MINUTES
ORMOND BEACH CITY COMMISSION
HELD AT 1687 WEST GRANADA BOULEVARD

November 7, 2023	**6:00 p.m.**	**Calvary Christian Center**

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

A G E N D A

1. CALL TO ORDER

2. INVOCATION

3. PLEDGE OF ALLEGIANCE

4. PRESENTATIONS AND PROCLAMATIONS

A. Hometown Heroes

B. National Native American Heritage Month

5. AUDIENCE REMARKS - REGARDING ITEMS NOT ON THE AGENDA

6. APPROVAL OF MINUTES

A. Minutes from City Commission meeting - October 17, 2023

7. COMMUNITY REDEVELOPMENT AGENCY

A. **RESOLUTION NO. 2023-195:** A RESOLUTION OF THE CITY COMMISSION, ALSO ACTING AS THE COMMUNITY REDEVELOPMENT AGENCY, OF THE CITY OF ORMOND BEACH, FLORIDA APPROVING AND AUTHORIZING THE EXECUTION OF AN AMENDMENT TO AGREEMENT FOR STREETSCAPE AND BANDING REPAIR WITH P&S PAVING, INC. REGARDING THE GRANADA BLVD. STREETSCAPE BANDING REPAIR PROJECT, UNDER BID NO. 2022-19; AUTHORIZING PAYMENT THEREFOR; AND SETTING FORTH AN EFFECTIVE DATE. **(SEE ITEM 8A)**

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

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. 2023-195:** A RESOLUTION OF THE CITY COMMISSION, ALSO ACTING AS THE COMMUNITY REDEVELOPMENT AGENCY, OF THE CITY OF ORMOND BEACH, FLORIDA APPROVING AND AUTHORIZING THE EXECUTION OF AN AMENDMENT TO AGREEMENT FOR STREETSCAPE AND BANDING REPAIR WITH P&S PAVING, INC. REGARDING THE GRANADA BLVD. STREETSCAPE BANDING REPAIR PROJECT, UNDER BID NO. 2022-19; AUTHORIZING PAYMENT THEREFOR; AND SETTING FORTH AN EFFECTIVE DATE.

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

B. **RESOLUTION NO. 2023-196:** A RESOLUTION AUTHORIZING A WAIVER OF RESIDENTIAL GARAGE SALE PERMITS AND FEES AS PART OF THE 15TH ANNUAL SUPER SCENIC 150-MILE

GARAGE SALE ON THE BEACHSIDE FROM THE NORTH CITY LIMITS TO THE SOUTH CITY LIMITS FROM THE HALIFAX RIVER TO THE ATLANTIC OCEAN ON SATURDAY, NOVEMBER 18, 2023 FROM 8:00 A.M. TO 2:00 P.M.; AND SETTING FORTH AN EFFECTIVE DATE.

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

C. **RESOLUTION NO. 2023-197:** A RESOLUTION AUTHORIZING THE ACCEPTANCE OF A GRANT AWARD FROM THE STATE OF FLORIDA, OFFICE OF THE ATTORNEY GENERAL REGARDING FUNDING FOR THE CITY'S VICTIM'S ADVOCATE 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 Moisio, Grants Coordinator, (386) 676-3315*

D. **RESOLUTION NO. 2023-198:** A RESOLUTION ACCEPTING THE QUOTE FROM OWENS ACCREDITATION SERVICES, LLC REGARDING ACCREDITATION SERVICES FOR THE POLICE DEPARTMENT; AUTHORIZING THE EXECUTION OF AN AGREEMENT AND PAYMENT THEREFOR; AND SETTING FORTH AN EFFECTIVE DATE.

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

E. **RESOLUTION NO. 2023-199:** A RESOLUTION AUTHORIZING THE SOLE SOURCE PROCUREMENT OF PARTS AND SERVICE FROM PARKSON CORPORATION FOR THE CITY'S AQUA GUARD SELFCLEANING BAR/FILTER SCREEN AT THE WATER RECLAMATION FACILITY; AUTHORIZING THE EXECUTION OF A CONTRACT; AND SETTING FORTH AN EFFECTIVE DATE.

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

F. **RESOLUTION NO. 2023-200:** A RESOLUTION AUTHORIZING A WORK AUTHORIZATION AND ADDITIONAL FUNDING TO ANDRITZ SEPARATION, INC. FOR THE REPAIR OF THE CENTRIFUGE UNIT AT THE WATER TREATMENT PLANT; AND SETTING FORTH AN EFFECTIVE DATE.

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

G. **RESOLUTION NO. 2023-201:** A RESOLUTION AUTHORIZING THE SUBMITTAL OF A GRANT APPLICATION TO THE COUNTY OF VOLUSIA UNDER THE ECHO GRANTS-IN-AID PROGRAM FOR FUNDING ASSISTANCE REGARDING THE INSTALLATION OF LED LIGHTING AT THE ORMOND BEACH SPORTS COMPLEX FOR THE SOFTBALL QUAD; 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 Moisio, Grants Coordinator, (386) 676-3315*

H. **RESOLUTION NO. 2023-202:** A RESOLUTION AUTHORIZING THE SUBMITTAL OF A GRANT APPLICATION TO THE COUNTY OF VOLUSIA UNDER THE ECHO GRANTS-IN-AID PROGRAM FOR FUNDING ASSISTANCE REGARDING THE RENOVATION OF BASEBALL FIELDS 2-5 AT THE NOVA COMMUNITY PARK; 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 Moisio, Grants Coordinator, (386) 676-3315*

I. **FEMA Flood Mitigation Assistance Program Grant Application**

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

Disposition: Approve as recommended in the City Manager staff report dated November 7, 2023.

J. **Auto Renewal - Golden Eagle (at Andy Romano Beachfront Park)**

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

Disposition: Approve as recommended in the City Manager staff report dated November 7, 2023.

9. PUBLIC HEARINGS

A. **ORDINANCE NO. 2023-51:** AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF ORMOND BEACH, FLORIDA, VACATING A PORTION OF BENTON STREET, A PLATTED PUBLIC RIGHT-OF-WAY SOUTH OF PENNSYLVANIA AVENUE, LOCATED BETWEEN VOLUSIA COUNTY PARCEL IDENTIFICATION NUMBERS: 3136-01-08-0010, 3136-01-07-0010, AND 3136-01-01-0021, AND ALONG VOLUSIA COUNTY PARCEL IDENTIFICATION NUMBERS: 3136-01-01-0021 AND 3136-01-21-0050; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; PROVIDING FOR RECORDATION AND TRANSMITTAL; AND SETTING FORTH AN EFFECTIVE DATE. **(SECOND READING)**

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

B. **ORDINANCE NO. 2023-52:** AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF ORMOND BEACH, FLORIDA, VACATING A PORTION OF HAMMOND STREET, A PLATTED PUBLIC RIGHT-OF-WAY SOUTH OF PENNSYLVANIA AVENUE AND NORTH OF PLANTATION OAKS BOULEVARD, LOCATED BETWEEN VOLUSIA COUNTY PARCEL IDENTIFICATION NUMBERS: 3125-08-00-0014, 3136-01-07-0010 AND 3136-01-01-0021; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; PROVIDING FOR RECORDATION AND TRANSMITTAL; AND SETTING FORTH AN EFFECTIVE DATE. **(SECOND READING)**

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

C. **ORDINANCE NO. 2023-53:** AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF ORMOND BEACH, FLORIDA, VACATING A PORTION OF ROSEMARY STREET, A PLATTED PUBLIC RIGHT-OF-WAY SOUTH OF PENNSYLVANIA AVENUE, LOCATED BETWEEN VOLUSIA COUNTY PARCEL IDENTIFICATION NUMBERS: 3136-01-09-0001 AND 3136-01-08-0010; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; PROVIDING FOR RECORDATION AND TRANSMITTAL; AND SETTING FORTH AN EFFECTIVE DATE. **(SECOND READING)**

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

D. **ORDINANCE NO. 2023-55:** AN ORDINANCE AUTHORIZING THE

EXECUTION AND ISSUANCE OF A PLANNED RESIDENTIAL DEVELOPMENT DEVELOPMENT ORDER FOR THE "TOMOKA RESERVE" SUBDIVISION, AUTHORIZING THE DEVELOPMENT OF 272 LOTS ON 147.94+ ACRES TO BE LOCATED AT 20 TOMOKA OAKS BOULEVARD; ESTABLISHING CONDITIONS AND EXPIRATION OF APPROVAL; AND SETTING FORTH AN EFFECTIVE DATE.

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

10. SECOND READING OF ORDINANCES

A. **ORDINANCE NO. 2023-54:** AN ORDINANCE AMENDING THE ANNUAL BUDGET FOR FISCAL YEAR 2022-2023 BY AMENDING THE GENERAL FUND (001); DOWNTOWN REDEVELOPMENT TRUST FUND (104); STORMWATER UTILITY FUND (107); AIRPORT FUND (108); LOCAL LAW ENFORCEMENT TRUST FUND (109); PENSION CONTRIBUTION PASS THROUGH FUND (113); RECREATION FACILITY FEE FUND (115); GRANTS FUND (116); 2010 BEACHFRONT PARK BOND FUND (220); CAPITAL IMPROVEMENTS FUND (301); EQUIPMENT RENEWAL & REPLACEMENT FUND (302); PUBLIC SAFETY VEHICLE & EQUIPMENT FUND (305); TRANSPORTATION IMPROVEMENTS FUND (308); FACILITIES RENEWAL & REPLACEMENT FUND (317); WATER AND WASTEWATER FUND (401); RENEWAL & REPLACEMENT FUND (409); SOLID WASTE FUND (460); AND THE GENERAL LIABILITY FUND (504); AND SETTING FORTH AN EFFECTIVE DATE. **(SECOND READING)**

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

11. REPORTS, SUGGESTIONS, REQUESTS

12. ADJOURNMENT

M I N U T E S

Item #1 – Meeting Call to Order

Mayor Partington called the meeting to order at 6:10 p.m.

Item #2 – Invocation

Chaplain Sam Mercado, Advent Health, provided the invocation.

Item #3 – Pledge of Allegiance

Mayor Partington led the Pledge of Allegiance.

Item #4 – Presentations and Proclamations

Item #4A – Hometown Heroes

Mayor Partington presented a proclamation to Deputy Fire Chief Nate Quartier and Police Captain Chris Roos in honor of the Hometown Heroes Military Appreciation Banner program and proclaimed November 2023 as a time to celebrate the Hometown Heroes.

Item #5 – Audience Remarks

Ms. Melissa Horan, 1010 Seashell Court, discussed her experience with public safety concerns in small towns and encouraged the City Commission to mitigate potential risks.

Ms. Lindsey Pate, 40 Wild Cat Lane, expressed gratitude towards Mayor Partington and City Manager, Ms. Joyce Shanahan, for their support of the residents in their opposition of the Belvedere Fuel Farm at the Volusia County Council meeting on November 7, 2023.

Ms. Rebecca Mangali, unincorporated Volusia County, discussed misconceptions regarding the Belvedere Fuel Terminals and fuel prices.

Mr. Kason McFarren, unincorporated Volusia County, thanked the Commission for their work regarding the Belvedere Fuel Farm.

Ms. Connie Colby, 108 Roble Lane, requested the agenda items have more details on the agenda to help with transparency and discussed the potential relocation of the police station.

Volusia County Council Member Troy Kent, 130 Magnolia Drive, thanked the Commission and staff for their support of the dog friendly beach in Volusia County.

Commissioner Briley thanked Council Member Kent for his work on the dog friendly beach.

<u>Item #6 – Approval of Minutes</u>

Mayor Partington advised the minutes of the October 17, 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 October 17, 2023, City Commission meetings minutes.

The motion passed by voice vote.

<u>Item #7 – Community Redevelopment Agency</u>

Mayor Partington advised the following items were Community Redevelopment items. He explained the City Commission served as the Community Redevelopment Agency (CRA) of the city and must review the item and make a recommendation as the CRA.

Mayor Partington recessed the City Commission meeting, called the CRA meeting to order, and opened the public hearings at 6:31 p.m.

<u>Item #7A – Granada Boulevard Streetscape Sidewalk Banding Repair Contract Modification</u>

Assistant City Clerk Taylor Lochert read by title only:

RESOLUTION NO. 2023-195

A RESOLUTION OF THE CITY COMMISSION, ALSO ACTING AS THE COMMUNITY REDEVELOPMENT AGENCY, OF THE CITY OF ORMOND BEACH, FLORIDA APPROVING AND AUTHORIZING THE EXECUTION OF AN AMENDMENT TO AGREEMENT FOR STREETSCAPE AND BANDING REPAIR WITH P&S PAVING, INC. REGARDING THE GRANADA BLVD. STREETSCAPE BANDING REPAIR PROJECT, UNDER BID NO. 2022-19; AUTHORIZING PAYMENT THEREFOR; AND SETTING FORTH AN EFFECTIVE DATE. **(SEE ITEM 8A)**

Commissioner Persis moved, seconded by Commissioner Sargent, for recommendation of Resolution No. 2023-195, as read by title only.

The motion passed by voice vote.

Mayor Partington closed the public hearing, adjourned the CRA meeting, and reconvened the City Commission meeting at 6:32 p.m.

<u>Item #8 – Consent Agenda</u>

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 Tolland, 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 Sargent expressed his support of Items 8G and 8H regarding Volusia County ECHO grants for the Sports Complex Softball Quad LED lighting and Nova Community Park Fields restoration.

Item #9 – Public Hearings

Mayor Partington opened the Public Hearings.

Item #9A – Partial Right-of-Way Vacation, Benton Street

Assistant City Clerk Taylor Lochert read by title only:

ORDINANCE NO. 2023-51

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF ORMOND BEACH, FLORIDA, VACATING A PORTION OF BENTON STREET, A PLATTED PUBLIC RIGHT-OF-WAY SOUTH OF PENNSYLVANIA AVENUE, LOCATED BETWEEN VOLUSIA COUNTY PARCEL IDENTIFICATION NUMBERS: 3136-01-08-0010, 3136-01-07-0010, AND 3136-01-01-0021, AND ALONG VOLUSIA COUNTY PARCEL IDENTIFICATION NUMBERS: 3136-01-01-0021 AND 3136-01-21-0050; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; PROVIDING FOR RECORDATION AND TRANSMITTAL; AND SETTING FORTH AN EFFECTIVE DATE. **(SECOND READING)**

Commissioner Briley moved, seconded by Commissioner Tolland, for approval of Ordinance No. 2023-51, 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 #9B – Partial Right-of-Way Vacation, Hammond Street

Assistant City Clerk Taylor Lochert read by title only:

ORDINANCE NO. 2023-52

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF ORMOND BEACH, FLORIDA, VACATING A PORTION OF HAMMOND STREET, A PLATTED PUBLIC RIGHT-OF-WAY SOUTH OF PENNSYLVANIA AVENUE AND NORTH OF PLANTATION OAKS BOULEVARD, LOCATED BETWEEN VOLUSIA COUNTY PARCEL IDENTIFICATION NUMBERS: 3125-08-00-0014, 3136-01-07-0010 AND 3136-01-01-0021; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; PROVIDING FOR RECORDATION AND TRANSMITTAL; AND SETTING FORTH AN EFFECTIVE DATE. **(SECOND READING)**

Commissioner Sargent moved, seconded by Commissioner Briley, for approval of Ordinance No. 2023-52, 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 #9C – Partial Right-of-Way Vacation, Rosemary Street

Assistant City Clerk Taylor Lochert read by title only:

ORDINANCE NO. 2023-53

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF ORMOND BEACH, FLORIDA, VACATING A PORTION OF ROSEMARY STREET, A PLATTED PUBLIC RIGHT-OF-WAY SOUTH OF PENNSYLVANIA AVENUE, LOCATED BETWEEN VOLUSIA COUNTY PARCEL IDENTIFICATION NUMBERS: 3136-01-09-0001 AND 3136-01-08-0010; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; PROVIDING FOR RECORDATION AND TRANSMITTAL; AND SETTING FORTH AN EFFECTIVE DATE. **(SECOND READING)**

Commissioner Sargent moved, seconded by Commissioner Briley, for approval of Ordinance No. 2023-53, 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

Mayor Partington recessed the Public Hearing at 6:37 p.m.

Item #10 – Public Hearings

Item #10A – FY 2022-23 Budget Amendments

Assistant City Clerk Taylor Lochert read by title only:

ORDINANCE NO. 2023-54

AN ORDINANCE AMENDING THE ANNUAL BUDGET FOR FISCAL YEAR 2022-2023 BY AMENDING THE GENERAL FUND (001); DOWNTOWN REDEVELOPMENT TRUST FUND (104); STORMWATER UTILITY FUND (107); AIRPORT FUND (108); LOCAL LAW ENFORCEMENT TRUST FUND (109); PENSION CONTRIBUTION PASS THROUGH FUND (113); RECREATION FACILITY FEE FUND (115); GRANTS FUND (116); 2010 BEACHFRONT PARK BOND FUND (220); CAPITAL IMPROVEMENTS FUND (301); EQUIPMENT RENEWAL & REPLACEMENT FUND (302); PUBLIC SAFETY VEHICLE & EQUIPMENT FUND (305); TRANSPORTATION IMPROVEMENTS FUND (308); FACILITIES RENEWAL & REPLACEMENT FUND (317); WATER AND WASTEWATER FUND (401); RENEWAL & REPLACEMENT FUND (409); SOLID WASTE FUND (460); AND THE GENERAL LIABILITY FUND (504); AND SETTING FORTH AN EFFECTIVE DATE. **(SECOND READING)**

Commissioner Sargent moved, seconded by Commissioner Persis, for approval of Ordinance No. 2023-54, 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

Mayor Partington reconvened the Public Hearings at 6:39 p.m.

Item #9D – Tomoka Reserve, Issuance of a Development Order

Assistant City Clerk Taylor Lochert read by title only:

ORDINANCE NO. 2023-55

AN ORDINANCE AUTHORIZING THE EXECUTION AND ISSUANCE OF A PLANNED RESIDENTIAL DEVELOPMENT DEVELOPMENT ORDER FOR THE "TOMOKA RESERVE" SUBDIVISION, AUTHORIZING THE

DEVELOPMENT OF 272 LOTS ON 147.94$\underline{+}$ ACRES TO BE LOCATED AT 20 TOMOKA OAKS BOULEVARD; ESTABLISHING CONDITIONS AND EXPIRATION OF APPROVAL; AND SETTING FORTH AN EFFECTIVE DATE.

Mr. Randy Hayes, City Attorney, provided background on the item and noted the item was for an application for a development under a Planned Residential Development (PRD) zoning district. He explained it was a quasi-judicial proceeding, and noted the Commission should review the application against the Land Development Code and Comprehensive Plan, while keeping in mind the relevant evidence. He recommended any witnesses who wished to testify take an Oath. He requested the Commission consider accepting two stipulations including the professionals who would testify on behalf of the parties were qualified to do so and to allow the Tomoka Oaks Home Owners Association (HOA) to participate in the proceeding as a party-intervenor. He reviewed the order of business including time allotment for all involved parties to speak and voting conflicts.

Commissioner Briley moved, seconded by Commissioner Sargent, for approval of the two stipulations presented by Mr. Hayes.

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

Commissioner Persis moved, seconded by Commissioner Tolland, to swear in all witnesses who wished to testify.

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

Mayor Partington requested Court Reporter Shilah Blakeney provide the Oath to all who wished to testify.

Ms. Blakeney provided the Oath.

Mr. Spraker reviewed the existing land use, the application process, the process of the development and at what future stages it would go back before the Commission. He discussed the characteristics of the property and proposed designs of the development. He noted the concerns of the residents and the Planning Board's recommendation of denial.

Mr. Rob Merrell, Cobb Cole Law Firm, discussed the Growth Management Act and how it relates to the project and the city's Comprehensive Plan. He discussed the meetings held by the developer and the input provided. He reviewed the developer's team expert qualifications and their reports provided. He discussed the two outstanding items from staff's recommendation including the proposed buffer. He stated there was a pending application for the R-2 zoning to match the Tomoka Oaks subdivision zoning, noting it was not preferred by the developer.

Mr. Dennis Bayer, party-intervenor, expressed appreciation to the developer for working with the residents of the community. He adamantly disagreed with the application of the R-2 application. He discussed the uniqueness of the property and the expectations of the homeowners in the Tomoka Oaks subdivision. He noted the requests the HOA made to the developer, traffic issues, Planning Board recommendation, property entitlements, zoning and potential zoning.

Mr. Tom Harowski, party-intervenor, provided his background and summarized the issues the residents had with the proposed development including compatibility, density, design standards, lot sizing, traffic, and sidewalks.

Ms. Carolyn Davis, 46 Oakmont Circle, thanked Mr. Spraker for his professionalism and assistance. She discussed the 2006 PRD hearing and the covenants and restrictions that accompanied the development order.

Mr. Kirk Thrush, 1 Tomoka Oaks Boulevard unit 106, expressed concerns regarding the covenants and restrictions, traffic, and proposed the city provide a solution involving the Riverbend Golf Course.

Ms. Denise White, 9 Fox Run Trail, voiced concerns regarding health, safety, welfare, quality of life of the surrounding residents, and traffic.

Mr. Dale Ryals, 20 Eagle Court, explained her concerns regarding lack of hospital infrastructure, density of proposed project, cohesive look, and water use.

Ms. Ashley DuFrene, 118 North Saint Andrews Drive, expressed opposition of the proposed project and voiced concerns regarding density and the R-2 application. She referred to articles within the Land Development Code and provided a photo of her unobstructed view.

Ms. Angie Shull, 110 Deer Lake Circle, discussed her background with the city and expressed concerns regarding density and traffic.

Mr. Dick Reed, 16 Stone Quarry Trail, encouraged the Commission to buy the property and make the land a public golf course.

Mr. Jim Cameron, 39 Laurel Oaks Circle, expressed support of the proposed development.

Ms. Kristin Deaton, 80 Shadowcreek Way, encouraged the Commission to listen to the residents and the Planning Board's recommendation.

Mayor Partington recessed the City Commission meeting at 8:00 p.m.

Mayor Partington reconvened the City Commission meeting at 8:10 p.m.

Mr. Jim Rose, 21 Eagle Court, stated he was the chairman of the Golf Course Committee of the Tomoka Oaks HOA, and provided his background with the project. He requested the Commission deny the developers request.

Mr. Jeff Boyle, 614 North Halifax Drive, discussed the Planning Board's recommendation. He expressed concerns regarding traffic, protected covenants and requested the Commission deny the request.

Ms. Darla Widnall, 7 Shawnee Trail, voiced concerns regarding an emergency evacuation plan and traffic. She provided a handout to the Commission.

Mr. Tyler Brown, 90 North Saint Andrews Drive explained his concerns regarding the density calculations, lot sizes, and conservation space.

Mr. Paul Hughes, 4 Lauren Court, voiced concerns regarding an evacuation route, infrastructure, traffic, and the proposed project being a gated community.

Mr. Paul Maybeck, 15 Pine Valley Circle, summarized an email he sent that was provided to the Commission which included concerns on sidewalks, traffic and removal of trees.

Mr. Rick Rickards, 1 Tomoka Oaks Boulevard, stated he was opposed to the development noting concerns of broken promises.

Mr. Tom Fitzgibbon, 51 South Saint Andrews Drive, expressed concerns regarding property values and traffic.

Ms. Denise Corley, 51 South Saint Andrews Drive, voiced concerns regarding the nature, environment, and quality of life. She encouraged the Commission to vote no on the project.

Ms. Michelle Zirkelbach, 328 River Bluff Drive, stated she provided a handout to the Commission and reviewed concerns regarding density calculations and compatibility.

Ms. Caitlyn Casey-Parker, 32 Pebble Beach Drive, expressed concerns regarding density, traffic, and wildlife impacts.

Mr. Robert Banker, 1 Tomoka Oaks Boulevard, stated he did not believe the development fit the neighborhood and expressed concerns regarding density and property values.

Ms. Jessica Vitale, 7 Eagle Drive, indicated concerns regarding project location, density, traffic, construction noise, greenspace, natural buffers, and potential title restrictions.

Ms. Barbara Doliner, 108 South Saint Andrews Drive, expressed concerns regarding the developer and the project.

Ms. Missy Herrero, 111 North Saint Andrews Drive, voiced concerns regarding the density calculations, traffic study, lot sizes, lack of compatibility, and lack of hospital infrastructure.

Mr. Tyler Travis, 888 Willow Run, expressed support of the development.

Mr. Bayer reviewed the Planning Board recommendation, noting concerns of traffic and density.

Mr. Merrell stated he had a team available for any questions. He reviewed potential options if the project was denied.

Commissioner Briley thanked the residents and Mr. Spraker for their work on the project. He questioned if the golf course was originally part of Tomoka Oaks, if the proposed development would be in Tomoka Oaks as its own development and inquired if the development would be considered a re-plat of the existing subdivision; whereby, Mr. Spraker explained the golf course was platted as its own separate parcel and not part of the Tomoka Oaks subdivision. Commissioner Briley expressed concerns regarding the subdivision's ingress and egress; whereby, Mr. Spraker stated there would need to be multiple access points and noted the proposed plan did have an emergency access identified. Commissioner Briley discussed the access points and inquired if The Trails subdivision could be gated; whereby, Mr. Spraker stated that would need to go through the site plan process, amendments to the plats, and homeowners' agreements.

Commissioner Briley asked about the distance between Nova Road and the Escondido apartments; whereby, Mr. Sans Lassiter, Lassiter Transportation Group, reviewed the traffic study and traffic light needs. Commissioner Briley expressed concerns regarding traffic in peak hours and during times the train went through the area.

Mr. Lassiter explained the traffic light would have preemption noting that would help mitigate traffic backups during the times the train went through the area. He reviewed the traffic analysis.

Commissioner Briley discussed the vehicular and pedestrian conflicts within the current subdivisions. He reviewed the weight capacity for the Misner's Trail bridge, expressed concerns for the structure of the bridge and inquired who maintained the bridge; whereby, Mr. Shawn Finley, Public Works Director, indicated the Florida Department of Transportation (FDOT) inspects the bridge annually and the city maintains it.

Commissioner Persis inquired about the time of day the traffic study was completed; whereby, Mr. Lassiter noted it was completed in the morning and afternoon. She stated she traveled to the subdivisions during peak hours and noted the current traffic concerns. She inquired if the developer was willing to significantly reduce the number of homes in the development, increase the lot sizes, and irrigate the buffers; whereby, Mr. Merrell asked what significant meant. Commissioner Persis clarified the prior Commission agreed to 122 homes in 2006; whereby, Mr. Merrell stated the 2006 plan was no longer an option and 122 homes would not work for the project.

Mr. Carl Velie, property owner, explained all the costs associated and noted they needed the number of lots to be profitable, and discussed the landscaping aspect of the buffer of the proposed project.

Commissioner Sargent inquired what the maximum height of the homes would be; whereby, Mr. Merrell stated the same as the R-2 zoning. Commissioner Sargent inquired if the sidewalks could be consistent with the other subdivisions; whereby, Mr. Merrell stated there would be sidewalks throughout the property and would be open to the residents of the Tomoka Oak subdivision. Commissioner Sargent expressed the residents concerns of density and lot sizing.

Commissioner Tolland inquired about the calculations of the density; whereby, Mr. Spraker stated the calculations for the density of Tomoka Oaks subdivision could not include the 84 acres that had an open-space conservation zoning which did not allow for density. He reviewed the calculations for both subdivisions. She asked about the golf course; whereby, Mr. Hayes stated when the golf course was constructed it had a restrictive covenant which prohibited development, noting it did allow the HOA to release the covenant. He explained the release happened in 1976. She inquired about the natural buffer; whereby, Mr. Don Spence, on behalf of applicant, stated the buffer would take ten years for the trees to reach maturity and the shrubs would take about five years.

The entire Commission disclosed they met individually with the development team and several residents and discussed the types of meetings held.

Mr. Hayes reminded the Commission the item before them was an application for a development order under PRD zoning. He noted the Commission's decision should be based on if the development met the competent substantial evidence standard including conforming to the Land Development Code and Comprehensive Plan, the development will not adversely impact the environment, the development will not substantially or permanently depreciate the value of the surrounding property, adequate public facilities, ingress and egress traffic safety, the development is a functional use of space, provides for safety of occupants and visitors, and the proposed use of materials and architectural features will not adversely impact the neighborhood aesthetics. He reviewed potential options for the Commission.

Commissioner Persis discussed concerns regarding ingress and egress, traffic and environmental impact. She stated she would vote no on the item, and stated she would like to deny the request or send back to the Planning Board for the developers to include a substantial reduction in density, similar to the approved PRD from 2006.

Commissioner Sargent reviewed the issues he had including traffic, pedestrian safety, and density. He stated he would support sending the item back to the Planning Board in hopes of a plan similar to the 2006 approved PRD.

Commissioner Tolland expressed concerns regarding pedestrian safety, compatibility with surrounding neighborhoods, density, natural buffer, and traffic. She indicated support of a plan similar to the 2006 approved PRD.

Commissioner Briley stated concerns for the compatibility, lot sizes, and density. He agreed the item should go back before the Planning Board.

Mayor Partington supported the item being remanded to the Planning Board and expressed concerns regarding density and traffic.

Commissioner Persis moved, seconded by Commissioner Tolland, to remand the item to the Planning Board for further consideration.

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

Mayor Partington closed the public hearings.

<u>Item #10 – Reports, Suggestions, Requests</u>

<u>Events, Compliments, and Announcements</u>
Ms. Claire Whitley, Assistant City Manager, reviewed upcoming events including a Veterans Day celebration luncheon, HOme for the HOlidays parade, and Ormond Beach MainStreet Riverfest.

Commissioner Tolland thanked residents, staff, and the Planning Board regarding the Tomoka Reserve item, Belvedere Fuel Farm, and Hunter's Ridge.

Commissioner Sargent discussed an incident from earlier in the day involving the Ormond Beach Police Department. He thanked Mr. Spraker for his hard work.

Commissioner Persis thanked Mr. Spraker, Mr. Hayes, Ms. Whitley and City Manager Joyce Shanahan.

Commissioner Briley reviewed events he attended including the ribbon cutting for the dog section of the Volusia County beach and Hometown Heroes drive-thru lunch.

Item #11 – Adjournment

The meeting was adjourned at 10:11 p.m.

APPROVED: December 5, 2023

BY: Bill Partington

Bill Partington, Mayor

ATTEST:

S Dauderis

Susan Carroll Dauderis,
City Clerk