



## CITY OF ORMOND BEACH CITY COMMISSION MEETING

DECEMBER 7, 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.

### **ACTION REPORT**

- 1) Meeting call to order by Mayor Kelley.
- 2) Invocation by Mayor Kelley.
- 3) Pledge of Allegiance.
- 4) **PRESENTATION:**
  - A) Presentation by Volusia County Councilman Carl Persis – Coastal Partnership Grant.
  - B) Employee-of-the-Year Award to Larry Rivera, Engineering.
  - C) Proclamation in memory of Pearl Harbor Day and honoring all those who served in World War II.
- 5) **AUDIENCE REMARKS:**
- 6) **APPROVAL OF THE MINUTES** of the November 16, 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. 2010-185 rescinding the Category Four Fixed Base Operator status of Ron Air, Inc., operating at the Ormond Beach Municipal Airport. (Airport Manager)  
**APPROVED**
  - B) Resolution No. 2010-186 accepting a bid from Built-Rite Construction of Central Florida, Inc., for construction services regarding the North Ridgewood Avenue Sidewalk Replacement project under Bid No. 2010-33; authorizing the execution of a

contract and payment therefor; rejecting all other bids;. (\$58,415) (Acting City Engineer) **APPROVED**

- C) Resolution No. 2010-187 authorizing the execution of a Modification to Subgrant Agreement between the Division of Emergency Management and the City regarding the Hazard Mitigation Grant Program. (Hand Avenue and Laurel Creek Improvements project - Increase grant funding by \$791,842) (Acting City Engineer) **APPROVED**
- D) Resolution No. 2010-188 accepting the proposal of Transystems Corporation regarding professional services to prepare a Wayfinding and Interpretation Assessment Plan for the Ormond Scenic Loop & Trail; authorizing the execution of an agreement and payment therefor; rejecting all other proposals. (\$87,910) (City Eng.) **APPROVED**
- E) Resolution No. 2010-189 authorizing the execution of a Sovereignty Submerged Lands Easement Renewal for public utility purposes between the City of Ormond Beach and the Board of Trustees of the Internal Improvement Trust Fund of the State of Florida; providing for recordation. (Halifax River) (Planning Director) **APPROVED**
- F) Resolution No. 2010-190 authorizing the execution of a Sovereignty Submerged Lands Easement for public utility purposes between the City of Ormond Beach and the Board of Trustees of the Internal Improvement Trust Fund of the State of Florida; providing for recordation. (Tomoka River) (Acting City Engineer) **APPROVED**
- G) Resolution No. 2010-191 authorizing the approval and execution of a Purchase Authorization (Requisition 0000007537) for the purchase of eight patrol vehicles under Florida Sheriffs Association Bid No. 10-18-0907; declaring certain patrol vehicles to be surplus property, and authorizing the disposition thereof. (\$217,392) **APPROVED**
- H) Resolution No. 2010-192 authorizing the approval and execution of a Purchase Authorization (Requisition 0000007559) for the purchase of one (1) 2010 Johnston Allianz Johnston 4000 Street Sweeper under City of Largo, Florida, Request for Proposal No. 09-P-297; declaring a 2005 Johnston street sweeper to be surplus property and authorizing the disposition thereof. (\$199,504) (Fleet Manager) **APPROVED**
- I) Resolution No. 2010-193 terminating thirty-three (33) continuing contracts for professional architectural and engineering services. (Acting City Engineer) **APPROVED**
- J) Resolution No. 2010-194 approving a settlement proposal regarding the Workers' Compensation claim of Jeffrey Downs; authorizing the execution of a settlement agreement and any and all documents incidental thereto; authorizing payment relative thereto. (City Attorney) **APPROVED**
- K) City share of funding for the Project Development and Environment Study for the Hand Avenue Extension. (\$100,000 to \$156,000) (Planning Director) **APPROVED**

**DISPOSITION:** Approve as recommended in City Manager memorandum dated December 2, 2010.

L) Volusia League of Cities legislative priorities. **APPROVED**

DISPOSITION: Approve as recommended in City Manager memorandum dated December 2, 2010.

8) **PUBLIC HEARINGS:**

A) Community Redevelopment Agency Items:

- 1) Resolution No. 2010-195 of the City Commission, also acting as the Central Business District Community Redevelopment Agency of the City of Ormond Beach, Florida, authorizing a fourth 180-day extension of a Property Improvement Grant Agreement between the Agency and the Highlander Corporation. (11-23 West Granada Boulevard - \$50,000) (Planning Director) **APPROVED**
- 2) Resolution No. 2010-196 of the City Commission, also acting as the Central Business District Community Redevelopment Agency of the City of Ormond Beach, Florida, authorizing a third 180-day extension of a Property Improvement Grant Agreement between the Agency and the Highlander Corporation. (29 and 31 West Granada Boulevard - \$50,000) (Planning Director) **APPROVED**
- 3) Resolution No. 2010-197 of the City Commission, also acting as the Central Business District Community Redevelopment Agency of the City of Ormond Beach, Florida, authorizing the execution of a Property Improvement Grant Agreement between the Agency and Taxco, LLC. (195 West Granada Boulevard – Maria Bonita Restaurant) (Planning Director) **APPROVED**
- 4) Resolution No. 2010-198 of the City Commission, also acting as the Central Business District Community Redevelopment Agency of the City of Ormond Beach, Florida, authorizing the execution of a Property Improvement Grant Agreement between the Agency and Taxco, LLC. (9 North Yonge Street - \$50,000 - Maria Bonita Restaurant) (Planning Director) **APPROVED**
- 5) Resolution No. 2010-199 of the City Commission, also acting as the Central Business District Community Redevelopment Agency of the City of Ormond Beach, Florida, authorizing the execution of a Locally Funded Agreement between the State of Florida Department of Transportation and the City of Ormond Beach for the painting of traffic signal mast arm assemblies within the Granada Streetscape area. (\$27,500) (Acting City Engineer) **APPROVED**

B) Ordinance No. 2010-48 of the City of Ormond Beach, Florida, adopting the EAR-based Remedial Amendments for the City of Ormond Beach Comprehensive Plan; amending goals, objectives and policies of the Transportation Element by amending certain policies to adopt land use and transportation strategies to support and fund mobility within transportation concurrency exception areas, specifying the adoption of sidewalk standards into the Capital Improvements Element by a certain date, providing a specified date to adopt the US1 and A1A Redevelopment Plans, establishing minimum percentages for the mix of uses for non-residential land use categories; amending the Capital Improvements Element to add a transit schedule of

capital and operating improvements and a non-motorized schedule of capital improvements; amending the multi-modal strategy with additional data and analysis to provide a conceptual fee structure; repealing all inconsistent ordinances or parts thereof; providing for severability; providing for transmission. (Second Reading) (Planning Director) **APPROVED ON SECOND READING**

- C) Ordinance No. 2010-51 amending Chapter 2, District and General Regulations, of Article VI, Overlay Districts, Section 2-70, Downtown Overlay District, by deleting in its entirety Subsections 2-70 A through R, re-establishing Section 2-70 entitled, Downtown Overlay District; adding Subsections A through I. (Second Reading) (Planning Director) **APPROVED ON SECOND READING**
- D) Ordinance No. 2010-52 annexing certain real property into the City of Ormond Beach, said property being generally located along the west side of North U.S. Highway 1, approximately 1,200 linear feet from Interstate 95 and being commonly located at 1520 North U.S. Highway 1, including a portion of Benton Street and Flagler Road; redefining the territorial boundaries of the City of Ormond Beach to include the property; re-designating the boundaries of Zone 3 of the City of Ormond Beach to include the property; providing for transmission. (Second Reading) (Planning Director) **APPROVED ON SECOND READING**
- E) Ordinance No. 2010-53 annexing certain real property into the City of Ormond Beach, said property being generally located along the west side of North U.S. Highway 1 approximately 325 linear feet from Interstate 95 and being commonly located at 1560 North U.S. Highway 1; redefining the territorial boundaries of the City of Ormond Beach to include the property; re-designating the boundaries of Zone 3 of the City of Ormond Beach to include the property; providing for transmission. (Second Reading) (Planning Director) **APPROVED ON SECOND READING**
- F) Ordinance No. 2010-54 annexing certain real property into the City of Ormond Beach, said property being generally located along the west side of North U.S. Highway 1 approximately 255 linear feet from Interstate 95 and being commonly located at 1570 North U.S. Highway 1; redefining the territorial boundaries of the City of Ormond Beach to include the property; re-designating the boundaries of Zone 3 of the City of Ormond Beach to include the property; providing for transmission. (First Reading) (Planning Director) **APPROVED ON FIRST READING**
- G) Ordinance No. 2010-55 annexing certain real property into the City of Ormond Beach, said property being generally located along the west side of North U.S. Highway 1 abutting Interstate 95 and being commonly located at 1576 North U.S. Highway 1; redefining the territorial boundaries of the City of Ormond Beach to include the property; re-designating the boundaries of Zone 3 of the City of Ormond Beach to include the property; providing for transmission. (First Reading) (Planning Director) **APPROVED ON FIRST READING**
- H) Ordinance No. 2010-56 granting to Peoples Gas System, a Division of Tampa Electric Company, its successors and assigns, a non-exclusive natural gas franchise renewal

agreement for a period of thirty (30) years; imposing provisions and conditions relative thereto. (Second Reading) (City Attorney) **APPROVED ON SECOND READING**

I) North US1 Zoning Map amendments:

- 1) Ordinance No. 2010-57 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 properties totaling 42.871 acres located within the North US1 corridor from Volusia County B-4 (General Commercial) and Volusia County B-9 (General Office) to City of Ormond Beach B-7 (Highway Tourist Commercial), authorizing revision of the Official Zoning Map. (First Reading) (Planning Director) **APPROVED ON FIRST READING**
- 2) Ordinance No. 2010-58 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 properties totaling 5.68 acres located within the North US1 corridor from Volusia County B-4 (General Commercial) and Volusia County B-6 (Highway Interchange Commercial) to City of Ormond Beach B-7 (Highway Tourist Commercial), authorizing revision of the Official Zoning Map. (First Reading) (Planning Director) **APPROVED ON FIRST READING**
- 3) Ordinance No. 2010-59 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 properties totaling 15.16 acres located within the North US1 corridor from Volusia County B-6 (Highway Interchange Commercial) and Volusia County B-9 (General Office) to City of Ormond Beach B-7 (Highway Tourist Commercial), authorizing revision of the Official Zoning Map. (First Reading) (Planning Director) **APPROVED ON FIRST READING**
- 4) Ordinance No. 2010-60 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 properties totaling 31.62 acres located within the North US1 corridor from Volusia County B-9 (General Office) to City of Ormond Beach B-7 (Highway Tourist Commercial), authorizing revision of the Official Zoning Map. (First Reading) (Planning Director) **APPROVED ON FIRST READING**

- 5) Ordinance No. 2010-61 amending Paragraph C, Official Zoning Map, of Section 2-01, Establishment of Zoning Districts and Official Zoning Map, of Article I, 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 properties totaling 11.13 acres located within the North US1 corridor from Volusia County I-1 (Light Industrial) to City of Ormond Beach I-1 (Light Industrial), authorizing revision of the Official Zoning Map. (First Reading) (Planning Director) **APPROVED ON FIRST READING**
  
- 9) **FIRST READING OF ORDINANCE** No. 2010-62 amending Chapter 1, General Administration, Article III, Definitions, Section 1-22, Definition of Terms and words, by providing definitions; amending Chapter 3, Performance Standards, Article IV, Sign Regulations, Section 3-47, Site Identification Signs, of the Ormond Beach *Land Development Code* by providing location and performance standards and terms and conditions thereof. (Planning Director) **FAILED, DUE TO LACK OF MOTION**
  
- 10) **REPORTS, SUGGESTIONS, REQUESTS:** Mayor, City Commission, City Manager, City Attorney.
  
- 11) **CLOSE THE MEETING.**