

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

March 3, 2020

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

A. Minutes from City Commission meeting – February 18, 2020

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. 2020-21:** A RESOLUTION APPROVING BIMBO QSR US, LLC AS A QUALIFIED TARGET INDUSTRY BUSINESS; PROVIDING FOR LOCAL FINANCIAL SUPPORT FOR PERFORMANCE BASED JOB CREATION AND GROWTH ASSISTANCE FUNDING; AUTHORIZING AN AGREEMENT THEREFORE; AND SETTING FORTH AN EFFECTIVE DATE.

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

- B. **RESOLUTION NO. 2020-22:** A RESOLUTION AUTHORIZING THE ACCEPTANCE OF AN ACCESS, MAINTENANCE AND UTILITY EASEMENT DEED FROM BADC HUNTINGTON COMMUNITIES, LLC, LOCATED IN THE "HUNTINGTON VILLAS PHASE 2-A" AND "HUNTINGTON VILLAS PHASE 2-B" SUBDIVISIONS A PORTION OF THE HUNTER'S RIDGE DEVELOPMENT OF REGIONAL IMPACT (DRI) LOCATED IN FLAGLER COUNTY; AND SETTING FORTH AN EFFECTIVE DATE.

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

- C. **RESOLUTION NO. 2020-23:** A RESOLUTION OF THE CITY OF ORMOND BEACH ADOPTING THE EAST CENTRAL FLORIDA REGIONAL RESILIENCY ACTION PLAN (ECF RRAP) TO ADVANCE THE DIRECT IMPLEMENTATION OF ACTIVITIES AIMED TO IMPROVE SAFETY, LONG-TERM RESILIENCE AND SUSTAINABILITY; PROVIDING FOR SEVERABILITY; AND SETTING FORTH AN EFFECTIVE DATE.

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

- D. **RESOLUTION NO. 2020-24:** A RESOLUTION AUTHORIZING THE EXECUTION OF A RESILIENCE COLLABORATIVE

MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF ORMOND BEACH AND THE EAST CENTRAL FLORIDA REGIONAL PLANNING COUNCIL; AND SETTING FORTH AN EFFECTIVE DATE.

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

- E. **RESOLUTION NO. 2020-25:** A RESOLUTION ACCEPTING A BID FROM CHINCHOR ELECTRIC, INC. FOR CONSTRUCTION SERVICES REGARDING THE INSTALLATION OF A MAST ARM AT BROADWAY AVENUE AND US1, UNDER BID NO. 2020-04; AUTHORIZING THE EXECUTION OF A CONTRACT AND PAYMENT THEREFOR; REJECTING ALL OTHER BIDS; AND SETTING FORTH AN EFFECTIVE DATE.

Staff Contact: Shawn Finley, Public Works Director (386-615-7049)

- F. **RESOLUTION NO. 2020-26:** A RESOLUTION ACCEPTING THE PROPOSAL OF DRMP, INC., REGARDING CONSTRUCTION, ENGINEERING AND INSPECTION SERVICES FOR THE BROADWAY AVENUE/US1 MAST ARM INSTALLATION PROJECT; AUTHORIZING THE EXECUTION OF AN AGREEMENT AND PAYMENT THEREFOR; REJECTING ALL OTHER PROPOSALS; AND SETTING FORTH AN EFFECTIVE DATE.

Staff Contact: Shawn Finley, Public Works Director (386-615-7049)

- G. **RESOLUTION NO. 2020-27:** A RESOLUTION AUTHORIZING THE APPROVAL AND EXECUTION OF AN AGREEMENT WITH G.E.M. STONE CONTRACTORS, INC. FOR SERVICES TO INSTALL PRETREATMENT EFFLUENT PUMPING TANKS ON AN AS-NEEDED BASIS, UNDER CITY OF PALM COAST BID NO. ITB-UT-19-89; AND SETTING FORTH AN EFFECTIVE DATE.

Staff Contact: Shawn Finley, Public Works Director (386-615-7049)

- H. **RESOLUTION NO. 2020-28:** A RESOLUTION AUTHORIZING THE SOLE SOURCE PROCUREMENT OF VARIOUS REPLACEMENT AND REPAIR PARTS FROM ALPHA GENERAL SERVICES, INC. FOR THE CITY'S PRETREATMENT EFFLUENT PUMPING TANKS; AND SETTING FORTH AN EFFECTIVE DATE.

Staff Contact: Shawn Finley, Public Works Director (386-615-7049)

- I. **RESOLUTION NO. 2020-29:** A RESOLUTION AUTHORIZING THE EXECUTION OF A LEASE AGREEMENT BETWEEN THE CITY AND THE CASEMENTS GUILD FOR THE CITY OF ORMOND BEACH, INC.; AND SETTING FORTH AN EFFECTIVE DATE.

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

- J. **RESOLUTION NO. 2020-30:** A RESOLUTION AUTHORIZING THE EXECUTION OF AMENDMENT 1-2020 TO THAT CONTRACT AWARDED TO AUSTIN OUTDOOR, LLC D/B/A YELLOWSTONE LANDSCAPE REGARDING GROUNDS MAINTENANCE SERVICES, BY INCREASING THE CONTRACT PRICE BY \$15,430.00; AND SETTING FORTH AN EFFECTIVE DATE.

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

- K. **RESOLUTION NO. 2020-31:** A RESOLUTION AUTHORIZING THE APPROVAL AND EXECUTION OF A PURCHASE AUTHORIZATION FOR THE PURCHASE OF ONE 2020 FORD TRANSIT T250 CARGO VAN, UNDER FLORIDA SHERIFFS ASSOCIATION BID NO. FSA 19- VEL27.0.; DECLARING VEHICLE #318 TO BE SURPLUS PROPERTY, AND AUTHORIZING THE DISPOSITION THEREOF; AND SETTING FORTH AN EFFECTIVE DATE.

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

- L. **RESOLUTION NO. 2020-32:** A RESOLUTION AUTHORIZING THE EXECUTION OF A COLLECTIVE BARGAINING AGREEMENT BETWEEN THE CITY OF ORMOND BEACH AND THE INTERNATIONAL ASSOCIATION OF FIREFIGHTERS (I.A.F.F.) LOCAL 3499; AND SETTING FORTH AN EFFECTIVE DATE.

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

- M. **RESOLUTION NO. 2020-33:** A RESOLUTION AUTHORIZING THE EXECUTION OF A COLLECTIVE BARGAINING AGREEMENT BETWEEN THE CITY OF ORMOND BEACH AND THE FLORIDA STATE FRATERNAL ORDER OF POLICE, INC. ("FOP"); SETTING FORTH AN EFFECTIVE DATE.

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

- N. **RESOLUTION NO. 2020-34:** A RESOLUTION AUTHORIZING THE EXECUTION OF AN AIRPORT TRAFFIC CONTROL TOWER OPERATIONS AGREEMENT BETWEEN THE FEDERAL AVIATION ADMINISTRATION (FAA) AND CITY OF ORMOND BEACH, FLORIDA; AND SETTING FORTH AN EFFECTIVE DATE.

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

- O. **RESOLUTION NO. 2020-35:** A RESOLUTION AUTHORIZING THE EXECUTION OF A PUBLIC TRANSPORTATION GRANT AGREEMENT WITH THE FLORIDA DEPARTMENT OF TRANSPORTATION, REGARDING CONSTRUCTION, CONSTRUCTION ADMINISTRATION SERVICES, WETLAND MITIGATION, AND PROPERTY RIGHTS ACQUISITION COSTS FOR THE EXTENSION OF RUNWAY 9/27 AND TAXIWAY ALPHA, AT THE ORMOND BEACH MUNICIPAL AIRPORT; AND SETTING FORTH AN EFFECTIVE DATE.

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

- P. **RESOLUTION NO. 2020-36:** A RESOLUTION AUTHORIZING EXECUTION OF A LEASE AGREEMENT BETWEEN THE CITY AND THE GARDEN CLUB OF THE HALIFAX COUNTRY, INC. REGARDING LANDSCAPE IMPROVEMENTS AT VADNER PARK; AND SETTING FORTH AN EFFECTIVE DATE.

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

- Q. **City's use of the Florida Sheriffs Association contract for tire purchases**

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

Disposition: Approve as recommended in the City Manager memorandum dated March 3, 2020.

R. Volusia County Mosquito Control Request for Authorization

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

Disposition: Approve as recommended in the City Manager memorandum dated March 3, 2020.

S. Budget Status Report for October 2019- December 2019

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

Disposition: Approve as recommended in the City Manager memorandum dated March 3, 2020.

T. Fiscal Year 2020-21 Budget Calendar

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

Disposition: Approve as recommended in the City Manager memorandum dated March 3, 2020.

U. Volusia League of Cities 2020 Distinguished Service Awards

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

Disposition: Approve as recommended in the City Manager memorandum dated March 3, 2020.

7. PUBLIC HEARINGS

A. ORDINANCE NO. 2020-05: AN ORDINANCE ANNEXING CERTAIN REAL PROPERTY INTO THE CITY OF ORMOND BEACH, SAID PROPERTY BEING GENERALLY LOCATED ALONG THE WEST SIDE OF CORDOVA AVENUE APPROXIMATELY 544 LINEAR FEET NORTH OF THE PLAZA GRANDE AVENUE AND CORDOVA AVENUE INTERSECTION AND BEING COMMONLY LOCATED AT 806 CORDOVA AVENUE AND A PORTION OF THE CORDOVA AVENUE RIGHT-OF-WAY; REDEFINING THE TERRITORIAL BOUNDARIES OF THE CITY OF ORMOND BEACH TO INCLUDE THE PROPERTY; REDESIGNATING THE BOUNDARIES OF ZONE 2 OF THE CITY OF ORMOND BEACH TO INCLUDE THE PROPERTY; SETTING FORTH ZONING, PRIVILEGES, AND OBLIGATIONS OF SAID PROPERTY; PROVIDING FOR TRANSMISSION; PROVIDING FOR SEVERABILITY; AND SETTING FORTH AN EFFECTIVE DATE. **(SECOND READING)**

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

B. ORDINANCE NO. 2020-06: AN ORDINANCE AMENDING CHAPTER 3, PERFORMANCE STANDARDS, ARTICLE V, UTILITY AND INFRASTRUCTURE DESIGN STANDARDS, SECTION 3-61, UTILITY LINE EXTENSIONS, OF THE CITY OF ORMOND BEACH LAND DEVELOPMENT CODE; TO CLARIFY THE CITY'S ANNEXATION POLICIES RELATED TO UTILITY CONNECTIONS OUTSIDE OF THE CITY'S MUNICIPAL BOUNDARIES; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; PROVIDING FOR SEVERABILITY; AND SETTING FORTH AN EFFECTIVE DATE.

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

- C. **ORDINANCE NO. 2020-07:** AN ORDINANCE AMENDING SECTION 22-48, INFORMATION, APPROVAL PREREQUISITE TO SERVICE, OF DIVISION 3, NORTH PENINSULA WATER DISTRICT, OF ARTICLE 1, WATER, OF CHAPTER 22, WATER AND SEWERS, OF THE CODE OF ORDINANCES OF THE CITY OF ORMOND BEACH CLARIFYING THAT NEITHER ANNEXATION NOR AN ANNEXATION AGREEMENT ARE REQUIRED AS A CONDITION TO RECEIVING POTABLE WATER SERVICE FROM THE CITY; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; AND SETTING FORTH AN EFFECTIVE DATE.

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

- D. **RESOLUTION NO. 2020-37:** A RESOLUTION AUTHORIZING THE EXECUTION AND ISSUANCE OF A DEVELOPMENT ORDER FOR A SPECIAL EXCEPTION TO ALLOW OUTDOOR ACTIVITY TO INCLUDE ITINERANT VENDING AND LIVE OUTDOOR MUSIC DURING RECOGNIZED SPECIAL EVENTS; AND LIVE OUTDOOR MUSIC UP TO FOUR TIME PER MONTH AT "BOOT HILL SALOON OUTPOST" LOCATED AT 1089 NORTH US HIGHWAY 1, WHICH IS WITHIN THE B-5 (SERVICE COMMERCIAL) ZONING DISTRICT; ESTABLISHING CONDITIONS; AND SETTING FORTH AN EFFECTIVE DATE.

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

- E. **RESOLUTION NO. 2020-38:** A RESOLUTION AUTHORIZING THE EXECUTION AND ISSUANCE OF A DEVELOPMENT ORDER FOR A SPECIAL EXCEPTION TO ALLOW OUTDOOR ACTIVITY TO INCLUDE ITINERANT VENDING DURING RECOGNIZED SPECIAL EVENTS AT THE "KEGJ HOLDINGS, LLC" LOCATED AT 1170 NORTH U.S. HIGHWAY 1 AND BEING SITUATED WITHIN THE I-1 (LIGHT INDUSTRIAL) ZONING DISTRICT; ESTABLISHING CONDITIONS AND EXPIRATION DATE OF APPROVAL; AND SETTING FORTH AN EFFECTIVE DATE.

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

8. RESOLUTIONS

- A. **RESOLUTION NO. 2020-39:** A RESOLUTION APPROVING THE USE OF GEOMETRIC PATTERNS ON THE FACADE OF THE "CHATEAU MAR BEACH RESORT" AND DENYING THE USE OF GEOMETRIC PATTERNS ON THE PARKING LOT WALL AND SEAWALL LOCATED AT 507 SOUTH ATLANTIC AVENUE; AND SETTING FORTH AN EFFECTIVE DATE.

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

9. STAFF ACTION ITEMS

- A. **Ormond Beach Elementary signage (CRA capital project)**

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

10. DISCUSSION ITEMS

- A. **North Mainland/Ormond Crossings Community Redevelopment Area Extension**

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

11. REPORTS, SUGGESTIONS, REQUESTS

12. ADJOURNMENT

Item #1 – Meeting Call to Order

Mayor Partington called the meeting to order at 7:00 p.m.

Item #2 – Invocation

Reverend John Jayaseelan, Bethel Ministries, gave the invocation.

Item #3 – Pledge of Allegiance

Mayor Partington led the Pledge of Allegiance.

Item #4 – Audience Remarks

Ms. Irene Todora, 340 Cumberland Avenue, discussed flooding issues in her neighborhood and a Storm Water Master Plan Workshop she had attended held by city staff. She requested that when it came time for the Commission to review the Storm Water Master Plan, they would consider making improvements in her neighborhood.

Mr. Steve Berdeguez, 340 Cumberland Avenue, also discussed the flooding issues in his neighborhood. He showed the Commission pictures of the flooding that had occurred throughout the years at his residence and the damage it had caused.

Mr. Lee Grasso, 572 Andrews Street, stated he also lived in the same neighborhood as Ms. Todora and Mr. Berdeguez. He discussed the negative effects that the flooding imposed on their neighborhood and hoped that the city would assist the residents who lived there with these issues.

Mr. David Randall, Ormond Beach Firefighter, Vice President of the Ormond Beach Professional Firefighters International Association of Firefighters Local 3499 (I.A.F.F), stated his support for the bargaining agreement contract between the City of Ormond Beach and the I.A.F.F that was pending approval on the Consent Agenda. He thanked the Commission for their time and requested their support of the contract.

Mr. Jim Schultz, 117 Harvard Drive, discussed the coronavirus and vaccines.

Item #5 – Approval of Minutes

Mayor Partington advised the minutes of the February 18, 2020, 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 Littleton requested to pull Item 6A.

Commissioner Kent moved, seconded by Commissioner Persis, for approval of the consent agenda, absent Item 6A.

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

Item #6A – Project Ocean Growth Assistance Agreement

City Clerk Colby Cilento read by title only:

RESOLUTION NO. 2020-21

A RESOLUTION APPROVING BIMBO QSR US, LLC AS A QUALIFIED TARGET INDUSTRY BUSINESS; PROVIDING FOR LOCAL FINANCIAL SUPPORT FOR PERFORMANCE BASED JOB CREATION AND GROWTH ASSISTANCE FUNDING; AUTHORIZING AN AGREEMENT THEREFORE; AND SETTING FORTH AN EFFECTIVE DATE.

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

Commissioner Littleton stated after reviewing the incentive package proposed to be provided to Bimbo QSR, US, LLC (Bimbo QSR) it did not appear that the agreement was sufficient enough. He stated the average annual wage Bimbo QSR would offer to employees was listed as \$43,400. He noted that the amount was the bare minimum for growth assistance funding and stated the return on investment did not appear to be high enough. He noted the property taxes the city was currently receiving on the site and discussed his concerns for approving the item. He stated the Commission had approved of incentive packages with a similar annual wage in the past, but believed those packages offered more benefits and community excitement.

Mr. Brian Rademacher, Economic Developer, discussed Bimbo QSR and the incentive package in detail. He stated the \$43,401 listed in the application materials would be the baseline salary, which would exceed 115% of the average Volusia County average annual salary rate of \$37,740. He noted the wages for the various positions that would be offered by the business and discussed the project and financial aspects in further detail. He stated the company was looking to potentially locate to other states as well; therefore, Ormond Beach was offering an incentive for the company to choose their location. He noted the company stated they would be making around \$18 million dollars of capital expenditures in the facility if they were to select Ormond Beach, and were planning to take up 70,000 square feet. He noted the benefits of the project, highlighting that the existing vacant building would be brought to capacity.

Commissioner Littleton inquired what the definition of a high wage salary was; whereby, Mr. Rademacher explained Enterprise Florida created average wage requirements by reviewing the average annual wage data from the Bureau of Labor Statistics.

Commissioner Selby clarified the applicant proposed the bare minimum of funds needed to qualify for the grant, but would far exceed that amount on average; whereby, Mr. Rademacher confirmed that was correct.

Commissioner Littleton stated the city's goal was to attract high wage jobs and questioned if the city was doing so, or if they were attracting slightly-above average paying jobs instead; whereby, Mr. Rademacher stated he believed the city was attracting both slightly above average and high wage jobs.

Mayor Partington confirmed the incentives would be performance based; whereby, Mr. Rademacher stated both state and local incentives were performance based and would not be paid out until the company demonstrated and verified that they created the jobs specified and made the capital investment.

Mayor Partington stated there was no guarantee that Bimbo QSR would choose to locate to the City of Ormond Beach. He noted the State of Florida, Volusia County, and the City of Ormond Beach were offering incentives for them to choose this location and explained the purpose behind offering business incentives; whereby, Mr. Rademacher agreed with Mayor Partington.

Mr. Rademacher discussed the incentives the company had been offered through other states outside of Florida. He reiterated the incentive the city was proposing to offer was an inducement for the company to choose to locate to Ormond Beach.

Commissioner Selby discussed the capital investment of the project. He questioned if the personal property equipment would be taxed and if the company would be a tenant or an owner; whereby, Mr. Rademacher stated the equipment would be taxed and the company would have a long term lease.

Commissioner Selby questioned how the capital equipment would be taxed; whereby, Mr. Rademacher stated he did not have an answer to that question at the current time.

Mr. Rademacher stated when the company first looked into the site they were looking to spend \$7.5 million dollars to get the building running, but as they continued to look into the building the actual number appeared to be significantly higher.

Commissioner Selby explained that even though the taxes on the property would remain consistent, some of the capital investment may be in the real property and equipment, which would add to the tax valuation of the property. He noted he had read in the agenda packet materials that if the company chose to locate to Ormond Beach, that location would become their southeast headquarters. He questioned if the company was moving their headquarters from another location; whereby, Mr. Rademacher stated the company currently did not have a southeast headquarters location and this would act as the service provider for the southeastern United States.

Commissioner Persis questioned how long the current building at the property had been vacant; whereby, Mr. Rademacher stated the building had been vacant since 2017 or 2018. He noted there was a tenant at the building previously, but the building was not being used to its full capacity.

Commissioner Kent moved, seconded by Commissioner Persis, for approval of Resolution No. 2020-21, as read by title only.

Mayor Partington stated the building was ideally suited to be a bakery and any business would be better than none at that location. He stated the 115% above average annual Volusia County salary was a good benchmark and listed the benefits of Bimbo QSR establishing their headquarters in Ormond Beach.

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 complimented Item 6L, which approved of a collective bargaining agreement between the City of Ormond Beach and the I.A.F.F.; Item 7M which approved of a collective bargaining agreement between the City of Ormond Beach and the Florida State Fraternal Order of Police, Inc. ("FOP"); and Item 6P which approved of a partnership with the Garden Club of the Halifax Country regarding landscape improvements at Vadner Park.

Mayor Partington recognized the Garden Club of the Halifax Country for cleaning out weeds and invasive plants at the Ormond Memorial Art Museum and Gardens and thanked them for their hard work.

Item #7 – Public Hearings

Mayor Partington opened the public hearings.

Item #7A – 806 Cordova Avenue, Annexation & R-O-W

City Clerk Colby Cilento read by title only:

ORDINANCE NO. 2020-05

AN ORDINANCE ANNEXING CERTAIN REAL PROPERTY INTO THE CITY OF ORMOND BEACH, SAID PROPERTY BEING GENERALLY LOCATED ALONG THE WEST SIDE OF CORDOVA AVENUE APPROXIMATELY 544 LINEAR FEET NORTH OF THE PLAZA GRANDE AVENUE AND CORDOVA AVENUE INTERSECTION AND BEING COMMONLY LOCATED AT 806 CORDOVA AVENUE AND A PORTION OF THE CORDOVA AVENUE RIGHT-OF-WAY; REDEFINING THE TERRITORIAL BOUNDARIES OF THE CITY OF ORMOND BEACH TO INCLUDE THE PROPERTY; REDESIGNATING THE BOUNDARIES OF ZONE 2 OF THE CITY OF ORMOND BEACH TO INCLUDE THE PROPERTY; SETTING FORTH ZONING, PRIVILEGES, AND OBLIGATIONS OF SAID PROPERTY; PROVIDING FOR TRANSMISSION; PROVIDING FOR SEVERABILITY; AND SETTING FORTH AN EFFECTIVE DATE. **(SECOND READING)**

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

Commissioner Selby moved, seconded by Commissioner Kent, for approval of Ordinance No. 2020-05, 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 #7B – Land Development Code Amendment, Annexation Policy

City Clerk Colby Cilento read by title only:

ORDINANCE NO. 2020-06

AN ORDINANCE AMENDING CHAPTER 3, PERFORMANCE STANDARDS, ARTICLE V, UTILITY AND INFRASTRUCTURE DESIGN STANDARDS, SECTION 3-61, UTILITY LINE EXTENSIONS, OF THE CITY OF ORMOND BEACH LAND DEVELOPMENT CODE; TO CLARIFY THE CITY'S ANNEXATION POLICIES RELATED TO UTILITY CONNECTIONS OUTSIDE OF THE CITY'S MUNICIPAL BOUNDARIES; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; PROVIDING FOR SEVERABILITY; AND SETTING FORTH AN EFFECTIVE DATE.

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

Commissioner Selby moved, seconded by Commissioner Littleton, for approval of Ordinance No. 2020-06, on first 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 #7C – Code of Ordinances Amendment, Annexation Policy

City Clerk Colby Cilento read by title only:

ORDINANCE NO. 2020-07

AN ORDINANCE AMENDING SECTION 22-48, INFORMATION, APPROVAL PREREQUISITE TO SERVICE, OF DIVISION 3, NORTH PENINSULA WATER DISTRICT, OF ARTICLE 1, WATER, OF CHAPTER 22, WATER AND SEWERS, OF THE CODE OF ORDINANCES OF THE CITY OF ORMOND BEACH CLARIFYING THAT NEITHER ANNEXATION NOR AN ANNEXATION AGREEMENT ARE REQUIRED AS A CONDITION TO RECEIVING POTABLE WATER SERVICE FROM THE CITY; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; AND SETTING FORTH AN EFFECTIVE DATE.

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

Commissioner Persis moved, seconded by Commissioner Selby, for approval of Ordinance No. 2020-07, on first reading, as read by title only.

Commissioner Selby stated his appreciation for staff bringing the item forward to clarify the city's policy regarding annexation on the North Peninsula. He discussed the ordinance in further detail, clarifying the city providing utility services to residents on the North Peninsula would not result in annexation unless the property owner desired it.

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

Item #7D – 1089 N. US Highway 1 Special Exception Request

City Clerk Colby Cilento read by title only:

RESOLUTION NO. 2020-37

A RESOLUTION AUTHORIZING THE EXECUTION AND ISSUANCE OF A DEVELOPMENT ORDER FOR A SPECIAL EXCEPTION TO ALLOW OUTDOOR ACTIVITY TO INCLUDE ITINERANT VENDING AND LIVE OUTDOOR MUSIC DURING RECOGNIZED SPECIAL EVENTS; AND LIVE OUTDOOR MUSIC UP TO FOUR TIME PER MONTH AT “BOOT HILL SALOON OUTPOST” LOCATED AT 1089 NORTH US HIGHWAY 1, WHICH IS WITHIN THE B-5 (SERVICE COMMERCIAL) ZONING DISTRICT; ESTABLISHING CONDITIONS; AND SETTING FORTH AN EFFECTIVE DATE

Mr. Steven Spraker, Planning Director, presented a PowerPoint presentation to the Commission that reviewed the site location, site history, and the special exception request in detail. He began by discussing the location and the history of the site. He noted in 2014, The City of Ormond Beach adopted the North US 1 Interlocal Service Boundary Agreement (ISBA) to apply city zoning regulations to that corridor, and in 2015 there was a Land Development Code (LDC) amendment which recognized special events and outdoor entertainment activity for two groups: recognized special event hosts, and unimproved properties who had until August of 2019 to establish a permanent business. He explained the property owner of the Boot Hill Saloon Outpost (“Boot Hill”) failed to establish a permanent business prior to the end of the amortization date and lost the ability to conduct special events. He stated the LDC allowed outdoor activities through a special exception, which the applicant was now seeking. He noted the applicant had three specific requests and discussed each one.

Mr. Spraker reviewed the first request, 1A: To allow itinerant vending of up to 24 vendors, including food trucks during recognized special events. He noted that the original request included Turkey Run and Jeep Beach as recognized special events, but explained those events were not included in the ISBA; the Planning Board recommended not recognizing them as special events for the applicant’s first two requests. He reviewed a map of the site and listed other sites that had been approved for outdoor activities in Ormond Beach through the special exception process. He explained the exception proposed a three year agreement. He reviewed the conditions in detail that were proposed for the request and noted the packet included letters of support and denial from residents. He stated the Planning Board and staff recommended approval for itinerant vending for recognized special events, with the removal of Turkey Run and Jeep Beach events.

Mr. Spraker proceeded to review the next request, 1B: To allow live outdoor music from 2:00 p.m. to 10:00 p.m. during special events. He displayed an exhibit of where the outdoor music was proposed to take place. He discussed a sound test neighborhood meeting that was conducted where decibel readings were performed, and noted traffic was the dominant noise contributor in the decibel reading. He reviewed the conditions of the request. He stated the item also had a three year agreement and included a code enforcement provision that provided that if the business received two code violations of the outdoor live entertainment exceeding the time limitation or the maximum decibel levels within a one year period, the applicant would lose the right to have outdoor live entertainment. He stated the Planning Board recommended approval for outdoor music during special events, with the removal of Turkey Run and Jeep Beach events, and staff recommended approval as well.

Mr. Spraker reviewed the final request, 2: To allow live outdoor music as a permanent activity throughout the year up to four times per month on either Saturday or Sunday afternoon from 2:00 p.m. to 5:00 p.m. He stated the Planning Board recommended to limit the number of live performers to two. He reviewed the conditions of the request in detail and noted the same code enforcement provision from the previous item would also apply to this request, which would result in the business losing the right for outdoor music if two code violations were received. He stated the item did not include an expiration date as the previous two requests had. He listed other sites that were approved for outdoor live music in the city and stated the Planning Board recommended approval by a 5-1 vote and staff recommended approval as well.

Mr. Robert Merrell, Cobb Cole, Attorney for the Applicant, reviewed the three requests in detail. He noted the city's legislation was intended to have businesses operate year round and he believed the requests supported that. He reviewed the benefits of each request and the conditions behind each one, noting his client was in agreement with all of the conditions and recommendations. He discussed the process the applicant had gone through, the various stages of the special exception process, and the project in detail. He listed other businesses in the area that provided live music and the positive effects they had on the community. He reiterated the benefits of passing the item and stated he was available for any questions.

Ms. Gloria Gentry, 310 Wall Avenue, discussed a petition that was signed in favor of the special exception for the Boot Hill. She listed the positive impacts it would have on the community and hoped the Commission would consider approving the special exception.

Mr. Alan Yeaton, Daytona Beach, stated his support for the item and the events the Boot Hill provides for the community. He stated the rules and conditions for each item would help control the sound concerns from other residents.

Ms. Judy Garrett, 29 Old Canyon Lane, discussed her disapproval of the item and listed her concerns for unmonitored drinking, sound issues, and traffic impacts that may arise in the area if the item were to pass. She referenced various Ormond Beach Code of Ordinances regarding special exceptions and her reasons why she believed the item should not pass.

Mr. Brian Holt, 106 Deer Run Lake Drive, stated his favor for the item. He discussed the updated landscaping at the site and noted he looked forward to the events the business would hold.

Mr. Dick Hildebrand, 14 Sherrington Drive, discussed his support of the special exception. He showed photos of the current building and discussed other bars in the area that have live music.

Commissioner Persis moved, seconded by Commissioner Littleton, for approval of Resolution No. 2020-37, as recommended by staff and the Planning Board, as read by title only.

Commissioner Selby inquired what the definition of a year round business was; whereby, Mr. Spraker stated the business would need a business tax receipt and would need to have functions that were on a permanent business. He noted within the LDC there was no certain number of days the business needed to be open.

Mr. Randy Hayes, City Attorney, discussed the history of the ISBA and itinerant merchant regulations adopted in 2015. He read the definition of itinerant merchant regulations for primary business use to the Commission and discussed the definition in detail. He explained the reasoning for applying for special exception requests.

Commissioner Selby questioned if the business was in operation at the current time, noting he had visited the property that afternoon and the gates were closed; whereby, Ms. Karin Gehris, Applicant, Owner of the Boot Hill Saloon Outpost, stated the business had opened the prior weekend with a soft opening, but was closed on Mondays and Tuesdays.

Commissioner Selby questioned if Ms. Gehris had owned the property when the original building burned down in 2008; whereby, Ms. Gehris confirmed that was correct and explained she had owned the property since 2005.

Commissioner Selby and Ms. Gehris discussed the use of the property since the fire in 2008 and the location of the property.

Ms. Gehris stated she intended to eventually build a restaurant, and add more landscaping and parking at the location.

Commissioner Persis inquired if the business currently served food; whereby, Ms. Gehris stated they only served packaged food.

Commissioner Kent asked Ms. Gehris if she owned the building to the south of the main building; whereby, she confirmed that she did.

Commissioner Kent disclosed that he had spoken with Mr. Merrell regarding the item. He stated he approved of the new building and landscaping, but disapproved of the poor condition of the building on the south side of the property. He questioned why that building was in that condition; whereby, Ms. Gehris stated the building was a garage to the two buildings that burned down in 2008 and currently had stage pieces in front of it in preparation for bike week. She noted the building would be demolished in the next phase of building.

Commissioner Kent stated he was shocked to see the condition of the building and was surprised the city's Code Enforcement Department had not reached out to correct the issue. He believed it was not fair to local residents to have to view the poor condition of that building and its surrounding landscaping on a daily basis.

Ms. Gehris apologized for the condition and ensured the Commission she would correct the issue.

Commissioner Persis questioned what kind of bands would be performing live music at the venue; whereby, Ms. Gehris stated that during special events it would be performers similar to others that play at local areas for events and throughout the year it would be duos or acoustic performers.

Commissioner Selby questioned if the North US Highway 1 Business Coalition had provided input on the item; whereby, Mr. Spraker stated they had not.

Commissioner Selby started by disclosing he had a conversation with Mr. Merrell. He stated he wished the North US Highway 1 Business Coalition had provided input on the item. He noted even if the item failed, the business would still be able to run the restaurant; but could not have vendors, live music for events, or music year round. He stated the businesses on the list of approved special exceptions had significant capital investments. He discussed the project in detail and noted his concern for the implementation of the ISBA related to the special exception.

Commissioner Selby and Mr. Spraker discussed the ISBA and the property site.

Mr. Hayes discussed the history of the ISBA and itinerant vending in detail. He discussed permanent businesses that were grandfathered in for itinerant vending and outdoor entertainment activity due to those businesses establishing a permanent business by August 27, 2019. He noted the Boot Hill failed to establish a permanent business by the end of the amortization period and now had to apply for a special exception for itinerant vending instead. He discussed the different options the Commission had moving forward and the recommendations before them.

Mayor Partington and Mr. Hayes discussed the three year agreement that was included as part of the special exception for itinerant vending and outdoor music during special events.

Commissioner Kent stated he was not concerned about the music due to other establishments in the area already providing live outdoor music. He discussed the building and history of the site in detail. He stated his concerns for the project, reiterating that the applicant did not meet the deadline for establishing a year round business before the amortization date and his concerns about the timeline of the special exception coming forward right before Bike Week. He discussed the city's work on the corridor in the past and businesses that had been grandfathered in around that area that did as the Commission requested before the amortization period. He stated he felt the special exception was an award for not following the rules. He mentioned in the definition of year round business it stated that there was no itinerant vending or camping, and noted when he visited the site that afternoon there was a camper on the property. He stated he was surprised that staff recommended approval of the special exception. He explained he wanted the business to grow and be a successful year-round business, but was not in support of granting the special exception.

Commissioner Littleton stated he had also spoken with Mr. Merrell. He stated he not share the same feelings as Commissioner Kent, and did not hold it against the business that they failed to establish a permanent business by the end of the amortization period. He noted he supported the special exception.

Mayor Partington stated he would be voting in support of the item. He noted he had spoken with Mr. Merrell as well and appreciated that the applicant was going through the

process the correct way. He explained if the buildings had not caught on fire, the business may not be in the current situation and noted he would take the impact of the fire into consideration when making his decision. He complimented audience remarks speaker Ms. Garrett for explaining her concerns, but stated he was not concerned about the outdoor music. He noted due to the process of the item, if anyone from the North US Highway 1 Coalition had an issue with the request he believed they would have reached out to staff by now. He stated the item had a limited duration, multiple safeguards, and stuck to the ISBA; therefore, he was comfortable supporting it. He stated in three years he would have to review the entire corridor and see how well the business had been managed before deciding to reapprove the exception.

Commissioner Persis also disclosed she spoke with Mr. Merrell. She mentioned the petition that was included in the packet in support of the item. She stated she did not believe the noise would be a major factor and was in favor of the item.

Commissioner Selby stated he was concerned due to North US Highway 1 being the gateway into the city and from hearing complaints from residents in the area. He noted he could hear music during Bike Week from his residence off Beach Street, so he believed the sound would impose an even greater effect on neighborhoods closer to the business. He stated he was concerned about the timing of the item. He noted he could support vendors and music for the special events identified, but only for a one year agreement. He stated he wanted to see a permanent year round business at the site, but did not support year round music for the site at all.

Commissioner Kent stated he could support a one year agreement for the vendors and special event music suggested by Commissioner Selby.

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

Item #7E – 1170 N. US 1 Special Exception Request

City Clerk Colby Cilento read by title only:

RESOLUTION NO. 2020-38

A RESOLUTION AUTHORIZING THE EXECUTION AND ISSUANCE OF A DEVELOPMENT ORDER FOR A SPECIAL EXCEPTION TO ALLOW OUTDOOR ACTIVITY TO INCLUDE ITINERANT VENDING DURING RECOGNIZED SPECIAL EVENTS AT THE "KEGJ HOLDINGS, LLC" LOCATED AT 1170 NORTH U.S. HIGHWAY 1 AND BEING SITUATED WITHIN THE I-1 (LIGHT INDUSTRIAL) ZONING DISTRICT; ESTABLISHING CONDITIONS AND EXPIRATION DATE OF APPROVAL; AND SETTING FORTH AN EFFECTIVE DATE.

Mr. Spraker explained the item was a special exception request to allow itinerant vending of up to 12 vendors and two food trucks during special events operating from 9:00 a.m. to 9:00 p.m. at Custom Lighting Efx located at 1170 North U.S. Highway 1. He discussed the permanent business and displayed a map of the site. He reviewed the conditions for the special exception, noting Turkey Run and Jeep Beach were not recognized as special events for this exception, similar to the last item. He stated the exception would be valid for three years and the Planning Board and staff recommended approval with the removal of the Turkey Run and Jeep Beach events. He clarified the request was solely for up to 12 vendors and did not include live music.

Commissioner Littleton moved, seconded by Commissioner Persis, for approval of Resolution No. 2020-38, as read by title only.

Mr. Kenneth Gardner, Applicant, introduced himself to the Commission and stated he was available for any questions.

Commissioner Selby stated he had driven by the business and questioned how many employees worked for the company; whereby, Mr. Gardner stated himself and one other employee.

Commissioner Selby and Mr. Gardner discussed the business. Commissioner Selby questioned if Mr. Gardner applied for 12 vendors; whereby, Mr. Gardner stated the request was for 12 itinerant vendors and two food vendors.

Commissioner Selby questioned why Boot Hill was approved for 24 vendors while the current exception only approved of 12; whereby, Mr. Spraker explained the larger size of the Boot Hill and noted the current business was leaving space to provide parking.

Commissioner Selby confirmed there were no residential areas behind the site; whereby, Mr. Spraker stated that was correct.

Commissioner Selby confirmed the business was not requesting any music; whereby, Mr. Gardner stated that was correct.

Commissioner Kent thanked Mr. Gardner for having a year-round business.

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

Mayor Partington closed the public hearings without objection.

Item #8 – Resolutions

Mayor Partington opened the public hearings.

Item #8A – 507 South Atlantic Avenue, geometric patterns

City Clerk Colby Cilento read by title only:

RESOLUTION NO. 2020-39
A RESOLUTION APPROVING THE USE OF GEOMETRIC PATTERNS
ON THE FACADE OF THE “CHATEAU MAR BEACH RESORT” AND
DENYING THE USE OF GEOMETRIC PATTERNS ON THE PARKING
LOT WALL AND SEAWALL LOCATED AT 507 SOUTH ATLANTIC
AVENUE; AND SETTING FORTH AN EFFECTIVE DATE.

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

Commissioner Selby moved, seconded by Commissioner Persis, for approval of Resolution No. 2020-39, as read by title only.

Mr. Spraker displayed a PowerPoint Presentation reviewing the request. He stated the hotel had begun painting the location without a re-painting or permit application and was brought to staff through code enforcement. He noted the city’s code allowed geometric patterns and provided other examples that had been approved for those patterns. He stated staff did not object to the patterns on the building, but recommended denial of the use of geometric patterns on the seawall and parking lot wall.

Commissioner Selby stated he had visited the site and viewed the seawall and parking lot wall and did not have an issue with allowing the geometric patterns on both of the walls as well.

Commissioner Persis stated she was not in favor of how busy the patterns were. She stated she did not support seeing the pattern on the seawall or the side of the building.

Commissioner Littleton stated he approved of the geometric patterns and appreciated staff’s recommendation, but also approved of allowing the use of geometric patterns on the seawall and parking lot wall.

Commissioner Kent discussed other buildings that had been approved for geometric patterns by the city. He stated he favored the appearance of the geometric shapes and agreed with approving the patterns on the seawall as well.

Mayor Partington stated he was not thrilled with the view of the seawall from the beach, but was comfortable with it. He stated he was not in favor of the patterns on the front

internal site for the parking lot wall, but noted it could have been due to the appearance of the digital design example.

Commissioner Selby amended his motion to include the approval of geometric patterns on the seawall and interior wall.

Commissioner Persis withdrew her second.

Commissioner Littleton seconded Commissioner Selby's amended motion, for approval of Resolution No. 2020-39, amended to approve the use of geometric patterns on the parking lot wall and seawall.

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

Item #9 – Staff Action Items

Item #9A – Ormond Beach Elementary signage (CRA capital project)

Mr. Spraker presented a PowerPoint Presentation that displayed a site map and images of proposed signage to be implemented at Ormond Beach Elementary School. He discussed the project in detail, explaining the goal was to provide additional signage to identify the parking lot that could be used by residents during non-school hours. He noted the Volusia County School Board's concerns, including individuals parking at the campus during school hours. He stated school board staff was willing to work with local businesses to allow their employees to park there during school hours once they were screened. He reviewed examples of three proposed signs and their suggested locations. He stated staff was seeking direction from the Commission on whether they wished to move forward with the signage. He noted originally, electronic signage was envisioned for the project, but after meeting with school staff they did not recommend it. He stated some of the savings from not using electronic signage would be applied to a project on Florence Street.

Mayor Partington stated he was not in favor of any of the signage. He noted he would prefer the city's Public Works Department provide a more inexpensive sign that read "Ormond Beach Elementary parking during non-school hours" with an arrow pointing in the direction of the lot. He stated he supported continuing to let Ormond Beach MainStreet work with businesses on permit parking at the lot during school hours.

Commissioner Persis stated the signage seemed expensive and believed residents already knew they could park at the lot; therefore, the signage did not seem necessary.

Commissioner Selby noted the biggest challenge of the parking lot was the walk to Ridgewood Avenue and Granada Boulevard. He stated he did not believe it was obvious that residents could park there for the downtown and wished there was a sidewalk that connected from the parking lot down to Granada Boulevard. He stated he would rather see the money go to building a sidewalk and believed the signage was too expensive.

Commissioner Littleton stated he was in favor of the second and third proposed signs, but did not approve of the first sign. He explained he did not wish to provide Community Development Area (CRA) funds to the project and would rather put the funds to another use.

Commissioner Kent noted he agreed with Commissioner Selby. He stated the school may not like the access point of a new sidewalk, but agreed it would improve the lot if there was one or two sidewalks connecting to Granada Boulevard from the parking lot.

Ms. Joyce Shanahan, City Manager, confirmed the Commission did not wish to move forward with any of the signage and instead wished to look at alternatives for pedestrian walkways to Granada Boulevard from the parking lot.

Item #10 – Discussion Items

Item #10A – North Mainland/Ormond Crossings Community Redevelopment Area Extension

Ms. Shanahan explained the Ormond Crossings CRA was set to expire in June of 2020. She discussed the history of the CRA and the request to extend the agreement in detail. She explained with Security First Insurance locating to the area, staff believed they could use the opportunity to build an overpass roadway over the railroad. She stated the city's portion for the overpass project was \$8 million dollars of CRA funds and Volusia County's portion would be \$4 million dollars. She noted staff discussed the project with Volusia County staff and Volusia County Council members. She stated staff believed it was an important part of the Ormond Crossings development and was requesting the Commission's permission to submit a formal request to Volusia County to renew the CRA.

Commissioner Selby stated the item was of high importance and explained he believed the flyover road over the railroad was critical for the success of Ormond Crossings. He stated he feared that the business park may not be able to get enough businesses in the park to generate enough CRA money to build the flyover, and hoped staff or the developer was looking at alternative options to fund the creation of the road. He discussed a site readiness study that was performed by Team Volusia and noted Ormond Crossings was projected to be a major opportunity for industrial growth. He stated he approved of the item.

Commissioner Kent, Commissioner Persis, Commissioner Littleton, and Mayor Partington stated they were in support of the item.

Item #11 – Reports, Suggestions, Requests

Volusia County Council Meeting

Ms. Shanahan stated the MacDonald House ECHO Grant, the Nova Tennis Center Complex Lighting, and the Art Museum ECHO Grant were approved at that day's Volusia County Council meeting.

Upcoming Meetings

Ms. Shanahan stated the Financial Trends City Commission Workshop would take place on Tuesday, March 17, 2020 at 5:30 p.m., followed by the next City Commission meeting.

Flooding Issues

Ms. Shanahan addressed Audience Remarks member Ms. Todora and noted staff was looking into the flooding issues in that neighborhood and the area was scheduled to be reviewed by the Engineering Department next.

Emergency Operations Center

Commissioner Persis asked Ms. Shanahan for an update on the city's progress on the Emergency Operations Center (EOC) whereby, Ms. Shanahan stated a final draft was being worked on and a workshop would likely be held in April.

State legislation on trees

Mr. Hayes stated he provided the Commission with a copy of a *Florida State Statute* that was effective last July regarding preemption of local government regulation. He discussed the history of the statute in detail and explained the statute preempted local government regulation by prohibiting any required notice, application, permit, or approval for any resident removing a tree on private property. He stated the legislature may broaden the statute in the future. He mentioned discussion from members in the community regarding a tree board and explained that such a board may not be very effective due to the preemption. He noted the statute was a bit confusing, but the intention of the preemption was clear. He stated the Quality of Life Advisory Board was able to deal with issues related to trees, which may provide the city with the ability for general oversight, but the ability to regulate the matters on private properties had been significantly preempted by the State of Florida.

Commissioner Littleton stated he requested Mr. Hayes discuss the preemption as it related to a tree board at the meeting and thanked him for doing so.

Mayor Partington thanked Mr. Hayes for clarifying. He discussed the difficulties of state preemption and the impact on Home Rule. He noted the City of Ormond Beach had very strong tree ordinances and discussed how the preemption would impact those ordinances. He encouraged residents who were interested in helping save trees to convince the state legislature in Tallahassee to allow the tree ordinances in Ormond

Beach to serve their purpose. He clarified the city had nothing to do with the statute passing.

Item 7D

Mayor Partington noted a letter he received from Ms. Kathleen and Mr. William Lazarus discussing their opposition for the Boot Hill Saloon Outpost outdoor vending and music. He stated he provided the City Clerk Colby Cilento with a copy of the letter.

Thank you

Commissioner Littleton thanked the Commission for providing leeway on Item 6A and for changing his outlook on the item.

Shrimp Eating Contest

Commissioner Littleton and Mayor Partington discussed the shrimp eating contest they participated in at the Tomoka RiverGrille which supported the city's Fire Cadets and Police Explorers program.

Events

Commissioner Selby stated he was unable to attend the Taste of Ormond event, due to his granddaughters' birthday.

Commissioner Kent, Commissioner Persis, and Mayor Partington complimented the Ormond Beach MainStreet Taste of Ormond event.

Commissioner Selby discussed his trip to Israel and thanked the Commission for handling business while he was gone.

Commissioner Persis stated she visited the Doug Wiggley ballfield for her grandson's t-ball game and complimented the field.

National League of Cities Conference

Commissioner Persis stated she would be traveling to Washington, D.C., with Mayor Partington for the National League of Cities Conference. She discussed the conference and her excitement for attending. She noted she was selected to serve on the Energy, Environment, and Natural Resources Committee and was looking forward to learning more about environmental issues. She thanked the Commission for allowing her to attend.

Coffee with Commissioner Kent

Commissioner Kent stated the next Coffee with Commissioner Kent meeting would take place on Monday, April 6, 2020, from 5:00 p.m. to 6:00 p.m. at his residence, located at 130 Magnolia Drive.

Peach Valley with Commissioner Persis

Commissioner Persis discussed her first Peach Valley with Commissioner Persis event. She noted her next meeting would be held on May 5, 2020, at Peach Valley West at 9:00 a.m.

Item #12 – Adjournment

The meeting was adjourned at 9:27 p.m.

APPROVED: May 12, 2020

BY:

Bill Partington, Mayor

ATTEST:

Colby J. Cilento, City Clerk