY, FLORIDA (PARCEL ID NO. 4220-03-11-0010); AND SETTING FORTH AN EFFECTIVE DATE.

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

- E. **RESOLUTION NO. 2017-198** : A RESOLUTION OF THE CITY OF ORMOND BEACH, FLORIDA, CALLING FOR THE FLORIDA LEGISLATURE TO AMEND STATE LAW TO HALVE THE TRANSFER OF EDUCATION FUNDING FROM POORER SCHOOL DISTRICTS TO WEALTHIER SCHOOL DISTRICTS UNDER THE DIRECT COST DIFFERENTIAL MULTIPLIER WITHIN THE FLORIDA EDUCATION FINANCE FORMULA.

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

- F. **Invitation to Bid - Airport Obstruction Mitigation Project Bid No. 2018-05**

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

Disposition: Approve as recommended in the City Manager memorandum dated October 3, 2017.

- G. **Invitation to Bid - Air Traffic Control Tower Parking Lot Rehabilitation Bid No. 2018-04**

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

Disposition: Approve as recommended in the City Manager memorandum dated October 3, 2017.

- H. **Riverside Drive Closures - FY 2017-18**

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

Disposition: Approve as recommended in the City Manager memorandum dated October 3, 2017.

7. PUBLIC HEARINGS

- A. **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. **(SECOND READING)**

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

- B. **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. **(SECOND READING)**

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

- C. **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. **(SECOND READING)**

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

- D. **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. **(SECOND READING)**

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

8. **SECOND 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. **(SECOND READING)**

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. **(SECOND READING)**

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

9. REPORTS, SUGGESTIONS, REQUESTS

10. ADJOURNMENT

Item #1 – Meeting Call to Order

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

Item #2 – Invocation

Pastor Mike Petrick, Harbor Baptist Church, gave the invocation.

Item #3 – Pledge of Allegiance

Mayor Partington led the Pledge of Allegiance.

Item #4- Audience Remarks

Mr. Ike Leary, Granada Pier Bait and Tackle, thanked the city for their assistance and noted that the bait shop had reopened for business on September 23, 2017. He stated that the inventory was being built back up and things were looking good. He stated that he appreciated the phone calls from the City Commission. He thanked Finance Director Kelly McGuire for her help. He stated that he hoped to have the pier and boat ramps back in the future.

Mayor Partington thanked Mr. Leary. He noted that the Commission had been thinking about him and appreciated him being an ambassador for the city.

Item #5 – Approval of Minutes

Mayor Partington advised that the minutes of the September 5, 2017 regular meeting, the September 8, 2017 special meeting, and the September 19, 2017 regular meeting had been sent to the Commission for review and posted on the city's website for public viewing. He asked for any corrections, additions, or omissions. He stated that hearing no corrections, the minutes would stand approved as presented.

Item #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 6E be pulled from the Consent Agenda.

Commissioner Boehm moved, seconded by Commissioner Littleton, for approval of the Consent Agenda, absent items 6E.

Call Vote:	Commissioner Selby	Yes
	Commissioner Kent	Yes
	Commissioner Boehm	Yes

Carried.

Commissioner Littleton
Mayor Partington

Yes
Yes

Item #6E – Encourage Florida legislature to change school district cost differential formula

City Clerk Scott McKee read by title only:

RESOLUTION NO. 2017-198

A RESOLUTION OF THE CITY OF ORMOND BEACH, FLORIDA, CALLING FOR THE FLORIDA LEGISLATURE TO AMEND STATE LAW TO HALVE THE TRANSFER OF EDUCATION FUNDING FROM POORER SCHOOL DISTRICTS TO WEALTHIER SCHOOL DISTRICTS UNDER THE DIRECT COST DIFFERENTIAL MULTIPLIER WITHIN THE FLORIDA EDUCATION FINANCE FORMULA.

Mr. Carl Persis, Volusia County School Board member, stated that it was very important to the Volusia County School Board to have the support of the cities in Volusia County as they called for the Florida legislature to amend state law as it related to the direct cost differential multiplier. He stated that the differential cost formula started in 2004, and explained that the formula was tweaked so that for every dollar the district took in, they would receive about 96 or 97 cents of it back. He noted that a couple pennies would not seem to amount to much, but noted that in the first year of the formula alone they had actually amounted to a loss of \$9,900,000. He stated that this year that formula would cost Volusia County \$11 million. He explained that throughout the years of the formula, the district had lost \$140 million because of it. He noted that a lot could be done with \$140 million.

Mr. Persis noted that the state of Florida contained 67 counties and explained that 12 of them received more than \$1.00 according to the formula, while the other 55 counties received less. He noted that those 12 counties received funds from the other 55. He stated that Dade County picked up \$454 million, Orange County picked up \$32 million, and Palm Beach County picked up \$418 million over the same period that Volusia County lost \$140 million. He thanked the Commission for supporting the Volusia County School District, noting that it was also a government body that provided services like the city. He stated that money was desperately needed to help the county's children. He stated that in 2004, when this formula started, 40 percent of Volusia County Schools children were on free or reduced lunch. He noted that presently the amount of children on free or reduced lunch had risen to 65 percent. He stated that less money was coming in although more children needed it.

Commissioner Kent moved, seconded by Commissioner Selby, for approval of Resolution No. 2017-198, as read by title only.

Commissioner Selby stated that he was under the impression that some other lower population counties also received a larger share of the funding. He asked if that was true or if it was just the higher population counties.

Mr. Persis explained that the higher the population was and the higher the amounts of wages were that were paid in the county, the more likely they would be to receive more.

Commissioner Selby mentioned Gilchrist County; whereby, Mr. Persis stated that that county would be sending extra money in and not receiving it back. Mr. Persis noted that the prevailing wage amount in that county was probably low.

Commissioner Selby stated that a few months ago he had dinner in Tallahassee, Florida, for the Volusia Days event, with Senator David Simmons, who was Chairman of the Higher Education Committee. He stated that Senator Simmons advised caution in opening up discussion on the formula, noting that the ratio could get worse rather than better.

Mr. Persis stated that they were willing to take their chances at this point. He noted that even an additional penny would bring in millions of dollars.

Commissioner Kent stated that he was disappointed to hear that Senator Simmons would make those remarks, noting that that sounded like a scare tactic to him. He agreed with Mr. Persis and stated that he wanted to see where Volusia County landed in a new study. He addressed the figure Mr. Persis gave of the 55 counties who received

less for every dollar they paid in. He asked if it was true that Volusia County was the most negatively impacted of those counties.

Mr. Persis stated that he believed that Marion County may have that distinction, but noted that Volusia County was very close behind them.

Mayor Partington stated that the Volusia League of Cities had taken up the issue and recognized the link between strong schools and economic development. He noted that what had struck him the most was that poorer counties were sending in funds that were being distributed back to wealthier counties. He explained that whether they wanted to think of it that way or not, Volusia County was a poorer county. He noted that it did not make sense for Volusia County to be funding wealthier counties.

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

Consent Agenda Comments

Mayor Partington noted that no member of the Commission wished to comment on any of the other Consent Agenda items.

Item #7 – Public Hearings

Mayor Partington opened the public hearings.

Item #7A - 275 Interchange Boulevard (Tomoka Estates) 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. Paul Holub, applicant and property owner, stated that a neighborhood meeting was held after the first reading of the items related to the property. He stated that as a result of the meeting, the plan for the development had been revised. He noted that he had a revised application letter detailing the revisions and distributed it to the Commission.

Mr. Holub explained that most of the revisions started under item eight of the development standards section. He noted that as part of the plan, the buffer along Interchange Boulevard would be increased to 30 feet. He stated that they also presented a landscape plan with shade trees in addition to the existing right-of-way trees. He noted that they were able to create a shift in the building's location to accommodate those items without removing any of the buffers along Interstate 95. He stated that another addition would be a decorative fence with aluminum railing, or other materials, along Interchange Boulevard on the street side of the buffer. He noted that another addition would be a right only exit at the southern entrance with a raised median that would force those leaving to exit to the north without going into the residential neighborhood at Old Tomoka Avenue or Booth Road. He explained that there was a note in the plan that in the event that Interchange Boulevard was extended to the south to Hand Avenue or

LPGA Boulevard that that condition could be removed. He noted that they envisioned that Interchange Boulevard would be extended. He stated that they also agreed to keep all construction traffic out of the neighborhood and would limit all contractors to only using Interchange Boulevard.

Mr. Holub stated that the property owners also agreed to a covenant, noting that at the first hearing he had referenced and displayed a no-build area of the property. He stated that an actual sketch and legal had been prepared for that area along with a covenant encapsulating that no-build area to the City of Ormond Beach, rather than the Homeowners' Association, noting that the city controlled development. He stated that a copy of that had been provided to the city's planning department and the City Attorney. He noted that they told the neighbors that they would establish that covenant whether or not the land was transferred to the developer, and whether or not the proposed apartments were built on the subject parcel. He stated that that covenant would protect the abutting lots in the future from having any structures built there.

Mr. Holub stated that they were asking the city to provide that the ordinances for the rezoning and development order would only become effective upon the transfer of the land from the property owners to the developers. He explained that if the developer was not awarded the tax credit he was seeking and did not develop on the property, then the zoning and Planned Business Development (PBD) would expire and be of no further effect. He reiterated that the covenant was not part of that and would be in place regardless.

Mr. Dwight Durant, 286 Booth Road, noted that he spoke at the last meeting and a neighborhood meeting was subsequently held, as he had desired. He stated that Mr. Holub was gracious to hold the meeting, which was not technically required as the proposed project would not have directly abutted residential property. He noted that he had asked the project's engineer if they would enhance the landscaping next to the pool deck to keep the noise down.

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

Commissioner Selby stated that he did support workforce housing and felt there was a need for it in Ormond Beach. He noted that he harbored reservations about whether this was the proper location for it. He stated that he would not be voting in favor of the item.

Mr. Randy Hayes, City Attorney, clarified for the record that Mr. Holub had proposed to make the subject ordinances effective on the date that the subject property to be rezoned was conveyed by deed from Mr. Holub's corporation to the developer, and that that conveyance was to occur no later than 24 months from the ordinance approval date. He stated that if the conveyance did not occur, the ordinance would expire and be null and void.

Commissioner Selby clarified that that meant that there would really be no change in zoning made that evening, but instead they were approving a change in zoning subject to the conveyance.

Mr. Hayes stated that the subsequent item, the PBD development order, would only become effective on the effective date of the rezoning ordinance.

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

Item #7B - 275 Interchange Boulevard (Tomoka Estates) 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 second reading, as read by title only.

Mr. Hayes clarified that section five of this ordinance contained the effective date and would provide that this ordinance would take effect upon the effective date of the preceding rezoning ordinance.

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

Item #7C – 1175 N. U.S. 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.

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

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

Item #7D – 692 South 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.

Commissioner Littleton moved, seconded by Commissioner Boehm, for approval of Ordinance No. 2017-30, 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 closed the public hearing without objection.

Item #8A- 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 Selby, for approval of Ordinance No. 2017-31, 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 #8B – 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 Kent, for approval of Ordinance No. 2017-32, on second reading, as read by title only.

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

Item #9 – Reports, Suggestions, Requests

State of the City

Ms. Joyce Shanahan, City Manager, stated that the annual State of the City presentation would be held in conjunction with the Ormond Beach Chamber of Commerce on

Tuesday, October 10, 2017. She noted that tickets were going fast and the event was almost sold out.

Upcoming meetings

Ms. Shanahan stated that the next Commission meeting would be on October 17, 2017, and a Healthcare and Brainstorming Workshop would precede it at 5:00 p.m.

Debris removal

Ms. Shanahan stated that 20 days of work had been completed thus far. She displayed a visual aid, noting that so far 74,000 cubic yards of debris had been removed from the city. She noted that that debris would fill up the Jackie Robinson Ballpark baseball diamond 18 feet in the air. She explained that the average pickup truck held about 2.5 cubic yards and was 18 feet long. She noted that 22,000 pickup trucks lined up for 100 miles could haul that debris. She stated that the debris in the city was halfway picked up and noted that she appreciated the residents' patience with the pickup schedule. She explained that as the hurricane had affected essentially all of Florida, getting debris removal contractors had been a challenge. She noted that the public works staff had done an amazing job and trucks had started picking up the day after the storm, while many sister communities were just starting collection.

Ms. Shanahan noted that Beach Street was a county roadway. She explained that the city had been clearing intersections where traffic was blocked, but noted that Volusia County was responsible for collecting that debris. She noted that that sounded like a bureaucratic answer, but explained that if the City of Ormond Beach picked it up, they would not get reimbursed for doing so. She stated that they had to rely on the county to do it. She noted that they had an interlocal agreement with the county and had offered assistance. She stated that the county was making some progress but was moving a little slower.

Ms. Shanahan stated that the debris pickup had not yet made it past Interstate 95 and noted that she appreciated the patience of those that lived in communities out there. She explained that the communities of Breakaway Trails and Hunters Ridge were more challenging because they were gated communities. She noted that the Commission had passed a resolution authorizing pickup in gated communities. She explained that they ran the risk of not getting reimbursed by the Federal Emergency Management Agency (FEMA) for debris collection in those communities. She noted that the city had submitted bills for reimbursement for those communities last year, but they had not received one dime from FEMA yet for any of their reimbursement requests.

Ms. Shanahan thanked the Commission for their leadership and direction. She noted that their stewardship for the budget and finances of the city had allowed the city to have a strong fund balance and get through the difficult times. She stated that the city incurred expenses in excess of \$8 million for Hurricane Matthew. She explained that many sister communities had to borrow money to pay for debris contractors while Ormond Beach had enough in fund balance to front those costs. She noted that now the city was already incurring in excess of \$1 million in debris removal costs for Hurricane Irma. She thanked the Commission for their leadership in sending a letter requesting FEMA reimbursement. She noted that she did hear from Senator Marco Rubio's office that their funds should be available in a few weeks, but noted that she was not holding her breath.

Movies on the Halifax

Ms. Shanahan stated that Movies on the Halifax would be on Friday, October 6, 2017, and that the film shown would be *Hocus Pocus*.

Parks and facilities

Ms. Shanahan stated that almost all of the city's parks were open for use. She noted that the bait shop was open at Cassen Park and the land side of the pier was fishable. She stated that both the boat dock and the fishing pier there would be closed until further notice. She noted that staff was working with contractors and might have to workshop the issue of repairs with the Commission. She noted that most of the city's recreation facilities were open for use. She stated that there were some debris piles that had yet to be picked up at Nova Recreation Center and a few other places.

Hurricane Irma

Commissioner Boehm stated that the city was fortunate that their debris removal contractors were timely and prompt. He noted that someone from Deltona had informed him that they were yet to have any debris removal started. He noted that the county was also just getting started. He explained that many felt that every road in the city belonged

to the city and did not realize that the county controlled some. He stated that Leisure Services Director Robert Carolin and his staff put together 133 pictures of the damage that Hurricane Irma inflicted on city properties. He explained that the city sustained approximately \$4.4 million in damage to city properties from the storm. He noted that there was no telling when FEMA would reimburse the city for those costs, as evidenced by the city still not having received funds from Hurricane Matthew. He stated that it was fortunate that the city had managed their reserve funds conservatively so that they did not need to borrow money like so many other cities did. He stated that it was inexplicable that FEMA had not reimbursed the cities yet.

Commissioner Boehm stated that before, during, and after the hurricanes, the city's staff went above and beyond to prepare, help, and clean-up the city and take care of its residents. He noted that Ormond Beach's staff did not just show up and punch clocks, despite the stereotype about government workers to the contrary.

Dog park groundbreaking

Commissioner Boehm stated that he, Commissioner Selby, and Commissioner Kent attended the dog park groundbreaking. He noted that it was a very nice event. He stated that he looked forward to the dog park being complete. He noted that Commissioner Selby and Commissioner Kent brought their dogs to the event, but he did not as his dog was recovering from surgery.

Ormond Beach MainStreet Celebration

Commissioner Boehm stated that on October 16, 2017, from 5:30 p.m. to 7:30 p.m., Ormond Beach MainStreet ("MainStreet") would be having their annual celebration. He noted that MainStreet was a great organization that did wonderful things for the downtown.

River to Sea TPO

Commissioner Littleton stated that he attended the River to Sea Transportation Planning Organization (TPO) meeting held the previous week. He stated that one of the main topics discussed was increasing the local contribution for projects, which was currently ten percent. He noted that that effort was being led by Volusia County Council Chairman Ed Kelley. He stated that the small cities seemed to be adamantly against it, while some of the larger cities were in favor of it. He noted that he believed there would be more discussion about it soon.

Dog park groundbreaking

Commissioner Selby stated that the dog park groundbreaking had been a fun event. He noted that he appreciated the coverage of the event from the Ormond Beach Observer.

Debris removal

Commissioner Selby stated that the county was to nearly Sanchez Avenue on North Beach Street. He noted that they had done a good job in last couple of days. He stated that the city completed debris collection on his street that very evening. He noted that he appreciated the efforts of the city staff in dealing with weather emergencies.

Cassen Park

Commissioner Kent thanked Ms. Shanahan and her staff for helping Mr. Leary. He stated that he was glad that Ms. Shanahan mentioned some options for the pier. He noted that there was an opportunity now to make it more incredible than ever.

Movies on the Halifax

Commissioner Kent stated that Movies on the Halifax was sponsored by Realty Pros and Hershey's Ice Cream, and perhaps a third sponsor that he could not recall. He noted that the event was a wholesome activity for families which was free to the public. He stated that Realty Pros and Hershey's Ice Cream were sponsoring for the second year, noting that the previous year they offered hot dogs, ice cream, and did a Halloween "Trunk-or-Treat" event.

Beachside Redevelopment Committee

Commissioner Kent stated that he had intended to respond that he and his wife could attend the MainStreet event, but he would be unable to do so as he was representing the city on the Beachside Redevelopment Committee.

In memoriam

Commissioner Kent stated that Tom Petty was not just a face in the crowd. He noted that Mr. Petty was right that love was a long road. He referenced his song, "Make it

Better,” and stated that he felt that Mr. Petty did. He noted that it was time to move on for him, that he was free-falling, and learning to fly.

Movies on the Halifax

Mayor Partington stated that the showing of a free movie was started by Ormond Beach, and had specifically been Commissioner Kent’s idea several years ago during the downturn in the economy when many could not afford to take their families to see a movie. He noted that other cities had created similar events and that imitation was the sincerest form of flattery. He stated that the business sponsors had also helped enhance the city’s event.

State of the City

Mayor Partington stated that he was looking forward to seeing everyone at the event. He noted that he understood that the event was sold out or very close to being sold out.

Brainstorming workshop

Mayor Partington encouraged the Commission to bring their ideas to the workshop.

Debris removal

Mayor Partington stated that he could not compliment the staff enough for being prepared ahead of time and working with the contractors. He noted that he had been listening in on the Governor’s conference calls and many other cities had not preplanned and did not have debris removal services underway.

Item #10 – Adjournment

The meeting was adjourned at 7:52 p.m.

APPROVED: October 17, 2017

BY:

Bill Partington, Mayor

ATTEST:

J. Scott McKee, City Clerk