

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

May 7, 2024

7:00 p.m.

Commission Chambers

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

A G E N D A

- 1. CALL TO ORDER**
- 2. INVOCATION**
- 3. PLEDGE OF ALLEGIANCE**
- 4. PRESENTATIONS AND PROCLAMATIONS**
 - A. Ike Leary
 - B. Kiwanis READS
 - C. 2024 Mayor's Health & Fitness Challenge Awards
- 5. AUDIENCE REMARKS - REGARDING ITEMS NOT ON THE AGENDA**
- 6. APPROVAL OF MINUTES**

A. Minutes from City Commission meeting - April 16, 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. 2024-65:** A RESOLUTION APPOINTING A MEMBER TO SERVE ON THE HISTORIC LANDMARK PRESERVATION BOARD; SETTING FORTH TERMS AND CONDITIONS OF SERVICE; AND SETTING FORTH AN EFFECTIVE DATE.

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

- B. **RESOLUTION NO. 2024-66:** A RESOLUTION AUTHORIZING THE ACCEPTANCE OF A GRANT AWARD FROM THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION REGARDING FUNDING FOR THE EXTENSION AND CONNECTION OF TWO WATER MAINS IN THE CITY'S WESTERN SERVICE AREA; 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

- C. **RESOLUTION NO. 2024-67:** A RESOLUTION AUTHORIZING THE ACCEPTANCE OF A GRANT AWARD FROM THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION REGARDING FUNDING FOR THE CONSTRUCTION OF A REUSE RESERVOIR; 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

D. **RESOLUTION NO. 2024-68:** A RESOLUTION AUTHORIZING THE EXECUTION OF A PUBLIC TRANSPORTATION GRANT AGREEMENT BETWEEN THE CITY AND THE FLORIDA DEPARTMENT OF TRANSPORTATION REGARDING FUNDING FOR INFRASTRUCTURE IMPROVEMENTS AT THE ORMOND BEACH MUNICIPAL AIRPORT; AUTHORIZING THE EXECUTION OF ALL DOCUMENTS NECESSARY AND 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*

E. **RESOLUTION NO. 2024-69:** A RESOLUTION ACCEPTING A PROPOSAL FROM ZEV COHEN & ASSOCIATES, INC. TO PROVIDE ENGINEERING DESIGN SERVICES REGARDING THE AIRPORT ACCESS INFRASTRUCTURE IMPROVEMENTS PROJECT; AUTHORIZING THE EXECUTION OF A WORK AUTHORIZATION THERETO; AND SETTING FORTH AN EFFECTIVE DATE.

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

F. **RESOLUTION NO. 2024-70:** A RESOLUTION ACCEPTING A PROPOSAL FROM A.M. WEIGEL CONSTRUCTION, INC. FOR CONSTRUCTION MANAGEMENT SERVICES REGARDING THE ORMOND BEACH SPORTS COMPLEX SOFTBALL QUAD FIELD LIGHTING IMPROVEMENTS PROJECT; AUTHORIZING THE EXECUTION OF A WORK AUTHORIZATION AND PAYMENT THEREFOR; AND SETTING FORTH AN EFFECTIVE DATE.

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

G. **RESOLUTION NO. 2024-71:** A RESOLUTION ACCEPTING A PROPOSAL FROM A.M. WEIGEL CONSTRUCTION, INC. FOR CONSTRUCTION MANAGEMENT SERVICES REGARDING THE NOVA COMMUNITY PARK BALLFIELDS IMPROVEMENTS PROJECT; AUTHORIZING THE EXECUTION OF A WORK AUTHORIZATION AND PAYMENT THEREFOR; AND SETTING FORTH AN EFFECTIVE DATE.

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

H. **RESOLUTION NO. 2024-72:** A RESOLUTION AUTHORIZING THE APPROVAL AND EXECUTION OF A PURCHASE AUTHORIZATION FOR THE PURCHASE OF FOUR EMERGENCY BYPASS PUMPS, UNDER FLORIDA SHERIFFS ASSOCIATION BID NO. FSA23-EQU21.0; AND SETTING FORTH AN EFFECTIVE DATE.

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

I. **RESOLUTION NO. 2024-73:** A RESOLUTION RATIFYING, AFFIRMING AND AUTHORIZING EXPENDITURES FOR SERVICES FROM waterTALENT, LLC FOR TEMPORARY STAFFING SERVICES; AND SETTING FORTH AN EFFECTIVE DATE.

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

J. **RESOLUTION NO. 2024-74:** A RESOLUTION APPROVING THE SETTLEMENT OF PERSONAL INJURY CLAIMS FILED BY TEMPERANCE THOMAS; AUTHORIZING THE EXECUTION OF ALL PAPERS NECESSARY AND INCIDENTAL THERETO; AND SETTING FORTH AN EFFECTIVE DATE.

Staff Contact: Randy Hayes, City Attorney, (386) 676-3217

K. Intent of RFQ - Hazardous and Non-Hazardous Waste Disposal Services

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

Disposition: Approve as recommended in the City Manager staff report dated May 7, 2024.

L. Intent to Bid - 2024 Storm Lining

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

Disposition: Approve as recommended in the City Manager staff report dated May 7, 2024.

M. Monitoring Services of Fuel Wells

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

Disposition: Approve as recommended in the City Manager staff report dated May 7, 2024.

N. 2024 Floodplain Management Annual Progress Report

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

Disposition: Approve as recommended in the City Manager staff report dated May 7, 2024.

O. Seward Johnson Sculpture Tour - Potential Use of Public Property within the Downtown Area

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

Disposition: Approve as recommended in the City Manager staff report dated May 7, 2024.

P. Riverside Drive Closures Fiscal Year 2023-2024 Revised

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

Disposition: Approve as recommended in the City Manager staff report dated May 7, 2024.

Q. Milestone Inspections of Multi-Story Buildings/Condominiums

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

Disposition: Approve as recommended in the City Manager staff report dated May 7, 2024.

8. PUBLIC HEARINGS

A. ORDINANCE NO. 2024-04: AN ORDINANCE AUTHORIZING THE EXECUTION AND ISSUANCE OF A FIRST AMENDED AND RESTATED DEVELOPMENT ORDER FOR A PLANNED BUSINESS DEVELOPMENT LOCATED AT 251 SOUTH ATLANTIC AVENUE (VOLUSIA COUNTY PARCEL NUMBER 4214-19-07-0010) AND A PARCEL OF PROPERTY ALONG SOUTH ATLANTIC AVENUE (VOLUSIA COUNTY PARCEL NUMBER 4214-18-06-0011), KNOWN AS THE "ORMOND BEACH HOLDINGS, LLC"; AUTHORIZING THE REMOVAL OF A SIDEWALK AND BEACH ACCESS IMPROVEMENT; ESTABLISHING CONDITIONS AND EXPIRATIONS OF APPROVAL; AND SETTING FORTH AN EFFECTIVE DATE.

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

- B. **ORDINANCE NO. 2024-05:** AN ORDINANCE APPROVING THE FINAL PLAT FOR THE "RIDGEHAVEN" SUBDIVISION; ESTABLISHING CONDITIONS AND EXPIRATION DATE OF APPROVAL; AND SETTING FORTH AN EFFECTIVE DATE.

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

- C. **ORDINANCE NO. 2024-06:** AN ORDINANCE AMENDING SECTION 2-17, R-4, SINGLEFAMILY CLUSTER AND TOWNHOUSE ZONING DISTRICT, SECTION 2-18, R-5, MULTIFAMILY MEDIUM DENSITY ZONING DISTRICT, AND SECTION 2-19, R-6, MULTIFAMILY MEDIUM-HIGH DENSITY ZONING DISTRICT, OF ARTICLE II, DISTRICT REGULATIONS, OF CHAPTER 2, DISTRICT AND GENERAL REGULATIONS OF THE CITY OF ORMOND BEACH LAND DEVELOPMENT CODE; BY AMENDING THE REAR YARD SETBACKS, AND CORRECTING THE STREET SIDE/CORNER AND ADDITIONAL WATERBODY SETBACKS LABELS; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; PROVIDING FOR SEVERABILITY; AND SETTING FORTH AN EFFECTIVE DATE.

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

- D. **RESOLUTION NO. 2024-75:** A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF ORMOND BEACH, FLORIDA APPROVING THE PRELIMINARY PLAT FOR THE "TATTERSALL SUBDIVISION, PHASE 1", A PLANNED RESIDENTIAL DEVELOPMENT SUBDIVISION; 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. 2024-76:** A RESOLUTION AUTHORIZING THE EXECUTION AND ISSUANCE OF A DEVELOPMENT ORDER FOR A SPECIAL EXCEPTION REGARDING THE "WAWA STORE #5437" TO BE LOCATED AT 1670 NORTH U.S. HIGHWAY 1, WITHIN THE B-7, HIGHWAY TOURIST COMMERCIAL ZONING DISTRICT, TO ALLOW: TWO ELECTRONIC CHANGEABLE COPY SIGNS FOR THE RETAIL PRICES OF GASOLINE, AN ADDITIONAL 3.74 SQUARE FEET OF MONUMENT SIGNAGE, AND TWO CANOPY SPANNER SIGNS TOTALING APPROXIMATELY 12.08 SQUARE FEET; ESTABLISHING CONDITIONS AND EXPIRATION DATE OF APPROVAL; AND SETTING FORTH AN EFFECTIVE DATE.

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

9. FIRST READING OF ORDINANCES

- A. **ORDINANCE NO. 2024-07:** AN ORDINANCE RELATING TO PEDESTRIAN AND VEHICLE SAFETY WITHIN PUBLIC ROADS AND RIGHTS-OF-WAY; AMENDING CHAPTER 17, STREETS, SIDEWALKS AND OTHER PUBLIC SPACES OF THE CODE OF ORDINANCES BY AMENDING SECTION 17-10 TO ADD UNSAFE PEDESTRIAN USE OF RIGHT-OF-WAYS; ADOPTING FINDINGS OF FACT; PROVIDING FOR APPLICABILITY; PROVIDING FOR DEFINITIONS; ESTABLISHING PROHIBITED USE OF PUBLIC ROAD RIGHTS-OF-WAY; PROVIDING FOR ENFORCEMENT AND PENALTIES; PROVIDING FOR ADDITIONAL REMEDIES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Staff Contact: Randy Hayes, City Attorney, (386) 676-3217

10. RESOLUTIONS

- A. **RESOLUTION NO. 2024-77:** A RESOLUTION OF THE CITY OF ORMOND BEACH, FLORIDA, RESPONDING TO THE INITIATING RESOLUTION OF THE COUNTY OF VOLUSIA REGARDING THE NORTH U.S. HIGHWAY 1 INTERLOCAL SERVICE BOUNDARY AGREEMENT; PROVIDING FOR TRANSMISSION; AND SETTING FORTH AN EFFECTIVE DATE.

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

11. REPORTS, SUGGESTIONS, REQUESTS

12. ADJOURNMENT

MINUTES

Item #1 – Meeting Call to Order

Mayor Partington called the meeting to order at 7:01 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 – Ike Leary

Mayor Partington presented Mr. Ike Leary with a proclamation in honor of his public service as a goodwill ambassador and operator of the Granada Pier Bait and Tackle Shop. He urged residents to express appreciation for his unwavering commitment to the city.

Item #4B – Kiwanis READS

Mayor Partington presented a proclamation to recognize the Kiwanis Ormond Beach READS! Kick-Off Day and summer reading challenge. He urged residents to engage in activities to promote literacy for elementary aged school children.

Mr. Alan Burton, Ormond Beach Kiwanis Representative, thanked the Commission for their support, discussed the program, and introduced members in attendance.

Surprise Proclamation for National Police Week

Mayor Partington surprised Ormond Beach Police Department Chief Jesse Godfrey and Captain Chris Roos with a proclamation in honor of National Police Week. He proclaimed May 12-18, 2024, as National Police Week and encouraged residents to join him in honoring the thousands of men and women who made the supreme sacrifice with their lives to protect the freedom of others.

Item #4C – 2024 Mayor’s Health & Fitness Challenge Awards

Mayor Partington thanked the sponsors of the 2023 Mayor’s Health and Fitness Challenge including the Champion Sponsors Advent Health Daytona Beach, Florida Health Care Plans, and Brown & Brown; Gold Sponsor Halifax Health; Silver Sponsors New Journey Chiropractic and Shell Realty; and Bronze Sponsors Anytime Fitness and Coach Rachel, RN/FL GUTZ. He announced the winners from each age group including Mr. Eric Ross, Mr. Felipe Manolas, Ms. Noel Eaton, Commissioner Sargent, Ms. Marcella Miller, Mr. Bill Rose, Ms. Cara Culliver, Mr. Jeff Massey, Ms. Jo Dyke, and Mr. Bill Partington II.

Item #5 – Audience Remarks

Volusia County Council Member Troy Kent, 130 Magnolia Drive, requested staff look into repainting the two speed tables along Riverside Drive and provided updates on the Dogs on the Beach pilot program.

Ms. Debbie Kruck-Forrester, 15 Brockwood Drive, invited the Commission to the eighth annual JJ Martin Family Appreciation Day.

Item #6 – Approval of Minutes

Mayor Partington advised the minutes from the April 16, 2024, meeting had been sent to the Commission for review and 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 Persis moved, seconded by Commissioner Sargent, for approval of the April 16, 2024, City Commission meeting 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 Briley requested Items 7D and 7E be pulled from the Consent Agenda.

Commissioner Tolland requested Item 7J be pulled from the Consent Agenda

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

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

Item #7D – FDOT Grant Airport & Business Park Infrastructure Site Design Project

City Clerk Susan C. Dauderis read by title only:

RESOLUTION NO. 2024-68

A RESOLUTION AUTHORIZING THE EXECUTION OF A PUBLIC TRANSPORTATION GRANT AGREEMENT BETWEEN THE CITY AND THE FLORIDA DEPARTMENT OF TRANSPORTATION REGARDING FUNDING FOR INFRASTRUCTURE IMPROVEMENTS AT THE ORMOND BEACH MUNICIPAL AIRPORT; AUTHORIZING THE EXECUTION OF ALL DOCUMENTS NECESSARY AND INCIDENTAL THERETO FOR THE CITY TO ACCEPT THE GRANT AWARD; AND SETTING FORTH AN EFFECTIVE DATE.

Commissioner Briley expressed support of the items 7D and 7E noting concerns of the Pineland Trail road conditions. He stated he would be fully supportive if the Pineland Trail conditions were improved.

Commissioner Sargent inquired about the funds regarding items 7D and 7E; whereby, Mr. Brian Rademacher, Economic Development Director, explained the city provided 50 percent of the funds based on the grant type. Commissioner Sargent expressed concerns regarding the airport’s debt and adding further debt to it, noting he would like to explore options to reduce the debt before approving any further airport expenditures. He discussed airport fuel costs. He requested a six-month pause on Items 7D and 7E.

Ms. Joyce Shanahan, City Manager, explained roughly \$125,000 annually was lost when the golf course shut down which was why some of the revenue was lost. She noted staff

could review and see when the deadline for the grant was and requested the Commission table the items until the May 21, 2024, City Commission meeting.

Commissioner Tolland expressed concerns regarding the Pineland Trail road conditions and inquired if the road repairs were included in the items; whereby, Mr. Rademacher stated that road was not indicated as a concern. She noted the traffic around Airport Business Park was a concern as was the airport's budget. She stated she could support tabling the items but expressed support of the item.

Mayor Partington stated he could support tabling the item and noted the traffic on Pineland Trail.

Commissioner Sargent expressed support of the item noting his only concern was the airport funding.

Commissioner Briley inquired if there were funds from Ormond Crossings to help rehabilitate Pineland Trail; whereby, Mayor Partington stated he did not believe there was.

Commissioner Briley moved, seconded by Commissioner Persis, to table Resolution No. 2024-68, as read by title only, until the May 21, 2024 City Commission meeting.

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

Item #7E – Work Authorization - Airport and Business Park Infrastructure Site Design Project

City Clerk Susan C. Dauderis read by title only:

RESOLUTION NO. 2024-69

A RESOLUTION ACCEPTING A PROPOSAL FROM ZEV COHEN & ASSOCIATES, INC. TO PROVIDE ENGINEERING DESIGN SERVICES REGARDING THE AIRPORT ACCESS INFRASTRUCTURE IMPROVEMENTS PROJECT; AUTHORIZING THE EXECUTION OF A WORK AUTHORIZATION THERETO; AND SETTING FORTH AN EFFECTIVE DATE.

Commissioner Briley moved, seconded by Commissioner Sargent, to table Resolution No. 2024-69, as read by title only.

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

Item #7J – Settlement of Personal Injury Claim - Temperance Thomas

City Clerk Susan C. Dauderis read by title only:

RESOLUTION NO. 2024-74

A RESOLUTION APPROVING THE SETTLEMENT OF PERSONAL INJURY CLAIMS FILED BY TEMPERANCE THOMAS; AUTHORIZING THE EXECUTION OF ALL PAPERS NECESSARY AND INCIDENTAL THERETO; AND SETTING FORTH AN EFFECTIVE DATE.

Commissioner Briley moved, seconded by Commissioner Sargent, for approval of Resolution No. 2024-74, as read by title only.

Commissioner Tolland clarified the involved party could not come back to the city with additional claims; whereby, Mr. Randy Hayes, City Attorney, clarified that was accurate.

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

Comments on the Consent Agenda

Commissioner Persis, Commissioner Briley, Commissioner Tolland, and Mayor Partington expressed support of Item 7O regarding the Seward Johnson Sculpture Tour.

Commissioner Tolland discussed matched funding projects and support of item 7L regarding the Intent to Bid for the 2024 Storm Lining.

Commissioner Sargent voiced support of items 7F and 7G regarding the work authorizations for professional services for the ECHO Softball Quad and Nova Ballfields.

Item #8 – Public Hearings

Mayor Partington opened the Public Hearings.

Item #8A – Ormond Beach Holdings, LLC - PBD Amendment

City Clerk Susan C. Dauderis read by title only:

ORDINANCE NO. 2024-04
 AN ORDINANCE AUTHORIZING THE EXECUTION AND ISSUANCE OF A FIRST AMENDED AND RESTATED DEVELOPMENT ORDER FOR A PLANNED BUSINESS DEVELOPMENT LOCATED AT 251 SOUTH ATLANTIC AVENUE (VOLUSIA COUNTY PARCEL NUMBER 4214-19-07-0010) AND A PARCEL OF PROPERTY ALONG SOUTH ATLANTIC AVENUE (VOLUSIA COUNTY PARCEL NUMBER 4214-18-06-0011), KNOWN AS THE "ORMOND BEACH HOLDINGS, LLC"; AUTHORIZING THE REMOVAL OF A SIDEWALK AND BEACH ACCESS IMPROVEMENT; ESTABLISHING CONDITIONS AND EXPIRATIONS OF APPROVAL; AND SETTING FORTH AN EFFECTIVE DATE.

Mr. Steven Spraker, Planning Director, explained the item was for an amendment to the development order to remove the public sidewalk and beach approach, noting the applicant in the original development order was responsible for the construction of the sidewalk and beach approach and Volusia County was to be deeded that portion for maintenance. He stated the applicant was willing to construct the items but the County was not willing to accept the maintenance or liability. He reviewed potential options the Commission could take. He noted the Planning Board recommended, with a six to zero vote, to remove the sidewalk and beach approach.

Mayor Partington inquired about other options, noting the construction of the sidewalk without the beach approach. He expressed concerns regarding the City's maintenance and liability and dissatisfaction of the County's response to the project.

Commissioner Sargent stated he spoke with the applicant and Council Member Kent. He stated Council Member Kent brought the issue before the County Council in his closing comments at the Volusia County Council meeting earlier in the day and noted he believed the County would re-review the project and their stance.

Commissioner Briley inquired if the prior hotel on the property had a sidewalk or any pedestrian facility; whereby, Mr. Spraker stated there was not.

Commissioner Persis expressed the need of a sidewalk along the property.

Commissioner Sargent inquired if it would be appropriate to table the item; whereby, Mr. Hayes stated the item could be continued for a reasonable amount of time while staff brings options to Volusia County to encourage them to accept the public amenity.

Council Member Kent stated County staff spoke with him regarding the project and noted there was miscommunication as to where the sidewalk would be when it was presented to him. He indicated he would now support the sidewalk given all the information presented.

Commissioner Tolland inquired how the access agreement was changing; whereby, Mr. Rob Merrell, Attorney for the Applicant, stated the County previously agreed to the terms but since changed their minds.

Commissioner Sargent moved, seconded by Commissioner Briley, to continue Ordinance No. 2024-04, on first reading, as read by title only, for 60 days.

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

Item #8B – RidgeHaven Subdivision, Final Plat

City Clerk Susan C. Dauderis read by title only:

ORDINANCE NO. 2024-05
AN ORDINANCE APPROVING THE FINAL PLAT FOR THE “RIDGEHAVEN” SUBDIVISION; ESTABLISHING CONDITIONS AND EXPIRATION DATE OF APPROVAL; AND SETTING FORTH AN EFFECTIVE DATE.

Mr. Spraker explained the item was regarding a final plat for the RidgeHaven subdivision. He reviewed the history of the item and some features of the project. He noted the Planning Board approved the item with a six to zero vote.

Commissioner Persis moved, seconded by Commissioner Sargent, to approve Ordinance No. 2024-05, on first reading, as read by title only.

Commissioner Briley expressed support of the project.

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

Item #8C – Land Development Code Amendments, R-4, R-5, and R-6 Zoning Districts

City Clerk Susan C. Dauderis read by title only:

ORDINANCE NO. 2024-06
AN ORDINANCE AMENDING SECTION 2-17, R-4, SINGLEFAMILY CLUSTER AND TOWNHOUSE ZONING DISTRICT, SECTION 2-18, R-5, MULTIFAMILY MEDIUM DENSITY ZONING DISTRICT, AND SECTION 2-19, R-6, MULTIFAMILY MEDIUM-HIGH DENSITY ZONING DISTRICT, OF ARTICLE II, DISTRICT REGULATIONS, OF CHAPTER 2, DISTRICT AND GENERAL REGULATIONS OF THE CITY OF ORMOND BEACH LAND DEVELOPMENT CODE; BY AMENDING THE REAR YARD SETBACKS, AND CORRECTING THE STREET SIDE/CORNER AND ADDITIONAL WATERBODY SETBACKS LABELS; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; PROVIDING FOR SEVERABILITY; AND SETTING FORTH AN EFFECTIVE DATE.

Mr. Spraker explained the item was to amend the Land Development Code as an amendment in 2022 which inadvertently changed the rear-yard setback and the proposed item would change it back.

Commissioner Briley moved, seconded by Commissioner Sargent, to approve Ordinance No. 2024-06, on first reading, as read by title only.

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

Item #8D – Tattersall, Phase 1 Preliminary Plat

City Clerk Susan C. Dauderis read by title only:

RESOLUTION NO. 2024-75

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF ORMOND BEACH, FLORIDA APPROVING THE PRELIMINARY PLAT FOR THE "TATTERSALL SUBDIVISION, PHASE 1", A PLANNED RESIDENTIAL DEVELOPMENT SUBDIVISION; ESTABLISHING CONDITIONS AND EXPIRATION DATE OF APPROVAL; AND SETTING FORTH AN EFFECTIVE DATE.

Mr. Spraker stated the request was for a preliminary plat for the Tattersall subdivision, noting there was an approved development order. He reviewed the project, features, reports that were included in the staff report, and timeline of the proposed project. He noted the Planning Board recommended approval with a six to zero vote.

Commissioner Tolland expressed concerns regarding the maintenance of Groover Branch; whereby, Mr. Spraker explained some portions of Groover Branch were privately owned, some owned by the County, and some by the City.

Mr. David Juhl, 2040 Toni Street, thanked Mr. Hayes for sitting with him to explain the project. He provided a handout regarding rules and regulations with bodies of water. He stated his opposition to the proposed project.

Mr. Mark Watts, 231 North Woodland Boulevard, Attorney for the applicant, explained the rules laid out in the development order were followed and exceeded, noting the limited work allowed by the applicant regarding Groover Branch, due to the cross-jurisdictional issues.

Mayor Partington and Commissioner Persis expressed their support of the proposed project, noting their prior concerns were addressed.

Commissioner Tolland discussed the preservation area of the wetlands. She inquired if staff could look into what could be done with Groover Branch; whereby, Mr. Hayes stated the item was for the preliminary plat approval and noted the Commission could direct planning staff to look into the drainage.

Commissioner Sargent moved, seconded by Commissioner Persis, for approval of Resolution No. 2024-75, as read by title only.

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

Item #8E – 1670 North U.S. Highway 1, WaWa Signage, Special Exception

City Clerk Susan C. Dauderis read by title only:

RESOLUTION NO. 2024-76

A RESOLUTION AUTHORIZING THE EXECUTION AND ISSUANCE OF A DEVELOPMENT ORDER FOR A SPECIAL EXCEPTION REGARDING THE "WAWA STORE #5437" TO BE LOCATED AT 1670 NORTH U.S. HIGHWAY 1, WITHIN THE B-7, HIGHWAY TOURIST COMMERCIAL ZONING DISTRICT, TO ALLOW: TWO ELECTRONIC CHANGEABLE COPY SIGNS FOR THE RETAIL PRICES OF GASOLINE, AN ADDITIONAL 3.74 SQUARE FEET OF MONUMENT SIGNAGE, AND TWO CANOPY SPANNER SIGNS TOTALING APPROXIMATELY 12.08 SQUARE FEET; ESTABLISHING CONDITIONS AND EXPIRATION DATE OF APPROVAL; AND SETTING FORTH AN EFFECTIVE DATE.

Mr. Spraker explained the item was approving two electronic changeable signs, monument signage, and two canopy spanner signs. He stated the Planning Board recommended approval with a five to one vote.

Commissioner Sargent moved, seconded by Commissioner Persis, for approval of Resolution No. 2024-76, as read by title only.

Commissioner Tolland expressed concerns regarding the size of the signage, and future requests.

Commissioner Persis and Mr. Spraker noted each special exception would come before the Commission individually and could be reviewed on a case by case basis.

Mr. Joey Posey, Attorney for the applicant, reviewed the proposed signage noting the location of the property, visibility, and safety.

Commissioner Persis moved, seconded by Commissioner Briley, for approval of Resolution No. 2024-76, as read by title only.

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

Mayor Partington closed the Public Hearings.

Item #9 – First Reading of Ordinances

Item #9A – Ordinance Regulating the Unsafe Pedestrian Use of Public ROW

City Clerk Susan C. Dauderis read by title only:

ORDINANCE NO. 2024-07
 AN RELATING TO PEDESTRIAN AND VEHICLE SAFETY WITHIN PUBLIC ROADS AND RIGHTS-OF-WAY; AMENDING CHAPTER 17, STREETS, SIDEWALKS AND OTHER PUBLIC SPACES OF THE CODE OF ORDINANCES BY AMENDING SECTION 17-10 TO ADD UNSAFE PEDESTRIAN USE OF RIGHT-OF-WAYS; ADOPTING FINDINGS OF FACT; PROVIDING FOR APPLICABILITY; PROVIDING FOR DEFINITIONS; ESTABLISHING PROHIBITED USE OF PUBLIC ROAD RIGHTS-OF-WAY; PROVIDING FOR ENFORCEMENT AND PENALTIES; PROVIDING FOR ADDITIONAL REMEDIES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Mr. Hayes and Ms. Ann-Margret Emery, Deputy City Attorney, explained the ordinance was created at the request of the Commission and was available for any questions.

Commissioner Sargent moved, seconded by Commissioner Briley, for approval of Ordinance No. 2024-07, on first reading, as read by title only.

Mayor Partington expressed support of the item.

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

Item #10 – Resolutions

Item #10A – ISBA - Responding Resolution to Volusia Co.

City Clerk Susan C. Dauderis read by title only:

RESOLUTION NO. 2024-77
 A RESOLUTION OF THE CITY OF ORMOND BEACH, FLORIDA, RESPONDING TO THE INITIATING RESOLUTION OF THE COUNTY OF VOLUSIA REGARDING THE NORTH U.S. HIGHWAY 1 INTERLOCAL SERVICE BOUNDARY AGREEMENT; PROVIDING FOR TRANSMISSION; AND SETTING FORTH AN EFFECTIVE DATE.

Mr. Spraker stated the city enacted the Interlocal Service Boundary Agreement (ISBA) in 2014, noting it was valid for ten years. He explained Volusia County provided an initiating resolution to extend the ISBA, noting their resolution had two parts, one to expand and one to renew for another ten years. He stated the proposed responding resolution was for a renewal period of ten years.

Commissioner Sargent moved, seconded by Commissioner Persis, for approval of Resolution No. 2024-77, as read by title only.

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

Item #11 – Reports, Suggestions, Requests

Events, Updates and Congratulations

Ms. Shanahan reviewed upcoming workshops, meetings, and events. She provided updates on the Performing Arts Center remediation and build back. She expressed support of those participating in the Police Unity Tour and announced City Clerk Susan Dauderis was placed on the 2024 Municipal Clerk Honor Roll. She provided photos regarding Public Art in the downtown area, noting Ormond Beach MainStreet was sponsoring the installation of six pieces and asked the city to sponsor two additional installations; whereby, the Commission was supportive.

Commissioner Persis congratulated Commission Sargent on his win with the Mayors Health and Fitness Challenge. She expressed support of the Police Unity Tour and reviewed events she attended. She provided an update on a First Step Homeless Shelter resident.

Commissioner Briley expressed support for the Police Unity Tour, discussed events he attended, and his excitement for upcoming events.

Commissioner Tolland thanked Mr. Leary for his support within the community, congratulated Commissioner Sargent, and recognized those participating in the Police Unity Tour. She provided a report from Ormond Beach MainStreet, discussed their upcoming events and reviewed events she attended. She noted May was Mental Health Awareness Month.

Commissioner Sargent stated Council Member Kent sent him an update regarding Item 8A, noting Council Member Kent spoke with the Volusia County Manager who indicated the County Manager would be driving to the property on May 8, 2024 to see the property and discuss options. Additionally, Council Member Kent expressed confidence that something could be worked out. Commissioner Sargent thanked Ms. Shanahan for contacting Volusia County regarding the Dogs on the Beach Pilot Program and stated he believed the program was working and noted if anyone sees someone violating the rules to properly report the violation. He expressed support of the Police Unity Tour.

Belvedere Fuel Farm

Mr. Hayes provided updates on the Belvedere Fuel Farm litigation matter and issuance of the air construction permit. He provided background on the matter, noting what already occurred. He explained S.R. Perrott filed an appeal of the Florida Department of Environmental Protection (FDEP) Secretary's final order. He reviewed the Commissions prior actions taken. He proposed an eight-part motion for the Commission to take to affirm the commitment to oppose the fuel farm and to show continued support of S.R. Perrott's efforts.

Commissioner Persis moved, seconded by Commissioner Sargent, for approval of the following:

- 1. The City Commission finds that the proposed fuel farm project at 874 Hull Road poses inherently dangerous risks to residents of the city, including corporate residents, specifically including but not limited to residents of Bear Creek, Ormond Lakes, poses a risk to the operation of recreational activities at the Ormond Beach Sports Complex and the airport, and poses a risk to corporate residents such as S.R. Perrott and other businesses in the vicinity of the proposed fuel farm.**

2. The city and S.R. Perrott share a common interest in opposing the proposed fuel farm, and sharing resources serves a legitimate public interest. A shared effort by the city and S.R. Perrott is in the best interest of the general health, safety, and welfare of all residents of the city, and the general public.
3. The Commission affirms the unanimous vote previously taken not to provide water for the proposed project, and not to annex the property at 874 Hull Road.
4. The Commission finds that a valid and legitimate public purpose exists to oppose the proposed fuel farm.
5. The City Manager and City Attorney are authorized and directed to continue to take all necessary and reasonable action, they deem appropriate within their powers including the expenditure of resources, to oppose the proposed fuel farm at the project site.
6. The Commission continues to support S.R. Perrott in the litigation matter, including support in the appeal of the Secretary's final decision, and including the sharing of costs and legal expenses associated therewith.
7. The Commission respectfully requests that Belvedere move the location of the proposed fuel farm from 874 Hull Road to a more suitable location that will not pose inherently dangerous risks to residents of the city, including corporate residents, and to the general public.
8. The Commission ratifies and affirms all administrative and legal action taken by city staff, including the City Manager and City Attorney, and their designees, in opposition to the proposed fuel farm; and further directs the City Manager and City Attorney to do all things and take all action that is necessary and reasonable to protect the health, safety and welfare of the city's residents and the general public.

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

Commissioner Persis and Commissioner Tolland expressed their support of the motion.

Chief Tomokie Statue

Commissioner Briley requested the Commission submit a letter of support to the 11 To Save 2024 Designation by the Florida Trust for Historic Preservation on behalf of the Commission to preserve the Chief Tomokie statue at Tomoka State Park.

Commissioner Tolland stated per Tomoka State Park the statue would be removed and there was a plan in lieu of the statue, noting her support of preserving the statue.

Mr. Bill Partington Sr., 4 Pine Valley Circle, explained there were no funds to preserve the statue, noting the effort to preserve would be outside of the State's efforts. He discussed grant opportunities with the 11 To Save.

Commissioner Tolland inquired if the statue was able to be preserved and requested staff investigate why they were not attempting to preserve the statue.

Commissioner Briley inquired if there was a deadline to the grant; whereby, Mr. Partington stated the nomination form was due by May 24, 2024.

Commissioner Tolland suggested a letter of approval from the State as well as the city as it was on their property; whereby, Mr. Partington clarified the nomination was not contingent upon property owner approval, noting the nomination was only to get the property into the running for the 11 To Save designation.

Mayor Partington requested a letter from Ms. Shanahan for him to sign and expressed support of the nomination.

Item #12 – Adjournment

The meeting was adjourned at 9:23 p.m.

APPROVED: May 21, 2024

BY:

Bill Partington
Bill Partington, Mayor

ATTEST:

Susan Carroll Dauderis

Susan Carroll Dauderis,
City Clerk

