

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

February 16, 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 Colby Cilento.

A G E N D A

1. CALL TO ORDER

2. INVOCATION

3. PLEDGE OF ALLEGIANCE

4. PRESENTATIONS AND PROCLAMATIONS

A. ANNUAL AUDIT PRESENTATION FY 2019-20

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 – February 2, 2021

B. Minutes from City Commission meeting – February 8, 2021

7. 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. 2021-45: A RESOLUTION PURSUANT TO CHAPTER 14, ARTICLE VIII, SECTION 14-98, LIENS, OF THE CITY OF ORMOND BEACH CODE OF ORDINANCES AUTHORIZING THE IMPOSITION OF A LIEN AGAINST THE REAL PROPERTY OWNED BY EQUITY TRUST COMPANY CUSTODIAN LOCATED AT 80 GROVE STREET, ORMOND BEACH, VOLUSIA COUNTY, FLORIDA FOR COSTS INCURRED BY THE CITY TO TERMINATE OR ABATE A SITE MAINTENANCE VIOLATION; AND SETTING FORTH AN EFFECTIVE DATE.

Staff Contact: *Chris Mason, Neighborhood Improvement Manager (386-676-3352)*

B. RESOLUTION NO. 2021-46: A RESOLUTION AUTHORIZING THE APPROVAL AND EXECUTION OF A PURCHASE AUTHORIZATION FOR THE PURCHASE OF ONE 2021 DODGE CHARGER PATROL VEHICLE UNDER FLORIDA SHERIFFS ASSOCIATION BID NO. FSA20-VEL28.0; DECLARING VEHICLE TO BE SURPLUS PROPERTY, AND AUTHORIZING THE DISPOSITION THEREOF; AND SETTING FORTH AN EFFECTIVE DATE.

Staff Contact: *Kevin Gray, Deputy Public Works Director (386-676-3577)*

- C. **RESOLUTION NO. 2021-47:** A RESOLUTION ACCEPTING A BID FROM JD WEBER CONSTRUCTION FOR CONSTRUCTION SERVICES REGARDING THE WILMETTE AVENUE STORMWATER PUMP STATION PROJECT, UNDER BID NO. 2021-05; AUTHORIZING THE EXECUTION OF A CONTRACT AND PAYMENT THEREFOR; REJECTING ALL OTHER BIDS; AND SETTING FORTH AN EFFECTIVE DATE.

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

- D. **Auto Renewal Contract - Ormond Beach Historical Society, Inc.**

Staff Contact: Robert Carolin, Leisure Services Director (386-676-3279)

Disposition: Approve as recommended in the City Manager memorandum dated February 16, 2021.

- E. **Auto Renewal Contract - Golden Eagle Associates**

Staff Contact: Robert Carolin, Leisure Services Director (386-676-3279)

Disposition: Approve as recommended in the City Manager memorandum dated February 16, 2021.

- F. **Auto Renew Contracts for Miscellaneous Crafts & Trades Services - As Needed**

Staff Contact: Robert Carolin, Leisure Services Director (386-676-3279)

Disposition: Approve as recommended in the City Manager memorandum dated February 16, 2021.

- G. **National League of Cities Innovation Ecosystems Grant Funding**

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

Disposition: Approve as recommended in the City Manager memorandum dated February 16, 2021.

8. PUBLIC HEARINGS

- A. **ORDINANCE NO. 2021-07:** AN ORDINANCE AMENDING PARAGRAPH C, OFFICIAL ZONING MAP, OF SECTION 2-01, ESTABLISHED, OF ARTICLE I, 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 PORTION OF CERTAIN REAL PROPERTY TOTALING 0.32+ ACRES LOCATED AT 2341 WEST GRANADA BOULEVARD FROM VOLUSIA COUNTY A-2 (RURAL AGRICULTURE) TO ORMOND BEACH B-2 (NEIGHBORHOOD COMMERCIAL), 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)

9. FIRST READING OF ORDINANCES

- A. **ORDINANCE NO. 2021-08:** AN ORDINANCE AMENDING SECTION 5-1, DEFINITIONS, OF ARTICLE I, IN GENERAL, OF CHAPTER 5, ANIMALS AND FOWL, OF THE CITY OF ORMOND

BEACH CODE OF ORDINANCES, BY ESTABLISHING A DEFINITION FOR “ADEQUATE SHELTER”; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; AND SETTING FORTH AN EFFECTIVE DATE.

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

10. RESOLUTIONS

- A. **RESOLUTION NO. 2021-48:** A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF ORMOND BEACH, FLORIDA APPROVING A PRELIMINARY PLAT FOR "ORMOND GATEWAY", A COMMERCIAL SUBDIVISION OF LAND; ESTABLISHING CONDITIONS AND EXPIRATION DATE OF APPROVAL; AND SETTING FORTH AN EFFECTIVE DATE.

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

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

Chaplain Sam Mercado, Advent Health, gave the invocation.

Item #3 – Pledge of Allegiance

Mayor Partington led the Pledge of Allegiance.

Item #4 – Presentations and Proclamations

Item #4A – Annual Audit Presentation FY 2019-20

Mr. Zach Chalifour, James Moore and Company, presented a PowerPoint presentation to the Commission detailing the city’s annual audit for the fiscal year ending on September 30, 2020. He highlighted the details of the auditors’ reports, the General Fund, and Pension Funds. He noted the city continued to remain in a strong financial position.

Commissioner Kent stated he was pleased to hear that the city was in a strong financial position, even with the city’s prior implementation of a tax decrease for residents.

Commissioner Persis and Mayor Partington complimented Ms. Shanahan, staff, and James Moore and Company for their hard work in preparing the annual audit.

Mayor Partington discussed the Florida Retirement System’s funding rate for their pension funds.

Item #5 – Audience Remarks

Mr. Jim Cameron, 126 East Orange Avenue, Senior Vice President of Government Relations, Daytona Regional Chamber of Commerce (Chamber), discussed an upcoming Virtual Volusia Days at The Capitol event taking place in March, 2021. He discussed the agenda for the event and the speakers who were scheduled to provide presentations.

Mayor Partington inquired when the times for the event would be announced; whereby, Mr. Cameron noted the event would take place from 8:00 a.m. to 12:00 p.m., but the specific timeslots for speakers and presentations would be released closer to the event.

Mayor Partington suggested Florida Economist Ms. Amy Baker be considered if the event was seeking an additional speaker; whereby, Mr. Cameron stated he would look into scheduling Ms. Baker at the event.

Mr. Josh Pringle, 1500 Crowne Ormond Lane, Chairman of the Neighborhood Improvement Advisory Board (NIAB), informed the Commission and members of the public that the NIAB would be holding a public meeting on February 18, 2021, at 6:00 p.m. He explained the board would be discussing options for distributing Community Block Development Grant (CBDG) funds and noted public participation was welcome.

Mayor Partington explained the city would receive their own CDBG allotment in the future when the city reached a certain population size.

Mr. Travis Sargent, 406 North Beach Street, discussed the Volusia County School Board's (VCSB) decision to move forward with condensing Osceola Elementary (Osceola) and Ortona Elementary (Ortona) at the Ortona site. He stated he believed the VCSB committed a Sunshine Law violation by failing to properly advertise their intent to discuss the closure of Osceola and noted he believed there was inadequate opportunity for public participation. He discussed the possibility of seeking counsel to pursue the Sunshine Law violation in court against the VCSB. He requested the City Commission keep their previously committed incentives to save the Osceola site available, in case the situation was readdressed in the future.

Commission Discussion

Mayor Partington noted he believed the resolution that approved the city's commitment to providing incentives for keeping the Osceola site did not have an expiration date. He stated he had attended the previous VCSB meeting and discussed the meeting in detail, noting he believed Ormond Beach residents were not treated properly. He explained the VCSB admitted to not providing proper notice of their discussion on closing Osceola. He discussed the legalities behind providing public notice. He inquired if the other members of the Commission were willing to keep the previously offered incentives available until the matter was resolved; whereby, members of the Commission approved.

Commissioner Selby stated he had watched the August 25, 2020, VCSB meeting where the decision was made to close the Osceola site. He explained the only item advertised on the VCSB agenda for that meeting was to discuss whether the new school should become a K-5 or K-8 school, not to close Osceola. He stated if legal action was going to be taken he believed it needed to be done promptly as the VCSB had already spent funds on preparation for the new school site at Ortona. He noted he was surprised to hear comments from the public claiming the City of Ormond Beach was attempting to purchase a school by offering incentives. He clarified the city was trying to use their resources to save the Osceola site.

Commissioner Persis stated she agreed with Commissioner Selby that action needed to be taken quickly. She noted she was also offended by comments made at the VCSB meeting claiming the city was trying to buy the school. She explained the city was attempting to save the Osceola due to the history behind it and the school's important meaning to the community.

Mayor Partington discussed the history behind Osceola and complimented the teachers that worked hard at the school. He noted accusations that the City of Ormond Beach was being a bully and was trying to buy the school were outrageous. He stated he felt the residents, teachers, and parents at Osceola had been ignored by the VCSB. He clarified VCSB member Mr. Carl Persis was the only member who fought to keep Osceola, but noted VCSB member Ms. Anita Burnette was new to the board. He discussed Sunshine Law violations and the process for legal cases involving the violations. He requested Mr. Hayes provide the Commission with options for moving forward during the Commission's closing comments later in the meeting. He stated he believed it would be better for the city to support the residents in filing legal action, rather than the city filing legal action themselves.

Item #6 – Approval of Minutes

Mayor Partington advised the minutes of the February 2, 2021, meeting and February 8, 2021, special 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 – 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 Littleton, for approval of the consent agenda.

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

Comments on the Consent Agenda

Commissioner Selby discussed his support for Item 7G, which informed the City Commission of staff's intention to apply for a funding opportunity available with the National League of Cities (NLC) Innovation Ecosystems Grant Program. He stated he had met with Pastor Floyd Narcisse from Historic New Bethel AME Church and noted Pastor Floyd was interested in assisting the African-American community in the creation of more minority-owned businesses. He explained he provided Pastor Floyd with Economic Development Director Mr. Brian Rademacher's contact information.

Item #8 – Public Hearings

Mayor Partington opened the public hearings.

Item #8A – 2341 West Granada Boulevard (portion), Zoning Map amendment

City Clerk Colby Cilento read by title only:

ORDINANCE NO. 2021-07
AN ORDINANCE AMENDING PARAGRAPH C, OFFICIAL ZONING MAP, OF SECTION 2-01, ESTABLISHED, OF ARTICLE I, 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 PORTION OF CERTAIN REAL PROPERTY TOTALING 0.32+ ACRES LOCATED AT 2341 WEST GRANADA BOULEVARD FROM VOLUSIA COUNTY A-2 (RURAL AGRICULTURE) TO ORMOND BEACH B-2 (NEIGHBORHOOD COMMERCIAL), AUTHORIZING REVISION OF OFFICIAL ZONING MAP; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; AND SETTING FORTH AN EFFECTIVE DATE.

Mr. Steven Spraker, Planning Director, explained the item was a zoning map amendment to amend the property's existing Volusia County zoning of Rural Agriculture (A-2) to Ormond Beach Neighborhood Commercial (B-2). He reviewed a PowerPoint presentation that displayed images of the property site. He noted the property had previously appeared before the Commission for a land use assignment. He stated the Planning Board and staff recommended approval.

Commissioner Selby noted on the map in Mr. Spraker's presentation there were parcels above the discussed property and their boundaries were divided in half between Volusia County and the City of Ormond Beach. He inquired how the lots were split between both boundaries; whereby, Mr. Spraker noted the boundary line was created in the 1960s and explained the properties maintained their Volusia County land use and zoning.

Commissioner Selby and Mr. Spraker discussed the lots in further detail.

Mr. Spraker stated staff could contact the property owners regarding annexing into the city if the Commission wished for them to do so. He explained annexation usually

occurred based on the connection to utilities, and noted there were no city utilities for those properties to connect to.

Mayor Partington questioned if the discussed lots were platted in Volusia County before the city boundary was drawn; whereby, Mr. Spraker stated he was unsure and reiterated the boundary was determined in the 1960s.

Mr. Randy Hayes, City Attorney, provided a detailed history of city regulations that were enforced in prior years. He stated he suspected the discussed lots had originally been assigned Volusia County land use and zoning, and continued to maintain those assignments. He discussed the process of properties annexing into the city. He stated *Florida Statutes* did not require the city to assign land use and rezoning within a prescribed period of time.

Commissioner Kent discussed various changes that had occurred over the years throughout the City of Ormond Beach.

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

Commissioner Persis moved, seconded by Commissioner Selby, for approval of Ordinance No. 2021-07, 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

Mayor Partington closed the public hearings.

Item #9 – First Reading of Ordinances

Item #9A – Adequate Shelter Definition - Code of Ordinances

City Clerk Colby Cilento read by title only:

ORDINANCE NO. 2021-08
AN ORDINANCE AMENDING SECTION 5-1, DEFINITIONS, OF ARTICLE I, IN GENERAL, OF CHAPTER 5, ANIMALS AND FOWL, OF THE CITY OF ORMOND BEACH CODE OF ORDINANCES, BY ESTABLISHING A DEFINITION FOR “ADEQUATE SHELTER”; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; AND SETTING FORTH AN EFFECTIVE DATE.

Mayor Partington noted the Commission had received email comments from Ms. Debbie Darino in support of the item.

Commissioner Persis moved, seconded by Commissioner Selby, for approval of Ordinance No. 2021-08, on first reading, as read by title only.

Commissioner Persis discussed her support of the item and the importance of protecting animals.

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

Item #10 – Resolutions

Item #10A – Ormond Gateway, Preliminary Plat

City Clerk Colby Cilento read by title only:

RESOLUTION NO. 2021-48
A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF ORMOND BEACH, FLORIDA APPROVING A PRELIMINARY PLAT FOR

"ORMOND GATEWAY", A COMMERCIAL SUBDIVISION OF LAND;
ESTABLISHING CONDITIONS AND EXPIRATION DATE OF APPROVAL;
AND SETTING FORTH AN EFFECTIVE DATE.

Mr. Spraker reviewed a PowerPoint presentation that displayed an image of the property site, preliminary plat, and site plan for the item. He stated the property was comprised of three parcels and a former right-of-way that had been vacated. He noted the multiple parcels were planned to be developed into one master plan. He reviewed the preliminary plat for the property and noted the site had a Highway Tourist Commercial (B-7) zoning district, which required each lot be at least 20,000 square feet. He explained the parcels exceeded the minimum square footage requirement and included common stormwater areas, natural tree preservation, two historic trees that would be saved, preservation of the greenbelt buffer, and a common access aisle. He reviewed the site plan and stormwater systems. He noted each site plan would be presented on its own before the Site Plan Review Committee (SPRC). He explained if a site plan needed public hearing approval it would come back before the Commission. He stated the Planning Board and staff recommended approval.

Commissioner Selby inquired if the internal roads at the site would be dedicated to the city; whereby, Mr. Spraker noted they would not be and explained the roads were access aisles.

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

Commissioner Selby moved, seconded by Commissioner Littleton, for approval of Resolution No. 2021-48, as read by title only.

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

Item #11 – Reports, Suggestions, Requests

Upcoming Meetings

Ms. Joyce Shanahan, City Manager, stated staff was requesting to host a Parks and Recreation Master Plan Workshop on August 17, 2021, and January 18, 2022, to discuss updates to the Parks and Recreation Master Plan.

Project Updates

Ms. Shanahan provided updates on the MacDonald House restoration project.

Ms. Shanahan discussed the Wilmette Avenue pump station project previously approved on the consent agenda. She explained the project would be using grant funding from the Federal Emergency Management Agency (FEMA) that was issued for Hurricane Matthew. She discussed the project in further detail. She noted the project would be started and completed prior to expected storm events.

Ms. Shanahan discussed the Broadway Avenue and US Highway One Traffic Signal Mast Arm Project. She noted the city had a lap agreement with the Florida Department of Transportation (FDOT) to help facilitate the grant funds for the project.

Ms. Shanahan explained construction was complete on the Birthplace of Speed Park observation deck and the contractor was finalizing restoration.

Ms. Shanahan discussed the fitness station that had been installed at the South Ormond Neighborhood Center and noted the equipment was being heavily utilized.

Osceola Elementary

Mr. Hayes stated he would reach out to audience remarks speaker Mr. Sargent and provide suggestions on the Osceola/Ortona issue. He noted the decision to close Osceola had already been made by the VCSB and explained there was urgency on remedial action being taken. He stated he had taken a cursorial review of the material provided to the Commission regarding the Osceola/Ortona project. He reiterated he would discuss options moving forward with Mr. Sargent and provide support. He noted if any action moving forward required formal direction from the Commission, staff would come back to the Commission for approval.

Mayor Partington questioned who would be responsible for paying legal fees if a person prosecuted a government organization for a Sunshine Law; whereby, Mr. Hayes explained if the governmental organization being sued had lost, they would be responsible for paying the plaintiff's attorney fees.

Commissioner Kent stated there were negative remarks made against Ormond Beach at the VCSB meeting, as well as on a local radio show. He explained that he never was in favor of the idea of offering the VCSB funding incentives, due to the fact that the VCSB had the highest local tax rate. He stated while was not in favor of offering the board funds, he preferred to offer the incentives over losing the Osceola site. He discussed the negative impacts losing Osceola would have on the city. He explained he voted in favor of offering the incentives due to the fact that he disliked the outcome of losing Osceola more than offering the incentives.

Commissioner Persis discussed the strong efforts from her husband and VCSB member Mr. Carl Persis for saving the Osceola site. She stated losing Osceola would be a major disappointment for the city and noted she believed that the Commission needed to do anything they could to save the school. She thanked Mayor Partington and Ms. Shanahan for their efforts in trying to save Osceola.

Mayor Partington stated he looked forward to hearing what options there were moving forward with saving Osceola. He explained it was hard to understand how the decision by the VCSB was made and accepted since there was not a fair hearing for both sides.

Compliments and Thanks

Commissioner Littleton thanked Public Works Director Mr. Kevin Gray and city staff for their work.

Commissioner Persis complimented City Clerk Ms. Colby Cilento on her continued education and her new position at an academic library. She stated while Ms. Cilento would be missed at the city, she was proud of her for her hard work and outstanding achievements.

Mayor Partington noted a citizen had made him aware that Ormond Beach Firefighter Mikayla Laks was handing out fire hats and items to children at the Ormond Beach Cracker Barrel. He complimented Ms. Laks and thanked her.

Mayor Partington noted the Ormond Beach News Journal held a 40 under 40 award program that recognized persons for their professional achievements and volunteering efforts for their community. He stated the city's Public Information Officer Ms. Jenn Elston was nominated as a finalist to receive the award. He complimented Ms. Elston for helping senior citizens schedule COVID-19 vaccine appointments and congratulated her on her nomination.

Events

Commissioner Littleton noted he was looking forward to spending the next day with the Ormond Beach Fire Department.

Submerged Property

Commissioner Selby noted Mr. Jim Cooksey, along with a partner, owned a submerged piece of land that adjoined Cassen Park. He stated the property was available for lease, but noted Mr. Cooksey had stated the property was also for sale. He explained there was no price quoted for the property yet, but believed the City Commission should look into the land. He stated he was unsure what the development potential of the property was, but noted it was a fee-simple lot that was submerged with no road access or parking. He explained the property was located on the water and inquired what the zoning was for the lot; whereby, Mr. Spraker stated the zoning was Special Environmental.

Commissioner Selby discussed potential uses for the property. He noted the site had many hurdles until it could be monetized. He stated though the development potential may be limited, he felt the city may want to consider purchasing the lot as he believed the property may be affordable.

Mayor Partington noted he had also reviewed the submerged land with Mr. Cooksey. He discussed potential options that the lot could be utilized for. He stated there was only

one waterfront venue in Ormond Beach, and noted the discussed lot could potentially become another. He requested staff look into potential options for the site.

Ormond Memorial Art Museum and Gardens

Commissioner Persis and Mayor Partington discussed their excitement for the construction projects taking place at the Ormond Memorial Art Museum and Gardens.

Mayor Partington noted Commissioner Persis had discussed loose wires hanging on Halifax Drive near the Ormond Memorial Art Museum and Gardens at the prior City Commission Meeting. He requested staff look into options for moving the wires or placing them underground to assist in the appearance of the area.

Item #12 – Adjournment

The meeting was adjourned at 8:13 p.m.

APPROVED: March 2, 2021

BY: _____
Bill Partington, Mayor

ATTEST:

Colby J. Cilento, City Clerk