



**ACTION REPORT**  
**CITY OF ORMOND BEACH, FLORIDA**  
**CITY COMMISSION MEETING**  
**Tuesday, July 19, 2011**  
**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**

**CITY COMMISSION CHAMBERS**

**22 South Beach Street, Ormond Beach, Florida 32174**

**City Clerk's Office: (386) 677-0311**

**Fax: (386) 676-3330**

**1. CALL TO ORDER**

**2. INVOCATION –** Pastor Ronald Todd, Harbor Baptist Church

**3. PLEDGE OF ALLEGIANCE**

**4. ADOPTION OF FY 2011-2012 PROPOSED MILLAGE RATES**

**A. Resolution No. 2011-100 –** A resolution adopting proposed millage rates for the 2011-2012 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. (*Finance Director*)

**APPROVED MILLAGE RATES:**

**Operating 3.8933;**

**2002 General Obligation Bonds 0.1157;**

**2003 General Obligation Bonds 0.0475**

**2010 General Obligation Bonds 0.1449.**

**5. PRESENTATION –** Awards for Civic Excellence (*Chamber of Commerce*)

**6. AUDIENCE REMARKS –** Regarding items not on the agenda.

**7. APPROVAL OF MINUTES**

**A.** Minutes from the City Commission meeting – July 5, 2011

**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. 2011-101** – A resolution pursuant to Section 14-98, Liens, of the City of Ormond Beach *Code of Ordinances* authorizing the imposition of a lien against the real property located at 65 Putnam Avenue, Ormond Beach, Volusia County, Florida (PARCEL ID NO. 4240-01-17-0130) for costs incurred by the City to terminate or abate a site maintenance violation; approving a Satisfaction and Release of Lien form; authorizing the execution and recordation of a Satisfaction and Release upon payment of the lien; and setting forth an effective date. (*Neighborhood Improvement Manager*) **PULLED, PAYMENT RECEIVED**
- B. Resolution No. 2011-102** – A resolution authorizing the execution of a quitclaim deed in favor of Markham T. Van Cleef and Peggy A. Van Cleef, releasing a portion of a twenty-foot (20') drainage easement located on the southeast side of Lot 46, Shadow Crossings, Unit 2, of Hunters Ridge subdivision, Phase I (17 Foxfords Chase); and setting forth an effective date. (*Planning Director*) **APPROVED**
- C. Resolution No. 2011-103** – A resolution consenting to the assignment of a continuing contract for survey services between the City and Consolidated Survey, Inc.; assigning said contract to ATS land Surveying, LLC; approving and authorizing the execution of a Consent to Assignment and Amendment to Continuing Contract for the limited purpose of acknowledging the correct identity of the entity providing survey services under the contract; and setting forth an effective date. (*Acting City Engineer*) **APPROVED**
- D. Resolution No. 2011-104** – A resolution accepting a bid from Masci General Contractor, Inc. regarding the Selden Avenue Improvements project, under Bid No. 2011-08; authorizing the execution of a contract and payment therefore; rejecting all other bids; and setting forth an effective date. (*Acting City Engineer*) **APPROVED**
- E. Resolution No. 2011-105** – A resolution accepting a proposal from Zev Cohen & Associates, Inc. for engineering services regarding the Central Park Lake Interconnects; authorizing the execution of a work authorization and payment therefore; and setting forth an effective date. (Total cost of engineering services \$98,958.10; 75% FEMA and \$24,739.52 City) (*Acting City Engineer*) **APPROVED**
- F. Resolution No. 2011-106** – A resolution authorizing the execution of a modification (Number Two) to subgrant agreement between the Division of Emergency Management and the City regarding the Hazard Mitigation Grant Program; and setting forth an effective date. (City's match increase by \$418,203; total match \$993,487) (*Grants Coordinator*) **APPROVED**
- G. Resolution No. 2011-107** – A resolution authorizing the execution of an "As Is" contract for Sale and Purchase between Jessie S. Lemoyne and the City of Ormond Beach, for the purchase of certain property located at 68 Lake

Park Circle, Ormond Beach, Volusia County, Florida (Parcel ID Number 4242-68-02-0340); setting forth an effective. (\$135,000) (*Acting City Engineer*)  
**APPROVED**

**H. Cooperative Chemical Purchase (*Utilities Manager*) APPROVED**

DISPOSITION: Approve as recommended in City Manager memorandum dated July 14, 2011.

**I. Towing Contract (*Police Chief*) APPROVED**

DISPOSITION: Approve as recommended in City Manager memorandum dated July 14, 2011.

**J. WWTP Emergency Pump Rental (*Utilities Manager*) APPROVED**

DISPOSITION: Approve as recommended in City Manager memorandum dated July 14, 2011.

**K. Assistance to Firefighters Grant (*Grants Coordinator*) APPROVED**

DISPOSITION: Approve as recommended in City Manager memorandum dated July 14, 2011.

**L. City Manager Attendance to the Alliance for Innovation 3<sup>rd</sup> Annual BIG Ideas Weekend (*City Manager*) APPROVED**

DISPOSITION: Approve as recommended in City Manager memorandum dated July 14, 2011.

**M. Monument Sign for Ormond Beach Sports Complex (*Leisure Services Director*) APPROVED**

DISPOSITION: Approve as recommended in City Manager memorandum dated July 14, 2011.

**9. PUBLIC HEARINGS**

- A. First Reading of Ordinance No. 2011-15** – An ordinance authorizing the execution and issuance of a First Amended Development Order for the "Tuscany" also known as "The IL Villaggio" subdivision, a Planned Residential Development located on West Granada Boulevard to the west of the Indian Springs Subdivision and east of the Breakaway Trails subdivision; authorizing an amendment to the required recreational amenities; ratifying and affirming the development order by approved by Resolution No. 2003-17 and the preliminary plans and final plat approved by Ordinance No. 2004-30; establishing conditions and expiration of approval; and setting forth an effective date. (*Planning Director*) **APPROVED AS AMENDED ON FIRST READING**

- B. First Reading of Ordinance No. 2011-19** – An ordinance amending the Future Land Use Element of the Comprehensive Plan by amending the Future Land Use Map to change the designation of one (1) Parcel of real property totaling +1.31-acres located at 1520 North US Highway 1 (Parcel ID No. 3136-01-61-0010), from Volusia County “Commercial” to Ormond Beach Low Intensity Commercial”; repealing all inconsistent ordinances or parts thereof; and setting forth an effective date. (*Lil Champs*) (*Planning Director*) **APPROVED ON FIRST READING**
- C. First Reading of Ordinance No. 2011-20** – An ordinance amending the Future Land Use Element of the Comprehensive Plan by amending the Future Land Use Map to change the designation of one (1) parcel of real property totaling ±2.16-acres located at 1521 North US Highway 1 (Parcel ID No. 3136-01-37-0010), from Volusia County "Commercial" to Ormond Beach "Low Intensity Commercial"; repealing all inconsistent ordinances or parts thereof; and setting forth an effective date. (*RaceTrac*) (*Planning Director*) **APPROVED ON FIRST READING**
- D. First Reading of Ordinance No. 2011-21** – An ordinance amending the Future Land Use Element of the Comprehensive Plan by amending the Future Land Use Map to change the designation of one (1) parcel of real property totaling +2.58-acres located at 1530 North US Highway 1 (Parcel ID No. 3136-01-62-0050), from Volusia County "Commercial" to Ormond Beach "Low Intensity Commercial"; repealing all inconsistent ordinances or parts thereof; and setting forth an effective date. (*McDonalds*) (*Planning Director*) **APPROVED ON FIRST READING**
- E. First Reading of Ordinance No. 2011-22** – An ordinance amending the Future Land Use Element of the Comprehensive Plan by amending the Future Land Use Map to change the designation of one (1) parcel of real property totaling +1.42-acres located at 1545 North US Highway 1 (Parcel ID No. 3136-01-36-0020), from Volusia County "Commercial" to Ormond Beach "Low Intensity Commercial"; repealing all inconsistent ordinances or parts thereof; and setting forth an effective date. (*Cheaters*) (*Planning Director*) **APPROVED ON FIRST READING**
- F. First Reading of Ordinance No. 2011-23** – An ordinance amending the Future Land Use Element of the Comprehensive Plan by amending the Future Land Use Map to change the designation of one (1) parcel of real property totaling +2.74-acres located at 1560 North US Highway 1 (Parcel ID No. 3136-01-63-0020), from Volusia County "Commercial" to Ormond Beach "Low Intensity Commercial"; repealing all inconsistent ordinances or parts thereof; and setting forth an effective date. (*Fruit Store*) (*Planning Director*) **APPROVED ON FIRST READING**
- G. First Reading of Ordinance No. 2011-24** – An ordinance amending the Future Land Use Element of the Comprehensive Plan by Amending the Future Land Use Map to change the designation of one (1) parcel of real property totaling +2.19-acres located at 1561 North US Highway 1 (Parcel ID No. 3136-01-17-0010), from Volusia County "Commercial" to Ormond

Beach "Low Intensity Commercial"; repealing all inconsistent ordinances or parts thereof; and setting forth an effective date. (*Wendy's*) (*Planning Director*) **APPROVED ON FIRST READING**

- H. **First Reading of Ordinance No. 2011-25** – An ordinance amending the Future Land Use Element of the Comprehensive Plan by amending the Future Land Use Map to change the designation of one (1) parcel of real property totaling +2.46-acres located at 1567 North US Highway 1 (Parcel ID No. 3136-01-18-0010), from Volusia County "Commercial" to Ormond Beach "Low Intensity Commercial"; repealing all inconsistent ordinances or parts thereof; and setting forth an effective date. (*Econo Lodge*) (*Planning Director*) **APPROVED ON FIRST READING**
- I. **First Reading of Ordinance No. 2011-26** – An ordinance amending the Future Land Use Element of the Comprehensive Plan by amending the Future Land Use Map to change the designation of one (1) parcel of real property totaling +0.36-acres located at 1570 North US Highway 1 (Parcel ID No. 3136-01-63-0030), from Volusia County "Commercial" to Ormond Beach "Low Intensity Commercial"; repealing all inconsistent ordinances or parts thereof; and setting forth an effective date. (*Waffle House*) (*Planning Director*) **APPROVED ON FIRST READING**
- J. **First Reading of Ordinance No. 2011-27** – An ordinance amending the Future Land Use Element of the Comprehensive Plan by amending the Future Land Use Map to change the designation of one (1) parcel of real property totaling +7.07-acres located at 1571 North US Highway 1 (Parcel ID No. 3136-01-19-0010), from Volusia County "Commercial" to Ormond Beach "Low Intensity Commercial"; repealing all inconsistent ordinances of parts thereof; and setting forth an effective date. (*Comfort Inn*) (*Planning Director*) **APPROVED ON FIRST READING**
- K. **First Reading of Ordinance No. 2011-28** – An ordinance amending the Future Land Use Element of the Comprehensive Plan by amending the Future Land Use Map to change the designation of one (1) parcel of real property totaling +0.76-acres located at 1576 North US Highway 1 (Parcel ID No. 3136-01-63-0010), from Volusia County "Commercial" to Ormond Beach "Low Intensity Commercial"; repealing all inconsistent ordinances of parts thereof; and setting forth an effective date. (*Sunoco & Fruit Stand*) (*Planning Director*) **APPROVED ON FIRST READING**

## 10. STAFF ACTION ITEMS

- A. **John Anderson Drive** (*Acting City Engineer*)  
Design plan amended to remove the sidewalk, proceed with a 10-foot wide roadway, and use F style curbing.
- B. **Commission Zone Redistricting** (*Planning Director*)  
Will move forward with Option #8 redistricting map.

DISPOSITION: Approve as recommended in City Manager

**11. DISCUSSION ITEMS**

**A. Federal Trails Program (City Clerk)**

**The City will support Volusia County Resolution No. 2011-67**

**B. Appeal of Planning Director Non-conforming Determination (143 Ocean Shore Blvd) (Planning Director)**

**The Commission found for a lawful non-conforming use.**

**12. REPORTS, SUGGESTIONS, REQUESTS (Mayor, City Commission, City Manager, City Attorney)**

**13. ADJOURNMENT**

Website Address – [www.ormondbeach.org](http://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.