



**ACTION REPORT
CITY OF ORMOND BEACH, FLORIDA
CITY COMMISSION MEETING
June 18, 2013
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. Very Special Arts Volusia - Barbara Wolfson, Executive Director
 - B. Parks and Recreation Month
- 5. AUDIENCE REMARKS - REGARDING ITEMS NOT ON THE AGENDA**
- 6. APPROVAL OF MINUTES**
 - A. Minutes from City Commission meeting – June 3, 2013 **APPROVED**
- 7. COMMUNITY REDEVELOPMENT AGENCY**
 - A. **RESOLUTION NO. 2013-106** : A RESOLUTION OF THE CITY COMMISSION, ALSO ACTING AS THE COMMUNITY REDEVELOPMENT AGENCY, OF THE CITY OF ORMOND BEACH, FLORIDA, AUTHORIZING THE EXECUTION OF A HIGHWAY LANDSCAPE CONSTRUCTION AND MAINTENANCE MEMORANDUM OF AGREEMENT WITH THE FLORIDA DEPARTMENT OF TRANSPORTATION REGARDING THE DOWNTOWN GRANADA BOULEVARD MEDIAN LANDSCAPING PROJECT; AUTHORIZING PAYMENT THEREUNDER; AND SETTING FORTH AN EFFECTIVE DATE. **(SEE ITEM 8A)**

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. 2013-106** : A RESOLUTION OF THE CITY COMMISSION, ALSO ACTING AS THE COMMUNITY REDEVELOPMENT AGENCY, OF THE CITY OF ORMOND BEACH, FLORIDA, AUTHORIZING THE EXECUTION OF A HIGHWAY LANDSCAPE CONSTRUCTION AND MAINTENANCE MEMORANDUM OF AGREEMENT WITH THE FLORIDA DEPARTMENT OF TRANSPORTATION REGARDING THE DOWNTOWN GRANADA BOULEVARD MEDIAN LANDSCAPING PROJECT; AUTHORIZING PAYMENT THEREUNDER; AND SETTING FORTH AN EFFECTIVE DATE.

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

APPROVED

- B. **RESOLUTION NO. 2013-107** : A RESOLUTION AUTHORIZING THE EXECUTION OF A RELEASE OF A SPECIAL MASTER ADMINISTRATIVE FINE/LIENS FOR CODE VIOLATIONS ON PROPERTY LOCATED AT 217 FOREST HILLS BOULEVARD, ORMOND BEACH, VOLUSIA COUNTY, FLORIDA; AND SETTING FORTH AN EFFECTIVE DATE.

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

- C. **RESOLUTION NO. 2013-108** : A RESOLUTION PROVIDING FOR THE USE OF CERTAIN MUNICIPAL AIRPORT REAL PROPERTY BY THE CITY LEISURE SERVICES DEPARTMENT IN THE FORM OF THE ORMOND BEACH SPORTS COMPLEX; PROVIDING FOR PAYMENTS TO THE AIRPORT FUND FOR SAID USE AND PROVIDING FOR ADJUSTMENTS THERETO; AND PROVIDING FOR AN EFFECTIVE DATE.

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

- D. **RESOLUTION NO. 2013-109** : A RESOLUTION ACCEPTING A BID FROM J.D. WEBER CONSTRUCTION CO. REGARDING CONSTRUCTION SERVICES FOR THE WILMETTE AVENUE EMERGENCY STORMWATER PUMPING PROJECT, UNDER BID NO. 2013- 23; AUTHORIZING THE EXECUTION OF A CONTRACT AND PAYMENT THEREFOR; REJECTING ALL OTHER BIDS; AND SETTING FORTH AN EFFECTIVE DATE.

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

APPROVED

- E. **RESOLUTION NO. 2013-110** : A RESOLUTION AUTHORIZING THE SUBMITTAL OF AN ONLINE GRANT APPLICATION IN THE AMOUNT OF \$14,747.00 TO THE UNITED STATES DEPARTMENT OF JUSTICE, OFFICE OF JUSTICE PROGRAMS, UNDER THE EDWARD BYRNE JUSTICE ASSISTANCE GRANT PROGRAM; AUTHORIZING THE EXECUTION OF ALL DOCUMENTS INCIDENTAL THERETO, INCLUDING ANY CONTRACT NECESSARY FOR THE CITY TO ACCEPT THE GRANT AWARD; AND SETTING FORTH AN EFFECTIVE DATE.

Staff Contact: Loretta Moisiso, Grants Coordinator/PIO (386-676-3315) **APPROVED**

- F. **RESOLUTION NO. 2013-111** : A RESOLUTION AMENDING THE DATES AND TIMES FOR THE HOLDING OF REGULAR MEETINGS OF THE CITY COMMISSION OF THE CITY OF ORMOND BEACH, FLORIDA, FOR THE MONTH OF JULY, 2013; PROVIDING FOR EXCEPTIONS THERETO; SETTING FORTH AN EFFECTIVE DATE.

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

- G. **RFP 2013-27 Water & Sewer Bond Series C**

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

Disposition: Approve as recommended in the City Manager memorandum dated June 18, 2013. **APPROVED**

- H. **Employee Benefit Program Request for Insurance Proposals**

Staff Contact: Shelly Arzola, Human Resources Director (386-676-3202)

Disposition: Approve as recommended in the City Manager memorandum dated June 18, 2013. **APPROVED**

- I. **RFP - Property, Casualty, Liability & Workers' Compensation Insurance**

Staff Contact: Shelly Arzola, Human Resources Director (386-676-3202)

Disposition: Approve as recommended in the City Manager memorandum dated June 18, 2013. **APPROVED**

- J. **RFP for Copier Maintenance**

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

Disposition: Approve as recommended in the City Manager memorandum dated June 18, 2013. **APPROVED**

- K. **2013 Ormond Crossing Annual Report (Third)**

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

Disposition: Approve as recommended in the City Manager memorandum dated June 18, 2013.

L. Annual Collective Bid - Water & Wastewater Chemical Suppliers Invitation to Bid

Staff Contact: Dave Ponitz, Utilities Manager (386-676-3305)

Disposition: Approve as recommended in the City Manager memorandum dated June 18, 2013. **APPROVED**

9. PUBLIC HEARINGS

A. ORDINANCE NO. 2013-38 : AN ORDINANCE AMENDING THE LAND DEVELOPMENT CODE, CHAPTER 1, ARTICLE II, SECTION 1-16 POWER AND DUTIES; CHAPTER 2, ARTICLE II, SECTION 2-29 COMMERCIAL (B-8); AND CHAPTER 2, ARTICLE IV, SECTION 2-57 SPECIAL AND CONDITIONAL USE CRITERIA; THEREOF, BY AMENDING REQUIREMENTS FOR VARIANCES, AND CONDITIONAL AND PERMITTED USES FOR SEXUALLY ORIENTED BUSINESSES; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; PROVIDING FOR SEVERABILITY; AND SETTING FORTH AN EFFECTIVE DATE. (SECOND READING)

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

B. ORDINANCE NO. 2013-39 : AN ORDINANCE AMENDING ARTICLE XIV, SEXUALLY ORIENTED BUSINESS ESTABLISHMENT PERMIT AND LICENSE REQUIREMENTS, OF CHAPTER 12, BUSINESS REGULATIONS, OF THE CODE OF ORDINANCES OF THE CITY OF ORMOND BEACH, BY AMENDING SECTION 12-390, PURPOSE; SECTION 12-391, LEGISLATIVE FINDINGS; SECTION 12-392, DEFINITIONS; SECTION 12-394, RESPONSIBILITIES OF COMMISSION, PLANNING, AND POLICE DEPARTMENT; SECTION 12-396, APPLICATION REQUIRED FOR SEXUALLY ORIENTED BUSINESS LICENSE, CONTENTS OF, APPLICATION FEE, REJECTION OF INCOMPLETE APPLICATION, CONSENT BY APPLICANT; SECTION 12-397, INVESTIGATION OF APPLICATION; SECTION 12-398, GRANT, DENIAL; SECTION 12-399, CONTENTS OF LICENSE, TERM OF LICENSE, RENEWALS, EXPIRATION, CANCELLATION; SECTION 12-400, ANNUAL LICENSING FEES, LEVY OF, REGULATORY IN NATURE; SECTION 12-401, RECORDS AND REPORTS, ISSUANCE OF LICENSE; SECTION 12-402, TRANSFER OF LICENSE; SECTION 12-404, SUSPENSION OF LICENSE; SECTION 12-405, CANCELLATION OR REVOCATION OF LICENSE; SECTION 12-407, GENERAL REQUIREMENTS; SECTION 12-408, ADULT THEATER; SECTION 12-409, SPECIAL CABARETS, ADULT PHOTOGRAPHIC OR MODELING STUDIOS AND ADULT THEATERS; SECTION 12-410, SEXUALLY ORIENTED BUSINESS PERMITS AND LICENSES; REPEALING SECTION 12-411, RELIEF, AND RESERVING SAID SECTION FOR FUTURE USE; AMENDING SECTION 12-412, PROHIBITED OPERATIONS, ACTS, ADVERTISEMENTS, AND ACTIONS OF SEXUALLY ORIENTED BUSINESS ESTABLISHMENTS; AMENDING SECTION 12-413, APPEALS; ESTABLISHING A NEW DIVISION AND SECTIONS THEREUNDER TO BE NUMBERED AND TITLED DIVISION 6, FEES ESTABLISHED, SECTION 12-414, PURPOSE AND INTENT; SECTION 12-415, RATE SCHEDULE FOR FEES; SECTION 12-416, FEES ESTABLISHED; BY PROVIDING A PURPOSE AND LEGISLATIVE FINDINGS, DEFINITIONS, REQUIREMENTS PERTAINING TO THE SUBMITTAL, REVIEW AND INVESTIGATION OF APPLICATIONS FOR SEXUALLY ORIENTED BUSINESSES, ESTABLISHING REASONABLE FEES RELATED THERETO, PROVIDING REQUIREMENTS FOR THE ISSUANCE OR DENIAL OF SEXUALLY ORIENTED BUSINESS LICENSES AND PERMITS, PROVIDING HEARING AND APPEAL PROCEDURES FOR DECISIONS AFFECTING SEXUALLY ORIENTED BUSINESSES, PROVIDING OPERATIONAL STANDARDS FOR SEXUALLY ORIENTED BUSINESSES, AND PROVIDING PROHIBITED ACTS AND OPERATIONS; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; PROVIDING FOR SEVERABILITY; AND SETTING FORTH AN EFFECTIVE DATE. **(SECOND READING)**

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

- C. **ORDINANCE NO. 2013-40** : AN ORDINANCE AMENDING ORDINANCE NO. 2013-21 PERTAINING TO THE JULIE DEAL REVOCABLE TRUST U/A DATED JUNE 26, 2001 (250 WILLIAMSON BOULEVARD) ANNEXATION, BY AMENDING THE LEGAL DESCRIPTION TO CORRECT A SCRIVENER'S ERROR; 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

- D. **RESOLUTION NO. 2013-112** : A RESOLUTION OF THE CITY OF ORMOND BEACH ADOPTING THE 2013 VOLUSIA COUNTY FLOODPLAIN MANAGEMENT PLAN; AND SETTING FORTH AN EFFECTIVE DATE.

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

APPROVED

10. FIRST READING OF ORDINANCES

- A. **ORDINANCE NO. 2013-41** : 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 ONE (1) PROPERTY FROM THE ORMOND BEACH HISTORIC LANDMARKS LIST; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; PROVIDING FOR SEVERABILITY; AND SETTING FORTH AN EFFECTIVE DATE.

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

APPROVED ON FIRST READING

- B. **ORDINANCE NO. 2013-42** : AN ORDINANCE AMENDING THE ANNUAL BUDGET FOR FISCAL YEAR 2012-2013 BY AMENDING THE GENERAL FUND; THE STORMWATER FUND; THE GENERAL CAPITAL IMPROVEMENTS FUND; THE WATER & WASTEWATER FUND; AND THE GENERAL LIABILITY FUND; AND SETTING FORTH AN EFFECTIVE DATE.

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

APPROVED ON FIRST READING

11. STAFF ACTION ITEMS

- A. **FLOC Conference Voting Delegate**

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

APPROVED MAYOR AS DELEGATE

12. DISCUSSION ITEMS

A. Andy Romano Beachfront Park Discussion

Staff Contact: Robert Carolin, Leisure Services Director (386-676-3279) **ACCEPTED STAFF RECOMMENDATIONS**

B. City Manager Evaluation

Staff Contact: Joyce Shanahan, City Manager (386-676-3200)
ACCEPTED

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: 386-677-0311



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.