



## CITY OF ORMOND BEACH CITY COMMISSION MEETING

MAY 19, 2009

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 by Father Comforted Keen, Church of the Holy Child Episcopal Church.
- 3) Pledge of Allegiance.
- 4) **PRESENTATION:** Certificate of Appreciation to Energizer Personal Care.
- 5) **AUDIENCE REMARKS:**
- 6) **APPROVAL OF THE MINUTES** of the May 5, 2009, 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. 2009-45 accepting the bid of Metrotech Corporation regarding a leak detection system; authorizing the execution of an agreement and payment therefor; rejecting all other bids. (\$58,125) (Utilities Manager) **APPROVED.**
  - B) Resolution No. 2009-62 authorizing the execution of a lease agreement between the City and The Casements Guild for the City of Ormond Beach, Inc. (Operation of the gift shop at The Casements) **APPROVED.**
  - C) Resolution No. 2009-63 of the City of Ormond Beach, Volusia County, Florida, authorizing the submittal of an application to the Florida Department of Environmental Protection for an Upland Easement Application to construct sidewalk trails through

Tomoka State Park as part of the Ormond Scenic Loop and Trail System. (Acting City Engineer) **APPROVED.**

- D) Resolution No. 2009-64 authorizing the execution of Change Order Number Two (2) to that contract awarded to Danella Construction Corporation of Florida, Inc., regarding the Fiber Optic Network Infrastructure project, by increasing the contract price by \$9,941.88; by increasing the contract time by 21 days. (\$212,671.76 total contract price; 201 total contract days) (Acting City Engineer/IT Manager) **APPROVED.**
- E) Resolution No. 2009-65 authorizing the execution of Change Order Number One (1) to that contract awarded to Barracuda Building Corporation regarding the Thompson Creek Road Pedestrian and Parking Improvements project, by increasing the contract price by \$16,929.80; by increasing the contract time by 26 days. (\$147,638.80 total contract price; 123 total contract days) (Acting City Engineer) **APPROVED.**
- F) Resolution No. 2009-66 authorizing the submittal of a grant application to the County of Volusia under the Ponce de Leon Inlet & Port District Coastal Partnership Program for funding assistance regarding the stabilization and extension of two ramps in Cassen Park; authorizing the execution of all documents incidental thereto. (\$40,000 estimated total project cost; \$20,000 Ponce de Leon Inlet & Port District funding) (Grants Coordinator / Acting City Engineer) **APPROVED.**
- G) Resolution No. 2009-67 authorizing the submittal of a grant application to the County of Volusia under the Ponce de Leon Inlet & Port District Coastal Partnership Program for funding assistance regarding the extension of two piers and one ramp stabilization at Sanchez Park; authorizing the execution of all documents incidental thereto. (\$32,000 estimated total project cost; \$16,000 Ponce de Leon Inlet & Port District funding) (Grants Coordinator / Acting City Engineer) **APPROVED.**
- H) Resolution No. 2009-68 authorizing the execution of a Joint Participation Agreement between the City and the Florida Department of Transportation regarding safety and security upgrades at the Ormond Beach Municipal Airport. (\$167,750 estimated total project cost; 100% FDOT funding) (Airport Manager) **APPROVED.**
- I) Resolution No. 2009-69 authorizing the approval and execution of a purchase authorization (Requisition #0000005885/5886) for the purchase of two Storage Area Network units from CDW Government under State of Florida Contract Number 250-000-09-1. (\$49,768) (IT Manager) **APPROVED.**
- J) Resolution No. 2009-71 appointing a member to serve on the Aircraft Noise Abatement Task Force; setting forth term and conditions of service. (Airport Manager) **APPROVED.**
- K) Demolition of a residential structure destroyed by fire at 647 Ocean Shore Boulevard.

**DISPOSITION:** Approve as recommended in City Manager memorandum dated May 14, 2009. **APPROVED.**

- L) Waiver of insurance requirements and execution of a contract with EmployMed to provide drug testing services.

DISPOSITION: Approve as recommended in City Manager memorandum dated May 14, 2009. **APPROVED.**

- M) FY 2008-2009 budget results for the General Fund and the Water/Wastewater Fund. (Finance Director)

DISPOSITION: Approve as recommended in City Manager memorandum dated May 14, 2009. **APPROVED.**

8) ***PUBLIC HEARINGS:***

- A) Ordinance No. 2009-16 authorizing the execution and issuance of the First Amended Development Order for the "RaceTrac Service Station at Southwest I-95 Complex" Planned Business Development located at 1670 West Granada Boulevard, modifying the Development Order. (First Reading) (Planning Director) **CONTINUED TO DATE UNCERTAIN.**

- B) Ordinance No. 2009-17 authorizing the execution and issuance of a Development Order for "The Courtyards at Ormond" Planned Business Development (PBD) and Planned Residential Development (PRD) allowing 21,014 square feet of retail and 16 residential units located at 135 North Yonge Street (US1); establishing conditions and expiration of approval. (First Reading) (Planning Director) **APPROVED ON FIRST READING.**

9) ***SECOND READING OF ORDINANCES:***

- A) Ordinance No. 2009-13 amending Chapter 1, General Administration, of Article III, Definitions, of Section 1-22, Definition of Terms and Words; by amending Chapter 1, General Administration, Article IV, Schedule of Development Review and Impact Fees, Section 1-26, by adding a fee for A-frame Signs; amending Chapter 3, Performance Standards, of Article IV, Sign Regulations, of Section 3-42, Prohibited Signs, by clarifying where an A-frame sign can be placed and what an A-frame sign is not defined as; amending Section 3-43, Non-conforming Signs, by deleting the reference to "Sandwich Board" signs as a non-conforming sign; and amending Section 3-45, Temporary Signs, by adding a new paragraph entitled, "A-frame Sign and Conditions Thereof," of the Ormond Beach Land Development Code; repealing all inconsistent ordinances or parts thereof; providing for severability; setting forth a sunset date, and setting forth an effective date. (Planning Director) **APPROVED ON SECOND READING.**

- B) Ordinance No. 2009-14 amending Chapter 1, General Administration, Article III, Definitions and Acronyms, Section 1-22, Definition of Terms and Words, Section 1-23, Reference to City Boards and Officials, and Section 1-24, Acronyms and Abbreviations, of the Land Development Code. (Planning Director) **APPROVED ON SECOND READING.**

- C) Ordinance No. 2009-15 amending Chapter 2, District and General Regulations, Article IV, Conditional and Special Exception Regulations, Section 2-55, Application and Review Procedures, Section 2-56, General Conditional and Special Exception Review Criteria, and Section 2-57, Criteria for Review of Specific Conditional and Special Exception, of the Land Development Code. (Planning Director) **APPROVED ON SECOND READING.**

10) **FIRST READING OF ORDINANCES:**

- A) Ordinance No. 2009-18 of the City Commission of the City of Ormond Beach, Florida, amending Section 5-84 of the Code of Ordinances, by amending the title from "Violations" to "Mandatory Spay and Neuter," and by establishing terms and conditions thereof for mandatory spay and neutering of dogs and cats harbored within the City; providing for unaltered permits; providing for exceptions; creating Section 5-85, "Enforcement Procedure." (Police Chief) **APPROVED ON FIRST READING.**
- B) Ordinance No. 2009-19 amending Chapter 2, District and General Regulations, Article III, General Regulations, Section 2-50, Accessory Uses, of the Land Development Code by amending accessory structure regulations and to add certain uses. (Planning Director) **APPROVED ON FIRST READING.**

- 11) **RESOLUTION** No. 2009-70 of the City of Ormond Beach, Volusia County, Florida, recommending certain changes to the Rules of Procedure for the Volusia County Growth Management Commission (VGMC) as set forth herein. (Planning Director)

**The Commission directed the City Attorney to redraft Resolution No. 2009-70 to reject the proposed Rules of Procedure with the exception of the following proposed amendment, [The VGMC should incorporate an abbreviated applicant notice and VGMC "deemed approved" provision for land use plan amendments resulting from annexation of unincorporated lands into a city's urban service area provided the density and/or intensity is the same or less than in unincorporated Volusia County.]**

- 12) **DISCUSSION ITEM:** Provision of water to the Hunter's Ridge subdivision in Flagler County. (Public Works Director)

**The Commission agreed to a rate of 125% of the in-city rate and directed staff to negotiate an agreement with Flagler County.**

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

- 14) **CLOSE THE MEETING.**