

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

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**March 16, 2020**

**1:00 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, City Attorney Randy Hayes, and City Clerk Colby Cilento.

**A G E N D A**

- 1. CALL TO ORDER**
- 2. READING OF ORDINANCES**
  - A. ORDINANCE NO. 2020-15: AN ORDINANCE RECOGNIZING THE DECLARATION OF A PUBLIC HEALTH EMERGENCY ISSUED BY THE GOVERNOR OF THE STATE OF FLORIDA, EFFECTIVE THROUGHOUT THE STATE OF FLORIDA INCLUDING VOLUSIA COUNTY AND THE MUNICIPALITIES SITUATED THEREIN; RECOGNIZING A DECLARATION OF A LOCAL STATE EMERGENCY ISSUED BY VOLUSIA COUNTY, AND BEING EFFECTIVE THROUGHOUT VOLUSIA COUNTY INCLUDING THE MUNICIPALITIES SITUATED THEREIN; DECLARING A LOCAL STATE OF EMERGENCY IN THE CITY OF ORMOND BEACH, AUTHORIZING THE EXERCISE OF EMERGENCY MANAGEMENT PROCEDURES IN ORDER TO PROTECT THE HEALTH, SAFETY, AND WELFARE OF THE CITIZENS OF ORMOND BEACH AND MEMBERS OF THE GENERAL PUBLIC; AND SETTING FORTH AN EFFECTIVE DATE. (FIRST AND ONLY READING)**

*Staff Contact: Colby Cilento, City Clerk (386-676-3340)*
- 3. STAFF ACTION ITEMS**
  - A. Cancellation of March 17, 2020 City Commission meeting
- 4. DISCUSSION ITEMS**
  - A. Potential Rescheduling of April 2020 City Commission meetings
- 5. ADJOURNMENT**

Item #1 – Meeting Call to Order

Mayor Partington called the meeting to order at 1:00 p.m.

Item #2A – Public Health Emergency Ordinance – COVID-19

City Clerk Colby Cilento read by title only:

ORDINANCE NO. 2020-15

AN ORDINANCE RECOGNIZING THE DECLARATION OF A PUBLIC HEALTH EMERGENCY ISSUED BY THE GOVERNOR OF THE STATE OF FLORIDA, EFFECTIVE THROUGHOUT THE STATE OF FLORIDA INCLUDING VOLUSIA COUNTY AND THE MUNICIPALITIES SITUATED THEREIN; RECOGNIZING A DECLARATION OF A LOCAL STATE EMERGENCY ISSUED BY VOLUSIA COUNTY, AND BEING EFFECTIVE THROUGHOUT VOLUSIA COUNTY INCLUDING THE MUNICIPALITIES SITUATED THEREIN; DECLARING A LOCAL STATE OF EMERGENCY IN THE CITY OF ORMOND BEACH, AUTHORIZING THE EXERCISE OF EMERGENCY MANAGEMENT PROCEDURES IN ORDER TO PROTECT THE HEALTH, SAFETY, AND WELFARE OF THE CITIZENS OF

ORMOND BEACH AND MEMBERS OF THE GENERAL PUBLIC; AND  
SETTING FORTH AN EFFECTIVE DATE. **(FIRST AND ONLY READING)**

**Commissioner Kent moved, seconded by Commissioner Persis, for approval of Ordinance No. 2020-15, on first and only reading, as read by title only.**

Mayor Partington explained he had spoken with City Attorney Mr. Randy Hayes, who had suggested that a motion be made to amend Section Three, Four, and Five to change the wording from "100 in number" to "*the limitation provided in the Center of Disease Control's (CDC) guidelines, such number currently being limited to no more than fifty people at a gathering,*" or other wording expressing a similar sentiment. He explained since the ordinance was drafted on Saturday, the CDC had amended its guidance regarding limiting the number of people at a gathering from 100 people to 50 people. He explained this amendment would update the ordinance to reflect whatever limitation was currently provided by the CDC. He noted the situation was fluid and could easily change again and the amendment would provide fluidity to the ordinance.

**Commissioner Kent amended his motion to approve Ordinance No. 2020-15 to also include amending Sections Three, Four, and Five to change references to the CDC's guidelines regarding 100 persons at a gathering to reflect the CDC's current recommendation, such number currently being 50 people at a gathering. Commissioner Persis affirmed her seconding of the motion.**

Mayor Partington discussed the current situation regarding the coronavirus (COVID-19). He explained the city was declaring an emergency which was designed to comply with emergencies at the national, state, and county levels and was further consistent with the CDC regarding best practices in preparing for and responding to COVID-19. He explained the actions the Commission took by passing the ordinance would allow flexibility in contracting, approve of applying for FEMA reimbursements, and protect the health and welfare of all residents. He encouraged residents to practice social distancing. He noted while the city disliked having to cancel events, it was important to do so in an effort to prevent the spread of COVID-19. He stated it was important to mitigate the spread of the virus so that those who needed hospital services could have access to those services if the time came. He noted the elderly and immunocompromised were most at risk if diagnosed with the virus and needed to be protected. He explained everyone was in the same situation together and each person's actions played a role in the collective community's health. He reiterated the importance of social distancing, escalated hygiene, and caring for the elderly and immunocompromised. He encouraged the public to safely patronize local businesses while practicing social distancing.

Commissioner Kent stated he agreed with Mayor Partington's comments. He stated he had received messages from constituents who had weddings scheduled at city facilities that were closing. He questioned how staff was notifying people who had previously scheduled rentals and events at closed city facilities; whereby, Ms. Shanahan stated closed city facilities were only closed through March 31, 2020, but noted that the reopening date would be reevaluated in upcoming days. She stated the city's Leisure Services Department would be reaching out to any individuals who had rentals at city facilities which would be affected during the closures.

Commissioner Selby thanked staff for their hard work and discussed the impacts of the COVID-19 situation. He noted the city should lead by example and should share information with residents so they could make informed decisions about their own behavior. He noted the virus primarily effected the elderly and immunocompromised. He thanked Economic Development Director Mr. Brian Rademacher for updating businesses in the community, and agreed with the Mayor regarding the importance of continuing to safely support local businesses while social distancing. He stated he was forwarded an email regarding a social media post from Volusia County Sheriff Mike Chitwood who cited the number of COVID-19 cases that were being monitored in each city and noted the post stated Ormond Beach had four cases.

Ms. Shanahan stated the Florida Department of Health (FDOH) was not releasing the information that Sheriff Chitwood posted to the public.

Commissioner Selby stated Sheriff Chitwood's post referenced that four cases in Ormond Beach were being monitored. He questioned the difference between being monitored and having the virus; whereby, Ms. Shanahan stated she believed there were



Item #3A – Cancellation of March 17, 2020 City Commission meeting

Mayor Partington explained the item was to discuss the cancellation of the March 17, 2020, Financial Trends City Commission Workshop and City Commission meeting.

**Commissioner Persis moved, seconded by Commissioner Selby, to cancel the March 17, 2020, Financial Trends Workshop and City Commission meeting.**

Mayor Partington stated the item was an opportunity for the city to lead by example, noting CDC guidance was to limit gatherings of more than 50 people and noting that more than 50 people regularly attended Commission meetings. He noted he did not want residents to feel shut out of the process if the meetings were to still take place and residents did not feel comfortable attending due to COVID-19. He noted depending on what happened in upcoming weeks, the Commission may have a different direction on how to approach the budget process which was to have been discussed at the Financial Trends Workshop. He noted the break provided more time for the Commission to consider their direction for the budget.

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

Item #4 – Discussion Items

Item #4A – Potential Rescheduling of April 2020 City Commission meetings

Mayor Partington stated the item was a discussion item regarding rescheduling the April 2020 City Commission meetings. He stated the CDC had recommended postponing any gatherings of 50 people or more for eight weeks. He questioned what other local cities were doing regarding their public meetings.

Ms. Shanahan stated most other cities were conducting emergency meetings or regularly scheduled meetings that day or the next day and would be discussing their options. She stated several cities only had meetings once a month and most had already occurred or had been cancelled. She noted the decision was up to the Commission, but suggested cancelling the April 7, 2020, City Commission meeting to provide enough time for staff to advertise ordinances for upcoming meetings.

Ms. Shanahan questioned if the Commission would need to host another emergency meeting to cancel other future City Commission meetings if needed; whereby, Mr. Hayes explained the Commission could delegate the authority for cancellation of meetings to the City Manager or Mayor; otherwise, another emergency meeting would need to be held to cancel any other meetings.

Mayor Partington noted if an emergency came up that the Commission needed to act on they could be notified.

Commissioner Selby stated he worried about items that were in the process of being approved, specifically rezoning items and development orders. He questioned the latest date that the Commission could cancel a meeting; whereby, Ms. Shanahan stated staff needed to be notified at least ten days before the meeting took place to provide the proper advertising.

Ms. Colby Cilento, City Clerk, stated staff needed two weeks' notice to provide advertisements.

**Commissioner Selby moved, seconded by Commissioner Littleton, to cancel the April 7, 2020, regularly scheduled City Commission meeting.**

Commissioner Kent stated he was pleased they were cancelling the April 7, 2020, meeting and had concerns over needing to potentially cancel the April 21, 2020, meeting as well. He questioned the process for the Commission providing the Mayor with authority to cancel City Commission meetings during the effective period of the declaration of emergency; whereby, Mr. Hayes stated the Commission could amend the

previously approved Ordinance No. 2020-15 to include that statement or they could modify the rules of parliamentary procedure.

Commissioner Kent stated he preferred the maker of the motion and seconder amend Ordinance No. 2020-15 to provide the Mayor with the authority to cancel meetings during the declared state of emergency.

**Commissioner Kent moved, seconded by Commissioner Persis, to reopen Ordinance No. 2020-15 for further consideration, in order to amend it to provide Mayor Partington with the authority to cancel meetings during the period of emergency.**

Mr. Hayes clarified the Commission was re-considering the ordinance and this would be the second amendment to Ordinance No. 2020-15.

**Commissioner Selby moved, seconded by Commissioner Persis, for approval of Ordinance No. 2020-15, as amended.**

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

Mayor Partington noted the amendment to Ordinance No. 2020-15 was approved.

**The vote was called on the motion to cancel the April 7, 2020 meeting.**

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

#### Closing Comments

Ms. Shanahan stated the Emergency Operations Center (EOC) for Volusia County was operating at level two and the city had partially activated their EOC at the Ormond Beach Fire Department as well. She noted the city currently had incremental closures at certain city facilities for indoor events and sporting events through March 31, 2020. She noted City Hall remained open with some restricted areas and were encouraging residents to utilize the city's online services. She noted utility services would not be shut off during emergencies and late fees associated with COVID-19 would be reviewed on a case by case basis. She noted the extra precautions city staff was taking in response to the virus and stated staff was reviewing a leave policy for employees if they received documented positive tests of COVID-19.

Commissioner Selby questioned if the tennis courts were open; whereby, Ms. Shanahan stated they were still open, but organized sports and events were cancelled.

Commissioner Persis stated she had received calls regarding a gentleman from the community, who was battling stage four cancer. She asked if the Commission would consider naming the Limitless Playground after him; whereby, Mayor Partington noted it was not the appropriate time to hold discussion on the idea, but the Commission would keep him in their thoughts and could discuss the proposal at an upcoming meeting once the Commission was back in regular session.

Mayor Partington thanked audience members for attending the meeting. He reiterated the importance of supporting local businesses while practicing social distancing. He thanked Pastor Smith from First United Methodist Church and other members of the faith community for their support and involvement during the current time.

#### Item #5 – Adjournment

The meeting was adjourned at 1:29 p.m.

APPROVED: April 14, 2020

BY:

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Bill Partington, Mayor

ATTEST:

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Colby J. Cilento, City Clerk