

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

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May 12, 2020

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 - March 3, 2020

B. Minutes from special virtual City Commission meeting - April 14, 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. 2020-44:** A RESOLUTION ACCEPTING THE PROPOSAL OF DEX IMAGING, LLC REGARDING COPIER LEASE AND MAINTENANCE SERVICES; AUTHORIZING THE EXECUTION OF AN AGREEMENT AND PAYMENT THEREFOR; REJECTING ALL OTHER PROPOSALS; AND SETTING FORTH AN EFFECTIVE DATE.

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

- B. **RESOLUTION NO. 2020-45:** A RESOLUTION SUPPORTING AND ADOPTING THE UPDATED VOLUSIA COUNTY LOCAL HAZARD MITIGATION PLAN; AND SETTING FORTH AN EFFECTIVE DATE.

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

- C. **RESOLUTION NO. 2020-46:** A RESOLUTION APPROVING THE COMMUNITY DEVELOPMENT BLOCK GRANT ANNUAL PLAN FOR THE 2020-2021 FISCAL YEAR AND THE FIVE-YEAR COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM SCHEDULE FOR THE 2020-2021 THROUGH 2024-2025 FISCAL YEARS; AND SETTING FORTH AN EFFECTIVE DATE.

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

- D. **RESOLUTION NO. 2020-47:** A RESOLUTION AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH MERRELL BROS., INC. REGARDING SLUDGE DISPOSAL SERVICES UNDER CITY OF DAYTONA BEACH BID (ITB 20281); AUTHORIZING PAYMENT THEREFOR; AND SETTING FORTH AN EFFECTIVE DATE.

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

- E. **RESOLUTION NO. 2020-48:** A RESOLUTION ACCEPTING A BID FROM SANDERSON CONCRETE CONSTRUCTION, INC. FOR CONSTRUCTION SERVICES REGARDING THE RIVIERA PARK PARKING IMPROVEMENTS PROJECT, UNDER BID NO. 2020-02; 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. 2020-49:** A RESOLUTION AUTHORIZING THE EXECUTION OF A RENEWAL OF AGREEMENT FOR TRANSPORTATION CONSULTING SERVICES BETWEEN THE CITY AND GHYABI CONSULTING MANAGEMENT, LLC; AND SETTING FORTH AN EFFECTIVE DATE.

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

- G. **RESOLUTION NO. 2020-50:** A RESOLUTION AUTHORIZING THE APPROVAL AND EXECUTION OF A PURCHASE AUTHORIZATION FOR THE PURCHASE OF SIX 2020 DODGE DURANGO PATROL VEHICLES, UNDER FLORIDA SHERIFFS ASSOCIATION BID NO. FSA 19-VEL27.0; AND SETTING FORTH AN EFFECTIVE DATE.

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

- H. **RESOLUTION NO. 2020-51:** A RESOLUTION AUTHORIZING THE EXPENDITURE OF \$22,168.00 FROM THE LAW ENFORCEMENT TRUST (FORFEITURE) FUND TO HAVE ELECTRICAL SERVICES CONNECTED TO THE AUTOMATED LICENSE PLATE READERS AT FOUR INTERSECTIONS IN THE CITY; AND SETTING FORTH AN EFFECTIVE DATE.

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

- I. **RESOLUTION NO. 2020-52:** A RESOLUTION AUTHORIZING THE EXECUTION OF A PUBLIC TRANSPORTATION GRANT AGREEMENT BETWEEN THE CITY OF ORMOND BEACH AND THE FLORIDA DEPARTMENT OF TRANSPORTATION REGARDING THE DESIGN OF PHASE 1 OF THE AIRPORT ACCESS ROAD PROJECT AT THE ORMOND BEACH MUNICIPAL AIRPORT; AND SETTING FORTH AN EFFECTIVE DATE.

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

- J. **RESOLUTION NO. 2020-53:** A RESOLUTION AUTHORIZING THE EXECUTION OF A PUBLIC TRANSPORTATION GRANT AGREEMENT WITH THE FLORIDA DEPARTMENT OF TRANSPORTATION, REGARDING THE DESIGN AND CONSTRUCTION OF THE AIRPORT ACCESS ROAD PROJECT AT THE ORMOND BEACH MUNICIPAL AIRPORT; AND SETTING FORTH AN EFFECTIVE DATE.

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

- K. **RESOLUTION NO. 2020-54:** A RESOLUTION AUTHORIZING A ONE-TIME ADVANCE REFUND OF UTILITY DEPOSITS TO CUSTOMERS; AND SETTING FORTH AN EFFECTIVE DATE.

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

- L. **RESOLUTION NO. 2020-55:** A RESOLUTION AUTHORIZING TEMPORARY BANNER SIGNS FOR BUSINESSES; AUTHORIZING OUTDOOR SEATING/DINING AREAS FOR RESTAURANTS AND FOOD ESTABLISHMENTS LICENSED UNDER CHAPTER 500 OR 509 FLORIDA STATUTES; ESTABLISHING A PERMITTING PROCESS AND CONDITIONS RELATED THERETO; AND SETTING FORTH AN EFFECTIVE DATE.

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

- M. **Request for Proposals - South Ormond Neighborhood Center Fitness Station Equipment**

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

**Disposition:** Approve as recommended in the City Manager memorandum dated May 12, 2020.

- N. **Invitation to Bid - Laboratory Testing Services 2020, Bid No. 2020-23**

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

**Disposition:** Approve as recommended in the City Manager memorandum dated May 12, 2020.

- O. **Invitation to Bid - North US1 Watermain & Forcemain**

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

**Disposition:** Approve as recommended in the City Manager memorandum dated May 12, 2020.

- P. **2020 Floodplain Management Plan Annual Progress Report**

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

**Disposition:** Approve as recommended in the City Manager memorandum dated May 12, 2020.

- Q. **Renewal of Volusia County Cooperation Agreement for FY 2021/22, 2022/23, and 2023/24**

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

**Disposition:** Approve as recommended in the City Manager memorandum dated May 12, 2020.

## 7. PUBLIC HEARINGS

- A. **ORDINANCE NO. 2020-03:** AN ORDINANCE AMENDING THE FUTURE LAND USE ELEMENT OF THE COMPREHENSIVE PLAN TO CLARIFY THE CITY'S ANNEXATION POLICIES RELATED TO UTILITY CONNECTIONS OUTSIDE THE CITY'S MUNICIPAL BOUNDARIES; PROVIDING FOR THE TRANSMISSION OF COPIES OF THE NOTICE AND AMENDMENT TO THE STATE REVIEWING AGENCIES, THE COUNTY OF VOLUSIA, AND ANY

OTHER LOCAL GOVERNMENT OR GOVERNMENTAL AGENCY REQUESTING A COPY; PROVIDING FOR PUBLIC HEARINGS; PROVIDING FOR CONFLICTING ORDINANCES; 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. **(SECOND READING)**

**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. **(SECOND READING)**

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

- D. **ORDINANCE NO. 2020-16:** AN ORDINANCE ANNEXING CERTAIN REAL PROPERTY INTO THE CITY OF ORMOND BEACH, SAID PROPERTIES CONSISTING OF APPROXIMATELY 0.44± ACRES AND BEING GENERALLY LOCATED ALONG THE EAST SIDE OF PLANTATION OAKS BOULEVARD, SOUTH OF PLANTATION OAKS BOULEVARD, WEST OF OLD DIXIE HIGHWAY, AND NORTH OF THE VILLAGE OF PINE RUN SUBDIVISION; AND PORTIONS OF HAMMOND STREET, INDIANA AVENUE, PENNSYLVANIA AVENUE, AND A FIFTEEN FOOT (15') ALLEY WAY CONSISTING OF APPROXIMATELY 2.64± ACRES, SETTING FORTH ZONING PRIVILEGES AND OBLIGATIONS REGARDING THE PROPERTIES; REDEFINING THE TERRITORIAL BOUNDARIES OF THE CITY OF ORMOND BEACH TO INCLUDE THE PROPERTIES; REDESIGNATING THE BOUNDARIES OF ZONE 1 OF THE CITY OF ORMOND BEACH TO INCLUDE THE PROPERTIES; PROVIDING FOR TRANSMISSION; PROVIDING FOR SEVERABILITY; AND SETTING FORTH AN EFFECTIVE DATE.

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

- E. **ORDINANCE NO. 2020-17:** AN ORDINANCE ANNEXING TWO PARCELS OF REAL PROPERTY INTO THE CITY OF ORMOND BEACH, SAID PROPERTIES BEING GENERALLY LOCATED ALONG THE WEST SIDE OF NORTH TYMBER CREEK ROAD APPROXIMATELY 765 LINEAR FEET NORTH OF THE INTERSECTION OF WEST GRANADA BOULEVARD AND NORTH

TYMBER CREEK ROAD BEING COMMONLY LOCATED AT 36 NORTH TYMBER CREEK ROAD (PARCEL ID NO.: 4125-00-00-0221); AND A STORMWATER POND ALONG TYMBER CREEK ROAD WITH NO ADDRESS (PARCEL ID NO.: 4215-00-00-0223); INCLUDING THAT PORTION OF NORTH TYMBER CREEK RIGHT-OF-WAY ABUTTING THE PROPERTY TO WEST GRANADA BOULEVARD; SETTING FORTH ZONING PRIVILEGES AND OBLIGATIONS REGARDING THE PROPERTIES; REDEFINING THE TERRITORIAL BOUNDARIES OF THE CITY OF ORMOND BEACH TO INCLUDE THE PROPERTIES; REDESIGNATING THE BOUNDARIES OF ZONE 3 OF THE CITY OF ORMOND BEACH TO INCLUDE THE PROPERTIES; PROVIDING FOR TRANSMISSION; PROVIDING FOR SEVERABILITY; AND SETTING FORTH AN EFFECTIVE DATE.

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

## 8. FIRST READING OF ORDINANCES

- A. **ORDINANCE NO. 2020-19:** AN ORDINANCE REGARDING THE OFFICE OF MAYOR AND CITY COMMISSIONERS FOR ZONES 1 THROUGH 4 BY PROVIDING FOR AND CALLING A PRIMARY MUNICIPAL ELECTION OF THE REGISTERED ELECTORS OF THE CITY OF ORMOND BEACH TO BE HELD ON AUGUST 18, 2020; PROVIDING FOR AND CALLING A REGULAR MUNICIPAL ELECTION OF THE REGISTERED ELECTORS RESIDING IN THE CITY OF ORMOND BEACH TO BE HELD ON NOVEMBER 3, 2020; PROVIDING FOR QUALIFYING AND ELECTION PROCEDURES; ESTABLISHING A DATE FOR TAKING OFFICE; AUTHORIZING THE EXECUTION OF A MEMORANDUM OF UNDERSTANDING FOR SERVICES AND MATERIALS WITH THE COUNTY OF VOLUSIA; PROVIDING FOR SEVERABILITY; AND SETTING FORTH AN EFFECTIVE DATE.

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

## 9. DISCUSSION ITEMS

- A. **Independence Day Celebration**

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

## 10. REPORTS, SUGGESTIONS, REQUESTS

## 11. ADJOURNMENT

### Item #1 – Meeting Call to Order

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

### Item #2 – Invocation

Father Anderson, Church of the Holy Child, gave the invocation.

Mayor Partington noted if any local faith leaders were interested in volunteering to provide an invocation at a future City Commission meeting they could contact the City Clerk's office.

### Item #3 – Pledge of Allegiance

Mayor Partington led the Pledge of Allegiance.

### Item #4 – Audience Remarks

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

Item #5 – Approval of Minutes

Mayor Partington advised the minutes of the March 3, 2020, regular meeting and April 14, 2020, special virtual 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 Kent moved, seconded by Commissioner Persis, for approval of the consent agenda.**

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

Comments on Consent Agenda Items

Commissioner Littleton commented on Item 6A, which awarded a contract to DEX Imaging, LLC, for the city’s copier lease agreement. He complimented staff on saving funds through the new agreement.

Item #7 – Public Hearings

Mayor Partington opened the public hearings.

Item #7A – Comprehensive Plan Amendment, Future Land Use Element amendment, Policy 5.1.4. regarding annexation

City Clerk Colby Cilento read by title only:

ORDINANCE NO. 2020-03  
 AN ORDINANCE AMENDING THE FUTURE LAND USE ELEMENT OF THE COMPREHENSIVE PLAN TO CLARIFY THE CITY’S ANNEXATION POLICIES RELATED TO UTILITY CONNECTIONS OUTSIDE THE CITY’S MUNICIPAL BOUNDARIES; PROVIDING FOR THE TRANSMISSION OF COPIES OF THE NOTICE AND AMENDMENT TO THE STATE REVIEWING AGENCIES, THE COUNTY OF VOLUSIA, AND ANY OTHER LOCAL GOVERNMENT OR GOVERNMENTAL AGENCY REQUESTING A COPY; PROVIDING FOR PUBLIC HEARINGS; PROVIDING FOR CONFLICTING ORDINANCES; AND SETTING FORTH AN EFFECTIVE DATE. **(SECOND READING)**

Mr. Bill Barber, 24 Kathy Drive, Ormond by the Sea, stated he was charging the city with illegal activity resulting in a pattern and practice of discrimination which resulted in medical harm. He explained he had post-traumatic stress disorder (PTSD) that was triggered through seeing the legal notice in the paper for Ordinance No. 2020-03, regarding annexation of the North Peninsula.

Mayor Partington notified Mr. Barber that his time limit for speaking had expired. He provided Mr. Barber with City Manager Ms. Joyce Shanahan’s business card so he could contact city staff to continue his discussion if he preferred to do so.

Ms. Nancy Smarjesse, 8 Azalea Drive, Ormond by the Sea, stated she was against requiring residents of Ormond by the Sea to annex into the City of Ormond Beach as a requirement for connecting to the city’s utility services.

Mayor Partington explained the ordinance was intended to clarify that residents *did not* have to be annexed into the city in order to receive the city’s utility services.

Ms. Smarjesse noted the legal advertisement in the newspaper implied that the city would require annexation; whereby, Mayor Partington asked City Attorney Mr. Randy Hayes to explain the ordinance in further detail.

Mr. Randy Hayes, City Attorney, stated the ordinance was intended to clarify that annexation in the North Peninsula was not required as a condition to connect to the city's water system. He explained the history of the policy and reiterated the purpose of the ordinance was to clarify annexation was not and would not be required without voluntary consent. He explained the legal advertisements had a limited amount of space and the city could not list the full text of the ordinance in the advertisement. He noted he would be happy to review the ordinance in further detail with her at a later date if she wished to do so.

Mr. Charlie Smarjesse, 8 Azalea Drive, Ormond by the Sea, stated he believed there was a miscommunication regarding the ordinance. He stated he did not understand the advertisement in the paper at the time and was upset due to the impression that the city was requiring annexation, but now understood the intent of the ordinance.

Mayor Partington noted the Commission had received online comments from Mr. Jeffrey Andres, Ormond by the Sea, on Items 6A, 6B, and 6C. He read Mr. Andres's comments which explained that Mr. Andres supported language that clarified homeowners would not have to annex into the city without a public vote, supported language changes that clarified the existing spirit of annexation, and opposed any discussion or change to be required to connect to any city service.

**Commissioner Persis moved, seconded by Commissioner Selby, for approval of Ordinance No. 2020-03, on second 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 #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. **(SECOND READING)**

**Commissioner Kent moved, seconded by Commissioner Persis, for approval of Ordinance No. 2020-06, 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 #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. **(SECOND READING)**

**Commissioner Persis moved, seconded by Commissioner Selby, for approval of Ordinance No. 2020-07, 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 #7D – Annexation, Plantation Oaks, 3 additional parcels & ROW

City Clerk Colby Cilento read by title only:

ORDINANCE NO. 2020-16

AN ORDINANCE ANNEXING CERTAIN REAL PROPERTY INTO THE CITY OF ORMOND BEACH, SAID PROPERTIES CONSISTING OF APPROXIMATELY 0.44± ACRES AND BEING GENERALLY LOCATED ALONG THE EAST SIDE OF PLANTATION OAKS BOULEVARD, SOUTH OF PLANTATION OAKS BOULEVARD, WEST OF OLD DIXIE HIGHWAY, AND NORTH OF THE VILLAGE OF PINE RUN SUBDIVISION; AND PORTIONS OF HAMMOND STREET, INDIANA AVENUE, PENNSYLVANIA AVENUE, AND A FIFTEEN FOOT (15') ALLEY WAY CONSISTING OF APPROXIMATELY 2.64± ACRES, SETTING FORTH ZONING PRIVILEGES AND OBLIGATIONS REGARDING THE PROPERTIES; REDEFINING THE TERRITORIAL BOUNDARIES OF THE CITY OF ORMOND BEACH TO INCLUDE THE PROPERTIES; REDESIGNATING THE BOUNDARIES OF ZONE 1 OF THE CITY OF ORMOND BEACH TO INCLUDE THE PROPERTIES; PROVIDING FOR TRANSMISSION; PROVIDING FOR SEVERABILITY; AND SETTING FORTH AN EFFECTIVE DATE.

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

**Commissioner Kent moved, seconded by Commissioner Selby, for approval of Ordinance No. 2020-16, on first reading, as read by title only.**

Mayor Partington explained the item approved of including additional acreage into a previously approved annexation.

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

Item #7E – Annexation, 36 North Tymber Creek, VC Stormwater pond, TCR ROW

City Clerk Colby Cilento read by title only:

ORDINANCE NO. 2020-17

AN ORDINANCE ANNEXING TWO PARCELS OF REAL PROPERTY INTO THE CITY OF ORMOND BEACH, SAID PROPERTIES BEING GENERALLY LOCATED ALONG THE WEST SIDE OF NORTH TYMBER CREEK ROAD APPROXIMATELY 765 LINEAR FEET NORTH OF THE INTERSECTION OF WEST GRANADA BOULEVARD AND NORTH TYMBER CREEK ROAD BEING COMMONLY LOCATED AT 36 NORTH TYMBER CREEK ROAD (PARCEL ID NO.: 4125-00-00-0221); AND A STORMWATER POND ALONG TYMBER CREEK ROAD WITH NO ADDRESS (PARCEL ID NO.: 4215-00-00-0223); INCLUDING THAT PORTION OF NORTH TYMBER CREEK RIGHT-OF-WAY ABUTTING THE PROPERTY TO WEST GRANADA BOULEVARD; SETTING FORTH



ZONING PRIVILEGES AND OBLIGATIONS REGARDING THE PROPERTIES; REDEFINING THE TERRITORIAL BOUNDARIES OF THE CITY OF ORMOND BEACH TO INCLUDE THE PROPERTIES; REDESIGNATING THE BOUNDARIES OF ZONE 3 OF THE CITY OF ORMOND BEACH TO INCLUDE THE PROPERTIES; PROVIDING FOR TRANSMISSION; PROVIDING FOR SEVERABILITY; AND SETTING FORTH AN EFFECTIVE DATE.

Mr. Steven Spraker, Planning Director, presented a PowerPoint presentation that displayed a map of the area requested for annexation. He noted when the city notified Volusia County of their intent to annex the two parcels of property, Volusia County suggested they annex the storm water pond as well. He noted Volusia County would still maintain the pond, but the annexation would bring the entire area into the city. He discussed pending development for the property and stated the development would need to go through the Planning Board and City Commission for formal approval. He noted staff recommended approval of the item.

Commissioner Selby questioned if a corner of land displayed on the map was owned by the same person who owned the strip of land that the city was annexing; whereby, Mr. Spraker stated they were owned by two separate corporations, but both corporations had the same owner.

Mayor Partington noted the applicant and attorney for the applicant were present if the Commission had any questions.

**Commissioner Kent moved, seconded by Commissioner Persis, for approval of Ordinance No. 2020-17, 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

Mayor Partington closed the public hearings without objection.

Item #8 – First Reading of Ordinances

Item #8A – Ordinance Calling 2020 Primary and Regular City Elections

City Clerk Colby Cilento read by title only:

ORDINANCE NO. 2020-19  
 AN ORDINANCE REGARDING THE OFFICE OF MAYOR AND CITY COMMISSIONERS FOR ZONES 1 THROUGH 4 BY PROVIDING FOR AND CALLING A PRIMARY MUNICIPAL ELECTION OF THE REGISTERED ELECTORS OF THE CITY OF ORMOND BEACH TO BE HELD ON AUGUST 18, 2020; PROVIDING FOR AND CALLING A REGULAR MUNICIPAL ELECTION OF THE REGISTERED ELECTORS RESIDING IN THE CITY OF ORMOND BEACH TO BE HELD ON NOVEMBER 3, 2020; PROVIDING FOR QUALIFYING AND ELECTION PROCEDURES; ESTABLISHING A DATE FOR TAKING OFFICE; AUTHORIZING THE EXECUTION OF A MEMORANDUM OF UNDERSTANDING FOR SERVICES AND MATERIALS WITH THE COUNTY OF VOLUSIA; PROVIDING FOR SEVERABILITY; AND SETTING FORTH AN EFFECTIVE DATE.

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

**Commissioner Kent moved, seconded by Commissioner Selby, for approval of Ordinance No. 2020-19, 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 #9 – Discussion Items

### Item #9A – Independence Day Celebration

Ms. Joyce Shanahan, City Manager, stated the city had their Fourth of July fireworks celebration scheduled for July 4, 2020, but was seeking direction on postponing or cancelling the celebration due to COVID-19. She noted staff had provided options for consideration, including moving the celebration to a later date, cancelling the event, or attempting to limit the size and duration of the celebration, but noted staff was unsure they would be able to successfully limit the size of the event. She stated Florida Governor Ron DeSantis had extended his declaration of emergency through July 7, 2020. She noted that Mr. Hayes had indicated uncertainty of being allowed to host the fireworks on July 4, 2020, since the declaration of emergency would still be in effect at that date. She stated other local cities were struggling with the same issues for their Fourth of July celebrations as well.

Mr. Robert Carolin, Leisure Services Director, stated the fireworks contractor, Fireworks by Santore, had sent a letter to the city providing them with a deadline of May 22, 2020, to make a final decision on whether or not the city would host the fireworks event on July 4. He explained the deadline was necessary due to the company needing to secure the barge that the city used for the fireworks display in advance.

Mr. Hayes stated a legal group consisting of city and county attorneys had conducted a teleconference in which they discussed the issue of hosting Independence Day celebrations. He explained there was no definitive answer as to how to proceed, but noted the City of Ormond Beach would be the first to make a decision.

Mayor Partington discussed the legal aspects of Governor DeSantis's order remaining in place through July 7, 2020. He noted he was inclined to postpone the celebration to Labor Day weekend. He stated he did not want to cancel the event, but wanted to host it at a time where citizens would feel comfortable coming to enjoy the event.

Commissioner Kent discussed his disapproval of canceling the Fourth of July celebration. He noted there were other Saturdays available for the event in July after the declaration of emergency expired. He stated he supported hosting the event sooner than Labor Day, unless it appeared the event would be too close to the emergency declaration and would need to be rescheduled again. He questioned if staff had discussed the Commission choosing an alternate date for the event with the contractor; whereby, Mr. Carolin stated staff had chosen Labor Day weekend and tentatively secured it with the contractor, but explained staff could have a broader conversation to see what other dates would be available if the Commission requested staff to do so.

Commissioner Kent stated he did not approve of canceling the event, but believed the Commission needed to make a decision on what date the event should be postponed to. He noted he supported scheduling the Fourth of July celebration before Labor Day and hosting another event on Labor Day. He stated he was glad Ormond Beach was first to make a decision and provide an example.

Mr. Hayes noted there was no way of telling what Governor DeSantis would decide to do, but mentioned for discussion purposes that by statute the governor was limited to 60 day time periods for declarations of emergency. He listed the options Governor DeSantis would have, but noted if he chose to extend the declaration for another 60 days it would end on September 7, 2020.

Mayor Partington questioned if staff had secured the fireworks for Labor Day, or for another day on Labor Day weekend; whereby, Mr. Carolin stated they were tentatively secured for Saturday, September 5, 2020, but the vendor could be flexible if the Commission wished to adjust the date.

Commissioner Persis stated she agreed that she did not want to cancel the event. She noted her concerns for hosting the celebration on Labor Day weekend due to the event colliding with football season, which she worried would result in low attendance. She suggested July 24, 2020, as a date to host the celebration instead.

Commissioner Littleton questioned if The Casements normally hosted an event on Labor Day weekend; whereby, Mr. Carolin responded they did not.

Commissioner Littleton explained he supported having the fireworks by themselves on the Fourth of July and believed it would make the city unique to other cities. He stated he was not against moving the event to Labor Day, but hoped they would not have to wait that long.

Mayor Partington explained if Ormond Beach was the only city to host fireworks on the Fourth of July it may bring an overabundance of individuals into Ormond Beach, which would make enforcing social distancing guidelines challenging.

Commissioner Selby stated he did not want to cancel the event, but believed the event needed to be postponed so that citizens who were most vulnerable to COVID-19 could still have the option to attend.

Commissioner Selby and Commissioner Persis discussed the potential of Volusia County Schools going back into session in August, 2020.

Commissioner Selby stated he was inclined to move the event to Labor Day weekend and host an Independence Celebration Day on that date. He noted there had been discussion of a surge of COVID-19 in the fall, but stated he was not concerned about it.

Mayor Partington asked for the Commission's direction on providing additional funds to Fireworks by Santore to add additional minutes to the fireworks display; whereby, all members of the Commission supported the idea.

Commissioner Kent stated he supported hosting the event on Saturday, September 5, 2020.

Commissioner Persis noted the event may bring in large crowds and discussed her concerns on how the city would implement health guidelines that may be in place at the time. She stated she wished the event could be held sooner, but approved of waiting to host the event until Labor Day weekend.

Mayor Partington noted he favored Commissioner Selby's idea of an "Independence Day Celebration" event and hoped the time frame would allow staff enough time to plan the event.

#### Item #10 – Reports, Suggestions, Requests

##### COVID-19 Update

Ms. Shanahan noted phase two of Florida's reopening phases would begin when Governor DeSantis decided it was time to reopen after carefully considering medical data from phase one. She noted staff anticipated phase two to be implemented soon. She listed various businesses that were allowed to reopen within the different phases. She noted around 20 City of Ormond Beach employees had been tested for COVID-19 and all tests had come back negative. She stated no employees of the Fire Department or Police Department had tested positive for the virus either. She provided updates on operations at various departments and facilities within the city. She noted the Fire Department was continuing to monitor nursing homes within the area and provided specific updates on those facilities.

Commissioner Selby questioned if Ormond Beach had a higher number of nursing homes than other communities; whereby, Ms. Shanahan stated she did not know specifically but assumed South Florida had a higher number of facilities.

Ms. Shanahan discussed nursing homes in Ormond Beach that had a high number of COVID-19 cases and the actions the city had taken in response to the cases.

Commissioner Selby clarified he was inquiring about the number of nursing home facilities within different cities of Volusia County; whereby, Ms. Shanahan stated she did not know the answer to that question.

##### COVID-19 Testing in Ormond Beach

Ms. Shanahan explained the Florida Department of Health (FDOH) had reached out to the city and was planning to set up a testing facility at the Performing Arts Center. She noted the facility would be administering the COVID-19 nasal swab test and would be opening on May 18, 2020. She discussed the traffic pattern for the site and further details of the testing.

Mayor Partington questioned if a less uncomfortable COVID-19 test would be coming to Ormond Beach; whereby, Ms. Shanahan noted it would not at the current time.

#### Upcoming Meetings

Ms. Shanahan stated the next City Commission meeting would take place on Tuesday, May 26, 2020. She stated the Commission also had a City Commission meeting scheduled on June 9, 2020, and a Capital Improvements Program (CIP) and Draft Budget Workshop on June 23, 2020. She noted at the next meeting she would provide potential dates for holding a workshop to discuss Avalon Park Daytona Beach.

#### Volusia County Business Grant for COVID-19

Commissioner Littleton questioned when Volusia County would be implementing their business grant for businesses effected by COVID-19 and what the city's role was in the process; whereby, Ms. Shanahan discussed the details of the grant program and the qualifications required for businesses to apply for the grant. She noted the city's responsibility was to verify that the businesses had brick and mortar physical locations and had a business tax receipt. She discussed the grant in further detail, noting the funds would not go very far and the city was encouraging businesses to have their paperwork ready to apply early. She noted she did not understand why Volusia County was involving cities in the process at that level of responsibility.

Commissioner Selby inquired if a business would be ineligible for the grant if they had previously received support from other disaster assistive programs; whereby, Ms. Shanahan stated that was her understanding.

Commissioner Selby stated he was pleased to hear that the grants would be reaching businesses that had not yet previously received support.

Mayor Partington questioned how many business tax receipts the city had; whereby, Ms. Shanahan stated she was unsure, but assumed it was around 800 or 900.

Ms. Shanahan noted the grant would be a flat dollar amount of \$3,000. She explained if a business could prove they had at least \$3,000 of damage or revenue loss, they would receive the full \$3,000 grant.

Mayor Partington explained the first round of the grant program would consist of \$10 million dollars and would be able to help 3,333 businesses, noting the City of Ormond Beach had almost 1,000 businesses alone. He stated he was unaware of why Volusia County was involving the city in the documentation of the program, but wanted staff to be quick and hoped extra staff would be ready to do their part in submitting the documents; whereby, Ms. Shanahan stated she had a team of staff prepared to do so.

#### Thank you

Commissioner Persis and Mayor Partington thanked city staff for their dedicated work.

Commissioner Persis thanked Ormond Beach Police Chief Jesse Godfrey and Captain Chris Roos for always being willing to help.

Commissioner Kent thanked Chief Godfrey, Ms. Shanahan, and School Resource Officer Gregory Stokes for assisting in contacting 18 students from Ormond Beach Middle School that the school was unable to get in touch with since they had transitioned to virtual learning. He stated Officer Stokes personally visited each of the 18 students and brought them packets of school supplies. He thanked Ms. Shanahan, Chief Godfrey, and Officer Stokes for their willingness to help.

#### Panera with Persis

Commissioner Persis stated she had been unable to host her Panera with Persis public meetings due to COVID-19, but hoped to make an announcement in upcoming weeks on hosting them once again.

#### Reuse Water

Commissioner Selby thanked City Engineer Mr. Shawn Finley, Ms. Shanahan, and Assistant City Manager Claire Whitley for providing him with an update on the reclaimed water system. He noted he supported additional storage for reuse water and individual meters for reuse water customers and listed his reasons why.

Commissioner Kent stated he did not support providing meters for reuse water homes due to the high price of the meters and explained he felt it was unnecessary since the

city would not be charging the users for overuse of the water. He stated he was told the city planned to have the reuse water available two days a week instead of three days, and would implement limited hours, which would assist in ensuring all reuse customers had access to the reuse water during those limited hours. He noted if that plan was implemented, he would support having more storage for the water. He stated if the city could implement the right plan, they would not have to spend funds on storage or meters.

Mayor Partington noted staff was well aware of issues with reuse water not being available for customers. He stated he agreed citizens should receive a credit if the water was not available, but noted the system was broken. He discussed the reuse water program in detail and the downfalls of the system. He noted interconnects would be taking place with the City of Holly Hill and hoped that would assist in relieving the issue. He noted storage would also help and stated he was willing to look at meters if necessary, but the meters were at the end of his list for possible resolutions. He noted before the city talked about future plans for the system, they needed to figure out the current issues before expanding. He stated there were grant funds for aquifer storage and recovery (ASR) that the city could look into as well. He noted citizens had the mentality that the reuse water would be available at all times, which was not the case. He explained he requested that staff place a disclaimer on the water bill that the reuse water was not always available.

Commissioner Kent stated he agreed with Mayor Partington. He noted the city needed to better educate residents on the issue and discussed ideas on how to do so. He noted the meters would be last on his list of solutions and believed educating citizens on what the days and hours were for the reuse water would help with the issues.

Ms. Shanahan noted the city would be sending letters, updating the website, and sending text messages to citizens regarding the reuse water system.

Mayor Partington stated if citizens understood why the city was making adjustments, he believed they would comply and meters would not be necessary.

Commissioner Selby noted the reuse water was available to most home owners in the evening hours and discussed the possibility of issues with the reuse water resulting from a systemic problem. He noted he had suggested to staff that an employee be assigned to visit a citizen's home when they had concerns regarding the reuse water and ensure the system was properly set-up.

Commissioner Kent stated he had also thought of the issues potentially resulting from individual's systems. He noted the water was available from 4:00 p.m. to 10:00 a.m. and believed the time frame provided leeway for residents to ensure their system and water were working.

#### Andy Romano Beachfront Park

Commissioner Selby stated he was pleased to see parking open and full at Andy Romano Beachfront Park.

Commissioner Kent discussed a visit to Andy Romano Beachfront Park he had with his son.

#### Airport Ball Fields

Commissioner Selby noted he had received requests from residents to open the ball fields at the Ormond Beach Airport. He stated he encouraged staff to reopen the fields with guidance that ten or fewer people in a group could be on the fields at one time.

#### COVID-19 Numbers

Mayor Partington noted Ormond Beach had 94 positive cases of COVID-19, with 70 of those cases in nursing homes. He noted the result left the 32174 and 32176 zip codes with around 24 cases, which was per capita with other local cities and noted there was a possibility that not all of the cases were located within city limits, due to the 32174 and 32176 area codes also encompassing unincorporated areas. He expressed concern for the OPIS nursing home, which had ten deaths from COVID-19, and the lack of transparency from the facility. He hoped the State of Florida would allow more detail on where positive cases were located, while still following Health Insurance Protective Program Agency (HIPPA) laws. He expressed concern regarding information from a Daytona Beach News Journal article written by an expert who had looked into the OPIS nursing home and stated a cursory review of the facility's records came back with no

problematic results, but the facility had a multi-year history of poor infection control, which was now being revealed. He called for FDOH to clean up transparency standards and make more information readily available to the public.

Item #11 – Adjournment

The meeting was adjourned at 8:22 p.m.

APPROVED: May 26, 2020

BY:

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Bill Partington, Mayor

ATTEST:

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Colby J. Cilento, City Clerk