



AGENDA
CITY OF ORMOND BEACH, FLORIDA
CITY COMMISSION MEETING
July 18, 2023
7:00 PM

Mayor Bill Partington

Zone 1 - Commissioner Lori Tolland

Zone 3 - Commissioner Susan Persis

Zone 2 - Commissioner Travis Sargent

Zone 4 - Commissioner Harold Briley

COMMISSION CHAMBERS
22 South Beach Street, Ormond Beach, FL 32174
Phone: 386-677-0311 Web: www.ormondbeach.org

-
- 1. CALL TO ORDER**
 - 2. INVOCATION**
 - 3. PLEDGE OF ALLEGIANCE**
 - 4. ADOPTION OF FISCAL YEAR 2023-2024 TENTATIVE MILLAGE RATE**
 - A. RESOLUTION NO. 2023-110:** A RESOLUTION ADOPTING PROPOSED MILLAGE RATES FOR THE 2023-2024 FISCAL YEAR; ESTABLISHING THE DATE, TIME AND PLACE FOR THE FIRST PUBLIC HEARING ON THE PROPOSED MILLAGE RATES AND THE TENTATIVE BUDGET; DIRECTING COMMUNICATION; EXPRESSING LEGISLATIVE INTENT; AND SETTING FORTH AN EFFECTIVE DATE.
Staff Contact: Kelly McGuire, Finance Director, (386) 676-3226
 - 5. PRESENTATIONS AND PROCLAMATIONS**
 - A. Judge Belle Schumann
 - B. Officer Gregory Stokes
 - C. Parks and Recreation Month
 - 6. AUDIENCE REMARKS - REGARDING ITEMS NOT ON THE AGENDA**
 - 7. APPROVAL OF MINUTES**
 - A. Minutes from City Commission meeting - June 6, 2023

8. 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. 2023-94:** A RESOLUTION AUTHORIZING THE EXECUTION OF A RENEWAL OF LEASE AND USE AGREEMENT BETWEEN THE CITY AND COUNCIL ON AGING OF VOLUSIA COUNTY, INC. FOR THE MANAGEMENT AND OPERATION OF THE ORMOND BEACH SENIOR CENTER; AND SETTING FORTH AN EFFECTIVE DATE.

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

- B. **RESOLUTION NO. 2023-111:** A RESOLUTION AUTHORIZING THE EXECUTION OF AN AMENDMENT AND RESTATEMENT OF AUDIT AGREEMENT BETWEEN THE CITY AND JAMES MOORE & CO., P.L.; AND SETTING FORTH AN EFFECTIVE DATE.

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

- C. **RESOLUTION NO. 2023-112:** A RESOLUTION AUTHORIZING ADDITIONAL FUNDING FOR DIRECTIONAL DRILLING SERVICES FROM MID FLORIDA DIRECTIONAL DRILLING, LLC; AND SETTING FORTH AN EFFECTIVE DATE.

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

- D. **RESOLUTION NO. 2023-113:** A RESOLUTION ACCEPTING THE BID OF MASCI GENERAL CONTRACTOR, INC. REGARDING THE 2023 ROADWAY RESURFACING PROJECT, UNDER BID NO. 2023-27; REJECTING ALL OTHER BIDS; AUTHORIZING THE EXECUTION OF A CONTRACT AND PAYMENT THEREFOR; AND SETTING FORTH AN EFFECTIVE DATE.

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

- E. **RESOLUTION NO. 2023-114:** A RESOLUTION AUTHORIZING THE APPROVAL AND EXECUTION OF A PURCHASE AUTHORIZATION FOR THE PURCHASE OF ONE SKEETER FORD F550 BRUSH TRUCK, UNDER FLORIDA SHERIFFS ASSOCIATION BID NO. FSA23-VEF17.0; DECLARING VEHICLE #045 TO BE SURPLUS PROPERTY, AND AUTHORIZING THE DISPOSITION THEREOF; AND SETTING FORTH AN EFFECTIVE DATE.

Staff Contact: *Howard Bailey, Fire Chief, (386) 676-3333*

- F. **RESOLUTION NO. 2023-115:** A RESOLUTION AUTHORIZING THE APPROVAL AND EXECUTION OF A PURCHASE AUTHORIZATION FOR THE PURCHASE OF NINE FORD INTERCEPTORS FROM BOZARD FORD UNDER FLORIDA SHERIFFS ASSOCIATION BID NO. FSA 22-VEL30.0; DECLARING CERTAIN VEHICLES TO BE SURPLUS PROPERTY AND AUTHORIZING THE DISPOSITION THEREOF; AND SETTING FORTH AN EFFECTIVE DATE.

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

G. Fleet Operations Fuel Island Monitoring Wells

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

Disposition: Approve as recommended in the City Manager memorandum dated July 18, 2023.

H. Auto Renew Contracts for Miscellaneous Crafts & Trades Services- As Needed

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

Disposition: Approve as recommended in the City Manager memorandum dated July 18, 2023.

I. Intent to Bid - Water Reclamation Facility (WRF) Upgrades

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

Disposition: Approve as recommended in the City Manager memorandum dated July 18, 2023.

J. City Manager Status Report, July 2023

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

Disposition: Approve as recommended in the City Manager memorandum dated July 18, 2023.

9. PUBLIC HEARINGS

- A. ORDINANCE NO. 2023-33:** AN ORDINANCE ANNEXING A PORTION OF HARMONY AVENUE RIGHT-OF-WAY INTO THE CITY OF ORMOND BEACH, SAID PROPERTY LOCATED AT THE INTERSECTION OF HULL ROAD AND HARMONY AVENUE, BISECTING 1399 HULL TRAIL; SETTING FORTH ZONING PRIVILEGES AND OBLIGATIONS REGARDING THE RIGHT-OF-WAY; REDEFINING THE TERRITORIAL BOUNDARIES OF THE CITY OF ORMOND BEACH TO INCLUDE THE RIGHT-OF-WAY; REDESIGNATING THE BOUNDARIES OF ZONE 1 OF THE CITY OF ORMOND BEACH TO INCLUDE THE RIGHT-OF-WAY; PROVIDING FOR TRANSMISSION; PROVIDING FOR SEVERABILITY; AND SETTING FORTH AN EFFECTIVE DATE. **(SECOND READING)**

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

- B. ORDINANCE NO. 2023-35:** 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 A PORTION OF A CERTAIN PARCEL OF REAL PROPERTY TOTALING APPROXIMATELY 0.34 ACRES LOCATED AT 145 NORTH YONGE STREET (VOLUSIA COUNTY PARCEL NUMBER: 4215-04-01-0270), FROM B-4, CENTRAL BUSINESS, TO PLANNED BUSINESS

DEVELOPMENT; 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

- C. **ORDINANCE NO. 2023-36:** 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 A PORTION OF A CERTAIN PARCEL OF REAL PROPERTY TOTALING APPROXIMATELY 0.72 ACRES LOCATED AT 145 NORTH YONGE STREET (VOLUSIA COUNTY PARCEL NUMBER: 4215-04-01-0270), FROM R-3, SINGLE-FAMILY MEDIUM DENSITY, TO PLANNED RESIDENTIAL DEVELOPMENT; 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. 2023-37:** AN ORDINANCE AUTHORIZING THE EXECUTION AND ISSUANCE OF A DEVELOPMENT ORDER FOR A PLANNED BUSINESS DEVELOPMENT AND PLANNED RESIDENTIAL DEVELOPMENT TO BE LOCATED AT 145 NORTH YONGE STREET (VOLUSIA COUNTY PARCEL NUMBER: 4215-04-01-0270), TO BE KNOWN AS THE "ORMOND ENCLAVE"; AUTHORIZING THE DEVELOPMENT OF 64 MULTI-FAMILY RESIDENTIAL UNITS AND ASSOCIATED SITE IMPROVEMENTS 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. 2023-38:** 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 A CERTAIN PARCEL OF REAL PROPERTY TOTALING APPROXIMATELY 0.76 ACRES LOCATED AT 121 EAST GRANADA BOULEVARD (VOLUSIA COUNTY PARCEL NUMBER: 4214-05-04-0051), FROM B-4, CENTRAL BUSINESS, TO PLANNED BUSINESS DEVELOPMENT; 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

- F. **ORDINANCE NO. 2023-39:** AN ORDINANCE AUTHORIZING THE EXECUTION AND ISSUANCE OF A DEVELOPMENT ORDER FOR A PLANNED BUSINESS DEVELOPMENT TO BE LOCATED AT 121 EAST

GRANADA BOULEVARD (VOLUSIA COUNTY PARCEL NUMBER: 4214-05-04-0051), TO BE KNOWN AS "121 EAST"; AUTHORIZING THE DEVELOPMENT OF 24 MULTI-FAMILY RESIDENTIAL UNITS AND ASSOCIATED SITE IMPROVEMENTS UNDER CERTAIN CONDITIONS; ESTABLISHING CONDITIONS AND EXPIRATIONS OF APPROVAL; AND SETTING FORTH AN EFFECTIVE DATE.

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

- G. **ORDINANCE NO. 2023-40:** AN ORDINANCE AMENDING THE FUTURE LAND USE ELEMENT OF THE COMPREHENSIVE PLAN BY AMENDING THE FUTURE LAND USE MAP TO CHANGE THE DESIGNATION OF TWO PARCELS OF REAL PROPERTY TOTALING 52± ACRES LOCATED AT 860 HULL ROAD AND 1399 HULL TRAIL FROM VOLUSIA COUNTY "INDUSTRIAL" TO ORMOND BEACH "HEAVY INDUSTRIAL"; INCLUDING A MAP ANNOTATION TO LIMIT THE FLOOR AREA RATIO TO 0.60; AUTHORIZING TRANSMITTAL; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; 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. 2023-41:** AN ORDINANCE AMENDING CHAPTER 1, GENERAL ADMINISTRATION, ARTICLE III, DEFINITIONS AND ACRONYMS, SECTION 1-22, DEFINITIONS OF TERMS AND WORDS; CHAPTER 2, DISTRICT AND GENERAL REGULATIONS, ARTICLE I, ESTABLISHMENT OF ZONING DISTRICTS AND OFFICIAL ZONING MAP, SECTION 2-02, FUTURE LAND USE MAP DESIGNATIONS AND ZONING DISTRICTS; CHAPTER 2, DISTRICT AND GENERAL REGULATIONS, ARTICLE II, DISTRICT REGULATIONS, SECTION 2-07, ZONING DISTRICT DESIGNATIONS; CHAPTER 2, DISTRICT AND GENERAL REGULATIONS, ARTICLE II, DISTRICT REGULATIONS, SECTION 2-33, I-2, RESERVED; CHAPTER 2, DISTRICT AND GENERAL REGULATIONS, ARTICLE IV, CONDITIONAL AND SPECIAL EXCEPTION REGULATIONS, SECTION 2-57, CRITERIA FOR REVIEW OF SPECIFIC CONDITIONAL AND SPECIAL EXCEPTION; OF THE CITY OF ORMOND BEACH LAND DEVELOPMENT CODE, BY CREATING THE I-2, HEAVY INDUSTRIAL ZONING DISTRICT, PROVIDING USE DEFINITIONS, AND CREATING CONDITIONS FOR CONDITIONAL AND SPECIAL EXCEPTION USES; 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

- I. **ORDINANCE NO. 2023-42:** AN ORDINANCE AMENDING THE FUTURE LAND USE ELEMENT OF THE COMPREHENSIVE PLAN OF THE CITY OF ORMOND BEACH BY AMENDING THE FUTURE LAND USE MAP TO CHANGE THE DESIGNATION OF ONE PARCEL OF REAL PROPERTY TOTALING 0.24± ACRES LOCATED AT 204 MAGNOLIA DRIVE (VOLUSIA COUNTY PARCEL NUMBER: 4214-20-02-0011) FROM

“PUBLIC/INSTITUTIONAL” TO “LOW DENSITY RESIDENTIAL”; PROVIDING FOR CONFLICT; AUTHORIZING TRANSMITTAL; AND SETTING FORTH AN EFFECTIVE DATE.

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

- J. **ORDINANCE NO. 2023-43:** AN ORDINANCE AMENDING THE FUTURE LAND USE ELEMENT OF THE COMPREHENSIVE PLAN OF THE CITY OF ORMOND BEACH BY AMENDING THE FUTURE LAND USE MAP TO CHANGE THE DESIGNATION OF A PORTION OF ONE PARCEL OF REAL PROPERTY TOTALING 5.2± ACRES LOCATED AT 901 AIRPORT ROAD (VOLUSIA COUNTY PARCEL NUMBER: 4238-01-40-0010) FROM “LIGHT INDUSTRIAL/UTILITIES” TO “OPEN SPACE/CONSERVATION”; PROVIDING FOR CONFLICT; AUTHORIZING TRANSMITTAL; AND SETTING FORTH AN EFFECTIVE DATE.

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

- K. **RESOLUTION NO. 2023-116:** A RESOLUTION AUTHORIZING THE EXECUTION AND ISSUANCE OF AN AMENDED SPECIAL EXCEPTION DEVELOPMENT ORDER TO ALLOW THE ADDITION OF VACUUM STALLS WITHIN THE FRONT YARD UNDER CERTAIN CONDITIONS AT “MISTER CAR WASH” LOCATED AT 49 SOUTH YONGE STREET, WHICH IS IN THE B-5, SERVICE COMMERCIAL ZONING DISTRICT; ESTABLISHING CONDITIONS AND EXPIRATION DATE OF APPROVAL; AND SETTING FORTH AN EFFECTIVE DATE.

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

- L. **RESOLUTION NO. 2023-117:** A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF ORMOND BEACH, FLORIDA APPROVING THE PRELIMINARY PLAT FOR “ARCHER’S MILL PHASE 2”, SHOWN WITHIN PHASE 3 OF THE PLANTATION OAKS PLANNED RESIDENTIAL DEVELOPMENT; ESTABLISHING CONDITIONS AND EXPIRATION DATE OF APPROVAL; AND SETTING FORTH AN EFFECTIVE DATE.

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

- M. **RESOLUTION NO. 2023-118:** A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF ORMOND BEACH, FLORIDA APPROVING THE PRELIMINARY PLAT FOR “ARCHER’S MILL PHASE 3”, SHOWN WITHIN PHASE 3 OF THE PLANTATION OAKS PLANNED RESIDENTIAL DEVELOPMENT; ESTABLISHING CONDITIONS AND EXPIRATION DATE OF APPROVAL; AND SETTING FORTH AN EFFECTIVE DATE.

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

10. SECOND READING OF ORDINANCES

- A. **ORDINANCE NO. 2023-34:** AN ORDINANCE AMENDING SECTION 5-1, DEFINITIONS, OF ARTICLE I, IN GENERAL, OF CHAPTER 5, ANIMALS AND FOWL; AMENDING SECTION 5-10, ANIMALS CONSTITUTING A NUISANCE PROHIBITED, OF ARTICLE I, IN GENERAL, OF CHAPTER 5,

ANIMALS AND FOWL; AMENDING SECTION 5-13, FEEDING OF FERAL OR STRAY ANIMALS PROHIBITED, OF ARTICLE I, IN GENERAL, OF CHAPTER 5, ANIMALS AND FOWL; AMENDING SECTION 5-23, RUNNING AT LARGE PROHIBITED OF ARTICLE II, LIVESTOCK, OF CHAPTER 5, ANIMALS AND FOWL; AMENDING SECTION 5-25, NOTICE OF IMPOUNDING, OF ARTICLE II, LIVESTOCK, OF CHAPTER 5, ANIMALS AND FOWL; AMENDING SECTION 5-62, LICENSES ANNUAL; FEE, OF ARTICLE III, DOGS AND CATS; OTHER ANIMALS, OF CHAPTER 5, ANIMALS AND FOWL; AMENDING SECTION 5-67, DUPLICATE TAGS, OF ARTICLE III, DOGS AND CATS; OTHER ANIMALS, OF CHAPTER 5, ANIMALS AND FOWL; AMENDING SECTION 5-69, RUNNING AT LARGE PROHIBITED, OF ARTICLE III, DOGS AND CATS; OTHER ANIMALS, OF CHAPTER 5, ANIMALS AND FOWL; AMENDING 5-70, IMPOUNDING OF VIOLATORS, OF ARTICLE III, DOGS AND CATS; OTHER ANIMALS, OF CHAPTER 5, ANIMALS AND FOWL; AMENDING SECTION 5-72, RESPONSIBILITY FOR PAYMENT AND RECLAIMING AFTER IMPOUNDMENT, OF ARTICLE III, DOGS AND CATS; OTHER ANIMALS, OF CHAPTER 5, ANIMALS AND FOWL; AMENDING SECTION 5-78, DANGEROUS DOGS, OF ARTICLE III, DOGS AND CATS; OTHER ANIMALS, OF CHAPTER 5, ANIMALS AND FOWL; AMENDING SECTION 5-79, EXCEPTIONS, OF ARTICLE III, DOGS AND CATS; OTHER ANIMALS, OF CHAPTER 5, ANIMALS AND FOWL; AMENDING SECTION 5-80, INVESTIGATION AND DETERMINATION OF DANGEROUS DOG, OF ARTICLE III, DOGS AND CATS; OTHER ANIMALS, OF CHAPTER 5, ANIMALS AND FOWL; AMENDING SECTION 5-81, ACTION TO BE TAKEN BY OWNERS/KEEPERS OF DANGEROUS DOGS, OF ARTICLE III, DOGS AND CATS; OTHER ANIMALS, OF CHAPTER 5, ANIMALS AND FOWL; AMENDING SECTION 5-82, RESERVED, OF ARTICLE III, DOGS AND CATS; OTHER ANIMALS, OF CHAPTER 5, ANIMALS AND FOWL; AMENDING SECTION 5-83, OPTIONAL ACTION, OF ARTICLE III, DOGS AND CATS; OTHER ANIMALS, OF CHAPTER 5, ANIMALS AND FOWL, OF THE CITY OF ORMOND BEACH CODE OF ORDINANCES; AND SETTING FORTH AN EFFECTIVE DATE. **(SECOND READING)**

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

11. RESOLUTIONS

- A. **RESOLUTION NO. 2023-119:** A RESOLUTION AUTHORIZING THE EXECUTION OF AN AMENDMENT AND RESTATEMENT OF SHARED PARKING LOT USAGE AGREEMENT BETWEEN THE CITY AND NNN REIT, LP; AND SETTING FORTH AN EFFECTIVE DATE.

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

12. STAFF ACTION ITEMS

- A. Florida League of Cities Voting Delegate

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

13. REPORTS, SUGGESTIONS, REQUESTS

14. ADJOURNMENT

Website Address – www.ormondbeach.org

NOTICE – Pursuant to Section 286.0105 of the Florida Statutes, if any person decides to appeal any decision made by the City Commission with respect to any matter considered at this public meeting, such person will need a record of the proceedings and for such purpose, such person may need to ensure that a verbatim record of the proceedings is made, including the testimony and evidence upon which the appeal is to be based.



For special accommodations, please notify the City Clerk's Office at least 72 hours in advance.
Phone: 386-677-0311



Help for the hearing impaired is available through the Assistive Listening System. Receivers can be obtained from the City Clerk's Office.

In accordance with the Americans with Disabilities Act (ADA), persons with a disability, such as a vision, hearing or speech impairment, or persons needing other types of assistance, and who wish to attend City Commission meetings or any other board or committee meeting may contact the City Clerk's Office in writing, or may call 386-677-0311 for information regarding available aids and services.