

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

September 29, 2014

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. ADOPTION OF FISCAL YEAR 2014-2015 FINAL MILLAGE RATES AND BUDGET**
 - A. **RESOLUTION NO. 2014-152** : A RESOLUTION ADOPTING PROPOSED MILLAGE RATES FOR THE 2014-2015 FISCAL YEAR; ESTABLISHING A DATE TIME AND PLACE FOR A PUBLIC HEARING TO ADOPT THE FINAL MILLAGE RATES AND FINAL BUDGET; AND SETTING FORTH AN EFFECTIVE DATE.
Staff Contact: Kelly McGuire, Finance Director (386-676-3226)
 - B. **ORDINANCE NO. 2014-33** : AN ORDINANCE ADOPTING THE ANNUAL BUDGET FOR THE 2014-2015 FISCAL YEAR BEGINNING OCTOBER 1, 2014 AND ENDING SEPTEMBER 30, 2015; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; AND SETTING FORTH AN EFFECTIVE DATE. **(SECOND READING)**
Staff Contact: Kelly McGuire, Finance Director (386-676-3226)
- 5. PRESENTATIONS AND PROCLAMATIONS**
 - A. J.D. Davis - 40 Years of Service
- 6. AUDIENCE REMARKS - REGARDING ITEMS NOT ON THE AGENDA**
- 7. APPROVAL OF MINUTES**
 - A. Minutes from City Commission meeting – September 15, 2014
- 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. 2014-153** : A RESOLUTION AUTHORIZING THE EXECUTION OF A SERVICE CONTRACT BETWEEN THE CITY AND THE ORMOND BEACH CHAMBER OF COMMERCE; SETTING FORTH AN EFFECTIVE DATE.
Staff Contact: Joe Mannarino, Economic Development Director (386-676-3266)

- B. **RESOLUTION NO. 2014-154** : A RESOLUTION AUTHORIZING THE EXECUTION OF A COOPERATIVE ECONOMIC DEVELOPMENT AGREEMENT BETWEEN THE CITY AND TEAM VOLUSIA ECONOMIC DEVELOPMENT CORPORATION; SETTING FORTH AN EFFECTIVE DATE.
- Staff Contact:** *Joe Mannarino, Economic Development Director (386-676-3266)*
- C. **RESOLUTION NO. 2014-155** : A RESOLUTION AUTHORIZING THE EXECUTION OF AN ENGAGEMENT LETTER BETWEEN THE CITY AND PENNINGTON P.A. REGARDING LEGISLATIVE LOBBYING SERVICES FOR THE 2015 FLORIDA LEGISLATIVE\ SESSION; AND SETTING FORTH AN EFFECTIVE DATE.
- Staff Contact:** *Joe Mannarino, Economic Development Director (386-676-3266)*
- D. **RESOLUTION NO. 2014-156** : A RESOLUTION ACCEPTING A PROPOSAL FROM HOYLE, TANNER & ASSOCIATES, INC. TO PROVIDE ENGINEERING SERVICES REGARDING THE AIRPORT MASTER PLAN UPDATE AND MASTER DRAINAGE PLAN PROJECTS; AUTHORIZING THE EXECUTION OF A WORK AUTHORIZATION THERETO; AND SETTING FORTH AN EFFECTIVE DATE.
- Staff Contact:** *Joe Mannarino, Economic Development Director (386-676-3266)*
- E. **RESOLUTION NO. 2014-157** : A RESOLUTION AUTHORIZING THE EXECUTION OF A JOINT PARTICIPATION AGREEMENT BETWEEN THE CITY AND THE FLORIDA DEPARTMENT OF TRANSPORTATION REGARDING THE AIRPORT MASTER PLAN UPDATE AND MASTER DRAINAGE PLAN PROJECTS; AND SETTING FORTH AN EFFECTIVE DATE.
- Staff Contact:** *Joe Mannarino, Economic Development Director (386-676-3266)*
- F. **RESOLUTION NO. 2014-158** : A RESOLUTION AUTHORIZING THE EXECUTION OF AN AGREEMENT FOR SERVICES BETWEEN THE CITY AND HALIFAX HUMANE SOCIETY, INC.; AND SETTING FORTH AN EFFECTIVE DATE.
- Staff Contact:** *Andy Osterkamp, Police Chief (386-677-0731)*
- G. **RESOLUTION NO. 2014-159** : A RESOLUTION AMENDING THE PAY AND CLASSIFICATION PLAN; AND SETTING FORTH AN EFFECTIVE DATE.
- Staff Contact:** *Kelly McGuire, Finance Director (386-676-3226)*
- H. **RESOLUTION NO. 2014-160** : A RESOLUTION AUTHORIZING THE APPROVAL AND EXECUTION OF A PURCHASE AUTHORIZATION (REQUISITION #00000011912) FOR THE PURCHASE OF FIVE 2014 CHEVROLET CAPRICE PATROL VEHICLES, UNDER FLORIDA SHERIFFS ASSOCIATION BID NO. 13-21- 0904; AND SETTING FORTH AN EFFECTIVE DATE.
- Staff Contact:** *Kevin Gray, Public Works Operations Manager (386-676-3522)*
- I. **RESOLUTION NO. 2014-161** : A RESOLUTION AUTHORIZING THE APPROVAL AND EXECUTION OF A PURCHASE AUTHORIZATION (REQUISITION 00000011937) FOR THE PURCHASE OF FIVE (5) PATROL VEHICLE LIGHTING PACKAGES UNDER CITY OF MIAMI BEACH BID NUMBER 46-11/12; AND SETTING FORTH AN EFFECTIVE DATE.
- Staff Contact:** *Kevin Gray, Public Works Operations Manager (386-676-3522)*

- J. **RESOLUTION NO. 2014-162** : A RESOLUTION AUTHORIZING THE EXECUTION OF A NON-EXCLUSIVE FRANCHISE AGREEMENT BETWEEN THE CITY AND WASTE MANAGEMENT, INC. OF FLORIDA, REGARDING THE COLLECTION OF CONSTRUCTION AND DEMOLITION DEBRIS; AND SETTING FORTH AN EFFECTIVE DATE.

Staff Contact: *Theodore MacLeod, Assistant City Manager (386-676-3200)*

- K. **RESOLUTION NO. 2014-163** : A RESOLUTION ACCEPTING A PROPOSAL FROM A.M. WEIGEL CONSTRUCTION, INC. FOR CONSTRUCTION MANAGEMENT SERVICES REGARDING THE NOVA COMMUNITY PARK SKATE PARK EXPANSION; AUTHORIZING THE EXECUTION OF A WORK AUTHORIZATION AND PAYMENT THEREFOR; AND SETTING FORTH AN EFFECTIVE DATE.

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

- L. **Renewal of Aquatic Weed Maintenance and Ditch Cleaning Contract**

Staff Contact: *Theodore MacLeod, Assistant City Manager (386-676-3200)*

Disposition: Approve as recommended in the City Manager memorandum dated September 29, 2014.

- M. **Nova Community Park Paving Project**

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

Disposition: Approve as recommended in the City Manager memorandum dated September 29, 2014.

- N. **RFP Miscellaneous Crafts & Trades Services (As Needed)**

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

Disposition: Approve as recommended in the City Manager memorandum dated September 29, 2014.

- O. **Cost Adjustment Request by Austin Outdoor**

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

Disposition: Approve as recommended in the City Manager memorandum dated September 29, 2014.

9. PUBLIC HEARINGS

- A. **ORDINANCE NO. 2014-35** : AN ORDINANCE AMENDING PARAGRAPH C, OFFICIAL ZONING MAP, OF SECTION 2-01, ESTABLISHMENT OF ZONING DISTRICTS AND OFFICIAL ZONING MAP, OF ARTICLE 1, ESTABLISHMENT OF ZONING DISTRICTS AND OFFICIAL ZONING MAP, OF CHAPTER 2, DISTRICT AND GENERAL REGULATIONS, OF THE CITY OF ORMOND BEACH LAND DEVELOPMENT CODE, BY AMENDING THE OFFICIAL ZONING MAP TO REZONE ONE (1) PARCEL OF REAL PROPERTY TOTALING 4.64±ACRES LOCATED AT 640 NORTH NOVA ROAD, FROM R-5 (MULTIFAMILY MEDIUM DENSITY) TO R-6 (MULTIFAMILY MEDIUM-HIGH DENSITY), AUTHORIZING REVISION OF OFFICIAL ZONING MAP; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; AND SETTING FORTH AN EFFECTIVE DATE. **(SECOND READING)**

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

10. SECOND READING OF ORDINANCES

- A. **ORDINANCE NO. 2014-34** : AN ORDINANCE AMENDING CHAPTER 10, SOLID WASTE, YARD WASTE AND RECYCLABLES, SECTION 10-16, FEES FOR COLLECTION AND DISPOSAL ESTABLISHED, OF THE CODE OF ORDINANCES, BY INCREASING FEES FOR THE COLLECTION AND DISPOSAL OF SOLID WASTE; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; SETTING FORTH AN EFFECTIVE DATE. **(SECOND READING)**

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

11. DISCUSSION ITEMS

- A. **Proposed Amendment to Peddlers and Solicitors Ordinance**

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

12. REPORTS, SUGGESTIONS, REQUESTS

13. ADJOURNMENT

Item #1 – Meeting Call to Order

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

Item #2 – Invocation

Bishop Dr. Lillie Ward, Emmanuel Church of the Living God, gave the invocation.

Item #3 – Pledge of Allegiance

Mayor Kelley led the Pledge of Allegiance.

Item #4A – Adoption of FY 2014-15 Final Millage Rates and Budget

City Clerk Scott McKee read by title only:

RESOLUTION NO. 2014-152

A RESOLUTION ADOPTING PROPOSED MILLAGE RATES FOR THE 2014-2015 FISCAL YEAR; ESTABLISHING A DATE TIME AND PLACE FOR A PUBLIC HEARING TO ADOPT THE FINAL MILLAGE RATES AND FINAL BUDGET; AND SETTING FORTH AN EFFECTIVE DATE.

Mayor Kelley explained that, per *Florida Statutes*, he was required to state that the tentative millage rate for the City of Ormond Beach necessary to fund the FY 2014-2015 budget was 4.1181 mills. He further explained that this rate was 4.10% above the rolled back rate of 3.9559 mills and that the tentative debt service millage rates were 0.1072 for the 2002 General Obligation Bond Sinking Fund, 0.0450 for the 2003 General Obligation Bond Sinking Fund, and 0.1357 for the 2010 General Obligation Bond Sinking Fund.

Mayor Kelley stated that he was proud of the work performed on the budget by the Budget Advisory Board and the city staff.

Mayor Kelley opened the public hearing. He asked if any members of the public wished to speak or ask questions prior to the adoption of the tentative millage rate and budget. He noted that no audience members requested to speak.

Commissioner Boehm moved, seconded by Commissioner Kent, for approval of Resolution No. 2014-152, as ready by title only, to adopt the final operating millage rate of 4.1181 and the debt service millage rates of 0.1072, 0.0450, and 0.1357.

Mayor Kelley stated that the final operating millage of 4.1181 mills was 4.10% above the rolled back millage rate. He explained that the resolution also included adoption of the tentative debt service millage rates of 0.1072 for the 2002 General Obligation Bond Sinking Fund, 0.0450 for the 2003 General Obligation Bond Sinking Fund, and 0.1357 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 operating millage rate was set at 4.1181 mills, which was equal to 4.10% above the rolled back millage rate of 3.9559 mills.

Item 4B – Adoption of FY 2014-15 Final Millage Rates and Budget

City Clerk Scott McKee read by title only:

ORDINANCE NO. 2014-33
 AN ORDINANCE ADOPTING THE ANNUAL BUDGET FOR THE 2014-2015 FISCAL YEAR BEGINNING OCTOBER 1, 2014 AND ENDING SEPTEMBER 30, 2015; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; AND SETTING FORTH AN EFFECTIVE DATE.

Commissioner Stowers moved, seconded by Commissioner Boehm, for approval of Ordinance No. 2014-33, on second reading, as read by title only, to adopt the budget of \$79,701,173.

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

Mayor Kelley closed the public hearing without objection.

Item #5A – J.D. Davis – 40 Years of Service

Mayor Kelley announced that Mr. James “J.D.” Davis had reached milestone of 40 years of service with the city. He noted that he did not believe any other employee had ever reached that milestone. He stated that Mr. Davis had begun his employment with the city on September 30, 1974, as a laborer at the Wastewater Treatment Plant. He explained that Mr. Davis had advanced through the ranks and achieved the position of System Maintenance Supervisor in Wastewater Collection and Reuse Systems in 1997; noting that he still held that position currently. He further explained that Mr. Davis was responsible for supervising all operational and maintenance needs of the sanitary sewer collection and reclaimed water systems in the city’s utility service area.

Mayor Kelley stated that Mr. Davis’ years of experience and knowledge of the city’s sanitary collection system was unsurpassed. He stated that Mr. Davis was an effective and proven leader and was relied upon often by other public works and facilities maintenance divisions for assisting various work efforts and activities. He noted that Mr. Davis had to respond to callouts of any nature at any time. He stated that Mr. Davis took pride in his work which had been recognized many times over by his peers and commendations received from the citizens in the area he served. He noted that Mr. Davis illustrated his commitment to the community by being an active member of the Ormond Yacht Club, including serving as Director for the last two years. He stated that the city and its customers benefited from Mr. Davis’ longstanding service efforts.

Mayor Kelley proclaimed September 30, 2014, as a day to recognize the service, leadership and commitment of Mr. Davis in the City of Ormond Beach and urged all residents to join with him in recognizing Mr. Davis for his 40 years of service and dedication to Ormond Beach and extending their admiration to him for attaining that milestone and a job well done. He presented Mr. Davis with a key to the city.

Ms. Shanahan stated that Mr. Davis gave one hundred percent of his heart to the city and the city was grateful for his years of service.

Item #6A – Audience Remarks

Ms. Angela Payne Jelenic, Vice President of Membership, Ormond Beach Chamber of Commerce (“Chamber”), noted that she had provided the Commission with a copy of the Chamber’s new tourism brochure. She thanked the city for donating \$8,000 towards the

creation of the brochure a year ago. She stated that it was nice to have such a brochure to provide to the city's leisure services department so that they could hand out the brochure at different events in town. She stated that the idea was to encourage visitors using facilities like the Performing Arts Center or baseball fields to patronize city hotels and restaurants, as well. She noted that she worked as a General Manager of a hotel in the city.

Mayor Kelley thanked the Chamber for their work. He stated that the Chamber was the ambassador for the city.

Items #7– Approval of Minutes

Mayor Kelley advised that the minutes of the September 15, 2014, regular meeting had been sent to the Commission for review and were 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 #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 requested to pull items 8A and 8B.

Commissioner Stowers requested to pull item 8F.

Commissioner Partington moved, seconded by Commissioner Kent, for approval of the Consent Agenda, absent items 8A, 8B, and 8F.

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

Item #8A –Ormond Beach Chamber of Commerce Service Agreement

City Clerk Scott McKee read by title only:

RESOLUTION NO. 2014-153
A RESOLUTION AUTHORIZING THE EXECUTION OF A SERVICE
CONTRACT BETWEEN THE CITY AND THE ORMOND BEACH
CHAMBER OF COMMERCE; SETTING FORTH AN EFFECTIVE DATE.

Commissioner Partington moved, seconded by Commissioner Boehm, for approval of Resolution No. 2014-153, as read by title only.

Commissioner Kent stated that he had two questions that he would like to ask a representative of the Ormond Beach Chamber of Commerce. He noted that the Chamber had a long relationship with the city. He complimented the Chamber on the tourism brochure it had created. He noted that he had one suggestion regarding the brochure and that was that he would like to see "A Mayor's Welcome" and/or "Mayor and Commission's Welcome" in the front of the brochure. He explained that he was known for checking how the city was spending its dollars and that he was discussing the city's expenditures with constituents, noting that it was an election year. He asked what the single largest benefit the Chamber provided his constituents.

Mr. Rick Fraser, Executive Director, Ormond Beach Chamber of Commerce, asked Commissioner Kent to clarify if he was asking about a benefit to the business community or residents.

Commissioner Kent clarified that he was speaking more about residents.

Mr. Fraser stated that many residents probably worked for businesses within the city limits of Ormond Beach. He stated that the Chamber's mission statement was to provide networking opportunities for the city's business community, so that they could grow and be successful, and stay in Ormond Beach. He stated that the Chamber also

held several community events during the year that benefitted residents such as the recently held King of the Grill.

Commissioner Kent thanked Mr. Fraser.

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

Item #8B –Team Volusia Economic Development Corporation Agreement

City Clerk Scott McKee read by title only:

RESOLUTION NO. 2014-154
A RESOLUTION AUTHORIZING THE EXECUTION OF A COOPERATIVE
ECONOMIC DEVELOPMENT AGREEMENT BETWEEN THE CITY AND
TEAM VOLUSIA ECONOMIC DEVELOPMENT CORPORATION;
SETTING FORTH AN EFFECTIVE DATE.

Commissioner Stowers moved, seconded by Commissioner Partington, for approval of Resolution No. 2014-154, as read by title only.

Commissioner Kent noted that the cost to be a part of the Team Volusia Economic Development Corporation (“Team Volusia”) was \$25,000. He noted that the city employed Economic Development Director Joe Mannarino, who worked tirelessly for the city. He asked for some information to solidify that it was necessary to approve this agreement, as well.

Ms. Joyce Shanahan, City Manager, stated that an important aspect of working with Team Volusia was that they received leads through Enterprise Florida at the state level.

Mr. Joe Mannarino, Economic Development Director, stated that Team Volusia was a very professional organization and had brought visibility for the city to the site selectors and state economic development agencies. He stated that he thought that Ormond Beach was more on the map now than they had ever been. He stated that it was very expensive to do recruitment, noting that Team Volusia looked for opportunities to bring to the city. He explained that Team Volusia was very successful in helping to land the deal that would be bringing a bakery to the former US1 Foods property, which had been vacant for several years. He noted that while that property was not currently in the city, it did receive city water and sewer and would eventually be annexed in. He stated that Team Volusia had brought several live prospects to the Stylemark property, noting that some deals were still being worked on. He stated that the \$25,000 afforded the city an opportunity to be a player at Team Volusia’s Board of Directors meetings.

Commissioner Kent noted that amount gave Ms. Shanahan a seat at that table. He thanked Mr. Mannarino for his comments.

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

Item #8F – Halifax Humane Society Agreement

City Clerk Scott McKee read by title only:

RESOLUTION NO. 2014-158
A RESOLUTION AUTHORIZING THE EXECUTION OF AN AGREEMENT
FOR SERVICES BETWEEN THE CITY AND HALIFAX HUMANE
SOCIETY, INC.; AND SETTING FORTH AN EFFECTIVE DATE.

Commissioner Boehm moved, seconded by Commissioner Partington, for approval of Resolution No. 2014-158, as read by title only.

Commissioner Stowers stated that his law firm, Wright, Casey and Stowers, represented the Halifax Humane Society, and as such he would be abstaining from voting on this item.

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

Commissioner Kent clarified that he voted “no” because he could not stand feeling like their hands were tied in prior years. He explained that the city had not used the humane society for these services and now were back with them again. He stated that he was not comfortable with the numbers.

Item 8C – Pennington, P.A. Engagement Letter

Commissioner Kent thanked Mr. Doug Bell for the fantastic job they were doing representing the City of Ormond Beach in Tallahassee.

Mayor Kelley echoed Commissioner Kent’s comments. He noted that the Pennington firm had enabled access to the legislatures to make their cases for various issues.

Item #9 – Public Hearings

Mayor Kelley opened the public hearings.

Item #9A – 640 N. Nova Road Rezoning

City Clerk Scott McKee read by title only:

ORDINANCE NO. 2014-35
AN ORDINANCE AMENDING PARAGRAPH C, OFFICIAL ZONING MAP, OF SECTION 2-01, ESTABLISHMENT OF ZONING DISTRICTS AND OFFICIAL ZONING MAP, OF ARTICLE 1, ESTABLISHMENT OF ZONING DISTRICTS AND OFFICIAL ZONING MAP, OF CHAPTER 2, DISTRICT AND GENERAL REGULATIONS, OF THE CITY OF ORMOND BEACH LAND DEVELOPMENT CODE, BY AMENDING THE OFFICIAL ZONING MAP TO REZONE ONE (1) PARCEL OF REAL PROPERTY TOTALING 4.64± ACRES LOCATED AT 640 NORTH NOVA ROAD, FROM R-5 (MULTIFAMILY MEDIUM DENSITY) TO R-6 (MULTIFAMILY MEDIUM-HIGH DENSITY), AUTHORIZING REVISION OF OFFICIAL ZONING MAP; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; AND SETTING FORTH AN EFFECTIVE DATE.

Commissioner Boehm moved, seconded by Commissioner Kent, for approval of Ordinance No. 2014-35, 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

Mayor Kelley closed the public hearing without objection.

Item #10A – Solid Waste Rates Amendment

City Clerk Scott McKee read by title only:

ORDINANCE NO. 2014-34
AN ORDINANCE AMENDING CHAPTER 10, SOLID WASTE, YARD WASTE AND RECYCLABLES, SECTION 10-16, FEES FOR COLLECTION AND DISPOSAL ESTABLISHED, OF THE CODE OF ORDINANCES, BY INCREASING FEES FOR THE COLLECTION AND DISPOSAL OF SOLID WASTE; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; SETTING FORTH AN EFFECTIVE DATE.

Commissioner Stowers moved, seconded by Commissioner Boehm, for approval of Ordinance No. 2014-34, 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 #11A – Proposed Amendment to Peddlers and Solicitors Ordinance

Mr. Randy Hayes, City Attorney, stated that the Commission had been provided with a proposed ordinance amending the peddlers and solicitors ordinance in their agenda packet. He explained that Deputy City Attorney Ann-Margret Emery performed the hard work on the item, so he would allow her to speak about it.

Mayor Kelley stated that he felt this was an item they needed to move forward with, in order to prevent dangerous situations that were being created by individuals creating traffic safety issues by soliciting in medians.

Ms. Ann-Margret Emery, Deputy City Attorney, noted that the ordinance was neutral, as it applied not just to panhandlers but also those soliciting charitable donations. She explained that the city currently did not allow anyone walking into the roadway or standing in the median for the purposes of solicitation or panhandling. She stated that this ordinance would take it a little bit further in the area of the city where there seemed to be the most trouble, which was around the I-95 interchange. She noted that the police department was constantly receiving calls and complaints about that area. She explained that the idea was to set up a very narrow safety buffer zone, which would be a 25-foot space from each side of State Road 40, on either side of the road, from Interchange Boulevard to Williamson Boulevard, which constituted a little more than one third of a mile. She further explained that in that area it would be very helpful to eliminate that problem, noting that anyone standing in that area would be soliciting to motorists.

Mayor Kelley noted that Ms. Emery had said “to Williamson” and asked if she had meant to say “*through* Williamson.”

Ms. Emery stated that it would not go through Williamson Boulevard the way it was written presently, she explained that it could be changed to “*through*.”

Mayor Kelley explained that he had seen individuals almost be hit by vehicles coming from the west side of Williamson Boulevard, crossing to the small median there, and then subsequently move onto the east side of the northbound lane.

Ms. Emery stated that change could easily be made by including that area in the ordinance.

Mayor Kelley stated that would further state that either side could not be used. He asked for that change to be made to the proposed ordinance before it was brought back.

Commissioner Boehm noted that was the only small change needed.

Ms. Emery stated that she had also spoken with Police Chief Andy Osterkamp and Commissioner Boehm regarding putting signs in that area referencing the ordinance. She noted that the signs would be small and they could discuss the signs further.

Mayor Kelley noted that people had to know about the ordinance.

Mr. Hayes stated that the issue with the signage was that it could not be placed on right-of-ways belonging to the county or the Florida Department of Transportation (FDOT). He stated that in the city right-of-way the same rules that applied to citizens had to be followed, explaining that if an ordinance did not allow for signs in right-of-ways, then they could not place one there.

Mayor Kelley stated that the ordinance could also be changed.

Mr. Hayes stated that if it was changed it would have to be changed neutrally and apply to everyone who wanted to put up signs. He stated that he believed doing so may increase service calls to the police department in an unexpected way.

Mayor Kelley stated that they could hold off on the signage for now and move forward with the ordinance as is. He stated that most of the individuals causing issues were repeat offenders.

Item #12 – Reports, Suggestions, Requests

Movies on the Halifax

Ms. Joyce Shanahan, City Manager, stated that Movies on the Halifax was on Friday, October 3, 2014, and the movie would be “Monsters, Inc.”

Recent Rainfall / Flooding

Ms. Shanahan thanked the city crews over the last several days that had spent countless hours cleaning ditches and making sure the city was safe. She noted that the city had spent \$3.5 million, most of which was federal grant money, to help with flooding on Hand Avenue and Division Avenue. She stated that she was pleased to report that there had been no structure flooding. She noted that there was standing water in some places, but it was not severe and the city continued to work on those areas. She stated that the flood mitigation project was phase one of a multiphase plan. She stated that the Commission had heard from some of their constituents and forwarded her their concerns, and she believed they had been able to resolve most of those issues and were working on others. She thanked the Commission for their foresight in approving the flood mitigation plan after the storms of 2009.

Mayor Kelley asked Ms. Shanahan if she knew of any resident homes that took water.

Ms. Shanahan stated that there was one resident on Melrose Avenue who had water on their porch, but she was not aware of any occurrences in the area where the flood improvements were made.

Judge Dave Hood

Commissioner Stowers stated that he attended the investiture for former Mayor and State Representative Dave Hood, who was now a judge. He congratulated Judge Hood. He noted that the ceremony had been held at the Ormond Beach Performing Arts Center, which had been able to easily accommodate the crowd.

Main Street Arts Festival

Commissioner Stowers stated that on Friday he went with his family to the Arts Festival put on by Ormond Beach Main Street. He stated that he made special memories with his two-year old daughter there.

Election

Commissioner Kent implored voters to research the candidates who were hoping to represent them in the upcoming election. He encouraged them to go online and look at candidate records. He encouraged them to see if candidates had made any amendments to their paperwork and incurred any fines because they did not follow the directions. He encouraged them to check and see if any candidates had received a cease and desist letter from the City Attorney for using the city seal, which was a second degree misdemeanor. He encouraged everyone to be more informed about those who wished to represent them.

League of Cities

Commissioner Kent stated that every time he looked at the staff report Commissioner Partington or Mayor Kelley were doing something with the League of Cities. He thanked them for their efforts, noting that it took a tremendous amount of time for both of them.

Budget

Commissioner Kent thanked Finance Director Kelly McGuire and Assistant Finance Director Dan Stauffer for doing a great job on the budget. He included Ms. Shanahan in that praise as well and noted that one of the main factors in his deciding that Ms. Shanahan was the best candidate for City Manager was her strong background in finance.

Recent Rainfall / Flooding

Commissioner Kent stated that in 2009 there were 150 homes in Ormond Beach that were flooded. He noted that he could not help but notice that the local newspaper had coverage on the flooding in Daytona Beach, New Smyrna Beach, and Palm Coast. He explained that he understood that was exciting to hear about but further explained that it was also exciting to hear that Ormond Beach had made real changes to prevent flooding. He stated that he and Commissioner Partington had gone to their congressman and senators as well as their Florida representatives. He explained that they had gotten FEMA involved and were able to bring over \$3 million to the community. He stated that to the best of his knowledge Ormond Beach had no major flooding in homes. He thanked the stormwater crews for their hard work and diligence. He thanked the Commission for making real changes. He stated that he wanted to recognize them, whether the newspaper wanted to or not.

Main Street Arts Festival

Commissioner Kent stated that he took his son and one of his friends to the Art Festival the past weekend. He stated that he went into the cupcake shop across the street from City Hall on Granada Boulevard for the first time. He stated that the peanut butter cupcake was great.

Coffee with Commissioner Kent

Commissioner Kent stated that for over ten years he had held Coffee with Commissioner Kent at his home, located at 130 Magnolia Drive on the beachside from 4:30 p.m. to 5:30 p.m. He invited all citizens to attend and discuss Ormond Beach.

Movies on the Halifax

Commissioner Kent stated that Movies on the Halifax was a great family activity that the city offered.

Economic Development

Commissioner Kent stated that a bakery taking over the old US Foods location was huge news for the city. He stated that even the water and sewer revenue alone was a big deal.

King of the Grill

Commissioner Kent stated that he thought about Mayor Kelley and Commissioner Boehm during the King of the Grill event, noting that both had great reasons to not be in attendance. He stated that the judges were brought 13 different dishes in efficient seven or eight minutes.

City Employees

Commissioner Boehm stated that as he drove Wilmette Avenue earlier that evening to come to City Hall at 5:20 p.m., he saw two city trucks and three city utility workers cleaning the weeds out of the pump. He stated that those workers were doing what they needed to do, regardless of what time it was. He noted that was the attitude that was held consistently by city staff. He stated that often people believed government workers sat around looking at their watches waiting to leave and were not dedicated. He explained that the city's workers were dedicated. He cited an example of the final cost on the 2-inch watermain project coming in \$234,409.60 *below* the approved contract price, explaining that staff monitored contracts and made sure the city did not pay more than they should. He noted that this was not the first time a contract had come in substantially under what was approved.

City Staff Recognized

Commissioner Boehm stated that Ormond Beach was a city of about 40,000 residents in a state of over 20 million people. He stated that in the past Ms. Shanahan served as the President of the Florida City and County Manager's Association. He stated that Mr. Ned Huhta, Information Technology Director, was the incoming President of the Florida Local Government Information Systems Association. He noted that Ormond Beach's staff members were being recognized for their abilities statewide. He stated that Mayor Kelley and Commissioner Partington also served as the leaders of the Volusia Council of Governments (VCOG) and Volusia League of Cities (VLOC) respectively. He explained that it made Ormond Beach a wonderful place to have such leaders of its community.

Recent Rainfall / Flooding

Commissioner Partington thanked each member of the Commission, Ms. Shanahan, Assistant City Manager and Public Works Director Ted MacLeod, City Engineer John Noble, Public Works Operation Manager Kevin Gray, and Zev Cohen & Associates for

working on the Hand Avenue Collector Road Upgrade and Central Park Lake Interconnect projects. He noted that the big story last week in Ormond Beach was that there was no flooding in homes when everyone else had flooding. He also noted that he received no calls or emails regarding flooding issues last week. He explained that was a stark difference from the flooding of 2009. He noted he also saw city workers at 6:30 or 7:00 p.m. that week, soaked from head to toe, working on the streets.

VLOG/VLOG Merger

Commissioner Partington stated that the transition team was still working and his expectation was that the two groups would be merged into a leaner and more effective organization. He noted that the VCOG name may not be used, but the same players in that organization would be involved and function in similar ways.

Mayor Kelley thanked Commissioner Partington and Commissioner Stowers for attending different meetings while he was out of town.

Item #13 – Adjournment

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

APPROVED: October 21, 2014

BY:

Ed Kelley, Mayor

ATTEST:

J. Scott McKee, City Clerk