

**MINUTES
ORMOND BEACH CITY COMMISSION
SPECIAL VIRTUAL MEETING**

April 28, 2020

7:00 p.m.

Virtual Meeting

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

A G E N D A

- 1. CALL TO ORDER**
- 2. INVOCATION**
- 3. PLEDGE OF ALLEGIANCE**
- 4. COVID-19 UPDATES**

- A. State of Florida
- B. City of Ormond Beach

5. CONSENT AGENDA

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

- A. **RESOLUTION NO. 2020-43:** A RESOLUTION CONSENTING TO THE ASSIGNMENT OF CERTAIN PAYMENTS UNDER A GROWTH ASSISTANCE AGREEMENT BETWEEN THE CITY AND SKYO INDUSTRIES, INC.; AUTHORIZING THE EXECUTION OF AN ASSIGNMENT OF JOB GROWTH INCENTIVE PAYMENTS; AND SETTING FORTH AN EFFECTIVE DATE.

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

6. DISCUSSION ITEMS

- A. **Volusia County Schools Letter of Support**

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

7. REPORTS, SUGGESTIONS, REQUESTS

8. ADJOURNMENT

Item #1 – Meeting Call to Order

Mayor Partington called the meeting to order at 7:02 p.m.

Item #2 – Invocation

Pastor Joe Putting, Tomoka Christian Church, gave the invocation.

Item #3 – Pledge of Allegiance

Mayor Partington led the Pledge of Allegiance.

Item #4 – COVID-19 Updates

Item #4A – State of Florida

Florida State Representative Tom Leek provided an update to the Commission regarding the COVID-19 crisis in the State of Florida. He reviewed the numbers of infected cases, hospitalizations, and deaths within the state. He noted in Florida there were three counties that contributed a majority of the cases, while other counties were less affected. He noted the three most affected counties: Miami-Dade County, Palm Beach County, and Broward County. He reviewed procedures that the state had implemented to help flatten the curve of the spread of the virus and noted the number of cases were declining in the state. He noted no person in the state of Florida had been denied a hospital bed, treatment, or a ventilator and explained many patients infected with the virus were asymptomatic. He discussed testing in the State of Florida and the requirements needed to have a test administered. He noted testing needed to be more readily available and explained pharmacists would soon be allowed to provide tests, which would aid in providing more availability of testing. He stated he was on Florida Governor Ron DeSantis's Reopen Florida Task Force and noted Governor DeSantis was expected to make an announcement on reopening Florida soon. He discussed his predictions for the phases of reopening Florida based on conversations he had with the task force and the governor. He discussed the issues that Florida was experiencing with the state's unemployment system and the design flaws in the system that had been revealed through the high volume of applicants. He noted other states were struggling with unemployment as well due to high demand and discussed efforts that were being implemented to help assist with unemployment claims. He stated his staff was assisting residents with unemployment claims as well.

Commissioner Kent thanked Representative Leek for his thorough explanation of the current situation in Florida. He stated he was unaware that Representative Leek's staff was assisting with unemployment claims and was pleased to hear that they were. He noted constituents had expressed concerns to him about not being able to get through to the state's unemployment office and appreciated that he could now provide another resource to residents for unemployment assistance.

Commissioner Persis thanked Representative Leek for the information he provided. She noted she had also received calls from residents regarding unemployment and was pleased to hear Representative Leek's staff was assisting with the issue.

Commissioner Selby thanked Representative Leek for the informational update. He inquired if Representative Leek could provide insight as to if the government would be treating the reopening of Florida by the state as a whole, or individually by county; whereby, Representative Leek stated he was unsure, but based on comments made by Governor DeSantis at press conferences, he believed the state would be treated as separate regions.

Representative Leek discussed the potential reopening of some establishments and noted other businesses and events that would likely remain closed, including live events and bars. He stated he believed the Governor's order would include geographical, industrial, and individual distinctions.

Commissioner Selby discussed the COVID-19 outbreaks in long-term care facilities and nursing homes. He stated he was not surprised to see the higher amount of cases due to the elderly and more vulnerable population dwelling in the facilities. He stated the U.S. Secretary of Defense had spoken about the U.S. Department of Veterans Affairs (VA) and the low rate of infections in veterans in the United States. He asked Representative Leek to comment on any knowledge the government had obtained regarding outbreaks in nursing homes; whereby, Representative Leek stated he agreed with statements previously made by Governor DeSantis stating that the outbreaks at the nursing homes and long-term care facilities were due to a density factor.

Representative Leek stated when viewing Volusia County's numbers, if nursing homes and the Tomoka Correctional Facility cases were removed from the list, the numbers would be lower and more favorable for the county. He noted a majority of the cases were confined, which suggested that there was far less community spread than appeared to be in the zip code data. He mentioned a conversation he had with the Florida Department of Health (FDOH) discussing the peak of the virus in Volusia County. He noted some days the number of cases appeared to be higher due to multiple results being released in the same day. He noted the trend showed the curve of the spread of the virus flattening at a relatively low level.

Mayor Partington thanked Representative Leek for his strong leadership and service.

Item #4B – City of Ormond Beach

Fire Chief Richard Sievers provided the Commission with an update on the Emergency Operations Center (EOC) and Fire Department. He stated the Fire Department had been keeping up with the demand on supplies and personal protective equipment (PPE). He reviewed the Fire Department's calls for service in response to COVID-19 symptomatic patients and the current cases in Ormond Beach. He noted the hospital capacities and discussed the plan by FDOH to isolate residents in nursing home facilities in Ormond Beach. He noted the precautions the Fire Department was taking and stated they were anticipating for businesses to begin reopening. He stated no Fire Department employees had tested positive for COVID-19 and none were being monitored. He thanked City Manager Ms. Joyce Shanahan and the Commission for their support.

Mayor Partington thanked Chief Sievers and his team for their work on the front lines.

Police Chief Jesse Godfrey presented the Commission with a briefing on operations at the Ormond Beach Police Department. He noted the measures the department was taking to limit the spread of the virus. He stated no officers had tested positive for the virus; however, high risk interactions continued to be monitored and testing was conducted as needed. He noted calls for service were down, but stated there was a rise in domestic violence cases. He encouraged members of the public to call the Police Department if they witnessed a crime. He provided updates on supplies and PPE. He thanked his officers for their hard work and the officers' families for their support.

Commissioner Kent asked if either Chief Sievers or Chief Godfrey needed any supplies for their departments; whereby, both chiefs responded that they did not have any requests for supplies and both departments had enough in stock.

Ms. Joyce Shanahan, City Manager, discussed implementations at City Hall to reduce cross contamination. She noted up to 12 employees had been tested for the virus, and all results had come back negative. She stated the city was awaiting the Governor's order on reopening Florida and was coordinating with sister cities on a plan to reopen. She stated the city was working with the Ormond Beach Chamber of Commerce (Chamber) and Ormond Beach MainStreet (MainStreet) to help figure out what businesses needed to do to get back to work and the potential standards they may need to follow when they re-open. She noted Volusia County had received \$92 million dollars from CARES Act Funding and was looking to provide a business assistance plan and discussed the plan in detail. She noted the funding had to be used for COVID-19 expenses. She stated the city was working on a Community Development Area (CRA) fund they hoped to bring to the Commission in the future.

Mayor Partington thanked Ms. Shanahan for her work with local nursing homes and FDOH. He listed the number of cases in nursing homes compared to the data released for the City of Ormond Beach. He noted when viewing Ormond Beach's number of COVID-19 cases, a majority of those cases were in nursing homes, and explained that meant that there was much less community spread than there appeared to be. He noted the zip codes for Ormond Beach also covered a large portion of land.

Ms. Shanahan stated the Fire Department had been proactively visiting nursing homes in the city since the beginning of the outbreak. She stated originally nursing home data was not being released on a granular level and the city did not know where the cases were located at, with the exception of the Fire Department who knew in case of calls for service. She stated Representative Tom Leek, the Fire Department, and FDOH were able to come together to mobilize a strike force for the facilities. She noted the growing number of cases at the facilities had appeared to calm down.

Commissioner Kent thanked Mayor Partington for explaining the numbers were much lower in the city of Ormond Beach when nursing home numbers were removed from Ormond Beach's cases. He stated he had heard concerns from residents as to why the numbers were so high in the city, and stated he would like the data to be presented to Ormond Beach residents to explain the correlation between nursing home outbreaks and the high number of cases.

Mayor Partington noted Representative Leek and FDOH had discussed how misleading the zip code data was and the false impression it suggested. He stated there had been a call for more transparency and noted he believed more information could be released

regarding active cases, except such information exempted by Health Insurance Portability and Accountability Act (HIPAA) laws.

Commissioner Kent discussed guidelines that were being implemented at local businesses. He stated many citizens were staying home and wanted residents to know the guidelines were working in helping stop the spread of the virus.

Commissioner Persis mentioned there were no Ormond Beach first responders with the virus, even though they were working on the front line. She agreed with Commissioner Kent that the number of cases in nursing homes should be released to residents to show there is less community spread than the zip code data implied.

Item #5 – Consent Agenda

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

Commissioner Selby moved, seconded by Commissioner Kent, for approval of the consent agenda.

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

Item #6 – Discussion Items

Item #6A – Volusia County Schools Letter of Support

Mayor Partington noted no public comments were submitted for the item.

Commissioner Persis stated her excitement for the project of a new school being developed. She expressed her favor for having a K-8 school located in Ormond Beach at the Osceola Elementary School site, instead of the Ortona Elementary School site, and explained her reasons why. She noted the new school being located in Ormond Beach would help increase property values in the city and would encourage citizens to move to the beachside. She explained the school would have new technology and would be a positive addition to the city.

Commissioner Kent agreed with Commissioner Persis's comments. He noted he had met with Volusia County School Board Member Carl Persis to discuss the project. He noted Osceola Elementary School was located within his zone and discussed the importance of the school to him. He noted a conversation he had with Volusia County School Board Member Linda Cuthbert, who favored the Ortona Elementary school as the site for the new school. He stated he shared his support for Osceola Elementary School with Ms. Cuthbert and told her the Commission would be discussing their support during the Commission meeting. He noted Ms. Cuthbert encouraged the Commission to provide their direction on which location they supported for the new school. He discussed the location of Osceola Elementary School and noted the partnership between the City of Ormond Beach and Volusia County School Board. He stated he supported providing direction that the City of Ormond Beach would be willing to work with the Volusia County School Board to make Osceola Elementary School the location for the new school.

Commissioner Littleton stated he was pleased city staff worked well with the Volusia County School Board. He stated his favor of the city partnering with the board to make Osceola Elementary School the site for the new school. He noted the benefits of the project taking place in Ormond Beach and reiterated his support.

Commissioner Selby inquired what recreational elements were located at the Osceola Elementary School site and what would happen to those elements if the site was chosen for a K-8 school; whereby, Mr. Steven Spraker, Planning Director, explained the Volusia County School Board determined there would not be enough room to keep all recreational elements and they would be reduced.

Commissioner Selby questioned who owned the recreational facilities on the school site and what the facilities were located; whereby, Mr. Spraker noted the site was owned by the school board and an Interlocal Service Boundary Agreement (ISBA) allowed the recreational facilities to be installed.

Commissioner Selby noted the site was proposing a three story building which would exceed the 35 foot height limit in the city code. He stated he did not have any concerns about the height, but questioned if any of the other Commissioners had concerns.

Commissioner Kent stated he had discussed the height with Ms. Cuthbert. He noted to the side of the school was a cemetery and very few homes in the area had frontage that would be negatively impacted by the height. He stated he approved of the variation they would need for the height of the building. He listed the recreational facilities that existed at the site in response to Commissioner Selby's earlier inquiry: two tennis courts, four racquetball courts, two baseball fields, a playground, and an outdoor basketball court.

Commissioner Selby noted his concerns for traffic in the area, but believed since the plan included changing the location of the entrance and length of the que line, it would improve traffic during pick-up hours. He noted the Commission had received an email from staff regarding a storm water update for the project, but asked for clarification of the memorandum; whereby, Mr. Spraker explained in detail and discussed the school board's solution to work around an existing storm water pipe on the property.

Mr. Spraker discussed the water quality improvements in the area and noted staff had met with St. Johns Water Management District (SJWMD) and the school board to show that the Osceola Elementary School site could be redeveloped and the storm water would work on the property.

Commissioner Selby stated he would prefer to have the school located in Ormond Beach, and therefore favored the Osceola Elementary School site. He noted his concern for a middle school also being located on the site due to the density of the site, but he would take a K-8 or K-5 plan depending on what the school board decided to do. He discussed two bridges he believed should be installed in east Volusia County: one at Beville Road and one at LPGA Boulevard. He noted the reasoning behind his belief for needing the bridges. He stated when viewing an aerial map, the Ortona Elementary School site would create the perfect landing for a bridge crossing over from LPGA Boulevard. He noted he favored the Osceola Elementary School site for the new school and reiterated the potential of the Ortona Elementary School site becoming a bridge landing in the future. He noted no matter which school was chosen, the city could benefit from the decision. He stated if Ortona Elementary School was chosen for the site, he hoped that the city would purchase the property at Osceola Elementary School when it became available and turn the property into a beachside recreational element.

Mayor Partington noted the benefits of the Osceola Elementary School site being chosen for a K-8 or new elementary school. He stated either school could be chosen, but noted only 200 families attended Ortona Elementary, while 400 families attended Osceola Elementary School, and thought it would be most beneficial to disrupt the least amount of people if possible by choosing to locate the new facility at Osceola Elementary School. He noted the Volusia County School Board was not required to comply with the city's building height limit, but was supposed to be sensitive to the community and believed that they would be. He noted when viewing Audubon Park School in Orange County, the K-8 school was a wonderful facility that was extremely popular, and explained a school similar to that in Ormond Beach would be a beneficial addition. He noted the Audubon Park School was three stories and did not appear to be any more obtrusive than any other school. He discussed the partnership between the City of Ormond Beach and the Volusia County School Board. He reiterated his support for Osceola Elementary School to be chosen as the site for the new school.

Ms. Shanahan stated the city would be sending a letter of support for Osceola Elementary School to be chosen as the site location for the new school. She noted if the school was selected and improvements needed to be made, a plan would be brought to the Commission for approval.

Item #7 – Reports, Suggestions, Requests

Avalon Park Daytona Beach

Mayor Partington noted he was calling for a workshop to be held to discuss the proposed Avalon Park development ("Avalon") in Daytona Beach. He noted Daytona

Beach had changed their rules regarding development during the declared time of emergency and stated he was disappointed in their action of doing so. He noted there was an article in the Daytona Beach News Journal that the developers of Avalon were actively preparing for the project. He stated he was unsure if the Avalon group had purchased the property yet, but asked for input from the Commission on conducting a workshop to discuss the potential project.

Commissioner Kent discussed frustration he had received from residents who had read the newspaper article discussing Avalon Park in Daytona Beach. He noted the article implied 20,000 residents would be dumped into Ormond Beach. He noted the project would be hard for Ormond Beach residents to deal with and would have very few, if any, benefits for Ormond Beach.

Commissioner Persis, Commissioner Kent, Commissioner Littleton, and Commissioner Selby stated their support for holding a workshop.

Commissioner Littleton stated he hoped the workshop would take place in person, rather than virtually, and would focus primarily on the City of Ormond Beach's options regarding the project. He wanted to provide enough time for staff to investigate options, but did not want to wait too long before holding the workshop.

Commissioner Selby asked for more information on the land and project. He noted normally developers created a plan before purchasing the land. He noted if those involved with Avalon did not purchase the site, another developer would do so and the site would be developed one way or another.

Water and Sewer Deposit Reimbursement

Mayor Partington noted Utility Customer Service Manager Mr. Rob Hart had come up with an idea to reimburse Ormond Beach residents their water and sewer deposits in the form of a credit on their account. He noted his support for the item and thanked Mr. Hart for coming up with the idea. He asked for the Commission's input on the proposed reimbursement.

Ms. Shanahan explained the proposed deposit reimbursement in detail. She noted the reimbursements were normally funded back to the resident after two years of good payment, but staff was proposing to refund all deposits to help provide relief to Ormond Beach residents through the pandemic. She noted the deposit would be credited to the residents' accounts to help provide assistance in covering future water bills. She noted if the Commission was in support of the idea, staff would bring back a resolution to the Commission for formal approval.

Commissioner Persis, Commissioner Kent, Commissioner Littleton, and Commissioner Selby stated their approval for the deposit reimbursement.

First Step Shelter

Ms. Shanahan noted there was a previous discussion at a former Commission meeting regarding withholding payment for the First Step Shelter until the shelter committed to building a safe zone. She stated there was a contract in place for building the safe zone and was asking for direction from the Commission regarding releasing payment to the shelter.

Commissioner Selby stated he was on the First Step Shelter Board. He noted funds had been donated to the shelter for the construction and operation of the safe zone, which would make the building Pottinger compliant. He noted the city had made requiring Pottinger compliance a condition before they would release their first quarterly payment of pledged funds. He stated the shelter had the funds, building permit, and contract awarded to the general contractor for construction of the safe zone; and expected the zone to be operational within 60 to 90 days.

Commissioner Kent inquired if the city should provide funds since the city had stated they would not fund the shelter until it was complete and the zone was still projected to take 60 to 90 days until it was operational; whereby, Commissioner Selby noted the city could focus on that technicality, but noted many other cities had already provided funds and stated his support for providing the first quarterly payment.

Commissioner Selby, Commissioner Kent, Commissioner Persis, and Commissioner Littleton stated their approval for releasing payment to the First Step Shelter.

Thanks and Compliments

Commissioner Kent and Mayor Partington thanked City Attorney Mr. Randy Hayes for his hard work and for always protecting the city.

Commissioner Kent, Commissioner Persis, and Mayor Partington thanked city staff for their work during the pandemic.

Commissioner Selby noted he favored the banner policy that was being implemented for MainStreet and thanked S.R. Perrott for helping MainStreet in making the banners.

Commissioner Selby thanked city staff for signage that was implemented throughout the city.

Mayor Partington thanked the Commission for their work during the pandemic.

Granada Bridge Lighting

Commissioner Persis discussed her excitement for the new lighting being installed on the Granada Bridge.

Commissioner Littleton thanked staff for their work on the Granada Bridge lighting; whereby, Mayor Partington clarified the work was actually performed through the Florida Department of Transportation (FDOT) and was not performed by city workers.

Commissioner Selby stated his disapproval of the lighting project on the Granada Bridge. He stated he did not agree with the funds spent on the project and did not believe the outcome would look good. He noted alternative projects that the funds could have been used for.

K-8 Schools

Commissioner Persis clarified in K-8 schools the kids were separated by grade and did not participate in classes or lunch together.

Mayor Partington noted he knew many people who loved K-8 schools and reiterated Commissioner Persis's comments about students being separated. He noted after speaking with parents, many preferred the idea of their children being at the same school for kindergarten through eighth grade.

Re-opening Ormond Beach

Commissioner Selby noted the city needed to help residents get back to work. He stated while the one-size-fits-all across America approach may have been right in the beginning of the handling of the virus, it was not the right approach moving forward. He noted unintended consequences, including hospital employees getting let go and patients not getting the treatment they needed due to fear of going to the doctor. He felt the death rate from COVID-19 was dramatically exaggerated due to cause of death misclassifications. He stated high risk people were now aware of the guidelines they needed to implement and stated the city should assist in helping keeping everyone safe. He noted the financial struggles due to people out of work and discussed the shortcomings of the Payroll Protection Program (PPP) and unemployment system. He noted the federal government would spend three to four trillion dollars addressing COVID-19 and discussed national debt.

Commissioner Selby hoped self-service car washes would be classified as an essential business.

Mayor Partington noted he hoped tennis courts and full use of state, county, and city parks would re-open. He explained since the curve had been flattened, it had provided more hospital space for those who needed it. He stated he believed it was time to reopen in a methodical way and looked forward to city staff rolling that plan out.

Beaches

Commissioner Selby noted Homeland Security had a study that showed heat and moisture killed COVID-19. He stated he was surprised the beaches were ever closed and hoped the city would reopen their beach parking.

City Code

Commissioner Selby discussed the city's code for distancing houses from the shoreline. He noted the process needed in order to make a home even with your neighbors near

the shoreline. He discussed the process the residents would need to go to and hoped the city could change the code as to how deep a home could be on a lot.

Re-Election

Commissioner Selby noted he had filed his paperwork to run for re-election and was hopeful he could serve residents of Ormond Beach for another term.

Item #8 – Adjournment

The meeting was adjourned at 8:47 p.m.

APPROVED: May 26, 2020

BY:

Bill Partington, Mayor

ATTEST:

Colby J. Cilento, City Clerk