

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

July 20, 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, City Attorney Randy Hayes, and Acting City Clerk Wendy Hontz.

A G E N D A

- 1. CALL TO ORDER**
- 2. INVOCATION**
- 3. PLEDGE OF ALLEGIANCE**
- 4. ADOPTION OF FY 2021-2022 TENTATIVE MILLAGE RATE**

- A. RESOLUTION NO. 2021-102:** A RESOLUTION ADOPTING PROPOSED MILLAGE RATES FOR THE 2021-2022 FISCAL YEAR; ESTABLISHING THE DATE, TIME AND PLACE FOR THE FIRST PUBLIC HEARING ON THE PROPOSED MILLAGE RATES AND THE TENTATIVE BUDGET; DIRECTING COMMUNICATION; EXPRESSING LEGISLATIVE INTENT; AND SETTING FORTH AN EFFECTIVE DATE.

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

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

- A.** Minutes from City Commission meeting – June 1, 2021

- 7. 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. 2021-103:** A RESOLUTION AUTHORIZING THE CITY TO JOIN WITH THE STATE OF FLORIDA AND OTHER LOCAL GOVERNMENTAL UNITS AS A PARTICIPANT IN THE FLORIDA MEMORANDUM OF UNDERSTANDING AND FORMAL AGREEMENTS IMPLEMENTING A UNIFIED PLAN; AND SETTING FORTH AN EFFECTIVE DATE.

***Staff Contact:** Ann-Margret Emery, Deputy City Attorney (386-676-3218)*

- B. RESOLUTION NO. 2021-104:** A RESOLUTION APPROVING A SETTLEMENT PROPOSAL REGARDING THE WORKERS' COMPENSATION CLAIM OF GEORGE POSTELL; AUTHORIZING THE EXECUTION OF ANY AND ALL DOCUMENTS INCIDENTAL THERETO; AUTHORIZING PAYMENT RELATIVE THERETO; AND SETTING FORTH AN EFFECTIVE DATE.

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

- C. RESOLUTION NO. 2021-105:** A RESOLUTION PURSUANT TO CHAPTER 14, ARTICLE VIII, SECTION 14-98, LIENS, OF THE CITY OF ORMOND BEACH CODE OF ORDINANCES

AUTHORIZING THE IMPOSITION OF A LIEN AGAINST THE REAL PROPERTY OWNED BY SAMUEL C. EDDY, LOCATED AT 211 HERNANDEZ AVENUE, ORMOND BEACH, VOLUSIA COUNTY, FLORIDA FOR COSTS INCURRED BY THE CITY TO TERMINATE OR ABATE A SITE MAINTENANCE VIOLATION; AND SETTING FORTH AN EFFECTIVE DATE.

Staff Contact: Chris Mason, Neighborhood Improvement Manager (386-676-3352)

- D. **RESOLUTION NO. 2021-106:** A RESOLUTION AUTHORIZING THE EXTENSION OF TIME FOR BUSINESSES TO DISPLAY BANNER SIGNS ON A TEMPORARY BASIS WITHOUT PERMITTING REQUIREMENTS THROUGH AND INCLUDING SEPTEMBER 30, 2021; ESTABLISHING CONDITIONS AND A TERMINATION DATE FOR SUCH DISPLAY; AND SETTING FORTH AN EFFECTIVE DATE.

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

- E. **RESOLUTION NO. 2021-107:** A RESOLUTION AUTHORIZING THE EXECUTION OF AN AGREEMENT BETWEEN THE CITY OF ORMOND BEACH AND THE RIVER TO SEA TRANSPORTATION PLANNING ORGANIZATION IN SUPPORT OF PLANNING AND FUNDING OF VOLUSIA COUNTY TRANSPORTATION SYSTEM PROJECTS; AUTHORIZING THE EXPENDITURE OF FUNDING AND SETTING FORTH AN EFFECTIVE DATE.

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

- F. **RESOLUTION NO. 2021-108:** A RESOLUTION AUTHORIZING THE ACCEPTANCE OF A PUBLIC UTILITY, ACCESS AND MAINTENANCE EASEMENT DEED FROM MHK OF VOLUSIA COUNTY, INC. FOR A PORTION OF LOTS 24 AND 39 VERONA VILLAS SUBDIVISION, AS RECORDED IN MAP BOOK 56, PAGE 74, OF THE PUBLIC RECORDS OF VOLUSIA COUNTY; AND SETTING FORTH AN EFFECTIVE DATE.

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

- G. **RESOLUTION NO. 2021-109:** A RESOLUTION RATIFYING AND AFFIRMING AN EMERGENCY PROCUREMENT FROM CUMMINS SALES AND SERVICE FOR REPAIRS TO FIRE APPARATUS QUINT 93 FIRE TRUCK; AND SETTING FORTH AN EFFECTIVE DATE.

Staff Contact: Kevin Gray, Deputy Public Works Director (386-676-3577)

- H. **RESOLUTION NO. 2021-110:** A RESOLUTION RATIFYING AND AFFIRMING PROCUREMENT FROM GENERAL MECHANICAL CORPORATION FOR REPLACEMENT OF THE CHILLER AT CITY HALL; AND SETTING FORTH AN EFFECTIVE DATE.

Staff Contact: Shawn Finley, Public Works Director (386-676-3292)

- I. **RESOLUTION NO. 2021-111:** A RESOLUTION AUTHORIZING THE EXECUTION OF AN AMENDMENT AND RENEWAL OF AGREEMENT FOR TRANSPORTATION CONSULTING SERVICES BETWEEN THE CITY OF ORMOND BEACH AND GHYABI CONSULTING MANAGEMENT, LLC; AND SETTING FORTH AN EFFECTIVE DATE.

Staff Contact: Shawn Finley, Public Works Director (386-676-3292)

- J. **RESOLUTION NO. 2021-112:** A RESOLUTION AUTHORIZING A COST INCREASE TO ODYSSEY MANUFACTURING CO. REGARDING THE PROVISION OF SODIUM HYPOCHLORITE UNDER ITB 2020- 24; AND SETTING FORTH AN EFFECTIVE DATE.

Staff Contact: Tim Heyrend, Utilities Manager (386-676-3305)

- K. **RESOLUTION NO. 2021-113:** A RESOLUTION AUTHORIZING A COST INCREASE TO CHEMTRADE CHEMICALS US, LLC REGARDING THE PROVISION OF ALUMINUM SULFATE UNDER ITB 2020-06; AND SETTING FORTH AN EFFECTIVE DATE.

Staff Contact: Tim Heyrend, Utilities Manager (386-676-3305)

- L. **RESOLUTION NO. 2021-114:** A RESOLUTION AUTHORIZING THE SUBMITTAL OF AN ON-LINE GRANT APPLICATION IN THE AMOUNT OF \$12,678.00 TO THE UNITED STATES DEPARTMENT OF JUSTICE, OFFICE OF JUSTICE PROGRAMS, UNDER THE EDWARD BYRNE JUSTICE ASSISTANCE GRANT PROGRAM; AUTHORIZING THE EXECUTION OF ALL DOCUMENTS INCIDENTAL THERETO, INCLUDING ANY CONTRACT NECESSARY FOR THE CITY TO ACCEPT THE GRANT AWARD; AUTHORIZING THE SOLE SOURCE PROCUREMENT OF AUTOMATED LICENSE PLATE READERS FROM NDI TECHNOLOGIES, INC.; AND SETTING FORTH AN EFFECTIVE DATE.

Staff Contact: Loretta Moisisio, Grants Coordinator (386-676-3315)

- M. **RESOLUTION NO. 2021-115:** A RESOLUTION APPROVING THE COMMUNITY DEVELOPMENT BLOCK GRANT ANNUAL PLAN FOR THE 2021-2022 FISCAL YEAR; AND SETTING FORTH AN EFFECTIVE DATE.

Staff Contact: Loretta Moisisio, Grants Coordinator (386-676-3315)

- N. **RESOLUTION NO. 2021-116:** A RESOLUTION AUTHORIZING THE EXECUTION OF AN AMENDMENT AND RENEWAL OF A SCHOOL RESOURCE OFFICER AGREEMENT BETWEEN THE CITY OF ORMOND BEACH AND THE SCHOOL BOARD OF VOLUSIA COUNTY; AND SETTING FORTH AN EFFECTIVE DATE.

Staff Contact: Jesse Godfrey, Police Chief (386-676-3525)

- O. **RESOLUTION NO. 2021-117:** A RESOLUTION AUTHORIZING THE EXECUTION OF A GRANT AGREEMENT DEVELOPMENT ADDENDUM BETWEEN THE CITY AND THE FEDERAL AVIATION ADMINISTRATION REGARDING THE CORONAVIRUS AID, RELIEF, AND ECONOMIC SECURITY ACT (CARES ACT) FOR THE DESIGN PHASE TO REHABILITATE TAXIWAY BRAVO AT THE ORMOND BEACH MUNICIPAL AIRPORT; AND SETTING FORTH AN EFFECTIVE DATE.

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

- P. **RFP 2021-22 Miscellaneous Crafts & Trades**

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

Disposition: Approve as recommended in the City Manager memorandum dated July 20, 2021.

Q. Auto Renew Contract - Stanley Steamer Display

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

Disposition: Approve as recommended in the City Manager memorandum dated July 20, 2021.

R. City Manager Status Report - July 2021

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

Disposition: Approve as recommended in the City Manager memorandum dated July 20, 2021.

S. Approval of Travel

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

Disposition: Approve as recommended in the City Manager memorandum dated July 20, 2021.

8. PUBLIC HEARINGS

- A. ORDINANCE NO. 2021-19:** AN ORDINANCE AMENDING CHAPTER 1, GENERAL ADMINISTRATION, ARTICLE III, DEFINITIONS AND ACRONYMS, SECTION 1-22, DEFINITIONS OF TERMS AND WORDS; CHAPTER 2, DISTRICT AND GENERAL REGULATIONS, ARTICLE II, DISTRICT AND GENERAL REGULATIONS, SECTION 2-09, REA, RURAL ESTATE/AGRICULTURE; AND 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, TO PROVIDE DEFINITIONS AND SPECIFIC CONDITIONAL CRITERIA THAT WOULD ALLOW AN OFF-ROAD RECREATIONAL VEHICLE COURSE AS A SPECIAL EXCEPTION USE IN THE REA, RURAL ESTATE/AGRICULTURE ZONING DISTRICT; 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. 2021-20:** AN ORDINANCE AMENDING CHAPTER 1, GENERAL ADMINISTRATION, ARTICLE III, DEFINITIONS AND ACRONYMS, SECTION 1-22, DEFINITIONS OF TERMS AND WORDS AND CHAPTER 2, DISTRICT AND GENERAL REGULATIONS, ARTICLE III, GENERAL REGULATIONS, SECTION 2-50, ACCESSORY USES, OF THE LAND DEVELOPMENT CODE TO ADD DEFINITIONS AND ACCESSORY USE STANDARDS TO ALLOW MOBILE FOOD DISPENSING VEHICLES (FOOD TRUCKS) UNDER CERTAIN CONDITIONS AND WITHIN CERTAIN ZONING DISTRICTS; 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)

- C. **ORDINANCE NO. 2021-21:** AN ORDINANCE AMENDING CHAPTER 2, DISTRICT AND GENERAL REGULATIONS, ARTICLE III, GENERAL REGULATIONS, SECTION 2-50, ACCESSORY USES, OF THE LAND DEVELOPMENT CODE TO AMEND THE CONDITIONS FOR NON-PROFIT RELATED CAR AND MOTORCYCLE WASHES; 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)

- D. **ORDINANCE NO. 2021-22:** AN ORDINANCE AMENDING CHAPTER 3, PERFORMANCE STANDARDS, ARTICLE VI, ARCHITECTURAL DESIGN STANDARDS, SECTION 3-70, SPECIAL STRUCTURE PROVISIONS, OF THE LAND DEVELOPMENT CODE TO AMEND THE REQUIREMENTS FOR MOTOR VEHICLE SERVICE STATION CANOPIES; 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)

9. FIRST READING OF ORDINANCES

- A. **ORDINANCE NO. 2021-24:** AN ORDINANCE APPROVING THE FINAL PLAT FOR THE "ORMOND GATEWAY" SUBDIVISION, A COMMERCIAL THREE (3) LOT SUBDIVISION; ESTABLISHING CONDITIONS AND EXPIRATION DATE OF APPROVAL; AND SETTING FORTH AN EFFECTIVE DATE.

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

10. STAFF ACTION ITEMS

- A. FLORIDA LEAGUE OF CITIES VOTING DELEGATE

Staff Contact: Wendy Hontz, Acting City Clerk (386-676-3332)

11. REPORTS, SUGGESTIONS, REQUESTS

12. ADJOURNMENT

Item #1 – Meeting Call to Order

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

Item #2 – Invocation

Chaplain Sam Mercado, Advent Health, gave the invocation.

Item #3 – Pledge of Allegiance

Mayor Partington led the Pledge of Allegiance.

Item #4A – Adoption of FY 2021-2022 Tentative Millage Rate

Acting City Clerk Wendy Hontz read by title only:

RESOLUTION NO. 2021-102

A RESOLUTION ADOPTING PROPOSED MILLAGE RATES FOR THE 2021-2022 FISCAL YEAR; ESTABLISHING THE DATE, TIME AND PLACE FOR THE FIRST PUBLIC HEARING ON THE PROPOSED MILLAGE RATES AND THE TENTATIVE BUDGET; DIRECTING COMMUNICATION; EXPRESSING LEGISLATIVE INTENT; AND SETTING FORTH AN EFFECTIVE DATE.

Mayor Partington stated the tentative millage rate for the City of Ormond Beach necessary to fund the FY 2021-2022 budget was 3.9128 mills. He noted this rate was 4.7% above the rolled back rate of 3.7370 mills. He stated the tentative debt service millage rates were 0.0290 for the 2003 General Obligation Bond Sinking Fund and 0.0890 for the 2010 General Obligation Bond Sinking Fund. He noted it was a public hearing and asked if there were any members of the public who wished to speak or ask questions prior to adoption of the tentative millage rate. He stated there were no persons registered to speak on the item.

Commissioner Persis moved, seconded by Commissioner Littleton, for approval of Resolution No. 2021-102, as read by title only.

Mayor Partington noted the tentative operating millage of 3.9128 mills was 4.7% above the rolled back millage rate. He explained the resolution also included adoption of the tentative debt service millage rates at 0.0290 for the 2003 General Obligation Bond Sinking Fund and 0.0890 for the 2010 General Obligation Bond Sinking Fund.

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

Mayor Partington stated the tentative operating millage rate was set at 3.9128 mills, which was 4.7% above the rolled back millage rate of 3.7370 mills.

Item #5 – Audience Remarks

Mr. Jerry Valcik, 236 Ormwood Drive, stated he felt the Commission did not allow sufficient citizen input in regards to the former church property located at 56 North Beach Street. He proceeded to discuss the history of the property since the purchase by the city and the meetings regarding the property. He mentioned a letter of support for saving the church building from the Florida Trust for Historic Preservation.

Ms. Amy Valcik, 236 Ormwood Drive, questioned if a parking lot was best for 56 North Beach Street and if a study has been completed on the need for additional parking. She stated it was the city’s responsibility to research options, develop a plan, and to figure out how to fund that plan. She stated she sent an email that conveyed funding possibilities and options for the site if a six-month delay was granted. She questioned what the city’s plan was after the demolition of the structure.

Dr. Frank Diefenderfer, 80 North Beach Street, stated he would purchase the property located at 56 North Beach Street, not including the beach front section. He stated he previously provided a contract to the Commission and had a deposit check ready. He asked the Commission if they had any questions for him.

Mayor Partington stated the Commission would not be allowed to accept the proposal, as they would need to go through a certain process in order to do so; whereby, Mr. Randy Hayes, City Attorney, confirmed the Commission could not accept the proposal.

Mr. Travis Sargent, 406 North Beach Street, thanked the Commission for their vote on the demolition of the former church structure located at 56 North Beach Street. He discussed the city’s population size versus how many citizens signed the petition.

Ms. Kathy Lichliter, 624 North Halifax Drive, read a letter from the Florida Trust of Historic Preservation regarding the “11 to save” list, noting that the former church structure at 56 North Beach Street was mentioned. She provided a copy of the letter to the Commission.

Ms. Nancy Lohman, 1210 John Anderson Drive, stated she served on a Master Plan Committee as a representative for Ormond Memorial Art Museum and Gardens. She

mentioned in the committee's meetings the participants asked for more restaurants, parking, and better walkability in the downtown area. She discussed the state of other historical buildings in the area and the work they needed.

Mr. GG Galloway, 1305 Oak Forest Drive, discussed the costs associated with repairs needed to make the property at 56 North Beach Street compliant and habitable. He discussed how many citizens want to save the former church, but none offered to purchase it. He stated he thought the property was not worth saving.

Ms. Kathy Crotty, 106 North Saint Andrews Drive, stated the former church building at 56 North Beach Street did not have a use. She further discussed the repairs needed to get the building back to usable condition. She thanked the Commission for their vote to not repurpose the current building and stated she supported their decision.

Ms. Connie Colby, 108 Roble Lane, stated she had sent the Commission an email regarding public input. She stated she did not agree with the Commission's decision regarding the former church property at 56 North Beach Street and requested citizens have more notification and information ahead of time on future public discussions.

Ms. Susan Barfield, 29 Old Macon Drive, questioned why the property was purchased without a plan. She mentioned concerns from citizens and discussed funds that were attempted to be raised for the property. She asked the Commission to give citizens more time.

Ms. Linda Williams, 131 Bosarvey Drive, invited the Commission to attend a meeting with Common Ground. She requested the Commission host a conversation regarding the property at 56 North Beach Street and asked the Commission to provide the community with more time.

Ms. Cathy Wharton, 1 John Anderson Drive, read a letter from the Florida Trust of Historic Preservation regarding the former church property at 56 North Beach Street that requested the Commission delay plans for demolition. She provided a copy of the letter to the Commission.

Mr. Jim Schultz, 117 Harvard Drive, discussed freedom of speech and freedom of medical decisions. He proceeded to discuss concerns on the COVID-19 vaccine.

Item #6– Approval of Minutes

Mayor Partington advised the minutes of the June 1, 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.

Commissioner Kent moved, seconded by Commissioner Littleton, for approval of the June 1, 2021, City Commission meeting minutes.

The motion passed by voice vote.

Item #7 – 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 7N.

Commissioner Selby moved, seconded by Commissioner Littleton, for approval of the consent agenda, absent Item 7N.

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

Item #7N – Interlocal Agreement with Volusia County School Board Update SRO

Acting City Clerk Wendy Hontz read by title only:

RESOLUTION NO. 2021-116
A RESOLUTION AUTHORIZING THE EXECUTION OF AN AMENDMENT
AND RENEWAL OF A SCHOOL RESOURCE OFFICER AGREEMENT
BETWEEN THE CITY OF ORMOND BEACH AND THE SCHOOL BOARD
OF VOLUSIA COUNTY; AND SETTING FORTH AN EFFECTIVE DATE.

Commissioner Kent stated he would be voting in favor of the current item, but would be looking further into the agreement for the next renewal as he was unsure if it was appropriate for the city to be paying half of the bill continually. He explained the Volusia County School Board was their own taxing governmental agency and questioned if the board should pay for the school resource officer on their own.

Commissioner Persis moved, seconded by Commissioner Selby, for approval of Resolution No. 2021-116, as read by title only.

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

Comments on the Consent Agenda

Commissioner Selby commented on Item 7F, which approved of a request for acceptance of a utility easement within the Verona Oceanside development; Item 7H, which approved of a recent replacement purchase of the City Hall chiller; and Item 7O which authorized execution of a Grant Agreement Development Addendum with the Federal Aviation Administration (FAA) for a grant for the design phase to rehabilitate Taxiway Bravo at the Ormond Beach Airport.

Commissioner Kent commented on Item 7D, which extended the allowance for businesses to utilize temporary banners without permits and time restrictions during the COVID-19 pandemic; Item 7J, which approved of a price adjustment for liquid Sodium Hypochlorite from Odyssey Manufacturing Company for chemicals used in water disinfection at the city's Water Treatment Plant (WTP) and Water Reclamation Facility (WRF); and Item 7K, which approved of a price adjustment for Aluminum Sulfate from Chemtrade Chemicals used in treatment processes at the city's WRF.

Item #8 – Public Hearings

Mayor Partington opened the public hearings.

Item #8A – LDC Amendment - Off-Road Recreational Vehicle Course

Acting City Clerk Wendy Hontz read by title only:

ORDINANCE NO. 2021-19

AN ORDINANCE AMENDING CHAPTER 1, GENERAL ADMINISTRATION, ARTICLE III, DEFINITIONS AND ACRONYMS, SECTION 1-22, DEFINITIONS OF TERMS AND WORDS; CHAPTER 2, DISTRICT AND GENERAL REGULATIONS, ARTICLE II, DISTRICT AND GENERAL REGULATIONS, SECTION 2-09, REA, RURAL ESTATE/AGRICULTURE; AND 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, TO PROVIDE DEFINITIONS AND SPECIFIC CONDITIONAL CRITERIA THAT WOULD ALLOW AN OFF-ROAD RECREATIONAL VEHICLE COURSE AS A SPECIAL EXCEPTION USE IN THE REA, RURAL ESTATE/AGRICULTURE ZONING DISTRICT; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; PROVIDING FOR SEVERABILITY; AND SETTING FORTH AN EFFECTIVE DATE.

Mr. Steven Spraker, Planning Director, noted the item was a request for a Land Development Code (LDC) amendment. He reviewed a PowerPoint presentation that discussed the item in detail and provided background on an application for an off-road vehicle course that resulted in the requested amendment. He displayed images of the

off-road vehicle course the applicant was requesting approval of that was already located on the site. He detailed the process for the LDC amendment, noting if the amendment was approved, the applicant for the off-road vehicle course would then need to go through a special exception. He noted the current amendment would be a district-wide regulation and was not specific to just the applicant's parcel. He reviewed each of the three parts to the amendment in further detail. He discussed staff's analysis and concerns regarding the item. He displayed a map of the Rural Estate/Agriculture (REA) zoning district and discussed areas that would be allowed to apply for a special exception if the amendment was approved.

Mr. Spraker noted staff had received correspondence from 14 citizens regarding the amendment and discussed concerns that citizens had expressed. He noted the Planning Board unanimously recommended denial of the application and provided reasons why. He listed additional conditions that the applicant had suggested the Commission could implement: Maximum ride time of three hours within the use window, maximum of three riders at a time on the course, and only permit vehicles with four stroke engines less than 250cc.

Commissioner Littleton questioned what the decibel reading had to be at the property line per the LDC; whereby, Mr. Spraker stated it would have to be 60 decibels.

Commissioner Littleton questioned if staff had gone to the property and measured the decibels; whereby, Mr. Spraker stated they had not as the use was currently not an allowed use on the property and should not be occurring.

Mr. Spraker stated one of the issues recognized by the Planning Board was the burden on Code Enforcement staff to regulate the district-wide regulation if the item were to pass.

Mr. Grant Zimmerman, 2225 Warden Trail, stated he purchased the property in May of 2020. He mentioned the requested off-road vehicle course would not be a business, but would rather be for personal use. He noted the chainsaw-like noises that had been mentioned in complaints were not coming from his property and came from a different property instead. He stated he wanted to preserve the peace and charm of the area.

Ms. Patricia Conn, 501 Leeway Trail, stated her concerns regarding the dust, noise, and trash at the property site. She discussed her opposition to the requested off-road vehicle course and the possible decline in property value if the item were to pass.

Ms. Renee Rittenour, 2324 Arabian Trail, noted she lived near the site where the off-road vehicle course was being requested and discussed the peaceful nature of the neighborhood. She voiced her concerns regarding the noise impacts if the item were passed. She asked the Commission to not approve of the item. She discussed the REA zoning district guidelines from 1996 in regards to uses and special exceptions.

Mr. John Hamlin, 801 West Granada Boulevard, stated he conducted a decibel test on the property and noted the noise of the motorcycle on the track came back at 4.5 decibels. He noted the noise would not be any different from someone mowing their grass and would not be as big of an issue as suggested.

Ms. Victoria Berst, 2017 Tuscan Chase Trail, Daytona Beach, stated that she and the applicant had purchased the property for the peace and charm of the area. She stated they would be breaking ground on building a home on the property in a month and would appreciate the courtesy of being able to do what they want with their property.

Mayor Partington clarified the current item was to amend the LDC, and if the applicant wanted to build an off-road vehicle course they would need to go through the special exception process and come back to the Planning Board and City Commission for approval. He questioned if persons were allowed to ride motor bikes on their property as long as it did not exceed the decibel level required; whereby, Mr. Spraker confirmed that was correct.

Commissioner Persis questioned if the requested vehicular course would be temporary and if a house was being built at the site; whereby, Mr. Spraker stated he believed the applicant's intention was to build a house, but explained the vehicle course would be its own personal use and would not require a house be built under the current item.

Commissioner Littleton inquired if there was a limit on the amount of days per week the activity would be allowed; whereby, Mr. Spraker stated there was not in the current ordinance, but noted it could be added if the Commission requested to do so.

Commissioner Selby discussed the conditions the applicant had offered. He questioned if those conditions could be incorporated into the amendment and questioned how the amendment came about; whereby, Mr. Spraker explained the item was brought about due to a code enforcement complaint.

Commissioner Selby and Mr. Spraker discussed primary uses and accessory uses.

Commissioner Selby questioned how the process began and how the course could be built on the site without a house; whereby, Mr. Spraker stated the current course on the property was done without a permit and in order to legitimize the use, the applicant needed to go through the LDC process.

Commissioner Selby inquired if it would be appropriate to add a condition that the course could only be done as an accessory use to the applicant's homestead; whereby, Mr. Spraker stated the Commission could add whatever verbiage they deemed appropriate.

Commissioner Selby questioned if conditions were made to the ordinance if they would apply universally; whereby, Mr. Spraker confirmed the conditions would apply to all in the REA zoning district and would still require applicants to return and obtain a special exception.

Mr. Randy Hayes, City Attorney, clarified the request was submitted by the applicant to amend the LDC and explained it was a legislative decision by the Commission.

Mayor Partington questioned if the off-road course would be allowed as an accessory use under the current code if the applicant built the house on the property; whereby, Mr. Spraker stated it would be an allowed accessory use on the rear and side of the house and discussed the process the applicant would need to go through.

Mayor Partington questioned if certain conditions should be included in the current LDC amendment, or if they should be included when the applicant returns for a special exception; whereby, Mr. Spraker stated the framework should be included in the LDC amendment.

Commissioner Selby questioned what the conditions were for the track being permitted as an accessory use; whereby, Mr. Spraker noted staff would look into drainage and noise, but clarified the current amendment was for use on vacant parcels and was not for accessory uses.

Commissioner Selby stated he would never support allowing an off-road vehicle course on a property without it being on their primary residence. He stated the applicant would need to live there on the property. He noted he had met with Mr. Zimmerman on the property and discussed the three conditions he had suggested. He questioned if Mr. Zimmerman would consider building the home first as an acceptable condition; whereby, Mr. Zimmerman noted he already had a construction contract.

Commissioner Kent discussed the prohibited uses brought up by an audience remarks speaker. He confirmed that if a home was on the site the track would be allowed as an accessory use on the side and rear of the property; Mr. Spraker confirmed and noted the LDC was amended in 2004 and the prohibited uses were no longer included in the code.

Mr. Spraker discussed the LDC and accessory uses in further detail, noting staff could approve of accessory uses.

Commissioner Kent stated he met with Mr. Zimmerman on the property and noted he agreed with Commissioner Selby that until the applicant's home was on the property he was not in support of approving the item. He discussed reasons why he was not in favor and felt if the Commission approved the item in the future it needed to have conditions in place for the neighboring properties.

Mr. Spraker noted the Planning Board's recommendation was to deny the application outright. He stated if the Commission denied the item, the applicant would have the right to build their house and build a small dirt track on the property as an accessory use, but not to the extent of what had already been done on the property.

Commissioner Selby stated he was in favor of some of the conditions brought before the Commission and inquired how they could be applied to accessory uses; whereby, Mr. Spraker suggested staff could generate an administrative LDC amendment to put in conditions as an accessory use.

Commissioner Selby asked for confirmation that the Commission could deny the current item and staff could return with limitations for accessory uses; whereby, Mr. Spraker confirmed and discussed the process for what the applicant would need to go through next.

Commissioner Selby and Mr. Spraker discussed limitations and accessory uses.

Commissioner Littleton noted he had met with Mr. Zimmerman and based on the fact he was going to build a house and the decimal range being within the required amount, he would support the item. He discussed reasons for his support, but noted it did not appear the item was going to carry.

Mayor Partington stated he had met with Mr. Zimmerman on the property as well and they had done a decibel test, noting the decibel never reached the 60-decibel limit. He noted it gave him comfort, but stated if the item died due to lack of a motion he felt it would be doing the applicant a favor. He discussed the process that the applicant would need to go through next to have the track as an accessory use.

Commissioner Selby clarified he would like staff to come back to the Commission as quickly as possible with the additional restrictions for accessory uses. He wanted the homeowners in the areas to understand that the track could be allowed as an accessory use with minor limitations.

Commissioner Persis complimented Mr. Zimmerman for being polite and wished them the best.

The item died due to lack of a motion.

Item #8B – LDC Amendment - Mobile Food Dispensing Vehicles (Food Trucks)

Acting City Clerk Wendy Hontz read by title only:

ORDINANCE NO. 2021-20
AN ORDINANCE AMENDING CHAPTER 1, GENERAL
ADMINISTRATION, ARTICLE III, DEFINITIONS AND ACRONYMS,
SECTION 1-22, DEFINITIONS OF TERMS AND WORDS AND CHAPTER
2, DISTRICT AND GENERAL REGULATIONS, ARTICLE III, GENERAL
REGULATIONS, SECTION 2-50, ACCESSORY USES, OF THE LAND
DEVELOPMENT CODE TO ADD DEFINITIONS AND ACCESSORY USE
STANDARDS TO ALLOW MOBILE FOOD DISPENSING VEHICLES
(FOOD TRUCKS) UNDER CERTAIN CONDITIONS AND WITHIN
CERTAIN ZONING DISTRICTS; REPEALING ALL INCONSISTENT
ORDINANCES OR PARTS THEREOF; PROVIDING FOR SEVERABILITY;
AND SETTING FORTH AN EFFECTIVE DATE.

Mr. Spraker noted the item was seeking to amend two sections of the LDC: Definitions and Accessory Uses. He noted regulations for food trucks were not contained in the LDC and reviewed the current allowed uses for food trucks. He stated the current item sought to recognize three uses for food trucks and add Commercial (B-8) and Light Industrial (L-I) as zoning districts that allowed mobile food dispensing vehicles. He reviewed the proposed amendment in further detail and noted the Planning Board and staff recommended approval. He stated there was discussion at the Planning Board meeting on allowing food trucks at residential community centers, noting that staff was working on an amendment and would return to the Commission for approval in the future.

Commissioner Selby questioned if food trucks would be an allowed use in the downtown area to provide lunches to buildings or businesses if the item passed; whereby, Mr. Spraker noted food trucks were not allowed in the downtown area, except on city property for city events.

Commissioner Selby inquired if food trucks were allowed in residential areas; whereby, Mr. Spraker stated they were not.

Commissioner Selby questioned if ice cream trucks that drove through neighborhoods were considered food trucks; whereby, Mr. Spraker stated there were separate provisions in the Code of Ordinances that allowed those trucks under certain circumstances and explained food trucks were generally classified by having cooking devices.

Commissioner Persis moved, seconded by Commissioner Selby, for approval of Ordinance No. 2021-20, on first reading, as read by title only.

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

Item #8C – LDC Amendment - Car/Motorcycle Washes

Acting City Clerk Wendy Hontz read by title only:

ORDINANCE NO. 2021-21
AN ORDINANCE AMENDING CHAPTER 2, DISTRICT AND GENERAL REGULATIONS, ARTICLE III, GENERAL REGULATIONS, SECTION 2-50, ACCESSORY USES, OF THE LAND DEVELOPMENT CODE TO AMEND THE CONDITIONS FOR NON-PROFIT RELATED CAR AND MOTORCYCLE WASHES; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; PROVIDING FOR SEVERABILITY; AND SETTING FORTH AN EFFECTIVE DATE.

Mr. Spraker noted the LDC amendment was focused on Section 2-50, Accessory Uses, and was in regards to non-profit related car and motorcycle washes. He reviewed the two distinct ways that the LDC allowed for outdoor activities: accessory uses and special exceptions. He discussed concerns that had been presented to staff regarding motorcycle washes. He noted staff was presenting three options to the Commission regarding the washes: Do nothing, limit the duration of the washes, or prohibit car and motorcycle washes completely. He explained the LDC already stated that within the North US Highway One Corridor car and motorcycle washes were prohibited. He noted the Planning Board recommended approval 5-2 to allow events during recognized special events and an additional 10 days throughout the year for car and motorcycle washes, and eliminated any distance requirements, noting the event must stay on private property.

Commissioner Selby questioned why car washes were included with motorcycle washes; whereby, Mr. Spraker stated they were under the same regulation and standard.

Commissioner Selby inquired if public schools needed to go through the process when hosting car wash events; whereby, Mr. Spraker confirmed they would need to receive a non-profit permit.

Commissioner Selby stated it had never been apparent to him that any of the bike washes were associated with a non-profit organization; whereby, Mr. Spraker stated every car and motorcycle wash event in Ormond Beach was pulled by a non-profit.

Commissioner Kent confirmed the car and motorcycle washes were not allowed on North U.S. Highway One at all; whereby, Mr. Spraker stated that was correct.

Mr. Spraker noted in 2015 the city established an Interlocal Service Boundary Agreement (ISBA) and one of the actions of the agreement was to prohibit the washes.

Commissioner Kent stated it was telling that the city did not allow car and motorcycle washes in the biker hub of Ormond Beach. He stated he did not agree with Planning Board's recommendation and agreed with staff's third option to prohibit the washes. He noted he felt the washes were not wholesome to the community. He discussed events in other areas and noted Ormond Beach took pride in its city. He reiterated his support of prohibiting the washes.

Commissioner Persis discussed safety issues regarding the washes. She stated she was not in favor of allowing the washes to take place.

Commissioner Littleton stated he approved of the Planning Board’s recommendation.

Mayor Partington questioned what would happen if the Commission did nothing; whereby, Mr. Spraker stated staff would continue to permit the washes.

Mayor Partington stated he was not in support of bikini washes, but supported allowing schools to perform car washes. He questioned how the Commission could balance that; whereby, Mr. Spraker noted the original proposal included requirements for a 50-foot setback and enforced the washes take place on the interior or rear of the property. He stated he was not aware that the Commission could regulate clothing.

Mr. Hayes stated the Commission could not regulate clothing. He discussed the North U.S. Highway One ISBA that prohibited the washes in that area. He provided proposed suggestions for conditions that may assist to help in balancing the allowed washes if the Commission wished to move forward with allowing the use, but noted it may be difficult to implement certain conditions.

Commissioner Kent moved, seconded by Commissioner Persis, for approval of staff’s recommendation of Option 3, to prohibit car and motorcycle washes.

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

Item #8D – LDC Amendment - Gas Canopies

Acting City Clerk Wendy Hontz read by title only:

ORDINANCE NO. 2021-22
AN ORDINANCE AMENDING CHAPTER 3, PERFORMANCE STANDARDS, ARTICLE VI, ARCHITECTURAL DESIGN STANDARDS, SECTION 3-70, SPECIAL STRUCTURE PROVISIONS, OF THE LAND DEVELOPMENT CODE TO AMEND THE REQUIREMENTS FOR MOTOR VEHICLE SERVICE STATION CANOPIES; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; PROVIDING FOR SEVERABILITY; AND SETTING FORTH AN EFFECTIVE DATE.

Mr. Spraker stated the LDC amendment was regarding Section 3-70, Special Structure Provisions, to modify the requirements for motor vehicle service stations. He noted there was a House Bill that limited local governments from enacting or enforcing existing regulations that prevent the use of corporate signage. He stated the current amendment sought to align the LDC with the House Bill. He noted the amendment would allow signage on gas station canopies. He stated previously the signage was allowed through planned development, and explained based on state statute it would be allowed through staff approval if it met requirements. He stated the Planning Board and staff recommended approval.

Commissioner Kent moved, seconded by Commissioner Persis, for approval of Ordinance No. 2021-22, on first reading, as read by title only.

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

Mayor Partington closed the public hearings.

Item #9 – First Reading of Ordinances

Item #9A – Ormond Gateway, Final Plat

Acting City Clerk Wendy Hontz read by title only:

ORDINANCE NO. 2021-24
AN ORDINANCE APPROVING THE FINAL PLAT FOR THE “ORMOND
GATEWAY” SUBDIVISION, A COMMERCIAL THREE (3) LOT
SUBDIVISION; ESTABLISHING CONDITIONS AND EXPIRATION DATE
OF APPROVAL; AND SETTING FORTH AN EFFECTIVE DATE.

Mr. Steven Spraker, Planning Director, stated the item was an application for the final plat for the Ormond Gateway subdivision. He reviewed a PowerPoint presentation that displayed images of the site location and final plat. He discussed the plat in detail and reviewed the process the item had gone through up to that point. He stated staff recommended approval of the item.

Commissioner Selby moved, seconded by Commissioner Kent, for approval of Ordinance No. 2021-24, 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 – Staff Action Items

Item #10A – Florida League of Cities Voting Delegate

Ms. Wendy Hontz, Acting City Clerk, explained the item was a request for the City Commission to appoint a voting delegate for the Annual Florida League of Cities Conference held in August 2021.

Commissioner Selby moved, seconded by Commissioner Persis, to appoint Mayor Partington as the Florida League of Cities Voting Delegate.

The motion passed by voice vote.

Item #11 – Reports, Suggestions, Requests

Compliments

Commissioner Littleton and Commissioner Kent thanked Mr. Spraker for all his hard work and knowledge.

Ms. Shanahan complimented the Friends of the Performing Arts Center for being awarded with a Racing and Recreation District Grant.

56 North Beach Street

Commissioner Littleton noted he had previously stated if someone came up with raising funds to purchase the property at 56 North Beach Street he may sell the property, but explained he did not want to be coerced into a last-minute deal.

Commissioner Selby discussed the offer for the property presented by Dr. Diefenderfer and the timeline for the demolition. He questioned what the process would be for evaluating the submitted offer; whereby, Mr. Hayes noted the city could not just accept an offer and would need to issue a request for proposals (RFP).

Mr. Hayes explained the property was in the Community Redevelopment Area (CRA) and discussed the project in further detail, including what steps the Commission would need to go through if they decided to move forward with submitting an RFP. He discussed the current contract the city had with A.M. Weigel Construction and the process for amending that contract if the Commission so desired. He detailed the different options the Commission had moving forward.

Commissioner Selby questioned how much Dr. Diefenderfer offered for the property; whereby, Mayor Partington stated it was \$300,000.

Commissioner Selby questioned if three of the five Commission members would be interested in pursuing RFPs, noting he was in support.

Mayor Partington stated he continued to be in support of pausing demolition of the building, but did not receive that direction from the remainder of the Commission. He thanked Dr. Diefenderfer for the offer. He discussed comments made regarding campaign contributions going towards the property. He stated he was trying to ensure the Commission had a fair hearing regarding the item. He noted he believed the purchase was still a strategic purchase. He noted the Florida Trust for Historic Preservation cited the building as one of the top "11 to save". He noted it bothered him that the site was turning into a parking lot and based on discussion, some members of the Commission appeared to not be interested in putting a parking lot at the site, questioning if that decision may change.

Commissioner Selby stated the city had received an offer from Salty Church to lease the building and to pay for all the repairs. He discussed the proposal in further detail. He noted the purpose of the requested pause was to allow the public time to determine a use for the building. He noted the Commission had already voted to tear down the building, demolish the existing parking lot and construct a shell parking lot. He stated he had a problem with that and proposed if demolition had to move forward that the Commission not tear up the existing asphalt parking lot on the site and instead allow grass be planted where the building was located. He noted the parking was usually empty and felt there was not a strong enough need for parking in the area. He stated the city would need to modify the contract, but noted A.M. Weigel Construction appeared to be willing to work with the city.

Commissioner Kent stated he did not want long-term parking on the entire lot, but may want some to remain. He noted he approved of the temporary parking lot for the time being. He stated if the Commission was going to sell the property they needed to make money for the residents of Ormond Beach off the sale. He discussed the offer the city had received. He explained he was not interested in selling the property in pieces and felt the Commission should sell the property as a whole, if they decided to do so, and discussed reasons why.

Commissioner Kent addressed the group Civil Discourse Common Ground. He thanked them for trying to find common ground within the community, but stated he personally felt disappointed because the two leaders of Common Ground came forward with a decision already made and an opinion already formed regarding the former church property, and did not feel they expressed common ground.

Commissioner Persis stated she had previously made comments that she did not want to see a permanent parking lot at the site, agreeing with Commissioner Kent that if the Commission were to sell the property they should not sell it in pieces and should only sell it as a profit to the citizens. She stated she believed the property would benefit the citizens of Ormond Beach.

Commissioner Littleton discussed the downfall of leaving the site as grass and cars getting stuck if they used it as a parking lot. He stated he preferred the shell parking lot temporarily, but did not want the site to stay a parking lot permanently. He stated he was fine revisiting the parking lot issue at the appropriate time.

Mayor Partington stated he was not in support of selling the property and discussed reasons why. He discussed ideas of a community center. He noted the Commission would need to hold another workshop to receive more community input before making a final decision on what would happen next with the property. He stated it was important to allow discussion to occur and was hopeful the city could find a way to include a community center on the property.

Events

Commissioner Persis complimented a swearing-in ceremony she attended for two Ormond Beach Police Department officers.

Local Gas Tax

Ms. Shanahan noted discussion had previously occurred regarding the Commission needing to approve the local gas tax rate, but explained the City Attorney had spoken with the Volusia County Attorney and it was not necessary to pass the agreement in order to receive proceeds. She noted staff had concerns and did not want to jeopardize not having a signed agreement; therefore, staff was recommending to bring back an item for final approval.

Mr. Hayes discussed the gas tax agreement with Volusia County. He explained that even though there was no signed agreement, the city would still receive proceeds. He noted there may be some risk moving forward if they did not have a signed agreement and felt it was a conservative approach to approve of the agreement.

Mayor Partington stated staff could bring the item back to the Commission for a formal vote.

Updates

Ms. Shanahan stated there was a City Commission Workshop regarding the Leisure Services Parks and Recreation Master Plan Update scheduled for August 17, 2021, at 5:30 p.m. She discussed a Transportation Workshop that would likely be scheduled for September. She stated staff was also proposing to schedule a workshop with the Commission in the fall regarding Senate Bill 64 and reuse water.

Ms. Shanahan provided updates on the MacDonald House project.

Ms. Shanahan stated the Commission was on track with their budget and complimented them on their work on the budget and setting the millage rate.

Item #12 – Adjournment

The meeting was adjourned at 9:22 p.m.

APPROVED: August 17, 2021

BY:

Bill Partington, Mayor

ATTEST:

Wendy Hontz,
Acting City Clerk