

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

---

**October 17, 2017**

**7:00 p.m.**

**Commission Chambers**

---

Present were: Mayor Bill Partington, Commissioners Dwight Selby, Troy Kent, Rick Boehm, and Rob Littleton, City Manager Joyce Shanahan, City Attorney Randy Hayes, and City Clerk Scott McKee.

**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 – October 7, 2017

**6. COMMUNITY REDEVELOPMENT AGENCY**

- A. **RESOLUTION NO. 2017-199** : A RESOLUTION OF THE CITY COMMISSION, ALSO ACTING AS THE COMMUNITY REDEVELOPMENT AGENCY, OF THE CITY OF ORMOND BEACH, FLORIDA, AUTHORIZING THE EXECUTION OF A BUILDING IMPROVEMENT GRANT AGREEMENT BETWEEN THE AGENCY AND THE WORLD SPA, LLC; AND SETTING FORTH AN EFFECTIVE DATE. **(SEE ITEM 7A)**

*Staff Contact: Ric Goss, Planning Director (386-676-3238)*

**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. 2017-199** : A RESOLUTION OF THE CITY COMMISSION, ALSO ACTING AS THE COMMUNITY REDEVELOPMENT AGENCY, OF THE CITY OF ORMOND BEACH, FLORIDA, AUTHORIZING THE EXECUTION OF A BUILDING IMPROVEMENT GRANT AGREEMENT BETWEEN THE AGENCY AND THE WORLD SPA, LLC; AND SETTING FORTH AN EFFECTIVE DATE.

*Staff Contact: Ric Goss, Planning Director (386-676-3238)*

- B. **RESOLUTION NO. 2017-200** : A RESOLUTION AUTHORIZING THE EXECUTION OF A FIRST AMENDMENT TO ECONOMIC DEVELOPMENT GROWTH ASSISTANCE AGREEMENT WITH PLAYTEX MANUFACTURING, INC., AND SETTING FORTH AN EFFECTIVE DATE.

*Staff Contact: Joe Mannarino, Economic Development Director (386-676-3266)*

- C. **RESOLUTION NO. 2017-201** : A RESOLUTION ACCEPTING A BID FROM UNDERWATER ENGINEERING SERVICES, INC. FOR CONSTRUCTION SERVICES REGARDING THE MELROSE AVENUE OUTFALL REPAIR PROJECT, UNDER BID NO. 2017-28; AUTHORIZING THE EXECUTION OF A CONTRACT AND PAYMENT THEREFOR; AND SETTING FORTH AN EFFECTIVE DATE.

*Staff Contact: John Noble, City Engineer (386-676-3269)*

- D. **RESOLUTION NO. 2017-202** : A RESOLUTION ACCEPTING A PROPOSAL FROM MEAD AND HUNT, INC. TO PROVIDE CONSTRUCTION ADMINISTRATION SERVICES REGARDING THE MELROSE AVENUE OUTFALL REPAIR PROJECT; AUTHORIZING THE EXECUTION OF A WORK AUTHORIZATION THERETO; AND SETTING FORTH AN EFFECTIVE DATE.
- Staff Contact:** John Noble, City Engineer (386-676-3269)
- E. **RESOLUTION NO. 2017-203** : A RESOLUTION REAPPOINTING HILDEGARD HILL 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:** Scott McKee, City Clerk (386-676-3340)
- F. **RESOLUTION NO. 2017-204** : A RESOLUTION ACCEPTING A PROPOSAL FROM FLORIDA HEALTH CARE PLANS, INC. FOR THE PROVISION OF EMPLOYEE HEALTH/MEDICAL BENEFIT SERVICES; AUTHORIZING THE EXECUTION OF A CONTRACT AND PAYMENT THEREFOR; REJECTING ALL OTHER PROPOSALS; AND SETTING FORTH AN EFFECTIVE DATE.
- Staff Contact:** Claire Whitley, Human Resources Director (386-676-3202)
- G. **RESOLUTION NO. 2017-205** : A RESOLUTION ACCEPTING A PROPOSAL FROM STANDARD INSURANCE COMPANY FOR THE PROVISION OF EMPLOYEE DENTAL INSURANCE BENEFITS SERVICES; AUTHORIZING THE EXECUTION OF A CONTRACT AND PAYMENT THEREFOR; REJECTING ALL OTHER PROPOSALS; AND SETTING FORTH AN EFFECTIVE DATE.
- Staff Contact:** Claire Whitley, Human Resources Director (386-676-3202)
- H. **RESOLUTION NO. 2017-206** : A RESOLUTION ACCEPTING A PROPOSAL FROM STANDARD INSURANCE COMPANY FOR THE PROVISION OF EMPLOYEE LIFE INSURANCE BENEFITS SERVICES; AUTHORIZING THE EXECUTION OF A CONTRACT AND PAYMENT THEREFOR; REJECTING ALL OTHER PROPOSALS; AND SETTING FORTH AN EFFECTIVE DATE.
- Staff Contact:** Claire Whitley, Human Resources Director (386-676-3202)
- I. **RESOLUTION NO. 2017-207** : A RESOLUTION ACCEPTING A PROPOSAL FROM STANDARD INSURANCE COMPANY FOR THE PROVISION OF EMPLOYEE LONG TERM DISABILITY INSURANCE BENEFITS SERVICES; AUTHORIZING THE EXECUTION OF A CONTRACT AND PAYMENT THEREFOR; REJECTING ALL OTHER PROPOSALS; AND SETTING FORTH AN EFFECTIVE DATE.
- Staff Contact:** Claire Whitley, Human Resources Director (386-676-3202)
- J. **RESOLUTION NO. 2017-208** : A RESOLUTION ACCEPTING A PROPOSAL FROM STANDARD INSURANCE COMPANY FOR THE PROVISION OF EMPLOYEE VOLUNTARY LIFE INSURANCE BENEFITS SERVICES; AUTHORIZING THE EXECUTION OF A CONTRACT AND PAYMENT THEREFOR; REJECTING ALL OTHER PROPOSALS; AND SETTING FORTH AN EFFECTIVE DATE.
- Staff Contact:** Claire Whitley, Human Resources Director (386-676-3202)

- K. **RESOLUTION NO. 2017-209** : A RESOLUTION ACCEPTING A PROPOSAL FROM STANDARD INSURANCE COMPANY FOR THE PROVISION OF EMPLOYEE VOLUNTARY SHORT TERM DISABILITY INSURANCE BENEFITS SERVICES; AUTHORIZING THE EXECUTION OF A CONTRACT AND PAYMENT THEREFOR; REJECTING ALL OTHER PROPOSALS; AND SETTING FORTH AN EFFECTIVE DATE.

**Staff Contact:** Claire Whitley, Human Resources Director (386-676-3202)

- L. **Renewal of Aquatic Weed Maintenance and Ditch Cleaning Contract**

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

**Disposition:** Approve as recommended in the City Manager memorandum dated October 17, 2017.

- M. **Supervisory Controls and Data Acquisition (SCADA) Software Procurement – Request for Proposals (RFP)**

**Staff Contact:** Dave Ponitz, Utilities Manager (386-676-3305)

**Disposition:** Approve as recommended in the City Manager memorandum dated October 17, 2017.

- N. **Backup Server Intent to Bid**

**Staff Contact:** Ned Huhta, IT Manager (386-615-7031)

**Disposition:** Approve as recommended in the City Manager memorandum dated October 17, 2017.

## 8. PUBLIC HEARINGS

- A. **ORDINANCE NO. 2017-33** : AN ORDINANCE AMENDING PARAGRAPH C, OFFICIAL ZONING MAP, OF SECTION 2-01, ESTABLISHMENT OF ZONING DISTRICTS AND OFFICIAL ZONING MAP, 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 1.48-ACRES LOCATED AT 100 NORTH HALIFAX DRIVE (VOLUSIA COUNTY PARCEL NUMBER: 4214-08-00-0340), 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.

**Staff Contact:** Ric Goss, Planning Director (386-676-3238)

- B. **ORDINANCE NO. 2017-34** : AN ORDINANCE AUTHORIZING THE EXECUTION AND ISSUANCE OF A DEVELOPMENT ORDER FOR A PLANNED RESIDENTIAL DEVELOPMENT TO BE KNOWN AS “HALIFAX 100”, AUTHORIZING THE CONSTRUCTION OF 12 ATTACHED GARDEN TOWNHOMES ALONG WITH ASSOCIATED SITE IMPROVEMENTS TO BE LOCATED AT 100 NORTH HALIFAX DRIVE (VOLUSIA COUNTY PARCEL NUMBER: 4214-08-00-0340); AUTHORIZING THE GROSS RESIDENTIAL DENSITY OF 8.1 UNITS PER ACRE; ESTABLISHING CONDITIONS AND EXPIRATIONS OF APPROVAL; AND SETTING FORTH AN EFFECTIVE DATE.

**Staff Contact:** Ric Goss, Planning Director (386-676-3238)

- C. **ORDINANCE NO. 2017-35** : AN ORDINANCE AUTHORIZING THE EXECUTION AND ISSUANCE OF THE SEVENTH AMENDED DEVELOPMENT ORDER FOR THE “WAL-MART SUPERCENTER” PLANNED BUSINESS DEVELOPMENT APPROVING A BUILDING ADDITION OF 5,002± SQUARE FEET FOR A LIQUOR BOX; ESTABLISHING CONDITIONS AND EXPIRATION DATE OF APPROVAL; RATIFYING ALL PRIOR APPROVALS; AND SETTING FORTH AN EFFECTIVE DATE

*Staff Contact: Ric Goss, Planning Director (386-676-3238)*

**9. STAFF ACTION ITEMS**

- A. **RESOLUTION NO. 2017-210** : A RESOLUTION AUTHORIZING FUNDING OF EMPLOYEE HEALTH SAVINGS ACCOUNTS FOR THE 2018 PLAN YEAR; AND SETTING FORTH AN EFFECTIVE DATE.

*Staff Contact: Claire Whitley, Human Resources Director (386-676-3202)*

**10. DISCUSSION ITEMS**

- A. **Compensation Review for Appointed Officials**

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

- B. **Granada Bait and Tackle Request**

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

**11. REPORTS, SUGGESTIONS, REQUESTS**

**12. ADJOURNMENT**

Item #1 – Meeting Call to Order

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

Item #2 – Invocation

Pastor Doug Hautz, Ormond Beach Alliance Church, gave the invocation.

Item #3 – Pledge of Allegiance

Mayor Partington led the Pledge of Allegiance.

Item #4- Audience Remarks

Ms. Elysha Petschauer, Executive Director of Ormond Beach Historical Society (“OBHS”), stated that OBHS was very excited to receive two grants from the Florida Humanities Council. She noted that OBHS’s speaker series would continue, and that the speaker for the upcoming Saturday would be discussing the Flagler County centennial history. She stated that they received a new grant for a walking tour app. She noted that it was almost done and she hoped it would be able to launch on November 29, 2017, at The Casements. She handed the Commission copies of a brochure that would be distributed about the app. She stated that she hoped users would download the app and learn about the history of Ormond Beach.

Mayor Partington complimented Ms. Petschauer on the attendance at the Saturday morning speaker series events. He noted that he knew that Ms. Petschauer put a lot of work into the walking tour app, and stated that he hoped that members of the Commission would be present for its launch.

Mr. Carl Dombek, U.S. Small Business Administration (SBA) Office of Disaster Assistance, stated that his organization was a vital part of the federal government’s disaster relief effort following Hurricane Irma. He stated that a crucial deadline was looming for those who were harmed by the hurricane. He explained that the deadline to apply for federal assistance was November 9, 2017. He stated that those with damage from the hurricane needed to first register with the Federal Emergency Management Agency (FEMA) and submit their completed SBA disaster loan application by that date.

He noted that the time was short. He explained that, despite his organization's name, the SBA could offer assistance to all types of disaster survivors, including businesses of all sizes, non-profit organizations, homeowners, and renters. He noted that that was something that many did not recognize as their name did not lend itself to reflecting that.

Mr. Dombek stated that SBA assistance came in the form of low interest loans that provided large sums of money that citizens needed to repair their homes and businesses, replace what they had lost, and restore them to pre-disaster conditions. He explained that those loans were direct loans from the United States Treasury with broad parameters to help make recovery affordable. He stated that businesses could borrow up to \$2 million to repair or replace physical damage to real estate, machinery, furniture, equipment, fixtures, inventory, or to offset economic injury. He stated that homeowners could borrow up to \$200,000 to repair or replace damaged real estate, noting that both homeowners and renters could borrow up to \$40,000 to repair or replace damage personal property, including clothing and furniture. He stated that terms could be very favorable, with repayment options going as long as 30 years.

Mr. Dombek noted that historically most applicants were offering very low interest rates. He stated that for Hurricane Irma, homeowners and renters were at 1.75 percent, non-profits were at 2.5 percent, and 3.05 percent was the rate for businesses. He stated that because of the widespread damage caused by Hurricane Irma, as well as Hurricanes Harvey, Maria, and Nate, the first eleven payments would be deferred. He explained that a recipient of the loan would not have to make the first payment until 12 months after they signed the loan promissory note. He stated that that was intended to give the recipient some time to complete repairs before they began paying the loan back. He stated that there were no fees to apply and no closing costs. He noted that the loans were very simple and straightforward. He explained that those who were approved were not obligated to take the loan offered, or to take the full amount offered.

Mr. Dombek stated that the SBA application had to be returned or the process stopped. He explained that if someone did not think they could afford a loan, they would be referred to FEMA for potential additional grant assistance. He stated that that would need to be done by November 9. He encouraged those who wanted to take advantage of the assistance to act timely and offered to answer any questions that the Commission may have. He noted that he would also be available in the lobby area for individuals to ask questions.

Mayor Partington thanked Mr. Dombek for attending the meeting and offering assistance.

Mr. Dombek stated that as of the close of business the previous day, SBA had approved almost \$100 million in loans for Florida alone in the preceding month.

Mr. Ike Leary, Granada Pier Bait and Tackle, stated that he was pleased to announce that he received the best bait and tackle award. He noted that he was very proud of the award.

Mayor Partington stated that the Commission appreciated Mr. Leary and all the hard work he did. He noted that he hoped that Mr. Leary could speak to Mr. Dombek and see if there was anything additional that could be done for his business after the hurricane.

Commissioner Kent asked Mr. Leary if there was ever any doubt that he would win an award for the best bait shop around; whereby, Mr. Leary noted that the hurricane had impacted his business. Mr. Leary stated that he was shocked to receive it.

Mr. Jim Cameron, Senior Vice President of Government Relations, Daytona Beach Regional Chamber of Commerce, noted that he distributed some flyers to the Commission. He asked them to mark their calendars because Volusia Days at the Capitol would be held in Tallahassee, Florida, on January 10 and 11, 2018. He noted that that date was moved up because the legislative session was moved up. He stated that they would be there on day two and day three of the legislative session. He noted that he was in Tallahassee the previous week setting up appointments. He stated that he had arranged an appointment with a contact with Florida League of Cities. He asked those who were interested to let him know as he had a block of hotel rooms reserved. He stated that they desired to carry Volusia County's message to the state. He noted that the Volusia Legislative Delegation would be meeting at Ormond Beach City Hall in the Commission Chambers on November 3, 2017.

Item #5 – Approval of Minutes

Mayor Partington advised that the minutes of the October 3, 2017 regular meeting had been sent to the Commission for review and 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 stated that the following items were Community Redevelopment items. He explained that the City Commission served as the Community Redevelopment Agency (CRA) of the City and must review those items and make a recommendation as the CRA.

Mayor Partington recessed the City Commission meeting, called the CRA meeting to order, and opened the public hearing at 7:16 p.m.

Item #6A – Building Improvement Grant Agreement – World Spa LLC

City Clerk Scott McKee read by title only:

RESOLUTION NO. 2017-199  
A RESOLUTION OF THE CITY COMMISSION, ALSO ACTING AS THE  
COMMUNITY REDEVELOPMENT AGENCY, OF THE CITY OF ORMOND  
BEACH, FLORIDA, AUTHORIZING THE EXECUTION OF A BUILDING  
IMPROVEMENT GRANT AGREEMENT BETWEEN THE AGENCY AND  
THE WORLD SPA, LLC; AND SETTING FORTH AN EFFECTIVE DATE.

**Commissioner Kent moved, seconded by Commissioner Selby, for recommendation of approval of Resolution No. 2017-199, as ready by title only.**

Commissioner Littleton stated that he did not recommend providing the entire \$31,000 figure. He noted that he was comfortable with providing \$19,500, which would include the landscaping and site improvements. He stated that the \$31,000 figure would account for 39 to 42 percent, depending on the bid used, of the total improvement. He noted that it was stated in the agenda packet materials that the roof did not need maintenance or repair. He reiterated that he could not support the \$31,000 figure.

Commissioner Kent stated that he thought that the total amount was appropriate and fell in line with the guidelines set by the City of Ormond Beach for property improvement grants. He stated that the program had been very successful in the CRA district.

Mayor Partington requested that all those in favor say, "aye." Commissioner Selby, Commissioner Kent, Commissioner Boehm, and Mayor Partington responded in the affirmative.

Mayor Partington requested that all opposed indicate by like sign; whereby, Commissioner Littleton did so.

**The motion passed by voice vote.**

Mayor Partington closed the public hearing, recessed the CRA meeting, and reconvened the City Commission meeting at 7:18 p.m.

Item #7 – Consent Agenda

Mayor Partington advised that the actions proposed for the items on the Consent Agenda were stated on the agenda. He asked if any member of the Commission had questions or wished to discuss any items separately.

**Commissioner Littleton requested that item 7A be pulled from the Consent Agenda.**

**Commissioner Kent moved, seconded by Commissioner Boehm, for approval of the Consent Agenda, absent items 7A.**

Call Vote:	Commissioner Selby	Yes
	Commissioner Kent	Yes

	Commissioner Boehm	Yes
	Commissioner Littleton	Yes
Carried.	Mayor Partington	Yes

Item #7A – Building Improvement Grant Agreement – World Spa LLC

City Clerk Scott McKee read by title only:

RESOLUTION NO. 2017-199

A RESOLUTION OF THE CITY COMMISSION, ALSO ACTING AS THE COMMUNITY REDEVELOPMENT AGENCY, OF THE CITY OF ORMOND BEACH, FLORIDA, AUTHORIZING THE EXECUTION OF A BUILDING IMPROVEMENT GRANT AGREEMENT BETWEEN THE AGENCY AND THE WORLD SPA, LLC; AND SETTING FORTH AN EFFECTIVE DATE.

**Commissioner Boehm moved, seconded by Commissioner Kent, for approval of Resolution No. 2017-199, as read by title only.**

Commissioner Littleton stated that he would reiterate his position on the item.

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

Consent Agenda Comments

Mayor Partington noted that no member of the Commission wished to comment on any of the other Consent Agenda items.

Item #8 – Public Hearings

Mayor Partington opened the public hearings.

Item #8A – 100 North Halifax Drive Rezoning

City Clerk Scott McKee read by title only:

ORDINANCE NO. 2017-33

AN ORDINANCE AMENDING PARAGRAPH C, OFFICIAL ZONING MAP, OF SECTION 2-01, ESTABLISHMENT OF ZONING DISTRICTS AND OFFICIAL ZONING MAP, 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 1.48-ACRES LOCATED AT 100 NORTH HALIFAX DRIVE (VOLUSIA COUNTY PARCEL NUMBER: 4214-08-00-0340), 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.

Mr. Ric Goss, Planning Director, stated that he wished to discuss both 8A and 8B, the rezoning and development order for 100 North Halifax Drive, at the same time. He displayed an aerial view of North Halifax Drive. He pointed out 150 North Halifax Drive, which was a single-family home. He noted that the zoning there was 2.5 units per acre. He pointed out which areas had R-2 and R-5 zoning designations. He explained that this property, which used to be a church but had been vacant for a number of years, backed up to a residential area along a fire road on Orchard Lane.

Mr. Goss noted that a number of public hearings had been held in the past regarding the property. He stated that there was a land use change from public/institutional to medium density residential in 2016. He noted that that change went through three public hearings, one before the Planning Board and two before the City Commission. He stated that a zoning change to multi-family medium density housing occurred in 2017, also with

three public hearings. He stated that two neighborhood meetings were held about the current application. He noted that a seventh public hearing was held at the Planning Board with regards to this development and its desire to rezone to a Planned Residential Development (PRD). He recounted that the property had gone through a number of public hearings and neighborhood meetings.

Mr. Goss stated that the current application was to redevelop the church site to 12 multi-family units. He noted that they would be townhomes. He stated that it would be rezoned to a PRD. He explained that a PRD was needed because the applicant was asking for two additional units above the zoning. He displayed a rendering of the property. He pointed out that the brownish colored area would be the building of the development, with six units on each side. He noted that there was a swimming pool located in the center of the units. He stated that all of the green area shown would be open space and that the yellow portions were asphalt. He noted that the applicant intended to keep part of the existing church as a clubhouse.

Mr. Goss stated that applicant would be allowed to have 6.31 units an acre based upon 1.48 acres. He noted that the applicant had proposed 12 units, which would be 8.1 units an acre. He stated that this would be within the density that was approved for Club View Villas, which had the same density. He noted that each unit would have a two car garage and that there were 15 parking spaces, equaling 39 spaces provided for the entire development. He addressed the setbacks and explained that they were based upon the R-5 zoning; with 25 feet in the front, 20 feet in the rear, and 15 feet on the sides. He noted that the buffers would be six feet on the sides and ten feet in the front. He stated that the stormwater would be all exfiltration underground, both for the interior and exterior areas.

Mr. Goss noted that the only issue was really with the property located at 125 Orchard Lane. He stated that that property fronted onto this development and noted that two of the units in the development were oriented towards the west. He noted that issues of privacy had been raised. He displayed a drawing of the landscaping which was proposed at one time. He stated that the developer proposed a six foot white PVC fence on the north side and west side, with a hedge row planted on top of the slope with trees planted behind the fence. He noted that there was also a five foot utility easement. He stated that the area was graded and noted the differences.

Mr. Goss stated that the concerns presented to staff by the property owner at 125 Orchard Lane included the project density and that the rear yard setback was too close to the west property line. He noted that the property owner indicated that she believed that the last two units on the west side should be oriented to the east similar to the patio units on the east side of the building. He stated that that property owner also wanted a wall instead of a PVC vinyl fence, as well as no lighting or outside activity along the western boundary between the building and the property line.

Mr. Goss stated that the Planning Board held a public hearing on the application and made some recommendations. He explained that the Planning Board recommended that the applicant provide a line of sight exhibit depicting the house, slope, shrub row, trees and wall of the townhouses. He noted that the Planning Board agreed with the property owner at 125 Orchard Lane's request to flip the west two units so that their balconies faced east, which the applicant agreed to do. He stated that the Planning Board recommended that the window height on the western two units be places so that there was no line of sight vision from the building to 125 Orchard Lane. He noted that those window heights were raised to eight feet to preserve the privacy. He stated that, per Planning Board recommendation, there would be no lighting on site at the western property boundary.

Mr. Goss stated that the Planning Board also recommended robust landscaping between 125 Orchard Lane and the property, including 12 foot trees. He noted that eight 12 foot trees would be along the boundary, with two in the front center part and then three to the north and to the south. He stated that the Planning Board recommended that the pool gate to the west be used as an emergency exit only and not be for daily use. He noted that the Planning Board also recommended that no outdoor activity take place on the western side of the building.

Mr. Goss displayed the line of sight exhibit that the applicant had prepared. He noted that there were about 40 to 45 feet between 125 Orchard Lane and the wall of the building proposed. He noted that there was a 20 foot buffer with 12 foot trees. He noted the angle of the line of sight in the drawing. He pointed out the placement of the windows

and explained that the idea was to have them higher than the line of sight of a person. He stated that the transom-style window allowed light in, but preserved privacy. He also pointed out the graphic meant to show the perspective of the property at 125 Orchard Lane looking east.

Mr. Goss displayed a side by side comparison of the original submitted plan and the revised plan. He noted that the two balconies on the west that were oriented west were moved to be oriented towards the east. He displayed the revised landscaping plan. He explained that the revised landscaping buffer provides for the 12 proposed trees. He noted that only five trees were required. He noted that eight of the 12 proposed trees were 12 feet high. He stated that 54 shrubs were required but 89 were proposed. He noted that 54 ground covers were required and 55 were proposed. He explained that ground cover was low level material.

Mr. Goss stated that a key point of the development was that the PRD was a site specific negotiated zoning designation. He stated that the medium density residential zoning for a townhouse allowed 6.31 units per acre. He noted that a multi-family unit could have 12 units an acre. He stated that the request from the applicant was for 12 units, or 8.1 units per acre. He noted that that request was well within the density of the development located to the south of the subject property. He stated that the buffer requirement could be modified by the City Commission if they were to determine that it was not sufficient. He noted that the project was an infill development and was very consistent with the multi-family development located to the south of it at 60 North Halifax Drive. He stated that the site plan along the western boundary did not have parking or driveways as existed at 60 North Halifax Drive. He explained that it was designed that way to try and lessen the impact and preserve the privacy of the property to the west.

Mr. Goss stated that the building modifications and rear yard restrictions recommended by the Planning Board were made to the site plan to address compatibility concerns between the townhome project and single-family residences nearby. He stated that the city's Site Plan Review Committee (SPRC) believed that the project was consistent with the Land Development Code (LDC) and Comprehensive Plan for infill development. He noted that staff was recommending approval based upon the Planning Board's recommendation and conditions.

Commissioner Boehm asked about the road located between the property, and whether it was a fire trail or a public road; whereby, Mr. Goss indicated that he believed it to be a prescriptive easement. He explained that there was a utility line located there which the city had an easement for with regard to stormwater. He noted that the property lines actually did not connect as there was a gap in between which was never dedicated. He stated that it appeared to be a prescriptive easement from a long time ago. He noted that the applicant may have more information since he had performed some title search work.

Commissioner Kent referenced the two townhomes on the western side. He asked if they would have fewer windows than the other townhomes on the property.

Mr. Goss stated that from the modeling it appeared that there were fewer windows on those units. He noted that the issue had to do with trying to design the building so that the privacy was preserved for 125 Orchard Lane. He indicated that this was why transom-style windows were utilized in the design, and why they were more than eight feet high on the second floor. He stated that those were not really needed on the lower floor because of the courtyard and balconies facing eastward.

Commissioner Selby addressed the line of sight drawing. He noted that it showed a 12 foot tree. He asked if the landscaping plan showed those as well; whereby, Mr. Goss replied that it did. He pointed them out on the displayed landscaping plan.

Commissioner Selby referenced the gate from the pool area to the west. He asked Mr. Goss whether that gate was still included in the plan; whereby, Mr. Goss confirmed that it was.

Commissioner Selby noted that he met with the applicant, noting that the applicant had at one point suggested that that gate could be relocated to the south west corner.

Mr. Goss stated that the decision to move it would be up to the applicant and the City Commission.

Commissioner Selby asked if that gate was required, for instance for an emergency egress need; whereby, Mr. Goss noted that it was not. He stated that the pool was not owned by a single property owner and thus the gate was just to ensure the right of access onto the property. He reiterated that he did not believe that the gate was placed there for a reason of emergency access.

Mr. Ed Schwarz, 1001 Shockney Drive, Applicant, stated that his development had been in front of the Commission a few times now for various considerations. He stated that he was excited about the development and noted that Ormond Beach needed more similar projects. He noted that it was a risky project, but he was anxious to try and deliver on it. He thanked city staff, particularly Mr. Goss and Senior Planner Steven Spraker, for their assistance. He noted that the project was for 12 residential units, and 24 to 30 people. He stated that it was not a big impact project. He noted that he was trying to create an upscale project with walk-ability. He stated that someone who lived there would be able to walk to city parks and restaurants. He noted that he believed this was the type of project that the city could use more of.

Mr. Schwarz stated that when the application was before the Planning Board last month, they discussed access to the rear road. He noted that he erred in saying to the Planning Board that he felt he could get by without access from the pool area in the center of the project to the back. He explained that at the time he was confused as to what rights he had to that road or what that shell road really was. He further explained that after extensive research, it was determined that that road was a prescriptive easement. He noted that that road existed there before the City of Ormond Beach was even incorporated. He stated that that was part of a network of trails which ran from the Ormond Hotel to the properties in the area. He noted that it was used by the general public for walking and driving. He stated that he felt that it was important for his development to be able to freely access that road, which did not exclusively belong to any of the rear property owners. He noted that he erred in agreeing with the Planning Board to only use that pool gate for emergency uses. He stated that he believed his residents, of only 12 units, should have that access.

Mr. Schwarz noted that he did not feel that his small development would impact or cause issues with its neighbors. He stated that all of the surrounding property owners, except for one as previously mentioned, had expressed support for the project. He noted that he was not very pleased with the window configuration, but noted that he agreed to the high transom windows. He stated that the property was 45 feet away from its rear neighbor. He noted that the development was a two-story building and not a massive complex. He stated that he was not thrilled about the windows, but was more concerned about the access to the rear road. He stated that he accepted all of the other Planning Board recommendations and hoped for the City Commission's approval.

Commissioner Selby stated that when he met with Mr. Schwarz they had discussed potentially moving the pool gate to the southwest corner of the property; whereby, Mr. Schwarz stated that he could not move the gate. Commissioner Selby clarified that Mr. Schwarz wanted to keep the gate where it was located.

Mr. Schwarz stated that the gate was essential to the design of the project as it was the only access to the pool area. He noted that at the Planning Board meeting he had indicated that it would only be used for maintenance and emergency uses. He explained that he erred in saying that. He further explained that after researching the road, he wanted his residents to be able to have access to that road through that gate. He noted that each residential property unloaded into the pool area, and that gate was the only access to outside of the pool area.

Commissioner Selby asked how Mr. Schwarz envisioned the gate operating; whereby, Mr. Schwarz explained that the gate would be locked and not accessible by those coming off the road and trying to get onto the project. Mr. Schwarz explained that he was not looking to access anyone's property, just the prescriptive easement in the back.

Commissioner Kent disclosed that he met with Mr. Schwarz about the project. He addressed the gate and thanked Mr. Schwarz for clearing that up. He stated that he gave a tour each year for the Ormond Beach Chamber of Commerce's leadership program. He noted that he was ill last year and Mayor Partington filled in for him. He explained that as part of that tour, the bus parked on Mr. Schwarz's property. He noted that the tour accessed the road being discussed in order to look at some of the historic homes back in that area. He stated that it made total sense to him to use that gate for the people who were going to live there to be able to reach Fortunato Park by foot and

walk John Anderson Drive. He noted that he did not believe that they would be accessing it by vehicle. He explained that he wanted to make sure that that was known and that they were speaking about foot traffic. He noted that the development to the south of the property was able to access that road.

Commissioner Kent referenced the windows. He asked how many fewer windows the back two units had compared to the others, if any.

Mr. Schwarz stated that he had discussed different arrangements of windows with the architect to allow some light from the west.

Commissioner Kent asked about the windows in the other units; whereby, Mr. Schwarz explained that the units that were adjacent to one another in the middle would not have windows on the sides.

Commissioner Kent stated that he immediately questioned the lack of windows and noted that he assumed that it was because someone did not want there to be windows located back there. He explained that he found that to be outrageous. He stated that he had a pool in his backyard and neighbors who lived next to him with a second story. He noted that those neighbors had windows and could see his pool if they wished. He stated that presently, unless he heard something to make him change his mind, he believed that Mr. Schwarz's development should be allowed to have windows located on the west side and to have the pool gate.

Commissioner Boehm asked for the line of sight exhibit to be displayed. He asked if that line of sight was from an eight foot high transom window on the upper floor; whereby, Mr. Goss stated that it was.

Commissioner Boehm asked if the tree depicted would not block the view even more if the windows were lowered to four or six feet. He noted that regular windows would be lower and the trees would block more of the view to the back. He stated that he agreed with Commissioner Kent. He explained that he lived in a two story home with one story homes on both sides, which were not located 45 feet away. He stated that he had lived in his home for 26 years and never had the thought that he should not have windows on his second floor because they may look onto his neighbors' properties. He noted that his neighbor had never told him that he should not be able to look down on his property. He stated that he found this issue confounding when he read about it.

Commissioner Boehm stated that Mr. Schwarz agreed not to allow outdoor activity in the area adjacent to the gate. He asked Mr. Schwarz whether that area would be grass or dirt; whereby, Mr. Schwarz stated that it would be healthily landscaped and grass.

Commissioner Boehm noted that Mr. Schwarz was comfortable saying that children could not play back there or that no one would be able to barbeque back there. He stated that that baffled him. He noted that his children played in his yard and he barbequed in his backyard. He stated that the only thing separating him from his neighbor was a fence. He explained that when he read these proposals they seemed to be coming from an alternate universe. He noted that he wanted to hear someone explain why any of these alterations made any sense.

Commissioner Littleton stated that he met with Mr. Schwarz, but would decline to comment further until after the public had spoken.

Mayor Partington noted that he believed each member of the Commission had met with Mr. Schwarz.

Commissioner Kent referenced Commissioner Boehm's comments. He noted that he also found some of the issues highlighted outrageous. He gave a hypothetical of one home being put on this property, suggesting that Mr. Schwarz would be building his dream home there. He stated that it would seem incredible for Mr. Schwarz to be told he could not put windows in the back of his home, 45 feet away from his neighbor, because someone did not want him to have them. He reiterated that he found that outrageous and apologized to Mr. Schwarz for those changes being made. He stated that he agreed with Commissioner Boehm, and that someone should be able to throw a Frisbee back there and enjoy their property. He asked Mr. Schwarz if he would rather have more windows on the back units and whether he would like the ability for those residents to use the property that they owned.

Mr. Schwarz stated that he was not asking for more, but noted that he would like to have the flexibility should they decide that there was a good location for a window within the unit. He explained that he would hate to have the restriction where he could only put two transom windows up.

Commissioner Kent stated that he often heard concerns about property rights. He noted that Mr. Schwarz owned this property and had rights to it. He stated that he had heard this often about parcels on Granada Boulevard. He stated that developers that owned property on Granada Boulevard for 30 years, and paid taxes on it for 30 years, were being hit with complaints about them wanting to do something with their properties.

Ms. Julia Truilo, Executive Director of Ormond Beach MainStreet ("MainStreet"), stated that whatever the design outcome of the project was, MainStreet looked very positively at developments like it. She noted that the development would be located just outside of the downtown district, but carried a lot of the influences that they would like to see in the district. She explained that they wanted to see more multi-residential, higher density and walk-ability so that people could live and work in the downtown area. She noted that a new development bringing those factors to a blighted property right outside of the downtown district was a gift.

Ms. Jean Marie Appleby, 125 Orchard Lane, requested that the photograph in Mr. Goss's PowerPoint presentation which contained her home be displayed. She noted that she had lived at 125 Orchard Lane for about ten years, which was located adjacent to the proposed development. She stated that she would be the single most negatively impacted property. She stated that the size and density of the project would have tremendous negative impact on her home and her quality of life. She noted that by orienting the rear two units in the complex in such close proximity to her, and because of the building's imposing height and continuous length, the structure would eliminate all views to the east, severely limiting daytime sunlight and associated air movement. She noted that the development would in essence cast her property in a shadow.

Ms. Appleby stated that the building's long tall continuous walls devoid of architectural detail would make her feel like she was living behind a Food Lion. She noted that when the developer described his complex he indicated that he intentionally oriented the units to be east-facing to maximize on the beautiful sunrises and ocean breezes. She stated that the structure would totally deprive her of those same things. She noted that the developer features privacy landscaping in his most recent plan to the very far north and very far south of her property, as well as a fence just on those corners to provide privacy to those same two properties only. She explained that in front of her property the developer intended to grate the barrier berm, which presently kept people from walking down the hill, so that it would gradually slope down from the rear wall of his complex towards her home. She noted that it seemed to her that that would encourage not only foot traffic, but also increase direct runoff towards her home.

Ms. Appleby stated that in the original documentation, engineers stated that runoff was going to be inhibited by a block wall, but noted that the block wall was not in the developer's proposal, nor was the PVC fencing. She explained that the developer proposed only two holly trees in front of her property and some ornamental grass. She noted that she felt the landscaping in front of her property was extremely minimal. She stated that the other adjacent properties were relatively unaffected. She explained that the estate home on Halifax Drive immediately to the north had been vacant for several years. She stated that another home was almost 100 feet from the development's southwest edge and was accessible from the main Orchard Lane road. She noted that the property at 135 Orchard Lane would remain unchanged, as well as the fire trail which went through the front of his property.

Ms. Appleby stated that the neighbors to the south in the townhomes located there were made to feel that the church was soon to be considered a blighted property, thereby reducing their property values. She stated that as such, they were inclined to consider any development being placed there as positive. She asked that the Commission conduct a site visit before ruling on the matter before them. She explained that it was hard for them to appreciate the negative effects of the development as it had been presented. She stated that the renderings provided by the development were enhanced, inaccurate, and did not reflect a realistic portrayal of the proximity and scale of the impact that the development would have on her property. She noted that she had been advised that because of the development's orientation and scale with the back two units, the value of her home would be greatly reduced, but noted that it would mostly affect her quality of life.

Ms. Appleby stated that she was not opposed to development and appreciated development. She stated that no single property should bear the brunt of the burden of development while there were other options. She passed out copies of her comments to the Commission. She continued to speak off-microphone to the Commission while distributing her materials.

Mayor Partington noted that Ms. Appleby's speaking time had concluded and thanked her for the materials; whereby, Ms. Appleby requested that the Commission conduct a site visit.

**Commissioner Kent moved, seconded by Commissioner Littleton, for approval of Ordinance No. 2017-33, on first reading, as read by title only.**

Commissioner Kent stated that he appreciated Ms. Appleby's idea to do a site visit. He noted that he personally did not think it was necessary for him as he had lived on the beachside in Ormond Beach for his entire 42 years and was familiar with that area, having been to that property multiple times. He noted that he was perplexed about the comments relating the proximity of Ms. Appleby's residence to the proposed structure, noting that he had heard 45 feet mentioned. He asked Mr. Goss is that was correct.

Mr. Goss indicated that based on the exhibit provided by the developer, it appeared to be 45 feet from the building to her porch.

Commissioner Kent asked if all of the buildings proposed would be located within the guidelines of the City of Ormond Beach with regards to rules and regulations concerning distance and setbacks; whereby, Mr. Goss confirmed that they did. Commissioner Kent noted that he wanted that on the public record.

Commissioner Kent stated that he was in favor of the development as long as the gate remained where it currently was in the plan, and as long as the developer was allowed to place his windows where he desired. He noted that he felt it would be too much regulation from the city if they were to dictate those things.

Commissioner Boehm stated that he also thought that the prohibition on outdoor activities was too much. He noted that he believed that outdoor activities should be allowed. He stated that he agreed with Commissioner Kent relative to the windows. He noted that he had no reason to change his previous opinion.

Commissioner Littleton addressed the gate and noted that the individuals buying the townhome properties would be citizens of Ormond Beach. He stated that they could not be denied access to a right-of-way. He asked how much lighting was in the back next to the right-of-way.

Mr. Schwarz stated that the lighting that would be designed will be for emergency purposes mostly. He noted that there had to be some security lighting. He stated that there would be low lighting, noting that he was not proposing any light poles around the project and any lighting would be soft and directed towards the building.

Commissioner Littleton stated that Officer Jay Brennan of the Ormond Beach Police Department had told him that more lighting greatly reduced the risk of crime because burglars were like vampires with regards to light, and did not want to be around it.

Commissioner Selby noted that he met with Ms. Appleby and discussed this item at a social engagement. He stated that he supported the concept expressed by Ms. Truilo and MainStreet. He noted that he actually told Mr. Schwarz that he would prefer more density on the site. He stated that he was supportive of the project in the location, citing its proximity to the downtown area. He noted that the dirt road mentioned was a prescriptive easement, or right-of-way, and that access to it was perfectly acceptable. He stated that he was a little confused about the concern on the west side of the property for a wall or fence which would run the entire length. He noted that it was his understanding that there would be a fence south of the building and north of it. He stated that that would block any headlights from cars driving onto the property. He noted that once the fence reached the building, he did not see the reason for any additional fence or wall because the west wall of the building would serve as the separation between it and the neighbors. He stated that if he was the neighbor, he would frankly rather look at the landscaping than a second wall or fence. He noted that he supported the project.

Commissioner Boehm asked whether an amendment was needed as the recommendation was to approve this with the Planning Board recommendations intact, noting that the Commission would not be accepting all of them.

Ms. Carly Meek, Assistant Attorney, stated that she would recommend an amendment.

Mayor Partington stated that he also met with Mr. Schwarz. He noted that he agreed that this was quality infill for Ormond Beach. He explained that this was the type of development they wanted to see, and noted that it took into consideration as many of the concerns as possible from the adjoining landowners and those in the general vicinity. He noted that there were those who wished to see more density, but stated that he felt the number of units to be very reasonable and appropriate. He stated that that was probably why positive neighborhood meetings had been held and there was not a bigger outcry with regards to the project. He noted that the city's Planning Board recommended the project unanimously at their meeting.

Mayor Partington addressed the second story windows. He noted that he did not have a strong feeling either way about them. He stated that if Mr. Schwarz could live with the Planning Board recommendation, that may be a reasonable accommodation. He noted that he heard the rest of the Commission's comments on the subject, and was comfortable however those issues turned out. He referenced the back gate and noted that he felt it was almost a safety issue. He noted that he would be curious to know what the fire department's SPRC representative said about it. He explained that he felt like there should be a gate located there for life safety reasons, such as a drowning or fire, noting that rescuers or those looking to escape would want access or exits from as many points as possible. He noted that from a police perspective however, that could be another issue if that access was not controlled or locked. He noted that Mr. Schwarz had indicated that he planned to lock it.

Mayor Partington stated that he was comfortable with limiting the outdoor activity. He noted that he felt that was just being a good neighbor. He stated that he thought that the residents should be able to access that area to walk their dogs and use the prescriptive easement to travel to the parks and bridge. He explained that part of being a good neighbor would also be abiding by rules that the condominium association may set limiting parties or large gatherings in that area. He noted that he thought that would be a smart thing to do, noting that Mr. Schwarz had mentioned considering that.

Commissioner Selby noted that the current ordinance being considered was for the zoning and asked whether the referenced limitations were part of this ordinance.

Mr. Goss stated that the standards were part of the PRD. He noted that the present item was relative to the zoning, which affected the density. He stated that the zoning would be approved first and then the second part would be the actual standards for the site plan.

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

Item #8B - 100 North Halifax Drive Development Order

City Clerk Scott McKee read by title only:

ORDINANCE NO. 2017-34

AN ORDINANCE AUTHORIZING THE EXECUTION AND ISSUANCE OF A DEVELOPMENT ORDER FOR A PLANNED RESIDENTIAL DEVELOPMENT TO BE KNOWN AS "HALIFAX 100", AUTHORIZING THE CONSTRUCTION OF 12 ATTACHED GARDEN TOWNHOMES ALONG WITH ASSOCIATED SITE IMPROVEMENTS TO BE LOCATED AT 100 NORTH HALIFAX DRIVE (VOLUSIA COUNTY PARCEL NUMBER: 4214-08-00-0340); AUTHORIZING THE GROSS RESIDENTIAL DENSITY OF 8.1 UNITS PER ACRE; ESTABLISHING CONDITIONS AND EXPIRATIONS OF APPROVAL; AND SETTING FORTH AN EFFECTIVE DATE.

Mayor Partington requested that whoever made a motion include in their motion the changes they desired to make to the recommendation, rather than making a motion and then amending it. He asked Ms. Meek to correct him if that was not the proper procedure; whereby, Ms. Meek stated that was correct.

**Commissioner Boehm moved, seconded by Commissioner Kent, for approval of Ordinance No. 2017-34, on first reading, as read by title only, with the following amendments – striking No. 2 under Section Four of the ordinance, and striking the last two sentences of No. 4.**

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

Item #8C – Amended Development Order for Wal-Mart Supercenter (Liquor Box)

City Clerk Scott McKee read by title only:

ORDINANCE NO. 2017-35  
AN ORDINANCE AUTHORIZING THE EXECUTION AND ISSUANCE OF THE SEVENTH AMENDED DEVELOPMENT ORDER FOR THE “WAL-MART SUPERCENTER” PLANNED BUSINESS DEVELOPMENT APPROVING A BUILDING ADDITION OF 5,002± SQUARE FEET FOR A LIQUOR BOX; ESTABLISHING CONDITIONS AND EXPIRATION DATE OF APPROVAL; RATIFYING ALL PRIOR APPROVALS; AND SETTING FORTH AN EFFECTIVE DATE.

Mr. Goss stated that this was the seventh amendment to the Planned Business Development (PBD) for Wal-Mart Supercenter. He noted that Wal-Mart wished to build an independent liquor store of about 5,000 square feet in the northeast corner of the site. He stated that presently it was located inside their existing building, but they wished to build an independent building. He noted that the only issue was the parking and that Wal-Mart had provided a parking study based upon other Wal-Marts. He stated that the 19 parking spaces that they would require were not really necessary due to the usage there. He stated that it convinced him that more parking was required than was needed.

Mayor Partington noted that the Planning Board recommended approval unanimously.

**Commissioner Littleton moved, seconded by Commissioner Selby, for approval of Ordinance No. 2017-35, on first reading, as read by title only.**

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

Mayor Partington closed the public hearings without objection.

Item #9A – Health Savings Account Funding for Employees

City Clerk Scott McKee read by title only:

RESOLUTION NO. 2017-210  
A RESOLUTION AUTHORIZING FUNDING OF EMPLOYEE HEALTH SAVINGS ACCOUNTS FOR THE 2018 PLAN YEAR; AND SETTING FORTH AN EFFECTIVE DATE.

Ms. Joyce Shanahan, City Manager, stated that the Commission discussed this topic during their workshop prior to the meeting. She noted that the Commission had a consensus at that workshop regarding providing additional dollars for wellness incentives, including “Lunch and Learns” and tobacco-free programs.

**Commissioner Selby moved, seconded by Commissioner Boehm, for approval of Resolution No. 2017-210, as read by title only.**

Commissioner Kent stated that the incentive ideas were excellent. He noted that they were very creative and appropriate.

Commissioner Selby echoed Commissioner Kent's comments. He stated that the fact that the employees could easily earn up to \$200 above their deductible through a health savings account (HSA) contribution and additional incentives. He noted that they were doing a couple of things that he liked, including encouraging behavior to make the employee population healthier in the long run and funding the HSA, which he was certain a lot of employees appreciated. He stated that the city, with the help of Brown and Brown Insurance, was able to reverse the trend on the cost of the citywide health insurance for the city's employees, noting that this year the costs actually decreased by two percent. He stated that that was a very exciting change in direction. He thanked city staff, Brown and Brown Insurance, and Florida Healthcare Plans for their assistance.

Mayor Partington noted that the city had experienced years of 15, 20, and 30 percent healthcare cost increases. He stated that a couple years ago the Commission, with staff's hard work, took action to try to stem the tide and rein in some of the large increases. He noted that, as Commissioner Selby mentioned, this year there was a savings, although modest. He stated that it was important to use some of those savings to offer the mentioned incentives so that the city's employees could take advantage of them and hopefully become even healthier.

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

**Item #10B – Granada Bait and Tackle Request**

Mayor Partington noted that he would open item #10B for discussion first.

Commissioner Kent stated that he was so pleased that Ms. Shanahan and her staff had come up with something that was palatable to Mr. Leary. He thanked Finance Director Kelly McGuire. He noted that Mr. Leary praised Ms. McGuire for going out of her way to meet with him and make sure that he got back up on his feet. He stated that Mr. Leary was a great ambassador for the city. He noted that he was proud of the way the city treated him.

Commissioner Boehm stated that the request that Mr. Leary had made was regarding reimbursement for the expenses that he incurred for damages suffered during the hurricane. He noted in the meeting materials that the city, who owned the building that Mr. Leary's business operated out of, patched the building many years ago in a way which did not prevent the flooding that occurred and thus caused the damage sustained by Mr. Leary. He stated that because city action caused the damage, he believed the city should reimburse Mr. Leary for his out-of-pocket expenses. He noted that the city should ensure that that building was repaired in such a manner that it could not happen again. He stated that he was in favor of providing the requested reimbursement to Mr. Leary.

**Commissioner Kent moved, seconded by Commissioner Boehm, to provide the requested reimbursement to Mr. Leary, as per staff's recommendation.**

Ms. Shanahan noted that the amount was within her spending authority.

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

**Item #10A – Compensation Review for Appointed Officials**

Commissioner Kent stated that discussing the compensation of the city's appointed officials, the City Manager and City Attorney, was uncomfortable for some but never was

for him. He noted that he thought about Ms. Shanahan and City Attorney Randy Hayes' evaluation scores from the Commission. He stated that taking those scores as report cards, Ms. Shanahan received about a 98 percent and Mr. Hayes received a 98 or 99 percent. He noted that Ms. Shanahan had been with the city for eight years and eight months and that Mr. Hayes had been with the city for 24 years and six months.

Commissioner Kent stated that he had no major issues while Ms. Shanahan had been in charge. He noted that Ormond Beach was fortunate to have her. He stated that she was innovative, energetic, consistent, tenacious, and a hard worker. He stated that he had worked with Mr. Hayes for close to 15 years and had no major issues with him during that time. He noted that Mr. Hayes was an extreme professional and a person of the highest ethical quality. He stated that Mr. Hayes was very efficient, effective, and while soft spoken, impactful when he spoke.

Commissioner Kent stated that the Commission was provided information on Ms. Shanahan and Mr. Hayes' salaries and the salaries of other city managers and city attorneys in the area. He noted that his suggestion may be aggressive, but he wanted to state how he was feeling. He stated that Ms. Shanahan's current salary was \$143,908. He noted that the City of Deland, with 31,000 residents, paid their city manager \$157,000. He noted that the City of New Smyrna Beach, with 25,000 residents, paid their city manager \$135,000. He stated that Holly Hill, with 12,000 residents, paid their city manager \$141,000. He noted that Ormond Beach had around 40,000 residents. He stated that he would utilize the words Mayor Partington taught him years ago, which were "stop the insanity." He explained that this was not about what others made, but about Ms. Shanahan's eight plus years in charge and fantastic leadership.

Commissioner Kent recommended that Ms. Shanahan's salary be adjusted. He noted that other employees had had their salaries adjusted, including the city's general employees and police officers. He stated that he felt that Ms. Shanahan was underpaid. He noted that he was sure other employees would balk at the adjustment, but explained that adjustments had been made to other employees and noted that Ms. Shanahan's job was a different type of leadership position. He stated that once the salary adjustment was correct, he would be more comfortable with making sure that Ms. Shanahan and Mr. Hayes received the same types of raises that the rest of the city's employees did.

Commissioner Kent proposed that Ms. Shanahan receive a little over \$11,000 more annually, so that her salary would go up to \$155,000. He noted that Mr. Hayes was at a bargain salary compared to almost all of the other city attorney salaries provided. He noted that Mr. Hayes was not present. He explained that he would propose a more aggressive increase for Mr. Hayes, noting that he believed him to be extremely underpaid. He noted that Mr. Hayes presently received a \$125,000 salary. He proposed that Mr. Hayes receive a \$25,000 adjustment to take his salary up to \$150,000. He noted that that would require spending a total of \$36,000, which he felt to be money well spent. He stated that he would take any heat from his constituents about spending that, but noted that he did not believe he would receive much, if any at all. He noted that anyone who knew those two individuals knew the quality of work they provided the city, noting that they did not work regular hours, but were at the city's beck and call all the time.

Commissioner Littleton stated that the numbers he had were to increase Ms. Shanahan's salary by \$9,000 and to increase Mr. Hayes' salary by \$6,000. He explained that that would provide Mr. Hayes with \$500 more a month and Ms. Shanahan with \$750 more a month. He noted that he arrived at those numbers without being able to discuss them with the Commission.

Commissioner Selby noted that this was the first time he had ever reviewed an employee in a public arena. He stated that he appreciated the information provided. He stated that he had the utmost respect for Mr. Hayes and Ms. Shanahan. He noted that he was extremely proud of both of them. He explained that they were the only two employees in the city which worked directly for, and at the pleasure of, the City Commission. He noted that Ms. Shanahan was responsible for all of the rest of the hires, other than those on the City Attorney's staff. He stated that one of the pieces of information provided to the Commission was the increases that the other employees in the city had received. He noted that Mr. Hayes and Ms. Shanahan had no increases over the last two years, while all of the other employees had five percent over that period.

Commissioner Selby stated that increasing Mr. Hayes and Ms. Shanahan's salaries five percent would keep them at par with the rest of the city's employees. He stated that five percent for Ms. Shanahan would be around \$7,000, and five percent would be around \$6,000 for Mr. Hayes. He noted that he quickly did the math on Commissioner Kent's suggestion, noting that \$25,000 would be a 20 percent increase for Mr. Hayes. He stated that he was unsure he would get there. He asked whether a final decision would be made that evening.

Mayor Partington stated that the Commission needed to provide their direction, and then staff would bring back the increases as a resolution for formal approval.

Commissioner Selby noted that he did not think that five percent would be enough. He stated that that would basically be what the two would almost be entitled to, given the raises provided to the rest of the employees. He noted that their performance far exceeded that amount.

Commissioner Boehm stated that the amount that Commissioner Kent was suggesting for Ms. Shanahan would constitute a raise of just under eight percent. He noted that he believed that, given her past salary increase history, that figure could be justified. He stated that he had known Mr. Hayes since he first arrived at the city, as he had previously served as counsel for the Claims Committee. He noted that Mr. Hayes always had great integrity and was hard working. He stated that both he and Ms. Shanahan did not like to talk about themselves or their salaries. He noted that neither of them ever complained. He stated that he was wrestling with a 20 percent increase though. He noted that he would be more comfortable with ten percent, noting that he would vote in favor if the rest of the Commission agreed on 20 percent. He explained that he would be in favor of doing ten percent and revisiting it next year. He noted that that would still be more than what was provided to Ms. Shanahan, but explained that Mr. Hayes was more lowly paid compared to his fellow city attorneys.

Mayor Partington stated that he was comfortable with adjusting their salaries. He stated that he thought that a \$155,000 salary was appropriate for Ms. Shanahan. He noted that with regards to Mr. Hayes, he was more inclined to agree with Commissioner Selby and Commissioner Boehm, noting that he was thinking of adjusting him up to \$142,000. He stated that he believed they were in agreement with Ms. Shanahan, but needed to discuss Mr. Hayes further.

Commissioner Littleton suggested adjusting Mr. Hayes to \$140,000 or \$141,000. He noted that though it appeared Mr. Hayes was more underpaid, he was slightly uncomfortable giving him a large adjustment than Ms. Shanahan.

Commissioner Kent stated that he was as keenly aware as anyone that a 20 percent raise for someone was dramatic. He noted that he was also keenly aware of how underpaid Mr. Hayes and Ms. Shanahan had been. He stated that years ago the Commission tried to bestow a raise on Mr. Hayes and he declined it. He noted that he had not spoken to Mr. Hayes about this proposal. He stated that he was proposing a salary adjustment to get Mr. Hayes to where he needed to be. He explained that he did not understand doing half of it this year and half of it the following year. He asked if the reasoning for that was that the perception would be that 10 percent would not be received as poorly as 20 percent by the public. He noted that he believed the Commission had reached a consensus with regards to Ms. Shanahan and as such, explained that he would be focusing on Mr. Hayes.

Commissioner Kent stated that he could defend what he was proposing for Mr. Hayes by looking at what other city attorneys were paid, and also because of the plethora of work done by Mr. Hayes. He noted that the city had received positive results in court cases because of Mr. Hayes. He reiterated Mr. Hayes' high evaluation scores. He stated that it made sense to raise Mr. Hayes' salary up to \$150,000 all at once if they thought it should be there. He noted that he would vote for it increasing to \$142,000, despite his disagreement with that, if that was how the rest of the Commission wished to proceed. He stated that he would still feel that Mr. Hayes was underpaid at \$142,000. He explained that he was not focused on the percentage, but on adjusting their salaries to the appropriate level. He noted that when the city had adjusted its police officers, there were some double-digit percentage adjustments. He asked Ms. Shanahan if she recalled that.

Ms. Shanahan noted that she did not recall specifics, but stated that there were many adjusted beyond just a regular adjustment percentage.

Commissioner Kent stated that those employees needed their salaries brought up in line. He stated that once Ms. Shanahan and Mr. Hayes' salaries were appropriately adjusted, he would be comfortable with them receiving the incremental raises that other employees did. He noted that they had gone many years before without giving them any increases.

Mayor Partington asked Ms. Shanahan if it made a difference if they recommended a straight salary adjustment or assigned a percentage for adjustment; whereby, Ms. Shanahan stated that it did not matter.

Mayor Partington suggested adjusting the City Manager to \$155,420.64, which was an eight percent increase over her current salary. He suggested adjusting the City Attorney to \$140,160, which was a 12 percent increase.

Commissioner Selby stated that those were precisely the percentages that he was going to suggest.

Commissioner Boehm and Commissioner Littleton stated that that was agreeable.

Mayor Partington noted that they were not quite where Commissioner Kent wanted to be, but noted that it was a start; whereby, Commissioner Kent agreed.

**Commissioner Kent moved, seconded by Commissioner Selby, to recommend bringing back a resolution for an eight percent salary increase for City Manager Joyce Shanahan and a 12 percent salary increase for City Attorney Randy Hayes.**

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

Ms. Shanahan thanked the Commission for their comments about her and the City Attorney.

Item #11 – Reports, Suggestions, Requests

Upcoming meetings

Ms. Shanahan stated that the next Commission meeting would be on November 7, 2017. She noted that it was possible that there would be a workshop held before then, but noted that staff might not be ready for it.

Volusia Legislative Delegation meeting

Ms. Shanahan stated that the Volusia Legislative Delegation meeting would be held on November 3, 2017. She noted that they would be meeting in the Commission Chambers at Ormond Beach City Hall at 9:00 a.m. She noted that the Commission approved its legislative priorities and that an information packet was produced based on that. She stated that based on those priorities, the city had been filling out Senate and House of Representatives grant funding requests.

Volusia Days

Commissioner Littleton stated that he would be attending Volusia Days, noting that he had a great time the previous year and that it was very informative. He noted that he understood that most of the topics would be about hurricane preparedness, but he still intended to fight for home rule.

Planning Board

Commissioner Littleton stated that he attended the Planning Board where Ormond Central was discussed. He noted that that meeting could have gotten out of hand, but the Planning Board acted very professionally.

Fast Fly-In

Commissioner Selby stated that he and Mayor Partington attended the Florida League of Cities' Fast Fly-In in Washington, D.C., the prior Wednesday and Thursday. He stated that they had a very productive couple of days up on the Hill talking to congressmen from all over the state as well as the staff of the senators.

#### Septic to sewer

Commissioner Selby stated that he was encouraged by the discussion in the workshop regarding transitioning septic to sewer on the north peninsula.

#### MainStreet

Commissioner Selby stated that he attended MainStreet's annual meeting the previous evening. He noted that it was extremely well-attended. He stated that he was happy to win the golf foursome. He noted that last year he and Economic Development Director Joe Mannarino split that prize.

#### Birthday

Commissioner Selby stated that yesterday was his dog Duke's one-year birthday. He noted that later in the week he would be getting neutered.

#### Bike safety

Commissioner Selby stated that he was riding his mountain bike without a helmet or protective gear on the bike trail in Tomoka State Park. He noted that the wheels slipped out from under him on a slimy spot on the trail and he hit the ground. He explained that he laid on the ground moaning and one of the volunteer maintenance park rangers assisted him. He noted that other than some abrasions, and hitting his head significantly, he was fine, despite a broken rib and some bruising. He encouraged everyone to wear their helmets.

Commissioner Kent stated that he was glad that Commissioner Selby was okay. He noted that Duke probably comforted him and it was "uncool" what he was doing to him.

#### Board resignation

Commissioner Kent stated that Ms. Pat Behnke called and informed him that due to some health issues with her and her husband, she would be resigning from the Planning Board and Brownfield Advisory Board. He noted that Ms. Behnke had been an advocate for Ormond Beach since she moved there 12 years ago. He explained that previously the Behnkes had lived on a sailboat and sailed around the world.

#### Movies on the Halifax

Commissioner Kent stated that the event happened two Fridays prior. He noted that it was sponsored by Realty Pros and Hershey's Ice Cream.

#### Beachside Redevelopment Committee

Commissioner Kent stated that he attended the Beachside Redevelopment Committee meeting the previous evening, and thus missed the MainStreet dinner. He stated that they had a presentation from a planning consultant who worked in places like Miami Beach. He noted that some of the comments made had been pretty extreme, noting that some of them were related to taking all vehicular traffic off of Main Street in Daytona Beach and enlarging the sidewalks. He stated that there had also been some discussion of allowing short-term rentals, like Airbnb, in Daytona Beach. He noted that he informed them that his personal opinion, having lived next to that headache, was that that was unfair and he did not want that in Ormond Beach. He explained that certain sections of Daytona Beach's beachside were owned by out-of-town owners. He noted that those would be areas that they would be looking into for those types of rentals. He stated that they also discussed itinerant vending and some possible changes with that. He noted that they discussed having to have an actual storefront in order to have itinerant vending in the Main Street area.

Commissioner Kent noted that the group would be finished in a few months and provide their recommendations to Volusia County and Daytona Beach. He stated that he stated at the meeting last night that he knew that the Beachside Redevelopment Committee was intended to really just be the Daytona Beach Beachside Redevelopment Committee. He noted that he knew that when he signed up. He stated that the name implied that Daytona Beach Shores and Ormond Beach were involved, but explained that he recognized that the focus was on Daytona Beach. He explained that he told them that a recommendation that would help Ormond Beach with their beachside redevelopment was to open all of the city's beach approaches.

#### PAL golf tournament

Commissioner Boehm stated that on November 4, 2017, at 8:30 a.m. the Ormond Beach Police Athletic League (PAL) would hold their annual Golfing for Youth Golf Tournament.

### CFOB

Commissioner Boehm stated that he attended the Citizens for Ormond Beach (CFOB) biannual dinner in which they presented the Citizen of the Year Award to Dr. Pam Carbiener. He stated that she was an amazing person who deserved the award.

### Debris removal

Commissioner Boehm asked Public Works Operations Manager Kevin Gray what a cubic yard of debris weighed; whereby, Mr. Gray stated that it weighed 800 pounds. Commissioner Boehm stated that the city collected less debris with this hurricane than the previous one, but still collected 13,000 cubic yards. He noted that there were many other places that had not collected their debris yet.

Commissioner Boehm stated that he spoke to County Council Chairman Ed Kelley last week after Chairman Kelley had met with Florida Governor Rick Scott. He stated that the Governor had informed Chairman Kelley that the reimbursement money for Hurricane Matthew, of which \$60 million was going to Volusia County, was in the hands of the state of Florida. FEMA had distributed the money to Florida to add to it, but those handling it for Florida were fired or new and thus the distribution was delayed. He noted that at the rate the city was being reimbursed for Hurricane Matthew, Commissioner Littleton would probably see his 40<sup>th</sup> birthday before the city received funds for Hurricane Irma. He stated that the reimbursement system was incredibly inefficient, which he found befuddling since every load of debris was required to be inspected by a FEMA inspector.

### Commission

Commissioner Boehm stated that Commissioner Selby and Commissioner Littleton were no longer rookies as the calendar entered November because they would be moving into the second year of their terms.

### MainStreet

Mayor Partington stated that Ms. Truilo was celebrating her fifth year as Executive Director. He noted that she received an Ace Award at the State of the City for her hard work.

### Fast Fly-In

Mayor Partington stated that the event had a fast and furious pace with many meetings in a two-day span. He noted that it was important that they go and present their issues. He stated that he and Commissioner Selby were focused on FEMA and disaster recovery issues, and the national flood insurance program, which needed reforms. He noted that the other issue was maintaining the interest deduction on municipal bonds, which was critically important for many of the city's infrastructure projects.

### State of the City

Mayor Partington thanked all those involved with the event. He noted that the presentation video was available on the city's website.

### CFOB

Mayor Partington stated that he heard from Commissioner Kent that Commissioner Boehm's comments were very eloquent and spot-on. He noted that Commissioner Boehm's family's familiarity with Dr. Carbiener were the basis for that.

### FEMA

Mayor Partington stated that he was very frustrated with the process. He stated that the Commission and staff would continue to press the issue. He noted that the city was owed \$7 million for Hurricane Matthew as reimbursement, and were now paying out for Hurricane Irma prior to receiving those funds.

### Item #12 – Adjournment

The meeting was adjourned at 9:11 p.m.

APPROVED: November 7, 2017

BY:

\_\_\_\_\_  
Bill Partington, Mayor

ATTEST:

---

J. Scott McKee, City Clerk