

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

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**November 5, 2019**

**7:00 p.m.**

**Commission Chambers**

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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. AUDIENCE REMARKS - REGARDING ITEMS NOT ON THE AGENDA**
- 5. APPROVAL OF MINUTES**

A. Minutes from City Commission meeting – October 15, 2019

**6. CONSENT AGENDA**

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

- A. **RESOLUTION NO. 2019-196:** A RESOLUTION OF THE CITY OF ORMOND BEACH, OWNER OF THE REAL PROPERTY COMMONLY KNOWN AS THE MACDONALD HOUSE AND BEING SITUATED AT 38 EAST GRANADA BOULEVARD AUTHORIZING THE ORMOND BEACH HISTORICAL SOCIETY TO SUBMIT AN APPLICATION TO HAVE THE MACDONALD HOUSE LISTED ON THE NATIONAL REGISTER OF HISTORIC PLACES; AND SETTING FORTH AN EFFECTIVE DATE.

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

- B. **RESOLUTION NO. 2019-197:** A RESOLUTION AUTHORIZING THE SUBMITTAL OF A GRANT APPLICATION TO THE COUNTY OF VOLUSIA UNDER THE ECHO GRANTS-IN-AID PROGRAM FOR FUNDING ASSISTANCE REGARDING PHASE 1 OF THE RESTORATION PLAN FOR THE MACDONALD HOUSE, LOCATED AT 38 EAST GRANADA BOULEVARD; 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)

- C. **RESOLUTION NO. 2019-198:** A RESOLUTION AUTHORIZING THE SUBMITTAL OF A GRANT APPLICATION TO THE COUNTY OF VOLUSIA UNDER THE ECHO GRANTS-IN-AID PROGRAM FOR FUNDING ASSISTANCE REGARDING THE INSTALLATION OF LED LIGHTING AT THE NOVA COMMUNITY PARK FOR TENNIS COURTS 1-6; 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 Moisis, Grants Coordinator (386-676-3315)*

- D. **RESOLUTION NO. 2019-199:** A RESOLUTION ACCEPTING A BID FROM J.D. WEBER CONSTRUCTION CO. REGARDING THE STORMWATER REBUILD 2019 PROJECT, UNDER BID NO. 2019-37; 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)*

- E. **RESOLUTION NO. 2019-200:** A RESOLUTION ACCEPTING A BID FROM HYDROCORP, INC. REGARDING CROSS CONNECTION CONTROL PROGRAM MANAGEMENT SERVICES; AUTHORIZING THE EXECUTION OF AN AGREEMENT AND PAYMENT THEREFOR; REJECTING ALL OTHER BIDS; AND SETTING FORTH AN EFFECTIVE DATE.

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

- F. **RESOLUTION NO. 2019-201:** A RESOLUTION RATIFYING AND AFFIRMING A PROCUREMENT FROM T. WAYNE HILL TRUCKING, INC. FOR REMOVAL OF LIME SLUDGE FROM THE WATER TREATMENT PLANT; AND SETTING FORTH AN EFFECTIVE DATE.

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

- G. **RESOLUTION NO. 2019-202:** A RESOLUTION APPROVING A SETTLEMENT OF A PERSONAL INJURY CLAIM FILED BY XAVIER RICHARDSON; AUTHORIZING THE EXECUTION OF ALL PAPERS NECESSARY AND INCIDENTAL THERETO; AND SETTING FORTH AN EFFECTIVE DATE.

**Staff Contact:** *Randal Hayes, City Attorney (386-676-3217)*

- H. **Florida Job Growth Grant Fund Public Infrastructure Grant Proposal**

**Staff Contact:** *Brian Rademacher, Economic Development Director (386-676-3266)*

**Disposition:** Approve as recommended in the City Manager memorandum dated November 5, 2019.

- I. **Budget Status Report for April 2019- June 2019**

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

**Disposition:** Approve as recommended in the City Manager memorandum dated November 5, 2019.

## 7. PUBLIC HEARINGS

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

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

- B. **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; AUTHORIZING A REAR YARD WALL WAIVER; AUTHORIZING A REDUCTION OF THE REAR YARD LANDSCAPE BUFFER AND REQUIRING A DEDICATION OF LAND TO ACCOMMODATE A SIDEWALK ALONG FLORENCE STREET; ESTABLISHING CONDITIONS AND EXPIRATIONS OF APPROVAL; PROVIDING FOR RECORDATION; AND SETTING FORTH AN EFFECTIVE DATE. DATE. **(SECOND READING)**

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

## 8. FIRST READING OF ORDINANCES

- A. **ORDINANCE NO. 2019-40:** AN ORDINANCE AMENDING THE ANNUAL BUDGET FOR FISCAL YEAR 2018-2019 BY AMENDING THE DOWNTOWN REDEVELOPMENT TRUST FUND (104); THE STORMWATER UTILITY FUND (107); THE AIRPORT FUND (108); THE PENSION CONTRIBUTION PASS THROUGH FUND (113); THE GRANTS FUND (116); THE 2010 BEACHFRONT PARK BOND FUND (220); THE CAPITAL IMPROVEMENTS FUND (301); THE EQUIPMENT RENEWAL & REPLACEMENT FUND (302); THE TRANSPORTATION IMPROVEMENTS FUND (308); THE RECREATIONAL IMPACT FEE FUND (310); THE WATER AND WASTEWATER FUND (401); THE RENEWAL & REPLACEMENT FUND (409); THE WATER SYSTEM IMPACT FEE FUND (434); THE WASTEWATER SYSTEM IMPACT FEE FUND (435); THE WATER AND WASTEWATER CONSTRUCTION FUND (445); THE SOLID WASTE FUND (460); THE WORKERS' COMPENSATION FUND (502); AND THE GENERAL LIABILITY FUND (504); AND SETTING FORTH AN EFFECTIVE DATE.

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

## 9. REPORTS, SUGGESTIONS, REQUESTS

## 10. ADJOURNMENT

### Item #1 – Meeting Call to Order

Mayor Partington called the meeting to order at 7:01 p.m.

## Item #2 – Invocation

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

## Item #3 – Pledge of Allegiance

Mayor Partington led the Pledge of Allegiance.

## Item #4 – Audience Remarks

Mr. Jim Cameron, 126 East Orange Avenue, Senior Vice President of Government Relations, Daytona Regional Chamber of Commerce (“Chamber”), passed out flyers to the Commission and discussed the Chamber’s upcoming programs and events.

Ms. Irene Todora, 340 Cumberland Avenue, expressed concerns for flooding within her neighborhood around Cumberland Avenue and Dix Avenue. She hoped the city would consider installing a retention pond to help resolve the issue.

Mr. Steve Berdeguez, 340 Cumberland Avenue, stated his concerns for flooding around Cumberland Avenue and Dix Avenue as well. He noted the problem was a major issue that affected the entire city. He hoped the Commission would look further into the issue and consider the option of a retention pond.

Mr. John Adams, 1094 John Anderson Drive, asked the Commission for an update on implementing Florence Street as a one-way street; whereby, Mayor Partington noted Planning Director Steven Spraker could provide Mr. Adams with an update during or after the meeting.

Mr. Jim Schultz, 117 Harvard Drive, discussed the negative impacts of fluoride and mentions of fluoridation online.

Mr. Michael McBride, 58 River Drive, Ormond-by-the-Sea, delivered a speech regarding septic to sewer in Ormond-by-the-Sea on behalf of Mr. Roger Nutt. He presented a petition from Ormond-by-the-Sea residents regarding the septic to sewer project. He noted the petition had received 1,035 signatures and stated the city would be presented with the petition after his remarks. He explained the petition requested that necessary scientific work and study be undertaken to determine whether the septic systems in Ormond-by-the-Sea were causing pollution. He stated that the undersigned property owners were also requesting that any work on the septic to sewer project be suspended while scientific study was underway.

Ms. Rashida Hakeem, Ormond-by-the-Sea, stated her concerns for the septic to sewer conversion and discussed the need for scientific research to be performed on the septic systems.

Ms. Samantha Oehlsen, Ormond-by-the-Sea, read a letter on behalf of her neighbor, Ms. Janet Nutt, regarding the effects she believed the septic to sewer project would have in Ormond-by-the-Sea. Ms. Oehlsen stated when she attended the Volusia County Council meeting earlier in the day, Chairman Ed Kelley did not acknowledge Volusia County’s role in the project. She questioned how the project would take place without Volusia County’s support.

Ms. Mary Anne Connors, 36 Hunt Master Court, discussed the septic to sewer project and noted that she believed the chief concern among residents was the potential financial impacts. She stated the petition presented by Ormond-by-the-Sea residents was not harmful, but did not change the problem or solution. She discussed the negative effects the septic tanks may have on the area if the issue is not resolved.

Ms. Donna Craig, 23 River Shore Drive, stated she was a new home owner in Ormond-by-the-Sea and discussed the negative effects the septic to sewer conversion could impose on the quaint neighborhood area.

Mayor Partington noted the Commission could not discuss the septic to sewer project outside of the Commission Chambers due to the Sunshine Law; therefore he stated he would be commenting on the project at the current time and allow the other Commissioners to discuss it at that time as well. He stated he had heard concerns from many Ormond-by-the-Sea residents of the possible impacts from the septic to sewer

project. He noted the Commission had made addressing local environmental issues a priority and believed it was the Commission's responsibility to address any environmental and health concerns. He explained Ormond Beach was the only city close enough to provide water and sewer services to the Ormond-by-the-Sea area, but explained the area would not be annexed into the city unless Ormond-by-the-Sea requested it be. He discussed financial repercussions the conversion may have on the residents and the overall effectiveness of the project. He stated the Commission was listening to and hearing the concerns of the citizens. He explained the Commission's commitment to addressing environmental issues remained firm, but he believed the project needed additional scientific testing and data results.

**Mayor Partington moved, seconded by Commissioner Selby, to hold a series of public meetings for septic to sewer similar to the OB Life series, to direct the City Manager to bring options back for scientific studies and ways to conduct scientific testing, to temporarily stop design work until those scientific studies were completed, and to direct staff to identify other alternative environmental water quality projects.**

Commissioner Selby stated he had been listening to concerns from Ormond-by-the-Sea residents and mentioned some residents who supported the conversion, but were reluctant to speak out. He addressed a question that was presented to him at a previous meeting as to why the city did not perform a study prior to allocating the funds for the first phase of the septic to sewer conversion. He explained he did not anticipate such opposition to the conversion. He noted the main issue was the high cost of the project and believed those opposed to the project had created fear through spreading misinformation about high costs and false allegations to homeowners. He explained he was in favor of the ideas Mayor Partington proposed. He discussed seven sources of water pollution identified by St. John's Water River Management District and recommended staff look into all possible recommendations on ways to address all seven sources of water pollution.

Commissioner Selby hoped the city would adopt a moratorium on septic tanks for all new construction in Ormond Beach city limits. He discussed the City of Ormond Beach Wastewater Treatment Plant and explained the facility had never discharged raw sewage into the Halifax River and did not discharge into the Tomoka River at all. He requested the city reduce the amount of effluent wastewater discharged into the Halifax River and that more storage for effluent be obtained. He hoped the city would implement a better education system for residents regarding the Volusia County's fertilizer ordinance and agreed a study should be done to determine the sources and impacts of water pollution. He believed if the community could come together and agree they could make Ormond Beach a better place and help benefit future generations. He stated his appreciation for the residents who presented their concerns to the Commission and noted things could have been done differently, but they needed to move forward.

Commissioner Persis thanked all the audience speakers who addressed the Commission regarding their concerns for the septic to sewer project. She complimented Mayor Partington and Commissioner Selby for their comments and agreed with their statements. She noted her appreciation for the city and wanted the environment and city to remain clean for future generations.

Commissioner Littleton stated he agreed with the premise of the motion, but clarified with Mayor Partington that his motion would include stopping all septic to sewer design and conversion work, including within city limits, until the science was in place; whereby, Mayor Partington confirmed that was correct and believed the city should have the science in place before holding public meetings with residents as well.

Commissioner Kent stated he was proud of Ormond-by-the-Sea residents for addressing the Commission on the topic. He questioned the intentions of the septic to sewer project and stated Ormond-by-the-Sea was not a part of the city and the citizens who lived there were not the city's residents. He agreed with Commissioner Selby's comments that the project should have been done differently and stated if the project continued to move forward that Ormond-by-the-Sea residents should first be asked if they desired to convert from septic to sewer or not. He stated homes in Ormond Beach city limits should be converted from septic to sewer first before doing any projects in Ormond-by-the-Sea. He stated he was not interested in spending funds on a scientific study if the Ormond-by-the-Sea residents were not interested in moving forward with the project. He hoped to stop the investment and mentioned allocating those funds for the neighborhood flooding issues on Cumberland Avenue discussed during audience remarks. He noted he would

support the motion due to the pause on intruding into the privacy of Ormond-by-the-Sea residents, but stated in the future he would vote against spending funds on a scientific study unless the residents of Ormond-by-the-Sea expressed a desire to convert from septic to sewer.

City Attorney, Mr. Randy Hayes, clarified procedurally that for the Mayor to make a motion the gavel needed to be passed to Deputy Mayor Kent.

Mayor Partington passed the gavel to Deputy Mayor Troy Kent, designating him the presiding officer for the meeting.

Mayor Partington reaffirmed his previously stated motion; whereby, Commissioner Selby reaffirmed his previously stated seconding of that same motion.

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

Deputy Mayor Kent passed the gavel to Mayor Partington, reinstating him as the presiding officer for the meeting.

#### Item #5 – Approval of Minutes

Mayor Partington advised the minutes of the October 15, 2019, regular meeting 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 #6 – 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 Selby requested to pull Item 6B.

**Commissioner Littleton moved, seconded by Commissioner Persis, for approval of the consent agenda absent Item 6B.**

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

#### Item #6B – Volusia County ECHO Grant Submittal - MacDonald House

City Clerk Colby Cilento read by title only:

##### RESOLUTION NO. 2019-197

A RESOLUTION AUTHORIZING THE SUBMITTAL OF A GRANT APPLICATION TO THE COUNTY OF VOLUSIA UNDER THE ECHO GRANTS-IN-AID PROGRAM FOR FUNDING ASSISTANCE REGARDING PHASE 1 OF THE RESTORATION PLAN FOR THE MACDONALD HOUSE, LOCATED AT 38 EAST GRANADA BOULEVARD; 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.

**Commissioner Persis moved, seconded by Commissioner Littleton, for approval of Resolution 2019-197, as read by title only.**

Commissioner Selby noted differences between the presented agenda item and that which was approved during the last meeting. He stated he had spoken with City

Manager Joyce Shanahan and Finance Director Kelly McGuire, and asked that staff clarify the change from the prior meeting.

Ms. Shanahan stated the item the Commission previously approved was a request for the City of Ormond Beach to become the applicant in the ECHO grant and that the current item was for approval of the grant itself. She noted there was a difference in the financial commitment and asked Ms. McGuire to address the Commission to explain the reasoning behind the adjustment.

Ms. Kelly McGuire, Finance Director, noted the city needed to commit \$5,000 minimum for a total match between the City of Ormond Beach and the Ormond Beach Historical Society to meet \$200,000. She stated if it was the will of the Commission, the city could provide an additional \$100,000 from the General Fund Reserves, which would result in an additional \$100,000 from the ECHO grant as well, making the total match \$400,000. She stated the additional funds were discussed during the Capital Improvement Plan (CIP) workshop, but a commitment was never executed. She stated staff was seeking direction from the Commission.

Commissioner Selby noted during the most recent Commission meeting it was stated that the land could only be valued at \$50,000 and was now valued at over \$83,000 in the attached writeup; whereby, Ms. Shanahan explained the information provided at the last Commission meeting was incorrect.

Commissioner Selby confirmed the limitation on the City of Ormond Beach for ECHO grants was \$400,000 per year; whereby, Ms. Shanahan corrected the limitation was \$400,000 per grant. Ms. Shanahan explained the process for applying for the ECHO grant and limitations in detail.

Commissioner Selby questioned if the \$100,000 was preliminarily set aside in the 2021 CIP; whereby, Ms. McGuire confirmed it was included in the CIP, but was not included in the budget. She stated if the Commission gave staff the direction to include the additional funds in the ECHO grant it would be included in the FY 2021 budget, and would appear before the Commission for approval in July of 2020.

Mayor Partington questioned the impact on the General Fund Reserves if the Commission granted the funds necessary to make the total \$400,000; whereby, Ms. McGuire stated it would only be a fraction of a percent of the reserve and the city would remain above their set 15 percent benchmark for reserve funding.

Mayor Partington questioned if the dollars would only provide half of the required funds for the exterior renovation and additional funds would be needed to finish the remaining sides; whereby, Ms. McGuire stated if the Commission contributed the additional funds for a total of \$171,000, and received \$400,000 from the ECHO grant, than the total amount would result in \$800,000, including funds from the Ormond Beach Historical Society, and would cover the entire exterior renovations.

Mayor Partington stated additional funds would still be needed in the future for the other phases of the project; whereby, Ms. McGuire stated that was correct. Ms. McGuire noted if the Commission decided to not match grant funding, they could look at the Community Redevelopment Agency funds as an option as well.

Mayor Partington asked the Commission if they wished to contribute the previously approved amount or provide the necessary funds to make the request an even \$400,000 for all sides of the exterior renovations.

Commissioner Persis stated she was in favor of approving the additional funds to match the \$400,000. She complimented the Ormond Beach Historical Society on their continuous hard work and dedication.

Commissioner Littleton stated he was also in favor of approving the increase and thanked the Ormond Beach Historical Society for their contribution. He stated he believed the city would have been requested to provide the funds to complete the renovations either way and therefore, believed it was best to provide the funds now so it could be matched through the ECHO grant.

**Commissioner Littleton moved, second by Commissioner Persis for approval of Resolution 2019-197, as read by title, amended to include the total match to \$400,000.**

Commissioner Selby complimented the project and stated it was the city's responsibility to take care of the exterior of the building. He discussed his hesitation for spending the high amount of dollars, but explained due to the ECHO grant matching the funds he was in favor of the item.

Commissioner Kent stated he supported providing additional funds for the item.

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

Mayor Partington asked City Clerk Colby Cilento to call the vote on the underlying motion for Resolution 2019-197.

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

Comments on Consent Agenda Items

Commissioner Selby discussed his approval for Item 6C, which applied for an ECHO grant for LED lighting at the Nova Community Park, and Item 6D, which approved a bid for the storm water rebuild project.

Item #7 – Public Hearings

Mayor Partington opened the public hearings.

Item #7A –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.  
**(SECOND READING)**

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

**Commissioner Selby moved, seconded by Commissioner Littleton, for approval of Ordinance No. 2019-24, 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 #7B – 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; AUTHORIZING A REAR YARD WALL WAIVER; AUTHORIZING A REDUCTION OF THE REAR YARD LANDSCAPE BUFFER AND REQUIRING A DEDICATION OF LAND TO ACCOMMODATE A SIDEWALK ALONG FLORENCE STREET; ESTABLISHING CONDITIONS AND EXPIRATIONS OF APPROVAL; PROVIDING FOR RECORDATION; AND SETTING FORTH AN EFFECTIVE DATE. DATE. **(SECOND READING)**

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

**Commissioner Littleton moved, seconded by Commissioner Selby, for approval of Ordinance No. 2019-25, on second reading, as read by title only.**

Commissioner Selby questioned if the ordinance included an amendment to remove the outdoor storage display. He noted the applicant had emailed such a request before the meeting.

Mr. Joe Hopkins, applicant representative, stated the applicant submitted in a written request to the city on November 1, 2019, requesting the provision for outdoor display be deleted from the ordinance.

Commissioner Selby inquired if the title that was read included approval of the outdoor display; whereby, Mr. Hayes stated it did and noted if the Commission wished to accept the concession of outdoor storage from the applicant, it could be treated as an amendment. He discussed the process of voting on the amendment.

Mr. Hayes asked the motion maker, Commissioner Littleton, if he was willing to include the concession by the developer to remove the outdoor display in the motion; whereby Commissioner Littleton stated "yes".

Mr. Hayes asked the seconder of the motion, Commissioner Selby, if he was willing to accept the concession as well; whereby, Commissioner Selby stated "yes".

Mr. Hayes explained the motion approved of the project excluding the outdoor display.

Commissioner Persis questioned if the Commission would be voting on the other requests for the landscape buffer and rear yard wall waiver separately; whereby, Mr. Hayes stated they would not.

Mr. Hayes requested if the maker of the motion and seconder were willing to rescind their motion to start a new motion for clarification due to difference of opinions.

**Commissioner Littleton rescinded his motion.**

**Commissioner Selby rescinded his second of the motion.**

Mr. Hayes noted a motion to approve the ordinance for discussion purposes as presented could be made.

**Commissioner Littleton moved, seconded by Commissioner Selby, for approval of Ordinance No. 2019-25, on second reading, as read by title only.**

Commissioner Persis stated there were two components to approve of since the outdoor display was being removed by the applicant: the rear yard wall waiver and reduction of the landscape buffer. She stated she was not in favor of reducing the buffer or approving of the wall waiver.

Commissioner Kent agreed with Commissioner Persis on both items.

Commissioner Littleton stated he was in favor of the current ordinance as voted on at the previous meeting.

Commissioner Selby inquired if the six foot white vinyl fence would still be included in place of the wall waiver; whereby, Mr. Hopkins confirmed that was correct.

Commissioner Selby stated he supported the ordinance as proposed with the deletion of outdoor storage. He stated he was not generally in favor of reducing the landscape buffer, but approved of the additional parking spaces it would provide. He discussed the benefits of the project in detail and reiterated his support.

Mayor Partington stated he agreed with Commissioner Selby and Commissioner Littleton.

**Commissioner Selby moved, seconded by Commissioner Persis, to amend Ordinance No. 2019-25, by removing outdoor storage display, 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

Mayor Partington asked City Clerk Colby Cilento to call the vote on the underlying motion.

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

Item #8 – First Reading of Ordinances

Item #8A –FY 2018-19 Budget Amendment

City Clerk Colby Cilento read by title only:

ORDINANCE NO. 2019-40  
AN ORDINANCE AMENDING THE ANNUAL BUDGET FOR FISCAL YEAR 2018-2019 BY AMENDING THE DOWNTOWN REDEVELOPMENT TRUST FUND (104); THE STORMWATER UTILITY FUND (107); THE AIRPORT FUND (108); THE PENSION CONTRIBUTION PASS THROUGH FUND (113); THE GRANTS FUND (116); THE 2010 BEACHFRONT PARK BOND FUND (220); THE CAPITAL IMPROVEMENTS FUND (301); THE EQUIPMENT RENEWAL & REPLACEMENT FUND (302); THE TRANSPORTATION IMPROVEMENTS FUND (308); THE RECREATIONAL IMPACT FEE FUND (310); THE WATER AND WASTEWATER FUND (401); THE RENEWAL & REPLACEMENT FUND (409); THE WATER SYSTEM IMPACT FEE FUND (434); THE WASTEWATER SYSTEM IMPACT FEE FUND (435); THE WATER AND WASTEWATER CONSTRUCTION FUND (445); THE SOLID WASTE FUND (460); THE WORKERS' COMPENSATION FUND (502); AND THE GENERAL LIABILITY FUND (504); 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. 2019-40, on first reading, as read by title only.**

Commissioner Littleton thanked Ms. McGuire and staff for their hard work.

Call Vote:	Commissioner Selby	Yes
	Commissioner Kent	Yes
	Commissioner Persis	Yes

Carried.

Commissioner Littleton  
Mayor Partington

Yes  
Yes

#### Item #9 – Reports, Suggestions, Requests

##### Upcoming Meetings

Ms. Shanahan requested approval from the Commission to schedule a workshop on December 3, 2019, at 5:30 p.m., to discuss a traffic calming program for the courtyard projects on Dix Avenue and Highland Avenue; whereby, the Commission approved.

##### Cassen Park Floating Dock

Ms. Shanahan updated staff on the floating dock at Cassen Park. She discussed an upcoming meeting Engineering staff had planned regarding the floating dock. She stated staff had spoken with Mr. Ike Leary, Granada Pier Bait and Tackle owner at Cassen Park, and stated he was frustrated with the process, but noted staff would continue to keep Mr. Leary involved and informed throughout the project.

##### Thank You

Ms. Shanahan thanked the Commission and Halifax Health for sponsoring the Hometown Heroes banner program.

Commissioner Selby thanked Mayor Partington for his leadership on the septic to sewer discussion that ensued during the meeting, and believed the Commission was heading in the right direction.

Commissioner Persis complimented Commissioner Kent's comments regarding septic to sewer.

Mayor Partington thanked Commissioner Selby for his leadership on the septic to sewer project.

##### Events

Ms. Shanahan discussed upcoming events the city would be hosting for veterans including a veteran's luncheon on Thursday, November 7, 2019; and a celebration for family of veterans displayed on the city's Hometown Heroes banners on Saturday, November 9, 2019.

Commissioner Kent discussed the recent Movies on the Halifax event that took place at The Casements and complimented the city's Fire Department and Law Enforcement for keeping the public safe through the crowded event.

Commissioner Persis stated she would be speaking at the Volusia County Elected Official's Round Table regarding the Ormond Beach ordinance banning straws from city property.

Commissioner Persis and Mayor Partington complimented the veterans programs taking place in the city.

Mayor Partington discussed the Employee Appreciation Day event that staff held for the city's employees. He recognized and thanked city staff members for their hard work.

Mayor Partington complimented a birthday event he attended with Public Information Officer Jenn Elston to celebrate the 105<sup>th</sup> birthday of Ormond Beach resident Erma Mohl.

##### Beach Street Church Property Workshop

Commissioner Kent inquired when a workshop would be held to discuss the church property on North Beach Street; whereby, Ms. Shanahan stated it could take place with the traffic calming workshop in December or in January. Commissioner Kent stated he approved of the workshop taking place in January.

##### Germ Free

Mayor Partington stated he visited Germ Free with Ms. Elston and Economic Development Director Brian Rademacher. He complimented and discussed the facility and the products they provide in detail. He directed Ms. Shanahan to advise Mr. Rademacher to help spread awareness through the city's website on unknown facilities and products produced in Ormond Beach that deserve recognition.

Item #10 – Adjournment

The meeting was adjourned at 8:35 p.m.

APPROVED: November 19, 2019

BY:

\_\_\_\_\_  
Bill Partington, Mayor

ATTEST:

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Colby J. Cilento, City Clerk