



CITY OF ORMOND BEACH CITY COMMISSION MEETING

FEBRUARY 16, 2010

7:00 PM

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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.  
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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.
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### **A G E N D A**

- 1) Meeting call to order by Mayor Costello.
- 2) Invocation Pastor Kevin Mahoney, Rima Ridge Baptist Church.
- 3) Pledge of Allegiance.
- 4) **PRESENTATIONS:**
  - A) Proclamation in honor of Cheyenne Conrad and Heather Larson for Girl Scout "Thinking Day."
  - B) Certificate for "Achievement of Civic Excellence" presented to Chelsey Gonzales, Hinson Middle School.
  - C) Comprehensive Annual Financial Report for the fiscal year ended September 30, 2009 (Audit Report).
  - D) Presentation - Census 2010.
- 5) **AUDIENCE REMARKS:**
- 6) **APPROVAL OF THE MINUTES** of the February 2, 2010, meeting.
- 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. 2010-18 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 Wachovia Bank, N.A., FL, and located at 863 Riverside Drive, Ormond Beach, Volusia County, Florida (Parcel ID No. 4223-14-02-0170) for costs incurred by the City to terminate or abate a site maintenance violation. (\$150) **APPROVED**

B) Resolution No. 2010-19 authorizing the execution of an acknowledgment and agreement with the Florida East Coast Railway, LLC, regarding lease payments for the use of a right-of-way at the railroad crossing on Granada Boulevard. (City Attorney)  
**APPROVED**

C) Resolution No. 2010-20 accepting a bid from M. Gay Constructors, Inc., for construction services regarding the South Ormond Neighborhood Center Field Lighting Upgrade project, under Bid No. 2010-04; authorizing the execution of a contract and payment therefore; rejecting all other bids. (\$116,700) (Acting City Engineer)  
**APPROVED**

D) Budget results for the FY 2008-09 General Fund and Water/Wastewater Fund.  
**APPROVED**

DISPOSITION: Approve as recommended in City Manager memorandum dated February 11, 2010.

E) Budget calendar for the FY 2010-11 budget. **APPROVED**

DISPOSITION: Approve as recommended in City Manager memorandum dated February 11, 2010.

F) Emergency procurement from Thompson Pump Company. **APPROVED**

DISPOSITION: Approve as recommended in City Manager memorandum dated February 11, 2010.

G) Support of HB419 relative to homeowners' associations. **APPROVED**

DISPOSITION: Approve as recommended in City Manager memorandum dated February 11, 2010.

H) John Anderson Drive roadway improvements. **APPROVED**

DISPOSITION: Approve as recommended in City Manager memorandum dated February 11, 2010.

8) **PUBLIC HEARINGS:**

A) Resolution No. 2010-21 of the City Commission, also acting as the Community Redevelopment Agency of the City of Ormond Beach, Florida, authorizing the execution of a Property Improvement Grant Agreement between the Agency and KJUMP, Inc. (Winn Dixie Shopping Center). (\$25,946.50) (Planning Director)  
**APPROVED**

B) Resolution No. 2010-22 authorizing the execution and issuance of a Development Order for a Special Exception Redevelopment Plan for a Type "A" restaurant known as "Maria Bonita" located at 195 West Granada Boulevard and situated within the B-4 (Central Business) zoning district and Downtown Overlay District, to be constructed in

two phases; authorizing waivers to the landscape buffer and signage requirements; authorizing additional monument signage; establishing conditions and expiration date of approval. (Planning Director) **APPROVED**

- C) Resolution No. 2010-13 of the City Commission of the City of Ormond Beach, authorizing the City to enter into a Stipulated Settlement Agreement with the Florida Department of Community Affairs regarding the Ormond Crossings Comprehensive Plan – remedial amendments. (Economic Development Director) **APPROVED**
- D) Ordinance No. 2010-06 of the City of Ormond Beach, Florida, adopting the Remedial Amendments for the City of Ormond Beach Comprehensive Plan; amending Goals, Objectives and Policies of the Future Land Use Element by creating and establishing the “Activity Center” land use category and establishing specific permitted uses, development intensities and required improvements for all “Activity Centers”; amending the Future Land Use Map to assign the designation of “Highway Tourist Commercial” and “Industrial” to approximately 155 acres of land located on the south side of US Highway 1, and spanning east and west of Interstate 95 (I-95); amending the Future Land Use Map to assign the designation of “Activity Center” to approximately 2,940 acres located south of the FEC railroad line, spanning east and west of Interstate 95 (I-95); amending the Goals, Objectives and Policies of the Transportation Element for the “Ormond Crossings Activity Center” by designating that area as a Transportation Concurrency Exception Area (TCEA) and establishing specific mobility strategies and improvements to the transportation network to mitigate for impacts resulting from the Ormond Crossings Activity Center; deleting previous provisions approved in 2005 pertaining to wetland and floodplain impacts in the Conservation and Coastal Management Elements; amending Objectives and Policies in the Recreation and Open Space Element by identifying specific improvements to be funded by the developer to mitigate for the impacts resulting from the development of the Ormond Crossings Activity Center; amending the Capital Improvements Element by including specific improvements required of the developer of the Ormond Crossings Activity Center in order to mitigate for impacts to the Emergency Management, Transportation, Utilities and Recreational Facilities of the City of Ormond Beach. (Second Reading) **APPROVED ON SECOND READING**
- E) Ordinance No. 2010-07 of the City Commission of the City of Ormond Beach, Florida, approving a Development Agreement between the City of Ormond Beach and Tomoka Holdings, LLC, as owner and developer; providing for the development of a 2,924 acre mixed-use development on property located on the south side of the Florida East Coast Railroad, spanning both sides of I-95, and north of the Ormond Beach Municipal Airport within the City of Ormond Beach, to be known as “Ormond Crossings”; authorizing the execution of the Development Agreement. (Second Reading) **APPROVED ON SECOND READING**
- F) Ordinance No. 2010-08 of the City of Ormond Beach, Florida, rescinding the Ormond Crossings Development of Regional Impact (DRI) Development Order (DO) approved by Resolution No. 2006-269. (Second Reading) **APPROVED ON SECOND READING**
- G) Ordinance No. 2010-12 granting to Florida Power & Light Company, its successors and assigns, a non-exclusive electric franchise for a period of thirty (30) years,

imposing provisions and conditions relating thereto. (Second Reading) **APPROVED ON SECOND READING**

9) **SECOND READING OF ORDINANCES:**

- A) Ordinance No. 2010-09 of the City of Ormond Beach, Florida, amending and restating Article I, in General, of Chapter 16, Pensions and Retirement, Sections 16-1 through 16-21.8 inclusive of the *Code of Ordinances*; providing for codification.. (Finance Director) **APPROVED ON SECOND READING**
- B) Ordinance No. 2010-10 of the City of Ormond Beach, Florida, amending and restating Article III, Firefighters' Pension Trust Fund, of Chapter 16, Pensions and Retirement, Sections 16-40 through 16-69 inclusive of the *Code of Ordinances*. (Finance Director) **APPROVED ON SECOND READING**
- C) Ordinance No. 2010-11 of the City of Ormond Beach, Florida, amending and restating Article IV, Police Officers' Pension Trust Fund, of Chapter 16, Pensions and Retirement, Sections 16-71 through 16-99 inclusive of the *Code of Ordinances*. (Finance Director) **APPROVED ON SECOND READING**

10) **FIRST READING OF ORDINANCES:**

- A) Ordinance No. 2010-13 of the City of Ormond Beach, Florida, making determinations regarding the height of an existing 58 unit building located at 149 and 159 South Atlantic Avenue, known as Cove II, granting certain vested rights relative thereto. (Planning Director) **APPROVED ON FIRST READING**
- B) Ordinance No. 2010-14 of the City of Ormond Beach, Florida, making determinations regarding the height of an existing 138 unit building located at 485 South Atlantic Avenue, known as Maverick Resort, granting certain vested rights relative thereto. (Planning Director) **APPROVED ON FIRST READING**
- C) Ordinance No. 2010-15 of the City of Ormond Beach, Florida, making determinations regarding the height of an existing 119 unit building located at 621 South Atlantic Avenue, known as Casa Del Mar Beach Resort, granting certain vested rights relative thereto. (Planning Director) **APPROVED ON FIRST READING**
- D) Ordinance No. 2010-16 of the City of Ormond Beach, Florida, making determinations regarding the height of an existing 54 unit building located at 145 South Atlantic Avenue, known as Plantation Cove, granting certain vested rights relative thereto. (Planning Director) **APPROVED ON FIRST READING**
- E) Ordinance No. 2010-17 amending Chapter 1, General Administration, of Article III, Definitions, Section 1-22, Definition of Terms and Words, of the City of Ormond Beach *Land Development Code*, amending the definition of Transient Lodging, to clarify the minimum duration of renting residential property. (Planning Director) **APPROVED ON FIRST READING**

F) Ordinance No. 2010-18 amending Sections 2-322, Conditions, of Article X, Franchises and Public Utilities, of Chapter 2, Administration, of the *Code of Ordinances*, by amending the provision pertaining to grants and renewals of franchises. (Public Works Director) **APPROVED ON FIRST READING**

11) **DISCUSSION ITEM:** City Commission meeting schedule for 2010.  
**City Commission approved action to reschedule the June 15, 2010, meeting to June 22, 2010.**

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

13) **CLOSE THE MEETING.**