



**CITY OF ORMOND BEACH
CITY COMMISSION MEETING**

APRIL 21, 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 James Taylor, St. Mary's Episcopal Church.
- 3) Pledge of Allegiance.
- 4) **PRESENTATIONS:**
  - A) Employee-of-the-quarter award to Ken White, Information Systems Specialist.
  - B) Proclamations in honor of Jacob Beck and the Pop Warner Team Scholastic All American Achievement.
  - C) Proclamation in honor of The Casements Guild.
  - D) Proclamation in honor of the Pilgrim's Rest Cemetery.
  - E) Presentation by Rick Shiver – Downtown Streets Team.
- 5) **AUDIENCE REMARKS:**
- 6) **APPROVAL OF THE MINUTES** of the April 7, 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. 2009-41 authorizing the sole source procurement of a fireworks display from Fireworks by Santore, Inc.; accepting a certificate of general liability insurance; authorizing the execution of a contract. (\$36,500) (Leisure Services Director)  
**APPROVED**

- B) Resolution No. 2009-42 accepting the bid of Conephal, Inc., d/b/a Big Value Garden Center regarding the CDBG Beachside Palm Tree Planting and Irrigation project, authorizing the execution of an agreement and payment therefor; rejecting all other bids. (\$39,728 grant funding) (Acting City Engineer) **APPROVED**
- C) Resolution No. 2009-43 authorizing the renewal of a Solid Waste, Yard Waste, Recycling and Roll-off Collection and Disposal Services agreement and a Transfer Station Lease agreement between the City of Ormond Beach and Waste Management, Inc., of Florida. (\$4.5 million) (Public Works Director) **PULLED FOR A LATER DATE**
- D) Resolution No. 2009-44 accepting the proposal of Hydro Designs, Inc., regarding cross connection control program management services; authorizing the execution of an agreement and payment therefor; rejecting all other proposals. (\$163,800) (Utilities Manager) **APPROVED**
- E) 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) **PULLED FOR A LATER DATE**
- F) Resolution No. 2009-46 accepting a bid from Masci General Contractors, Inc., for construction services regarding the Water Treatment Plant High Service Pump Variable Frequency Drive Conversion project under Bid No. 2008-34; authorizing the execution of a contract and payment therefor; rejecting all other bids. (\$286,500) (Utilities Manager) **APPROVED**
- G) Resolution No. 2009-47 authorizing the execution of a deductive Change Order Number One (1) to that contract awarded to C.E.M. Enterprises, Inc., regarding the Rockefeller Gardens Site and Drainage Improvements project, by decreasing the contract price by \$3,542.55. (\$1,012,790.45 total contract price) (Acting City Engineer) **APPROVED**
- H) Resolution No. 2009-48 authorizing the submittal of a grant application to the Volusia County Metropolitan Planning Organization for funding assistance relative to traffic signal interconnect and coordination on SR40; authorizing the execution of all documents incidental thereto, including any contract necessary for the City to accept the grant award. (\$225,000 total project; \$168,695 MPO funding; \$56,232 local match) (Acting City Engineer) **APPROVED**
- I) Resolution No. 2009-49 authorizing the submittal of a grant application to the Volusia County Metropolitan Planning Organization for funding assistance relative to audible pedestrian signals along SR5A; authorizing the execution of all documents incidental thereto, including any contract necessary for the City to accept the grant award. (\$115,000 total project; \$86,250 MPO funding; \$28,750 local match) (Acting City Engineer) **APPROVED**
- J) Resolution No. 2009-50 authorizing the submittal of an on-line grant application in the amount of \$44,811 to the U.S. Department of Justice under the Recovery Act Edward Byrne Memorial Justice Assistance Grant Program; authorizing the execution of all

documents incidental thereto, including any contract necessary for the City to accept the grant award. (Law Enforcement Equipment) (Police Chief) **APPROVED**

- K) Resolution No. 2009-51 approving and authorizing the implementation of an Identity Theft Prevention Program (“Red Flag Rules”). (Finance Director) **APPROVED**
- L) FY 2008-2009 budget results for the General Fund and the Water/Wastewater Fund. (Finance Director) **APPROVED**

DISPOSITION: Approve as recommended in City Manager memorandum dated April 16, 2009.

8) **PUBLIC HEARINGS:**

- A) Ordinance No. 2009-06 authorizing the execution and issuance of a Fourth Amended Development Order for the “Capital Plaza” Planned Business Development located at 298 and 300 South Nova Road, modifying the Development Order regarding permitted hours of operation for the Planned Business Development known as “Capital Plaza,” establishing conditions therefore; ratifying and affirming the Development Orders; establishing conditions and expiration of approval. (Italian Village Restaurant) (Second Reading) (Planning Director) **APPROVED ON SECOND READING**
- B) Ordinance No. 2009-07 amending Chapter 2, District and General Regulations, Article II, District Regulations, Section 2-08: Special Environmental (SE), Section 2-09: Rural Estate/Agricultural (REA), Section 2-10: Rural Residential (RR), Section 2-11: Suburban Residential (SR), Section 2-12: Residential Estate (R-1), Section 2-13: Single-Family Low Density (R-2), Section 2-14: Single-Family Low-Medium Density (R-2.5), Section 2-15: Single-Family Medium Density (R-3), Section 2-16: Neighborhood Preservation (NP), Section 2-17: Single-Family Cluster & Townhouse (R-4), Section 2-18: Multi-Family Medium Density (R-5), Section 2-19: Multi-Family Medium-High Density (R-6), Section 2-20: Reserved (T-1), Section 2-21: Manufactured Home (T-2), Section 2-22: Professional Office/Hospital (B-1), Section 2-23: Neighborhood Commercial (B-2), Section 2-24: Reserved (B-3), Section 2-25: Central Business (B-4), Section 2-26: Service Commercial (B-5), Section 2-27: Oceanfront Tourist Commercial (B-6), Section 2-28: Highway Tourist Commercial (B-7), Section 2-29: Commercial (B-8), Section 2-30: Boulevard (B-9), Section 2-31: Suburban Boulevard (B-10), Section 2-32: Light Industrial (I-1), Section 2-33: Reserved (I-2), Paragraphs D, Dimensional Standards, and L, Exceptions, of Section 2-35: Planned Residential Development (PRD); Paragraph H, Application and Review of Section 2-36, Planned Business Development; deleting Paragraph A, Minimum Floor Area and replacing with Single-Family Dwelling Exterior Infill Standards of Section 2-42, Design Standards; deleting Section 2-43, Dimensional Requirements for Single-Family Detached Homes by Zoning District; deleting Section 2-44, Dimensional Requirements for Duplex, Triplex, Townhouse, and Multi-Family Dwelling Units by Zoning Districts, and Section 2-45, Dimensional Requirements for Non-Residential Uses in Commercial and Light Industrial Zoning Districts of the Land Development Code. (Second Reading) (Planning Director) **APPROVED ON SECOND READING**

9) **SECOND READING OF ORDINANCES:**

A) Land Development Code Chapter 1 Amendments:

1) Ordinance No. 2009-08 amending Chapter 1, General Administration, Article II, Administration and Enforcement, Section 1-13, Violations and Penalties, Section 1-14, Development Orders and Building Permits, Section 1-15, Planning Board, Section 1-16, Board of Adjustment and Appeals, deleting Section 1-17, Development Review Board, creating Section 1-17, Historic Landmark Preservation Board, amending Section 1-18, City Commission/Public Hearings, Section 1-19, Appeals, deleting Section 1-20, Reserved, and creating Section 1-20, Codes and Standards Adopted by Reference, of the *Land Development Code*. (Planning Director) **APPROVED ON SECOND READING**

2) Ordinance No. 2009-09 deleting Chapter 3, Performance Standards, Article V, Utility and Infrastructure Design Standards, Paragraph D, Street Design Standards, of Section 3-53, Street Design and Standards, renumbering the remaining paragraphs of the *Land Development Code*. (Planning Director) **APPROVED ON SECOND READING**

3) Ordinance No. 2009-10 deleting references to the Development Review Board in Chapter 1, General Administration, Article V, Concurrency Management, Section 1-31, Concurrency Assessment, Chapter 2, District and General Regulations, Article III, General Regulations, Section 2-51, Public Safety, Chapter 2, District and General Regulations, Article V, Non-Conformance, Section 2-64, Non-Conforming Developed Sites, Chapter 2, District and General Regulations, Article VI, Overlay Districts, Section 2-70, Downtown Overlay, Chapter 3, Performance Standards, Article IV, Sign Regulations, Section 3-47, Business Premise Identification Signs, Chapter 3, Performance Standards, Article V, Utility and Infrastructure Design Standards, Section 3-53, Street Design Standards, Chapter 4, Plan Review and Subdivision, Article I, Site Plan Review Procedures, Section 4-03, Site Plan Review Committee (SPRC) Established, Chapter 4, Plan Review and Subdivision, Article I, Site Plan Review Procedures, Section 4-05, Site Plan Review, Chapter 4, Plan Review and Subdivision, Article II, Subdivision, Section 4-17, Preliminary Plat Approval Procedures, Chapter 4, Plan Review and Subdivision, Article II, Subdivision, Section 4-18, Final Plat Approval Procedures, of the *Land Development Code*. (Planning Director) **APPROVED ON SECOND READING**

B) Ordinance No. 2009-11 amending Chapter 4, Plan Review and Subdivision, Article I, Site Plan Review Procedures, Paragraph D, Scope of Powers, of Section 4-03, Site Plan Review Committee (SPRC) Established, Paragraph B, SPRC Review of Application, of Section 4-05, Site Plan Review, and Section 4-06, Information to be Included in Site Plan Application, of the *Land Development Code*. (Planning Director) **APPROVED ON SECOND READING**

10) **FIRST READING OF ORDINANCE** No. 2009-12 amending the annual budget for Fiscal Year 2008-2009 by amending the General Fund; the Stormwater Fund; the Grant Fund; the Lease Financing Fund; the Fire Station #91 Debt Service Fund; the Water/Wastewater

Fund; the Water Plant Construction Fund; the Water Expansion Construction Fund; and the Insurance Fund. (Finance Director) **APPROVED ON FIRST READING**

11) **RESOLUTIONS:**

A) Resolution No. 2009-25 authorizing the execution of a Collective Bargaining Agreement between the City of Ormond Beach and the International Association of Firefighters (I.A.F.F.), Local 3499. (Cont'd from 4/7/09 meeting) (Acting Fire Chief) **FAILED**

B) Resolution No. 2009-52 accepting a proposal from Quentin L. Hampton Associates, Inc., for engineering services regarding the North US1 Emergency Water Main Replacement project; authorizing the execution of a Work Authorization and payment therefor. (Not to exceed \$84,270) (Acting City Engineer) **APPROVED**

12) **DISCUSSION ITEM:** Beneficial Communities funding. (Planning Director)  
**FURTHER INFORMATION WILL BE PRESENTED AT THE MAY 5, 2009 MEETING**

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

14) **CLOSE THE MEETING.**