

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

September 9, 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. ADOPTION OF FY 2020-2021 PROPOSED MILLAGE RATES AND TENTATIVE BUDGET**
 - A. RESOLUTION NO. 2020-114:** A RESOLUTION ADOPTING PROPOSED MILLAGE RATES FOR THE 2020-2021 FISCAL YEAR; ESTABLISHING A DATE TIME AND PLACE FOR A PUBLIC HEARING TO ADOPT FINAL MILLAGE RATES AND FINAL BUDGET; AND SETTING FORTH AN EFFECTIVE DATE.

Staff Contact: Kelly McGuire, Finance Director (386-676-3226)
 - B. ORDINANCE NO. 2020-44:** AN ORDINANCE ADOPTING THE ANNUAL BUDGET FOR THE 2020-2021 FISCAL YEAR BEGINNING OCTOBER 1, 2020 AND ENDING SEPTEMBER 30, 2021; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; AND SETTING FORTH AN EFFECTIVE DATE.

Staff Contact: Kelly McGuire, Finance Director (386-676-3226)
- 5. AUDIENCE REMARKS - REGARDING ITEMS NOT ON THE AGENDA**
- 6. APPROVAL OF MINUTES**
 - A. Minutes from City Commission meeting – August 18, 2020
- 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. 2020-115:** A RESOLUTION AUTHORIZING THE EXECUTION OF A SERVICE CONTRACT BETWEEN THE CITY OF ORMOND BEACH AND THE ORMOND BEACH CHAMBER OF COMMERCE; SETTING FORTH AN EFFECTIVE DATE.

Staff Contact: Brian Rademacher, Economic Development Director (386-676-3266)
 - B. RESOLUTION NO. 2020-116:** A RESOLUTION AUTHORIZING THE EXECUTION OF A QUITCLAIM DEED IN FAVOR OF KEVIN J. WORKOWSKI AND MARY L. WORKOWSKI RELEASING A PORTION OF A FIFTEEN-FOOT (15.0') CONSERVATION EASEMENT LOCATED ALONG THE WEST REAR YARD PROPERTY LINE OF LOT 10, BRIARGATE, PHASE 1, UNIT 1

SUBDIVISION (108 BRIARGATE LOOK); PROVIDING FOR RECORDATION; AND SETTING FORTH AN EFFECTIVE DATE.

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

- C. **RESOLUTION NO. 2020-117:** A RESOLUTION AUTHORIZING THE EXECUTION OF A RELEASE OF A SPECIAL MAGISTRATE ADMINISTRATIVE FINE/LIEN FOR A CODE VIOLATION AGAINST PROPERTY LOCATED AT 285 PINE STREET, ORMOND BEACH, VOLUSIA COUNTY, FLORIDA; AND SETTING FORTH AN EFFECTIVE DATE.

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

- D. **RESOLUTION NO. 2020-118:** A RESOLUTION AUTHORIZING THE EXECUTION OF A GRANT AGREEMENT BETWEEN THE CITY AND THE FEDERAL AVIATION ADMINISTRATION TO FUND THE DESIGN OF THE TAXIWAY DELTA REHABILITATION PROJECT; AND SETTING FORTH EFFECTIVE DATE.

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

- E. **RESOLUTION NO. 2020-119:** A RESOLUTION REAPPOINTING REVEREND WILLIE W. BRANCH AS A MEMBER TO SERVE AS A COMMISSIONER OF THE ORMOND BEACH HOUSING AUTHORITY; SETTING FORTH TERM AND CONDITIONS OF SERVICE; AND SETTING FORTH AN EFFECTIVE DATE.

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

- F. **RESOLUTION NO. 2020-120:** A RESOLUTION APPOINTING A MEMBER TO SERVE ON THE HISTORIC LANDMARK PRESERVATION BOARD; SETTING FORTH TERMS AND CONDITIONS OF SERVICE; AND SETTING FORTH AN EFFECTIVE DATE.

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

- G. **RESOLUTION NO. 2020-121:** A RESOLUTION AUTHORIZING THE EXECUTION OF CONTRACT RENEWALS WITH TWO FIRMS PROVIDING DEBRIS REMOVAL, REDUCTION AND DISPOSAL SERVICES; AND SETTING FORTH AN EFFECTIVE DATE.

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

- H. **RESOLUTION NO. 2020-122:** A RESOLUTION ACCEPTING A PROPOSAL FROM MEAD & HUNT, INC. TO PROVIDE CONSTRUCTION ADMINISTRATION SERVICES REGARDING THE N. US1 WATER MAIN/FORCE MAIN EXTENSION PROJECT; AUTHORIZING THE EXECUTION OF A WORK AUTHORIZATION THERETO; AND SETTING FORTH AN EFFECTIVE DATE.

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

- I. **RESOLUTION NO. 2020-123:** A RESOLUTION AUTHORIZING EXECUTION OF A SERVICE AGREEMENT BETWEEN THE CITY AND THE ORMOND MEMORIAL ART MUSEUM, INC.; AUTHORIZING THE EXPENDITURE OF FUNDING; AND SETTING FORTH AN EFFECTIVE DATE.

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

- J. **RESOLUTION NO. 2020-124:** A RESOLUTION APPROVING A SETTLEMENT PROPOSAL REGARDING THE WORKERS' COMPENSATION CLAIM OF RICHARD RUBIN; 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)

- K. **Contract Renewal - Ormond Beach State Legislative Services**

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

Disposition: Approve as recommended in the City Manager memorandum dated September 9, 2020.

- L. **Granada Mid-Block Lighting Improvements, Bid No. 2020-33**

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

Disposition: Approve as recommended in the City Manager memorandum dated September 9, 2020.

- M. **Capital Improvement Plan FY 2020-21 to FY 2024-25**

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

Disposition: Approve as recommended in the City Manager memorandum dated September 9, 2020.

8. PUBLIC HEARINGS

- A. **ORDINANCE NO. 2020-45:** AN ORDINANCE APPROVING THE FINAL PLAT OF "PELLICER ACRES"; ESTABLISHING CONDITIONS AND EXPIRATION DATE OF APPROVAL; AND SETTING FORTH AN EFFECTIVE DATE.

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 7:00 p.m.

Item #2 – Invocation

Chaplain Sam Mercado, AdventHealth, gave the invocation.

Item #3 – Pledge of Allegiance

Mayor Partington led the Pledge of Allegiance.

Item #4 – Adoption of FY 2020-2021 Proposed Millage Rates and Tentative Budget

Item #4A – FY 2020-21 Proposed Millage

Item #5 – Audience Remarks

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

Item #6 – Approval of Minutes

Mayor Partington advised the minutes of the August 18, 2020, 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 #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 Selby moved, seconded by Commissioner Littleton, for approval of the consent agenda.

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

Comments on Consent Agenda Items

Commissioner Selby discussed his approval of Item 7A, which authorized the renewal of an annual contract for services agreement with the Ormond Beach Chamber of Commerce (Chamber); and Item 7I, which authorized the renewal of an annual contract for services agreement with the Ormond Beach Memorial Art Museum.

Commissioner Littleton commented on Item 7D, which authorized the execution of a grant agreement with the Federal Aviation Administration (FAA) to fund design engineering services for Taxiway Delta at the Ormond Beach Municipal Airport; and Item 7L, which provided notice of the city’s intent to advertise the Granada Mid-Block Lighting Improvements Project for competitive bidding.

Item #8 – Public Hearings

Mayor Partington opened the public hearings.

Item #8A – Pellicer Final Plat

City Clerk Colby Cilento read by title only:

ORDINANCE NO. 2020-45
AN ORDINANCE APPROVING THE FINAL PLAT OF "PELLICER ACRES"; ESTABLISHING CONDITIONS AND EXPIRATION DATE OF APPROVAL; AND SETTING FORTH AN EFFECTIVE DATE.

Mr. Steven Spraker, Planning Director, noted the item was a request for a subdivision of land and displayed a map of the property. He noted the property was 25 acres and the applicant was proposing to subdivide the property into five, five-acre parcels. He stated the Commission approved the preliminary plat on May 26, 2020. He noted the final plat had been reviewed by an independent surveyor and was consistent with the preliminary plat. He stated staff recommended approval of the item.

Commissioner Kent complimented the property owner on their decision to subdivide the land appropriately.

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

Commissioner Kent moved, seconded by Commissioner Persis, for approval of Ordinance No. 2020-45, on first reading, as read by title only.

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

Item #9 – Staff Action Items

Item #9A – Special Event Permitting

Mr. Spraker explained the item was a continuation of a previous discussion regarding special event permits that ensued at the August 18, 2020, Virtual City Commission meeting. He provided a brief summary of the key points and concerns previously discussed at the last meeting. He reviewed data regarding the number of COVID-19 cases in the State of Florida and Volusia County, noting the number of cases appeared to be stabilizing. He stated staff was seeking direction from the Commission on the following three policy directions:

- Allowing special event permitting, specifically along North U.S. Highway One.
- Implementing restrictions regarding outdoor concerts as part of Biketoberfest.
- Allowing special event permits outside of Biketoberfest/North U.S. Highway One corridor on private property.

Mr. Spraker reviewed an example of a COVID-19 safety plan that staff believed master host sites should be required to provide when applying for a special event permit, if the Commission decided to approve the permits. He explained staff gathered the requirements for the safety plan based on Destination Daytona’s COVID-19 safety plan and through discussion with other cities. He reviewed the plan in further detail and requested direction from the Commission on each of the three policy directions.

Commissioner Selby requested clarification on the third policy direction regarding special events outside of Biketoberfest; whereby, Mr. Spraker explained staff was seeking direction from the Commission on whether they should continue to withhold special event permits for private properties until Florida Governor Ron DeSantis issued phase three of the reopening order for the State of Florida, or allow issuance of the permits.

Commissioner Persis inquired what properties were considered private properties; whereby, Mr. Spraker provided examples.

Mr. Dean Pepe, 1635 North US Highway 1, General Counsel of Destination Daytona, discussed the high financial revenue that Biketoberfest generated for local businesses. He stated outdoor vendors would help assist businesses in socially-distancing attendees. He discussed the Annual Sturgis Rally (“Sturgis”) in South Dakota, and noted his support for allowing the special event permit for Biketoberfest.

Ms. Karin Gehris, 310 Main Street, Owner of the Boot Hill Saloon Outpost, discussed the negative impacts the COVID-19 pandemic imposed on businesses and residents. She explained Biketoberfest would help to provide financial relief to local businesses and stated her support for allowing the special event permit.

Mr. John Crotts, 253 Destination Daytona Lane, owner of J&P Cycles Destination Daytona Superstore, discussed COVID-19 testing results gathered from multiple states that had hosted motorcycle rallies; noting the rallies did not appear to result in high spikes of COVID-19 cases. He expressed his support for Biketoberfest and for allowing the issuance of special event permits for the event.

Ms. Jaqueline Jones, 203 Endicott Way, Deland, noted she had attended many bike week events since the start of the COVID-19 pandemic. She discussed the negative impacts COVID-19 was imposing on businesses and employees who depended on bike week events for their main source of revenue. She urged the Commission to consider approving the special event permit for Biketoberfest.

Ms. Sally Stevens, 1068 North U.S. Highway One, Co-owner of the Iron Horse Saloon, discussed safety plans and procedures that her business planned to implement if the Commission approved of the special event permits and stated her support for allowing outdoor vendors.

Mr. Steven Penland, 818 West Lake Drive, discussed multiple bike week events that he had attended in prior months and the guidelines each event had implemented. He noted

the outdoor vendors helped to provide more space to spread out attendees and stated his support for allowing the special event permit for Biketoberfest.

Mr. Steve Fritze, 364 Boylston Avenue, Daytona Beach, yielded his time and declined to comment.

Ms. Melissa Penland, 901 North Beach Street, Co-owner of the Iron Horse Saloon and owner of Hot Action Sportswear, discussed the negative effects the COVID-19 pandemic had inflicted upon her business and employees. She noted many businesses relied on bike week events to stay in business and encouraged the Commission to approve of outdoor vendors for the event.

Mr. Bill Bay, North U.S. Highway One, yielded his time and declined to comment.

Mayor Partington noted the Commission had received written comments in advance of the meeting submitted by Mr. Dean Pepe, Mr. Bill Bay, Mr. Brian Holt, and Mr. Fred Bramblett.

Commissioner Kent complimented all audience remarks speakers and thanked them for their comments. He stated he believed the Commission should provide any relief they could to local businesses during the COVID-19 pandemic. He noted he believed attendees would come to Biketoberfest regardless of the outdoor vendors and felt it would be more beneficial to allow the vendors so attendees could be more spaced out. He stated he was comfortable approving the outdoor vendors for the event.

Commissioner Selby also complimented all audience remarks speakers for their input on the item. He discussed the various companies and employees that rely on income from special events, such as Biketoberfest. He stated he was in favor of the guidelines that staff had discussed for vendors and was comfortable approving the special event permit for outdoor vendors; whereby, Commissioner Kent noted he also was in favor of the guidelines as presented by staff.

Commissioner Selby stated he was concerned about large congregations gathering at outdoor concerts and suggested there be ample social distancing guidelines put in place for the concerts. He stated he was in support of approving special events on both public and private property.

Commissioner Littleton discussed a petition the Commission had received in favor of approving the special event permits for Biketoberfest. He discussed COVID-19 data and guidelines recommended by the Center for Disease Control (CDC). He stated he was in favor of allowing the special event permits, did not suggest imposing any restrictions on outdoor activities or concerts, and was in favor of allowing special events on private property.

Commissioner Persis thanked all audience remarks speakers for their comments. She discussed her concerns for allowing the outdoor vendors and the possible repercussions of hosting the event. She stated she would not be in support of allowing outdoor concerts, as she believed there was no way to ensure proper social distancing. She noted that while she still had concerns, she would approve allowing special event permits on private property and would vote in favor of allowing the special event permit for outdoor vendors, as she believed both items were going to pass either way.

Mayor Partington also thanked all audience remarks members for their input. He stated the number of COVID-19 cases in Volusia County was beginning to trend downwards and noted he expected phase three of Governor DeSantis's reopening order to be implemented before Biketoberfest. He noted the Commission had no control over the Biketoberfest event and whether or not it took place. He explained the special event permit only authorized the use of outdoor vendors at the event. He noted the event may have a lower crowd attendance than usual and discussed guidelines that were planned to be implemented at the event. He stated he felt comfortable allowing outdoor vendors through the special event permit, subject to the COVID-19 safety plan outlined by staff. He noted he was unsure how outdoor concerts would remain socially-distanced. He questioned what size group gatherings would be allowed in phase three of the reopening order; whereby, Ms. Joyce Shanahan, City Manager, stated she was unsure.

Mayor Partington noted the allowed amount of people at gatherings as outlined in phase three of the reopening order would impact his decision on allowing the outdoor concerts and events on public and private properties. He noted he was in support of allowing

special event permits for public and private properties that could follow social-distancing guidelines.

Mr. Spraker clarified the Commission's direction was to approve all three policy directions and to request outdoor concert plans from businesses who planned to host concerts.

Mr. Randy Hayes, City Attorney, explained authority was delegated to the City Manager to make the decision on issuing special event permits under the city's Declaration of Emergency. He explained Ms. Shanahan could take the policy direction received from the Commission and implement those suggestions through staff. He noted if any issues appeared staff could bring the issue back to the Commission for deliberation.

Item #10 – Reports, Suggestions, Requests

Budget

Ms. Shanahan, Commissioner Kent, and Commissioner Littleton complimented the city's financial responsibility and results of the annual budget.

Commissioner Kent stated he was pleased there was never any suggestion of defunding the police department during the budget preparation. He noted he would never be in support of defunding the Ormond Beach Police Department.

Ormond Beach Police Department

Commissioner Selby, Commissioner Kent, and Commissioner Persis complimented the Ormond Beach Police Department for their support and presence at the protests taking place at the Granada Bridge.

Commissioner Littleton complimented the Ormond Beach Police Department's community outreach "ducked" campaign.

Congratulations

Commissioner Persis congratulated Police Chief Jesse Godfrey on the birth of his new grandchild.

9/11 Remembrance

Mayor Partington requested that all in attendance remember the lives of those lost in the horrific 9/11 attacks. He thanked all first responders and persons who rushed to help provide aid during the attack, and thanked all Ormond Beach first responders for their service and dedication to the City of Ormond Beach.

Item #11 – Adjournment

The meeting was adjourned at 8:06 p.m.

APPROVED: September 23, 2020

BY:

Bill Partington, Mayor

ATTEST:

Colby J. Cilento, City Clerk