

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

August 20, 2019

7:00 p.m.

Commission Chambers

Present were: Mayor Bill Partington, Commissioners Dwight Selby, Troy Kent, Susan Persis, and Rob Littleton, City Manager Joyce Shanahan, Assistant City Manager Claire Whitley, City Attorney Randy Hayes, and City Clerk Colby Cilento.

A G E N D A

- 1. CALL TO ORDER**
- 2. INVOCATION**
- 3. PLEDGE OF ALLEGIANCE**
- 4. PRESENTATIONS AND PROCLAMATIONS**
 - A. Shoshana Ravede
 - B. Recognition of Florida Legislators
- 5. AUDIENCE REMARKS - REGARDING ITEMS NOT ON THE AGENDA**
- 6. APPROVAL OF MINUTES**
 - A. Minutes from City Commission meeting – July 30, 2019
 - B. Minutes from City Commission meeting – August 7, 2019
- 7. COMMUNITY REDEVELOPMENT AGENCY**
 - A. **RESOLUTION NO. 2019-146:** A RESOLUTION OF THE CITY COMMISSION, INDIVIDUALLY AND ACTING AS THE COMMUNITY REDEVELOPMENT AGENCY FOR THE CENTRAL BUSINESS DISTRICT AND ADJACENT AREAS, AUTHORIZING THE EXECUTION OF AN ANNUAL SERVICE AGREEMENT FOR ORMOND BEACH MAIN STREET BETWEEN THE CITY/AGENCY AND ORMOND BEACH MAIN STREET, INC., FOR THE PROMOTION OF ECONOMIC, PHYSICAL AND AESTHETIC REDEVELOPMENT AND MAINTENANCE OF THE ORMOND BEACH MAIN STREET DISTRICT; AND SETTING FORTH AN EFFECTIVE DATE. **(SEE ITEM 8A)**

Staff Contact: Steven Spraker, Planning Director (386-676-3341)
- 8. CONSENT AGENDA**

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

 - A. **RESOLUTION NO. 2019-146:** A RESOLUTION OF THE CITY COMMISSION, INDIVIDUALLY AND ACTING AS THE COMMUNITY REDEVELOPMENT AGENCY FOR THE CENTRAL BUSINESS DISTRICT AND ADJACENT AREAS, AUTHORIZING THE EXECUTION OF AN ANNUAL SERVICE AGREEMENT FOR ORMOND BEACH MAIN STREET BETWEEN THE CITY/AGENCY AND ORMOND BEACH MAIN STREET, INC., FOR THE PROMOTION OF ECONOMIC, PHYSICAL AND AESTHETIC REDEVELOPMENT AND MAINTENANCE OF THE ORMOND BEACH MAIN STREET DISTRICT; AND SETTING FORTH AN EFFECTIVE DATE.

Staff Contact: Steven Spraker, Planning Director (386-676-3341)
 - B. **RESOLUTION NO. 2019-148:** A RESOLUTION ACCEPTING A BID FROM SGS CONTRACTING SERVICES, INC. FOR CONSTRUCTION SERVICES REGARDING THE WATER TREATMENT PLANT LIME

SLUDGE DEWATERING IMPROVEMENTS PROJECT, UNDER BID NO. 2019-31; AUTHORIZING THE EXECUTION OF A CONTRACT AND PAYMENT THEREFOR; REJECTING ALL OTHER BIDS; AND SETTING FORTH AN EFFECTIVE DATE.

Staff Contact: Shawn Finley, City Engineer (386-615-7049)

- C. **RESOLUTION NO. 2019-149:** A RESOLUTION AUTHORIZING THE EXECUTION OF A QUITCLAIM DEED IN FAVOR OF ANNA MARIA GOODING RELEASING A FIVE-FOOT (5.0') UTILITY EASEMENT LOCATED WITHIN LOT ELEVEN (11) LESS THE NORTHERN FIVE (5) FEET OF LOT (11), UNIVERSITY CIRCLE, (209 STANDISH DRIVE); PROVIDING FOR RECORDATION; AND SETTING FORTH AN EFFECTIVE DATE.

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

- D. **RESOLUTION NO. 2019-150:** A RESOLUTION AUTHORIZING THE EXECUTION OF A CONTRACT RENEWAL BETWEEN THE CITY OF ORMOND BEACH AND PROPERTY REGISTRATION CHAMPIONS, LLC, REGARDING ABANDONED REAL PROPERTY REGISTRY SERVICES; AND SETTING FORTH AN EFFECTIVE DATE.E.

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

- E. **RESOLUTION NO. 2019-151:** A RESOLUTION AUTHORIZING AND DIRECTING THE EXECUTION OF AN INTERLOCAL AGREEMENT BETWEEN THE SCHOOL BOARD OF VOLUSIA COUNTY AND THE CITY OF ORMOND BEACH FOR THE JOINT FUNDING OF A SCHOOL RESOURCE OFFICER POSITION AT THE ORMOND BEACH MIDDLE SCHOOL; AND SETTING FORTH AN EFFECTIVE DATE.

Staff Contact: Jesse Godfrey, Police Chief (386-676-3525)

- F. **RESOLUTION NO. 2019-152:** A RESOLUTION AUTHORIZING THE SUBMITTAL OF AN ON-LINE GRANT APPLICATION IN THE AMOUNT OF \$15,435.00 TO THE UNITED STATES DEPARTMENT OF JUSTICE, OFFICE OF JUSTICE PROGRAMS, UNDER THE EDWARD BYRNE JUSTICE ASSISTANCE GRANT PROGRAM; AUTHORIZING THE EXECUTION OF ALL DOCUMENTS INCIDENTAL THERETO, INCLUDING ANY CONTRACT NECESSARY FOR THE CITY TO ACCEPT THE GRANT AWARD; AND SETTING FORTH AN EFFECTIVE DATE.

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

- G. **Stormwater Rebuild 2019**

Staff Contact: Shawn Finley, City Engineer (386-615-7049)

Disposition: Approve as recommended in the City Manager memorandum dated August 20, 2019.

- H. **Cross Connection Control Program**

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

Disposition: Approve as recommended in the City Manager memorandum dated August 20, 2019.

- I. **RFP 2019-38, Emergency Debris Monitoring Services Contract**

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

Disposition: Approve as recommended in the City Manager memorandum dated August 20, 2019.

9. PUBLIC HEARINGS

- A. **ORDINANCE NO. 2019-19:** AN ORDINANCE APPROVING AND AUTHORIZING THE EXECUTION OF A FIRST AMENDED INTERLOCAL SERVICE BOUNDARY AGREEMENT BETWEEN THE CITY OF ORMOND

BEACH AND COUNTY OF VOLUSIA, FLORIDA, REGARDING THE NORTH U.S. 1 JOINT PLANNING AND MUNICIPAL SERVICE AREA; PROVIDING FOR RECORDATION; AND SETTING FORTH AN EFFECTIVE DATE. **(SECOND READING)**

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

- B. **ORDINANCE NO. 2019-20:** AN ORDINANCE AMENDING THE FUTURE LAND USE ELEMENT OF THE COMPREHENSIVE PLAN OF THE CITY OF ORMOND BEACH BY AMENDING THE FUTURE LAND USE MAP TO CHANGE THE DESIGNATION OF ONE (1) PARCEL OF REAL PROPERTY TOTALING 2.17± ACRES LOCATED AT 2260 AIRPORT ROAD, VOLUSIA COUNTY PROPERTY APPRAISER PARCEL NUMBER 4123-00-00-0072 FROM “PUBLIC/ INSTITUTIONAL” (PI) TO “SUBURBAN LOW DENSITY RESIDENTIAL” (SLDR); PROVIDING FOR CONFLICT; AUTHORIZING TRANSMITTAL; AND SETTING FORTH AN EFFECTIVE DATE. **(SECOND READING)**

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

- C. **ORDINANCE NO. 2019-23:** AN ORDINANCE AMENDING THE FUTURE LAND USE ELEMENT OF THE COMPREHENSIVE PLAN OF THE CITY OF ORMOND BEACH BY AMENDING THE FUTURE LAND USE MAP FOR FOUR (4) PARCELS OF REAL PROPERTY LOCATED AT 145 NORTH YONGE STREET (VOLUSIA COUNTY PROPERTY APPRAISER PARCEL NUMBER 4215- 04-01-0270), 135 NORTH YONGE STREET (VOLUSIA COUNTY PROPERTY APPRAISER PARCEL NUMBER 4215-14-10-0080), 205 HIGHLAND AVENUE (VOLUSIA COUNTY PROPERTY APPRAISER PARCEL NUMBER 4215-06-02- 0050), AND 195 HIGHLAND AVENUE (VOLUSIA COUNTY PROPERTY APPRAISER PARCEL NUMBER 4215-06-02- 0090), CONSISTING OF APPROXIMATELY SIX ACRES BY AMENDING THE DESIGNATION OF 2.52± ACRES FROM “LOW DENSITY RESIDENTIAL” TO “MEDIUM DENSITY RESIDENTIAL”; LIMITING THE ALLOWED FLOOR AREA RATIO (FAR) TO 0.20 FOR THE 2.52± ACRES; AND REDUCING THE RESIDENTIAL DENSITY WITHIN THE 3.48± ACRES FROM THE EXISTING 32 UNITS PER ACRE TO 22 UNITS PER ACRE”; PROVIDING FOR CONFLICT; AUTHORIZING TRANSMITTAL; AND SETTING FORTH AN EFFECTIVE DATE.

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

- D. **ORDINANCE NO. 2019-24:** 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 1.12-ACRES LOCATED AT 88 SOUTH ATLANTIC AVENUE (VOLUSIA COUNTY PARCEL NUMBER: 4214-09-07-0030) FROM B-4 (CENTRAL BUSINESS) TO PBD (PLANNED BUSINESS DEVELOPMENT), AUTHORIZING REVISION OF OFFICIAL ZONING MAP; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; AND SETTING FORTH AN EFFECTIVE DATE.

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

- E. **ORDINANCE NO. 2019-25:** AN ORDINANCE AUTHORIZING THE EXECUTION AND ISSUANCE OF A DEVELOPMENT ORDER FOR A PLANNED BUSINESS DEVELOPMENT TO BE KNOWN AS “OCEAN CLUB ORMOND BEACH”, AUTHORIZING THE DEMOLITION OF THE EXISTING BUILDING, AND AUTHORIZING THE CONSTRUCTION OF A RETAIL BUILDING CONSISTING OF APPROXIMATELY 8,596 SQUARE FEET, TOGETHER WITH ASSOCIATED SITE IMPROVEMENTS TO BE LOCATED AT 88 SOUTH ATLANTIC AVENUE (VOLUSIA COUNTY PARCEL NUMBER 4214-09-07-0030); AUTHORIZING OUTDOOR PRODUCT DISPLAY UNDER CERTAIN CONDITIONS; DENYING A REAR YARD WALL WAIVER AND DENYING A REDUCTION OF THE REAR YARD LANDSCAPE BUFFER FROM 30 FEET TO 15 FEET;

ESTABLISHING CONDITIONS AND EXPIRATIONS OF APPROVAL; PROVIDING FOR RECORDATION; AND SETTING FORTH AN EFFECTIVE DATE.

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

- F. **ORDINANCE NO. 2019-26:** AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF ORMOND BEACH, FLORIDA, VACATING A PORTION OF FLAGLER ROAD, SOUTH OF BROADWAY AVENUE, AND ABUTTING VOLUSIA COUNTY PARCEL NUMBER 3136-01-070-0010; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; PROVIDING FOR RECORDATION AND TRANSMITTAL; AND SETTING FORTH AN EFFECTIVE DATE.

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

- G. **ORDINANCE NO. 2019-27:** AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF ORMOND BEACH, FLORIDA, VACATING A PORTION OF GOWER STREET, BETWEEN FLAGLER ROAD AND THE FLORIDA EAST COAST RAILROAD; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; PROVIDING FOR RECORDATION AND TRANSMITTAL; AND SETTING FORTH AN EFFECTIVE DATE.

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

- H. **ORDINANCE NO. 2019-28:** AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF ORMOND BEACH, FLORIDA, VACATING A PORTION OF MAGNOLIA STREET, BETWEEN FLAGLER ROAD AND THE FLORIDA EAST COAST RAILROAD; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; PROVIDING FOR RECORDATION AND TRANSMITTAL; AND SETTING FORTH AN EFFECTIVE DATE.

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

10. FIRST READING OF ORDINANCES

- A. **ORDINANCE NO. 2019-22:** AN ORDINANCE AMENDING CHAPTER 11, HEALTH AND SANITATION OF THE CODE OF ORDINANCES; BY ESTABLISHING A NEW CHAPTER TO BE CAPTIONED HEALTH, SANITATION, AND ENVIRONMENTAL PROTECTION; BY ESTABLISHING ARTICLE II, ENVIRONMENTAL PROTECTION, INCLUDING SECTIONS THEREUNDER TO BE NUMBERED AND CAPTIONED AS FOLLOWS: SECTION 11-14, AUTHORITY, LEGISLATIVE INTENT, PURPOSE; SECTION 11-15, DEFINITIONS; SECTION 11-16, DISTRIBUTION AND USE OF PLASTIC STRAWS AND STIRRERS PROHIBITED ON CITY OWNED PROPERTY; SECTION 11-17, EXEMPTIONS; SECTION 11-18, DISTRIBUTION AND USE OF PLASTIC STRAWS AND STIRRERS IN RESTAURANTS; SECTION 11-19, PUBLIC EDUCATION PROGRAM, VOLUNTARY COMPLIANCE INITIATIVE; BY PROHIBITING THE DISTRIBUTION AND USE OF PLASTIC STRAWS AND STIRRERS ON CITY PROPERTY; ENCOURAGING ALL PEOPLE, RESTAURANTS AND COMMERCIAL ESTABLISHMENTS TO DISCONTINUE THE USE OF SINGLE-USE PLASTIC STRAWS, SINGLE-USE PLASTIC STIRRERS, AND POLYSTYRENE AND POLYPROPYLENE PRODUCTS TO THE PRACTICABLE EXTENT POSSIBLE; ESTABLISHING A PUBLIC EDUCATION AND PUBLIC AWARENESS PROGRAM; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; AND SETTING FORTH AN EFFECTIVE DATE.

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

11. SECOND READING OF ORDINANCES

- A. **ORDINANCE NO. 2019-21:** AN ORDINANCE AMENDING ARTICLE VIII, CAMPAIGN FINANCES, OF CHAPTER 13, ELECTIONS, OF THE CODE OF ORDINANCES; CREATING SECTION 13-81, "CAMPAIGN TREASURER'S REPORTS," REQUIRING FILING OF CAMPAIGN TREASURER'S REPORTS THROUGH THE ELECTRONIC FILING

SYSTEM OF THE VOLUSIA COUNTY SUPERVISOR OF ELECTIONS OFFICE; PROVIDING FOR CONFLICTS, CODIFICATION, AND SEVERABILITY; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; AND SETTING FORTH AN EFFECTIVE DATE.
(SECOND READING)

Staff Contact: Colby Cilento, City Clerk (386-676-3340)

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

Reverend Dr. Michael Foley, Ormond Beach Presbyterian Church, gave the invocation.

Item #3 – Pledge of Allegiance

Mayor Partington led the Pledge of Allegiance.

Item #4A – Shoshana Ravede

Mayor Partington presented Ms. Shoshana Ravede with a proclamation and declared August 20, 2019, as a day to recognize Ms. Ravede and celebrate her many accomplishments and the lives she's impacted through her resilience and spirit, while serving as an inspiration to others with similar chromosome disorders. He also recognized Ms. Ravede's family, Girls on the Run members Mr. Matt Coleman and Ms. Ashley Novak, and Pathways Elementary School Principal Mr. Greg Schwartz, for their roles in supporting Ms. Ravede in her achievements.

Commissioner Persis complimented Ms. Ravede's parents on their hard work and dedication.

Item #4B – Recognition of Florida Legislators

Mayor Partington presented awards to Florida Senator Tom Wright, of District 14, and Florida House Representative of District 26, Elizabeth Fetterhoff, and thanked both for their hard work.

Representative Fetterhoff expressed her appreciation and discussed her career and previous political work before being elected.

Senator Wright discussed his position as the representative for District 14 and thanked all the Florida legislators for their support.

Item #5 – Audience Remarks

Mr. Matt Coleman, 29 Manderley Lane, thanked the Commission for their roles in the beautification of Ormond Beach.

Mr. Bill Denny, 1027 North Halifax Drive, discussed the next Civil Discourse meeting and noted it would be held on Monday, August 26, 2019, at 5:30p.m. at the Ormond Beach Library. He also thanked Commissioner Selby for his work with the First Step Shelter Board.

Mr. Irving Zeiflin, 4 Marjorie Trail, discussed concerns regarding decisions the Commission had made, sewer in the river, and police officers.

Mr. Jim Schultz, 117 Harvard Drive, discussed the dangers of fluoride.

Item #6 – Approval of Minutes

Mayor Partington advised the minutes of the July 30, 2019, and August 7, 2019, regular meetings had been sent to the Commission for review and were posted on the city's

website for public viewing. He asked for any corrections, additions, or omissions. He stated that hearing no corrections, the minutes would stand approved as presented.

Item #7 – Community Redevelopment Agency

Mayor Partington advised the following items were Community Redevelopment items. He explained that the City Commission served as the Community Redevelopment Agency (CRA) of the city and must review the items and make a recommendation as the CRA.

Mayor Partington recessed the City Commission meeting, called the CRA meeting to order, and opened the public hearings, at 7:30 p.m.

Item #7A – 2019-146 Ormond Main Street Agreement

City Clerk Colby Cilento read by title only:

RESOLUTION NO. 2019-146
A RESOLUTION OF THE CITY COMMISSION, INDIVIDUALLY AND ACTING AS THE COMMUNITY REDEVELOPMENT AGENCY FOR THE CENTRAL BUSINESS DISTRICT AND ADJACENT AREAS, AUTHORIZING THE EXECUTION OF AN ANNUAL SERVICE AGREEMENT FOR ORMOND BEACH MAIN STREET BETWEEN THE CITY/AGENCY AND ORMOND BEACH MAIN STREET, INC., FOR THE PROMOTION OF ECONOMIC, PHYSICAL AND AESTHETIC REDEVELOPMENT AND MAINTENANCE OF THE ORMOND BEACH MAIN STREET DISTRICT; AND SETTING FORTH AN EFFECTIVE DATE. (SEE ITEM 8A)

Commissioner Selby praised Ormond MainStreet (“MainStreet”) for their work in the city.

Mayor Partington discussed MainStreet’s impact on the Downtown District and thanked them for their role in the district’s enhancements.

Commissioner Selby moved, seconded by Commissioner Persis, for approval of Resolution No. 2019-146, as read by title only.

The motion passed by voice vote.

Mayor Partington closed the public hearing, adjourned the CRA meeting, and reconvened the City Commission meeting at 7:32 p.m.

Item #8 – Consent Agenda

Mayor Partington advised the actions proposed for the items on the Consent Agenda were so stated on the agenda. He asked if any member of the Commission had questions or wished to discuss any items separately.

Commissioner Kent moved, seconded by Commissioner Littleton, for approval of the consent agenda.

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

Comments on Consent Agenda Items

Commissioner Persis and Commissioner Kent thanked the Commission for approving Item 8E for the joint funding of the school resource officer at Ormond Beach Middle School.

Commissioner Kent discussed his approval for Item 8A, and thanked MainStreet for their hard work in improving the appearance of Ormond Beach’s Downtown District.

Item #9 – Public Hearings

Mayor Partington opened the public hearings.

Item #9A – Interlocal Service Boundary Agreement (ISBA) First Amendment (Plantation Oaks)

City Clerk Colby Cilento read by title only:

ORDINANCE NO. 2019-19
AN ORDINANCE APPROVING AND AUTHORIZING THE EXECUTION OF A FIRST AMENDED INTERLOCAL SERVICE BOUNDARY AGREEMENT BETWEEN THE CITY OF ORMOND BEACH AND COUNTY OF VOLUSIA, FLORIDA, REGARDING THE NORTH U.S. 1 JOINT PLANNING AND MUNICIPAL SERVICE AREA; PROVIDING FOR RECORDATION; AND SETTING FORTH AN EFFECTIVE DATE. **(SECOND READING)**

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

Commissioner Kent moved, seconded by Commissioner Persis, for approval of the Ordinance No. 2019-19, on second reading, as read by title only.

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

Item #9B – 2260 Airport Road, Future Land Use Amendment

City Clerk Colby Cilento read by title only:

ORDINANCE NO. 2019-20
AN ORDINANCE AMENDING THE FUTURE LAND USE ELEMENT OF THE COMPREHENSIVE PLAN OF THE CITY OF ORMOND BEACH BY AMENDING THE FUTURE LAND USE MAP TO CHANGE THE DESIGNATION OF ONE (1) PARCEL OF REAL PROPERTY TOTALING 2.17± ACRES LOCATED AT 2260 AIRPORT ROAD, VOLUSIA COUNTY PROPERTY APPRAISER PARCEL NUMBER 4123-00-00-0072 FROM “PUBLIC/INSTITUTIONAL” (PI) TO “SUBURBAN LOW DENSITY RESIDENTIAL” (SLDR); PROVIDING FOR CONFLICT; AUTHORIZING TRANSMITTAL; AND SETTING FORTH AN EFFECTIVE DATE. **(SECOND READING)**

Commissioner Persis moved, seconded by Commissioner Selby, for approval of the Ordinance No. 2019-20, on second reading, as read by title only.

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

Item #9C – The Courtyards at Ormond, Small-Scale Comprehensive Plan Land Use Map amendment

City Clerk Colby Cilento read by title only:

ORDINANCE NO. 2019-23
AN ORDINANCE AMENDING THE FUTURE LAND USE ELEMENT OF THE COMPREHENSIVE PLAN OF THE CITY OF ORMOND BEACH BY AMENDING THE FUTURE LAND USE MAP FOR FOUR (4) PARCELS OF REAL PROPERTY LOCATED AT 145 NORTH YONGE STREET (VOLUSIA COUNTY PROPERTY APPRAISER PARCEL NUMBER 4215-04-01-0270), 135 NORTH YONGE STREET (VOLUSIA COUNTY PROPERTY APPRAISER PARCEL NUMBER 4215-14-10-0080), 205 HIGHLAND AVENUE (VOLUSIA COUNTY PROPERTY APPRAISER PARCEL NUMBER 4215-06-02-0050), AND 195 HIGHLAND AVENUE (VOLUSIA COUNTY PROPERTY APPRAISER PARCEL NUMBER 4215-06-02- 0090), CONSISTING OF APPROXIMATELY SIX ACRES BY

AMENDING THE DESIGNATION OF 2.52± ACRES FROM “LOW DENSITY RESIDENTIAL” TO “MEDIUM DENSITY RESIDENTIAL”; LIMITING THE ALLOWED FLOOR AREA RATIO (FAR) TO 0.20 FOR THE 2.52± ACRES; AND REDUCING THE RESIDENTIAL DENSITY WITHIN THE 3.48± ACRES FROM THE EXISTING 32 UNITS PER ACRE TO 22 UNITS PER ACRE”; PROVIDING FOR CONFLICT; AUTHORIZING TRANSMITTAL; AND SETTING FORTH AN EFFECTIVE DATE.

Mr. Steven Spraker, Planning Director, explained the item was a request for a future land use map amendment. He reviewed a PowerPoint Presentation that showed the project area and the properties located within each area. He noted each parcel of land had a land use map and zoning map, and discussed both for the suggested site. He explained the process to amend the map, noting the land use map did not approve of a site plan or construction activity, but instead provided framework for future construction. He explained the project’s zoning had expired since the previous approval; therefore, the item would have to come back before the Commission in order to be approved, and noted the development application steps that would need to take place. He discussed the three main aspects in the amendment request, noting the goal was to change the land use from “Low Density Residential” to “Medium Density Residential” and discussed the proposed changes in density. He listed the three amendment options the Commission had for the request: approve as requested by the applicant, deny the request, or approve the request with conditions. He noted a neighborhood meeting was held with residents in the proposed area to discuss potential traffic issues. He stated staff’s goal was to work with Public Works to find a solution through a traffic calming program that would be presented to the Commission at a later date. He noted future meetings would be held with the residents in the area to discuss other concerns. He stated the Planning Board and staff recommended approval.

Mr. James Stowers, 85 Abacus Avenue, represented the applicant for the item. He displayed two photos of the project area and discussed the land size in the location. He stated in regards to traffic concerns, that when viewing traffic generated from a commercial project inside the General Commercial area, there would be a reduction in traffic in terms of the maximum trips under the future land use. He noted the project had a tiered down approach in place that was compatible with the residential neighborhood. He stated details for landscaping and set-backs for the project would be discussed further during the project’s zoning and site planning phases. He mentioned the City of Ormond Beach’s Comprehensive Plan and discussed smart growth in Ormond Beach. He stated storm water and a storm pond had already been completed on the site. He mentioned the different areas of the project, the goals for landscaping within each one, and how they would aid in the beautification of Ormond Beach.

Commissioner Persis noted she received a call from a concerned resident about large trucks driving through the neighborhood roads. She questioned if there had been discussion about banning large trucks from driving through the discussed roads; whereby, Mr. Stowers stated that could be included in the agreement, but noted the issue was Dollar General had a long term lease and the trucks could be traveling from their facility. He noted CST Holdings, the applicant, had spoken with Dollar General’s owners regarding their trucks using an alternative route and stated CST Holdings would be willing to limit trucks coming off the non-Dollar General site.

Commissioner Selby mentioned residents on Highland Avenue may experience truck traffic from the paint store located nearby as well.

Mr. Stowers noted the intense level of use along U.S. 1 and the established neighborhoods. He stated their goal was to have a smooth transition between the project area and neighborhood.

Ms. Joyce Shanahan, City Manager, explained the goal of the traffic calming program was to manage large trucks and the U.S. 1 cut through, noting the program would be brought back to the Commission in October and may help alleviate the discussed issues.

Commissioner Selby questioned why the write up given to the Commission included the acreage of the Dollar General site into the General Commercial zone; whereby, Mr. Stowers noted the zoning would be amended in the future, and the Dollar General area would be deducted, reducing the total acreage as well.

Ms. Amanda Adams Smith, 143 North Ridgewood Avenue, thanked the Commission and members of the last neighborhood meeting. She stated her approval of the signs that

were installed in the neighborhood notifying it was a residential area. She noted she preferred the site have a natural buffer, and hoped it would remain small scale, and favored repurposing and reusing buildings that were already in existence.

Ms. Janet Adams, 133 North Ridgewood Avenue, stated she was pleased with the neighbors in the community coming together, and also expressed thanks for the signs placed in the neighborhood to help alleviate traffic concerns, but objected to high-density uses in the suggested area and noted the effects it would have on the neighborhood and residents.

Mr. Stowers stated at the neighborhood meeting and Planning Board meeting that CST Holdings had planned to make a two story structure on the suggested site.

Mayor Partington questioned if there were ten units per acre, what density the area would be considered; whereby, Mr. Stowers noted the ranges for units per acre for each density based on future land use. He explained the project proposed bringing the high density use down from 32 units to 22 units per acre.

Mayor Partington asked what components made the zoning smart growth; whereby, Mr. Stowers noted smart growth included flexibility of housing options for as many residents as possible, efficiency of existing utilities, and maintaining stability. He noted the location of the project achieved most of the mentioned smart growth components. He stated the city and applicant could continue to work through the issues of the narrow roads.

Mayor Partington stated his only concern was the project may go against the city's comprehensive plan specifically in regards to preserving the character of existing neighborhoods by not allowing intrusion of land uses that would threaten to alter the neighborhood character; whereby, Mr. Stowers noted other residential multi-family projects in Ormond Beach that did not have a negative impact on nearby neighborhoods, and noted the current project was similar to the listed examples. He stated a neighborhood meeting and Planning Board meeting would take place before the item returned to the Commission for two more readings.

Commissioner Selby moved, seconded by Commissioner Persis, for approval of Ordinance No. 2019-23, on first reading, as read by title only.

Commissioner Selby noted the smart growth objectives through the comprehensive plan and believed the project addressed all of them. He believed the project would bridge the gap from General Commercial to Low Density Residential designation and fix the future land use. He mentioned his approval for the water retention pond in the eastern portion of the property. He discussed the uniqueness of the site, noting the residential lots did not back up on two streets and instead had vacant land between them. He believed the project would be of good quality and was in support of the item.

Commissioner Persis stated the guarantee to help improve the appearance of Ormond Beach enabled her support of the item. She thanked the residents for their comments, and stated she would be voting "yes".

Commissioner Littleton noted he was hesitant to increase residential density, due to not seeing the proposed end product. He believed altering the density of the existing area was not preserving the character of the existing neighborhood. He explained the applicant's statements were true and therefore, he would be supporting the item with no guarantees of supporting future zoning changes that may come in the future.

Commissioner Kent read an email from a resident into the record:

"Dear Commissioners and Mayor,

I am writing to ask you to please vote no on Ordinance No. 2019-23. Let me make it clear that I am not against growth or in-fill as was suggested at the Planning Board meeting. I was NOT against the 15 or so townhouses that were to go in on the same lot a few years ago. What I AM against is 80 to 100 apartments. Yes, I understand developers have rights, but so do the people who live on these streets. Some have lived in the same house their entire life, with property being passed down from one generation to another. The people who live here, work here, walk their kids to school here, all should have just as many rights as any developer has, if not more. We should not have to worry about more traffic on our neighborhood

streets. Right now roads such as Dix, Highland, and Lincoln all have cut through traffic. People tired of the traffic on Granada use these streets to get to US-1 along with the Dollar General with no regard for people, children, or dogs. We have no sidewalks and these streets are only 16 to 17 feet wide as they were originally designed for a horse and carriage. I cringe when I see kids riding their bike or skateboard down our streets, as I fear for their safety. I find it hard to believe that 80-100 two and three bedrooms apartments will impact us LESS than another store, given how most families have at least two cars now. I would like to remind you that this development butts up right next to a historical area. An area we should be treasuring and trying to help save. Development done incorrectly and/or haphazardly can devalue this whole area. We all know things change and growth will come, but it should not happen at the expense of an established neighborhood. I hope you all will take our concerns into account before voting on this.

I respectfully ask my Commissioner Mr. Kent to please read this into the record. I'm not able to attend due to an illness that has prevented me from flying home on my scheduled date.

Thank you for all you do.

*Terry Mercer
31 Dix ave
Ormond Beach, Florida"*

Commissioner Kent discussed residents' concerns in the neighborhood meeting for traffic on Highland Avenue, Dix Avenue, and Lincoln Avenue. He questioned how the project would result in a decrease in traffic and noted the size of the streets and non-existing sidewalks and discussed how the Low Density Residential area would be increased to Medium Density Residential. He stated he would not be voting in support of the item due to the neighborhood existing at the location first and because traffic would increase in the area due to the project.

Mayor Partington stated he would be supporting the item from a practical standpoint and noted the current property could construct buildings with a higher density now by right than if the item passed and the density decreased overall. He explained the project made sense from a smart growth perspective and he trusted the Planning Board and staff's approval. He believed it would be a poor decision to vote against the item.

Commissioner Kent asked for a second comment; whereby, Mayor Partington called for the vote.

Commissioner Kent called for a point of order.

Mayor Partington asked City Attorney Randy Hayes if he had authority to call the vote; whereby, Mr. Hayes noted the chair ran the meeting, and requested Commissioner Kent clarify his point of order.

Commissioner Kent stated he called a point of order due to a precedent set with the Commission in which Commission members were allowed to speak a second time if requested.

Mr. Hayes stated under Commission rules, a majority of the Commission could agree to allow further discussion or proceed with the call to vote.

Commissioner Littleton and Commissioner Selby indicated no objection to Commissioner Kent making additional comments.

Commissioner Kent stated his grievance with Mayor Partington's comment about opposing the item. He noted that disagreement among the Commission was healthy and should occur. He reiterated the reasons why he opposed the item.

Mayor Partington clarified his previous statement.

Call Vote:	Commissioner Selby	Yes
	Commissioner Kent	No
	Commissioner Persis	Yes

Carried.

Commissioner Littleton
Mayor Partington

Yes
Yes

Item #9D – 88 South Atlantic Avenue, Ocean Club, PBD rezoning

City Clerk Colby Cilento read by title only:

ORDINANCE NO. 2019-24

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 1.12- ACRES LOCATED AT 88 SOUTH ATLANTIC AVENUE (VOLUSIA COUNTY PARCEL NUMBER: 4214-09-07-0030) FROM B-4 (CENTRAL BUSINESS) TO PBD (PLANNED BUSINESS DEVELOPMENT), AUTHORIZING REVISION OF OFFICIAL ZONING MAP; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; AND SETTING FORTH AN EFFECTIVE DATE.

Mayor Partington noted this was the rezoning portion of the item, and the development order would follow.

Mr. Spraker reviewed a PowerPoint Presentation that discussed Items 9D and 9E and included the development application steps, suggested site plan, and map of the area. He explained the use was allowed in the zoning district and the site plan was consistent with the form based code in bringing the building forward. He discussed three key points which the applicant was seeking to be amended in the development order. He stated the first point was the applicant was seeking to reduce the required 30 foot landscape buffer in the back of the property to 15 feet. The second point was the applicant's request to waive a wall along the rear yard property line, noting the property was bounded by Florence Street with four residential homes behind the building on the opposite side of the street. He stated the applicant also requested the allowance of outdoor product display. He showed the landscape proposal and discussed the landscape buffers and access points.

Mr. Spraker noted the Planning Board held a discussion regarding the nearby buildings that had been utilizing parking on the suggested property site for years, and the possibility of making Florence Street a one-way street to provide street parking and a sidewalk. He noted staff and the Planning Board recommended denial of the rear yard wall waiver, and stated the business could place the wall within a 15 or 30 foot buffer. He discussed the options to reduce the landscape buffer, noting two options: reduce the landscape buffer to 15 feet and provide 23 parking spaces for off-street parking for other uses in the area, or have a larger buffer and lose the parking spaces. He explained the Planning Board recommended installation of wall with a 30 foot landscape buffer, while staff recommended provision of parking with a 15 foot landscape buffer. He noted both the Planning Board and staff recommended allowing outdoor product display under certain conditions.

Commissioner Selby questioned if the wall would be directly on the property line when viewing the project site from Florence Street; whereby, Mr. Spraker explained the wall would be installed within the landscape buffer.

Commissioner Selby confirmed staff's approval of the rear yard wall waiver; whereby, Mr. Spraker stated staff initially recommended approval, but accepted the Planning Board's recommendation of denying the waiver. He stated concerned residents requested a requirement for either a 30 foot buffer or wall and the Planning Board recommended both options.

Commissioner Persis and Mr. Spraker discussed the proposed landscaping for Bosarvey Drive.

Commissioner Persis confirmed once the proposed business on the site was closed, the parking could be utilized by residents and visitors for additional parking for adjacent businesses; whereby, Mr. Spraker believed the property owners in the area would establish a shared parking agreement.

Commissioner Littleton and Commissioner Selby questioned if the backyards of the houses behind the business had or would be required to have a fence; whereby, Mr. Spraker stated that was not required, and noted the property owner and applicant owned three of the four properties behind the site. He noted that one of the four homes did have a fence.

Mayor Partington questioned if there was a way to require a fence or wall be placed behind the three homes; whereby, Mr. Spraker stated the concern for the project was originating from a single family home on Bosarvey Drive, but noted if the Commission believed it was appropriate to require the three properties on Florence Street to have a fence or wall it could be included as a listed condition.

Commissioner Selby asked about storm water in the area; whereby, Mr. Spraker stated it was currently non-existent but would be provided underground in the redevelopment of the site was approved.

Mayor Partington asked Mr. Spraker to discuss staff's recommendation for the goals for parking on Florence Street; whereby, Mr. Spraker explained the item was not directly related to the application, but during internal discussions the goal was to design the plan for Florence Street internally through city staff, place it in the Capital Improvements Plan (CIP), and include it in the budget for the next year. He explained the details of the proposed parking area, noting staff believed it would provide 12 additional parking spaces.

Mayor Partington confirmed with Mr. Spraker that Florence Street was in the Community Redevelopment Area ("CRA").

Mayor Partington questioned if the goal for Florence Street would work if the Planning Board's recommendations were followed instead of staff's; whereby, Mr. Spraker stated the city controlled the right-of-way on Florence Street and therefore, the parking could be accomplished in either scenario.

Mr. Kevin Hobbs, 210 Bosarvey Drive, noted he lived behind the suggested property and was in favor of installing a wall and wanted a 30 foot landscape buffer as well, listing his reasons why. He noted the project developer had other properties within the area that were not well maintained, and he did not want the area to end up the same way.

Mr. John Adams, 1094 John Anderson Drive, thanked the Commission and staff for their work. He stated his main concern was parking, but noted the owner was agreeable to allowing nearby businesses to use their property for additional parking. He stated his approval for the one-way parking on Florence Street and hoped it could be done as soon as possible to help businesses in the area. He stated he did not see the reason for both a landscape buffer and a wall, and would rather have the parking spaces installed instead.

Mr. Joe Hopkins, 100 Marina Point Drive, representative of the property owner, discussed prior meetings regarding the project. He noted the wall, according to land development code, would be placed closer to the right-of-way line and the landscaping would be included on the inside of the wall, therefore the landscaping would not be visible to the properties behind the site. He noted there was no discussion at the Planning Board meeting on the three waiver requests before they were denied by the Planning Board. He believed the Land Development Code (LDC) provided support that the project met requirements, and discussed the codes, requirements, and public benefits in detail. He noted the intent of the Downtown Overlay District could not be met by implementing the construction of the wall. He asked the Commission to amend the resolution to include the three waivers.

Commissioner Selby clarified the request of the applicant regarding the landscape buffer; whereby, Mr. Hopkins stated the request was the 30 foot buffer be reduced to 15 feet, noting the project exceeded LDC requirements for all perimeter buffering and all on-site landscaping. He noted the second request was to waive the construction of a wall.

Commissioner Selby and Mr. Hopkins discussed the possible installation and details of a wall or fence.

Mr. Hopkins stated the applicant was willing to work with Public Works to build a larger sidewalk as well.

Commissioner Selby questioned if there was a way to move the building forward to make the landscape buffer 30 feet instead of 15 feet; whereby, Mr. Hopkins stated the project site was already to the minimums as a result of the way the site was laid out.

Commissioner Selby and Mr. Hopkins discussed the parking on Florence Street and the possibility of it becoming a one-way street.

Mr. Hopkins stated the applicant would be willing to cooperate with the city to provide the additional foot needed to build a sidewalk area on Florence Street. He stated he also agreed with Mayor Partington's suggestions to include a requirement that fences need to be placed at the properties behind the site.

Commissioner Kent asked how long the client had owned the property and why it was in deplorable condition; whereby, Mr. Hopkins stated the property owner had owned the property for one year and noted the condition of the structure was in bad shape on the interior as well. He stated they had initiated the testing requirements needed to proceed with demolition.

Commissioner Kent and Mr. Hopkins discussed the other properties owned by the property owner.

Commissioner Persis stated her concern for the appearance of the area and asked what guarantees the applicant could provide regarding the beautification and landscaping of the site; whereby, Mr. Hopkins stated the guarantees were built into the LDC requirements and discussed the code in detail.

Commissioner Persis and Mr. Hopkins discussed the landscaping on the other properties owned by the property owner that were not being maintained.

Mayor Partington, Commissioner Persis, and Mr. Spraker discussed options for installing a wall, landscape buffer, and parking.

Commissioner Kent suggested implementing a white vinyl fence instead of the wall, and implementing a 29 foot buffer with one foot set aside for city sidewalk, and stated he was against the proposed outside storage. He discussed the loss of parking from the buffer and did not think it was consequential for the site and would prefer to have parking on Florence Street instead.

Commissioner Kent and Commissioner Persis discussed the white vinyl fence.

Commissioner Selby believed the wall and fence were negative ideas due to the street between the property and houses behind it. He believed it would be best to have the largest landscape area with the most parking and noted other businesses in the area that could utilize that parking after hours. He stated he could support all three of the requested waivers, and approved of creating a sidewalk and one-way street on Florence Street as well.

Commissioner Selby questioned the process for approving the sidewalk and one-way street on Florence Street; whereby, Mr. Spraker stated staff could be provided direction on the project and see if it would be possible to include the project in next fiscal year's budget if approved.

Commissioner Littleton moved, seconded by Commissioner Selby, for approval of Ordinance No. 2019-24, on first reading, as read by title only.

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

Item #9E – 88 South Atlantic Avenue, Ocean Club, Development Order

City Clerk Colby Cilento read by title only:

ORDINANCE NO. 2019-25

AN ORDINANCE AUTHORIZING THE EXECUTION AND ISSUANCE OF A DEVELOPMENT ORDER FOR A PLANNED BUSINESS DEVELOPMENT TO BE KNOWN AS "OCEAN CLUB ORMOND BEACH", AUTHORIZING THE DEMOLITION OF THE EXISTING BUILDING, AND AUTHORIZING THE CONSTRUCTION OF A RETAIL BUILDING CONSISTING OF APPROXIMATELY 8,596 SQUARE FEET, TOGETHER WITH ASSOCIATED SITE IMPROVEMENTS TO BE LOCATED AT 88 SOUTH ATLANTIC AVENUE (VOLUSIA COUNTY PARCEL NUMBER 4214-09-07-0030); AUTHORIZING OUTDOOR PRODUCT DISPLAY UNDER CERTAIN CONDITIONS; DENYING A REAR YARD WALL WAIVER AND DENYING A REDUCTION OF THE REAR YARD LANDSCAPE BUFFER FROM 30 FEET TO 15 FEET; ESTABLISHING CONDITIONS AND EXPIRATIONS OF APPROVAL; PROVIDING FOR RECORDATION; AND SETTING FORTH AN EFFECTIVE DATE.

Mayor Partington noted that no audience cards had been submitted for this item and this was regarding the development order previously discussed with the last item.

Commissioner Selby moved to amend Ordinance No. 2019-25, by approving the 15 foot landscape buffer waiver, approving the waiver for the wall requirements, approving outdoor display, and providing for an easement for the sidewalk on Florence Street, on first reading, as read by title only.

The motion died due to lack of a second.

Commissioner Persis stated she agreed with waiving the wall, but preferred to have a 30 foot buffer instead of 15 feet.

Commissioner Kent asked if Commissioner Persis approved of a white fence; whereby, Commissioner Persis stated she did and did not mind losing parking spaces as well.

Commissioner Littleton noted it was a non-conforming lot and he did not mind the 15 foot buffer with parking spaces, but preferred to implement either a wall or fence. He noted if the Commission preferred 30 feet he would agree to that, but did not feel comfortable granting both. He stated he also approved of the outdoor storage.

Commissioner Kent noted he did not approve of the outdoor storage due to not knowing what would be displayed.

Commissioner Kent asked Commissioner Littleton if he approved of a 30 foot buffer with a white fence; whereby, Commissioner Littleton stated he felt it was too much for a non-conforming property.

Commissioner Kent stated he would agree to a 15 foot buffer, with a white six foot fence.

Commissioner Persis, Commissioner Kent, and Mayor Partington discussed the appearance of the area.

Commissioner Selby confirmed the property owner would be planting 30 feet worth of landscape material in the 15 foot buffer; whereby, Mr. Hopkins confirmed.

Commissioner Kent stated he preferred a 30 foot buffer with a white fence down the center providing landscaping on both sides of the fence; whereby, Commissioner Persis agreed.

Mayor Partington noted he preferred a 15 foot buffer, to include the mentioned 26 parking spaces, a six foot white fence, and approval of the outdoor display.

Commissioner Persis expressed concern with not knowing what the outdoor storage would display.

Mayor Partington asked if there were restrictions on what the business could display; whereby, Mr. Spraker stated in past special exceptions the city controlled the location of the display, but did not control what the owner put on display.

Commissioner Selby and Mr. Hayes discussed outdoor display restrictions.

Commissioner Kent stated he did not approve of the outdoor display; whereby, Commissioner Persis agreed.

Commissioner Kent stated he would be voting “no” if the approval for outdoor display was included in the development order.

Commissioner Selby moved, seconded by Commissioner Littleton, to amend Ordinance No. 2019-25, by approving the 15 foot landscape buffer waiver, implementing a six foot white vinyl fence, approving outdoor display, and providing an easement for a sidewalk on Florence Street, on first reading, as read by title only.

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

Mayor Partington closed the public hearings without objection.

Item #9F – Flagler Road, partial ROW vacation

City Clerk Colby Cilento read by title only:

ORDINANCE NO. 2019-26
AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF ORMOND BEACH, FLORIDA, VACATING A PORTION OF FLAGLER ROAD, SOUTH OF BROADWAY AVENUE, AND ABUTTING VOLUSIA COUNTY PARCEL NUMBER 3136-01-070-0010; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; PROVIDING FOR RECORDATION AND TRANSMITTAL; AND SETTING FORTH AN EFFECTIVE DATE.

Mayor Partington noted that no audience cards had been submitted for this item.

Commissioner Kent moved, seconded by Commissioner Persis, for approval of Ordinance No. 2019-26, on first reading, as read by title only.

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

Item #9G – Gower Street, partial ROW vacation

City Clerk Colby Cilento read by title only:

ORDINANCE NO. 2019-27
AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF ORMOND BEACH, FLORIDA, VACATING A PORTION OF GOWER STREET, BETWEEN FLAGLER ROAD AND THE FLORIDA EAST COAST RAILROAD; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; PROVIDING FOR RECORDATION AND TRANSMITTAL; AND SETTING FORTH AN EFFECTIVE DATE.

Mayor Partington noted that no audience cards had been submitted for this item.

Commissioner Littleton moved, seconded by Commissioner Persis, for approval of Ordinance No. 2019-27, on first reading, as read by title only.

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

Item #9H – Magnolia Street, partial ROW vacation

City Clerk Colby Cilento read by title only:

ORDINANCE NO. 2019-28
AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF ORMOND BEACH, FLORIDA, VACATING A PORTION OF MAGNOLIA STREET, BETWEEN FLAGLER ROAD AND THE FLORIDA EAST COAST RAILROAD; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; PROVIDING FOR RECORDATION AND TRANSMITTAL; AND SETTING FORTH AN EFFECTIVE DATE.

Mayor Partington noted that no audience cards had been submitted for this item.

Commissioner Selby moved, seconded by Commissioner Littleton, for approval of Ordinance No. 2019-28, on first reading, as read by title only.

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

Item #10 – First Reading of Ordinances

Item #10A – Plastic Straw Ban

City Clerk Colby Cilento read by title only:

ORDINANCE NO. 2019-22
AN ORDINANCE AMENDING CHAPTER 11, HEALTH AND SANITATION OF THE CODE OF ORDINANCES; BY ESTABLISHING A NEW CHAPTER TO BE CAPTIONED HEALTH, SANITATION, AND ENVIRONMENTAL PROTECTION; BY ESTABLISHING ARTICLE II, ENVIRONMENTAL PROTECTION, INCLUDING SECTIONS THEREUNDER TO BE NUMBERED AND CAPTIONED AS FOLLOWS: SECTION 11-14, AUTHORITY, LEGISLATIVE INTENT, PURPOSE; SECTION 11-15, DEFINITIONS; SECTION 11-16, DISTRIBUTION AND USE OF PLASTIC STRAWS AND STIRRERS PROHIBITED ON CITY OWNED PROPERTY; SECTION 11-17, EXEMPTIONS; SECTION 11-18, DISTRIBUTION AND USE OF PLASTIC STRAWS AND STIRRERS IN RESTAURANTS; SECTION 11-19, PUBLIC EDUCATION PROGRAM, VOLUNTARY COMPLIANCE INITIATIVE; BY PROHIBITING THE DISTRIBUTION AND USE OF PLASTIC STRAWS AND STIRRERS ON CITY PROPERTY; ENCOURAGING ALL PEOPLE, RESTAURANTS AND COMMERCIAL ESTABLISHMENTS TO DISCONTINUE THE USE OF SINGLE-USE PLASTIC STRAWS, SINGLE-USE PLASTIC STIRRERS, AND POLYSTYRENE AND POLYPROPYLENE PRODUCTS TO THE PRACTICABLE EXTENT POSSIBLE; ESTABLISHING A PUBLIC EDUCATION AND PUBLIC AWARENESS PROGRAM; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; AND SETTING FORTH AN EFFECTIVE DATE.

Ms. Amelia Scott, 2241 South Central Avenue, noted she was the chair of the Surfrider Foundation and discussed the various activities her foundation provided. She stated her support for the plastic ban and discussed plastic facts and safer alternatives.

Ms. Suzanne Scheiber, 548 Sandy Oaks Avenue, Dream Green Volusia founder, brought the Commission up to date on their organization and accomplishments on reducing plastic use. She stated her support for the ordinance and ban on single-use plastic.

Mr. Rick Boehm, 3 Springwood Trail, discussed his approval of the revisions made to the ordinance at the last City Commission meeting. He noted most citizens do not realize the effects plastic has on the environment. He stated he believed plastic bags should be discussed next.

Mr. David Buono, 19 Hunters Run Circle, thanked the City of Ormond Beach for leading the ban on plastic straws and discussed issues from single-use plastic and the effects plastic has on the environment.

Mr. David Slick Sr., 322 John Anderson Drive, stated he was the CEO of Command Medical Products, and noted their company uses many single-use plastic components that helped save lives. He discussed his concern for the language of the ordinance, noting the stated goal in the ordinance was to educate and eliminate the use of all single use plastics by Earth Day 2021. He noted the ordinance mentioned polystyrene and polypropylene products and discussed each product in detail. He believed the ordinance still needed revisions before being approved.

Mayor Partington discussed medical products that were needed and created with polystyrene and polypropylene, and suggested changing the ordinance to provide exemptions for medical necessities.

Commissioner Selby discussed an email Mr. Slick had sent to him and Mayor Partington. He discussed the possibility of unintended consequences from the ordinance, and stated he was not aware of all items that consisted of polystyrene and polypropylene, and wanted to eliminate references to those two compounds in the ordinance. He noted after reviewing the ordinance, he also wanted to add a statement that the City of Ormond Beach would lead by example with staff leading the ban. He noted he did not want to condemn plastic in general, but instead promote different options to using plastic while eating or drinking.

Commissioner Persis stated she believed the ordinance was only focused on the City of Ormond Beach, and the ordinance was being over speculated on and the ban focused on plastic products for food and drink. She believed the ordinance was clear and did not agree it needed to be revised, but noted she could support a change of one or two words if requested.

Mayor Partington confirmed Commissioner Littleton would not vote in favor of the item no matter the outcome; whereby, Commissioner Littleton confirmed that was correct.

Mayor Partington stated he agreed with deleting polystyrene and polypropylene products completely from the ordinance. He believed a statement was already included in the ordinance stating the City of Ormond Beach would be leading the ban, but noted if it was not, he approved of such a statement being added.

Commissioner Kent discussed his approval for the ordinance. He stated he did not want the ordinance to be heavy handed, but instead to promote an educational campaign and confirm the city would lead by example. He thanked Mr. Slick for his comments on the ordinance, and mentioned he understood Mr. Slick's concerns.

Commissioner Persis believed the ordinance encouraged restaurants and persons to use plastic straw alternatives and discussed the ordinance potentially being simplified due to misunderstanding.

Commissioner Selby reiterated he was in favor of simplifying the ordinance by eliminating references to polystyrene and polypropylene and adding a statement to establish the city was leading the ban.

Mr. Hayes stated the Commission could add that statement by policy or establishment, or revise the ordinance to include the statement if preferred.

Commissioner Littleton questioned if a policy was implemented that the city would be leading the ban, if an exception would be made for medical purposes; whereby, Mr. Hayes explained the Commission had the authority to impose an exception on contractors, but noted staff would need to look into the human resources aspects of the ordinance. He suggested that the Commission could have the City Manager and City Attorney's Office look into implementing the statement through a policy perspective.

Mr. Hayes stated Commissioner Selby and Mayor Partington's suggestions could be amended and could be brought back to the Commission. He noted the only regulatory part of the ordinance was the ban on city property by city contractors, with the rest of the ordinance remaining a policy. He explained the proposed amendments could be changed without delaying the second reading, due to the changes not being intrusive changes.

Mr. Hayes asked for verbiage for the suggested statement that was proposed to be added to the ordinance to declare the city would lead the ban; whereby, Mayor Partington stated “to lead by example both with education and on city property and with city vendors.”

Commissioner Selby moved, seconded by Commissioner Kent, to amend Ordinance No. 2019-22, by removing references to polystyrene and polypropylene and their definitions from the ordinance and including a statement that the City of Ormond Beach would lead by example with the ban, on first reading, as read by title only.

Commissioner Persis stated she wished to include a ban on Styrofoam cups and containers to the ordinance as well.

Mayor Partington explained a ban on Styrofoam cups and containers could be implemented through staff policy and questioned if Commissioner Persis approved of that; whereby, Commissioner Persis stated she did not. Commissioner Persis noted she was disappointed the ordinance continued to receive changes. She stated she was happy with the ban on plastic stirrers and straws, but mentioned local restaurants may be disappointed in the amendments made to the ordinance.

Mayor Partington noted comments Florida Governor Ron DeSantis made regarding plastic straw bans at the Florida League of Cities Conference. He explained the legislature passed a bill prohibiting cities from banning plastic straws, which Governor DeSantis vetoed to allow cities to make that decision individually. He discussed the issues that come from using plastic straws and reiterated the city should be leading the ban by example.

Mr. Hayes and Commissioner Selby discussed changes to the ordinance and confirmed the decision to eliminate polystyrene and polypropylene completely from the ordinance. Commissioner Selby clarified he wanted polystyrene and polypropylene removed due to the definitions being broad and not having a clear understanding of what they included, and mentioned the possibility of holding a workshop to discuss them in further detail.

Commissioner Kent, Commissioner Selby, and Mayor Partington discussed the proposed changes to the ordinance.

Commissioner Persis stated if the amendments were approved, she would prefer the first reading to pass and then a workshop be held to discuss the ordinance in detail before returning to fix the ordinance.

Mayor Partington noted his disapproval of banning plastic bags due to their various uses and believed it would bring unintended consequences.

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

Item #11 – Second Reading of Ordinances

City Clerk Colby Cilento read by title only:

Item #11A – Electronic Campaign Report Filing – Volusia Supervisor of Elections

ORDINANCE NO. 2019-21
AN ORDINANCE AMENDING ARTICLE VIII, CAMPAIGN FINANCES, OF CHAPTER 13, ELECTIONS, OF THE CODE OF ORDINANCES; CREATING SECTION 13-81, “CAMPAIGN TREASURER’S REPORTS,” REQUIRING FILING OF CAMPAIGN TREASURER’S REPORTS THROUGH THE ELECTRONIC FILING SYSTEM OF THE VOLUSIA COUNTY SUPERVISOR OF ELECTIONS OFFICE; PROVIDING FOR CONFLICTS, CODIFICATION, AND SEVERABILITY; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; AND SETTING FORTH AN EFFECTIVE DATE. **(SECOND READING)**

Mayor Partington noted that no audience cards had been submitted for this item.

Commissioner Littleton moved, seconded by Commissioner Persis, for approval of Ordinance No. 2019-21, on second reading, as read by title only.

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

Item #12 – Reports, Suggestions, Requests

Cassen Park Update

Ms. Shanahan provided an update on the Cassen Park renovations and stated the city was waiting for the floating docks to arrive, but remained on schedule.

Upcoming Meetings

Ms. Shanahan reminded the Commission the two City Commission Meetings held in September would be held on Wednesdays due to need to reschedule the budget hearings to avoid conflict with county hearings. She noted the next meeting and first hearing of the budget would be held on Wednesday, September 4, 2019, at 7:00 p.m., and the subsequent meeting would be Wednesday, September 18, 2019, at 7:00 p.m. She noted prior to the September 18, 2019, meeting staff requested a shade meeting to discuss collective bargaining at 5:30 p.m.

Florida League of Cities Conference

Commissioner Littleton, Commissioner Selby, Commissioner Persis, and Mayor Partington complimented the Florida League of Cities conference held over the prior weekend and the speakers who presented.

Change Orders

Commissioner Selby, Commissioner Kent, and Mayor Partington discussed change orders. Commissioner Selby noted if Ormond Beach appeared to be a place where change orders were not allowed, the impact would cost taxpayers more money due to bidders raising their prices; whereby, Commissioner Kent disagreed with Commissioner Selby's comments.

Mayor Partington discussed the prior change order presented to the Commission and noted the issues with that request. He stated he also understood Commissioner Selby's concerns as well.

Short Term Rentals

Commissioner Selby and Commissioner Kent discussed short-term vacation rentals in Ormond Beach. Commissioner Selby stated the City should not ignore the problem.

Septic to Sewer

Commissioner Selby noted during septic to sewer planning and discussions for Ormond by the Sea concerns arose regarding annexation. He explained the project was not about annexation, but about water quality. He stated the city would never attempt to force annexation.

Budget Presentation Award

Commissioner Persis and Mayor Partington thanked the Finance Department for their hard work in earning their twelfth budget presentation award.

Ormond Garage Brewery.

Mayor Partington discussed the Ormond Garage Brewery opening and praised the owner of the business. He encouraged the public to visit the new business.

Operating Budget Workshop

Mayor Partington mentioned an incident discussed by a Commissioner at the Operating Budget Workshop involving a fire truck with old extraction equipment that was out of service. He noted he received concerns from residents after hearing the story and that the residents wondered why the fire chief was allowing a truck on the road without proper equipment. He stated he later learned the story was exaggerated or portrayed wrong. He believed the Commission was given bad information to force a result and stated he was disappointed that occurred.

Oak Tree Removal

Mayor Partington noted a large oak tree had been removed at 150 South Beach Street. He questioned if it had been removed through the new state law that allows the removal of trees through a letter from a contractor, and asked staff for more information on the situation. He noted residents should have had the opportunity to know about the removal beforehand.

Item #13 – Adjournment

The meeting was adjourned at 10:32 p.m.

APPROVED: September 18, 2019

BY:

Bill Partington, Mayor

ATTEST:

Colby J. Cilento, City Clerk