

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

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**March 5, 2019**

**7:00 p.m.**

**Commission Chambers**

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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. AUDIENCE REMARKS - REGARDING ITEMS NOT ON THE AGENDA**
- 5. APPROVAL OF MINUTES**

A. Minutes from City Commission meeting – February 19, 2019

**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. 2019-53:** A RESOLUTION AUTHORIZING THE EXECUTION OF A SEVENTH AMENDMENT TO THE LABOR COUNSEL AGREEMENT BETWEEN THE CITY AND ALLEN, NORTON & BLUE, P.A., TO INCREASE FEES; AND SETTING FORTH AN EFFECTIVE DATE.

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

- B. **RESOLUTION NO. 2019-55:** A RESOLUTION AUTHORIZING THE EXECUTION OF A CHANGE ORDER NO. 1 TO THAT CONTRACT AWARDED TO DANUS UTILITIES, INC. REGARDING THE 3M, TOMOKA MEADOWS & ASHFORD LAKES IMPROVEMENTS PROJECT, BY INCREASING THE CONTRACT PRICE BY \$88,500.00; BY INCREASING THE CONTRACT TIME BY 30 DAYS; AND SETTING FORTH AN EFFECTIVE DATE.

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

- C. **RESOLUTION NO. 2019-56:** A RESOLUTION ACCEPTING A PROPOSAL FROM GAI CONSULTANTS, INC. TO PERFORM AN UPDATE TO THE DOWNTOWN MASTER PLAN; AUTHORIZING THE EXECUTION OF A WORK AUTHORIZATION AND PAYMENT THEREFOR; AND SETTING FORTH AN EFFECTIVE DATE.

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

- D. **RESOLUTION NO. 2019-57:** A RESOLUTION AUTHORIZING THE EXECUTION OF A QUITCLAIM DEED IN FAVOR OF GINA CASCIONE RELEASING A TEN-FOOT UTILITY EASEMENT LOCATED ALONG THE SOUTHERLY SIDE (REAR) OF LOT 7, TUSCANY SUBDIVISION (23 APIAN WAY); AND SETTING FORTH AN EFFECTIVE DATE.

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

- E. **RESOLUTION NO. 2019-58:** A RESOLUTION AUTHORIZING THE EXECUTION OF A WATER, SEWER AND ANNEXATION AGREEMENT BETWEEN THE CITY OF ORMOND BEACH AND MHK OF VOLUSIA COUNTY, INC. FOR THE VERONA VILLAS SUBDIVISION LOCATED ON THE EAST AND WEST SIDES OF OCEAN SHORE BOULEVARD AT ITS INTERSECTION WITH SPANISH WATERS DRIVE, ORMOND BEACH, VOLUSIA COUNTY, FLORIDA; PROVIDING FOR RECORDATION; AND SETTING FORTH AN EFFECTIVE DATE.

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

- F. **Auto Renew Contract – Copier Lease Agreement**

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

**Disposition:** Approve as recommended in the City Manager memorandum dated March 5, 2019.

- G. **Bid for Dodge Charger Patrol Vehicle Emergency Lighting Package**

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

**Disposition:** Approve as recommended in the City Manager memorandum dated March 5, 2019.

## 7. FIRST READING OF ORDINANCES

- A. **ORDINANCE NO. 2019-07:** AN ORDINANCE AMENDING CHAPTER 10, SOLID WASTE, YARD WASTE AND RECYCLABLES, SECTION 10-16(6), RECYCLING, OF THE CODE OF ORDINANCES, BY INCREASING FEES FOR THE COLLECTION AND DISPOSAL OF RECYCLING; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; SETTING FORTH AN EFFECTIVE DATE.

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

## 8. REPORTS, SUGGESTIONS, REQUESTS

## 9. ADJOURNMENT

### Item #1 – Meeting Call to Order

Mayor Partington called the meeting to order at 7:02 p.m.

### Item #2 – Invocation

Deacon Mallene Wells Stowe, Church of the Holy Child Episcopal Church, gave the invocation.

### Item #3 – Pledge of Allegiance

Mayor Partington led the Pledge of Allegiance.

### Item #4 – Audience Remarks

Ms. Linda Williams, 131 Bosarvey Drive, discussed a group she started called Civil Discourse and invited everyone to join them. She mentioned smart growth and sustainability in Ormond Beach.

Mr. Jim Schultz, 117 Harvard Drive, discussed vaccines and the First Amendment. He referenced a letter from Mr. Adam B. Schiff, Member of Congress, and asked that it be distributed to the Commission.

Mr. Paul Duncan, 385 South Old Kings Road, discussed the history of his property, his family, his health, the lake adjacent to his property, and the water quality.

### Item #5A – Approval of Minutes

Mayor Partington advised the minutes of the February 19, 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 #6 – Consent Agenda

Mayor Partington advised 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 Persis requested that Item 6A be pulled from the Consent Agenda.**

**Commissioner Kent moved, seconded by Commissioner Selby, for approval of the Consent Agenda absent Item 6A.**

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

Item #6A – Rate Increase for Labor Counsel Services

City Clerk Lisa Dahme read by title only:

RESOLUTION NO. 2019-53  
A RESOLUTION AUTHORIZING THE EXECUTION OF A SEVENTH AMENDMENT TO THE LABOR COUNSEL AGREEMENT BETWEEN THE CITY AND ALLEN, NORTON & BLUE, P.A., TO INCREASE FEES; AND SETTING FORTH AN EFFECTIVE DATE.

Commissioner Persis wondered about timing of the fee increases in the past and the amount of the prior increase; whereby, Mr. Randy Hayes, City Attorney, stated the contract started in 1992 with increases in 1996, 2000, 2007, 2011, and 2014; he noted the increase in 2014 was \$25 per hour.

Commissioner Persis wondered if the fees were comparable with other sister cities; whereby, Mr. Hayes stated they were comparable.

**Commissioner Littleton moved, seconded by Commissioner Selby, for approval of Resolution No. 2019-53.**

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

Item #7A – Amendment to Solid Waste Rates

City Clerk Lisa Dahme read by title only:

ORDINANCE NO. 2019-07  
AN ORDINANCE AMENDING CHAPTER 10, SOLID WASTE, YARD WASTE AND RECYCLABLES, SECTION 10-16(6), RECYCLING, OF THE CODE OF ORDINANCES, BY INCREASING FEES FOR THE COLLECTION AND DISPOSAL OF RECYCLING; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; AND SETTING FORTH AN EFFECTIVE DATE.

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

**Commissioner Littleton moved, seconded by Commissioner Persis, for approval of Ordinance No. 2019-07, on first reading, as read by title only.**

Commissioner Selby stated he would vote against the item in order to be consistent with his earlier vote regarding the contract. He was against increasing fees before the contract renewal date of October 1, 2019.

Call Vote:	Commissioner Persis	Yes
	Commissioner Littleton	Yes
	Commissioner Selby	<del>Yes</del> No
	Commissioner Kent	Yes
Carried.	Mayor Partington	Yes

Item #8 – Reports, Suggestions Requests

Upcoming Meetings

Ms. Joyce Shanahan, City Manager, stated the next regular meeting would be on Thursday, March 21, 2019, at 7:00 p.m. She wanted to schedule a workshop to discuss the MacDonald House and suggested Tuesday, April 16, 2019, at 6:00 p.m.; whereby, Mayor Partington and all Commissioners confirmed they could attend that day.

Ms. Shanahan noted a prior discussion on food trucks, and wanted to continue the discussion at a Food Truck Workshop on Tuesday, May 21, 2019, at 5:30 p.m. She confirmed with Planning Director Steven Spraker the workshop would be joint with the Planning Board. She stated the Commission asked staff to come back with additional information and did not think a conclusion had been reached; whereby, Mayor Partington thought the conclusion was clear at the prior meeting, and asked Ms. Shanahan to move forward with expansion plans.

Ms. Shanahan stated the Capital Improvement Plan Workshop would be on Tuesday, June 4, 2019, at 5:30 p.m.

Commissioner Littleton asked if there was a workshop on Thursday, March 21, 2019; whereby, Ms. Shanahan stated there was not.

Project Update

Ms. Shanahan gave updates on the Forest Hills Connector Trail, and the Cassen Park fishing pier repairs.

Events

Commissioner Persis discussed the Taste of Ormond event which was held the prior Sunday; whereby, Commissioner Littleton agreed with her comments.

Commissioner Kent complimented Ormond MainStreet on the Taste of Ormond event. He noted that baseball season started at Nova Community Center and invited residents to attend.

Mayor Partington complimented the weather, the music, and the 21 restaurants involved with the Taste of Ormond. He recommended participation in future events. He stated that Winn Dixie would hold a Grand Opening the next morning after recent renovations.

Panhandling

Commissioner Selby discussed increased vagrancy and panhandling in Ormond Beach. He wondered if the increase was due to implementation of the anti-panhandling ordinance recently passed by Daytona Beach, and if anything could be done.

Mr. Hayes stated it was a challenging subject for everyone, since it was not a crime to be homeless, or to solicit money and/or assistance. He discussed case law and noted it had not been favorable to local government enforcement. He stated the city had an ordinance that was restrictive, but did not think it was enforceable and cautioned law enforcement officers on their enforcement measures.

Mr. Hayes mentioned a state law that dealt with obstructing roads and traffic, and prohibited solicitation, but noted only the obstruction portion was enforceable. He stated an officer would have to be present to observe the situation on public property. He stated that solicitations on private property could be trespassed from that property, if the owners coordinated with law enforcement agencies to do so. He did not recommend duplicating Daytona Beach's anti-panhandling ordinance, and had heard of potential challenges to the ordinance. He suggested that Ormond Beach take a cautionary approach to the situation.

Mayor Partington noted that residents were being approached by individuals at gas stations and fast food restaurants, and wondered if the business owners were able to trespass the offending individuals legally; whereby, Mr. Jesse Godfrey, Police Chief, stated that was correct. Chief Godfrey stated that his department had been taking a

proactive approach in regards to signage and the applicable enforceable laws. He noted there would be a victim advocate involved in each situation for assistance.

Commissioner Kent noted his Zone 2 constituents had reported incidents of that nature across Ormond Beach, from Nova Road to Tymber Creek Road, and as far north as Airport Road. His main concern were the individuals that continued to come to the city to panhandle as a job.

Commissioner Selby wondered if the local gas stations had trespass signs and were contacting the police department to enforce them; whereby, Chief Godfrey stated the signs were there, but the stations did not call. He noted someone from the affected location would spread the word on social media, and the police department would find out after the situation.

Commissioner Selby wondered if third party video was sufficient to prove the behavior; whereby, Chief Godfrey stated that would not be sufficient, and an officer would have to observe the situation.

Mayor Partington stated it was best for residents to contact law enforcement immediately when they saw something, so the officers could handle it. He confirmed with Chief Godfrey that residents should call the non-emergency phone number to report incidents.

School Visits

Commissioner Kent commented on schools, being an educator, and School Board Chairman Carl Persis' visit to Ormond Beach Middle School that day. He noted police officers visited the school to speak with 7<sup>th</sup> Grade Civic students.

Mayor Partington mentioned the legacy brick unveiling at Seabreeze High School by Commissioner Persis and Mr. Persis the same day.

Coffee with Commissioner Kent

Commissioner Kent discussed details of his Coffee with Commissioner Kent meeting on Monday, March 4, 2019.

Economy

Mayor Partington commented on the economy and businesses that were coming to Ormond Beach, including Lucky's Market and Aldi. He reviewed details from the Strategic Planning Workshop the prior Wednesday, which would assist in future projects to improve Ormond Beach.

Item #11 – Adjournment

The meeting was adjourned at 7:49 p.m.

APPROVED: March 21, 2019

BY:

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Bill Partington, Mayor

ATTEST:

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Lisa Dahme, City Clerk