

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

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**October 18, 2022**

**7:00 p.m.**

**Commission Chambers**

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Present: Mayor Bill Partington, Commissioners Dwight Selby, Troy Kent, Susan Persis and Rob Littleton, 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. Trevor Hamilton
  - B. Domestic Violence Awareness Month
- 5. AUDIENCE REMARKS - REGARDING ITEMS NOT ON THE AGENDA**
- 6. APPROVAL OF MINUTES**
  - A. Minutes from City Commission meeting – October 5, 2022
- 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. 2022-128:** A RESOLUTION AUTHORIZING THE EXECUTION OF AN INTERLOCAL AGREEMENT FOR SUPPLEMENTAL ANIMAL CONTROL SERVICES BETWEEN THE CITY AND COUNTY OF VOLUSIA; AND SETTING FORTH AN EFFECTIVE DATE.  
*Staff Contact: Jesse Godfrey, Police Chief (386-676-3525)*
- B. RESOLUTION NO. 2022-129:** A RESOLUTION ACCEPTING A PROPOSAL FROM FLORIDA HEALTH CARE PLANS, INC. FOR THE PROVISION OF EMPLOYEE HEALTH/MEDICAL BENEFIT SERVICES; AUTHORIZING THE EXECUTION OF A CONTRACT AND PAYMENT THEREFOR; AND SETTING FORTH AN EFFECTIVE DATE.  
*Staff Contact: Claire Whitley, Assistant City Manager (386-676-3202)*
- C. RESOLUTION NO. 2022-130:** A RESOLUTION AUTHORIZING FUNDING OF EMPLOYEE HEALTH SAVINGS ACCOUNTS FOR THE 2023 PLAN YEAR; AND SETTING FORTH AN EFFECTIVE DATE.  
*Staff Contact: Claire Whitley, Assistant City Manager (386-676-3202)*
- D. RESOLUTION NO. 2022-131:** A RESOLUTION ACCEPTING A PROPOSAL FROM THE STANDARD INSURANCE COMPANY FOR THE PROVISION OF EMPLOYEE DENTAL INSURANCE

BENEFITS SERVICES; AUTHORIZING THE EXECUTION OF A CONTRACT AND PAYMENT THEREFOR; AND SETTING FORTH AN EFFECTIVE DATE.

**Staff Contact:** Claire Whitley, Assistant City Manager (386-676-3202)

- E. **RESOLUTION NO. 2022-132:** A RESOLUTION ACCEPTING A PROPOSAL FROM STANDARD INSURANCE COMPANY FOR THE PROVISION OF EMPLOYEE VISION INSURANCE BENEFITS; AUTHORIZING THE EXECUTION OF A CONTRACT AND PAYMENT THEREFOR; AND SETTING FORTH AN EFFECTIVE DATE.

**Staff Contact:** Claire Whitley, Assistant City Manager (386-676-3202)

- F. **RESOLUTION NO. 2022-133:** A RESOLUTION ACCEPTING A PROPOSAL FROM STANDARD INSURANCE COMPANY FOR THE PROVISION OF EMPLOYEE LONG TERM DISABILITY INSURANCE BENEFITS SERVICES; AUTHORIZING THE EXECUTION OF A CONTRACT AND PAYMENT THEREFOR; AND SETTING FORTH AN EFFECTIVE DATE.

**Staff Contact:** Claire Whitley, Assistant City Manager (386-676-3202)

- G. **RESOLUTION NO. 2022-134:** A RESOLUTION ACCEPTING A PROPOSAL FROM STANDARD INSURANCE COMPANY FOR THE PROVISION OF EMPLOYEE LIFE INSURANCE BENEFITS SERVICES; AUTHORIZING THE EXECUTION OF A CONTRACT AND PAYMENT THEREFOR; AND SETTING FORTH AN EFFECTIVE DATE.

**Staff Contact:** Claire Whitley, Assistant City Manager (386-676-3202)

- H. **RESOLUTION NO. 2022-135:** A RESOLUTION ACCEPTING A PROPOSAL FROM STANDARD INSURANCE COMPANY FOR THE PROVISION OF EMPLOYEE VOLUNTARY LIFE INSURANCE BENEFITS SERVICES; AUTHORIZING THE EXECUTION OF A CONTRACT AND PAYMENT THEREFOR; AND SETTING FORTH AN EFFECTIVE DATE.

**Staff Contact:** Claire Whitley, Assistant City Manager (386-676-3202)

- I. **RESOLUTION NO. 2022-136:** A RESOLUTION ACCEPTING A PROPOSAL FROM STANDARD INSURANCE COMPANY FOR THE PROVISION OF EMPLOYEE VOLUNTARY SHORT-TERM DISABILITY INSURANCE BENEFITS SERVICES; AUTHORIZING THE EXECUTION OF A CONTRACT AND PAYMENT THEREFOR; AND SETTING FORTH AN EFFECTIVE DATE.

**Staff Contact:** Claire Whitley, Assistant City Manager (386-676-3202)

- J. **RESOLUTION NO. 2022-137:** A RESOLUTION AUTHORIZING THE EXECUTION OF A COLLECTIVE BARGAINING AGREEMENT BETWEEN THE CITY OF ORMOND BEACH AND THE INTERNATIONAL ASSOCIATION OF FIREFIGHTERS (I.A.F.F.) LOCAL 3499; AND SETTING FORTH AN EFFECTIVE DATE.

**Staff Contact:** Claire Whitley, Assistant City Manager (386-676-3202)

- K. **RESOLUTION NO. 2022-138:** A RESOLUTION AUTHORIZING EXECUTION OF AN ASSIGNMENT AND ASSUMPTION AGREEMENT BY TYMBER CREEK UTILITIES, INC. IN FAVOR OF CSWR-FLORIDA UTILITY OPERATING COMPANY, LLC; AND SETTING FORTH AN EFFECTIVE DATE.

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

- L. **RESOLUTION NO. 2022-139:** A RESOLUTION AUTHORIZING THE EXECUTION OF A QUITCLAIM DEED IN FAVOR OF SUSAN C. LEORZA RELEASING THE EASTERLY FIVE FEET OF THE TWENTY FOOT DRAINAGE EASEMENT LOCATED ALONG THE REAR PROPERTY LINE OF LOT 160, CHELSEA PLACE PHASE III SUBDIVISION (364 NOTTINGHILL STREET); PROVIDING FOR RECORDATION; AND SETTING FORTH AN EFFECTIVE DATE.

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

- M. **RESOLUTION NO. 2022-140:** A RESOLUTION AUTHORIZING THE EXECUTION OF A FLORIDA RESILIENT COASTLINE PROGRAM GRANT AGREEMENT BETWEEN THE CITY OF ORMOND BEACH AND THE STATE OF FLORIDA, DEPARTMENT OF ENVIRONMENTAL PROTECTION, FOR THE PROVISION OF GRANT FUNDS IN THE AMOUNT OF \$75,000 TO BE USED FOR CONDUCTING A VULNERABILITY ASSESSMENT, PREPARING COMPREHENSIVE PLAN AMENDMENTS TO UPDATE THE "PERIL OF FLOOD" OBJECTIVES AND POLICIES, AND PREPARING A RESILIENCY ACTION PLAN FOCUSED ON YEARS 1-5; AUTHORIZING THE EXECUTION OF ALL DOCUMENTS NECESSARY AND INCIDENTAL THERETO; AND SETTING FORTH AN EFFECTIVE DATE.

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

- N. **RESOLUTION NO. 2022-141:** A RESOLUTION AUTHORIZING THE EXECUTION OF AN AGREEMENT BETWEEN THE CITY OF ORMOND BEACH AND THE EAST CENTRAL FLORIDA REGIONAL PLANNING COUNCIL REGARDING THE PROVISION OF SERVICES TO CONDUCT A VULNERABILITY ASSESSMENT, PREPARE COMPREHENSIVE PLAN AMENDMENTS TO UPDATE THE "PERIL OF FLOOD" OBJECTIVES AND POLICIES, AND PREPARE A RESILIENCY ACTION PLAN FOCUSED ON YEARS 1-5, PURSUANT TO THE WORK PLAN IDENTIFIED IN THE FLORIDA RESILIENT COASTLINE PROGRAM GRANT AGREEMENT BETWEEN THE CITY AND THE STATE OF FLORIDA, DEPARTMENT OF ENVIRONMENTAL PROTECTION; AUTHORIZING THE EXECUTION OF AN AGREEMENT AND PAYMENT THEREFOR; AUTHORIZING THE EXECUTION OF ALL DOCUMENTS NECESSARY AND INCIDENTAL THERETO; AND SETTING FORTH AN EFFECTIVE DATE.

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

- O. **RESOLUTION NO. 2022-142:** A RESOLUTION APPROVING AND AUTHORIZING REVISIONS TO THE CITY'S FEE SCHEDULE FOR CULTURAL AND RECREATIONAL PROGRAMS AND FACILITIES OPERATED BY THE LEISURE SERVICES DEPARTMENT; AND SETTING FORTH AN EFFECTIVE DATE.

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

- P. **RESOLUTION NO. 2022-143:** A RESOLUTION AUTHORIZING THE EXECUTION OF A PUBLIC TRANSPORTATION GRANT AGREEMENT WITH THE FLORIDA DEPARTMENT OF TRANSPORTATION FOR THE CONSTRUCTION AND INSTALLATION OF DIRECTORY SIGNAGE AT THE ORMOND BEACH MUNICIPAL AIRPORT; AND SETTING FORTH AN EFFECTIVE DATE.

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

- Q. **ProjectDox Software FY 2022-2023 Renewal**

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

**Disposition:** Approve as recommended in the City Manager memorandum dated October 18, 2022.

- R. **City Manager Status Report, October 2022**

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

**Disposition:** Approve as recommended in the City Manager memorandum dated October 18, 2022.

## 8. PUBLIC HEARINGS

- A. **ORDINANCE NO. 2022-32:** 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 THREE PARCELS OF REAL PROPERTY TOTALING APPROXIMATELY 33.31 ACRES GENERALLY LOCATED AT OLD DIXIE HIGHWAY AND PLANTATION OAKS BOULEVARD, VOLUSIA COUNTY PROPERTY APPRAISER PARCEL NUMBERS: 3124-00-00-0022, 3239-03-17-0130, AND 3239-03-07-0100, FROM ORMOND BEACH PRD (PLANNED RESIDENTIAL DEVELOPMENT) AND VOLUSIA COUNTY R-3 (URBAN SINGLE-FAMILY) TO ORMOND BEACH 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)*

- B. **ORDINANCE NO. 2022-33:** AN ORDINANCE AUTHORIZING THE EXECUTION AND ISSUANCE OF A PLANNED RESIDENTIAL DEVELOPMENT DEVELOPMENT ORDER FOR THE "TATTERSALL AT TYMBER CREEK" SUBDIVISION, AUTHORIZING A PHASED SUBDIVISION OF 129 LOTS ON 84.14+ ACRES TO BE LOCATED AT 304 NORTH TYMBER CREEK ROAD (PARCEL ID NUMBER: 4124-00-00-0240), 2099 AIRPORT ROAD (PARCEL ID NUMBER: 4123-00-00-0012), AND 370 NORTH TYMBER CREEK ROAD (PARCEL ID NUMBER: 4124-00-00-0250); ESTABLISHING CONDITIONS AND EXPIRATION OF APPROVAL; AND SETTING FORTH AN EFFECTIVE DATE.

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

- C. **ORDINANCE NO. 2022-34:** 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 TWO PARCELS OF REAL PROPERTY TOTALING APPROXIMATELY 5.73 ACRES LOCATED AT 520 AND 540 FLAGLER ROAD (VOLUSIA COUNTY PARCEL NUMBERS 3136-01-69-0020 AND 3136-01-68-0020) FROM B-7 (HIGHWAY TOURIST COMMERCIAL) TO PLANNED BUSINESS DEVELOPMENT (PBD); 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)

- D. **ORDINANCE NO. 2022-35:** AN ORDINANCE AUTHORIZING THE EXECUTION AND ISSUANCE OF A DEVELOPMENT ORDER FOR A PLANNED BUSINESS DEVELOPMENT TO BE LOCATED AT 520 AND 540 FLAGLER ROAD, TO BE KNOWN AS THE "NORTH INTERCHANGE"; AUTHORIZING THE DEVELOPMENT OF THE PROPERTY FOR BUSINESS AND STORAGE WAREHOUSES, INDOOR MINI SELF-STORAGE, AND OUTDOOR RV AND BOAT STORAGE UNDER CERTAIN CONDITIONS; ESTABLISHING CONDITIONS AND EXPIRATIONS OF APPROVAL; AND SETTING FORTH AN EFFECTIVE DATE.

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

- E. **ORDINANCE NO. 2022-36:** 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 REAL PROPERTY AS A RESULT OF THE COMPREHENSIVE PLAN AMENDMENTS THAT IMPLEMENTED THE PROVISIONS OF THE SECOND AMENDED INTERLOCAL SERVICE BOUNDARY AGREEMENT BETWEEN THE CITY OF ORMOND BEACH AND THE COUNTY OF VOLUSIA; AUTHORIZING REVISION OF THE 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. FIRST READING OF ORDINANCES

- A. **ORDINANCE NO. 2022-37:** AN ORDINANCE AMENDING THE CITY OF ORMOND BEACH COMPREHENSIVE PLAN ADOPTED BY ORDINANCE 90-36, AS PREVIOUSLY AMENDED, BY ADDING AN OBJECTIVE AND POLICIES FOR FLOOD RISK PLANNING IN ACCORDANCE WITH FLORIDA STATUTES SECTION 163.3178(2)(F); PROVIDING FOR TRANSMITTING COPIES OF THE NOTICE AND AMENDMENT TO THE STATE REVIEWING AGENCIES, THE COUNTY OF VOLUSIA, AND ANY OTHER LOCAL GOVERNMENT OR GOVERNMENTAL AGENCY REQUESTING A COPY; PROVIDING FOR PUBLIC HEARINGS;

PROVIDING FOR CONFLICTING ORDINANCES; AND SETTING FORTH AN EFFECTIVE DATE.

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

## 10. SECOND READING OF ORDINANCES

- A. **ORDINANCE NO. 2022-31:** AN ORDINANCE AMENDING THE ANNUAL BUDGET FOR FISCAL YEAR 2021-2022 BY AMENDING THE GENERAL FUND (001); STORMWATER UTILITY FUND (107); AIRPORT FUND (108); LOCAL LAW ENFORCEMENT TRUST FUND (109); ECONOMIC DEVELOPMENT FUND (110); GRANTS FUND (116); CAPITAL IMPROVEMENTS FUND (301); EQUIPMENT RENEWAL & REPLACEMENT FUND (302); PUBLIC SAFETY VEHICLE & EQUIPMENT FUND (305); TRANSPORTATION IMPROVEMENTS FUND (308); FACILITIES RENEWAL & REPLACEMENT FUND (317); WATER AND WASTEWATER FUND (401); VEHICLE REPLACEMENT FUND (408); RENEWAL & REPLACEMENT FUND (409); AND THE GENERAL LIABILITY FUND (504); AND SETTING FORTH AN EFFECTIVE DATE. **(SECOND READING)**

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

## 11. REPORTS, SUGGESTIONS, REQUESTS

## 12. ADJOURNMENT

### MINUTES

#### Item #1 – Meeting Call to Order

Mayor Partington called the meeting to order at 7:00 p.m.

#### Item #2 – Invocation

Evangelist John Jeyaseelan, Bethel Ministries, provided the invocation.

#### Item #3 – Pledge of Allegiance

Mayor Partington led the Pledge of Allegiance.

#### Item #4 – Presentations and Proclamations

##### Item #4A – Trevor Hamilton

Mayor Partington presented a proclamation to Mr. Trevor Hamilton for his achievements at the 2022 USA Special Olympics Games. He discussed Mr. Hamilton's background with the city and his passion for sports and encouraged residents to celebrate Mr. Hamilton's win of two silver medals.

##### Item #4B – Domestic Violence Awareness Month

Mayor Partington presented a proclamation to Ormond Beach Police Department Victim Advocate Evelyn Rebstini. He proclaimed October 2022 as Domestic Violence Awareness Month and urged all people to take supportive efforts that would prevent and end domestic violence.

Ms. Evelyn Rebstini, Victims' Advocate, thanked the Commission for their continued support.

#### Item #5 – Audience Remarks

Mr. Bill Denny, 1027 North Halifax Drive, thanked the Commission and staff for allowing Citizens for Ormond Beach to conduct a Candidates Forum.

Mr. Travis Sargent, 406 North Beach Street, thanked Leisure Services, Mr. Ike Leary and Commissioner Kent for the Reel in the Fun Fishing Tournament.

Mr. Clifford G. Martin, 934 Northbrook Drive, thanked Commissioner Selby and Deputy Public Works Director Kevin Gray for their assistance with his debris pick up.

Item #6 – Approval of Minutes

Mayor Partington advised the minutes of the October 5, 2022, 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 that hearing no corrections, the minutes would stand approved as presented.

**Commissioner Selby moved, seconded by Commissioner Littleton, for approval of the October 5, 2022, 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 Littleton requested Item 7O be pulled from the Consent Agenda.

**Commissioner Kent moved, seconded by Commissioner Persis, for approval of the consent agenda absent Item 7O.**

Call Vote:	Commissioner Selby	Yes
	Commissioner Kent	Yes
	Commissioner Persis	Yes
	Commissioner Littleton	Yes
Carried.	Mayor Partington	Yes

Item #7O – Leisure Services Fee Schedule

City Clerk Susan C. Dauderis read by title only:

RESOLUTION NO. 2022-142  
A RESOLUTION APPROVING AND AUTHORIZING REVISIONS TO THE CITY’S FEE SCHEDULE FOR CULTURAL AND RECREATIONAL PROGRAMS AND FACILITIES OPERATED BY THE LEISURE SERVICES DEPARTMENT; AND SETTING FORTH AN EFFECTIVE DATE.

**Commissioner Persis moved, seconded by Commissioner Selby, for approval of Resolution No. 2022-142, as read by title only.**

Commissioner Littleton explained he was not supportive of the fee increase and would vote no on the item.

Call Vote:	Commissioner Kent	Yes
	Commissioner Persis	Yes
	Commissioner Littleton	No
	Commissioner Selby	Yes
Carried.	Mayor Partington	Yes

Comments on the Consent Agenda

Commissioner Selby and Commissioner Persis stated their support of Item 7J regarding the collective bargaining agreement for the firefighters.

Commissioner Persis discussed her support of Item 7B regarding the health insurance and thanked Assistant City Manager Claire Whitley for her work on the item.

Item #8 – Public Hearings

Mayor Partington opened the public hearings.

Item #8A – Zoning Map Amendment, Volusia County Parcels – Plantation Oaks Blvd. & Old Dixie Highway

City Clerk Susan C. Dauderis read by title only:

ORDINANCE NO. 2022-32

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 THREE PARCELS OF REAL PROPERTY TOTALING APPROXIMATELY 33.31 ACRES GENERALLY LOCATED AT OLD DIXIE HIGHWAY AND PLANTATION OAKS BOULEVARD, VOLUSIA COUNTY PROPERTY APPRAISER PARCEL NUMBERS: 3124-00-00-0022, 3239-03- 17-0130, AND 3239-03-07-0100, FROM ORMOND BEACH PRD (PLANNED RESIDENTIAL DEVELOPMENT) AND VOLUSIA COUNTY R-3 (URBAN SINGLE-FAMILY) TO ORMOND BEACH SE (SPECIAL ENVIRONMENTAL); AUTHORIZING REVISION OF OFFICIAL ZONING MAP; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; AND SETTING FORTH AN EFFECTIVE DATE.

Mr. Steven Spraker, Planning Director, explained the item was a request to allow for consistency between the Land Use amendment approved earlier in 2022 and the Zoning Map. He stated staff and the Planning Board recommended approval.

**Commissioner Selby moved, seconded by Commissioner Kent, for approval of Ordinance No. 2022-32, on first reading, as read by title only.**

Call Vote:	Commissioner Persis	Yes
	Commissioner Littleton	Yes
	Commissioner Selby	Yes
	Commissioner Kent	Yes
Carried.	Mayor Partington	Yes

Item #8B – Tattersall at Tymber Creek, Issuance of a Development Order

City Clerk Susan C. Dauderis read by title only:

ORDINANCE NO. 2022-33

AN ORDINANCE AUTHORIZING THE EXECUTION AND ISSUANCE OF A PLANNED RESIDENTIAL DEVELOPMENT DEVELOPMENT ORDER FOR THE “TATTERSALL AT TYMBER CREEK” SUBDIVISION, AUTHORIZING A PHASED SUBDIVISION OF 129 LOTS ON 84.14+ ACRES TO BE LOCATED AT 304 NORTH TYMBER CREEK ROAD (PARCEL ID NUMBER: 4124-00-00-0240), 2099 AIRPORT ROAD (PARCEL ID NUMBER: 4123-00-00-0012), AND 370 NORTH TYMBER CREEK ROAD (PARCEL ID NUMBER: 4124-00-00-0250); ESTABLISHING CONDITIONS AND EXPIRATION OF APPROVAL; AND SETTING FORTH AN EFFECTIVE DATE.

Mr. Steven Spraker, Planning Director, reviewed the surrounding areas of the proposed Tattersall and Tymber Creek. He explained the subdivision application process had three stages, the first was the zoning aspect of the Planned Residential Development, the second would be the Preliminary Plat and the final stage was the Final Plat. He stated a Neighborhood Meeting was held on August 23, 2022 and the Planning Board met and provided approval, four to one, on September 8, 2022. He explained Item 8B was for the zoning aspect of the project. He reviewed the previous applications on the site and discussed the prior concerns. He reviewed the differences from the prior 2022 application, noting the lot reductions from 143 to 129, the stormwater plans, elimination of the sign waiver, increase of natural and recreation areas. He discussed the project characteristics which included density, offsite improvements, natural areas, access to subdivision, wetland, lot sizes, floodplain and signage.

Commissioner Littleton inquired how the planned swale would assist with stormwater protection and drainage; whereby, Mr. Spraker stated the swale would provide a

dedicated source for the water headed north. Commissioner Littleton inquired how much storage the swale added; whereby, Mr. Spraker clarified the item was for the zoning noting the applicant may be able to answer that question if the calculations were completed, and explained all the calculations would be available at the Preliminary Plat hearing phase.

Mr. Ron Hooper, 7 Aucuba Circle, expressed concerns regarding the stormwater. He explained he had flooding concerns for roughly 13 proposed homes, and noted he would like to see them removed from the plan.

Mr. Andy Zelenski, 6 Crossvine Drive, explained his concerns regarding communication between Tattersall and citizens as well as the stormwater drainage.

Ms. Elizabeth Zelenski, 6 Crossvine Drive, voiced her concerns in regards to stormwater runoff and drainage in relation to the surrounding neighborhoods.

Mr. Kevin Jullion, 22 Aucuba Circle, expressed his concerns for the stormwater drainage.

**Commissioner Persis moved, seconded by Commissioner Littleton, for approval of Ordinance No. 2022-33, on first reading, as read by title only.**

Commissioner Persis disclosed that she met with the builder of the potential development, and discussed the wet areas of the property located closer to the roadways and the dry areas hidden by the tree line; whereby, Mr. Spraker stated that was correct and noted the applicant had photos of the higher areas. Commissioner Persis discussed her support of the natural buffers. She inquired if the builder could include his desire to maintain as many trees as possible and not clear cut the property; whereby, Mr. Spraker indicated that was in the development order within Exhibit C.

Commissioner Kent inquired about the owner; whereby, Mr. Spraker stated Tymber Sky, LLC and Enclave of Timber Creek, LLC. Commissioner Kent reviewed the timeline of the previous applications and discussed the property and surrounding areas. He voiced his concerns regarding the school traffic in the morning and afternoon, noting it was an issue with Volusia County. He stated he was not supportive of the item until the infrastructure was in place.

Commissioner Selby inquired if the consultant or developer could speak on the flooding concerns.

Mr. Dwight DuRant, Zev Cohen and Associates, discussed the stormwater and recent storm, Hurricane Ian. He reviewed how the water flowed into, on and around the property. He explained the swale was for a conveyance to move the water not for a storage of water. He stated the stormwater plan was based on statistics and science. He discussed what flooding meant, and explained while some of the streets flooded but the houses did not and that was how the developments and stormwater plans were designed.

Commissioner Persis inquired about the flood zone homes on the north end of the property; whereby, Mr. DuRant stated while he did not see the flooding of the area during the storm due to safety concerns, the area was a shallow area and the swale would compensate for the area.

Commissioner Selby inquired about compensating storage and the swale; whereby, Mr. DuRant stated the area was flat and wet. Mr. DuRant explained the swale would help alleviate the wetness of the area. Commissioner Selby inquired if there would be culvert under Leeway Trail; whereby, Mr. DuRant stated there would be.

Mr. DuRant discussed compensating storage and noted if an area was filled, a nearby area would be dug out to create a space for the water to go.

Mr. Mark Watts, Cobb Cole, showed photos of the wetland and dryer areas. He reviewed the density from previous applications and the current application. He discussed the natural buffer increase and lot sizes.

Mr. Bill Lites, Zev Cohen and Associates, reviewed photos and discussed the trees and foliage within the property, noting the types of trees that grew that would not grow in wetlands. He explained there were 15 acres of wetlands on the property, noting they

were inspected by Saint Johns River Water Management District and Florida Department of Environmental Protection.

Mr. Watts discussed the traffic concerns, noting all the city, county and state standards were met but understood the school traffic concerns. He explained they were willing to work with the city and Volusia County to help improve the roadway. He stated there was a 32-foot right-of-way (ROW) dedication on Tymber Creek Road for the possibility of a roadway expansion. He explained the development planned to add a sidewalk from the property to Pathways Elementary School.

Commissioner Persis stated a crosswalk would be ideal with the sidewalk to assist with those who would walk to the school.

Commissioner Kent discussed Volusia County infrastructure failures with LPGA Boulevard and Tymber Creek Road. He stated he was not in favor of the project until the infrastructure was in place.

Commissioner Selby stated school traffic increased throughout the city as more parents were driving their children to school. He inquired if the 32 feet ROW was sufficient to four lane Tymber Creek Road; whereby, Mr. Watts explained that was what was requested by Volusia County.

Mayor Partington disclosed he met with Mr. Jim Paytas, applicant, and stated he was not in favor of the item due to the stormwater issues and quality of life impact.

Commissioner Selby stated the current plan was 129 lots and 1.53 units per acre. He discussed the advantages of the swale to the surrounding neighborhoods, the removal of the sign waiver, 38.5 percent of the site was natural preservation and the recreation areas were 130 percent more than required by the codes. He reviewed the sidewalk, school capacity, wetland impacts, landscape buffers, architectural controls, lot size, Groover Branch impacts and home prices. He discussed the developer's history with Ormond Beach, noting they were a local company.

Commissioner Littleton stated he was not in favor of the item last time it came before the Commission but noted he would vote yes on the item.

Call Vote:	Commissioner Littleton	Yes
	Commissioner Selby	Yes
	Commissioner Kent	No
	Commissioner Persis	Yes
Carried.	Mayor Partington	No

Item #8C – 520 & 540 Flagler Road, North Interchange, Zoning Map Amendment

City Clerk Susan C. Dauderis read by title only:

ORDINANCE NO. 2022-34

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 TWO PARCELS OF REAL PROPERTY TOTALING APPROXIMATELY 5.73 ACRES LOCATED AT 520 AND 540 FLAGLER ROAD (VOLUSIA COUNTY PARCEL NUMBERS 3136-01-69-0020 AND 3136-01-68-0020) FROM B-7 (HIGHWAY TOURIST COMMERCIAL) TO PLANNED BUSINESS DEVELOPMENT (PBD); AUTHORIZING REVISION OF OFFICIAL ZONING MAP; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; AND SETTING FORTH AN EFFECTIVE DATE.

**Commissioner Littleton moved, seconded by Commissioner Persis, for approval of Ordinance No. 2022-34, on first reading, as read by title only.**

Call Vote:	Commissioner Selby	Yes
	Commissioner Kent	Yes
	Commissioner Persis	Yes
	Commissioner Littleton	Yes

Carried. Mayor Partington Yes

Item #8D – 520 & 540 Flagler Road, North Interchange, Issuance of a Development Order

City Clerk Susan C. Dauderis read by title only:

ORDINANCE NO. 2022-35

AN ORDINANCE AUTHORIZING THE EXECUTION AND ISSUANCE OF A DEVELOPMENT ORDER FOR A PLANNED BUSINESS DEVELOPMENT TO BE LOCATED AT 520 AND 540 FLAGLER ROAD, TO BE KNOWN AS THE “NORTH INTERCHANGE”; AUTHORIZING THE DEVELOPMENT OF THE PROPERTY FOR BUSINESS AND STORAGE WAREHOUSES, INDOOR MINI SELF-STORAGE, AND OUTDOOR RV AND BOAT STORAGE UNDER CERTAIN CONDITIONS; ESTABLISHING CONDITIONS AND EXPIRATIONS OF APPROVAL; AND SETTING FORTH AN EFFECTIVE DATE.

**Commissioner Selby moved, seconded by Commissioner Kent, for approval of Ordinance No. 2022-35, on first reading, as read by title only.**

Call Vote:	Commissioner Kent	Yes
	Commissioner Persis	Yes
	Commissioner Littleton	Yes
	Commissioner Selby	Yes
Carried.	Mayor Partington	Yes

Item #8E – Second Amended ISBA Zoning Map Amendment

City Clerk Susan C. Dauderis read by title only:

ORDINANCE NO. 2022-36

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 REAL PROPERTY AS A RESULT OF THE COMPREHENSIVE PLAN AMENDMENTS THAT IMPLEMENTED THE PROVISIONS OF THE SECOND AMENDED INTERLOCAL SERVICE BOUNDARY AGREEMENT BETWEEN THE CITY OF ORMOND BEACH AND THE COUNTY OF VOLUSIA; AUTHORIZING REVISION OF THE OFFICIAL ZONING MAP; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; AND SETTING FORTH AN EFFECTIVE DATE.

**Commissioner Persis moved, seconded by Commissioner Selby, for approval of Ordinance No. 2022-36, on first reading, as read by title only.**

Call Vote:	Commissioner Persis	Yes
	Commissioner Littleton	Yes
	Commissioner Selby	Yes
	Commissioner Kent	Yes
Carried.	Mayor Partington	Yes

Mayor Partington closed the public hearings.

Item #9 – First Reading of Ordinances

Item #9A – Comprehensive Plan Amendment, Coastal Management Element

City Clerk Susan C. Dauderis read by title only:

ORDINANCE NO. 2022-37

AN ORDINANCE AMENDING THE CITY OF ORMOND BEACH COMPREHENSIVE PLAN ADOPTED BY ORDINANCE 90-36, AS PREVIOUSLY AMENDED, BY ADDING AN OBJECTIVE AND POLICIES FOR FLOOD RISK PLANNING IN ACCORDANCE WITH FLORIDA

STATUTES SECTION 163.3178(2)(F); PROVIDING FOR TRANSMITTING COPIES OF THE NOTICE AND AMENDMENT TO THE STATE REVIEWING AGENCIES, THE COUNTY OF VOLUSIA, AND ANY OTHER LOCAL GOVERNMENT OR GOVERNMENTAL AGENCY REQUESTING A COPY; PROVIDING FOR PUBLIC HEARINGS; PROVIDING FOR CONFLICTING ORDINANCES; AND SETTING FORTH AN EFFECTIVE DATE.

**Commissioner Persis moved, seconded by Commissioner Selby, for approval of Ordinance No. 2022-37, on first reading, as read by title only.**

Call Vote:	Commissioner Littleton	Yes
	Commissioner Selby	Yes
	Commissioner Kent	Yes
	Commissioner Persis	Yes
Carried.	Mayor Partington	Yes

Item #10 – Second Reading of Ordinances

Item #10A – Budget Amendments Fiscal Year 2021-2022

City Clerk Susan C. Dauderis read by title only:

ORDINANCE NO. 2022-31

AN ORDINANCE AMENDING THE ANNUAL BUDGET FOR FISCAL YEAR 2021-2022 BY AMENDING THE GENERAL FUND (001); STORMWATER UTILITY FUND (107); AIRPORT FUND (108); LOCAL LAW ENFORCEMENT TRUST FUND (109); ECONOMIC DEVELOPMENT FUND (110); GRANTS FUND (116); CAPITAL IMPROVEMENTS FUND (301); EQUIPMENT RENEWAL & REPLACEMENT FUND (302); PUBLIC SAFETY VEHICLE & EQUIPMENT FUND (305); TRANSPORTATION IMPROVEMENTS FUND (308); FACILITIES RENEWAL & REPLACEMENT FUND (317); WATER AND WASTEWATER FUND (401); VEHICLE REPLACEMENT FUND (408); RENEWAL & REPLACEMENT FUND (409); AND THE GENERAL LIABILITY FUND (504); AND SETTING FORTH AN EFFECTIVE DATE. **(SECOND READING)**

**Commissioner Selby moved, seconded by Commissioner Littleton, for approval of Ordinance No. 2022-31, on second reading, as read by title only.**

Call Vote:	Commissioner Selby	Yes
	Commissioner Kent	Yes
	Commissioner Persis	Yes
	Commissioner Littleton	Yes
Carried.	Mayor Partington	Yes

Item #11 – Reports, Suggestions, Requests

Hurricane Ian

Mr. Shawn Finley, Public Works Director, reviewed the debris removal progress. He explained there was a shortage on debris removal trucks and noted more trucks were added as they became available. He stated the estimated completion would be November 23, 2022, noting that was day 50 of debris collection. He reviewed the daily reports and tracking process.

Mayor Partington complimented staff on the progress.

Commissioner Littleton inquired if the debris removal trucks would pick up the bagged debris; whereas, Mr. Finley stated Crowder Gulf was picking up the unbagged debris and WastePro was the normal waste hauler and would pick up any bagged debris.

Commissioner Selby inquired if Crowder Gulf would not pick up logs if the truck was almost full as the haulers get credit based on volume not weight; whereby, Mr. Finley explained volume was how the haulers were audited. Commissioner Selby asked if WastePro picked up bags on Wednesday, October 12, 2022 and if they were limiting the number of bags in the pickup; whereby, Mr. Kevin Gray, Deputy Public Works Director, explained there were spotters to look for fluff and space in the debris haulers pick up.

Mr. Gray explained WastePro initially limited the number of bags per household but noted staff corrected that and WastePro returned to picking up all bags.

Ms. Joyce Shanahan, City Manager, explained Crowder Gulf could not pick up the bagged debris as the plastic bags would interfere with the mulching of the debris.

Commissioner Persis thanked staff for the reports.

Ms. Shanahan stated staff could provide the reports daily or weekly; whereby, Mayor Partington stated he would prefer daily reports. Ms. Shanahan reviewed the damages at Bailey Riverbridge Gardens, Andy Romano Beachfront Park, The Casements, other miscellaneous parks and City Facilities.

Commissioner Kent inquired about concrete pillars for the ramp at Andy Romano Beachfront Park; whereby, Ms. Shanahan stated staff would look into it, but believed Florida Department of Environmental Protection did not allow the concrete pillars.

Ms. Shanahan explained the estimated damages totaled approximately over \$1,000,000.

Commissioner Littleton and Selby complimented staff on all their work after Hurricane Ian.

Commissioner Kent discussed his concerns regarding the height of the breakwater in front of Cassen Park. He commended Kevin Gray for his work over the years and with the storm.

Mayor Partington read a letter from a citizen that complimented an employee from the Public Works Streets Department.

#### Events

Ms. Shanahan invited the Commission to Employee Appreciation Day on Wednesday, October 19, 2022. She explained in the past the first meeting of November the outgoing Commission was recognized and inquired if there were any objections to doing the same at the November 1, 2022 meeting; whereby, the Commission was supportive. Ms. Shanahan explained October 21, 2022 was hazardous waste drop off at the Public Works facility hosted by Volusia county. She encouraged the Commission to attend the Senior Games Kick-Off Luncheon on October 21, 2022, the movie The Goonies was planned for Movies on the Halifax on November 4, 2022 and the Hometown Heroes Drive-thru Luncheon would be held on November 5, 2022.

Commissioner Selby thanked Ms. Shanahan regarding Mr. Martin's comments; whereby, Ms. Shanahan thanked the Public Works department for their hard work.

Commissioner Persis stated she attended the first viewing of the Dr. Mary McLeod-Bethune documentary and encouraged citizens to view it.

Commissioner Kent inquired if the hazardous waste drop-off event was publicized; whereby, Ms. Shanahan stated it was. He commended staff on the movie for Movie on the Halifax. He discussed the Reel in the Fun Fishing Tournament.

Mayor Partington invited the Commissioner-Elects to attend Employee Appreciation Day.

#### State of the City

Commissioner Persis thanked staff for their work with the State of the City.

Commissioner Littleton, Commissioner Selby and Commissioner Kent thanked the Mayor for their Key to the City and complimented the State of the City event.

#### Item #12 – Adjournment

The meeting was adjourned at 9:13 p.m.

APPROVED: November 1, 2022

BY:

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Bill Partington, Mayor

ATTEST:

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Susan Carroll Dauderis,  
City Clerk