



**ACTION REPORT
CITY OF ORMOND BEACH, FLORIDA
CITY COMMISSION MEETING
June 3, 2013
7:30 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 – May 21, 2013 **APPROVED**

6. COMMUNITY REDEVELOPMENT AGENCY

- A. **RESOLUTION NO. 2013-95** : A RESOLUTION OF THE CITY COMMISSION, ALSO ACTING AS THE COMMUNITY REDEVELOPMENT AGENCY, OF THE CITY OF ORMOND BEACH, FLORIDA, AUTHORIZING THE EXECUTION OF AN APPLICANT-INSTALLED FACILITIES AGREEMENT FOR UNDERGROUND CONVERSIONS BETWEEN THE CITY AND FP&L REGARDING THE UNDERGROUNDING OF UTILITIES IN THE DOWNTOWN MAINSTREET AREA; AUTHORIZING PAYMENT THEREFORE; AND SETTING FORTH AN EFFECTIVE DATE. **(SEE ITEM 7A)**

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

APPROVED

- B. **RESOLUTION NO. 2013-96** : A RESOLUTION OF THE CITY COMMISSION, ALSO ACTING AS THE COMMUNITY REDEVELOPMENT AGENCY, OF THE CITY OF ORMOND BEACH, FLORIDA, AUTHORIZING THE EXECUTION OF AN AGREEMENT BETWEEN THE CITY OF ORMOND BEACH AND FLORIDA POWER & LIGHT COMPANY FOR THE DOWNTOWN UNDERGROUND UTILITIES PROJECT IN THE DOWNTOWN MAINSTREET AREA; AND SETTING FORTH AN EFFECTIVE DATE. **(SEE ITEM 7B)**

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

APPROVED

- C. **RESOLUTION NO. 2013-97** : A RESOLUTION OF THE CITY COMMISSION, ALSO ACTING AS THE COMMUNITY REDEVELOPMENT AGENCY, OF THE CITY OF ORMOND BEACH, FLORIDA, ACCEPTING THE BID OF CARTER ELECTRIC COMPANY, INC., FOR THE DOWNTOWN UNDERGROUND UTILITIES PROJECT (BID NO. 2013-13); REJECTING ALL OTHER BIDS; AUTHORIZING THE EXECUTION OF A CONTRACT, AND PAYMENT THEREUNDER; AND SETTING FORTH AN EFFECTIVE DATE. **(SEE ITEM 7C)**

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

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.

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

APPROVED

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

APPROVED

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

APPROVED

- D. **RESOLUTION NO. 2013-98** : A RESOLUTION ACCEPTING THE BID OF UNDERWATER SOLUTIONS, INC., REGARDING POTABLE WATER STORAGE TANK INSPECTION AND CLEANING SERVICES; AUTHORIZING THE EXECUTION OF AN AGREEMENT 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. 2013-99** : A RESOLUTION AUTHORIZING THE EXECUTION OF A LOCALLY FUNDED AGREEMENT BETWEEN THE CITY AND FLORIDA DEPARTMENT OF TRANSPORTATION, REGARDING THE UPGRADE OF MAST ARMS AT THREE INTERSECTIONS ALONG SR40; AND SETTING FORTH AN EFFECTIVE DATE.

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

APPROVED

- F. **RESOLUTION NO. 2013-100** : A RESOLUTION AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH THE CASEMENTS GUILD FOR THE CITY OF ORMOND BEACH, INC. AND FLORIDA ISLAND TIME VENTURES, INC. D/B/A JENKINS BROTHER'S CONSTRUCTION REGARDING THE CONSTRUCTION OF A GAZEBO ON THE CASEMENTS PROPERTY; AND SETTING FORTH AN EFFECTIVE DATE.

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

- G. **RESOLUTION NO. 2013-101** : A RESOLUTION ACCEPTING A PROPOSAL FROM HALL CONSTRUCTION CO., INC. TO PROVIDE CONSTRUCTION MANAGEMENT SERVICES REGARDING THE SOUTH ORMOND NEIGHBORHOOD CENTER ROOF REPLACEMENT; AUTHORIZING THE EXECUTION OF A WORK AUTHORIZATION THERETO; AND SETTING FORTH AN EFFECTIVE DATE.

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

- H. **RESOLUTION NO. 2013-102** : A RESOLUTION APPOINTING A MEMBER TO SERVE ON THE VOLUSIA GROWTH MANAGEMENT COMMISSION; ESTABLISHING TERM AND CONDITIONS OF SERVICE; AND SETTING FORTH AN EFFECTIVE DATE.

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

- I. **RESOLUTION NO. 2013-103** : A RESOLUTION APPROVING THE COMMUNITY DEVELOPMENT BLOCK GRANT ANNUAL PLAN FOR THE 2013-2014 FISCAL YEAR; AND SETTING FORTH AN EFFECTIVE DATE.

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

- J. **RESOLUTION NO. 2013-104** : A RESOLUTION AUTHORIZING THE EXECUTION OF A DEDUCTIVE CHANGE ORDER NUMBER ONE (1) FINAL TO THAT CONTRACT AWARDED TO SABOUNGI CONSTRUCTION, INC., REGARDING CONSTRUCTION OF THE ANDY ROMANO BEACHFRONT PARK, BY DECREASING THE CONTRACT PRICE BY \$1,084,399.18; INCREASING THE CONTRACT TIME BY 57 DAYS; AND SETTING FORTH AN EFFECTIVE DATE.

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

- K. **Andy Romano Beachfront Park Additional Construction Administration Services**

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

Disposition: Approve as recommended in the City Manager memorandum dated June 3, 2013. **APPROVED**

L. Community Development Block Grant (CDBG) Amendments for FY 11-12 and FY 12-13

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

Disposition: Approve as recommended in the City Manager memorandum dated June 3, 2013. **APPROVED**

M. Bid Specifications for Nova Road Accessible Pedestrian Signals

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

Disposition: Approve as recommended in the City Manager memorandum dated June 3, 2013. **APPROVED**

N. RFP - Management and Operation of Gymnastics Center Building

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

Disposition: Approve as recommended in the City Manager memorandum dated June 3, 2013. **APPROVED**

O. Budget Status Report for January 2013-March 2013

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

Disposition: Approve as recommended in the City Manager memorandum dated June 3, 2013. **APPROVED**

P. RFP 2013-25 Water and Revenue Bonds

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

Disposition: Approve as recommended in the City Manager memorandum dated June 3, 2013. **APPROVED**

8. PUBLIC HEARINGS

- A. **ORDINANCE NO. 2013-36** : 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 CERTAIN REAL PROPERTY TOTALING APPROXIMATELY 3.22-ACRES LOCATED AT 1102 WEST GRANADA BOULEVARD, VOLUSIA COUNTY PARCEL ID NUMBER 4220-21-00-00C0, FROM B-8 (COMMERCIAL) 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)

DENIED

- B. **ORDINANCE NO. 2013-37** : AN ORDINANCE AUTHORIZING THE EXECUTION AND ISSUANCE OF A DEVELOPMENT ORDER FOR THE "1102 WEST GRANADA BOULEVARD" PLANNED BUSINESS DEVELOPMENT TO ALLOW THE CONSTRUCTION OF A 150 FOOT MONOPINE CAMOUFLAGED TELECOMMUNICATIONS TOWER TO BE LOCATED AT 1102 WEST GRANADA BOULEVARD, (VOLUSIA COUNTY PARCEL ID NUMBER 4220-21-00-00C); ESTABLISHING CONDITIONS AND EXPIRATIONS OF APPROVAL; AND SETTING FORTH AN EFFECTIVE DATE.

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

DENIED

- C. **ORDINANCE NO. 2013-38** : AN ORDINANCE AMENDING THE LAND DEVELOPMENT CODE, CHAPTER 1, ARTICLE II, SECTION 1-16 POWER AND DUTIES; CHAPTER 2, ARTICLE II, SECTION 2-29 COMMERCIAL (B-8); AND CHAPTER 2, ARTICLE IV, SECTION 2-57 SPECIAL AND CONDITIONAL USE CRITERIA; THEREOF, BY AMENDING REQUIREMENTS FOR VARIANCES, AND CONDITIONAL AND PERMITTED USES FOR SEXUALLY ORIENTED BUSINESSES; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; PROVIDING FOR SEVERABILITY; AND SETTING FORTH AN EFFECTIVE DATE.

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

APPROVED ON FIRST READING

D. **ORDINANCE NO. 2013-39** : AN ORDINANCE AMENDING ARTICLE XIV, SEXUALLY ORIENTED BUSINESS ESTABLISHMENT PERMIT AND LICENSE REQUIREMENTS, OF CHAPTER 12, BUSINESS REGULATIONS, OF THE CODE OF ORDINANCES OF THE CITY OF ORMOND BEACH, BY AMENDING SECTION 12-390, PURPOSE; SECTION 12-391, LEGISLATIVE FINDINGS; SECTION 12-392, DEFINITIONS; SECTION 12-394, RESPONSIBILITIES OF COMMISSION, PLANNING, AND POLICE DEPARTMENT; SECTION 12-396, APPLICATION REQUIRED FOR SEXUALLY ORIENTED BUSINESS LICENSE, CONTENTS OF, APPLICATION FEE, REJECTION OF INCOMPLETE APPLICATION, CONSENT BY APPLICANT; SECTION 12-397, INVESTIGATION OF APPLICATION; SECTION 12-398, GRANT, DENIAL; SECTION 12-399, CONTENTS OF LICENSE, TERM OF LICENSE, RENEWALS, EXPIRATION, CANCELLATION; SECTION 12-400, ANNUAL LICENSING FEES, LEVY OF, REGULATORY IN NATURE; SECTION 12-401, RECORDS AND REPORTS, ISSUANCE OF LICENSE; SECTION 12-402, TRANSFER OF LICENSE; SECTION 12-404, SUSPENSION OF LICENSE; SECTION 12-405, CANCELLATION OR REVOCATION OF LICENSE; SECTION 12-407, GENERAL REQUIREMENTS; SECTION 12-408, ADULT THEATER; SECTION 12-409, SPECIAL CABARETS, ADULT PHOTOGRAPHIC OR MODELING STUDIOS AND ADULT THEATERS; SECTION 12-410, SEXUALLY ORIENTED BUSINESS PERMITS AND LICENSES; REPEALING SECTION 12-411, RELIEF, AND RESERVING SAID SECTION FOR FUTURE USE; AMENDING SECTION 12-412, PROHIBITED OPERATIONS, ACTS, ADVERTISEMENTS, AND ACTIONS OF SEXUALLY ORIENTED BUSINESS ESTABLISHMENTS; AMENDING SECTION 12-413, APPEALS; ESTABLISHING A NEW DIVISION AND SECTIONS THEREUNDER TO BE NUMBERED AND TITLED DIVISION 6, FEES ESTABLISHED, SECTION 12-414, PURPOSE AND INTENT; SECTION 12-415, RATE SCHEDULE FOR FEES; SECTION 12-416, FEES ESTABLISHED; BY PROVIDING A PURPOSE AND LEGISLATIVE FINDINGS, DEFINITIONS, REQUIREMENTS PERTAINING TO THE SUBMITTAL, REVIEW AND INVESTIGATION OF APPLICATIONS FOR SEXUALLY ORIENTED BUSINESSES, ESTABLISHING REASONABLE FEES RELATED THERETO, PROVIDING REQUIREMENTS FOR THE ISSUANCE OR DENIAL OF SEXUALLY ORIENTED BUSINESS LICENSES AND PERMITS, PROVIDING HEARING AND APPEAL PROCEDURES FOR DECISIONS AFFECTING SEXUALLY ORIENTED BUSINESSES, PROVIDING OPERATIONAL STANDARDS FOR SEXUALLY ORIENTED BUSINESSES, AND PROVIDING PROHIBITED ACTS AND OPERATIONS; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; PROVIDING FOR SEVERABILITY; AND SETTING FORTH AN EFFECTIVE DATE.

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

- E. **ORDINANCE NO. 2013-35** : 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 SEVENTY-THREE (73) PARCELS OF REAL PROPERTY TOTALING 11.5-ACRES+ LOCATED AT 1-103 BELLA VITA WAY, FROM VOLUSIA COUNTY MPUD (MIXED PLANNED UNIT DEVELOPMENT) TO ORMOND BEACH PRD (PLANNED RESIDENTIAL 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

9. RESOLUTIONS

- A. **RESOLUTION NO. 2013-105** : A RESOLUTION ACCEPTING A PROPOSAL TO SETTLE THE LITIGATION MATTER BETWEEN THE CITY AND RIVER BEND INVESTMENT GROUP, INC.; AUTHORIZING THE EXECUTION OF ALL DOCUMENTS INCIDENTAL THERETO; AND SETTING FORTH AN EFFECTIVE DATE.

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

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.