



**ACTION REPORT  
CITY OF ORMOND BEACH, FLORIDA  
CITY COMMISSION MEETING  
February 5, 2013  
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](http://www.ormondbeach.org)**

- 1. CALL TO ORDER**
- 2. INVOCATION**
- 3. PLEDGE OF ALLEGIANCE**
- 4. PRESENTATIONS AND PROCLAMATIONS**
  - A. Employee of the Quarter - James (J.D.) Davis
  - B. Service Recognition - Sue Parkerson
  - C. T-Ball League Presentation
- 5. AUDIENCE REMARKS - REGARDING ITEMS NOT ON THE AGENDA**
- 6. APPROVAL OF MINUTES**
  - A. Minutes from City Commission meeting – January 8, 2013 **APPROVED**
  - B. Minutes from City Commission meeting – January 15, 2013 **APPROVED**

**7. COMMUNITY REDEVELOPMENT AGENCY**

- A. **RESOLUTION NO. 2013-36** : A RESOLUTION OF THE CITY COMMISSION, ALSO ACTING AS THE COMMUNITY REDEVELOPMENT AGENCY, OF THE CITY OF ORMOND BEACH, FLORIDA, AUTHORIZING THE EXECUTION OF A BUILDING IMPROVEMENT GRANT AGREEMENT BETWEEN THE AGENCY AND ORMOND BEACH HISTORICAL SOCIETY, INC.; AUTHORIZING A WAIVER OF THE SHARED PARKING AND INDEMNIFICATION REQUIREMENTS RELATED THERETO; AND SETTING FORTH AN EFFECTIVE DATE.

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

**APPROVED**

**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. 2013-36** : A RESOLUTION OF THE CITY COMMISSION, ALSO ACTING AS THE COMMUNITY REDEVELOPMENT AGENCY, OF THE CITY OF ORMOND BEACH, FLORIDA, AUTHORIZING THE EXECUTION OF A BUILDING IMPROVEMENT GRANT AGREEMENT BETWEEN THE AGENCY AND ORMOND BEACH HISTORICAL SOCIETY, INC.; AUTHORIZING A WAIVER OF THE SHARED PARKING AND INDEMNIFICATION REQUIREMENTS RELATED THERETO; AND SETTING FORTH AN EFFECTIVE DATE.

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

**APPROVED**

- B. **RESOLUTION NO. 2013-37** : 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 OWNED BY JESSIKA PALOMBO AND MATTHEW T. ALLEN LOCATED AT 5 INVERRAY COURT, ORMOND BEACH, VOLUSIA COUNTY, FLORIDA (PARCEL ID NO. 4218-05- 00-0500) FOR COSTS INCURRED BY THE CITY TO TERMINATE OR ABATE A SITE MAINTENANCE VIOLATION; AND SETTING FORTH AN EFFECTIVE DATE.

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

- C. **RESOLUTION NO. 2013-38** : 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 OWNED BY RICHARD KRANZ AND JEANIE KRANZ LOCATED AT 22 CHINA MOON DRIVE, ORMOND BEACH, VOLUSIA COUNTY, FLORIDA (PARCEL ID NO. 4229-02-00-0110) FOR COSTS INCURRED BY THE CITY TO TERMINATE OR ABATE A SITE MAINTENANCE VIOLATION; AND SETTING FORTH AN EFFECTIVE DATE.

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

- D. **RESOLUTION NO. 2013-39** : 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 OWNED BY JOHN WILLIAM BERGSTROM AND JOAN M. THATE LOCATED AT 503 LAKEBRIDGE DRIVE, ORMOND BEACH, VOLUSIA COUNTY, FLORIDA (PARCEL ID NO. 4216-04-00-0010) FOR COSTS INCURRED BY THE CITY TO TERMINATE OR ABATE A SITE MAINTENANCE VIOLATION; AND SETTING FORTH AN EFFECTIVE DATE.

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

- E. **RESOLUTION NO. 2013-40** : 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 OWNED BY MICHAEL C. GOLDEN AND MADELINE E. GOLDEN LOCATED AT 731 JOHN ANDERSON DRIVE, ORMOND BEACH, VOLUSIA COUNTY, FLORIDA (PARCEL ID NO. 4210-01-00-0090) FOR COSTS INCURRED BY THE CITY TO TERMINATE OR ABATE A SITE MAINTENANCE VIOLATION; AND SETTING FORTH AN EFFECTIVE DATE.

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

- F. **RESOLUTION NO. 2013-41** : A RESOLUTION AUTHORIZING THE EXECUTION OF AN OPEN BURNING MULTILATERAL OPERATING AGREEMENT BETWEEN THE CITY AND THE DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES, THROUGH THE FLORIDA FOREST SERVICE, REGARDING THE OPEN BURNING OF NON-AGRICULTURAL LAND CLEARING DEBRIS; AND SETTING FORTH AN EFFECTIVE DATE.

**Staff Contact:** *Bob Mandarino, Acting Fire Chief (386-676-3333)* **APPROVED**

- G. **RESOLUTION NO. 2013-42** : A RESOLUTION AUTHORIZING THE SUBMITTAL OF A GRANT APPLICATION TO THE COUNTY OF VOLUSIA UNDER THE HAZARD MITIGATION GRANT PROGRAM FOR FUNDING ASSISTANCE RELATIVE TO THE FLEMING AVENUE PUMP STATION; AUTHORIZING THE EXECUTION OF ALL DOCUMENTS INCIDENTAL THERETO, INCLUDING ANY CONTRACT NECESSARY FOR THE CITY TO ACCEPT THE GRANT AWARD; AND SETTING FORTH AN EFFECTIVE DATE.

**Staff Contact:** *Loretta Moisiso, Grants Coordinator/PIO (386-676-3315)* **APPROVED**

- H. **RFP Sports Officials, Umpires and Scorekeepers**

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

**Disposition:** Approve as recommended in the City Manager memorandum dated February 5, 2013. **APPROVED**

- I. **Budget Status Report for September 30, 2012**

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

**Disposition:** Approve as recommended in the City Manager memorandum dated February 5, 2013. **APPROVED**

## 9. PUBLIC HEARINGS

- A. **ORDINANCE NO. 2013-1** : AN ORDINANCE AMENDING SUBSECTION A, MAP AMENDMENT, OF CHAPTER 2, DISTRICT AND GENERAL REGULATIONS, ARTICLE I, ESTABLISHMENT OF ZONING DISTRICTS AND OFFICIAL ZONING MAP, SECTION 2-03, OFFICIAL ZONING MAP AND DISTRICT BOUNDARIES, OF THE CITY OF ORMOND BEACH LAND DEVELOPMENT CODE, BY REZONING THREE PARCELS OF REAL PROPERTY TOTALING 37.9± ACRES LOCATED AT THE NORTHWEST INTERSECTION OF AIRPORT ROAD AND TYMBER CREEK ROAD FROM VOLUSIA COUNTY A-2 (RURAL AGRICULTURE) AND VOLUSIA COUNTY RC (RESOURCE CORRIDOR) TO ORMOND BEACH PLANNED RESIDENTIAL DEVELOPMENT (PRD); AUTHORIZING REVISION OF THE OFFICIAL ZONING MAP; AND APPROVING A FIRST AMENDED DEVELOPMENT ORDER FOR THE "MARSHSIDE VILLAGE" PLANNED RESIDENTIAL DEVELOPMENT; AUTHORIZING A PHASED PROJECT CONSISTING OF 163 SINGLE-FAMILY LOTS; AUTHORIZING A WAIVER OF THE PERIMETER SUBDIVISION SETBACK REQUIREMENTS AND A WAIVER OF THE INDOOR RECREATION REQUIREMENTS; ESTABLISHING CONDITIONS THEREFORE; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; AND SETTING FORTH AN EFFECTIVE DATE. **(SECOND READING)**

**Staff Contact:** *Ric Goss, Planning Director (386-676-3238)*  
**REZONING PORTION APPROVED SEPARATELY,  
REMAINDER OF THE ORDINANCE FAILED**

- B. **ORDINANCE NO. 2013-6** : 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 +0.53-ACRES LOCATED AT 1428 NORTH US HIGHWAY 1 (PARCEL ID NO. 3136-01-58-0460), FROM VOLUSIA COUNTY "COMMERCIAL" TO ORMOND BEACH "LOW INTENSITY COMMERCIAL"; AUTHORIZING TRANSMITTAL; PROVIDING FOR CONFLICT; AND SETTING FORTH AN EFFECTIVE DATE. **(SECOND READING)**

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

**APPROVED ON SECOND READING**

- C. **ORDINANCE NO. 2013-7** : AN ORDINANCE AMENDING THE FUTURE LAND USE ELEMENT OF THE COMPREHENSIVE PLAN BY AMENDING THE FUTURE LAND USE MAP TO CHANGE THE DESIGNATION OF FOUR (4) PARCELS OF REAL PROPERTY TOTALING +3.97-ACRES LOCATED AT 1433, 1435, 1437 AND 1439 NORTH US HIGHWAY 1 FROM VOLUSIA COUNTY "COMMERCIAL" TO ORMOND BEACH "LOW INTENSITY COMMERCIAL"; AUTHORIZING TRANSMITTAL; 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**

- D. **ORDINANCE NO. 2013-8** : 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 +0.15-ACRES LOCATED AT 1438 NORTH US HIGHWAY 1 (PARCEL ID NO. 3136-01-58-0210), FROM VOLUSIA COUNTY "COMMERCIAL" TO ORMOND BEACH "LOW INTENSITY COMMERCIAL"; AUTHORIZING TRANSMITTAL; 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**

- E. **ORDINANCE NO. 2013-9** : 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 +0.72-ACRES LOCATED AT 1444 NORTH US HIGHWAY 1 (PARCEL ID NO. 3136-01-58-0190), FROM VOLUSIA COUNTY "COMMERCIAL" TO ORMOND BEACH "LOW INTENSITY COMMERCIAL"; AUTHORIZING TRANSMITTAL; 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**

- F. **ORDINANCE NO. 2013-10** : AN ORDINANCE ANNEXING CERTAIN REAL PROPERTY INTO THE CITY OF ORMOND BEACH, SAID PROPERTY BEING GENERALLY LOCATED AT THE NORTHEAST CORNER OF THE INTERSECTION OF TYMBER CREEK ROAD AND AIRPORT ROAD AND BEING COMMONLY LOCATED AT 305 NORTH TYMBER CREEK ROAD; SETTING FORTH ZONING, PRIVILEGES AND OBLIGATIONS REGARDING THE PROPERTY; REDEFINING THE TERRITORIAL BOUNDARIES OF THE CITY OF ORMOND BEACH TO INCLUDE THE PROPERTY; REDESIGNATING THE BOUNDARIES OF ZONE 1 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. **(SECOND READING)**

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

**APPROVED ON SECOND READING**

- G. **ORDINANCE NO. 2013-11** : AN ORDINANCE AMENDING CHAPTER 2, DISTRICT AND GENERAL REGULATIONS, OF ARTICLE II, DISTRICT REGULATIONS, SECTION 2.14.B.9.B, R-2.5, SINGLE-FAMILY LOW-MEDIUM DENSITY, TO REDUCE THE REQUIRED REAR YARD SETBACK TO 20 FEET, SECTION 2-15.B.9.B, R-3, SINGLE-FAMILY MEDIUM DENSITY TO REDUCE THE REQUIRED REAR YARD SETBACK TO 20 FEET; SECTION 2-17.B.9.B, R-4, SINGLE-FAMILY CLUSTER & TOWNHOUSE TO REDUCE THE REQUIRED REAR YARD SETBACK TO 20 FEET FOR SINGLE-FAMILY, CLUSTER, PATIO, ZERO-LOT-LINE, MULTI-FAMILY, DUPLEX, TRIPLEX, AND TOWNHOUSE TYPES OF USES; SECTION 2- 18.B.9.B, R-5, MULTI-FAMILY MEDIUM DENSITY TO REDUCE THE REQUIRED REAR YARD SETBACK TO 20 FEET FOR SINGLE-FAMILY, CLUSTER, PATIO, ZERO-LOTLINE, MULTI-FAMILY, DUPLEX, TRI-PLEX, AND TOWNHOUSE TYPES OF USES; SECTION 2-19.B.9.B, R-6, MULTI-FAMILY MEDIUM-HIGH DENSITY TO REDUCE THE REQUIRED REAR YARD SETBACK TO 20 FEET FOR SINGLE-FAMILY, CLUSTER, PATIO, ZERO-LOT-LINE, MULTI-FAMILY, DUPLEX, TRI-PLEX, AND TOWNHOUSE TYPES OF 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**

- H. **ORDINANCE NO. 2013-12** : AN ORDINANCE AMENDING CHAPTER 3, PERFORMANCE STANDARDS, OF ARTICLE IV, SIGN REGULATIONS, SECTION 3-49, MASTER SIGN PLAN, BY DELETING THE SECTION IN ITS ENTIRETY TO BE REPLACED BY A NEW SECTION ENTITLED "SIGN VARIANCES", TO BE NUMBERED SECTION 3-47.B.2, BY AMENDING THE MAXIMUM HEIGHT OF MONUMENT SIGNAGE TO EIGHT (8') FEET; AMENDING SECTION 3-47.B.6 BY AMENDING THE MAXIMUM NUMBER OF TENANT PANELS FOR MONUMENT SIGNAGE TO EIGHT; BY AMENDING SECTION 3-47.C.4, BY AMENDING THE MAXIMUM NUMBER OF TENANT PANELS FOR POLE SIGNAGE TO EIGHT; SECTION 3-47.C TO ADD THE TERM "GROUND" TO THE SUBSECTION TITLE; AMENDING CHAPTER 1, GENERAL ADMINISTRATION OF ARTICLE III, DEFINITIONS AND ACRONYMS, SECTION 1-22, TO AMEND THE DEFINITION OF SIGN, MONUMENT; 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**



- I. **ORDINANCE NO. 2013-13** : AN ORDINANCE AMENDING CHAPTER 1, GENERAL ADMINISTRATION, ARTICLE III, DEFINITIONS AND ACRONYMS, BY ADDING WATER SURVIVAL INSTRUCTION; AMENDING CHAPTER 2, DISTRICT AND GENERAL REGULATIONS, ARTICLE II, DISTRICT REGULATIONS, BY ADDING AS A CONDITIONAL USE WATER SURVIVAL INSTRUCTION WITHIN THE RURAL ESTATE/AGRICULTURAL (REA), RURAL RESIDENTIAL (RR), SUBURBAN RESIDENTIAL (SR), RURAL ESTATE (R- 1), SINGLE-FAMILY LOW DENSITY (R-2), SINGLE-FAMILY LOW-MEDIUM (R-2.5), SINGLE-FAMILY MEDIUM DENSITY (R-3), NEIGHBORHOOD PRESERVATION (NP), SINGLE-FAMILY CLUSTER & TOWNHOUSE (R-4); MULTIFAMILY MEDIUM DENSITY (R-5), MULTI-FAMILY MEDIUM-HIGH DENSITY (R-6), MANUFACTURED/MOBILE HOME (T-1); AND MANUFACTURED HOME (T-2) ZONING DISTRICTS, AMENDING CHAPTER 2, DISTRICT AND GENERAL REGULATIONS, ARTICLE IV, CONDITIONAL USES AND SPECIAL EXCEPTIONS BY ADDING CONDITIONAL USE CRITERIA FOR WATER SURVIVAL INSTRUCTION; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE. **(SECOND READING)**

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

## 10. FIRST READING OF ORDINANCES

- A. **ORDINANCE NO. 2013-14** : AN ORDINANCE ADOPTING CERTAIN UPDATED SCHEDULES TO THE CAPITAL IMPROVEMENTS ELEMENT OF THE CITY OF ORMOND BEACH COMPREHENSIVE PLAN; PROVIDING WHEN SUCH UPDATES SHALL TAKE EFFECT; 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**

## 11. REPORTS, SUGGESTIONS, REQUESTS

## 12. 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.