MINUTES
ORMOND BEACH CITY COMMISSION
HELD AT CITY HALL COMMISSION CHAMBERS

January 18, 2022	**7:00 p.m.**	**Commission Chambers**

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

A G E N D A

1. CALL TO ORDER

2. INVOCATION

3. PLEDGE OF ALLEGIANCE

4. PRESENTATIONS AND PROCLAMATIONS

A. HOme for the HOlidays Parade Award Winners

5. AUDIENCE REMARKS - REGARDING ITEMS NOT ON THE AGENDA

6. APPROVAL OF MINUTES

A. Minutes from City Commission meeting – January 4, 2022

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. 2022-08:** A RESOLUTION AMENDING THE DATES AND TIMES FOR THE HOLDING OF REGULAR MEETINGS OF THE CITY COMMISSION OF THE CITY OF ORMOND BEACH, FLORIDA, FOR THE MONTH OF MARCH 2022; PROVIDING FOR AN EXCEPTION THERETO; AND SETTING FORTH AN EFFECTIVE DATE.

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

B**. RESOLUTION NO. 2022-10:** A RESOLUTION AUTHORIZING THE EXECUTION OF AN INTERLOCAL AGREEMENT WITH COUNTY OF VOLUSIA AND PARTICIPATING LOCAL GOVERNMENTS GOVERNING USE OF VOLUSIA COUNTY REGIONAL OPIOID SETTLEMENT FUNDS; SETTING FORTH AN EFFECTIVE DATE.

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

C**. RESOLUTION NO. 2022-11:** A RESOLUTION RATIFYING THE EXECUTION OF AN AGREEMENT WITH THE STATE OF FLORIDA, OFFICE OF THE ATTORNEY GENERAL, REGARDING FUNDING FOR THE CITY'S VICTIM'S ADVOCATE PROGRAM; AND SETTING FORTH AN EFFECTIVE DATE.

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

D**. RESOLUTION NO. 2022-12:** A RESOLUTION AUTHORIZING THE APPROVAL AND EXECUTION OF A PURCHASE AUTHORIZATION FOR THE SOLE SOURCE PROCUREMENT OF A BAUER SUBMERSIBLE MOTOR GEARBOX FROM AQUA

TURBO SYSTEMS FOR THE CITY'S SLUDGE AERATION TANK MIXER AT THE WATER RECLAMATION FACILITY; AND SETTING FORTH AN EFFECTIVE DATE.

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

E. **RESOLUTION NO. 2022-13:** A RESOLUTION ACCEPTING A PROPOSAL FROM MEAD & HUNT, INC. TO PROVIDE PRELIMINARY ENGINEERING DESIGN SERVICES REGARDING THE WESTERN UTILITY PLANT FACILITY PLANNING PROJECT; AUTHORIZING THE EXECUTION OF A WORK AUTHORIZATION THERETO; AND SETTING FORTH AN EFFECTIVE DATE.

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

F. **RESOLUTION NO. 2022-14:** A RESOLUTION ACCEPTING A BID FROM EAST COAST MARINE CONSTRUCTION & DESIGN, INC. FOR CONSTRUCTION SERVICES REGARDING THE SHELL PARKING RESTORATION PROJECT, UNDER BID NO. 2022-05; AUTHORIZING THE EXECUTION OF A CONTRACT AND PAYMENT THEREFOR; REJECTING ALL OTHER BIDS; AND SETTING FORTH AN EFFECTIVE DATE.

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

G. **RESOLUTION NO. 2022-15:** A RESOLUTION APPROVING A MID-CONTRACT WAGE ADJUSTMENT FOR CITY EMPLOYEES; AUTHORIZING THE EXECUTION OF MEMORANDUMS OF UNDERSTANDING; AND SETTING FORTH AN EFFECTIVE DATE.

Staff Contact: *Claire Whitley, Assistant City Manager (386-676-3202)*

H. **Volusia County Mosquito Control Request for Authorization**

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

Disposition: Approve as recommended in the City Manager memorandum dated January 18, 2022.

I. **Economic Development Strategic Plan**

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

Disposition: Approve as recommended in the City Manager memorandum dated January 18, 2022.

J. **C&D Franchise Renewal for GEL Recycling, LLC**

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

Disposition: Approve as recommended in the City Manager memorandum dated January 18, 2022.

K. **Bid Rejection for Stormwater Flap Gates Project, Bid No. 2022-02**

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

Disposition: Approve as recommended in the City Manager memorandum dated January 18, 2022.

L. **City Manager Status Report, January 2022**

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

Disposition: Approve as recommended in the City Manager memorandum dated January 18, 2022.

8. PUBLIC HEARINGS

A. **ORDINANCE NO. 2021-44:** AN ORDINANCE AMENDING THE CITY OF ORMOND BEACH COMPREHENSIVE PLAN BY CREATING A NEW PROPERTY RIGHTS ELEMENT, INCLUDING GOALS, OBJECTIVES, AND POLICIES, PROVIDING THAT PRIVATE PROPERTY RIGHTS ARE CONSIDERED IN LOCAL DECISION-MAKING IN ACCORDANCE WITH FLORIDA STATUTES SECTION 163.3177(6)(I); PROVIDING FOR TRANSMITTING COPIES OF THE NOTICE AND AMENDMENT TO THE STATE REVIEWING AGENCIES, THE COUNTY OF VOLUSIA, AND ANY OTHER LOCAL GOVERNMENT OR GOVERNMENTAL AGENCY REQUESTING A COPY; PROVIDING FOR PUBLIC HEARINGS; PROVIDING FOR CONFLICTING ORDINANCES; AND SETTING FORTH AN EFFECTIVE DATE. **(SECOND READING)**

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

B. **ORDINANCE NO. 2022-01:** AN ORDINANCE AUTHORIZING THE EXECUTION AND ISSUANCE OF A PLANNED RESIDENTIAL DEVELOPMENT DEVELOPMENT ORDER FOR THE "TATTERSALL AT TYMBER CREEK" SUBDIVISION, AUTHORIZING A PHASED SUBDIVISION OF 143 LOTS ON 84.14+ ACRES TO BE LOCATED AT 304 NORTH TYMBER CREEK ROAD (PARCEL ID NUMBER: 4124-00-00-0240), 2099 AIRPORT ROAD (PARCEL ID NUMBER: 4123-00-00-0012), AND 370 NORTH TYMBER CREEK ROAD (PARCEL ID NUMBER: 4124-00-00-0250); ESTABLISHING CONDITIONS AND EXPIRATION OF APPROVAL; AND SETTING FORTH AN EFFECTIVE DATE.

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

C. **ORDINANCE NO. 2022-02:** AN ORDINANCE AMENDING PARAGRAPH C, OFFICIAL ZONING MAP, OF SECTION 2-01, ESTABLISHED, OF ARTICLE 1, ESTABLISHMENT OF ZONING DISTRICTS AND OFFICIAL ZONING MAP, OF CHAPTER 2, DISTRICT AND GENERAL REGULATIONS, OF THE CITY OF ORMOND BEACH LAND DEVELOPMENT CODE, BY AMENDING THE OFFICIAL ZONING MAP TO REZONE A CERTAIN PARCEL OF REAL PROPERTY TOTALING APPROXIMATELY 12.00-ACRES LOCATED AT 215 WILLIAMSON BOULEVARD (VOLUSIA COUNTY PARCEL NUMBER 4230-00-00-0014) FROM B-8 (COMMERCIAL) TO PLANNED BUSINESS DEVELOPMENT (PBD); AUTHORIZING REVISION OF OFFICIAL ZONING MAP; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; AND SETTING FORTH AN EFFECTIVE DATE.

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

D. **ORDINANCE NO. 2022-03:** AN ORDINANCE AUTHORIZING THE EXECUTION AND ISSUANCE OF A DEVELOPMENT ORDER FOR A PLANNED BUSINESS DEVELOPMENT TO BE LOCATED AT 215 WILLIAMSON BOULEVARD, TO BE KNOWN AS THE "REGAL CENTER"; AUTHORIZING AN OUTPARCEL ALONG WILLIAMSON BOULEVARD; ALLOWING ADDITIONAL USES AND CREATING A FRAMEWORK FOR FUTURE REDEVELOPMENT; ESTABLISHING

CONDITIONS AND EXPIRATIONS OF APPROVAL; AND SETTING FORTH AN EFFECTIVE DATE.

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

9. RESOLUTIONS

A. **RESOLUTION NO. 2022-18:** A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF ORMOND BEACH, FLORIDA APPROVING THE PRELIMINARY PLAT FOR "THE CUPOLA AT OCEANSIDE", A PLANNED RESIDENTIAL DEVELOPMENT SUBDIVISION; ESTABLISHING CONDITIONS AND EXPIRATION DATE OF APPROVAL; AND SETTING FORTH AN EFFECTIVE DATE.

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

10. REPORTS, SUGGESTIONS, REQUESTS

11. ADJOURNMENT

M I N U T E S

Item #1 – Meeting Call to Order

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

Item #2 – Invocation

Deacon Mallene Wells Stowe, Church of the Holy Child, gave the invocation.

Item #3 – Pledge of Allegiance

Mayor Partington led the Pledge of Allegiance.

Item #4 Presentations and Proclamations

Item #4A – HOme for the HOlidays Parade Winners

Mr. Brian Daly, HOme for the HOlidays Parade Chairman, thanked the sponsors, parade judges, parade board members, city staff, and police department. He announced the winners of the Walkers Division: Ormond Beach Elementary, Saint Brendan, and Sunrise Community of Girl Scouts; winners of the Vehicles Division: Daniel's Lawn & Landscaping, Tomoka Outpost and Universal Towing; and winners of the Floats Division: Ormond Memorial Art Museum & Gardens, East Coast Ornamental Welding, and The Beach Bucket. He awarded Best of Show to Tomoka Performing Arts (Tomoka Elementary).

Mr. Bill Partington Sr., HOme for the HOlidays Parade Grand Marshall, presented the Ormond Beach MainStreet Cup award to Abaco Windows.

Item #5 – Audience Remarks

Mr. Robert Pearson, 862 Lindenwood Circle North, stated he was a member of the Ormond Beach Police Department. He thanked the Commission for their support of law enforcement officers and for listening when he voiced concerns to them. He stated his appreciation for the Commission and staff regarding the mid-contract wage adjustment and his hope that it would help with the labor shortage within the Ormond Beach Police Department.

Mr. Chris Peterson, 1240 Cornish Court, Sarasota, stated he was a representative of the Florida Property Assessed Clean Energy (PACE) Funding Agency and encouraged the Commission to adopt PACE financing, as many neighboring cities had already done so. He explained PACE was a way to finance energy efficient and wind resistant improvements.

Mr. Travis Sargent, 406 North Beach Street, stated his concerns regarding the homeless population. He discussed the First Step Homeless Shelter, noting the city contributions to the shelter. He inquired about adding speed bumps in front of The Casements as citizens tend to speed through the area.

Ms. Connie Colby, 108 Roble Lane, inquired about the Fiscal Year 2021-2022 Budget and specified her concern relating to the lease agreement between the city and Riverbend Golf Course.

Item #5– Approval of Minutes

Mayor Partington advised the minutes of the January 4, 2022, meeting had been sent to the Commission for review and were posted on the city's website for public viewing. He asked for any corrections, additions, or omissions. He stated that hearing no corrections, the minutes would stand approved as presented.

Commissioner Persis moved, seconded by Commissioner Littleton, for approval of the January 4, 2022, 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 Selby requested to pull Item E.

Commissioner Kent moved, seconded by Commissioner Selby, for approval of the consent agenda, absent Item E.

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

Item #7E – Western Utility Plant Facility Planning

City Clerk Susan C. Dauderis read by title only:

RESOLUTION NO. 2022-13

A RESOLUTION ACCEPTING A PROPOSAL FROM MEAD & HUNT, INC. TO PROVIDE PRELIMINARY ENGINEERING DESIGN SERVICES REGARDING THE WESTERN UTILITY PLANT FACILITY PLANNING PROJECT; AUTHORIZING THE EXECUTION OF A WORK AUTHORIZATION THERETO; AND SETTING FORTH AN EFFECTIVE DATE.

Commissioner Kent moved, seconded by Commissioner Selby, for approval of Resolution No. 2022-13, as read by title only.

Mr. Shawn Finley, Public Works Director, reviewed a PowerPoint presentation and explained the project was discussed during the 2015 Utility Master Plan. He discussed the need for the utility services to be expanded, noting the facility on Orchard Street was not sufficient to keep up with growing demand.

Commissioner Selby inquired if the demand was due to Avalon Park Daytona Beach; whereby, Mr. Finley stated there was a demand due to Avalon Park Daytona Beach, noting other western areas were also in demand, including current and future developments.

Commissioner Selby discussed his concerns regarding the city providing utilities to Avalon Park Daytona Beach. He suggested North United States Highway One (North US 1), for a utility facility.

Mr. Finley explained the property in the project was city property and was conveyed for utility purposes. He stated he was unsure if there was a city owned site for a utility facility on North US 1.

Mayor Partington inquired if the project was included in the Master Plan once the reuse water was at a 75 percent utilization rate; whereby, Mr. Finley stated that was correct, noting organic growth would allow the city to reach that utilization within the decade.

Mayor Partington inquired if future developments were required to set aside a parcel of land for a utility facility; whereby, Mr. Steven Spraker, Planning Director, stated it was not required in the development order but could be negotiated in.

Commissioner Selby inquired if the city had hit the 80 percent threshold; whereby, Mr. Finley stated the city was rapidly approaching the threshold due to planned future developments and would be over the 80 percent utilization with the developments. Commissioner Selby stated he would not be in favor of the item and discussed his concerns with the item related to Avalon Park Daytona Beach.

Mr. Randy Hayes, City Attorney, explained that the property in the item was conveyed to the city in 1991 as part of the development order for Hunter's Ridge, and was designated in the Development of Regional Impact (DRI) for a wastewater plant facility. He stated the item would help meet the city's commitment to Flagler County regarding Hunter's Ridge with the facility.

Commissioner Selby inquired if a utility facility had to be built there due to the DRI; whereby, Mr. Hayes stated it was the designated use by virtue of the DRI, noting the DRI would need to be amended to allow something other than a utility facility to be built there. Commissioner Selby inquired if the utility facility was mandatory; whereby, Mr. Hayes stated it was a policy question and would need to be discussed amongst the Commission. Commissioner Selby stated the city was not obligated; whereby, Mr. Hayes stated it would depend on many factors.

Mayor Partington discussed his support of the item related to Avalon Park Daytona Beach and Flagler County.

Commissioner Persis stated she would be in favor of the item, noting in 2018 she met with city staff and discussed the future use of the property.

Mayor Partington discussed his concerns with the Pretreatment Effluent Pumping (PEP) tank system utilized by developments in west Ormond Beach.

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

Comments on the Consent Agenda

Commissioner Persis expressed her support of Item 7C and complimented Ormond Beach Police Department Victim Advocate Evelyn Rebostini.

Item #8 – Public Hearings

Item #8A – Comprehensive Plan Amendment, Property Rights Element

City Clerk Susan C. Dauderis read by title only:

ORDINANCE NO. 2021-44

AN ORDINANCE AMENDING THE CITY OF ORMOND BEACH COMPREHENSIVE PLAN BY CREATING A NEW PROPERTY RIGHTS ELEMENT, INCLUDING GOALS, OBJECTIVES, AND POLICIES, PROVIDING THAT PRIVATE PROPERTY RIGHTS ARE CONSIDERED IN LOCAL DECISION-MAKING IN ACCORDANCE WITH FLORIDA STATUTES SECTION 163.3177(6)(I); PROVIDING FOR TRANSMITTING COPIES OF THE NOTICE AND AMENDMENT TO THE STATE REVIEWING AGENCIES, THE COUNTY OF VOLUSIA, AND ANY OTHER LOCAL GOVERNMENT OR GOVERNMENTAL AGENCY REQUESTING A

COPY; PROVIDING FOR PUBLIC HEARINGS; PROVIDING FOR CONFLICTING ORDINANCES; AND SETTING FORTH AN EFFECTIVE DATE. **(SECOND READING)**

Commissioner Selby moved, seconded by Commissioner Littleton, for approval of Ordinance No. 2021-44, 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 #8B – Tattersall at Tymber Creek, Issuance of a Development Order

City Clerk Susan C. Dauderis read by title only:

ORDINANCE NO. 2022-01

AN ORDINANCE AUTHORIZING THE EXECUTION AND ISSUANCE OF A PLANNED RESIDENTIAL DEVELOPMENT DEVELOPMENT ORDER FOR THE "TATTERSALL AT TYMBER CREEK" SUBDIVISION, AUTHORIZING A PHASED SUBDIVISION OF 143 LOTS ON 84.14+ ACRES TO BE LOCATED AT 304 NORTH TYMBER CREEK ROAD (PARCEL ID NUMBER: 4124-00-00-0240), 2099 AIRPORT ROAD (PARCEL ID NUMBER: 4123-00-00-0012), AND 370 NORTH TYMBER CREEK ROAD (PARCEL ID NUMBER: 4124-00-00-0250); ESTABLISHING CONDITIONS AND EXPIRATION OF APPROVAL; AND SETTING FORTH AN EFFECTIVE DATE.

Mr. Spraker reviewed a PowerPoint presentation and explained the item was regarding a Planned Residential Development (PRD) at Airport Road and North Tymber Creek Road. He discussed the process the item went through before coming to the Commission, and explained the Planning Board recommended denial of the item at the December 8, 2021, meeting. He explained the item presented did not require detailed engineering construction plans, noting the PRD was a zoning document that showed lots, landscape buffers, open area, recreational areas, and architectural standards. He reviewed the subdivision application process including the PRD, preliminary plat, and final plat. Spraker reviewed the wetlands on the project areas, noting there were 13.05 acres of wetlands on-site, with a direct impact on 1.49 acres, and the remaining wetlands would total 11.56 acres. He discussed the wetlands buffer, noting there was 5.05 acres, with a buffer impact of 1.24 acres, and the remaining wetlands would total 3.82 acres.

Mr. Spraker stated the project had a School Capacity issued by Volusia County Schools and a minimum 40-foot natural buffer around the project. He discussed the right-of-way preservation along North Tymber Creek Road, a sidewalk along Airport Road to Leeway Trail, natural areas and recreation areas with the property. He stated the applicant was looking for a variance regarding the signage and architectural features along North Tymber Creek Road and Airport Road. He explained that during the Planning Board meeting the concerns discussed included the Pathways Elementary School and Pine Trails Elementary School pick up and drop off. He further discussed the traffic concerns and traffic studies. He stated at the Planning Board meeting there were stormwater and floodplain concerns regarding existing issues in the area, including Durrance Acres and unincorporated Volusia County, noting the areas were developed before the requirement of stormwater systems. He explained the stormwater system was not required for the project at the meeting, but would be required in the future. He discussed the communication received from citizens, noting there were 33 emails requesting time be dedicated to Mr. Clay Beazley to speak on their behalf and represent Durrance Acres property owners.

Mayor Partington explained the hearing was a quasi-judicial public hearing and requested the Commission disclose ex-parte communications regarding the item including the applicant, developers and citizens.

Commissioner Selby stated he met with the applicant and consultants, noting he had communication with residents.

Commissioner Kent explained he spoke with the applicant, consultant, Mr. Beazley and Planning Board members Doug Thomas and G.G. Galloway.

Commissioner Persis stated she met with the applicant, Mr. Dwight Durant with Zev Cohen & Associates and had email communications with a concerned resident.

Commissioner Littleton discussed his meeting with the developer and consultants, including engineer Mr. Durant. He stated he received email communications from concerned citizens.

Mayor Partington explained he did not meet with the applicant nor any residents. He explained Mr. Beazley spoke during Audience Remarks at the January 4, 2022, City Commission meeting to request a larger allotment of time for the item. He explained he had the 33 emails attached to Mr. Beazley's comment card, noting it was up to the Commission to decide if they wanted to waive the three-minute rule for Mr. Beazley.

Commissioner Selby moved, seconded by Commissioner Littleton, to waive the three-minute audience speaking time and allow for a 15-minute time allotment for Mr. Beazley.

Commissioner Kent stated he would not support the motion as he had concerns about the precedent it would set for future meetings. He stated he believed three minutes was sufficient time for public comments.

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

Mr. Mark Watts, representative from Law Firm of Cobb Cole, presented a PowerPoint presentation reviewing the project and property. He stated the proposed development was 90 units below carrying capacity analysis. He stated they maintained the appropriate lot size of 80 by 110 feet. He explained the development offered over 44 acres of open space areas, active recreation, amenity areas, landscaped areas and preserved wetland areas. He explained the development exceeded the code requirement for maximum impervious lot coverage. He stated the developer, Paytas Homes, was a locally based, family run company. He reviewed the entry features and discussed the variance for the height of the signage. He reviewed the phasing plan, noting it was planned in three phases.

Mr. Bill Lites, Environmental Director from Zev Cohen & Associates, discussed his history with wetland delineations. He stated the wetlands onsite were delineated and reviewed by the Saint Johns River Water Management District (SJRWMD) and noted there were 14.43 acres of wetlands. He discussed the marsh on Airport Road and water at Groover Branch. He reviewed photos from the site, noting the plants and trees that would not grow in wetlands. He reviewed photos that showed the areas that were typically inundated with water, giving the impression of wetland from street view, and the changes from 2006 to 2021.

Mr. Dwight Durant, President of Zev Cohen & Associates, stated they wanted to provide as much detailed information to the Commission as possible even though it was not required at the time. He reviewed the Federal Emergency Management Agency (FEMA) flood maps and their relation to the property, and discussed the Tattersall flood plain. He discussed the stormwater drainage, noting that any drainage that would go onto the property from the west and north side properties would be accommodated. He explained the development lowered the density to assist with the stormwater measures that would be required. He discussed the concerns regarding the flooding on Airport Road, noting the development could assist with fixing the issue. He reviewed the surrounding areas that were developed pre-stormwater regulations and post-stormwater regulations.

Mr. Sans Lassiter, President of Lassiter Transportation Group, stated a traffic study had been completed and discussed the entrance and exit points. He explained the development near the schools added walkability for students which could help reduce traffic. He stated the project would provide more than $250,000 to Volusia County roads by the impact fees that could be targeted for the widening of a portion of North Tymber Creek Road.

Mr. Watts reviewed the concerns that were discussed during the neighborhood meeting and Planning Board meeting. He stated their goal was to exceed the standards the city had set. He explained that the development had less density, larger lots and buffer requirements.

Mr. David Juhl, 2040 Toni Street, unincorporated Volusia County, stated he lived directly across the wetlands off Airport Road. He discussed his concerns with his property grading compared to Airport Road and the proposed development. He discussed his interactions with city staff, noting he was directed to Volusia County to discuss drainage problems as he lived in unincorporated Volusia County.

Ms. Jeannine Holmes, 319 North Tymber Creek Road, discussed her concerns with the traffic due to the schools and flooding. She stated she moved to the area due to its rural nature and was concerned with the development.

Mr. Jim Mozo, 74 Caladium Drive, discussed the flooding in the area on Airport Road. He inquired if the stormwater regulations were updated regularly and discussed his concerns. He inquired if the sub-surface rights were considered or discussed.

Ms. Missy Herrero, 111 North Saint Andrews, discussed an issue recently mentioned at a Volusia County Council hearing regarding the lands from development being built higher than the residents in the surrounding areas, which caused flooding. She discussed the importance of lining retention ponds.

Mr. Beazley, 2180 Arabian Trail, thanked the Commission for the 15-minute time allowance and thanked Mr. Spraker for his assistance. He stated many of his neighbors requested he discuss traffic, noting the schools had a set mode of operation and knew the city could not change that. He discussed the North Tymber Creek Road lane widening, stating it was not in the county's five-year plan, and personally did not think that the project would happen. He discussed the property where the water tower was located and stated water surrounded it, noting the water would also flow from the north. He discussed his background related to his knowledge on water. He inquired how the lot sizes were increased with a similar density, noting 13 acres of wetlands were lost. He discussed the natural buffers and stated he did not believe those were a concern. He discussed the previous property owner and current owner. He explained SJRWMD did not approve the studies. He stated the north side of the property should not be touched and left alone due to the wetlands. He discussed the flooding from Deer Creek and the city property. He stated he and his neighbors did not have city water or sewer, nor did they want it, and discussed the property values. He requested the Commission deny the item as it was presented.

Mr. Watts stated there were many aspects that were subject to change, noting that many of the details presented were above and beyond what would be required at that stage in the process. He stated that lots may be lost along the way based on what requirements were needing to be met. He discussed the legal obligations related to the water flowing onto the property.

Mr. Durant stated he walked the property over a dozen times, noting they were there to make things better for the neighborhood. He explained the development would not drain onto surrounding properties and would drain internally at Groover Branch. He requested the opportunity to apply for the permits to make things better for the area. He stated the development would have the infrastructure to handle the stormwater.

Mr. Watts discussed the traffic concerns and impact fees with Volusia County. He reiterated the proposed plan complied with city standards He stated the wetlands onsite were certified by the SJRWMD, noting a representative visited the site in order to review current conditions.

Mayor Partington adjourned the meeting for a short break at 8:51 p.m.
Mayor Partington reconvened the meeting at 9:00 p.m.

Commissioner Littleton moved, for approval of Ordinance No. 2022-01, as amended to remove the architectural renderings, on first reading, as read by title only.

Commissioner Selby requested clarification on the motion; whereby, Commissioner Littleton explained he would not approve the architectural renderings that were not up to code.

Mr. Hayes stated it would be appropriate to motion for approval for discussion purposes, then a motion for an amendment could be made.

Commissioner Littleton withdrew his motion.

Commissioner Littleton moved, seconded by Commissioner Selby for approval of Ordinance No. 2022-01, on first reading, as read by title only.

Commissioner Littleton stated he would not approve the item as presented but would approve the project built to code. He discussed his concerns regarding the property and transparency.

Commissioner Selby inquired if the entry features that would not be to code were 16 feet tall, what did the code allow; whereby, Mr. Spraker stated the code did not have a section for entry features and the default was the monument sign at a maximum of eight feet. Commissioner Selby inquired if there were any other waivers the applicant was asking for; whereby, Mr. Spraker stated there was not. Commissioner Selby inquired if the building coverage was a waiver; whereby, Mr. Spraker stated planned developments were allowed to establish how the development was to be built, which was not a waiver. Commissioner Selby inquired what the distinction was between the impervious coverage and building coverage; whereby, Mr. Spraker stated the land development code had lot coverage and total impervious coverage, which included the building, driveway and other hard surface areas. Commissioner Selby inquired if the only code waiver was the height of the two entry features; whereby, Mr. Spraker confirmed that was correct.

Commissioner Selby discussed his support of the features, the area, the suggested improvements to the stormwater system, lot sizes and the 40-foot buffer. He explained there was one private property owner whose property abutted the planned development, noting the property owner was supportive of the project. He discussed his support of the developer, who was the builder. He stated his support of the sidewalk, donated right-of-way along North Tymber Creek Road, density size and the northeast outparcel. He discussed the concerns of residents regarding the car lights at the entrance and exits, noting engineers for the project assured him the lights would not be an issue for surrounding residents. He stated he did not see any reason to deny the item, noting his support.

Commissioner Kent inquired about the land owner; whereby, Mr. Spraker stated the property was owned by Ms. Marsha Madorsky in the care of Tymber Sky LLC and Enclave of Timber Creek LLC. Commissioner Kent discussed the optics of the water after a heavy rain. He inquired about the water flow from the west over the city property and into the proposed development area; whereby, Mr. Spraker stated with site development the applicant would have to show what water flowed onto the property at the time from any direction. Mr. Spraker stated the outflow from Deer Creek had nowhere to go which would be why it flowed toward the proposed development area. He explained there were state and city regulations that would have to be met, noting the property could not discharge more than the discharge at the time of the study. Commissioner Kent inquired if the Deer Creek subdivision was pre or post-stormwater regulations; whereby, Mr. Spraker stated Deer Creek was post-stormwater regulations. Commissioner Kent discussed his concerns with the stormwater regulations if there were issues at Deer Creek. He inquired how Deer Creek had the stormwater management failure; whereby, Ms. Joyce Shanahan, City Manager, stated SJRWMD conducted reviews every two years. He stated he believed the applicant would have a plan for the stormwater but expressed his concerns related to the Deer Creek failure.

Commissioner Persis complimented Mr. Beazley for speaking on behalf of his neighbors and to the applicant and consultants. She discussed her concerns with the environmental impact on the wildlife. She discussed concerns received by Zone 3 residents. She stated it was a difficult area with the water and traffic.

Mayor Partington stated he was not in favor of the item and agreed with Commissioner Persis that it was a difficult area. He discussed his background on the project and the two previously proposed developments. He stated he was disappointed with the density and lack of traffic improvement. He explained that based on the Planning Board's denial and testimony given at the meeting, he believed there was sufficient evidence to support a vote of denial. He discussed the adjacent property owners' requests, noting he was unsure if that was included. He stated his concerns with the property being in a FEMA flood zone.

Commissioner Littleton reiterated his lack of support of the item as presented.

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

Item #8C – 215 Williamson Boulevard (Regal Center), Zoning Map Amendment

City Clerk Susan C. Dauderis read by title only:

ORDINANCE NO. 2022-02

AN ORDINANCE AMENDING PARAGRAPH C, OFFICIAL ZONING MAP, OF SECTION 2-01, ESTABLISHED, OF ARTICLE 1, ESTABLISHMENT OF ZONING DISTRICTS AND OFFICIAL ZONING MAP, OF CHAPTER 2, DISTRICT AND GENERAL REGULATIONS, OF THE CITY OF ORMOND BEACH LAND DEVELOPMENT CODE, BY AMENDING THE OFFICIAL ZONING MAP TO REZONE A CERTAIN PARCEL OF REAL PROPERTY TOTALING APPROXIMATELY 12.00-ACRES LOCATED AT 215 WILLIAMSON BOULEVARD (VOLUSIA COUNTY PARCEL NUMBER 4230-00-00-0014) FROM B-8 (COMMERCIAL) TO PLANNED BUSINESS DEVELOPMENT (PBD); AUTHORIZING REVISION OF OFFICIAL ZONING MAP; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; AND SETTING FORTH AN EFFECTIVE DATE.

Mr. Spraker reviewed a PowerPoint presentation and stated Items 8C and 8D were regarding Regal Center; the applicant wished to rezone the property to Planned Business Development (PBD) and create five parcels on the existing property. He explained the applicant had requested to update the signage, maintain the 50-foot height of current and future buildings and allow a series of uses. He stated the Planning Board and city staff recommended approval.

Commissioner Persis inquired what would be located in the different parcels; whereby, Mr. Spraker stated there was a list of choices for the applicant based on the property uses, that would then be reviewed and approved by the Site Plan Review Committee.

Mr. Paul Holub, 1185 West Granada Boulevard, explained it was a difficult property to redevelop due to the visibility issues from Williamson Boulevard, noting in the agreement when the property was purchased they were not allowed to use the property as a movie theater. He stated there was interest in the front parcel for an urgent care facility and restaurants had made inquiries regarding the property. He stated Parcel 2 and Parcel 5 would remain retention parcels.

Commissioner Persis stated many residents would like to see something everyone could use and be proud of overall.

Mr. Holub discussed the property features and stated he planned to come back with plans that would satisfy the city.

Ms. Herrero discussed her concerns for the zoning change and possibility of boat storage. She stated her concerns for the city to approve a list of items instead of something specific.

Ms. Julie Ufheil, Abacus Avenue, expressed her concerns regarding boat storage, noting she believed the city had enough boat storage. She discussed possible uses and proposed the city buy the property.

Commissioner Kent moved, seconded by Commissioner Littleton, for approval of Ordinance No. 2022-02, on first reading, as read by title only.

Commissioner Kent discussed his concerns with the public comments. He discussed the property regarding boat storage and site view from Williamson Boulevard. He stated his support of the previous work from Mr. Holub. He inquired if the 50-foot building height was needed; whereby, Mr. Holub stated the current height of the building was 50-foot and an integral feature.

Commissioner Littleton discussed his support of the item and stated he was happy with the pace of the project.

Mayor Partington stated he was in favor of the item, noting he did not have a problem with the boat storage option.

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

Item #8D – 215 Williamson Boulevard (Regal Center), PBD Development Order

City Clerk Susan C. Dauderis read by title only:

ORDINANCE NO. 2022-03

AN ORDINANCE AUTHORIZING THE EXECUTION AND ISSUANCE OF A DEVELOPMENT ORDER FOR A PLANNED BUSINESS DEVELOPMENT TO BE LOCATED AT 215 WILLIAMSON BOULEVARD, TO BE KNOWN AS THE "REGAL CENTER"; AUTHORIZING AN OUTPARCEL ALONG WILLIAMSON BOULEVARD; ALLOWING ADDITIONAL USES AND CREATING A FRAMEWORK FOR FUTURE REDEVELOPMENT; ESTABLISHING CONDITIONS AND EXPIRATIONS OF APPROVAL; AND SETTING FORTH AN EFFECTIVE DATE.

Commissioner Kent moved, seconded by Commissioner Persis, for approval of Ordinance No. 2022-03, on first reading, as read by title only.

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

Item #9 – Resolutions

Item #9A – Cupola at Oceanside, Preliminary Plat

City Clerk Susan C. Dauderis read by title only:

RESOLUTION NO. 2022-18

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF ORMOND BEACH, FLORIDA APPROVING THE PRELIMINARY PLAT FOR "THE CUPOLA AT OCEANSIDE", A PLANNED RESIDENTIAL DEVELOPMENT SUBDIVISION; ESTABLISHING CONDITIONS AND EXPIRATION DATE OF APPROVAL; AND SETTING FORTH AN EFFECTIVE DATE.

Mr. Spraker presented a PowerPoint regarding the preliminary plat for The Cupola at Oceanside, noting the Planning Board and city staff recommended approval.

Commissioner Selby moved, seconded by Commissioner Persis, for approval of Resolution No. 2022-18, as read by title only.

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

Item #9 – Reports, Suggestions, Requests

Future Workshops

Ms. Shanahan stated there would be a workshop on February 15, 2022, regarding Cassen Park and a workshop on March 22, 2022 for the Parks and Recreation Master Plan Update.

MacDonald House
Mr. Finley explained the MacDonald House project had a final inspection and was pending final landscaping. He stated the city was well under budget for the project, noting the final cost was about a third lower than original estimate. He thanked the Commission for their support.

Mayor Partington discussed his support of the project.

The Cupola at Oceanside
Commissioner Persis and Mayor Partington expressed their excitement and support for The Cupola at Oceanside.

South Ormond Neighborhood Center
Commissioner Persis stated she attended the ground-breaking ceremony for the new gymnasium at South Ormond Neighborhood Center and expressed her excitement for the project.

Commissioner Littleton noted a new gymnasium had not been built in Ormond Beach in decades and commended the Commission on approval of the project.

First Step Shelter
Commissioner Selby reviewed the annual report from First Step Shelter, noting during 2021 shelter, food, clothing and case management services were provided to 240 people who experienced homelessness. He discussed statistics from other services the shelter provided.

Mayor Partington thanked Commissioner Selby for the hard work he put into the First Step Shelter Board. He stated there were four shelter in-takes from Ormond Beach and 20 Safe Zone referrals. He believed the City of Ormond Beach was one of the largest contributors and expressed concerns on the homeless population in Ormond Beach and the funds contributed. He requested staff look into plans to see how to increase the Ormond Beach in-take at First Step Shelter.

Ormond Beach MainStreet Events
Commissioner Selby stated Granada Grand Festival of the Arts was scheduled for February 5, 2022, Taste of Ormond was scheduled for March 6, 2022, and the Ormond Beach Celtic Festival was scheduled for April 23 and 24, 2022. He explained Ms. Julia Truilo was retiring at the end of April 2022.

Ormond Memorial Art Museum
Commissioner Kent discussed his excitement of the updated Ormond Memorial Art Museum facility.

Starry Starry Night
Mayor Partington expressed his excitement regarding the Starry Starry Night event that took place January 14, 2022, noting it was hosted by the Ormond Memorial Art Museum, The Casements, and Ormond Beach Historical Society.

Martin Luther King Drive-Thru
Mayor Partington discussed his support of the Martin Luther King Drive-Thru event that took place on January 17, 2022. He thanked Ms. Tina Carlisle, Mr. Joe Daniels and all the volunteers for their work on the event.

Item #10 – Adjournment

The meeting was adjourned at 10:03 p.m.

APPROVED: February 1, 2022

BY: _____
Bill Partington, Mayor

ATTEST:

_____
Susan Carroll Dauderis,
City Clerk