

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

May 2, 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. Teacher Appreciation Week
- B. Professional Municipal Clerks Week

5. AUDIENCE REMARKS - REGARDING ITEMS NOT ON THE AGENDA

6. APPROVAL OF MINUTES

- A. Minutes from City Commission meeting - April 18, 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. 2023-84:** A RESOLUTION AUTHORIZING THE SUBMITTAL OF A GRANT APPLICATION TO THE U.S. DEPARTMENT OF JUSTICE RELATIVE TO FUNDING ASSISTANCE FOR THE HIRING OF TWO POLICE OFFICERS UNDER THE COPS OFFICE HIRING PROGRAM; AUTHORIZING THE EXECUTION OF ALL DOCUMENTS INCIDENTAL THERETO, INCLUDING ANY CONTRACT NECESSARY FOR THE CITY TO ACCEPT THE GRANT AWARD; AND SETTING FORTH AN EFFECTIVE DATE.

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

- B. **RESOLUTION NO. 2023-85:** A RESOLUTION AUTHORIZING THE EXECUTION OF AMENDMENT #1-2023 TO THAT CONTRACT AWARDED TO AUSTIN OUTDOOR, LLC D/B/A YELLOWSTONE LANDSCAPE REGARDING GROUNDS MAINTENANCE SERVICES, BY INCREASING THE CONTRACT PRICE BY \$32,585.00; AND SETTING FORTH AN EFFECTIVE DATE.

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

- C. **RESOLUTION NO. 2023-86:** A RESOLUTION ACCEPTING PROPOSALS FROM DANUS UTILITIES, INC. TO PROVIDE CONSTRUCTION MANAGEMENT SERVICES REGARDING THE REHABILITATION OF LIFT STATIONS LS-11M AND LSOBSC3; AUTHORIZING THE EXECUTION OF A WORK AUTHORIZATION THERETO; AND SETTING FORTH AN EFFECTIVE DATE.

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

- D. **RESOLUTION NO. 2023-87:** A RESOLUTION AUTHORIZING AN

ADDITIONAL EXPENDITURE TO COUNTY OF VOLUSIA FOR TRAFFIC SIGNAL MAINTENANCE UNDER AN INTERLOCAL AGREEMENT FOR MUNICIPAL SERVICES; AND SETTING FORTH AN EFFECTIVE DATE.

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

- E. **RESOLUTION NO. 2023-88:** A RESOLUTION AUTHORIZING THE EXECUTION OF A WATER, SEWER AND ANNEXATION AGREEMENT BETWEEN THE CITY OF ORMOND BEACH AND JAMES TAYLOR, JR., FOR PROPERTY LOCATED AT 313 NORTH TYMBER CREEK ROAD, ORMOND BEACH, VOLUSIA COUNTY, FLORIDA; PROVIDING FOR RECORDATION; AND SETTING FORTH AN EFFECTIVE DATE.

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

- F. **Edward Byrne Memorial Justice Assistance Grant Program**

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

Disposition: Approve as recommended in the City Manager memorandum dated May 2, 2023.

- G. **Collaborative Agreement with SCORE to Provide Business Assistance Services**

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

Disposition: Approve as recommended in the City Manager memorandum dated May 2, 2023.

- H. **Intent to Bid - Airport Business Park Collector Road Extension**

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

Disposition: Approve as recommended in the City Manager memorandum dated May 2, 2023.

- I. **Intent to Bid - 2023 Roadway Resurfacing**

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

Disposition: Approve as recommended in the City Manager memorandum dated May 2, 2023.

- J. **Memorial Marker at Sanchez Park**

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

Disposition: Approve as recommended in the City Manager memorandum dated May 2, 2023.

- K. **2023 Floodplain Management Annual Progress Report**

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

Disposition: Approve as recommended in the City Manager memorandum dated May 2, 2023.

- L. **FEMA Grant Mitigation Opportunities and Grant Compliance Services**

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

Disposition: Approve as recommended in the City Manager memorandum dated May 2, 2023.

8. PUBLIC HEARINGS

- A. **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. **(SECOND READING)**

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

- B. **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. **(SECOND READING)**

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

- C. **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. **(SECOND READING)**

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

- D. **ORDINANCE NO. 2023-24:** AN ORDINANCE ANNEXING TWO PARCELS OF REAL PROPERTY INTO THE CITY OF ORMOND BEACH, SAID PROPERTY LOCATED AT 860 HULL ROAD (VOLUSIA COUNTY PARCEL NUMBER: 4238-01-14-0020) AND 1399 HULL TRAIL (VOLUSIA COUNTY PARCEL NUMBER: 4238-01-16-0010); 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

9. REPORTS, SUGGESTIONS, REQUESTS

10. ADJOURNMENT

MINUTES

Item #1 – Meeting Call to Order

Mayor Partington called the meeting to order at 7:01 p.m.

Item #2 – Invocation

Pastor John Gill, Tomoka United Methodist Church, provided the invocation.

Item #3 – Pledge of Allegiance

Mayor Partington led the Pledge of Allegiance.

Item #4 – Presentation and Proclamations

Jewish American Heritage Month

Mayor Partington presented a surprise proclamation to Temple Beth-El representative, President David Sacks, Congregation B'Nai Torah representative, Executive Director Rabbi Rob Lennick and President Marvin Miller of the Jewish Federation of Volusia and Flagler Counties, and Chabad Lubavitch of Greater Daytona representative, Rabbi Pinchas Ezagui, for Jewish American Heritage Month.

Item 4A – Teacher Appreciation Week

Mayor Partington presented a proclamation and flowers to Mr. Rachel Powers-Turrill and Ms. Sarah Marzilli from Pine Trail Elementary School for Teacher Appreciation Week.

Item 4B – Professional Municipal Clerks Week

Mayor Partington proclaimed the week of April 23-29, 2023, as Professional Municipal Clerks Week in the City of Ormond Beach and presented the City of Ormond Beach City Clerk, Ms. Susan Dauderis, and Assistant City Clerk, Ms. Taylor Lochert, with a proclamation and flowers.

Item #5 – Audience Remarks

Mayor Partington noted there were no cards submitted for Audience Remarks

Item #6 – Approval of Minutes

Mayor Partington advised the minutes of the April 18, 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 Sargent moved, seconded by Commissioner Briley, for approval of the April 18, 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 Sargent requested to have Item 7B pulled from the Consent Agenda.

Commissioner Tolland requested for Item 7F to be pulled from the Consent Agenda.

Commissioner Persis moved, seconded by Commissioner Briley, for approval of the consent agenda absent Items 7B and 7F.

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

Item #7B – Yellowstone Landscape Grounds Maintenance Contract Amendment

City Clerk Susan C. Dauderis read by title only:

RESOLUTION NO. 2023-85
 A RESOLUTION AUTHORIZING THE EXECUTION OF AMENDMENT #1-2023 TO THAT CONTRACT AWARDED TO AUSTIN OUTDOOR, LLC D/B/A YELLOWSTONE LANDSCAPE REGARDING GROUNDS MAINTENANCE SERVICES, BY INCREASING THE CONTRACT PRICE BY \$32,585.00; AND SETTING FORTH AN EFFECTIVE DATE.

Commissioner Sargent explained he would not support the item and expressed concerns regarding the mulching process.

Commissioner Briley moved, seconded by Commissioner Persis, for approval of Resolution No. 2023-85, as read by title only.

Call Vote:	Commissioner Sargent	No
	Commissioner Persis	Yes
	Commissioner Briley	Yes
	Commissioner Tolland	Yes
Carried.	Mayor Partington	Yes

Item #7F – Edward Byrne Memorial Justice Assistance Grant Program

Commissioner Tolland inquired about the actual dollar amount for the program as two different amounts were listed in an email from Volusia County; whereby, Ms. Loretta Moisie, Grants Coordinator, explained there was a misprint in the email from Volusia County and the correct dollar amount was \$139,627.

Commissioner Persis moved, seconded by Commissioner Sargent, for approval of Resolution No. 2023-85, as read by title only.

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

Comments on the Consent Agenda

Commissioner Briley inquired for item 7B, when applying new mulch is the old mulch scraped away; whereby, Ms. Joyce Shanahan, City Manager, indicated the contractor did not scrape away the old mulch and the new mulch was applied on top.

Commissioner Tolland discussed the importance of mulch and the need for sustainable ground cover with native plants to help eliminate the need for mulch.

Commissioner Sargent stated his concern was the amount of mulch getting washed away with each rain and noted the problem should be fixed and not add more mulch to the top.

Item #8 – Public Hearings

Mayor Partington opened the Public Hearings.

Item #8A – 1755 North U.S. Highway 1, Annexation

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. **(SECOND READING)**

Mr. Steven Spraker, Planning Director, explained the item was a request for annexation for 1755 North U.S. Highway 1 and noted it was consistent with the statutes.

Commissioner Briley moved, seconded by Commissioner Tolland, for approval of Ordinance No. 2023-21, on second 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 #8B – 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. **(SECOND READING)**

Mr. Spraker noted the item was for a zoning map amendment for 475 North Tymber Creek Road from a Planned Residential Development to Suburban Residential.

Commissioner Persis moved, seconded by Commissioner Sargent, for approval of Ordinance No. 2023-22, on second 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 #8C – 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.
(SECOND READING)

Mr. Spraker stated the item was for a Land Development Code amendment regarding the Impact Fee Credits.

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

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

Item #8D – Annexation, 860 Hull Road and 1399 Hull Trail, Halifax Paving

City Clerk Susan C. Dauderis read by title only:

ORDINANCE NO. 2023-24
AN ORDINANCE ANNEXING TWO PARCELS OF REAL PROPERTY INTO THE CITY OF ORMOND BEACH, SAID PROPERTY LOCATED AT 860 HULL ROAD (VOLUSIA COUNTY PARCEL NUMBER: 4238-01-14-0020) AND 1399 HULL TRAIL (VOLUSIA COUNTY PARCEL NUMBER: 4238-01-16-0010); 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 an annexation request for 52 acres at 860 Hull Road and 1399 Hull Trail submitted by Durrance Properties, LLC.

Commissioner Persis moved, seconded by Commissioner Briley, for approval of Ordinance No. 2023-24, 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

Mayor Partington closed the public hearings.

Item #9 – Reports, Suggestions, Requests

Events

Ms. Shanahan reviewed upcoming workshops and events including the Police Unity Tour, Earth Day celebration, Art in the Park, Memorial Day Remembrance and the 4th Annual Rotary Craft Beer Festival.

Commissioner Persis stated she would not be able to attend the Police Unity Tour. She discussed the Outdoor Basketball Court ribbon cutting and First Step Shelter workshop and upcoming meetings.

Commissioner Tolland explained May was Mental Health Awareness Month and noted the suicide crisis lifeline number was 988 and requested the number be more prevalent. She stated she would be attending a Volusia County meeting regarding “Regrow the Loop” noting she would report what was discussed at the May 16, 2023, City Commission meeting. She reviewed the events she attended including a ribbon cutting, Swing into Spring and the Earth Day celebration. She stated she would be at the Ormond Beach Farmers Market on May 25, 2023 from 10:00 a.m. until 11:00 a.m. for residents to speak with her.

Commissioner Sargent reviewed the events he attended including the Police Athletic League Donut Dash 5K and the Earth Day celebration.

Mayor Partington reported the Opioid Abatement Taskforce unanimously signed a letter of support requesting the Volusia County School Board allow the use of Narcan and noted a letter was sent from him on the city's behalf as well. He reviewed the meetings and events he attended including one with the Florida Department of Transportation (FDOT), the 75th Anniversary of the State of Israel event and the Earth Day celebration.

Rally

Ms. Shanahan stated there was an anti-Semitic group that applied for a permit to rally at the City Hall courtyard, the permit was denied and the Ormond Beach Police Department with the assistance of local police departments set up a task force in case the group showed up. She thanked Police Chief Jesse Godfrey for his work and the those involved.

Commissioner Tolland, Commissioner Sargent and Mayor Partington thanked staff, Ormond Beach Police Department and other local police departments for their work surrounding the potential rally.

Projects

Ms. Shanahan discussed the FDOT South A1A, Granada Boulevard to Milsap Road, repaving and widening of sidewalks and reviewed the history of the project.

Commissioner Briley thanked staff for the progress on the sidewalk repairs on South Beach Street.

Mayor Partington discussed the new outdoor basketball court at the Joe and Elwillie Daniels South Ormond Neighborhood Center and request staff post the drone photos of the court to the city website and social media.

Requests

Commissioner Briley requested a wall of prior mayor's portraits to be placed on the Commission Chambers back wall, atrium or other location, and inquired if the Commission would support it; whereby, Commissioner Tolland, Commissioner Persis and Mayor Partington indicated support.

Mayor Partington requested staff look into a way to get more school age children to the Environmental Discovery Center and the Earth Day celebration.

Appreciation

Commissioner Tolland thanked staff for their assistance with resident concerns, and the Daughters of the American Revolution for their work within the community and Item 7J for the historical marker at Sanchez Park.

Commissioner Sargent thanked Ms. Shanahan for her assistance regarding resident concerns and requests.

Dogs on the Beach

Commissioner Tolland stated it was approved to allow dogs on the beach between Milsap Road and Cardinal Drive and indicated there was concern from residents regarding the enforcement of the rules related to dogs. She requested the city provide assistance by allowing staff to help enforce the rules during downtime.

Mayor Partington clarified he did not support the dogs on the beach in front of resident's homes and noted support was for the section near Michael Crotty Bicentennial Park in the Volusia County area. He noted he could not support the request and noted potential jurisdiction issues.

Commissioner Sargent stated he could support the request as he had not received any negative feedback from residents.

Commissioner Persis indicated she did not support the area that was chosen and could not support the request.

Commissioner Briley stated he heard negative comments from Volusia County residents who did not want the dog area in front of Michael Crotty Bicentennial Park and indicated staff could look into the request.

Mr. Randy Hayes, City Attorney, explained there would be jurisdictional issues and noted Volusia County adopted a very extensive Beach Code that staff would need to review.

Item #10 – Adjournment

The meeting was adjourned at 8:01 p.m.

APPROVED: May 16, 2023

BY:


Bill Partington, Mayor

ATTEST:


Susan Carroll Dauderis,
City Clerk

