

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

September 6, 2023	7:00 p.m.	Commission Chambers
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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. Introduction of Principals
 - B. Provision Packs – Carrie Torres
 - C. First Step Shelter – Dr. Victoria Fahlberg
- 5. ADOPTION OF FISCAL YEAR 2023-2024 PROPOSED MILLAGE RATES AND TENTATIVE BUDGET**
 - A. **RESOLUTION NO. 2023-135:** A RESOLUTION ADOPTING PROPOSED MILLAGE RATES FOR THE 2023-2024 FISCAL YEAR; ESTABLISHING A DATE TIME AND PLACE FOR A PUBLIC HEARING TO ADOPT FINAL MILLAGE RATES AND FINAL BUDGET; AND SETTING FORTH AN EFFECTIVE DATE.

Staff Contact: Kelly McGuire, Finance Director, (386) 676-3226
 - B. **ORDINANCE NO. 2023-46:** AN ORDINANCE ADOPTING THE ANNUAL BUDGET FOR THE 2023-2024 FISCAL YEAR BEGINNING OCTOBER 1, 2023 AND ENDING SEPTEMBER 30, 2024; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; AND SETTING FORTH AN EFFECTIVE DATE.

Staff Contact: Kelly McGuire, Finance Director, (386) 676-3226
- 6. AUDIENCE REMARKS - REGARDING ITEMS NOT ON THE AGENDA**
- 7. APPROVAL OF MINUTES**
 - A. Minutes from City Commission meeting - August 15, 2023
- 8. 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. 2023-136:** A RESOLUTION AUTHORIZING THE EXECUTION OF A COOPERATIVE ECONOMIC DEVELOPMENT AGREEMENT BETWEEN THE CITY OF ORMOND BEACH AND TEAM VOLUSIA ECONOMIC DEVELOPMENT CORPORATION; AND SETTING FORTH AN EFFECTIVE DATE.

Staff Contact: Brian Rademacher, Economic Development Director, (386) 676-3266
 - B. **RESOLUTION NO. 2023-137:** A RESOLUTION AUTHORIZING THE EXECUTION OF A SERVICE CONTRACT BETWEEN THE CITY OF

ORMOND BEACH AND THE ORMOND BEACH CHAMBER OF COMMERCE; AND SETTING FORTH AN EFFECTIVE DATE.

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

- C. **RESOLUTION NO. 2023-138:** A RESOLUTION ACCEPTING A BID FROM HALIFAX PAVING, INC. FOR CONSTRUCTION SERVICES REGARDING THE DOUG THOMAS WAY EXTENSION PROJECT, UNDER BID NO. 2023-22; 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*

- D. **RESOLUTION NO. 2023-139:** A RESOLUTION ACCEPTING A BID FROM R&K CERTIFIED ROOFING OF FLORIDA, INC. FOR CONSTRUCTION SERVICES REGARDING THE AMES ROOF REPLACEMENT PROJECT, UNDER BID NO. 2023-31; 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*

- E. **RESOLUTION NO. 2023-140:** A RESOLUTION ACCEPTING THE PROPOSAL OF WILL DAN FINANCIAL SERVICES, INC. TO CONDUCT A UTILITY RATE AND IMPACT FEE UPDATE; AUTHORIZING THE EXECUTION OF AN AGREEMENT AND PAYMENT THEREFOR; AND SETTING FORTH AN EFFECTIVE DATE.

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

- F. **RESOLUTION NO. 2023-141:** A RESOLUTION ACCEPTING THE PROPOSAL OF ZEV COHEN & ASSOCIATES, INC. REGARDING THE ANDY ROMANO PARK RECONSTRUCTION DESIGN PROJECT; AUTHORIZING THE EXECUTION OF A WORK AUTHORIZATION AND PAYMENT THEREFOR; AND SETTING FORTH AN EFFECTIVE DATE.

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

- G. **RESOLUTION NO. 2023-142:** A RESOLUTION ACCEPTING A PROPOSAL FROM PAUL CULVER CONSTRUCTION, INC. FOR CONSTRUCTION MANAGEMENT SERVICES REGARDING THE POLICE DEPARTMENT ROOF REPLACEMENT PROJECT; AUTHORIZING THE EXECUTION OF A WORK AUTHORIZATION AND PAYMENT THEREFOR; AND SETTING FORTH AN EFFECTIVE DATE.

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

- H. **RESOLUTION NO. 2023-143:** A RESOLUTION ACCEPTING A PROPOSAL FROM DANUS UTILITIES, INC. TO PROVIDE CONSTRUCTION SERVICES REGARDING THE SHADOW CROSSINGS REUSE PUMP STATION UPGRADES PROJECT; AUTHORIZING THE EXECUTION OF A WORK AUTHORIZATION THERETO; AND SETTING FORTH AN EFFECTIVE DATE.

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

- I. **RESOLUTION NO. 2023-144:** A RESOLUTION AUTHORIZING EXECUTION OF A LEASE AGREEMENT BETWEEN THE CITY

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

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

K. Riverside Drive Closures 2023-2024

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

L. 251 South Atlantic Ave, Determination of Minor Modification to Development Order

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

M. RFP 2024-03 Workers' Compensation Claims Administration Services

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

N. Capital Improvement Plan Fiscal Year 2023-2024 through Fiscal Year 2027-2028

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

Disposition: Approve as recommended in the City Manager memorandum dated September 6, 2023.

A. **ORDINANCE NO. 2023-45:** 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 18.6± ACRES LOCATED AT 901 AIRPORT ROAD (VOLUSIA COUNTY PARCEL NUMBER: 4238-01-40-0010) FROM I-1, LIGHT INDUSTRIAL, TO SE, SPECIAL ENVIRONMENTAL; 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

B. **ORDINANCE NO. 2023-47:** AN ORDINANCE AMENDING SECTION 22-23, MINIMUM METER RATES GENERALLY; 22-24, MULTIPLE MINIMUM CHARGES; 22-71, SERVICE CHARGE ESTABLISHED; 22-136, MINIMUM WATER RATES; AND 22-137, MINIMUM WASTEWATER RATES; OF CHAPTER 22, WATER AND SEWERS, OF THE CITY OF ORMOND BEACH CODE OF ORDINANCES, BY INCREASING THE MINIMUM WATER AND SEWER RATES; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; AND SETTING FORTH AN EFFECTIVE DATE.

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

10. FIRST READING OF ORDINANCES

A. **ORDINANCE NO. 2023-48:** AN ORDINANCE AMENDING CHAPTER 10, SOLID WASTE, YARD WASTE AND RECYCLABLES, SECTION 10-16, FEES FOR COLLECTION AND DISPOSAL ESTABLISHED, OF THE CITY OF ORMOND BEACH CODE OF ORDINANCES, BY INCREASING FEES FOR THE COLLECTION AND DISPOSAL OF SOLID WASTE; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; AND SETTING FORTH AN EFFECTIVE DATE.

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

11. RESOLUTIONS

A. **RESOLUTION NO. 2023-145:** A RESOLUTION RATIFYING AND AFFIRMING A DECLARATION OF A LOCAL EMERGENCY IN THE CITY OF ORMOND BEACH FOR HURRICANE IDALIA; AND SETTING FORTH AN EFFECTIVE DATE.

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

12. REPORTS, SUGGESTIONS, REQUESTS

13. 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 – Introduction of Principals

Commissioner Persis introduced Pine Trails Elementary School Principal Charlie Bynum.

Principal Bynum thanked the Commission for their time and discussed some initiatives he started at Pine Trails Elementary.

Item #4B – Provision Packs – Carrie Torres

Ms. Carrie Torres explained Provision Packs was the largest backpack program in partnership with Feeding America and Second Harvest in Central Florida. She discussed the goal of Provision Packs and stated they now serve over 800 children per week across 14 Volusia County and Flagler County schools. She noted she was speaking to broaden the awareness and to help advocate for the issue of hunger in the community and discussed the upcoming Provision Pack fundraiser.

Item #4C – First Step Shelter – Dr. Victoria Fahlberg

Dr. Victoria Fahlberg reviewed statistics from the First Step Shelter and what they do to help the homeless in the community. She discussed what the shelter offers during hurricanes and cold weather, and reviewed the services offered to those who stay. She requested for citizens to direct people in need to the shelter.

Commissioner Persis thanked Dr. Fahlberg for her work in the community.

Item #5 – Adoption of Fiscal Year 2023-2024 Proposed Millage Rates and Tentative Budget

Item #5A – Proposed Tax Rates Fiscal Year 2023-2024

City Clerk Susan C. Dauderis read by title only:

RESOLUTION NO. 2023-135
A RESOLUTION ADOPTING PROPOSED MILLAGE RATES FOR THE 2023-2024 FISCAL YEAR; ESTABLISHING A DATE TIME AND PLACE FOR A PUBLIC HEARING TO ADOPT FINAL MILLAGE RATES AND FINAL BUDGET; AND SETTING FORTH AN EFFECTIVE DATE.

Mayor Partington stated per Florida Statute, he was required to state the proposed millage rate for the City of Ormond Beach necessary to fund the Fiscal Year (FY) 2023-2024 budget was 3.9260 mills. The rate was 13.71 percent above the rolled back rate of 3.4525 mills. The tentative debt service millage rate was 0.0800 for the 2010 General Obligation Bond Sinking Fund.

Mayor Partington stated it was a public hearing and inquired if there were any members of the public who wished to speak or ask questions prior to adoption of the tentative millage rate and budget, noting there were no cards submitted.

Commissioner Persis moved, seconded by Commissioner Sargent, for approval of Resolution No. 2022-135, as read by title only.

Mayor Partington stated the tentative operating millage of 3.9260 mills was 13.71 percent above the rolled back millage rate. The resolution included adoption of the tentative debt service millage rate of 0.0800 for the 2010 General Obligation Bond Sinking Fund.

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

Mayor Partington announced the operating millage rate was set at 3.9260 mills, which was 13.71 percent above the rolled back millage rate of 3.4525 mills.

Item #5B – Budget Ordinance-Proposed Fiscal Year 2023-2024 Budget

City Clerk Susan C. Dauderis read by title only:

ORDINANCE NO. 2023-46
AN ORDINANCE ADOPTING THE ANNUAL BUDGET FOR THE 2023-2024 FISCAL YEAR BEGINNING OCTOBER 1, 2023 AND ENDING SEPTEMBER 30, 2024; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; AND SETTING FORTH AN EFFECTIVE DATE.

Commissioner Sargent moved, seconded by Commissioner Tolland, for approval of Ordinance No. 2023-46, on first reading, as read by title only.

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

Mayor Partington requested for the City Clerk to call the vote to adopt the budget of \$120,121,116.

Mayor Partington closed the Public Hearings.

Item #6 – Audience Remarks

Ms. Debbie Kruck-Forrester, 15 Brookwood Drive, stated she was speaking on behalf of Ormond Strong. She stated September was National Suicide Awareness Month and Ormond Strong would host the third annual 22 Hours for the 44 a Day event at the VFW Post 3282 in Port Orange. She discussed the event and thanked the Commission for their continued support.

Ms. Shawn Harmon, 183 Rosewood Avenue, thanked the Commission and staff for their assistance with the parking situation at the Easy Does It Club. She noted most club members complied with the new parking, there were a few who were problematic and causing ongoing issues, and she presented potential resolutions.

Ms. Flavia Casassola, 21 North St. Andrews Street, discussed the proposed development at Tomoka Oaks and expressed concerns regarding Belvedere Fuel Farm and the development.

Ms. Robin Heiter, 510 South Beach Street, voiced concerns regarding the tarp on the roof at the Ames House in Ames Park.

Mayor Partington stated the topic of the Ames House roof was on the agenda.

Belvedere Fuel Terminal

Mr. Randy Hayes, City Attorney, explained the Belvedere Fuel Terminal was a project that had issues due to the common shared boundary with Volusia County. He reviewed past projects that had similar issues. He stated staff was working on formulating a plan to help resolve the issue, noting staff had more information than two weeks ago. He explained there was daily communication between staff and Volusia County, and reviewed communications with other entities. He reminded the Commission it was a county project, not city. He clarified the county had not received a site plan and reviewed a couple of the steps that the developer would need to take. He stated it was an appropriate time for the city and county to discuss a new Interlocal Service Boundary Agreement (ISBA). He reviewed the short-term and long-term goals. He reviewed a drafted motion if the Commission desired to adopt.

Commissioner Persis moved, seconded by Commissioner Sargent, to direct the City Manager and City Attorney to:

- 1. Provide assistance to Volusia County, as the permitting agency with jurisdiction over the proposed fuel farm project, in its review and analysis of the project, including but not limited to an analysis of the issues and harmful effects that would be created by the project.**
- 2. Evaluate the effects that the proposed fuel farm would have on the implementation of the interlocal agreement between the city and the Volusia County School Board regarding the use of the city's recreational facilities at the airport sports complex by the school board, including the effects on the school board's ability to use the recreational facilities for football, baseball, softball, soccer and other school related activities, including the ability of emergency responders to respond to emergencies during school events.**
- 3. Evaluate the effects that the proposed fuel farm would have on the city's municipal airport operations at the Ormond Beach sports complex, including the ability of emergency responders to respond to emergencies.**
- 4. Evaluate the effects created by the fuel farm on the ability of residents to access the Ormond Beach sports complex and the airport via Hull Road and Harmony Road.**

- 5. Retain professional and legal consultants that were deemed necessary to evaluate the issues and negative impacts related to the fuel farm project, including but not limited to consultants related to environmental, traffic, wetland, environmental, fire suppression, emergency responders, airport operations, water, permits, administrative and other issues.
- 6. Take all reasonable and necessary action to protect the interests of the city in the application review and permitting process by the county.
- 7. Express to the county a desire to create an interlocal agreement establishing a joint planning and municipal service area pertaining to zoning and land uses for land in the unincorporated county where the common boundary of the city and county meet; and to prepare an interlocal agreement to address those concerns.

Commissioner Tolland thanked Mr. Hayes for his work to address both short and long-term issues and goals.

Commissioner Briley thanked the residents for voicing their concerns at the Volusia County Council meeting and noted the Commission and staff were busy researching and sending letters to all who may influence on the project.

Commissioner Persis thanked staff for their hard work.

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

Commissioner Briley moved, seconded by Commissioner Sargent, to allow all residents who submitted a card to speak at the beginning of the meeting, allowing audience remarks to proceed longer than the designated 30-minute limit.

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

Mr. Raymond Franzem, 31 Gentle Ben Path, voiced concerns regarding the storage and transportation of fuel in the community, noting the city and county had the authority to determine if the use was appropriate.

Ms. Connie Colby, 108 Roble Lane, thanked the Commission and staff for sending the letters. She inquired if there was a background search on the company and provided information from SunBiz and online searches. She reviewed her research and requested the zoning be more restrictive and for the Commission to reconsider the zoning for Halifax Paving, the abutting property.

Ms. Patricia Franzem, 31 Gentle Ben Path, stated the project was a city issue and expressed concerns regarding the project and the Site Plan Review Committee (SPRC) meeting from June 2022.

Ms. Suzanne Scheiber, 548 Sandy Oaks Boulevard, stated she was a representative for Dream Green Volusia and reviewed the background on the topic including the creation of the Heavy Industrial (I-2) zoning district. She expressed concerns regarding the process with the city and county, and requested the city reverse the city’s creation of the I-2 zoning district and initiate a special meeting.

Ms. Karen Delisle, 3225 Lienster Circle, voiced concerns regarding the surrounding residential neighborhoods, nearby sports complex, school, and airport, and increased traffic. She explained concerns regarding traffic during special events such as Bike Week and noted US 1 was an evacuation route.

Mr. Arthur Armstrong, 77 Emerald Oaks Lane, expressed concerns regarding fighting the company and the potential disasters and lack of resources to help. He stated his dissatisfaction with the Commission.

Ms. Karen Clark, Glenwood Village, Port Orange 32129, inquired if it was legal to complete background checks on the individuals within the company. She expressed concerns regarding lack of infrastructure in the event of a disaster.

Mr. Alan Cohen, 192 Bear Foot Trail, thanked the Commission and staff for their work and deferred his time.

Mr. William Miller, 740 Hope Street, invited the Commission to the soccer field on Hull Road to assess the traffic and the concerns for the proposed increase of traffic.

Ms. Elena Krafft, 28 Old Canyon Lane, stated she felt blindsided and betrayed with the project. She reviewed a timeline she created based off meeting minutes. She inquired why the category of “storage and manufacturing of fuel” was added to the I-2 zoning district.

Ms. Rebecca Mangali, 764 Hope Street, expressed concerns regarding potential disasters from the project. She stated the residents were watching the Commission. She voiced concerns regarding environmental impacts, property values, citizens health, noise pollution and other contaminates. She stated she felt the Commission did not have the citizens best interest in mind. She expressed discontent.

Ms. Kristin Deaton, 80 Shadow Creek Way, stated her opposition to the project due to the location and requested the city do everything in its power to protect the residents.

Ms. Kelly McBurney, 289 South Janice Lane, unincorporated Volusia County, explained her concerns regarding future developments and the fuel project. She stated she would go to the county but would hold the city and county accountable. She asked the Commission to be honest and transparent regarding the project.

Ms. Lindsey Pate, 40 Wild Cat Lane, voiced concerns regarding the developer and their accident history. She inquired about the Federal Aviation Administration (FAA) grant awarded to the Ormond Beach Airport that was retracted. She expressed concerns regarding tax payer costs for litigation, FAA regulations, and the SPRC meeting. She encouraged residents to ask more questions.

Mr. Paul Hughes, 4 Lauren Court, stated he had three fuel cars roll off onto his farm and reviewed other like disasters. He expressed concerns regarding the increased traffic and fuel trucks.

Ms. Robin Flannery, 46 Grizzly Bear Path, stated concerns regarding the response from her government officials. She expressed her displeasure with the Commission. She submitted a public record regarding the project to the City Clerk.

Dr. Jeffrey Rosenberg, 86 Emerald Oaks Lane, encouraged everyone to review Ms. Krafft’s timeline and shared content from the timeline. He discussed the Volusia County Council’s response to the project, expressed his dissatisfaction with the Commission and other concerns.

Ms. Sharon Trescott, 689 Pineland Trail, unincorporated Volusia County, voiced concerns regarding the way the city notifies its residents regarding major projects. She discussed the withdrawal of the grant from FAA and felt the public should be informed as to how and why it happened. She reviewed concerns regarding the airport.

Mr. G. G. Galloway, 1305 Oak Forest Drive, stated residents and the Commission were all in opposition of the project and encouraged residents to reach out to the Florida Department of Agriculture’s Commissioner, Wilton Simpson, as he had influence over the project.

Item #7 – Approval of Minutes

Mayor Partington advised the minutes of the August 15, 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 August 15, 2023, City Commission meetings minutes.

The motion passed by voice vote.

Item #8 – 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 Briley requested Item 8N be pulled from the Consent Agenda.

Commissioner Sargent moved, seconded by Commissioner Persis, for approval of the consent agenda absent Item 8N.

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

Commissioner Tolland was not present for the vote.

Item #8N – Capital Improvement Plan FY 2023-2024 through FY 2027-2028

Mr. Jeff Boyle, 614 North Halifax Drive, expressed concerns regarding some of the Capital Improvement projects, noting some of the projects should be revisited with the new Commission and citizen input. He reviewed his concerns regarding the increased taxes and city’s growth strategy.

Commissioner Sargent moved, seconded by Commissioner Briley, for approval of Item 8N, Disposition Item titled Capital Improvement Plan FY 2023-24 through FY 2027-28.

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

Comments on the Consent Agenda

There were no additional comments on the Consent Agenda.

Item #9 – Public Hearings

Mayor Partington opened the Public Hearings.

Item #9A – 901 Airport Road, Zoning Map Amendment

City Clerk Susan C. Dauderis read by title only:

ORDINANCE NO. 2023-45
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 18.6+ ACRES LOCATED AT 901 AIRPORT ROAD (VOLUSIA COUNTY PARCEL NUMBER: 4238-01-40-0010) FROM I-1, LIGHT INDUSTRIAL, TO SE, SPECIAL ENVIRONMENTAL; AUTHORIZING REVISION OF OFFICIAL ZONING MAP; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; AND SETTING FORTH AN EFFECTIVE DATE. **(SECOND READING)**

Ms. Fran Canfield, 136 Bear Creek Path, expressed concerns regarding the rezoning of the property, the Belvedere property, and inquired if the property at 874 Hull Road could be rezoned from I-2.

Commissioner Briley moved, seconded by Commissioner Tolland, for approval of Ordinance No. 2023-45, on second 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 #9B – Amendment to Water and Wastewater Rates

City Clerk Susan C. Dauderis read by title only:

ORDINANCE NO. 2023-47
AN ORDINANCE AMENDING SECTION 22-23, MINIMUM METER RATES GENERALLY; 22-24, MULTIPLE MINIMUM CHARGES; 22-71, SERVICE CHARGE ESTABLISHED; 22-136, MINIMUM WATER RATES; AND 22-137, MINIMUM WASTEWATER RATES; OF CHAPTER 22, WATER AND SEWERS, OF THE CITY OF ORMOND BEACH CODE OF ORDINANCES, BY INCREASING THE MINIMUM WATER AND SEWER RATES; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; AND SETTING FORTH AN EFFECTIVE DATE.

Ms. Kelly McGuire, Finance Director, explained the item was to approve the water and sewer rates for the 2023-2024 and 2024-2025 budgets. She noted the request was reviewed by the Budget Advisory Board who recommended approval.

Ms. Nancy Bates, 1 Indian Bear Path, expressed concerns regarding the water rate increases, noting the increases across all essentials and requested the Commission not raise the rates.

Mr. Boyle stated the notice citizens received regarding the increase did not have any numbers and inquired about the calculations for the operating costs versus the revenue generated. He reviewed the history of the rate increases, the community’s population statistics, and increased tax rates.

Ms. Dawn M. Johnson, 1522 Poplar Drive, voiced concerns regarding the rate increase and stated the city could reduce garbage pick up to once a week.

Commissioner Persis moved, seconded by Commissioner Sargent, for approval of Ordinance No. 2023-47, 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

Mayor Partington closed the public hearings.

Item #10 – First Reading of Ordinances

Item #10A – Amendment to Solid Waste Rates

City Clerk Susan C. Dauderis read by title only:

ORDINANCE NO. 2023-48
AN ORDINANCE AMENDING CHAPTER 10, SOLID WASTE, YARD WASTE AND RECYCLABLES, SECTION 10-16, FEES FOR COLLECTION AND DISPOSAL ESTABLISHED, OF THE CITY OF ORMOND BEACH CODE OF ORDINANCES, BY INCREASING FEES FOR THE COLLECTION AND DISPOSAL OF SOLID WASTE; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; AND SETTING FORTH AN EFFECTIVE DATE.

Ms. McGuire explained the item was to amend the solid waste rates to make the rate consistent with the city’s payment to the waste hauler.

Commissioner Tolland inquired if the rate was a reimbursement of what the city was charged; whereby, Ms. McGuire stated that was correct and noted the last several years the city subsidized the rates to help keep the rates low.

Commissioner Tolland moved, seconded by Commissioner Persis, for approval of Ordinance No. 2023-48, on first reading, as read by title only.

Mr. Boyle stated the rate increase was the largest in the city’s history. He discussed the history with the waste haulers and expressed his concerns regarding the increases.

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

Item #11 – Resolutions

Item #11A – Declaration of Local Emergency - Hurricane Idalia

City Clerk Susan C. Dauderis read by title only:

RESOLUTION NO. 2023-145
A RESOLUTION RATIFYING AND AFFIRMING A DECLARATION OF A
LOCAL EMERGENCY IN THE CITY OF ORMOND BEACH FOR
HURRICANE IDALIA; AND SETTING FORTH AN EFFECTIVE DATE.

Commissioner Persis moved, seconded by Commissioner Sargent, for approval of Resolution No. 2023-145, as read by title only.

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

Item #12 – Reports, Suggestions, Requests

Embry Riddle School Relocation

Commissioner Sargent inquired if Embry Riddle was relocating their flight school to the Ormond Beach Municipal Airport as some neighborhoods received flyers; whereby, Ms. Joyce Shanahan, City Manager, stated staff recently heard about it and was looking into it, noting the flyers were not distributed by Embry Riddle.

Mayor Partington inquired if staff had any knowledge on the relocation; whereby, Ms. Shanahan stated a resident made her aware of the flyer and staff had no information.

Belvedere Fuel Terminal

Mr. Hayes addressed some concerns raised during Audience Remarks, noting the zoning and land use regulation based on jurisdictions. He explained, until the city brought in a property with a land use, a zoning designation the county regulates would continue to apply to the property. He stated the I-2 zoning category was created in 2010 and noted there were no regulations in place due to the lack of need at the time. He stated fuel storage was allowed under the county’s jurisdiction. He noted the I-2 land use approved on first reading was for Halifax Paving. He reviewed the city’s policy that was included in the Comprehensive Plan and land development regulations. He discussed the SPRC and their meetings, noting there were representatives on behalf of Belvedere who attended the meeting and asked questions, and he discussed the minutes from the meeting. He stated there was no nefarious conduct from the Commission or staff and expressed his support of the city’s Planning Director. He explained the land use for Halifax Paving was approved by ordinance on a first reading and stated the Commission could have staff bring the item back for a second reading or direct staff to not bring the item back, noting until the city provided a designation, the county’s designation would apply and reviewed potential options.

Commissioner Briley inquired if staff could change the I-2 definitions; whereby, Mr. Hayes stated there were many options and noted a useful tool was the ISBA.

Commissioner Sargent clarified the annexation of a property for utilities was at the discretion of the Commission; whereby, Mr. Hayes stated that was correct noting there may be a caveat sometimes. He inquired if a motion would be needed to bring back the I-2 land use; whereby, Mr. Hayes stated the Commission would just need to give direction to staff and reviewed options. Mr. Hayes stated the zoning of an annexed property was required to maintain the same zoning it had when it was in the county. He inquired if staff could revise the wording in the I-2 definitions; whereby, Mr. Hayes stated staff could look into it and noted it would be appropriate to look at during the ISBA process with the county.

Mr. Steven Spraker, Planning Director, stated the Commission could direct staff to not proceed with any I-2 zoning until there was an opportunity for an internal review and explore the ISBA options.

Mayor Partington inquired if the city was allowed to change the zoning in the county; whereby, Mr. Spraker stated the city could not change the zoning outside of the city's jurisdiction. Mr. Spraker reviewed the process on how a property would get the I-2 designation.

Commissioner Tolland stated the Commission and the city strongly oppose the project. She stated she appreciated the resident's passion and commitment to the project and noted the Commissioners were concerned residents as well. She requested the residents stay positive and keep the momentum moving forward.

Commissioner Sargent thanked the residents for their voice on the project. He stated the county changed the zoning from Agricultural to Heavy Industrial in 2006. He requested once there was a resolution to the issue, staff create an After-Action Report to see how the city could improve the processes for the future.

Commissioner Persis agreed with Commissioner Sargent's request of an After-Action Report. She stated the Commission, board members, and staff loved and was dedicated to the city.

Commissioner Briley thanked Mr. Hayes for his work on the issue. He stated the Commissioners sit on the Commission because they care about the city. He explained many items that go through the SPRC do not make it to the Commission, as many representatives go just to ask questions about the processes. He stated the Commission and staff were unified in their opposition to the project.

Mayor Partington addressed comments made during Audience Remarks and stated his hope for their voices at the Volusia County Council meetings. He discussed the SPRC meetings and attendees. He referenced the City Manager memorandum that went out in June of 2022. He reviewed the city's history with fighting against unwanted projects. He requested the audio from the meeting be provided to the Volusia County Council.

Commissioner Tolland moved, seconded by Commissioner Sargent, to direct staff to bring back options to the Commission regarding the I-2 zoning.

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

Events, Thanks, and Requests

Commissioner Tolland thanked S.R. Perrott for their partnership and donation of score boards at the Ormond Beach Sports Complex to The Friends of Recreation group. She discussed the Ormond Beach MainStreet strategic plan. She stressed the importance of the mental health signage at the parks and requested Public Works Director look into how it could be incorporated.

Commissioner Sargent thanked Ms. Harmon and staff for their work on the parking issues at the Easy Does It Club.

Commissioner Persis discussed the events she attended including a bookstore ribbon cutting.

ReGrow the Loop

Commissioner Tolland discussed the ReGrow the Loop initiative. She stated they were interested in exploring landscape ideas with signage and native plantings for the east side of the 56 North Beach Street property to help establish an entry way to the Ormond Beach Scenic Loop and inquired if the Commission was supportive; whereby, Ms. Shanahan stated the idea could be brought before the Historic Landmark Preservation Board and then bring back to the Commission.

Item #13 – Adjournment

The meeting was adjourned at 9:53 p.m.

APPROVED: September 20, 2023

BY: Bill Partington
Bill Partington, Mayor

ATTEST:

S. Dauderis
Susan Carroll Dauderis,
City Clerk

