MINUTES
ORMOND BEACH CITY COMMISSION
HELD AT CITY HALL COMMISSION CHAMBERS

April 18, 2023	**7:00 p.m.**	**Commission Chambers**

Present: Mayor Bill Partington, Commissioners Lori Tolland, Travis Sargent, Susan Persis and Harold Briley, City Manager Joyce Shanahan, City Attorney Randy Hayes, Assistant City Manager Claire Whitley and City Clerk Susan Carroll Dauderis.

A G E N D A

1. CALL TO ORDER

2. INVOCATION

3. PLEDGE OF ALLEGIANCE

4. PRESENTATIONS AND PROCLAMATIONS

A. Lieutenant John Borzner

B. National Crime Victims' Rights Week

5. AUDIENCE REMARKS - REGARDING ITEMS NOT ON THE AGENDA

6. APPROVAL OF MINUTES

A. Minutes from City Commission meeting - March 21, 2023

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. 2023-69:** A RESOLUTION AUTHORIZING THE EXECUTION OF A VOLUNTARY COOPERATION MUTUAL AID AGREEMENT BETWEEN THE CITY AND THE FLORIDA DEPARTMENT OF LAW ENFORCEMENT; AND SETTING FORTH AN EFFECTIVE DATE.
Staff Contact: *Jesse Godfrey, Police Chief, (386) 676-3500*

B. **RESOLUTION NO. 2023-70:** A RESOLUTION ACCEPTING THE PROPOSAL OF ROYAL PEST SERVICES, INC. TO PROVIDE PEST CONTROL SERVICES FOR THE CITY; AUTHORIZING THE EXECUTION OF AN AGREEMENT AND PAYMENT THEREFORE; REJECTING ALL OTHER PROPOSALS; AND SETTING FORTH AN EFFECTIVE DATE.
Staff Contact: *Robert Carolin, Leisure Services Director, (386) 676-3279*

C. **RESOLUTION NO. 2023-71:** A RESOLUTION AUTHORIZING THE EXECUTION OF A NON-EXCLUSIVE FRANCHISE AGREEMENT BETWEEN THE CITY AND HUBBARD CONSTRUCTION COMPANY D/B/A MID FLORIDA MATERIALS REGARDING THE COLLECTION OF CONSTRUCTION AND DEMOLITION DEBRIS; AND SETTING FORTH AN EFFECTIVE DATE.
Staff Contact: *Kevin Gray, Deputy Public Works Director, (386) 676-3325*

D. **RESOLUTION NO. 2023-72:** A RESOLUTION AUTHORIZING THE EXECUTION OF A CONTRACT RENEWAL FOR TRANSPORTATION, TREATMENT AND DISPOSAL OF DOMESTIC WASTEWATER RESIDUALS BETWEEN THE CITY OF ORMOND BEACH AND MERREL BROS., INC.; AND SETTING FORTH AN EFFECTIVE DATE.

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

E. **RESOLUTION NO. 2023-73:** A RESOLUTION AUTHORIZING THE SOLE SOURCE PROCUREMENT OF PROFESSIONAL SERVICES FROM SEDIVISION, LLC. REGARDING INSPECTION OF THREE TANKS AT THE WATER RECLAMATION FACILITY; AND SETTING FORTH AN EFFECTIVE DATE.

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

F. **RESOLUTION NO. 2023-74:** A RESOLUTION AUTHORIZING THE SOLE SOURCE PROCUREMENT OF PARTS AND SERVICE FROM ANDRITZ SEPARATION, INC. TO REFURBISH A CENTRIFUGE AT THE WATER TREATMENT PLANT; AUTHORIZING THE EXECUTION OF A CONTRACT; AND SETTING FORTH AN EFFECTIVE DATE.

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

G. **RESOLUTION NO. 2023-75:** A RESOLUTION RATIFYING, AFFIRMING AND AUTHORIZING EXPENDITURES FOR CORROSION INHIBITOR FROM AMAYA SOLUTIONS D/B/A AMERICAN WATER CHEMICALS, INC.; AND SETTING FORTH AN EFFECTIVE DATE.

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

H. **RESOLUTION NO. 2023-76:** A RESOLUTION AUTHORIZING THE EXECUTION OF A LANDSCAPE CONSTRUCTION AND MAINTENANCE MEMORANDUM OF AGREEMENT BETWEEN THE CITY OF ORMOND BEACH AND THE FLORIDA DEPARTMENT OF TRANSPORTATION; AND SETTING FORTH AN EFFECTIVE DATE.

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

I. **RESOLUTION NO. 2023-77:** A RESOLUTION AUTHORIZING THE EXECUTION OF TWO CONSENTS TO ASSIGNMENT AND AMENDMENT TO CONTINUING CONTRACT FOR THE LIMITED PURPOSE OF ACKNOWLEDGING THE NEW CORPORATE ENTITY PROVIDING GENERAL CIVIL ENGINEERING SERVICES AND TRANSPORTATION PLANNING & ENGINEERING SERVICES FROM TRAFFIC ENGINEERING DATA SOLUTIONS, INC. TO STANLEY CONSULTANTS, INC.; AND SETTING FORTH AN EFFECTIVE DATE.

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

J. **RESOLUTION NO. 2023-78:** A RESOLUTION ACCEPTING A PROPOSAL FROM ATLANTIC DRAFTING & SURVEYING, INC. TO PROVIDE ENGINEERING SERVICES TO CONDUCT A TOPOGRAPHIC SURVEY OF A PORTION OF AIRPORT ROAD; AUTHORIZING THE EXECUTION OF A WORK AUTHORIZATION THERETO; AND SETTING FORTH AN EFFECTIVE DATE.

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

K. **RESOLUTION NO. 2023-79:** A RESOLUTION ACCEPTING THE PROPOSAL OF TRIEN & ASSOCIATES, INC. REGARDING TELECOMMUNICATION EVALUATION AND UPGRADE SERVICES; 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

L. **RESOLUTION NO. 2023-80:** A RESOLUTION OF THE CITY COMMISSION APPROVING AND ADOPTING THE CITY'S 2023 STRATEGIC PLAN UPDATE; AND PROVIDING AN EFFECTIVE DATE.

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

M. **RESOLUTION NO. 2023-81:** A RESOLUTION APPROVING A SETTLEMENT PROPOSAL REGARDING THE WORKERS' COMPENSATION CLAIM OF JEREMY GOSS; AUTHORIZING THE EXECUTION OF ANY AND ALL DOCUMENTS INCIDENTAL THERETO; AUTHORIZING PAYMENT RELATIVE THERETO; AND SETTING FORTH AN EFFECTIVE DATE.

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

N. **RESOLUTION NO. 2023-82:** A RESOLUTION APPROVING THE SETTLEMENT OF PERSONAL INJURY CLAIMS FILED BY JORDAN BANONIS; AUTHORIZING THE EXECUTION OF ALL PAPERS NECESSARY AND INCIDENTAL THERETO; AND SETTING FORTH AN EFFECTIVE DATE.

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

O. **Invitation to Bid - Sidewalk Repairs, Spring Meadows**

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

Disposition: Approve as recommended in the City Manager memorandum dated April 18, 2023.

P. **Acceptance of Sexual Predator, Sexual Offender, Career Criminal, FL Career Offender and Felon Compliance & Registration MOU**

Staff Contact: *Jesse Godfrey, Police Chief, (386) 676-3500*

Disposition: Approve as recommended in the City Manager memorandum dated April 18, 2023.

Q. **Live Local Act, Senate Bill 102**

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

Disposition: Approve as recommended in the City Manager memorandum dated April 18, 2023.

R. **City Manager Status Report, March 2023**

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

Disposition: Approve as recommended in the City Manager memorandum dated April 18, 2023.

8. PUBLIC HEARINGS

A. **ORDINANCE NO. 2023-09:** 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 TWO PARCELS OF REAL PROPERTY CONSISTING OF APPROXIMATELY 19.62 ACRES LOCATED AT 36 NORTH TYMBER CREEK ROAD (VOLUSIA COUNTY PARCEL NUMBER 4125-00-00-0221) AND 2011 WEST GRANADA BOULEVARD (VOLUSIA COUNTY PARCEL NUMBER 4125-00-00-0243) FROM VOLUSIA COUNTY

RC, RESOURCE CORRIDOR, VOLUSIA COUNTY A-2, AGRICULTURE, AND ORMOND BEACH B-8, COMMERCIAL, TO PLANNED BUSINESS DEVELOPMENT; 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*

B. **ORDINANCE NO. 2023-10:** AN ORDINANCE AUTHORIZING THE EXECUTION AND ISSUANCE OF A DEVELOPMENT ORDER FOR A PLANNED BUSINESS DEVELOPMENT TO BE LOCATED AT 36 NORTH TYMBER CREEK ROAD (VOLUSIA COUNTY PARCEL NUMBER 4125-00-00-0221) AND 2011 WEST GRANADA BOULEVARD (VOLUSIA COUNTY PARCEL NUMBER 4125-00-00-0243), TO BE KNOWN AS THE "TYMBER CREEK APARTMENTS"; AUTHORIZING THE DEVELOPMENT OF 270 MULTI-FAMILY RESIDENTIAL UNITS AND ASSOCIATED SITE IMPROVEMENTS UNDER CERTAIN CONDITIONS; ESTABLISHING CONDITIONS AND EXPIRATIONS OF APPROVAL; AND SETTING FORTH AN EFFECTIVE DATE.

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

C. **ORDINANCE NO. 2023-21:** AN ORDINANCE ANNEXING ONE PARCEL OF REAL PROPERTY INTO THE CITY OF ORMOND BEACH, SAID PROPERTY LOCATED AT 1755 NORTH U.S. HIGHWAY 1, VOLUSIA COUNTY PARCEL NUMBER 3126-00-00-0150; SETTING FORTH ZONING PRIVILEGES AND OBLIGATIONS REGARDING THE PROPERTY; REDEFINING THE TERRITORIAL BOUNDARIES OF THE CITY OF ORMOND BEACH TO INCLUDE THE PROPERTY; REDESIGNATING THE BOUNDARIES OF ZONE 1 OF THE CITY OF ORMOND BEACH TO INCLUDE THE PROPERTY; PROVIDING FOR TRANSMISSION; PROVIDING FOR SEVERABILITY; AND SETTING FORTH AN EFFECTIVE DATE.

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

D. **ORDINANCE NO. 2023-22:** 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 ONE PARCEL OF REAL PROPERTY TOTALING 26± ACRES LOCATED AT 475 NORTH TYMBER CREEK ROAD (VOLUSIA COUNTY PARCEL NUMBER 4113-00-00-0032) FROM PLANNED RESIDENTIAL DEVELOPMENT (PRD) TO SUBURBAN RESIDENTIAL (SR); 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*

E. **ORDINANCE NO. 2023-23:** AN ORDINANCE AMENDING CHAPTER 1, GENERAL ADMINISTRATION, ARTICLE IV, SCHEDULE OF DEVELOPMENT REVIEW AND IMPACT FEES, SECTION 1-27, IMPACT FEES, OF THE CITY OF ORMOND BEACH LAND DEVELOPMENT CODE, BY UPDATING THE PROVISION OF IMPACT FEE CREDITS; 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*

F. **RESOLUTION NO. 2023-83:** A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF ORMOND BEACH, FLORIDA APPROVING A PRELIMINARY PLAT FOR THE "ORMOND GATEWAY", A COMMERCIAL SUBDIVISION OF LAND; ESTABLISHING CONDITIONS AND EXPIRATION DATE OF APPROVAL; AND SETTING FORTH AN EFFECTIVE DATE.

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

9. DISCUSSION AND DIRECTION ITEMS

A. **Andy Romano Beachfront Park Repair Options**

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

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

Pastor George Ward, Emmanuel Church of the Living God, provided the invocation.

Item #3 – Pledge of Allegiance

Mayor Partington led the Pledge of Allegiance.

Item #4 – Presentation and Proclamations

Item 4A – Lieutenant John Borzner

Mayor Partington presented a proclamation to Lieutenant John Borzner for his graduation from the University of Louisville's Southern Police Institute's 91st Command Officer Development Course.

Item 4B – National Crime Victims' Rights Week

Mayor Partington proclaimed the week of April 23-29, 2023, as National Crime Victims' Rights Week in the City of Ormond Beach and presented Ormond Beach Police Department Victim Advocate Evelyn Rebostini with a proclamation.

Item #5 – Audience Remarks

Mr. Ike Leary, 1 South Beach Street, stated the floating dock at Cassen Park was open and addressed an email received by the Commission regarding overnight dockage. He expressed concerns regarding the safety and security cameras.

Ms. Suzanne Schreiber, 548 Sandy Oaks Boulevard, discussed several environmental items including Volusia Forever was accepting submissions for land conservation, Indian River Lagoon Citizens Advisory Committee had a grant program the city could utilize for projects related to Halifax River, and provided the city with storm drain stencils. She requested the city consider joining Volusia County anti-litter campaign or launch a city program.

Item #6 – Approval of Minutes

Mayor Partington advised the minutes of the March 21, 2023, 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 hearing no corrections, the minutes would stand approved as presented.

Commissioner Briley moved, seconded by Commissioner Persis, for approval of the March 21, 2023, City Commission meetings 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 Briley, for approval of the consent agenda.

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

Comments on the Consent Agenda

Commissioner Persis discussed her support of Item 7A, Voluntary Cooperation Mutual Aid Agreement to continue to participate in the Orlando Regional Operations Center Child Abduction Response Team, and 7P, Acceptance of Sexual Predator, Sexual Offender, Career Criminal, Florida Career Offender and Felon Compliance and Registration Memorandum of Understanding.

Commissioner Sargent stated Item 7B, Pest Control Proposal Acceptance, had minimal response and requested the city look into the bidding process.

Item #8 – Public Hearings

Mayor Partington opened the Public Hearings.

Item #8A – Zoning Map Amendment, Tymber Creek Apartments

City Clerk Susan C. Dauderis read by title only:

ORDINANCE NO. 2023-09

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 TWO PARCELS OF REAL PROPERTY CONSISTING OF APPROXIMATELY 19.62 ACRES LOCATED AT 36 NORTH TYMBER CREEK ROAD (VOLUSIA COUNTY PARCEL NUMBER 4125-00-00-0221) AND 2011 WEST GRANADA BOULEVARD (VOLUSIA COUNTY PARCEL NUMBER 4125-00-00-0243) FROM VOLUSIA COUNTY RC, RESOURCE CORRIDOR, VOLUSIA COUNTY A-2, AGRICULTURE, AND ORMOND BEACH B-8, COMMERCIAL, TO PLANNED BUSINESS DEVELOPMENT; AUTHORIZING REVISION OF OFFICIAL ZONING MAP; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; AND SETTING FORTH AN EFFECTIVE DATE.

Mr. Steven Spraker, Planning Director, explained the zoning map amendment and development order would be reviewed together. He reviewed the location of the proposed apartments and explained the property had three separate zonings, noting two of the parcels were annexed into the city. He clarified the zoning amendment was seeking to take the Volusia County zoning from the annexation parcel and the Ormond Beach B-8 zoning and go to the Planned Business Development (PBD), noting the zoning map amendment would not approve a site plan or development order; it only provided the framework for the next action which would be the development order. He stated the Planning Board denied the zoning map amendment and noted when the item was brought before them the features of the proposed apartment included ten buildings with 300 units with the recommendation to remove building eight. He explained with the removal of building eight the staff review of the site plan included 270 units. He reviewed all the changes made including a reduction in units from 300 to 270, density change to 16.44 units per acre, reduced the number of buildings to eight and increased the size of building three, four and eight, the access from Tymber Creek Boulevard was for emergency access noting the primary access was at West Granada Boulevard and were saving seven historic trees. He stated the developer completed multiple traffic studies and indicated the trip generation was lower than if it were a commercial parcel. He advised the project was approved by the Saint John's River Water Management District for stormwater and wetlands permitting. He reviewed the natural buffers and explained the item was brought before the Commission due to the density, height of building and length of building. He explained there were correspondence from citizens included in the packet. He indicated the Commission could approve as presented, approve with conditions or deny the items.

Mr. Mark Watts, Attorney from Cobb Cole, presented the project and proposed apartments and reviewed the features. He explained the different zonings that were allowed including the potential big box store. He reviewed the meetings with the surrounding neighborhood and changes made based on the revisions that came from the meetings. He showed a comparison of the prior site design with the revised design. He discussed the high-quality features and amenities that would be provided if approved. He noted the developer looked into the access strategies. He explained per the comprehensive plan the developer was at half the allowed density. He discussed the Live Local Act explaining the developer could move forward with a minimum of 40 percent affordable housing if the project was not approved by July 1, 2023.

Ms. Donna Owens, 81 Hollow Branch Crossing, voiced concerns regarding density, traffic, and the proposed entrance and exit to the property. She noted the surrounding area was single-family and apartments would not match the surrounding communities.

Mr. Richard Weiss, 12 Moss Point Drive, stated the current zoning allowed for ten units per acre and expressed concerns for higher density. He discussed the lack of wild life, heavy traffic and lack of medical infrastructure for the higher density.

Mr. Mike Lambert, 20 Moss Point Drive, discussed the Planning Boards recommendation and reviewed the research he completed on the developer and builder. He requested the Commission consider denying the request.

Mr. Ron Hoopper, 44 Ashford Court, voiced concerns regarding the increased density, entrance and exit and the heavy traffic.

Ms. Safee Resto, 118 Willow Bend, expressed concerns regarding traffic, density and water demand. She stated the surrounding communities were single-family homes and believes the property should be similar. She discussed school traffic and long waits at hospitals.

Mr. Troy Railsback, 13 Indian Springs Drive, explained he was there as the President of the Indian Springs Home Owners Association (HOA). He stated the HOA participated in the evolution of the project and expressed concerns of the impact to the area and Indian Springs. He noted the formal position of the HOA was to support the current iteration of the plan with building count, placement, wall around the property and elimination of balconies facing Indian Springs.

Mr. Michael Gentry, 10 Indian Springs Drive, stated he met with city staff, the developer and the developer's attorney, and noted the revised plans were the best option for the Indian Springs neighborhood.

Ms. Christina Delage, 3051 Deep Woods Way, expressed concerns regarding the heavy traffic, property values and nature areas.

Mr. Tom Verna, 64 South Center Street, voiced concerns regarding the heavy traffic and U-turns out of the proposed complex. He discussed tree cutting, saving of seven historic trees and low-impact development.

Mr. Mike Willard, 15 Moss Point Drive, expressed concerns regarding density, entrance and exit and increased traffic. He requested the Commission deny the request.

Commissioner Briley inquired about the PBD, the three zoning parcels and what would happen if the PBD was denied; whereby, Mr. Spraker stated the city would administratively rezone the open-space conservation to a special environmental and residential office-retail to a B-1 zoning classification. He inquired if the applicant would be allowed to have as many units with that zoning classification; whereby, Mr. Spraker stated the classifications had height limits and a maximum of ten units per acre which would allow a maximum of 164 units. Mr. Spraker stated after July 1, 2023 the Live Local Act would affect that number and could allow it to increase to more units than the proposed project.

Commissioner Tolland inquired with the Live Local Act if the property could accommodate the numbers presented by Mr. Watts at 525 units; whereby, Mr. Spraker stated it would be allowed but was hard to say without an engineered plan. Mr. Spraker clarified the Live Local Act would exempt the density and height restrictions but would not exempt the landscape buffers and setbacks.

Commissioner Sargent stated developers have rights to develop but noted density was a major concern. He noticed the school concurrency expired and inquired if it had been updated; whereby, Mr. Watts stated it was not updated at the time but noted it would be before the development order was approved. He discussed the wait times at the emergency rooms, heavy traffic and density of the proposed project. He inquired if the developer would be willing to go down on the number of units and noted a plan was brought before the Site Plan Review Committee at 164 units.

Mr. Watts discussed the school concurrency letter. He explained Ormond Beach was an area people wanted to move to and the apartments would help with that growth.

Mr. Garrison McMillan, Tellus Partners, explained the property was purchased in June of 2021 and worked with the community to develop something the community needs. He noted 164 was what the property was zoned for but with the Live Local Act they could increase above what was presented and indicated he would prefer to move forward with the presented plan as it was best use for the community.

Commissioner Persis stated she spoke with many residents in the surrounding area and noted the lack of community support for the item. She expressed concerns regarding heavy traffic, the proposed plan was not compatible with the surrounding communities and noted over 2,500 people signed a petition against the project. She indication she would not support the item.

Commissioner Tolland disclosed she spoke with the developer, Mr. Watts and residents regarding these items. She discussed the number of residents against the project, Planning Board denial and lack of support of the project. She reviewed the revisions from the developer meeting with Indian Springs residents and addressing their concerns but noted other neighborhoods did not support the plan. She addressed the options presented before the Commission and expressed concerns regarding traffic and safety. She presented the idea of approving the project with a lower density and noted if an agreement could not be reached on a lower density, she was considering denying the project.

Commissioner Sargent reviewed apartments that were recently built in the surrounding cities. He requested a lower density for the project noting if the density was not lowered he would not support the project. He disclosed he met with the developer, Mr. Watts, Mr. McMillan and residents of the surrounding neighborhoods.

Commissioner Briley stated the biggest concern was the density and traffic. He disclosed he met with Mr. Watts, Mr. McMillan and residents of the surrounding neighborhoods. He requested a discussion to decrease density, noting 164 units was more palatable than 270. He explained he would rather the city and developer come to an agreement instead of the state deciding due to the Live Local Act.

Mayor Partington disclosed he met with Mr. Watts and Mr. Garrison. He noted he read the concerns from citizens at the Planning Board meeting, in the packet provided and during the comments tonight and understands their concerns.

Commissioner Persis disclosed she met with Mr. Watts and Mr. Garrison.

Mayor Partington voiced his concerns with the Live Local Act.

Mr. Randy Hayes, City Attorney, explained the affect of the new law allows for administrative review and the project would not go before the Commission after that administrative review. He noted the Commission would need to decide if the application before them was better than the alternatives available to the developer.

Mayor Partington inquired how many units the developer could have due to the Live Local Act; whereby, Mr. Spraker discussed the height allowed within the surrounding area, the impact of the Live Local Act, but noted parking would be an issue for a large number of units. Mr. Spraker explained he did not believe they would be able to get over 500 units but it could be over 300 units.

Commissioner Briley inquired about public transportation being available since Votran did not go west of Interstate 95; whereby, Mr. Spraker stated the public transportation access was a part of a tax credit program and the applicant may or may not be utilizing that program.

Commissioner Sargent asked if public comments could be re-opened due to the information of the Live Local Act to see if it changed anyone's stance.

Commissioner Persis inquired if single-family homes were considered; whereby, Mr. Spraker stated the zoning would not allow for single-family homes noting the Commission would have to approve a land use change and zoning amendment.

Commissioner Briley agreed with Commissioner Sargent and asked if the public comments could be re-opened. He suggested tabling the item until the Commission had more information on the Live Local Act.

Mr. Watts reviewed the Live Local Act and when it was passed, would go into effect and what it meant. He explained the developer would develop a multi-family structure on the property but the question was what type would be built.

Mayor Partington inquired how low the developer was willing to go on density; whereby, Mr. Garrison stated the original plan was 300 units, it was down to 270, and that was the lowest.

Mayor Partington inquired if the Commission would allow the public to comment again on the item with the Live Local Act information; whereby, the Commission agreed.

Commissioner Sargent clarified there was another proposed project that went before the Site Plan Review Committee for the property at 164 units and was under affordable housing.

Ms. Owens voiced her concerns regarding hospital staffing and no public transportation. She requested the Commission table the items until more information was provided.

Mr. Weiss stated the citizens did not support the project and noted he believed the applicant and staff were presenting worst case scenarios. He explained he did not believe those were necessarily how the project would be completed and requested more information before the Commission made their decision.

Mr. Lambert stated the Live Local Act could be challenged and told the developers if they could get their 300 units in July to wait until then.

Mr. Hoopper and Ms. Resto waived their time.

Mr. Railsback stated the Indian Springs HOA did not want a commercial building adjacent to their neighborhood and explained traffic was a major concern but was satisfied with the revised plan.

Mr. Gentry stated he did not know about the Live Local Act but explained he preferred the plan presented and did not want any form of affordable housing.

Ms. Delage stated her stance had not changed with the Live Local Act information. She noted there were many concerns with an apartment there and lack of infrastructure. She requested more information on the Live Local Act before the Commission decided.

Mr. Verna and Mr. Willard waived their time.

Reverend Floyd Narcisse, 200 Live Oak Avenue, explained affordable housing did not mean drugs would be involved. He believed the developer would do what they wanted after July 1, 2023 and encouraged residents to be kind to each other.

Commissioner Tolland inquired if potential numbers were already gathered by the applicant; whereby, Mr. Harry Newkirk, Newkirk Engineering, stated parking would be increased with the Live Local Act as the height would be increased and parking would be added under the buildings, therefore the number of units could be increased to potentially 470 units. He discussed the increased traffic, U-turns and street improvements that would happen due to the proposed development.

Mr. Watts stated the proposed development met the city standards. He explained they would understand if the Commission tabled the item to a future meeting as they allowed the applicant the same courtesy when the applicant was meeting with residents and applying the revisions based on the meetings.

Commissioner Persis stated she would prefer single-family homes and could not support multi-family structures due to the safety aspect.

Mr. Watts stated the zoning items would not exempt them from the standards of the city, county and state. He explained the presented project met the technical standards and noted the deficiencies in place regarding traffic could not be on the applicant to fix.

Commissioner Briley moved, seconded by Commissioner Tolland, to table Ordinance 2023-09 and Ordinance 2023-10 until the May 16, 2023 City Commission meeting.

Mayor Partington requested staff add something to the website to help educate the public on the Live Local Act.

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

<u>Item #8B – Issuance of a Development Order, Tymber Creek Apartments, Planned Business Development</u>

ORDINANCE NO. 2023-10

AN ORDINANCE AUTHORIZING THE EXECUTION AND ISSUANCE OF A DEVELOPMENT ORDER FOR A PLANNED BUSINESS DEVELOPMENT TO BE LOCATED AT 36 NORTH TYMBER CREEK ROAD (VOLUSIA COUNTY PARCEL NUMBER 4125-00-00-0221) AND 2011 WEST GRANADA BOULEVARD (VOLUSIA COUNTY PARCEL NUMBER 4125-00-00-0243), TO BE KNOWN AS THE "TYMBER CREEK APARTMENTS"; AUTHORIZING THE DEVELOPMENT OF 270 MULTI-FAMILY RESIDENTIAL UNITS AND ASSOCIATED SITE IMPROVEMENTS UNDER CERTAIN CONDITIONS; ESTABLISHING CONDITIONS AND EXPIRATIONS OF APPROVAL; AND SETTING FORTH AN EFFECTIVE DATE.

<u>Item #8C – 1755 North U.S. Highway 1, Annexation</u>

City Clerk Susan C. Dauderis read by title only:

ORDINANCE NO. 2023-21

AN ORDINANCE ANNEXING ONE PARCEL OF REAL PROPERTY INTO THE CITY OF ORMOND BEACH, SAID PROPERTY LOCATED AT 1755 NORTH U.S. HIGHWAY 1, VOLUSIA COUNTY PARCEL NUMBER 3126-00-00-0150; SETTING FORTH ZONING PRIVILEGES AND OBLIGATIONS REGARDING THE PROPERTY; REDEFINING THE TERRITORIAL BOUNDARIES OF THE CITY OF ORMOND BEACH TO INCLUDE THE PROPERTY; REDESIGNATING THE BOUNDARIES OF ZONE 1 OF THE CITY OF ORMOND BEACH TO INCLUDE THE

PROPERTY; PROVIDING FOR TRANSMISSION; PROVIDING FOR SEVERABILITY; AND SETTING FORTH AN EFFECTIVE DATE.

Mr. Spraker explained the item was a request for annexation at 1755 North U.S. Highway 1 and was within the interlocal service boundary agreement. He noted staff supported the annexation.

Commissioner Tolland moved, seconded by Commissioner Sargent, for approval of Ordinance No. 2023-21, on first reading, as read by title only.

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

Item #8D – 475 North Tymber Creek Road, The Enclave, Zoning Map Amendment

City Clerk Susan C. Dauderis read by title only:

ORDINANCE NO. 2023-22

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 ONE PARCEL OF REAL PROPERTY TOTALING 26± ACRES LOCATED AT 475 NORTH TYMBER CREEK ROAD (VOLUSIA COUNTY PARCEL NUMBER 4113-00-00-0032) FROM PLANNED RESIDENTIAL DEVELOPMENT (PRD) TO SUBURBAN RESIDENTIAL (SR); AUTHORIZING REVISION OF OFFICIAL ZONING MAP; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; AND SETTING FORTH AN EFFECTIVE DATE.

Mr. Spraker reviewed the item noting the land had a development order through a Planned Residential Development (PRD) and explained the land had the PRD but no longer had the development order. He stated the applicant was seeking to return to the original zoning of Suburban Residential and noted staff and the Planning Board recommended approval.

Commissioner Sargent moved, seconded by Commissioner Briley, for approval of Ordinance No. 2023-22, on first reading, as read by title only.

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

Item #8E – Land Development Code Amendment: Section 1-27, Impact Fees (Impact Fee Credits)

City Clerk Susan C. Dauderis read by title only:

ORDINANCE NO. 2023-23

AN ORDINANCE AMENDING CHAPTER 1, GENERAL ADMINISTRATION, ARTICLE IV, SCHEDULE OF DEVELOPMENT REVIEW AND IMPACT FEES, SECTION 1-27, IMPACT FEES, OF THE CITY OF ORMOND BEACH LAND DEVELOPMENT CODE, BY UPDATING THE PROVISION OF IMPACT FEE CREDITS; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; PROVIDING FOR SEVERABILITY; AND SETTING FORTH AN EFFECTIVE DATE.

Mr. Spraker explained the item was a Land Development Code amendment based on the Impact Fee study noting the Commission wanted to remove the expiration of impact fees over time. He stated staff and the Planning Board recommended approval.

Commissioner Persis moved, seconded by Commissioner Briley, for approval of Ordinance No. 2023-23, on first reading, as read by title only.

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

Item #8F – Ormond Gateway Preliminary Plat, Revision to 8 Lots

City Clerk Susan C. Dauderis read by title only:

RESOLUTION NO. 2023-83

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF ORMOND BEACH, FLORIDA APPROVING A PRELIMINARY PLAT FOR THE "ORMOND GATEWAY", A COMMERCIAL SUBDIVISION OF LAND; ESTABLISHING CONDITIONS AND EXPIRATION DATE OF APPROVAL; AND SETTING FORTH AN EFFECTIVE DATE.

Mr. Spraker reviewed the item, noting the application was for a preliminary plat and did not ask for zoning variances or waivers. He explained staff and the Planning Board recommended approval.

Commissioner Briley moved, seconded by Commissioner Tolland, for approval of Resolution No. 2023-83, as read by title only.

Commissioner Tolland requested the applicant consider respecting the wetlands and utilizing native plants when moving forward.

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

Mayor Partington closed the public hearings.

Item #9 – Discussion and Direction Items

Item #9A – Andy Romano Beachfront Park Repair Options

Mr. Shawn Finley, Public Works Director, provided an update on Andy Romano Beachfront Park. He reviewed the damage from the 2022 hurricanes. He explained staff was looking into a concrete ramp instead of a wooden ramp. He stated the consultants were looking at a new Cantilever seawall, as the seawall was not repairable and did not meet current code requirements. He stated, with the construction of the seawall, staff would have as much of the park open as possible. He reviewed the project timeline noting possible construction completed by April of 2024.

Commissioner Sargent inquired if the park would be fully open for summer; whereby, Mr. Finley stated the park was fully open, other than the ramp access and north end of the playground.

Item #10 – Reports, Suggestions, Requests

Events and Congratulations

Ms. Joyce Shanahan, City Manager, reviewed upcoming workshops and events including the Police Unity Tour, Earth Day, Swing into Spring Concert Series and Art in the Park. She provided an update on the sidewalk banding project and Performing Arts Center renovation project.

Ms. Claire Whitley, Assistant City Manager, noted for the sidewalk banding project, the Commission would be able to go to Washington Street and see a sample anytime after Friday, April 21, 2023.

Commissioner Persis discussed the events she attended including the Commission's visit to Washington D.C., Florida Legislative Action Days in Tallahassee and Celtic Festival. She thanked Mr. Paul Holub for his support of the Police Athletic League.

Commissioner Briley discussed the events he attended including the visit to Washington D.C. and Legislative Action Days.

Commissioner Tolland thanked the Commission and city for allowing the Commission to visit Washington D.C. and Legislative Action Days. She congratulated Mr. Finley on securing funds for water projects. She discussed the Volusia County approval of the Regrow the Loop initiative and hoped the city would join. She inquired if staff looked into the safe road's initiative; whereby, Ms. Shanahan indicated there was no update. She asked if there was an update on the Leisure Services Advisory Board; whereby, Ms. Shanahan indicated it would be brought back at a future meeting.

Mayor Partington discussed the Opioid Abatement Taskforce meeting and explained the board approved adding an alternate member for each member. He stated Commissioner Tolland was interested in serving.

Hunter's Ridge
Mr. Hayes provided an update on the Hunter's Ridge compliance issues with the developers and discussed the history of the property. He explained if the compliance issues were not resolved, the city would provide the developer with a Notice of Intent that may result in a hearing and staff could suspend provision of all services.

Requests
Commissioner Sargent inquired if the Commission would be interested in staff looking into the golf cart regulations within the city compared to surrounding cities; whereby, the Commission agreed to have staff look into golf carts.

Commissioner Tolland inquired if the Commission would be interested in looking into the landscape ordinances to support increasing the percentage of native plants; whereby, the Commission agreed to have staff look into the landscape ordinances.

Mayor Partington stated he would like to send a letter to the Volusia County School Board supporting the administering of Narcan within the schools; whereby, the Commission supported a letter from him.

Item #11 – Adjournment

The meeting was adjourned at 10:06 p.m.

APPROVED: May 2, 2023

BY: Bill Partington

Bill Partington, Mayor

ATTEST:

S Dauderis

Susan Carroll Dauderis,
City Clerk