

**MINUTES
ORMOND BEACH CITY COMMISSION
VIRTUAL MEETING**

August 18, 2020

7:00 p.m.

Virtual Meeting

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 – July 28, 2020
 - B. Minutes from City Commission meeting – August 4, 2020
- 6. COMMUNITY REDEVELOPMENT AGENCY**
 - A. **RESOLUTION NO. 2020-101:** A RESOLUTION OF THE CITY COMMISSION, INDIVIDUALLY AND ACTING AS THE COMMUNITY REDEVELOPMENT AGENCY FOR THE CENTRAL BUSINESS DISTRICT AND ADJACENT AREAS, AUTHORIZING THE EXECUTION OF AN ANNUAL SERVICE AGREEMENT FOR ORMOND BEACH MAIN STREET BETWEEN THE CITY/AGENCY AND ORMOND BEACH MAIN STREET, INC., FOR THE PROMOTION OF ECONOMIC, PHYSICAL AND AESTHETIC REDEVELOPMENT AND MAINTENANCE OF THE ORMOND BEACH MAIN STREET DISTRICT; AND SETTING FORTH AN EFFECTIVE DATE. **(SEE ITEM 7A)**

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

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

 - A. **RESOLUTION NO. 2020-101:** A RESOLUTION OF THE CITY COMMISSION, INDIVIDUALLY AND ACTING AS THE COMMUNITY REDEVELOPMENT AGENCY FOR THE CENTRAL BUSINESS DISTRICT AND ADJACENT AREAS, AUTHORIZING THE EXECUTION OF AN ANNUAL SERVICE AGREEMENT FOR ORMOND BEACH MAIN STREET BETWEEN THE CITY/AGENCY AND ORMOND BEACH MAIN STREET, INC., FOR THE PROMOTION OF ECONOMIC, PHYSICAL AND AESTHETIC REDEVELOPMENT AND MAINTENANCE OF THE ORMOND BEACH MAIN STREET DISTRICT; AND SETTING FORTH AN EFFECTIVE DATE.

Staff Contact: Steven Spraker, Planning Director (386-676-3341)
 - B. **RESOLUTION NO. 2020-102:** A RESOLUTION AUTHORIZING THE ACCEPTANCE OF A PUBLIC UTILITY, ACCESS AND

MAINTENANCE EASEMENT DEED FROM THE NORTHWESTERN MUTUAL LIFE INSURANCE COMPANY, FOR PHASES 3, 4, AND 5 OF THE ABERDEEN AT ORMOND BEACH RESIDENTIAL DEVELOPMENT LOCATED AT 39 BEAVER LAKE CIRCLE (VOLUSIA COUNTY PARCEL NUMBER 4229-00-00-0028); AND SETTING FORTH AN EFFECTIVE DATE.

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

- C. **RESOLUTION NO. 2020-103:** A RESOLUTION AMENDING THE DATES AND TIMES FOR THE HOLDING OF REGULAR MEETINGS OF THE CITY COMMISSION OF THE CITY OF ORMOND BEACH, FLORIDA, FOR THE MONTHS OF OCTOBER AND NOVEMBER 2020; PROVIDING FOR EXCEPTIONS THERETO; AND SETTING FORTH AN EFFECTIVE DATE.

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

- D. **RESOLUTION NO. 2020-104:** A RESOLUTION AUTHORIZING THE EXECUTION OF AN AMENDMENT AND RENEWAL OF A SCHOOL RESOURCE OFFICER AGREEMENT BETWEEN THE CITY OF ORMOND BEACH AND THE SCHOOL BOARD OF VOLUSIA COUNTY; AND SETTING FORTH AN EFFECTIVE DATE.

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

- E. **RESOLUTION NO. 2020-105:** A RESOLUTION NAMING THE LIMITLESS PLAYGROUND AT THE ORMOND BEACH SPORTS COMPLEX THE "RICK FERRITTO LIMITLESS PLAYGROUND"; AND SETTING FORTH AN EFFECTIVE DATE.

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

- F. **RESOLUTION NO. 2020-106:** A RESOLUTION AUTHORIZING A COST OF LIVING INCREASE BASED ON THE CONSUMER PRICE INDEX PURSUANT TO THE AMENDMENT AND RESTATEMENT OF AGREEMENT FOR GROUNDS MAINTENANCE SERVICES BETWEEN THE CITY OF ORMOND BEACH AND AUSTIN OUTDOOR, LLC D/B/A YELLOWSTONE LANDSCAPE, INC.; AND SETTING FORTH AN EFFECTIVE DATE.

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

- G. **RESOLUTION NO. 2020-107:** A RESOLUTION AUTHORIZING A COST OF LIVING INCREASE BASED ON THE CONSUMER PRICE INDEX PURSUANT TO THE AMENDMENT AND RESTATEMENT OF AGREEMENT FOR FIELD MAINTENANCE SERVICES BETWEEN THE CITY OF ORMOND BEACH AND AUSTIN OUTDOOR, LLC D/B/A YELLOWSTONE LANDSCAPE, INC.; AND SETTING FORTH AN EFFECTIVE DATE.

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

- H. **RESOLUTION NO. 2020-108:** A RESOLUTION ACCEPTING BIDS AND AUTHORIZING THE PURCHASE OF VARIOUS CHEMICALS FOR THE CITY'S WATER AND WASTEWATER TREATMENT PLANTS, UNDER BID NO. 2020-24; WAIVING CERTAIN MINIMUM INSURANCE REQUIREMENTS; AUTHORIZING PAYMENT THEREFOR; REJECTING ALL OTHER BIDS; AND SETTING FORTH AN EFFECTIVE DATE.

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

- I. **RESOLUTION NO. 2020-109:** A RESOLUTION AUTHORIZING THE SUBMITTAL OF AN ON-LINE GRANT APPLICATION IN THE AMOUNT OF \$12,195.00 TO THE UNITED STATES DEPARTMENT OF JUSTICE, OFFICE OF JUSTICE PROGRAMS, UNDER THE EDWARD BYRNE JUSTICE ASSISTANCE GRANT PROGRAM; AUTHORIZING THE EXECUTION OF ALL DOCUMENTS INCIDENTAL THERETO, INCLUDING ANY CONTRACT NECESSARY FOR THE CITY TO ACCEPT THE GRANT AWARD; AND SETTING FORTH AN EFFECTIVE DATE.

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

- J. **RESOLUTION NO. 2020-110:** A RESOLUTION AUTHORIZING THE ACCEPTANCE OF A GRANT FROM THE U.S. DEPARTMENT OF HOMELAND SECURITY, UNDER THE ASSISTANCE TO FIREFIGHTERS GRANT PROGRAM, FOR FUNDING ASSISTANCE TO PURCHASE PERSONAL SAFETY AND FIREFIGHTING EQUIPMENT; AUTHORIZING THE EXECUTION OF ALL DOCUMENTS INCIDENTAL THERETO, INCLUDING ANY CONTRACT NECESSARY FOR THE CITY TO ACCEPT THE GRANT AWARD; AND SETTING FORTH AN EFFECTIVE DATE.

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

- K. **RESOLUTION NO. 2020-111:** A RESOLUTION APPROVING A RENT ADJUSTMENT PAID BY GOLDEN EAGLE ASSOCIATES, INC. TO THE CITY FOR THE OPERATION OF THE CONCESSION STAND AT THE ANDY ROMANO BEACHFRONT PARK; AND SETTING FORTH AN EFFECTIVE DATE.

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

- L. **RESOLUTION NO. 2020-112:** A RESOLUTION APPROVING A SETTLEMENT PROPOSAL REGARDING THE WORKERS' COMPENSATION CLAIM OF DAVID STARKE; AUTHORIZING THE EXECUTION OF ANY AND ALL DOCUMENTS INCIDENTAL THERETO; AUTHORIZING PAYMENT RELATIVE THERETO; AND SETTING FORTH AN EFFECTIVE DATE.

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

- M. **RESOLUTION NO. 2020-113:** A RESOLUTION AUTHORIZING THE EXECUTION OF A ONE-YEAR RENEWAL TO THE INTERLOCAL AGREEMENT FOR THE DISTRIBUTION OF PROCEEDS OF THE LOCAL OPTION FUEL TAX BETWEEN THE CITY OF ORMOND BEACH AND THE COUNTY OF VOLUSIA; AND SETTING FORTH AN EFFECTIVE DATE.

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

- N. **Request for Proposals - Water Well Assessment and Rehabilitation Services**

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

Disposition: Approve as recommended in the City Manager memorandum dated August 18, 2020.

- O. **Request for Proposals - Process Control System, Equipment, and Instrumentation Services**

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

Disposition: Approve as recommended in the City Manager memorandum dated August 18, 2020.

P. Invitation to Bid - Banner Pole Replacement

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

Disposition: Approve as recommended in the City Manager memorandum dated August 18, 2020.

Q. City's use of Edenfield Corporation for Stormwater Pond Maintenance

Staff Contact: Kevin Gray, Public Works Operations Manager (386-676-3577)

Disposition: Approve as recommended in the City Manager memorandum dated August 18, 2020.

R. U.S. Department of Housing and Urban Development (HUD) Entitlement Status

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

Disposition: Approve as recommended in the City Manager memorandum dated August 18, 2020.

S. CARES Act Funding

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

Disposition: Approve as recommended in the City Manager memorandum dated August 18, 2020.

8. PUBLIC HEARINGS

A. ORDINANCE NO. 2020-38: AN ORDINANCE AMENDING PARAGRAPH C, OFFICIAL ZONING MAP, OF SECTION 2-01, ESTABLISHED, OF ARTICLE 1, ESTABLISHMENT OF ZONING DISTRICTS AND OFFICIAL ZONING MAP, OF CHAPTER 2, DISTRICT AND GENERAL REGULATIONS, OF THE CITY OF ORMOND BEACH LAND DEVELOPMENT CODE, BY AMENDING THE OFFICIAL ZONING MAP TO REZONE REAL PROPERTY AS A RESULT OF THE COMPREHENSIVE PLAN AMENDMENTS THAT IMPLEMENTED THE PROVISIONS OF THE FIRST AMENDED INTERLOCAL SERVICE BOUNDARY AGREEMENT (ISBA) BETWEEN THE CITY OF ORMOND BEACH AND THE COUNTY OF VOLUSIA; AUTHORIZING REVISION OF THE OFFICIAL ZONING MAP; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; AND SETTING FORTH AN EFFECTIVE DATE. **(SECOND READING)**

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

B. ORDINANCE NO. 2020-39: AN ORDINANCE AMENDING PARAGRAPH C, OFFICIAL ZONING MAP, OF SECTION 2-01, ESTABLISHED, OF ARTICLE 1, ESTABLISHMENT OF ZONING DISTRICTS AND OFFICIAL ZONING MAP, OF CHAPTER 2, DISTRICT AND GENERAL REGULATIONS, OF THE CITY OF ORMOND BEACH LAND DEVELOPMENT CODE, BY AMENDING THE OFFICIAL ZONING MAP TO REZONE CERTAIN REAL PROPERTY TOTALING 0.18± ACRES LOCATED AT 806

CORDOVA AVENUE FROM VOLUSIA COUNTY R-5 (URBAN SINGLE-FAMILY RESIDENTIAL) TO ORMOND BEACH R-3 (SINGLE-FAMILY MEDIUM DENSITY), AUTHORIZING REVISION OF OFFICIAL ZONING MAP; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; AND SETTING FORTH AN EFFECTIVE DATE. **(SECOND READING)**

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

- C. **ORDINANCE NO. 2020-40:** AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF ORMOND BEACH, FLORIDA, VACATING A PORTION OF PINELAND TRAIL EAST OF INTERSTATE 95, ABUTTING VOLUSIA COUNTY PARCEL NUMBER 3136-01-74-0010; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; PROVIDING FOR RECORDATION AND TRANSMITTAL; AND SETTING FORTH AN EFFECTIVE DATE. **(SECOND READING)**

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

- D. **ORDINANCE NO. 2020-41:** AN ORDINANCE AMENDING THE CITY OF ORMOND BEACH LAND DEVELOPMENT CODE BY AMENDING CHAPTER 1, GENERAL ADMINISTRATION, ARTICLE III, DEFINITIONS AND ACRONYMS, SECTION 1-22, DEFINITIONS OF TERMS AND WORDS; CHAPTER 2, DISTRICT AND GENERAL REGULATIONS, ARTICLE II, DISTRICT REGULATIONS, SECTION 2-22, B-1 (PROFESSIONAL OFFICE/HOSPITAL), SECTION 2-25, B-4 (CENTRAL BUSINESS), SECTION 2-26, B-5 (SERVICE COMMERCIAL), SECTION 2-28, B-7 (HIGHWAY TOURIST COMMERCIAL), SECTION 2-29, B-8 (COMMERCIAL), SECTION 2-30, B-9 (BOULEVARD), AND SECTION 2-31, B-10 (SUBURBAN BOULEVARD); AND CHAPTER 2, DISTRICT AND GENERAL REGULATIONS, ARTICLE IV, CONDITIONAL AND SPECIAL EXCEPTION REGULATION, SECTION 2-57, CRITERIA FOR REVIEW OF SPECIFIC CONDITIONAL AND SPECIAL EXCEPTION TO PROVIDE DEFINITIONS AND REGULATIONS FOR COSMETIC TATTOOING; 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)

- E. **ORDINANCE NO. 2020-42:** AN ORDINANCE AMENDING ARTICLE XII, BODY ILLUSTRATIONS (TATTOOING), OF CHAPTER 12, BUSINESS REGULATIONS, OF THE CODE OF ORDINANCES, BY DELETING SECTION 12-376, MEDICAL OR DENTAL SUPERVISION; AND DELETING SECTION 12-377, BUSINESS TAX RECEIPT REQUIRED; 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)

- F. **ORDINANCE NO. 2020-43:** AN ORDINANCE AMENDING THE FUTURE LAND USE ELEMENT OF THE COMPREHENSIVE PLAN OF THE CITY OF ORMOND BEACH BY AMENDING THE FUTURE LAND USE MAP TO CHANGE THE DESIGNATION OF ONE (1) PARCEL OF REAL PROPERTY TOTALING 3.42± ACRES LOCATED AT 40 NORTH TYMBER CREEK ROAD, VOLUSIA COUNTY PROPERTY APPRAISER PARCEL NUMBER 4125-00-00-

0223 FROM VOLUSIA COUNTY "ENVIRONMENTAL SYSTEM CORRIDOR" (ESC) AND "URBAN LOW INTENSITY" (ULI) TO ORMOND BEACH "OPEN SPACE/CONSERVATION" (OSC); PROVIDING FOR CONFLICT; AUTHORIZING TRANSMITTAL; AND SETTING FORTH AN EFFECTIVE DATE. **(SECOND READING)**

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

9. STAFF ACTION ITEMS

A. Special Event Permitting

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

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

Pastor Jason Holt, Salty Church, gave the invocation.

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 July 28, 2020, and August 4, 2020, regular meetings had been sent to the Commission for review and were posted on the city's website for public viewing. He asked for any corrections, additions, or omissions. He stated that hearing no corrections, the minutes would stand approved as presented.

Item #6 – Community Redevelopment Agency

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

Mayor Partington recessed the City Commission meeting, called the CRA meeting to order, and opened the public hearings, at 7:06 p.m.

Item #6A – 2020-21 Service Agreement for Ormond Main Street

City Clerk Colby Cilento read by title only:

RESOLUTION NO. 2020-101

A RESOLUTION OF THE CITY COMMISSION, INDIVIDUALLY AND ACTING AS THE COMMUNITY REDEVELOPMENT AGENCY FOR THE CENTRAL BUSINESS DISTRICT AND ADJACENT AREAS, AUTHORIZING THE EXECUTION OF AN ANNUAL SERVICE AGREEMENT FOR ORMOND BEACH MAIN STREET BETWEEN THE CITY/AGENCY AND ORMOND BEACH MAIN STREET, INC., FOR THE PROMOTION OF ECONOMIC, PHYSICAL AND AESTHETIC REDEVELOPMENT AND MAINTENANCE OF THE ORMOND BEACH MAIN STREET DISTRICT; AND SETTING FORTH AN EFFECTIVE DATE. **(SEE ITEM 7A)**

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

Commissioner Kent moved, seconded by Commissioner Persis, for approval of Resolution No. 2020-101, as read by title only.

Commissioner Selby discussed his approval of the agreement with Ormond Beach MainStreet and complimented Downtown Ormond Beach.

The motion passed by voice vote.

Mayor Partington closed the public hearing, adjourned the CRA meeting, and reconvened the City Commission meeting at 7:08 p.m.

Item #7 – 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 Persis moved, seconded by Commissioner Kent, for approval of the consent agenda.

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

Comments on Consent Agenda Items

Commissioner Persis discussed her approval of Item 7E, which approved renaming the Ormond Beach Limitless Playground to "*Rick Ferritto Limitless Playground*"; and Item 7J, which authorized the acceptance of a grant from the U.S. Department of Homeland Security for funding assistance to purchase personal safety and firefighting equipment.

Commissioner Selby commented on Item 7D, which approved an agreement with the Volusia County School Board for joint funding of the school resource officer at Ormond Beach Middle School; Item 7F, which approved a cost of living increase to the Yellowstone Landscape agreement for grounds maintenance services; Item 7G, which approved a cost of living increase to the Yellowstone Landscape agreement for field maintenance services; Item 7I, which authorized a grant submittal to the United States Department of Justice for law enforcement equipment; and Item 7O, which approved the city's intent to issue a request for proposals (RFP) for process control system, equipment, and instrumentation services.

Item #8 – Public Hearings

Item #8A – First Amended ISBA Zoning Map Amendment

City Clerk Colby Cilento read by title only:

ORDINANCE NO. 2020-38

AN ORDINANCE AMENDING PARAGRAPH C, OFFICIAL ZONING MAP, OF SECTION 2-01, ESTABLISHED, OF ARTICLE 1, ESTABLISHMENT OF ZONING DISTRICTS AND OFFICIAL ZONING MAP, OF CHAPTER 2, DISTRICT AND GENERAL REGULATIONS, OF THE CITY OF ORMOND BEACH LAND DEVELOPMENT CODE, BY AMENDING THE OFFICIAL ZONING MAP TO REZONE REAL PROPERTY AS A RESULT OF THE COMPREHENSIVE PLAN AMENDMENTS THAT IMPLEMENTED THE PROVISIONS OF THE FIRST AMENDED INTERLOCAL SERVICE BOUNDARY AGREEMENT (ISBA) BETWEEN THE CITY OF ORMOND BEACH AND THE COUNTY OF VOLUSIA; AUTHORIZING REVISION OF THE OFFICIAL ZONING MAP; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; AND SETTING FORTH AN EFFECTIVE DATE. **(SECOND READING)**

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

Commissioner Selby moved, seconded by Commissioner Kent, for approval of Ordinance No. 2020-38, 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 #8B – 806 Cordova Avenue, Zoning Map Amendment

City Clerk Colby Cilento read by title only:

ORDINANCE NO. 2020-39

AN ORDINANCE AMENDING PARAGRAPH C, OFFICIAL ZONING MAP, OF SECTION 2-01, ESTABLISHED, OF ARTICLE I, ESTABLISHMENT OF ZONING DISTRICTS AND OFFICIAL ZONING MAP, OF CHAPTER 2, DISTRICT AND GENERAL REGULATIONS, OF THE CITY OF ORMOND BEACH LAND DEVELOPMENT CODE, BY AMENDING THE OFFICIAL ZONING MAP TO REZONE CERTAIN REAL PROPERTY TOTALING 0.18± ACRES LOCATED AT 806 CORDOVA AVENUE FROM VOLUSIA COUNTY R-5 (URBAN SINGLE-FAMILY RESIDENTIAL) TO ORMOND BEACH R-3 (SINGLE-FAMILY MEDIUM DENSITY), AUTHORIZING REVISION OF OFFICIAL ZONING MAP; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; AND SETTING FORTH AN EFFECTIVE DATE. **(SECOND READING)**

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

Commissioner Kent moved, seconded by Commissioner Littleton, for approval of Ordinance No. 2020-39, 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 #8C – Partial Pineland Road ROW vacation

City Clerk Colby Cilento read by title only:

ORDINANCE NO. 2020-40

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF ORMOND BEACH, FLORIDA, VACATING A PORTION OF PINELAND TRAIL EAST OF INTERSTATE 95, ABUTTING VOLUSIA COUNTY PARCEL NUMBER 3136-01-74-0010; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; PROVIDING FOR RECORDATION AND TRANSMITTAL; AND SETTING FORTH AN EFFECTIVE DATE. **(SECOND READING)**

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

Commissioner Persis moved, seconded by Commissioner Selby, for approval of Ordinance No. 2020-40, on second reading, as read by title only.

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

Item #8D – LDC Amendments to allow Cosmetic Tattooing/Permanent Cosmetics

City Clerk Colby Cilento read by title only:

ORDINANCE NO. 2020-41

AN ORDINANCE AMENDING THE CITY OF ORMOND BEACH LAND DEVELOPMENT CODE BY AMENDING CHAPTER 1, GENERAL ADMINISTRATION, ARTICLE III, DEFINITIONS AND ACRONYMS, SECTION 1-22, DEFINITIONS OF TERMS AND WORDS; CHAPTER 2, DISTRICT AND GENERAL REGULATIONS, ARTICLE II, DISTRICT REGULATIONS, SECTION 2-22, B-1 (PROFESSIONAL OFFICE/HOSPITAL), SECTION 2-25, B-4 (CENTRAL BUSINESS), SECTION 2-26, B-5 (SERVICE COMMERCIAL), SECTION 2-28, B-7 (HIGHWAY TOURIST COMMERCIAL), SECTION 2-29, B-8 (COMMERCIAL), SECTION 2-30, B-9 (BOULEVARD), AND SECTION 2-31, B-10 (SUBURBAN BOULEVARD); AND CHAPTER 2, DISTRICT AND GENERAL REGULATIONS, ARTICLE IV, CONDITIONAL AND SPECIAL EXCEPTION REGULATION, SECTION 2-57, CRITERIA FOR REVIEW OF SPECIFIC CONDITIONAL AND SPECIAL EXCEPTION TO PROVIDE DEFINITIONS AND REGULATIONS FOR COSMETIC TATTOOING; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; PROVIDING FOR SEVERABILITY; AND SETTING FORTH AN EFFECTIVE DATE. **(SECOND READING)**

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

Commissioner Littleton moved, seconded by Commissioner Persis, for approval of Ordinance No. 2020-41, 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 #8E – Code of Ordinances, Body Illustrations (Tattooing)

City Clerk Colby Cilento read by title only:

ORDINANCE NO. 2020-42

AN ORDINANCE AMENDING ARTICLE XII, BODY ILLUSTRATIONS (TATTOOING), OF CHAPTER 12, BUSINESS REGULATIONS, OF THE CODE OF ORDINANCES, BY DELETING SECTION 12-376, MEDICAL OR DENTAL SUPERVISION; AND DELETING SECTION 12- 377, BUSINESS TAX RECEIPT REQUIRED; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; PROVIDING FOR SEVERABILITY; AND SETTING FORTH AN EFFECTIVE DATE. **(SECOND READING)**

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

Commissioner Persis moved, seconded by Commissioner Selby, for approval of Ordinance No. 2020-42, 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 #8F – 40 Tymber Creek Road, land use amendment

City Clerk Colby Cilento read by title only:

ORDINANCE NO. 2020-43

AN ORDINANCE AMENDING THE FUTURE LAND USE ELEMENT OF THE COMPREHENSIVE PLAN OF THE CITY OF ORMOND BEACH BY AMENDING THE FUTURE LAND USE MAP TO CHANGE THE DESIGNATION OF ONE (1) PARCEL OF REAL PROPERTY TOTALING 3.42± ACRES LOCATED AT 40 NORTH TYMBER CREEK ROAD, VOLUSIA COUNTY PROPERTY APPRAISER PARCEL NUMBER 4125-00-00-0223 FROM VOLUSIA COUNTY “ENVIRONMENTAL SYSTEM CORRIDOR” (ESC) AND “URBAN LOW INTENSITY” (ULI) TO ORMOND BEACH “OPEN SPACE/CONSERVATION” (OSC); PROVIDING FOR

CONFLICT; AUTHORIZING TRANSMITTAL; AND SETTING FORTH AN EFFECTIVE DATE. **(SECOND READING)**

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

Commissioner Kent moved, seconded by Commissioner Littleton, for approval of Ordinance No. 2020-43, 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 #9 – Staff Action Items

Item #9A – Special Event Permitting

Mr. Steven Spraker, Planning Director, noted the purpose of the item was to obtain direction from the Commission on allowing special events, primarily along the North Highway US 1 corridor. He displayed a PowerPoint Presentation that reviewed the various types of special event permits and a list of special event host properties along North US Highway 1. He discussed the financial support the special events provided to local businesses and noted the city had not issued any special event permits since March 16, 2020, due to the COVID-19 pandemic. He reviewed data regarding the number of COVID-19 cases in the State of Florida and Volusia County. He stated staff recommended to continue *not issuing* special event permits until the end of the calendar year, or until Florida Governor Ron DeSantis issued phase three of the reopening order for the State of Florida; whichever occurred first. He noted businesses would not be allowed to have itinerant vendors, food trucks, or outdoor entertainment without the special event permit; but could still conduct their normal indoor activity.

Mr. Dean Pepe, 1635 North US Highway 1, General Council of Destination Daytona, discussed the importance of the upcoming Biketoberfest event and noted it was one of the highest financial revenue generators that occurred in the city. He explained Destination Daytona was committed to implementing measures outlined by the Centers for Disease Control (CDC) and listed reasons why he believed the Commission should allow the issuance of special event permits.

Mr. John Crotts, 253 Destination Daytona Lane, owner of J&P Cycles Destination Daytona Superstore, listed guidelines that he believed could be implemented at Biketoberfest to assist in making the event safe. He discussed health procedures his company followed while attending the Annual Sturgis Rally (Sturgis) in South Dakota, and noted his support for allowing the special event permit for Biketoberfest.

Mr. Brian Holt, 106 Deer Run Lake Drive, noted he was the special event marketing sponsorship director for biker clothing apparel at Destination Daytona. He stated Biketoberfest provided important financial revenue to businesses in Destination Daytona. He discussed guidelines his business had followed while attending Sturgis and stated he believed the special event permit for Biketoberfest should be approved.

The City Clerk, Ms. Colby Cilento, read a letter from a resident into the record:

“Honorable Members City Commissioners City of Ormond Beach

RE: My comments on Biketoberfest event scheduled for approximately October 12, 2020, through October 15, 2020.

Commissioners et al:

My name is William Bay, resident of Ormond Beach since 1970 and master host for special events currently. Operating biker events at 1065 N US Highway 1 Ormond Beach since 1998.

In my opinion, it is difficult and probably 90 percent impossible to police the wearing of face masks, even if bars were closed during the event; also if concerts were eliminated, which is another risk as well.

My opinion is to not allow permits for vendors and not issue master host permits until later in October 2020. To allow this Biketoberfest event creates huge virus liabilities for visitors, as well as our local residents.

*Thanks,
William Bay”*

Commissioner Persis thanked all audience speakers for commenting on the item. She explained she was against issuing the special event permits, as she did not want the City of Ormond Beach to be responsible for any individual's illness or death. She discussed further reasons why she believed the city should not allow the permits and reiterated her disapproval of the item.

Commissioner Selby stated he could support allowing special event permits if the businesses applying for the permits were going to be CDC compliant and follow all health guidelines. He noted he believed that visitors were going to come to the area for Biketoberfest regardless of the decision made by the Commission, and felt the outdoor vendors would help to keep persons from congregating indoors. He stated into the record that he had spoken with audience speaker Mr. Pepe and also knew Mr. Holt and Mr. Bay. He stated he believed the event could be held in a safe way and discussed his support for the issuance of the permits.

Commissioner Littleton noted people had been dealing with the COVID-19 pandemic for months and were aware of the guideline recommendations and risks associated with the virus. He stated Biketoberfest attendees were typically adults and believed they should be able to make their own decision on attending the event. He stated his support for issuing the special event permit for Biketoberfest.

Commissioner Kent inquired if bars had opened and at what capacity restaurants had to operate at in the State of Florida; whereby, Mr. Spraker stated bars were not open and restaurants had to operate at 50 percent indoor seating, with allowance for outdoor seating.

Commissioner Kent questioned how staff planned to implement procedures and guidelines at Biketoberfest; whereby, Mr. Spraker stated Code Enforcement, the Police Department, and state agencies would do their best to ensure businesses were complying with regulations.

Commissioner Kent stated he believed staff would implement a plan to ensure guidelines would be followed at Biketoberfest if special event permits were to be approved. He discussed the input provided by each Commissioner and stated he appreciated hearing each of their opinions. He noted he was inclined to allow the issuance of special event permits since those in attendance would know the risks and make their own decision on attending, but stated he wished to hear further comments from Mayor Partington and staff before providing a final answer.

Mayor Partington noted he understood both sides of the issue and thanked all audience speakers for their comments. He explained the city was not promoting or condoning any public or private events. He stated he did not feel the Commission had to decide on direction for the issuance of the permits that evening, and preferred to watch the number of COVID-19 cases over the upcoming weeks before making a final decision. He stated he hoped to see the positivity rate for COVID-19 remain below five percent for two weeks before issuing the permits. He noted the effects the event may have on the Police Department and Fire Department employees and did not feel it was fair to put them at risk. He stated he preferred to continue the discussion at future meetings, noting there were three Commission meetings scheduled to take place before Biketoberfest. He explained if Governor DeSantis implemented phase three of Florida's reopening plan by the time of the event and the numbers were trending well, then he would not have a problem hosting the event; but reiterated he preferred to hold off on making a decision until a later meeting date. He stated if the Commission did ultimately approve the issuance of special event permits he hoped it would include implementing proper restrictions and guidelines.

Commissioner Persis and Mr. Spraker discussed what other local cities were doing in response to the upcoming Biketoberfest event.

Commissioner Kent stated he hoped to make a well-informed decision when the Commission had better facts. He reiterated he was inclined to allow the special event

permits, but stated he would be voting in favor of postponing the item. He questioned if delaying the item would impose any negative effects on staff; whereby, Mr. Spraker stated it would not give staff any issues, but noted staff would prefer to receive an answer by September 23, 2020, so they could prepare a plan with the Police Department.

Commissioner Kent stated he believed, if needed, that the Commission could make a final decision at the last City Commission meeting date before Biketoberfest on October 6, 2020; but preferred they did not wait that long.

Commissioner Selby stated he believed the business community needed to know the Commission's decision as soon as possible and did not support postponing the item to a later meeting. He stated the more advance notice the master hosts were provided with, the more they could begin to prepare their health and safety guidelines that would be implemented at the event. He explained that he wanted the event to be as safe as possible. He noted his belief that not much would change between the current meeting and October, and stated he was comfortable giving staff the direction to proceed in allowing the special event permits.

Commissioner Littleton questioned how quickly the city could pull previously issued permits from an event; whereby, Mr. Randy Hayes, City Attorney, discussed the legal issues regarding the special events.

Mr. Hayes noted the city would be relying on voluntary compliance by attendees to follow health guidelines and discussed potential violations at the event. He stated if the Commission chose to authorize the permits, they would not have a strong enforcement mechanism due to the health guidelines being voluntary.

Commissioner Littleton noted he did not want to place any uncertainty on local businesses and preferred to make a decision at the current meeting.

Mayor Partington noted he was inclined to postpone the item to the September 9, 2020, City Commission meeting. He stated if the item were to be voted on at the current time, he would be voting against it.

Commissioner Persis moved to continue Item 9A to the September 9, 2020, City Commission Meeting.

Commissioner Kent and Commissioner Selby discussed the potential impacts to businesses if the item was postponed to the September 9, 2020, City Commission meeting.

Commissioner Selby reiterated his support for the issuance of the special event permits.

Commissioner Kent questioned what authority the Commission would have if they chose to not issue the special event permit for Biketoberfest, but crowds still came out and gathered at the event; whereby, Mr. Spraker noted businesses would still be allowed to operate without the special event permit and persons could still gather inside.

Commissioner Persis discussed her concerns in further detail for Biketoberfest. She reiterated she would be willing to postpone the item to the next meeting, but noted if the Commission decided to vote on the item at the current time she would be voting "no".

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

Mayor Partington seconded the motion to continue Item 9A to the September 9, 2020, City Commission Meeting.

Mayor Partington stated with the current numbers of COVID-19 he did not want to further promote the Biketoberfest event. He noted other local cities had expressed their denial of the event and he did not believe the City of Ormond Beach should allow the permits either. He stated he would vote "yes" to continue the item to the next meeting, but would be voting against issuing the special event permits at the current time.

Commissioner Selby explained he did not feel disapproving outdoor vendors would impose a significant effect on those who were planning to come to Ormond Beach for Biketoberfest. He reiterated his support for providing master hosts with as much

advance notice as possible, and discussed the positive financial assistance the event would provide to businesses and residents.

Deputy Mayor Kent noted the Commission was having a healthy discussion on the event and cared deeply about the safety and wellbeing of residents and visitors. He noted he did not believe postponing the item to the next meeting would be extremely detrimental to businesses and felt it still provided them with plenty of time to prepare for the event.

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

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

Item #10 – Reports, Suggestions, Requests

Upcoming Meetings

Ms. Joyce Shanahan, City Manager, noted the next City Commission meeting would take place on Wednesday, September 9, 2020.

Granada Boulevard Sewer Maintenance

Ms. Shanahan stated city staff was nearly done with the Granada Boulevard/Clyde Morris Boulevard Gravity Sewer Maintenance Project. She provided an update on the project and noted it was expected to be completed on Thursday, August 20, 2020.

Commissioner Littleton, Commissioner Kent, and Commissioner Persis complimented staff for their hard work on the project.

Reuse Water

Ms. Shanahan stated city staff had made repairs to the city's reuse water line and expected the repairs to drastically improve the reuse water system.

Commissioner Kent noted the city had been receiving a large amount of rainfall. He questioned if the city had a plan in place to notify customers when they could use additional reuse water when the city was flush with water; whereby, Ms. Shanahan stated staff had been looking into options and noted she would meet with Public Works Director Mr. Shawn Finley and inquire on sending a notification to reuse customers on days when the city was flush with water.

Commissioner Kent stated he hoped the city could eventually add a third watering day to the reuse water schedule and ease up on the time frames that were given to customers.

City of Deland

Commissioner Littleton stated he would be keeping those effected by the tornado in the City of Deland in his prayers.

Mayor Partington noted Ms. Shanahan had reached out to the City of Deland to let them know the City of Ormond Beach was willing to assist in anyway if needed.

St. Johns River Water Management District

Commissioner Selby discussed grants that had been approved through the St. Johns River Water Management District. He noted if the city had moved forward with the phase one design for septic to sewer, they may have been eligible to apply for one of the grants.

Adaptive Signalization Project

Commissioner Persis discussed her excitement for the adaptive signalization project that was planned to be take place on Granada Boulevard.

Compliments

Commissioner Kent and Mayor Partington complimented city staff and the City Commission for being financially responsible.

Commissioner Persis and Mayor Partington complimented the medjool palms that had been planted in the medians of Granada Boulevard.

Item #11 – Adjournment

The meeting was adjourned at 8:30 p.m.

APPROVED: September 9, 2020

BY:

Bill Partington, Mayor

ATTEST:

Colby J. Cilento, City Clerk