

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

November 2, 2021

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 Susan C. Dauderis.

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 – October 19, 2021

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. 2021-174:** A RESOLUTION AUTHORIZING THE EXECUTION OF A RELEASE AND INDEMNIFICATION AND PERMISSION TO ENTER PROPERTY AGREEMENT BETWEEN THE CITY OF ORMOND BEACH AND FLORIDA EAST COAST RAILWAY, L.L.C.; AND SETTING FORTH AN EFFECTIVE DATE.

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

- B. **RESOLUTION NO. 2021-175:** A RESOLUTION ACCEPTING A PROPOSAL FROM CHUCK ROBINSON CONCRETE AND BOB CAT SERVICE, INC. TO PROVIDE SWALE CLEANING SERVICES AT SEVERAL LOCATIONS IN THE CITY; AUTHORIZING THE EXECUTION OF A WORK AUTHORIZATION THERETO; AND SETTING FORTH AN EFFECTIVE DATE.

Staff Contact: Alex Schumann, City Engineer (386-676-3302)

- C. **ProjectDox Software Fiscal Year 2021-2022 Renewal**

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

Disposition: Approve as recommended in the City Manager memorandum dated November 2, 2021.

- D. **2022 Tomoka Marathon Sponsorship**

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

Disposition: Approve as recommended in the City Manager memorandum dated November 2, 2021.

- E. **Travel Approval for the City Commission, City Manager, and City Attorney for 2022**

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

Disposition: Approve as recommended in the City Manager memorandum dated November 2, 2021.

F. City Manager Status Report, November 2021

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

Disposition: Approve as recommended in the City Manager memorandum dated November 2, 2021.

7. PUBLIC HEARINGS

- A. ORDINANCE NO. 2021-37:** AN ORDINANCE AMENDING SECTION 22-136, MINIMUM WATER RATES; AND 22-137, MINIMUM WASTEWATER RATES; OF CHAPTER 22, WATER AND SEWERS, OF THE CITY OF ORMOND BEACH CODE OF ORDINANCES, BY INCREASING THE MINIMUM WATER AND SEWER RATES FOR THE HUNTER'S RIDGE-FLAGLER COUNTY DRI SERVICE AREA; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; AND SETTING FORTH AN EFFECTIVE DATE. **(SECOND READING)**

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

8. FIRST READING OF ORDINANCES

- A. ORDINANCE NO. 2021-38:** AN ORDINANCE AMENDING THE ANNUAL BUDGET FOR FISCAL YEAR 2020-2021 BY AMENDING THE GENERAL FUND (001); DOWNTOWN REDEVELOPMENT TRUST FUND (104); STORMWATER UTILITY FUND (107); AIRPORT FUND (108); ECONOMIC DEVELOPMENT FUND (110); GRANTS FUND (116); FINANCING DEBT SERVICE FUND (205); 2004 REVENUE BOND FUND (211); 2010 BEACHFRONT PARK BOND FUND (220); CAPITAL IMPROVEMENTS FUND (301); EQUIPMENT RENEWAL & REPLACEMENT FUND (302); TRANSPORTATION IMPROVEMENTS FUND (308); FACILITIES RENEWAL & REPLACEMENT FUND (317); WATER AND WASTEWATER FUND (401); VEHICLE REPLACEMENT FUND (408); RENEWAL & REPLACEMENT FUND (409); WATER/WASTEWATER CONSOLIDATED DEBT SERVICE FUND (414); WATER SYSTEM IMPACT FEE FUND (434); WASTEWATER SYSTEM IMPACT FEE FUND (435); 2008/2010 WATER & SEWER BOND FUND (442); 2013 WATER & SEWER BOND FUND (443); 2015 WATER & SEWER BOND FUND (444); 2017 WATER & SEWER BOND FUND (445); SOLID WASTE FUND (460); GENERAL LIABILITY FUND (504); AND SETTING FORTH AN EFFECTIVE DATE.

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

9. DISCUSSION AND DIRECTION ITEMS

- A. Volusia Forever Grant Nomination**

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

10. REPORTS, SUGGESTIONS, REQUESTS

11. ADJOURNMENT

MINUTES

Item #1 – Meeting Call to Order

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

Item #2 – Invocation

Pastor Mike Petrick, Harbor Baptist Church, gave the invocation.

Item #3 – Pledge of Allegiance

Mayor Partington led the Pledge of Allegiance.

Item #4 – Audience Remarks

Mr. Travis Sargent, 406 North Beach Street, discussed the city's donation to the Mary McLeod Bethune Statuary Fund approved at a prior meeting, and other options in which the city could have utilized the funds in Dr. Mary McLeod Bethune's name. He requested the Commission donate \$20,000 to purchase and train a new K9.

Mr. Jim Schultz, 117 Harvard Drive, discussed Doctor Mercola, a local doctor, and the misinformation surrounding him. He further discussed the future of the community with COVID-19. He expressed his concern with the government and medical issues.

Item #5– Approval of Minutes

Mayor Partington advised the minutes of the October 19, 2021, 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.

Commissioner Persis moved, seconded by Commissioner Littleton, for approval of the October 19, 2021, City Commission meeting minutes.

The motion passed by voice vote.

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 Kent requested to pull Item D.

Commissioner Selby moved, seconded by Commissioner Littleton, for approval of the consent agenda, absent Item D.

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

Item #6D – 2022 Tomoka Marathon Sponsorship

Commissioner Kent expressed his appreciation for the zero costs to the tax payers. He stated he would not be in favor of the item as he felt city staff could host the event, which would allow the city and citizens to keep the benefits and profits.

Commissioner Selby stated there were technical components involved with races and felt if staff were to host, a consultant would be hired to assist. He noted he would be in favor of the item.

Commissioner Persis agreed with Commissioner Selby and discussed what it would take to hold an official race, noting she was in favor of the item.

Mayor Partington inquired if the city was a non-profit civic organization, and wondered if a sponsorship was beneficial for the applicant based on the general criteria required for approval of a permit in the City of Ormond Beach Code of Ordinances under Chapter 15, Article III, Section 15-102 (a)(9), which states:

“If an event is sponsored or co-sponsored by the city, all funds raised by the event shall, after the payment of all expenses incurred or provided by the city associated with the event, be remitted to the city.”

Mayor Partington then inquired if the reason for the sponsorship was solely for beer to be served and if it would need to be provided by a local vendor.

Mr. Robert Carolin, Leisure Services Director, stated the city previously looked into what it would take to host a race, agreeing with Commissioner Selby that a consultant would need to be hired. He discussed the associated costs the applicant had to host the race and the prestige behind it, as well as what it would take for the city to host a similar event. He stated the only benefit of the city being a sponsor would be to serve beer at the end of the race, noting if the item failed the event could still occur but would not serve beer.

Mayor Partington and Commissioner Kent wondered if the applicant would owe the city the excess funds, based on the permit ordinance.

Commissioner Kent discussed the history with the Tomoka Marathon and the contributions the city has provided in the past.

Mayor Partington asked about holding off on the vote for two weeks to get the answer to their question.

Commissioner Persis inquired if staff could find out how much money was made off the marathon in past years; whereby, Mayor Partington asked if that information could be provided in the report for the next meeting in two weeks.

Commissioner Kent moved, seconded by Commissioner Persis, to continue Item 6D to the November 16, 2021, City Commission meeting.

Call Vote:	Commissioner Kent	Yes
	Commissioner Persis	Yes
	Commissioner Littleton	Yes
	Commissioner Selby	No
Carried.	Mayor Partington	Yes

Comments on the Consent Agenda

No one had additional comments on the consent agenda.

Item #7 – Public Hearings

Mayor Partington opened the public hearings.

Item #7A – Hunter’s Ridge-Flagler County DRI Municipal Service Area Utility Rates

City Clerk Susan C. Dauderis read by title only:

ORDINANCE NO. 2021-37

AN ORDINANCE AMENDING SECTION 22-136, MINIMUM WATER RATES; AND 22-137, MINIMUM WASTEWATER RATES; OF CHAPTER 22, WATER AND SEWERS, OF THE CITY OF ORMOND BEACH CODE OF ORDINANCES, BY INCREASING THE MINIMUM WATER AND SEWER RATES FOR THE HUNTER’S RIDGE-FLAGLER COUNTY DRI SERVICE AREA; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; AND SETTING FORTH AN EFFECTIVE DATE.
(SECOND READING)

Commissioner Littleton moved, seconded by Commissioner Persis, for approval of Ordinance No. 2021-37, on second reading, as read by title only.

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

Mayor Partington closed the public hearings.

Item #8 – First Reading of Ordinances

Item #8A – Fiscal Year 2020-2021 Budget Amendments

City Clerk Susan C. Dauderis read by title only:

ORDINANCE NO. 2021-38

AN ORDINANCE AMENDING THE ANNUAL BUDGET FOR FISCAL YEAR 2020-2021 BY AMENDING THE GENERAL FUND (001); DOWNTOWN REDEVELOPMENT TRUST FUND (104); STORMWATER UTILITY FUND (107); AIRPORT FUND (108); ECONOMIC DEVELOPMENT FUND (110); GRANTS FUND (116); FINANCING DEBT SERVICE FUND (205); 2004 REVENUE BOND FUND (211); 2010 BEACHFRONT PARK BOND FUND (220); CAPITAL IMPROVEMENTS FUND (301); EQUIPMENT RENEWAL & REPLACEMENT FUND (302); TRANSPORTATION IMPROVEMENTS FUND (308); FACILITIES RENEWAL & REPLACEMENT FUND (317); WATER AND WASTEWATER FUND (401); VEHICLE REPLACEMENT FUND (408); RENEWAL & REPLACEMENT FUND (409); WATER/WASTEWATER CONSOLIDATED DEBT SERVICE FUND (414); WATER SYSTEM IMPACT FEE FUND (434); WASTEWATER SYSTEM IMPACT FEE FUND (435); 2008/2010 WATER & SEWER BOND FUND (442); 2013 WATER & SEWER BOND FUND (443); 2015 WATER & SEWER BOND FUND (444); 2017 WATER & SEWER BOND FUND (445); SOLID WASTE FUND (460); GENERAL LIABILITY FUND (504); AND SETTING FORTH AN EFFECTIVE DATE.

Ms. Kelly McGuire, Finance Director, presented a graph and gave an overview of the budget amendments, explaining many of the changes were from the 2019-2020 fiscal year (FY) Capital Improvement Programs (CIP) being completed in the 2020-2021 FY. She noted the other large components included the bond closeouts and transfers, which were not dollars spent, but accounting entries.

Commissioner Persis moved, seconded by Commissioner Littleton, for approval of Ordinance No. 2021-38, on first reading, as read by title only.

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

Item #9 – Discussion and Direction Items

Item #9A – Volusia Forever Grant Nomination

Mr. Steven Spraker, Planning Director, explained the Volusia Forever Advisory Committee was accepting land nominations for properties to be considered in the acquisition program. He stated city staff were attempting to bring awareness to the program, and assist property owners who were willing sellers with the nomination process.

Mayor Partington asked if the list of properties were in any specific order; whereby, Mr. Spraker stated they were not. Mayor Partington felt Properties 1, 2 and 3 were priorities followed by Properties 9, 10 and 11 based on locations.

Commissioner Kent and Commissioner Persis agreed with Mayor Partington.

Commissioner Selby agreed with Properties 9, 10 and 11 because of the location to Central Park. He stated he would not support Properties 4, 5, 6, 7 or 8, as they were

zoned commercial or conservation/special environmental. He expressed his appreciation to staff for taking the initiative on the item.

Commissioner Kent stated he agreed with Commissioner Selby and would be comfortable if Properties 4, 5, 6, 7 and 8 were left off the list.

Commissioner Persis inquired if Properties 4, 5, 6, 7 and 8 were environmental properties; whereby, Mr. Spraker stated they were special environmental zoned or partially zoned areas. Commissioner Persis stated she would not be in favor of omitting those properties from the list.

Ms. Joyce Shanahan, City Manager, stated the city would only be approaching the land owners to ask if they would be interested, and would not prohibit the property owner from completing the application on their own.

Commissioner Kent moved, seconded by Commissioner Persis, for approval of the list of properties, provided by staff, in the following order of priority: 1, 2, 3, 9, 10, 11, 8, 7, 6, 5 and 4.

Commissioner Selby stated he would not be in favor as he did not feel the city should encourage the conservation of commercial property along United States Highway 1 (US-1).

Commissioner Littleton inquired if staff would be sending the list to the Volusia Forever Advisory Committee; whereby, Mr. Spraker explained the city would be contacting the property owners by phone, email or letter. Mr. Spraker stated if a property owner was not interested, the city would not pursue the application for that property; if they were interested, then the city would help with preparing maps and justifications for the application process.

Mayor Partington asked if the city could look into Properties 7 and 8 as a reuse water storage area, as the properties were close to the Water Treatment Plant.

Call Vote:	Commissioner Selby	No
	Commissioner Kent	Yes
	Commissioner Persis	Yes
	Commissioner Littleton	Yes
Carried.	Mayor Partington	Yes

Item #10 – Reports, Suggestions, Requests

Events

Ms. Shanahan stated the first OB Life meeting was scheduled for 6:00 p.m. on Tuesday, November 9, 2021, at Calvary Christian Center, noting Avalon Park Group President and CEO Beat Khali was invited to listen to the concerns.

Redistricting

Commissioner Selby asked about the zone redistricting; whereby, Ms. Shanahan stated the City Attorney and City Clerk offices were working with the Geographic Information Systems (GIS) Department on the updated changes which would be available at a meeting later in 2021.

First Responder Appreciation

Commissioner Persis complimented staff on the First Responder Appreciation day and expressed her thanks to fire and police.

Commissioner Selby discussed the event, noting how public safety was a main priority within the city.

Commissioner Kent agreed with Commissioner Selby that public safety was a priority, along with Public Works.

Rick Boehm Girls' Softball Field Dedication

Commissioner Persis discussed the dedication and expressed her excitement for the new field.

Commissioner Selby and Commissioner Kent discussed missing the dedication due to family obligations. They discussed Mr. Rick Boehm's history within the city and their personal history with him.

Mayor Partington discussed the event and thanked staff for their work.

Police K9

Commissioner Selby thanked Mr. Sargent for the suggestion of a new K9 and stated he would present the idea to the Ormond Beach Police Foundation, noting his confidence in the suggestion.

Commissioner Kent inquired the costs associated with getting a new K9 dog; whereby, Chief Jesse Godfrey, Ormond Beach Police Chief, stated the cost would be around \$10,000 to \$20,000 for the purchase of a dog and accompanying training. Commissioner Kent thanked Commissioner Selby for offering to bring the idea to the Ormond Beach Police Foundation, but wanted to make sure no funds came out of the Police Department's budget.

Chief Godfrey mentioned there were citizens who also wished to donate towards a new K9 and asked that the Commission take that into account.

Commissioner Persis inquired how old the current K9 was and how long they were active for; whereby, Chief Godfrey noted the current K9 was roughly five years old and the dogs typically serve for eight to ten years.

Commissioner Kent moved, seconded by Commissioner Persis, to donate up to \$20,000 after citizen contribution towards the purchase and training of a new K9.

The motion passed by voice vote.

Mayor Partington requested when the new dog arrived that staff create an event to get the community involved.

Marathon

Commissioner Kent requested staff look into hosting a marathon, half-marathon, or 5K and to look into ways to utilize the profits, such as a tax reduction or community barbeque.

Commissioner Persis agreed with Commissioner Kent and would like for staff to look into hosting that type of event.

Collective Bargaining

Mayor Partington requested staff put together a chart comparing all levels of pay, pension, and benefits within the city, with a section that included comparisons to other organizations, in preparation for the upcoming collective bargaining discussions.

Volusia Forever

Mayor Partington mentioned plans from the 1970's that were discovered for the development of Properties 7 and 8 that were in his City Hall office and a copy was provided to Mr. Spraker.

Item #11 – Adjournment

The meeting was adjourned at 8:00 p.m.

APPROVED: November 16, 2021

BY:

Bill Partington, Mayor

ATTEST:

Susan Carroll Dauderis,
City Clerk