



**ACTION REPORT
CITY OF ORMOND BEACH, FLORIDA
CITY COMMISSION MEETING
January 6, 2015
7:00 PM**

Mayor Ed Kelley

Zone 1 – Commissioner James Stowers

Zone 3 – Commissioner Rick Boehm

Zone 2 – Commissioner Troy Kent

Zone 4 – Commissioner Bill Partington

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

A. Minutes from City Commission meeting – December 2, 2014 **APPROVED**

6. 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. 2015-01** : A RESOLUTION APPOINTING MEMBERS AND ALTERNATE MEMBERS OF THE BOARD OF ADJUSTMENT AND APPEALS; SETTING FORTH TERMS AND CONDITIONS OF SERVICE; AND SETTING FORTH AN EFFECTIVE DATE.

Staff Contact: *Scott McKee, City Clerk (386-676-3340)*
APPROVED

- B. **RESOLUTION NO. 2015-02** : A RESOLUTION APPOINTING MEMBERS OF THE CITIZENS' LAW ENFORCEMENT ADVISORY BOARD; SETTING FORTH TERMS AND CONDITIONS OF SERVICE; AND SETTING FORTH AN EFFECTIVE DATE.

Staff Contact: Scott McKee, City Clerk (386-676-3340)
APPROVED

- C. **RESOLUTION NO. 2015-03** : A RESOLUTION APPOINTING TRUSTEES TO SERVE ON THE GENERAL EMPLOYEES' PENSION BOARD; SETTING FORTH TERMS AND CONDITIONS OF SERVICE; AND SETTING FORTH AN EFFECTIVE DATE.

Staff Contact: Scott McKee, City Clerk (386-676-3340)
APPROVED

- D. **RESOLUTION NO. 2015-05** : A RESOLUTION APPOINTING MEMBERS OF THE LEISURE SERVICES ADVISORY BOARD; SETTING FORTH TERMS AND CONDITIONS OF SERVICE; AND SETTING FORTH AN EFFECTIVE DATE.

Staff Contact: Scott McKee, City Clerk (386-676-3340)
APPROVED

- E. **RESOLUTION NO. 2015-06** : A RESOLUTION APPOINTING TRUSTEES TO SERVE ON THE FIREFIGHTERS' PENSION BOARD; SETTING FORTH TERMS AND CONDITIONS OF SERVICE; AND SETTING FORTH AN EFFECTIVE DATE.

Staff Contact: Scott McKee, City Clerk (386-676-3340)
APPROVED

- F. **RESOLUTION NO. 2015-07** : A RESOLUTION REAPPOINTING TRUSTEES TO SERVE ON THE CITY OF ORMOND BEACH MUNICIPAL POLICE OFFICERS' PENSION TRUST FUND; ESTABLISHING TERMS AND CONDITIONS OF SERVICE; AND SETTING FORTH AN EFFECTIVE DATE.

Staff Contact: Scott McKee, City Clerk (386-676-3340)
APPROVED

- G. **RESOLUTION NO. 2015-08** : A RESOLUTION APPOINTING MEMBERS OF THE NEIGHBORHOOD IMPROVEMENT ADVISORY BOARD; SETTING FORTH TERMS AND CONDITIONS OF SERVICE; AND SETTING FORTH AN EFFECTIVE DATE.

Staff Contact: Scott McKee, City Clerk (386-676-3340)
APPROVED

- H. **RESOLUTION NO. 2015-10** : A RESOLUTION APPOINTING MEMBERS OF THE GOODWILL AMBASSADOR PROGRAM; SETTING FORTH TERMS AND CONDITIONS OF SERVICE; AND SETTING FORTH AN EFFECTIVE DATE.

Staff Contact: Scott McKee, City Clerk (386-676-3340)
APPROVED

- I. **RESOLUTION NO. 2015-11** : A RESOLUTION APPOINTING A REPRESENTATIVE TO SERVE AS A MEMBER OF THE BOARD OF DIRECTORS OF ORMOND MAIN STREET, INC.; SETTING FORTH TERM AND CONDITIONS OF SERVICE; SETTING FORTH AN EFFECTIVE DATE.

Staff Contact: Scott McKee, City Clerk (386-676-3340)
APPROVED

- J. **RESOLUTION NO. 2015-12** : A RESOLUTION APPOINTING A REPRESENTATIVE AND AN ALTERNATE REPRESENTATIVE AS MEMBERS OF THE RIVER TO SEA TRANSPORTATION PLANNING ORGANIZATION; ESTABLISHING TERM AND CONDITIONS OF SERVICE; SETTING FORTH AN EFFECTIVE DATE.

Staff Contact: Scott McKee, City Clerk (386-676-3340)
APPROVED

- K. **RESOLUTION NO. 2015-13** : A RESOLUTION APPOINTING A REPRESENTATIVE AS A MEMBER OF THE RIVER TO SEA BICYCLE AND PEDESTRIAN ADVISORY COMMITTEE; ESTABLISHING TERM AND CONDITIONS OF SERVICE; SETTING FORTH AN EFFECTIVE DATE.

Staff Contact: Scott McKee, City Clerk (386-676-3340)
APPROVED

- L. **RESOLUTION NO. 2015-14** : A RESOLUTION AUTHORIZING THE EXECUTION OF A FIRST AMENDMENT TO ECONOMIC DEVELOPMENT GROWTH ASSISTANCE AGREEMENT WITH PADWELL HOLDINGS, LLC; AND SETTING FORTH AN EFFECTIVE DATE.

Staff Contact: Joe Mannarino, Economic Development Director (386-676-3266) **APPROVED**

- M. **RESOLUTION NO. 2015-28** : A RESOLUTION AUTHORIZING THE CONVEYANCE OF PROPERTY LOCATED AT 2 SUNSHINE BOULEVARD, ORMOND BEACH, VOLUSIA COUNTY, FLORIDA FROM SUNSHINE BOULEVARD REAL ESTATE, LLC. TO ANDERSON FAMILY LAND HOLDINGS, LLC; AUTHORIZING THE RELEASE OF THE UNITY OF TITLE AGREEMENT IN FAVOR OF CAPO INC.; AND CONFIRMING THERE ARE NO LIQUIDATED DAMAGES ARISING BY VIRTUE OF POSSIBLE VIOLATIONS OF RESTRICTIONS SET FORTH IN THAT WARRANTY DEED RECORDED MAY 23, 1982, IN OFFICIAL RECORDS BOOK 2358, PAGE 158; AND SETTING FORTH AN EFFECTIVE DATE.

Staff Contact: Joe Mannarino, Economic Development Director
(386-676-3266) **APPROVED**

- N. **RESOLUTION NO. 2015-15** : A RESOLUTION AUTHORIZING THE ACCEPTANCE OF A ACCESS AND EASEMENT DEED FROM 30 FOREST CT. LLC, SATISFYING A SITE PLAN REVIEW COMMITTEE CONDITION OF APPROVAL IN THE SARAH HOUSE, ASSISTED LIVING FACILITY ALLOWING ACCESS TO A PUBLIC DRAINAGE SYSTEM LOCATED ON PROPERTY LOCATED AT 30 FOREST COURT; AND SETTING FORTH AN EFFECTIVE DATE.

Staff Contact: Ric Goss, Planning Director (386-676-3238)
APPROVED

- O. **RESOLUTION NO. 2015-16** : A RESOLUTION AUTHORIZING THE ACCEPTANCE OF A PUBLIC SIDEWALK EASEMENT DEED FROM 30 FOREST CT. LLC, SATISFYING A SITE PLAN REVIEW COMMITTEE CONDITION OF APPROVAL FOR THE SARAH HOUSE, ASSISTED LIVING FACILITY, ALLOWING THE CONSTRUCTION OF A PUBLIC SIDEWALK ALONG THE WESTERN PROPERTY LINE ABUTTING FOREST COURT RIGHT-OF-WAY LOCATED ON PROPERTY LOCATED AT 30 FOREST COURT; AND SETTING FORTH AN EFFECTIVE DATE.

Staff Contact: Ric Goss, Planning Director (386-676-3238)
APPROVED

- P. **RESOLUTION NO. 2015-17** : A RESOLUTION AUTHORIZING THE EXECUTION OF A WATER, SEWER AND ANNEXATION AGREEMENT BETWEEN THE CITY AND WILLIAM G. LORT AND SANDRA J. LORT FOR PROPERTY LOCATED AT 34 SEA GULL DRIVE, ORMOND BEACH, VOLUSIA COUNTY, FLORIDA; PROVIDING FOR RECORDATION; AND SETTING FORTH AN EFFECTIVE DATE.

Staff Contact: Ric Goss, Planning Director (386-676-3238)
APPROVED

- Q. **RESOLUTION NO. 2015-18** : A RESOLUTION AUTHORIZING THE EXECUTION OF A WATER, SEWER AND ANNEXATION AGREEMENT BETWEEN THE CITY AND GREGORY S. MOTTO AND SHANNON M. MOTTO FOR PROPERTY LOCATED AT 147 CAPRI DRIVE, ORMOND BEACH, VOLUSIA COUNTY, FLORIDA; PROVIDING FOR RECORDATION; AND SETTING FORTH AN EFFECTIVE DATE.

Staff Contact: *Ric Goss, Planning Director (386-676-3238)*

APPROVED

- R. **RESOLUTION NO. 2015-21** : A RESOLUTION ACCEPTING PROPOSALS AND AUTHORIZING THE EXECUTION OF MISCELLANEOUS CRAFTS & TRADES CONTRACTS WITH NINE (9) FIRMS FOR CARPENTRY, STUCCO/PLASTERING/DRYWALL, PLUMBING, HVAC, FLOORING, ROOFING, PAINTING/WATERPROOFING, FENCING, AND DOCKS/DECKING SERVICES ON AN AS-NEEDED BASIS, UNDER RFP 2015-06; REJECTING ALL OTHER PROPOSALS; AND SETTING FORTH AN EFFECTIVE DATE.

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

- S. **RESOLUTION NO. 2015-22** : A RESOLUTION APPROVING AND AUTHORIZING AN ASSIGNMENT AND ASSUMPTION OF CONTRACT TO\ CHUCK ROBINSON CONCRETE AND BOB CAT SERVICE, INC. REGARDING THE MAINTENANCE AND CLEANING OF ROADSIDE SWALES, DRAINAGE DITCHES AND PONDS; AUTHORIZING THE EXECUTION OF A CONSENT TO ASSIGNMENT; AND SETTING FORTH AN EFFECTIVE DATE.

Staff Contact: *Theodore MacLeod, Assistant City Manager (386-676-3200)* **APPROVED**

- T. **RESOLUTION NO. 2015-23** : A RESOLUTION URGING AND ENCOURAGING THE FLORIDA STATE LEGISLATURE TO ENACT LEGISLATION TO PROVIDE FUNDING TO IMPROVE SURFACE WATER QUALITY BY ALLOCATING TEN PERCENT OF ANY PROCEEDS APPROPRIATED FOR THE STATE LAND ACQUISITION TRUST FUND TO SUPPORT PROGRAMS AND INITIATIVES TO ELIMINATE SEPTIC SYSTEMS IN ENVIRONMENTALLY SENSITIVE LANDS; AND PROVIDING FOR AN EFFECTIVE DATE.

Staff Contact: *Scott McKee, City Clerk (386-676-3340)*

APPROVED

- U. **Division Avenue Raw Water Transmission Main**

Staff Contact: *Dave Ponitz, Utilities Manager (386-676-3305)*

Disposition: *Approve as recommended in the City Manager memorandum dated January 6, 2015.* **APPROVED**

V. **Auto Renew Contracts - Neptune Water Meter Purchase - Sunstate Meter & Supply, Inc.**

Staff Contact: Dave Ponitz, Utilities Manager (386-676-3305)

Disposition: Approve as recommended in the City Manager memorandum dated January 6, 2015. **APPROVED**

W. **OBSC - ADA Parking and Sidewalks (CDBG)**

Staff Contact: John Noble, City Engineer (386-676-3269)

Disposition: Approve as recommended in the City Manager memorandum dated January 6, 2015. **APPROVED**

X. **Approval of Travel by the City Commission/City Manager/City Attorney**

Staff Contact: Scott McKee, City Clerk (386-676-3340)

Disposition: Approve as recommended in the City Manager memorandum dated January 6, 2015. **APPROVED**

7. **PUBLIC HEARINGS**

A. **RESOLUTION NO. 2015-24** : A RESOLUTION APPOINTING MEMBERS OF THE AVIATION ADVISORY BOARD; SETTING FORTH TERMS AND CONDITIONS OF SERVICE; AND SETTING FORTH AN EFFECTIVE DATE.

Staff Contact: Scott McKee, City Clerk (386-676-3340) **CONFLICT WAIVED / APPROVED**

B. **RESOLUTION NO. 2015-25** : A RESOLUTION APPOINTING MEMBERS OF THE BROWNFIELD ADVISORY BOARD; SETTING FORTH TERMS AND CONDITIONS OF SERVICE; AND SETTING FORTH AN EFFECTIVE DATE.

Staff Contact: Scott McKee, City Clerk (386-676-3340) **CONFLICT WAIVED / APPROVED**

C. **RESOLUTION NO. 2015-26** : A RESOLUTION APPOINTING MEMBERS OF THE BUDGET ADVISORY BOARD; SETTING FORTH TERMS AND CONDITIONS OF SERVICE; AND SETTING FORTH AN EFFECTIVE DATE.

Staff Contact: Scott McKee, City Clerk (386-676-3340) **CONFLICT WAIVED / APPROVED**

D. **RESOLUTION NO. 2015-04** : A RESOLUTION APPOINTING MEMBERS OF THE HUMAN RESOURCES BOARD; SETTING FORTH TERMS AND CONDITIONS OF SERVICE; AND SETTING FORTH AN EFFECTIVE DATE.

Staff Contact: Scott McKee, City Clerk (386-676-3340) **CONFLICT WAIVED / APPROVED**

- E. **RESOLUTION NO. 2015-27** : A RESOLUTION APPOINTING MEMBERS OF THE PUBLIC WORKS ADVISORY BOARD; SETTING FORTH TERMS AND CONDITIONS OF SERVICE; AND SETTING FORTH AN EFFECTIVE DATE.

Staff Contact: *Scott McKee, City Clerk (386-676-3340)* **CONFLICT WAIVED / APPROVED**

- F. **ORDINANCE NO. 2014-39** : AN ORDINANCE AMENDING CHAPTER 2, DISTRICT AND GENERAL REGULATIONS OF ARTICLE II, DISTRICT REGULATIONS, SECTIONS 2-25(C) AND (D), CENTRAL BUSINESS (B-4), SECTIONS 2-26(C) AND (D), SERVICE COMMERCIAL (B-5), SECTIONS 2-28(C) AND (D), HIGHWAY TOURIST COMMERCIAL (B-7), AND SECTIONS 2-29(C) AND (D), COMMERCIAL (B-8) TO DELETE THE PERSONAL SERVICES USE AND ADD THE PERSONAL SERVICES USE AS A CONDITIONAL USE WITHIN THE ZONING DISTRICTS; AND BY AMENDING CHAPTER 2, DISTRICT AND GENERAL REGULATIONS OF ARTICLE IV CONDITIONAL AND SPECIAL EXCEPTION REGULATIONS, SECTION 2-57, CRITERIA FOR REVIEW OF SPECIFIC CONDITIONAL AND SPECIAL EXCEPTION, BY ESTABLISHING CRITERIA FOR PERSONAL SERVICES USES; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; PROVIDING FOR SEVERABILITY; AND SETTING FORTH AN EFFECTIVE DATE. **(SECOND READING)**

Staff Contact: *Ric Goss, Planning Director (386-676-3238)*
APPROVED ON SECOND READING

- G. **ORDINANCE NO. 2014-40** : AN ORDINANCE AMENDING PARAGRAPH C, OFFICIAL ZONING MAP, OF SECTION 2-01, ESTABLISHMENT OF ZONING DISTRICTS AND OFFICIAL ZONING MAP, 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 2.47-ACRES LOCATED AT 1301 WEST GRANADA BOULEVARD, FROM SR (SUBURBAN RESIDENTIAL) TO PBD (PLANNED BUSINESS DEVELOPMENT), AUTHORIZING REVISION OF OFFICIAL ZONING MAP; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; AND SETTING FORTH AN EFFECTIVE DATE. **(SECOND READING)**

Staff Contact: *Ric Goss, Planning Director (386-676-3238)*
APPROVED ON SECOND READING

- H. **ORDINANCE NO. 2014-41** : AN ORDINANCE AUTHORIZING THE EXECUTION AND ISSUANCE OF A DEVELOPMENT ORDER FOR A PLANNED BUSINESS DEVELOPMENT TO BE KNOWN AS "BOULEVARD SHOPPES", AUTHORIZING THE CONSTRUCTION OF A 11,995 SQUARE-FOOT SHOPPING CENTER WITH ASSOCIATED SITE IMPROVEMENTS TO BE LOCATED AT 1301 WEST GRANADA BOULEVARD; AUTHORIZING A LANDSCAPE BUFFER WAIVER AND A WALL AND FENCE WAIVER; ESTABLISHING CONDITIONS AND EXPIRATIONS OF APPROVAL; AND SETTING FORTH AN EFFECTIVE DATE. **(SECOND READING)**

Staff Contact: Ric Goss, Planning Director (386-676-3238)

APPROVED ON SECOND READING

- I. **ORDINANCE NO. 2015-01** : AN ORDINANCE ADOPTING CERTAIN AMENDMENTS TO THE FUTURE LAND USE ELEMENT, TO THE CONSERVATION ELEMENT, AND TO THE FUTURE LAND USE MAP OF THE CITY OF ORMOND BEACH COMPREHENSIVE PLAN; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; AND SETTING FORTH AN EFFECTIVE DATE.

Staff Contact: Ric Goss, Planning Director (386-676-3238)

APPROVED ON FIRST READING

- J. **ORDINANCE NO. 2015-02** : AN ORDINANCE ANNEXING CERTAIN REAL PROPERTY INTO THE CITY OF ORMOND BEACH, SAID PROPERTY BEING GENERALLY LOCATED ALONG THE WEST SIDE OF SOUTH NOVA ROAD AT THE NORTHWEST CORNER OF THE INTERSECTION OF DIVISION AVENUE AND SOUTH NOVA ROAD, LOCATED AT 500 S. NOVA ROAD; REDEFINING THE TERRITORIAL BOUNDARIES OF THE CITY OF ORMOND BEACH TO INCLUDE THE PROPERTY; REDESIGNATING THE BOUNDARIES OF ZONE 4 OF THE CITY OF ORMOND BEACH TO INCLUDE THE PROPERTY; SETTING FORTH ZONING, PRIVILEGES, AND OBLIGATIONS OF SAID PROPERTY; PROVIDING FOR TRANSMISSION; PROVIDING FOR SEVERABILITY; AND SETTING FORTH AN EFFECTIVE DATE.

Staff Contact: Ric Goss, Planning Director (386-676-3238)

APPROVED ON FIRST READING

- K. **ORDINANCE NO. 2015-04** : AN ORDINANCE ANNEXING CERTAIN REAL PROPERTY INTO THE CITY OF ORMOND BEACH, SAID PROPERTY BEING GENERALLY LOCATED ALONG THE WEST SIDE OF WILLIAMSON BOULEVARD APPROXIMATELY 1,650 LINEAR FEET SOUTH OF WEST GRANADA BOULEVARD AND BEING COMMONLY LOCATED AT 240 WILLIAMSON BOULEVARD; REDEFINING THE TERRITORIAL BOUNDARIES OF THE CITY OF ORMOND BEACH TO INCLUDE THE PROPERTY; REDESIGNATING THE BOUNDARIES OF ZONE 3 OF THE CITY OF ORMOND BEACH TO INCLUDE THE PROPERTY; SETTING FORTH ZONING, PRIVILEGES, AND OBLIGATIONS OF SAID PROPERTY; PROVIDING FOR TRANSMISSION; PROVIDING FOR SEVERABILITY; AND SETTING FORTH AN EFFECTIVE DATE.

Staff Contact: Ric Goss, Planning Director (386-676-3238)

APPROVED ON FIRST READING

- L. **ORDINANCE NO. 2015-05** : AN ORDINANCE AMENDING THE FUTURE LAND USE ELEMENT OF THE COMPREHENSIVE PLAN BY AMENDING THE FUTURE LAND USE MAP INCORPORATING THE PROVISIONS OF THE NORTH US HIGHWAY 1 INTERLOCAL SERVICE BOUNDARY AGREEMENT (ISBA) BETWEEN THE CITY OF ORMOND BEACH AND THE COUNTY OF VOLUSIA; 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: Ric Goss, Planning Director (386-676-3238)

APPROVED ON FIRST READING

8. FIRST READING OF ORDINANCES

- A. **ORDINANCE NO. 2015-06** : AN ORDINANCE AMENDING SECTION 5-78, DANGEROUS DOGS, AND SECTION 5-81, ACTION TO BE TAKEN BY OWNERS/KEEPERS OF DANGEROUS DOGS, OF CHAPTER 5, ANIMALS AND FOWL, ARTICLE III, DOGS AND CATS; OTHER ANIMALS, OF THE CODE OF ORDINANCES; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; SETTING FORTH AN EFFECTIVE DATE.

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

APPROVED ON FIRST READING

9. RESOLUTIONS

- A. **RESOLUTION NO. 2015-09** : A RESOLUTION APPOINTING MEMBERS OF THE PLANNING BOARD; APPOINTING AT-LARGE MEMBERS; SETTING FORTH TERMS AND CONDITIONS OF SERVICE; AND SETTING FORTH AN EFFECTIVE DATE.

Staff Contact: *Scott McKee, City Clerk (386-676-3340)*

APPROVED

10. REPORTS, SUGGESTIONS, REQUESTS

11. 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.