

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

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**August 3, 2016**

**7:00 p.m.**

**Commission Chambers**

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Present were: Mayor Ed 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. AUDIENCE REMARKS - REGARDING ITEMS NOT ON THE AGENDA**

**5. APPROVAL OF MINUTES**

- A. The minutes from the July 26, 2016 City Commission meeting will be available for approval at the August 16, 2016 City Commission meeting.

**6. COMMUNITY REDEVELOPMENT AGENCY**

- A. **RESOLUTION NO. 2016-101** : A RESOLUTION OF THE CITY COMMISSION, INDIVIDUALLY AND ACTING AS THE COMMUNITY REDEVELOPMENT AGENCY FOR THE CENTRAL BUSINESS DISTRICT AND ADJACENT AREAS, AUTHORIZING THE EXECUTION OF A SERVICE AGREEMENT BETWEEN THE CITY/AGENCY AND ORMOND BEACH MAIN STREET, INC., FOR THE PROMOTION OF ECONOMIC, PHYSICAL AND AESTHETIC REDEVELOPMENT AND MAINTENANCE OF THE ORMOND BEACH MAIN STREET DISTRICT; AND SETTING FORTH AN EFFECTIVE DATE. **(SEE ITEM 7A)**

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

**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. 2016-101** : A RESOLUTION OF THE CITY COMMISSION, INDIVIDUALLY AND ACTING AS THE COMMUNITY REDEVELOPMENT AGENCY FOR THE CENTRAL BUSINESS DISTRICT AND ADJACENT AREAS, AUTHORIZING THE EXECUTION OF A SERVICE AGREEMENT BETWEEN THE CITY/AGENCY AND ORMOND BEACH MAIN STREET, INC., FOR THE PROMOTION OF ECONOMIC, PHYSICAL AND AESTHETIC REDEVELOPMENT AND MAINTENANCE OF THE ORMOND BEACH MAIN STREET DISTRICT; AND SETTING FORTH AN EFFECTIVE DATE.

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

- B. **RESOLUTION NO. 2016-102** : A RESOLUTION AUTHORIZING EXECUTION OF AN AGREEMENT BETWEEN THE CITY AND THE RIVER TO SEA TRANSPORTATION PLANNING ORGANIZATION IN SUPPORT OF PLANNING AND FUNDING OF VOLUSIA COUNTY TRANSPORTATION SYSTEM PROJECTS; AUTHORIZING THE EXPENDITURE OF FUNDING; AND SETTING FORTH AN EFFECTIVE DATE.

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

- C. **RESOLUTION NO. 2016-103** : A RESOLUTION AUTHORIZING THE EXECUTION OF AN OPTION AND LEASE AGREEMENT BETWEEN THE CITY, NEXTOWER DEVELOPMENT GROUP, LLC AND CIVIL AIR PATROL, UNITED STATES AIR FORCE AUXILIARY, FLORIDA WING; AND SETTING FORTH AN EFFECTIVE DATE.

**Staff Contact:** Joe Mannarino, Economic Development Director  
(386-676-3266)

- D. **Waste Water Treatment Plant Radiator Replacement - Rejection of Bid**

**Staff Contact:** Kevin Gray, Public Works Operations Manager  
(386-676-3522)

**Disposition:** Approve as recommended in the City Manager memorandum dated August 3, 2016.

- E. **Andy Romano Beachfront Park Pavilion Rental Policy Update**

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

**Disposition:** Approve as recommended in the City Manager memorandum dated August 3, 2016.

- F. **RFP 2016-30 Management and Operation of the Nova Skate Court Concession**

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

**Disposition:** Approve as recommended in the City Manager memorandum dated August 3, 2016.

- G. **Historic Structure Report (MacDonald House)**

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

**Disposition:** Approve as recommended in the City Manager memorandum dated August 3, 2016.

## 8. **FIRST READING OF ORDINANCES**

- A. **ORDINANCE NO. 2016-25** : AN ORDINANCE AMENDING CHAPTER 22, WATER AND SEWER, OF THE CODE OF ORDINANCES OF THE CITY OF ORMOND BEACH, FLORIDA, BY ESTABLISHING A NEW ARTICLE AND SECTIONS THEREUNDER TO BE NUMBERED AND CAPTIONED AS ARTICLE IV, HUNTER'S RIDGE-FLAGLER COUNTY DRI SERVICE AREA; SECTION 22-132, LEGISLATIVE FINDINGS, PURPOSE; SECTION 22-133, SERVICE AREA, DEFINED; SECTION 22-134, REGULATIONS OF GENERAL APPLICATION; SECTION 22- 135, RATES FOR WATER AND SEWER SERVICES, IMPACT FEES; SECTION 22-136, MINIMUM WATER RATES; SECTION 22-137, MINIMUM SEWER RATES; SECTION 22-138, WHEN SERVICE CHARGES COMMENCE; SECTION 22-139, BILLING REQUIREMENTS; SECTION 22-140, IMPACT FEES; AND SECTION 22-141, REQUIREMENTS FOR CONNECTION; BY ESTABLISHING A WATER AND SEWER SERVICE AREA IN ACCORDANCE WITH AN INTERLOCAL AGREEMENT BETWEEN THE CITY AND FLAGLER COUNTY FOR THAT PART OF HUNTER'S RIDGE DRI THAT IS LOCATED IN THE UNINCORPORATED TERRITORY OF FLAGLER COUNTY; ESTABLISHING RATES FOR WATER AND SEWER SERVICES; ESTABLISHING IMPACT FEES FOR CONNECTION TO THE CITY'S UTILITY SYSTEM; ESTABLISHING REQUIREMENTS FOR CONNECTION TO THE CITY'S UTILITY SYSTEM; ESTABLISHING GENERAL CONDITIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

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

- B. **ORDINANCE NO. 2016-26** : AN ORDINANCE AMENDING SECTION 23-2, DEFINITIONS, AND SECTION 23-3, SEXUAL OFFENDER AND SEXUAL PREDATOR RESIDENCE PROHIBITION; PENALTIES; EXCEPTIONS, OF CHAPTER 23, SEXUAL OFFENDERS AND SEXUAL PREDATORS, OF THE CITY OF ORMOND BEACH CODE OF ORDINANCES, BY REVISING THE DEFINITIONS TO INCLUDE TRANSIENT RESIDENCE, AMENDING THE RESIDENCE PROHIBITION TO INCLUDE SUCH, ADDING FLORIDA STATUTE 847.0135(5) TO LIST OF OFFENSES, REPLACING DAY CARE CENTER WITH CHILD CARE FACILITY, CHANGING PUBLIC SCHOOL BUS STOP TO SCHOOL BUS STOP, ADDING AN EXCEPTION FOR CONVICTIONS PRIOR TO ENACTMENT/AMENDED OF STATE LAW, ADDING EXCEPTION BASED ON SECTION 943.04354, FLORIDA STATUTES, AND REVISING OTHER SECTIONS TO MATCH SECTIONS 775.21 AND 775.215, FLORIDA STATUTES; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; AND SETTING FORTH AN EFFECTIVE DATE.

**Staff Contact:** Ann-Margret Emery, Deputy City Attorney (386-676-3218)

## 9. REPORTS, SUGGESTIONS, REQUESTS

## 10. ADJOURNMENT

### Item #1 – Meeting Call to Order

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

### Item #2 – Invocation

Father Stephen Ogonwa, Prince of Peace Catholic Church, gave the invocation.

### Item #3 – Pledge of Allegiance

Mayor Kelley led the Pledge of Allegiance.

### Item #4 – Audience Remarks

Mayor Kelley noted that no members of the audience wished to speak.

### Item #5 – Approval of Minutes

Mayor Kelley stated that due to the shortened time period between the July 26, 2016 meeting, and the August 3, 2016 meeting, that the minutes from the July 26, 2016 would be available for review and approval at the August 16, 2016 City Commission meeting.

### Item #6 – Community Redevelopment Agency

Mayor Kelley stated that 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.

He recessed the City Commission meeting, called the CRA meeting to order, and opened the public hearings at 7:04 p.m.

### Item #6A – Ormond Beach Main Street Agreement

City Clerk Scott McKee read by title only:

#### RESOLUTION NO. 2016-101

A RESOLUTION OF THE CITY COMMISSION, INDIVIDUALLY AND ACTING AS THE COMMUNITY REDEVELOPMENT AGENCY FOR THE CENTRAL BUSINESS DISTRICT AND ADJACENT AREAS, AUTHORIZING THE EXECUTION OF A SERVICE AGREEMENT BETWEEN THE CITY/AGENCY AND ORMOND BEACH MAIN STREET, INC., FOR THE PROMOTION OF ECONOMIC, PHYSICAL AND AESTHETIC REDEVELOPMENT AND MAINTENANCE OF THE

ORMOND BEACH MAIN STREET DISTRICT; AND SETTING FORTH AN EFFECTIVE DATE.

**Commissioner Boehm moved, seconded by Commissioner Kent, for approval of Resolution No. 2016-101, as read by title only.**

The motion passed by voice vote.

Mayor Kelley closed the public hearings, adjourned the CRA meeting, and reconvened the City Commission meeting at 7:05 p.m.

Item #7 – 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 requested that item 7F be pulled from the Consent Agenda.**

**Commissioner Kent moved, seconded by Commissioner Partington, for approval of the Consent Agenda, absent item 7F.**

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

Item #7F – RFP 2016-30 Management and Operation of the Nova Skate Court Concession

Commissioner Kent stated that he was pleased that a Request for Proposals (RFP) was being issued for the management and operation of the skate court concession. He noted that the staff memorandum had indicated that the city would be paying Birdstown, the company that presently operated there, a sum that would amount to over \$33,800 a year. He asked if that was correct. He noted that Birdstown had agreed to keep operating in the interim based on \$8.15 per hour plus \$250 weekly for administrative costs, for a maximum weekly cost of \$650. He explained that he had heartburn the previous week when this item was on the agenda with a recommendation from staff to have Birdstown continue managing the court while giving them the requested \$33,800 a year. He stated that the initial RFP was done in hopes that the vendor would be so successful that they would end up paying the city something. He noted that had not happen and Birdstown had been granted a stipend amount of \$900 per month.

Commissioner Kent stated that the \$33,800 sounded like a lot of money to him and suggested that someone else may be interested in sitting there during the referenced hours. He stated that Birdstown would be provided the amount that they had requested while the service went out for RFP. He noted that Birdstown would likely respond to the RFP and could make the case that the city should just continue paying them what they wanted, since they were doing so in the interim anyway. He stated that he would vote “no” on this item for those reasons.

**Commissioner Partington moved, seconded by Commissioner Boehm, for approval of Item #7F – RFP 2016-30 Management and Operation of the Nova Skate Court Concession.**

Mayor Kelley stated that the amount did seem like a lot but noted that if the city was to hire a part-time employee to staff it instead they would probably not save much, if any, money.

Ms. Joyce Shanahan, City Manager, explained that the RFP had to be issued for 30 days. She noted that Birdstown would be paid the increased amount for a minimum of four weeks. She stated that the city would evaluate after that time period and that if no RFPs were received, it would be revisited with the Commission.

Mayor Kelley stated that management had to be continued in the interim. He noted that he appreciated Birdtown’s efforts, citing less problems and incidents occurring at the skate court facility since it had been under their management.

Ms. Shanahan stated that it was a better controlled environment with management present. She noted that when no one was there the older children often took over the facility.

Mayor Kelley commented that the skate court concession would never be a great moneymaker.

Commissioner Partington noted that he loved the way that Commissioner Kent protected the city's budget, stating that he was as good as or better at it than anyone. He stated that he had gone by the skate court the evening before and there were six or seven children using it. He noted that they were all dressed appropriately and not using foul language, unlike in the past. He explained that he saw both sides of the difficult situation, noting that Birdstown was not making money and that operating there might actually be costing them money, noting that it would cost the city more to hire their own staff and provide them benefits. He hoped that there was a way to come to a happy medium. He noted that perhaps a response to the RFP would solve the problem. He explained that he would support the changes to Birdstown's payment because it was a temporary solution for a few months at the most. He stated that a segment of the community was drawn to the skate court and that Birdstown provided them with adequate supervision. He noted that providing a positive activity to keep children engaged, healthy, and occupying their time was a benefit to the city's residents and its police force.

Commissioner Boehm agreed with Commissioner Partington about the value to the community. He noted that an \$8.15 an hour salary was mentioned in the materials but that \$250 in weekly administrative costs was also included. He stated that "administrative costs" was nonspecific.

Ms. Shanahan noted that there were insurance costs that had to be maintained.

Commissioner Boehm explained that he would rather see the cost structure broken down rather than an amount listed as general administrative costs. He noted that the costs might not be reflective of the actual expenses and that they would not know that without specific detail.

Ms. Shanahan noted that she did not believe that the RFP specified the breakdown of that figure. She stated that the current reimbursement request did. She explained that they were looking for ways for Birdstown to manage their particular costs, just like with the city's tennis center, which they did not micromanage. She explained that they asked what they were willing to pay and determined whether that was acceptable.

Commissioner Boehm stated that he assumed that Birdstown may be the only response to the RFP and may submit a similar bid to their current request. He explained that for purposes of the RFP, he hoped to get more detail about the costs, rather than pay an unknown amount for an unknown reason.

Mr. Ted MacLeod, Assistant City Manager and Public Works Director, stated that staff would provide more specifics.

Commissioner Kent noted that he agreed wholeheartedly with the comments about the supervision at the skate court. He explained that he would not take his son there in prior years because of the language and element that frequented it. He noted that it had also been a concern for the city's police department. He stated that it was extremely improved and was now more successful. He clarified that his issue was upping the payment for the management of the facility from \$11,000 annually to \$33,800 annually. He noted that was more than a first year's teacher's salary. He stated that he was scratching his head and asking questions. He stated that he would have liked to see what was on the books last year, noting that he was not sure how many drinks and rentals were sold. He noted that he understood that the increase was not for a year but for the short interim, but his hope was that Birdstown would continue to take their \$900 stipend while the RFP was out. He stated that he realized that Birdstown may be the only RFP respondent but he was hopeful that there would be interest from other parties and some competition.

Mayor Kelley asked what other alternatives they had. He stated that an employee could not be relocated there temporarily. He noted that there were no complaints about the park now where before there had been many. He stated that \$900 a month came out to about \$10,000 a year. He stated that while they would be paying Birdstown more in the short interim, it was likely the only alternative besides the city taking it on themselves to

staff it. He noted that they would be hard pressed to find someone to do that. He stated that an RFP respondent would be making a choice to go into the management, regardless of what they made or did not make, and making a choice to take their chances. He stated that he would support the item as it was now because he did not see another viable choice.

Commissioner Kent noted that he had previously misspoken, as \$33,800 was not more than a first year teacher’s salary. He stated that a first year teacher made around \$36,000. He noted that he wanted to clarify his earlier comments so that they were accurate.

Call Vote:	Commissioner Kent	No
	Commissioner Boehm	Yes
	Commissioner Partington	Yes
	Commissioner Stowers	Yes
Carried.	Mayor Kelley	Yes

Item #8A – Hunter’s Ridge-Flagler County DRI

City Clerk Scott McKee read by title only:

ORDINANCE NO. 2016-25  
 AN ORDINANCE AMENDING CHAPTER 22, WATER AND SEWER, OF THE CODE OF ORDINANCES OF THE CITY OF ORMOND BEACH, FLORIDA, BY ESTABLISHING A NEW ARTICLE AND SECTIONS THEREUNDER TO BE NUMBERED AND CAPTIONED AS ARTICLE IV, HUNTER’S RIDGE-FLAGLER COUNTY DRI SERVICE AREA; SECTION 22-132, LEGISLATIVE FINDINGS, PURPOSE; SECTION 22-133, SERVICE AREA, DEFINED; SECTION 22-134, REGULATIONS OF GENERAL APPLICATION; SECTION 22- 135, RATES FOR WATER AND SEWER SERVICES, IMPACT FEES; SECTION 22-136, MINIMUM WATER RATES; SECTION 22-137, MINIMUM SEWER RATES; SECTION 22-138, WHEN SERVICE CHARGES COMMENCE; SECTION 22-139, BILLING REQUIREMENTS; SECTION 22-140, IMPACT FEES; AND SECTION 22-141, REQUIREMENTS FOR CONNECTION; BY ESTABLISHING A WATER AND SEWER SERVICE AREA IN ACCORDANCE WITH AN INTERLOCAL AGREEMENT BETWEEN THE CITY AND FLAGLER COUNTY FOR THAT PART OF HUNTER’S RIDGE DRI THAT IS LOCATED IN THE UNINCORPORATED TERRITORY OF FLAGLER COUNTY; ESTABLISHING RATES FOR WATER AND SEWER SERVICES; ESTABLISHING IMPACT FEES FOR CONNECTION TO THE CITY’S UTILITY SYSTEM; ESTABLISHING REQUIREMENTS FOR CONNECTION TO THE CITY’S UTILITY SYSTEM; ESTABLISHING GENERAL CONDITIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

**Commissioner Partington moved, seconded by Commissioner Boehm, to approve Ordinance No. 2016-25, on first 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 8B – Amendment to Sexual Offenders and Sexual Predators Ordinance

City Clerk Scott McKee read by title only:

ORDINANCE NO. 2016-26  
 AN ORDINANCE AMENDING SECTION 23-2, DEFINITIONS, AND SECTION 23-3, SEXUAL OFFENDER AND SEXUAL PREDATOR RESIDENCE PROHIBITION; PENALTIES; EXCEPTIONS, OF CHAPTER 23, SEXUAL OFFENDERS AND SEXUAL PREDATORS, OF THE CITY OF ORMOND BEACH CODE OF ORDINANCES, BY REVISING THE DEFINITIONS TO INCLUDE TRANSIENT RESIDENCE, AMENDING THE RESIDENCE PROHIBITION TO INCLUDE SUCH, ADDING FLORIDA STATUTE 847.0135(5) TO LIST OF OFFENSES, REPLACING DAY CARE

CENTER WITH CHILD CARE FACILITY, CHANGING PUBLIC SCHOOL BUS STOP TO SCHOOL BUS STOP, ADDING AN EXCEPTION FOR CONVICTIONS PRIOR TO ENACTMENT/AMENDED OF STATE LAW, ADDING EXCEPTION BASED ON SECTION 943.04354, FLORIDA STATUTES, AND REVISING OTHER SECTIONS TO MATCH SECTIONS 775.21 AND 775.215, FLORIDA STATUTES; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; AND SETTING FORTH AN EFFECTIVE DATE.

Mayor Kelley asked if the ordinance was being amended to be in compliance with the state; whereby, City Attorney Randy Hayes confirmed that it was.

**Commissioner Partington moved, seconded by Commissioner Stowers, to approve Ordinance No. 2016-26, on first 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 #9– Reports, Suggestions, Requests

Shade Meeting

Ms. Joyce Shanahan, City Manager, stated that on August 16, 2016, at 5:30 p.m. there would be a shade meeting with the City Commission to discuss collective bargaining.

FDOT Issues

Ms. Shanahan stated that the city would be meeting with the Florida Department of Transportation (FDOT) about some issues. She stated that one issue was the US1/I-95 interchange. She noted that they hoped that there would be additional funds available for improvements and studying the interchange. She stated that staff wanted to impart to them the importance of that corridor with regards to the economic health of the community. She noted that it was vital to ensure that the interchange was functioning properly. She stated that the interchanges at LPGA and in Port Orange, which were not as bad as US1, were both currently being funded, noting that there were plenty of funds available. She noted that they would also speak to FDOT about A1A pedestrian crossing issue, as well as crossings at Nova Road. She explained that the rehabilitation center on Nova Road often pushed residents across five lanes of traffic to reach the Publix and 7-11 stores located there. She noted that they would not walk down to the crosswalks at Granada Boulevard or Wilmette Avenue and would instead cross Nova Road. She stated that there needed to be a midrange solution for crossing that road. She noted that FDOT had not spoken to the businesses located there.

Lincoln Avenue Parking

Ms. Shanahan stated that the Lincoln Avenue parking lot was underway and that the house structure had come down. She stated that the New Britain Avenue improvements would be out of the right-of-way by the end of the week.

Roadway Resurfacing

Ms. Shanahan stated that the annual roadway resurfacing project would start soon.

Facilities' Costs

Commissioner Stowers noted that the city had a population of approximately 38,000 and that the tax base would not grow substantially. He explained that the city continued to add facilities which required maintenance and employees or management to service them. He noted that the skate court and the MacDonald House were two such facilities that had been on the agenda this evening. He stated that there were ongoing costs associated with city-controlled properties. He noted that he would only be serving on the Commission for a few more months, but he would like to see a financial assessment of all public facilities in the city so that when future projects were brought up they could say not only what a future facility would cost to build, but also how much it would cost to run and maintain them based on comparisons with the other facilities in the city. He stated that it was important to have that objective information ready because the facilities and projects all came at a cost.

Ms. Shanahan stated that the city was developing a financial plan and formula for addressing those concerns. She stated that they would know the operating costs for all

future projects so that decisions to move forward with them were not made in a vacuum. She noted that part of deciding to move forward with a project was taking into account whether the future costs associated with the facility were palatable.

#### FDOT Issues

Commissioner Stowers stated that he had sent a long email to FDOT District Five Secretary Noranne Downs months ago about the crosswalks on A1A but had never heard anything in response. He noted that Ms. Shanahan could add to her discussion with FDOT that the city had been asking for assistance and deserved better. He stated that it was an important issue and that the River to Sea Transportation Planning Organization (TPO) had discussed and studied it. He noted that he understood that it took time; but as he drove along and saw existing government infrastructure, it was frustrating. He suggested possibly sending a letter from the entire Commission.

Ms. Shanahan noted that the right turn westbound onto Granada Boulevard was also on their list to discuss.

#### County Sidewalks

Commissioner Stowers addressed City Attorney Randy Hayes, as he had heard that the county was changing their policy on sidewalks and that they would now take on any sidewalks in the county's right-of-way. He noted that he did not know if this was formalized or site specific. He stated that they would instead require that any sidewalks within the county right-of-way be the responsibility of the city or the developer. He noted that the city had had lawsuits regarding sidewalks and that there was a real cost to that liability. He stated that it would be significant if the county was trying to dictate that others maintain sidewalks in county rights-of-way on county roads. He noted that he had heard that County Attorney Dan Eckert was implementing this. He stated that it may be of significance for the city to follow up on this.

Mayor Kelley noted that he believed this topic may have been discussed when he attended a TPO meeting. He stated that the county could probably make that request.

Ms. Shanahan stated that she had not heard about it.

Mr. MacLeod stated that they had discussed the sidewalks on Beach Street with the county. He stated that they would not maintain sidewalks located within cities.

Mr. Randy Hayes, City Attorney, stated that the precursor to this may have been a Beach Street sidewalk trip and fall litigation matter. He explained that the county was taking the position that it was the city's liability, whereas the city's position was that it was the county's sidewalk. He noted that he had no information to share beyond that and would look into it.

#### Election / Issues with the County

Commissioner Kent stated that he had been fortunate to serve on the Commission for 13 years but noted that he could not remember any period during that time where the city had a happy relationship with the county. He explained that he would not tell anyone how to vote, but he would provide some information about Mayor Kelley, who was running for County Chair. He noted that he and Mayor Kelley did not always agree, but he stated that Mayor Kelley was a common sense thinker who attacked problems head on and did not sit on his hands or push the buck. He stated that Mayor Kelley apologized when he was wrong and went after what he wanted. He stated that the county government disgusted him. He noted that Ormond Beach had nine beach approaches and that only two to three of them were ever open. He stated that this was not acceptable and needed to be fixed.

Commissioner Kent stated that the gas tax was outrageous. He explained that he remembered that the sell was that those from out of town would pay for it, but in reality those who lived within the county paid for it day in and day out. He stated that that was a huge issue. He noted that it really bothered him that you could go over the St. John's River and get cheaper gas. He referenced the sidewalk information that Commissioner Stowers had brought up. He stated that serious changes needed to be made, and that if a strong County Chair was elected he could show the county the light and changes would take place. He noted that they would have real issues if Ms. Shanahan went to the county and told Mayor Kelley not to even try and take her with him. He stated that they always received more of the same from the county and that they should not take it; but if they had to take it, they should at least give them a little something back.

### A1A Crossings

Commissioner Kent thanked Commissioner Stowers for his comments about crossing A1A. He explained that he would not cross unless he could get himself and his family safely across all four lanes at once, noting that he would not stand in the median to wait to cross and would not teach his son to do so. He stated that drivers were texting or playing Pokemon Go while driving. He stated that the problem could not be solved at a City Commission level.

### Facilities' Costs

Commissioner Kent stated that he was glad that Commissioner Stowers brought up what he did about city facilities. He stated that the City Commission's thinking had to change if they wanted to continue to provide the quality of life for Ormond Beach residents that they did at the best bang for their buck. He noted that the Commission had recently received a beautiful email raving about Ormond Beach and the bargain one received there. He noted that changes needed to be made because of the cost of staffing and maintaining facilities. He stated that the current Commission kept tight reins on the budget, noting that he would often vote "no" on items that were not in the budget. He stated that Ormond Beach might not always be able to have the second or third lowest millage rate because they provided so much. He noted that they could not continue to keep giving and giving, and that changes may need to be made down the road. He explained that he had to have a conversation with his son about greed and appreciation and stated that perhaps they needed to have more of that conversation here, as well.

### Facilities' Costs

Commissioner Boehm stated that he found the discussion interesting. He stated that the city provided a quality of life to its residents that would incur costs. He explained that the decisions they had to make were based on whether spending those funds was of benefit to the citizens. He stated that if they someday had to raise taxes to provide services they would do so. He noted that it was a balancing act. He stated that the email Commissioner Kent referenced was emblematic. He noted that citizens thought that Ormond Beach had done a great job becoming a community of choice, and he wanted to always continue to be one and have that be a priority.

### Election

Commissioner Boehm noted that he would like to see Volusia County become a county of choice but stated that the county level staff was not accomplishing that. He stated that he hoped to see a leadership change at the county with Mayor Kelley. He noted that they could talk for hours about the things that the county did not do and that all of their discussions about it had never led to change under their current leadership. He stated that unless there was a leadership change, it would continue to be more of the same complaints.

### New CVS

Commissioner Boehm stated that the new CVS located on Granada Boulevard and Nova Road, in his zone, was the best looking CVS on the planet.

Commissioner Partington noted that the CVS was actually located in his zone; whereby, Commissioner Kent stated that it used to be located in Zone 3.

Commissioner Boehm stated that Commissioner Partington had a wonderful new CVS in his zone; whereby, Mayor Kelley stated that it open on Sunday.

### Election

Commissioner Boehm stated that he attended the Citizens for Ormond Beach (CFOB) Candidate Forum held on Monday night in the Commission Chambers. He noted that it had been standing room only and that he never wanted to see that happen at a Commission meeting. He stated that Mayor Kelley came across well in his comments.

### National Night Out

Commissioner Boehm stated that the police department did a terrific job with National Night Out but noted that for whatever reason the *Daytona Beach News-Journal* had left Ormond Beach out of their story about the different National Night Out events around the area.

### Home Rule Hero Award

Commissioner Boehm stated that Commissioner Partington was awarded the Home Rule Hero Award by the Florida League of Cities. He stated that Commissioner Partington cared about the city and cities everywhere in the state. He noted that

Commissioner Partington had a family and still took time to legislate and attend conferences to fight for home rule.

#### New CVS

Commissioner Partington stated that the CVS looked great. He noted that when a property owner improved a property the other properties around it would spruce up as well. He noted that the Walgreens across the intersection got a new sign. He stated that after years of complaints that corner finally looked nice.

#### A1A Crossings

Commissioner Partington stated that there was only one real resolution for the A1A crossing issue. He noted that at the Shores Resort and Spa in Daytona Beach Shores there was an over walk above the road that pedestrians could use to cross. He stated that Ormond Beach needed two of them. He noted that there were also raised crossovers in Destin, Florida, so it could be done. He stated that he wanted to see the same thing on Nova Road. He noted that the businesses involved there should provide shuttles. He stated that when apartments were built over there, there would be even more of a community need for a crosswalk in that area and thus it made sense.

#### Volusia League of Cities Dinner

Commissioner Partington stated that the Volusia League of Cities' bi-monthly dinner would be held at Oceanside Country Club on September 22, 2016. He noted that Ormond Beach was hosting and that Mr. Hyatt Brown would be the speaker and provide a review of the Charter Review Commission, as well as talk about the CEO Business Alliance.

Ms. Shanahan stated that the social for the event would begin at 6:00 p.m. and that the dinner would be at 7:00 p.m.

#### Car Break-ins at Granada Bridge

Commissioner Partington stated that he had received phone calls from individuals who walk the Granada Bridge and have had their car windows smashed. He noted that he had spoken to both Ms. Shanahan and the police department about the issue. He explained that he would hate to put cameras at the four corners of the bridge but noted that nothing else seemed to be working. He stated that the police department had even given warnings out to those parking there. He stated that he wanted to be responsive and find solutions.

#### Beach Access

Mayor Kelley thanked Commissioner Kent for his support. He noted that they both worked hard to get the Millsap beach approach opened. He stated that he continued to get criticism that he wanted to take all of the cars off the beach but stated that was not true. He stated that the Granada Boulevard beach approach had been closed more than it was open two years prior and that only Cardinal Avenue had been regularly open. He stated that every ramp needed to be open. He noted that he was against tolls and thought that kiosks could be utilized. He stated that the land speed record was set on the beach and that it was the birthplace of speed. He stated that he desired beach access.

#### FDOT

Mayor Kelley commented that FDOT District Five Secretary Noranne Downs was no longer responsible for Sunrail.

#### Tax Rate

Mayor Kelley stated that Orange City was advertising itself as debt free but noted that their tax rate was 70% higher than Ormond Beach's.

#### National Night Out

Mayor Kelley stated that the children loved the transformer at National Night Out. He noted the two new wrapped cars were still being worked on. He stated that an individual would be donating a couple of items that did not get funded. He noted that the individual was from Nashville.

#### MacDonald House

Mayor Kelley stated that he had asked for an evaluation of what it would take to move the MacDonald House. He explained that he would prefer to relocate it in Fortunato Park on city property. He stated that it could be a money maker and help offset the cost of maintaining it. He noted that there were individuals willing to help move it and turn it into

a museum. He stated that the top was falling apart and noted that in theory it could be reconstructed, if necessary.

Commissioner Boehm asked about county historical grants besides ECHO.

CRA

Mayor Kelley noted Commissioner Partington's comments about the new CVS causing changes around it. He stated that CRAs did the same thing. He stated that the CRA funded redevelopment and improvement. He noted that some wanted to get rid of CRAs and use those funds for the homeless, which he stated did not make sense.

Election

Mayor Kelley stated that he was learning a lot about the county and how it could be better organized to make sure that every city was recognized and that the cities and people were included in the county. He explained each citizen voted for three positions on the County Council – their district representative, the County Chair, and the at-large Council seat. He stated that if the right people were elected they could make a change.

Item #10 – Adjournment

The meeting was adjourned at 7:57 p.m.

APPROVED: August 16, 2016

BY:

\_\_\_\_\_  
Ed Kelley, Mayor

ATTEST:

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J. Scott McKee, City Clerk