

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

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**August 7, 2019**

**7:00 p.m.**

**Commission Chambers**

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Present were: Mayor Bill Partington, Commissioners Dwight Selby, Troy Kent, Susan Persis, and Rob Littleton, City Manager Joyce Shanahan, Assistant City Manager Claire Whitley, Assistant City Attorney Scott McKee, and City Clerk Colby Cilento.

**A G E N D A**

**1. CALL TO ORDER**

**2. INVOCATION**

**3. PLEDGE OF ALLEGIANCE**

**4. AUDIENCE REMARKS - REGARDING ITEMS NOT ON THE AGENDA**

**5. APPROVAL OF MINUTES**

- A. Minutes from the July 30, 2019, City Commission meeting will be available for approval at the August 20, 2019, City Commission meeting.

**6. CONSENT AGENDA**

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

- A. **RESOLUTION NO. 2019-135:** A RESOLUTION AUTHORIZING THE EXECUTION OF A WATER, SEWER AND ANNEXATION AGREEMENT BETWEEN THE CITY OF ORMOND BEACH AND TERRY M. MCBRIDE AND PAULA S. MCBRIDE FOR PROPERTY LOCATED AT 251 NORTH TYMBER CREEK ROAD, ORMOND BEACH, VOLUSIA COUNTY, FLORIDA; PROVIDING FOR RECORDATION; AND SETTING FORTH AN EFFECTIVE DATE.

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

- B. **RESOLUTION NO. 2019-136:** A RESOLUTION AUTHORIZING THE EXECUTION OF A QUITCLAIM DEED IN FAVOR OF NORMAN SHERRIN AND BLANCHE SHERRIN, RELEASING A FIFTEEN-FOOT (15.0') UTILITY AND DRAINAGE EASEMENT LOCATED ALONG NORTHERLY SIDE OF LOTS 6 AND 7, SHORELAND PARK ROSEMONT SUBDIVISION (680 RIVERSIDE DRIVE); PROVIDING FOR RECORDATION; AND SETTING FORTH AN EFFECTIVE DATE.

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

- C. **RESOLUTION NO. 2019-137:** A RESOLUTION AUTHORIZING THE ACCEPTANCE OF A PUBLIC UTILITY, ACCESS AND MAINTENANCE EASEMENT DEED FROM GRANADA PLAZA GROUP, LLC, FOR PROPERTY LOCATED AT 125 EAST GRANADA BOULEVARD IN CONJUNCTION WITH THE STARBUCKS DEVELOPMENT PROJECT; PROVIDING FOR RECORDATION; AND SETTING FORTH AN EFFECTIVE DATE.

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

- D. **RESOLUTION NO. 2019-138:** A RESOLUTION AUTHORIZING THE EXECUTION OF CHANGE ORDER NUMBER ONE (1) TO THAT CONTRACT AWARDED TO TANK REHAB.COM, LLC REGARDING THE WATER TREATMENT PLANT ELEVATED WATER TANK REHABILITATION PROJECT, BY INCREASING THE CONTRACT PRICE BY \$30,000.00; INCREASING THE CONTRACT TIME BY 105 DAYS; AND SETTING FORTH AN EFFECTIVE DATE.
- Staff Contact:** *Gabe Menendez, Public Works Director (386-676-3292)*
- E. **RESOLUTION NO. 2019-139:** A RESOLUTION AUTHORIZING THE EXECUTION OF A RESERVATION AND SALES AGREEMENT BETWEEN THE CITY OF ORMOND BEACH AND THE LAKE SWAMP, LLC FOR RUNWAY EXTENSION PROJECT TO EXTEND RUNWAY 9 AND TAXIWAY ALPHA AT THE ORMOND BEACH MUNICIPAL AIRPORT; AND SETTING FORTH AN EFFECTIVE DATE.
- Staff Contact:** *Steven Lichliter, Airport Manager (386-615-7019)*
- F. **RESOLUTION NO. 2019-140:** A RESOLUTION APPOINTING A MEMBER TO SERVE ON THE CITIZENS' LAW ENFORCEMENT ADVISORY BOARD; SETTING FORTH TERMS AND CONDITIONS OF SERVICE; AND SETTING FORTH AN EFFECTIVE DATE.
- Staff Contact:** *Colby Cilento, City Clerk (386-676-3340)*
- G. **RESOLUTION NO. 2019-141:** A RESOLUTION ACCEPTING A PROPOSAL FROM CATHEDRAL CORPORATION TO PROVIDE UTILITY BILLING SERVICES; REJECTING ALL OTHER PROPOSALS; AUTHORIZING THE EXECUTION OF AN AGREEMENT THEREFORE; AND SETTING FORTH AN EFFECTIVE DATE.
- Staff Contact:** *Kelly McGuire, Finance Director (386-676-3226)*
- H. **RESOLUTION NO. 2019-145:** A RESOLUTION ACCEPTING A PROPOSAL FROM MEAD & HUNT, INC. TO PROVIDE DESIGN SERVICES REGARDING THE WESTERN SERVICE AREA UPDATE TO THE 2015 UTILITY MASTER PLAN; AUTHORIZING THE EXECUTION OF A WORK AUTHORIZATION THERETO; AND SETTING FORTH AN EFFECTIVE DATE.
- Staff Contact:** *Gabe Menendez, Public Works Director (386-676-3292)*
- I. **Request to Advertise for Aquatic Weed Control Maintenance and Ditch Cleaning Services RFP 2019-35**
- Staff Contact:** *Kevin Gray, Public Works Operations Manager (386-676-3522)*
- Disposition:** Approve as recommended in the City Manager memorandum dated August 7, 2019.
- J. **Water Treatment Plant Chemical Feed System Upgrades**
- Staff Contact:** *Gabe Menendez, Public Works Director (386-676-3292)*
- Disposition:** Approve as recommended in the City Manager memorandum dated August 7, 2019.
- K. **North Peninsula Sewer Retrofit**
- Staff Contact:** *Shawn Finley, City Engineer (386-615-7049)*
- Disposition:** Approve as recommended in the City Manager memorandum dated August 7, 2019.
- L. **Letter of Support Urging Volusia County Support for Septic to Sewer Conversion on North Penn**
- Staff Contact:** *Joyce Shanahan, City Manager (386-676-3200)*

**Disposition:** Approve as recommended in the City Manager memorandum dated August 7, 2019.

## 7. PUBLIC HEARINGS

- A. **ORDINANCE NO. 2019-19:** AN ORDINANCE APPROVING AND AUTHORIZING THE EXECUTION OF A FIRST AMENDED INTERLOCAL SERVICE BOUNDARY AGREEMENT BETWEEN THE CITY OF ORMOND BEACH AND COUNTY OF VOLUSIA, FLORIDA, REGARDING THE NORTH U.S. 1 JOINT PLANNING AND MUNICIPAL SERVICE AREA; PROVIDING FOR RECORDATION; AND SETTING FORTH AN EFFECTIVE DATE.

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

- B. **ORDINANCE NO. 2019-20:** 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 2.17± ACRES LOCATED AT 2260 AIRPORT ROAD, VOLUSIA COUNTY PROPERTY APPRAISER PARCEL NUMBER 4123-00-00-0072 FROM "PUBLIC/ INSTITUTIONAL" (PI) TO "SUBURBAN LOW DENSITY RESIDENTIAL" (SLDR); PROVIDING FOR CONFLICT; AUTHORIZING TRANSMITTAL; AND SETTING FORTH AN EFFECTIVE DATE.

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

- C. **RESOLUTION NO. 2019-142:** A RESOLUTION DECLARING THE INTENTION OF THE CITY COMMISSION TO CONSIDER VACATING A PORTION OF GOWER STREET, BETWEEN FLAGLER ROAD AND THE FLORIDA EAST COAST RAILROAD; ESTABLISHING A TIME CERTAIN FOR A PUBLIC HEARING; AND SETTING FORTH AN EFFECTIVE DATE.

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

- D. **RESOLUTION NO. 2019-143:** A RESOLUTION DECLARING THE INTENTION OF THE CITY COMMISSION TO CONSIDER VACATING A PORTION OF FLAGLER ROAD SOUTH OF BROADWAY AVENUE, ABUTTING VOLUSIA COUNTY PARCEL NUMBER 3136-01- 070-0010; ESTABLISHING A TIME CERTAIN FOR A PUBLIC HEARING; AND SETTING FORTH AN EFFECTIVE DATE.

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

- E. **RESOLUTION NO. 2019-144:** A RESOLUTION DECLARING THE INTENTION OF THE CITY COMMISSION TO CONSIDER VACATING A PORTION OF MAGNOLIA STREET, BETWEEN FLAGLER ROAD AND THE FLORIDA EAST COAST RAILROAD; ESTABLISHING A TIME CERTAIN FOR A PUBLIC HEARING; AND SETTING FORTH AN EFFECTIVE DATE.

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

## 8. FIRST READING OF ORDINANCES

- A. **ORDINANCE NO. 2019-21:** AN ORDINANCE AMENDING ARTICLE VIII, CAMPAIGN FINANCES, OF CHAPTER 13, ELECTIONS, OF THE CODE OF ORDINANCES; CREATING SECTION 13-81, "CAMPAIGN TREASURER'S REPORTS," REQUIRING FILING OF CAMPAIGN TREASURER'S REPORTS THROUGH THE ELECTRONIC FILING SYSTEM OF THE VOLUSIA COUNTY SUPERVISOR OF ELECTIONS OFFICE; PROVIDING FOR CONFLICTS, CODIFICATION, AND SEVERABILITY; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; AND SETTING FORTH AN EFFECTIVE DATE.

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

- B. **ORDINANCE NO. 2019-22:** AN ORDINANCE AMENDING CHAPTER 11, HEALTH AND SANITATION OF THE CODE OF ORDINANCES; BY ESTABLISHING A NEW CHAPTER TO BE CAPTIONED HEALTH, SANITATION, AND ENVIRONMENTAL PROTECTION; BY ESTABLISHING ARTICLE II, ENVIRONMENTAL PROTECTION, INCLUDING DIVISIONS AND SECTIONS THEREUNDER TO BE NUMBERED AND CAPTIONED AS FOLLOWS: DIVISION 1, GENERAL PROVISIONS; SECTION 11-14, AUTHORITY, LEGISLATIVE INTENT, PURPOSE; SECTION 11-15, DEFINITIONS; DIVISION 2, PROHIBITION ON CITY OWNED PROPERTY; SECTION 11-16, DISTRIBUTION AND USE OF PLASTIC STRAWS AND STIRRERS PROHIBITED ON CITY OWNED PROPERTY; SECTION 11-17, EXEMPTIONS; DIVISION 3, PROHIBITION IN RESTAURANTS; SECTION 11-18, DISTRIBUTION AND USE OF PLASTIC STRAWS AND STIRRERS PROHIBITED IN RESTAURANTS; SECTION 11-19, EXEMPTIONS; DIVISION 4, ENFORCEMENT; SECTION 11-20, ENFORCEMENT; DIVISION 5, PUBLIC EDUCATION; SECTION 11-21, PUBLIC EDUCATION PROGRAM, VOLUNTARY COMPLIANCE INITIATIVE; BY PROHIBITING THE DISTRIBUTION AND USE OF PLASTIC STRAWS AND STIRRERS ON CITY PROPERTY; PROHIBITING THE DISTRIBUTION AND USE OF PLASTIC STRAWS AND STIRRERS IN COMMERCIAL ESTABLISHMENTS; PROVIDING EXEMPTIONS; ENCOURAGING ALL PEOPLE AND COMMERCIAL ESTABLISHMENTS TO DISCONTINUE THE USE OF SINGLE-USE PLASTIC STRAWS, SINGLE-USE PLASTIC STIRRERS, AND POLYSTYRENE AND POLYPROPYLENE PRODUCTS; ESTABLISHING A PUBLIC EDUCATION AND PUBLIC AWARENESS PROGRAM; ESTABLISHING EARTH DAY, APRIL 22, 2021 AS THE DATE BY WHICH THE FULL AND COMPLETE DISCONTINUANCE OF THE USE OF POLYSTYRENE AND POLYPROPYLENE PRODUCTS SHOULD BE ACHIEVED; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; AND SETTING FORTH AN EFFECTIVE DATE.

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

## 9. SECOND READING OF ORDINANCES

- A. **ORDINANCE NO. 2019-18:** AN ORDINANCE AMENDING CHAPTER 12, BUSINESS REGULATIONS, ARTICLE IX, SOLICITORS, OF THE CODE OF ORDINANCES, BY AMENDING SECTION 12-249, DEFINITIONS; AND SETTING FORTH AN EFFECTIVE DATE. **(SECOND READING)**

*Staff Contact:* Ann-Margret Emery, Deputy City Attorney (386-676-3218)

## 11. REPORTS, SUGGESTIONS, REQUESTS

## 12. ADJOURNMENT

### Item #1 – Meeting Call to Order

Mayor Partington called the meeting to order at 7:05 p.m.

### Item #2 – Invocation

Chaplin Sam Mercado, Florida Hospital Memorial Medical Center, gave the invocation.

### Item #3 – Pledge of Allegiance

Mayor Partington led the Pledge of Allegiance.

### Item #4 – Audience Remarks

Mr. David Slick Sr., 322 John Anderson Drive, thanked the Commission and city staff for their vision and support of the Ormond Beach Municipal Airport.

Mayor Partington thanked Mr. Slick for his leadership with the Aviation Board and Ormond Beach's Airport Business Park.

Item #5 – Approval of Minutes

Mayor Partington advised the minutes of the July 30, 2019, meeting would be approved at the August 20, 2019, City Commission meeting.

Item #6 – Consent Agenda

Mayor Partington advised the actions proposed for the items on the Consent Agenda were so stated on the agenda. He asked if any member of the Commission wished to pull any items from the agenda; whereby, Commissioner Kent requested to pull item 6D.

**Commissioner Selby moved, seconded by Commissioner Persis, for the consent agenda absent item 6D.**

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

Item #6D – WTP Elevated Water Tank Rehabilitation Project, Bid No. 2018-11, Additional Work

City Clerk Colby Cilento read by title only:

RESOLUTION NO. 2019-138

A RESOLUTION AUTHORIZING THE EXECUTION OF CHANGE ORDER NUMBER ONE (1) TO THAT CONTRACT AWARDED TO TANK REHAB.COM, LLC REGARDING THE WATER TREATMENT PLANT ELEVATED WATER TANK REHABILITATION PROJECT, BY INCREASING THE CONTRACT PRICE BY \$30,000.00; INCREASING THE CONTRACT TIME BY 105 DAYS; AND SETTING FORTH AN EFFECTIVE DATE.

**Commissioner Persis moved, seconded by Commissioner Littleton, for the approval of Resolution No. 2019-138, as read by title only.**

Commissioner Kent noted he is happy with the progress on the Ormond Beach water tower project; however, he stated his disapproval for the requested change order. He mentioned the original contract price cost was initially \$880,139 and the change order requested an additional \$30,000 dollars for unforeseen issues due to rust. He discussed the drone footage that was used ahead of time to capture the scope of work. He noted he would be voting “no”.

Commissioner Persis questioned if there was a representative present that could explain why the change order was needed; whereby, Mayor Partington stated Public Works Director Gabe Menendez was the staff representative for the item.

Commissioner Kent stated he had prior conversations with Mr. Menendez before the Commission meeting and thanked Mr. Menendez for his time, but noted he would still be voting “no”.

Mr. Menendez explained the purpose of the change order was to install anti-sway bars between the legs of the structure. He noted the Commission’s agenda packets contained photos of the rust on the site; and that the severity of the rust was not visible in the original drone photos taken of the site.

Commissioner Selby and Mr. Menendez discussed the materials presented in the agenda packet.

Ms. Joyce Shanahan, City Manager, explained if the change order was not approved, the project would likely need to be stopped and the city would re-bid for the work and fix the rust issue before moving forward; whereby, Mr. Menendez agreed.

Mayor Partington asked if Mr. Menendez remembered the details of the other bids; whereby, Mr. Menendez stated he did not remember them off hand.

Commissioner Kent reiterated his disapproval of the change order, and stated he hoped the Commission would give the City Attorney direction to file suit immediately if the contractor decided not to finish the work agreed to in the contract.

Mayor Partington mentioned a physical inspection would have been a better option than the drone footage, and stated he would be voting “no” on the item as well. He noted he would like to see the other bids that were received for the project.

Commissioner Kent and Mayor Partington discussed the item and noted the company should have noticed the severity of the rust issue and included it in the original price of the work.

Mr. Menendez stated the inspection drone flight for the project was not conducted by the company doing the repairs, but by an outside company. He stated if the change order was not approved the city would have to repair the area under a separate contract; and noted that a new contract had a high chance of being more than the requested \$30,000 by the current company. He explained there would be additional costs associated with a new company restaging and prepping the site.

Mayor Partington questioned if Assistant City Attorney Scott McKee had reviewed the contract for this item; whereby, Mr. McKee stated he had not looked at the contract in detail, but would discuss the contract with the City Attorney upon his return.

Commissioner Kent questioned if the company that provided drone footage of the site would be held responsible for providing false information.

Mayor Partington asked Ms. Shanahan if the item should be continued to allow staff more time to work with the contractor; whereby, Ms. Shanahan stated yes.

Commissioner Kent asked if it would be more appropriate for the Commission to table or continue the item; whereby, Mr. McKee stated he would prefer to continue the item.

**Commissioner Kent moved, seconded by Commissioner Persis, to continue item 6D.**

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

Comments on Consent Agenda Items

Mayor Partington asked if any member of the Commission wished to comment on any other items on the consent agenda.

Commissioner Selby discussed Item 6K and Item 6L. He thanked city staff for their hard work on both items and stated that getting an early start on the process for septic to sewer was noteworthy.

Commissioner Persis commented on Item 6L and complimented Ms. Shanahan and staff on the letter of support written to Volusia County. She thanked Commissioner Selby for his hard work on the septic to sewer project.

Item #7 – Public Hearings

Mayor Partington opened the public hearings.

Item #7A – Interlocal Service Boundary Agreement (ISBA) First Amendment (Plantation Oaks)

City Clerk Colby Cilento read by title only:

ORDINANCE NO. 2019-19  
 AN ORDINANCE APPROVING AND AUTHORIZING THE EXECUTION OF  
 A FIRST AMENDED INTERLOCAL SERVICE BOUNDARY AGREEMENT  
 BETWEEN THE CITY OF ORMOND BEACH AND COUNTY OF VOLUSIA,  
 FLORIDA, REGARDING THE NORTH U.S. 1 JOINT PLANNING AND  
 MUNICIPAL SERVICE AREA; PROVIDING FOR RECORDATION; AND  
 SETTING FORTH AN EFFECTIVE DATE.

Mr. Steven Spraker, Planning Director, stated the item was a request to amend an existing Interlocal Service Boundary Agreement (“ISBA”) that the city entered into with Volusia County in 2014. He reviewed a PowerPoint presentation displaying the details of the ISBA, a map of the area included in the agreement, and what the new agreement would allow the city to do. He explained as the city went to annex the Plantation Oaks subdivision, Volusia County expressed concerns that there were enclaves within the project area that may preclude the annexation, and offered a solution to amend the ISBA agreement. He noted there was no amendment to the existing text in the ISBA, but the ordinance would only affect the map in the agreement. He stated staff and the Planning Board recommended approval, and the item would also need to be approved by the Volusia County Council.

Mr. Andrew Greene, 11921 Tee Time Circle, stated he owned a property on the development site. He explained he had an agreement with Volusia County and the developer to install a road leading into his property, which has not yet been done. He discussed the project in detail, and noted the project had made access to his property difficult. He stated he was against the item.

Mr. Spraker noted he had been in contact with Mr. Greene and Volusia County. He explained that Volusia County stated they were looking into past development agreements to see if there were any obligations of Plantation Oaks to construct the road and utilities. He mentioned he believes there was a platted road, but it was not improved to Mr. Greene’s property. He stated when he heard more information from Volusia County, he would report back.

Commissioner Selby asked for clarification on who would be responsible to construct the road access; whereby, Mr. Spraker stated it would be the developer’s responsibility.

**Commissioner Persis moved, seconded by Commissioner Selby, for approval of Ordinance No. 2019-19, on first reading, as read by title only.**

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

Item #7B – 2260 Airport Road, Future Land Use Amendment

City Clerk Colby Cilento read by title only:

ORDINANCE NO. 2019-20  
 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  
 2.17± ACRES LOCATED AT 2260 AIRPORT ROAD, VOLUSIA COUNTY  
 PROPERTY APPRAISER PARCEL NUMBER 4123-00-00-0072 FROM  
 “PUBLIC/INSTITUTIONAL” (PI) TO “SUBURBAN LOW DENSITY  
 RESIDENTIAL” (SLDR); PROVIDING FOR CONFLICT; AUTHORIZING  
 TRANSMITTAL; AND SETTING FORTH AN EFFECTIVE DATE.

Mr. Spraker presented a PowerPoint presentation that explained the details on the proposed future land use amendment. He noted back in 2008 that the Volusia County School Board and Deer Creek Subdivision swapped properties. He stated a parcel of land included in Volusia County School Boards’ property went from “Suburban Low Density Residential” (“SLDR”) to “Public/Institutional” (“P/I”). He stated the goal of the amendment was to correct the error, reinstate the property back to SLDR, and allow the

development of a single family home. He stated the Planning Board and staff recommended approval.

Commissioner Selby clarified that only one house would be built on the 2.5 acre land; whereby, Mr. Spraker stated the SLDR land use and corresponding zoning would allow one unit per acre. He noted as part of the Hunters Ridge Development of Regional Impact, assignments had to be purchased, and only one single family assignment had been granted. He explained based on the characteristics of the lot it could only support one single family home.

Mayor Partington noted that no audience cards had been submitted for this item.

**Commissioner Littleton moved, seconded by Commissioner Persis, for approval of Ordinance No. 2019-20, on first 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 #7C – Gower Street, Notice of Intent, partial ROW vacation

City Clerk Colby Cilento read by title only:

RESOLUTION NO. 2019-142  
A RESOLUTION DECLARING THE INTENTION OF THE CITY COMMISSION TO CONSIDER VACATING A PORTION OF GOWER STREET, BETWEEN FLAGLER ROAD AND THE FLORIDA EAST COAST RAILROAD; ESTABLISHING A TIME CERTAIN FOR A PUBLIC HEARING; AND SETTING FORTH AN EFFECTIVE DATE.

Mr. Spraker reviewed a presentation that focused on Items 7C, 7D, and 7E. He discussed right-of-way vacations, how they were approved, and the details of the project. He explained the roads included in the project had no access points and would end at the Florida East Coast (“FEC”) Railroad. He noted the project went through the Site Plan Review Committee and utility providers to establish if there were any public purposes for the roadways and none were identified. He stated staff recommended approval, and noted approval of the right-of-way vacation did not commit the Commission to any details regarding the development, but instead those details would be coming through a separate path in the future.

Commissioner Littleton confirmed there were no indications that the city would be building roads over part of the FEC Railroad mentioned in the resolution; whereby, Mr. Spraker stated that was correct.

Commissioner Kent questioned if the resolution addressed the drainage issues in the area of the project; whereby, Mr. Spraker stated the right-of-way vacations helped to allow the project to go forward, and noted a future part of the project would be focused on the drainage solutions, which will appear before the Commission at a later date. Commissioner Kent responded he was pleased to hear that.

Mayor Partington noted that no audience cards had been submitted for this item.

**Commissioner Selby moved, seconded by Commissioner Persis, for approval of Resolution No. 2019-142, as read by title only.**

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

Item #7D – Flagler Road, Notice of Intent, partial ROW vacation

City Clerk Colby Cilento read by title only:

RESOLUTION NO. 2019-143



A RESOLUTION DECLARING THE INTENTION OF THE CITY COMMISSION TO CONSIDER VACATING A PORTION OF FLAGLER ROAD SOUTH OF BROADWAY AVENUE, ABUTTING VOLUSIA COUNTY PARCEL NUMBER 3136-01-070-0010; ESTABLISHING A TIME CERTAIN FOR A PUBLIC HEARING; AND SETTING FORTH AN EFFECTIVE DATE.

Mayor Partington noted that no cards had been submitted for this item.

**Commissioner Littleton moved, seconded by Commissioner Selby, for approval of Resolution No. 2019-143, as read by title only.**

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

Item #7E – Magnolia Street, Notice of Intent, partial ROW vacation

City Clerk Colby Cilento read by title only:

RESOLUTION NO. 2019-144

A RESOLUTION DECLARING THE INTENTION OF THE CITY COMMISSION TO CONSIDER VACATING A PORTION OF MAGNOLIA STREET, BETWEEN FLAGLER ROAD AND THE FLORIDA EAST COAST RAILROAD; ESTABLISHING A TIME CERTAIN FOR A PUBLIC HEARING; AND SETTING FORTH AN EFFECTIVE DATE.

Mayor Partington noted that no audience cards had been submitted for this item.

**Commissioner Persis moved, seconded by Commissioner Selby, for approval of Resolution No. 2019-144, as read by title only.**

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

Mayor Partington closed the public hearings without objection.

Item #8 – First Reading of Ordinances

Item #8A – Electronic Campaign Report Filing - Volusia Supervisor of Elections

City Clerk Colby Cilento read by title only:

ORDINANCE NO. 2019-21

AN ORDINANCE AMENDING ARTICLE VIII, CAMPAIGN FINANCES, OF CHAPTER 13, ELECTIONS, OF THE CODE OF ORDINANCES; CREATING SECTION 13-81, "CAMPAIGN TREASURER'S REPORTS," REQUIRING FILING OF CAMPAIGN TREASURER'S REPORTS THROUGH THE ELECTRONIC FILING SYSTEM OF THE VOLUSIA COUNTY SUPERVISOR OF ELECTIONS OFFICE; PROVIDING FOR CONFLICTS, CODIFICATION, AND SEVERABILITY; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; AND SETTING FORTH AN EFFECTIVE DATE.

Mayor Partington noted that no audience cards had been submitted for this item.

**Commissioner Littleton moved, seconded by Commissioner Selby, for approval of Ordinance No. 2019-21, on first reading, as read by title only.**

Commissioner Littleton commented that the ordinance would add transparency to the campaign finance system, and noted if passed, the item would accomplish a goal on the Commission's 2019 strategic plan.

Commissioner Selby discussed his approval of the Volusia County electronic filing system. He stated last year the city did not participate due to the uncertainty of the system at that time; however, he fully supported the ordinance this year.

Mayor Partington noted that although the city did not participate last year due to it being new at that time, they were comfortable passing the item and participating this year.

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

Item #8B – Plastic Straw Ban

City Clerk Colby Cilento read by title only:

ORDINANCE NO. 2019-22

AN ORDINANCE AMENDING CHAPTER 11, HEALTH AND SANITATION OF THE CODE OF ORDINANCES; BY ESTABLISHING A NEW CHAPTER TO BE CAPTIONED HEALTH, SANITATION, AND ENVIRONMENTAL PROTECTION; BY ESTABLISHING ARTICLE II, ENVIRONMENTAL PROTECTION, INCLUDING DIVISIONS AND SECTIONS THEREUNDER TO BE NUMBERED AND CAPTIONED AS FOLLOWS: DIVISION 1, GENERAL PROVISIONS; SECTION 11-14, AUTHORITY, LEGISLATIVE INTENT, PURPOSE; SECTION 11-15, DEFINITIONS; DIVISION 2, PROHIBITION ON CITY OWNED PROPERTY; SECTION 11-16, DISTRIBUTION AND USE OF PLASTIC STRAWS AND STIRRERS PROHIBITED ON CITY OWNED PROPERTY; SECTION 11-17, EXEMPTIONS; DIVISION 3, PROHIBITION IN RESTAURANTS; SECTION 11-18, DISTRIBUTION AND USE OF PLASTIC STRAWS AND STIRRERS PROHIBITED IN RESTAURANTS; SECTION 11-19, EXEMPTIONS; DIVISION 4, ENFORCEMENT; SECTION 11-20, ENFORCEMENT; DIVISION 5, PUBLIC EDUCATION; SECTION 11-21, PUBLIC EDUCATION PROGRAM, VOLUNTARY COMPLIANCE INITIATIVE; BY PROHIBITING THE DISTRIBUTION AND USE OF PLASTIC STRAWS AND STIRRERS ON CITY PROPERTY; PROHIBITING THE DISTRIBUTION AND USE OF PLASTIC STRAWS AND STIRRERS IN COMMERCIAL ESTABLISHMENTS; PROVIDING EXEMPTIONS; ENCOURAGING ALL PEOPLE AND COMMERCIAL ESTABLISHMENTS TO DISCONTINUE THE USE OF SINGLE-USE PLASTIC STRAWS, SINGLE-USE PLASTIC STIRRERS, AND POLYSTYRENE AND POLYPROPYLENE PRODUCTS; ESTABLISHING A PUBLIC EDUCATION AND PUBLIC AWARENESS PROGRAM; ESTABLISHING EARTH DAY, APRIL 22, 2021 AS THE DATE BY WHICH THE FULL AND COMPLETE DISCONTINUANCE OF THE USE OF POLYSTYRENE AND POLYPROPYLENE PRODUCTS SHOULD BE ACHIEVED; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; AND SETTING FORTH AN EFFECTIVE DATE.

Mayor Partington asked Commissioner Persis if she would like to comment on the item before audience remarks or afterwards; whereby, Commissioner Persis stated she would like the audience to speak first.

Ms. Rebecca Chaffee, 321 Roslyn Avenue, stated she was a member of Dream Green Volusia, and discussed their business recognition program that promoted businesses in Volusia County that have eliminated single-use plastics. She discussed the number of businesses in Volusia County that Dream Green Volusia had surveyed and the positive feedback they had received.

Ms. Bridget Bergens, 22 Old Canyon Lane, shared her concerns on the health effects plastic has to humans, the environment, and animals.

Ms. Lena Lux, 746 South Atlantic Avenue, noted she was representing restaurant row and Topsy Taco. She discussed the beach clean-ups held through restaurant row and the passion of the community for keeping the beaches clean. She stated she hoped the ban extended to businesses other than restaurants, including city events, gas stations,

and more. She expressed her passion to install a compost facility as a possible next step.

Ms. Sherry Gailey, 936 John Anderson Drive, discussed other communities, towns, cities, and countries that have already moved to ban plastic straws. She noted she hoped the city would be mindful of people with disabilities that utilized plastic straws as a tool for their livelihood, and stated she believed until manufactures came up with a solution for them, that people with disabilities should still have access to use plastic straws if needed or wanted.

Ms. Sofia Harris, 53 Crestwood Circle, addressed the Commission and stated she was an in-coming ninth grader at Seabreeze High School. She discussed the effects single use plastic and trash had on beaches and ocean life; and the future effects plastic will have on upcoming generations.

Mayor Partington stated the Commission did not receive many young audience speakers. He complimented Ms. Harris on her speech, and presented her and her father with special pins.

Mr. Steve Wonderly, 711 North Halifax Avenue, stated he represented the Sierra Club for Volusia and Flagler County. He discussed the single-use plastic problem in the United States and the effects of plastic breaking down into micro-plastics. He stated plastic not only had an effect on sea life and birds, but also affects the food chain as well.

Ms. Suzanne Scheiber, 548 Sandy Oaks Boulevard, founder of Dream Green Volusia, distributed handouts to members of the Commission. She discussed her Dream Green Volusia team, and the dangers of single-use plastics. She mentioned the effects of micro-plastics and the consequences plastic has to human health.

Mr. Scott Studner, 321 South Atlantic Avenue, owner of Ormond Beach's Beach Bucket restaurant, thanked the Commission and stated his support of the item. He noted he believed the ban should apply to everyone who used disposable plastics, including food trucks. He stated he hoped the Commission will consider re-visiting the ordinance in the future to take into account technological advances.

Ms. Linda Williams, 131 Bosarvey Drive, noted that while she would like to see the ban enacted, she was concerned as to what the solution was. She stated she did not personally know the answer, but believed the city should bring the issue to a public forum for discussion. She mentioned she represented the group Civil Discourse, and discussed their upcoming series starting on Monday. She stated she hoped the Commissioners would be able to attend.

Mr. Younger Kim, 6811 Vintage Lane, stated he was a faculty member at Bethune Cookman University teaching biology and environmental science courses. He stated he had conducted research on micro-beach debris, and discussed plastic pollution.

Ms. Nancy Lohman, 1210 John Anderson Drive, mentioned two facets of the ordinance: that the resolution gives business owners ample time to make the transition from plastic straws to another alternative; and her favoring of the element of education stated in the ordinance.

Commissioner Persis stated in regard to Ordinance No. 2019-22 she would like to strike Section 11-20 regarding enforcement. She explained the reason for this request was to allow the restaurant community and interested commercial establishments ample time to meet with code enforcement personnel and become better educated prior to enforcement regulations being enacted.

**Commissioner Persis moved, seconded by Commissioner Kent, for approval of Resolution No. 2019-22, as amended, as read by title only.**

Commissioner Selby thanked Commissioner Persis, Dream Green Volusia, and all audience speakers for addressing the issue. He stated he understood the concerns and had read research on the item. He noted he could support the ban on city property, but had reservations about banning plastic straws from businesses in the private sector. He questioned if he would be violating the ordinance if he had a plastic straw on a city-owned street. He explained he was not against the private sector ban, but preferred not to force the ban on restaurants. He discussed his approval of Dream Green Volusia and

their business recognition program. He stated he preferred to roll the ban out over time, starting with city property.

Mayor Partington complimented Commissioner Persis on educating the city on this topic. He stated he agreed with striking the enforcement provision at the present time, and stated he preferred city government leading the ban. He noted his suggestions for changes in the ordinance, and stated his concern for unintended consequences that may arise from the ban. He hoped to use the education approach rather than the code enforcement approach when implementing the ordinance.

Commissioner Persis thanked the Commission for considering the ordinance. She noted if the ordinance passed it would send a strong message about the City of Ormond Beach. She discussed the local restaurants in support of the ordinance, and mentioned Volusia County's School Way Café would be piloting a program which would eliminate single-use plastic products. She asked the Commission to consider approval of the ordinance.

Mayor Partington asked Commissioner Persis if she was willing to agree to the changes of the ordinance he suggested; whereby, Commissioner Persis stated she was.

Mayor Partington asked Commissioner Kent if he agreed to the changes; whereby, Commissioner Kent stated he agreed with the changes to the ordinance, as long as Commissioner Persis agreed. Commissioner Kent questioned if the changes included those suggested by Commissioner Selby; whereby, it was noted yes.

Mr. McKee confirmed the changes to the ordinance with Mayor Partington. He stated they would remove division four, section 11-20, in its entirety; revise "prohibited" to "discouraged" and "shall" to "should" in division three, section 11-18; change "which causes" to "could cause" in paragraph A of section 11-14; and remove the definition of commercial establishment in section 11-15.

Mayor Partington noted he would like to revisit the ordinance in the upcoming year, but that that requirement did not need to be included in the ordinance itself.

Mr. McKee answered Commissioner Selby's earlier question regarding having a straw on city streets and stated the ordinance was referring to contractors or vendors at city events.

Commissioner Selby, Mayor Partington, and Mr. McKee discussed the proposed changes to the ordinance. Mr. McKee clarified that food trucks would be included in the single-use plastics ban on city property.

Ms. Shanahan stated she believed it would be beneficial to revise the ordinance to reflect the proposed changes and bring the item back to the next meeting for another first reading and hold the second reading, as planned, during the first meeting in September.

Commissioner Kent discussed his approval of the item. He thanked Commissioner Persis and complimented the audience speakers.

Commissioner Littleton stated he had researched the item and discussed potential unintended consequences if it were to pass. He stated he did not see a will from Zone Four for a ban on plastic straws; therefore, he did not support the ordinance and would be voting "no".

Mayor Partington asked Commissioner Littleton if the changes proposed to the ordinance would affect his vote; whereby, Commissioner Littleton stated he would remain voting "no".

Commissioner Persis reiterated her approval of the ordinance and stated she would be voting "yes".

Mayor Partington noted that he believed the city's youth would be proud of the ordinance passing and stated he was excited to incorporate the education campaign through the Environmental Discovery Center and social media.

Mayor Partington asked for a vote to be called on the motion as amended.

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

Mayor Partington asked for a vote to be called on the underlying motion.

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

Item #9 – Second Reading of Ordinances

City Clerk Colby Cilento read by title only:

Item #9A – Ordinance Amending Ch. 12, Art. IX, Code of Ordinances, Amending Definition of Commercial Solicitor

ORDINANCE NO. 2019-18  
 AN ORDINANCE AMENDING CHAPTER 12, BUSINESS REGULATIONS, ARTICLE IX, SOLICITORS, OF THE CODE OF ORDINANCES, BY AMENDING SECTION 12-249, DEFINITIONS; AND SETTING FORTH AN EFFECTIVE DATE. **(SECOND READING)**

Mayor Partington noted that no audience cards had been submitted for this item.

**Commissioner Selby moved, seconded by Commissioner Littleton, for approval of Ordinance No. 2019-18, on second reading, as read by title only.**

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

Item #10 – Reports, Suggestions, Requests

Ormond Crossings

Ms. Shanahan stated that the city had completed the utility work for the Ormond Crossings’ Security First Building and were fast approaching finishing the building. She discussed the details of the project and noted the Florida Department of Transportation (“FDOT”) had started site work at the location.

Happy Birthday Commission Littleton

City Commission and audience members sang happy birthday to Commissioner Littleton.

Assistant City Manager Claire Whitley, Mr. McKee, Commissioner Selby, and Commissioner Kent wished Commissioner Littleton a happy birthday.

Plastic Straw Ban

Commissioner Persis thanked all members of the audience for speaking on the plastic straw ban.

National Night Out

Commissioner Persis and Mayor Partington stated they enjoyed National Night Out and congratulated staff on a successful community event.

First Step Shelter

Commissioner Littleton discussed the First Step Shelter, and noted the city had decided to give money to the shelter based on the shelter getting a certificate of occupancy. He stated he approved of the city providing the shelter with funds currently, but noted unless a drastic change occurred, he would not be renewing support for the First Step Shelter in upcoming years.

Mayor Partington explained that the First Step Shelter had not yet received funds from the city, but until they did, the city had pledged that initial amount.

Commissioner Selby stated the resolution that had passed providing that support was contingent upon a certificate of occupancy being issued, and further stated the City of Ormond Beach's contribution will be paid quarterly. He discussed the agreement between Volusia County and the City of Daytona Beach provided that any city within Volusia County could bring homeless persons to the shelter. He stated he was hopeful once the shelter was open that the board would be able to operate the shelter, and lives would be changed. He questioned what the next step would be after the shelter had opened and if there were enough resources to accomplish it.

Commissioner Kent discussed decisions the City of Daytona Beach made regarding the First Step Shelter project, and noted the Homeless Shelter Board should be making those decisions instead. He also referenced his time on the Beachside Redevelopment Committee and how that working relationship had been.

Coffee with Commissioner Kent

Commissioner Kent noted the next Coffee with Commissioner Kent would be taking place on Monday, September 2, 2019. He stated the meeting will take place at his home at 130 Magnolia Drive, from 5:00 p.m. to 6:00 p.m.

Consent Agenda

Commissioner Kent assured Ms. Shanahan and Mr. Menendez he was not upset with them, but reiterated his disapproval of the change order on the consent agenda.

Meeting with Congressman Waltz

Mayor Partington mentioned a meeting he attended with Congressman Waltz. He thanked Ms. Shanahan and staff for a wonderful job planning the presentation. He stated between Congressman Waltz and his staff, they were looking for ways to provide help for issues in Ormond Beach, including septic to sewer. He noted they toured Hudson Technologies, and took a tour of the U.S. 1 and I-95 area by helicopter, where Congressman Waltz was able to see the potential of Ormond Crossings.

Item #11 – Adjournment

The meeting was adjourned at 8:59 p.m.

APPROVED: August 20, 2019

BY:

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

ATTEST:

\_\_\_\_\_  
Colby J. Cilento, City Clerk