

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

August 16, 2016

7:00 p.m.

Commission Chambers

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. Minutes from City Commission meeting – July 26, 2016
- B. Minutes from City Commission meeting – August 3, 2016

6. 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. 2016-104** : A RESOLUTION AUTHORIZING A COST OF LIVING INCREASE BASED ON THE CONSUMER PRICE INDEX PURSUANT TO THE SOLID WASTE, YARD WASTE, RECYCLING AND ROLL-OFF COLLECTION AND DISPOSAL SERVICES AGREEMENT BETWEEN THE CITY OF ORMOND BEACH AND WASTE PRO OF FLORIDA, INC.; AND SETTING FORTH AN EFFECTIVE DATE.

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

- B. **RESOLUTION NO. 2016-105** : A RESOLUTION AUTHORIZING THE EXECUTION OF A SECOND AMENDMENT TO THE INTERLOCAL AGREEMENT FOR FIRE AND/OR RESCUE SERVICE MUTUAL AID WITHIN VOLUSIA COUNTY; AND SETTING FORTH AN EFFECTIVE DATE.

Staff Contact: *Bob Mandarino, Fire Chief (386-676-3333)*

- C. **RESOLUTION NO. 2016-106** : A RESOLUTION APPROVING PRIME GLOBAL GROUP, INC. AS A QUALIFIED TARGET INDUSTRY BUSINESS; PROVIDING FOR LOCAL FINANCIAL SUPPORT FOR PERFORMANCE BASED JOB CREATION AND GROWTH ASSISTANCE FUNDING; PROVIDING FOR PROPERTY TAX REIMBURSEMENT; AUTHORIZING AN AGREEMENT THEREFORE; AND SETTING FORTH AN EFFECTIVE DATE.

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

- D. **Auto Renewal Contract OB Historical Trust, Inc.**

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

Disposition: Approve as recommended in the City Manager memorandum dated August 16, 2016.

E. **Budget Status Report for April 2016-June 2016**

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

Disposition: Approve as recommended in the City Manager memorandum dated August 16, 2016.

F. **Capital Improvement Plan FY 2016-17 to FY 2020-21**

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

Disposition: Approve as recommended in the City Manager memorandum dated August 16, 2016.

7. **SECOND 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. **(SECOND READING)**

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. **(SECOND READING)**

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

8. **REPORTS, SUGGESTIONS, REQUESTS**

9. **ADJOURNMENT**

Item #1 – Meeting Call to Order

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

Item #2 – Invocation

Pastor Joseph Kim, Riverview United Methodist 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 advised that the minutes of the July 26, 2016, and August 3, 2016, regular meetings 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, both sets of minutes would stand approved as presented.

Item #6 – 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 Partington moved, seconded by Commissioner Kent, for approval of the Consent Agenda.

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

Item #7A – 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 Boehm moved, seconded by Commissioner Kent, to approve Ordinance No. 2016-25, 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 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.

Commissioner Partington moved, seconded by Commissioner Stowers, to approve Ordinance No. 2016-26, 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 #8– Reports, Suggestions, Requests

Upcoming Meetings

Ms. Joyce Shanahan, City Manager, announced that the Commission would have another Health Care Strategic Planning Update Workshop on September 20, 2016, at 5:30 p.m. She stated that there would also be a Telecommunications Workshop on October 4, 2016, at 5:30 p.m.

Healthcare Meetings

Ms. Shanahan stated that the Human Resources Department staff conducted 19 group meetings with employees about the city's health care plan, strategic planning for healthcare, and insurance bidding process. She noted that staff received positive comments from participants.

Continuing Service Contracts

Ms. Shanahan stated that nearly six years ago, the city let out its continuing service contracts for engineering and architectural services. She noted that they would soon go through that process again. She explained that before she was employed with the city the process had not been done in over ten years and it was one of the first things undertaken upon her arrival. She noted that last time there had been 141 proposals submitted for evaluation and going through those was a cumbersome process for the city's engineering staff. She stated that part of the city's good management plan was to let those contracts out every five years or so. She noted that the Florida Department of Transportation (FDOT) recommended that a city not have continuing service contracts for longer than five years, as she believed that was becoming the industry standard.

Election

Commissioner Kent noted that Pastor Kim had referenced Mayor Kelley's run for County Chair during the invocation. He noted that the election was coming up soon and that anytime he had an opportunity to share truthful anecdotes about Mayor Kelley he would do so. He explained that he wanted those listening to know that Mayor Kelley was a common sense leader who was not afraid to do what was right. He stated that Mayor Kelley was desperately needed on the Volusia County Council. He noted that Mayor Kelley would represent the whole county but explained that he was confident that Mayor Kelley would make sure that Ormond Beach was no longer left out, as it has been for at least for the 13 years he had served on the Commission.

Commissioner Boehm echoed Commissioner Kent comments about Mayor Kelley. He explained that one of his concerns was lack of awareness regarding the primary election process. He stated that August 30, 2016, was the primary election date. He explained that a primary election was held for the office of Volusia County Chair, as well as the constitutionally elected offices of Volusia County Sheriff, Volusia County Property Appraiser, Volusia County Supervisor of Elections, and several judicial races. He noted that anyone could vote for those non-partisan races in the primary. He stated that there was also a constitutional amendment on the ballot which dealt with solar energy. He noted that historically very few citizens voted in the primary. He explained that the amendment affected all citizens, no matter their party affiliation. He encouraged everyone to consider turning out to vote. He stated that early voting would begin on August 20, 2016, and run through August 27, 2016. He noted that it was crucial to vote. He explained that he would like to see Mayor Kelley earn over 50% of the vote in the County Chair race, so that he could be elected to that office and not have to run through the remainder of the campaign into November.

Commissioner Partington echoed Commissioner Kent and Commissioner Boehm's comments about Mayor Kelley. He stated that he had already voted for Mayor Kelley with his absentee ballot, noting that he preferred to vote that way. He stated that early voting would be held at the Ormond Beach Library. He explained that Mayor Kelley was uniquely positioned to be a great County Chair for Volusia County and that it was the right time for Mayor Kelley's leadership. He noted that he had been deeply involved in county and municipal politics for 13 years and as such he could see why Mayor Kelley was the perfect choice. He stated that he had a sign for Mayor Kelley in his yard and was telling everyone to vote for him. He noted that he was optimistic about Mayor Kelley's chances of being elected. He stated that Mayor Kelley being County Chair would be good for Ormond Beach and fantastic for Volusia County. He stated that Mayor Kelley could put his years of experience to work and make Volusia County great for everyone. He wished Mayor Kelley good luck with the election and noted that he knew that Mayor Kelley would not forget Ormond Beach when he was elected County Chair.

Campaign Signs

Commissioner Stowers asked Ms. Shanahan to have code enforcement review the placement of campaign signs in right-of-ways. He noted that there were campaign signs being placed on the other side of sidewalks towards Granada Boulevard. He noted that when code enforcement removed the signs they would place them behind the dumpster at the police station.

Ms. Shanahan clarified that now the signs had to be put inside the lobby at the police department because the dumpster area was secured.

CVS

Commissioner Stowers stated that the CVS on Granada Boulevard had opened. He noted that his four-year old daughter kept giving her parents updates on the building's progress.

Election

Commissioner Stowers stated that he supported Mayor Kelley for County Chair. He noted that he had previously spoken at an event and had explained what a unique opportunity Volusia County had to elect someone with the breadth of experience that Mayor Kelley had. He noted that Mayor Kelley was retired and could dedicate his time and resources to running the county. He stated that Mayor Kelley had experience and wanted to serve purely to give back. He noted that Mayor Kelley was not using the office as a stepping stone. He stated that Mayor Kelley had lived, worked, and raised his family in the community. He noted that Mayor Kelley was willing to take on a big role. He stated that it was incumbent on citizens to support this unique opportunity. He noted that he was hopeful that Mayor Kelley would be successful in being elected on August 30, 2016.

Mayor Kelley thanked the Commission for their kind words and stated that they meant a lot. He noted that the position was a big undertaking. He stated that Ormond Beach and the cities had flown under the radar for way too long. He likened Volusia County to a ship without a rudder. He noted that Daytona Beach News-Journal Editor Pat Rice had explained that the county was lacking leadership on the homeless issue. He explained that he agreed that leadership was missing and he wanted to provide that. He noted that he had served with the best Commission and best staff during his time at Ormond Beach.

Captain Rosenthal

Mayor Kelley recognized Captain Lisa Rosenthal and congratulated her on her promotion to Captain. He noted that she was the first female captain in Ormond Beach.

New Britain Avenue Parking Lot

Mayor Kelley stated that he had met with Dr. Bonnet, who owned property on the corner of New Britain Avenue and Beach Street. He stated the parking lot going in that area had a ten-foot walkway easement. He explained that he was talking to Dr. Bonnet to see if there was any way to make that work better. He noted that he was not negotiating with him. He explained that the idea was to possibly create a one-way road with an extra five feet, which would allow people to enter from the north lane into the parking lot.

Election

Mayor Kelley stated that for the first time in history Volusia County citizens would be electing the County Chair, County Sheriff, Property Appraiser, and Supervisor of Elections, on the same ballot. He noted that the office of County Chair had only existed for 12 years. He stated that it was huge to have that many offices up for election at once. He encouraged everyone to vote, noting that early voting started on Saturday.

Community Centers

Mayor Kelley stated that in his recent travels around Volusia County, which was larger than the state of Rhode Island, he had observed many nice community centers. He noted that the most mentioned one was probably the Sanborn Center in Deland. He stated that New Smyrna Beach just opened their new center, the Brannon Center, on the river in the place of their old library. He stated that it looked like a miniature version of the Sydney Opera House in Australia and was very nice.

Item #9 – Adjournment

The meeting was adjourned at 7:23 p.m.

APPROVED: September 6, 2016

BY:

Ed Kelley, Mayor

ATTEST:

J. Scott McKee, City Clerk