

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

December 15, 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. PRESENTATIONS AND PROCLAMATIONS

- A. Crime Stoppers' Volusia County Officer of the Year - Detective Ryan Mihalko
- B. Florida Planning & Zoning Association - Outstanding Innovation & Design Award

5. AUDIENCE REMARKS - REGARDING ITEMS NOT ON THE AGENDA

6. APPROVAL OF MINUTES

- A. Minutes from City Commission meeting – December 1, 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. 2020-190:** A RESOLUTION AUTHORIZING THE EXTENSION OF TIME FOR BUSINESSES TO DISPLAY BANNER SIGNS ON A TEMPORARY BASIS WITHOUT PERMITTING REQUIREMENTS THROUGH AND INCLUDING MARCH 31, 2021; ESTABLISHING CONDITIONS AND A TERMINATION DATE FOR SUCH DISPLAY; AND SETTING FORTH AN EFFECTIVE DATE.

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

- B. **RESOLUTION NO. 2020-191:** A RESOLUTION AUTHORIZING THE EXECUTION OF A QUITCLAIM DEED IN FAVOR OF FRANK AND CHERYL SALERNO RELEASING A PORTION OF A FIVE FOOT (5.0") UTILITY EASEMENT LOCATED ALONG THE WEST PROPERTY LINE OF LOT 38 OAK FOREST SUBDIVISION (1410 NORTH BEACH STREET); PROVIDING FOR RECORDATION; AND SETTING FORTH AN EFFECTIVE DATE.

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

- C. **RESOLUTION NO. 2020-195:** A RESOLUTION ACCEPTING A BID FROM RIC-MAN CONSTRUCTION FLORIDA, INC. FOR CONSTRUCTION SERVICES REGARDING THE 2021 STORM LINING PROJECT, UNDER BID NO. 2021-03; 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 (386-676-3292)

- D. **RESOLUTION NO. 2020-196:** A RESOLUTION ACCEPTING A BID FROM ADVANCED PLUMBING TECHNOLOGY, LLC FOR CONSTRUCTION SERVICES REGARDING THE 2021 SEWER LINING AND MANHOLE REPAIR PROJECT, UNDER BID NO. 2021-04; AUTHORIZING THE EXECUTION OF A CONTRACT AND PAYMENT THEREFOR; REJECTING ALL OTHER BIDS; AND SETTING FORTH AN EFFECTIVE DATE.

Staff Contact: Shawn Finley, Public Works Director (386-676-3292)

- E. **RESOLUTION NO. 2020-197:** A RESOLUTION AUTHORIZING THE SOLE SOURCE PROCUREMENT OF SIX (6) PATROL VEHICLE RADIO PACKAGES FROM COMMUNICATIONS INTERNATIONAL TO OUTFIT THE RECENT PURCHASE OF (6) DODGE DURANGO PATROL VEHICLES; AND SETTING FORTH AN EFFECTIVE DATE.

Staff Contact: Kevin Gray, Deputy Public Works Director (386-676-3577)

- F. **RESOLUTION NO. 2020-198:** A RESOLUTION AUTHORIZING THE SOLE SOURCE PROCUREMENT OF THERMAL IMAGING CAMERAS AND SELF-CONTAINED BREATHING APPARATUS CYLINDERS FROM TEN-8 FIRE EQUIPMENT, INC.; AUTHORIZING THE EXECUTION OF A PURCHASE AUTHORIZATION AND PAYMENT THEREFORE; AND SETTING FORTH AN EFFECTIVE DATE.

Staff Contact: Richard Sievers, Fire Chief (386-676-3333)

- G. **Auto Renew Contract - Yellowstone Landscape Athletic Fields Maintenance**

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

Disposition: Approve as recommended in the City Manager memorandum dated December 15, 2020.

- H. **Travel Approval for the City Commission, City Manager, and City Attorney for 2021**

Staff Contact: Joyce Shanahan, City Manager (386-676-3200)

Disposition: Approve as recommended in the City Manager memorandum dated December 15, 2020.

- I. **2021 City of Ormond Beach Legislative Action Agenda**

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

Disposition: Approve as recommended in the City Manager memorandum dated December 15, 2020.

8. PUBLIC HEARINGS

- A. **ORDINANCE NO. 2020-53:** 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 A CERTAIN PARCEL OF REAL PROPERTY TOTALING APPROXIMATELY 8.2 ACRES LOCATED SOUTHEAST OF 1255 NORTH U.S. HIGHWAY 1, A PORTION OF VOLUSIA COUNTY PARCEL NUMBER: 4206-00-00-0020) FROM R-5 (MULTI-FAMILY MEDIUM DENSITY) TO PRD (PLANNED RESIDENTIAL DEVELOPMENT), AUTHORIZING REVISION OF OFFICIAL ZONING MAP; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; AND SETTING FORTH AN EFFECTIVE DATE. **(SECOND READING)**

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

- B. **ORDINANCE NO. 2020-54:** AN ORDINANCE APPROVING A PLANNED RESIDENTIAL DEVELOPMENT TO BE KNOWN AS "ORMOND GRANDE" ON APPROXIMATELY 8.2 ACRES GENERALLY LOCATED SOUTH AND EAST OF 1255 NORTH U.S. HIGHWAY 1; AUTHORIZING THE ISSUANCE AND EXECUTION OF A DEVELOPMENT ORDER FOR SIXTY (60) MULTI-FAMILY TOWNHOUSE UNITS AND ASSOCIATED SITE IMPROVEMENTS; PROVIDING CONDITIONS AND EXPIRATION OF APPROVALS; AND PROVIDING AN EFFECTIVE DATE. **(SECOND READING)**

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

- C. **ORDINANCE NO. 2020-56:** 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 6.40± ACRES LOCATED AT 36 NORTH TYMBER CREEK ROAD, VOLUSIA COUNTY PROPERTY APPRAISER PARCEL NUMBER 4125-00-00-0221 FROM VOLUSIA COUNTY "ENVIRONMENTAL SYSTEM CORRIDOR" (ESC) AND "URBAN LOW INTENSITY" (ULI) TO ORMOND BEACH "OPEN SPACE/CONSERVATION" (OSC) AND "RESIDENTIAL, OFFICE, RETAIL" (ROR); PROVIDING FOR CONFLICT; AUTHORIZING TRANSMITTAL; AND SETTING FORTH AN EFFECTIVE DATE.

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

9. SECOND READING OF ORDINANCES

- A. **ORDINANCE NO. 2020-55:** AN ORDINANCE AMENDING SECTION 22-115, FEE IMPOSED; SCHEDULE; OF CHAPTER 22, WATER AND SEWERS, OF THE CITY OF ORMOND BEACH CODE OF ORDINANCES, BY INCREASING THE WATER AND SEWER SERVICE IMPACT FEES; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; AND SETTING FORTH AN EFFECTIVE DATE. **(SECOND READING)**

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

10. RESOLUTIONS

- A. **RESOLUTION NO. 2020-199:** A RESOLUTION APPROVING AN APPLICATION BY SCI FUNERAL SERVICES OF FLORIDA, LLC, DOING BUSINESS AND ALSO KNOWN AS VOLUSIA MEMORIAL PARK AND FUNERAL HOME AND AUTHORIZING THE ISSUANCE AND EXECUTION OF A DEVELOPMENT ORDER AUTHORIZING

THE USE OF A REFRIGERATION COOLER ON A TEMPORARY BASIS, AS A TEMPORARY STRUCTURE, ON THAT PROPERTY LOCATED AT 548 NORTH NOVA ROAD, ORMOND BEACH, FLORIDA, SAID PROPERTY BEING SITUATED WITHIN THE B-1 (PROFESSIONAL OFFICE/HOSPITAL) ZONING DISTRICT; WAIVING THE BOND REQUIREMENTS; ESTABLISHING CONDITIONS AND EXPIRATION DATE OF APPROVAL; AND SETTING FORTH AN EFFECTIVE DATE.

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

- B. **RESOLUTION NO. 2020-200:** A RESOLUTION PERTAINING TO THAT CERTAIN AMENDED AND RESTATED GROUND LEASE AGREEMENT BETWEEN THE CITY AND RIVER BEND MANAGEMENT GROUP OF FLORIDA, LLC REGARDING THE OPERATION OF RIVER BEND GOLF COURSE; MAKING FINDINGS OF FACT; DETERMINING RIVER BEND MANAGEMENT GROUP OF FLORIDA, LLC TO BE IN DEFAULT OF THE LEASE AGREEMENT; PROCLAIMING AND DIRECTING THE LEASE AGREEMENT TO BE TERMINATED IN THE EVENT THE LESSEE FAILS TO CURE THE DEFAULT WITHIN THE CURE PERIOD; AUTHORIZING AND DIRECTING THE CITY MANAGER AND CITY ATTORNEY TO TAKE NECESSARY AND REASONABLE ACTION TO EFFECTUATE THE TERMINATION OF THE LEASE AGREEMENT UPON ITS TERMINATION; AND SETTING FORTH AN EFFECTIVE DATE.

Staff Contact: Joyce Shanahan, City Manager (386-676-3200)

11. DISCUSSION ITEMS

- A. **Committee for Acquisition of Property with Environmental and Recreational Characteristics**

Staff Contact: Joyce Shanahan, City Manager (386-676-3200)

12. REPORTS, SUGGESTIONS, REQUESTS

13. 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, Advent Health, gave the invocation.

Item #3 – Pledge of Allegiance

Mayor Partington led the Pledge of Allegiance.

Item #4 – Presentations and Proclamations

Item #4A – Crime Stoppers' Volusia County Officer of the Year - Detective Ryan Mihalko

Mayor Partington stated Ormond Beach Police Detective Ryan Mihalko was chosen to receive the Crime Stoppers' Volusia County Officer of the Year award out of sixteen competing entities. He stated the award was of very high honor and congratulated Detective Mihalko on his achievement.

Ormond Beach Police Chief Jesse Godfrey thanked Volusia County Crime Stoppers' for attending the meeting. He discussed the cases that Detective Mihalko was assigned to

that earned him the award, including a homicide case involving a young victim and a serial rapist case. He stated he was extremely proud of Detective Mihalko and noted the Ormond Beach Police Department was fortunate to have him.

Volusia County Crime Stoppers' Board President Mr. Steven Beres presented Detective Mihalko with the 2020 Crime Stoppers' Volusia County Officer of the Year Award. He noted Crime Stoppers had partnered with the Ormond Beach Gun Exchange to present Detective Mihalko with a Glock 9-millimeter. He congratulated him on his achievement and hard work.

Item #4B – Florida Planning & Zoning Association - Outstanding Innovation & Design Award

Mayor Partington recognized the city's Engineering Department for receiving the Outstanding Innovation and Design Award from the Florida Planning and Zoning Association for the Cassen Park and Breakwater project. He discussed the project in detail and congratulated Public Works Director Mr. Shawn Finley and all city staff for receiving the award.

Mr. Shawn Finley, Public Works Director, stated city staff was proud to receive the award. He recognized the city's previous City Engineer, Mr. John Noble, and stated the city could not have done it without him. He noted the project was a major asset to the city and had received very positive feedback from the community.

Item #5 – Audience Remarks

Mr. Bill Denny, 1027 North Halifax Drive, discussed his group, Civil Discourse, and their recent meetings. He noted the group had taken a break due to the Covid-19 virus, but was resuming meetings through Zoom. He thanked the City Commission and city staff for their support and input at meetings. He noted the next meeting was scheduled to take place on January 11, 2021, at 6:30 p.m.

Mr. Jim Schultz, 117 Harvard Drive, discussed the Pfizer vaccine and the new technology used to create vaccines.

Item #6 – Approval of Minutes

Mayor Partington advised the minutes of the December 1, 2020, 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 Persis moved, seconded by Commissioner Selby, 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 the Consent Agenda

Commissioner Selby discussed his support for Item 7E, which authorized the purchase of six in-car radio packages for new patrol vehicles; Item 7F, which authorized the purchase of two thermal imaging cameras, five 60-minute self-contained breathing apparatus cylinders, and thirty-six 30-minute SCBA cylinders for the fire department; and Item 7I, which approved a request for the City Commission to endorse a Legislative Action Agenda for the 2021 State Legislative Session.

Item #8 – Public Hearings

Mayor Partington opened the public hearings.

Item #8A – Ormond Grande, zoning map amendment

City Clerk Colby Cilento read by title only:

ORDINANCE NO. 2020-53

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 A CERTAIN PARCEL OF REAL PROPERTY TOTALING APPROXIMATELY 8.2 ACRES LOCATED SOUTHEAST OF 1255 NORTH U.S. HIGHWAY 1, A PORTION OF VOLUSIA COUNTY PARCEL NUMBER: 4206-00-00-0020) FROM R-5 (MULTI-FAMILY MEDIUM DENSITY) TO PRD (PLANNED RESIDENTIAL DEVELOPMENT), AUTHORIZING REVISION OF OFFICIAL ZONING MAP; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; AND SETTING FORTH AN EFFECTIVE DATE. **(SECOND READING)**

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

Commissioner Littleton moved, seconded by Commissioner Selby, for approval of Ordinance No. 2020-53, 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 #8B – Ormond Grande, issuance of the development order

City Clerk Colby Cilento read by title only:

ORDINANCE NO. 2020-54

AN ORDINANCE APPROVING A PLANNED RESIDENTIAL DEVELOPMENT TO BE KNOWN AS "ORMOND GRANDE" ON APPROXIMATELY 8.2 ACRES GENERALLY LOCATED SOUTH AND EAST OF 1255 NORTH U.S. HIGHWAY 1; AUTHORIZING THE ISSUANCE AND EXECUTION OF A DEVELOPMENT ORDER FOR SIXTY (60) MULTI-FAMILY TOWNHOUSE UNITS AND ASSOCIATED SITE APPROVEMENTS; PROVIDING CONDITIONS AND EXPIRATION OF APPROVALS; AND PROVIDING 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. 2020-54, 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 #8C – 36 North Tymber Creek Road, land use amendment

City Clerk Colby Cilento read by title only:

ORDINANCE NO. 2020-56

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

6.40± ACRES LOCATED AT 36 NORTH TYMBER CREEK ROAD, VOLUSIA COUNTY PROPERTY APPRAISER PARCEL NUMBER 4125-00-00-0221 FROM VOLUSIA COUNTY "ENVIRONMENTAL SYSTEM CORRIDOR" (ESC) AND "URBAN LOW INTENSITY" (ULI) TO ORMOND BEACH "OPEN SPACE/CONSERVATION" (OSC) AND "RESIDENTIAL, OFFICE, RETAIL" (ROR); PROVIDING FOR CONFLICT; AUTHORIZING TRANSMITTAL; AND SETTING FORTH AN EFFECTIVE DATE.

Mr. Steven Spraker, Planning Director, noted the item was an administrative request for a future land use amendment at 36 North Tymber Creek Road. He reviewed a map of the parcel and surrounding area. He stated the site was part of a larger development called Tymber Creek Shoppes. He stated the item before them was solely to assign land use to the property. He explained when the city annexed the land, they were required to assign a land use to the parcel and the goal was to assign a similar land use to what the parcel was previously assigned in Volusia County. He explained the parcel had original land use designations of Environmental System Corridor (ESC) and Urban Low Intensity (ULI) when it was located in Volusia County, and staff was proposing to assign the property a city land use of Open Space Conservation (OS/C) and Residential, Office, Retail (ROR). He discussed the reasoning behind the suggested land uses and explained staff did not suggest assigning the property a land use of General Commercial (GC), due to the fact it allowed more density and intensity than the previous Volusia County land use allowed. He stated the Planning Board and staff recommended approval. He noted the re-zoning of the property would be considered as a separate item in the future.

Mr. Glenn Storch, attorney for the applicant, discussed the property site in detail and noted part of the property was preserved by Volusia County for stormwater. He stated he would normally suggest that the property be assigned a GC land use, but explained the applicant was comfortable with staff's recommendations. He stated the applicant would be working on the zoning of the property next and it would be presented to the Commission at a later date.

Mr. Richard Weiss, 12 Moss Point Drive, stated the current proposed plan would allow the construction of apartments on the site and discussed his disapproval. He noted a petition had been signed by citizens against the construction of apartments, and requested the city only allow the development of single-family homes on the site.

Mr. Spraker explained the item before the Commission was only to assign land use designations, which provided densities and intensities for the property site and did not approve of any development. He discussed the floor areas and ratios for the proposed land uses.

Mayor Partington noted Mr. Weiss's comments regarding the development of the site did not relate to the current item before them, which was solely the consideration of the land use.

Commissioner Selby noted Volusia County's land use allowed a total of 13 units, while the city's proposed land use allowed 48 units. He questioned how those land use designations were comparable; whereby, Mr. Spraker explained commercial land uses had more infrastructure impacts, whereas other categories had a higher floor area ratio.

Commissioner Selby questioned if the city could assign the property a Low Density Residential (LDR) land use; whereby, Mr. Spraker stated the LDR land use would not allow commercial land use on the property, which the property was currently entitled to under the current Volusia County land use.

Mr. Storch explained the parcel was not a stand alone parcel and did not have correct access for single-family homes. He noted if the land was assigned a single-family designation, it would make the parcel non-buildable. He discussed the density of the property and the current land uses and proposed land uses. He reiterated he believed the property should be assigned GC, but noted the applicant agreed to the city's determination. He stated with the current land use, the rest of the surrounding land could already be used for multi-family units. He noted the applicant would work with the neighbors, lower the density to an appropriate amount, and create conservation areas and buffers. He reminded the Commission the item was a first reading and there would be time to come to an agreement.

Mr. Randy Hayes, City Attorney, noted after the city annexed a property into city limits under Florida Law, the Volusia County land use and zoning regulations continue to apply until the city assigned a rezoning to the property consistent to the entitlements the property received while in Volusia County.

Commissioner Persis noted many residents feared the item was the first step in approving apartments at the site. She questioned why the property wanted to develop apartments at the site, but could not develop single-family homes; whereby, Mr. Storch explained single-family homes on commercial designation were not allowed, and the adjoining parcel to the discussed parcel had a commercial designation.

Mr. Storch stated the city and applicant had been trying to find a middle point between commercial and housing developments. He reiterated nothing in the current item guaranteed the applicant the right to put multi-family on the site. He discussed the upcoming process the applicant would need to go through next for the zoning of the property.

Commissioner Persis questioned if the Commission could change the land use so that only single-family homes were allowed; whereby, Mr. Storch stated the entire process would need to start over and it would take away the commercial use from the property, which it currently had, which he felt would leave the property useless.

Commissioner Persis noted there was an issue with access into and out of the property; whereby, Mr. Storch stated those issues would be addressed when the city reviewed the zoning for the site.

Commissioner Persis discussed her concerns for commercial development of the property.

Commissioner Selby inquired if the large parcel that was assigned GC next to the discussed parcel would need a designation; whereby, Mr. Spraker noted the land use for that parcel was existing as it had already been annexed.

Commissioner Selby questioned if the tax parcels were had been considered as separate parcels for several years; whereby, Mr. Spraker stated that was correct.

Commissioner Littleton moved, seconded by Mayor Partington, for approval of Ordinance No. 2020-56, on first reading, as read by title only.

Commissioner Littleton stated there would be discussion held for the development of the property moving forward, but noted the current item had nothing to do with the actual development of the property. He stated he was in support of the item.

Commissioner Selby stated he had met with the homeowners in Moss Point, a subdivision located near the site, and had walked the site as well. He discussed concerns from residents regarding intense development on the site and the environmental and traffic impacts it would impose. He noted he had reviewed the preliminary site plans for the property and did not feel that they were adequate. He stated he was unsure how he would vote, but felt the city had to approve the current item as they were required to assign a land use. He stated he believed the applicant would have an up-hill battle ahead of him on developing something as intense as the applicant wished for with the current access to the property site.

Commissioner Persis stated she had also met with the residents of Moss Point and noted she agreed with Commissioner Selby regarding the upcoming battle for the applicant trying to move forward with multi-family or commercial development at the site. She stated she was unsure how she would vote on the item, but noted she was siding with the residents of Moss Point.

Mayor Partington noted the city was required to assign the closest land use as Volusia County had previously assigned the site. He noted the Commission had to be careful in what they asked for and explained they had the opportunity to negotiate on what got developed at the site. He noted that the proposed land use may actually result in construction that could aid in lowering the traffic in the area compared to what could be built with the current zoning. He stated he supported the item as it was just an administrative rezoning and did not approve any development. He noted he wanted the development to go through the development process and return to the Commission.

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

Mayor Partington closed the public hearings without objection.

Item #9 – Second Reading of Ordinances

Item #9A – Water & Sewer Impact Fees

City Clerk Colby Cilento read by title only:

ORDINANCE NO. 2020-55
 AN ORDINANCE AMENDING SECTION 22-115, FEE IMPOSED;
 SCHEDULE; OF CHAPTER 22, WATER AND SEWERS, OF THE CITY OF
 ORMOND BEACH CODE OF ORDINANCES, BY INCREASING THE
 WATER AND SEWER SERVICE IMPACT FEES; 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 Persis, for approval of Ordinance No. 2020-55, 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 #10 – Resolutions

Item #10A – 548 North Nova Road, Volusia Memorial Funeral Home - temporary structure

City Clerk Colby Cilento read by title only:

RESOLUTION NO. 2020-199
 A RESOLUTION APPROVING AN APPLICATION BY SCI FUNERAL
 SERVICES OF FLORIDA, LLC, DOING BUSINESS AND ALSO KNOWN
 AS VOLUSIA MEMORIAL PARK AND FUNERAL HOME AND
 AUTHORIZING THE ISSUANCE AND EXECUTION OF A DEVELOPMENT
 ORDER AUTHORIZING THE USE OF A REFRIGERATION COOLER ON
 A TEMPORARY BASIS, AS A TEMPORARY STRUCTURE, ON THAT
 PROPERTY LOCATED AT 548 NORTH NOVA ROAD, ORMOND BEACH,
 FLORIDA, SAID PROPERTY BEING SITUATED WITHIN THE B-1
 (PROFESSIONAL OFFICE/HOSPITAL) ZONING DISTRICT; WAIVING
 THE BOND REQUIREMENTS; ESTABLISHING CONDITIONS AND
 EXPIRATION DATE OF APPROVAL; AND SETTING FORTH AN
 EFFECTIVE DATE.

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

Mr. Spraker stated the item was a request for a temporary cooling structure to be located at Volusia Memorial Funeral Home & Park ("Volusia Memorial"). He stated the city's code required the item to be reviewed by the Site Plan Review Committee and the City Commission. He reviewed a PowerPoint presentation that displayed a map of the site and the proposed location for the temporary cooler behind the building at the site. He noted the cooler would be screened with a fence. He stated the city's land development code (LDC) standards required a bond for the temporary structure, but explained city staff was concerned with taking a bond and becoming responsible for moving the structure; therefore, staff preferred to go through the code enforcement process if the business kept the structure longer than permitted. He noted the temporary structure was proposed to be approved for 12 months and did not abut residential uses. He stated staff recommended approval.

Commissioner Persis stated she drove by the site and noted the location of the cooler appeared to be in plain sight. She inquired what the fencing around the proposed structure would look like; whereby, Ms. Brenda Campbell, applicant, noted the cooler would only be visible from the back of the building and the fence was proposed to be a PVC fence that would be locked.

Commissioner Persis inquired if you could see through the fence; whereby, Ms. Campbell stated you could not.

Commissioner Persis stated she drove by the property from both ways and felt the structure would be seen from the road. She wondered if temporary trees could be planted around the structure.

Ms. Campbell explained the business did not want the structure to be offensive to anyone and privacy was important to them. She stated she was not opposed to ensuring the structure was aesthetically pleasing as well.

Commissioner Persis questioned if the temporary structure was proposed to be permanent in the future; whereby, Ms. Campbell stated the business was looking at two options for adding a permanent structure and needed the temporary cooler while that addition was completed.

Mayor Partington questioned if the white PVC fence would be placed on all three sides of the structure and obscure the view from all angles; whereby, Ms. Campbell noted the closest residential area was the Talaquah neighborhood and the cooler would not be visible due to the landscaping. She continued to explain the south side of the property had landscaping that obstructed the view and the fence would completely cover the refrigeration unit.

Mayor Partington questioned how the Commission could ensure the structure would not be seen and would be aesthetically pleasing; whereby, Mr. Spraker stated the resolution could be amended to include those requirements.

Mayor Partington noted white PVC fence was not expensive and should be placed on all sides of the structure.

Commissioner Kent inquired if the maximum time allowed for the structure would be 12 months; whereby, Mr. Spraker confirmed that was correct. Mr. Spraker noted if the structure remained for more than 12 months, code enforcement would become involved or the applicant would need to come back to the Commission and ask for an extension.

Commissioner Kent stated he was concerned with allowing the structure for the 12-month period as he was afraid it may go past the 12 allowed months. He stated he was not in complete favor of the idea, but wanted to help the applicant. He stated he would feel more comfortable if the time period for the structure was less than 12 months to incentivize the applicant to make the permanent changes sooner.

Commissioner Kent questioned what the concrete plans were for the property; whereby, Ms. Campbell discussed the two proposals that the business was considering for their future plans. Ms. Campbell noted she was asking for 12 months as a buffer, but expected the permanent structure to be in place within 9 months.

Commissioner Kent stated he would approve of the item, but would not be pleased if the applicant came back before the Commission in 12 months to request an extension.

Mr. Randy Hayes, City Attorney, suggested adding a requirement to the agreement to add additional landscaping material and a requirement that the duration of the structure does not exceed twelve continuous months, or is removed upon the issuance of a certificate of occupancy regarding the new improvement; whichever occurs first.

Commissioner Persis questioned if there was a way to ensure the fencing and landscaping be placed on the same day the cooler was put into place; whereby, Mr. Hayes stated the Commission could add that as a condition as well.

Commissioner Persis moved, seconded by Commissioner Selby, for approval of Resolution No. 2020-199, amended to include the following requirements: require fencing on all three sides of the temporary cooler; require additional landscaping

for screening; require the time of the structure to be allowed for no more than 12 consecutive months, or when a certificate of occupancy is issued for new improvement, whichever occurs first; and require the screen materials and landscaping to be in place prior to installation of the temporary cooler, as read by title only.

Mayor Partington noted the Commission wanted the applicant to be successful and felt the requirements would aid the applicant in avoiding problems down the road.

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

Item #10B – River Bend Golf Course; termination of lease agreement if lessee fails to cure nonpayment of rent

City Clerk Colby Cilento read by title only:

RESOLUTION NO. 2020-200

A RESOLUTION PERTAINING TO THAT CERTAIN AMENDED AND RESTATED GROUND LEASE AGREEMENT BETWEEN THE CITY AND RIVER BEND MANAGEMENT GROUP OF FLORIDA, LLC REGARDING THE OPERATION OF RIVER BEND GOLF COURSE; MAKING FINDINGS OF FACT; DETERMINING RIVER BEND MANAGEMENT GROUP OF FLORIDA, LLC TO BE IN DEFAULT OF THE LEASE AGREEMENT; PROCLAIMING AND DIRECTING THE LEASE AGREEMENT TO BE TERMINATED IN THE EVENT THE LESSEE FAILS TO CURE THE DEFAULT WITHIN THE CURE PERIOD; AUTHORIZING AND DIRECTING THE CITY MANAGER AND CITY ATTORNEY TO TAKE NECESSARY AND REASONABLE ACTION TO EFFECTUATE THE TERMINATION OF THE LEASE AGREEMENT UPON ITS TERMINATION; AND SETTING FORTH AN EFFECTIVE DATE.

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

Mr. Hayes noted before the underlying motion was voted upon, the Commission would need to make a motion to waive the Thompson Rule since the item was added late to the agenda. He provided a detailed description regarding the history of the item. He noted the lessee had failed to pay rent for the months of September, October, and November 2020. He explained the Commission was required to provide a written notice of default and allow the lessee 30 days to cure the default, which they had done. He noted the 30-day cure period would expire December 29, 2020. He stated staff believed it was unlikely that the lessee would cure the default by the deadline. He noted in the event they did not cure the default; the city was asking the Commission for permission to terminate the agreement. He stated it was important for the city to terminate the agreement before January 1, 2021, since the property would become subject to additional taxes by the property appraiser. He discussed the city's dispute regarding the property with the Volusia County Property Appraisers' Office.

Commissioner Kent moved, seconded by Commissioner Littleton, to waive the Thompson Rule.

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

Commissioner Kent moved, seconded by Commissioner Persis, for approval of Resolution No. 2020-200, as read by title only.

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

Item #11 – Discussion Items

Item #11A – Committee for Acquisition of Property with Environmental and Recreational Characteristics

Mayor Partington noted the Commission had received one online comment in favor of the committee.

Commissioner Persis stated she believed the committee was a positive idea and discussed reasons why. She noted she would be in favor of each Commissioner getting to choose a representative to be on the committee.

Commissioner Littleton stated he wanted to add language that allowed the Commission to purchase “strategic” lands as well and explained why.

Ms. Joyce Shanahan, City Manager, discussed the purpose of the proposed committee and noted it was planned to be short-term. She stated the idea was to build a strong coalition regarding environmentally sensitive lands and recreational and strategic lands that helped preserve the character of Ormond Beach. She discussed responsibilities the committee would be tasked with and the procedures they would follow. She noted staff was seeking direction on how many members would make up the committee.

Mayor Partington stated he believed each Commissioner should be able to choose a nominee and there should be two Commission At-Large positions.

Commissioner Selby stated he believed the committee was a great idea if the citizens of Ormond Beach wanted it, but noted he was unsure if they did or not. He stated he disliked the fact that the idea for the committee was coming from the Commission and noted he had not heard from many residents wanting to buy land. He discussed his concerns with the committee and bond issues. He reiterated no citizens had expressed the desire for this committee to him. He stated he would suggest putting a group together and then seeing if the voters wanted it.

Commissioner Persis stated she assumed the idea for the committee started due to the land available for purchase surrounding The Loop. She discussed concerns from citizens regarding the disruption of that area and believed the committee would look into the environmental characteristics of properties. She stated there was a large petition regarding the area around The Loop and believed the Commission needed to consider citizens who wanted to protect the properties.

Mayor Partington stated while he saw Commissioner Selby’s point, he believed the committee solved and addressed the issues Commissioner Selby discussed. He listed various parcels of land that the city may want to consider purchasing. He stated he was less comfortable purchasing properties outside of the city’s jurisdictional boundaries, but stated there may be situations where it was appropriate. He discussed the purpose of the committee and the positive benefits it would bring. He stated a referendum vote would ensure the citizens desired any initiatives.

Commissioner Selby stated the situation was similar to the half-cent sales tax situation, in which citizens voted it down and continued to blame the Commission for supporting the idea. He reiterated he felt there was not a large amount of support from citizens who wanted to tax themselves to raise more money to buy land. He questioned why the citizens who signed the petition to save The Loop had not tried to collect donations to assist in purchasing projects. He stated he was not trying to be negative, but was trying to be realistic and reiterated his concerns.

Ms. Shanahan stated the committee did not only have to be working towards a referendum, but could also serve as a way to prioritize applications for ECHO grants. She noted the idea was to get support for various grants and to involve citizens.

Commissioner Selby stated his approval of a veteran intern starting with the city who had potential to oversee the committee.

Ms. Shanahan asked Mayor Partington to call a vote on staff bringing the committee back.

Commissioner Persis moved, seconded by Mayor Partington, to direct staff to bring back information on the committee for further consideration.

Commissioner Kent stated he agreed with Commissioner Selby's comments.

Mayor Partington stated there were a number of people who came forward wanting to purchase certain properties and noted he believed the committee created a fair process to help protect the city its residents, as well as ensure the citizens were able to provide input.

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

Item #12 – Reports, Suggestions, Requests

Veteran Intern Program

Ms. Shanahan noted regardless on whether or not the city decided to move forward with the previously discussed committee, staff would still be utilizing the veteran intern. She discussed the International City Management Association Veterans Local Government Fellowship Program and stated staff was looking forward to working with him.

Commissioner Littleton inquired when the intern would be starting; whereby, Ms. Shanahan noted he would start on January 4, 2021.

Mayor Partington stated he was excited the city was selected for the program and discussed the program in further detail.

Upcoming City Commission Meetings

Ms. Shanahan noted the next City Commission meeting would take place on Tuesday, January 5, 2021, at 7:00 p.m. She explained on January 19, 2021, a Financial Forecasting Workshop would be taking place at 5:30 p.m., and would be followed by a regular Commission meeting at 7:00 p.m.

Volusia County Legislative Delegation

Ms. Shanahan noted staff participated at the Volusia County Legislative Delegation meeting. She discussed the meeting and discussed priorities that the city was seeking funding for.

Commissioner Selby complimented the city's Economic Development Director, Mr. Brian Rademacher, for his work on the write-ups for the Volusia County Legislative Delegation meeting.

Ormond Beach Police Department

Ms. Shanahan discussed community events held by the Ormond Beach Police Department, including Christmas toy drives and Santa on Patrol.

Commissioner Littleton complimented the Santa on Patrol event and thanked Mr. and Ms. Claus for attending the event.

Ms. Shanahan noted the police department would be hosting their Annual Shop with a Cop event on Saturday, December 19, 2020. She discussed the event and positive effects it has on the children in the community.

Commissioner Kent and Commissioner Persis congratulated Detective Mihalko on receiving the Crime Stoppers' Volusia County Officer of the Year award and complimented the city's first responders and thanked them for their hard work.

Covid-19

Ms. Shanahan noted city staff was experiencing a rise in Covid-19 cases, non-work related. She discussed cases rising within Volusia County and the Covid-19 vaccine. She stated Volusia County was expecting to offer the vaccine to first responders within the upcoming weeks.

Commissioner Selby stated he was glad that first responders would be offered the vaccine first, due to their exposure.

Fiber Optics Connectivity

Ms. Shanahan discussed the city's fiber optic connectivity project and provided updates on the progress of the project.

Merry and Bright on MainStreet

Commissioner Littleton complimented the businesses decorated for Christmas in Ormond Beach.

Condolences

Commissioner Selby expressed his condolences to Ms. Nan Heebner, for the loss of her husband Mr. Pete Heebner. He recognized Mr. Heebner for his service to the city through volunteering and for serving on the city's Charter Review Committee.

Antares Projects

Commissioner Selby requested an update from city staff on the Antares project happening in Ormond Beach; whereby, Ms. Shanahan noted the building permit for the site had expired. She provided a list of all things that needed to be restored and stated Code Enforcement would help get the issue resolved.

Crosswalks and Medians

Commissioner Selby stated there was a public hearing held by the Florida Department of Transportation (FDOT) at the Performing Arts Center regarding crosswalks. He noted when he was on the River to Sea Transportation and Planning Organization (TPO) he had pushed to have more crosswalks with flashing pedestrian beacons. He noted the plan was to implement five more crosswalks with the flashing beacons between Granada Boulevard and Millsap Road on A1A. He stated the FDOT had also decided to place medians between Granada Boulevard and Millsap Road on A1A, which would make it impossible to make a left turn; resulting in drivers needing to perform U-turns on A1A. He stated since the meeting, he had come to the attention that residents and businesses were not well-informed on the proposed changes. He discussed the project in further detail and the impacts it would have on traffic patterns. He stated FDOT proposed placing a median in front of the city's Fire Station 91, which would result in firefighters needing to make a U-turn whenever they needed to travel north. He noted the city would ensure they did not allow that to happen.

Mayor Partington noted FDOT may work with the city if the city presented a unified front on what they were asking for. He stated he did not recall medians being concreted into the project, but discussed the issues regarding the proposed medians. He noted many vehicles could not make a full U-turn without turning it into a three-point turn. He proceeded to discuss other crosswalks in Ormond Beach and other sister cities. He discussed the locations of the crosswalks and where he felt they should be located, noting one of the crosswalks should be relocated to connect to the public beach access.

Commissioner Kent discussed a meeting he had with Mr. Finley and resident Dr. Mike White regarding the medians and crosswalks on A1A. He discussed how difficult it was to make a U-Turn on A1A without making a three-point turn. He stated when looking at the design for the proposed crosswalks by FDOT, all but one crosswalk was raised in the middle. He noted he believed all the crosswalks should be straight-across. He stated he favored the greenery at pedestrian crosswalks and felt it was aesthetically pleasing. He stated he was not in favor of pedestrians ever having to wait in the middle of the median in the crosswalk and discussed the dangers of it. He noted each flashing sign was extremely needed at crosswalks. He stated he also agreed that the proposed crosswalk located closest to Magnolia Drive should be moved to the north to line up with the public pedestrian access to the beach. He stated it was obvious that a concrete barrier could not be placed in front of Fire Station 91 and someone had made a mistake in that design. He noted this mistake opened a door for city staff to express to FDOT that the Commission wanted pedestrian crosswalks with flashing lights and did not want the concrete medians that impede every day traffic flow.

Commissioner Littleton and Commissioner Persis agreed with the comments made by Commissioner Selby, Mayor Partington, and Commissioner Kent.

Ms. Shanahan noted staff would convey the message to FDOT.

Commissioner Selby noted a U-turn may seem safer than a left turn, but was not if the U-turn could not be completed and needed to be a three-point turn. He discussed various crosswalks and the effectiveness of each one. He noted the city had worked

hard lobbying FDOT to do this project. He noted beach access was not included on the hand-outs by FDOT. He stated he concurred with the comments made by the other Commissioners.

Beach Driving

Commissioner Selby noted there was a story in the Daytona Beach News Journal stating Volusia County Chair-Elect Jeff Brower was reported to have said he wanted to restore beach driving to areas that it was currently prohibited on. He discussed the traffic free-zone at Andy Romano Beachfront Park ("Andy Romano") and his favor for keeping the area traffic-free. He stated based on the article, it appeared Mr. Brower intended to allow traffic in that area again. He stated he personally wished to keep Andy Romano free of traffic.

Mayor Partington stated the no-driving zone in front of Andy Romano had been extremely successful and was a great benefit to the area. He stated he believed the city should write a letter to Chair-Elect Jeff Brower, County Manager Mr. George Recktenwald, and the entire Volusia County Council strongly requesting they maintain the exemption for Andy Romano; whereby, Commissioner Persis and Commissioner Littleton stated they were in agreeance.

Commissioner Kent discussed the importance of having some no-driving zones on the beach. He stated he supported beach driving, but strongly believed that Andy Romano should remain a no-driving zone and discussed reasons why.

Mayor Partington requested Ms. Shanahan prepare a letter to send to Volusia County.

Avalon Park Workshop

Commissioner Selby stated he believed there was no bigger threat to the quality of life for the citizens of Ormond Beach than the Avalon Park development in Daytona Beach. He discussed the negative impacts it would impose upon the city. He stated the Commission needed to know more about Avalon Park and proposed holding a workshop to discuss the options the city had and the impacts they had on the development. Commissioner Selby noted Avalon Park had certain entitlements, but wanted to do much more than what they were allowed to do. He noted the large amount of traffic and demand for utilities would both be issues for the city.

Commissioner Selby made a motion to hold an Avalon Park Workshop on February 16, 2021, beginning at 4:30 p.m., seconded by Commissioner Persis.

Commissioner Kent questioned if the Commission needed to waive the Thompson Rule; whereby, Mr. Hayes stated they did not need to because there was no back-up material for the item.

Discussion ensued between the Commission and staff regarding the best date and time to hold the workshop.

Commissioner Littleton noted the developer had not yet re-stated the comprehensive plan changes that they put before the Daytona Beach Planning Board. He noted there may be legal issues involved that the Commission may need to be prepared for, and stated he did not want to do anything before the plan had been re-presented to the Daytona Beach Planning Board.

Mr. Hayes stated as far as city staff could tell, before the Avalon Park project could proceed further, it needed to undergo a comprehensive plan amendment in Daytona Beach. He discussed the process for the project moving forward and noted if the Commission was interested in hosting the workshop staff could come up with materials there were suitable for public consumption.

Commissioner Selby amended his motion to now hold the Avalon Park Workshop on February 23, 2021, beginning at 6:00 p.m., Commissioner Persis agreed with the amendment and upheld her second of the motion.

Commissioner Kent stated Avalon Park was going to have no positive effects on the City of Ormond Beach.

Commissioner Persis noted she had visited Avalon Park in Orlando and was not happy with the development. She stated she believed the developer meant well in his idea, but noted she did not feel the idea was a good fit for Ormond Beach.

The motion passed unanimously by voice vote.

Virtual Christmas Parade

Commissioner Persis thanked city staff for hosting the virtual Christmas parade event.

Publix Grand Opening

Commissioner Persis and Mayor Partington complimented the grand opening of the new Publix at the Trails Shopping Center.

Item #13 – Adjournment

The meeting was adjourned at 9:17 p.m.

APPROVED: January 5, 2020

BY:

Bill Partington, Mayor

ATTEST:

Colby J. Cilento, City Clerk