

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

April 16, 2024

6:00 p.m.

Commission Chambers

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

A G E N D A

- 1. CALL TO ORDER**
- 2. INVOCATION**
- 3. PLEDGE OF ALLEGIANCE**
- 4. PRESENTATIONS AND PROCLAMATIONS**
 - A. Ike Leary
 - B. National Crime Victims' Rights Week
- 5. AUDIENCE REMARKS - REGARDING ITEMS NOT ON THE AGENDA**
- 6. APPROVAL OF MINUTES**
 - A. Minutes from City Commission meeting - April 2, 2024
- 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. 2024-56:** A RESOLUTION AUTHORIZING THE ACCEPTANCE OF A GRANT AWARD FROM THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION REGARDING FUNDING FOR THE CONSTRUCTION OF A STORMWATER PUMP STATION AND FORCE-MAIN ALONG FLEMING AVENUE; RATIFYING THE EXECUTION OF AN AGREEMENT; AUTHORIZING THE EXECUTION OF ALL DOCUMENTS NECESSARY AND INCIDENTAL THERETO; AND SETTING FORTH AN EFFECTIVE DATE.
Staff Contact: *Brian Rademacher, Economic Development Director, (386) 676-3266*
 - B. RESOLUTION NO. 2024-57:** A RESOLUTION AUTHORIZING THE EXECUTION OF A GRANT AGREEMENT BETWEEN THE CITY AND THE STATE OF FLORIDA DEPARTMENT OF COMMERCE REGARDING FUNDING FOR DESIGN WORK AND PRE-DEVELOPMENT ACTIVITIES FOR A DOWNTOWN COMMUNITY CENTER; 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: *Brian Rademacher, Economic Development Director, (386) 676-3266*
 - C. RESOLUTION NO. 2024-58:** A RESOLUTION AUTHORIZING THE EXECUTION OF AMENDMENT #1-2024 TO THAT CONTRACT AWARDED TO AUSTIN OUTDOOR, LLC D/B/A YELLOWSTONE LANDSCAPE REGARDING GROUNDS MAINTENANCE SERVICES, BY INCREASING THE CONTRACT PRICE BY \$14,237.00; AND SETTING FORTH AN EFFECTIVE DATE.
Staff Contact: *Robert Carolin, Leisure Services Director,*

(386) 676-3279

D. Construction & Demolition Franchise Renewal for Hubbard Construction Company dba Mid Florida Materials

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

Disposition: Approve as recommended in the City Manager staff report dated April 16, 2024.

E. City Manager's Monthly Report, April 2024

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

Disposition: Accept as information as recommended in the City Manager staff report dated April 16, 2024.

8. PUBLIC HEARINGS

- A. ORDINANCE NO. 2024-02:** AN ORDINANCE AMENDING THE FUTURE LAND USE ELEMENT OF THE COMPREHENSIVE PLAN OF THE CITY OF ORMOND BEACH BY AMENDING THE FUTURE LAND USE MAP TO CHANGE THE DESIGNATION OF 1.33± ACRES, LOCATED ALONG BENTON STREET, NORTH OF ATLANTIC ROAD (VOLUSIA COUNTY PARCEL NUMBERS 3136-01-34-0220 AND 3136-01-01-0022) FROM 'MEDIUM DENSITY RESIDENTIAL' TO "LOW INTENSITY COMMERCIAL"; PROVIDING FOR CONFLICT; AUTHORIZING TRANSMITTAL; AND SETTING FORTH AN EFFECTIVE DATE.

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

- B1. ORDINANCE NO. 2024-03:** 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 APPROXIMATELY 147.94 ACRES LOCATED AT 20 TOMOKA OAKS BOULEVARD, VOLUSIA COUNTY PROPERTY APPRAISER PARCEL IDENTIFICATION NUMBER: 3242-07-00-0010 FROM PRD, PLANNED RESIDENTIAL DEVELOPMENT TO R-2, SINGLE-FAMILY LOW DENSITY; AUTHORIZING REVISION OF OFFICIAL ZONING MAP; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; AND SETTING FORTH AN EFFECTIVE DATE. **(OPTION 1)**

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

- B2. RESOLUTION NO. 2024-64:** A RESOLUTION OF THE CITY OF ORMOND BEACH, FLORIDA, APPROVING AN ORDER OF DENIAL, DENYING A REQUEST BY TRIUMPH OAKS OF ORMOND BEACH I, LLC, TO REZONE 147.94 ACRES GENERALLY LOCATED AT 20 TOMOKA OAKS BOULEVARD FROM PLANNED RESIDENTIAL DEVELOPMENT ("PRD") TO SINGLE-FAMILY LOW DENSITY RESIDENTIAL (R-2); AND SETTING FORTH AN EFFECTIVE DATE. **(OPTION 2)**

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

- C. RESOLUTION NO. 2024-59:** A RESOLUTION AUTHORIZING THE EXECUTION AND ISSUANCE OF A FIRST AMENDED

DEVELOPMENT ORDER FOR A SPECIAL EXCEPTION REGARDING "TOMOKA CHRISTIAN CHURCH", LOCATED AT 1450 HAND AVENUE WITHIN THE SR, SUBURBAN RESIDENTIAL ZONING DISTRICT, TO ALLOW THE CONSTRUCTION OF A STANDALONE TWO-STORY BUILDING OF APPROXIMATELY 20,000 SQUARE FEET; ESTABLISHING CONDITIONS AND EXPIRATION DATE OF APPROVAL; AND SETTING FORTH AN EFFECTIVE DATE.

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

- D. **RESOLUTION NO. 2024-60:** A RESOLUTION AUTHORIZING THE EXECUTION AND ISSUANCE OF A DEVELOPMENT ORDER FOR A SPECIAL EXCEPTION REGARDING THE "7-ELEVEN CONVENIENCE STORE" LOCATED AT 3 NORTH YONGE STREET; TO ALLOW TWO ELECTRONIC CHANGEABLE COPY SIGNS FOR THE RETAIL PRICES OF GASOLINE; ESTABLISHING CONDITIONS AND EXPIRATION DATE OF APPROVAL; AND SETTING FORTH AN EFFECTIVE DATE.

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

- E. **RESOLUTION NO. 2024-61:** A RESOLUTION AUTHORIZING THE EXECUTION AND ISSUANCE OF A DEVELOPMENT ORDER FOR A SPECIAL EXCEPTION REGARDING THE "7-ELEVEN CONVENIENCE STORE" LOCATED AT 460 SOUTH ATLANTIC AVENUE; TO ALLOW AN ELECTRONIC CHANGEABLE COPY SIGN FOR THE RETAIL PRICES OF GASOLINE; ESTABLISHING CONDITIONS AND EXPIRATION DATE OF APPROVAL; AND SETTING FORTH AN EFFECTIVE DATE.

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

- F. **RESOLUTION NO. 2024-62:** A RESOLUTION AUTHORIZING THE EXECUTION AND ISSUANCE OF A DEVELOPMENT ORDER FOR A SPECIAL EXCEPTION REGARDING THE "7-ELEVEN CONVENIENCE STORE" LOCATED AT 1546 WEST GRANADA BOULEVARD; TO ALLOW AN ELECTRONIC CHANGEABLE COPY SIGN FOR THE RETAIL PRICES OF GASOLINE; ESTABLISHING CONDITIONS AND EXPIRATION DATE OF APPROVAL; AND SETTING FORTH AN EFFECTIVE DATE.

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

- G. **RESOLUTION NO. 2024-63:** A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF ORMOND BEACH, FLORIDA, AUTHORIZING THE EXECUTION OF A MURAL OWNERSHIP AGREEMENT TO ALLOW A MURAL TO BE INSTALLED ON THE WEST FACING WALL OF THE BUILDING LOCATED AT 51 WEST GRANADA BOULEVARD, BETWEEN THE CITY OF ORMOND BEACH; BILL JONES, HIGHLANDER CORPORATION (BUILDING OWNER); AND BETH O'CONNOR (ARTIST); AND SETTING FORTH AN EFFECTIVE DATE.

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

9. SECOND READING OF ORDINANCES

- A. **ORDINANCE NO. 2024-01:** AN ORDINANCE REGARDING THE OFFICE OF MAYOR AND CITY COMMISSIONERS FOR ZONES 1 THROUGH 4 BY PROVIDING FOR AND CALLING A PRIMARY MUNICIPAL ELECTION OF THE REGISTERED ELECTORS OF THE CITY OF ORMOND BEACH TO BE HELD ON AUGUST 20,

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

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 Item 7C be pulled from the Consent Agenda.

Commissioner Briley moved, seconded by Commissioner Persis, for approval of the consent agenda, absent Item 7C.

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

Item #7C – Amendment to the City’s existing contract with Yellowstone Landscape

City Clerk Susan C. Dauderis read by title only:

RESOLUTION NO. 2024-58
A RESOLUTION AUTHORIZING THE EXECUTION OF AMENDMENT #1-2024 TO THAT CONTRACT AWARDED TO AUSTIN OUTDOOR, LLC D/B/A YELLOWSTONE LANDSCAPE REGARDING GROUNDS MAINTENANCE SERVICES, BY INCREASING THE CONTRACT PRICE BY \$14,237.00; AND SETTING FORTH AN EFFECTIVE DATE.

Commissioner Sargent expressed concerns regarding the contract and mulch in the medians. He requested reviewing the medians at the next budget meeting or potentially re-bidding the contract.

Mayor Partington stated it would be appropriate to review at the next budget workshop.

Commissioner Briley moved, seconded by Commissioner Persis, for approval of Resolution No. 2024-58, as read by title only.

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

Comments on the Consent Agenda

Commissioner Tolland stated the benefits for replacing the mulch in the medians with native plantings. She expressed support of Item 7A regarding the acceptance of a grant for the Fleming Avenue Storm-water Pump Station and Force-main.

Item #8 – Public Hearings

Mayor Partington opened the Public Hearings.

Item #8A – Woodsprings Suites, Comprehensive Plan Land Use Map Amendment

Mayor Partington explained there was a request from the applicant to continue to the item to a future meeting.

Commissioner Briley moved, seconded by Commissioner Persis, to Continue Ordinance No. 2024-02.

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

Mayor Partington explained staff was requesting to move items 8C, 8D, 8E, 8F, and 8G before Item 8B.

Commissioner Persis moved, seconded by Commissioner Sargent, to move items 8C, 8D, 8E, 8F, and 8G before Item 8B.

Motion passed by voice vote.

Item #8C – Tomoka Christian Church, Special Exception

City Clerk Susan C. Dauderis read by title only:

RESOLUTION NO. 2024-59
A RESOLUTION AUTHORIZING THE EXECUTION AND ISSUANCE OF A FIRST AMENDED DEVELOPMENT ORDER FOR A SPECIAL EXCEPTION REGARDING “TOMOKA CHRISTIAN CHURCH”, LOCATED AT 1450 HAND AVENUE WITHIN THE SR, SUBURBAN RESIDENTIAL ZONING DISTRICT, TO ALLOW THE CONSTRUCTION OF A STANDALONE TWO-STORY BUILDING OF APPROXIMATELY 20,000 SQUARE FEET; ESTABLISHING CONDITIONS AND EXPIRATION DATE OF APPROVAL; AND SETTING FORTH AN EFFECTIVE DATE.

Mr. Steven Spraker, Planning Director, explained the item was for a Special Exception at Tomoka Christian Church and reviewed the request details. He stated the Planning Board approved the item with a six to zero vote.

Commissioner Briley moved, seconded by Commissioner Tolland, for approval of Resolution No. 2024-59, as read by title only.

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

Item #8D – 3 North Yonge Street, 7-Eleven, Electronic Changeable Copy Signage, Special Exception

City Clerk Susan C. Dauderis read by title only:

RESOLUTION NO. 2024-60
A RESOLUTION AUTHORIZING THE EXECUTION AND ISSUANCE OF A DEVELOPMENT ORDER FOR A SPECIAL EXCEPTION REGARDING THE “7-ELEVEN CONVENIENCE STORE” LOCATED AT 3 NORTH YONGE STREET; TO ALLOW TWO ELECTRONIC CHANGEABLE COPY SIGNS FOR THE RETAIL PRICES OF GASOLINE; ESTABLISHING CONDITIONS AND EXPIRATION DATE OF APPROVAL; AND SETTING FORTH AN EFFECTIVE DATE.

Mr. Steven Spraker, Planning Director, explained items 8D, 8E, and 8F were all related and were for a Special Exception to allow for the retail prices of gasoline to be displayed on an electronic changeable sign. He stated the Planning Board recommended approval with a five to one vote.

Commissioner Sargent inquired how often the signage would change; whereby, Mr. Spraker stated the city ordinances required the sign to stay solid for six-hour increments.

Commissioner Persis and Commissioner Briley expressed support of the items.

Commissioner Tolland inquired if other businesses should be afforded Special Exceptions for electronic signage and requested the Commission consider asking staff to bring information back to the Commission.

Commissioner Briley expressed support of a review of the electronic signage for other businesses.

Commissioner Persis moved, seconded by Commissioner Tolland, for approval of Resolution No. 2024-60, as read by title only.

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

Item #8E – 460 South Atlantic Avenue, 7-Eleven, Electronic Changeable Copy Signage, Special Exception

City Clerk Susan C. Dauderis read by title only:

RESOLUTION NO. 2024-61

A RESOLUTION AUTHORIZING THE EXECUTION AND ISSUANCE OF A DEVELOPMENT ORDER FOR A SPECIAL EXCEPTION REGARDING THE “7-ELEVEN CONVENIENCE STORE” LOCATED AT 460 SOUTH ATLANTIC AVENUE; TO ALLOW AN ELECTRONIC CHANGEABLE COPY SIGN FOR THE RETAIL PRICES OF GASOLINE; ESTABLISHING CONDITIONS AND EXPIRATION DATE OF APPROVAL; AND SETTING FORTH AN EFFECTIVE DATE.

Commissioner Briley moved, seconded by Commissioner Sargent, for approval of Resolution No. 2024-61, as read by title only.

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

Item #8F – 1546 West Granada Boulevard, 7-Eleven, Electronic Changeable Copy Signage, Special Exception

City Clerk Susan C. Dauderis read by title only:

RESOLUTION NO. 2024-62

A RESOLUTION AUTHORIZING THE EXECUTION AND ISSUANCE OF A DEVELOPMENT ORDER FOR A SPECIAL EXCEPTION REGARDING THE “7-ELEVEN CONVENIENCE STORE” LOCATED AT 1546 WEST GRANADA BOULEVARD; TO ALLOW AN ELECTRONIC CHANGEABLE COPY SIGN FOR THE RETAIL PRICES OF GASOLINE; ESTABLISHING CONDITIONS AND EXPIRATION DATE OF APPROVAL; AND SETTING FORTH AN EFFECTIVE DATE.

Commissioner Persis moved, seconded by Commissioner Sargent, for approval of Resolution No. 2024-62, as read by title only.

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

Item #8G – 51 West Granada Boulevard, Fern & Fable, Original Artwork Mural

City Clerk Susan C. Dauderis read by title only:

RESOLUTION NO. 2024-63

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF ORMOND BEACH, FLORIDA, AUTHORIZING THE EXECUTION OF A MURAL OWNERSHIP AGREEMENT TO ALLOW A MURAL TO BE INSTALLED ON THE WEST FACING WALL OF THE BUILDING LOCATED AT 51 WEST GRANADA BOULEVARD, BETWEEN THE CITY OF ORMOND BEACH; BILL JONES, HIGHLANDER CORPORATION (BUILDING OWNER); AND BETH O’CONNOR (ARTIST); AND SETTING FORTH AN EFFECTIVE DATE.

Mr. Steven Spraker, Planning Director, explained the item was for a mural within the Downtown Overlay District. He stated the Ormond Beach Arts District Board did review and approved the design.

Commissioner Sargent inquired what the process would be if the applicant wanted to change the mural; whereby, Mr. Spraker stated they would need to go through the entire process again.

Commissioner Persis expressed support of the item and the Ormond Beach Arts District Board.

Commissioner Tolland inquired who managed the upkeep of the mural; whereby, Mr. Spraker stated the business owner would.

Commissioner Briley moved, seconded by Commissioner Sargent, for approval of Resolution No. 2024-63, as read by title only.

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

Item #8B – Tomoka Reserve, Zoning Map Amendment

Mr. Randy Hayes, City Attorney, reviewed the items history including the prior application, current application and the options presented to the Commission on the agenda. He explained the differences between Items 8B option 1 and 8B option 2. He discussed the Commissions role in determining which option to choose. He explained procedural items needed including reviewing the Tomoka Oaks Homeowners Association (HOA) request for party intervener status and reviewed the order of business.

Ms. Susan Dauderis, City Clerk, provided the Oath to all those who would testify.

Mr. Dennis Bayer, Attorney for the HOA, explained the history of the HOA’s party-intervener status, reasons how the HOA meets the party-intervener status, and meetings the HOA had with the applicant.

Mr. Karl Sanders, Attorney for the Applicant, stated the applicant had no objection to the HOA holding party-intervener status, noting the objection was jurisdictional.

Commissioner Briley moved, seconded by Commissioner Sargent, for approval of the Tomoka Oaks HOA representatives to grant Party-Intervener Status.

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

Mr. Spraker explained Item 8B option 1 was for a zoning map amendment to go from Planned Residential Development (PRD) to Single-Family Low Density (R-2) residential subdivision. He discussed the history of the property and explained what the item was requesting, noting the amendment allowed certain entitlements. He reviewed the process if the R-2 was approved. He discussed other potential zonings. He stated the Planning Board recommended denial with a seven to zero vote.

Mayor Partington asked the applicant to speak, followed by the HOA, noting they each had 20 minutes.

Mr. Sanders stated the item was not a rezoning application, noting there was no development for the Commission to consider. He provided additional documents for the Commission and noted he would not be utilizing them, but wanted them on record. He discussed the zoning map amendment, prior application, and current application, noting a designation was required by law and discussed how the developer could proceed if the item was denied. He asked Mr. Mark Karet, witness for the applicant, a series of questions based on Mr. Karet’s memorandum; one of the items submitted to the record.

He requested additional time; whereby, Mayor Partington confirmed with the Commission and granted an additional five minutes to Mr. Sanders. Mr. Sanders continued to ask Mr. Karet questions related to his memorandum and prior city staff memorandums.

Mr. Dennis Bayer, HOA party-intervenor, asked Mr. Karet several questions related to the memorandums. He requested the Commission listen to city staff and Planning Board guidance, and deny the application. He also discussed Snyder case law.

Mr. Tom Harowski, HOA party-intervenor, reviewed his experience as a professional planner and discussed his report previously provided highlighting density, traffic, and zoning options.

Ms. Carolyn Davis, 46 Oakmont Circle, reviewed the history of Tomoka Oaks and the golf course. She requested the Commission deny the application and protect the character of the Tomoka Oaks subdivision.

Mr. Jeff Boyle, 614 North Halifax Drive, asked the Commission consider density, traffic safety, adjacent property rights, and quality of life. He reviewed the background of the property and requested the Commission uphold the stance from the prior Commission in 2006.

Ms. Marcia Rudman, 1 Tomoka Oaks Boulevard Unit 116, voiced concerns regarding maintaining the character of the neighborhood.

Ms. Darla Widnall, 7 Shawnee Trail, thanked staff and the Commission for their work and research on the item. She discussed the residents desire for a golf course based on the Ormond Beach Parks and Recreation Master Plan. She discussed the protected roadway within Tomoka Oaks and shared concerns regarding the character of the neighborhood.

Ms. Barb Moor, 11 Oakmont Circle, expressed support of the golf course and concerns regarding the development.

Ms. Ellen Cook, 1 Tomoka Boulevard Unit 120, reviewed her history in the Tomoka Oaks neighborhood and highlighted concerns regarding traffic.

Mr. David Colee, 165 Sands Park Boulevard, Daytona Beach, stated support of the zoning amendment.

Ms. Haley Osborn, 219 Rio Pinar Drive, provided an overview of the wildlife on the golf course and noted concerns regarding the traffic safety, green space, and flooding.

Ms. Connie Colby, 108 Roble Lane, voiced concerns regarding traffic, home values, and lack of trust with the applicant.

Ms. Barbara Bonarrigo, 10 Clydesdale Drive, shared the golf course's impact on the community, and requested the decision made on this matter consider that impact.

Ms. Mary Pat Whiteside, 29 North Saint Andrews Drive, relayed the reasons she chose Tomoka Oaks to live and communicated concerns regarding the integrity and character of the neighborhood.

Ms. Kristen Deaton, 80 Shadow Creek Way, indicated she supported the denial of the application based on the integrity of the neighborhood

Mr. Robert Banker, 1 Tomoka Oaks Boulevard Unit 135, voiced concerns regarding over-crowding, safety, stress on infrastructure, and intended use of the land, noting there was no need for the development and the Planning Board denied the application.

Ms. Debbie Brown, 90 North Saint Andrews Drive, encouraged the Commission to support the Planning Board recommendation of denial. She expressed concerns regarding the lack of community input in the developer's application after the neighborhood meetings.

Mr. John Measel, 16 Eagle Court, stated concerns regarding property values and traffic. He encouraged the developers to compromise with the neighborhood's desires.

Ms. Ashley DuFrene, 118 North Saint Andrews Drive, expressed concerns regarding overcrowding, lack of green space, and lack of respect for the neighborhood.

Ms. Susan Hyre, 50 Pine Valley Circle, reviewed her family's history in the community.

Mr. Charlie Hyre, 50 Pine Valley Circle, questioned the intent of the application and developers. He reviewed his family's history in the community and communicated concerns for traffic, school buses, and neighborhood character.

Mr. Paul Hughes, 4 Lauren Court, discussed potential actions to be taken by the developer and concerns regarding the ingress and egress to the neighborhood.

Mr. Arthur Armstrong, 77 Emerald Oaks Lane, voiced concerns regarding traffic and comments said by Mr. Sanders.

Mayor Partington recessed the meeting at 8:22 p.m.

Mayor Partington reconvened the meeting at 8:36 p.m.

Ms. Bonnie Kloepfer, 23 Tomoka Oaks Boulevard, shared concerns regarding the city and neighborhood infrastructure and noted disapproval of the developers.

Ms. Denise White, 9 Fox Run Trail, stated hope to see a reduction in the number of proposed homes. She indicated concern for traffic, pedestrian safety, and lack of sidewalks.

Ms. Missy Herrero, 111 North Saint Andrews Drive, voiced concerns regarding neighborhood infrastructure, city infrastructure, and traffic.

Ms. Michelle Zirkelbach, 328 River Bluff Drive, relayed her disappointment of the comments made by Mr. Sanders and concerns for lack of support of the project. She discussed lack of infrastructure in parks and recreation, quality of life, and schools.

Mr. Randy Hendrix, 9 Tomoka View, discussed his history with the neighborhood and concerns regarding safety, ingress, egress, and pedestrian safety, noting if a new zoning category was needed the city should evaluate that.

Mr. Frank Molnar, 1612 Turnbull Crossing Drive, New Smyrna Beach, expressed support of the project and remarked on the developers, lot size, and other nearby developments.

Mr. Bayer reviewed concerns regarding the documents submitted during the meeting, expectations from the developer when the property was purchased, and noted the uniqueness of the property. He requested the Commission base their decision on logic, facts, and the records properly provided, and deny the R-2 zoning.

Mr. Sanders indicated the Commission should focus on the facts regarding the zoning amendment. He reviewed the law surrounding the amendment, community input, and developers' rights, noting the original staff report stated there were no zoning entitlements for the property under the existing PRD label.

Commissioner Briley discussed the Tomoka Oaks and The Trails subdivisions, the ingress, and egress and inquired if the subdivision would be approved with the current Land Development Code (LDC) and Code of Ordinances; whereby, Mr. Spraker stated it would not. Commissioner Briley discussed the HOA of the subdivisions and potential future concerns. He referenced other zoning designations; whereby, Mr. Spraker noted the other zoning designations explaining why staff felt the PRD was the most appropriate. He reviewed the safety of the neighborhood and the residential zoning of the property. He expressed his displeasure of receiving documents from the applicant during the meeting noting there was no time to review them before making a decision.

Commissioner Persis thanked Ms. Davis for research on the property. She stated she would not support the item and provided her reasons such as PRD alignment with the LDC, traffic concerns, density, loss of green space, lack of infrastructure, and notes support of the resolution of denial.

Commissioner Tolland emphasized her dissatisfaction of receiving documents during the meeting, some comments made by Mr. Sanders, and lack of compromise by the

developers. She stated the PRD was the most appropriate zoning for the uniqueness of the property and discussed the 2006 proposal, roadways, open space, and density.

Commissioner Sargent referenced the 2006 proposal and the lack of negotiation with the current application. He communicated dissatisfaction with the applicant regarding the packets submitted during the meeting, comments made by Mr. Sanders, thanked the citizens for their input, and remarked on the appropriateness of a PRD instead of the R-2.

Mayor Partington reviewed the decision made in 2006, noting the smart growth. He stated he did not believe the applicant met the competent substantial evidence standard required. He referenced the unanimous recommendation of denial by the Planning Board, staff’s denial recommendation, and professional opinions provided in the agenda packet. He remarked that the PRD would be more appropriate.

Commissioner Persis moved, seconded by Commissioner Tolland, for approval of Resolution No. 2024-64, as read by title only.

City Clerk Susan C. Dauderis read by title only:

RESOLUTION NO. 2024-64
A RESOLUTION OF THE CITY OF ORMOND BEACH, FLORIDA, APPROVING AN ORDER OF DENIAL, DENYING A REQUEST BY TRIUMPH OAKS OF ORMOND BEACH I, LLC, TO REZONE 147.94 ACRES GENERALLY LOCATED AT 20 TOMOKA OAKS BOULEVARD FROM PLANNED RESIDENTIAL DEVELOPMENT (“PRD”) TO SINGLE-FAMILY LOW DENSITY RESIDENTIAL (R-2); AND SETTING FORTH AN EFFECTIVE DATE. **(OPTION 2)**

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

Mayor Partington closed the Public Hearings.

Item #9 – Second Reading of Ordinances

Item #9A – Ordinance Calling 2024 Regular City Election

City Clerk Susan C. Dauderis read by title only:

ORDINANCE NO. 2024-01
AN ORDINANCE REGARDING THE OFFICE OF MAYOR AND CITY COMMISSIONERS FOR ZONES 1 THROUGH 4 BY PROVIDING FOR AND CALLING A PRIMARY MUNICIPAL ELECTION OF THE REGISTERED ELECTORS OF THE CITY OF ORMOND BEACH TO BE HELD ON AUGUST 20, 2024; PROVIDING FOR AND CALLING A REGULAR MUNICIPAL ELECTION OF THE REGISTERED ELECTORS RESIDING IN THE CITY OF ORMOND BEACH TO BE HELD ON NOVEMBER 5, 2024; PROVIDING FOR QUALIFYING AND ELECTION PROCEDURES; ESTABLISHING A DATE FOR TAKING OFFICE; AUTHORIZING THE EXECUTION OF A MEMORANDUM OF UNDERSTANDING FOR SERVICES AND MATERIALS WITH THE COUNTY OF VOLUSIA; PROVIDING FOR SEVERABILITY; AND SETTING FORTH AN EFFECTIVE DATE. **(SECOND READING)**

Commissioner Sargent moved, seconded by Commissioner Persis, for approval of Ordinance No. 2024-01, 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 #10 – Reports, Suggestions, Requests

Events, Updates and Requests

Ms. Joyce Shanahan, City Manager, reviewed upcoming meetings, workshops, and events. She provided updates on meetings she attended, Performing Arts Center restoration, and other city projects. She noted a resolution would be brought before the Commission to appoint an alternate representative on the Opioid Abatement Taskforce.

Commissioner Sargent thanked Mr. Spraker, Mr. Hayes and their staff for all their hard work. He requested the Aviation Advisory Board meet soon to review the airport finances; whereby, Ms. Shanahan stated there was a meeting scheduled, noting she spoke with staff to schedule meetings quarterly. He thanked staff for their prompt response to overnight campers. He stated there was an issue with the traffic surrounding a nearby food drive; whereby, Ms. Shanahan stated the Police Department was already working with the church. He thanked those citizens who donated to the police officers' funds who were participating in the Police Unity Tour. He expressed support of the new technology in the City Commission Conference Room.

Commissioner Persis thanked Mr. Hayes for all his work. She discussed events and meetings she attended. She stated she would not be attending the May 21, 2024 City Commission meeting, due to an event she was attending to meet with members of Florida's Congressional delegation to discuss key federal issues.

Commissioner Briley stated his appreciation of the Planning Department staff and Mr. Hayes. He reviewed events he attended and upcoming events.

Commissioner Tolland thanked Ms. Pate for her comments. She inquired if letters could be sent from advisory boards in opposition of the Belvedere Fuel Farm; whereby, Mr. Hayes stated that if the issue fell within the role of the board, it would be appropriate for them to discuss as the Commission did when they send letters. She thanked staff for their work with citizens and the community who recently needed assistance. She inquired if the Commission wanted staff to look into the electronic signage; whereby, Mayor Partington stated the Planning Board should discuss before being brought before the Commission.

Commissioner Briley and Mayor Partington discussed the regulations that would be needed with the electronic signage, noting their support if regulations were in place.

Mayor Partington discussed his support of consent agenda items. He reviewed events he attended and thanked the Commission for their attendance at non-local events.

Item #11 – Adjournment

The meeting was adjourned at 10:00 p.m.

APPROVED: May 7, 2024

BY:


Bill Partington, Mayor

ATTEST:


Susan Carroll Dauderis,
City Clerk

