

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

October 1, 2019

7:00 p.m.

Commission Chambers

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

A G E N D A

- 1. CALL TO ORDER**
- 2. INVOCATION**
- 3. PLEDGE OF ALLEGIANCE**
- 4. ADOPTION OF FY 2019-2020 MILLAGE RATES AND BUDGET**
 - A. RESOLUTION NO. 2019-177:** A RESOLUTION ESTABLISHING THE FINAL MILLAGE RATES TO BE LEVIED FOR FISCAL YEAR 2019-2020; DIRECTING CERTIFICATION; EXPRESSING LEGISLATIVE INTENT; AND SETTING FORTH AN EFFECTIVE DATE.
Staff Contact: Kelly McGuire, Finance Director (386-676-3226)
 - B. ORDINANCE NO. 2019-29:** AN ORDINANCE ADOPTING THE ANNUAL BUDGET FOR THE 2019-2020 FISCAL YEAR BEGINNING OCTOBER 1, 2019 AND ENDING SEPTEMBER 30, 2020; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; AND SETTING FORTH AN EFFECTIVE DATE. **(SECOND READING)**
Staff Contact: Kelly McGuire, Finance Director (386-676-3226)
- 5. AUDIENCE REMARKS - REGARDING ITEMS NOT ON THE AGENDA**
- 6. APPROVAL OF MINUTES**
 - A. Minutes from City Commission meeting – September 18, 2019
- 7. COMMUNITY REDEVELOPMENT AGENCY**
 - A. RESOLUTION NO. 2019-178:** A RESOLUTION OF THE CITY COMMISSION, INDIVIDUALLY AND ACTING AS THE COMMUNITY REDEVELOPMENT AGENCY FOR THE CENTRAL BUSINESS DISTRICT AND ADJACENT AREAS, APPROVING AN AMENDED ORMOND BEACH DOWNTOWN COMMUNITY REDEVELOPMENT AREA MASTER PLAN; AND SETTING FORTH AN EFFECTIVE DATE. **(SEE ITEM 8A)**
Staff Contact: Steven Spraker, Planning Director (386-676-3341)
- 8. 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. 2019-178:** A RESOLUTION OF THE CITY COMMISSION, INDIVIDUALLY AND ACTING AS THE

COMMUNITY REDEVELOPMENT AGENCY FOR THE CENTRAL BUSINESS DISTRICT AND ADJACENT AREAS, APPROVING AN AMENDED ORMOND BEACH DOWNTOWN COMMUNITY REDEVELOPMENT AREA MASTER PLAN; AND SETTING FORTH AN EFFECTIVE DATE.

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

- B. **RESOLUTION NO. 2019-179:** A RESOLUTION AUTHORIZING THE EXECUTION OF AN INTERLOCAL AGREEMENT WITH THE COUNTY OF VOLUSIA FOR THE PROVISION OF MUNICIPAL SERVICES AND TRAFFIC SIGNAL MAINTENANCE WITHIN THE CITY OF ORMOND BEACH; SETTING FORTH AN EFFECTIVE DATE.

Staff Contact: Shawn Finley, City Engineer (386-615-7049)

- C. **RESOLUTION NO. 2019-180:** A RESOLUTION APPOINTING SCOTT SIMPSON, JAMES ROSE, AND THOMAS UPCHURCH AS SPECIAL MAGISTRATES OF THE CITY'S CITATION-FINE/SPECIAL MAGISTRATE CODE ENFORCEMENT SYSTEM; SETTING FORTH TERMS AND CONDITIONS OF SERVICE; SETTING FORTH COMPENSATION; PROVIDING FOR A PER DIEM INCREASE; AND SETTING FORTH AN EFFECTIVE DATE.

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

- D. **RESOLUTION NO. 2019-182:** A RESOLUTION AUTHORIZING A COST OF LIVING INCREASE BASED ON THE CONSUMER PRICE INDEX PURSUANT TO THE SOLID WASTE, YARD WASTE, RECYCLING AND ROLL-OFF COLLECTION AND DISPOSAL SERVICES AGREEMENT BETWEEN THE CITY OF ORMOND BEACH AND WASTE PRO OF FLORIDA, INC.; AND SETTING FORTH AN EFFECTIVE DATE.

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

- E. **RESOLUTION NO. 2019-183:** A RESOLUTION AUTHORIZING THE EXECUTION OF A GRANT AGREEMENT WITH THE FEDERAL AVIATION ADMINISTRATION REGARDING THE ADMINISTRATION AND REHABILITATION CONSTRUCTION FOR RUNWAY 9/27 AND DESIGN ENGINEERING SERVICES FOR THE EXTENSION OF RUNWAY 9 AND TAXIWAY ALPHA AT THE ORMOND BEACH MUNICIPAL AIRPORT; AUTHORIZING THE EXPENDITURE OF FUNDS; AND SETTING FORTH AN EFFECTIVE DATE.

Staff Contact: Steven Lichliter, Airport Manager (386-615-7019)

- F. **Wastewater Treatment Plant Liquid Aluminum Sulfate Bid**

Staff Contact: Gabe Menendez, Public Works Director (386-676-3292)

Disposition: Approve as recommended in the City Manager memorandum dated October 1, 2019.

9. PUBLIC HEARINGS

- A. **ORDINANCE NO. 2019-23:** 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 FOR FOUR (4) PARCELS OF REAL PROPERTY

LOCATED AT 145 NORTH YONGE STREET (VOLUSIA COUNTY PROPERTY APPRAISER PARCEL NUMBER 4215- 04-01-0270), 135 NORTH YONGE STREET (VOLUSIA COUNTY PROPERTY APPRAISER PARCEL NUMBER 4215- 14-10-0080), 205 HIGHLAND AVENUE (VOLUSIA COUNTY PROPERTY APPRAISER PARCEL NUMBER 4215-06-02- 0050), AND 195 HIGHLAND AVENUE (VOLUSIA COUNTY PROPERTY APPRAISER PARCEL NUMBER 4215-06-02- 0090), CONSISTING OF APPROXIMATELY SIX ACRES BY AMENDING THE DESIGNATION OF 2.52± ACRES FROM “LOW DENSITY RESIDENTIAL” TO “MEDIUM DENSITY RESIDENTIAL”; LIMITING THE ALLOWED FLOOR AREA RATIO (FAR) TO 0.20 FOR THE 2.52± ACRES; AND REDUCING THE RESIDENTIAL DENSITY WITHIN THE 3.48± ACRES FROM THE EXISTING 32 UNITS PER ACRE TO 22 UNITS PER ACRE”; PROVIDING FOR CONFLICT; AUTHORIZING TRANSMITTAL; AND SETTING FORTH AN EFFECTIVE DATE. **(SECOND READING)**

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

- B. **ORDINANCE NO. 2019-24:** 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 1.12- ACRES LOCATED AT 88 SOUTH ATLANTIC AVENUE (VOLUSIA COUNTY PARCEL NUMBER: 4214-09-07-0030) FROM B-4 (CENTRAL BUSINESS) TO PBD (PLANNED BUSINESS DEVELOPMENT), AUTHORIZING REVISION OF OFFICIAL ZONING MAP; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; AND SETTING FORTH AN EFFECTIVE DATE. **(SECOND READING)**

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

- C. **ORDINANCE NO. 2019-25:** AN ORDINANCE AUTHORIZING THE EXECUTION AND ISSUANCE OF A DEVELOPMENT ORDER FOR A PLANNED BUSINESS DEVELOPMENT TO BE KNOWN AS “OCEAN CLUB ORMOND BEACH”, AUTHORIZING THE DEMOLITION OF THE EXISTING BUILDING, AND AUTHORIZING THE CONSTRUCTION OF A RETAIL BUILDING CONSISTING OF APPROXIMATELY 8,596 SQUARE FEET, TOGETHER WITH ASSOCIATED SITE IMPROVEMENTS TO BE LOCATED AT 88 SOUTH ATLANTIC AVENUE (VOLUSIA COUNTY PARCEL NUMBER 4214-09-07-0030); AUTHORIZING OUTDOOR PRODUCT DISPLAY UNDER CERTAIN CONDITIONS; AUTHORIZING A REAR YARD WALL WAIVER TO A SIX (6’) FOOT WHITE PVC VINYL FENCE, AND AUTHORIZING A REDUCTION OF THE REAR YARD LANDSCAPE BUFFER FROM 30 FEET TO 15 FEET AND REQUIRING A DEDICATION FOR THE AREA REQUIRED TO ACCOMMODATE A SIDEWALK ALONG FLORENCE STREET; ESTABLISHING CONDITIONS AND EXPIRATIONS OF APPROVAL; PROVIDING FOR RECORDATION; AND SETTING FORTH AN EFFECTIVE DATE. **(SECOND READING)**

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

- D. **ORDINANCE NO. 2019-26:** AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF ORMOND BEACH, FLORIDA, VACATING A PORTION OF FLAGLER ROAD, SOUTH OF BROADWAY AVENUE, AND ABUTTING VOLUSIA COUNTY PARCEL NUMBER 3136-01-070-0010; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; PROVIDING FOR RECORDATION AND TRANSMITTAL; AND SETTING FORTH AN EFFECTIVE DATE. **(SECOND READING)**
- Staff Contact:* Steven Spraker, Planning Director (386-676-3341)
- E. **ORDINANCE NO. 2019-27:** AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF ORMOND BEACH, FLORIDA, VACATING A PORTION OF GOWER STREET, BETWEEN FLAGLER ROAD AND THE FLORIDA EAST COAST RAILROAD; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; PROVIDING FOR RECORDATION AND TRANSMITTAL; AND SETTING FORTH AN EFFECTIVE DATE. **(SECOND READING)**
- Staff Contact:* Steven Spraker, Planning Director (386-676-3341)
- F. **ORDINANCE NO. 2019-28:** AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF ORMOND BEACH, FLORIDA, VACATING A PORTION OF MAGNOLIA STREET, BETWEEN FLAGLER ROAD AND THE FLORIDA EAST COAST RAILROAD; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; PROVIDING FOR RECORDATION AND TRANSMITTAL; AND SETTING FORTH AN EFFECTIVE DATE. **(SECOND READING)**
- Staff Contact:* Steven Spraker, Planning Director (386-676-3341)
- G. **ORDINANCE NO. 2019-30:** AN ORDINANCE ANNEXING CERTAIN REAL PROPERTIES INTO THE CITY OF ORMOND BEACH, SAID PROPERTIES BEING GENERALLY LOCATED ALONG THE EAST SIDE OF INTERSTATE 95, SOUTH OF HALIFAX PLANTATION SUBDIVISION, WEST OF OLD DIXIE HIGHWAY, AND NORTH OF U.S. HIGHWAY 1, CONSISTING OF APPROXIMATELY 1,055.36± ACRES; REDEFINING THE TERRITORIAL BOUNDARIES OF THE CITY OF ORMOND BEACH TO INCLUDE THE PROPERTIES; SETTING FORTH ZONING PRIVILEGES AND OBLIGATIONS REGARDING THE PROPERTIES; REDESIGNATING THE BOUNDARIES OF ZONE 1 OF THE CITY OF ORMOND BEACH TO INCLUDE THE PROPERTIES; PROVIDING FOR TRANSMISSION; PROVIDING FOR SEVERABILITY; AND SETTING FORTH AN EFFECTIVE DATE. **(SECOND READING)**
- Staff Contact:* Steven Spraker, Planning Director (386-676-3341)
- H. **ORDINANCE NO. 2019-34:** AN ORDINANCE AMENDING CHAPTER 3, PERFORMANCE STANDARDS, ARTICLE IV, SIGN REGULATIONS, SECTION 3-47, BUSINESS PREMISE SIGNS, OF THE CITY OF ORMOND BEACH LAND DEVELOPMENT CODE TO ALLOW THROUGH THE SPECIAL EXCEPTION PROCESS ELECTRONIC CHANGEABLE COPY SIGNS FOR THE DISPLAY OF RETAIL PRICES OF GASOLINE; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; PROVIDING FOR SEVERABILITY; AND SETTING FORTH AN EFFECTIVE DATE. **(SECOND READING)**

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

- I. **ORDINANCE NO. 2019-35:** AN ORDINANCE AMENDING CHAPTER 1, GENERAL ADMINISTRATION, ARTICLE III, DEFINITIONS AND ACRONYMS, SECTION 1-22, DEFINITIONS OF TERMS AND WORDS, OF THE CITY OF ORMOND BEACH LAND DEVELOPMENT CODE; BY AMENDING THE DEFINITION "TATTOO PARLOR" TO PROVIDE AN EXEMPTION FOR THE APPLICATION OF PERMANENT COSMETICS FOR MEDICAL AND DENTAL PURPOSES ONLY; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; PROVIDING FOR SEVERABILITY; AND SETTING FORTH AN EFFECTIVE DATE. **(SECOND READING)**

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

- J. **ORDINANCE NO. 2019-36:** AN ORDINANCE AMENDING CHAPTER 2, DISTRICT AND GENERAL REGULATIONS, ARTICLE VI, OVERLAY DISTRICTS, SECTION 2-71, HISTORIC DISTRICTS AND LANDMARKS, OF THE LAND DEVELOPMENT CODE BY REMOVING THE PROPERTY LOCATED AT 71 ORCHARD LANE (THE BRAKEN CABIN) FROM THE ORMOND BEACH HISTORIC LANDMARKS LIST; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; PROVIDING FOR SEVERABILITY; AND SETTING FORTH AN EFFECTIVE DATE. **(SECOND READING)**

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

- K. **ORDINANCE NO. 2019-31:** 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 3.72- ACRES LOCATED AT 99 PORTLAND STREET, SOUTH OF BROADWAY AVENUE, NORTH OF THE EXISTING STOR-IT FACILITY, WEST OF THE UNOPENED FLAGLER ROAD RIGHT-OF-WAY AND EAST OF THE F.E.C RAILROAD TRACKS (VOLUSIA COUNTY PARCEL NUMBER: 3136-01- 70-0010) FROM B-7 (HIGHWAY TOURIST COMMERCIAL) TO PBD (PLANNED BUSINESS DEVELOPMENT), AUTHORIZING REVISION OF OFFICIAL ZONING MAP; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; AND SETTING FORTH AN EFFECTIVE DATE.

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

- L. **ORDINANCE NO. 2019-32:** AN ORDINANCE AUTHORIZING THE EXECUTION AND ISSUANCE OF A DEVELOPMENT ORDER FOR A PLANNED BUSINESS DEVELOPMENT TO BE KNOWN AS "STOR-IT BOAT AND RV CENTER, PHASE II", AUTHORIZING THE CONSTRUCTION OF A 106± BOAT AND RECREATIONAL VEHICLE STORAGE FACILITY WITH ASSOCIATED SITE IMPROVEMENTS TO BE LOCATED AT 99 PORTLAND STREET, SOUTH OF BROADWAY AVENUE, NORTH OF THE EXISTING STOR-IT FACILITY, WEST OF THE UNOPENED FLAGLER ROAD RIGHT-OF-WAY AND EAST OF THE F.E.C RAILROAD TRACKS

(VOLUSIA COUNTY PARCEL NUMBER: 3136-01-70-0010); ESTABLISHING CONDITIONS AND EXPIRATIONS OF APPROVAL; AND SETTING FORTH AN EFFECTIVE DATE.

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

- M. **RESOLUTION NO. 2019-181:** A RESOLUTION AUTHORIZING THE EXECUTION AND ISSUANCE OF A DEVELOPMENT ORDER FOR A SPECIAL EXCEPTION REGARDING THE "WAWA STORE #5315" LOCATED AT 600 WEST GRANADA BOULEVARD, WITHIN THE GRANADA POINTE (PBD) PLANNED BUSINESS DEVELOPMENT ZONING DISTRICT; TO ALLOW AN ELECTRONIC CHANGEABLE COPY SIGNAGE FOR THE RETAIL PRICES OF GASOLINE; ESTABLISHING CONDITIONS AND EXPIRATION DATE OF APPROVAL; AND SETTING FORTH AN EFFECTIVE DATE.

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

10. SECOND READING OF ORDINANCES

- A. **ORDINANCE NO. 2019-37:** AN ORDINANCE OF THE CITY OF ORMOND BEACH, FLORIDA, AMENDING ARTICLE III, FIREFIGHTERS' PENSION TRUST FUND, OF CHAPTER 16, PENSIONS AND RETIREMENT, OF THE CODE OF ORDINANCES; AMENDING SECTION 16-43, FINANCES AND FUND MANAGEMENT; ESTABLISHMENT AND OPERATION OF FUND; PROVIDING FOR SEVERABILITY OF PROVISIONS; PROVIDING FOR CODIFICATION; REPEALING ALL ORDINANCES IN CONFLICT HERewith AND PROVIDING AN EFFECTIVE DATE. **(SECOND READING)**

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

- B. **ORDINANCE NO. 2019-38:** AN ORDINANCE OF THE CITY OF ORMOND BEACH, FLORIDA, AMENDING ARTICLE I, GENERAL EMPLOYEES' PENSION PLAN, OF CHAPTER 16, PENSIONS AND RETIREMENT, OF THE CODE OF ORDINANCES; AMENDING SECTION 16-4, FINANCES AND FUND MANAGEMENT; ESTABLISHMENT AND OPERATION OF FUND; PROVIDING FOR SEVERABILITY OF PROVISIONS; PROVIDING FOR CODIFICATION; REPEALING ALL ORDINANCES IN CONFLICT HERewith AND PROVIDING AN EFFECTIVE DATE. **(SECOND READING)**

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

- C. **ORDINANCE NO. 2019-39:** AN ORDINANCE OF THE CITY OF ORMOND BEACH, FLORIDA, AMENDING ARTICLE IV, POLICE OFFICERS' PENSION TRUST FUND, OF CHAPTER 16, PENSIONS AND RETIREMENT, OF THE CODE OF ORDINANCES; AMENDING SECTION 16-74, FINANCES AND FUND MANAGEMENT; ESTABLISHMENT AND OPERATION OF FUND; PROVIDING FOR SEVERABILITY OF PROVISIONS; PROVIDING FOR CODIFICATION; REPEALING ALL ORDINANCES IN CONFLICT HERewith AND PROVIDING AN EFFECTIVE DATE. **(SECOND READING)**

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

11. RESOLUTIONS

- A. **RESOLUTION NO. 2019-184:** A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF ORMOND BEACH EXPRESSING ITS INTENTION TO CLARIFY THE UTILITY CONNECTION POLICY FOR PROPERTIES IN THE NORTH PENINSULA WATER DISTRICT; AND PROVIDING AN EFFECTIVE DATE.

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

12. DISCUSSION ITEMS

- A. **Multi-district Litigation against Drug Manufacturers and Distributors of Opioids and Possible Joinder of the City**

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

13. REPORTS, SUGGESTIONS, REQUESTS

14. ADJOURNMENT

Item #1 – Meeting Call to Order

Mayor Partington called the meeting to order at 7:01 p.m.

Mayor Partington stated Commissioner Littleton was sick and would not be attending the meeting.

Item #2 – Invocation

Pastor Timothy Mann, Providence Church, gave the invocation.

Item #3 – Pledge of Allegiance

Mayor Partington led the Pledge of Allegiance.

Item #4 – Adoption of FY 2019-2020 Millage Rates and Budget

Item #4A – Final Millage Rates for FY 2019-20

City Clerk Colby Cilento read by title only:

RESOLUTION NO. 2019-177

A RESOLUTION ESTABLISHING THE FINAL MILLAGE RATES TO BE LEVIED FOR FISCAL YEAR 2019-2020; DIRECTING CERTIFICATION; EXPRESSING LEGISLATIVE INTENT; AND SETTING FORTH AN EFFECTIVE DATE.

Mayor Partington stated that per *Florida Statutes* he was required to state that the proposed millage rate for the City of Ormond Beach necessary to fund the FY 2019-2020 budget was 4.0870 mills. He explained the rate was 3.36% above the rolled back rate of 3.9543 mills. He stated the tentative debt service millage rates were 0.0330 for the 2003 General Obligation Bond Sinking Fund, and 0.1000 for the 2010 General Obligation Bond Sinking Fund.

Mr. Jim Cameron, 126 East Orange Avenue, Senior Vice President of Government Relations, Daytona Regional Chamber of Commerce, commended the Commission for implementing the third lowest tax rate in the county and thanked the Commission for their continuous work to receive storm reimbursements through the Federal Emergency Management Agency (FEMA). He recommended the Commission closely observe the long term debt in the budget.

Commissioner Selby moved, seconded by Commissioner Persis, for approval of Resolution No. 2019-177, as read by title only.

Mayor Partington stated the tentative operating millage of 4.0870 mills was 3.36% above the rolled back millage rate. He noted the resolution also included adoption of the tentative debt service millage rates of 0.0330 for the 2003 General Obligation Bond Sinking Fund and 0.1000 for the 2010 General Obligation Bond Sinking Fund.

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

Mayor Partington stated the operating millage rate was set at 4.0870 mills, which was equal to 3.36% above the rolled back millage rate of 3.9543 mills.

Item #4B – Annual Budget for FY 2019-20

City Clerk Colby Cilento read by title only:

ORDINANCE NO. 2019-29
 AN ORDINANCE ADOPTING THE ANNUAL BUDGET FOR THE 2019-2020 FISCAL YEAR BEGINNING OCTOBER 1, 2019 AND ENDING SEPTEMBER 30, 2020; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; AND SETTING FORTH AN EFFECTIVE DATE.
(SECOND READING)

Commissioner Persis moved, seconded by Commissioner Kent, for approval of Ordinance No. 2019-29, on second reading, as read by title only.

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

Mayor Partington stated the adopted budget was set at \$101,984,621.

Item #5 – Audience Remarks

Mr. Bill Denny, 1027 North Halifax Drive, thanked Commissioner Persis for participating in Civil Discourse’s citizens’ round table meeting. He discussed the group’s upcoming meetings on sustainability, announcing the next meeting would take place on October 14, 2019, at the Ormond Beach Library at 5:30 p.m. He invited Commission members, staff, and the public to attend.

Mr. Jim Schultz, 117 Harvard Drive, discussed vaccinations and whistle blowers.

Item #6 – Approval of Minutes

Mayor Partington advised the minutes of the September 18, 2019, regular meeting had been sent to the Commission for review and were posted on the city’s website for public viewing. He asked for any corrections, additions, or omissions. He stated that hearing no corrections, the minutes would stand approved as presented.

Item #7 – Community Redevelopment Agency

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

Mayor Partington recessed the City Commission meeting, called the CRA meeting to order, and opened the public hearings, at 7:17 p.m.

Item #7A – 100 W. Granada Blvd BIGP

City Clerk Colby Cilento read by title only:

RESOLUTION NO. 2019-178
 A RESOLUTION OF THE CITY COMMISSION, INDIVIDUALLY AND ACTING AS THE COMMUNITY REDEVELOPMENT AGENCY FOR THE CENTRAL BUSINESS DISTRICT AND ADJACENT AREAS, APPROVING AN AMENDED ORMOND BEACH DOWNTOWN COMMUNITY REDEVELOPMENT AREA MASTER PLAN; AND SETTING FORTH AN EFFECTIVE DATE. **(SEE ITEM 8A)**

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. 2019-178, as read by title only.

The motion passed by voice vote.

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

Item #8 – Consent Agenda

Mayor Partington advised the actions proposed for the items on the Consent Agenda were so stated on the agenda. He asked if any member of the Commission had questions or wished to discuss any items separately. He noted he had received an audience card on Item 8E.

Commissioner Kent moved, seconded by Commissioner Persis, for approval of the Consent Agenda absent Item 8E.

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

Item #8E – Runway Extension Project - FAA Grant

City Clerk Colby Cilento read by title only:

RESOLUTION NO. 2019-183

A RESOLUTION AUTHORIZING THE EXECUTION OF A GRANT AGREEMENT WITH THE FEDERAL AVIATION ADMINISTRATION REGARDING THE ADMINISTRATION AND REHABILITATION CONSTRUCTION FOR RUNWAY 9/27 AND DESIGN ENGINEERING SERVICES FOR THE EXTENSION OF RUNWAY 9 AND TAXIWAY ALPHA AT THE ORMOND BEACH MUNICIPAL AIRPORT; AUTHORIZING THE EXPENDITURE OF FUNDS; AND SETTING FORTH AN EFFECTIVE DATE.

Mr. Michael Rogers, 667 Pineland Trail, discussed his disapproval of the project due to the funding through the Federal Aviation Administration (“FAA”). He explained his concerns regarding reports on the project and how the funds were planned to be used.

Commissioner Selby moved, seconded by Commissioner Persis, for approval of Resolution No. 2019-183.

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

Item #9 – Public Hearings

Mayor Partington opened the public hearings.

Item #9A – The Courtyards at Ormond, Small-Scale Comprehensive Plan Land Use Map amendment

City Clerk Colby Cilento read by title only:

ORDINANCE NO. 2019-23

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 FOR FOUR (4) PARCELS OF REAL PROPERTY LOCATED AT 145 NORTH YONGE STREET (VOLUSIA COUNTY PROPERTY APPRAISER PARCEL NUMBER 4215-

04-01-0270), 135 NORTH YONGE STREET (VOLUSIA COUNTY PROPERTY APPRAISER PARCEL NUMBER 4215- 14-10-0080), 205 HIGHLAND AVENUE (VOLUSIA COUNTY PROPERTY APPRAISER PARCEL NUMBER 4215-06-02-0050), AND 195 HIGHLAND AVENUE (VOLUSIA COUNTY PROPERTY APPRAISER PARCEL NUMBER 4215-06-02-0090), CONSISTING OF APPROXIMATELY SIX ACRES BY AMENDING THE DESIGNATION OF 2.52± ACRES FROM “LOW DENSITY RESIDENTIAL” TO “MEDIUM DENSITY RESIDENTIAL”; LIMITING THE ALLOWED FLOOR AREA RATIO (FAR) TO 0.20 FOR THE 2.52± ACRES; AND REDUCING THE RESIDENTIAL DENSITY WITHIN THE 3.48± ACRES FROM THE EXISTING 32 UNITS PER ACRE TO 22 UNITS PER ACRE”; PROVIDING FOR CONFLICT; AUTHORIZING TRANSMITTAL; AND SETTING FORTH AN EFFECTIVE DATE. **(SECOND READING)**

Mr. James Stowers, applicant attorney, introduced himself and CST Holdings’ members in the audience. He stated his appreciation for working with staff during the rezoning item and noted he was available for any questions the Commission had.

Ms. Janet Adams, 133 North Ridgewood Avenue, discussed her objections to the project due to potential traffic issues.

Ms. Terry Mercer, 31 Dix Avenue, thanked Commissioner Kent for reading her letter into the record during the last Commission meeting when the item was first discussed. She noted her concerns for the higher traffic volume the development may bring. She stated she hoped the Commission would remember the residents who lived in the area first.

Ms. Amanda Adams Smith, 143 North Ridgewood Avenue, read a letter she addressed to the Commission explaining the negative effects that may occur if the item were passed; including issues with the narrow roads, traffic, and the effects the project may have on the environment. She noted during the last meeting, a committee member had admitted to knowing the project builders, and therefore she believed their vote was biased. She noted her husband observed Commissioner Persis’s husband, Carl Persis, communicating with the builders of the project after the last Commission meeting and stated she believed Commissioner Persis’s vote was biased as well. She asked Mayor Partington to explain his relationship with the builders of the project.

Mr. Stowers clarified the item before the Commission was not approving any development, but instead was a future land use amendment and provided a reduction in density to the area by 15 units. He stated he was present when Mr. Persis spoke to the builders and witnessed him wishing them good luck in the somewhat arduous rezoning process. He stated the applicant was confident in working with the residents to come to an agreement on the project that everyone could approve of.

Commissioner Selby moved, seconded by Commissioner Persis, for approval of the Ordinance No. 2019-23, on second reading, as read by title only.

Commissioner Persis stated she drove on the narrow roads the neighborhood residents were concerned about and discussed discouraging traffic from using those roads through the addition of speed tables or other alternatives. She believed the staff and applicant would keep the residents in mind throughout the process of the project. She addressed Ms. Smith’s comments and explained that her vote was not biased, and she was voting in favor of what was best for the City of Ormond Beach.

Commissioner Selby discussed the traffic issues and the traffic calming program initiative that may help alleviate concerns in the area. He noted a benefit of the project was that it fully met the definition of smart growth. He stated he understood residents concerns, but would be voting in support of the item.

Commissioner Kent noted his comments remained the same from the last Commission meeting when the item was first discussed. He stated he represented the zone where the project would be taking place and therefore he would be voting against the item.

Mayor Partington responded to Ms. Smith’s comments clarifying he did not know the builders. He noted he had met with Mr. Stowers to discuss the project, and reiterated that if the item passed, it would lower the density of the area overall.

Call Vote: Commissioner Kent No

	Commissioner Persis	Yes
	Commissioner Selby	Yes
Carried.	Mayor Partington	Yes

Item #9B – 88 South Atlantic Avenue, Ocean Club, PBD rezoning

City Clerk Colby Cilento read by title only:

ORDINANCE NO. 2019-24

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 1.12- ACRES LOCATED AT 88 SOUTH ATLANTIC AVENUE (VOLUSIA COUNTY PARCEL NUMBER: 4214-09-07-0030) FROM B-4 (CENTRAL BUSINESS) TO PBD (PLANNED BUSINESS DEVELOPMENT), AUTHORIZING REVISION OF OFFICIAL ZONING MAP; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; AND SETTING FORTH AN EFFECTIVE DATE.
(SECOND READING)

Mr. Joe Hopkins, applicant representative, discussed the Land Development Code (LDC), and the public benefits the item would bring if it were to pass. He noted the project included ten public benefits, and explained the LDC only required four public benefits. He discussed the waiver requests the applicant had requested during the first reading of the ordinance for the reduction of the rear yard buffer and the elimination of a wall. He reiterated the project was for public benefit and expressed his disapproval of the requirement to implement a wall.

Commissioner Selby clarified it would be a six foot white vinyl fence and not a wall; whereby, Mr. Hopkins stated that was correct.

Commissioner Selby moved, seconded by Commissioner Persis, for approval of Ordinance No. 2019-24, on second reading, as read by title only.

Commissioner Selby noted he drove by the project site and though he did not completely approve of another gift shop in the area, he believed it was an improvement from the current site. He discussed the benefits from the additional parking and storm water retention. He explained Salty Church would be undergoing renovations that were planned to take place near the site and discussed how the additional parking on the project site would help alleviate traffic issues during the renovations. He noted he was in support of the item and reiterated the benefits that would come from the project. He mentioned he spoke in favor of not having a fence at the last meeting, but approved of the compromise for implementing the white vinyl fence. He noted he could also approve of waiving the fence requirement.

Commissioner Persis stated she could support the waiver of a fence and a 30 foot buffer zone.

Commissioner Persis and Commissioner Selby discussed the potential loss of parking spaces due to a 30 foot buffer zone.

Mr. Randy Hayes, City Attorney, reminded the Commission that the current item under consideration was for the rezoning of the project and the development order would be discussed on the next item.

Mayor Partington inquired if the Commission had a split vote on the item, if it would be appropriate to continue the item until the full Commission was in attendance, due to the applicant spending funds since the item passed on the first reading with a full Commission; whereby, Mr. Hayes stated under the Commission rules if the item ended in a split tie vote it would automatically be continued until the full Commission was present.

Commissioner Kent stated he believed in past meetings in the event of a tie vote, the motion would fail; whereby, Mr. Hayes stated ordinarily under Robert's Rules of

Procedures that would have been correct, but stated he believed under the Commission's adopted rules, if only four members were present and the item ended in a tie vote, it would continue to the next meeting.

Mr. Hayes stated he would review the Commission rules and provide a correct answer.

Commissioner Kent stated due to the applicant providing expending funds for the item to be considered, he wanted it to be a fair process. He stated he believed the item passed as a three-to-two vote at the last meeting, and noted tie votes in the past with Commission members who were not present, where the vote failed due to a tie. He stated he was against the item, but wanted it to be fair and confirm the rules were correctly followed.

Commissioner Persis questioned if during the last meeting there were three separate votes held regarding the item; whereby, Colby Cilento, City Clerk, explained there were two separate items the Commission voted on: the rezoning, and the development order.

Commissioner Selby questioned if the Commission should continue the item and asked the process for doing so; whereby, Mayor Partington noted a motion and second could be made to continue.

Commissioner Selby moved, seconded by Commission Persis, to continue Item 9B and 9C.

Mayor Partington stated Mr. Hayes could contact the Commission after having time to review the rules to provide an accurate answer to the split vote inquiry.

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

Mayor Partington addressed Mr. Kevin Hobbs, an audience member who requested to speak on Item 9C, and stated the issue would be re-advertised and staff would notify Mr. Hobbs when the item would appear again before the Commission. He stated he could contact members of the Commission at any time to discuss the item.

Item #9D – Flagler Road, partial ROW vacation

City Clerk Colby Cilento read by title only:

ORDINANCE NO. 2019-26
AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF ORMOND BEACH, FLORIDA, VACATING A PORTION OF FLAGLER ROAD, SOUTH OF BROADWAY AVENUE, AND ABUTTING VOLUSIA COUNTY PARCEL NUMBER 3136-01-070-0010; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; PROVIDING FOR RECORDATION AND TRANSMITTAL; AND SETTING FORTH AN EFFECTIVE DATE. **(SECOND READING)**

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

Commissioner Persis moved, seconded by Commissioner Selby, for approval of Ordinance No. 2019-26, on second reading, as read by title only.

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

Item #9E – Gower Street, partial ROW vacation

City Clerk Colby Cilento read by title only:

ORDINANCE NO. 2019-27
AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF ORMOND BEACH, FLORIDA, VACATING A PORTION OF GOWER STREET, BETWEEN FLAGLER ROAD AND THE FLORIDA EAST COAST

RAILROAD; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; PROVIDING FOR RECORDATION AND TRANSMITTAL; 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 Persis, for approval of Ordinance No. 2019-27, on second reading, as read by title only.

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

Item #9F – Magnolia Street, partial ROW vacation

City Clerk Colby Cilento read by title only:

ORDINANCE NO. 2019-28

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF ORMOND BEACH, FLORIDA, VACATING A PORTION OF MAGNOLIA STREET, BETWEEN FLAGLER ROAD AND THE FLORIDA EAST COAST RAILROAD; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; PROVIDING FOR RECORDATION AND TRANSMITTAL; AND SETTING FORTH AN EFFECTIVE DATE. **(SECOND READING)**

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

Commissioner Persis moved, seconded by Commissioner Selby, for approval of Ordinance No. 2019-28, on second reading, as read by title only.

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

Item #9G – Plantation Oaks and Plantation Oaks Boulevard, Annexation

City Clerk Colby Cilento read by title only:

ORDINANCE NO. 2019-30

AN ORDINANCE ANNEXING CERTAIN REAL PROPERTIES INTO THE CITY OF ORMOND BEACH, SAID PROPERTIES BEING GENERALLY LOCATED ALONG THE EAST SIDE OF INTERSTATE 95, SOUTH OF HALIFAX PLANTATION SUBDIVISION, WEST OF OLD DIXIE HIGHWAY, AND NORTH OF U.S. HIGHWAY 1, CONSISTING OF APPROXIMATELY 1,055.36± ACRES; REDEFINING THE TERRITORIAL BOUNDARIES OF THE CITY OF ORMOND BEACH TO INCLUDE THE PROPERTIES; SETTING FORTH ZONING PRIVILEGES AND OBLIGATIONS REGARDING THE PROPERTIES; REDESIGNATING THE BOUNDARIES OF ZONE 1 OF THE CITY OF ORMOND BEACH TO INCLUDE THE PROPERTIES; PROVIDING FOR TRANSMISSION; PROVIDING FOR SEVERABILITY; AND SETTING FORTH AN EFFECTIVE DATE. **(SECOND READING)**

Mayor Partington noted that no audience members wished to speak on this item.

Commissioner Selby moved, seconded by Commissioner Kent, for approval of Ordinance No. 2019-30, on second reading, as read by title only.

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

Item #9H – Land Development Code amendment, electronic changeable copy signage for retail prices of gasoline

City Clerk Colby Cilento read by title only:

ORDINANCE NO. 2019-34

AN ORDINANCE AMENDING CHAPTER 3, PERFORMANCE STANDARDS, ARTICLE IV, SIGN REGULATIONS, SECTION 3-47, BUSINESS PREMISE SIGNS, OF THE CITY OF ORMOND BEACH LAND DEVELOPMENT CODE TO ALLOW THROUGH THE SPECIAL EXCEPTION PROCESS ELECTRONIC CHANGEABLE COPY SIGNS FOR THE DISPLAY OF RETAIL PRICES OF GASOLINE; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; PROVIDING FOR SEVERABILITY; AND SETTING FORTH AN EFFECTIVE DATE. **(SECOND READING)**

Mayor Partington noted that no audience members wished to speak on this item.

Commissioner Selby moved, seconded by Commissioner Persis, for approval of Ordinance No. 2019-34, on second reading, as read by title only.

Commissioner Selby confirmed staff revised the ordinance to reflect the amendment that the frequency of changeability could occur once every six hours; whereby, Ms. Cilento confirmed that was correct.

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

Item #9I – LDC Amendment Tattoo/Permanent Cosmetics Definition

City Clerk Colby Cilento read by title only:

ORDINANCE NO. 2019-35

AN ORDINANCE AMENDING CHAPTER 1, GENERAL ADMINISTRATION, ARTICLE III, DEFINITIONS AND ACRONYMS, SECTION 1-22, DEFINITIONS OF TERMS AND WORDS, OF THE CITY OF ORMOND BEACH LAND DEVELOPMENT CODE; BY AMENDING THE DEFINITION “TATTOO PARLOR” TO PROVIDE AN EXEMPTION FOR THE APPLICATION OF PERMANENT COSMETICS FOR MEDICAL AND DENTAL PURPOSES ONLY; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; PROVIDING FOR SEVERABILITY; AND SETTING FORTH AN EFFECTIVE DATE. **(SECOND READING)**

Mayor Partington noted that no audience members wished to speak on this item.

Commissioner Selby moved, seconded by Commissioner Persis, for approval of Ordinance No. 2019-35, on second reading, as read by title only.

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

Item #9J – LDC Amendment Landmark Designation (Removal) - 71 Orchard Lane

City Clerk Colby Cilento read by title only:

ORDINANCE NO. 2019-36

AN ORDINANCE AMENDING CHAPTER 2, DISTRICT AND GENERAL REGULATIONS, ARTICLE VI, OVERLAY DISTRICTS, SECTION 2-71, HISTORIC DISTRICTS AND LANDMARKS, OF THE LAND DEVELOPMENT CODE BY REMOVING THE PROPERTY LOCATED AT 71 ORCHARD LANE (THE BRAKEN CABIN) FROM THE ORMOND BEACH HISTORIC LANDMARKS LIST; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; PROVIDING FOR SEVERABILITY; AND SETTING FORTH AN EFFECTIVE DATE. **(SECOND READING)**

Mayor Partington noted that no audience members wished to speak on this item.

Commissioner Persis moved, seconded by Commissioner Selby, for approval of Ordinance No. 2019-36, on second reading, as read by title only.

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

Item #9K – 99 Portland Street, Stor-It Boat & RV, Phase 2 - Rezoning

City Clerk Colby Cilento read by title only:

ORDINANCE NO. 2019-31

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 3.72- ACRES LOCATED AT 99 PORTLAND STREET, SOUTH OF BROADWAY AVENUE, NORTH OF THE EXISTING STOR-IT FACILITY, WEST OF THE UNOPENED FLAGLER ROAD RIGHT-OF-WAY AND EAST OF THE F.E.C RAILROAD TRACKS (VOLUSIA COUNTY PARCEL NUMBER: 3136-01- 70-0010) FROM B-7 (HIGHWAY TOURIST COMMERCIAL) TO PBD (PLANNED BUSINESS DEVELOPMENT), AUTHORIZING REVISION OF OFFICIAL ZONING MAP; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; AND SETTING FORTH AN EFFECTIVE DATE.

Mr. Steven Spraker, Planning Director, displayed a PowerPoint that discussed Items 9K and 9L. He showed photos and maps of the location of the project and the condition of the current existing facility. He noted the applicant was seeking to take the existing Stor' It facility and extend it northwards. He explained the purpose of the application was to rezone the property from the B-7 district (Highway Tourist Commercial) to Planned Business Development (PBD), issue a development order to allow boat and RV storage, and to implement a storm water outfall swale solution to address existing draining issues at the project site. He discussed each purpose in detail, noting the existing storm water issues at the location. He stated the current site plan included construction of an outfall swale and discussed the swale and its path in detail. He noted the business was required to maintain storm water on site and that they were accomplishing that through a pond. He noted the land at the project site was flat and there was no place for the water to go. He explained the project offered a solution to the existing issue by constructing a swale, and the swale would be constructed by the developer and the city would have maintenance responsibility. He noted the Planning Board and staff recommended approval of both the rezoning and development order.

Commissioner Selby stated he had spoken with Mr. Scott Vanacore, builder for the project, and Ms. Sharon Trescott, a concerned Ormond Beach resident, regarding the project and wondered if the development plan still included accessing a pipe under U.S. 1; whereby, Mr. Spraker confirmed that was correct.

Commissioner Selby questioned if the proposed swale would help relieve the flooding issues Ms. Trescott was concerned with at the project site; whereby, Mr. Spraker stated it would.

Mr. Spraker noted the Development Review Engineer for the City of Ormond Beach was present if the Commission wished to discuss the storm water issues in further detail. He noted the main concern was the project land was flat and the swale provided an outfall to move the water off the property as a solution.

Commissioner Selby inquired who was responsible for the expenses of the outfall swale; whereby, Mr. Spraker stated the developer would do the site work and the city would provide maintenance responsibility.

Commissioner Selby confirmed the path of the outfall swale on the PowerPoint map with Mr. Spraker.

Mr. Spraker noted the outfall swale could be used by future developments as the properties in the area were to redevelop in the future. He noted St. John's Water River Management District had also reviewed and approved of the swale.

Commissioner Selby stated his appreciation for the city working with the property owners and the developer to find a solution to the existing storm water problem.

Mr. Charles Genter, 58 Indianhead Drive, resident of Ormond Lakes, discussed concerns for the water basin and potential storm water drainage issues that may arise from future development of Ormond Crossings. He presented the Commission with questions regarding the project and stated he hoped to receive a written answer to each question.

Mr. Thomas Eaynor, 22 Rock Bluff Drive, stated he was a member of the Ormond Lakes home owners association (HOA). He discussed concerns with water management from the basin near the project location. He explained there was only one pipe leaving the project site and questioned where the rest of the water would go once development started. He noted the project did not resolve the problem for storm water, but instead transferred it to Ormond Lakes.

Commissioner Kent moved, seconded by Commissioner Selby, for approval of Ordinance No. 2019-31, on first reading, as read by title only.

Commissioner Selby stated this was the first time he had heard of concerns from Ormond Lakes' residents for potential flooding. He stated he was not aware of the elevations and the water ending up in Ormond Lakes.

Mr. David Allen, Development Review Engineer for the Planning Department, explained when the project initially started one of the first things discussed was that the project could not adversely affect the surrounding areas. He discussed the existing drainage issues and the suggested resolution of implementing the outfall swale. He displayed a map of the proposed path of the swale and noted that St. John's Water River Management District implemented a rule that what left the site in the predevelopment condition was only what could leave the site in the post development condition. He displayed a photo of the site plan and discussed the pond, storm water, and pipe under U.S. 1 in detail.

Commissioner Selby questioned if Magnolia Street was the perpendicular street to U.S. 1; whereby, Mr. Allen confirmed it was and stated it was an unopened right-of-way. He noted the swale would be located in unopened right-of-ways.

Commissioner Selby and Mr. Allen discussed the path the water would flow when leaving the site.

Commissioner Selby confirmed Ormond Lakes' water dumped into the same lake in Pine Run as the proposed water swale; whereby, Mr. Allen confirmed and explained the path of the water in detail.

Commissioner Selby questioned if all the water from Ormond Crossings would be traveling through the one pipe under U.S. 1; whereby, Mr. Allen stated he believed the water from the other side of the railroad in Ormond Crossings traveled south.

Commissioner Kent thanked Mr. Vanacore for his dedication towards finding a solution for the existing water issue at the site.

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

Item #9L – 99 Portland Street, Stor-It Boat & RV, Phase 2 - Development Order

City Clerk Colby Cilento read by title only:

ORDINANCE NO. 2019-32

AN ORDINANCE AUTHORIZING THE EXECUTION AND ISSUANCE OF A DEVELOPMENT ORDER FOR A PLANNED BUSINESS DEVELOPMENT TO BE KNOWN AS “STOR-IT BOAT AND RV CENTER, PHASE II”, AUTHORIZING THE CONSTRUCTION OF A 106± BOAT AND RECREATIONAL VEHICLE STORAGE FACILITY WITH ASSOCIATED SITE IMPROVEMENTS TO BE LOCATED AT 99 PORTLAND STREET, SOUTH OF BROADWAY AVENUE, NORTH OF THE EXISTING STOR-IT FACILITY, WEST OF THE UNOPENED FLAGLER ROAD RIGHT-OF-WAY AND EAST OF THE F.E.C RAILROAD TRACKS (VOLUSIA COUNTY PARCEL NUMBER: 3136-01-70-0010); ESTABLISHING CONDITIONS AND EXPIRATIONS OF APPROVAL; AND SETTING FORTH AN EFFECTIVE DATE.

Commissioner Kent moved, seconded by Commissioner Persis, for approval of Ordinance No. 2019-32, on first reading, as read by title only.

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

Item #9M – 600 West Granada Blvd., WaWa Special Exception, electronic changeable copy signage for retail prices

City Clerk Colby Cilento read by title only:

RESOLUTION NO. 2019-181

A RESOLUTION AUTHORIZING THE EXECUTION AND ISSUANCE OF A DEVELOPMENT ORDER FOR A SPECIAL EXCEPTION REGARDING THE “WAWA STORE #5315” LOCATED AT 600 WEST GRANADA BOULEVARD, WITHIN THE GRANADA POINTE (PBD) PLANNED BUSINESS DEVELOPMENT ZONING DISTRICT; TO ALLOW AN ELECTRONIC CHANGEABLE COPY SIGNAGE FOR THE RETAIL PRICES OF GASOLINE; ESTABLISHING CONDITIONS AND EXPIRATION DATE OF APPROVAL; AND SETTING FORTH AN EFFECTIVE DATE.

Mr. Spraker explained the item was a request for a special exception to allow an electronic changeable copy sign for retail gasoline prices. He reviewed a PowerPoint that showed the site location and a picture of what the proposed signage would look like. He stated the Planning Board and staff recommended approval.

Mayor Partington noted that no audience members wished to speak on this item.

Commissioner Selby moved, seconded by Commissioner Persis, for approval of Resolution No. 2019-181, as read by title only.

Mr. Hayes noted the amendment requested by Commissioner Selby at the last meeting was made to the LDC but did not carry over to the current resolution. He noted in paragraph five of the resolution it should have stated “no change should occur except for once every six hours”.

Commissioner Selby asked Mr. Hayes if he should modify his motion; whereby, Mr. Hayes stated he could.

Commissioner Selby amended his motion.

Commissioner Selby moved, seconded by Commissioner Persis, for approval of Resolution No. 2019-181, amended that the copy can not change more frequently than once every six hours, as read by title only.

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

Mayor Partington closed the public hearing without objection.

Item #10 – Second Reading of Ordinances

Item #10A – Fire Pension Fund Ordinance Amendment-Investment Options

City Clerk Colby Cilento read by title only:

ORDINANCE NO. 2019-37
AN ORDINANCE OF THE CITY OF ORMOND BEACH, FLORIDA, AMENDING ARTICLE III, FIREFIGHTERS' PENSION TRUST FUND, OF CHAPTER 16, PENSIONS AND RETIREMENT, OF THE CODE OF ORDINANCES; AMENDING SECTION 16-43, FINANCES AND FUND MANAGEMENT; ESTABLISHMENT AND OPERATION OF FUND; PROVIDING FOR SEVERABILITY OF PROVISIONS; PROVIDING FOR CODIFICATION; REPEALING ALL ORDINANCES IN CONFLICT HERewith AND PROVIDING AN EFFECTIVE DATE. **(SECOND READING)**

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

Commissioner Persis moved, seconded by Commissioner Selby, for approval of Ordinance No. 2019-37, on second reading, as read by title only.

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

Item #10B – General Pension Fund Ordinance Amendment-Investment Options

City Clerk Colby Cilento read by title only:

ORDINANCE NO. 2019-38
AN ORDINANCE OF THE CITY OF ORMOND BEACH, FLORIDA, AMENDING ARTICLE I, GENERAL EMPLOYEES' PENSION PLAN, OF CHAPTER 16, PENSIONS AND RETIREMENT, OF THE CODE OF ORDINANCES; AMENDING SECTION 16-4, FINANCES AND FUND MANAGEMENT; ESTABLISHMENT AND OPERATION OF FUND; PROVIDING FOR SEVERABILITY OF PROVISIONS; PROVIDING FOR CODIFICATION; REPEALING ALL ORDINANCES IN CONFLICT HERewith AND PROVIDING AN EFFECTIVE DATE. **(SECOND READING)**

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

Commissioner Selby moved, seconded by Commissioner Persis, for approval of Ordinance No. 2019-38, on second reading, as read by title only.

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

Item #10C – Police Pension Fund Ordinance Amendment-Investment Options

City Clerk Colby Cilento read by title only:

ORDINANCE NO. 2019-39
AN ORDINANCE OF THE CITY OF ORMOND BEACH, FLORIDA, AMENDING ARTICLE IV, POLICE OFFICERS' PENSION TRUST FUND, OF CHAPTER 16, PENSIONS AND RETIREMENT, OF THE CODE OF ORDINANCES; AMENDING SECTION 16-74, FINANCES AND FUND MANAGEMENT; ESTABLISHMENT AND OPERATION OF FUND; PROVIDING FOR SEVERABILITY OF PROVISIONS; PROVIDING FOR CODIFICATION; REPEALING ALL ORDINANCES IN CONFLICT HERewith AND PROVIDING AN EFFECTIVE DATE. **(SECOND READING)**

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

Commissioner Kent moved, seconded by Commissioner Persis, for approval of Ordinance No. 2019-39, on second reading, as read by title only.

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

Item #11 – Resolutions

Item #11A – North Peninsula water service area; clarification of utility connection policy

City Clerk Colby Cilento read by title only:

RESOLUTION NO. 2019-184

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF ORMOND BEACH EXPRESSING ITS INTENTION TO CLARIFY THE UTILITY CONNECTION POLICY FOR PROPERTIES IN THE NORTH PENINSULA WATER DISTRICT; AND PROVIDING AN EFFECTIVE DATE.

Mr. Tom Gion, 6 Sea Raven Trail, questioned the agenda for the septic to sewer project and discussed his concerns regarding the effects it may have on the environment. He questioned why the city didn't perform testing before moving forward with the project.

Mayor Partington notified Mr. Gion that his allotted time for speaking was finished; whereby, Mr. Gion continued to make comments. Mayor Partington asked Mr. Gion to respect the Commission's rules for order in the Commission Chambers.

Commissioner Persis moved, seconded by Commissioner Selby, for approval of Resolution No. 2019-184, as read by title only.

Commissioner Selby stated his appreciation for the City Attorney's office for preparing the resolution and advancing the issue in a timely manner.

Mayor Partington noted some of the comments that had been made regarding the septic to sewer project were false and mentioned the State of Florida was pushing for the conversion of septic to sewer. He stated the allegations made were not correct, but the Commission was happy to listen, and they wanted to hear any factual and true comments from members of the public.

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

Item #12 – Discussion Items

Item #12A – Multi-district litigation against drug manufacturers and distributors of Opioids

Ms. Ann-Margret Emery, Deputy City Attorney, explained Volusia County and the City of Daytona Beach had entered into a multi-district litigation against drug manufacturers and distributors. She stated the discussion item was intended to receive direction from the Commission on whether the City of Ormond Beach should enter in as a plaintiff and whether the City attorney was authorized to retain the law firm Volusia County used, Levin Papantonio, to represent the city as well. She discussed the impacts the opioid situation had on the City of Ormond Beach and the city's statistics regarding overdose calls and the use of Narcan by the Ormond Beach Police Department and Ormond Beach Fire Department. She believed there was no downside to the city entering into the litigation, but noted the city did not have the hard numbers statistically that some other sister cities and counties had. She stated the city had also received a notice of class action settlement and the city had the choice to move forward with the settlement or to opt out. She discussed the settlement in detail and noted it appeared under the settlement that the city would receive \$63,000. She stated the \$63,000 through the settlement was likely more funds than what the city could prove through damages if they went forward with the litigation.

Mayor Partington asked Ms. Emery how much a dose of Narcan cost; whereby, she stated it was \$46 for IV distribution.

Mayor Partington explained Narcan was a drug for people who have overdosed to reverse the effects of the overdose, and there was potential the City would receive money from joining the litigation but it was not guaranteed.

Ms. Emery requested the Commission's direction on the city becoming a plaintiff in the multi-district litigation, but reiterated it may be hard to prove damages.

Mayor Partington confirmed there was no cost or downside to joining in; whereby, Ms. Emery stated that was correct.

Commissioner Kent stated he approved of Ormond Beach joining the multi-district litigation.

Commissioner Selby discussed his issue with the notion that it would appear the city was to receive free money and explained his reasons why. He emphasized there would be a large amount of time and effort put into the item, and stated he would agree with what the Commission believed was best, but was not fully supportive of the item.

Mayor Partington noted his support of the item. He stated he approved of using the same group to represent Ormond Beach that Volusia County used. He noted seeing the positive effect on one family in Ormond Beach would make it worth it. He explained if Ms. Emery were to receive any funds for the city they would be placed in a fund which could be used to apply for grant money.

Commissioner Persis stated being a former school principal, she had seen the problem and effects of drugs first hand and noted if it could help one family she was in support of the item.

Item #13 – Reports, Suggestions, Requests

Upcoming Meetings

Ms. Joyce Shanahan, City Manager, noted staff requested to have a shade meeting on October 15, 2019, to discuss collective bargaining and a workshop on November 5, 2019, to discuss healthcare plans. She reminded the Commission there would be four City Commission meetings that would take place before the end of the year: October 15, 2019; November 5, 2019; November 19, 2019; and December 3, 2019.

Hurricane Reimbursement

Ms. Shanahan stated staff received notification that the State of Florida had obligated funds for two projects totaling \$90,000 and as of September 23, 2019 the city had 373,000 projects obligated and waiting for final funding. She stated the city was notified to anticipate reimbursement for these projects within the coming days and would receive approximately \$90,000. She stated the project worksheets were still going through FEMA review. She noted the claims were filled in a timely manner and staff anticipated reimbursement of 2.65 million dollars for the projects for Hurricane Irma. She stated regarding Hurricane Matthew, the large projects had been submitted to the State of Florida and staff was hoping to receive \$650,000 from the additional projects. She noted the city was still at a loss of four million dollars between the two hurricanes and continued to wait for reimbursement.

Events

Ms. Shanahan and Commissioner Kent discussed the Movies on the Halifax event presented by the Casements taking place on October 4, 2019. Ms. Shanahan stated the movie would be "*The House with a Clock in Its Walls*" and movie sponsors, Realty Pro's, would be setting up a trunk-or-treat for children at the event.

Commissioner Persis, Commissioner Kent, and Mayor Partington complimented the King of the Grill event which took place at The Casements.

Mayor Partington complimented the Oktoberfest put on by the Ormond Beach Historical Society at the Anderson-Price Memorial Building.

Mayor Partington discussed upcoming events including the State of the City and the Daytona State College Gala.

Street Repaving

Ms. Shanahan noted staff had completed repaving of Orchard Street.

Commissioner Selby complimented staff on the repaving of Coquina Drive.

Split Vote Rule

Mr. Hayes clarified according to Commission rule 2.6 paragraph B, in the event that less than the full Commission was present during a meeting and a vote that was taken ended in a split vote, the matter shall be deemed to be continued for further consideration to the next available meeting at which the full Commission was expected to be present.

Thank you

Commissioner Persis thanked staff member Mr. Gabe Menendez, Public Works Director, for responding to a right-of-way issue within her neighborhood.

Pine Trail Elementary Visit

Commissioner Persis discussed a recent visit she had with a third grade class at Pine Trail Elementary to talk about the effects of single-use plastics. She displayed a video of the class saying “no” to single-use plastics and holding their silicone straws Commissioner Persis had brought them.

First Step Shelter

Commissioner Selby welcomed new executive director for the First Step Shelter Board Victoria Fahlberg. He discussed Ms. Fahlberg’s educational background and her previous experience as a founding director for a non-profit organization. He stated the shelter construction should be completed in mid-November and operational by mid-December.

Flooding Concerns

Commissioner Selby stated he hoped Ms. Trescott and members of the public felt comfortable with how the flooding issues were addressed during the meeting. He explained Ms. Trescott owns land and buildings that appear to be below the crown of the road on U.S. 1. He mentioned concerns Ms. Trescott had for property on Pineland Trail as well that was resolved quickly.

Commissioner Kent commended Commissioner Selby for helping Ms. Trescott.

Septic to Sewer

Commissioner Selby thanked the Commission for passing the budget with the money to design and permit phase one of septic to sewer and for the passed resolution regarding septic to sewer. He discussed the concerns and objections from residents, and stated the Commission would need to decide on a policy of how much cost the residents would be expected to bear and stated adoption showing support would need to take place before the application was due in March 2020.

Item #14 – Adjournment

The meeting was adjourned at 9:01 p.m.

APPROVED: October 15, 2019

BY:

Bill Partington, Mayor

ATTEST:

Colby J. Cilento, City Clerk