

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

September 7, 2022

7:00 p.m.

Commission Chambers

Present: Mayor Bill Partington, Commissioners Dwight Selby, Troy Kent, Susan Persis, and Rob Littleton, City Manager Joyce Shanahan, Assistant City Attorney Scott McKee, Assistant City Manager Claire Whitley and City Clerk Susan Carroll Dauderis.

A G E N D A

- 1. CALL TO ORDER**
- 2. INVOCATION**
- 3. PLEDGE OF ALLEGIANCE**
- 4. INTRODUCTION OF PRINCIPALS**
- 5. ADOPTION OF FY 2022-2023 PROPOSED MILLAGE RATES AND TENTATIVE BUDGET**
 - A. RESOLUTION NO. 2022-104:** A RESOLUTION ADOPTING PROPOSED MILLAGE RATES FOR THE 2022-2023 FISCAL YEAR; ESTABLISHING A DATE TIME AND PLACE FOR A PUBLIC HEARING TO ADOPT FINAL MILLAGE RATES AND FINAL BUDGET; AND SETTING FORTH AN EFFECTIVE DATE.
Staff Contact: Kelly McGuire, Finance Director (386-676-3226)
 - B. ORDINANCE NO. 2022-26:** AN ORDINANCE ADOPTING THE ANNUAL BUDGET FOR THE 2022-2023 FISCAL YEAR BEGINNING OCTOBER 1, 2022 AND ENDING SEPTEMBER 30, 2023; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; AND SETTING FORTH AN EFFECTIVE DATE.
Staff Contact: Kelly McGuire, Finance Director (386-676-3226)
- 6. AUDIENCE REMARKS - REGARDING ITEMS NOT ON THE AGENDA**
- 7. APPROVAL OF MINUTES**
 - A. Minutes from City Commission meeting – August 16, 2022
- 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. 2022-105:** A RESOLUTION AUTHORIZING EXECUTION OF A SERVICE AGREEMENT BETWEEN THE CITY AND THE ORMOND MEMORIAL ART MUSEUM, INC.; AUTHORIZING THE EXPENDITURE OF FUNDING; AND SETTING FORTH AN EFFECTIVE DATE.
Staff Contact: Robert Carolin, Leisure Services Director (386-676-3279)
 - B. RESOLUTION NO. 2022-106:** A RESOLUTION ACCEPTING PROPOSALS AND AUTHORIZING THE EXECUTION OF

CONTINUING CONTRACTS WITH SIX PROFESSIONAL SERVICES FIRMS FOR CONSTRUCTION MANAGEMENT AT RISK SERVICES, UNDER RFQ 2022-17; AND SETTING FORTH AN EFFECTIVE DATE.

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

- C. **RESOLUTION NO. 2022-107:** A RESOLUTION AUTHORIZING THE EXECUTION OF TWO UNDERGROUND EASEMENTS IN FAVOR OF FLORIDA POWER & LIGHT COMPANY FOR THE INSTALLATION OF UNDERGROUND UTILITIES ALONG S. HALIFAX DRIVE BETWEEN EAST GRANADA BLVD. AND CASEMENTS DRIVE; AND SETTING FORTH AN EFFECTIVE DATE.

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

- D. **RESOLUTION NO. 2022-108:** A RESOLUTION AUTHORIZING THE EXECUTION OF A GRANT AGREEMENT BETWEEN THE CITY AND THE FEDERAL AVIATION ADMINISTRATION TO FUND THE DESIGN, CONSTRUCTION AND CONSTRUCTION ENGINEERING SERVICES FOR THE AUTOMATED WEATHER OBSERVING SYSTEM REPLACEMENT PROJECT; AND SETTING FORTH AN EFFECTIVE DATE.

Staff Contact: Brian Rademacher, Economic Development Director (386-676-3266)

- E. **RFP 2022-26 Management and Operation of the Nova Skate Court Concession**

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

Disposition: Approve as recommended in the City Manager memorandum dated September 7, 2022.

- F. **Auto Renewal Contract - Pace Analytical for Water and Wastewater Facility Sample Testing**

Staff Contact: Robert Preis, Utility Manager (386-676-3305)

Disposition: Approve as recommended in the City Manager memorandum dated September 7, 2022.

9. FIRST READING OF ORDINANCES

- A. **ORDINANCE NO. 2022-27:** AN ORDINANCE OF THE CITY OF ORMOND BEACH, FLORIDA, AMENDING ARTICLE III, FIREFIGHTERS' PENSION TRUST FUND, OF CHAPTER 16, PENSIONS AND RETIREMENT, OF THE CODE OF ORDINANCES; AMENDING SECTION 16-43, ESTABLISHMENT AND OPERATION OF FUND; FINANCES AND FUND MANAGEMENT; PROVIDING FOR SEVERABILITY OF PROVISIONS; PROVIDING FOR CODIFICATION; REPEALING ALL ORDINANCES IN CONFLICT HERewith AND PROVIDING AN EFFECTIVE DATE.

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

10. RESOLUTIONS

- A. **RESOLUTION NO. 2022-109:** A RESOLUTION DECLARING THE RESULTS OF THE PRIMARY MUNICIPAL ELECTION CONDUCTED IN THE CITY OF ORMOND BEACH, FLORIDA, ON

TUESDAY, AUGUST 23, 2022; AUTHORIZING THE ISSUANCE OF A CERTIFICATE; SETTING FORTH AN EFFECTIVE DATE.

Staff Contact: Susan Dauderis, City Clerk (386-676-3340)

11. DISCUSSION AND DIRECTION ITEMS

A. Impact Fee Update Study

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

12. REPORTS, SUGGESTIONS, REQUESTS

13. ADJOURNMENT

MINUTES

Item #1 – Meeting Call to Order

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

Item #2 – Invocation

Mayor Partington provided the invocation.

Item #3 – Pledge of Allegiance

Mayor Partington led the Pledge of Allegiance.

Item #4 – Introduction of Principals

Item #4A – Introduction of Principals

Mayor Partington recognized Volusia County School Board Member, Carl Persis, and introduced Seabreeze High School Principal, Tucker Harris, Pine Trail Elementary School Principal, Michelle Sojka, and Ormond Beach Middle School Principal, Heather Iannarelli.

Commissioner Persis welcomed the new principals and discussed her history with them.

Item #5 – Adoption of FY 2022-2023 Proposed Millage Rates and Tentative Budget

Item #5A – Proposed Tax Rates Fiscal Year 2022-2023

City Clerk Susan C. Dauderis read by title only:

RESOLUTION NO. 2022-104

A RESOLUTION ADOPTING PROPOSED MILLAGE RATES FOR THE 2022-2023 FISCAL YEAR; ESTABLISHING A DATE TIME AND PLACE FOR A PUBLIC HEARING TO ADOPT FINAL MILLAGE RATES AND FINAL BUDGET; AND SETTING FORTH AN EFFECTIVE DATE.

Mayor Partington stated per Florida Statute, he was required to state the proposed millage rate for the City of Ormond Beach necessary to fund the Fiscal Year (FY) 2022-2023 budget was 3.7610 mills. The rate was 5.68 percent above the rolled back rate of 3.5587 mills. The tentative debt service millage rates were 0.0050 for the 2003 General Obligation Bond Sinking Fund and 0.0800 for the 2010 General Obligation Bond Sinking Fund.

Commissioner Littleton explained during the July 2022 workshop he discussed his concerns regarding the number of new hires budgeted, noting he was not in favor of the presented budget and millage rates.

Mayor Partington stated it was a public hearing and inquired if there were any members of the public who wish to speak or ask questions prior to adoption of the tentative millage rate and budget, noting there were none.

Commissioner Persis moved, seconded by Commissioner Selby, for approval of Resolution No. 2022-104, as read by title only.

Mayor Partington stated the tentative operating millage of 3.7610 mills was 5.68 percent above the rolled back millage rate. The resolution also included adoption of the tentative debt service millage rates of 0.0050 for the 2003 General Obligation Bond Sinking Fund and 0.0800 for the 2010 General Obligation Bond Sinking Fund.

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

Mayor Partington announced the operating millage rate was set at 3.7610 mills, which was 5.68 percent above the rolled back millage rate of 3.5587 mills.

Item #5B – Budget Ordinance-Proposed Fiscal Year 2022-2023 Budget

City Clerk Susan C. Dauderis read by title only:

ORDINANCE NO. 2022-26
AN ORDINANCE ADOPTING THE ANNUAL BUDGET FOR THE 2022-2023 FISCAL YEAR BEGINNING OCTOBER 1, 2022 AND ENDING SEPTEMBER 30, 2023; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; AND SETTING FORTH AN EFFECTIVE DATE.

Commissioner Selby moved, seconded by Commissioner Kent, for approval of Ordinance No. 2022-26, on first reading, as read by title only.

Mayor Partington requested for the City Clerk to call the vote to adopt the budget of \$112,493,789.

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

Mayor Partington closed the Public Hearings.

Item #6 – Audience Remarks

Mayor Partington noted there were no members of the audience who wished to speak.

Item #7 – Approval of Minutes

Mayor Partington advised the minutes of the August 16, 2022, 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 August 16, 2022, City Commission meeting minutes.

The motion passed by voice vote.

Item #8 – 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 Littleton moved, seconded by Commissioner Persis, for approval of the consent agenda.

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

Comments on the Consent Agenda

There were no comments on the Consent Agenda.

Item #9 – First Reading of Ordinances

Item #9A – Firefighter’s Pension Trust Fund

City Clerk Susan C. Dauderis read by title only:

ORDINANCE NO. 2022-27

AN ORDINANCE OF THE CITY OF ORMOND BEACH, FLORIDA, AMENDING ARTICLE III, FIREFIGHTERS’ PENSION TRUST FUND, OF CHAPTER 16, PENSIONS AND RETIREMENT, OF THE CODE OF ORDINANCES; AMENDING SECTION 16-43, ESTABLISHMENT AND OPERATION OF FUND; FINANCES AND FUND MANAGEMENT; PROVIDING FOR SEVERABILITY OF PROVISIONS; PROVIDING FOR CODIFICATION; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH AND PROVIDING AN EFFECTIVE DATE.

Ms. Kelly McGuire, Finance Director, explained the Municipal Firefighters’ Pension Trust Fund Board was requesting additional options for investing purposes, noting at a 30 percent limit, staff was recommending approval.

Commissioner Selby inquired if there was a positive return or if they offered a zero return; whereby, Ms. McGuire explained it was a zero return. Commissioner Selby stated that was due to decline in the value of equities.

Commissioner Littleton moved, seconded by Commissioner Persis, for approval of Ordinance No. 2022-27, 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 #10 – Resolutions

Item #10A – Certification of Primary Election Results – Zone 1

City Clerk Susan C. Dauderis read by title only:

RESOLUTION NO. 2022-109

A RESOLUTION DECLARING THE RESULTS OF THE PRIMARY MUNICIPAL ELECTION CONDUCTED IN THE CITY OF ORMOND BEACH, FLORIDA, ON TUESDAY, AUGUST 23, 2022; AUTHORIZING THE ISSUANCE OF A CERTIFICATE; SETTING FORTH AN EFFECTIVE DATE.

Ms. Susan C. Dauderis, City Clerk, explained the resolution was to accept the results of the Zone 1 City Commission seat from the August, 23, 2022, primary election.

Commissioner Selby moved, seconded by Commissioner Kent, for approval of Resolution No. 2022-109, as read by title only.

The Commission congratulated Commissioner-Elect Lori Tolland and wished her well.

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

Item #11 – Discussion and Direction Items

Item #11A – Impact Fee Update Study

Mr. Steven Spraker, Planning Director, stated the discussion item was to review the Impact Fee Update study that was previously approved to be conducted. He reviewed the process if the Commission agreed to move forward. He explained where the impact fees would be utilized including growth-related facilities. He stated the first recommendation from the study was for no expiration of impact fee credits.

Mr. Tony Hairston, Raftelis Financial Consultants (Raftelis), reviewed the water and wastewater utility connection fee analysis. He discussed the existing and proposed water and irrigation connection fees as well as the wastewater connection fees and the comparison between the fees with other local municipalities. He explained the study recommended the creation of a Western Service Area.

Commissioner Selby inquired why the water connection fees were going down; whereby, Mr. Hairston stated the recommendation was based on current plans for improvements and funds needed. Commissioner Selby inquired if the city owed a refund to the citizens; whereby, Mr. Hairston stated that was not the case but could be in a few years if the fees were not amended. Commissioner Selby inquired how Raftelis came up with the equivalent living unit (ELU) factors for the multi-family and mobile homes and requested Raftelis and staff provide the calculations that justify the increased ELU factor.

Mr. Hairston reviewed the municipal impact fee analysis and the city service area forecast, parks and recreation impact fee analysis and stormwater impact fee analysis.

Mayor Partington inquired if Raftelis helped other municipalities find extraordinary circumstances; whereby, Mr. Hairston confirmed they had. Mayor Partington asked if there were examples of extraordinary circumstances; whereby, Mr. Hairston stated cost and growth increases.

Commissioner Selby stated he agreed with the stormwater impact fee removal and to start recurring stormwater fees, as the city needed a program to assist with the runoff water.

Commissioner Persis agreed with Commissioner Selby.

Ms. Stephanie Shealey, Kittleson and Associates, reviewed the local roads and mobility fee analysis. She explained there were significant increases to the local road impact fees based on current costs and new calculation methods. She reviewed the comparison of the local road fees with nearby municipalities.

Commissioner Selby inquired if the mobility impact fees were restricted to alternative methods; Ms. Shealey stated the funds could be used for methods, such as trails or parallel facilities. He inquired about the roads the city previously built; whereby, Mr. Spraker stated the extension of Division Avenue, Wilmette Avenue and local roads in the north United States Highway One (U.S.-1) corridor. Commissioner Selby inquired if there were zones related to the mobility and local road impact fees; whereby, Mr. Spraker stated there were no zones and they could be applied city wide.

Commissioner Persis inquired if a trail would be considered a road; whereby, Ms. Shealey stated it would be considered a passing improvement.

Commissioner Littleton inquired if the funds could be utilized for land acquisition; whereby, Mr. Spraker stated if the land was for road capacity improvement then it would be allowed.

Commissioner Selby reviewed the formula and inquired why the number of trips per household were so high; whereby, Ms. Shealey stated the trips included deliveries, garbage trucks, school buses and others.

Mr. Hairston reviewed the police and fire impact fee feasibility analysis and reviewed the comparison between local municipalities. He reviewed the comparison of all proposed fees combined with other local municipalities.

Mr. Spraker noted there were eight discussion points that needed direction.

Mayor Partington suggested they review each point and allow each Commissioner to comment.

The Commission supported the first discussion point of eliminating the penalty for the impact fee credit.

The Commissioners stated they could support the maximum supportable fee with the one time increase for discussion point two, noting they would like to see what the revenue would be.

Mayor Partington stated he could support the 50 percent of the maximum supportable fee over a four-year time frame, noting he would like to see the revenue before deciding on the second discussion point.

The Commission supported discussion point four, eliminating the stormwater impact fee.

Commissioner Selby inquired on discussion point five and six, if the maximum increase was over a period of time or a one time increase; whereby, Mr. Spraker stated it would be a one-time increase.

Ms. Joyce Shanahan, City Manager, explained Volusia County was undergoing an impact fee study as well, noting she did not think the city's rate increase would lead to contractors looking at other municipalities to build within.

Mr. Spraker noted with the proposed local road and mobility fee increases the City of Daytona Beach was the only local municipality at a lower rate.

Commissioner Selby inquired if the city could temporarily suspend the impact fees, if needed, in an emergency situation; whereby, Mr. Spraker stated staff would look into it.

Commissioner Kent expressed his concerns with the increases on the fast food and convenience stores local road impact fees. He stated the impact fees do need to increase but had concerns on multiple local road impact fee items.

Commissioner Littleton inquired what roads would need to be improved; whereby, Mr. Spraker stated the north U.S.-1 corridor had many roads that need improvement.

The Commission agreed on discussion points five and six for a one time increase.

Mr. Spraker explained discussion points seven and eight were for an authorization to create police and fire impact fees.

The Commission agreed to approve an authorization for police and fire impact fees as public safety was very important for new equipment, technology and vehicles.

Item #11 – Reports, Suggestions, Requests

Impact Fees

Ms. Shanahan thanked the Commission for their input and reviewed the process for moving forward.

Commissioner Selby discussed the possible local road fees for various businesses around the city and thanked staff for the creation of the Western Service Area.

Events

Ms. Shanahan informed the Commission of the Commemorative 9/11 event on September 11, 2022 at 8:30 a.m. She explained there were a couple of upcoming public meetings including a Planning Board meeting for Tattersall and neighborhood meetings for self-storage buildings and vacant properties for a hotel and single-family homes. She stated there was an email at their seats from a City of Deltona Commissioner who was starting a First Responder Challenge.

Commissioner Persis discussed the unveiling of the local bronze statue of Dr. Mary McLeod Bethune and how proud she was of the city's contribution.

City Projects

Ms. Shanahan stated the Facility Hardening project was almost complete at Public Works. She explained the Pump Station project was almost complete as well. She noted there were a few roads with holes due to asphalt being unavailable, explaining the city was exploring other ways to patch those holes. She stated seven new Explorer vehicles were on their way and once arrived would be sent for outfitting of equipment, noting it may be up to another six weeks before they are ready for use.

Commissioner Kent complimented the new windows around City Hall, the new podium in the Commission Chambers and the monument sign at Fire Station 91. He requested staff look into the foliage around the Police Department's monument sign and inquired if staff could bring back the light up police officers during the holidays.

Commissioner Kent discussed the ongoing project at South Ormond Neighborhood Center, and thanked Mr. Paul Holub for all his work with the outdoor basketball court and lighting.

Mayor Partington requested a ribbon cutting for the South Ormond Neighborhood Center for both projects, the new indoor court and Mr. Holub's outdoor court.

Budget

Commissioner Selby inquired if the \$200,000 that was discussed at the July 2022 budget workshop was set aside for technical assistance for septic to sewer projects; whereby, Ms. Shanahan stated it was in the budget.

Mayor Partington stated the Commission approved a fiscally responsible budget with a focus in public safety, water quality and transportation.

Staff

Commissioner Kent complimented Assistant City Attorney Scott McKee for all his work with the city.

Pet Friendly City Certification

Mayor Partington announced the city received the Pet Friendly City Certification from the Better Cities for Pets Program.

Item #12 – Adjournment

The meeting was adjourned at 8:53 p.m.

APPROVED: September 21, 2022

BY:

Bill Partington, Mayor

ATTEST:

Susan Carroll Dauderis,
City Clerk