



**CITY OF ORMOND BEACH  
CITY COMMISSION MEETING**

NOVEMBER 3, 2010

7:00 PM

~~~~~  
PURSUANT TO SECTION 286.0105, 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.  
~~~~~

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 IN WRITING, OR MAY CALL 677-0311 FOR INFORMATION REGARDING AVAILABLE AIDS AND SERVICES. LISTENING DEVICE AVAILABLE FOR HEARING IMPAIRED.  
~~~~~

***ACTION REPORT***

- 1) Meeting call to order by Deputy Mayor Kelley.
- 2) Invocation by Father Comforted Keen, Church of the Holy Child.
- 3) Pledge of Allegiance.
- 4) **AUDIENCE REMARKS:**
- 5) **APPROVAL OF THE MINUTES** of the October 19, 2010, meeting.
- 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. 2010-171 accepting a quitclaim deed from The Trails South Forty Homeowners Association, Inc., a Florida non-profit corporation, for property located within South Forty Trail for landscape median purposes. (Public Works Director) **APPROVED**
  - B) Resolution No. 2010-172 accepting a bid from JD Weber Construction Co. for construction services regarding the Coolidge Avenue Road and Drainage Improvements project under Bid No. 2010-26; authorizing the execution of a contract and payment therefor; rejecting all other bids. (\$629,147.50) (Acting City Engineer) **APPROVED**
  - C) Resolution No. 2010-173 accepting a proposal from Zev Cohen & Associates for engineering construction administration services regarding the Coolidge Avenue Road and Drainage Improvements project; authorizing the execution of a Work Authorization and payment therefor. (Not-to-exceed \$35,410.28) (Acting City Engineer) **APPROVED**

- D) Resolution No. 2010-174 correcting the name of the contractor providing services for the Sanitary Sewer Manhole Rehabilitation project; ratifying the execution of a contract with Chaz Equipment Company, Inc. (Utilities Manager) **APPROVED**
- E) Resolution No. 2010-175 authorizing the extension of a third amendment to the Impact Fee Reimbursement and Joint Participation Agreement between the City and Villaggio Investors, LLC, relative to sanitary sewer service extension along State Road 40 near "The Tuscany" subdivision. (Acting City Engineer) **APPROVED**
- F) Resolution No. 2010-176 of the City of Ormond Beach, Florida, authorizing the issuance of its \$5,000,000 in principal amount General Obligation Bond, Series 2010, for the purpose of financing the project (as defined herein) and certain costs associated with the issuance of such bond; providing that such bond shall constitute a general obligation of the City, and that the full faith, credit and taxing power of the City shall be irrevocably pledged for the payment of the principal of and the interest on such bond; making certain findings, covenants and agreements in connection therewith; appointing a paying agent and a bond registrar; accepting the proposal of JP Morgan Chase Bank, N.A., to purchase such bond and approving the award of such bond to JP Morgan Chase Bank, N.A.; authorizing certain officials and employees of the City to take all actions required in connection with the issuance of such bond. (Purchase and Development of Beachfront Park at 839 South Atlantic Avenue – Not to exceed 3.5%) **APPROVED**
- G) Resolution No. 2010-177 amending the Pay and Classification Plan. (Planning Department Permit Manager and Police Department Lieutenant) **APPROVED**
- H) Resolution No. 2010-178 authorizing the execution of a Highway Maintenance Memorandum of Agreement between the City of Ormond Beach and the Florida Department of Transportation. (Public Works Operations Manager) **APPROVED**
- I) Emergency procurement from Florida N-Viro, L.P., for wastewater sludge hauling, treatment and disposal services. **APPROVED**

DISPOSITION: Approve as recommended in City Manager memorandum dated October 28, 2010.

- J) East Volusia Regional Water Authority Nova Canal Flood Control and Integrated Water Resource program final report. **APPROVED**

DISPOSITION: Approve as recommended in City Manager memorandum dated October 28, 2010.

## 7) **PUBLIC HEARINGS:**

- A) Ordinance No. 2010-51 amending Chapter 2, District and General Regulations, of Article VI, Overlay Districts, Section 2-70, Downtown Overlay District, by deleting in its entirety Subsections 2-70 A through R, re-establishing Section 2-70 entitled,

Downtown Overlay District; adding Subsections A through I. (First Reading) (Planning Director) **APPROVED ON FIRST READING**

- B) Ordinance No. 2010-52 annexing certain real property into the City of Ormond Beach, said property being generally located along the west side of North U.S. Highway 1, approximately 1,200 linear feet from Interstate 95 and being commonly located at 1520 North U.S. Highway 1, including a portion of Benton Street and Flagler Road; redefining the territorial boundaries of the City of Ormond Beach to include the property; re-designating the boundaries of zone 3 of the City of Ormond Beach to include the property; providing for transmission. (First Reading) (Planning Director) **APPROVED ON FIRST READING**
- C) Ordinance No. 2010-53 annexing certain real property into the City of Ormond Beach, said property being generally located along the west side of North U.S. Highway 1 approximately 325 linear feet from Interstate 95 and being commonly located at 1560 North U.S. Highway 1; redefining the territorial boundaries of the City of Ormond Beach to include the property; re-designating the boundaries of Zone 3 of the City of Ormond Beach to include the property; providing for transmission. (First Reading) (Planning Director) **APPROVED ON FIRST READING**
- D) Ordinance No. 2010-54 annexing certain real property into the City of Ormond Beach, said property being generally located along the west side of North U.S. Highway 1 approximately 255 linear feet from Interstate 95 and being commonly located at 1570 North U.S. Highway 1; redefining the territorial boundaries of the City of Ormond Beach to include the property; re-designating the boundaries of Zone 3 of the City of Ormond Beach to include the property; providing for transmission. (First Reading) (Planning Director) **TABLED UNTIL DECEMBER 12, 2010**
- E) Ordinance No. 2010-55 annexing certain real property into the City of Ormond Beach, said property being generally located along the west side of North U.S. Highway 1 abutting Interstate 95 and being commonly located at 1576 North U.S. Highway 1; redefining the territorial boundaries of the City of Ormond Beach to include the property; re-designating the boundaries of Zone 3 of the City of Ormond Beach to include the property; providing for transmission. (First Reading) (Planning Director) **TABLED UNTIL DECEMBER 12, 2010**
- F) Ordinance No. 2010-56 granting to Peoples Gas System, a Division of Tampa Electric Company, its successors and assigns, a non-exclusive natural gas franchise renewal agreement for a period of thirty (30) years; imposing provisions and conditions relative thereto. (First Reading) (City Attorney) **APPROVED ON FIRST READING**

8) **SECOND READING OF ORDINANCES:**

- A) Ordinance No. 2010-49 amending Chapter 2, District and General Regulations, Article III, General Regulations, Section 2-50, Accessory Uses, of the Ormond Beach *Land Development Code*, by amending Subparagraph V, Outdoor Storage, Parking or Use of Personal Property, by providing standards for the parking of vehicles in yards on residential property; by repealing Section 14-103, Front Yard and Corner Side Yard parking, of Chapter 14, Offenses-Miscellaneous, Article X, Vehicle Parking/Nuisances,

of the Ormond Beach Code of Ordinances; repealing all inconsistent ordinances or parts thereof; providing for severability; and setting forth an effective date. (Planning Director) **APPROVED ON SECOND READING**

B) Ordinance No. 2010-50 amending the annual budget for Fiscal Year 2009-2010 by amending the General Fund; the Ormond Crossings CRA Fund; the Transportation Fund; the Water/Wastewater Debt Service Fund; the Water Plant Construction Fund; and the Wastewater Plant Construction Fund. (Finance Director) **APPROVED ON SECOND READING**

9) **REPORTS, SUGGESTIONS, REQUESTS:** Mayor, City Commission, City Manager, City Attorney.

10) **CLOSE THE MEETING.**