

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

November 7, 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 – October 17, 2017

6. CONSENT AGENDA

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

- A. **RESOLUTION NO. 2017-211** : A RESOLUTION AUTHORIZING EXECUTION OF A COMMUNITY DEVELOPMENT BLOCK GRANT SUBRECIPIENT AGREEMENT FOR FISCAL YEAR 2017-2018 BETWEEN THE CITY AND THE COUNTY OF VOLUSIA; AND SETTING FORTH AN EFFECTIVE DATE.

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

- B. **RESOLUTION NO. 2017-212** : A RESOLUTION AUTHORIZING THE SUBMITTAL OF A GRANT APPLICATION TO THE COUNTY OF VOLUSIA UNDER THE ECHO GRANTS-IN-AID PROGRAM FOR FUNDING ASSISTANCE REGARDING THE INSTALLATION OF LED LIGHTING AT THE ORMOND BEACH SPORTS COMPLEX FOR SOCCER FIELDS 1, 2, AND 3 AND BASEBALL FIELD #3; 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 Moisio, Grants Coordinator/PIO (386-676-3315)

- C. **RESOLUTION NO. 2017-213** : A RESOLUTION AUTHORIZING THE EXECUTION OF A LETTER OF AGREEMENT AND CONTRACT FOR HIGH VISIBILITY ENFORCEMENT FOR THE PEDESTRIAN AND BICYCLE SAFETY ENFORCEMENT CAMPAIGN BETWEEN THE CITY OF ORMOND BEACH AND THE UNIVERSITY OF SOUTH FLORIDA BOARD OF TRUSTEES FOR THE UNIVERSITY OF SOUTH FLORIDA'S CENTER FOR URBAN TRANSPORTATION RESEARCH; AND SETTING FORTH AN EFFECTIVE DATE.

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

- D. **RESOLUTION NO. 2017-214** : A RESOLUTION RESCINDING AND TERMINATING A WATER, SEWER AND ANNEXATION AGREEMENT BETWEEN THE CITY OF ORMOND BEACH AND THE COUNTY OF VOLUSIA APPROVED BY RESOLUTION NO. 2017-176; APPROVING AND 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)

- E. **RESOLUTION NO. 2017-215** : A RESOLUTION ACCEPTING A BID FROM D2 PAVING AND SITE WORK, LLC FOR CONSTRUCTION SERVICES REGARDING THE SODIUM BISULFITE STORAGE TANK REPLACEMENT PROJECT, UNDER BID NO. 2017-29; AUTHORIZING THE EXECUTION OF A CONTRACT AND PAYMENT THEREFOR; REJECTING ALL OTHER BIDS; AND SETTING FORTH AN EFFECTIVE DATE.

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

- F. **RESOLUTION NO. 2017-216** : A RESOLUTION ACCEPTING AND APPROVING A MASTER UTILITY PLAN FOR THE HUNTER'S RIDGE-FLAGLER COUNTY DRI SERVICE AREA; APPROVING A RETAIL UTILITY SERVICE AGREEMENT FOR HUNTER'S RIDGE DRI SERVICE AREA (FLAGLER COUNTY) BETWEEN THE CITY, U.S. CAPITAL ALLIANCE, LLC, AND HUNTER'S RIDGE OAKS COMMUNITY DEVELOPMENT DISTRICT NO. 1; AND SETTING FORTH AN EFFECTIVE DATE.

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

- G. **RESOLUTION NO. 2017-217** : A RESOLUTION AUTHORIZING THE EXECUTION OF A RELEASE OF A SPECIAL MAGISTRATE ADMINISTRATIVE FINE/LIEN FOR CODE VIOLATION ON PROPERTY LOCATED AT 2485 ARABIAN TRAIL, ORMOND BEACH, VOLUSIA COUNTY, FLORIDA (PARCEL ID NO. 4114-00-00-0048); AND SETTING FORTH AN EFFECTIVE DATE.

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

- H. **RESOLUTION NO. 2017-218** : A RESOLUTION APPROVING AND AUTHORIZING A GENERAL WAGE ADJUSTMENT FOR THE CITY MANAGER AND CITY ATTORNEY; AND SETTING FORTH AN EFFECTIVE DATE.

Staff Contact: Claire Whitley, Human Resources Director (386-676-3202)

- I. **C & D Franchise Renewal for E & J Recycling and Disposal Service**

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

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

- J. **Reclaimed Water Service to Deer Creek Subdivision, Bid No.2018-09**

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

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

K. 2018 Storm and Sewer Lining

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

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

L. Downtown Light Pole Replacement

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

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

M. Pre-treatment Effluent Pump (PEP) Purchase - Bid Advertisement

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

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

N. Registration of New Cingular Wireless PCS, LLC d/b/a AT&T Mobility

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

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

O. Superior Maintenance

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

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

7. PUBLIC HEARINGS

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

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

B. ORDINANCE NO. 2017-33 : 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 1.48-ACRES LOCATED AT 100 NORTH HALIFAX DRIVE (VOLUSIA COUNTY PARCEL NUMBER: 4214-08-00-0340), FROM R-5 (MULTI-FAMILY MEDIUM DENSITY) TO PRD (PLANNED RESIDENTIAL 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)

- C. **ORDINANCE NO. 2017-34** : AN ORDINANCE AUTHORIZING THE EXECUTION AND ISSUANCE OF A DEVELOPMENT ORDER FOR A PLANNED RESIDENTIAL DEVELOPMENT TO BE KNOWN AS "HALIFAX 100", AUTHORIZING THE CONSTRUCTION OF 12 ATTACHED GARDEN TOWNHOMES ALONG WITH ASSOCIATED SITE IMPROVEMENTS TO BE LOCATED AT 100 NORTH HALIFAX DRIVE (VOLUSIA COUNTY PARCEL NUMBER: 4214-08-00-0340); AUTHORIZING THE GROSS RESIDENTIAL DENSITY OF 8.1 UNITS PER ACRE; ESTABLISHING CONDITIONS AND EXPIRATIONS OF APPROVAL; AND SETTING FORTH AN EFFECTIVE DATE. **(SECOND READING)**

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

- D. **ORDINANCE NO. 2017-35** : AN ORDINANCE AUTHORIZING THE EXECUTION AND ISSUANCE OF THE SEVENTH AMENDED DEVELOPMENT ORDER FOR THE "WAL-MART SUPERCENTER" PLANNED BUSINESS DEVELOPMENT APPROVING A BUILDING ADDITION OF 5,002± SQUARE FEET FOR A LIQUOR BOX; ESTABLISHING CONDITIONS AND EXPIRATION DATE OF APPROVAL; RATIFYING ALL PRIOR APPROVALS; AND SETTING FORTH AN EFFECTIVE DATE **(SECOND READING)**

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

8. FIRST READING OF ORDINANCES

- A. **ORDINANCE NO. 2017-36** : AN ORDINANCE APPROVING THE FINAL PLAT FOR "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)

- B. **ORDINANCE NO. 2017-37** : AN ORDINANCE AMENDING THE CITY OF ORMOND BEACH CODE OF ORDINANCES CHAPTER 8.1 TELECOMMUNICATIONS, ARTICLE I, IN GENERAL, SECTION 8.1-3, DEFINITIONS, AND SECTION 8.1-4, REGISTRATION; ARTICLE II, FEES AND PAYMENTS, SECTION 8.1-5, IN GENERAL; ARTICLE III, CONSTRUCTION, UNDERGROUND INSTALLATION AND RELOCATION, SECTION 8.1-7, GENERALLY, AND SECTION 8.1-8, USE OF RIGHTS-OF-WAY; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; PROVIDING FOR SEVERABILITY; AND SETTING FORTH AN EFFECTIVE DATE.

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

- C. **ORDINANCE NO. 2017-38** : AN ORDINANCE AMENDING THE ANNUAL BUDGET FOR FISCAL YEAR 2016-2017 BY AMENDING THE 2010 GENERAL OBLIGATION BOND (220); GENERAL LIABILITY FUND (504); AND SETTING FORTH AN EFFECTIVE DATE.

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

Item #7 – Public Hearings

Mayor Partington opened the public hearings.

Item #7A – Comprehensive Plan Amendment, “General Commercial” Land Use Category FAR

City Clerk Scott McKee read by title only:

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

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

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

Item #7B – 100 North Halifax Drive Rezoning

City Clerk Scott McKee read by title only:

ORDINANCE NO. 2017-33
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 1.48-ACRES LOCATED AT 100 NORTH HALIFAX DRIVE (VOLUSIA COUNTY PARCEL NUMBER: 4214-08-00-0340), FROM R-5 (MULTI-FAMILY MEDIUM DENSITY) TO PRD (PLANNED RESIDENTIAL DEVELOPMENT), AUTHORIZING REVISION OF OFFICIAL ZONING MAP; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; AND SETTING FORTH AN EFFECTIVE DATE.

Mr. Jeffrey Sweet, Attorney for the applicant, noted that another attorney, Mr. Dennis Bayer, represented a number of individuals in proximity to the project. He explained that he and Mr. Bayer had held discussions after the first reading of the ordinances relative to this project. He noted that there had still existed some issues regarding the fence in the back and access to the shell road. He explained that he believed that he and Mr. Bayer had come up with a resolution to those issues, but noted that he wished to briefly confer with Mr. Bayer in order to verify that.

Mr. Sweet approached Mr. Bayer in the audience and they conferred there briefly.

Mr. Sweet stated that he wished to address some of the attributes of the shell road adjacent to the property. He stated that he believed that that road was in the public domain. He noted that he had submitted a report to the City Attorney and City Clerk to be included in the record. He stated that the issue with several of the neighbors, and one in particular, was related to individuals coming out of the project and potentially coming onto the neighbors’ land. He stated that he and Mr. Bayer had agreed to put a PVC fence along the back of the project. He noted that there had been winged fences proposed before. He explained that there would be a sidewalk coming out of the back of the property, which would meander through the property’s landscaping and then come out of the gate at a point which would not be directly in front of Ms. Jean Appleby’s residence. He noted that that gate would provide the residents with access.

Mr. Sweet stated that he understood that a new landscape plan had been submitted. He noted that the applicant would agree to the terms of that landscape plan. He asked Mr. Bayer whether the arrangements he just mentioned were satisfactory.

Mr. Dennis Bayer, Attorney for Ms. Jean Appleby, noted that Ms. Appleby lived directly behind the project. He stated that he had previously submitted written comments to the Commission, but noted that he had been unable to attend the first hearing for the items as he was out of the country at that time. He stated that the parties agreed that the existing four foot berm which currently ran north-south along the westernmost boundary of the proposed project would remain, and that on top of that berm there would be a six foot PVC fence. He noted that that was what was in the original plans from the neighborhood meeting. He stated that that fence would run the continual length of the property. He explained that they were in agreement with putting in a fence which would be locked and only accessible by the owners of the 12 units of the project.

Mr. Bayer stated that he was not there to adjudicate whether the shell road was a public right-of-way or prescriptive easement. He explained that he and his client were agreeing to the fence. He noted that he had been shown a site sketch showing approximately where the gate would be located; whereby, Mr. Sweet noted that he would put that sketch into the record.

Mr. Bayer stated that one of the big concerns that some of the other neighbors would bring up was the potential for flooding on their properties. He noted that if the berm stayed it would help alleviate some of the flooding concerns of those located to the east of the project. He stated that they would like to see the four foot berm with the six foot fence on top of it. He noted that he still had some questions for staff. He stated that the landscaping plan had been changed a few times, noting that he understood that city staff had made some recommendations for some additional changes.

Mr. Bayer explained that he was unsure exactly what they were looking at with regards to landscaping. He stated that the current plan, as he understood it, was that directly behind the courtyard gate there would be two palm trees. He noted that he would prefer to see something more robust which provided better shading. He stated that they had requested that those be the hollies that were called for, and that they would like to have the palm trees moved to the outside. He noted that this was not a major issue, but that there was some issue with the pipes coming in. He explained that they did not feel that palm trees provided an adequate buffer in that location. He stated that he understood that along the fence there would be a viburnum hedge that ran the length of the property. He noted that that was what was shown on the original plans back in August.

Mr. Sweet stated that his client's goal was to get along with the neighbors and the neighborhood. He noted that Mr. Bayer was correct in stating that the berm would remain, and that a six foot PVC fence would be placed along the top of the berm. He stated that the residents would have access to the shell road through a sidewalk and a gate area. He noted that he would comply with the terms of the landscape plan that the city approved. He stated that he believed that they had alleviated a number of the issues.

Mr. Ed Schwartz, Applicant / Project Developer, stated that he hoped one day his project, Halifax 100, would be the most amazing development that Ormond Beach's beachside had seen in over 20 years. He noted that he worked very hard with his group of professionals on the project. He stated that he hoped some of the issues regarding access and visibility that had been raised were now resolved. He noted that he was excited about the project and hoped to have the Commission's approval. He stated that he had been going through the challenging process of having the project go through various public hearings, including several before the City Commission. He requested approval of the project.

Mr. Manny DeAngelo, 66 Orchard Lane, stated that he had lived in Ormond Beach for 32 years on Orchard Lane. He stated that he loved progress, but noted that he did not agree with what he perceived to be incorrect thinking and incorrect practices. He noted that this was not the first time that he had been before the City Commission on behalf of the Orchard Lane neighborhood. He stated that during the past 32 years he had witnessed the parishioners of the former church located at 100 Halifax Avenue - the site of the proposed development, and the residents of the development at 60 Halifax Avenue and the parishioners at 56 Halifax Avenue, enter and exit through Halifax Avenue. He noted that during those years all of those entities had established a social precedent, which he thought was now verging on a legal precedent.

Mr. DeAngelo explained that those individuals and the city's Planning Board understood that the dirt roads behind those properties, Hotel Street and Orchard Lane, were recognized and registered as historical streets by the city, Volusia County, and the State of Florida. He stated that even the most ambitious and large condominium in downtown Ormond Beach respected the fact that Hotel Street and Orchard Lane were registered historical streets. He noted that Orchard Lane was only approximately ten feet and seven inches wide. He stated that each time the area's residents crossed each other in their vehicles; they had to drive onto one another's lawns in order to allow them to pass. He asked whether traffic should be increased on Orchard Lane. He stated that there were many children on Orchard Lane who used that street as their playground. He noted that many elderly owners and residents of the Ormond Heritage Condominium used Orchard Lane for their exercising and relaxing walks.

Mr. DeAngelo reiterated that Orchard Lane and Hotel Street were registered historic streets. He noted that state and national guidelines indicated that historically registered items should not be altered in such a way that would cause those items to lose their historical qualities and values. He stated that opening traffic access onto Orchard Lane would cause Orchard Lane to lose its designation. He noted that if that happened, Ormond Beach would lose one of its major historical features and valuable claims to its past.

Mayor Partington noted that Mr. DeAngelo's time to speak had concluded. He stated that the Commission recognized the historical importance of Orchard Lane.

Mr. Shawn Briese stated that he had just learned about this development. He noted that he had three concerns and that they may be already addressed. He stated that he was always concerned about potential flooding. He noted that there had been some suggestion about the berm being graded down, but stated that if the berm stayed intact and was improved so that the water ran to the east, it would alleviate that concern. He stated that historically a fence had been located there. He noted that he thought that a fence being located there with a locked gate was acceptable. He stated that his final concern would be the buffer. He noted that an inadequate buffer would not be useful. He stated that the City Commission needed to be very specific about what types of plants needed to go in to constitute a proper buffer to separate that area from the Orchard Lane area.

Ms. Judith Stein, 166 Orchard Lane, stated that she had lived on Orchard Lane for 11 years. She noted that she was in favor of any development which would bring people to the downtown area. She explained that she wanted to address drainage issues on Orchard Lane. She stated that she was pleased to hear that the PVC fence was back in the plan, and noted that she wanted to make sure that the foliage gave enough of a barrier to prevent any drainage issues. She stated that there had been severe flooding in her driveway, which went into her garage, for several years. She noted that there had been about two feet of water in her garage, explaining that her driveway sloped downward and all the water from Orchard Lane went into it. She stated that the city addressed that problem in 2014 by putting in a much larger drainage pipe. She noted that since then, she had not had that issue. She explained that she wanted to ensure that there would be no additional water coming from the new development down the street, potentially causing flooding issues to the homes located there.

Ms. Tyra Roberson, 57 Orchard Lane, stated that she was actually very excited about the project. She noted that it sounded like a lot of the issues were being worked out. She stated that her husband recently purchased 71 Orchard Lane, which was a historic home, and would be putting in a lot of money to preserve it. She noted that her mother in law bought the log cabin, noting that many probably knew of the log cabin. She stated that they also purchased 57 Orchard Lane and preserved it. She stated that the area was very important to her family. She noted that the money they had put into that street provided Ormond Beach with an amazing historic spot.

Ms. Roberson stated that her biggest concerns for the new development were the gate and the fence. She noted that she would prefer that there not be a gate. She explained that the adjacent townhouse development did not have a gate with access to Hotel Street. She noted that she was not sure why this development should be afforded that opportunity if that one was not. She reiterated that she was not in favor of the gate. She noted that Halifax Avenue had sidewalks as did Granada Boulevard. She suggested that residents of the development could use those avenues to reach the park. She noted that she was tired of Orchard Lane being a cut-through street.

Mr. Shed Hill Roberson III, 57 Orchard Lane and 71 Orchard Lane, stated that he was in favor of growth and development. He stated that he spoke to Mr. Schwarz at the first neighborhood meeting and asked him and his architect partner a single question. He stated that the question was as follows: "Your development will in no way have access or use of Hotel Street, the dirt road that runs directly behind both of his properties and north to south behind your new development." He stated that Mr. Schwarz answer was "absolutely not," and he also stated that Mr. Schwarz mentioned that a wall and heavy landscaping would be put in to provide privacy.

Mr. Roberson stated that he was against any access to his private road and Orchard Lane. He stated that access would create more foot traffic, crime, and everyone in the project would also walk their dogs back there. He suggested that perhaps the gate should be two ways so that he could take his dog into the condominium complex to let it relieve itself there. He stated that the other residents of Halifax Avenue used the sidewalk. He noted that he did not see why this property should not do the same.

Mr. Tom Massfeller, 1 John Anderson Drive, stated that he could be considered a dual resident of the Orchard Lane community, as he also owned the Nathan Cobb Cottage located at 137 Orchard Lane and lived at Ormond Heritage Condominiums. He noted that he followed the plans for this development very closely. He stated that he and his neighbors originally understood that the west side of the development would have several feet of buffering plants and trees to cut down noise and visibility. He noted that they also understood that there was to be a continuous fence which would not permit access to Hotel Street, as the gravel road located to the east of Orchard Lane was known. He stated that this was important because one of the private dirt driveways from Hotel Street to Orchard Lane went by the Nathan Cobb Cottage at 137 Orchard Lane, which he owned. He noted that the south end of Hotel Street ended in the parking lot of the Ormond Heritage Condominiums, which was also private property.

Mr. Massfeller stated that he now understood that an access-way was being planned from the Halifax 100 development. He stated that the apartments at 60 North Halifax Drive, just to the south of Halifax 100, had no access to Orchard Lane. He noted that there was no public access to Orchard Lane. He stated that 100 North Halifax Drive should also not have access to Hotel Street. He noted that if it did, it would increase pedestrian and other traffic on private property in the small community along Hotel Street and Orchard Lane. He asked the Mayor and Commissioners to please request that the developers of 100 North Halifax Drive return to their original proposal with increased buffering and no access to Hotel Street.

Mr. Joseph Miller, 76 Orchard Lane, stated that he wanted to address the encroachment from the development and impact to the neighborhood integrity of Orchard Lane and Hotel Street, which would be derived from the pending gate at 100 North Halifax Drive. He stated that it was very well known that the City of Ormond Beach, along with neighboring cities, had an issue with crime due to access and availability of vehicles, as well as properties being left unattended. He noted that it was mostly related to vehicles. He explained that the city often released updates about criminal elements checking car doors. He stated that allowing a gate into the aforementioned community, where there had recently been individuals using Hotel Street as a method to escape and elude law enforcement and residents; would only encourage the gate to be used for both positive and negative reasons. He encouraged the Commission to look into that, and to also think about having someone walk into their backyard at any time of the night. He noted that he could flip his light on and see someone 20 feet or so from his backdoor. He asked that the integrity of Orchard Lane be maintained.

Ms. Jean Appleby, 125 Orchard Lane, indicated that she would yield her time.

Ms. Pat Sample, 1 John Anderson Drive, stated that her main concern was that the Commission understood and maintained the historic nature of the neighborhood. She noted that development had to occur, but stated that she thought that the Commission should abide by the privacy that the residents of that area had had for many years. She noted that she would not like that road to have a gate onto it for people to walk and bicycle through. She noted that she personally did not like to ride her bicycle there as it was a dirt road. She stated that she could see little incremental steps happening here that could eventually lead to that becoming a full-fledged road with vehicles on it. She asked the Commission to reconsider the plan, particularly the back part with regards to drainage, landscaping, and the neighborhood's historical nature.

Mr. Frank Sacco, 143 Orchard Lane, stated that he retired to Ormond Beach from South Florida less than two years prior. He noted that he was very happy there and thought that the Commission had done a fine job with the city. He stated that three years ago, when he was looking for a home, he found a house on Orchard Lane. He noted that that was one of the reasons he decided to retire to the city. He referenced the mentioned issues. He noted that drainage was an issue along Hotel Street and 135 Orchard Street, where the backyard often flooded. He stated that drainage had to be resolved. He referenced the issue of access. He noted that he was not quite sure why the development needed an access gate onto Orchard Lane or Hotel Street, when there was not an access gate into that development. He stated that he was not certain what the rationale was. He noted that the other issue was the buffer. He thanked the Commission for doing a fine job with the city and encouraged them to maintain a good historic area.

Mayor Partington asked Planning Director Ric Goss to address the drainage from staff's perspective. He explained that his understanding was that St. John's River Water Management District (SJRWMD) required any project to keep all water on-site and make sure that the project was designed in a manner to do that. He noted that it had also been indicated that an exfiltration system would be utilized, where all of the drainage would go to the east.

Mr. Ric Goss, Planning Director, stated that it was an exfiltration system that had pipes underground from the parking isles to the garages north and south, which would drain all the water to the east. He noted that none of the water should go west. He stated that especially with the fence now proposed, there should not be any water going that way.

Mayor Partington addressed the fence and landscaping. He asked whether that was returning to the original plan that went before the Planning Board. He explained that his understanding was that the Planning Board flipped the design so that the back wall of the building ended up being the buffer.

Mr. Goss stated that the developer had proposed a PVC fence the entire width of the property. He explained that at the Planning Board there was a desire to reverse the balconies eastward. He noted that once that was done, the Planning Board felt that no wall or fence was needed in the middle. He stated that a PVC fence had always been proposed around the northwest and southwest side corners. He noted that just in the middle was where the fence had been missing.

Mr. Goss addressed the landscaping. He stated that there was a four foot viburnum hedge, noting that those hedges grew fast. He noted that one was put in at a dentist's office and was eight feet tall by year's end. He stated that between the hedges, the fence, and the trees, the buffer should be quite robust.

Mr. Goss stated that there had never been any plan to allow traffic on the site. He noted that there was no parking or access ways for vehicles. He stated that he believed the only issue was pedestrian access. He referenced bicycles, noting that at one time that area was considered on a bicycle path plan. He stated that he walked that area and spoke to those with drainage issues. He noted that the issue was reported to the city's public works department, which cleaned out the line that was in that alley. He explained that there was no plan for a bicyclist path on Hotel Street.

Mr. Briese interjected from the audience and asked Mayor Partington if he could speak; whereby, Mayor Partington allowed him to make a brief comment. Mr. Briese expressed his opinion that there should be no gate on the development.

Commissioner Boehm moved, seconded by Commissioner Littleton, for approval of Ordinance No. 2017-33, on second reading, as read by title only.

Commissioner Boehm stated that he drove to the property that day to look at it. He noted that presently there was no safety or security at the back of the property, and that there had been none for decades. He stated that he walked over the three step bricks and down to Hotel Street. He noted that this development would provide security there which did not exist presently, noting that some of the residents did not appear to want that security as they were concerned about a gate. He explained that presently it was wide open and there were no "no trespassing" signs posted. He further explained that any member of the public could presently drive to the back of the vacant church parking lot, get out of their car, walk down that road and over to Orchard Lane. He noted that no one could do anything about that. He stated that this development would be more restrictive,

as there would be a gate which locked there. He noted that there had been unrestricted access in that location for decades.

An audience member interjected from the audience; whereby, Commissioner Boehm noted that there was not a fence presently on the property.

Audience members interjected again; whereby, Mayor Partington stated that yelling out would not be tolerated.

Commissioner Boehm stated that Hotel Street was not private property. He noted that Orchard Lane was not a private road.

Audience members began to interject again; whereby, Mayor Partington noted that he did not wish to need to remove anyone from the Commission Chambers. Mayor Partington explained that order would be maintained during the discussion. He further explained that the members of the City Commission were to have their opportunity to discuss the item amongst themselves, noting that the audience was provided with their opportunity to speak already.

Commissioner Boehm stated that the residents of Orchard Lane, Ormond Heritage Condominiums, and those who parked in Fortunato Park to go the other way, could all access Hotel Street and walk down Orchard Lane. He stated that all of that could currently happen. He noted that the development would be for 12 townhouses, and possibly 24 to 30 people. He suggested that the argument he was hearing was that those who lived in the area did not want *those* people from that new development to have access to an area that was publicly accessible. He noted that public meant public to him. He stated that if other residents could use those roads, the new residents should be able to as well. He stated that he was in favor of the gate and would remain so.

Commissioner Littleton noted that he visited the site also and met with Ms. Appleby. He stated that the fire lane was kind of like a driveway. He noted that it was a public road. He stated that a gentleman also described it as a historically designated road. He explained that he could not tell other citizens of Ormond Beach that they could not have access to a public road. He noted that he could not say that some citizens could access the road while others could not.

Commissioner Selby stated that he had several discussions with Mr. Schwarz, Ms. Appleby, Mr. Bayer, and others about the property. He noted that he met Ms. Appleby on site and viewed the area. He clarified that the motion on the floor was with regards to zoning. He stated that he would limit his comments to that and indicated that he supported the zoning change.

Commissioner Kent stated that he spoke with Mr. Schwarz. He noted that Ms. Appleby also contacted him, but they were unable to work out a meeting. He noted that he grew up surfing with Mr. Roberson, who had spoken earlier. He addressed Mr. Roberson's comments about his discussion with Mr. Schwarz. He asked Mr. Schwarz whether Mr. Roberson had asked him about the access, and if he told him that there would not be any.

Mr. Schwarz stated that he did not recall saying that or having that conversation.

Commissioner Kent noted that it was hard for him to disagree with what he had heard from other members of the Commission about public access. He stated that that area was unique and a special place in Ormond Beach. He noted that he understood how sensitive the issue was. He stated that it concerned him that Mr. Roberson and Mr. Schwarz disagreed on their conversation. He noted that he was curious about it because he did not think it was fair to pull the rug out from underneath someone.

Mayor Partington stated that he appreciated that Mr. Bayer and the applicant had worked together to come to an agreement. He noted that he believed that this would be a quality development which would fit in that area, noting that it was a less intensive use than what could have been requested under the current zoning. He stated that he was confident that the drainage would be handled and not negatively impact the area. He noted that he thought the improvements on the site may actually improve the drainage in that area. He stated that if the landscaping and fence would be included, he felt that most of the issues would be resolved between the concerned parties and the developer.

Mayor Partington noted that he agreed with what Commissioner Boehm stated as far as a gate being an improvement over the current situation with regards to safety and security. He stated that potentially 12 to 24 more people would have foot access to that road, but noted that no vehicle traffic was being contemplated. He explained that that roadway was an unusual historic piece of property. He noted that Mr. Sweet probably knew better than most how rare that road was. He stated that that road was open and not owned by anyone. He explained that no one ever had owned it because of the way that area was historically developed. He further explained that his understanding was that those who built in those sections, in the late 1800s or early 1900s, left walking trails in between their properties. He noted that that created a situation with a piece of property with landowners on either side, but no one owning the property. He reiterated how unusual that was.

Mayor Partington stated that he would support the project. He noted that he appreciated the hard work of the attorneys involved and their ability to compromise.

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

Item #7C - 100 North Halifax Drive Development Order

City Clerk Scott McKee read by title only:

ORDINANCE NO. 2017-34

AN ORDINANCE AUTHORIZING THE EXECUTION AND ISSUANCE OF A DEVELOPMENT ORDER FOR A PLANNED RESIDENTIAL DEVELOPMENT TO BE KNOWN AS "HALIFAX 100", AUTHORIZING THE CONSTRUCTION OF 12 ATTACHED GARDEN TOWNHOMES ALONG WITH ASSOCIATED SITE IMPROVEMENTS TO BE LOCATED AT 100 NORTH HALIFAX DRIVE (VOLUSIA COUNTY PARCEL NUMBER: 4214-08-00-0340); AUTHORIZING THE GROSS RESIDENTIAL DENSITY OF 8.1 UNITS PER ACRE; ESTABLISHING CONDITIONS AND EXPIRATIONS OF APPROVAL; AND SETTING FORTH AN EFFECTIVE DATE.

Commissioner Selby reiterated that he met with Mr. Schwarz and had spoken to him on numerous occasions. He stated that he was very pleased that Ms. Appleby, the most impacted party, and her attorney had worked with Mr. Schwarz's attorney to work through several compromises. He noted that he actually encouraged Ms. Appleby to focus on one issue when he spoke to her, explaining that he felt that this item was going to pass based on the comments from the last meeting. He stated that the reality was that several things were being dealt with and addressed.

Commissioner Selby stated that he was also very pleased with the amount of public participation. He noted that the Commission had received numerous emails and letters from residents from Ormond Heritage Condominiums and Orchard Lane expressing their opinions. He noted that many also showed up that evening to comment. He stated that he appreciated it when citizens cared about something and told the Commission how they felt.

Commissioner Selby stated that he believed all of the issues had been addressed except for the gate. He noted that the issue there was really access. He explained that he told Mr. Schwarz that he should reduce it to a request for access conditioned upon demonstrating that Hotel Street was indeed a public road. He stated that he would suspect that even those who did not want the gate would acknowledge that if someone owned property on a public road, that person had the automatic right to access that public road. He noted that he would hope they would agree to that. He stated that this was about property rights and the United States of America. He explained that anyone owning property fronting a public road had the right to access that road. He noted that the applicant had done the neighbors a favor by choosing to only put in a pedestrian gate which would only allow foot traffic, and possibly a bicycle. He stated that that was a huge win.

Commissioner Selby noted that he realized that the development at 60 North Halifax Drive did not have a gate to access that road, but explained that they had the right to

have one also. He noted that neither the residents nor the city could not prevent them from adding one. He explained that that development also fronted a public road. He stated that he would vote for the ordinance, but noted that there may need to be some modifications made to it based on the agreement which had been reached.

Commissioner Selby stated that he hoped that everyone who came with one feeling about the proposal could at least with an understanding of the product, if not completely pleased. He explained that it was the city's job to protect the rights of property owners. He noted that the citizens had the right to access that street.

Mr. Bayer stated that his only remaining question was with regards to the landscape plan. He noted that he had viewed a number of different plans over the process. He referenced a line of sight exhibit which was shown previously as part of the developer's application after the Planning Board meeting. He noted that it showed hardwood trees. He asked if confirmation was needed, explaining that that was what he was looking for behind his client's property. He noted that they did not want palm trees, but something of more substance in that area. He stated that he wanted to clarify that point, noting that agreement had been reached on the other issues.

Mayor Partington asked Mr. Bayer if the item he was holding was a picture of the original landscaping plan; whereby, Mr. Bayer clarified that it was a line of sight exhibit. He noted that in that exhibit it showed hardwood trees and not palm trees. He stated that he wanted to confirm with staff that such trees would be located by the gate.

Mr. Goss stated that staff had no issue with regard to the type of trees that would be located there. He noted that there were utility lines to the east of where the tree line was located, so whatever was selected would have to have roots which would not grow out in such a way that it would blow out the utility lines. He stated that the trees did not need to be palm trees, noting that the root structure was the only concern.

Mr. Bayer stated that the hollies worked fine; whereby, Mr. Goss replied that he was comfortable with hollies. Mr. Goss noted that he had also viewed many landscaping plans and thus was not sure which one they spoke of. He stated that hollies would be acceptable as long as their root structure did not interfere with the lines.

Mayor Partington noted that the applicant's engineer nodded that that would probably work. He confirmed with Mr. Schwarz that he was comfortable with that.

Mr. Randy Hayes, City Attorney, suggested that both attorneys go through their agreed upon points to get that on the record and make it a part of the motion. He explained that he wanted to make sure that there were no misunderstandings.

Mr. Sweet stated that he would run through the agreements that were reached. He stated that the berm would stay; whereby, Mr. Bayer expressed agreement.

Mr. Sweet stated that there would be a six foot PVC fence along the top of the berm; whereby, Mr. Bayer expressed agreement.

Mr. Sweet stated that the applicant would comply with the landscape plan that was provided to them by the City of Ormond Beach. He noted that the traffic out of the gate would be pedestrian only and that there was no vehicular access. He stated that the drainage plan would hold all of the water onsite. He stated that Hotel Street was a publicly dedicated right-of-way.

Mr. Bayer noted that he would respectfully agree to disagree with Mr. Sweet on some of the issues, including whether Hotel Street was a public right-of-way.

Mr. Sweet stated that he had a graphic which noted the location of the gate; whereby, Mr. Bayer noted that the gate was part of their agreed upon compromise, but he was not in favor of it.

Mr. Bayer stated that the only other issue he had was with the two rear units that were reoriented from the original plan after the Planning Board meeting. He noted that they were in agreement with that reorientation; whereby, Mr. Goss noted that that was reflected in the development order.

Commissioner Selby stated that he thought that the physical location of the gate should be discussed. He explained that he understood that there would be a sidewalk coming

out of the center courtyard, which would meander south, and that the gate would be located south of center.

Mr. Bayer explained that the approximate location was his client's property line with the next property south. He noted that he had no issue with the exhibit showing the gate location being put into the record.

Commissioner Littleton moved, seconded by Commissioner Boehm, for approval of Ordinance No. 2017-34, on second reading, as read by title only, and adopting the conditions and concessions elucidated and agreed upon by attorneys Sweet and Bayer in their testimony.

Ms. Appleby requested to comment. She noted that she wanted to thank members of the Commission. She stated that Commissioner Selby called her while he was at the airport on his way home from a conference and met her the following Saturday morning at 9:00 a.m. She thanked Commissioner Littleton for speaking to her for over an hour and walking the entire neighborhood with her while listening to her descriptions of the history. She noted that she was very appreciative of the Commission's time, consideration, and concern. She also thanked her community for supporting her.

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

Item #7D – Amended Development Order for Wal-Mart Supercenter (Liquor Box)

City Clerk Scott McKee read by title only:

ORDINANCE NO. 2017-35
AN ORDINANCE AUTHORIZING THE EXECUTION AND ISSUANCE OF THE SEVENTH AMENDED DEVELOPMENT ORDER FOR THE "WAL-MART SUPERCENTER" PLANNED BUSINESS DEVELOPMENT APPROVING A BUILDING ADDITION OF 5,002± SQUARE FEET FOR A LIQUOR BOX; ESTABLISHING CONDITIONS AND EXPIRATION DATE OF APPROVAL; RATIFYING ALL PRIOR APPROVALS; AND SETTING FORTH AN EFFECTIVE DATE.

Commissioner Littleton moved, seconded by Commissioner Selby, for approval of Ordinance No. 2017-35, 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

Mayor Partington closed the public hearings without objection.

Item #8A – Gardens at Addison Oaks Final Plat

City Clerk Scott McKee read by title only:

ORDINANCE NO. 2017-36
AN ORDINANCE APPROVING THE FINAL PLAT FOR "THE GARDENS AT ADDISON OAKS" SUBDIVISION; ESTABLISHING CONDITIONS AND EXPIRATION DATE OF APPROVAL; AND SETTING FORTH AN EFFECTIVE DATE.

Mr. Goss stated that this plat followed the preliminary plat, which converted the property from a condominium form of ownership to a fee simple form of ownership. He noted that all of those who lived there had signed off on the plat. He stated that staff was recommending approval.

Commissioner Boehm moved, seconded by Commissioner Selby, for approval of Ordinance No. 2017-36, on first reading, as read by title only.

Commissioner Selby stated that some of the units were as narrow as 23 feet. He asked whether there was a code for establishing those as common wall townhouses.

Mr. Goss stated that the units were created under the county's development order and annexed in. He noted that the order was also annexed in. He explained that all that was being done was changing the form of ownership to fee simple. He noted that the unit numbers, widths, and lengths would remain the same. He explained that rather than have a common area like a condominium, the fee simple ownership gave each owner a lot.

Commissioner Selby noted that there was a private street with common elements. He asked if the condominium association would be abandoned; whereby, Mr. Goss stated that there would be a homeowners' association (HOA).

Commissioner Selby noted he did not see anything about that in the documents presented; whereby, Mr. Goss explained that there would have to be a HOA in order to maintain the common elements like the open spaces, ponds, and swimming pool. He noted that presently only six homeowners had been doing the maintenance, which had been a burden. He stated that the condominium form of ownership was not really taking off.

Commissioner Selby stated that one of the brokers stated that the buyer was actually the applicant, which made sense to him. He stated that the marketplace would prefer fee simple ownership over condominium type ownership. He noted that they were townhouses and that people would prefer to own their dirt. He stated that he wanted to make sure that the city was protected through the HOA relative to those private roads and common areas; whereby, Mr. Goss clarified that the city would not be taking care of those things.

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

Item #8B – Amendment to Code of Ordinances, Telecommunications, Chapter 8.1

City Clerk Scott McKee read by title only:

ORDINANCE NO. 2017-37

AN ORDINANCE AMENDING THE CITY OF ORMOND BEACH CODE OF ORDINANCES CHAPTER 8.1 TELECOMMUNICATIONS, ARTICLE I, IN GENERAL, SECTION 8.1-3, DEFINITIONS, AND SECTION 8.1-4, REGISTRATION; ARTICLE II, FEES AND PAYMENTS, SECTION 8.1-5, IN GENERAL; ARTICLE III, CONSTRUCTION, UNDERGROUND INSTALLATION AND RELOCATION, SECTION 8.1-7, GENERALLY, AND SECTION 8.1-8, USE OF RIGHTS-OF-WAY; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; PROVIDING FOR SEVERABILITY; AND SETTING FORTH AN EFFECTIVE DATE.

Mr. Goss stated that the legislature passed the Advanced Wireless Act ("Act"), which took effect July 1, 2017. He noted that the city was required to bring their ordinance into compliance. He stated that this was a microcell ordinance which allowed microcells to be placed on top of telephone poles and light posts. He noted that the only difference he believed was that the original ordinance was at 45 feet, whereas the statute allows for 50 feet. He noted that that needed to be changed, as well as allowing ten feet above for antennas. He explained that a lot of the other changes to the Act had to do with due process procedures.

Commissioner Selby moved, seconded by Commissioner Littleton, for approval of Ordinance No. 2017-37, on first reading, as read by title only.

Commissioner Selby stated that he was concerned about the appearance of this and the lack of control at the local municipality level. He noted that the state had already usurped that authority. He stated that the city really did not have a choice and had to do this. He

noted that he was excited and hopeful that cell service would improve dramatically in the city because of the availability of adopting this. He noted that it would also dramatically increase capacity by being able to do 5G. He stated that without this, that could not be done. He stated that he also thought about underground utilities in this context. He noted that he assumed that if utilities had been put underground, telecommunications companies could come in and put in poles.

Mayor Partington noted that he did not know whether that was the case or not. He stated that the Act's passage was frustrating because it cut right at the heart of home rule, and cities determining how they wanted their cities to look. He noted that some of the applications of this were not very attractive. He stated that some areas, including The Villages, created their own political action committee to lobby the legislature and eventually exempted themselves from having to comply. He noted that that was interesting. He stated that those individuals raised a lot of money and lobbied to carve themselves out of the Act. He stated that that was frustrating, but also agreed with Commissioner Selby regarding potential opportunities for service in underserved areas. He noted that he hoped that the companies who would come in would work with the city as much as possible to help maintain aesthetic standards.

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

Item #8C – FY 2016-2017 Budget Amendment

City Clerk Scott McKee read by title only:

ORDINANCE NO. 2017-38
 AN ORDINANCE AMENDING THE ANNUAL BUDGET FOR FISCAL YEAR 2016-2017 BY AMENDING THE 2010 GENERAL OBLIGATION BOND (220); GENERAL LIABILITY FUND (504); AND SETTING FORTH AN EFFECTIVE DATE.

Commissioner Littleton moved, seconded by Commissioner Boehm, for approval of Ordinance No. 2017-38, 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 #9A – Historic Tree Removal – Indianhead Drive (Ormond Lakes)

City Clerk Scott McKee read by title only:

RESOLUTION NO. 2017-219
 A RESOLUTION APPROVING AND AUTHORIZING THE REMOVAL OF AN HISTORIC TREE LOCATED ON VACANT LOT 19, INDIANHEAD DRIVE IN THE ORMOND LAKES SUBDIVISION; AND SETTING FORTH AN EFFECTIVE DATE.

Commissioner Kent moved, seconded by Commissioner Selby, for approval of Resolution No. 2017-219, as read by title only.

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

Item #10 – Reports, Suggestions, Requests

Upcoming meetings

Ms. Joyce Shanahan, City Manager, stated that there would be another workshop about the sign code on December 5, 2017, at 5:00 p.m. She noted that the Planning Board would be invited to attend as well. She explained that the workshop would start at 5:00 p.m. because a scouting organization would be meeting with the Mayor at 6:30 p.m.

FEMA grants

Ms. Shanahan stated that she, Assistant Finance Director Chris Byle, Acting Assistant City Manager Claire Whitley, and Public Works Director Dave Ponitz met with Thompson Consulting regarding Federal Emergency Management Agency (FEMA) grants. She stated that Mr. Byle had confirmed with the state that their funds for debris removal had been received by the state. She explained that the last step in the process was that the city had to sign a request for reimbursement form. She noted that unfortunately she was not allowed to sign the form until the state was ready for her to. She stated that they had made a lot of progress with their consultant, along with help from the city's lobbyist, Mr. Doug Bell, and other contacts in Tallahassee, Florida. She explained that FEMA carefully reviewed large dollar requests.

Ms. Shanahan noted that the entire process had also changed for filing for Hurricane Irma claims. She stated that the process was now to file electronically online. She explained that the good thing about that was that the city would be able to observe the entire process. She noted that presently, the city had no ability to see that or how many steps had passed or were yet to come.

King of the Grill

Commissioner Selby stated that he served as a judge with other members of the Commission at the King of the Grill event.

Waste Pro

Commissioner Selby stated that he met with Mr. Ken DeForest, who worked with Waste Pro, the city's solid waste contractor. He noted that Mr. DeForest requested the meeting based on comments that he had made at a previous Commission meeting about the contract.

Aviation Advisory Board

Commissioner Selby stated that he attended the Aviation Advisory Board meeting, but the meeting was unable to be held as there was not a quorum present.

Homeless issues

Commissioner Selby stated that he participated in a First Step Shelter Board meeting. He noted that the board was waiting on the City of Daytona Beach to decide which method of construction they would use for the shelter facility itself. He stated that he also met with Mr. Sam Willett, Chair of the Volusia Flagler Homeless Coalition. He noted that that was the body which brought all of the homeless organizations together. He stated that they were part of Housing First, a federal program which put people into permanent housing much quicker than before. He explained that he brought up to the First Step Shelter Board that they needed to coordinate their efforts with that organization. He noted that that was well received, despite there being some friction between those entities in the past.

Halifax 100

Commissioner Selby stated that he was pleased with the outcome, and hoped that the residents who did not get what they wanted at least understood how they voted. He noted that he was mostly happy with the cooperation between the adjoining neighbor and the developer. He stated that he knew that the city's staff helped facilitate that by being open and providing information.

King of the Grill

Commissioner Kent stated that the Commission missed Commissioner Boehm at King of the Grill.

Lincoln Avenue home

Commissioner Kent asked Ms. Shanahan to provide him with an update on the derelict house on Lincoln Avenue with a hole in the roof. He noted that some residents were inquiring about it.

Post office on beachside

Commissioner Kent stated that the post office located on Ormond Beach's beachside was impacted by Hurricane Irma. He noted that a big part of their glass frontage was removed. He asked Ms. Shanahan if she could inquire what the delay was in getting the glass replaced. He noted that there was presently a wooden structure located there. He suggested that Ms. Shanahan also request that they look into updating their facility to make it more representative of Ormond Beach.

Beachside hospital

Commissioner Kent stated that Florida Hospital Oceanside was looking at being closed for a minimum of 18 months, noting that that was mentioned in the newspaper. He stated that that was not good enough. He noted that an emergency room was needed on the peninsula for his and Commissioner Selby's constituents, as well as the county residents who lived in Ormond-by-the-Sea. He noted that the next closest hospitals were quite a distance away.

Fire department calls

Commissioner Kent asked Ms. Shanahan if she could provide him some information from Fire Chief Bob Mandarino. He explained that he recently learned that in April 2016 the city reached a threshold of more than 700 calls for the fire department in a month. He noted that this year there had been four months with 700 or more calls. He explained that he wanted to find out what the city's short term and long term plans were for the city's growth with regards to fire rescue services. He asked if there was any plan in place for different apparatuses. He noted that the city was getting inundated with calls to assisted living facilities. He explained that the city was putting their employees in their million dollar vehicles and sending them down the road to pick up those facilities' residents who had fallen down. He asked if there was a better way to handle that. He noted that he wanted to know what was best for Ormond Beach residents. He stated that he did not think that that was the best use.

Commissioner Kent asked Ms. Shanahan if the city could also initiate some calls with Volusia County Council Chairman Ed Kelley. He explained that in years past, Ormond Beach arrived on scene when individuals needed assistance, and provided drugs to help them in route to the hospital. He noted that those drugs cost money, and explained that EVAC used to reimburse the city for them. He stated that EVAC bills individuals for ambulance rides and drugs, not the city. He noted that the city was now out the money for the life-saving drugs. He stated that he knew that Chairman Kelley was not comfortable with that arrangement when he was the Mayor of Ormond Beach. He suggested getting the county back on board with the old agreement, which made the city whole for those drug costs.

Commissioner Boehm stated that when he first visited the fire station in 2010, he was told that they used to get reimbursed for the drugs but did not any more. He noted that it had been a long time since the county put that in their budget. He stated that whenever EVAC had two individuals on a unit, but needed two individuals to ride in the back of a unit for transporting a patient, one of the city's paramedics went and stayed until whenever EVAC was done or someone from the city could retrieve them. He explained that in the interim, one of the city's paramedics was not available to help the city's residents and was in Daytona Beach at a hospital. He noted that the city did not get paid for that either, despite the city's paramedic potentially doing as much or more than the other EVAC employee. He stated that there had been no movement towards changing the inequities in the system.

Commissioner Boehm stated that citizen assists, which were a substantial portion of the calls that the fire department received, were calls from assisted living facilities or homes where people had fallen down and needed assistance getting up. He agreed with Commissioner Kent that fire trucks may not be necessary for those types of calls, especially provided that the city's firefighters could not transport anyway. He noted that helping with citizen assists was a great service, but he thought the way it was done could be looked at.

Veteran's Day

Commissioner Boehm noted that the upcoming Saturday was Veteran's Day. He stated that the city hosted a Veteran's Day Luncheon at the Senior Center every year. He stated that this year it would be held on Thursday, November 9, 2017, from 12:00 p.m. to 2:00 p.m. He noted that the city underwrote the cost of the meal for all veterans who wished to attend. He stated that he was a veteran himself, and as such, attended the

event every year. He stated that the Ormond Beach Art Museum would host their annual Veterans Tribute on Saturday.

Riverfest

Commissioner Boehm stated that Riverfest, Ormond Beach MainStreet ("MainStreet")'s big fall event, would be held on November 18 and 19, 2017.

Veterans Day

Commissioner Littleton stated that he believed that Congressman Ron DeSantis would be speaking at Saturday's Veterans Day event.

Riverfest

Commissioner Littleton stated that Riverfest would be great this year, noting that MainStreet had something special planned.

FEMA reimbursement

Mayor Partington thanked Ms. Shanahan, Mr. Hayes, and staff for working with Thompson Consulting and Mr. Bell for FEMA reimbursement.

King of the Grill

Mayor Partington stated that it was a great event. He noted that they judged the entries anonymously, and did not find out who won until later in the day.

Riverfest

Mayor Partington stated that he was also looking forward to Riverfest, and some potential surprises.

Fire department calls

Mayor Partington noted the fire response discussion earlier. He stated that he was also on board with looking at how to better meet the need from assisted living facilities. He noted that the fire unit was responding 40 to 60 times per month to a for-profit facility in order to pick someone up and put them back in a chair. He stated that he wondered why that particular business was being subsidized with taxpayer dollars. He noted that if it was something that they needed to get changed at a state level, then perhaps they should look into that. He asked why the regular citizen of Ormond Beach should subsidize a private for-profit business that makes excellent profits. He noted that the business should be required to have members of their staff who were trained and capable of picking an individual up. He stated that perhaps they could arrive at a cheaper way to provide that service, or require those businesses to provide it to their residents.

Post office on beachside

Mayor Partington stated that he believed it was opened in 1960. He noted that he went there as a child so he knew it was open in the 1970s.

Halifax 100

Mayor Partington stated that he appreciated the discussion and the compromises that were made. He noted that he believed it showed the quality of the city that they lived in.

Development on West Granada Boulevard

Mayor Partington stated that he had some concerns raised to him about development along Granada Boulevard west of the Riverbend Church. He noted that that property was owned by the City of Daytona Beach. He stated that a lot of people did not understand that, and thought that Ormond Beach owned and controlled it. He noted that they saw the plans and were concerned about it. He suggested creating a history lesson which explained why Daytona Beach owned that property, despite Ormond Beach retaining the water service rights. He noted that that would help people understand that those decisions were made and locked into place before anyone on the Commission was elected. He explained that he was hoping to work with Ms. Shanahan, Mr. Hayes, and Mr. Goss to craft an op-ed that explained that history. He noted that he wanted to make sure that was acceptable to the Commission.

Item #12 – Adjournment

The meeting was adjourned at 8:40 p.m.

APPROVED: November 21, 2017

BY:

Bill Partington, Mayor

ATTEST:

J. Scott McKee, City Clerk