

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

September 18, 2024

7:00 p.m.

Commission Chambers

Present: Mayor Bill Partington, Commissioners Lori Tolland, Travis Sargent, Susan Persis, and Harold Briley, City Manager Joyce Shanahan, City Attorney Randy Hayes, Assistant City Manager Shawn Finley, 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. PRESENTATIONS AND PROCLAMATIONS**
 - A. Recognition of Florida Legislators
 - B. Evelyn Rebstini
- 5. ADOPTION OF FISCAL YEAR 2024-2025 MILLAGE RATES AND BUDGET**
 - A. **RESOLUTION NO. 2024-146:** A RESOLUTION ADOPTING FINAL MILLAGE RATES TO BE LEVIED FOR FISCAL YEAR 2024-2025; DIRECTING CERTIFICATION; EXPRESSING LEGISLATIVE INTENT; AND SETTING FORTH AN EFFECTIVE DATE.
Staff Contact: Kelly McGuire, Finance Director, (386) 676-3226
 - B. **ORDINANCE NO. 2024-25:** AN ORDINANCE ADOPTING THE ANNUAL BUDGET FOR THE 2024-2025 FISCAL YEAR BEGINNING OCTOBER 1, 2024 AND ENDING SEPTEMBER 30, 2025; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; AND SETTING FORTH AN EFFECTIVE DATE. **(SECOND READING)**
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 - September 4, 2024
- 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. 2024-147:** A RESOLUTION AUTHORIZING THE EXECUTION OF A NON-EXCLUSIVE FRANCHISE AGREEMENT BETWEEN THE CITY AND FENCE SERVICE, INC. D/B/A AAA DUMPSTER RENTAL AND D/B/A F.S.I. ROLL OFF CONTAINER SERVICE REGARDING THE COLLECTION OF CONSTRUCTION AND DEMOLITION DEBRIS; AND SETTING FORTH AN EFFECTIVE DATE.
Staff Contact: Kevin Gray, Deputy Public Works Director, (386) 676-3325
 - B. **RESOLUTION NO. 2024-148:** A RESOLUTION RATIFYING, AFFIRMING AND AUTHORIZING EXPENDITURES FOR

SERVICES FROM EMPIRE COMPUTING AND CONSULTING, INC. FOR BARRACUDA BACKUP PROTECTION; AND SETTING FORTH AN EFFECTIVE DATE.

Staff Contact: *Chuck Osteen, Information Technology Manager, (386) 615-7031*

- C. **RESOLUTION NO. 2024-149:** A RESOLUTION ACCEPTING A BID FROM SGS CONTRACTING SERVICES, INC. FOR CONSTRUCTION SERVICES REGARDING THE WATER RECLAMATION FACILITY ULTRAVIOLET DISINFECTION CONVERSION PROJECT, UNDER BID NO. 2024-24; AUTHORIZING THE EXECUTION OF A CONTRACT AND PAYMENT THEREFOR; REJECTING ALL OTHER BIDS; AND SETTING FORTH AN EFFECTIVE DATE.

Staff Contact: *Bob Preis, Utilities Manager, (386) 676-3305*

- D. **RESOLUTION NO. 2024-151:** A RESOLUTION ACCEPTING A PROPOSAL FROM MCKIM & CREED, INC. TO PROVIDE CONSTRUCTION ADMINISTRATION SERVICES REGARDING THE FLEMING AVENUE DRAINAGE IMPROVEMENTS PROJECT; AUTHORIZING THE EXECUTION OF A WORK AUTHORIZATION THERETO; AND SETTING FORTH AN EFFECTIVE DATE.

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

- E. **RESOLUTION NO. 2024-152:** A RESOLUTION AUTHORIZING AN EMERGENCY PROCUREMENT OF A HIPOWER PORTABLE GENERATOR FROM ALTERNATIVE POWER SOLUTIONS, INC. FOR USE AT THE HUDSON WELL FIELD IN THE HUNTERS RIDGE SUBDIVISION; AUTHORIZING THE EXECUTION OF A PURCHASE AUTHORIZATION; AND SETTING FORTH AN EFFECTIVE DATE.

Staff Contact: *Bob Preis, Utilities Manager, (386) 676-3305*

- F. **RESOLUTION NO. 2024-153:** A RESOLUTION APPROVING AND AUTHORIZING REVISIONS TO THE CITY'S FEE SCHEDULE FOR CULTURAL AND RECREATIONAL PROGRAMS AND FACILITIES OPERATED BY THE LEISURE SERVICES DEPARTMENT; AND SETTING FORTH AN EFFECTIVE DATE.

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

- G. **RESOLUTION NO. 2024-156:** A RESOLUTION AUTHORIZING THE EXECUTION OF AN INTERLOCAL AGREEMENT BETWEEN THE CITY AND THE STATE ATTORNEY OF THE SEVENTH JUDICIAL CIRCUIT FOR PROSECUTION OF VIOLATIONS OF CITY ORDINANCES PUNISHABLE BY INCARCERATION; AND SETTING FORTH AN EFFECTIVE DATE.

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

- H. **RESOLUTION NO. 2024-157:** 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: *Jesse Godfrey, Police Chief, (386) 676-3500*

- I. **RESOLUTION NO. 2024-158:** A RESOLUTION APPROVING A SETTLEMENT PROPOSAL REGARDING THE WORKERS' COMPENSATION CLAIM OF MICHAEL BAKAYSA; AUTHORIZING THE EXECUTION OF ANY AND ALL DOCUMENTS INCIDENTAL THERETO; AUTHORIZING PAYMENT RELATIVE THERETO; AND SETTING FORTH AN EFFECTIVE DATE.

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

- J. **RFP - Cross Connection Control Program Management Services**
Staff Contact: *Bob Preis, Utilities Manager, (386) 676-3305*
Disposition: Approve as recommended in the City Manager staff report dated September 18, 2024.
- K. **City Manager's Monthly Report, September 2024**
Staff Contact: *Joyce Shanahan, City Manager, (386) 676-3200*
Disposition: Accept as information as recommended in the City Manager staff report dated September 18, 2024.

9. **PUBLIC HEARINGS**

- A. **ORDINANCE NO. 2024-26:** AN ORDINANCE AMENDING CHAPTER 2, DISTRICT AND GENERAL REGULATIONS, ARTICLE IV, CONDITIONAL AND SPECIAL EXCEPTION REGULATIONS, SECTION 2-57, CRITERIA FOR REVIEW OF SPECIFIC CONDITIONAL AND SPECIAL EXCEPTION, SUBSECTION (37), HOUSES OF WORSHIP, OF THE CITY OF ORMOND BEACH LAND DEVELOPMENT CODE, BY AMENDING THE CONDITIONS FOR HOUSES OF WORSHIP; 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*
- B. **ORDINANCE NO. 2024-27:** AN ORDINANCE APPROVING THE FINAL PLAT FOR THE "BRADFORD LAKES" SUBDIVISION, SHOWN WITHIN PHASE 4 OF THE PLANTATION OAKS PLANNED RESIDENTIAL DEVELOPMENT; ESTABLISHING CONDITIONS AND EXPIRATION DATE OF APPROVAL; AND SETTING FORTH AN EFFECTIVE DATE.
Staff Contact: *Steven Spraker, Planning Director, (386) 676-3341*
- C. **ORDINANCE NO. 2024-28:** AN ORDINANCE APPROVING THE FINAL PLAT FOR THE "BRADFORD PARK" SUBDIVISION; ESTABLISHING CONDITIONS AND EXPIRATION DATE OF APPROVAL; AND SETTING FORTH AN EFFECTIVE DATE.
Staff Contact: *Steven Spraker, Planning Director, (386) 676-3341*
- D. **ORDINANCE NO. 2024-29:** AN ORDINANCE CHANGING THE NAME OF "HALIFAX STREET" TO "CLIFFHAVEN COURT", AND "MATANZAS STREET" TO "RIDGEHAVEN AVENUE", SAID STREETS BEING LOCATED IN THE RIDGEHAVEN SUBDIVISION AREA; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; PROVIDING FOR TRANSMITTAL AND RECORDING IN THE PUBLIC RECORDS OF VOLUSIA COUNTY; AND SETTING FORTH AN EFFECTIVE DATE.
Staff Contact: *Steven Spraker, Planning Director, (386) 676-3341*
- E. **RESOLUTION NO. 2024-133:** A RESOLUTION AUTHORIZING THE EXECUTION AND ISSUANCE OF A DEVELOPMENT ORDER FOR A SPECIAL EXCEPTION TO ALLOW OUTDOOR ACTIVITY TO INCLUDE THE PERMANENT OUTDOOR STORAGE, DISPLAY, AND SALES OF MERCHANDISE AT THE LOWES HOME IMPROVEMENT STORE LOCATED AT 1340 WEST GRANADA BOULEVARD; ESTABLISHING CONDITIONS AND EXPIRATION DATE OF APPROVAL; AND SETTING FORTH AN EFFECTIVE

DATE.

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

10. RESOLUTIONS

- A. **RESOLUTION NO. 2024-154:** A RESOLUTION ESTABLISHING FUEL FLOWAGE FEES, LANDING FEES, AND AIRCRAFT TIE DOWN FEES AT THE ORMOND BEACH MUNICIPAL AIRPORT; AND SETTING FORTH AN EFFECTIVE DATE.

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

- B. **RESOLUTION NO. 2024-155:** A RESOLUTION AUTHORIZING THE EXECUTION OF AN AGREEMENT BETWEEN THE CITY AND VECTOR AIRPORT SYSTEMS, LLC, FOR THE PROVISION OF PLANEPASS AIRCRAFT OPERATING FEE BILLING AND COLLECTION SERVICES AT THE ORMOND BEACH MUNICIPAL AIRPORT; AND SETTING FORTH AN EFFECTIVE DATE.

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

- C. **RESOLUTION NO. 2024-159:** A RESOLUTION APPOINTING A MEMBER AND AN ALTERNATE MEMBER TO SERVE ON THE OPIOID ABATEMENT FUNDING ADVISORY BOARD; ESTABLISHING TERM AND CONDITIONS OF SERVICE; AND SETTING FORTH AN EFFECTIVE DATE.

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

- D. **RESOLUTION NO. 2024-160:** A RESOLUTION ACCEPTING A PROPOSAL FROM BROWN & BROWN INSURANCE SERVICES, INC., FOR THE PROVISION OF PROPERTY, LIABILITY AND WORKERS' COMPENSATION INSURANCE FOR VARIOUS LINES OF INSURANCE COVERAGE THROUGH VARIOUS INSURANCE CARRIERS, INCLUDING PROPERTY, INLAND MARINE, AUTO PHYSICAL DAMAGE, EXCESS WORKERS' COMPENSATION, CRIME, ACCIDENTAL DEATH AND DISMEMBERMENT (POLICE OFFICERS AND FIREFIGHTERS), NATIONAL FLOOD INSURANCE PROGRAM (NFIP) FLOOD, POLLUTION, PROFESSIONAL LIABILITY (EMT'S AND PARAMEDICS), GENERAL LIABILITY (INCLUDING LAW ENFORCEMENT LIABILITY), TENANT AND USERS LIABILITY (TULIP) (SPECIAL EVENTS), CYBER LIABILITY, AND ACTIVE SHOOTER LIABILITY INSURANCE; AUTHORIZING THE EXECUTION OF DOCUMENTS RELATIVE THERETO; AUTHORIZING PAYMENT THEREFOR; AND SETTING FORTH AN EFFECTIVE DATE.

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

11. REPORTS, SUGGESTIONS, REQUESTS

12. ADJOURNMENT

MINUTES

Item #1 – Meeting Call to Order

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

Item #2 – Invocation

Father Roy Allison, St. James Episcopal Church, provided the invocation.

Item #3 – Pledge of Allegiance

Mayor Partington led the Pledge of Allegiance.

Item #4 – Presentations and Proclamations

Item #4A – Recognition of Florida Legislators

Mayor Partington presented a plaque of appreciation and Key to the City to Representative Tom Leek for his work and dedication to the community. He recognized Representative Webster Barnaby, Representative Chase Tramont, and Florida Senator Tom Wright with a plaque of appreciation.

Item #4B – Evelyn Rebostini

Mayor Partington presented a proclamation and Key to the City to Ms. Evelyn Rebostini, honoring her work as the Ormond Beach Police Department’s Victim Advocate and congratulating her on her retirement.

Ms. Rebostini thanked the Commission, city staff, and co-workers for their support and friendship over the years and discussed her career with the city.

Item #5 – Adoption of Fiscal Year 2024-2025 Millage Rates and Budget

Mayor Partington opened the Public Hearings.

Item #5A – Millage Rates for 2024-2025 Fiscal Year

City Clerk Susan C. Dauderis read by title only:

RESOLUTION NO. 2024-146
A RESOLUTION ADOPTING FINAL MILLAGE RATES TO BE LEVIED FOR FISCAL YEAR 2024-2025; DIRECTING CERTIFICATION; EXPRESSING LEGISLATIVE INTENT; AND SETTING FORTH AN EFFECTIVE DATE.

Mayor Partington stated per Florida Statute, he was required to state the millage rate for the City of Ormond Beach necessary to fund the Fiscal Year (FY) 2024-2025 budget was 4.0960 mills, noting the rate was 12.82 percent above the rolled back rate of 3.6305 mills and the debt service millage rate was 0.065 for the 2010 General Obligation Bond Sinking Fund.

Mayor Partington stated it was a public hearing and inquired if there were any members of the public who wished to speak or ask questions prior to adoption of the millage rate and budget.

Mr. Sean Daly, 1106 Northside Drive, expressed concerns regarding the tax increase and the Ormond Beach Municipal Airport’s budget. He discussed the funds owed by the airport and not using taxpayer dollars to support it.

Commissioner Briley moved, seconded by Commissioner Tolland, for approval of Resolution No. 2024-146, as read by title only.

Mayor Partington stated the operating millage of 4.0960 mills was 12.82 percent above the rolled back millage rate and the resolution included adoption of the debt service millage rate of 0.065 for the 2010 General Obligation Bond Sinking Fund.

Call Vote:	Commissioner Tolland	Yes
	Commissioner Sargent	Yes
	Commissioner Persis	Yes
	Commissioner Briley	Yes
Carried.	Mayor Partington	Yes

Mayor Partington announced the operating millage rate was set at 4.0960 mills, which was 12.82 percent above the rolled back millage rate of 3.6305 mills.

Item #5B – Adoption of Annual Budget for the 2024-2025 Fiscal Year

City Clerk Susan C. Dauderis read by title only:

ORDINANCE NO. 2024-25
AN ORDINANCE ADOPTING THE ANNUAL BUDGET FOR THE 2024-2025 FISCAL YEAR BEGINNING OCTOBER 1, 2024 AND ENDING SEPTEMBER 30, 2025; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; AND SETTING FORTH AN EFFECTIVE DATE.
(SECOND READING)

Commissioner Persis moved, seconded by Commissioner Briley, for approval of Ordinance No. 2024-25, on second reading, as read by title only.

Mayor Partington requested for the City Clerk to call the vote to adopt the budget of \$131,976,868.

Call Vote:	Commissioner Sargent	Yes
	Commissioner Persis	Yes
	Commissioner Briley	Yes
	Commissioner Tolland	Yes
Carried.	Mayor Partington	Yes

Mayor Partington closed the Public Hearings.

Item #6 – Audience Remarks

Ms. Cindy Costa, 6 Walden Lane, voiced concerns regarding North Beach Street and the state of the roadway. She requested the city look into repairs to make the street safer for drivers.

Ms. Alicya Simmons, 705 North Peninsula Avenue, requested for the city to look into a grant from the Daytona Beach Racing and Recreation Center Fund for the Ormond Beach Tennis Center. She discussed the needs of the tennis center, personal funds the current operator put into the programs at the facility, and the growth since the current operator started.

Ms. Connie Colby, 108 Roble Lane, discussed the rules regarding parks within the city and their regulation. She expressed concerns surrounding the use of the parks, specifically motorbikes and drones. She voiced concerns regarding code enforcement and the way citizens report concerns.

Item #7 – Approval of Minutes

Mayor Partington advised the minutes from the September 4, 2024, meeting had been sent to the Commission for review and posted on the city's website for public viewing. He asked for any corrections, additions, or omissions. He stated, hearing no corrections, the minutes would stand approved as presented.

Commissioner Sargent moved, seconded by Commissioner Tolland, for approval of the September 4, 2024, 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 Briley requested Item 8H be pulled from the Consent Agenda.

Commissioner Persis moved, seconded by Commissioner Sargent, for approval of the Consent Agenda, absent Item 8H.

Call Vote:	Commissioner Persis	Yes
	Commissioner Briley	Yes
	Commissioner Tolland	Yes
	Commissioner Sargent	Yes
Carried.	Mayor Partington	Yes

ORDINANCE NO. 2024-29
AN ORDINANCE CHANGING THE NAME OF "HALIFAX STREET" TO "CLIFFHAVEN COURT", AND "MATANZAS STREET" TO "RIDGEHAVEN AVENUE", SAID STREETS BEING LOCATED IN THE RIDGEHAVEN SUBDIVISION AREA; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; PROVIDING FOR TRANSMITTAL AND RECORDING IN THE PUBLIC RECORDS OF VOLUSIA COUNTY; AND SETTING FORTH AN EFFECTIVE DATE.

Commissioner Sargent moved, seconded by Commissioner Persis, to approve Ordinance No. 2024-29, on first reading, as read by title only.

Call Vote:	Commissioner Briley	Yes
	Commissioner Tolland	Yes
	Commissioner Sargent	Yes
	Commissioner Persis	Yes
Carried.	Mayor Partington	Yes

Item #9E – 1340 West Granada Blvd, Lowe's Special Exception for Outdoor Activity

City Clerk Susan C. Dauderis read by title only:

RESOLUTION NO. 2024-133
A RESOLUTION AUTHORIZING THE EXECUTION AND ISSUANCE OF A DEVELOPMENT ORDER FOR A SPECIAL EXCEPTION TO ALLOW OUTDOOR ACTIVITY TO INCLUDE THE PERMANENT OUTDOOR STORAGE, DISPLAY, AND SALES OF MERCHANDISE AT THE LOWES HOME IMPROVEMENT STORE LOCATED AT 1340 WEST GRANADA BOULEVARD; ESTABLISHING CONDITIONS AND EXPIRATION DATE OF APPROVAL; AND SETTING FORTH AN EFFECTIVE DATE.

Mr. Spraker explained the Special Exception for Lowe's for their outdoor activity and displays. He reviewed the history of the Special Exception, and the updated proposal since the last time it was brought before the City Commission.

Mr. Joey Posey, 420 South Nova Road, noted he was the attorney for the applicant and reviewed the updated plan and updated landscaping. He stated Lowes was very responsive to the City Commissions requests and understood their concerns.

Commissioner Tolland stated she spoke with Mr. Posey regarding the proposed plans and appreciated the updated landscaping. She inquired if there were concerns regarding pedestrian safety; whereby, Mr. Roger Strcula, Upham Engineering, explained there were minimal parking spaces along the building, therefore pedestrian safety was not a concern.

Commissioner Persis indicated she spoke with Mr. Posey and thanked him for the updates to the plan.

Commissioner Sargent discussed his concerns regarding future change of management and noted his hope of better communication between the store managers regarding the special exception.

Commissioner Briley expressed concerns regarding the grills, lawnmowers, and plants for sale outside of the store, noting the continued violations.

Mr. Posey stated it was a delicate balance for the store to promote the sale of their products and put all the product behind the fencing.

Commissioner Sargent stated he was supportive of items in front of the store to promote sales. He thanked Lowe's for working with the city to become compliant with the Special Exception.

Commissioner Briley voiced concerns with the Special Exception, noting it was a Special Exception and Lowe's had violated the development order.

Mr. Posey expressed understanding of the concerns, noting he would pass them along.

Commissioner Tolland inquired if all product was contained within the painted squares in front of Lowe's would Commissioner Briley approve; whereby, Commissioner Briley stated yes, if the products were contained in the squares, and expressed concerns due to prior actions. Commissioner Tolland emphasized compliance, noting other smaller stores had the same special exception.

Commissioner Sargent moved, seconded by Commissioner Persis, to approve Resolution No. 2024-133, as read by title only.

Call Vote:	Commissioner Tolland	Yes
	Commissioner Sargent	Yes
	Commissioner Persis	Yes
	Commissioner Briley	Yes
Carried.	Mayor Partington	Yes

Mayor Partington closed the Public Hearings.

Item #10 – Resolutions

Item #10A – Airport Rates and Fees

City Clerk Susan C. Dauderis read by title only:

RESOLUTION NO. 2024-154

A RESOLUTION ESTABLISHING FUEL FLOWAGE FEES, LANDING FEES, AND AIRCRAFT TIE DOWN FEES AT THE ORMOND BEACH MUNICIPAL AIRPORT; AND SETTING FORTH AN EFFECTIVE DATE.

Mr. Brian Rademacher, Economic Development Director, reviewed the Ormond Beach Municipal Airport's budget deficit, the advantage of the proposed landing fees, and proposed agreement with Vector Airport Systems, LLC, noting the agreement was Item 10B. He reviewed the proposed landing fees and where the fees would be applied. He reviewed the purchasing process utilized for the agreement with Vector Airport Systems, LLC.

Mr. Douglas Shinn, 2806 South Peninsula Drive, Daytona Beach, 32118, discussed unintended consequences, including the potential for grants provided to the airport to be taken away due to a decrease in number of operations as a result of the landing fees. He noted the number of pilots who would utilize other airports without landing fees, which could affect other local non-airport related businesses.

Mr. Daryl Hickman, 323 River Vale Lane, stated there was a call for a boycott of any airport that imposes the fees. He stated he owned a business at the airport and would be directly impacted, and the fee would also affect the local business economy. He inquired if the fees would stop when the airport debt was paid off or if the fees were indefinite.

Mr. Patrick Murphy, 678 Swan Range Road, Orange City, 32763, stated he was speaking as Vice President of Sunrise Aviation and stated he had a neutral position on it as his company was exempt from the landing fees. He noted he understood the city's need for the landing fees, that pilot aviation was already expensive, and worried about the added fees. He explained the concern as the airport's fueler, there may be a decrease in fuel purchases due to a decrease in landings.

Mr. Terence Perkins, 108 Heritage Circle, expressed concerns regarding safety and potential pull of grants for funding due to lack of landings caused by the fees.

Mr. Richard Isherwood, 1531 Poplar Drive, reviewed the airport funding grants and discussed other funding options for the airport.

Mr. Gordon Arbeitman, 3107 Inishmore Drive, discussed Vector Airport Systems, LLC and noted there were companies that could present to staff the pros and cons of the landing fees before a decision was made.

Ms. Samantha Bowyer, 68 Seacrest Drive, voiced concerns regarding the data collection process for the landing fee calculation and potential safety concerns. She discussed the Federal Aviation Administration's Reauthorization Act of 2024 and potential violations of the act with the landing fees. She noted the fees would discourage student pilots as the fees would be passed onto their training cost. She suggested the city focus on attracting

businesses to fill the empty space of the vacant golf course next to the airport, and promote events such as air and car shows.

Mr. Tony Arnautis, 17 Tiffany Circle, discussed the aviation fees internationally and locally, and requested the Commission reconsider adding the landing fees.

Mr. Daly voiced concerns with the Daytona flight schools, and noted the majority of the flights out of the airport were from the flight schools. He noted the landing fees would be put onto the student's flight training costs. He believed the fees would help the debt without costing the tax payers money.

Mr. Ron Serra, 1761 Mitchell Court, Port Orange, 32128, stated he disagreed with the implementation of the landing fees. He discussed the local economy growth due to the aviation field. He discussed other states who were competing for the Florida aviation business. He stated he was a flight instructor and students were discussing landing fees being add to their tuition costs, noting they discussed looking elsewhere for training.

Mr. Bob Brown, 918 Lake Lindley Drive South, DeLand, 32724, expressed concerns of the landing fees being in the same ordinance as the fuel and tiedown fees. He discussed concerns regarding the exemptions and the collection of the fees.

Mr. Matthew Serra, 1761 Mitchell Court, Port Orange, 32128, discussed his history with aviation. He stated the fees would cause changes in the trainings, as pilots would lessen the number of landings in training sessions. He discussed fees pilots currently face and expressed concerns regarding pilot shortages. He requested an exemption for all aircrafts under 6,000 pounds, noting the precedence from other airports.

Ms. Sharon Serra, 1761 Mitchell Court, Port Orange, 32128, requested the landing fees be removed from the ordinance for further review. She explained her belief was Vector Airport Systems, LLC used standard pricing for all airports instead of customizing the fees to each individual airport based on needs, and felt that was not the correct way to go about it. She discussed the rulings around landing fees.

Mr. David Gall, unlisted address, Port Orange, 32128, reviewed his aviation background and expressed concerns regarding landing fees specifically for flight trainings.

Mr. Terence Anderson, 101 Ray Lake Drive, discussed the importance of flight schools practicing landings for safety reasons.

Mr. Michael Galluzzi, 1008 Flying M Court, Edgewater, 32132, indicated he worked for the NASA Research Institute, specializing in advanced air mobility. He shared some research from surrounding airports and across Central Florida. He expressed concerns regarding the landing fees, including unwarranted surveillance. He stated he would like to share a proposal for a public/private partnership and would provide further details.

Mr. Andre Maye, 2002 Yellowfin Drive, Port Orange, 32128, stated the United States of America was number one in aviation trainings and noted comparison to international fees. He expressed concerns regarding how the fees would impact flight schools.

Mr. Robert Jex, 55 Front Street, Palm Coast, 32137, stated the proposal would not improve safety, pilot production, or long-term funds. He stated there were other positive ways to generate funds, including attracting new aviation businesses.

Mayor Partington stated he received a letter from Ms. Stacy Heaton, the Southern Regional Manager for Aircraft Owners and Pilots Association (AOPA), opposing the landing fees.

Commissioner Sargent moved, seconded by Commissioner Briley, to approve Resolution No. 2024-154, as read by title only, for discussion purposes.

Commissioner Sargent discussed the airport's debt and inquired if the landing fees were presented to the Aviation Advisory Board; whereby, Mr. Rademacher stated it was not brought to the Aviation Advisory Board but would be discussed with them at their next scheduled meeting. Commissioner Sargent stated the advisory board should make a recommendation before the item was brought before the Commission.

Commissioner Sargent and Commissioner Briley withdrew their motion and second respectively for Resolution No. 2024-154.

Commissioner Sargent moved, seconded by Commissioner Persis, to table Items 10A and 10B until they were brought before the Aviation Advisory Board for review.

Commissioner Persis stated she had many questions and would like more time to learn about the issues.

Commissioner Tolland indicated she learned information during the comments and would need answers to questions she had.

Commissioner Sargent and Commissioner Tolland promoted citizens to apply online for the city's advisory boards.

Commissioner Briley agreed the Aviation Advisory Board needed to review the item and with Mr. Daly's comments regarding tax payer dollars not supporting the airport.

Call Vote:	Commissioner Persis	Yes
	Commissioner Briley	Yes
	Commissioner Tolland	Yes
	Commissioner Sargent	Yes
Carried.	Mayor Partington	Yes

Item #10C – Opioid Abatement Advisory Board Appointments

City Clerk Susan C. Dauderis read by title only:

RESOLUTION NO. 2024-159
A RESOLUTION APPOINTING A MEMBER AND AN ALTERNATE MEMBER TO SERVE ON THE OPIOID ABATEMENT FUNDING ADVISORY BOARD; ESTABLISHING TERM AND CONDITIONS OF SERVICE; AND SETTING FORTH AN EFFECTIVE DATE.

Mayor Partington explained he would like to continue his service through the end of his mayoral obligations.

Commissioner Briley nominated Commissioner Tolland for the alternate role; whereby, Commissioner Persis agreed.

Commissioner Tolland expressed support of serving as the alternate.

Commissioner Briley moved, seconded by Commissioner Persis, to approve Resolution No. 2024-159, as read by title only, with Mayor Partington as the primary member and Commissioner Tolland as the alternate member.

Ms. Susan Dauderis, City Clerk, explained Volusia County indicated Mayor Partington could serve through October, a new primary member could be named to replace him when he leaves, and an alternate member could be named.

Mayor Partington stated he believed he could fill the role as primary member until his mayoral duties were completed, then the item could be brought back to the Commission to fill the vacancy of the primary member.

Call Vote:	Commissioner Briley	Yes
	Commissioner Tolland	Yes
	Commissioner Sargent	Yes
	Commissioner Persis	Yes
Carried.	Mayor Partington	Yes

Item #10D – Intent to Award RFP 2024-29 Property, Liability and Workers' Compensation Insurance

City Clerk Susan C. Dauderis read by title only:

RESOLUTION NO. 2024-160
A RESOLUTION ACCEPTING A PROPOSAL FROM FOUNDATION RISK PARTNERS PUBLIC ENTITY SERVICES, FOR THE PROVISION OF PROPERTY, LIABILITY AND WORKERS' COMPENSATION INSURANCE

FOR VARIOUS LINES OF INSURANCE COVERAGE THROUGH VARIOUS INSURANCE CARRIERS; AUTHORIZING THE EXECUTION OF DOCUMENTS RELATIVE THERETO; AUTHORIZING PAYMENT THEREFOR; AND SETTING FORTH AN EFFECTIVE DATE.

Mr. Kelly McGuire, Finance Director, explained the item was regarding the two proposals received during the city's Request for Proposal (RFP), one from Brown & Brown Insurance Services, Inc. (Brown & Brown) and one from Foundation Risk Partners Public Entity Services (Foundation Risk Partners). She stated the prices from each proposal, noting neither included flood insurance information due to rates not being available at the time of the proposal openings. She stated there were four coverages that Foundation Risk Partners did not provide in their proposal and indicated they could assume existing coverages. She discussed the qualifications of the firms and underlying insurance trusts; all were highly qualified, noting both companies were considered equal in qualifications. She stated staff recommended Brown & Brown due to the lower price.

Commissioner Tolland and Commissioner Sargent abstained from the vote due to potential conflicts of interest.

Representative Leek explained he was speaking in his capacity as Chief Legal Officer of Foundation Risk Partners and discussed the company. He expressed concerns regarding the proposal from Brown & Brown not including the affidavit required by Section 287.138 of Florida Statutes. He stated by Statute the Brown & Brown proposal should be deemed unresponsive. He introduced other members of his team, including Ms. Jo Thacker, Mr. David Lodwick, and Mr. Alan Florez of Foundation Risk Partners.

Ms. Jo Thacker, 780 West Granada Boulevard, stated there was a whereas clause in the resolution stating a second alternative was neither authorized nor consistent with the RFP, and expressed concerns with the RFP conflicting the Code of Ordinances referenced within the resolution. She stated concerns with the Code of Ordinances not referencing if forms and affidavits could be submitted after the proposal was opened.

Mr. David Lodwick, 780 West Granada Boulevard, reviewed proposal "Option 2" that was provided to the Commission and reviewed the option in detail.

Mr. Alan Florez, 780 West Granada Boulevard, reiterated Representative Leek's statement regarding the affidavit and bid fairness. He reviewed the handout provided to the Commission and discussed the risk factors related to hurricanes.

Commissioner Briley expressed concerns regarding compliance; whereby, Mayor Partington believed everything complied now if accepted.

Ms. McGuire indicated everything was in compliance, noting the affidavit was included in the agenda packet.

Mayor Partington noticed the notary stamp and signature dates of expiration did not match in the packet and commented that could be a clerical error.

Commissioner Sargent inquired when the bids were due; whereby, Ms. McGuire stated June 9, 2024, but was extended a week due to additional questions. Commissioner Sargent inquired if policy documents were up to date within the packet, as there was a policy provided that had expired dates; whereby, Ms. McGuire assured the Commission the policy was within date and would renew in 2025. He expressed concerns regarding the storm policy limits.

Commissioner Tolland expressed support of the competitive bidding process, noting Brown & Brown's proposal was \$300,000 less than the prior year.

Commissioner Briley expressed concerns regarding the shared policy limits.

Commissioner Persis inquired if Mr. Randy Hayes, City Attorney, had anything to add; whereby, Mr. Hayes stated what was presented was the recommendation from the Insurance Program Committee. He indicated historically and customarily during the presentation of the bids, it was allowed for the vendor to provide clarification or affidavits if needed. He noted the item was the Committee's best recommendation based on the RFP. He discussed what would need to happen if the Commission wished to proceed with Brown & Brown or if they chose to proceed with Foundation Risk Partners.

Mr. Steve Farmer, Brown & Brown Executive Vice President, reviewed his history with the city and Brown & Brown. He discussed the proposed insurance trusts and the shared policies. He discussed the proposal and improvement in the insurance market, his connections which helped to lower the rate, and noted the Insurance Program Committee recommended their proposal.

Commissioner Sargent reviewed prior prices of the city's insurance policies, increasing through the years.

Mayor Partington inquired about the compliance of the affidavit; whereby, Ms. McGuire stated the purchasing department addressed the issue of the affidavit to bring the bid into compliance. He asked what the Committee's thought was on the shared limit versus named storm limit; whereby, Ms. McGuire stated the city's RFP solicited proposals for the same coverage levels, and the Foundation Risk Partners alternate proposal was not consistent with the current insurance program, therefore the Committee only considered the primary Foundation Risk Partners proposal.

Mayor Partington stated the city only wanted the best for the residents. He reviewed other municipalities utilizing Foundation Risk Partners and questioned why the city would not consider proposals outside of the scope of service; whereby, Ms. McGuire stated the RFP called for a specific scope of service, which Foundation Risk Partners' alternate proposal did not match.

Commissioner Persis expressed concerns regarding the storm policy.

Commissioner Tolland stated needs change and inquired if the city could accept proposals outside of scope of service.

Ms. Shanahan stated the RFP was approved by the Commission before getting sent out to bid with the scope of service to maintain the same coverages.

Mayor Partington stated Foundation Risk Partners had the lowest cost with the alternate proposal.

Commissioner Tolland inquired about the affidavit being submitted late; whereby, Mr. Hayes stated it was a matter of interpretation, noting the Statutes required an affidavit and one was provided, noting past bids were accepted with the late submission of the affidavit. He explained it was up to the Commission to agree or disagree with the recommendation of the Insurance Program Committee. He reviewed the process of the Committee and what was needed from the Commission if they agreed or disagreed with the recommendation.

Mayor Partington inquired about the shared limit versus named storm limit; whereby, Mr. Lodwick stated it depended on the circumstances. Mr. Lodwick discussed issues with shared limit coverages and reviewed the named storm coverage with the dedicated limit.

Mr. Farmer stated the shared limit program was very transparent, noting it was reviewed every year and was never close to being exceeded.

Commissioner Tolland inquired how the shared limit versus dedicated limit effect the level of service during an event; whereby, Mr. Farmer indicated each insurance company handles events differently, noting during any event he was always there to assist the city.

Mr. Lodwick discussed the requirements and process of the dedicated limit coverage and assessments during events.

Mr. Farmer inquired if there were any issues with the current providers; whereby, Mr. Hayes stated there were no issues in coverage or level of service of the existing provider.

Commissioner Sargent inquired when the city last sent insurance out to bid; whereby, Mr. Farmer stated he participated in many bids for insurance with the city.

Ms. McGuire stated 2017 was the last time the Agent of Record for insurance went out to bid.

Commissioner Tolland inquired if there were only two bids every time; whereby, Ms. McGuire stated Brown & Brown was always responsive to the RFP's.

Mayor Partington expressed support of both companies, noting he's worked with both through the city and through the Florida League of Cities. He stated as the agreement was for a year he was comfortable going with the cheaper proposal from Foundation Risk Partners.

Commissioner Briley inquired if the proposal was cheaper by \$40,000; whereby, Ms. McGuire stated that was correct but the four coverages not quoted would need to be assumed.

Commissioner Persis expressed support of the lower proposal.

Commissioner Briley moved, seconded by Commissioner Persis, to approve Resolution No. 2024-160, as read by title only, for discussion purposes.

Mr. Hayes inquired on the Commission's stance of the affidavit; whereby, Mayor Partington stated he believed the bid to be deemed non-compliant due to the missing affidavit upon bid opening.

Mayor Partington stated the third whereas clause should be amended as well, since both companies were qualified and able, noting the disagreement was the shared limit versus the named storm limit. He discussed the Florida League of Cities insurance program.

Mr. Hayes requested a recess to amend the resolution in favor of Foundation Risk Partners and include the requested amendments.

Mayor Partington recessed the City Commission meeting at 10:11 p.m.

Mayor Partington reconvened the City Commission meeting at 10:38 p.m.

Mr. Hayes explained there was a revised resolution, noting the incorporated findings discussed.

Mr. Hayes read the change in the resolution title:

A RESOLUTION ACCEPTING A PROPOSAL FROM FOUNDATION RISK PARTNERS PUBLIC ENTITY SERVICES, FOR THE PROVISION OF PROPERTY, LIABILITY AND WORKERS' COMPENSATION INSURANCE FOR VARIOUS LINES OF INSURANCE COVERAGE...

Mr. Hayes reviewed the revised whereas clauses that changed from Resolution 2024-160.

Commissioner Briley and Commissioner Persis withdrew their motion and second, respectively.

Mr. Hayes requested a new Resolution number for the updated resolution; whereby, Ms. Dauderis stated Resolution number 2024-161 would be assigned.

Commissioner Briley moved, seconded by Commissioner Persis, to approve Resolution No. 2024-161, as amended to award the bid to Foundation Risk Partners.

Commissioner Sargent inquired if there was anything needed by the Commission regarding the policies that would be assumed by Foundation Risk Partners; whereby, Ms. McGuire stated the policies were included in the updated Resolution. *

Commissioner Briley, Commissioner Persis, and Mayor Partington expressed support of both agencies.

Call Vote:	Commissioner Sargent	Abstained
	Commissioner Persis	Yes
	Commissioner Briley	Yes
	Commissioner Tolland	Abstained
Carried.	Mayor Partington	Yes

Item #11 – Reports, Suggestions, Requests

Events, Updates, Congratulations, and Requests

Ms. Shanahan noted upcoming meetings and events.

Commissioner Sargent reviewed upcoming events and events he attended, including the 9/11 and Crime Stoppers events.

Commissioner Persis discussed upcoming events, events she attended, and thanked staff for their work with an issue that occurred.

Commissioner Briley reviewed events he attended.

Commissioner Tolland congratulated Ms. Rebostini and Representative Leek for their service. She discussed events she attended, upcoming events, and provided updates from Ormond Beach MainStreet. She requested an education push on social media regarding code enforcement regulations. She suggested a thin black trim to be used in the city landscaping with mulch to help contain it and prevent runoff into the streets.

Mayor Partington discussed the budget, highlighting the public safety items, and noted the city was the second lowest tax rate in Volusia County. He thanked those who participated in the 9/11 event.

Tomoka State Park

Commissioner Briley inquired if there was any interest by the Commission to write a letter from the Commission as a whole to the State regarding the proposed paving of Tomoka State Park; whereby, Mayor Partington and Commissioner Sargent stated they had no interest in sending a letter.

Commissioner Tolland stated she would support a letter requesting a more permanent permeable product due to flooding concerns.

Item #12 – Adjournment

The meeting was adjourned at 11:02 p.m.

APPROVED: October 2, 2024

BY:


Bill Partington, Mayor

ATTEST:



Susan Carroll Dauderis,
City Clerk

