



**ACTION REPORT
CITY OF ORMOND BEACH, FLORIDA
CITY COMMISSION MEETING**

**October 1, 2019
7:00 PM**

Mayor Bill Partington

Zone 1 – Commissioner Dwight Selby

Zone 3 – Commissioner Susan Persis

Zone 2 – Commissioner Troy Kent

Zone 4 – Commissioner Rob Littleton

COMMISSION CHAMBERS

22 South Beach Street, Ormond Beach, FL 32174

Phone: 386-676-3297

Web: www.ormondbeach.org

- 1. CALL TO ORDER**
- 2. INVOCATION**
- 3. PLEDGE OF ALLEGIANCE**
- 4. ADOPTION OF FY 2019-2020 MILLAGE RATES AND BUDGET**
 - A. RESOLUTION NO. 2019-177:** A RESOLUTION ESTABLISHING THE FINAL MILLAGE RATES TO BE LEVIED FOR FISCAL YEAR 2019-2020; DIRECTING CERTIFICATION; EXPRESSING LEGISLATIVE INTENT; AND SETTING FORTH AN EFFECTIVE DATE.
Staff Contact: Kelly McGuire, Finance Director (386-676-3226)
APPROVED
 - B. ORDINANCE NO. 2019-29:** AN ORDINANCE ADOPTING THE ANNUAL BUDGET FOR THE 2019-2020 FISCAL YEAR BEGINNING OCTOBER 1, 2019 AND ENDING SEPTEMBER 30, 2020; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; AND SETTING FORTH AN EFFECTIVE DATE. **(SECOND READING)**
Staff Contact: Kelly McGuire, Finance Director (386-676-3226)
APPROVED ON SECOND READING
- 5. AUDIENCE REMARKS - REGARDING ITEMS NOT ON THE AGENDA**
- 6. APPROVAL OF MINUTES**

- A. Minutes from City Commission meeting – September 18, 2019 **APPROVED**

7. COMMUNITY REDEVELOPMENT AGENCY

- A. **RESOLUTION NO. 2019-178:** A RESOLUTION OF THE CITY COMMISSION, INDIVIDUALLY AND ACTING AS THE COMMUNITY REDEVELOPMENT AGENCY FOR THE CENTRAL BUSINESS DISTRICT AND ADJACENT AREAS, APPROVING AN AMENDED ORMOND BEACH DOWNTOWN COMMUNITY REDEVELOPMENT AREA MASTER PLAN; AND SETTING FORTH AN EFFECTIVE DATE. **(SEE ITEM 8A)**

Staff Contact: Steven Spraker, Planning Director (386-676-3341)
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. 2019-178:** A RESOLUTION OF THE CITY COMMISSION, INDIVIDUALLY AND ACTING AS THE COMMUNITY REDEVELOPMENT AGENCY FOR THE CENTRAL BUSINESS DISTRICT AND ADJACENT AREAS, APPROVING AN AMENDED ORMOND BEACH DOWNTOWN COMMUNITY REDEVELOPMENT AREA MASTER PLAN; AND SETTING FORTH AN EFFECTIVE DATE.

Staff Contact: Steven Spraker, Planning Director (386-676-3341)
APPROVED

- B. **RESOLUTION NO. 2019-179:** A RESOLUTION AUTHORIZING THE EXECUTION OF AN INTERLOCAL AGREEMENT WITH THE COUNTY OF VOLUSIA FOR THE PROVISION OF MUNICIPAL SERVICES AND TRAFFIC SIGNAL MAINTENANCE WITHIN THE CITY OF ORMOND BEACH; SETTING FORTH AN EFFECTIVE DATE.

Staff Contact: Shawn Finley, City Engineer (386-615-7049)
APPROVED

- C. **RESOLUTION NO. 2019-180:** A RESOLUTION APPOINTING SCOTT SIMPSON, JAMES ROSE, AND THOMAS UPCHURCH AS SPECIAL MAGISTRATES OF THE CITY'S CITATION-FINE/SPECIAL MAGISTRATE CODE ENFORCEMENT SYSTEM; SETTING FORTH TERMS AND CONDITIONS OF SERVICE; SETTING FORTH COMPENSATION; PROVIDING FOR A PER DIEM INCREASE; AND SETTING FORTH AN EFFECTIVE DATE.

Staff Contact: Ann-Margret Emery, Deputy City Attorney (676-3218)
APPROVED

- D. **RESOLUTION NO. 2019-182:** A RESOLUTION AUTHORIZING A COST OF LIVING INCREASE BASED ON THE CONSUMER PRICE INDEX PURSUANT TO THE SOLID WASTE, YARD WASTE, RECYCLING AND

ROLL-OFF COLLECTION AND DISPOSAL SERVICES AGREEMENT BETWEEN THE CITY OF ORMOND BEACH AND WASTE PRO OF FLORIDA, INC.; AND SETTING FORTH AN EFFECTIVE DATE.

Staff Contact: Kevin Gray, Public Works Operations Manager (386-676-3522) **APPROVED**

- E. **RESOLUTION NO. 2019-183:** A RESOLUTION AUTHORIZING THE EXECUTION OF A GRANT AGREEMENT WITH THE FEDERAL AVIATION ADMINISTRATION REGARDING THE ADMINISTRATION AND REHABILITATION CONSTRUCTION FOR RUNWAY 9/27 AND DESIGN ENGINEERING SERVICES FOR THE EXTENSION OF RUNWAY 9 AND TAXIWAY ALPHA AT THE ORMOND BEACH MUNICIPAL AIRPORT; AUTHORIZING THE EXPENDITURE OF FUNDS; AND SETTING FORTH AN EFFECTIVE DATE.

Staff Contact: Steven Lichliter, Airport Manager (386-615-7019) **APPROVED**

- F. **Wastewater Treatment Plant Liquid Aluminum Sulfate Bid**

Staff Contact: Gabe Menendez, Public Works Director (386-676-3292)

Disposition: Approve as recommended in the City Manager memorandum dated October 1, 2019. **APPROVED**

9. PUBLIC HEARINGS

- A. **ORDINANCE NO. 2019-23:** AN ORDINANCE AMENDING THE FUTURE LAND USE ELEMENT OF THE COMPREHENSIVE PLAN OF THE CITY OF ORMOND BEACH BY AMENDING THE FUTURE LAND USE MAP FOR FOUR (4) PARCELS OF REAL PROPERTY LOCATED AT 145 NORTH YONGE STREET (VOLUSIA COUNTY PROPERTY APPRAISER PARCEL NUMBER 4215-04-01-0270), 135 NORTH YONGE STREET (VOLUSIA COUNTY PROPERTY APPRAISER PARCEL NUMBER 4215-14-10-0080), 205 HIGHLAND AVENUE (VOLUSIA COUNTY PROPERTY APPRAISER PARCEL NUMBER 4215-06-02-0050), AND 195 HIGHLAND AVENUE (VOLUSIA COUNTY PROPERTY APPRAISER PARCEL NUMBER 4215-06-02-0090), CONSISTING OF APPROXIMATELY SIX ACRES BY AMENDING THE DESIGNATION OF 2.52± ACRES FROM “LOW DENSITY RESIDENTIAL” TO “MEDIUM DENSITY RESIDENTIAL”; LIMITING THE ALLOWED FLOOR AREA RATIO (FAR) TO 0.20 FOR THE 2.52± ACRES; AND REDUCING THE RESIDENTIAL DENSITY WITHIN THE 3.48± ACRES FROM THE EXISTING 32 UNITS PER ACRE TO 22 UNITS PER ACRE”; PROVIDING FOR CONFLICT; AUTHORIZING TRANSMITTAL; AND SETTING FORTH AN EFFECTIVE DATE. **(SECOND READING)**

Staff Contact: Steven Spraker, Planning Director (386-676-3341) **APPROVED ON SECOND READING**

- B. **ORDINANCE NO. 2019-24:** 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 A CERTAIN PARCEL OF REAL PROPERTY TOTALING APPROXIMATELY 1.12-ACRES LOCATED AT 88 SOUTH ATLANTIC AVENUE (VOLUSIA COUNTY PARCEL NUMBER: 4214-09-07-0030) FROM B-4 (CENTRAL BUSINESS) TO PBD (PLANNED BUSINESS DEVELOPMENT), AUTHORIZING REVISION OF OFFICIAL ZONING MAP; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; AND SETTING FORTH AN EFFECTIVE DATE. **(SECOND READING)**

Staff Contact: Steven Spraker, Planning Director (386-676-3341)

CONTINUED

- C. **ORDINANCE NO. 2019-25:** AN ORDINANCE AUTHORIZING THE EXECUTION AND ISSUANCE OF A DEVELOPMENT ORDER FOR A PLANNED BUSINESS DEVELOPMENT TO BE KNOWN AS "OCEAN CLUB ORMOND BEACH", AUTHORIZING THE DEMOLITION OF THE EXISTING BUILDING, AND AUTHORIZING THE CONSTRUCTION OF A RETAIL BUILDING CONSISTING OF APPROXIMATELY 8,596 SQUARE FEET, TOGETHER WITH ASSOCIATED SITE IMPROVEMENTS TO BE LOCATED AT 88 SOUTH ATLANTIC AVENUE (VOLUSIA COUNTY PARCEL NUMBER 4214-09-07-0030); AUTHORIZING OUTDOOR PRODUCT DISPLAY UNDER CERTAIN CONDITIONS; AUTHORIZING A REAR YARD WALL WAIVER; AUTHORIZING A REDUCTION OF THE REAR YARD LANDSCAPE BUFFER AND REQUIRING A DEDICATION OF LAND TO ACCOMMODATE A SIDEWALK ALONG FLORENCE STREET; ESTABLISHING CONDITIONS AND EXPIRATIONS OF APPROVAL; PROVIDING FOR RECORDATION; AND SETTING FORTH AN EFFECTIVE DATE. **(SECOND READING)**

Staff Contact: Steven Spraker, Planning Director (386-676-3341)

CONTINUED

- D. **ORDINANCE NO. 2019-26:** AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF ORMOND BEACH, FLORIDA, VACATING A PORTION OF FLAGLER ROAD, SOUTH OF BROADWAY AVENUE, AND ABUTTING VOLUSIA COUNTY PARCEL NUMBER 3136-01-070-0010; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; PROVIDING FOR RECORDATION AND TRANSMITTAL; AND SETTING FORTH AN EFFECTIVE DATE. **(SECOND READING)**

Staff Contact: Steven Spraker, Planning Director (386-676-3341)

APPROVED ON SECOND READING

- E. **ORDINANCE NO. 2019-27:** AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF ORMOND BEACH, FLORIDA, VACATING A PORTION

OF GOWER STREET, BETWEEN FLAGLER ROAD AND THE FLORIDA EAST COAST RAILROAD; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; PROVIDING FOR RECORDATION AND TRANSMITTAL; AND SETTING FORTH AN EFFECTIVE DATE. **(SECOND READING)**

Staff Contact: Steven Spraker, Planning Director (386-676-3341)
APPROVED ON SECOND READING

- F. **ORDINANCE NO. 2019-28:** AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF ORMOND BEACH, FLORIDA, VACATING A PORTION OF MAGNOLIA STREET, BETWEEN FLAGLER ROAD AND THE FLORIDA EAST COAST RAILROAD; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; PROVIDING FOR RECORDATION AND TRANSMITTAL; AND SETTING FORTH AN EFFECTIVE DATE. **(SECOND READING)**

Staff Contact: Steven Spraker, Planning Director (386-676-3341)
APPROVED ON SECOND READING

- G. **ORDINANCE NO. 2019-30:** AN ORDINANCE ANNEXING CERTAIN REAL PROPERTIES INTO THE CITY OF ORMOND BEACH, SAID PROPERTIES BEING GENERALLY LOCATED ALONG THE EAST SIDE OF INTERSTATE 95, SOUTH OF HALIFAX PLANTATION SUBDIVISION, WEST OF OLD DIXIE HIGHWAY, AND NORTH OF U.S. HIGHWAY 1, CONSISTING OF APPROXIMATELY 1,055.36± ACRES; REDEFINING THE TERRITORIAL BOUNDARIES OF THE CITY OF ORMOND BEACH TO INCLUDE THE PROPERTIES; SETTING FORTH ZONING PRIVILEGES AND OBLIGATIONS REGARDING THE PROPERTIES; REDESIGNATING THE BOUNDARIES OF ZONE 1 OF THE CITY OF ORMOND BEACH TO INCLUDE THE PROPERTIES; PROVIDING FOR TRANSMISSION; PROVIDING FOR SEVERABILITY; AND SETTING FORTH AN EFFECTIVE DATE. **(SECOND READING)**

Staff Contact: Steven Spraker, Planning Director (386-676-3341)
APPROVED ON SECOND READING

- H. **ORDINANCE NO. 2019-34:** AN ORDINANCE AMENDING CHAPTER 3, PERFORMANCE STANDARDS, ARTICLE IV, SIGN REGULATIONS, SECTION 3-47, BUSINESS PREMISE SIGNS, OF THE CITY OF ORMOND BEACH LAND DEVELOPMENT CODE TO ALLOW THROUGH THE SPECIAL EXCEPTION PROCESS ELECTRONIC CHANGEABLE COPY SIGNS FOR THE DISPLAY OF RETAIL PRICES OF GASOLINE; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; PROVIDING FOR SEVERABILITY; AND SETTING FORTH AN EFFECTIVE DATE. **(SECOND READING)**

Staff Contact: Steven Spraker, Planning Director (386-676-3341)
APPROVED ON SECOND READING

- I. **ORDINANCE NO. 2019-35:** AN ORDINANCE AMENDING CHAPTER 1, GENERAL ADMINISTRATION, ARTICLE III, DEFINITIONS AND

ACRONYMS, SECTION 1-22, DEFINITIONS OF TERMS AND WORDS, OF THE CITY OF ORMOND BEACH LAND DEVELOPMENT CODE; BY AMENDING THE DEFINITION "TATTOO PARLOR" TO PROVIDE AN EXEMPTION FOR THE APPLICATION OF PERMANENT COSMETICS FOR MEDICAL AND DENTAL PURPOSES ONLY; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; PROVIDING FOR SEVERABILITY; AND SETTING FORTH AN EFFECTIVE DATE. **(SECOND READING)**

Staff Contact: Steven Spraker, Planning Director (386-676-3341)
APPROVED ON SECOND READING

- J. **ORDINANCE NO. 2019-36:** AN ORDINANCE AMENDING CHAPTER 2, DISTRICT AND GENERAL REGULATIONS, ARTICLE VI, OVERLAY DISTRICTS, SECTION 2-71, HISTORIC DISTRICTS AND LANDMARKS, OF THE LAND DEVELOPMENT CODE BY REMOVING THE PROPERTY LOCATED AT 71 ORCHARD LANE (THE BRAKEN CABIN) FROM THE ORMOND BEACH HISTORIC LANDMARKS LIST; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; PROVIDING FOR SEVERABILITY; AND SETTING FORTH AN EFFECTIVE DATE. **(SECOND READING)**

Staff Contact: Steven Spraker, Planning Director (386-676-3341)
APPROVED ON SECOND READING

- K. **ORDINANCE NO. 2019-31:** 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 A CERTAIN PARCEL OF REAL PROPERTY TOTALING APPROXIMATELY 3.72-ACRES LOCATED AT 99 PORTLAND STREET, SOUTH OF BROADWAY AVENUE, NORTH OF THE EXISTING STOR-IT FACILITY, WEST OF THE UNOPENED FLAGLER ROAD RIGHT-OF-WAY AND EAST OF THE F.E.C RAILROAD TRACKS (VOLUSIA COUNTY PARCEL NUMBER: 3136-01-70-0010) FROM B-7 (HIGHWAY TOURIST 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: Steven Spraker, Planning Director (386-676-3341)
APPROVED ON FIRST READING

- L. **ORDINANCE NO. 2019-32:** AN ORDINANCE AUTHORIZING THE EXECUTION AND ISSUANCE OF A DEVELOPMENT ORDER FOR A PLANNED BUSINESS DEVELOPMENT TO BE KNOWN AS "STOR-IT BOAT AND RV CENTER, PHASE II", AUTHORIZING THE CONSTRUCTION OF A 106± BOAT AND RECREATIONAL VEHICLE

STORAGE FACILITY WITH ASSOCIATED SITE IMPROVEMENTS TO BE LOCATED AT 99 PORTLAND STREET, SOUTH OF BROADWAY AVENUE, NORTH OF THE EXISTING STOR-IT FACILITY, WEST OF THE UNOPENED FLAGLER ROAD RIGHT-OF-WAY AND EAST OF THE F.E.C RAILROAD TRACKS (VOLUSIA COUNTY PARCEL NUMBER: 3136-01-70-0010); ESTABLISHING CONDITIONS AND EXPIRATIONS OF APPROVAL; AND SETTING FORTH AN EFFECTIVE DATE.

Staff Contact: Steven Spraker, Planning Director (386-676-3341)

APPROVED ON FIRST READING

- M. **RESOLUTION NO. 2019-181:** A RESOLUTION AUTHORIZING THE EXECUTION AND ISSUANCE OF A DEVELOPMENT ORDER FOR A SPECIAL EXCEPTION REGARDING THE “WAWA STORE #5315” LOCATED AT 600 WEST GRANADA BOULEVARD, WITHIN THE GRANADA POINTE (PBD) PLANNED BUSINESS DEVELOPMENT ZONING DISTRICT; TO ALLOW AN ELECTRONIC CHANGEABLE COPY SIGNAGE FOR THE RETAIL PRICES OF GASOLINE; ESTABLISHING CONDITIONS AND EXPIRATION DATE OF APPROVAL; AND SETTING FORTH AN EFFECTIVE DATE.

Staff Contact: Steven Spraker, Planning Director (386-676-3341)

APPROVED AS AMENDED

10. SECOND READING OF ORDINANCES

- A. **ORDINANCE NO. 2019-37:** AN ORDINANCE OF THE CITY OF ORMOND BEACH, FLORIDA, AMENDING ARTICLE III, FIREFIGHTERS’ PENSION TRUST FUND, OF CHAPTER 16, PENSIONS AND RETIREMENT, OF THE CODE OF ORDINANCES; AMENDING SECTION 16-43, FINANCES AND FUND MANAGEMENT; ESTABLISHMENT AND OPERATION OF FUND; PROVIDING FOR SEVERABILITY OF PROVISIONS; PROVIDING FOR CODIFICATION; REPEALING ALL ORDINANCES IN CONFLICT HERewith AND PROVIDING AN EFFECTIVE DATE. **(SECOND READING)**

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

APPROVED ON SECOND READING

- B. **ORDINANCE NO. 2019-38:** AN ORDINANCE OF THE CITY OF ORMOND BEACH, FLORIDA, AMENDING ARTICLE I, GENERAL EMPLOYEES’ PENSION PLAN, OF CHAPTER 16, PENSIONS AND RETIREMENT, OF THE CODE OF ORDINANCES; AMENDING SECTION 16-4, FINANCES AND FUND MANAGEMENT; ESTABLISHMENT AND OPERATION OF FUND; PROVIDING FOR SEVERABILITY OF PROVISIONS; PROVIDING FOR CODIFICATION; REPEALING ALL ORDINANCES IN CONFLICT HERewith AND PROVIDING AN EFFECTIVE DATE. **(SECOND READING)**

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

APPROVED ON SECOND READING

- C. **ORDINANCE NO. 2019-39:** AN ORDINANCE OF THE CITY OF ORMOND BEACH, FLORIDA, AMENDING ARTICLE IV, POLICE OFFICERS' PENSION TRUST FUND, OF CHAPTER 16, PENSIONS AND RETIREMENT, OF THE CODE OF ORDINANCES; AMENDING SECTION 16-74, FINANCES AND FUND MANAGEMENT; ESTABLISHMENT AND OPERATION OF FUND; PROVIDING FOR SEVERABILITY OF PROVISIONS; PROVIDING FOR CODIFICATION; REPEALING ALL ORDINANCES IN CONFLICT HERewith AND PROVIDING AN EFFECTIVE DATE. **(SECOND READING)**

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

APPROVED ON SECOND READING

11. RESOLUTIONS

- A. **RESOLUTION NO. 2019-184:** A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF ORMOND BEACH EXPRESSING ITS INTENTION TO CLARIFY THE UTILITY CONNECTION POLICY FOR PROPERTIES IN THE NORTH PENINSULA WATER DISTRICT; AND PROVIDING AN EFFECTIVE DATE.

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

APPROVED

12. DISCUSSION ITEMS

- A. **Multi-district Litigation against Drug Manufacturers and Distributors of Opioids and Possible Joinder of the City**

Staff Contact: Ann-Margret Emery, Deputy City Attorney (386-676-3218) **DISCUSSED**

13. REPORTS, SUGGESTIONS, REQUESTS

14. 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: 386-676-3297



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 386-677-3297 for information regarding available aids and services.