

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

July 28, 2015

7:00 p.m.

Commission Chambers

Present were: Mayor Kelley, Commissioners James Stowers, Troy Kent, Rick Boehm and Bill Partington, City Manager Joyce Shanahan, Assistant City Manager and Public Works Director Ted MacLeod, City Attorney Randy Hayes, and City Clerk Scott McKee.

A G E N D A

1. **CALL TO ORDER**
2. **INVOCATION**
3. **PLEDGE OF ALLEGIANCE**
4. **ADOPTION OF FY 2015-2016 PROPOSED MILLAGE RATES**
 - A. **RESOLUTION NO. 2015-137** : A RESOLUTION ADOPTING PROPOSED MILLAGE RATES FOR THE 2015-2016 FISCAL YEAR; ESTABLISHING THE DATE, TIME AND PLACE FOR THE FIRST PUBLIC HEARING ON THE PROPOSED MILLAGE RATES AND THE TENTATIVE BUDGET; DIRECTING COMMUNICATION; EXPRESSING LEGISLATIVE INTENT; AND SETTING FORTH AN EFFECTIVE DATE.
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 – June 23, 2015
7. **COMMUNITY REDEVELOPMENT AGENCY**
 - A. **RESOLUTION NO. 2015-138** : A RESOLUTION OF THE CITY COMMISSION, ALSO ACTING AS THE COMMUNITY REDEVELOPMENT AGENCY, OF THE CITY OF ORMOND BEACH, FLORIDA, AUTHORIZING THE EXECUTION OF A JOINT PARTICIPATION AGREEMENT AMENDMENT NUMBER 1 BETWEEN THE CITY AND FLORIDA DEPARTMENT OF TRANSPORTATION, REGARDING LANDSCAPING IMPROVEMENTS WITHIN THE GRANADA MEDIANS FROM ORCHARD STREET TO A1A; AND SETTING FORTH AN EFFECTIVE DATE. **(SEE ITEM 8A)**
Staff Contact: John Noble, City Engineer (386-676-3269)
 - B. **RESOLUTION NO. 2015-139** : A RESOLUTION OF THE CITY COMMISSION, ALSO ACTING AS THE COMMUNITY REDEVELOPMENT AGENCY, OF THE CITY OF ORMOND BEACH, FLORIDA, AUTHORIZING THE EXECUTION OF CHANGE ORDER NUMBER ONE (1) TO THAT CONTRACT AWARDED TO RJ LANDSCAPE CONTRACTORS, INC. REGARDING STREETScape LANDSCAPING ALONG SR40 FROM ORCHARD STREET TO A1A, BY INCREASING THE CONTRACT PRICE BY \$49,600.00; AND SETTING FORTH AN EFFECTIVE DATE. **(SEE ITEM 8B)**
Staff Contact: John Noble, City Engineer (386-676-3269)
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. 2015-138** : A RESOLUTION OF THE CITY COMMISSION, ALSO ACTING AS THE COMMUNITY REDEVELOPMENT AGENCY, OF THE CITY OF ORMOND BEACH, FLORIDA, AUTHORIZING THE EXECUTION OF A JOINT PARTICIPATION AGREEMENT AMENDMENT NUMBER 1 BETWEEN THE CITY AND FLORIDA DEPARTMENT OF TRANSPORTATION, REGARDING LANDSCAPING IMPROVEMENTS WITHIN THE GRANADA MEDIANS FROM ORCHARD STREET TO A1A; AND SETTING FORTH AN EFFECTIVE DATE.

Staff Contact: John Noble, City Engineer (386-676-3269)

- B. **RESOLUTION NO. 2015-139** : A RESOLUTION OF THE CITY COMMISSION, ALSO ACTING AS THE COMMUNITY REDEVELOPMENT AGENCY, OF THE CITY OF ORMOND BEACH, FLORIDA, AUTHORIZING THE EXECUTION OF CHANGE ORDER NUMBER ONE (1) TO THAT CONTRACT AWARDED TO RJ LANDSCAPE CONTRACTORS, INC. REGARDING STREETScape LANDSCAPING ALONG SR40 FROM ORCHARD STREET TO A1A, BY INCREASING THE CONTRACT PRICE BY \$49,600.00; AND SETTING FORTH AN EFFECTIVE DATE.

Staff Contact: John Noble, City Engineer (386-676-3269)

- C. **RESOLUTION NO. 2015-140** : A RESOLUTION AUTHORIZING THE EXECUTION OF A JOINT PARTICIPATION AGREEMENT BETWEEN THE CITY AND FLORIDA DEPARTMENT OF TRANSPORTATION, REGARDING LANDSCAPING IMPROVEMENTS ALONG A1A FROM HARVARD DR. TO GRANADA BLVD.; AND SETTING FORTH AN EFFECTIVE DATE.

Staff Contact: John Noble, City Engineer (386-676-3269)

- D. **RESOLUTION NO. 2015-141** : A RESOLUTION AUTHORIZING THE EXECUTION OF CHANGE ORDER NUMBER ONE (1) TO THAT CONTRACT AWARDED TO SANTA CRUZ CONSTRUCTION, INC. REGARDING THE 2013 TRAFFIC SIGNAL MAST ARM MAINTENANCE PROJECT, BY INCREASING THE CONTRACT PRICE BY \$3,587.50; AND SETTING FORTH AN EFFECTIVE DATE.

Staff Contact: John Noble, City Engineer (386-676-3269)

- E. **RESOLUTION NO. 2015-142** : A RESOLUTION AUTHORIZING THE EXECUTION OF A RELEASE OF SPECIAL MAGISTRATE ADMINISTRATIVE FINE/LIEN FOR CODE VIOLATIONS ON PROPERTY LOCATED AT 23 S. YONGE STREET, ORMOND BEACH, VOLUSIA COUNTY, FLORIDA (PARCEL ID NO. 4215-11- 06-0030); AND SETTING FORTH AN EFFECTIVE DATE.

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

- F. **RESOLUTION NO. 2015-143** : A RESOLUTION AUTHORIZING THE EXECUTION OF A RELEASE OF SPECIAL MAGISTRATE ADMINISTRATIVE FINE/LIEN FOR CODE VIOLATIONS ON PROPERTY LOCATED AT 153 S. LINDENWOOD CIRCLE, ORMOND BEACH, VOLUSIA COUNTY, FLORIDA (PARCEL ID NO. 3242-15-03-0120); AND SETTING FORTH AN EFFECTIVE DATE.

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

- G. **RESOLUTION NO. 2015-144** : A RESOLUTION PURSUANT TO 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 DWIGHT WAYNE HOOD LOCATED AT 736 GARDEN LANE, ORMOND BEACH, VOLUSIA COUNTY, FLORIDA (PARCEL ID NO. 4242-25-00-0300) 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)*
- H. **RESOLUTION NO. 2015-145** : A RESOLUTION PURSUANT TO 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 DONALD R. MCCLOUD LOCATED AT 905 BROOKSIDE DRIVE, ORMOND BEACH, VOLUSIA COUNTY, FLORIDA (PARCEL ID NO. 4239-03-00-0520) 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)*
- I. **RESOLUTION NO. 2015-146** : A RESOLUTION ACCEPTING A BID FROM PACE ANALYTICAL SERVICES, INC. FOR LABORATORY SERVICES REGARDING SAMPLE COLLECTION AND TESTING ON THE CITY'S POTABLE WATER, SEWER AND RECLAIMED WATER, UNDER BID NO. 2015-34; AUTHORIZING THE EXECUTION OF A CONTRACT AND PAYMENT THEREFOR; REJECTING ALL OTHER BIDS; AND SETTING FORTH AN EFFECTIVE DATE.
- Staff Contact:** *Dave Ponitz, Utilities Manager (386-676-3305)*
- J. **RESOLUTION NO. 2015-147** : A RESOLUTION ACCEPTING A BID FROM GENERAL UNDERGROUND, LLC TO PROVIDE FIRE HYDRANT REPLACEMENT SERVICES UNDER BID NO. 2015-33; AUTHORIZING THE EXECUTION OF A CONTRACT AND PAYMENT THEREFOR; REJECTING ALL OTHER BIDS; AND SETTING FORTH AN EFFECTIVE DATE.
- Staff Contact:** *Dave Ponitz, Utilities Manager (386-676-3305)*
- K. **RESOLUTION NO. 2015-148** : A RESOLUTION AUTHORIZING THE EXECUTION OF AN AGREEMENT BETWEEN THE CITY AND VOLUSIA/FLAGLER FAMILY YOUNG MEN'S CHRISTIAN ASSOCIATION, INC.; SETTING FORTH AN EFFECTIVE DATE.
- Staff Contact:** *Robert Carolin, Leisure Services Director (386-676-3279)*
- L. **RESOLUTION NO. 2015-149** : A RESOLUTION SUPPORTING AND ADOPTING THE UPDATED VOLUSIA COUNTY LOCAL HAZARD MITIGATION PLAN; AND SETTING FORTH AN EFFECTIVE DATE.
- Staff Contact:** *Loretta Moisiso, Grants Coordinator/PIO (386-676-3315)*
- M. **RESOLUTION NO. 2015-150** : A RESOLUTION AUTHORIZING THE EXECUTION OF A COLLECTIVE BARGAINING AGREEMENT BETWEEN THE CITY OF ORMOND BEACH AND THE INTERNATIONAL ASSOCIATION OF FIREFIGHTERS (I.A.F.F.) LOCAL 3499; AND SETTING FORTH AN EFFECTIVE DATE.
- Staff Contact:** *Claire Whitley, Human Resources Director (386-676-3202)*

- N. **RESOLUTION NO. 2015-151** : A RESOLUTION AMENDING THE DATES AND TIMES FOR THE HOLDING OF REGULAR MEETINGS OF THE CITY COMMISSION OF THE CITY OF ORMOND BEACH, FLORIDA, FOR THE MONTHS OF SEPTEMBER AND NOVEMBER 2015; PROVIDING FOR EXCEPTIONS THERETO; AND SETTING FORTH AN EFFECTIVE DATE.

Staff Contact: Scott McKee, City Clerk (386-676-3340)

- O. **RESOLUTION NO. 2015-152** : A RESOLUTION OF THE CITY COMMISSION APPROVING AND ADOPTING THE CITY'S 2015 STRATEGIC PLANNING REPORT; AND PROVIDING FOR AN EFFECTIVE DATE.

Staff Contact: Scott McKee, City Clerk (386-676-3340)

- P. **Auto Renew Contract - Pretreatment Effluent Pump (PEP) Replacement (Lucas Technologies)**

Staff Contact: Dave Ponitz, Utilities Manager (386-676-3305)

Disposition: Approve as recommended in the City Manager memorandum dated July 28, 2015.

- Q. **RFP 2015-39 Central Park Canoe, Kayak & Paddleboard Rental Concession**

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

Disposition: Approve as recommended in the City Manager memorandum dated July 28, 2015.

- R. **Approval of Travel for City Commissioner**

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

Disposition: Approve as recommended in the City Manager memorandum dated July 28, 2015.

9. PUBLIC HEARINGS

- A. **ORDINANCE NO. 2015-29** : AN ORDINANCE ANNEXING CERTAIN REAL PROPERTY INTO THE CITY OF ORMOND BEACH, SAID PROPERTY BEING GENERALLY LOCATED AT 1105 NORTH U.S. HIGHWAY 1 ALONG THE EAST SIDE OF SAID HIGHWAY AND BEING NORTHWEST OF AIRPORT ROAD AND BEING COMMONLY KNOWN AS THE "BEAVER BAR" PROPERTY; REDEFINING THE TERRITORIAL BOUNDARIES OF THE CITY TO INCLUDE THE PROPERTY; REDESIGNATING THE BOUNDARIES OF ZONE 1 TO INCLUDE THE PROPERTY; PROVIDING FOR TRANSMISSION; PROVIDING FOR SEVERABILITY; AND SETTING FORTH AN EFFECTIVE DATE. **(SECOND READING)**

Staff Contact: Ric Goss, Planning Director (386-676-3238)

- B. **ORDINANCE NO. 2015-36** : AN ORDINANCE ANNEXING CERTAIN REAL PROPERTY INTO THE CITY OF ORMOND BEACH, SAID PROPERTY BEING GENERALLY LOCATED ALONG THE EAST SIDE OF NORTH U.S. HIGHWAY 1, WEST OF THE SOUTHBOUND ENTRANCE TO INTERSTATE 95 AND BEING COMMONLY KNOWN AS DESTINATION DAYTONA, PHASE I; REDEFINING THE TERRITORIAL BOUNDARIES OF THE CITY TO INCLUDE THE PROPERTY; REDESIGNATING THE BOUNDARIES OF ZONE 1 TO INCLUDE THE PROPERTY; PROVIDING FOR TRANSMISSION; PROVIDING FOR SEVERABILITY; AND SETTING FORTH AN EFFECTIVE DATE.

Staff Contact: Ric Goss, Planning Director (386-676-3238)

- C. **ORDINANCE NO. 2015-37** : AN ORDINANCE ANNEXING CERTAIN REAL PROPERTY INTO THE CITY OF ORMOND BEACH, SAID PROPERTY BEING GENERALLY LOCATED AT 1151 NORTH U.S. HIGHWAY 1 ALONG THE EAST SIDE OF SAID HIGHWAY AND APPROXIMATELY 790 LINEAR FEET NORTH OF AIRPORT ROAD AND BEING COMMONLY KNOWN AS THE "BROKEN SPOKE SALOON" PROPERTY; REDEFINING THE TERRITORIAL BOUNDARIES OF THE CITY TO INCLUDE THE PROPERTY; REDESIGNATING THE BOUNDARIES OF ZONE 1 TO INCLUDE THE PROPERTY; PROVIDING FOR TRANSMISSION; PROVIDING FOR SEVERABILITY; AND SETTING FORTH AN EFFECTIVE DATE.

Staff Contact: Ric Goss, Planning Director (386-676-3238)

10. SECOND READING OF ORDINANCES

- A. **ORDINANCE NO. 2015-31** : AN ORDINANCE AMENDING SECTION 4-3, CONSUMPTION IN PUBLIC PLACES; EXCEPTIONS; OF CHAPTER 4, ALCOHOLIC BEVERAGES, OF THE CITY OF ORMOND BEACH CODE OF ORDINANCES; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; PROVIDING FOR SEVERABILITY; AND SETTING FORTH AN EFFECTIVE DATE. **(SECOND READING)**

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

- B. **ORDINANCE NO. 2015-32** : AN ORDINANCE AMENDING CHAPTER 15, PARKS AND RECREATION OF THE CODE OF ORDINANCES OF THE CITY OF ORMOND BEACH BY ADDING A NEW ARTICLE AND SECTIONS TO BE NUMBERED AND CAPTIONED AS ARTICLE III, SPECIAL USES OF CITY PROPERTY, SECTION 15-92, DEFINITIONS; SECTION 15-93, GENERAL USE REQUIREMENTS; SECTION 15-94, RESERVATION OF CONTROL BY THE CITY OVER CITY PROPERTY; SECTION 15-95, PROMULGATION OF ADMINISTRATIVE RULES AND REGULATIONS; SECTION 15-96, SPECIAL EVENT PERMIT REQUIRED; SECTION 15-97, EXEMPTIONS; SECTION 15-98, DISPLAY PROMOTION, OR SALE OF MERCHANDISE, FOOD AND NON-ALCOHOLIC BEVERAGES; SECTION 15-99, DISPLAY, PROMOTION, OR SALE OF ALCOHOLIC BEVERAGES; SECTION 15-100, GENERAL APPLICATION REQUIREMENTS; SECTION 15-101, TEMPORARY ROAD CLOSURE; RESTRICTED ACCESS TO LOCAL ROADS; SECTION 15-102, GENERAL CRITERIA FOR APPROVAL OF PERMIT; SECTION 15-103, GENERAL CRITERIA FOR DENIAL OR REVOCATION OF PERMIT, APPEALS; SECTION 15-104, LIABILITY INSURANCE; INDEMNIFICATION; AND SECTION 15-105, VIOLATIONS; ENFORCEMENT, BY PROVIDING DEFINITIONS; PROVIDING REQUIREMENTS FOR SPECIAL EVENT USE OF CERTAIN CITY PROPERTY; PROVIDING REQUIREMENTS FOR SPECIAL EVENT APPLICATIONS AND CONDITIONS FOR ISSUANCE OF PERMITS; PROVIDING CONDITIONS FOR THE TEMPORARY CLOSURE OR RESTRICTED ACCESS TO LOCAL ROADS DURING SPECIAL EVENTS; PROVIDING CONDITIONS FOR APPROVAL, DENIAL OR REVOCATION OF A SPECIAL EVENT PERMIT; PROVIDING REQUIREMENTS FOR GENERAL LIABILITY COVERAGE; PROVIDING FOR ENFORCEMENT; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; PROVIDING FOR SEVERABILITY; AND SETTING FORTH AN EFFECTIVE DATE. **(SECOND READING)**

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

- C. **ORDINANCE NO. 2015-33** : AN ORDINANCE AMENDING CHAPTER 2, ADMINISTRATION, ARTICLE VII, CODE ENFORCEMENT, OF THE CODE OF ORDINANCES, BY AMENDING SECTIONS 2-251, DEFINITIONS; 2-252, DECLARATION OF LEGISLATIVE INTENT; 2-255, ENFORCEMENT PROCEDURE; 2-256, NOTICE OF VIOLATIONS; FORM AND CONTENT OF CITATIONS; 2-257, CONDUCT OF HEARING; 2-262, SCHEDULE OF CIVIL FINES; AND 2-265, NOTICES; BY PROVIDING DEFINITIONS FOR ORGANIZED OR CRIMINAL GANG, ORGANIZED OR CRIMINAL GANG MEMBER, ORGANIZED OR CRIMINAL GANG ASSOCIATE, AND ORGANIZED OR CRIMINAL GANG PUBLIC NUISANCE; PROVIDING FOR ENFORCEMENT, REMEDIES, FINES AND PENALTIES; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; PROVIDING SEVERABILITY; AND SETTING FORTH AN EFFECTIVE DATE. **(SECOND READING)**

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

- D. **ORDINANCE NO. 2015-34** : AN ORDINANCE AMENDING CHAPTER 14, OFFENSES – MISCELLANEOUS OF THE CODE OF ORDINANCES OF THE CITY OF ORMOND BEACH BY ADDING A NEW ARTICLE AND SECTIONS TO BE NUMBERED AND CAPTIONED AS ARTICLE X, ORGANIZED OR CRIMINAL GANGS, SECTION 14-103.1, PURPOSE AND LEGISLATIVE FINDINGS; SECTION 14-103.2 DEFINITIONS; SECTION 14-103.3, LEGAL PRESUMPTIONS; SECTION 14-103.4, ORGANIZED OR CRIMINAL GANG, ORGANIZED OR CRIMINAL GANG MEMBER, AND ORGANIZED OR CRIMINAL GANG ASSOCIATE; PROHIBITED; SECTION 14-103.5, COMPLIANCE WITH REGULATIONS; SECTION 14-103.6, ENFORCEMENT; PENALTIES, BY PROVIDING LEGISLATIVE FINDINGS; PROVIDING DEFINITIONS FOR CRIMINAL GANGS, ORGANIZED OR CRIMINAL GANG MEMBERS, AND ORGANIZED OR CRIMINAL GANG ASSOCIATES; PROVIDING REGULATIONS TO PROHIBIT CRIMINAL GANG ACTIVITY; PROVIDING LEGAL PRESUMPTIONS; PROVIDING FOR ENFORCEMENT AND PENALTIES; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; PROVIDING FOR SEVERABILITY; AND SETTING FORTH AN EFFECTIVE DATE. **(SECOND READING)**

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

- E. **ORDINANCE NO. 2015-35** : AN ORDINANCE AMENDING CHAPTER 1, GENERAL ADMINISTRATION, ARTICLE III, DEFINITIONS AND ACRONYMS, SECTION 1-22, DEFINITIONS, AND CHAPTER 2, DISTRICT AND GENERAL REGULATIONS, ARTICLE I, ESTABLISHMENT OF ZONING DISTRICTS AND OFFICIAL ZONING MAP, SECTION 2-05, COMPLIANCE WITH DISTRICT REGULATIONS OF THE CITY OF ORMOND BEACH LAND DEVELOPMENT CODE BY AMENDING THE DEFINITION FOR CLUBS AND FRATERNAL ORGANIZATIONS; BY PROVIDING A DEFINITION FOR ORGANIZED OR CRIMINAL GANG, ORGANIZED OR CRIMINAL GANG MEMBER, AND ORGANIZED OR CRIMINAL GANG ASSOCIATE; BY PROHIBITING ORGANIZED OR CRIMINAL GANGS, ORGANIZED OR CRIMINAL GANG MEMBERS, AND ORGANIZED OR CRIMINAL GANG ASSOCIATES; PROVIDING FOR ENFORCEMENT; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; PROVIDING FOR SEVERABILITY; AND SETTING FORTH AN EFFECTIVE DATE. **(SECOND READING)**

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

11. DISCUSSION ITEMS

- A. **RFP Evaluation of Audit Services**

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

12. REPORTS, SUGGESTIONS, REQUESTS

14. ADJOURNMENT

Item #1 – Meeting Call to Order

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

Item #2 – Invocation

Chaplain Enrique Calandra, Florida Hospital, gave the invocation.

Item #3 – Pledge of Allegiance

Mayor Kelley led the Pledge of Allegiance.

Item #4A – Adoption of FY 2015-2016 Proposed Millage Rates

City Clerk Scott McKee read by title only:

RESOLUTION NO. 2015-137

A RESOLUTION ADOPTING PROPOSED MILLAGE RATES FOR THE 2015-2016 FISCAL YEAR; ESTABLISHING THE DATE, TIME AND PLACE FOR THE FIRST PUBLIC HEARING ON THE PROPOSED MILLAGE RATES AND THE TENTATIVE BUDGET; DIRECTING COMMUNICATION; EXPRESSING LEGISLATIVE INTENT; AND SETTING FORTH AN EFFECTIVE DATE.

Mayor Kelley explained that per *Florida Statute* he was required to state that the tentative millage rate for the City of Ormond Beach necessary to fund the FY 2015-2016 budget was 4.2843 mills. He stated that this rate was 8.79% above the rolled back rate of 3.9383 mills. He stated that the tentative debt service millage rates were 0.1010 for the 2002 General Obligation Bond Sinking Fund, 0.0435 for the 2003 General Obligation Bond Sinking Fund, and 0.1282 for the 2010 General Obligation Bond Sinking Fund.

Mayor Kelley opened the public hearing and asked if there were any members of the public who wished to speak or ask questions prior to the adoption of the tentative millage rate. He noted that no audience members wished to speak. He asked for a motion and second to adopt the tentative millage rates.

Commissioner Stowers moved, seconded by Commissioner Boehm, for approval of Resolution No. 2015-137, as read by title only.

Mayor Kelley stated that the tentative operating millage of 4.2843 mills was 8.79% above the rolled back millage rate. He stated that the resolution also included the adoption of the tentative debt service millage rates of 0.1010 for the 2002 General Obligation Bond Sinking Fund, 0.0435 for the 2003 General Obligation Bond Sinking Fund, and 0.1282 for the 2010 General Obligation Bond Sinking Fund.

Call Vote:	Commissioner Stowers	Yes
	Commissioner Kent	Yes
	Commissioner Boehm	Yes
	Commissioner Partington	Yes
Carried.	Mayor Kelley	Yes

Mayor Kelley announced that the tentative millage rate was set at 4.2843 mills, which was 8.79% above the rolled back millage rate of 3.9383 mills.

Item #5 – Audience Remarks

Mr. Jim Schultz, 117 Harvard Drive, stated that he wanted to speak about the weed killer Round-Up, as he had previously. He stated that an individual who had previously worked for the Environmental Protection Agency (EPA) and other organizations obtained access to the Monsanto Trade Secret packet and reviewed it. He explained that the individual noted that Monsanto had performed studies on Round-Up when it was patented and were aware that it caused cancer in rats. He noted that those findings were not published or distributed to the EPA because it was hidden in their trade secret packet. He stated that Monsanto had the same results retracted later after exerting political pressure. He noted that Round-Up was only the number one herbicide in the world and was sprayed on the majority of food crops now. He stated that an individual at the Food and Drug Administration (FDA) used to be the Monsanto attorney in charge of public relations. He stated that Monsanto was also a potent antibiotic and could kill gut bacteria

and all of the bacteria in the soil and make one dependent on chemical companies to produce crops. He stated that it was an ugly turn of events for Monsanto but that no one would find out.

Item #6A– Approval of Minutes

Mayor Kelley advised that the minutes of the June 23, 2015, 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 Kelley stated that the following items were Community Redevelopment Agency (CRA) items. He explained that the City Commission served as the Community Redevelopment Agency of the City and must review those items and make a recommendation as the CRA. He recessed the City Commission meeting at 7:09 p.m. and called the CRA meeting to order.

#7A – FDOT Joint Participation Agreement Amendment #1 – Granada Medians Landscaping, Orchard Street to A1A

City Clerk Scott McKee read by title only:

RESOLUTION NO. 2015-138

A RESOLUTION OF THE CITY COMMISSION, ALSO ACTING AS THE COMMUNITY REDEVELOPMENT AGENCY, OF THE CITY OF ORMOND BEACH, FLORIDA, AUTHORIZING THE EXECUTION OF A JOINT PARTICIPATION AGREEMENT AMENDMENT NUMBER 1 BETWEEN THE CITY AND FLORIDA DEPARTMENT OF TRANSPORTATION, REGARDING LANDSCAPING IMPROVEMENTS WITHIN THE GRANADA MEDIANS FROM ORCHARD STREET TO A1A; AND SETTING FORTH AN EFFECTIVE DATE.

Commissioner Boehm moved, seconded by Commissioner Partington, for approval of Resolution No. 2015-138, as read by title only.

The motion passed by voice vote.

#7B – Change Order #1 – SR40 Streetscape Landscaping, Orchard Street to A1A

City Clerk Scott McKee read by title only:

RESOLUTION NO. 2015-139

A RESOLUTION OF THE CITY COMMISSION, ALSO ACTING AS THE COMMUNITY REDEVELOPMENT AGENCY, OF THE CITY OF ORMOND BEACH, FLORIDA, AUTHORIZING THE EXECUTION OF CHANGE ORDER NUMBER ONE (1) TO THAT CONTRACT AWARDED TO RJ LANDSCAPE CONTRACTORS, INC. REGARDING STREETScape LANDSCAPING ALONG SR40 FROM ORCHARD STREET TO A1A, BY INCREASING THE CONTRACT PRICE BY \$49,600.00; AND SETTING FORTH AN EFFECTIVE DATE.

Commissioner Boehm moved, seconded by Commissioner Partington, for approval of Resolution No. 2015-139, as read by title only.

The motion passed by voice vote.

Mayor Kelley closed the public hearing, adjourned the CRA meeting and reconvened the City Commission meeting at 7:11 p.m.

Item #8– Consent Agenda

Mayor Kelley advised that 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 stated that he did not wish to pull any item from the Consent Agenda but noted that he wished to make comments about an item after the Consent Agenda was approved; whereby, Commissioner Boehm stated that he also had items from the Consent Agenda on which he wished to make comments.

Commissioner Kent moved, seconded by Commissioner Boehm, for approval of the Consent Agenda.

Call Vote:	Commissioner Kent	Yes
	Commissioner Boehm	Yes
	Commissioner Partington	Yes
	Commissioner Stowers	Yes
Carried.	Mayor Kelley	Yes

Item #8B - Change Order #1 – SR40 Streetscape Landscaping, Orchard Street to A1A and Item #8D – Change Order #1 – 2013 Traffic Signal Mast Arm Maintenance

Commissioner Kent stated that he did not want the Commission to think he was falling asleep on the job and wanted to note that he did recognize that there were two change orders among the Consent Agenda items. He explained that he had thoroughly discussed both change orders with staff and they met his approval. He noted that he was on top of the change orders.

Item #8K – Volusia/Flagler YMCA Swim Lesson Agreement

Commissioner Boehm noted that he often mentioned the city’s public/private partnerships. He explained that this item approved a community partnership agreement with the Ormond Beach YMCA to provide an eight-day water safety and swim lesson program for all Ormond Beach first graders at a cost to the city of \$16.00 per child, which was significantly under the normal cost for swim lessons. He noted that, as Commissioner Kent had previously mentioned, it was important for children to learn to swim and about water safety in Florida since there was so much water around them. He stated that the YMCA stepping up and providing the program at this cost was great example of community partnership.

Item #8M – Collective Bargaining Agreement – IAFF Local 3499

Commissioner Boehm noted that this item approved the firefighters’ contract. He stated that the agreement was done in great cooperation between the firefighters’ union and city staff. He explained that the fact the agreement was on the Consent Agenda was indicative of the relationship that the city now had with the firefighters’ union as the vote had been overwhelmingly positive. He stated that the city staff and the unions were working in tune at the moment, which was great for the city.

Mayor Kelley noted he was also going to mention the item. He thanked Chief Mandarino and all those who were involved in the negotiations. He stated that the state should take notice of the city’s ability to work with their unions and not tell the cities how to conduct negotiations. He hoped that someday someone would notice that Ormond Beach kept discussing pension issues, and worked with their unions to negotiate contracts with regards to pension issues.

Item #9 – Public Hearings

Mayor Kelley opened the public hearing.

Item #9A – Tuscany Shoppes PBD Amendment

City Clerk Scott McKee read by title only:

ORDINANCE NO. 2015-24
AN ORDINANCE AUTHORIZING THE EXECUTION AND ISSUANCE OF A SECOND AMENDED AND RESTATED DEVELOPMENT ORDER FOR THE “TUSCANY SHOPPES” PLANNED BUSINESS DEVELOPMENT LOCATED AT 1185 WEST GRANADA BOULEVARD BY ALLOWING FUNERAL HOMES AS A PERMITTED USE; BY AMENDING THE RETAIL SALES AND SERVICES RESTRICTIONS TO BE CONSISTENT WITH THE “RESIDENTIAL, OFFICE, RETAIL” FUTURE LAND USE DESIGNATION; BY AMENDING THE SIZE AREA ALLOWANCE FOR

TWO ON-SITE MONUMENT SIGNS, BY AMENDING ALLOWED USES WITHIN THE PROJECT, BY AMENDING SIGNAGE STANDARDS TO BE CONSISTENT WITH RECENT LAND DEVELOPMENT CODE AMENDMENTS; RATIFYING AND AFFIRMING THE DEVELOPMENT ORDER APPROVED BY RESOLUTION 2003-216 AND AMENDED BY ORDINANCE 2004-53; AND SETTING FORTH AN EFFECTIVE DATE.

Commissioner Kent moved, seconded by Commissioner Boehm, for approval of Ordinance No. 2015-24, on second reading, as read by title only.

Call Vote:	Commissioner Kent	Yes
	Commissioner Boehm	Yes
	Commissioner Partington	Yes
	Commissioner Stowers	Yes
Carried.	Mayor Kelley	Yes

Item #9A – 1105 North U.S. Highway 1 (Beaver Bar) Annexation

City Clerk Scott McKee read by title only:

ORDINANCE NO. 2015-29

AN ORDINANCE ANNEXING CERTAIN REAL PROPERTY INTO THE CITY OF ORMOND BEACH, SAID PROPERTY BEING GENERALLY LOCATED AT 1105 NORTH U.S. HIGHWAY 1 ALONG THE EAST SIDE OF SAID HIGHWAY AND BEING NORTHWEST OF AIRPORT ROAD AND BEING COMMONLY KNOWN AS THE "BEAVER BAR" PROPERTY; REDEFINING THE TERRITORIAL BOUNDARIES OF THE CITY TO INCLUDE THE PROPERTY; REDESIGNATING THE BOUNDARIES OF ZONE 1 TO INCLUDE THE PROPERTY; PROVIDING FOR TRANSMISSION; PROVIDING FOR SEVERABILITY; AND SETTING FORTH AN EFFECTIVE DATE.

Commissioner Partington moved, seconded by Commissioner Kent, for approval of Ordinance No. 2015-29, on second reading, as read by title only.

Call Vote:	Commissioner Boehm	Yes
	Commissioner Partington	Yes
	Commissioner Stowers	Yes
	Commissioner Kent	Yes
Carried.	Mayor Kelley	Yes

Item #9B – Destination Daytona Phase I Annexation

City Clerk Scott McKee read by title only:

ORDINANCE NO. 2015-36

AN ORDINANCE ANNEXING CERTAIN REAL PROPERTY INTO THE CITY OF ORMOND BEACH, SAID PROPERTY BEING GENERALLY LOCATED ALONG THE EAST SIDE OF NORTH U.S. HIGHWAY 1, WEST OF THE SOUTHBOUND ENTRANCE TO INTERSTATE 95 AND BEING COMMONLY KNOWN AS DESTINATION DAYTONA, PHASE I; REDEFINING THE TERRITORIAL BOUNDARIES OF THE CITY TO INCLUDE THE PROPERTY; REDESIGNATING THE BOUNDARIES OF ZONE 1 TO INCLUDE THE PROPERTY; PROVIDING FOR TRANSMISSION; PROVIDING FOR SEVERABILITY; AND SETTING FORTH AN EFFECTIVE DATE.

Mr. Ric Goss, Planning Director, noted that he would speak about both item 9B and 9C at that time. He stated that item 9B was the annexation of Destination Daytona, Phase I. He explained that it was being annexed pursuant to an annexation agreement that was entered into in 2005. He noted that the city was adjacent to the area. He stated that the property was about 56 acres. He explained that the zoning held in the county was previously approved by the City Commission under a Planned Business Development (PBD) and had its own special conditions. He explained that item 9C was the annexation of the Broken Spoke Saloon and that it was being annexed pursuant to the Interlocal Services Boundary Agreement (ISBA). He explained that the annexation was creating an enclave, but the city was permitted to do so under the ISBA.

Commissioner Stowers moved, seconded by Commissioner Kent, for approval of Ordinance No. 2015-36, on first reading, as read by title only.

Call Vote:	Commissioner Kent	Yes
	Commissioner Boehm	Yes
	Commissioner Partington	Yes
	Commissioner Stowers	Yes
Carried.	Mayor Kelley	Yes

Item #9C – 1151 North U.S. Highway 1 (Broken Spoke Saloon) Annexation

City Clerk Scott McKee read by title only:

ORDINANCE NO. 2015-37

AN ORDINANCE ANNEXING CERTAIN REAL PROPERTY INTO THE CITY OF ORMOND BEACH, SAID PROPERTY BEING GENERALLY LOCATED AT 1151 NORTH U.S. HIGHWAY 1 ALONG THE EAST SIDE OF SAID HIGHWAY AND APPROXIMATELY 790 LINEAR FEET NORTH OF AIRPORT ROAD AND BEING COMMONLY KNOWN AS THE "BROKEN SPOKE SALOON" PROPERTY; REDEFINING THE TERRITORIAL BOUNDARIES OF THE CITY TO INCLUDE THE PROPERTY; REDESIGNATING THE BOUNDARIES OF ZONE 1 TO INCLUDE THE PROPERTY; PROVIDING FOR TRANSMISSION; PROVIDING FOR SEVERABILITY; AND SETTING FORTH AN EFFECTIVE DATE.

Commissioner Boehm moved, seconded by Commissioner Partington, for approval of Ordinance No. 2015-37, on first reading, as read by title only.

Call Vote:	Commissioner Stowers	Yes
	Commissioner Kent	Yes
	Commissioner Boehm	Yes
	Commissioner Partington	Yes
Carried.	Mayor Kelley	Yes

Mayor Kelley closed the public hearing without objection.

Item #10A – Special Events on City Property – Chapter 4, Code of Ordinances

City Clerk Scott McKee read by title only:

ORDINANCE NO. 2015-31

AN ORDINANCE AMENDING SECTION 4-3, CONSUMPTION IN PUBLIC PLACES; EXCEPTIONS; OF CHAPTER 4, ALCOHOLIC BEVERAGES, OF THE CITY OF ORMOND BEACH CODE OF ORDINANCES; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; PROVIDING FOR SEVERABILITY; AND SETTING FORTH AN EFFECTIVE DATE.

Commissioner Boehm moved, seconded by Commissioner Partington, for approval of Ordinance No. 2015-31, on second reading, as read by title only.

Call Vote:	Commissioner Kent	Yes
	Commissioner Boehm	Yes
	Commissioner Partington	Yes
	Commissioner Stowers	Yes
Carried.	Mayor Kelley	Yes

Item #10B – Special Events on City Property – Chapter 15, Code of Ordinances

City Clerk Scott McKee read by title only:

ORDINANCE NO. 2015-32

AN ORDINANCE AMENDING CHAPTER 15, PARKS AND RECREATION OF THE CODE OF ORDINANCES OF THE CITY OF ORMOND BEACH BY ADDING A NEW ARTICLE AND SECTIONS TO BE NUMBERED AND CAPTIONED AS ARTICLE III, SPECIAL USES OF CITY PROPERTY, SECTION 15-92, DEFINITIONS; SECTION 15-93, GENERAL USE REQUIREMENTS; SECTION 15-94, RESERVATION OF CONTROL BY

THE CITY OVER CITY PROPERTY; SECTION 15-95, PROMULGATION OF ADMINISTRATIVE RULES AND REGULATIONS; SECTION 15-96, SPECIAL EVENT PERMIT REQUIRED; SECTION 15-97, EXEMPTIONS; SECTION 15-98, DISPLAY PROMOTION, OR SALE OF MERCHANDISE, FOOD AND NON-ALCOHOLIC BEVERAGES; SECTION 15- 99, DISPLAY, PROMOTION, OR SALE OF ALCOHOLIC BEVERAGES; SECTION 15-100, GENERAL APPLICATION REQUIREMENTS; SECTION 15-101, TEMPORARY ROAD CLOSURE; RESTRICTED ACCESS TO LOCAL ROADS; SECTION 15-102, GENERAL CRITERIA FOR APPROVAL OF PERMIT; SECTION 15-103, GENERAL CRITERIA FOR DENIAL OR REVOCATION OF PERMIT, APPEALS; SECTION 15-105, LIABILITY INSURANCE; INDEMNIFICATION; AND SECTION 15-105, VIOLATIONS; ENFORCEMENT, BY PROVIDING DEFINITIONS; PROVIDING REQUIREMENTS FOR SPECIAL EVENT USE OF CERTAIN CITY PROPERTY; PROVIDING REQUIREMENTS FOR SPECIAL EVENT APPLICATIONS AND CONDITIONS FOR ISSUANCE OF PERMITS; PROVIDING CONDITIONS FOR THE TEMPORARY CLOSURE OR RESTRICTED ACCESS TO LOCAL ROADS DURING SPECIAL EVENTS; PROVIDING CONDITIONS FOR APPROVAL, DENIAL OR REVOCATION OF A SPECIAL EVENT PERMIT; PROVIDING REQUIREMENTS FOR GENERAL LIABILITY COVERAGE; PROVIDING FOR ENFORCEMENT; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; PROVIDING FOR SEVERABILITY; AND SETTING FORTH AN EFFECTIVE DATE.

Commissioner Partington moved, seconded by Commissioner Stowers, for approval of Ordinance No. 2015-32, on second reading, as read by title only.

Call Vote:	Commissioner Boehm	Yes
	Commissioner Partington	Yes
	Commissioner Stowers	Yes
	Commissioner Kent	Yes
Carried.	Mayor Kelley	Yes

Item #10C – Revisions to Organized or Criminal Gang Regulations (Article VII, Chapter 2, Code of Ordinances)

City Clerk Scott McKee read by title only:

ORDINANCE NO. 2015-33

AN ORDINANCE AMENDING CHAPTER 2, ADMINISTRATION, ARTICLE VII, CODE ENFORCEMENT, OF THE CODE OF ORDINANCES, BY AMENDING SECTIONS 2-251, DEFINITIONS; 2-252, DECLARATION OF LEGISLATIVE INTENT; 2-255, ENFORCEMENT PROCEDURE; 2-256, NOTICE OF VIOLATIONS; FORM AND CONTENT OF CITATIONS; 2-257, CONDUCT OF HEARING; 2-262, SCHEDULE OF CIVIL FINES; AND 2-265, NOTICES; BY PROVIDING DEFINITIONS FOR ORGANIZED OR CRIMINAL GANG, ORGANIZED OR CRIMINAL GANG MEMBER, ORGANIZED OR CRIMINAL GANG ASSOCIATE, AND ORGANIZED OR CRIMINAL GANG PUBLIC NUISANCE; PROVIDING FOR ENFORCEMENT, REMEDIES, FINES AND PENALTIES; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; PROVIDING SEVERABILITY; AND SETTING FORTH AN EFFECTIVE DATE.

Commissioner Kent moved, seconded by Commissioner Boehm, for approval of Ordinance No. 2015-33, on second reading, as read by title only.

Call Vote:	Commissioner Partington	Yes
	Commissioner Stowers	Yes
	Commissioner Kent	Yes
	Commissioner Boehm	Yes
Carried.	Mayor Kelley	Yes

Item #10D – Revisions to Organized or Criminal Gang Regulations (Chapter 14, Code of Ordinances)

City Clerk Scott McKee read by title only:

ORDINANCE NO. 2015-34

AN ORDINANCE AMENDING CHAPTER 14, OFFENSES – MISCELLANEOUS OF THE CODE OF ORDINANCES OF THE CITY OF ORMOND BEACH BY ADDING A NEW ARTICLE AND SECTIONS TO BE NUMBERED AND CAPTIONED AS ARTICLE X, ORGANIZED OR CRIMINAL GANGS, SECTION 14-103.1, PURPOSE AND LEGISLATIVE FINDINGS; SECTION 14-103.2 DEFINITIONS; SECTION 14-103.3, LEGAL PRESUMPTIONS; SECTION 14-103.4, ORGANIZED OR CRIMINAL GANG, ORGANIZED OR CRIMINAL GANG MEMBER, AND ORGANIZED OR CRIMINAL GANG ASSOCIATE; PROHIBITED; SECTION 14-103.5, COMPLIANCE WITH REGULATIONS; SECTION 14-103.6, ENFORCEMENT; PENALTIES, BY PROVIDING LEGISLATIVE FINDINGS; PROVIDING DEFINITIONS FOR CRIMINAL GANGS, ORGANIZED OR CRIMINAL GANG MEMBERS, AND ORGANIZED OR CRIMINAL GANG ASSOCIATES; PROVIDING REGULATIONS TO PROHIBIT CRIMINAL GANG ACTIVITY; PROVIDING LEGAL PRESUMPTIONS; PROVIDING FOR ENFORCEMENT AND PENALTIES; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; PROVIDING FOR SEVERABILITY; AND SETTING FORTH AN EFFECTIVE DATE.

Commissioner Boehm moved, seconded by Commissioner Stowers, for approval of Ordinance No. 2015-34, on second reading, as read by title only.

Call Vote:	Commissioner Stowers	Yes
	Commissioner Kent	Yes
	Commissioner Boehm	Yes
	Commissioner Partington	Yes
Carried.	Mayor Kelley	Yes

Item #10E – Revisions to Organized or Criminal Gang Regulations (Article III, Chapter 1 and 2, Land Development Code)

City Clerk Scott McKee read by title only:

ORDINANCE NO. 2015-35

AN ORDINANCE AMENDING CHAPTER 1, GENERAL ADMINISTRATION, ARTICLE III, DEFINITIONS AND ACRONYMS, SECTION 1-22, DEFINITIONS, AND CHAPTER 2, DISTRICT AND GENERAL REGULATIONS, ARTICLE I, ESTABLISHMENT OF ZONING DISTRICTS AND OFFICIAL ZONING MAP, SECTION 2-05, COMPLIANCE WITH DISTRICT REGULATIONS OF THE CITY OF ORMOND BEACH LAND DEVELOPMENT CODE BY AMENDING THE DEFINITION FOR CLUBS AND FRATERNAL ORGANIZATIONS; BY PROVIDING A DEFINITION FOR ORGANIZED OR CRIMINAL GANG, ORGANIZED OR CRIMINAL GANG MEMBER, AND ORGANIZED OR CRIMINAL GANG ASSOCIATE; BY PROHIBITING ORGANIZED OR CRIMINAL GANGS, ORGANIZED OR CRIMINAL GANG MEMBERS, AND ORGANIZED OR CRIMINAL GANG ASSOCIATES; PROVIDING FOR ENFORCEMENT; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; PROVIDING FOR SEVERABILITY; AND SETTING FORTH AN EFFECTIVE DATE.

Commissioner Partington moved, seconded by Commissioner Boehm, for approval of Ordinance No. 2015-35, on second reading, as read by title only.

Call Vote:	Commissioner Kent	Yes
	Commissioner Boehm	Yes
	Commissioner Partington	Yes
	Commissioner Stowers	Yes
Carried.	Mayor Kelley	Yes

Item #11A – RFP Evaluation of Audit Services

Ms. Joyce Shanahan, City Manager, explained that per state statute the City Commission served as the audit review committee. She stated that the Commission had four proposals in front of them, and staff was looking for direction from the Commission as to which auditing firm the Commission would like to contract with. She noted that

members from one of the auditing firms were present in the audience. She stated that the Commission could call up the firm and ask questions, if they desired.

Commissioner Partington moved, seconded by Commissioner Boehm, to direct staff to contract with James Moore and Company for audit services.

Commissioner Partington noted that he had reviewed all of the provided proposals. He explained that having dealt with James Moore and Company over the years he knew they did an excellent job each year, noting that each year the Finance Department had received awards including the Government Finance Officers' Association Distinguished Budget Presentation Award. He stated that James Moore and Company took great care and detail in reviewing the city's finances and ensuring that the finances of the city were in order. He stated that he believed that James Moore and Company was the best choice of the firms.

Commissioner Boehm echoed Commissioner Partington's comments. He noted that James Moore and Company was a local company and dealt with a lot of the local municipalities, as well as Volusia County. He stated that James Moore and Company had served as the auditors for a number of years and that the city had received awards each year. He noted that James Moore and Company had taken their own time to be in attendance that evening in case the Commission had any questions. He explained that he also believed there to be a significant learning curve in understanding how a city operated and handled their finances and that James Moore and Company had already mastered that curve. He noted that he saw no compelling reason to change.

Commissioner Kent stated that he spoke to staff before the meeting about this item. He noted that he was in agreement with both Commissioner Partington and Commissioner Boehm about James Moore and Company and the job they had done. He explained that his only hesitation was that James Moore and Company was a few thousand dollars more than the other proposals. He noted that all of the proposals were close in their amounts, however. He asked Mr. Mike Sibley of James Moore and Company to answer a question, and congratulated Mr. Sibley on becoming a partner.

Commissioner Kent addressed Mr. Sibley and noted that he had to answer to his constituents about how their tax dollars were spent. He stated that the city's tax rate was the third lowest of the local municipalities. He explained that he often said that he did not want the city's employees to be paid the highest or the lowest. He stated that he also did not want to pay the highest proposed amount for services. He asked Mr. Sibley if he had the ability to amend their proposed amount from \$318,700 to \$315,000. He noted that \$315,000 would be in the middle range of the proposals. He stated that it would be a \$3,700 change. He explained that he was a little uneasy with the Commission selecting the highest proposal. He noted that if the proposal had not been the highest he would not have had this uncomfortable discussion.

Mr. Mike Sibley, Partner with James Moore and Company, stated that he could absolutely reduce their proposal to \$315,000.

Commissioner Kent apologized if it seemed that he was nitpicking. He stated that \$315,000 put James Moore and Company in the middle range of the proposed amounts and showed that the city was a good steward of the citizens' tax money.

Mayor Kelley asked Ms. Shanahan if that was acceptable; whereby, Ms. Shanahan stated that it was the Commission's decision. She explained that a resolution would be brought back to approve a contract for that dollar amount.

Commissioner Kent noted that the contract would be for a five year period.

Mayor Kelley stated that the total annual increase was small. He stated that James Moore and Company had provided suggestions to the city saving thousands of dollars due to their observations, which might not have been part of the audit process. He asked the City Attorney if another motion had to be made to amend the amount proposed.

Mr. Randy Hayes, City Attorney, stated that under the Commission's rules of procedure, the Commission could rank the firm and direct staff to negotiate a contract with them based on tonight's comments.

Commissioner Stowers thanked Commissioner Kent and noted that the Commission could, per their rejection rights, negotiate with the party prior to or after submittal of the proposal.

Commissioner Kent stated that he was a big fan of James Moore and Company. He noted that Ms. Shanahan had reminded him that the audit was under the Commission's purview and that they could negotiate it if they desired. He stated that he would sleep better that evening since Mr. Sibley was so agreeable.

Call Vote:	Commissioner Boehm	Yes
	Commissioner Partington	Yes
	Commissioner Stowers	Yes
	Commissioner Kent	Yes
Carried.	Mayor Kelley	Yes

Item #12 – Reports, Suggestions, Requests

Audit Services

Ms. Shanahan explained that the auditing firm worked directly for the Commission and not for city staff. She stated that they held the city's feet to the fire and did not let them get away with anything. She explained that while they were great to work with they did their job very well.

Upcoming Meetings

Ms. Shanahan stated that some changes to the City Commission meeting schedule had been approved during the Consent Agenda. She reminded the Commission that due to National Night Out next week on Tuesday, the City Commission meeting would be held on Wednesday, August 5, 2015. She stated that the regularly scheduled meetings in September were also moved and explained that due to state statute a budget hearing meeting could not be held on the same day as the School District or the county. She stated that the first September meeting would be held on Wednesday, September 9, 2015, and that the second meeting would be held on Wednesday, September 23, 2015.

Movies on the Halifax

Ms. Shanahan stated that Movies on the Halifax would be held on August 7, 2015, and that the movie would be *Paddington*.

A1A Force Main Extension

Ms. Shanahan stated that the city was working with the county on the A1A north force main extension and that the county had received grant funds for it. She stated that the city was working with them on a memorandum of understanding for the city to take that line once it was completed for treatment. She noted that the city was also working on reimbursement issues related to the project.

Fiber Optic Network

Ms. Shanahan stated that the contractor had finished installing conduit and fiber for lift station 6M.

Budget

Ms. Shanahan stated that city staff had been busy working on the budget for the past month. She thanked the Commission for their time reviewing the document and the time they took to meet with staff individually and at the workshop. She thanked the Commission for their service to the community and stated that they were thankful for their stewardship.

Shade Meeting

Mr. Hayes stated that in accordance with his obligations under Section 286.0111 of *Florida Statutes*, he wished to announce that there would be a litigation shade meeting held with the City Commission regarding the SunTrust Bank vs. OBFS LLC and City of Ormond Beach case. He stated that the shade meeting was scheduled for August 5, 2015, at 6:00 p.m.

Baseball Tournament

Ms. Shanahan displayed a video of Commissioner Kent and his son delivering the game ball via helicopter to the Ormond Beach Sports Complex for the opening of a national baseball tournament held there.

Commissioner Partington stated that he was there for the event. He noted that they had requested Commissioner Kent, as a baseball coach and his son as a team baseball player for the city, to be a part of it. He stated that it was fun to see them participate in that way. He thanked Neil Tomlinson with Tomlinson Aviation for taking the time and allowing the use of his helicopter. He noted that the announcer on the video had remarked that "When Ormond Beach says they are going to get you a game ball, they get you a game ball!" as the helicopter swooped down. He stated that the fields looked great and the effort put into their care showed. He explained that there were 45 teams in attendance from different states and other countries around the world. He stated that it was an amazing sight to see three to four thousand people there on opening night.

Mayor Kelley asked Commissioner Partington if he received comments or feedback from any of those that came out for the tournament. He noted that he possibly should have asked Commissioner Partington that in private.

Commissioner Partington stated that he mainly dealt with the Daytona Advertising Authority representatives and noted that they were pleased with Ormond Beach's ability to host world class organizations like that. He stated that the Embry Riddle Athletic Director was also impressed with Ormond Beach's facilities. He explained that later that week he went back to watch some of the games with his daughter, and he could tell that people were having a great time. He noted that the participants went back and forth between hotels all week and treated this as their vacation. He stated that he understood that they were looking forward to continuing the tournament for the next five to ten years.

Commissioner Stowers' daughter

Commissioner Stowers noted that the last time the Commission met it was a challenging time for his family as his daughter, Emma, was going into surgery two days later. He stated that Emma had her surgery which took over nine hours. He explained that they continued to be amazed at the resiliency of babies, Emma in particular, and noted that everyone was home and doing well. He stated that they were hopeful that it would be a distant memory with just checkups from time to time. He noted that she had a clean bill of health otherwise. He thanked everyone for their prayers and well wishes and stated that it was wonderful for him and his wife to have their support.

Commissioner Kent stated that this was fantastic news.

Baseball Tournament

Commissioner Kent stated that the helicopter ride with the game ball had been a great opportunity for him and his son and was a memory they would cherish forever. He stated that the gentleman running the tournament was in the helicopter with them. He explained that he asked him pointedly what he thought about Ormond Beach's fields, and he could not say enough positive things about it. He stated that the gentleman told him that they were looking at locking in for the next five to seven years to come to Ormond Beach. He explained that he also told him that with the number of people he had, it would be an influx of cash into this community, and sister communities, of between three and five million dollars for that week. He noted that he was impressed that activities were set up for those children throughout the week including a movie on the beach, similar to Movies on the Halifax. He suggested that next time the Movie on the Halifax could be coordinated with them. He joked that he hoped that his son did not think that was indicative of everyday life.

Millage Rate

Commissioner Kent stated that the tentative millage rate approved this evening by the Commission was the third lowest of the 16 cities in Volusia County. He stated that citizens received an incredible bang for their buck. He noted that if one looked at their total tax bill and saw what services they received for what they paid just to the city, they would see that the city was wisely using their tax dollars. He stated that five new police officers would be hired, which were desperately needed.

YMCA Swim Agreement

Commissioner Kent stated that Commissioner Boehm mentioned the city partnering with the YMCA for first grade swim lessons, paid for by the city and subsidized by the YMCA. He explained that he put his child through swim lessons multiple times. He stated that he could not say enough for the Commission or the city for approving that program. He explained that they had received the news that a two-year old child drowned in a retention pond and it was heart wrenching. He noted that this program might not have helped that child as this was for first graders, but after a year they may wish to

reevaluate it and offer it for kindergarteners or preschoolers, and possibly expand it to involve other businesses.

Commissioner Stowers' Daughter

Commissioner Boehm addressed Commissioner Stowers and stated that no one could remember being in a diaper and as such would not remember the surgery. He stated that Emma would grow up as a fine young lady and while Commissioner Stowers would remember all of it, she would not. He noted that would be great for his family.

Fourth of July

Commissioner Boehm congratulated Leisure Services Director Robert Carolin and the leisure services staff on putting together a great Independence Day Celebration. He stated that it was a hallmark of the quality that the citizens expected from the city and that the city delivered.

Ormond Strong

Commissioner Boehm noted that in the newspaper last week he saw something that meant a lot to him as a veteran. He explained that an Ormond Beach resident, Ms. Debbie Kruck, started an organization called Ormond Strong, which walked over the Granada Bridge each day. He further explained that Ms. Kruck's husband was serving in Afghanistan, and Ormond Strong was an organization seeking to raise funds to provide care packages to troops from Ormond Beach who were serving in Afghanistan. He stated that doing something for Ormond Beach residents serving their country was important. He noted that Ms. Kruck presently had 36 care packages that she still needed to send. He stated that it cost about \$55 a package and the shipping cost was \$15.92. He noted that he did not know exactly what the Commission should do, but he thought that the Commission should support what Ms. Kruck was doing by making a contribution to help her.

Commissioner Boehm stated that Ms. Kruck would be holding an event on August 6, 2015, at the Ormond Beach Library to pack the packages for shipping. He stated that if the Commission agreed to do something for her this evening, they could invite her to the August 5, 2015, meeting the following week and present her with a check to show that the city was standing behind its troops. He noted that the total cost of the packages and shipping was going to be around \$2,000 and he was unsure what to ask the Commission for. He suggested a \$1,000 contribution from the City Commission. He noted that he would be willing to listen to other figures, as well. He explained that he felt very strongly that those putting themselves in harm's way for their country, and from Ormond Beach, should be supported.

Mayor Kelley stated he knew that a number of volunteers were cleaning out Sam's Club for items Ms. Kruck had asked for. He noted that he and his wife had made a note of it and were going to get some of the items requested. He asked Commissioner Boehm if he was looking to cover the shipping costs.

Commissioner Boehm noted that there were shipping costs of around \$550.

Ms. Shanahan stated that Ormond Strong had enough money in donations for 64 boxes and had 36 boxes that needed to be shipped and additionally filled. She explained that Ms. Kruck was unsure she would receive enough donations to fill those additional boxes but at least needed to have the shipping costs covered.

Mayor Kelley stated that something could be brought back. He stated that the packages were being packaged on Thursday the following week and would be shipped shortly thereafter. He asked Ms. Shanahan if there were funds that could be removed from the Commission's budget.

Ms. Shanahan stated that a \$1,000 donation could be made; whereby, Mayor Kelley suggested doing that.

Commissioner Partington stated that he was comfortable with that. He stated that the Commission would make it happen one way or another. He suggested possibly issuing a challenge for a dollar for dollar match, if the total needed was \$2,000. He noted that might draw in more community support.

Ms. Shanahan noted that unfortunately the timeline was a little tight for that. She stated that she was sure there would be other opportunities as this would be an ongoing effort by Ms. Kruck.

Mayor Kelley stated he had a feeling that Ms. Kruck would have a substantial amount of that raised by then. He stated that he would also like to see bridge walkers not get tickets when they park in Cassen Park boat ramps to walk on the bridge each day. He noted that he did not know what could be done about that. He stated that he thought that was a little much, particularly if the boat launches were not being utilized during the week.

Ms. Shanahan stated that they would encourage them to park elsewhere; whereby, Mayor Kelley stated that he knew that was done.

Ms. Shanahan stated that she heard what Mayor Kelley was saying but could not prevent tickets from being issued.

Mayor Kelley stated that the boat ramps were not being used; whereby, Ms. Shanahan replied that the spots were marked as boat parking only.

Commissioner Boehm explained that he also brought up the organization to publicize it for those in attendance and those listening as he really believed in it as a cause for the citizens of Ormond Beach to support. He noted how specifically it served Ormond Beach as it served Ormond Beach military personnel in Afghanistan.

Mayor Kelley stated that the city did a proclamation for Ormond Strong the first day that they started walking. He explained that Ms. Kruck wore a 60 to 70 pound sack and walked the bridge. He stated that it was a great idea and great suggestion. He instructed Ms. Shanahan to bring the item back.

Girls State

Mayor Kelley stated that four students from Ormond Beach attended Girls State and two girls received significant awards. He stated that one of the girls was elected to go and serve as senators for their state in Washington, D.C. He stated that one of the girls was also awarded a 2+2 scholarship, which was for two years community college and two years university.

Volusia League of Cities

Mayor Kelley stated that Volusia League of Cities recently was fantastic. He explained that the highlight of the evening was Commissioner Partington receiving the Home Rule Hero Award. He stated that someday the state legislature would have to recognize that the cities existed. He stated that Commissioner Partington was doing a great job serving as President of the Volusia League of Cities.

Fireworks after July 4th

Mayor Kelley addressed Police Chief Andy Osterkamp and noted that he was unsure what could be done about people shooting off fireworks weeks after July 4. He stated that it scared his dog and his neighbors' cat ran away because of the fireworks. He suggested next year possibly doing a public service announcement, possibly with media help, stating that it was against the law to possess or launch the fireworks. He suggested the service announcement implore people to be aware of their neighbors.

Millage Rate

Mayor Kelley noted that Commissioner Kent had mentioned the tax rate. He thanked Commissioner Kent for his negotiating with James Moore and Company. He explained that the city's tax rate for everything the city provided was within a few cents of what Volusia County residents paid just for fire services tax. He stated that the entire city made this community the community of choice by using their funds well. He explained that he hoped that citizens did not complain about the rate but hoped that if they did they looked at the services they received. He directed citizens to look at their TRIM (Truth in Millage) notices and see how little actually went to the city and how much went to the county and the school board. He noted that 75% of the taxes went to them and not to the city.

Item #13 – Adjournment

The meeting was adjourned at 8:03 p.m.

APPROVED: August 18, 2015

BY:

Ed Kelley, Mayor

ATTEST:

J. Scott McKee, City Clerk