

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

August 15, 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. Sue Bower
 - B. Volusia County Schools - Angel Gomez
- 5. AUDIENCE REMARKS - REGARDING ITEMS NOT ON THE AGENDA**
- 6. APPROVAL OF MINUTES**
 - A. Minutes from City Commission meeting - August 1, 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. 2023-127:** A RESOLUTION AUTHORIZING THE SUBMITTAL OF AN ON-LINE GRANT APPLICATION IN THE AMOUNT OF \$13,079 TO THE UNITED STATES DEPARTMENT OF JUSTICE, OFFICE OF JUSTICE PROGRAMS, UNDER THE EDWARD BYRNE JUSTICE ASSISTANCE GRANT 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. 2023-128:** A RESOLUTION AUTHORIZING THE SOLE SOURCE PROCUREMENT OF THREE PEERLESS PUMPS FROM TOM EVANS ENVIRONMENTAL FOR THE CITY’S WATER TREATMENT PLANT; APPROVING AND AUTHORIZING THE EXECUTION OF A PURCHASE AUTHORIZATION AND PAYMENT THEREFORE; AND SETTING FORTH AN EFFECTIVE DATE.

Staff Contact: *Bob Preis, Utilities Manager, (386) 676-3305*
 - C. RESOLUTION NO. 2023-129:** A RESOLUTION ACCEPTING A BID FROM B&B OUTDOOR, LLC FOR CONSTRUCTION SERVICES REGARDING THE ARBOR DRIVE DRAINAGE IMPROVEMENTS PROJECT, UNDER BID NO. 2023-29; 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. 2023-130:** A RESOLUTION AUTHORIZING A COST OF LIVING INCREASE BASED ON THE CONSUMER PRICE INDEX PURSUANT TO THE AMENDMENT AND RESTATEMENT OF AGREEMENT FOR FIELD MAINTENANCE SERVICES BETWEEN THE CITY OF ORMOND BEACH AND AUSTIN OUTDOOR, LLC D/B/A YELLOWSTONE LANDSCAPE, INC.; AND SETTING FORTH AN EFFECTIVE DATE.

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

- E. **RESOLUTION NO. 2023-131:** A RESOLUTION AUTHORIZING A COST OF LIVING INCREASE BASED ON THE CONSUMER PRICE INDEX PURSUANT TO THE GROUNDS MAINTENANCE SERVICES AGREEMENT BETWEEN THE CITY OF ORMOND BEACH AND AUSTIN OUTDOOR, LLC D/B/A YELLOWSTONE LANDSCAPE, INC.; AND SETTING FORTH AN EFFECTIVE DATE.

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

- F. **RESOLUTION NO. 2023-132:** A RESOLUTION AUTHORIZING THE EXECUTION OF A PUBLIC TRANSPORTATION GRANT AGREEMENT BETWEEN THE CITY AND THE FLORIDA DEPARTMENT OF TRANSPORTATION REGARDING FUNDING FOR AN AERONAUTICAL SURVEY AND OBSTACLE ACTION PLAN FOR THE ORMOND BEACH MUNICIPAL AIRPORT; AUTHORIZING THE EXECUTION OF ALL NECESSARY DOCUMENTS INCIDENTAL THERETO FOR THE CITY TO ACCEPT THE GRANT AWARD; AND SETTING FORTH AN EFFECTIVE DATE.

Staff Contact: Steven Lichliter, Airport Manager, (386) 615-7019

- G. **RESOLUTION NO. 2023-133:** A RESOLUTION AUTHORIZING THE EXECUTION OF A WORK AUTHORIZATION FOR THE PURCHASE OF FOURTEEN LIGHT BAR PACKAGES FROM DANA SAFETY SUPPLY; AND SETTING FORTH AN EFFECTIVE DATE.

Staff Contact: Kevin Gray, Deputy Public Works Director,
(386) 676-3325

- H. **RESOLUTION NO. 2023-134:** A RESOLUTION APPROVING AND AUTHORIZING THE EXECUTION OF A PROPORTIONATE FAIR SHARE AGREEMENT AND TEMPORARY CONSTRUCTION EASEMENT IN RELATION TO THE TATTERSALL AT TYMBER CREEK PLANNED RESIDENTIAL DEVELOPMENT; AND SETTING FORTH AN EFFECTIVE DATE.

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

- I. **Fiscal Year 2022 Edward Byrne Memorial Justice Assistance Grant (JAG) County-wide Funds Distribution**

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

Disposition: Approve as recommended in the City Manager memorandum dated August 15, 2023.

- J. **Auto Renewal - Information Technology Contracting Services**

Staff Contact: Chuck Osteen, Information Technology Manager, (386) 615-7031

Disposition: Approve as recommended in the City Manager memorandum dated August 15, 2023.

K. Stanley Steamer - Auto Renew

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

Disposition: Approve as recommended in the City Manager memorandum dated August 15, 2023.

L. Request for Proposals - Management & Operation of Ormond Beach Tennis Center

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

Disposition: Approve as recommended in the City Manager memorandum dated August 15, 2023.

M. Florida Job Growth Grant Fund

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

Disposition: Approve as recommended in the City Manager memorandum dated August 15, 2023.

N. City Hall Landscape Improvements

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

Disposition: Approve as recommended in the City Manager memorandum dated August 15, 2023.

O. Telecommunications Utility Registration - Hotwire Communications

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

Disposition: Approve as recommended in the City Manager memorandum dated August 15, 2023.

P. City Manager's Monthly Report, August 2023

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

Disposition: Approve as recommended in the City Manager memorandum dated August 15, 2023.

8. PUBLIC HEARINGS

- A. ORDINANCE NO. 2023-44:** AN ORDINANCE ANNEXING SIX PARCELS OF REAL PROPERTY INTO THE CITY OF ORMOND BEACH, SAID PROPERTY LOCATED SOUTH OF PENNSYLVANIA AVENUE, WEST OF PLANTATION OAKS BOULEVARD AND EAST OF INTERSTATE I-95 (VOLUSIA COUNTY PARCEL NUMBERS: 3136-01-09-0001, 3136-01-08-0010, 3136-01-07-0010, 3136-01-01-0021, 3136-01-21-0050, AND 3136-01-01-001A); AND ANNEXING PORTIONS OF THE INDIANA AVENUE RIGHT-OF-WAY, BENTON STREET RIGHT-OF-WAY, AND ROSEMARY STREET RIGHT-OF-WAY; 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. 2023-45:** 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.

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 7:00 p.m.

Item #2 – Invocation

Pastor Floyd Narcisse, Historic New Bethel AME Church, provided the invocation.

Item #3 – Pledge of Allegiance

Mayor Partington led the Pledge of Allegiance.

Item #4 – Presentations and Proclamations

Item #4A – Sue Bower

Mayor Partington presented Ms. Sue Bower with a proclamation, flowers, and a Key to the City for her work in Congressman Michael Waltz's office as well as prior Congressmen and wished her well in her retirement.

Ms. Bower thanked the Commission for their support and discussed her time with the Congressmen.

Item #4B – Volusia County Schools – Angel Gomez

Mr. Angel Gomez, Volusia County Schools, introduced himself and discussed the first day of school and statistics. He reviewed staffing, meal preparation and transportation. He noted he would be visiting other local municipalities to provide the same information, and stated he would like to attend three Commission meetings a year to provide updates. Mr. Gomez thanked the Commission and provided them with a Volusia County Schools pamphlet.

Commissioner Persis and Commissioner Briley thanked Mr. Gomez for his time.

Item #5 – Audience Remarks

Belvedere Terminals Property Development

Mayor Partington explained there were 27 speakers signed up to speak during the audience remarks portion of the agenda related to the Belvedere Terminals "fuel farm" development. He stated the city had no jurisdiction over the property and requested the

members of the public who speak also speak with the Volusia County Council representatives and requested staff take photos of the turn out to pass along to Volusia County. He requested Planning Director Steven Spraker and City Attorney Randy Hayes provide information on the item before the speakers began.

Mr. Steven Spraker, Planning Director, stated the property was located at 874 Hull Road in unincorporated Volusia County and owned by FEC Railroad. He explained Volusia County had a zoning of I-2, Heavy Industrial, with some A-2, Rural Agricultural, on the western boundary of the property. He noted city staff met with Volusia County staff regarding the use of fuel distribution, including oil and propane, where the Volusia County staff stated the use was permitted by right in the I-2 zoning classification. He stated staff was aware no development application was submitted to Volusia County and was aware of a newspaper publication for the notice of intent to issue an air permit by the Florida Department of Environmental Protection (FDEP). He clarified the city provides utilities to the area. He stated the Site Plan Review Committee (SPRC) had a pre-application meeting with representatives from Belvedere on June 22, 2022 noting the discussion focused on utilities. He clarified there were no applications through the SPRC for utility connections. He stated the city's Comprehensive Plan and Land Development Code contain requirements that connection to utility and annexation was required, and noted as part of the annexation the city was required to provide land use and zoning. He reviewed the recent annexation of Halifax Paving and explained the creation of the I-2 based on the need for a matching zoning to Volusia County.

Mayor Partington inquired if Volusia County had an application; whereby, Mr. Spraker explained Volusia County staff stated there was no application to their development review board. He requested clarification on whether FEC Railroad owned the property; whereby, Mr. Spraker confirmed that was correct.

Commissioner Briley inquired if the property was outside of the Interlocal Boundary Service Agreement; whereby, Mr. Spraker confirmed.

Mayor Partington stated the city had no authority or control over the property and noted the Commission could work on how to help and strategize with those in attendance. He expressed concern for the location and its neighboring properties.

Mr. Randy Hayes, City Attorney, stated the comments made by Mr. Spraker and Mayor Partington were correct. He clarified the property was in Volusia County and zoned for the use and the city had no regulatory authority over an application that may be submitted on any property in unincorporated Volusia County as a matter of law. He noted the concerned residents should also speak with the Volusia County Council as those were the people who would review a submitted application for development. He reviewed the city's legal obligation with annexations. He stated staff was collecting as much information as possible to continue to provide information to the Commission and residents.

Commissioner Briley moved, seconded by Commissioner Persis, 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.

The motion passed by a voice vote.

Ms. Fran Canfield, 136 Bear Creek Path, stated the Bear Creek community felt there was a clear violation of disclosure noting the June 22, 2022 SPRC meeting. She expressed concerns for the future of Ormond Beach and demanded the Commission do their due diligence, find the property not in the best interest of the community and deny any applications from Belvedere Terminals.

Mr. Alan Cohen, 192 Bear Foot Trail, voiced opposition to the proposed development due to location and safety. He reviewed the cause of major accidents from fuel farms over the past 20 years.

Mr. Jeff Boyle, 614 North Halifax Drive, stated a county permit was granted for the development without a public hearing. He expressed concern for the proximity, traffic, airborne fuel vapors and accidents. He referenced the SPRC meeting and the processes discussed. He requested the city appeal the FDEP permit.

Mr. Anthony Iorlano, 1218 Crown Pointe Lane, expressed concerns regarding quality of life, property values, increased traffic, safety, noise level, location and inquired what the positive impact would be.

Ms. Connie Colby, 108 Roble Lane, indicated her confusion with the annexation and zoning of Halifax Paving. She reviewed the conditional use versus permitted use for the newly created I-2 zoning. She provided the Commission an enlarged aerial photograph of the property and expressed concerns regarding the location.

Mr. Raymond Franzem, 31 Gentle Ben Path, voiced concerns regarding the location, safety, terrorism, and potential accidents.

Mr. David H. Smith, 7 Grackle Lane, objected to the annexation and the city providing utilities to the property noting the risks including ground contamination, vapor, toxic spills, and proximity to the airport and recreation facility.

Ms. Donna Smith, 1066 Shockney Drive, shared her history with the city and concerns regarding developments near her property. She stated she did not feel supported by the government.

Reverend Vincent Brady, 17 Buckskin Lane, reviewed his history with the city and his past experiences with fuel refinery explosions. He expressed concern regarding the safety of residents.

Mr. Jean-Yves Robin, 81 Grizzly Bear Path, indicated he was a chemical engineer who previously worked in a chemical company and reviewed the number of accidents he saw. He noted even with procedures in place accidents would happen.

Ms. Ashley DuFrene, 118 North St. Andrews Drive, stated she was fighting developments for over two years. She expressed concerns regarding location and potential river contamination, and requested the Commission speak on behalf of all the residents against the development.

Mr. Richard Lyon, 14 Moonglow Drive, expressed concerns regarding traffic and proximity to airport and the potential accidents.

Ms. Mary Beth Cunningham, 54 Grizzly Bear Path, wanted the Commission to know how strongly the residents felt about the proposed development. She expressed concerns regarding exhaust, smells, environmental contamination; and noted she planned on going to the county as well.

Mr. Gary Biermann, 115 Bear Creek Path, shared his history with safety and security assessments on refineries. He stated he provided a detailed email to Commissioner Tolland in which he asked she share with the Commission and County Council. He stated independent studies were completed by the county regarding safety, security, traffic impacts and ecological impacts.

Mr. Craig Smith, 3036 Silvermines Avenue, echoed the concerns previously mentioned. He added the county should look at roads and maintenance upkeep from the heavy use by the large trucks. He inquired if a petition could be completed to be presented at the county level; whereby, Mayor Partington stated he anticipated the county to be expecting petitions, signs, t-shirts and more from the concerned citizens.

Mayor Partington stated he texted Volusia County Council member Troy Kent regarding the turnout; whereby, Councilman Kent responded stating he was “totally against it and would be talking about it at the county later in the evening and would rally to get all other Council members with him as it was the wrong location.”

Ms. Robin Flannery, 46 Grizzly Bear Path, stated she understood the city’s hands were tied. She inquired if there was any ground on endangered species and potential sink holes. She requested if the project was approved for there to be mitigating conditions including new roads specifically for the trucks, buffer zones, and taxes or concessions for the two nearby elementary schools.

Ms. Bonnie Gibert, 84 South Beach Street, thanked the Commission for their support. She expressed concerns regarding safety, green space, and air quality.

Mr. Arthur Gibert, 84 South Beach Street Unit 102, shared his experience with three different explosions. He expressed concerns regarding economic impacts, traffic, environment impact, groundwater impacts, heat waves, train wrecks, and tanker truck accidents.

Ms. Nancy Bates, 1 Indian Bear Path, requested the Commission help the residents prevent the property development. She voiced concerns regarding the proximity of the property to her home, home insurance increases, and property values lowering.

Mr. Tom Fitzgibbon, 51 South St. Andrews Drive, reviewed his history with the city and expressed concerns of overcrowding, increased traffic, city provided utilities for Daytona Beach's Avalon Park, well water pollution, jets at the airport, and increased property taxes.

Mr. Joe Will, 78 Emerald Oaks Lane, reviewed his history with the city and expressed opposition to the development. He requested the Commission do something to help prevent the development.

Ms. Cindy Panarello, 102 Bear Foot Trail, stated the residents were relying on the Commission to prevent the development. She stated there was no documentation regarding the positives of the development to the residents and community. She inquired if there were any intervention options available to the Commission.

Mr. J.C. Juanis, 22 Koala Bear Path, expressed concerns regarding the public disclosure of the project and noted his opposition to the project.

Mr. David Bell, 153 Seminole Drive, voiced concerns regarding the tanker trucks, traffic, proximity, and citizen and child safety.

Ms. Sheila Lind, 35 Grizzly Bear Path, expressed concerns regarding the public disclosure of the project, the interstate interchange redesign, property values, and potential accidents. She noted if a train stopped at the property it would block the back exit from the Bear Creek community leaving only one exit in the event of an emergency.

Ms. Lynnette Johnson, 26 Waterbluff Drive, explained concerns regarding over-development, traffic, and issues during special events and flooding. She inquired about the zoning and payment of needed infrastructure.

Ms. Rebecca Mansali, 764 Hope Street, voiced concerns regarding the lack of healthcare resources including medical emergency services, overcrowded hospitals, lack of availability with primary care physicians, and potential increase of cancer. She inquired if the city could purchase the land and what the city could do to help.

Mayor Partington explained the FDEP decision would need to be appealed within 30 days, noting it was filed on August 1, 2023.

Commissioner Briley thanked the residents for speaking and noted he agreed with several of the concerns including traffic, location, and potential airport accident.

Commissioner Briley moved, seconded by Commissioner Sargent, for staff to compose a letter of objection on behalf of the Commission to the FDEP regarding the Air Construction Permit for Belvedere Terminals.

Commissioner Persis agreed with Commissioner Briley and was in favor of opposing the development and to do whatever the city could to stop the development.

Commissioner Tolland explained the impact of those who spoke, thanked Mayor Partington for his remarks, and was pleased the Commission was engaging the Volusia County Council for their support.

Ms. Shanahan stated there was not another Commission meeting before the 30-day deadline and was seeking direction for staff to prepare the letter; whereby, all were in agreeance. Ms. Shanahan stated she would work with Mr. Hayes to draft the letter.

Mayor Partington inquired if the entire Commission should sign; whereby, Mr. Hayes stated the city would look into other avenues and staff would report back at an upcoming City Commission meeting. Mr. Hayes stated if the Commission provided broad general direction to take any and all appropriate action whether administrative or through legal

processes deemed appropriate by the City Attorney and City Manager in their professional opinions they could proceed without a special meeting.

Mayor Partington agreed wanting an appeal of the letter by FDEP also termed as an objection by Commission Briley. Mayor Partington inquired if the Commission agreed with what Mr. Hayes proposed; whereby, all were agreeable.

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

Commissioner Sargent moved, seconded by Commissioner Tolland, for staff to compose a letter of opposition on behalf of the Commission to the Volusia County Council and all Volusia County legislative delegates including the Governor and Congressman regarding the development of the facility.

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

Commissioner Tolland moved, seconded by Commissioner Persis, for staff to compose a letter on behalf of the Commission to Belvedere Terminals expressing their concerns regarding the intended use not being at an appropriate location.

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

Mayor Partington recessed the City Commission meeting at 8:44 p.m.

Mayor Partington reconvened the City Commission meeting at 8:52 p.m.

Item #6 – Approval of Minutes

Mayor Partington advised the minutes of the August 1, 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 Sargent, for approval of the August 1, 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 Items 7D and 7E be pulled from the Consent Agenda.

Mayor Partington requested Item 7I be pulled from the Consent Agenda.

Commissioner Persis moved, seconded by Commissioner Briley, for approval of the consent agenda absent Items 7D, 7E, and 7I.

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

Item #7D – CPI Rate Adjustment - Athletic Field Maintenance Services

City Clerk Susan C. Dauderis read by title only:

RESOLUTION NO. 2023-130
A RESOLUTION AUTHORIZING A COST OF LIVING INCREASE BASED ON THE CONSUMER PRICE INDEX PURSUANT TO THE AMENDMENT AND RESTATEMENT OF AGREEMENT FOR FIELD MAINTENANCE SERVICES BETWEEN THE CITY OF ORMOND BEACH AND AUSTIN OUTDOOR, LLC D/B/A YELLOWSTONE LANDSCAPE, INC.; AND SETTING FORTH AN EFFECTIVE DATE.

Commissioner Briley moved, seconded by Commissioner Persis, for approval of Resolution No. 2023-130, as read by title only.

Commissioner Sargent inquired about the Commission approving the Yellowstone Landscape, Inc. contract renewal about two months ago and now subsequently reviewing a request for a cost of living increase for items 7D and 7E totaling around \$75,000 and requested the increase be approved simultaneously with the renewal; whereby, Ms. Shanahan stated the vendor was entitled to request the increase per the contract.

Mayor Partington clarified the vendor was entitled to ask; whereby, Ms. Shanahan stated that was correct.

Commissioner Sargent expressed concern for the increase and noted he still had concerns regarding the mulch and weeds in the medians.

Mr. Robert Carolin, Leisure Services Director, explained the increase could not be included with the renewal as the Consumer Price Index (CPI) was calculated at a certain time each year and the contract renewal was before the CPI was officially calculated.

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

Item #7E – CPI Adjustment for Grounds Maintenance

City Clerk Susan C. Dauderis read by title only:

RESOLUTION NO. 2023-131
A RESOLUTION AUTHORIZING A COST OF LIVING INCREASE BASED ON THE CONSUMER PRICE INDEX PURSUANT TO THE GROUNDS MAINTENANCE SERVICES AGREEMENT BETWEEN THE CITY OF ORMOND BEACH AND AUSTIN OUTDOOR, LLC D/B/A YELLOWSTONE LANDSCAPE, INC.; AND SETTING FORTH AN EFFECTIVE DATE.

Commissioner Briley moved, seconded by Commissioner Persis, for approval of Resolution No. 2023-131, as read by title only.

Commissioner Sargent explained the item was pulled for the same reason as 7D.

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

Item #7I – FY 2022 Edward Byrne Memorial JAG County-wide Program Funds

Commissioner Persis moved, seconded by Commissioner Briley, for approval of Item 7I, Disposition Item titled FY 2022 Edward Byrne Memorial JAG County-wide Program Funds.

Mayor Partington explained he pulled the item as retired Judge Joseph Will was present and wanted to acknowledge the funding for the SMA Healthcare Adult Drug Court program, noting Judge Will founded the program.

Judge Will expressed his support of the program.

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

Comments on the Consent Agenda

Commissioner Tolland commented on Items 7D and 7E regarding the landscaping and maintenance, noting she hoped Yellowstone would look into the mulch and see if there were any areas where native ground cover could be utilized instead of mulch recognizing Item 7N as a pilot program for using native ground covering. She provided a brochure for the Florida Friendly Landscape for Communities to Mr. Spraker. She inquired about Item 7J regarding the Information Technology contract and cybersecurity; whereby, Ms. Shanahan stated there were regulations that affected cities and counties differently and noted the city was on track for the 2024 deadline.

Commissioner Persis expressed her support for Item 7G regarding the lighting packages for the police vehicles.

Item #8 – Public Hearings

Mayor Partington opened the Public Hearings.

Item #8A – Bradford Park, Annexation

City Clerk Susan C. Dauderis read by title only:

ORDINANCE NO. 2023-44
AN ORDINANCE ANNEXING SIX PARCELS OF REAL PROPERTY INTO THE CITY OF ORMOND BEACH, SAID PROPERTY LOCATED SOUTH OF PENNSYLVANIA AVENUE, WEST OF PLANTATION OAKS BOULEVARD AND EAST OF INTERSTATE I-95 (VOLUSIA COUNTY PARCEL NUMBERS: 3136-01-09-0001, 3136-01-08-0010, 3136-01-07-0010, 3136-01-01-0021, 3136-01-21-0050, AND 3136-01-01-001A); AND ANNEXING PORTIONS OF THE INDIANA AVENUE RIGHT-OF-WAY, BENTON STREET RIGHT-OF-WAY, AND ROSEMARY STREET RIGHT-OF-WAY; 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)**

Commissioner Persis moved, seconded by Commissioner Tolland, for approval of Ordinance No. 2023-44, 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 – 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.

Commissioner Briley moved, seconded by Commissioner Tolland, for approval of Ordinance No. 2023-45, on first reading, as read by title only.

Mayor Partington stated the Item came with a six to zero Planning Board recommendation.

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

Mayor Partington closed the public hearings.

Item #9 – Reports, Suggestions, Requests

Condolences

Ms. Shanahan thanked the Commission for their condolences on the loss of the two city employees.

Events and Congratulations

Ms. Claire Whitley, Assistant City Manager, explained there may need to be a special meeting regarding the Tomoka Reserve project and offered September 26, 2023 or September 27, 2023 as potential dates dependent upon the August 21, 2023 Planning Board meeting; whereby the entire Commission was available for both dates. She stated the meeting date would be confirmed at the next City Commission meeting.

Commissioner Briley discussed the events he attended including a Volusia League of Cities dinner and Florida League of Cities (FLC) convention.

Commissioner Tolland congratulated Ms. Bower on her retirement. She discussed the events she attended and upcoming meetings including the FLC convention, Ormond Beach MainStreet (MainStreet), and the Opioid Abatement Task Force meeting. She inquired if there could be a workshop regarding the Cassen Park design; whereby, Ms. Whitley explained Public Works Director Shawn Finley was working with the designers to schedule a meeting to review the final draft in the next couple of weeks, noting then staff would schedule a workshop to bring back to the Commission.

Commissioner Sargent thanked staff for their work on the budget.

Commissioner Persis discussed the events she attended including Ormond Beach Police Officer Gregory Stokes’ retirement, Ormond Beach Chamber of Commerce Business After Hours, and the FLC convention and the meetings she attended while there.

Mayor Partington stated he attended the FLC convention, where he received the Gold Certificate of Excellence, and discussed the meetings he attended. He congratulated Ms. Bower on her retirement. He stated he received a survey from MainStreet and requested the rest of the Commission complete the survey they received.

Commissioner Briley, Commissioner Tolland and Mayor Partington thanked Mr. Spraker and Mr. Glenn Storch for their presentation at the FLC convention.

Bidding Process

Commissioner Briley inquired when the last time the city bid out the insurance brokers for the employee benefits; whereby, Ms. Shanahan stated the insurance broker contract renewed in early September and requires a 90-day notice of cancellation. She stated if

the Commission desired staff could solicit proposals for the 2024 year; whereby, Mayor Partington, Commissioner Briley and Commission Persis stated their support.

Mayor Partington expressed support for staff to look at the insurance contract and suggested any contracts that were not recently bid on city wide could be re-bid to make sure the city was receiving a fair competitive rate.

Item #10 – Adjournment

The meeting was adjourned at 9:19 p.m.

APPROVED: September 6, 2023

BY: Bill Partington
Bill Partington, Mayor

ATTEST:

S. Dauderis
Susan Carroll Dauderis,
City Clerk

