

Mediation Request Currently at a Stalemate

In my May 26th email blast, I informed residents that the developer made a request to utilize a mediation process (under [section 70.51 of the Florida Statutes](#)) to reach a non-judicial resolution regarding development of the golf course property. This statute provides for the mediator to be “mutually” agreed upon by the city and the developer.

As of June 28th, the City and the Developer continue to be in a stalemate regarding who will preside as the Special Magistrate at this public mediation. What this tells me is that, in the interest of our residents, the City is holding firm regarding which magistrate is the best fit to serve as the mediator. I find the City's position encouraging and reassuring.

I did receive more specifics about the "participant" process which would allow residents to provide testimony at the public mediation:

- Once a magistrate has been agreed on, and a date set, the City will provide written notice to Tomoka Oaks property owners whose lots border the golf course, and to those persons who submitted oral or written testimony at the 4/16/24 commission hearing.
- There is no statutorily prescribed timeline for the City to provide this notice.
- Within 21 days after receipt of the notice provided by the City, such persons may file a request to participate in the mediation proceeding.
- The mediator would ultimately make the decision to allow or not to allow a person to participate at the proceeding. You can still attend even if you are not allowed to participate.

What happens if the City and Developer cannot agree on a Special Magistrate? I would "guess" the Developer will move forward with a lawsuit against the City. Time will tell.

Traffic Concerns with Any Development of the Golf Course Property

A [June 6th Observer article](#) regarding pedestrian death rates in the Ormond Beach - Daytona Beach - Deltona area prompted me to write a [letter to the editor](#) (published in the June 18th *Observer*) regarding safety concerns if **any** development is approved on the golf course property. My letter referenced the [April 2023](#) issue of the ***Tomoka Oaks Times*** which detailed multiple Nova fatalities and provided testimony from homeowners regarding legitimate traffic concerns if a new neighborhood is developed within the center of Tomoka Oaks.

In reviewing the [April 2023 *Tomoka Oaks Times*](#), I realized just how far our City has come in the past 15 months regarding recognition of traffic safety issues related to any golf course property development. The combined efforts of **so many** residents to bring traffic concerns to City leadership has, in part, resulted in these key decisions around the developer's PRD and rezoning applications:

- **9-26-23:** Planning Board unanimously recommends the Commission deny the Tomoka Reserve PRD application for 272 lots.
- **11-7-23:** Commission voted unanimously to remand the Tomoka Reserve PRD application back to the Planning Board, in part, due to density and traffic concerns.
- **11-22-23:** The developer withdraws their Tomoka Reserve PRD application and moves forward with their zoning map amendment application for R-2, Single-Family Low Density zoning with the goal of getting even more homes (and traffic) per acre than their PRD application proposed; approximately 317 R-2 lots.
- **1-11-24:** Planning Board unanimously recommends the Commission deny the Tomoka Reserve R-2 zoning map amendment.
- **4-16-24:** Commission voted unanimously to deny the R-2 Zoning Map Amendment, in part, due to density and traffic concerns. The City is fully aware of developer's threat to sue the City if R-2 is denied.
- **4-25-24:** Developer sends City "request for relief" and mediation as per statute 70.51.
- **As of 6-28-24:** City and Developer are at a stalemate regarding mutual selection of a Special Magistrate.

I want to thank the City for listening to our concerns and denying R-2 rezoning!! And I want to thank all the residents who wrote letters to the City and media, who provided testimony at hearings, and who wore red SAVE TOMOKA OAKS t-shirts to those same hearings!

Important Primary Election Dates

Ormond Beach Zone 3 Commissioner Race

Tomoka Oaks and the surrounding neighborhoods of Escondido, The Trails, Talaquah, and Tomoka Oakwood N. are located in Zone 3. Our current Zone 3 commissioner is Susan Persis. Commissioner Persis is running for Mayor of Ormond Beach (voting to occur in the November 5th general election), and three candidates have filed to run for the Zone 3 commissioner opening:

- Barbara Bonarrigo
- Kristin Deaton
- Daniel Dragone

Because we have three candidates for Zone 3, we will vote for one of them during the primary election on Tuesday, August 20, 2024.

> If any one of the above three candidates receives more than 50% of the primary vote, that candidate automatically wins the Zone 3 commission seat.

> If no candidate receives more than 50% of the vote, then the two primary candidates who receive the most votes will be on the ballot in the November 5 general election.

Important deadlines for the Primary:

July 22, 2024 Deadline to register to vote if you are not already registered.

<https://www.volusiaelections.gov/elections/register-to-vote.stml>

August 8, 2024 Last day to request a Vote By Mail ballot.

<https://volusia.electionsfl.org/vrservices/mbrs#>

Ballots will be mailed to you. You can mail back or drop off at a secure ballot Intake Station (see next date below).

August 10 - August 17, 2024 Early voting. Ormond Beach residents can vote early at:

Ormond Beach Regional Library

30 S Beach St

Ormond Beach, FL 32174

You can vote or drop off your completed Vote by Mail ballot.

August 20, 2024 Primary Election

If you have not voted early, you will vote at the location shown on your voter registration card. You can also locate your voting location at

<https://www.voterfocus.com/PrecinctFinder/addressSearch?county=VOL>

The general election will be held November 5, 2024.

1. If there is not a Zone 3 Commissioner declared during the August primary election, then the November ballot will have the two names of the final Zone 3 candidates.

2. Currently, there are two candidates for Ormond Beach Mayor:
- > Susan Persis (who is our current Zone 3 Commissioner)
 - > Jason Leslie

Obviously there are many other races to consider, but I wanted to highlight what is happening in Zone 3. I don't want any of you to miss the opportunity to vote!

View all newsletters at TomokaOaksHistory.com

Not giving in or up,



Carolyn Davis
Tomoka Oaks

CarolynDavis3@gmail.com

Tomoka Oaks Times

Ormond Beach, FL 32174

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