

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

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August 4, 2021

7:00 p.m.

Commission Chambers

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Present were: Mayor Bill Partington, Commissioners Dwight Selby, Troy Kent, Susan Persis, and Rob Littleton, City Manager Joyce Shanahan, Assistant City Manager Claire Whitley, City Attorney Randy Hayes, and Acting City Clerk Scott McKee.

**A G E N D A**

**1. CALL TO ORDER**

**2. INVOCATION**

**3. PLEDGE OF ALLEGIANCE**

**4. ~~PRESENTATIONS AND PROCLAMATIONS~~**

~~A. Ned Huhta~~

**5. AUDIENCE REMARKS - REGARDING ITEMS NOT ON THE AGENDA**

**6. APPROVAL OF MINUTES**

A. The minutes from the July 13, 2021 Special City Commission meeting and the July 20, 2021 City Commission meeting will be available for approval at the August 17, 2021 City Commission meeting.

**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. 2021-118:** A RESOLUTION ACKNOWLEDGING THE RECEIPT OF THE 2021 ORMOND CROSSINGS ANNUAL REPORT DATED JUNE 2021; AND SETTING FORTH AN EFFECTIVE DATE

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

**B. RESOLUTION NO. 2021-119:** A RESOLUTION AUTHORIZING THE EXECUTION OF A QUITCLAIM DEED IN FAVOR OF KEVIN AND MARCIA KROLL RELEASING A FIVE-FOOT (5.0') PORTION OF A TEN-FOOT (10.0') STORM DRAINAGE, UTILITY AND MAINTENANCE EASEMENT LOCATED ALONG THE EAST REAR YARD PROPERTY LINE OF LOT 10, TUSCANY SUBDIVISION, (29 APIAN WAY); PROVIDING FOR RECORDATION; AND SETTING FORTH AN EFFECTIVE DATE.

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

**C. RESOLUTION NO. 2021-120:** A RESOLUTION ACCEPTING THE BID OF SABOUNGI CONSTRUCTION, INC. REGARDING CONSTRUCTION SERVICES FOR THE SOUTH ORMOND NEIGHBORHOOD CENTER GYMNASIUM PROJECT, UNDER BID NO. 2021-16; REJECTING ALL OTHER BIDS; AUTHORIZING THE EXECUTION OF A CONTRACT AND PAYMENT THEREFOR; AND SETTING FORTH AN EFFECTIVE DATE.

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

- D. **RESOLUTION NO. 2021-121:** A RESOLUTION ACCEPTING A BID FROM MASI GENERAL CONTRACTOR, INC. FOR CONSTRUCTION SERVICES REGARDING THE 2021 ROADWAY REPAVING PROJECT, UNDER BID NO. 2021-21; AUTHORIZING THE EXECUTION OF A CONTRACT AND PAYMENT THEREFOR; REJECTING ALL OTHER BIDS; AND SETTING FORTH AN EFFECTIVE DATE.

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

- E. **RESOLUTION NO. 2021-122:** A RESOLUTION AUTHORIZING THE EXECUTION OF AN ASSIGNMENT AND AMENDMENT TO AGREEMENT FOR ELEVATOR SERVICES FOR THE LIMITED PURPOSE OF ACKNOWLEDGING A CHANGE IN THE CORPORATE ENTITY PROVIDING ELEVATOR INSPECTIONS AND REPAIR SERVICES FROM PREMIER ELEVATOR CO., INC. TO ORACLE ELEVATOR HOLDCO, INC.; AND SETTING FORTH AN EFFECTIVE DATE.

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

- F. **RESOLUTION NO. 2021-123:** A RESOLUTION AUTHORIZING A COST OF LIVING INCREASE BASED ON THE CONSUMER PRICE INDEX PURSUANT TO THE AMENDMENT AND RESTATEMENT OF AGREEMENT FOR FIELD MAINTENANCE SERVICES BETWEEN THE CITY OF ORMOND BEACH AND AUSTIN OUTDOOR, LLC D/B/A YELLOWSTONE LANDSCAPE, INC.; AND SETTING FORTH AN EFFECTIVE DATE.

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

- G. **RESOLUTION NO. 2021-124:** A RESOLUTION AUTHORIZING A COST OF LIVING INCREASE BASED ON THE CONSUMER PRICE INDEX PURSUANT TO THE GROUNDS MAINTENANCE SERVICES AGREEMENT BETWEEN THE CITY OF ORMOND BEACH AND AUSTIN OUTDOOR, LLC D/B/A YELLOWSTONE LANDSCAPE, INC.; AND SETTING FORTH AN EFFECTIVE DATE.

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

- H. **C&D Franchise Renewal for Samsula Landfill, Inc.**

**Staff Contact:** Kevin Gray, Deputy Public Works Director (386-676-3577)

**Disposition:** Approve as recommended in the City Manager memorandum dated August 4, 2021.

- I. **Intent to Bid the Purchase of Calcium Hypochlorite for the Water Reclamation Facility**

**Staff Contact:** Tim Heyrend, Utilities Manager (386-676-3305)

**Disposition:** Approve as recommended in the City Manager memorandum dated August 4, 2021.

- J. **Intent to Bid Water and Wastewater Chemical Purchases 2021**

**Staff Contact:** Tim Heyrend, Utilities Manager (386-676-3305)

**Disposition:** Approve as recommended in the City Manager memorandum dated August 4, 2021.

**K. Capital Improvement Plan FY 2021-22 to FY 2025-26**

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

**Disposition:** Approve as recommended in the City Manager memorandum dated August 4, 2021.

**L. Volusia League of Cities 2021 Distinguished Service Awards**

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

**Disposition:** Approve as recommended in the City Manager memorandum dated August 4, 2021.

**M. City Manager Status Report - August 2021**

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

**Disposition:** Approve as recommended in the City Manager memorandum dated August 4, 2021.

**8. PUBLIC HEARINGS**

**A. ORDINANCE NO. 2021-20:** AN ORDINANCE AMENDING CHAPTER 1, GENERAL ADMINISTRATION, ARTICLE III, DEFINITIONS AND ACRONYMS, SECTION 1-22, DEFINITIONS OF TERMS AND WORDS AND CHAPTER 2, DISTRICT AND GENERAL REGULATIONS, ARTICLE III, GENERAL REGULATIONS, SECTION 2-50, ACCESSORY USES, OF THE LAND DEVELOPMENT CODE TO ADD DEFINITIONS AND ACCESSORY USE STANDARDS TO ALLOW MOBILE FOOD DISPENSING VEHICLES (FOOD TRUCKS) UNDER CERTAIN CONDITIONS AND WITHIN CERTAIN ZONING DISTRICTS; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; PROVIDING FOR SEVERABILITY; AND SETTING FORTH AN EFFECTIVE DATE. **(SECOND READING)**

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

**B. ORDINANCE NO. 2021-22:** AN ORDINANCE AMENDING CHAPTER 3, PERFORMANCE STANDARDS, ARTICLE VI, ARCHITECTURAL DESIGN STANDARDS, SECTION 3-70, SPECIAL STRUCTURE PROVISIONS, OF THE LAND DEVELOPMENT CODE TO AMEND THE REQUIREMENTS FOR MOTOR VEHICLE SERVICE STATION CANOPIES; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; PROVIDING FOR SEVERABILITY; AND SETTING FORTH AN EFFECTIVE DATE. **(SECOND READING)**

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

**C. ORDINANCE NO. 2021-25:** AN ORDINANCE AMENDING CHAPTER 1, GENERAL ADMINISTRATION, ARTICLE III, DEFINITIONS AND ACRONYMS, SECTION 1-22, DEFINITIONS OF TERMS AND WORDS; AND CHAPTER 3, PERFORMANCE STANDARDS, ARTICLE II, ENVIRONMENTAL PROTECTION STANDARDS, OF THE CITY OF ORMOND BEACH, LAND DEVELOPMENT CODE, BY AMENDING THE FLOODPLAIN MANAGEMENT AND PROTECTION REGULATIONS; AND REPEALING ALL INCONSISTENT ORDINANCES OR PARTS

THEREOF; PROVIDING FOR APPLICABILITY; SEVERABILITY;  
AND AN EFFECTIVE DATE.

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

- D. **ORDINANCE NO. 2021-26:** AN ORDINANCE AMENDING CHAPTER 3, PERFORMANCE STANDARDS, ARTICLE V, UTILITY AND INFRASTRUCTURE DESIGN STANDARDS, SECTION 3-61, UTILITY LINE EXTENSIONS, OF THE LAND DEVELOPMENT CODE TO REQUIRE WATER AND SEWER LINES BE EXTENDED ACROSS THE SITE FRONTAGE FOR NEW DEVELOPMENT WHERE UTILITY EXTENSIONS ARE REQUIRED; 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)

- E. **ORDINANCE NO. 2021-27:** AN ORDINANCE AMENDING CHAPTER 2, DISTRICT AND GENERAL REGULATIONS, ARTICLE VI, OVERLAY DISTRICTS, SECTION 2-70, DOWNTOWN OVERLAY DISTRICT, OF THE LAND DEVELOPMENT CODE TO UPDATE THE SECTION CONSISTENT WITH THE 2019 DOWNTOWN MASTER PLAN UPDATE; 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)

- F. **ORDINANCE NO. 2021-28:** AN ORDINANCE AMENDING CHAPTER 3, PERFORMANCE STANDARDS, ARTICLE V, UTILITY AND INFRASTRUCTURE DESIGN STANDARDS, SECTION 3-55, BICYCLE AND PEDESTRIAN WAYS, OF THE LAND DEVELOPMENT CODE TO ALLOW PAYMENT IN LIEU OF CONSTRUCTING SIDEWALKS UNDER CERTAIN CONDITIONS AND REQUIRING SIDEWALKS ON BOTH SIDES OF THE STREET IN NEW SUBDIVISIONS; 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)

- G. **ORDINANCE NO. 2021-29:** AN ORDINANCE AMENDING SECTION 8-3, LOCAL AMENDMENTS TO BUILDING CODE, OF ARTICLE 1, IN GENERAL, OF CHAPTER 8, BUILDING AND CONSTRUCTION REGULATIONS OF THE CODE OF ORDINANCES OF THE CITY OF ORMOND BEACH TO AMEND THE SCHEDULE OF PERMIT FEES; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; AND SETTING FORTH AN EFFECTIVE DATE.

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

- H. **ORDINANCE NO. 2021-30:** AN ORDINANCE AMENDING SECTION 8-10, APPLICATION PROCESSING FEES, OF ARTICLE 1, IN GENERAL, OF CHAPTER 8, BUILDING AND CONSTRUCTION REGULATIONS OF THE CODE OF ORDINANCES OF THE CITY OF ORMOND BEACH TO AMEND APPLICATION PROCESSING FEES; REPEALING ALL

INCONSISTENT ORDINANCES OR PARTS THEREOF; AND SETTING FORTH AN EFFECTIVE DATE.

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

**9. SECOND READING OF ORDINANCES**

- A. **ORDINANCE NO. 2021-24:** AN ORDINANCE APPROVING THE FINAL PLAT FOR THE “ORMOND GATEWAY” SUBDIVISION, A COMMERCIAL THREE (3) LOT SUBDIVISION; ESTABLISHING CONDITIONS AND EXPIRATION DATE OF APPROVAL; AND SETTING FORTH AN EFFECTIVE DATE. **(SECOND READING)**

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

**10. RESOLUTIONS**

- A. **RESOLUTION NO. 2021-125:** A RESOLUTION APPROVING A CORRECTIVE LEGAL DESCRIPTION TO THE SPECIAL EXCEPTION DEVELOPMENT ORDER PERTAINING TO THE ORMOND MEMORIAL ART MUSEUM & GARDENS PROJECT LOCATED AT 78 EAST GRANADA BOULEVARD; AND SETTING FORTH AN EFFECTIVE DATE.

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

**11. REPORTS, SUGGESTIONS, REQUESTS**

**12. ADJOURNMENT**

Item #1 – Meeting Call to Order

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

Mayor Partington explained that Commissioner Selby and Commissioner Persis would be attending the meeting virtually due to a health or medical issue. He explained the Florida Attorney General had issued several legal opinions that a member of a local board or commission may be allowed to participate in a public meeting through electronic means in extraordinary circumstances when a quorum of the commission is otherwise physically present at the meeting.

Item #2 – Invocation

Father Roy Allison, St. James Episcopal Church, gave the invocation.

Item #3 – Pledge of Allegiance

Mayor Partington led the Pledge of Allegiance.

Item #4A – Presentations and Proclamations

Item #5 – Audience Remarks

Ms. Linda Williams, 131 Bosarvey Drive, discussed citizen awareness and participation. She asked for a public meeting to discuss the future of the property located at 56 North Beach Street and parking in the downtown.

Item #6– Approval of Minutes

Mayor Partington noted the minutes from the July 13, 2021, Special City Commission meeting and the July 20, 2021, City Commission meeting would be available for approval at the August 17, 2021, City Commission meeting.

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 Selby requested to pull Item 7K.

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

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

Item #7K – Capital Improvement Plan FY 2021-22 to FY 2025-26

**Commissioner Kent moved, seconded by Commissioner Persis, for approval of Item 7K.**

Commissioner Selby noted the Downtown Water Tax included in the Community Redevelopment Agency (CRA) fund had been redefined as alternative transportation in the downtown. He stated it was his understanding that the item was to be postponed from the upcoming fiscal year to the following fiscal year.

Ms. Kelly McGuire, Finance Director, noted discussion had ensued on postponing the item, but the final consensus was that it would stay in the upcoming fiscal year. She explained staff would look into other transportation options and bring them back before the Commission.

Commissioner Selby inquired if the funds allocated were to physically design something; whereby, Ms. McGuire stated staff's intention was to bring ideas back to the Commission, noting that based on feedback a broader study may be needed.

Mayor Partington suggested working with Ormond MainStreet to come up with ideas for transportation in the downtown. He continued to discuss possible options, including an electric vehicle to shuttle or partnering with Votran.

Ms. Joyce Shanahan, City Manager, stated the allocated funds acted as a place holder. She explained any items that would cost over \$25,000 would be brought before the Commission for approval.

Commissioner Selby inquired where the projects were located within the Capital Improvement Plan (CIP) that were funded by the \$4,900,000 from the American Rescue Plan Act (ARPA); whereby, Ms. McGuire noted the projects were found in various pages throughout the report. She stated the ARPA funds were referenced in a summary on page 18 of the report, and noted that a majority of those projects were water and sewer projects.

Commissioner Selby questioned if the city had received all of the ARPA funds; whereby, Ms. McGuire stated the city had received half of the funds up front.

Commissioner Selby stated he would be voting "no" on the item. He explained that during the previous CIP and Draft Budget Workshop he was not in favor of the ARPA funds being spent on the proposed projects. He noted he still did not believe the projects were the best use of the funds, and felt the funds would be better spent on the reuse water projects discussed at the budget workshop. He discussed reuse water in further detail and how other cities handled their reuse water.

Commissioner Littleton noted he agreed with Commissioner Selby's comments and stated he would be voting against the item.

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

Ms. Shanahan asked for direction on changes to the CIP in order to bring the budget back for approval in September.

**Commissioner Selby moved, seconded by Commissioner Littleton, for approval of Item 7K, amended to include that the \$4,900,000 ARPA funds be specifically designated for water quality projects, beginning with reuse water, and getting the city's reclaimed water down to zero gallons going into the Halifax River.**

Commissioner Littleton asked Ms. McGuire what she specifically needed from the Commission; whereby, Ms. McGuire stated that if the funds were being moved to new projects, she would need direction on the water and sewer rates that were previously discussed at the CIP and Draft Budget Workshop.

Mayor Partington inquired what the new rate would be if the funds were moved; whereby, Ms. McGuire stated that if the ARPA funds would not be used on the proposed projects, the rates would need to go up an additional 1.7 percent, on top of the 1.8 percent that was needed, bringing the total to 3.5 percent.

Mayor Partington stated he felt the Commission needed to spend the funds in a way that benefited all of the Ormond Beach residents, and questioned how the Commission could do so.

Commissioner Kent stated he agreed with Mayor Partington and was in favor of the original proposed plan from staff.

Mayor Partington discussed the reuse water that went into the Halifax River, noting the cleanliness of the water and the benefits it had on the quality of the river. He indicated that he would like to get to zero waste in the future.

Commissioner Kent mentioned the sewer rate increase, noting he felt the rate was a monthly tax on citizens and did not feel it was the appropriate time for a larger increase. He stated he would not be in favor of a change to the item.

Mayor Partington discussed other cities that were using the ARPA funds for special projects involving Commission priorities that may not benefit all citizens. He stated he felt staff's option would be the most beneficial for all tax-paying residents.

Ms. Shanahan noted Senate Bill 64 had been passed, which required the city to have an outline of a plan by November 2021 for zero discharge into the Halifax River by 2032. She stated her concern was the time constraints associated with the ARPA funds.

Commissioner Littleton stated he wanted to use the funds on a project that would help the environment and have a generational impact.

Commissioner Persis inquired if a compromise could be made to have a reduction in reuse water going into the river and still include staff's proposed projects, in order to benefit as many citizens as possible. Commissioner Persis stated she did not realize the amendment would change what was discussed at the previous budget workshop.

Ms. McGuire stated staff understood there was significant interest from the Commission to move forward with water and sewer projects. She noted there were currently no specific plans for those projects, but stated there were proposed plans in place for the \$4,900,000 ARPA funds. She stated with the proposed water and sewer rate increases, staff could potentially create a plan and design for next fiscal year. She proceeded to discuss the concern for the ARPA fund deadlines.

Commissioner Kent noted that Commissioner Persis had expressed she did not intend for the amendment to change so much, and indicated that she or any of the Commissioners could change their vote.

Mayor Partington stated staff's proposed plan was a good compromise even if it was not an immediate plan for the new projects suggested.

Commissioner Selby noted the reuse water was non-potable and advised that while it may be clean, it was not drinkable. He stated his concern with the ARPA funds, noting that the funds would be used on normal repairs and maintenance to the water and wastewater systems. He continued to state that he felt the only benefit to the citizens

would be a lower water and sewer rate than the following fiscal year. He agreed with Commissioner Littleton in wanting a project to be generational. He continued to discuss other projects, such as septic to sewer and water quality. He noted all citizens would benefit from improving the environment with zero reclaimed water. He stated he would approve the remainder of the CIP, but wanted the amendment passed. Commissioner Selby noted if that meant the water and sewer usage fee were going to be increased and needed to be included in the amendment, he would be supportive of that.

Commissioner Persis stated she would like to change her vote and noted she was fine with staff's original proposal.

Mr. Randy Hayes, City Attorney, clarified the current vote would be on the amendment to Item 7K.

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

**Commissioner Kent moved, seconded by Commissioner Persis, for approval of Item 7K.**

Mayor Partington asked Acting City Clerk Scott McKee to re-call the vote on Item 7K.

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

Comments on the Consent Agenda

Commissioner Kent commented on Item 7C, which approved a bid from Saboungi Construction, Inc. for the South Ormond Neighborhood Center (SONC) gymnasium project. He stated he was pleased that SONC would be receiving the improvement. He recognized former Commissioner Rick Boehm in attendance.

Item #8 – Public Hearings

Mayor Partington opened the public hearings.

Item #8A – LDC Amendment – Mobile Food Dispensing Vehicles (Food Trucks)

Acting City Clerk Scott McKee read by title only:

ORDINANCE NO. 2021-20  
 AN ORDINANCE AMENDING CHAPTER 1, GENERAL ADMINISTRATION, ARTICLE III, DEFINITIONS AND ACRONYMS, SECTION 1-22, DEFINITIONS OF TERMS AND WORDS AND CHAPTER 2, DISTRICT AND GENERAL REGULATIONS, ARTICLE III, GENERAL REGULATIONS, SECTION 2-50, ACCESSORY USES, OF THE LAND DEVELOPMENT CODE TO ADD DEFINITIONS AND ACCESSORY USE STANDARDS TO ALLOW MOBILE FOOD DISPENSING VEHICLES (FOOD TRUCKS) UNDER CERTAIN CONDITIONS AND WITHIN CERTAIN ZONING DISTRICTS; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; PROVIDING FOR SEVERABILITY; AND SETTING FORTH AN EFFECTIVE DATE. **(SECOND READING)**

**Commissioner Selby moved, seconded by Commissioner Littleton, for approval of Ordinance No. 2021-20, 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 #8B – LDC Amendment – Gas Canopies

Acting City Clerk Scott McKee read by title only:

ORDINANCE NO. 2021-22  
AN ORDINANCE AMENDING CHAPTER 3, PERFORMANCE STANDARDS, ARTICLE VI, ARCHITECTURAL DESIGN STANDARDS, SECTION 3-70, SPECIAL STRUCTURE PROVISIONS, OF THE LAND DEVELOPMENT CODE TO AMEND THE REQUIREMENTS FOR MOTOR VEHICLE SERVICE STATION CANOPIES; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; PROVIDING FOR SEVERABILITY; AND SETTING FORTH AN EFFECTIVE DATE.  
**(SECOND READING)**

**Commissioner Littleton moved, seconded by Commissioner Persis, for approval of Ordinance No. 2021-22, on second 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 #8C – LDC Amendment – Floodplain Management

Acting City Clerk Scott McKee read by title only:

ORDINANCE NO. 2021-25  
AN ORDINANCE AMENDING CHAPTER 1, GENERAL ADMINISTRATION, ARTICLE III, DEFINITIONS AND ACRONYMS, SECTION 1-22, DEFINITIONS OF TERMS AND WORDS; AND CHAPTER 3, PERFORMANCE STANDARDS, ARTICLE II, ENVIRONMENTAL PROTECTION STANDARDS, OF THE CITY OF ORMOND BEACH, LAND DEVELOPMENT CODE, BY AMENDING THE FLOODPLAIN MANAGEMENT AND PROTECTION REGULATIONS; AND REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; PROVIDING FOR APPLICABILITY; SEVERABILITY; AND AN EFFECTIVE DATE.

Mr. Steven Spraker, Planning Director, reviewed a PowerPoint presentation that explained the ordinance was a required amendment to maintain participation in the Community Rating System (CRS). He stated the language was updated in regards to accessory structures and elevation requirements, and was consistent with floodplain standards of the CRS and the Florida Building Code. He explained the amendment had been reviewed by the Florida Department of Emergency Management. He noted the Planning Board recommended approval (7-0) and staff also recommended approval.

**Commissioner Kent moved, seconded by Commissioner Littleton, for approval of Ordinance No. 2021-25, 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 #8D – LDC Amendment – Utility Line Extension

Acting City Clerk Scott McKee read by title only:

ORDINANCE NO. 2021-26  
AN ORDINANCE AMENDING CHAPTER 3, PERFORMANCE STANDARDS, ARTICLE V, UTILITY AND INFRASTRUCTURE DESIGN STANDARDS, SECTION 3-61, UTILITY LINE EXTENSIONS, OF THE LAND DEVELOPMENT CODE TO REQUIRE WATER AND SEWER LINES BE EXTENDED ACROSS THE SITE FRONTAGE FOR NEW DEVELOPMENT WHERE UTILITY EXTENSIONS ARE REQUIRED; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF;

PROVIDING FOR SEVERABILITY; AND SETTING FORTH AN EFFECTIVE DATE.

Mr. Spraker stated the item was a Land Development Code (LDC) amendment to incorporate a policy that was already in place. He mentioned the amendment would require water and sewer lines to be extended across the site frontage for new developments. He noted the Planning Board recommended approval (7-0) and staff also recommended approval.

Mr. Dwight Durant, 300 Interchange Boulevard, noted his understanding was that as an ordinance individuals would not have any flexibility, as they currently did while this item was a policy. He discussed his concern of multi-phase developments and the definition of property. He requested to have the verbiage amended to include: *“as defined by the site plan or phase length”*.

Mr. Spraker discussed Mr. Durant’s concerns and noted the intent was not to require phased plans to extend the full property length. He stated staff had composed wording for an amended verbiage to include: *“except for property that is subject to a master utility plan that has been approved by the city.”* He stated every Site Plan Review Committee decision was appealable to the City Commission.

Mayor Partington inquired the reason for the amendment, whereby, Mr. Spraker clarified this item was already enforced as a policy, but the Utility Department had requested to make it an ordinance so that it would have the effect of law.

Mr. Spraker stated the language, plus the amended verbiage, would address Mr. Durant’s concerns. He proceeded to note Mr. Durant’s concern was future interpretation of the ordinance if Mr. Spraker were to leave the city.

Commissioner Selby questioned what problem was being fixed by making the policy an ordinance; whereby, Mr. Spraker stated the ordinance would make things much clearer to the engineer, developer, and city staff versus it being a policy. Mr. Spraker stated other jurisdictions had the same language and noted if there were any disagreements the applicant could appeal the decision.

Commissioner Selby inquired if the policy had any issues currently; whereby, Mr. Spraker stated the policy was subject to interpretation and noted the amendment was seeking to have an equitable expansion of utilities.

**Commissioner Selby moved, seconded by Commissioner Kent, for approval of Ordinance No. 2021-26, amended to include staff’s suggested language: *“except for property that is subject to a master utility plan that has been approved by the city”*, 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 #8E – LDC Amendment – Downtown Overlay District

Acting City Clerk Scott McKee read by title only:

ORDINANCE NO. 2021-27  
AN ORDINANCE AMENDING CHAPTER 2, DISTRICT AND GENERAL REGULATIONS, ARTICLE VI, OVERLAY DISTRICTS, SECTION 2-70, DOWNTOWN OVERLAY DISTRICT, OF THE LAND DEVELOPMENT CODE TO UPDATE THE SECTION CONSISTENT WITH THE 2019 DOWNTOWN MASTER PLAN UPDATE; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; PROVIDING FOR SEVERABILITY; AND SETTING FORTH AN EFFECTIVE DATE.

Mr. Spraker displayed a PowerPoint presentation that explained the item was an LDC amendment sought to amend the Downtown Overlay District, in order to be consistent with the 2019 Downtown Master Plan. He noted the master plan changed the name of the three districts and the amendment would make the language consistent with the city’s LDC. He noted the other amendments to the LDC were to include an amendment

that was passed in years prior, to include the separation of an existing subsection, and to create subsections. He stated the Planning Board recommended approval (7-0) and staff also recommended approval.

**Commissioner Kent moved, seconded by Commissioner Persis, for approval of Ordinance No. 2021-27, 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 #8F – LDC Amendment – Sidewalks

Acting City Clerk Scott McKee read by title only:

ORDINANCE NO. 2021-28  
 AN ORDINANCE AMENDING CHAPTER 3, PERFORMANCE STANDARDS, ARTICLE V, UTILITY AND INFRASTRUCTURE DESIGN STANDARDS, SECTION 3-55, BICYCLE AND PEDESTRIAN WAYS, OF THE LAND DEVELOPMENT CODE TO ALLOW PAYMENT IN LIEU OF CONSTRUCTING SIDEWALKS UNDER CERTAIN CONDITIONS AND REQUIRING SIDEWALKS ON BOTH SIDES OF THE STREET IN NEW SUBDIVISIONS; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; PROVIDING FOR SEVERABILITY; AND SETTING FORTH AN EFFECTIVE DATE.

Mr. Spraker stated the ordinance sought to amend how the city treated sidewalks. He discussed the two aspects to the item: the first was to allow payment in lieu of constructing a sidewalk under certain conditions, and the second was to require sidewalks on both sides of the street in new subdivisions. He noted there were questions in regards to the payment option and stated that there were unique situations, such as a master plan for sidewalks in the area or drainage issues. He stated the payment received would go towards a grant or a sidewalk fund for the city. He noted the Planning Board recommended approval (6-1) and staff also recommended approval.

Commissioner Littleton inquired if a sidewalk would be needed on both sides of the street if a home was built on one side of the street; whereby, Mr. Spraker noted that unless there were extenuating circumstances, such as drainage, there would need to be sidewalks on both sides.

**Commissioner Selby moved, seconded by Commissioner Persis, for approval of Ordinance No. 2021-28, 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 #8G – Code of Ordinance Amendment – Building Fee Schedule

Acting City Clerk Scott McKee read by title only:

ORDINANCE NO. 2021-29  
 AN ORDINANCE AMENDING SECTION 8-3, LOCAL AMENDMENTS TO BUILDING CODE, OF ARTICLE 1, IN GENERAL, OF CHAPTER 8, BUILDING AND CONSTRUCTION REGULATIONS OF THE CODE OF ORDINANCES OF THE CITY OF ORMOND BEACH TO AMEND THE SCHEDULE OF PERMIT FEES; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; AND SETTING FORTH AN EFFECTIVE DATE.

Mr. Spraker provided a PowerPoint presentation and noted the item was a request to amend the Code of Ordinances. He stated the item would amend the schedule of Building and Permit fees, and noted the last major amendment had been in 2008. He discussed the public outreach that was completed in order to notify the public of the

amendment. He indicated the fees were determined by three aspects: administrative, permit review, and inspection. He noted staff recommended approval.

Commissioner Persis inquired the last time that the permit fees had been raised; whereby, Mr. Spraker stated they were last raised in 2008.

**Commissioner Kent moved, seconded by Commissioner Persis, for approval of Ordinance No. 2021-29, 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 #8H – Code of Ordinance Amendment – Planning Fee Schedule

Acting City Clerk Scott McKee read by title only:

ORDINANCE NO. 2021-30  
 AN ORDINANCE AMENDING SECTION 8-10, APPLICATION PROCESSING FEES, OF ARTICLE 1, IN GENERAL, OF CHAPTER 8, BUILDING AND CONSTRUCTION REGULATIONS OF THE CODE OF ORDINANCES OF THE CITY OF ORMOND BEACH TO AMEND APPLICATION PROCESSING FEES; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; AND SETTING FORTH AN EFFECTIVE DATE.

Mr. Spraker stated the application processing fee schedule was updated frequently, and noted the main changes added were advertising fees, non-Florida Building Code accessory improvements, and amended fees for administrative variances. He noted staff recommended approval.

**Commissioner Persis moved, seconded by Commissioner Littleton, for approval of Ordinance No. 2021-30, 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

Mayor Partington closed the public hearings.

Item #9 – Second Reading of Ordinances

Item #9A – Ormond Gateway, Final Plat

Acting City Clerk Scott McKee read by title only:

ORDINANCE NO. 2021-24  
 AN ORDINANCE APPROVING THE FINAL PLAT FOR THE “ORMOND GATEWAY” SUBDIVISION, A COMMERCIAL THREE (3) LOT SUBDIVISION; ESTABLISHING CONDITIONS AND EXPIRATION DATE OF APPROVAL; AND SETTING FORTH AN EFFECTIVE DATE.  
**(SECOND READING)**

**Commissioner Persis moved, seconded by Commissioner Littleton, for approval of Ordinance No. 2021-24, 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 #10 - Resolutions

Item #10A – Corrective Legal Description for Ormond Memorial Art Museum & Garden, Resolution 2020-137

Acting City Clerk Scott McKee read by title only:

RESOLUTION NO. 2021-125  
A RESOLUTION APPROVING A CORRECTIVE LEGAL DESCRIPTION TO THE SPECIAL EXCEPTION DEVELOPMENT ORDER PERTAINING TO THE ORMOND MEMORIAL ART MUSEUM & GARDENS PROJECT LOCATED AT 78 EAST GRANADA BOULEVARD; AND SETTING FORTH AN EFFECTIVE DATE.

**Commissioner Persis moved, seconded by Commissioner Littleton, for approval of Resolution No. 2021-125, as read by title only.**

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

Item #11 – Reports, Suggestions, Requests

Upcoming Meetings

Ms. Shanahan requested the Commission hold a workshop on August 24, 2021, or August 25, 2021, regarding transportation issues. She noted HDR Engineering stated they would not be ready with their findings until September.

All members of the Commission approved of holding the workshop on Tuesday, August 24, 2021, at 5:30 p.m.

Compliments and Thanks

Commissioner Kent complimented and thanked Mr. Scott McKee for stepping in as Acting City Clerk at the meeting.

Commissioner Kent complimented Mr. Travis Sargent on his interest in the city and his ethics.

Commissioner Kent and Commissioner Persis complimented former IT Director, Mr. Ned Huhta, and wished him well in his retirement.

Commissioner Persis complimented and welcomed new IT Director, Mr. Aaron Irwin.

Mayor Partington complimented staff on being customer service oriented.

Mayor Partington thanked Commissioner Persis and Commissioner Selby for attending the meeting virtually.

COVID-19

Commissioner Persis stated though she was vaccinated, she was attending virtually due to testing positive for COVID-19. She encouraged citizens to wear a mask when out in crowded areas and to get vaccinated.

Events

Commissioner Persis complimented a promotional ceremony she attended for two Ormond Beach Police Department officers.

Commissioner Littleton noted he attended the American City County Exchange Conference. He thanked the Commission and citizens for the approval of the travel. He stated local issues were discussed, as well as customer service focused government. He stated he believed the city was customer service focused, and noted he was proud of staff and Ms. Shanahan.

Mayor Partington stated he had attended National Night Out, noting there was social distancing in place and many were wearing masks. He stated vendors and attendees enjoyed the event. He thanked staff and the Ormond Beach Police Department for hosting the event.

Mayor Partington noted he had met with Ms. Jennifer Leonard, Director of Marketing and Events, with Burntwood Tavern. He mentioned her company planned to be involved in the community, and stated he was happy to welcome them to Ormond Beach.

Item #12 – Adjournment

The meeting was adjourned at 8:11 p.m.

APPROVED: September 8, 2021

BY:

\_\_\_\_\_  
Bill Partington, Mayor

ATTEST:

\_\_\_\_\_  
Wendy Hontz,  
Acting City Clerk