

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

October 16, 2018

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 Assistant City Attorney Scott McKee.

A G E N D A

- 1. CALL TO ORDER**
- 2. INVOCATION**
- 3. PLEDGE OF ALLEGIANCE**
- 4. PRESENTATIONS AND PROCLAMATIONS**
 - A. Certificate of Appreciation to Halifax Health for Sponsorship of the Hometown Heroes Banner Program
 - B. Civil Air Patrol Awards
 1. Brigadier General Billy Mitchell Award – Grayson J. Bertaina
 2. Amelia Earhart Award – Arthur J. Lohman

5. AUDIENCE REMARKS - REGARDING ITEMS NOT ON THE AGENDA

6. APPROVAL OF MINUTES

- A. Minutes from City Commission meeting – October 2, 2018

7. 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. 2018-145:** A RESOLUTION ACCEPTING A PROPOSAL FROM FLORIDA HEALTH CARE PLANS, INC. FOR THE PROVISION OF EMPLOYEE HEALTH/MEDICAL BENEFIT SERVICES; AUTHORIZING THE EXECUTION OF A CONTRACT AND PAYMENT THEREFOR; REJECTING ALL OTHER PROPOSALS; AND SETTING FORTH AN EFFECTIVE DATE.

Staff Contact: Claire Whitley, Acting Assistant City Manager
(386-676-3202)

- B. **RESOLUTION NO. 2018-146:** A RESOLUTION ACCEPTING A PROPOSAL FROM STANDARD INSURANCE COMPANY FOR THE PROVISION OF EMPLOYEE DENTAL INSURANCE BENEFITS SERVICES; AUTHORIZING THE EXECUTION OF A CONTRACT AND PAYMENT THEREFOR; REJECTING ALL OTHER PROPOSALS; AND SETTING FORTH AN EFFECTIVE DATE.

Staff Contact: Claire Whitley, Acting Assistant City Manager
(386-676-3202)

- C. **RESOLUTION NO. 2018-147:** A RESOLUTION ACCEPTING A PROPOSAL FROM STANDARD INSURANCE COMPANY FOR THE PROVISION OF EMPLOYEE VISION INSURANCE BENEFITS; AUTHORIZING THE EXECUTION OF A CONTRACT AND PAYMENT THEREFOR; REJECTING ALL OTHER PROPOSALS; AND SETTING FORTH AN EFFECTIVE DATE.

Staff Contact: Claire Whitley, Acting Assistant City Manager
(386-676-3202)

- D. **RESOLUTION NO. 2018-148:** A RESOLUTION AUTHORIZING FUNDING OF EMPLOYEE HEALTH SAVINGS ACCOUNTS FOR THE 2019 PLAN YEAR; AND SETTING FORTH AN EFFECTIVE DATE.

Staff Contact: Claire Whitley, Acting Assistant City Manager
(386-676-3202)

- E. **RESOLUTION NO. 2018-149:** A RESOLUTION RATIFYING THE EXECUTION OF AN AGREEMENT WITH THE STATE OF FLORIDA, OFFICE OF THE ATTORNEY GENERAL REGARDING FUNDING FOR THE CITY'S VICTIM'S ADVOCATE PROGRAM; AND SETTING FORTH AN EFFECTIVE DATE.

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

- F. **RESOLUTION NO. 2018-150:** A RESOLUTION AUTHORIZING THE EXECUTION OF AN UNDERGROUND DISTRIBUTION FACILITIES INSTALLATION AGREEMENT BETWEEN THE CITY AND FP&L REGARDING REHABILITATION AND UPGRADES TO THE BREAKAWAY TRAILS LIFT STATION FACILITIES ELECTRICAL SYSTEM; AUTHORIZING PAYMENT THEREFORE; AND SETTING FORTH AN EFFECTIVE DATE.

Staff Contact: Gabe Menendez, Public Works Director (386-676-3292)

- G. **RESOLUTION NO. 2018-151:** A RESOLUTION AUTHORIZING THE EXECUTION OF A MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY AND ORMOND MEMORIAL ART MUSEUM, INC.; AND SETTING FORTH AN EFFECTIVE DATE.

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

- H. **RESOLUTION NO. 2018-152:** A RESOLUTION NAMING CITY HALL PLAZA THE "DAVID HOOD PLAZA"; AND SETTING FORTH AN EFFECTIVE DATE.

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

- I. **RESOLUTION NO. 2018-153:** A RESOLUTION NAMING THE GIRLS' SOFTBALL FIELD AT THE ORMOND BEACH SPORTS COMPLEX THE "RICK BOEHM GIRLS' SOFTBALL FIELD"; AND SETTING FORTH AN EFFECTIVE DATE.

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

- J. **RESOLUTION NO. 2018-154:** A RESOLUTION AUTHORIZING THE EXECUTION OF A PROFESSIONAL SERVICES AGREEMENT BETWEEN THE CITY OF ORMOND BEACH AND HOYLE, TANNER & ASSOCIATES, INC., REGARDING THE RUNWAY 8 EXTENSION DESIGN, TAXIWAY ALPHA EXTENSION DESIGN AND RUNWAY 8 EASEMENT ACQUISITION SERVICES PROJECTS AT THE ORMOND BEACH MUNICIPAL AIRPORT; AUTHORIZING PAYMENT THEREFORE; AND SETTING FORTH AN EFFECTIVE DATE.

Staff Contact: Steven Lichliter, Airport Manager (386-615-7019)

- K. **RESOLUTION NO. 2018-155:** A RESOLUTION ACCEPTING A BID FROM J.D. WEBER CONSTRUCTION FOR CONSTRUCTION SERVICES REGARDING SECURITY FIRST OFFSITE WATER MAIN IMPROVEMENTS PROJECT, UNDER BID NO. 2018-36; AUTHORIZING THE EXECUTION OF A CONTRACT AND PAYMENT THEREFOR; REJECTING ALL OTHER BIDS; AND SETTING FORTH AN EFFECTIVE DATE.

Staff Contact: Cara Culliver, Landscape Architect (386-676-3269)

- L. **RESOLUTION NO. 2018-156:** A RESOLUTION ACCEPTING A BID FROM BROTHERS' CONSTRUCTION, INC. FOR CONSTRUCTION SERVICES REGARDING THE CASSEN PARK PIER REPLACEMENT PROJECT, UNDER BID NO. 2018-31; AUTHORIZING THE EXECUTION OF A CONTRACT AND PAYMENT THEREFOR; REJECTING ALL OTHER BIDS; AND SETTING FORTH AN EFFECTIVE DATE.

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

- M. **Renewal of Aquatic Weed Maintenance and Ditch Cleaning Contract**

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

Disposition: Approve as recommended in the City Manager memorandum dated October 16, 2018.

- N. **FFY 16-17 County Edward Byrne Memorial Justice Assistance Grant (JAG) Funding Distribution Approval**

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

Disposition: Approve as recommended in the City Manager memorandum dated October 16, 2018.

8. PUBLIC HEARINGS

- A. **ORDINANCE NO. 2018-24:** AN ORDINANCE ANNEXING TWO PARCELS OF REAL PROPERTY INTO THE CITY OF ORMOND BEACH, SAID PROPERTIES BEING GENERALLY LOCATED ALONG THE EAST SIDE OF NORTH U.S. HIGHWAY 1 APPROXIMATELY 1.0 LINEAR MILE SOUTH OF THE NORTH U.S. HIGHWAY 1 AND INTERSTATE 95 SOUTHBOUND RAMP, BEING COMMONLY LOCATED AT 1345 NORTH U.S. HIGHWAY 1 (PARCEL ID NO.: 3231-00-00-0052); AND AN ABUTTING PARCEL WITH NO ADDRESS LOCATED ON THE NORTHWEST CORNER OF SOUTHLAND ROAD (PARCEL ID NO.: 3231-00-00-0051); INCLUDING THAT PORTION OF OAK STREET ABUTTING THE PROPERTY; SETTING FORTH ZONING PRIVILEGES AND OBLIGATIONS REGARDING THE PROPERTIES; REDEFINING THE TERRITORIAL BOUNDARIES OF THE CITY OF ORMOND BEACH TO INCLUDE THE PROPERTIES; REDESIGNATING THE BOUNDARIES OF ZONE 1 OF THE CITY OF ORMOND BEACH TO INCLUDE THE PROPERTIES; PROVIDING FOR TRANSMISSION; PROVIDING FOR SEVERABILITY; AND SETTING FORTH AN EFFECTIVE DATE. **(SECOND READING)**

Staff Contact: Steven Spraker, Planning Director (386-676-3341)

- B. **ORDINANCE NO. 2018-26:** AN ORDINANCE AUTHORIZING THE EXECUTION AND ISSUANCE OF A FIRST AMENDED PLANNED RESIDENTIAL DEVELOPMENT ORDER FOR THE "HALIFAX 100" PLANNED RESIDENTIAL DEVELOPMENT DISTRICT, AUTHORIZING A MODIFICATION TO THE APPROVED BUILDING ELEVATIONS TO BE LOCATED AT 100 NORTH HALIFAX DRIVE (VOLUSIA COUNTY PARCEL NUMBER: 4214-08-00-0340); ESTABLISHING CONDITIONS AND EXPIRATIONS OF APPROVAL; AND SETTING FORTH AN EFFECTIVE DATE.

Staff Contact: Steven Spraker, Planning Director (386-676-3341)

- C. **ORDINANCE NO. 2018-27:** AN ORDINANCE APPROVING THE FINAL PLAT FOR THE "GRENIER SUBDIVISION"; ESTABLISHING CONDITIONS AND EXPIRATION DATE OF APPROVAL; AND SETTING FORTH AN EFFECTIVE DATE.

Staff Contact: Steven Spraker, Planning Director (386-676-3341)

- D. **ORDINANCE NO. 2018-28:** AN ORDINANCE AUTHORIZING THE EXECUTION AND ISSUANCE OF A PLANNED RESIDENTIAL DEVELOPMENT ORDER FOR THE "MARSHSIDE VILLAGE" PLANNED RESIDENTIAL DEVELOPMENT DISTRICT, AUTHORIZING A PHASED SUBDIVISION OF 144 LOTS ON 84.14+ ACRES TO BE LOCATED AT 304 TYMBER CREEK ROAD (PARCEL ID NUMBER: 4124-00-00-0240), 2099 AIRPORT ROAD (PARCEL ID NUMBER: 4123-00-00-0012), AND 370 TYMBER CREEK ROAD (PARCEL ID NUMBER: 4124-00-00-0250); ESTABLISHING CONDITIONS AND EXPIRATIONS OF APPROVAL; AND SET FORTH AN EFFECTIVE DATE.

Staff Contact: Steven Spraker, Planning Director (386-676-3341)

- E. **ORDINANCE NO. 2018-29:** AN ORDINANCE AMENDING SUBSECTION (5), HISTORIC PRESERVATION, OF SECTION 8-10, APPLICATION PROCESSING FEES, OF CHAPTER 8, BUILDINGS AND CONSTRUCTION REGULATIONS, ARTICLE I, IN GENERAL OF THE CITY OF ORMOND BEACH CODE OF ORDINANCES; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; AND SETTING FORTH AN EFFECTIVE DATE.

Staff Contact: Steven Spraker, Planning Director (386-676-3341)

9. FIRST READING OF ORDINANCES

- A. **ORDINANCE NO. 2018-30:** AN ORDINANCE AMENDING THE ANNUAL BUDGET FOR FISCAL YEAR 2017-2018 BY AMENDING THE GENERAL FUND (001); THE DOWNTOWN REDEVELOPMENT TRUST FUND (104); THE AIRPORT FUND (108); THE PENSION PASS THRU (113); THE FACILITY FEE FUND (115); THE GRANTS FUND (116); THE GENERAL CAPITAL IMPROVEMENTS FUND (301); THE GENERAL EQUIPMENT RENEWAL AND REPLACEMENT FUND (302); THE TRANSPORTATION IMPROVEMENTS FUND (308); THE FACILITIES RENEWAL & REPLACEMENT FUND (317); THE WATER AND WASTEWATER VEHICLE REPLACEMENT FUND (408); THE WATER AND WASTEWATER RENEWAL & REPLACEMENT FUND (409); THE WASTEWATER SYSTEM IMPACT FEE FUND (435); THE WATER AND WASTEWATER CONSTRUCTION (445-2017); THE SOLID WASTE (460); THE WORKERS' COMPENSATION (502); THE GENERAL LIABILITY FUND (504); AND SETTING FORTH AN EFFECTIVE DATE.

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

- B. **ORDINANCE NO. 2018-31:** AN ORDINANCE AMENDING CHAPTER 14, OFFENSES, ARTICLE I, IN GENERAL, SECTION 14-18, TRESPASS, OF THE CODE OF ORDINANCES OF THE CITY OF ORMOND BEACH, FLORIDA; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; PROVIDING SEVERABILITY; AND SETTING FORTH AN EFFECTIVE DATE.

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

10. SECOND READING OF ORDINANCES

- A. **ORDINANCE NO. 2018-25:** AN ORDINANCE AMENDING SECTION 14-63, TAKING POSSESSION OF WEAPONS AND ARMS; REPORTS; DISPOSITION; CUSTODY, OF ARTICLE IV, LOST OR ABANDONED PROPERTY, OF CHAPTER 14, OFFENSES; OF THE CITY OF ORMOND BEACH CODE OF ORDINANCES; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; AND SETTING FORTH AN EFFECTIVE DATE. **(SECOND READING)**

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

11. DISCUSSION ITEMS

A. Compensation Review for Appointed Officials

Staff Contact: Claire Whitley, Acting Assistant City Manager
(386-676-3202)

12. REPORTS, SUGGESTIONS, REQUESTS

13. ADJOURNMENT

Item #1 – Meeting Call to Order

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

Item #2 – Invocation

Pastor Joshua Peoples, Providence Church, gave the invocation.

Item #3 – Pledge of Allegiance

Mayor Partington led the Pledge of Allegiance.

Item #4A – Certificate of Appreciation to Halifax Health for Sponsorship of the Hometown Heroes Banner Program

Mayor Partington invited Mr. Rafael Ramirez forward and presented him with the Certificate of Appreciation to Halifax Health for their sponsorship of the Ormond Beach Hometown Heroes Banner Program. He noted the program would honor military service members who resided in or had family ties to the city, with 96 banners displayed across the Granada Bridge every November. The banners would feature the service member's photo, name, branch of service, and dates served. He stated that each service member would receive a keepsake replica banner which would be presented at an annual ceremony at the Performing Arts Center. He indicated the city website had details, registration would start immediately and go through October 1, 2019, and applications would be processed in the order they were received.

Mr. Rafael Ramirez, on behalf of Halifax Health, thanked the mayor for the recognition and noted the initial sponsorship would be three years, but hoped to extend the support beyond that.

Item #4B – Civil Air Patrol Awards

Mayor Partington invited Cadet 2nd Lieutenant Grayson J. Bertaina forward, presented him with the Brigadier General Billy Mitchell Award, and noted it honored a fearless pilot whose patriotism, foresight, and tenacity surpassed the ridicule he faced. He gave background on Billy Mitchell and the award, then congratulated Cadet Bertaina.

Mayor Partington invited Cadet Captain Arthur J. Lohman forward, presented him with the Amelia Earhart Award, and noted it honored an aviatrix, writer, and champion for civil rights who set many records in aviation's infancy before her famous disappearance. He explained details of Amelia Earhart and the award, then congratulated Cadet Lohman.

Mayor Partington noted that the Ormond Beach Civil Air Patrol program was multi-award winning, and produced great future citizens and servants to the city, state, and country.

Introduction of new police officers

Police Chief Jesse Godfrey invited the new officers to the front and introduced them to the Commission and citizens in the Chambers.

Chief Godfrey stated that Officer Kevin Culver was born and raised in the Ormond Beach area, went to Mainland High School, and graduated from Basic Law Enforcement at Daytona State College in 2017. He noted Officer Culver's hobbies were fishing, hunting, and playing softball. He stated that Officer Culver was married with one child and another child due the next month.

Chief Godfrey stated that Officer Adam Griswold was born in Torrington, Connecticut, had lived in Ormond Beach most of his life, graduated from Basic Law Enforcement at Daytona State College, enjoyed fishing, and spending time with friends and family.

Chief Godfrey stated that Officer Kameron Hanson-Auld was a native of Machias, Maine, graduated from the Washington Academy in 2011, served in the Maine Army National Guard for four years, and then joined the Navy for three years while stationed in Jacksonville, Florida. He noted Officer Hanson-Auld attended Basic Law Enforcement Academy at Florida State College of Jacksonville.

Chief Godfrey stated that Officer Nicholas Stage grew up traveling with his dad, who was serving in the United States Army. He noted that Officer Stage spent most of his youth in Austin, Texas, graduated from Wando High School in Mount Pleasant, South Carolina, received his Associates degree in Business Marketing Management from Penn Commercial Business/Technical School in Pennsylvania, and attended Embry Riddle for three years studying Business Aviation Administration. He stated that Officer Stage was in the United States Air Force from 2006 to 2008, graduated from the Basic Law Enforcement class at Daytona State College, lived in Ormond Beach, and was a hobby mechanic.

Item #5 – Audience Remarks

Mr. Larry Mathieson, 1476 Pecos Drive and retired Ormond Beach Police Chief, stated that he had been contacted by Ms. Peggy Farmer regarding the commemoration ceremony for the 20th Anniversary of the 1998 wildfires. He noted that he was honored to be recognized, had been unable to attend, and was proud to have played a small part in the efforts.

Item #6 – Approval of Minutes

Mayor Partington advised that the minutes of the October 2, 2018, 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 #7 – 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.

Mayor Partington noted there was a request to pull Item 7G from the Consent Agenda.

Commissioner Boehm moved, seconded by Commissioner Kent, for approval of the Consent Agenda, absent Item 7G.

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

Comments on Consent Agenda Items

Commissioner Kent thanked everyone involved in putting together the 2019 healthcare coverage for employees that was approved in Item 7A, and the Health Savings Account (HSA) available through approval of Item 7D.

Commissioner Kent spoke highly of Commissioner Boehm and his tenacity for Ormond Beach to provide the best recreation services for youth and seniors. He was honored to approve Item 7I naming the girls softball field after Commissioner Boehm.

Commissioner Selby was honored to name the City Hall plaza outside the Chambers after former mayor Judge David Hood. He agreed with Commissioner Kent's comments about Commissioner Boehm and noted he would miss Commissioner Boehm.

Commissioner Boehm stated that he was an advocate to honor those who had given much to making the city a better place, including service to the children. He mentioned others in the community who had served the city and had areas named after them, including Doug Thomas and Andy Romano. He noted that all six of the umpires in the upcoming National League Championship Series graduated from a local umpire school and resided in Ormond Beach. He was honored to have something named after him.

Commissioner Boehm requested that the rebuilt Cassen Park pier, approved in Item 7L, be named after Mr. Ike Leary who was an ambassador for the city and ran the Bait Shop at Cassen Park.

Mayor Partington asked the other Commissioners if they agreed on naming the pier after Mr. Leary; whereby, Commissioner Kent, Commissioner Littleton, and Commissioner Selby confirmed their agreement with Commissioner Boehm's idea.

Item #8 – Public Hearings

Mayor Partington opened the public hearings, and noted there was a request to pull Item 8A.

Item #8B – Halifax 100, PRD Amendment

Assistant City Attorney Scott McKee read by title only:

ORDINANCE NO. 2018-26
AN ORDINANCE AUTHORIZING THE EXECUTION AND ISSUANCE OF A FIRST AMENDED PLANNED RESIDENTIAL DEVELOPMENT ORDER FOR THE "HALIFAX 100" PLANNED RESIDENTIAL DEVELOPMENT DISTRICT, AUTHORIZING A MODIFICATION TO THE APPROVED BUILDING ELEVATIONS TO BE LOCATED AT 100 NORTH HALIFAX DRIVE (VOLUSIA COUNTY PARCEL NUMBER: 4214-08-00-0340); ESTABLISHING CONDITIONS AND EXPIRATIONS OF APPROVAL; AND SETTING FORTH AN EFFECTIVE DATE.

Mr. Steven Spraker, Planning Director, stated the request was for a Planned Residential Development (PRD). He noted the application sought to change the architectural design of the project at 100 North Halifax Drive, with no site changes to the approved Development Order. He noted the video shown on the screen showed the proposed changes. He indicated the applicant held a neighborhood meeting, the Planning Board approved by a 4-0 vote with no audience comments, and staff recommended approval.

Mayor Partington noted that no cards had been submitted on the item.

Commissioner Boehm moved, seconded by Commissioner Selby, for approval of Ordinance 2018-26, on first reading, as read by title only.

Commissioner Selby noted that he attended the neighborhood meeting, the design had been well received, and he preferred the proposed architecture.

Commissioner Kent complimented the applicant on the updated design, noting it was infill development and smart growth.

Mayor Partington agreed that the proposed design was visually pleasant and an improvement.

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

Item #8C – Grenier subdivision, final plat

Assistant City Attorney Scott McKee read by title only:

ORDINANCE NO. 2018-27

AN ORDINANCE APPROVING THE FINAL PLAT FOR THE "GRENIER SUBDIVISION"; ESTABLISHING CONDITIONS AND EXPIRATION DATE OF APPROVAL; AND SETTING FORTH AN EFFECTIVE DATE.

Mr. Spraker noted the request was for a final plat, proposing to take a 20 acre parcel of land and divide it into four five-acre parcels, and the preliminary plat had been approved by the Commission. He stated the city surveyor, Site Plan Review Committee (SPRC), and City Attorney's office had all reviewed the details and everything complied with Florida Statutes, so staff recommended approval.

Mayor Partington noted that no cards had been submitted on the item.

Commissioner Littleton moved, seconded by Commissioner Selby, for approval of Ordinance No. 2018-27, on first 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 #8D – Marshside Village, PRD Amendment

Assistant City Attorney Scott McKee read by title only:

ORDINANCE NO. 2018-28

AN ORDINANCE AUTHORIZING THE EXECUTION AND ISSUANCE OF A PLANNED RESIDENTIAL DEVELOPMENT ORDER FOR THE "MARSHSIDE VILLAGE" PLANNED RESIDENTIAL DEVELOPMENT DISTRICT, AUTHORIZING A PHASED SUBDIVISION OF 144 LOTS ON 84.14+ ACRES TO BE LOCATED AT 304 TYMBER CREEK ROAD (PARCEL ID NUMBER: 4124-00-00-0240), 2099 AIRPORT ROAD (PARCEL ID NUMBER: 4123-00-00-0012), AND 370 TYMBER CREEK ROAD (PARCEL ID NUMBER: 4124-00-00-0250); ESTABLISHING CONDITIONS AND EXPIRATIONS OF APPROVAL; AND SETTING FORTH AN EFFECTIVE DATE.

Mr. Spraker stated the application was for the issuance of a PRD Development Order associated with the Marshside subdivision. He noted the property was located at the intersection of Airport Road and Tymber Creek Road, surrounded on the west by a city parcel with a water tank, and surrounded on the north by two residential lots that were each five acres or more. He reviewed the application process in detail, reminding them that the Development Order rezoning the property in 2013 had expired, and they were starting over again. He noted the SPRC had reviewed the application and made recommendations, a neighborhood meeting had been held on August 22, 2018, and the Planning Board held a meeting, with public testimony, in which they recommended denial by a 3-2 vote. He asked the Commission to take in all the information, review it, and make a final determination.

Mr. Spraker showed a presentation detailing the development, the uses, benefits, and concerns. He noted the School Board had signed off on the project, but key issues identified at the Planning Board meeting had been lot sizes, traffic, the Phase 4 area separation, and the Memo of Agreement between CANDO2 and the applicant. He explained to the applicant that the city could not adopt the agreement due to inconsistencies with the Land Development Code (LDC) and enforcement. He indicated the main changes in the project since prior applications were: access only from Tymber Creek Road, reduction in the number of lots from 163 to 144, a gated community on Phases 1 through 3, and Volusia County had completed the partial widening of Tymber Creek Road. He noted they exceeded the city's LDC in numerous aspects. He stated that the SPRC recommended approval, the Planning Board recommended denial based on the issues mentioned, and staff recommended approval.

Commissioner Kent noted he had previously worked at Pathways Elementary School near the area discussed and wondered if staff was aware of the flooding issue that occurred there when it had rained for more than a day; whereby, Mr. Spraker stated that staff did know about it, that the elevation of Airport Road was higher than the property, but the property would fill up and spill onto the road. He noted the flooding would be discussed as part of the preliminary plat.

Commissioner Littleton mentioned the smaller perimeter buffers on the west and north sides, wondered what was north of the property, and if those owners had complaints; whereby, Mr. Spraker noted there were two single family houses, and thought one owner was in attendance that night.

Mayor Partington noted that he had three cards from the applicants and 11 cards from other speakers on the item.

Mr. Pete Heebner, 24 Cameo Circle and representative of the property owner, stated there had been many discussions between the property owners and neighbors in order to remediate all issues that had arisen over time and they had done everything to resolve them as satisfactorily as possible. He highlighted the 16 positive attributes of the project and the four issues raised. He mentioned a plan that his engineer would present, moving the Phase 4 lots into the center of the project without doing any damage to the project's balance. He agreed with Mr. Spraker that the agreement with CANDO2 was not enforceable by the Commission.

Ms. Kimberly Buck, with Alann Engineering at 880 Airport Road Suite 113, pointed out that the owner was going above and beyond the requirements of the City of Ormond Beach. She showed a presentation that detailed the architectural theme, landscaping, and other aspects of the project including the addition of turn lanes on Tymber Creek Road. She noted an added concept that would include the seven lots in Phase 4 into the Phase 1 area.

Mr. Vasu Persaud, Traffic Engineer at 535 Versailles Drive in Maitland, Florida, detailed the findings from the traffic study on Tymber Creek Road and Airport Road. He noted all details were reviewed by Volusia County and city staff, and indicated traffic signal timing issues were discovered at that intersection during the higher school traffic times. He stated that information was provided to the county to handle changes, if possible. He discussed details of the turn lanes that would be added to Tymber Creek Road.

Mr. Heebner reiterated that they had addressed the citizens' concerns and issues addressed by the Planning Board.

Commissioner Boehm noted the applicant proposed an amendment to the development order that night by moving the seven lots, which had not been in front of the other groups prior to reaching the Commission. He wondered if the agenda packet needed to be amended to include those details for an approval that night; whereby, Mr. Randy Hayes, City Attorney, stated the new plans did need to be made part of the record. He noted that he had not heard anything that gave him concern, but indicated that the plan was essentially the same, with a few minor changes. He stated that the Commission did have the discretion to refer the matter back to the Planning Board.

Commissioner Boehm wondered about the details needed for the motion; whereby, Mr. Hayes stated that they would need to make a motion to approve what had been presented, and then make a motion to amend subsequent to the primary motion.

Ms. Richard Holmes, 319 North Tymber Creek Road, stated her biggest concern was the entrance area and car lights shining directly into her house. She wondered if they would create other entrances or exits; whereby, Mayor Partington noted the applicant would address that when they came back for closing remarks.

Mr. Ron Hooper, 1 Aucuba Circle, indicated that the new information provided that evening should be sent back to the Planning Board for review, and was against the project due to the proposed reduced setbacks and smaller lots. He noted the property owner stated in 2013 that the elementary schools should not have been built so close together, but it was not the property owner's problem. He thought that the property owner should be part of the solution and not add to the problem. He discussed other details that supported his reason for opposing the project.

Ms. Patricia Sparks, 290 South Janice Lane, continued Mr. Hooper's comments and was against the project due to the reduced buffers, traffic, lot size, and lack of turn lanes.

Mr. Richard Holmes, 319 North Tymber Creek Road, indicated he was against the project due to current flooding issues on his property and traffic concerns.

Mr. Tim Scheiber, 548 Sandy Oaks Boulevard, indicated that he was in favor of the project because of smart growth, saving wetlands, and the architectural design.

Mr. G.G. Galloway, 1305 Oak Forest, indicated he was against the project and his concern was the group of individuals who claimed they were in favor of smart growth and against urban sprawl, but supported that project. He noted they were a non-elected group, who thought they had the authority to fine someone \$25,000 an acre, in a side agreement made with the developer.

Ms. Laura Olson, 323 North Tymber Creek Road, indicated she was against the project with concerns about the additional traffic and Tymber Creek Road not being widened.

Mr. Bob McCutcheon, 425 Leeway Trail, indicated that he was against the project due to the reduced buffers and flooding issues, which needed to be completely resolved.

Mr. Ken Sipes, 355 Applegate Landing and representative of CAND02, indicated he was in favor of the project and highlighted the areas supporting his position. He acknowledged the written agreement with the developer was not enforceable by the city.

Ms. Debra Weinberg, 2341 Lipizzan Trail, indicated she was against the project, with the main concern around flooding and too many homes included in the plan. She agreed with planned smart growth.

Mr. Clay Beazley, 2180 Arabian Trail, indicated he was against the project due to the flooding issues, and that everyone in the area would be dealing with more water issues after completion. He thought the property should be purchased by the city, condemned, and used as a wetland.

Ms. Buck understood everyone's concern on water and drainage, noting that they were working on a way to improve the stormwater discharge onsite into the proper discharge point.

Mr. Heebner stated the applicant had continuously dealt with the issues mentioned, had met all criteria, and would discuss certain issues when the item was brought back at a later time. He admitted the agreement with CAND02 was not enforceable, but was not sure it affected the Commission's approval.

Commissioner Littleton moved, seconded by Commissioner Boehm, for discussion of Ordinance No. 2018-28, on first reading, as read by title only.

Commissioner Littleton discussed the issues he was hearing from residents; lights into home windows, traffic, the side agreement, perimeter setbacks, and flooding. He noted his main concern was the perimeter setback on the north side, and thought the stormwater improvements would help with the flooding issues. He listed the positive aspects and noted he was in the middle at that moment.

Commissioner Selby noted that he attended a few meetings on the project. He heard the main concerns were flooding and traffic, with flooding being the top priority. He indicated the neighbors were fair and in agreement; they were not against the property being developed, but did not see any benefit to the city to bend the rules and he agreed. He indicated that he would vote no that night, but wanted them to come back with a plan that did not reduce the required setbacks, and had 80 foot lots. He noted the traffic issue included other government entities.

Commissioner Kent discussed the issues he heard; water, traffic, the Planning Board denial, and an illegal agreement. He stated that the current project was not right for Ormond Beach, with his main focus on the flooding in that area. He thought that the Planning Board denying approval was wise counsel to the Commission, and had never seen anything like the side agreement. He indicated he would vote no.

Commissioner Boehm stated his concern was moving the Phase 4 lots from the outer area into the Phase 1 inner area. He indicated there were too many questions and would vote no.

Commissioner Littleton agreed with Commissioner Selby and noted he was against the current project.

Mayor Partington indicated that he would vote no, based on the recommendation of the Planning Board, and agreed the side agreement was strange.

Mayor Partington asked Mr. Hayes if the motion was to approve the project; whereby, Mr. Hayes confirmed that a no vote would be denial of the motion.

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

Item #8E – Code of Ordinances, Amend Historic Preservation Fees

Assistant City Attorney Scott McKee read by title only:

ORDINANCE NO. 2018-29
AN ORDINANCE AMENDING SUBSECTION (5), HISTORIC PRESERVATION, OF SECTION 8-10, APPLICATION PROCESSING FEES, OF CHAPTER 8, BUILDINGS AND CONSTRUCTION REGULATIONS, ARTICLE I, IN GENERAL OF THE CITY OF ORMOND BEACH CODE OF ORDINANCES; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; AND SETTING FORTH AN EFFECTIVE DATE.

Mayor Partington noted that no cards had been submitted on the item, and asked that the preferred option be included if there were a motion to approve.

Commissioner Selby moved, seconded by Commissioner Boehm, for approval of Option 1 (charge a \$600.00 fee for a request to be removed from the Historic Landmarks List) of Ordinance No. 2018-29, on first reading, as read by title only.

Commissioner Selby thought the fee changes for the Historic Preservation List was a good collaboration between the Historical Preservation Board and staff.

Commissioner Kent complimented Commissioner Selby for bringing the issue to the Commission's attention and providing a solid solution.

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 #9A – FY 2017-18 Budget Amendment

Assistant City Attorney Scott McKee read by title only:

ORDINANCE NO. 2018-30
AN ORDINANCE AMENDING THE ANNUAL BUDGET FOR FISCAL YEAR 2017-2018 BY AMENDING THE GENERAL FUND (001); THE DOWNTOWN REDEVELOPMENT TRUST FUND (104); THE AIRPORT FUND (108); THE PENSION PASS THRU (113); THE FACILITY FEE FUND (115); THE GRANTS FUND (116); THE GENERAL CAPITAL IMPROVEMENTS FUND (301); THE GENERAL EQUIPMENT RENEWAL AND REPLACEMENT FUND (302); THE TRANSPORTATION IMPROVEMENTS FUND (308); THE FACILITIES RENEWAL & REPLACEMENT FUND (317); THE WATER AND WASTEWATER VEHICLE REPLACEMENT FUND (408); THE WATER AND WASTEWATER RENEWAL & REPLACEMENT FUND (409); THE WASTEWATER SYSTEM IMPACT FEE FUND (435); THE WATER AND WASTEWATER CONSTRUCTION (445-2017); THE SOLID WASTE (460); THE WORKERS' COMPENSATION (502); THE GENERAL LIABILITY FUND (504); AND SETTING FORTH AN EFFECTIVE DATE.

Mayor Partington noted that no cards had been submitted on the item.

Commissioner Boehm moved, seconded by Commissioner Selby, for approval of Ordinance No. 2018-30, on first reading, as read by title only.

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

Item #9B – Amendment to Trespass ordinance – adding provisions for trespass on grounds surrounding city buildings

Assistant City Attorney Scott McKee read by title only:

ORDINANCE NO. 2018-31

AN ORDINANCE AMENDING CHAPTER 14, OFFENSES, ARTICLE I, IN GENERAL, SECTION 14-18, TRESPASS, OF THE CODE OF ORDINANCES OF THE CITY OF ORMOND BEACH, FLORIDA; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; PROVIDING SEVERABILITY; AND SETTING FORTH AN EFFECTIVE DATE.

Mayor Partington noted that no cards had been submitted on the item.

Commissioner Littleton moved, seconded by Commissioner Selby, for approval of Ordinance No. 2018-31, on first reading, as read by title only.

Commissioner Selby asked for a detailed explanation of what the ordinance covered, how it came to be, and the ability to enforce it.

Mr. Randy Hayes, City Attorney, stated that it could be an enforcement issue, noting that law enforcement would be the ones enforcing, but the city was trying to address the transients loitering on city property. He noted staff was working to develop ordinances to deal with lingering issues, while being consistent with the parameters of what law required the city to do. He stated that the intent was to prohibit loitering one hour after the close of business at a public facility, or on their grounds, until it opened the following morning.

Commissioner Selby asked if this ordinance pertained to Andy Romano Beachfront Park, noting that local businesses used that lot for parking; whereby, Mr. Hayes stated that area could be enforced under existing code regulations separate from the current item, and agreed that it would be a continual issue.

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

Item #10A – Amendment to ordinance pertaining to firearm disposal

Assistant City Attorney Scott McKee read by title only:

ORDINANCE NO. 2018-25

AN ORDINANCE AMENDING SECTION 14-63, TAKING POSSESSION OF WEAPONS AND ARMS; REPORTS; DISPOSITION; CUSTODY, OF ARTICLE IV, LOST OR ABANDONED PROPERTY, OF CHAPTER 14, OFFENSES; OF THE CITY OF ORMOND BEACH CODE OF ORDINANCES; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; AND SETTING FORTH AN EFFECTIVE DATE.

Mayor Partington noted that no cards had been submitted on the item.

Commissioner Littleton moved, seconded by Commissioner Selby, for approval of Ordinance No. 2018-25, on second reading, as read by title only.

Commissioner Selby asked if this were similar to the Kicks 4 Guns program in other areas; whereby, Mr. Hayes stated that was correct.

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

Item #11A – Compensation Review for Appointed Officials

Mayor Partington noted that historically the individuals were discussed separately in the order that they appeared in the documentation.

Commissioner Selby was honored that City Manager Joyce Shanahan decided to stay in Ormond Beach, noting that her pay was low compared to other city managers in Volusia County. He appreciated her transparency, honesty and ethics.

Commissioner Kent agreed with Commissioner Selby about Ms. Shanahan. He stated that once the levels of both individuals were adjusted, he would be comfortable with keeping their raises consistent with union and non-unionized employees. He wanted to hear from others before giving a definite number.

Commissioner Boehm noted that evaluations of the City Manager and City Attorney reflected how he felt about them, and agreed with Commissioner Selby and Commissioner Kent that an adjustment was needed to their compensation.

Commissioner Littleton spoke highly of Ms. Shanahan and wanted to see what others thought about the numbers first.

Mayor Partington noted an adjustment for both would be appropriate, thinking ten percent for each would bring them into a quality range, but wanted to continue discussing numbers.

Commissioner Kent thought a \$20,000 increase, from \$155,000 to \$175,000, would be appropriate based on documentation of other cities in Volusia County, regarding pay versus population. He stated that Mr. Hayes was more underpaid than Ms. Shanahan, and would give him a \$20,000 increase, from \$140,000 to \$160,000. He indicated the city was well served by both individuals.

Mayor Partington thought Commissioner Kent was generous, but did not want to put a target on the backs of city leaders, and felt the ten percent increase with small incremental increases in the upcoming years would be best.

Commissioner Selby noted that he could support a \$25,000 increase, or 16 percent, for the City Manager, and a \$20,000 increase, or 14 percent, for the City Attorney.

Commissioner Boehm stated that he would go with the consensus, leaning more towards the level Mayor Partington had stated.

Commissioner Littleton stated he was comfortable with increasing the City Manager's pay to \$175,000, and increasing the City Attorney's pay by \$15,000, but was flexible.

Mayor Partington asked if the consensus was \$175,000 for Ms. Shanahan and \$160,000 for Mr. Hayes; whereby, all Commissioners confirmed that they were in agreement.

Mayor Partington asked Mr. Hayes about securing a vote at that time, or if staff wanted to bring the item back at a later time.

Mr. Hayes stated that he was comfortable with the adjustment made the prior year, but wanted to make sure that Ms. Shanahan was well compensated for her work.

Commissioner Kent wondered if they had to waive the Thompson rule in order to vote on the item at that time; whereby, Mr. Hayes noted the item was on the agenda, so there was no rule to follow and a vote could be completed.

Commissioner Kent asked if there was available funding in the budget for the increases; whereby, Ms. Shanahan deferred to Finance Director Kelly McGuire.

Ms. Kelly McGuire, Finance Director, indicated funding was available and preferred an effective date of October 1, 2018, from the audience.

Commissioner Kent moved, seconded by Commissioner Selby, for approval of a \$20,000 increase in compensation, from \$155,000 to \$175,000, for the City Manager effective October 1, 2018.

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

Commissioner Kent moved, seconded by Commissioner Boehm, for approval of a \$20,000 increase in compensation, from \$140,000 to \$160,000, for the City Attorney effective October 1, 2018.

Commissioner Boehm commented that Ms. Shanahan and Mr. Hayes would be the only City Manager and City Attorney that he worked with during his time on the City Commission.

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

Item #12 – Reports, Suggestions, Requests

Compensation

Ms. Joyce Shanahan, City Manager, thanked the Commission for their generosity, and complimented Mr. Hayes on his assistance and support.

Mr. Hayes echoed Ms. Shanahan’s statements.

Commissioner Selby indicated the city was fortunate to have Ms. Shanahan and Mr. Hayes, noting the raise was modest in terms of what they managed.

Commissioner Kent noted they were underpaid and stated it was the right thing to do.

Projects Update

Ms. Shanahan noted the Ormond Beach runway rehab project would begin on October 22, 2018, with Runway 8/26 closed for the duration of the project, but continuing normal airport hours. She stated the city had received \$153,000 from the Florida Inland Navigation District (FIND) Grant for the Cassen Park pier, noting the work would start in January. She indicated there were a few drainage and code enforcement issues ongoing.

Ms. Shanahan reviewed details of the Federal Emergency Management Agency (FEMA) process, noting that 90 percent of the city expenses had been submitted to the Cost Recovery Center. She noted a few projects remained from Hurricane Matthew, with a total of \$5,000,000 submitted for Hurricane Irma. She explained a misunderstanding that resulted in submitting all documentation twice, but noted FEMA admitted their mistake.

Events Update

Ms. Shanahan stated there would be a reception for former mayor, Judge Dave Hood, on Saturday, October 27, 2018 at 11:00 a.m., outside the Commission Chambers, noting it would not interfere with the King of the Grill event that day. She noted that the Movies on the Halifax/Trunk or Treat event had been a huge success, and the next Movies on the Halifax – Star Wars the Last Jedi would be on Friday, November 2, 2018.

Hurricane Michael

Ms. Shanahan stated that four individuals led by Battalion Commander Nate Quartier, from the Ormond Beach Fire Department, had deployed to Panama City for hurricane assistance.

Events

Commissioner Littleton thanked Citizens for Ormond Beach and city staff for their work on the Candidate Forum on October 10, 2018. He worked at the Prince of Peace Catholic Church Oktoberfest, and appreciated that police and fire attended the event.

Marshside Development

Commissioner Selby noted there would be a project done at Airport Road and Tymber Creek Road, but the one presented was not the right fit. He appreciated all citizen, staff, and Planning Board input and work involved.

New Officers

Commissioner Kent thanked Chief Godfrey for the introductions and hoped to have new firefighters introduced in a future meeting.

Events

Commissioner Boehm noted that Mr. Ryan Ochipa, a local State Farm agent, would sponsor Movies on the Halifax – Star Wars: The Last Jedi, on November 2, 2018. He shared that the next OB Life meeting would be on Tuesday, October 23, 2018. He looked forward to the King of the Grill event on October 27, 2018, with Mayor Partington and Commissioner Kent, noting it had amateur and professional grilling competitions. He highlighted the Golf Tournament fundraiser for the Ormond Beach Police Athletic League (OBPAL) from at 8:30 a.m. to 2:30 p.m. on November 3, 2018, at River Bend Golf Course.

Commissioner Boehm stated he attended Fired Up for a Cure, over \$4,000 had been raised for cancer, and Chief Godfrey shaved his head for the cause. He noted that the State of the City event had been informative and the video was available online.

Item #13 – Adjournment

The meeting was adjourned at 9:43 p.m.

APPROVED: November 5, 2018

BY: _____
Bill Partington, Mayor

ATTEST:

Lisa Dahme, City Clerk