

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

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**February 26, 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**

**I. CALL TO ORDER**

**II. PLEDGE OF ALLEGIANCE**

**III. ORDINANCES**

- A. **ORDINANCE NO. 2019-06:** AN ORDINANCE SETTING FORTH A PROPOSED AMENDMENT TO SECTIONS 3.03, 3.05 AND 6.02, OF THE CHARTER OF THE CITY OF ORMOND BEACH, FLORIDA, BY AMENDING TERMS OF OFFICE TO INCLUDE STAGGERED, FOUR-YEAR TERMS FOR CITY COMMISSIONERS AND FOR MAYOR; PROVIDING A SCHEDULE FOR STAGGERING THE TERMS OF OFFICE; CALLING FOR A MUNICIPAL REFERENDUM ELECTION TO BE HELD BY MAIL BALLOT; PROVIDING FOR SEVERABILITY; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; AND SETTING FORTH AN EFFECTIVE DATE. **(SECOND READING)**

*Staff Contact: Lisa Dahme, City Clerk (386-676-3340)*

**IV. ADJOURNMENT**

Item #1 – Meeting Call to Order

Mayor Partington called the meeting to order at 7:03 p.m.

Item #2 – Pledge of Allegiance

Mayor Partington gave the invocation and led the Pledge of Allegiance.

Item #3 – Referendum

City Clerk Lisa Dahme read by title only:

ORDINANCE NO. 2019-06

AN ORDINANCE SETTING FORTH A PROPOSED AMENDMENT TO SECTIONS 3.03, 3.05 AND 6.02, OF THE CHARTER OF THE CITY OF ORMOND BEACH, FLORIDA, BY AMENDING TERMS OF OFFICE TO INCLUDE STAGGERED, FOUR-YEAR TERMS FOR CITY COMMISSIONERS AND FOR MAYOR; PROVIDING A SCHEDULE FOR STAGGERING THE TERMS OF OFFICE; CALLING FOR A MUNICIPAL REFERENDUM ELECTION TO BE HELD BY MAIL BALLOT; PROVIDING FOR SEVERABILITY; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; AND SETTING FORTH AN EFFECTIVE DATE.

Mayor Partington noted that eight cards had been submitted on the item.

The following individual spoke in favor of the current ordinance: Ms. Dorian Burt, 203 Pine Cone Trail.

The following individuals spoke in opposition to the current ordinance, and requested that term limits be added to the ballot: Mr. Joe Hannoush, 87 Carriage Creek Way; Ms. Linda Williams, 131 Bosarvey Drive; and Mr. Ed Kolaska, 32 Rio Pinar Trail.

The following individuals spoke in opposition to the current ordinance, and requested that a primary election be added to the ballot: Ms. Linda Williams, 131 Bosarvey Drive; and Mr. Norman Lane, 1314 Northside Drive.

Mr. Tim Ryan, 38 Carriage Creek Way, noted support of the current ordinance, but requested that term limits be added to the ballot.

Ms. Peggy Farmer, 349 Nottingham Street, noted support of the current ordinance from the Ormond Beach Chamber of Commerce, which she was part of, but requested that a primary election be added to the ballot.

Mr. Rafael Ramirez, 23 Eagle Court, discussed wording that was used by certain groups in the city, and noted that those groups did not speak for him or many of the voters in Ormond Beach.

**Commissioner Littleton moved, seconded by Commissioner Persis, for approval of Ordinance No. 2019-06, on second reading, as read by title only.**

Commissioner Selby noted a citizen in the audience who had filled out a card to speak, but had not turned it in; whereby, Mayor Partington stated the audience comment section had ended.

Commissioner Persis suggested adding the primary election and term limit details to the ballot, along with the four-year terms and staggered terms.

Mayor Partington confirmed Commissioner Persis wanted to amend the previous motion.

Commissioner Littleton asked City Attorney Randy Hayes if he had language available to add three four-year terms to the motion; whereby, Mr. Randy Hayes, City Attorney, stated he would be able to assist.

Commissioner Littleton wondered if they could add language about the primary election into the motion; whereby, Mr. Hayes stated the issues should be treated as separate amendments to the motion. He noted the additions were acceptable as long as the Commission did not change the underlying purpose of the ordinance. He confirmed the primary election language that was removed at the prior reading of the ordinance would be added back exactly as it had been, before it was removed. He explained the details involved to ensure the amendments would fit the ballot requirements.

Commissioner Littleton wondered if a majority of the Commission would be willing to limit the terms to three four-year terms and include the primary election as part of the ballot; whereby, Commissioner Persis, Commissioner Selby, and Commissioner Kent agreed with him.

Commissioner Selby reiterated his comments from the prior meeting on this issue. He stated that every city in Volusia County has staggered terms, except Ormond Beach; every city has four-year terms, except Lake Helen, Ponce Inlet, and Ormond Beach; and every city has a primary, except Daytona Beach Shores and Ormond Beach. He discussed voter turnout in regards to two-year elections and four-year elections. He was in favor of majority rule, a primary election, and term limits, and felt additional questions should be added to the ballot on the primary election and term limit issues. He noted there would be no cost to the city to add these additional questions to the upcoming ballot, per the Supervisor of Elections.

Commissioner Kent discussed the Commission running in a citywide election, and noted the City of Port Orange held elections in that manner. He reiterated that none of his Zone 2 residents had requested changes to the Commission's terms, but did not object to additional questions being added to the ballot.

Mr. Hayes stated that for the first amendment, term limits, these additions would be made: *'providing term limits'* would be added to the ordinance title; under Section 2, Section 3.03 Election and terms, the first paragraph would become paragraph (a), and a paragraph (b) would be added to read as follows:

*"No person may serve in the position of city commissioner or mayor for more than three consecutive full four-year terms in the zone to which they were elected; provided however that service prior to adoption of this term limit amendment or service during the unexpired portion of a term to which*

*another person was elected shall not be counted toward the term limitation.”*

He stated that Question 4 would be added to page six of the ordinance under Section Nine, and would read as follows:

*“Shall Section 3.03 of the Charter be amended providing for term limits?”*

He noted the summary would read as follows:

*“The proposed amendment would provide that no person may serve in the position of city commissioner or mayor for more than three consecutive full four-year terms. This charter amendment shall be contingent upon approval of four-year terms as provided in Question 1.”*

Mayor Partington and all Commissioners confirmed they were comfortable with the amendment language.

Commissioner Selby stated that if the four-year terms did not pass, the term limits would not pass either and wondered if that was correct; whereby, Mr. Hayes stated that was how it was currently worded. He suggested that if the four-year terms did not pass, the Commission could revisit term limits at another time on a future ballot.

Commissioner Selby confirmed he was comfortable with the language.

**Commissioner Persis moved, seconded by Commissioner Littleton, for approval of Amendment 1.**

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

Mr. Hayes stated that for the second amendment, a primary election, these additions would be made: a reference to Section 5.06 and ‘*providing a procedure for determining a primary election*’ would be added to the ordinance title; Section Four would be added to the bottom of page two of the ordinance, and would read as follows:

*“Subject to the approval of the electorate in that Referendum hereinafter provided for, Section 5.06, Schedule and notice of elections, of the Charter of the City of Ormond Beach, Florida, is hereby amended to read as follows:”*

He noted that under Section Four, ‘*Sec 5.06, Schedule and notice of election*’ would be added; a new paragraph (a) would be added below that and would read as follows:

*“Primary. When more than two persons qualify as candidates for the office of city commissioner for any of the designated seats of the city commission to be filled or for the office of mayor, the persons so qualified shall appear on the ballot and voted upon at a primary election to be held on the Tuesday ten weeks prior to the general election in each even-numbered year. The two candidates receiving the highest number of votes at the primary election shall be placed on the ballot for the regular municipal election to be held in each even-numbered year on the date established by the Florida Election Code. If any one candidate in the primary election receives more than fifty percent of the votes cast for a designated seat or office, such candidate shall be declared elected without the necessity of being voted upon in a run-off municipal election and shall assume office on the third Tuesday in November following each general municipal election in each even-numbered year.”*

Mr. Hayes stated the rest of Section 5.06 would be re-lettered appropriately and read it as shown in the original ordinance from the February 19, 2019, agenda packet. He noted these other additions would be made: under Section Five and Question, 5.06 would be added; Question 3 would be added to page five of the ordinance under Section Eight, and would read as follows:

*“Shall Section 5.06 of the Charter be amended providing for a primary election?”*

He noted the summary would read as follows:

*“The proposed amendment would provide for a primary election to be held when more than two candidates qualify for any of the designated seats of the city commission or for the office of mayor.”*

He stated the instructions to voters on each question would be the same.

**Commissioner Persis moved, seconded by Commissioner Littleton, for approval of Amendment 2.**

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

**Commissioner Littleton moved, seconded by Commissioner Persis, for approval of Ordinance No. 2019-06 as amended, on second reading, as read by title only.**

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

Item #4 – Adjournment

The meeting was adjourned at 7:48 p.m.

APPROVED: March 21, 2019

BY:

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Bill Partington, Mayor

ATTEST:

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Lisa Dahme, City Clerk