

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

April 19, 2022

7:00 p.m.

Commission Chambers

Present: Mayor Bill Partington, Commissioners Dwight Selby, Troy Kent, Susan Persis, and Rob Littleton, City Manager Joyce Shanahan, Assistant City 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. Civil Air Patrol Awards
 - B. Emily Kraft
- 5. AUDIENCE REMARKS - REGARDING ITEMS NOT ON THE AGENDA**
- 6. APPROVAL OF MINUTES**

- A. Minutes from City Commission meeting – April 5, 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. 2022-56:** A RESOLUTION AUTHORIZING THE SOLE SOURCE PROCUREMENT OF A NITROGEN PROBE FROM HACH COMPANY FOR THE WATER RECLAMATION FACILITY; AUTHORIZING THE EXECUTION OF A PURCHASE AUTHORIZATION; AND SETTING FORTH AN EFFECTIVE DATE.

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

- B. **RESOLUTION NO. 2022-57:** A RESOLUTION ACCEPTING THE PROPOSAL OF EMPIRE COMPUTING & CONSULTING, INC., REGARDING INSTALLATION OF THE POLICE DEPARTMENT ACCESS CONTROL SYSTEM AND THE PROVISION OF SUPPORT SERVICE ON AN AS NEEDED BASIS; AUTHORIZING THE EXECUTION OF AN AGREEMENT AND PAYMENT THEREFOR; REJECTING ALL OTHER PROPOSALS; AND SETTING FORTH AN EFFECTIVE DATE.

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

- C. **RESOLUTION NO. 2022-58:** A RESOLUTION ACCEPTING THE PROPOSAL OF STRATEGIC PLANNING GROUP, INC., REGARDING PROFESSIONAL SERVICES TO PERFORM AN UPDATE TO THE CITY'S ECONOMIC DEVELOPMENT STRATEGIC PLAN; AUTHORIZING THE EXECUTION OF AN AGREEMENT AND PAYMENT THEREFOR; REJECTING ALL

OTHER PROPOSALS; AND SETTING FORTH AN EFFECTIVE DATE.

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

- D. **RESOLUTION NO. 2022-59:** A RESOLUTION APPROVING SETTLEMENTS WITH CVS HEALTH CORP., TEVA, AND ALLERGAN IN CONNECTION WITH THE NATIONAL OPIOID LITIGATION MATTER; AUTHORIZING THE EXECUTION OF SETTLEMENT PARTICIPATION FORMS, INCLUDING ALL DOCUMENTS NECESSARY AND INCIDENTAL THERETO; AND SETTING FORTH AN EFFECTIVE DATE.

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

- E. **Volusia League of Cities 2022 Distinguished Service Awards**

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

Disposition: Approve as recommended in the City Manager memorandum dated April 19, 2022.

- F. **City Manager Status Report, April 2022**

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

Disposition: Approve as recommended in the City Manager memorandum dated April 19, 2022.

8. PUBLIC HEARINGS

- A. **ORDINANCE NO. 2022-11:** AN ORDINANCE AMENDING THE FUTURE LAND USE ELEMENT OF THE COMPREHENSIVE PLAN BY AMENDING THE FUTURE LAND USE MAP TO INCORPORATE THE PROVISIONS OF THE SECOND AMENDED NORTH US HIGHWAY 1 INTERLOCAL SERVICE BOUNDARY AGREEMENT BETWEEN THE CITY OF ORMOND BEACH AND THE COUNTY OF VOLUSIA; AUTHORIZING TRANSMITTAL; PROVIDING FOR PUBLIC HEARINGS; PROVIDING FOR CONFLICTING ORDINANCES; AND SETTING FORTH AN EFFECTIVE DATE.

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

- B. **ORDINANCE NO. 2022-12:** AN ORDINANCE AMENDING THE FUTURE LAND USE ELEMENT OF THE COMPREHENSIVE PLAN OF THE CITY OF ORMOND BEACH BY AMENDING THE FUTURE LAND USE MAP FOR REAL PROPERTY TOTALING 19.19± ACRES ASSOCIATED WITH THE RIDGEHAVEN PROPOSED SUBDIVISION FROM “LOW INTENSITY COMMERCIAL” (LIC) TO “MEDIUM DENSITY RESIDENTIAL” (MDR); PROVIDING FOR CONFLICT; AUTHORIZING TRANSMITTAL; AND SETTING FORTH AN EFFECTIVE DATE.

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

9. FIRST READING OF ORDINANCES

- A. **ORDINANCE NO. 2022-13:** AN ORDINANCE REGARDING THE OFFICE OF MAYOR AND CITY COMMISSIONERS FOR ZONES 1 THROUGH 4 BY PROVIDING FOR AND CALLING A PRIMARY MUNICIPAL ELECTION OF THE REGISTERED ELECTORS OF THE CITY OF ORMOND BEACH TO BE HELD ON AUGUST 23,

2022; PROVIDING FOR AND CALLING A REGULAR MUNICIPAL ELECTION OF THE REGISTERED ELECTORS RESIDING IN THE CITY OF ORMOND BEACH TO BE HELD ON NOVEMBER 8, 2022; PROVIDING FOR QUALIFYING AND ELECTION PROCEDURES; ESTABLISHING A DATE FOR TAKING OFFICE; AUTHORIZING THE EXECUTION OF A MEMORANDUM OF UNDERSTANDING FOR SERVICES AND MATERIALS WITH THE COUNTY OF VOLUSIA; PROVIDING FOR SEVERABILITY; AND SETTING FORTH AN EFFECTIVE DATE.

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

10. SECOND READING OF ORDINANCES

- A. **ORDINANCE NO. 2022-08:** AN ORDINANCE AMENDING SECTION 4-3, CONSUMPTION IN PUBLIC PLACES; EXCEPTIONS, OF CHAPTER 4, ALCOHOLIC BEVERAGES; AND SECTION 15-92, DEFINITIONS, AND SECTION 15-99, DISPLAY, PROMOTION OR SALE OF ALCOHOLIC BEVERAGES, OF ARTICLE III, SPECIAL USES OF CITY PROPERTY, OF CHAPTER 15, PARKS AND RECREATION, OF THE CODE OF ORDINANCES OF THE CITY OF ORMOND BEACH, TO ALLOW FOR THE SALE AND CONSUMPTION OF ALCOHOLIC BEVERAGES ON CITY PROPERTY PURSUANT TO A WRITTEN AGREEMENT APPROVED BY THE CITY COMMISSION BETWEEN THE CITY OF ORMOND BEACH AND A CIVIC NON-PROFIT ORGANIZATION; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; PROVIDING FOR SEVERABILITY; AND SETTING FORTH AN EFFECTIVE DATE. **(SECOND READING)**

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

- B. **ORDINANCE NO. 2022-09:** AN ORDINANCE AMENDING SECTION 2-258, ADMINISTRATIVE FINES AND LIENS, OF DIVISION 2, ENFORCEMENT PROCESS, OF ARTICLE VII, CODE ENFORCEMENT, OF CHAPTER 2, ADMINISTRATION; SECTION 8-4, UNSAFE BUILDING ABATEMENT, OF ARTICLE I, IN GENERAL, OF CHAPTER 8, BUILDINGS AND CONSTRUCTION REGULATIONS; AND SECTION 14-98, LIENS, OF ARTICLE VIII, SITE MAINTENANCE/NUISANCES, OF CHAPTER 14, OFFENSES, OF THE CODE OF ORDINANCES OF THE CITY OF ORMOND BEACH, TO AMEND THE AUTHORITY FOR THE RELEASE AND SATISFACTION OF LIENS; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; PROVIDING FOR SEVERABILITY; AND SETTING FORTH AN EFFECTIVE DATE. **(SECOND READING)**

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

11. REPORTS, SUGGESTIONS, REQUESTS

12. ADJOURNMENT

MINUTES

Item #1 – Meeting Call to Order

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

Item #2 – Invocation

Mayor Partington provided the invocation.

Item #3 – Pledge of Allegiance

Mayor Partington led the Pledge of Allegiance.

Item #4 – Presentations and Proclamations

Item #4A – Civil Air Patrol Awards

Mayor Partington explained once a cadet earns the General Billy Mitchell Award, he or she was promoted to the grade of Cadet 2nd Lieutenant. Lieutenant Colonel Joseph Wisniewski presented the General Billy Mitchell Award to Cadet Evan G. Jameson, Cadet Conner F. Reese and Cadet Duke O. Neubecker.

Mayor Partington stated once a cadet earns the Amelia Earhart Award, he or she was promoted to the grade of Cadet Captain. Lieutenant Colonel Wisniewski presented the Amelia Earhart Award to Cadet Emily Kraft and Cadet Jameson.

Mayor Partington announced once a cadet earns the General Ira C. Eaker Award, he or she was promoted to the grade of Cadet Lieutenant Colonel and would be challenged to lead and serve junior-ranking cadets not just in the hometown squadron but around their state as well. Lieutenant Colonel Wisniewski presented the General Ira Eaker Award to Cadet Kraft.

Item #4B – Emily Kraft

Mayor Partington presented a proclamation to Cadet Lieutenant Colonel Emily Kraft, in honor of her excellence in the Civil Air Patrol cadet program, United States Army Junior Reserve Officer Training Corps and for her attendance at the 2020 Civic Leadership Academy. He proclaimed April 19, 2022, as a day to recognize Cadet Lieutenant Colonel Kraft and urged all residents to join him in wishing her all the best in her career in the United States Navy.

Mayor Partington expressed his support of the Civil Air Patrol program.

Lieutenant Colonel Wisniewski present the Commission with a certificate of appreciation honoring the Ormond Beach Municipal Airport.

Commissioner Persis congratulated Cadet Lieutenant Kraft.

Item #5 – Audience Remarks

Ms. Carol Taylor, 19 Village Drive, discussed her concerns regarding the possible RidgeHaven development and the impact on the environment, wildlife and quality of life in the neighborhood. It was her understanding that there were Native American artifacts found on the property.

Mr. George Taylor, 19 Village Drive, voiced his concerns regarding the development of the land near the Pine Run subdivision, the potential clearing of land and proposed number of homes per acre.

Item #6 – Approval of Minutes

Mayor Partington advised the minutes of the April 5, 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 Kent moved, seconded by Commissioner Persis, for approval of the April 5, 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 Persis moved, seconded by Commissioner Littleton, for approval of the consent agenda.

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

Comments on the Consent Agenda

No one had additional comments on the consent agenda.

Item #8 – Public Hearings

Item #8A – N. US 1 Second Amended Future Land Use Map Amendment-Small Scale

City Clerk Susan C. Dauderis read by title only:

ORDINANCE NO. 2022-11
AN ORDINANCE AMENDING THE FUTURE LAND USE ELEMENT OF THE COMPREHENSIVE PLAN BY AMENDING THE FUTURE LAND USE MAP TO INCORPORATE THE PROVISIONS OF THE SECOND AMENDED NORTH US HIGHWAY 1 INTERLOCAL SERVICE BOUNDARY AGREEMENT BETWEEN THE CITY OF ORMOND BEACH AND THE COUNTY OF VOLUSIA; AUTHORIZING TRANSMITTAL; PROVIDING FOR PUBLIC HEARINGS; PROVIDING FOR CONFLICTING ORDINANCES; AND SETTING FORTH AN EFFECTIVE DATE.

Mr. Steven Spraker, Planning Director, reviewed a PowerPoint presentation and explained the item was a land use amendment to the city’s comprehensive plan based on the Interlocal Service Boundary Agreement (ISBA) that was approved at the December 7, 2021, City Commission meeting. He stated the land use amendment would provide an overall vision of use and the developed units per acre. He explained the land use action proposed would have a decrease of residential units by 422 dwelling units and a decrease of 1,100,000 square feet of non-residential building entitlements. He reviewed the series of actions needed if approved, noting staff recommended approval.

Commissioner Persis inquired if approved would the Commission be required to stick with the number of residential units per acre; whereby, Mr. Spraker stated the item would supply a maximum number and the number of actual units approved could be discussed during the site plan review process.

Commissioner Selby inquired about the southern piece of land; whereby Mr. Spraker stated that property would be addressed during item 8B.

Mayor Partington inquired if the item was reducing the number of units by 529; whereby, Mr. Spraker stated for the entire subdivision that would be correct. Mayor Partington expressed his support of the item.

Mr. Joseph Valerio, 1213 North Side Drive, requested the Commission try to preserve the land and incorporate trees into the design of the property.

Mr. Glen Storch, 420 Nova Road, Daytona Beach, stated he was at the meeting on behalf of the Storch Law Firm representing the property owner for the item. He explained the county would allow a much higher density, noting they promised a lower maximum density. He discussed the transportation analysis based on what the county allowed versus the lowered maximum density. He clarified he was willing to work with the surrounding neighborhoods during the site plan review phase and neighborhood meetings.

Commissioner Littleton moved, seconded by Commissioner Selby, for approval of Ordinance No. 2022-11, on first reading, as read by title only.

Call Vote:	Commissioner Kent	Yes
	Commissioner Persis	Yes
	Commissioner Littleton	Yes
	Commissioner Selby	Yes

Carried.

Mayor Partington

Yes

Item #8B – Future Land Use Amendment - RidgeHaven

City Clerk Susan C. Dauderis read by title only:

ORDINANCE NO. 2022-12

AN ORDINANCE AMENDING THE FUTURE LAND USE ELEMENT OF THE COMPREHENSIVE PLAN OF THE CITY OF ORMOND BEACH BY AMENDING THE FUTURE LAND USE MAP FOR REAL PROPERTY TOTALING 19.19± ACRES ASSOCIATED WITH THE RIDGEHAVEN PROPOSED SUBDIVISION FROM “LOW INTENSITY COMMERCIAL” (LIC) TO “MEDIUM DENSITY RESIDENTIAL” (MDR); PROVIDING FOR CONFLICT; AUTHORIZING TRANSMITTAL; AND SETTING FORTH AN EFFECTIVE DATE.

Mr. Spraker stated the item was for the southern portion of the property and seeks to change from commercial use to residential use. He reviewed the series of actions needed if approved, noting staff recommended approval.

Commissioner Littleton inquired if the property would have a commercial business due to the location away from United States Highway One; whereby, Mr. Spraker stated it was entitled to but was unsure when or if it would happen.

Mr. Jason Zaniewski, 122 Oak Lane, voiced his concerns regarding the increased traffic and the environment; such as the Ormond Scenic Loop & Trail. He explained his daughter found arrowheads and other artifacts around the Pine Run subdivision, of which he had photographs. He acknowledged the residential growth in the state and noted the number of homes for sale in Ormond Beach from an online search.

Mayor Partington requested Mr. Zaniewski send the photographs to the City Clerk.

Ms. Barbara Schubert, 21 Village Drive, expressed her concerns regarding the wildlife.

Mr. Terry Schubert, 21 Village Drive, indicated his concerns regarding the property including the wildlife and environment.

Mr. Valerio inquired if the 298 units would be built first and requested the smaller southern property be preserved for green space.

Mr. Storch stated logically the site would not be commercial but could have been an apartment complex. He stated the plan was to cluster the density to provide for conservation with native vegetation.

Commissioner Littleton inquired if the item was reducing the non-residential entitlements by 167,000 square feet; whereby, Mr. Spraker confirmed that was accurate.

Commissioner Persis moved, seconded by Commissioner Littleton, for approval of Ordinance No. 2022-12, 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

Item #9 – First Reading of Ordinances

Item #9A – Ordinance Calling 2022 Regular City Election

City Clerk Susan C. Dauderis read by title only:

ORDINANCE NO. 2022-13

AN ORDINANCE REGARDING THE OFFICE OF MAYOR AND CITY COMMISSIONERS FOR ZONES 1 THROUGH 4 BY PROVIDING FOR AND CALLING A PRIMARY MUNICIPAL ELECTION OF THE REGISTERED ELECTORS OF THE CITY OF ORMOND BEACH TO BE HELD ON AUGUST 23, 2022; PROVIDING FOR AND CALLING A

REGULAR MUNICIPAL ELECTION OF THE REGISTERED ELECTORS RESIDING IN THE CITY OF ORMOND BEACH TO BE HELD ON NOVEMBER 8, 2022; PROVIDING FOR QUALIFYING AND ELECTION PROCEDURES; ESTABLISHING A DATE FOR TAKING OFFICE; AUTHORIZING THE EXECUTION OF A MEMORANDUM OF UNDERSTANDING FOR SERVICES AND MATERIALS WITH THE COUNTY OF VOLUSIA; PROVIDING FOR SEVERABILITY; AND SETTING FORTH AN EFFECTIVE DATE.

Ms. Susan Dauderis, City Clerk, explained qualifying period would be from June 13, 2022, 12:00 PM through June 17, 2022, 12:00 PM and noted November 15, 2022, would be when the Mayor and Commissioners would be sworn in and take office.

Commissioner Selby moved, seconded by Commissioner Kent, for approval of Ordinance No. 2022-13, on first reading, as read by title only.

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

Item #10 – Second Reading of Ordinances

Item #10A – Code of Ordinances Amendment, Sections 4-3, 15-92, and 15-99

City Clerk Susan C. Dauderis read by title only:

ORDINANCE NO. 2022-08
AN ORDINANCE AMENDING SECTION 4-3, CONSUMPTION IN PUBLIC PLACES; EXCEPTIONS, OF CHAPTER 4, ALCOHOLIC BEVERAGES; AND SECTION 15-92, DEFINITIONS, AND SECTION 15-99, DISPLAY, PROMOTION OR SALE OF ALCOHOLIC BEVERAGES, OF ARTICLE III, SPECIAL USES OF CITY PROPERTY, OF CHAPTER 15, PARKS AND RECREATION, OF THE CODE OF ORDINANCES OF THE CITY OF ORMOND BEACH, TO ALLOW FOR THE SALE AND CONSUMPTION OF ALCOHOLIC BEVERAGES ON CITY PROPERTY PURSUANT TO A WRITTEN AGREEMENT APPROVED BY THE CITY COMMISSION BETWEEN THE CITY OF ORMOND BEACH AND A CIVIC NON-PROFIT ORGANIZATION; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; PROVIDING FOR SEVERABILITY; AND SETTING FORTH AN EFFECTIVE DATE. **(SECOND READING)**

Commissioner Persis moved, seconded by Commissioner Littleton, for approval of Ordinance No. 2022-08, on second 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 #10B – Code of Ordinances Amendment, Sections 2-258, 8-4, and 14-98

City Clerk Susan C. Dauderis read by title only:

ORDINANCE NO. 2022-09
AN ORDINANCE AMENDING SECTION 2-258, ADMINISTRATIVE FINES AND LIENS, OF DIVISION 2, ENFORCEMENT PROCESS, OF ARTICLE VII, CODE ENFORCEMENT, OF CHAPTER 2, ADMINISTRATION; SECTION 8-4, UNSAFE BUILDING ABATEMENT, OF ARTICLE I, IN GENERAL, OF CHAPTER 8, BUILDINGS AND CONSTRUCTION REGULATIONS; AND SECTION 14-98, LIENS, OF ARTICLE VIII, SITE MAINTENANCE/NUISANCES, OF CHAPTER 14, OFFENSES, OF THE CODE OF ORDINANCES OF THE CITY OF ORMOND BEACH, TO AMEND THE AUTHORITY FOR THE RELEASE AND SATISFACTION OF LIENS; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS

THEREOF; PROVIDING FOR SEVERABILITY; AND SETTING FORTH AN EFFECTIVE DATE.

Commissioner Littleton moved, seconded by Commissioner Persis, for approval of Ordinance No. 2022-09, on second reading, as read by title only.

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

Item #11 – Reports, Suggestions, Requests

Upcoming Meetings

Ms. Shanahan stated the Impact Fee Workshop would likely be moved and noted the budget workshops on June 7, 2022, and July 19, 2022.

Events

Commissioner Selby reminded citizens that the Ormond Beach MainStreet Celtic Festival would happen on Saturday, April 23, 2022, and Sunday, April 24, 2022, at the Rockefeller Gardens regardless of the weather. He invited citizens to the Vadner Park dedication on April 26, 2022, at 10:00 AM.

Commissioner Persis discussed the Drug Abuse Resistance Education (D.A.R.E.) graduation at Pathways Elementary School and expressed her support of the program, students and Ormond Beach Police Officers involved.

Commissioner Littleton thanked the Commission and staff for the well wishes towards the birth of his daughter.

Low Impact Development

Commissioner Persis discussed the low impact development the city encourages but requested staff look into requiring it. She stated she would like to see increased buffers and tree requirements.

River Bend Tax Litigation

Mayor Partington addressed the information regarding the tax litigation at the airport and noted the Department of Revenue issued a memorandum explaining what applicable tax law was in the state of Florida, noting the fundamental legal principal was public money cannot be used to pay a private debt. He stated he would not allow tax payers to pay those taxes.

Item #12 – Adjournment

The meeting was adjourned at 8:03 p.m.

APPROVED: May 3, 2022

BY: _____
Bill Partington, Mayor

ATTEST:

Susan Carroll Dauderis,
City Clerk