

**MINUTES
CITY OF ORMOND BEACH
JOINT PUBLIC MEETING WITH ORMOND BEACH CITY COMMISSION AND FLAGLER COUNTY
REGARDING THE HUNTER'S RIDGE DEVELOPMENT OF REGIONAL IMPACT**

May 16, 2024

5:30 p.m.

City Commission Conference Room

1. CALL TO ORDER

Mayor Partington and County Commission Chair Dance called the meeting to order at 5:32 p.m.

2. ROLL CALL

a. Flagler County

Flagler County – County Chair Andy Dance, County Commissioners Greg Hansen, David Sullivan, Leann Pennington, and Donald O'Brien, County Administrator Heidi Petito, Deputy County Attorney Sean Moylan, Deputy County Administrator Jorge Salinas, and Growth Management Director Adam Mengel.

b. City of Ormond Beach

City of Ormond Beach – Mayor Bill Partington, City Commissioners Lori Tolland, Travis Sargent, Susan Persis, and Harold Briley, City Manager Joyce Shanahan, City Attorney Randy Hayes, and Outside Council Cliff Shepard;

Other – Halifax River Audubon member Charles Lee and Council for Hunter's Ridge Developer, US Capital Alliance, including Ms. Kimberly Booker from Booker and Associates.

3. PRESENTATIONS

a. Flagler County

Mr. Sean Moylan, Flagler County Deputy County Attorney, reviewed the location of the dispute, explained Flagler County's view of the dispute, and noted the 40 Grade was the only roadway that would support the county's logging trucks to get into the Flagler County area for fire hazard clearing, and the shell fill was put down on the road by the county to help support the weight of the trucks. He discussed the county's easement, surrounding resident's easements, and conservation areas. He discussed the timeline of the easement leading up to the October 2023 Special City Commission meeting and reviewed his concerns with the special meeting. He noted the county offered to enter into an Interlocal Agreement with the city to restrict the use of the easement for 40 Grade road and to scale back the language in the right-of-way (ROW) easement. He voiced concerns about the city's lawsuit and indicated there were violations. He expressed hope of a resolution during the meeting to avoid litigation. He reviewed the county's plan to reach a fair resolution to the dispute, including transferring the current easement back to the developer, the developer conveying Parcel B property to the city, and the city to

then convey a limited easement to the county for access to 40 Grade for limited purposes.

b. City of Ormond Beach

Mr. Cliff Shepard, Outside Council for the City of Ormond Beach, reviewed the timeline on the dispute and focused on Mr. Moylan's last comments on the resolution of the dispute. He discussed the city's Development of Regional Impact (DRI), the county's DRI, the 40 Grade easement, and the Parcel B property. He discussed the actions needed, including a three-way settlement agreement between the city, county, and developer, where the county would transfer the 40 Grade easement by statutory deed, the developer would convey Parcel B to the city, and the city would grant the county a new limited easement. He explained direction was needed from the County Commission and City Commission regarding completing a survey for a legal description of the 40 Grade, allowing the county to shell the road as needed without the city's permission, and the width of the easement, noting the county was asking for a 60-foot easement. He discussed the obstacles the developer encountered with the St. Johns River Water Management District (SJRWMD) conservation easement, noting SJRWMD stated there were no hurdles for the developer to convey the easement.

Mayor Partington inquired if Mr. Shepard could clarify; whereby, Mr. Shepard stated he and Mr. Randy Hayes, City Attorney, had a conference call with the SJRWMD staff and put together a memorandum with a summary of all questions asked with their answers and sent it to the SJRWMD for review. He noted they confirmed all the information in the memorandum was correct. He explained that according to SJRWMD, the prior developer was required to complete a hydroperiod restoration plan, and there was no evidence to support that had been completed. He noted SJRWMD was supportive of moving forward. He discussed the developers willingness to drop their compensation claim and the issues surrounding the claim.

4. DISCUSSIONS

County Chair Dance discussed the 60-foot easement and asked Mr. Moylan to discuss the need for the shell on the roadway; whereby, Mr. Moylan stated the county would like to be able to give notice when applying the shell to the roadway instead of asking permission.

Mr. Shepard stated the coordination between the county and city would be required, noting he was unsure how that would work.

Commissioner Briley expressed understanding of the need for the 60-foot easement and coordination for the application of shell, noting as long as the county locks the gate to the road after entry, security should not be a concern.

Commissioner Tolland inquired how often the county trucks would go down the road; whereby, Mr. Moylan stated he was unaware but knew it was not frequent, noting when work would be done, it would be a few days at a time but then there would be a long stretch of no work.

Commissioner Persis inquired why the county was requesting a 60-foot easement; whereby, Mr. Moylan explained the ditch was 54 feet wide and the county was requesting the extra footage in case of flooding to be able to get on the shoulder to complete any maintenance.

Mr. Charles Lee, Halifax River Audubon member, noted the Halifax River Audubon was the society that helped author the joint stipulation and explained their role in the DRI. He reviewed other vehicles that would need access to the 40 Grade and the importance of the shell on the roadway. He expressed concerns regarding the adherence to the DRI joint stipulation, specifically referencing the shared conservation deeds with the SJRWMD, city, and county; requesting the DRI be followed.

Mr. Shepard stated concerns regarding the conservation deeds with the SJRWMD; whereby, Mr. Moylan stated at the time the SJRWMD did not want ownership as they did not want the management of maintenance. Mr. Shepard confirmed SJRWMD informed him they did not want the property but would be willing to take it.

Commissioner Briley inquired if conservation and maintenance restrictions could be put in the county's easement for 40 Grade; whereby, Mr. Shepard stated there were similar restrictions already in place, noting he and Mr. Moylan had already discussed a potential management plan.

Commissioner Pennington expressed concerns regarding the flooding on Durance Acres and inquired if those residences use 40 Grade to evacuate or for life and safety needs; whereby, Mr. Moylan stated the draft easement did provide for times of emergency.

Commissioner O'Brien expressed respect for the sovereignty of the city's land.

Commissioner Sullivan voiced concerns regarding the safety and security and expressed hope to resolve this issue expediently.

Mr. Shepard clarified the agreeance to the three-way settlement between the city, county, and developer, the 60-foot easement, and for a provision regarding the coordination of the shelling of the 40 Grade. He inquired if the developer would be amenable to those conditions and to confirm the developer would not pursue the compensation in exchange for what was presented; whereby, Ms. Kimberly Booker, representative for the developer, stated yes and clarified the developer would need an easement for access in the deed for their maintenance responsibilities and discussed the SJRWMD conservation easement.

Mr. Shepard stated the deed would include rights reserved within the deed for the developer's maintenance as stipulated in the DRI, as the goal was to maintain compliance with the DRI; whereby, Ms. Booker stated it was in the DRI already and clarified the developers main concern was access for maintenance.

Ms. Booker discussed the hydroperiod restoration work required, noting the work was completed; whereby, Mr. Moylan stated there was a management plan in place on the county side of the conservation property and was advised by Ms. Booker there was a management plan in place for the city property as well. Ms. Booker discussed the SJRWMD deed and their stance on the site.

Commissioner Briley inquired about access; whereby, Mr. Moylan stated there were locks on the gate, noting there was concern for illegal hunting.

Mayor Partington inquired if there was a solar powered camera and keypad system that could be used to assist in the security; whereby, Mr. Moylan expressed concerns regarding passcode sharing.

County Chair Dance inquired if anything further was needed by the City or County Commissions; whereby, Mr. Moylan and Mr. Shepard stated there was nothing further needed.

Commissioner Sargent asked what the timeframe to move forward would be; whereby, Mr. Shepard stated there was a legal deadline in early June, noting an extension could be granted due to the Commissions needing a meeting to approve the agreement. Mr. Shepard explained a survey would also be needed before the agreement was finalized, noting it would need to be decided as to which entity would cover those costs.

Commissioner Sargent requested the agreement be permanent, for future Commissions to not go through the same issues.

County Chair Dance inquired if everyone was in agreeance to split the survey costs; whereby, both Commissions agreed.

5. JOINT ADJOURNMENT

Mayor Partington and County Chair Dance thanked the Commissions and staff for their work.

Meeting adjourned at 6:41 p.m.

Prepared by: Taylor Lochert