



**ACTION REPORT
CITY OF ORMOND BEACH, FLORIDA
CITY COMMISSION MEETING
November 7, 2012
7:00 PM**

Mayor Ed Kelley

Zone 1 – Commissioner James Stowers

Zone 3 – Commissioner Rick Boehm

Zone 2 – Commissioner Troy Kent

Zone 4 – Commissioner Bill Partington

COMMISSION CHAMBERS

22 South Beach Street, Ormond Beach, FL 32174

Phone: 386-677-0311

Web: www.ormondbeach.org

1. CALL TO ORDER

2. INVOCATION

3. PLEDGE OF ALLEGIANCE

4. PRESENTATIONS AND PROCLAMATIONS

~~A. Proclamation for Senator Evelyn Lynn~~

5. AUDIENCE REMARKS - REGARDING ITEMS NOT ON THE AGENDA

6. APPROVAL OF MINUTES **APPROVED**

7. COMMUNITY REDEVELOPMENT AGENCY

A. RESOLUTION NO. 2012-151 : A RESOLUTION OF THE CITY COMMISSION, ALSO ACTING AS THE COMMUNITY REDEVELOPMENT AGENCY, OF THE CITY OF ORMOND BEACH, FLORIDA, AUTHORIZING THE EXECUTION OF AN UNDERGROUND FACILITIES CONVERSION AGREEMENT BETWEEN THE CITY AND FP&L REGARDING THE UNDERGROUNDING OF UTILITIES IN THE DOWNTOWN MAINSTREET AREA; AUTHORIZING PAYMENT THEREFORE; AND SETTING FORTH AN EFFECTIVE DATE.

Staff Contact: *John Noble, City Engineer (386-676-3269)*

APPROVED

- B. **RESOLUTION NO. 2012-152** : A RESOLUTION OF THE CITY COMMISSION, ALSO ACTING AS THE COMMUNITY REDEVELOPMENT AGENCY, OF THE CITY OF ORMOND BEACH, FLORIDA, AUTHORIZING THE EXECUTION OF SPECIAL CONSTRUCTION AGREEMENT BETWEEN THE CITY AND AT&T REGARDING THE UNDERGROUNDING OF UTILITIES IN THE DOWNTOWN MAINSTREET AREA; AUTHORIZING PAYMENT THEREFORE; AND SETTING FORTH AN EFFECTIVE DATE.

Staff Contact: *John Noble, City Engineer (386-676-3269)*

APPROVED

- C. **RESOLUTION NO. 2012-153** : A RESOLUTION OF THE CITY COMMISSION, ALSO ACTING AS THE COMMUNITY REDEVELOPMENT AGENCY, OF THE CITY OF ORMOND BEACH, FLORIDA, AUTHORIZING THE EXECUTION OF AN AGREEMENT BETWEEN THE CITY AND LEVEL (3) COMMUNICATIONS, LLC REGARDING THE UNDERGROUNDING OF UTILITIES IN THE DOWNTOWN MAINSTREET AREA; AUTHORIZING PAYMENT THEREFORE; AND SETTING FORTH AN EFFECTIVE DATE.

Staff Contact: *John Noble, City Engineer (386-676-3269)*

APPROVED

- D. **RESOLUTION NO. 2012-154** : A RESOLUTION OF THE CITY COMMISSION, ALSO ACTING AS THE COMMUNITY REDEVELOPMENT AGENCY, OF THE CITY OF ORMOND BEACH, FLORIDA, ACCEPTING A COST ESTIMATE FROM BRIGHTHOUSE AND SUNESYS, REGARDING THE UNDERGROUNDING OF UTILITIES IN THE DOWNTOWN MAINSTREET AREA; AUTHORIZING PAYMENT THEREFORE; AND SETTING FORTH AN EFFECTIVE DATE.

Staff Contact: *John Noble, City Engineer (386-676-3269)*

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. 2012-151** : A RESOLUTION OF THE CITY COMMISSION, ALSO ACTING AS THE COMMUNITY REDEVELOPMENT AGENCY, OF THE CITY OF ORMOND BEACH, FLORIDA, AUTHORIZING THE EXECUTION OF AN UNDERGROUND FACILITIES CONVERSION AGREEMENT BETWEEN THE CITY AND FP&L REGARDING THE UNDERGROUNDING OF UTILITIES IN THE DOWNTOWN MAINSTREET AREA; AUTHORIZING PAYMENT THEREFORE; AND SETTING FORTH AN EFFECTIVE DATE.

Staff Contact: *John Noble, City Engineer (386-676-3269)*

APPROVED

- B. **RESOLUTION NO. 2012-152** : A RESOLUTION OF THE CITY COMMISSION, ALSO ACTING AS THE COMMUNITY REDEVELOPMENT AGENCY, OF THE CITY OF ORMOND BEACH, FLORIDA, AUTHORIZING THE EXECUTION OF SPECIAL CONSTRUCTION AGREEMENT BETWEEN THE CITY AND AT&T REGARDING THE UNDERGROUNDING OF UTILITIES IN THE DOWNTOWN MAINSTREET AREA; AUTHORIZING PAYMENT THEREFORE; AND SETTING FORTH AN EFFECTIVE DATE.

Staff Contact: John Noble, City Engineer (386-676-3269)

APPROVED

- C. **RESOLUTION NO. 2012-153** : A RESOLUTION OF THE CITY COMMISSION, ALSO ACTING AS THE COMMUNITY REDEVELOPMENT AGENCY, OF THE CITY OF ORMOND BEACH, FLORIDA, AUTHORIZING THE EXECUTION OF AN AGREEMENT BETWEEN THE CITY AND LEVEL (3) COMMUNICATIONS, LLC REGARDING THE UNDERGROUNDING OF UTILITIES IN THE DOWNTOWN MAINSTREET AREA; AUTHORIZING PAYMENT THEREFORE; AND SETTING FORTH AN EFFECTIVE DATE.

Staff Contact: John Noble, City Engineer (386-676-3269)

APPROVED

- D. **RESOLUTION NO. 2012-154** : A RESOLUTION OF THE CITY COMMISSION, ALSO ACTING AS THE COMMUNITY REDEVELOPMENT AGENCY, OF THE CITY OF ORMOND BEACH, FLORIDA, ACCEPTING A COST ESTIMATE FROM BRIGHTHOUSE AND SUNESYS, REGARDING THE UNDERGROUNDING OF UTILITIES IN THE DOWNTOWN MAINSTREET AREA; AUTHORIZING PAYMENT THEREFORE; AND SETTING FORTH AN EFFECTIVE DATE.

Staff Contact: John Noble, City Engineer (386-676-3269)

APPROVED

- E. **RESOLUTION NO. 2012-155** : ADDENDUM #1 TO AMENDMENT #30 TO THE PROFESSIONAL SERVICES AGREEMENT BETWEEN THE CITY OF ORMOND BEACH AND HOYLE, TANNER & ASSOCIATES, INC.

Staff Contact: Joe Mannarino, Economic Development Director (386-676-3266) **APPROVED**

- F. **RESOLUTION NO. 2012-156** : A RESOLUTION ESTABLISHING THE TIME FOR THE ORGANIZATIONAL MEETING OF THE CITY COMMISSION OF THE CITY OF ORMOND BEACH, FLORIDA, FOR THE MONTH OF NOVEMBER 2012; AND SETTING FORTH AN EFFECTIVE DATE.

Staff Contact: Scott McKee, City Clerk (386-676-3340) **APPROVED**

- G. **RESOLUTION NO. 2012-157** : A RESOLUTION 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 CHRISTOPHER SCHEDIVY LOCATED AT 1299 BILTMORE DRIVE, ORMOND BEACH, VOLUSIA COUNTY, FLORIDA (PARCEL ID NO. 4220-03-05-0120) FOR COSTS INCURRED BY THE CITY TO TERMINATE OR ABATE A SITE MAINTENANCE VIOLATION; AND SETTING FORTH AN EFFECTIVE DATE.

Staff Contact: Joanne Naumann, Neighborhood Improvement Manager (386-615-7069) **APPROVED**

- H. **RESOLUTION NO. 2012-158** : A RESOLUTION 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 BRENT DOUGLAS HANNON AND ANNA BARRERA HANNON, LOCATED AT 39 DEEP WOODS WAY, ORMOND BEACH, VOLUSIA COUNTY, (PARCEL ID NO. 4123-03-00-0100), FOR COSTS INCURRED BY THE CITY TO TERMINATE OR ABATE A SITE MAINTENANCE VIOLATION; AND SETTING FORTH AN EFFECTIVE DATE.

Staff Contact: Joanne Naumann, Neighborhood Improvement Manager (386-615-7069) **APPROVED**

- I. **RESOLUTION NO. 2012-159** : A RESOLUTION 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 BRENT DOUGLAS HANNON AND ANNA BARRERA HANNON, LOCATED AT 39 DEEP WOODS WAY, ORMOND BEACH, VOLUSIA COUNTY, (PARCEL ID NO. 4123-03-00-0100), FOR COSTS INCURRED BY THE CITY TO TERMINATE OR ABATE A SITE MAINTENANCE VIOLATION; AND SETTING FORTH AN EFFECTIVE DATE.

Staff Contact: Joanne Naumann, Neighborhood Improvement Manager (386-615-7069) **APPROVED**

- J. **RESOLUTION NO. 2012-160** : A RESOLUTION 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 JOYCE ZUNIGA, LOCATED AT 3 PINE HOLLOW WAY, ORMOND BEACH, VOLUSIA COUNTY, FLORIDA (PARCEL ID NO. 4123-04-00-0680) FOR COSTS INCURRED BY THE CITY TO TERMINATE OR ABATE A SITE MAINTENANCE VIOLATION; AND SETTING FORTH AN EFFECTIVE DATE.

Staff Contact: Joanne Naumann, Neighborhood Improvement Manager (386-615-7069) **APPROVED**

- K. **RESOLUTION NO. 2012-161** : A RESOLUTION 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 JOYCE ZUNIGA, LOCATED AT 3 PINE HOLLOW WAY, ORMOND BEACH, VOLUSIA COUNTY, FLORIDA (PARCEL ID NO. 4123-04-00-0680) FOR COSTS INCURRED BY THE CITY TO TERMINATE OR ABATE A SITE MAINTENANCE VIOLATION; AND SETTING FORTH AN EFFECTIVE DATE.

Staff Contact: *Joanne Naumann, Neighborhood Improvement Manager (386-615-7069)* **APPROVED**

- L. **RESOLUTION NO. 2012-162** : A RESOLUTION 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 CASSANDRA CUNNINGHAM LOCATED AT 217 FOREST HILLS BOULEVARD, ORMOND BEACH, VOLUSIA COUNTY, FLORIDA (PARCEL ID NO. 4220-04-15-0042) FOR COSTS INCURRED BY THE CITY TO TERMINATE OR ABATE A SITE MAINTENANCE VIOLATION; AND SETTING FORTH AN EFFECTIVE DATE.

Staff Contact: *Joanne Naumann, Neighborhood Improvement Manager (386-615-7069)* **APPROVED**

- M. **RESOLUTION NO. 2012-163** : A RESOLUTION 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 GEORGE S. PELHAM, ANDREW JAMES PELHAM AND ALICE J. HARDY, LOCATED AT 168 TOMOKA AVENUE, ORMOND BEACH, VOLUSIA COUNTY, FLORIDA (PARCEL ID NO. 4222-06-01- 0010) FOR COSTS INCURRED BY THE CITY TO TERMINATE OR ABATE A SITE MAINTENANCE VIOLATION; AND SETTING FORTH AN EFFECTIVE DATE.

Staff Contact: *Joanne Naumann, Neighborhood Improvement Manager (386-615-7069)* **APPROVED**

- N. **RESOLUTION NO. 2012-164** : A RESOLUTION 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 MARIO S. DATTILO LOCATED AT 794 HAND AVENUE, ORMOND BEACH, VOLUSIA COUNTY, FLORIDA (PARCEL ID NO. 4242-03-04-0105) FOR COSTS INCURRED BY THE CITY TO TERMINATE OR ABATE A SITE MAINTENANCE VIOLATION; AND SETTING FORTH AN EFFECTIVE DATE.

Staff Contact: *Joanne Naumann, Neighborhood Improvement Manager (386-615-7069)* **APPROVED**

- O. **RESOLUTION NO. 2012-165** : A RESOLUTION AUTHORIZING THE EXECUTION OF A SUPPLEMENTAL JOINT PARTICIPATION AGREEMENT NO. 1 BETWEEN THE CITY AND THE FLORIDA DEPARTMENT OF TRANSPORTATION REGARDING DESIGN AND CONSTRUCTION FOR THE RELOCATION OF TAXIWAY "A", REHABILITATION OF TAXIWAY "C", RELOCATION OF TAXIWAY "E", AIRCRAFT HOLD POSITION APRONS FOR RUNWAY 8 AND 26 AND COMPASS ROSE, AND THE CONSTRUCTION OF A PUBLIC-USE HELIPORT AT THE ORMOND BEACH MUNICIPAL AIRPORT; AND SETTING FORTH AN EFFECTIVE DATE.

Staff Contact: Joe Mannarino, Economic Development Director
(386-676-3266) **APPROVED**

- P. **RESOLUTION NO. 2012-166** : A RESOLUTION AUTHORIZING THE EXECUTION OF A SUPPLEMENTAL JOINT PARTICIPATION AGREEMENT BETWEEN THE CITY AND THE FLORIDA DEPARTMENT OF TRANSPORTATION REGARDING DESIGN AND CONSTRUCTION FOR THE RELOCATION OF TAXIWAY "A", REHABILITATION OF TAXIWAY "C", RELOCATION OF TAXIWAY "E", AIRCRAFT HOLD POSITION APRONS FOR RUNWAY 8 AND 26 AND COMPASS ROSE, AND THE CONSTRUCTION OF A PUBLIC USE HELIPORT TO INCLUDE SECURITY LIGHTING SYSTEM UPGRADES AT THE ORMOND BEACH MUNICIPAL AIRPORT; AND SETTING FORTH AN EFFECTIVE DATE.

Staff Contact: Joe Mannarino, Economic Development Director
(386-676-3266) **APPROVED**

- Q. **RESOLUTION NO. 2012-167** : A RESOLUTION AUTHORIZING THE EXECUTION OF A MEMORANDUM OF UNDERSTANDING WITH THE FLORIDA DEPARTMENT OF LAW ENFORCEMENT REGARDING THE METHAMPHETAMINE CLANDESTINE DRUG LABORATORY HAZARDOUS WASTE CENTRAL STORAGE CONTAINER PROGRAM; AND SETTING FORTH AN EFFECTIVE DATE.

Staff Contact: Andy Osterkamp, Police Chief (386-677-0731)
APPROVED

- R. **RFP - Ormond Beach's Andy Romano Beachfront Park Concession**

Staff Contact: Robert Carolin, Leisure Services Director (386-676-3279)

Disposition: Approve as recommended in the City Manager memorandum dated November 7, 2012. **APPROVED**

- S. **Auto Renew Contracts**

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

Disposition: Approve as recommended in the City Manager memorandum dated November 7, 2012. **APPROVED**

T. Sungard HTE Maintenance

Staff Contact: Ned Huhta, IT Manager (386-615-7031)

Disposition: Approve as recommended in the City Manager memorandum dated November 7, 2012. **APPROVED**

U. Sunshine Recycling Franchise Renewal

Staff Contact: Theodore MacLeod, Assistant City Manager (386-676-3200)

Disposition: Approve as recommended in the City Manager memorandum dated November 7, 2012. **APPROVED**

9. FIRST READING OF ORDINANCES

A. ORDINANCE NO. 2012-38 : AN ORDINANCE OF THE CITY OF ORMOND BEACH, FLORIDA, AMENDING CHAPTER 12, BUSINESS REGULATIONS, CREATING ARTICLE XV, SALE OR DISPLAY OF HERBAL INCENSE AND BATH SALTS; BY ADDING SECTION 12-394, DEFINITIONS; BY ADDING SECTION 12-395, SALE, DISPLAY, OR DISTRIBUTION PROHIBITED; BY ADDING SECTION 12-396, REMEDIES AND PENALTIES; AND PROVIDING FOR THE REPEAL OF ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

Staff Contact: Randal Hayes, City Attorney (386-676-3217)
APPROVED ON FIRST READING

B. ORDINANCE NO. 2012-39 : AN ORDINANCE AMENDING SUBSECTION A, ZONING MAP, OF CHAPTER 2, DISTRICT AND GENERAL REGULATIONS, ARTICLE I, ESTABLISHMENT OF ZONING DISTRICTS AND OFFICIAL ZONING MAP, SECTION 2-03, OFFICIAL ZONING MAP AND ZONING DISTRICTS, OF THE CITY OF ORMOND BEACH LAND DEVELOPMENT CODE, BY REZONING ONE PARCEL OF REAL PROPERTY TOTALING ±4.6 ACRES LOCATED AT 1634 NORTH US HIGHWAY 1 FROM VOLUSIA COUNTY B-6 (HIGHWAY INTERCHANGE COMMERCIAL) TO ORMOND BEACH B-7 (HIGHWAY TOURIST COMMERCIAL); AUTHORIZING REVISION OF THE OFFICIAL ZONING MAP; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; AND SETTING FORTH AN EFFECTIVE DATE.

Staff Contact: Ric Goss, Planning Director (386-676-3238)
APPROVED ON FIRST READING

10. SECOND READING OF ORDINANCES

- A. **ORDINANCE NO. 2012-35** : AN ORDINANCE AMENDING THE ANNUAL BUDGET FOR FISCAL YEAR 2011-2012 BY AMENDING THE GENERAL FUND; THE DOWNTOWN REDEVELOPMENT FUND; THE ORMOND CROSSINGS FUND; THE STORMWATER FUND; THE AIRPORT FUND; THE PENSION PASS THROUGH FUND; THE GRANT FUND; THE FACILITIES RENEWAL & REPLACEMENT FUND; THE GENERAL CAPITAL IMPROVEMENTS FUND; THE GENERAL VEHICLE REPLACEMENT FUND; THE TRANSPORTATION FUND; THE RECREATION IMPACT FEE FUND; THE BEACHFRONT PARK FUND; THE WATER/WASTEWATER VEHICLES FUND; THE WATER/WASTEWATER CAPITAL PROJECT FUND; THE WATER SYSTEM CONSTRUCTION FUND; THE WATER PLANT CONSTRUCTION FUND; THE SOLID WASTE FUND; AND THE GENERAL LIABILITY FUND; AND SETTING FORTH AN EFFECTIVE DATE.

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

APPROVED ON SECOND READING

- B. **ORDINANCE NO. 2012-37** : AN ORDINANCE AMENDING THE FUTURE LAND USE ELEMENT OF THE COMPREHENSIVE PLAN BY AMENDING THE FUTURE LAND USE MAP TO CHANGE THE DESIGNATION OF ONE (1) PARCEL OF REAL PROPERTY TOTALING +4.6-ACRES LOCATED AT 1634 NORTH US HIGHWAY 1 (PARCEL ID NO. 3136-01-64-0021), FROM VOLUSIA COUNTY "COMMERCIAL" TO ORMOND BEACH "TOURIST COMMERCIAL"; AUTHORIZING TRANSMITTAL; PROVIDING FOR CONFLICT; AND SETTING FORTH AN EFFECTIVE DATE.

Staff Contact: *Ric Goss, Planning Director (386-676-3238)*

APPROVED ON SECOND READING

C. **ORDINANCE NO. 2012-36** : AN ORDINANCE AMENDING CHAPTER 2, DISTRICT AND GENERAL REGULATIONS, OF ARTICLE IV, CONDITIONAL AND SPECIAL EXCEPTION REGULATIONS; SECTION 2-57, CRITERIA FOR REVIEW OF SPECIFIC CONDITIONAL AND SPECIAL EXCEPTION, SUBPARAGRAPH T, TELECOMMUNICATIONS TOWERS AND ANTENNAE; SUBSECTIONS 2 AND 3; BY DELETING REDUNDANT LANGUAGE, DELETING REFERENCE TO THE TERM "GRANADA/BOVARD STREETScape" AND SUBSTITUTING THE TERM "DOWNTOWN," ESTABLISHING SETBACKS FOR TELECOMMUNICATION TOWERS WITHIN RESIDENTIAL, COMMERCIAL AND INDUSTRIAL ZONING DISTRICTS; AND ADDING A NEW SUBSECTION 16 TO BE TITLED OUTSIDE CONSULTANT; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; PROVIDING FOR SEPARABILITY; PROVIDING FOR AN EFFECTIVE DATE.

Staff Contact: Ric Goss, Planning Director (386-676-3238)

APPROVED ON SECOND READING

11. REPORTS, SUGGESTIONS, REQUESTS

12. 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: 386-677-0311



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 386-677-0311 for information regarding available aids and services.