

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

January 23, 2019

7:00 p.m.

Commission Chambers

Present were: Mayor Bill Partington, Commissioners Dwight Selby, Troy Kent, Susan Persis, and Rob Littleton, City Manager Joyce Shanahan, Assistant City Manager Claire Whitley, City Attorney Randy Hayes, and City Clerk Lisa Dahme.

A G E N D A

1. **CALL TO ORDER**
2. **INVOCATION**
3. **PLEDGE OF ALLEGIANCE**
4. **PRESENTATIONS AND PROCLAMATIONS**
 - A. Tree City USA and Growth Award
5. **AUDIENCE REMARKS - REGARDING ITEMS NOT ON THE AGENDA**
6. **APPROVAL OF MINUTES**
 - A. Minutes from City Commission meeting – January 8, 2019
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. 2019-28:** A RESOLUTION AUTHORIZING THE EXECUTION OF A WATER, SEWER AND ANNEXATION AGREEMENT BETWEEN THE CITY OF ORMOND BEACH AND JOHN J. MCSWEENEY AND BARBARA MCSWEENEY FOR PROPERTY LOCATED AT 116 AVALON DRIVE, ORMOND BEACH, VOLUSIA COUNTY, FLORIDA; PROVIDING FOR RECORDATION; AND SETTING FORTH AN EFFECTIVE DATE.

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

- B. **RESOLUTION NO. 2019-29:** A RESOLUTION AUTHORIZING THE EXECUTION OF A WATER, SEWER AND ANNEXATION AGREEMENT BETWEEN THE CITY OF ORMOND BEACH AND JEFFREY F. TUCKER AND KERRY TUCKER FOR PROPERTY LOCATED AT 106 COQUINA KEY DRIVE, ORMOND BEACH, VOLUSIA COUNTY, FLORIDA; PROVIDING FOR RECORDATION; AND SETTING FORTH AN EFFECTIVE DATE.

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

- C. **RESOLUTION NO. 2019-30:** A RESOLUTION ACCEPTING A WARRANTY DEED FROM B & D INVESTMENTS OF ORMOND, LLC FOR PROPERTY LOCATED AT 1520 WEST GRANADA BOULEVARD FOR RIGHT-OF-WAY PURPOSES; AND SETTING FORTH AN EFFECTIVE DATE.

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

- D. **RESOLUTION NO. 2019-31:** A RESOLUTION APPROVING THE APPLICATION OF SUPER PETREL USA, INC., TO PROVIDE AIRCRAFT, ENGINE, PROPELLER AND ACCESSORY MAINTENANCE AS A CATEGORY FIVE FIXED BASE OPERATOR AT THE ORMOND BEACH MUNICIPAL AIRPORT; AND SETTING FORTH AN EFFECTIVE DATE.

Staff Contact: Steven Lichliter, Airport Manager (386-615-7019)

- E. **RESOLUTION NO. 2019-32:** A RESOLUTION ACCEPTING THE PROPOSAL OF STAR CONTROLS, INC. TO PROVIDE SCADA SYSTEM SOFTWARE INTEGRATION SERVICES; AUTHORIZING THE EXECUTION OF AN AGREEMENT AND PAYMENT THEREFOR; AND SETTING FORTH AN EFFECTIVE DATE.

Staff Contact: Gabe Menendez, Public Works Director (386-676-3292)

- F. **RESOLUTION NO. 2019-33:** A RESOLUTION ACCEPTING A PROPOSAL FROM MEAD & HUNT, INC. TO PROVIDE ENGINEERING DESIGN SERVICES REGARDING THE SHADOW CROSSINGS REUSE PUMP FACILITY UPGRADES PROJECT; AUTHORIZING THE EXECUTION OF A WORK AUTHORIZATION THERETO; AND SETTING FORTH AN EFFECTIVE DATE.

Staff Contact: Gabe Menendez, Public Works Director (386-676-3292)

- G. **RESOLUTION NO. 2019-34:** A RESOLUTION AUTHORIZING THE EXECUTION OF CHANGE ORDER NUMBER ONE (1) TO THAT CONTRACT AWARDED TO MCMAHAN CONSTRUCTION CO., INC., REGARDING THE WATERMAIN REPLACEMENT (MAINLAND) PROJECT, BY INCREASING THE CONTRACT PRICE BY \$33,820.75; INCREASING THE CONTRACT TIME BY 60 DAYS; AND SETTING FORTH AN EFFECTIVE DATE.

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

- H. **2019 Roadway Resurfacing**

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

Disposition: Approve as recommended in the City Manager memorandum dated January 23, 2019.

- I. **Four Sports Auto Renew Agreement**

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

Disposition: Approve as recommended in the City Manager memorandum dated January 23, 2019.

- J. **Golden Eagles Associates Contract Auto Renewal**

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

Disposition: Approve as recommended in the City Manager memorandum dated January 23, 2019.

- K. **Sunshine State Officials Association Contract Auto Renewal**

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

Disposition: Approve as recommended in the City Manager memorandum dated January 23, 2019.

- L. **Cost Allocation for Special Election – Half Cent Sales Tax**

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

Disposition: Approve as recommended in the City Manager memorandum dated January 23 2019.

8. PUBLIC HEARINGS

- A. **ORDINANCE NO. 2019-01:** AN ORDINANCE AMENDING CHAPTER 1, GENERAL ADMINISTRATION, ARTICLE III, DEFINITIONS AND ACRONYMS, SECTION 1-22, DEFINITIONS OF TERMS AND WORDS, OF THE CITY OF ORMOND BEACH LAND DEVELOPMENT CODE; BY AMENDING THE DEFINITION OF RESTAURANTS TYPE "A" AND TYPE "B"; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; PROVIDING FOR SEVERABILITY; AND SETTING FORTH AN EFFECTIVE DATE.

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

9. DISCUSSION ITEMS

- A. FPL Solar Together Program

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

10. REPORTS, SUGGESTIONS, REQUESTS

11. ADJOURNMENT

Item #1 – Meeting Call to Order

Mayor Partington called the meeting to order at 7:01 p.m.

Item #2 – Invocation

Pastor Dr. Marcus Buckley, Oasis Church, gave the invocation.

Item #3 – Pledge of Allegiance

Mayor Partington led the Pledge of Allegiance.

Item #4A – Tree City USA and Growth Award

Mayor Partington stated that Ormond Beach had been awarded the 2018 Tree City USA Growth Award and recognized as a designated Tree City USA city for the 28th year. He noted there had been an Arbor Day tree planting the prior week at Ormond Beach Elementary School.

Mayor Partington and all Commissioners were photographed holding the Growth Award City flag that would be displayed at the Environmental Discovery Center.

Item #5 – Audience Remarks

Mr. Dimitri Bourtzakis, 790 South Atlantic Avenue, wanted a crosswalk with beacons near his restaurant, Dimitri's Bar Deck and Grill. He noted he was part of a restaurant row that wanted to increase business in that area, and offered suggestions on that.

Ms. Lena Lux, 746 South Atlantic Avenue, stated she was the General Manager of Topsy Taco. She and other business owners nearby had formed a committee, Restaurant Row, on the beachside. She noted their goal was to build up the area around their restaurants, and suggested ideas on what could be done.

Ms. Joyce Shanahan, City Manager, stated that staff would be meeting with the committee in the upcoming week.

Mr. Russell Bennett, 880 Old Mill Run, complimented the city for the work done on the OB Life meetings. He commented on solid waste management and the frequency of pickups. He recommended continuing the city's recycling program.

Ms. Suzanne Scheiber, 548 Sandy Oaks Boulevard, gave recommendations on the recycling program and educating citizens. She requested the Waste Pro Management contract be placed online, and the city cover half of the cost increase that would be incurred, if they chose Option 2 from the Recycling Workshop. She handed the City Clerk a sheet before returning to her seat, and requested copies be given to the Commission.

Mr. Jim Schultz, 117 Harvard Drive, observed flashing lights near his home earlier and was pleased no one was hurt in the situation. He noted the fluoridation lawsuit was coming in August, then discussed Vitamin D and Vitamin K.

Ms. Shanahan stated there had been a bomb threat on a Votran bus that morning on Atlantic Avenue.

Ms. Linda Williams, 131 Bosarvey Drive, was surprised at the amount of information gathered in the OB Life meetings and recommended continued citizen feedback. She discussed recycling and the city's program.

Item #6A – Approval of Minutes

Mayor Partington advised the minutes of the January 8, 2019, 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 – Consent Agenda

Mayor Partington 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 Items 7G and 7I be pulled from the Consent Agenda.

Commissioner Selby moved, seconded by Commissioner Persis, for approval of the Consent Agenda, absent Items 7G and 7I.

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

Item #7G – 2-Inch Water Main Replacement Project – Mainland – Phase 3, Bid No. 2017-13, Additional Work

City Clerk Lisa Dahme read by title only:

RESOLUTION NO. 2019-34
A RESOLUTION AUTHORIZING THE EXECUTION OF CHANGE ORDER NUMBER ONE (1) TO THAT CONTRACT AWARDED TO MCMAHAN CONSTRUCTION CO., INC., REGARDING THE WATERMAIN REPLACEMENT (MAINLAND) PROJECT, BY INCREASING THE CONTRACT PRICE BY \$33,820.75; INCREASING THE CONTRACT TIME BY 60 DAYS; AND SETTING FORTH AN EFFECTIVE DATE.

Commissioner Kent stated he would not approve the resolution and discussed reasoning behind his decision.

Mr. Randy Hayes, City Attorney, commented on the liquidated damages portion and noted that construction contracts were not always easy or straightforward before the project started. He noted the analysis was justified under the circumstances in his opinion, but noted the Commission had the final say.

Commissioner Selby wondered what would happen if the Commission did not approve the item; whereby, Mr. Hayes listed a few options, but noted they could continue the item to the next regular meeting and direct staff to renegotiate before that time.

Mayor Partington asked which engineer had underestimated the cost; whereby, Mr. John Noble, City Engineer, stated it was the engineer for Zev Cohen and Associates. He noted it was common for unexpected situations to arise and adjustments to be made.

Commissioner Selby asked Mr. Noble about a few details discussed; whereby, Mr. Noble clarified the situation.

Commissioner Selby asked Mr. Hayes if there was a way to hold the outside engineer fiscally responsible for the error; whereby, Mr. Hayes thought it would be difficult to do that.

Ms. Shanahan stated that staff would verify the quantities proposed by the outside engineer in the future.

Commissioner Littleton moved, seconded by Commissioner Persis, to table Resolution 2019-34, as read by title only.

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

Item #7I – Four Sports Auto Renew Agreement

Commissioner Kent wanted the American flag located at each field and the national anthem to be played before all games. He noted there were large scoreboards at the fields that were not being used. He wondered if any of those items had been written into the new agreements.

Commissioner Persis agreed with Commissioner Kent, and noted that other patriotic songs should be played at the sporting events also.

Commissioner Littleton asked for an update, since this issue had been discussed at a prior meeting; whereby, Ms. Shanahan stated speaker systems had been purchased and it was her understanding the anthem was being played for youth games, but not adult games. She noted staff was working on the flag pole installations.

Mr. Robert Carolin, Leisure Services Director, stated that neither item was listed in the agreements, but he would add them. He noted staff encouraged the Ormond Beach Youth Baseball Softball Association to play the anthem at every game, but it had not happened. He indicated scoreboards were not available at the soccer fields currently.

Mr. Hayes stated the best method would be to table the entire item that evening and have it brought back with changes.

Commissioner Kent summed up the changes: the scoreboards will be used, if available; and the national anthem will be played at each game with the hope that another patriotic song will be played.

Commissioner Kent moved, seconded by Commissioner Selby, to table the Four Sports Auto Renew Agreement, as read by title only.

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

Comments on Consent Agenda Items

Commissioner Selby thought the money that would be spent on the special election for the half cent sales tax would be well spent; whereby, Commissioner Persis agreed with Commissioner Selby.

Commissioner Littleton noted the county had the legal right to call the election and had supported Item 7L that evening, but indicated he would encourage citizens to vote “No” on the sales tax increase.

Item #8 – Public Hearings

Mayor Partington opened the public hearings.

Item #8A –Restaurants Type “A” and Type “B” LDC Amendment

City Clerk Lisa Dahme read by title only:

ORDINANCE NO. 2019-01

AN ORDINANCE AMENDING CHAPTER 1, GENERAL ADMINISTRATION, ARTICLE III, DEFINITIONS AND ACRONYMS, SECTION 1-22, DEFINITIONS OF TERMS AND WORDS, OF THE CITY OF ORMOND BEACH LAND DEVELOPMENT CODE; BY AMENDING THE DEFINITION OF RESTAURANTS TYPE "A" AND TYPE "B"; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; PROVIDING FOR SEVERABILITY; AND SETTING FORTH AN EFFECTIVE DATE.

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

Mr. Steven Spraker, Planning Director, stated the item sought to change the way alcohol was allowed at restaurants, and would make the city ordinances consistent with the state statutes. He noted the Planning Board unanimously recommended approval.

Commissioner Selby moved, seconded by Commissioner Littleton, for approval of Ordinance No. 2019-01, on first reading, as read by title only.

Commissioner Selby discussed the costs incurred for the applicant and felt the city should have made the ordinance changes themselves, which would have saved the applicant money. He supported a refund of \$1600 to the applicant; whereby, Ms. Shanahan clarified that amount was for the advertising fees on the item.

Commissioner Littleton, Commissioner Persis, Commissioner Kent, and Mayor Partington agreed with Commissioner Selby.

Mayor Partington wondered how to handle the specifics; whereby Mr. Hayes stated they already had a motion to approve the underlying ordinance, and that staff could handle the refund administratively.

Ms. Shanahan confirmed that staff would handle the refund portion.

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

Mayor Partington closed the public hearing without objection.

Item #9A – FPL Solar Together Program

Ms. Shanahan introduced Ms. Linda Webster and Mr. Mal Locke, from Florida Power and Light (FPL), and noted Ms. Webster had replaced Mr. Larry Volenec.

Mr. Noble stated the item was to determine if the City Commission was interested in pre-registering for a new solar energy program, with a deadline on the upcoming Friday.

Mayor Partington stated he received an e-mail from Mr. Bob Coleman, formerly of FPL, who advised the program was smart and environmentally friendly.

Mr. Mal Locke, Florida Power and Light (FPL), showed a graph with Ormond Beach's specific usage, explained how the program would affect them, and the costs involved. He noted the program gave customers the opportunity to buy into a shared solar program; there was no obligation for the facilities, maintenance, upkeep or storm damage, and the city would receive the benefit of the energy produced by the solar.

Commissioner Selby asked questions on the program and rates; whereby, Mr. Locke and Ms. Webster gave him a detailed explanation.

Mayor Partington and all Commissioners agreed that Ormond Beach should lead other government entities in supporting the program.

Item #10 – Reports, Suggestions Requests

Upcoming Meetings

Ms. Shanahan stated the next regular meeting would be on Tuesday, February 5, 2019, at 7:00 p.m. She noted there would be a Medical Marijuana Dispensaries/Food Truck Workshop at 5:30 p.m., joint with the Planning Board. She noted that Halifax Hospital would have a short presentation on the opioid epidemic in Volusia County also.

Ms. Shanahan stated the second regular meeting in February would be on Tuesday, February 19, 2019. She noted the Strategic Planning Workshop would be on Wednesday, February 27, 2019, from 4:00-8:00 p.m. She indicated the OB Life meetings had finished the prior night and all feedback would be included in the workshop.

Project Update

Ms. Shanahan gave updates on the Cassen Park pier, the Cassen Park public dock, a feasibility study for the Emergency Operations Center (EOC) and police department, and the former church property. She noted that staff would bring the list of projects assigned to funds from the half cent sales tax back to the Commission for review.

Mayor Partington looked forward to the completion of the Cassen Park pier repairs, noting many residents had contacted him about that project.

Martin Luther King, Jr. Celebration

Commissioner Persis, Commissioner Selby, Commissioner Kent, and Mayor Partington commented on their experiences at the Martin Luther King, Jr. breakfast on Monday.

OB Life

Commissioner Persis, Commissioner Littleton, and Mayor Partington thanked staff and commented on the OB Life series of meetings.

Commissioner Selby noted the overall satisfaction rating was 4.7 out of 5 for the meetings. He complimented staff on the transparency initiative.

Commissioner Kent thanked Mayor Partington for leading the OB Life campaign, and for educating the citizens on their government and community.

Arbor Day

Commissioner Persis and Mayor Partington commented on the Arbor Day tree planting.

Wendelstedt Umpire School

Commissioner Littleton commented on his visit to the Wendelstedt Umpire School.

River to Sea Transportation Planning Organization (TPO)

Commissioner Selby passed out the updated FDOT District Five tentative Five-Year Work Program, presented at the TPO meeting, and reviewed details that affected Ormond Beach.

Restaurant Row

Commissioner Kent congratulated the groups involved with Restaurant Row for coming together to improve their area and experiences, and approaching the city for assistance.

Coffee with Commissioner Kent

Commissioner Kent stated the next Coffee with Commissioner Kent would be on Monday, February 4, 2019, from 4:30-5:30 p.m., at 130 Magnolia Drive.

Item #11 – Adjournment

The meeting was adjourned at 8:30 p.m.

APPROVED: February 5, 2019

BY:

Bill Partington, Mayor

ATTEST:

Lisa Dahme, City Clerk