

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

April 6, 2021

7:00 p.m.

Commission Chambers

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 Kate Settle.

A G E N D A

- 1. CALL TO ORDER**
- 2. INVOCATION**
- 3. PLEDGE OF ALLEGIANCE**
- 4. PRESENTATIONS AND PROCLAMATIONS**
 - A. Jim Cameron
 - B. National Crime Victims' Rights Week
- 5. AUDIENCE REMARKS - REGARDING ITEMS NOT ON THE AGENDA**
- 6. APPROVAL OF MINUTES**
 - A. Minutes from City Commission meeting – March 16, 2021
- 7. COMMUNITY REDEVELOPMENT AGENCY**
 - A. **RESOLUTION NO. 2021-65:** A RESOLUTION OF THE CITY COMMISSION, ALSO ACTING AS THE COMMUNITY REDEVELOPMENT AGENCY, OF THE CITY OF ORMOND BEACH, FLORIDA, AUTHORIZING THE FIRST AMENDMENT TO THE CITY OF ORMOND BEACH BUILDING IMPROVEMENT GRANT PROGRAM GRANT AGREEMENT BETWEEN THE CITY/AGENCY AND HEJAHA, LLC TO EXTEND THE EXPIRATION DATE THEREOF TO MAY 17, 2022 TO THE AGREEMENT; 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. 2021-65:** A RESOLUTION OF THE CITY COMMISSION, ALSO ACTING AS THE COMMUNITY REDEVELOPMENT AGENCY, OF THE CITY OF ORMOND BEACH, FLORIDA, AUTHORIZING THE FIRST AMENDMENT TO THE CITY OF ORMOND BEACH BUILDING IMPROVEMENT GRANT PROGRAM GRANT AGREEMENT BETWEEN THE CITY/AGENCY AND HEJAHA, LLC TO EXTEND THE EXPIRATION DATE THEREOF TO MAY 17, 2022 TO THE AGREEMENT; AND SETTING FORTH AN EFFECTIVE DATE.

Staff Contact: Steven Spraker, Planning Director (386-676-3341)
 - B. **RESOLUTION NO. 2021-66:** A RESOLUTION AUTHORIZING THE ACCEPTANCE OF A PUBLIC SIDEWALK EASEMENT DEED OF TWO (2') FEET FROM 88 SOUTH ATLANTIC, LLC, TO PROVIDE A

SIDEWALK EASEMENT FOR A PUBLIC SIDEWALK ALONG THE WESTERN PROPERTY LINE ABUTTING THE FLORENCE STREET RIGHT-OF-WAY ON PROPERTY LOCATED AT 88 SOUTH ATLANTIC AVENUE; AND SETTING FORTH AN EFFECTIVE DATE.

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

- C. **RESOLUTION NO. 2021-67:** A RESOLUTION AUTHORIZING THE EXTENSION OF TIME FOR BUSINESSES TO DISPLAY BANNER SIGNS ON A TEMPORARY BASIS WITHOUT PERMITTING REQUIREMENTS THROUGH AND INCLUDING JULY 1, 2021; ESTABLISHING CONDITIONS AND A TERMINATION DATE FOR SUCH DISPLAY; AND SETTING FORTH AN EFFECTIVE DATE.

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

- D. **RESOLUTION NO. 2021-68:** A RESOLUTION AUTHORIZING THE EXECUTION OF A RAILROAD REIMBURSEMENT AGREEMENT BETWEEN THE CITY, THE STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION AND THE FLORIDA EAST COAST RAILWAY; SETTING FORTH AN EFFECTIVE DATE.

Staff Contact: Shawn Finley, Public Works Director (386-676-3292)

- E. **RESOLUTION NO. 2021-69:** A RESOLUTION AUTHORIZING THE EXECUTION OF A RESERVATION AND SALES AGREEMENT BETWEEN THE CITY OF ORMOND BEACH AND LAKE SWAMP, LLC TO RESERVE AND PURCHASE WETLAND MITIGATION CREDITS FROM THE LAKE SWAMP MITIGATION BANK; AND SETTING FORTH AN EFFECTIVE DATE.

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

- F. **RESOLUTION NO. 2021-70:** A RESOLUTION AUTHORIZING AN AMENDMENT TO THE EXISTING AGREEMENT WITH TYLER TECHNOLOGIES INC., REGARDING AN ENTERPRISE RESOURCE SYSTEM DOCUMENT MANAGEMENT PROGRAM, INCLUDING IMPLEMENTATION, HOSTING AND MAINTENANCE SERVICES; AUTHORIZING PAYMENT THEREFOR; AND SETTING FORTH AN EFFECTIVE DATE.

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

- G. **RESOLUTION NO. 2021-71:** A RESOLUTION AMENDING AN AGREEMENT BETWEEN THE CITY OF ORMOND BEACH AND BERRY, DUNN, MCNEIL & PARKER, LLC TO PROVIDE PROJECT MANAGEMENT SERVICES REGARDING IMPLEMENTATION BY TYLER TECHNOLOGIES OF AN ENTERPRISE RESOURCE SYSTEM; AUTHORIZING EXECUTION OF THE AMENDMENT OF THE EXISTING AGREEMENT AND PAYMENT THEREFOR; AND SETTING FORTH AN EFFECTIVE DATE.

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

- H. **Invitation to Bid - SONC Gym Expansion**

Staff Contact: Shawn Finley, Public Works Director (386-676-3292)

Disposition: Approve as recommended in the City Manager memorandum dated April 6, 2021.

I. **Advertisement for Bids - Taxiways Bravo and Delta Rehabilitation Project (Construction Phase), Bid No. 2021-18**

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

Disposition: Approve as recommended in the City Manager memorandum dated April 6, 2021.

9. **PUBLIC HEARINGS**

A. **ORDINANCE NO. 2021-11:** AN ORDINANCE VACATING A PORTION OF FLAGLER ROAD, ABUTTING 1480 NORTH U.S. HIGHWAY 1; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; PROVIDING FOR RECORDATION AND TRANSMITTAL; AND SETTING FORTH AN EFFECTIVE DATE.

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

B. **ORDINANCE NO. 2021-12:** AN ORDINANCE VACATING TWO (2) UN-NAMED ALLEYS LYING BETWEEN LOT(S) 1-30, BLOCK 59, NATIONAL GARDENS SUBDIVISION, WITHIN THE PROPERTY AT 1480 NORTH U.S. HIGHWAY 1; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; PROVIDING FOR RECORDATION AND TRANSMITTAL; AND SETTING FORTH AN EFFECTIVE DATE.

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

10. **FIRST READING OF ORDINANCES**

A. **ORDINANCE NO. 2021-13:** 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 16-6, BENEFIT AMOUNTS AND ELIGIBILITY; AMENDING SECTION 16-17, MINIMUM DISTRIBUTION OF BENEFITS; PROVIDING FOR COMPLIANCE WITH THE SECURE ACT; PROVIDING FOR SEVERABILITY OF PROVISIONS; REPEALING ALL ORDINANCES IN CONFLICT HERewith AND PROVIDING AN EFFECTIVE DATE

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

B. **ORDINANCE NO. 2021-14:** 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 16-44, CONTRIBUTIONS; AMENDING SECTION 16-45, BENEFIT AMOUNTS AND ELIGIBILITY; AMENDING SECTION 16-46, PRE- RETIREMENT DEATH; AMENDING SECTION 16-55, MINIMUM DISTRIBUTION OF BENEFITS; PROVIDING FOR COMPLIANCE WITH THE SECURE ACT; PROVIDING FOR SEVERABILITY OF PROVISIONS; REPEALING ALL ORDINANCES IN CONFLICT HERewith AND PROVIDING AN EFFECTIVE DATE.

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

- C. **ORDINANCE NO. 2021-15:** 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 16-76, BENEFIT AMOUNTS AND ELIGIBILITY; AMENDING SECTION 16-86, MINIMUM DISTRIBUTION OF BENEFITS; PROVIDING FOR COMPLIANCE WITH THE SECURE ACT; PROVIDING FOR SEVERABILITY OF PROVISIONS; REPEALING ALL ORDINANCES IN CONFLICT HERewith AND PROVIDING AN EFFECTIVE DATE.

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

11. REPORTS, SUGGESTIONS, REQUESTS

12. ADJOURNMENT

Item #1 – Meeting Call to Order

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

Item #2 – Invocation

Evangelist John Jeyaseelan, Bethel Ministries, gave the invocation.

Item #3 – Pledge of Allegiance

Mayor Partington led the Pledge of Allegiance.

Item #4 – Presentations and Proclamations

Item #4A – Jim Cameron

Mayor Partington presented Mr. Jim Cameron, Senior Vice President of Government Relations, Daytona Regional Chamber of Commerce (Chamber), with a proclamation honoring him for his 38 years of service at the Chamber. He discussed Mr. Cameron's accomplishments and the positive impacts he had on the City of Ormond Beach. He congratulated Mr. Cameron and wished him the best in his well-deserved retirement.

Mr. Cameron thanked members of the Commission for the recognition and proclamation. He discussed his career at the Chamber and the memories he made working with the City of Ormond Beach.

Item #4B – National Crime Victims' Rights Week

Mayor Partington presented Ormond Beach Police Department Victim Advocate Ms. Evelyn Rebstini with a proclamation recognizing April 18-24, 2021, as National Crime Victims' Rights Week in the City of Ormond Beach. He thanked Ms. Rebstini for her dedicated work in helping victims of crime.

Ms. Rebstini thanked the Commission for their continuous support and for the proclamation.

Item #5 – Audience Remarks

Mayor Partington noted no audience cards had been submitted on the item.

Item #6– Approval of Minutes

Mayor Partington advised the minutes of the March 16, 2021, 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.

Commissioner Littleton moved, seconded by Commissioner Persis, for approval of the March 16, 2021, City Commission meeting minutes.

The motion passed by voice vote.

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 7:14 p.m.

Item #7A – 100 West Granada Boulevard, Building Improvement Grant first extension

City Clerk Kate Settle read by title only:

RESOLUTION NO. 2021-65

A RESOLUTION OF THE CITY COMMISSION, ALSO ACTING AS THE COMMUNITY REDEVELOPMENT AGENCY, OF THE CITY OF ORMOND BEACH, FLORIDA, AUTHORIZING THE FIRST AMENDMENT TO THE CITY OF ORMOND BEACH BUILDING IMPROVEMENT GRANT PROGRAM GRANT AGREEMENT BETWEEN THE CITY/AGENCY AND HEJAHA, LLC TO EXTEND THE EXPIRATION DATE THEREOF TO MAY 17, 2022 TO THE AGREEMENT; AND SETTING FORTH AN EFFECTIVE DATE. **(SEE ITEM 8A)**

Mayor Partington noted no audience cards had been submitted on the item.

Commissioner Persis moved, seconded by Commissioner Selby, for approval of Resolution No. 2021-65, 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 7:15 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.

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

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

Comments on the Consent Agenda

Commissioner Kent commented on Item 8A, which approved a request for the first extension of a building improvement grant for 100 West Granada Boulevard. He stated his excitement for the project and thanked the property owner, Mr. Bill Jones, for his investment in Ormond Beach.

Commissioner Selby commented on Item 8D, which approved the execution of a Railroad Reimbursement Agreement for grade crossing traffic control devices. He noted Granada Boulevard would be closed at the railroad crossing from Saturday, April 10, 2021, at 6:00 a.m. to Wednesday, April 4, 2021, at 6:00 a.m.

Commissioner Persis discussed her approval of Item 7H, which provided public notice of the city's intent to issue an invitation to bid for the South Ormond Neighborhood Center (SONC) gym expansion.

Item #9 – Public Hearings

Mayor Partington opened the public hearings.

Item #9A – Right-of-way vacation – five (5) foot portion of Flagler Road (1480 N US HWY 1)

City Clerk Kate Settle read by title only:

ORDINANCE NO. 2021-11
AN ORDINANCE VACATING A PORTION OF FLAGLER ROAD, ABUTTING 1480 NORTH U.S. HIGHWAY 1; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; PROVIDING FOR RECORDATION AND TRANSMITTAL; AND SETTING FORTH AN EFFECTIVE DATE.

Mr. Steven Spraker, Planning Director, reviewed a PowerPoint presentation that displayed images of the property site and site plan. He explained the Commission previously approved the notice of intent for the right-of-way vacation at their prior Commission meeting, and the current item was to approve the vacation. He noted the property was located at 1480 North U.S. Highway One and explained the section being vacated was a five-foot segment of Flagler Road. He stated the project was undergoing site plan review and there was no current or future public use of the right-of-way. He stated staff recommended approval.

Mr. Tim Grigsby, 1206 Overbrook Drive, discussed his disapproval of the item and encouraged the Commission to use the right-of-way for stormwater storage instead. He discussed the city’s Stormwater Master Plan Study and reiterated his disapproval of the item.

Commissioner Selby moved, seconded by Commissioner Kent, for approval of Ordinance No. 2021-11, on first reading, as read by title only.

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

Item #9B – Right-of-way vacation - two (2) 15 foot alleys (1480 N US HWY 1)

City Clerk Kate Settle read by title only:

ORDINANCE NO. 2021-12
AN ORDINANCE VACATING TWO (2) UN-NAMED ALLEYS LYING BETWEEN LOT(S) 1-30, BLOCK 59, NATIONAL GARDENS SUBDIVISION, WITHIN THE PROPERTY AT 1480 NORTH U.S. HIGHWAY 1; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; PROVIDING FOR RECORDATION AND TRANSMITTAL; AND SETTING FORTH AN EFFECTIVE DATE.

Mr. Steven Spraker, Planning Director, explained the item was a request to vacate two alleys located at 1480 North U.S. Highway One. He noted the two alleys were included in the plat from 1926 and needed to be vacated for further development of the property. He noted the alleys did not have any current or future public use. He stated staff recommended approval of the item.

Commissioner Kent complimented the applicant, Mr. Jeff Gross, for continuing to invest in the City of Ormond Beach and provide jobs and services to the city.

Commissioner Kent moved, seconded by Commissioner Persis, for approval of Ordinance No. 2021-12, on first reading, as read by title only.

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

Mayor Partington closed the public hearings.

Item #10 – First Reading of Ordinances

Item #10A – General Employees Pension Ordinance

City Clerk Kate Settle read by title only:

ORDINANCE NO. 2021-13
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 16-6, BENEFIT AMOUNTS AND
ELIGIBILITY; AMENDING SECTION 16-17, MINIMUM DISTRIBUTION OF
BENEFITS; PROVIDING FOR COMPLIANCE WITH THE SECURE ACT;
PROVIDING FOR SEVERABILITY OF PROVISIONS; REPEALING ALL
ORDINANCES IN CONFLICT HERewith AND PROVIDING AN
EFFECTIVE DATE.

Mayor Partington noted no audience cards had been submitted on the item.

Commissioner Persis moved, seconded by Commissioner Littleton, for approval of Ordinance No. 2021-13, on first reading, as read by title only.

Commissioner Littleton requested Finance Director Ms. Kelly McGuire clarify the purpose of the request.

Ms. Kelly McGuire, Finance Director, explained the Setting Every Community Up for Retirement Enhancement Act (SECURE Act) required the city to increase the age for required minimum distribution of retirement accounts from 70½ to 72 years of age. She noted the current item was to amend the Code of Ordinances for General Employee's Pension, and explained the following two items were the same amendments for police and fire pensions.

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

Item #10B – Firefighters' Pension Ordinance

City Clerk Kate Settle read by title only:

ORDINANCE NO. 2021-14
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 16-44, CONTRIBUTIONS;
AMENDING SECTION 16-45, BENEFIT AMOUNTS AND ELIGIBILITY;
AMENDING SECTION 16-46, PRE- RETIREMENT DEATH; AMENDING
SECTION 16-55, MINIMUM DISTRIBUTION OF BENEFITS; PROVIDING
FOR COMPLIANCE WITH THE SECURE ACT; PROVIDING FOR
SEVERABILITY OF PROVISIONS; REPEALING ALL ORDINANCES IN
CONFLICT HERewith AND PROVIDING AN EFFECTIVE DATE.

Mayor Partington noted no audience cards had been submitted on the item.

Commissioner Selby moved, seconded by Commissioner Littleton, for approval of Ordinance No. 2021-14, on first reading, as read by title only.

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

Item #10C – Police Officers' Pension Ordinance

City Clerk Kate Settle read by title only:

ORDINANCE NO. 2021-15

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 16-76, BENEFIT AMOUNTS AND ELIGIBILITY; AMENDING SECTION 16-86, MINIMUM DISTRIBUTION OF BENEFITS; PROVIDING FOR COMPLIANCE WITH THE SECURE ACT; PROVIDING FOR SEVERABILITY OF PROVISIONS; REPEALING ALL ORDINANCES IN CONFLICT HERewith AND PROVIDING AN EFFECTIVE DATE.

Mayor Partington noted no audience cards had been submitted on the item.

Commissioner Persis moved, seconded by Commissioner Littleton, for approval of Ordinance No. 2021-15, on first reading, as read by title only.

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

Item #11 – Reports, Suggestions, Requests

Parks and Recreation Master Plan

Ms. Claire Whitley, Assistant City Manager, provided an update on the Leisure Services' Parks and Recreation Master Plan (Master Plan). She noted the first public meeting regarding the Master Plan was held the week prior and had a successful turn-out.

Projects

Ms. Whitley provided updates on the Florence Street On-Street Parking Project and the MacDonald House Project.

Ms. Whitley discussed the closure on Granada Boulevard at the railroad crossings that was previously mentioned by Commissioner Selby. She explained the road closure came at short-notice due to the construction being moved earlier than originally scheduled in anticipation for Jeep Week. She noted the closure and detour map would be posted on the city's social media so that residents were aware.

Compliments

Ms. Whitley, Commissioner Persis, Commissioner Selby, and Commissioner Kent complimented City Clerk Ms. Kate Settle and welcomed her to the City of Ormond Beach.

Commissioner Selby and Commissioner Kent congratulated Mr. Jim Cameron on his retirement and discussed memories of working with Mr. Cameron through-out the years.

Commissioner Selby and Commissioner Kent complimented Mr. Jeff Gross and his family, and wished them the best with the construction of the new Ormond Ace Hardware.

Commissioner Kent complimented Ms. Whitley on filling in for City Manager Ms. Shanahan in her absence.

Commissioner Kent complimented Public Information Officer Ms. Jenn Elston and thanked her for assisting residents in getting the COVID-19 vaccine.

Commissioner Kent complimented City Attorney Mr. Randy Hayes and thanked him for his hard work.

Events

Commissioner Persis complimented a retirement celebration she had attended for Ormond Beach Police Lieutenant James Doggett.

Commissioner Persis complimented a swearing-in ceremony she attended for new Ormond Beach Police Officer Marc Pedevillano.

Commissioner Persis discussed a Zoom civic meeting she attended held by Mr. Bill Denny and Ms. Linda Williams.

Commissioner Littleton complimented a fundraiser he attended at the Ormond Garage that collected proceeds for former Chief Building Inspector Mr. Rick Elkins.

Item #12 – Adjournment

The meeting was adjourned at 7:39 p.m.

APPROVED: April 20, 2021

BY:

Bill Partington, Mayor

ATTEST:

Kate Settle, City Clerk