



**ACTION REPORT
CITY OF ORMOND BEACH, FLORIDA
CITY COMMISSION MEETING
April 21, 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. PRESENTATIONS AND PROCLAMATIONS**
 - A. Proclamation for Ryan Carver
 - B. Victims' Rights Week Proclamation
 - C. Mayor's Health and Fitness Challenge 1st Place Award Winners
- 5. AUDIENCE REMARKS - REGARDING ITEMS NOT ON THE AGENDA**
- 6. APPROVAL OF MINUTES**
 - A. Minutes from City Commission meeting – April 7, 2015 **APPROVED**
- 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. 2015-91** : A RESOLUTION AUTHORIZING THE EXECUTION OF A JOINT PARTICIPATION AGREEMENT BETWEEN THE CITY AND FLORIDA DEPARTMENT OF TRANSPORTATION, REGARDING LANDSCAPING IMPROVEMENTS AT THE N. US1 & I95 OVERPASS AND EXISTING MEDIAN ALONG US1 (FROM AIRPORT RD TO I95); AND SETTING FORTH AN EFFECTIVE DATE.

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

APPROVED

- B. **RESOLUTION NO. 2015-92** : A RESOLUTION AUTHORIZING THE EXECUTION OF A RELEASE OF SPECIAL MAGISTRATE ADMINISTRATIVE FINE/LIEN FOR CODE VIOLATIONS ON PROPERTY LOCATED AT 317 CHARDON ROAD, ORMOND BEACH, VOLUSIA COUNTY, FLORIDA (PARCEL ID NO. 4220-03-08- 0070); AND SETTING FORTH AN EFFECTIVE DATE.

Staff Contact: *Joanne Naumann, Neighborhood Improvement Manager (386-615-7069)* **APPROVED**

- C. **RESOLUTION NO. 2015-93** : A RESOLUTION ACCEPTING A BID FROM RIC-MAN CONSTRUCTION FLORIDA, INC. FOR CONSTRUCTION SERVICES REGARDING THE STORMDRAIN & SANITARY SEWER PIPE LINING REHABILITATION PROJECT, UNDER BID NO. 2015-5; AUTHORIZING THE EXECUTION OF A CONTRACT AND PAYMENT THEREFOR; REJECTING ALL OTHER BIDS; AND SETTING FORTH AN EFFECTIVE DATE.

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

APPROVED

- D. **RESOLUTION NO. 2015-94** : A RESOLUTION ACCEPTING A BID FROM DANUS UTILITIES, INC. REGARDING THE SADDLER'S RUN LIFT STATION REFURBISHMENT PROJECT, UNDER BID NO. 2015-25; AUTHORIZING THE EXECUTION OF A CONTRACT AND PAYMENT THEREFOR; REJECTING ALL OTHER BIDS; AND SETTING FORTH AN EFFECTIVE DATE.

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

APPROVED

- E. **RESOLUTION NO. 2015-98** : A RESOLUTION ACCEPTING THE PROPOSAL OF ANTARES VALLE AND HECTOR R. VALLE, SR. D/B/A BIRDSTOWN SKATE SHOP REGARDING OPERATION OF THE CONCESSION STAND AT THE NOVA SKATE COURT; AUTHORIZING THE EXECUTION OF AN AGREEMENT; AND SETTING FORTH AN EFFECTIVE DATE.

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

F. Purchase of Vehicle Tires under the Florida Sheriffs Association Contract #15/17-07-0220

Staff Contact: Kevin Gray, Public Works Operations Manager (386-676-3522)

Disposition: Approve as recommended in the City Manager memorandum dated April 21, 2015. **APPROVED**

G. Utility Collection Accounts Initiative

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

Disposition: Approve as recommended in the City Manager memorandum dated April 21, 2015. **APPROVED**

8. PUBLIC HEARINGS

- A. **ORDINANCE NO. 2015-16** : AN ORDINANCE AMENDING CHAPTER 1, GENERAL ADMINISTRATION, ARTICLE III, DEFINITIONS AND ACRONYMS, SECTION 1-22, DEFINITION OF TERMS AND WORD BY DELETING THE RETAIL SALES AND SERVICE, SPECIALTY USE; AMENDING CHAPTER 2, DISTRICT AND GENERAL REGULATIONS OF ARTICLE I, ESTABLISHMENT OF ZONING DISTRICTS AND OFFICIAL ZONING MAP, SECTION 2-02, FUTURE LAND USE MAP DESIGNATIONS AND ZONING DISTRICTS BY DELETING THE PROFESSIONAL OFFICE/HOSPITAL LAND USE TITLE AND BY ADDING ROR, RESIDENTIAL, OFFICE, RETAIL LAND USE TITLE; AMENDING CHAPTER 2, DISTRICT AND GENERAL REGULATIONS OF ARTICLE II, DISTRICT REGULATIONS, SECTION 2-22, B-1, PROFESSIONAL OFFICE/HOSPITAL, BY DELETING RETAIL SALES, AND SERVICE, SPECIALTY AS A PERMITTED USE; BY ADDING PERSONAL SERVICES, RESTAURANT, TYPE A, RESTAURANT TYPE B, AND RETAIL SALES AND SERVICE AS CONDITIONAL USES; AND BY ADDING RESTAURANT, TYPE C AS AN ALLOWED SPECIAL EXCEPTION USE; AMENDING CHAPTER 2, DISTRICT AND GENERAL REGULATIONS, ARTICLE II, DISTRICT REGULATIONS, SECTION 2-30, B-9, BOULEVARD ZONING DISTRICT BY DELETING RETAIL SALES AND SERVICE, SPECIALTY AS A PERMITTED USE; BY ADDING INSTRUCTIONAL PHYSICAL ACTIVITY AS A PERMITTED USE; BY ADDING PERSONAL SERVICES, RESTAURANT TYPE B, AND RETAIL SALES AND SERVICE AS CONDITIONAL USES; AND BY ADDING RESTAURANT, TYPE C AS AN ALLOWED SPECIAL EXCEPTION USE; AMENDING CHAPTER 2, DISTRICT AND GENERAL REGULATIONS, ARTICLE II, DISTRICT REGULATIONS, SECTION 2-31, B-10, SUBURBAN BOULEVARD ZONING DISTRICT BY DELETING RETAIL SALES AND SERVICE, SPECIALTY AS A PERMITTED USE; BY ADDING FINANCIAL INSTITUTION AND INSTRUCTIONAL PHYSICAL ACTIVITY AS PERMITTED USES; BY ADDING CHILD CARE FACILITIES, PERSONAL SERVICES, RESTAURANT TYPE B, AND RETAIL SALES AND SERVICE AS CONDITIONAL USES; AND BY ADDING RESTAURANT, TYPE C AS AN ALLOWED SPECIAL EXCEPTION USE; AND 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 BY DELETING THE CONDITIONS OF THE RETAIL SALES AND SERVICE, SPECIALTY AND BY ADDING CONDITIONS FOR RETAIL SALES AND SERVICE OF THE LAND DEVELOPMENT CODE; 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

- B. **RESOLUTION NO. 2015-95** : A RESOLUTION AUTHORIZING THE PARTIAL RELEASE OF A CITY OF ORMOND BEACH DEED OF CONSERVATION EASEMENT, ON PROPERTY LOCATED AT 555 AND 875 STERTHAUS DRIVE; PROVIDING FOR RECORDATION; AND SETTING FORTH AN EFFECTIVE DATE.

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

APPROVED

- C. **ORDINANCE NO. 2015-18** : 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 27.607-ACRES LOCATED AT 555 AND 875 STERTHAUS DRIVE, FROM B-1 (PROFESSIONAL OFFICE/HOSPITAL) TO PBD (PLANNED BUSINESS DEVELOPMENT), AUTHORIZING REVISION OF OFFICIAL ZONING MAP; 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

- D. **ORDINANCE NO. 2015-19** : AN ORDINANCE AUTHORIZING THE EXECUTION AND ISSUANCE OF A DEVELOPMENT ORDER FOR A PLANNED BUSINESS DEVELOPMENT TO BE KNOWN AS "ORMOND RENAISSANCE CONDOMINIUM", AUTHORIZING THE CONSTRUCTION OF A PHASED DEVELOPMENT OF 286 MULTI-FAMILY UNITS WITHIN ELEVEN BUILDINGS ALONG WITH ASSOCIATED SITE IMPROVEMENTS TO BE LOCATED AT 555 AND 875 STERTHAUS DRIVE; AUTHORIZING THE GROSS RESIDENTIAL DENSITY OF 10.36 UNITS PER ACRE, A MAXIMUM BUILDING HEIGHT OF 74.0' 4.0" FOR ELEVEN BUILDINGS, A BUILDING LENGTH OF APPROXIMATELY 207 LINEAR FEET FOR ELEVEN BUILDINGS; AND THE REMOVAL OF NINE HISTORIC TREES; ESTABLISHING CONDITIONS AND EXPIRATIONS OF APPROVAL; AND SETTING FORTH AN EFFECTIVE DATE.

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

APPROVED ON FIRST READING

- E. **RESOLUTION NO. 2015-96** : A RESOLUTION APPROVING THE PRELIMINARY PLAT FOR THE "ORMOND RENAISSANCE A CONDOMINIUM", LOCATED AT 555 AND 875 STERTHAUS DRIVE; ESTABLISHING CONDITIONS AND EXPIRATION DATE OF APPROVAL; SETTING FORTH AN EFFECTIVE DATE.

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

APPROVED

9. FIRST READING OF ORDINANCES

- A. **ORDINANCE NO. 2015-20** : AN ORDINANCE AMENDING SECTION 23-2, DEFINITIONS, AND SECTION 23-3, SEXUAL OFFENDER AND SEXUAL PREDATOR RESIDENCE PROHIBITION; PENALTIES; EXCEPTIONS, OF CHAPTER 23, SEXUAL OFFENDERS AND SEXUAL PREDATORS, OF THE CITY OF ORMOND BEACH CODE OF ORDINANCES, BY REVISING THE DEFINITIONS TO INCLUDE TRANSIENT RESIDENCE, AMENDING THE RESIDENCE PROHIBITION TO INCLUDE SUCH, ADDING FLORIDA STATUTE 847.0135(5) TO LIST OF OFFENSES, REPLACING DAY CARE CENTER WITH CHILD CARE FACILITY, CHANGING PUBLIC SCHOOL BUS STOP TO SCHOOL BUS STOP, ADDING AN EXCEPTION FOR CONVICTIONS PRIOR TO ENACTMENT/AMENDED OF STATE LAW, ADDING EXCEPTION BASED ON SECTION 943.04354, FLORIDA STATUTES, AND REVISING OTHER SECTIONS TO MATCH SECTIONS 775.21 AND 775.215, FLORIDA STATUTES; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; AND SETTING FORTH AN EFFECTIVE DATE.

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

APPROVED ON FIRST READING

10. RESOLUTIONS

- A. **RESOLUTION NO. 2015-80** : A RESOLUTION AUTHORIZING THE EXECUTION OF A CONTRACT FOR LAND EXCHANGE BETWEEN THE CITY OF ORMOND BEACH AND WIVIGECO, LLC; AND ACCEPTANCE OF A PUBLIC UTILITY, ACCESS AND MAINTENANCE EASEMENT DEED AS A CONDITION OF THE CONTRACT; AND SETTING FORTH AN EFFECTIVE DATE.

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

APPROVED

- B. **RESOLUTION NO. 2015-97** : A RESOLUTION APPOINTING MEMBERS TO SERVE ON THE HISTORIC LANDMARK PRESERVATION BOARD; SETTING FORTH TERMS AND CONDITIONS OF SERVICE; AND SETTING FORTH AN EFFECTIVE DATE.

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

APPROVED

11. STAFF ACTION ITEMS

- A. **North Mainland/Ormond Crossings Community Redevelopment Area**

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

**MOTION TO ENDORSE
EXTENDING THE CRA - APPROVED**

12. DISCUSSION ITEMS

A. Discussion on Beach Driving

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

B. Request for Rescission or Reduction of Special Magistrate Fine/Lien - 535 Tomoka Avenue

Staff Contact: Joanne Naumann, Neighborhood Improvement Manager (386-615-7069) **MOTION TO REDUCE FINE TO \$170.98 - APPROVED**

C. Volusia League of Cities (VLOC) Distinguished Service Awards 2015

Staff Contact: Loretta Moisio, Grants Coordinator/PIO (386-676-3315) **MOTION TO SUBMIT LISTED NOMINATIONS - APPROVED**

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.